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ПОЛІСИ

Monitoring of violations of freedom of speech and the right to access information

March 2020 – May 2021



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The Public Fund «Media Policy Institute (MPI)» monitored information on violation of the rights of citizens of Kyrgyzstan to freedom of speech, expression and access to information in local online publications and social networks from March 2020 to May 2021. This period covers restrictions applied to the freedom of dissemination of information related to the coronavirus (Covid-19) pandemic. The actions of law enforcement agencies undertaken in this and subsequent period have negatively affected the law enforcement practice on access to information and freedom of speech in the country.

Four quarterly monitoring reports were published during the specified period. The ultimate goal of the monitoring is to use obtained information to work on improving media legislation and law enforcement practice.

Monitoring is a regular process of collecting and analyzing information in real time. The MPI experts studied relevant news publications on a daily basis and monitored the situation with access to information and with freedom of speech. All selected information on the violated rights of journalists and other participants related to the search, receipt, production and dissemination of information was analyzed for compliance with international obligations and national legislation on freedom of expression. It was further divided into thematic categories and accompanied by comments from lawyers.

The final analytical report «Monitoring of violations of freedom of speech and the right to access to information in Kyrgyzstan» was developed on the basis of the monitoring carried out, within the framework of the project «Protection and Promotion of Freedom of Expression in Kyrgyzstan» with the support of the National Endowment for Democracy.

The conducted monitoring on observance of the rights of journalists and users of social networks made it possible to formulate general recommendations for improving the protection and promotion of freedom of speech in Kyrgyzstan based on international human rights standards. These recommendations are included in the final report.

The MPI has been promoting freedom of speech and freedom of expression in Kyrgyzstan for over fifteen years. Our lawyers provide legal support for the activities of journalists and media editorial offices, granting them advice and legal protection.

Having experience in expert work, the MPI lawyers prepare reviews on the situation in the media sphere, write analyzes and comments on draft laws regulating the activities of the media and journalists; submit their proposals and participate in the development of draft laws.

We hope that our analytical report will be useful for journalists, media and Internet publications in preparation of analytical articles, for researchers in their study of the situations described in the report, and for government agencies to raise awareness.

Present material was prepared by the order of the Public Fund «Media Policy Institute» with the support of the «National Endowment for Democracy» (NED). The opinions, conclusions or recommendations expressed herein represent those of the authors and do not necessarily reflect the views of the NED. This document will be published on the website of the Media Policy Institute. When using it, the consent of MPI is required with the indication of an active hyperlink to the original.



Photo: Bermet Malikova

INTRODUCTION

The Media Policy Institute monitored cases of violations of rights and freedoms to access information and freedom of speech in Kyrgyzstan from March 2020 to May 2021.

During this period 311 messages that fall under the monitoring criteria were identified.

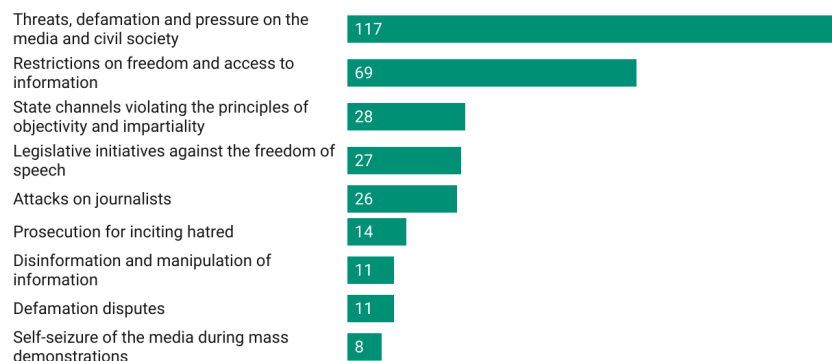
During the monitoring period, the experts followed the Kyrgyz and foreign media outlets' news feeds and selected among the publications those in which, in one way or another, attention was paid to the violation of freedom of speech or the right to access information.

Later, these publications were composed into a general list and were looked for unique news messages that fall within the monitoring criteria and do not repeat what was written in other publications. For example, if five publications wrote about the same event, the monitoring group selected one publication out of five and counted it as one unique news item.

Given that the expert group selected only messages that were published in media, this review may not cover all events.

Recorded messages March 2020 - May 2021

Number of unique news messages showing the following violations:



Source: Media Policy Institute's own calculations • Created with Datawrapper

After selecting the unique messages, the expert group once again calculated them and distributed them into nine categories and several sub-categories:

- ▣ Disinformation and manipulation of information
 - During conflict on the Kyrgyz-Tajik border
- ▣ Defamation disputes
- ▣ Legislative initiatives against the freedom of speech
- ▣ Attacks on journalists
 - During mass demonstrations
- ▣ Violation of the principles of objectivity and impartiality from the side of state channels
- ▣ Restriction of freedom and access to information
 - During elections period
 - During mass demonstrations
 - Because of COVID-19
- ▣ Criminal Cases under Article 313 «Incitement of racial, ethnic, national, religious or interregional hostility (hatred)»

- ▣ Self-seizure of the media during mass demonstrations
- ▣ Threats, discrediting and pressure on the media and civil society

MAIN CONCLUSIONS

- Restrictions due to the COVID-19 coronavirus pandemic have negatively affected the situation with freedom of speech and the rights of citizens to disseminate information;
- Elections in Kyrgyzstan remain a period during which the rights to access and disseminate information are violated;
- The change of power in October 2020 and the subsequent political instability negatively affected the situation in the area of freedom of speech in the country;
- The legislative initiatives in Kyrgyzstan continue to limit the rights of citizens in terms of freedom of speech;
- The authorities of Kyrgyzstan, regardless of the incumbent president, are not ready to accept criticism directed at them both from the media and from activists and citizens;

FACTORS THAT DETERMINE THE STATE OF AFFAIRS

The situation of freedom of speech and the right to disseminate information in Kyrgyzstan from 2020 to 2021 determined several key factors of what is happening in the country and in the world.

