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**Submission by:** Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders ([www.frontlinedefenders.org](http://www.frontlinedefenders.org)) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders with the information received from independent human rights defenders in Kyrgyzstan.

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## **[1] Introduction**

[1.1] This submission focuses on the restrictions, threats, and challenges faced by human rights defenders (HRDs) in Kyrgyzstan since the country's 3rd UPR Cycle in January 2020.

[1.2] During the 2020 UPR cycle, Kyrgyzstan received six, and supported five recommendations concerning effective protection of HRDs, human rights journalists and lawyers<sup>1</sup>. Front Line Defenders finds that these recommendations, including a specific recommendation to “enhance protections for civil society, journalists and HRDs to ensure they are able to carry out their work in a safe environment free from intimidation, harassment and attacks” have not been sufficiently implemented by Kyrgyzstan. Despite the accepted recommendations, Front Line Defenders submits that state actors have not only failed to create an enabling environment, but also increased the targeting of HRDs and human rights journalists.

## **[2] Legislative change restricting space for HRDs and their ability to carry out their human rights work**

[2.1] Despite accepting the recommendation to ensure that the so-called “foreign agents law” is not adopted,<sup>2</sup> in April 2024 Kyrgyzstan's President Sadyr Japarov signed a bill on foreign funding for non-governmental organizations (NGOs) after a lengthy debate.<sup>3</sup> This legislation represents a major change in the current UPR reporting cycle, that significantly worsens the restrictive environment for HRDs, journalists and lawyers.

[2.2] In accordance with the final wording of the law, human rights organizations that receive any kind of foreign funding and engage in vaguely and broadly defined “political” activities would have to register as “foreign representatives” – implying that their human rights work serves foreign interests and doesn't benefit their own target communities or country. Human rights activities could be classified as political activities if they are construed as attempts to influence public decision-making, policies or opinion.<sup>4</sup>

[2.3] Those registered as “foreign representatives” would be included in a separate, public registry and would be required to use this negative label in any material that they produce and disseminate. Human rights organizations that fail to register would be liable to sanctions. Moreover, authorities would also be given broad powers to oversee the activities of human rights organizations, including by accessing their internal documents, attending any of their events, and conducting intrusive inspections to check their compliance with their own statutes and their use of funds and resources.<sup>5</sup>

[2.4] Yet another legislative change affecting specifically the groups of HRDs working on LGBTI rights is the Law on “On measures to prevent harm to the health of children, their physical, intellectual, mental, spiritual and moral development in the Republic of Kyrgyzstan,” which criminalizes the so-called propaganda of “non-traditional sexual relations.”<sup>6</sup> The law, similarly to the one on the “foreign representatives,” uses vague and broadly defined language of “traditional

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<sup>1</sup> Supported: A/HRC/44/4/Add.1 – Para.49 (Ireland), A/HRC/44/4/Add.1 – Para.36 (Canada), A/HRC/44/4/Add.1 – Para.39 (Croatia), A/HRC/44/4/Add.1 – Para.39 (Switzerland); A/HRC/44/4/Add.1 – Para.39 (United Kingdom of Great Britain and Northern Ireland). Noted: A/HRC/44/4/Add.1 – Para.44 (Finland)

<sup>2</sup> A/HRC/44/4/Add.1 – Para.39 (United Kingdom of Great Britain and Northern Ireland)

<sup>3</sup> Front Line Defenders, Joint Appeal: Reject repressive Russian-style draft law on non-profit organisations, 12 June, 2023. <https://www.frontlinedefenders.org/en/statement-report/joint-appeal-reject-repressive-russian-style-draft-law-non-profit-organisations>

<sup>4</sup> Front Line Defenders, The need for reinforced, resolute EU action to support Kyrgyzstan's civil society as the draft law on “foreign representatives” is close to adoption, 13 February, 2024. <https://www.frontlinedefenders.org/en/statement-report/need-reinforced-resolute-eu-action-support-kyrgyzstans-civil-society-draft-law>

<sup>5</sup> Ibid.

