

## ***Human Rights Movement "Bir Duino Kyrgyzstan":***

### ***Persecution and deportation of investigative journalist Bolot Temirov from Kyrgyzstan.***

According to the rating prepared by Reporters Without Borders in 2022, Kyrgyzstan ranked 72nd among 180 countries. The statement informs that only since the beginning of 2022, three "criminal prosecutions" have been initiated against the editorial offices of Temirov Live, Kaktus Media and the Next TV channel in relation to their professional activities.<sup>1</sup> The widespread use of media blocking and persecution of journalists, bloggers and social media users engaged in investigative journalism, civil or political participation, criticizing the government, contradict Kyrgyzstan's obligations under the International Covenant on Civil and Political Rights.<sup>2</sup>

**On 23 November 2022, an unprecedented case occurred related to the deportation of investigative journalist Bolot Temirov**, who has both Russian and Kyrgyz citizenship, from Kyrgyzstan to Russia as an additional punishment on charges of forgery of documents by the decision of the Bishkek City Court.

**International human rights organizations, diplomatic missions in Kyrgyzstan, journalists, human rights activists opposed the deportation and spoke up for the rights of Bolot Temirov.**

**Ms. Mary Lawlor, the UN Special Rapporteur** on the situation of human rights defenders, posted a message on Twitter saying: "Expulsion puts him at risk which I'm concerned is retaliation for his anticorruption work," and urged authorities to halt the expulsion of Bolot Temirov.<sup>3</sup>

**The US Embassy in Kyrgyzstan** regarded the deportation of the journalist as "contrary to democratic principles." The diplomatic mission stated that journalists should not be afraid of retaliation while performing their professional duties.

**The British Embassy in Kyrgyzstan** stated that the UK was "disappointed" by the Bishkek City Court's decision to immediately detain Bolot Temirov and deport him.

**The Delegation of the European Union in the Kyrgyz Republic** believes that the actions of law enforcement agencies in relation to the investigative journalist contradict Kyrgyzstan's international obligations.

**The Committee to Protect Journalists (CPJ)** for Europe and Central Asia: "The deportation of Bolot Temirov, a Kyrgyz citizen and arguably Central Asia's leading anticorruption investigator, is an outrageously irresponsible and vindictive move, which could put his life in danger amid Russia's mobilization in its war on Ukraine."

The international non-governmental organization Reporters Without Borders called on Kyrgyz President Sadyr Japarov to halt Temirov's expulsion.

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<sup>1</sup> <http://media.kg/news/adilet-baltabaj-silovye-strukturny-davyat-na-svobodu-slova-kak-pri-totalitarizme/>

<sup>2</sup> <http://media.kg/news/svoboda-slova-v-kyrgyzstane-pod-ugrozoj-kogda-vlastyam-ne-nravitsya-kritika-2/>

<sup>3</sup> [https://24.kg/vlast/251530\\_spetsdokladchik\\_popravam\\_oon\\_vyidvorenije\\_bolota\\_temirova\\_podvergaet\\_ego\\_risku/](https://24.kg/vlast/251530_spetsdokladchik_popravam_oon_vyidvorenije_bolota_temirova_podvergaet_ego_risku/)

**Human Rights Watch** calls on the Kyrgyz authorities to allow investigative journalist Bolot Temirov to return from Russia to appeal the deportation verdict and continue his investigations.

### **Chronology of Bolot Temirov's persecution:**

- On 22 January 2022 Bolot Temirov and akyn-improviser Bolot Nazarov were arrested and persecuted. Searches were conducted in the Temirov editorial office, equipment and materials were seized. The journalist and lawyers consider the searches that took place to be connected with the publication on 21 January of an investigation about the relatives of the Chairman of the SCNS of the KR, K. Tashiev.
- On 20 April, three more criminal cases were initiated against Bolot Temirov - on illegal acquisition of Kyrgyz citizenship (two cases) and illegal crossing of the state border.
- On 28 September investigative journalist Bolot Temirov was acquitted in the Sverdlovsk District Court of Bishkek on charges under the article "Possession of Drugs without the Purpose of Sale" of the Criminal Code of the KR and illegal crossing of the state border. The journalist was found guilty of document forgery, but left without punishment due to the expiration of the statute of limitations. It is a known fact that Temirov had a passport of a Kyrgyz citizen, he lived in Russia for some time and obtained Russian citizenship.<sup>4</sup>
- On 23 November, the Bishkek City Court upheld the decision of the court of first instance, according to which Temirov was acquitted on charges of drug possession and illegal border crossing, but found guilty of using forged documents to obtain a Kyrgyz passport, but the court then did not apply punishment due to the expiration of the statute of limitations. **However, the Bishkek City Court decided to deport Temirov, who has both Russian and Kyrgyz citizenship, as an additional punishment on charges of document forgery.**<sup>5</sup>
- On 23 November, more than 10 employees of the MoI and persons in civilian clothes using physical force took the journalist right from the courtroom, without his personal belongings and documents, and brought him to the airport, from which he was taken to Domodedovo Airport under the escort of the MoI officials. Bolot Temirov was allowed to cross the Russian border on the basis of a photograph of the Bishkek court's decision on a mobile device.