- Since the beginning of the 2020 reporting period, restrictions related to the coronavirus pandemic, when the Kyrgyz authorities tried to prevent the spread of information about the epidemic, which they interpreted as «incorrect». In this category, among others, were messages and complaints from doctors and local residents who informed the public about insufficient measures to combat the epidemic through publications on social networks. These publications attracted the attention of the national security authorities, which illegally forced the authors to deny their messages and apologize for the «inaccurate» information.
- Lawsuits and interrogations of journalists and activists due to their publications in media and social networks were recorded throughout the reporting period. The most significant case was the lawsuit from

the former Deputy Chairman of the Kyrgyz Customs Service Raimbek Matraimov and his family against several media outlets - the Kyrgyz branch of RFE / RL Radio Azattyk, local media outlets - 24.kg and Kloop.kg, and journalist Ali Toktakunov. The media suspected the former official of involvement in the smuggling of goods from China to Central Asia, establishment of corruption schemes at customs and money laundering. After the violent change of power in October 2020, the special services began pre-trial proceedings against Matraimov, as a result of which he confessed to organizing corruption schemes at customs and was convicted of corruption. As a compromise with the authorities, he paid 2 billion soms to the state budget, but avoided a prison sentence. After that, the Matraimov family withdrew their claim against the media.

- The monitoring group also recorded restrictions on the rights and attacks on journalists during the parliamentary elections in October 2020, the presidential elections in January 2021 and local elections in April 2021. The main conclusion is that the elections in Kyrgyzstan remain to be the period during which the rights and freedoms of citizens to disseminate and receive information are violated, and journalists are attacked and threatened while covering the election process.
- The period of political instability associated with the violent change of power on October 5, 2020 due to the preliminary results of the parliamentary elections is remembered for the threats and attacks against journalists. As a result of these events, the government and the president were replaced in Kyrgyzstan. The politician who came to power, Sadyr Japarov, openly voiced threats and discredited certain media outlets, while his supporters attacked journalists covering the events;
- Subsequently, the new authorities, represented by Sadyr Japarov and his supporters, initiated the adoption of a new Constitution, which spelled out norms restricting freedom of speech and freedom of peaceful assembly. In the final version, some of these norms were rejected, but some conflicting provisions on human rights still remained;
- The entire reporting period was remembered for cases of disproportionate reaction of law enforcement agencies and authorities to criticism in social networks and the media, which in some cases was accompanied by illegal interrogations of the authors of publications. These cases were recorded both under the previous president, Sooronbai Jeenbekov, and under the new one, Sadyr Japarov, who came to power as a result of mass protests in October 2020.

CHAPTER 1

RESTRICTIONS DURING COVID-19

The COVID-19 coronavirus pandemic has greatly affected the daily life of the world's population, who for the first time faced a threat of this magnitude to their health. Fears of a new and unknown virus have become the reason for the spread of information about the disease and possible cases.

In Kyrgyzstan, similar reports from local residents attracted the attention of the State Committee for National Security (GKNB) of Kyrgyzstan. The special services tried to stop the spread of «unreliable» information to suppress «panic» sentiments.

At the end of March 2020, a series of detentions and preventive conversations with authors of messages on social networks about coronavirus infection were carried out in the regions of Kyrgyzstan. Usually, in most cases, these arrests ended with the authors of the publications «repenting of their deeds and apologizing for the dissemination of false information».

«The State Committee for National Security detained two disseminators of false information. According to the State Committee for National Security, a resident of Kara-Balta, born in 1992, and a resident of the Zhayil district of the Chui region through the social network spread rumors that there are 15 people infected with coronavirus in the local district hospital. Preventive talks with them were conducted. This fact was registered in the Automated information system «Unified Register of Crimes and Misdemeanors» under the article «Attempted violation of sanitary and epidemiological rules» of the Criminal Code of the Kyrgyz Republic».

[Coronavirus in Kyrgyzstan. Special services have identified the ones disseminating of fake information](#) / Kaktus.Media

The pandemic became the reason for imposing movement restrictions, which were explained by the protection of public health and the prevention of the spread of infection.

In some cases, such restrictions affected the quality and completeness of media coverage of the situation. Court hearings were held without journalists, access to information about the pandemic and government measures was limited, the media were denied accreditation and, statistics on the sick and dead were not always updated on time.

In April 2020, Jalal-Abad journalists faced restrictions due to a declared emergency state because of a pandemic. The head of the Region TV channel Ramiz Kaimov reported that it became difficult to obtain information about the coronavirus from sources other than the Republican Headquarters for the Prevention of the Spread of COVID-19.

«For example, the majority of journalists of the Jalal-Abad «Region TV» channel broadcasting to the entire republic are forced to stay at home, unable to engage in their professional activities. However, the TV channel did not completely stop broadcasting. [...]