<sup>6</sup> ILGA-Europe, Statement: Kyrgyzstan targets LGBTI communities in a new law, 23 August, 2023. <https://www.ilga-europe.org/news/statement-kyrgyzstan-targets-lgbti-law/>

values” that aims to limit and discredit the work of HRDs on LGBTI issues in Kyrgyzstan. After it entered into force in August 2023, Front Line Defenders received one anonymous report of Kyrgyzstani law enforcement officers blackmailing the relatives and parents of youth human rights defender working on LGBTI rights to extort money from them, in exchange for not persecuting their children. The so-called “anti-propaganda law” also pushed many HRDs working on LGBTI issues to limit the visibility of their work, including community outreach and campaigning, fearing persecution.

### **[3] Use of state security laws and weaponisation of expert knowledge in trials against HRDs**

[3.1] Front Line Defenders acknowledges that in the current reporting period Kyrgyzstan has largely refrained from using security laws focusing on “extremist activity and terrorism, incitement of ethnic hatred and defamation,”<sup>7</sup> to target HRDs, journalists and lawyers. At the same time, in the current reporting period the authorities are increasingly using security laws on so-called “incitement of mass civic unrest,” criminalized under part 3, Article 278 of the Criminal Code of Kyrgyzstan to target HRDs and journalists for voicing their opinions and observations that contradict or criticize state policy. In October 2024, the Court ruled to sentence women human rights defender and journalist Makhabat Tazhibek Kyzy and human rights defender and akyn<sup>8</sup> Azamat Ishembekov to six and five years of prison time respectively under charges of “incitement of mass civic unrest.” Both HRDs were detained in January 2024, alongside 11 other HRDs and journalists from sister human rights investigative media outlets Temirov Live and Ayt Ayt Dece. Two other HRDs and journalists from the group, Aktilek Kaparov and Ayke Beyshekeeva, received three years of probation for the same charges.<sup>9</sup>

[3.2] Similarly, since October 2022, Kyrgyzstani authorities have engaged in the misuse of security laws related to “mass civic unrest” when targeting women HRDs Klara Sooronkulova, Gulnara Dzhurabayeva, Rita Karasartova, and Asya Sasykbayeva, as well as other environmental defenders of the Committee to Protect Kempir Abad water reserve.<sup>10</sup> While in June 2024 all representatives were acquitted, state authorities have appealed the decision, requesting 20 years of prison time for the defenders.

[3.3] In July 2024, Kyrgyzstani authorities placed human rights defender and whistleblower Zhoomart Karabaev in pre-trial detention for his alleged “incitement of mass civic unrest.”<sup>11</sup> The accusations against him are based on his social media posts, where he discussed the current wave of persecution against civil society actors, as well as the authorities' failure to acknowledge corruption in the National Academy of Science. The authorities have argued that the human rights defender's posts are an “incitement of mass civic unrest.”

[3.4] Zhoomart Karabaev’s human rights work has shed a light on the Kyrgyzstani authorities’ strategy to weaponise “expert opinions” in trials that target HRDs and civil society members.<sup>12</sup> Such weaponisation is evident, for example, in the trial to shut down Kloop Media, where seven experts were invited to testify to support and legitimize the position of the authorities. All seven experts, who provided a so-called “psychiatric” review of Kloop’s publications, argued that Kloop staff fails their civic responsibility as their publications impact the growing amount of people with mental

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<sup>7</sup> A/HRC/44/4/Add.1 – Para.36 (Canada)

<sup>8</sup> Akyn or aqyn is an improvisational poet, singer, and oral repository within the Kazakh and Kyrgyz cultures.