### **Analysis of violations:**

According to the analysis of the PF "Adilet", expulsion, in accordance with Article 60 of the Criminal Code of the Kyrgyz Republic, can be applied by the court exclusively as an additional type of punishment, i.e., in addition to the main one. At the same time, article 70 of the said Code establishes that a foreign citizen or a stateless person, after serving a sentence, is expelled from the Kyrgyz Republic in accordance with the procedure established by international treaties that have entered into force as per the legislation of the Kyrgyz Republic.

Therefore, the fact that the judicial board for criminal cases and cases of misconduct of the Bishkek City Court applied an additional type of punishment in the form of expulsion raises many questions, since the additional punishment was applied:

<sup>4</sup> <https://www.currenttime.tv/a/32147039.html>

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[https://kaktus.media/doc/471355\\_deportaciia\\_bolota\\_temirova.\\_advokaty\\_obratiatsia\\_v\\_komitet\\_oon\\_po\\_pravam\\_cheloveka.html](https://kaktus.media/doc/471355_deportaciia_bolota_temirova._advokaty_obratiatsia_v_komitet_oon_po_pravam_cheloveka.html)

- to a citizen of the Kyrgyz Republic;
- in relation to a crime for which, according to the verdicts, the statute of limitations has expired. After the expiration of the limitation period, the State loses the right to bring a person to criminal responsibility, in which case the person is subject to unconditional exemption from criminal liability and no punishment can be applied to him;
- without applying the main type of punishment.

The execution of the sentence regarding the expulsion of Temirov from the court immediately after the verdict was announced in the courtroom, without observing any legal mechanisms, sharply limited his constitutional right to access to justice and the ability to effectively appeal the court's verdict in cassation to the Supreme Court of the Kyrgyz Republic, while the Constitution of the Kyrgyz Republic guarantees to everyone the judicial protection of his rights and freedoms provided for by the Constitution, laws, international treaties and generally recognized principles and norms of international law.<sup>6</sup>

### **The Kyrgyz Republic must fulfill its obligations in accordance with the Constitution of the Kyrgyz Republic and its international obligations:**

- The state bodies of Kyrgyzstan should stop persecuting journalists and specifically Bolot Temirov for their professional activities;
- The Kyrgyz Republic, in accordance with its Constitution and international obligations, must ensure and guarantee the right to judicial protection and ensure access to justice for Bolot Temirov;
- Kyrgyz authorities must ensure access to justice for the journalist;
- The higher judicial authorities of Kyrgyzstan should cancel the decision on the deportation of investigative journalist Bolot Temirov.

### **International mechanisms for the protection of freedom of speech, journalists:**

UN bodies have adopted many resolutions, declarations and commitments related to the safety of journalists, including the 2021 UN General Assembly resolution on the safety of journalists and the issue of impunity (A/RES/76/173), the 2020 Human Rights Council resolution on the Safety of Journalists (A/HRC/RES/45/18) and the 2021 Windhoek+30 Declaration on Information as a Public Good (UNESCO General Conference resolution 41 C/41). In addition, a multilateral coordination structure known as the UN Plan of Action on the Safety of Journalists and the Issue of Impunity, adopted by the UN administrative leadership in 2012, was developed within the broader UN system.<sup>7</sup>

- It is necessary for the participating States to fulfill their obligations;
- It is necessary to use the VSP+ mechanisms to ensure state guarantees on observance of freedom of speech in Kyrgyzstan;
- UN agencies should promote the protection of the rights of journalist Bolot Temirov

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[https://kaktus.media/doc/471389\\_grajdanin\\_kr\\_ne\\_mojet\\_byt\\_vydvoren\\_iz\\_strany\\_uristy\\_o\\_narysheniiah\\_v\\_dele\\_temirova.html](https://kaktus.media/doc/471389_grajdanin_kr_ne_mojet_byt_vydvoren_iz_strany_uristy_o_narysheniiah_v_dele_temirova.html)

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<https://www.ohchr.org/ru/statements/2022/05/joint-statement-safety-journalists-occasion-world-press-freedom-day-2022>

**The OSCE Representative on Freedom of the Media needs to:**

- Sharpen the focus on the problems of deterioration of the situation with freedom of speech in the Central Asia region, on the facts of persecution of independent media, journalists, bloggers and specifically Bolot Temirov;
- Involve local OSCE offices in monitoring the situation of freedom of speech, the situation with journalists, bloggers, monitoring trials, documenting violations;
- Expand programs to protect the rights of journalists, including relocation opportunities, assistance for legal protection, provision of consulting support to media representatives.

**Should you have any questions, please, contact the HRM "Bir Duino Kyrgyzstan" via  
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