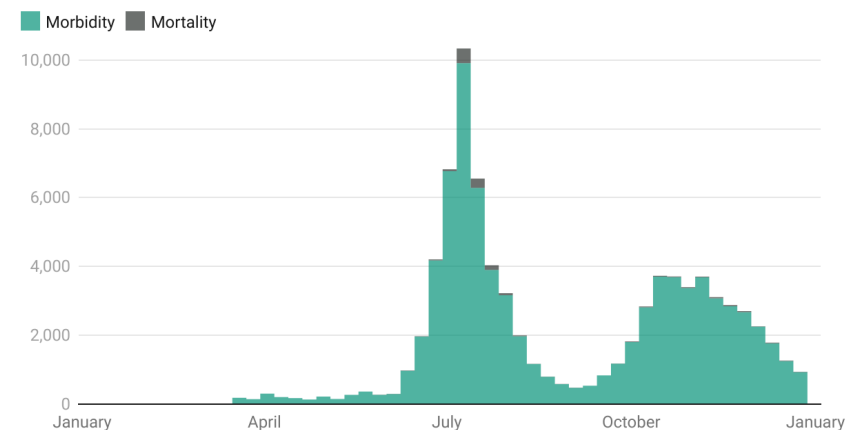
««There is a lot of criticism of local authorities, the government, we broadcast all of this, but not always. Our situation is difficult, and therefore, in order not to aggravate it, not to spoil the mood of those who are doing everything to rectify the situation, we sometimes self-restrain ourselves», - said Kaimov.

[Jalal-Abad: Situation with access to information has worsened / Journalist.kg](#)

Journalists from other regions - Naryn and Issyk-Kul regions, also had similar complaints related to restrictions in providing information.

Peak incidents in July 2020

Weekly COVID-19 morbidity and mortality data in Kyrgyzstan for 2020:



Source: WHO • Created with Datawrapper

The tense period of morbidity in Kyrgyzstan fell on July 2020, when more than 500 cases of COVID-19 were recorded per day - this led to the full occupancy of hospitals, the increased workload of doctors and delays in the supply of necessary drugs, equipment and personal protective equipment (PPE).

Against the backdrop of insufficient action by the authorities to prevent the pandemic, reports from doctors started to appear with complaints about the lack of PPE and medicines. Law enforcement agencies and authorities pressured authors of these reports and forced medical workers to apologize and refute their words.

In total, the monitoring group recorded 24 reports of restrictions associated with the coronavirus pandemic.

Commentary from the Media Policy Institute

Such actions - restrictions on freedom of speech and pressure on citizens, of the Kyrgyz law enforcement agencies and authorities during the coronavirus pandemic, unfortunately, do not meet the guarantees for access and dissemination of information, which are spelled out in the laws of the Kyrgyz Republic.

The Constitution guarantees everyone access to information held by state bodies, local self-government bodies and their officials. Other laws contain provisions on the obligation of the state to provide access to information of public interest - in this case, about the situation with coronavirus infection in the country.

The legislation prohibits restricting access to information and facts that infringe on the rights and legitimate interests of citizens, as well as pose a threat to their personal safety, on the state of affairs in health care and sanitation, on emergencies that threaten the safety and health of citizens. Thus, the primary task of the state during a state of emergency is to provide the public with access to comprehensive, objective and complete information.

Restricting and suppressing information that contradicts the official position, and coercion to renounce one's opinion are contrary to articles of the Constitution.

According to Article 33 of the Constitution of Kyrgyzstan, everyone has the right to freely seek, receive, store, use information and disseminate it orally, in writing or in any other way. In accordance with Article 20 of the Constitution of Kyrgyzstan, the guarantees established by this Constitution of the prohibition on coercion to express an opinion or to refuse to do so are not subject to any restrictions.

Restrictions were also related with access to websites - a petition for the resignation of President Sooronbai Jeenbekov due to the «failed» response of the authorities to the pandemic led to the blocking of the Change.org online petition service, which stopped opening in Kyrgyzstan on July 15, 2020.

The state authorities could not explain on what basis the service was blocked. After the appeal of the Media Policy Institute, the State Commit-

tee for Information Technologies and Communications reported that the Change.org website was blocked by the decision of the Oktyabrsky District Court of Bishkek on September 3, 2020, following a statement from the General Prosecutor's Office recognizing the service as «extremist». Thus, the lack of access to the site from July to September may indicate that the service was blocked in an extrajudicial, illegal manner.

Change.org was unblocked only in March 2021 after the Media Policy Institute filed a complaint with the Supreme Court on behalf of the Change.org office.

CHAPTER 2

MATRAIMOV'S CASE

Prior to the change of government in October 2020, prosecutions for critical remarks were linked to the publication of a series of investigations about the former deputy chairman of the Kyrgyz customs, Raimbek Matraimov.

The journalists from Radio Azattyk, Kloop.kg and the Center for the Study of Organized Crime and Corruption (OCCRP) identified Matraimov's links to corruption at the Kyrgyz customs, smuggling goods from China and money laundering from Central Asia in their publications.

Despite widespread demonstrations against Matraimov and demands to investigate his activities, the authorities did not take effective action against him. Matraimov himself and his family filed a lawsuit against media outlets and one of the journalists of Radio Azattyk, Ali Toktakunov, demanding compensation in the amount of 60 million soms.

Publications and activists criticizing the former official were attacked on social networks by bots and trolls supporting Matraimov.