<sup>9</sup> Front Line Defenders, Makhabat Tazhibek Kyzy and Azamat Ishembekov sentenced to prison time, 10 October, 2024, <https://www.frontlinedefenders.org/en/case/makhabat-tazhibek-kyzy-and-azamat-ishembekov-sentenced-prison-time>

<sup>10</sup> Front Line Defenders, Prosecutor's office appealed acquittal of women human rights defenders in Kempir-Abad case, 16 July 2024. <https://www.frontlinedefenders.org/en/case/prosecutors-office-appealed-acquittal-women-human-rights-defenders-kempir-abad-case>

<sup>11</sup> Front Line Defenders, Zhoomart Karabaev receives death threats in pre-trial detention, 20 September 2024, <https://www.frontlinedefenders.org/en/case/zhoomart-karabaev-receives-death-threats-pre-trial-detention>

<sup>12</sup> Ibid.

health issues and provoke migration of people from Batken Region. None of the experts provided any statistic nor data to back their claims; despite this, the Prosecutor claimed during the deliberations that the experts had given “clear responses to all the questions.”<sup>13</sup>

#### **[4] Silencing of human rights journalists and media outlets**

[4.1] Despite accepting the recommendation to ensure the right of HRDs and journalists to freedom of expression, including online,<sup>14</sup> Front Line Defenders confirms that during the current reporting period, Kyrgyzstani authorities exercised severe pressure on journalists who are HRDs, targeting them with various types of reprisals for their investigative work, in particular but not limited to anti-corruption work.

[4.2] Human rights journalists have been silenced through the shuttering of human rights media outlets. In February 2024, Kyrgyzstani authorities ruled to shut down prominent human rights media outlet Kloop Media.<sup>15</sup> In the series of trials against Kloop Media, the Kyrgyzstani authorities argued that Kloop’s publications “use techniques of influencing public opinion in a negative context [...] regarding the policy of the current government of the Kyrgyz Republic.” In September 2023, one month into the trial, the authorities blocked country-wide access to Kloop Media’s website after an order of the Ministry of Culture that claimed that Kloop had violated the law on “fake news.”

[4.3] Since early 2022, human rights defender and investigative journalist Bolot Temirov has been facing intimidation and judicial harassment from Kyrgyzstani authorities. In January 2022, Kyrgyzstani authorities raided the offices of Temirov Live, a human rights investigative media outlet, and planted drugs in the back pocket of Bolot Temirov while pinning him down during the raid.<sup>16</sup> The authorities then engaged in lengthy, almost year-long trial and ended up falsely accusing the human rights defender of illegally obtaining his Kyrgyzstan passport and his military ID. In November 2022, the Court of appeals ruled in favour of the deportation to Russia of Bolot Temirov, since the human rights defender also possesses Russian citizenship. These state-orchestrated attacks against the human rights defender and journalist occurred as a retaliation for his investigation into corruption schemes of the Head of the State Committee for National Security.

[4.4] In early 2024, Kyrgyzstani authorities arrested and detained eleven former and current members of human rights investigative media Temirov Live and its sister human rights media outlet Ayt Ayt Dece: HRDs and journalists Makhabat Tazhibek kyzy, Sapar Akunbekov, Ayke Beishekeeva, Joodar Buzumov, Aktilek Kaparov, Saipidin Sultanaliyev, Tynystan Asypbek, Maksat Tajibek uulu, Azamat Ishenbekov, Zhumabek Turdaliev and Akyl Orozbekov.<sup>17</sup> The grounds for arrest constituted one of the online publications of Temirov Live and Ayt Ayt Dece, that were critical of Kyrgyzstani authorities. In October 2024, two out of eleven<sup>18</sup> received five and six year prison sentences, and another two – 3 years of probation time.<sup>19 20</sup>

#### **[5] Persecution of HRDs for requesting access to environmental information**

<sup>13</sup> Front Line Defenders, Supreme Court of Kyrgyzstan upholds decision to shut down Kloop Media, 23 August 2024. <https://www.frontlinedefenders.org/en/case/supreme-court-kyrgyzstan-upholds-decision-shut-down-kloop-media#case-update-id-58410>

<sup>14</sup> A/HRC/44/4/Add.1 – Para.39 (Switzerland)

<sup>15</sup> Front Line Defenders, Supreme Court of Kyrgyzstan upholds decision to shut down Kloop Media, 23 August 2024. <https://www.frontlinedefenders.org/en/case/supreme-court-kyrgyzstan-upholds-decision-shut-down-kloop-media#case-update-id-58410>

<sup>16</sup> Front Line Defenders, Supreme Court upheld the decision to expel Bolot Temirov, 1 November, 2023. <https://www.frontlinedefenders.org/en/case/supreme-court-upheld-decision-expel-bolot-temirov>

<sup>17</sup> Front Line Defenders, State Prosecutor demands six-year prison sentences for 11 human rights defenders and journalists from Temirov Live and Ayt Ayt Dese, 26 September 2024. <https://www.frontlinedefenders.org/en/case/state-prosecutor-demands-six-year-prison-sentences-11-human-rights-defenders-and-journalists>

<sup>18</sup> Seven human rights defenders and journalists - Sapar Akunbekov, Joodar Buzumov, Saipidin Sultanaliyev, Tynystan Asypbek, Maksat Tajibek uulu, Zhumabek Turdaliev and Akyl Orozbekov – were acquitted due to a lack of evidence.

[5.1] While accepting the recommendation to take the necessary steps to improve the right to freedom of expression and the right to access information,<sup>21</sup> in the current reporting period Kyrgyzstani authorities doubled down on the persecution of HRDs requesting environmental information.

[5.2] In October 2022, HRDs, local activists, journalists, and political actors established a Committee to protect the Kempir-Abad water reservoir with a goal to request, receive and publicize information about the transferring of the Kempir-Abad water reservoir from Kyrgyzstan to Uzbekistan. The Committee was set up as a result of public convening of local communities from the Kempir-Abad water reserve area on 15 October 2022, where representatives of the local communities called upon the Kyrgyztani government to stop the transferring of the water reservoir and the exchange of territories between Uzbekistan and Kyrgyzstan.<sup>22</sup> As retaliation, Kyrgyzstani authorities accused representatives of the Committee to Protect the Kempir-Abad water reservoir, including women human rights defenders Klara Sooronkulova, Gulnara Dzhurabayeva, Rita Karasartova, and Asya Sasykbayeva of “conspiring to organize mass riots” and “forcible seizure of power” and placed them in pre-trial detention.

[5.3] In November 2022, woman human rights defender Aziza Abdirasulova was subjected to intimidation by law enforcement officers because of her vocal position and calls for transparency regarding the Kyrgyzstani government’s decision to transfer the Kempir-Abad water reservoir to Uzbekistan.<sup>23</sup> The woman human rights defender received a late evening invitation for an informal conversation from the Head of the Police Department #10 of Bishkek, who threatened her because of her Facebook-based publications about Kempir-Abad water reserve and unjust persecution of HRDs and civic activists, who were opposing the transferring of the water reserve to Uzbekistan.

[5.4] On the next day the woman human rights defender was violently detained while monitoring a peaceful protest in Bishkek about the lack of transparency of the transferring of the Kempir Abad water reserve, as well as the mass detention of environmental and HRDs in relation to the transfer. The Court later found Aziza Abdirasulova guilty of disobeying the lawful demand of a law enforcement officer and fined her.<sup>24</sup>

## **[6] Mistreatment of HRDs in custody**

[6.1] During the 3<sup>rd</sup> Universal Periodic Review in January 2020, Kyrgyzstan noted a recommendation concerning the immediate release of human rights defender Azimjon Askarov.<sup>25</sup> Front Line Defenders is saddened to acknowledge that systemic refusal to acquit and release Azimjon Askarov resulted in his death in custody on 25 July 2020. Kyrgyzstani authorities arrested the human rights defender in 2010 while he was carrying out his human rights work of documenting inter-ethnic violence in southern Kyrgyzstan. Azimjon Askarov, who was sentenced to life, died at the age of 69, after 10 years in custody and systemic refusal of the Kyrgyzstani authorities to release him, despite repeated reports of torture and ill-treatment<sup>26</sup>.

<sup>19</sup> Probation does not entail prison time, but restricts the ability of the human rights defenders to leave the country and imposes state control over their life and work. In case the rules of probation are violated, the Court can revisit the verdict and sentence both to prison time, too. Such conditions will limit the ability of the defenders to carry out their human rights work.