In June 2020, the State Committee for National Security of Kyrgyzstan accused Toktakunov of receiving money for publishing the material. At the same time, the special services did not have any evidence for these statements, except for the words of other people.

Jamie Fly, president of Radio Free Europe / Radio Liberty, of which Radio Azattyk is a subsidiary, called the State Committee for National Security statement a «defamation».



Photo: Vyacheslav Oseledko

«These accusations seem to be the latest in a series of measures taken against journalists by corrupt individuals seeking to preserve their capital and power. Mr. Matraimov has sued journalist Ali Toktakunov and the Kyrgyz service of Radio Free Europe / Radio Liberty (Azattyk), whose bank account was seized and removed last December. We condemn such attempts to distort the truth and call on the Kyrgyz authorities to bring to justice those who pose a threat to the safety of journalists involved in the investigation».

*Jamie Fly: Blackening of the journalists of «Azattyk» continues
/ Radio Azattyk*

The situation around the Matraimov case resolved only after the politician Sadyr Japarov came to power in October 2020: among the reasons for the uprising against that government were numerous violations in the elections and the victory of the «Mekenim Kyrgyzstan» party associated with the Matraimov.

The State Committee for National Security began pre-trial proceedings against the former customs officer, as a result of which he confessed to organizing illegal schemes at the customs and was convicted of corruption.

However, the court sentenced the former customs officer to a fine of 260 thousand soms, without imprisonment due to the fact that he compensated for damage in the amount of 2 billion soms at the stage of pre-trial proceedings.

CHAPTER 3

PARLIAMENTARY ELECTIONS 2020

Parliamentary elections were held in Kyrgyzstan on October 4, 2020. The main favorites were the ruling parties – «Birimdik», associated with the then-incumbent President Sooronbai Jeenbekov, and «Mekenim Kyrgyzstan», supported by the family of the influential former customs officer Raimbek Matraimov.

Several cases of restrictions on access to information were recorded during the pre-election period. The election day itself was marked by cases of attacks on journalists and the creation of obstacles to covering what was happening at polling stations.

RESTRICTIONS BEFORE ELECTIONS

The pre-election period was accompanied by several cases of restrictions on access to information. In particular, the state-owned TV channel ELTR refused several times to broadcast Radio Azattyk programs, which criticized the parties in power. The editions signed an agreement on broadcasting programs - the state TV channel placed on its air for a fee the programs of Azattyk, which the edition prepared independently.

The leadership of the ELTR explained one of such refusals by indicating that the program did not voice the opinion of a representative of the Birimdik party. During the air of Azattyk, experts discussed the statement of the party leader, Marat Amankulov, who said at a meeting with Russian MPs that it is time for Kyrgyzstan [«to change its mind and return»](#). His statement caused indignation among activists and some of the Kyrgyz people, who took part in a rally to support independence of Kyrgyzstan.

At the end of September 2020, the CEC made a controversial decision to ban discussion programs and analytical review of electoral programs on Next TV. The editorial office was going to provide airtime to representatives of parties free of charge, but the CEC concluded that the actions of the channel could be regarded as a violation of the rules of pre-election campaigning. However, three days later, the CEC revised its ban and allowed Next TV to broadcast on these topics.

Commentary from the Media Policy Institute

The Media Policy Institute recognizes such actions by the CEC and ELTR as unreasonable and disproportionate restrictions on access to information, which contradict the goal of ensuring fair elections and free expression of the will of citizens.

During the pre-election period, the voter needs as much information as possible about candidates, political parties, programs, election campaigns - this is the constitutional right to access information. The content of the constitutional law of the Kyrgyz Republic «On elections of the President of the Kyrgyz Republic and deputies of the Jogorku Kenesh of the Kyrgyz Republic» does not prohibit the provision of airtime to candidates within the framework of informing.

In turn, «Azattyk» said that it appealed to representatives of the «Birimdik» party to participate in the program, but in the end they could not appear on the air. The Media Policy Institute recommended resolving the dispute with ELTR on the basis of an agreement on the provision of airtime. A few months after the elections, the state TV channel stopped working with «Azattyk» to free up «prime time for broadcasting translated content».

Instagram pages of the One Million Kyrgyz Stories (OMKS) public were blocked a few days' prior election day, on October 1. One of the suspected reasons for the blocking was connected to the fact that critical information was published in the public accounts regarding the Mekenim Kyrgyzstan party, patronized by Matraimov. Almost a year before the parliamentary elec-

tions, the former customs official became a key figure in a series of investigative journalism publications by Radio Azattyk, Kloop.kg and OCCRP.

ATTACKS ON THE ELECTION DAY

On the election day itself, October 4, several cases of attacks on journalists and attempts to prevent newspaper staff from recording the voting process at polling stations were recorded.

A few such incidents occurred in Osh, when journalists were not allowed into the territory of the polling stations, and law enforcement agencies did not take any measures against people who interfered with the media.

In one case, an attack was committed on the operator of the Kloop.kg media outlet Khamidullo Uzakov - unidentified persons took away his phone in front of the police officers, who did not take any measures at the time of the attack. Later the phone was returned when the journalists wrote a statement to the police and waited for the arrival of the investigation team.

Another incident was recorded in Talas - an unidentified woman hit the camera of the Radio Azattyk operator with a demand not to shoot, when the newspaper's correspondent told about long queues at the polling station due to voting according to form No. 2, which allows voting outside the place of registration.

The CEC admitted violation of the rights of journalists during coverage of the elections at the second half of the election day.

«There were cases when journalists were not allowed to the polling stations. At the moment, as far as I know, the question has been resolved, but there were facts of violations of the rights of journalists. And we, of course, will investigate them», - said the CEC member Atyr Abdrakhmatova».

[CEC admits violations of journalists' rights during elections](#)
/ Radio Azattyk

CHANGE OF POWER AFTER UNREST

The preliminary results of the October 4, 2020 parliamentary elections resulted in clashes between the ones dissatisfied with the voting results and law enforcement agencies in Bishkek.

As a result of these clashes major government buildings were seized and imprisoned politicians freed as well as the election results were hastily canceled.

One of these freed politicians - the former MP Sadyr Japarov - took advantage of the situation and, together with his supporters, began to fight for power. During the period of de facto anarchy in Kyrgyzstan, Japarov was able to seize the initiative from the Coordination Council of the opposition and ensured that he was appointed as the First Acting Prime Minister, and later the Acting President.

During this period of political instability and unrest, several dozen cases of attacks on media representatives and restrictions on access to information were recorded.



Restrictions on freedom and access to information

Reasons for restricting access to information from March 2020 to May 2021. Total number of messages recorded - 69.



Source: Media Policy Institute's own calculations. • Created with Datawrapper

ATTACKS AND THREATS AGAINST JOURNALISTS

On the evening of October 5, the operator of the Current Time media outlet, Aibol Kozhomuratov, recorded the moment when a special forces officer shot in his direction, despite the affiliated with media identification marks.

«According to the journalist, the officer saw that he was wearing a reflective vest and was filming while standing in a lighted place. However, the special force officer still shot him. «Something flew over my head and my hair felt it. A millimeter closer and it would have hit my head. I'm not injured,» - said Kozhomuratov».

[Unrest in Bishkek. Special forces officer shot at journalist](#) / 24.kg

On the night of October 6, Vesti.kg journalist Eldos Kazybekov reported that he was caught in the epicenter of clashes between protesters and police when they threw stones at each other. According to him, one of the police officers threw a stone at him, despite the fact that Kazybekov introduced himself as a journalist.

«I was 100 meters away from the protesters. When the police officer became aggressive and demanded that I leave, I explained to him that I was a journalist and I was doing my job. As a result, he threw a stone at me, but missed», - the journalist said».

[Police started throwing stones at Vesti.kg journalist Eldos Kazybekov](#) / Kaktus.Media

On the night of the clashes, an employee of the 24.kg media outlet Ruslan Kharizov also reported illegal actions by the police. According to him, the policeman took away his phone when the journalist was broadcasting live from the scene.

«An officer of the security unit came up to me and said that because of my filming, such chaos is taking place in the country. He has no right to interfere with journalistic activities»

[Unrest in Bishkek. Police took away the phone of a journalist from 24.kg news agency](#) / 24.kg

The reports of attacks were not always related to police officers. Govori TV covered a rally outside the General Prosecutor's Office, when unknown protesters attacked journalists and broke one of them's buttonhole.

The next day, the Kyrgyz media community issued a statement urging the parties not to interfere with the activities of journalists.

«The activities of independent media during coverage of unrest pursues an important goal - to provide citizens with high-quality and objective information that directly affects their rights and legitimate interests».

[Journalists urge all parties not to obstruct their activities](#) / 24.kg

However, attacks on journalists did not stop after the statement was published. Over the next few days after October 5, representatives of various media outlets were attacked, mainly by demonstrators and supporters of the released politician Sadyr Japarov.

Thus, employees of Kaktus.Media, Radio Azattyk, Sputnik Kyrgyzstan, 24.kg, Vesti.kg, Kloop.kg, KTRK and ELTR were subjected to attacks and threats.

During the demonstrations held by Sadyr Japarov's supporters, the protesters demanded that the media outlets «cover [the events] correctly». The representative of the Radio Azattyk was kicked in the leg and pulled by the hand and also threatened that protesters would come to the editorial office during one of these rallies.

The editorial staff of Sputnik Kyrgyzstan complained about unknown persons who came to their office and threatened with reprisals if journalists did not come to cover the rally in support of Sadyr Japarov. Later, the politician himself called these unknown «provocateurs» and disowned them, despite the fact that one of them was seen moderating a rally in his support.

Attacks on journalists took place not only in Bishkek, but also in Osh: on October 6, an employee of Radio Azattyk, Dastan Umotbai uulu, was attacked by «aggressive citizens» while covering a demonstration on the main square of Osh.

On October 10, Japarov said that journalists were being threatened, possibly because of «istorted information» at a press conference at the Ala-Archa state residence.

«I've read such news myself: you distorted some information. Perhaps that is why there were threats, while no threats to other media outlets», - Japarov said at the time».

[*Acting Prime Minister Japarov believes that his supporters threaten journalists because of the publication of distorted information by the latter*](#) / Kloop.kg

CHANGE OF LEADERSHIP IN STATE MEDIA

After the change of government in Kyrgyzstan, changes also took place in state TV channels and media outlets.

On October 6, the General Director of the KTRK and the leadership of the Pyramida TV channel resigned, and journalists also reported on attempts to seize Channel Five.

On October 7, «unknown men» came to the state news agency Kabar, but they were forced to leave the building after the militiamen approached.