<sup>20</sup> Front Line Defenders, Makhabat Tazhibek Kyzy and Azamat Ishembekov sentenced to prison time, 10 October, 2024 <https://www.frontlinedefenders.org/en/case/makhabat-tazhibek-kyzy-and-azamat-ishembekov-sentenced-prison-time>

<sup>21</sup> A/HRC/44/4/Add.1 – Para.39 (Croatia)

<sup>22</sup> Front Line Defenders, Prosecutor's office appealed acquittal of women human rights defenders in Kempir-Abad case, 16 July 2024. <https://www.frontlinedefenders.org/en/case/prosecutors-office-appealed-acquittal-women-human-rights-defenders-kempir-abad-case>

<sup>23</sup> Front Line Defenders, Woman human rights defender Aziza Abdirasulova fined, 30 November, 2022. <https://www.frontlinedefenders.org/en/case/woman-human-rights-defender-aziza-abdirasulova-fined>

<sup>24</sup> Ibid.

<sup>25</sup> A/HRC/44/4/Add.1 – Para.44 (Finland)

<sup>26</sup> Front Line Defenders, Front Line Defenders statement on the death of human rights defender Azimjan Askarov, 25 July, 2020. <https://www.frontlinedefenders.org/en/statement-report/front-line-defenders-statement-death-human->

[6.2] Human rights defender Azimjon Askarov died after his health dramatically deteriorated following years of worsening medical problems for which he did not receive adequate treatment in prison. Despite a number of appeals from his lawyer and family for urgent intervention to protect his health, it was only on 24 July, when he had already been seriously ill for 10 days, that he was transferred to a prison hospital for examination and treatment. The human rights defender died with Covid-19 related pneumonia the following day, after being denied timely and adequate medical care. On the day he was finally hospitalized, the prison service insisted that reports about the defender's deteriorating health were incorrect and that he was "doing well."<sup>27</sup>

[6.3] The Kyrgyzstani authorities have failed to this day to conduct an adequate investigation into the lack of medical support and ill-treatment that led to Azimjon Askarov's death. The investigation was conducted by the prison service, the same authority that oversaw his arbitrary detention for 10 years. The inquiry was thus neither independent nor impartial as required under international law. The prison authorities concluded that Azimjon Askarov died from complications of COVID-19, but denied that he was ill-treated in prison.<sup>28</sup>

[6.4] The dramatic legacy of mistreatment in detention continues beyond Azimjon Askarov's death. In May 2020, Kyrgyzstani authorities detained human rights defender Kamil Ruziev outside of a courthouse in Karakol, Kyrgyzstan.<sup>29</sup> He was then interrogated and spent two days in detention, before being placed under two months' house arrest on false charges of forgery. On the day of his detention, Kamil Ruziev went on a hunger strike to protest against his arbitrary detention and the poor detention conditions. While he was in custody, his relatives attempted to give him necessary medicine, but law enforcement failed to transfer said medicine to the human rights defender.

[6.5] In April 2024, woman human rights defender and journalist Makhbat Tazhibek Kyzy was physically assaulted by law enforcement officers in Pre-Trial Detention Center #1 in Bishkek, Kyrgyzstan.<sup>30</sup> According to her lawyer, the woman human rights defender suffered bruises on her arms and her face, along with the left side of her jaw. She is also experiencing severe headaches as a result of the assault. Despite confirmation from the National Torture Prevention Mechanism that there were signs of assault, the Kyrgyzstani authorities not only denied committing an assault against Makhbat Tazhibek Kyzy, but also failed to properly investigate it. In September 2024, human rights defender Zhoomart Karabaev reported receiving threats, including death threats, from the Kyrgyzstani prison authorities in Pre-Trial Detention Center #1 in Bishkek, Kyrgyzstan.<sup>31</sup>