On October 16, the leadership of the ELTR TV channel was changed, but the team did not accept the new leader, Shaista Shatmanova, and then two weeks later a new director, Erlan Dogdurbekov, was appointed

On October 19, the chief editor of the government newspaper Erkin-Too, Dyikanbek Kerimbayev, was replaced by decision of the Acting Prime Minister Sadyr Japarov.

Already in January next year, after resigning from his post, the former General Director of Channel Five, Ernis Kyyazov, wrote a long post on his Facebook page, which possibly explains the reasons for the reshuffle in the state media.

Kyyazov designed his post in the form of an appeal to the new General Director of Channel Five, former press secretary of the Kyrgyz special services, Rakhat Sulaimanov. The main idea of Kyyazov's address was that the new head of the TV channel should not forget that the presidential apparatus will influence the content of the air.

According to Kyyazov, the Presidential Apparatus under Sadyr Japarov did not like the fact that he invited politicians and deputies disloyal and critical of the authorities to air on Channel Five.

««The «big people» from the White House liked how I spoke about the good sides of Sadyr Japarov, but they categorically did not like how I told about his weaknesses», - Kyyazov wrote».

[*"Big people" from the White House. The ex-head of Five Channel Ernis Kyyazov spoke about the interference of the presidential apparatus in the work of the media*](#) / Kloop.kg

A few months after the appointment of Sulaimanov to the post of General Director, the staff of the TV channel made a public appeal demanding that he must be removed from his leadership post due to disagreement with the editorial policy and pressure on the staff.

INTERNET ACCESS RESTRICTIONS

During the clashes on October 5, subscribers of the mobile operator Alfa Telecom (brand Megacom), which is wholly owned by the Kyrgyz government, reported interruptions in access to mobile Internet. The operator explained the problems by carrying out «preventive work aimed at improving services».

Similar, but less serious communication problems were also observed with other cellular operators in Kyrgyzstan.

Some of the protesters believed that the interruptions in communications by the state-owned company were an attempt to restrict access to information in order to prevent protesters from organizing via the mobile Internet.

Commentary from the Media Policy Institute

The Media Policy Institute regarded the actions of Alfa Telecom at that time as a violation of the rights of citizens - the Constitution guarantees everyone freedom of access to information and freedom of peaceful assembly. Alfa Telecom's actions could have led to the fact that citizens could be left without emergency medical care in case of need.

CHAPTER 5

NEW POWER, NEW RESTRICTIONS

After coming to power the Acting President and Prime Minister Sadyr Japarov tried to find a compromise in relations with the media, stating that he would guarantee freedom of speech, but at the same time warned the media outlets to «present information correctly».

At the same time, Japarov once again complained that Radio Azattyk «distorts all his words».

«For the last 7-8 years I have been listening to Azattyk on a regular basis, not missing a single day. For the last month I have not listened to them, but recently I had time and I listened to a one-hour broadcast, they criticize very much. They distort all my words and convey to people with a different meaning. This is wrong», - Japarov said».

[Japarov said that Azattyk distorts the meaning of his words](#) / Kloop.kg

In the same statement the Acting President said he could not control the actions of his supporters, who during the riots in October 2020 attacked on several media outlets in Bishkek.

Japarov's words sparked a reaction from the Kyrgyz media community, which expressed concern that his remarks could threaten press freedom in Kyrgyzstan.

However, the Press secretary of the Acting President, Galina Baiterek, responded by saying that Japarov considers a free press as «an integral part of a democratic state and one of the factors of its socio-economic development».

«In this regard, the fears of individual media organizations are unfounded. The media should impartially cover any topic and objectively convey information to the public», - the spokeswoman said.

[Press secretary of Sadyr Japarov responded to the statement of the media community / 24.kg](#)

NEW CONSTITUTION AND RISKS FOR THE MEDIA

One of Japarov's promises was the adoption of a new Constitution, which will significantly increase the responsibility and powers of the president.

For the first time, the draft was published on the government website on November 17 - at the same time local media outlets noticed that the draft contains norms that could significantly affect the freedom of the media. In particular, one of the norms stipulated a ban on publications that «contradict generally recognized moral values, traditions of the peoples of Kyrgyzstan and international standards». Such a vague wording about «moral values and traditions» in the Constitution could negatively affect the media situation, said International Human Rights Activists from the Norwegian Helsinki Committee.

«It is clear that the values and traditions of the people in Kyrgyzstan should be respected», - said Ivar Dale, Senior Policy Advisor to the Norwegian Helsinki Committee. «However, the prohibition of publications that, I quote, «harm the morality and culture of the people of Kyrgyzstan» means opening a Pandora's box, which can seriously violate the right of the same people to freedom of speech».

[Constitutional amendments could jeopardize the bulwark of free speech / 24.kg](#)

At the same time, various politicians, activists and journalists began to report intimidation and attacks for criticizing the draft Constitution, ironically calling it the «Han Constitution» for expanding the powers of the president.

Omurbek Tekebayev, leader of the Ata Meken party, was attacked for criticizing constitutional provisions during the broadcast of Radio Azattyk. The opposition politician called the draft basic law of the country «horrible», and one of the alleged authors, the Deputy of the Presidential Administration Bektur Zulpiev, «nobody».

«You (Zulpiev) can deceive [Sadyr] Japarov and [Chairman of the State Committee for National Security Kamchybek] Tashiev, but you cannot deceive lawyers, people and history. Where is [President Kurmanbek, who was ousted in April 2010] Bakiyev now, thanks to people like you? You and Japarov are pushing this path», - Tekebayev said.

[Who is the author of the new Constitution, is it possible to change its text and the "irresponsible" power of the president. What else did Toktogaziev, Tekebaev, Zulpiev and Bakirov discuss? / Kloop.kg](#)

A couple of days after these statements, several people came to the headquarters of Ata Meken and demanded an apology from Tekebayev - the unknown stood for 15 minutes and dispersed.

Threats were also directed towards the leader of the Reform party, Klara Sooronkulova. Radio Azattyk then linked these attacks to a video released by Sadyr Japarov, in which he called critics of the draft Constitution «scoundrels»

«Politicians must provide an example for their constituents, and, therefore, must respect the culture, especially when making official statements. There is always opposition in any democratic state, and the government respects it. It should not humiliate or insult its opponents, but adequately respond to their statements and thereby attract its supporters. And the statements like «these are scoundrels» indicate the level of a person», - Sooronkulova said.

[Threats and intimidation have become more frequent in the social networks of the Kyrgyz segment / Radio Azattyk](#)

Journalists were also criticized - Kanyshai Mamyrkulova said that on social networks she was called «the enemy of the people» for her critical attitude to the draft Constitution. Similar pressure was also applied to the director of the Bishkek bureau of Radio Azattyk Aizada Kasmaliev, lawyer Saniya Toktogazieva and journalist and actress Nazira Aitbekova.

Commentary from the Media Policy Institute

In connection with these attacks, the Media Policy Institute issued a statement in which it expressed concern about the increasing attacks against journalists and politicians for criticizing the authorities. The organization's experts considered that politicians should not create an environment that would allow the persecution of critics of the government.

«We urge that political leaders not only refrain from insulting journalists and other citizens who legitimately exercise their constitutional rights and express their opinions, but also publicly and unconditionally condemn such online threats and attacks on journalists and activists done by their supporters.

We believe that all political forces in order to build a truly rule-of-law state that observes universally recognized principles of human rights must strictly follow the requirements of the Constitution, the norms of the International Law and provide an opportunity for all citizens to freely express their views on political processes in the country in the framework of respect for the rights of others».

The Acting President, Speaker of Parliament Talant Mamytov signed a decree on the formation of a Constitutional Conference to discuss the text of a new draft of the basic law after critical remarks about the Constitution. Sadyr Japarov relinquished his powers at that period to participate in the presidential elections.

A compromise version of the draft Constitution, from which some of the contradictory and vague norms that encroach on freedom of speech and access to information were excluded, was published after Japarov was elected as president in January 2021.

However, both during the work of the Constitutional Conference, and before the adoption of the agreed text of the Constitution in May 2021, activists and critics were repeatedly persecuted.

Law enforcement agencies were interested in lawyer Saniya Toktogazieva and activist Ulan Usein, while the state media attempted to discredit weekly marches for the rule of law, at which they spoke out, among other things, against the new draft of the Constitution.

In one of the stories, the KTRK tried to distort the opinion about the march and put a peaceful event in an unattractive light. Subsequently, for unknown reasons, the video with this story was removed from the YouTube channel of the KTRK channel.

Commentary from the Media Policy Institute

The right to peaceful assembly is guaranteed by the Constitution and the Law on Peaceful Assembly. General comment No. 37 of the UN Committee on Human Rights has established that the right to peaceful assembly imposes on participating States a corresponding obligation to respect and ensure its implementation without discrimination.

States are obliged to leave it at the discretion of the participants to determine freely what purpose they are pursuing, or what they want to express during this meeting. Thus, the approach of the authorities to peaceful assemblies and any restrictions imposed should in principle be neutral with respect to their content and should not be determined by the identity of the participants or their relationship with the authorities.

Political activists Tilekmat Kurenov, Zhenish Moldokmatov, Bekmurat Oogan uulu and Kamchy Nurbek uulu were also detained in connection with criticism of the new draft Constitution. In relation to Kurenov, pre-trial proceedings were started under articles 310 «Public calls for the violent seizure of power» and 39-264 «Attempted mass riots» of the Criminal Code of the Kyrgyz Republic.

NEW OLD INITIATIVES

Together with the new draft Constitution, an old initiative was again voiced in the Parliament, which could harm freedom of speech in Kyrgyzstan - this is the law on the manipulation of information, which implies a ban and responsibility for the dissemination of false information.

Previously, this document was not signed by President Sooronbai Jeenbekov, who in July 2020 sent it back to the Parliament for revision with the involvement of the expert community.

The own analysis of the Media Policy Institute, conducted back in June 2020, showed that the norms of this draft law essentially introduce censorship in relation to the media.

Commentary from the Media Policy Institute

The concept of «manipulation of information» is disclosed as an information and psychological impact of the distributor of information in order to influence its recipient. Obviously, any dissemination of information can be attributed to this formulation.

Legislation must meet certain standards of accuracy and clarity so that citizens can anticipate the potential consequences of their actions under this law. Vaguely worded laws that prevent citizens from foreseeing the consequences lead to the fact that restrictions on the law based on them will be considered illegitimate and unjust. In addition, such vague laws lead to the fact that the authorized bodies will have to make decisions arbitrarily, at their discretion, or in anticipation of political «expediency».

The proposed mechanism for restricting access to «false» information by a decision of an authorized body, and not a court decision, is a gross violation of the guarantees of freedom of speech and freedom of expression, enshrined in the Constitution and in International Treaties to which Kyrgyzstan is a party.