[6.6] Women human rights defenders Klara Sooronkulova, Gulnara Dzhurabayeva, Rita Karasartova, and Asya Sasykbayeva, who spent from six to eight months in pre-trial detention since October 2022, reported harsh detention conditions, including lack of bedding and proper heating in the incarceration units of the Pre-trial Detention Center #1. Also, when ruling on the detention of the women human rights defenders, the authorities refused to take into account that two women human rights defenders have young children and two women human rights defenders are over 60 years old.<sup>32</sup>

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<sup>27</sup> Front Line Defenders, Kyrgyzstan: A Year On, Demand for Justice for Azimjan Askarov's Death, 23 July, 2021. <https://www.frontlinedefenders.org/en/statement-report/kyrgyzstan-year-demand-justice-azimjan-askarov%E2%80%99s-death>

<sup>28</sup> Ibid.

<sup>29</sup> Front Line Defenders, Human rights defender Kamil Ruziev's acquittal overruled, 18 November, 2022. <https://www.frontlinedefenders.org/en/case/human-rights-defender-kamil-ruzievs-acquittal-overruled>

<sup>30</sup> Front Line Defenders, Ongoing harassment of Temirov Live and Ayt Ayt Dese members, 18 July, 2024. <https://www.frontlinedefenders.org/en/case/ongoing-harassment-temirov-live-and-ayt-ayt-dese-members>

<sup>31</sup> Front Line Defenders, Zhoomart Karabaev receives death threats in pre-trial detention, 20 September 2024, <https://www.frontlinedefenders.org/en/case/zhoomart-karabaev-receives-death-threats-pre-trial-detention>

<sup>32</sup> Front Line Defenders, Prosecutor's office appealed acquittal of women human rights defenders in Kempir-Abad case, 16 July 2024. <https://www.frontlinedefenders.org/en/case/prosecutors-office-appealed-acquittal-women-human-rights-defenders-kempir-abad-case>

## **[7] Recommendations to the Republic of Kyrgyzstan:**

[7.1] Repeal the discriminatory “foreign representatives” law and so-called “LGBTI propaganda” law, as they are of discriminatory nature and thus disproportionately stigmatize HRDs, human rights lawyers and journalists, and their organizations in their right to carry out their legitimate and peaceful human rights work;

[7.2] Refrain from using security narratives and legislations, specifically “incitement of mass civic unrest,” envisioned under part 3, Article 278 of the Criminal Code of Kyrgyzstan, as a pretext to criminalize peaceful and legitimate human rights work in Kyrgyzstan;

[7.3] Establish a national mechanism to protect HRDs, human rights lawyers and journalists that is independent and in line with international human rights standards;

[7.4] Enable environmental HRDs to carry out their legitimate human rights work, especially promoting their of access to information and freedom of assembly in line with Kyrgyzstan’s international human rights commitments, including under the Aarhus Convention;

[7.5] Ensure that all crimes committed against HRDs, journalists and lawyers, especially when they are under government custody, are promptly investigated with respect to international standards in an effective, transparent, and prompt manner; **and in this regard**

[7.6] Carry out independent, impartial and transparent investigation into the circumstances of death of human rights defender Azimjan Askarov, with a view to make the results public;

[7.7] Guarantee in all circumstances that all HRDs, human rights lawyers and journalists in Kyrgyzstan are able to carry out their legitimate human rights activities without fear of reprisals and free of all undue restrictions; **and in this regard**

[7.8] Repeal the decision to extradite human rights defender and journalist Bolot Temirov, a citizen of the Republic of Kyrgyzstan, to Russia, and ensure that he is able to return to Kyrgyzstan and carry out his human rights work, without the fear of retaliation and harassment.

[7.9] Refrain from any acts of intimidation and reprisals against HRDs, human rights lawyers and journalists, and protect them from killings, physical attacks, abduction, arbitrary arrests and detentions, judicial or administrative harassment;

[7.10] Fully implement the adopted UPR recommendations on HRDs, human rights lawyers and journalists in a transparent and participatory manner with full involvement of HRDs at all levels;

[7.11] Publicly recognise the positive and legitimate role played by HRDs, human rights lawyers and journalists and refrain from engaging in defamation and discrediting the work of HRDs and journalists.