Any interference with law in accordance with international standards and norms of the Constitution of the Kyrgyz Republic must be prescribed by law and pursue a legitimate aim proportionate to the violations.

The decisions proposed in the draft are deliberately aimed at serious violations of human rights to freedom of speech and opinion. The proposed project essentially establishes a kind of censorship, which is prohibited by law.

A conciliation group was formed from the initiators of the draft law, representatives of the presidential administration, ministries and special services on May 31, 2021 in violation of the rules and deadlines.

The new version of the document changed its name to the draft law «On Protection from Inaccurate (False) Information», but in fact retained its content and contradictions to the Constitution, International Treaties and the right to freedom of speech. After public discussions on the benefits and harms of the draft law, it was rejected by the Parliament on June 30, 2021.

However, three weeks later, it became known from the media that President Sadyr Japarov had invited the MPs to a meeting, where he asked to support the draft law «On Protection from Inaccurate (False) Information».

The document was again put up for voting on July 28 of the same year, despite the violation of the Jogorku Kenesh's regulations. As a result, 97 deputies voted for the draft law agreed upon with the President. On August 23, Sadyr Japarov signed the document, after which it came into force.

Commentary from the Media Policy Institute

The Media Policy Institute believes that during the adoption of this document the procedure for re-consideration of already rejected draft laws was violated. Thus, the Jogorku Kenesh could not legally vote for this document just a month after it was rejected.

Parliamentary regulations stipulate that re-consideration of rejected legislative initiatives is possible only after six months. This means that the draft law «On Protection from Inaccurate (False) Information» can be put to a vote only in January 2022.

The full commentary could be found at the [link](#).

THE DRAFT LAW ON «POLITICAL HATRED»

In April 2021, the Ministry of Internal Affairs of Kyrgyzstan drafted amendments to the Criminal Code with the intention of adding the concept of «incitement to political hatred». The document does not explain what this term means.

Lawyers and human rights activists have objected, saying that such a wording in the code could become a reason for political persecution of opponents.

The Media Policy Institute has prepared an analysis of these amendments, which you can find at the link on the website.

The lack of a legal definition of the concept of «political hatred» poses a great threat to the implementation of this rule, which thus does not meet the requirements of clarity and predictability. The proposed innovation allows any sharp political discussion on socially significant issues to be qualified as «political hatred» with all the ensuing consequences. Therefore, unambiguously, there can be no adequate qualified law enforcement in such cases.

Due to this defect, law enforcement agencies, evaluating actions related to «political hatred», will in practice apply an arbitrary interpretation, which will undoubtedly lead to inappropriate or disproportionate interference in the exercise of constitutional rights and freedoms of man and citizen - freedom of conscience and religion, freedom of speech, the right to freely seek, receive, transfer, produce and distribute information in any legal way, the right to assemble peacefully, without weapons, to hold meetings, rallies and demonstrations and processions.

Excerpts from the conclusions of the [analysis](#) of the Media Policy Institute.

At the end of May of the same year, it became known that the parliament agreed with the objections and removed the wording about political hatred from the text of the amendments.

CHAPTER 6

ELECTIONS AND REFERENDUMS

The first half of 2021 in Kyrgyzstan is remembered by several electoral processes at once: on January 10 - the presidential elections and a referendum on the form of government; On April 11 - elections to the Local Keneshes in several regions and cities of Kyrgyzstan and the Referendum on a new draft Constitution.

Persecution of critics and those who disagree with the policies and plans of the new authorities accompanied these periods.

The Public Organization «Committee for Resistance to Political Repressions» on the eve of the presidential elections issued a statement on increasing pressure on freedom of speech and the media.

According to the chairman of the organization, Adil Turdukulov, several events took place before the elections, which may indicate negative trends: an attempt by a member of the Central Election Commission to prohibit criticizing presidential candidates during debates; the refusal of the state TV channel ELTR to broadcast Radio Azattyk; and summoning comedians from Osh for questioning after their satirical concert «Three Gods», in which viewers can find references to Sadyr Japarov, who came to power, and his supporters.

«All of it directly affects the legitimacy of future presidential elections and the recognition or non-recognition of their results by other participants of the election race and their supporters, the international community and, ultimately, all citizens of Kyrgyzstan», - the committee concluded».

[Activists announced pressure on the media and freedom of speech ahead of the presidential election](#) / Kaktus.Media

Several cases were recorded when journalists were not allowed to enter polling stations or were restricted during the election day itself.

The staff of the headquarters of the presidential candidate Abdil Segizbayev, the former chairman of the State Committee for National Security during the time of President Almazbek Atambayev, were persecuted after elections. One of the staff members was questioned about the case against Segizbayev, which was opened during the election period. Two other staff members were searched because of an anonymous post on social networks: the special services suspected that they had made this publication in order to «incite inter-ethnic and interregional hatred». Soon after the initiation of the case, one of the staff members of the headquarters left Kyrgyzstan.

Kanat Kanimetov, a journalist of the April TV channel, was also summoned for questioning. A case was initiated against him under article 119 «Petty hooliganism» of the Code of the Kyrgyz Republic on misconduct for his publication on social networks. Kanimetov criticized the authorities because of searches in the house of blogger Yulia Barabina. As a result, according to the results of the investigation, the police terminated the pre-trial proceedings due to «the absence of corpus delicti or corpus delicti in the act».

Another candidate, Klara Sooronkulova, said after the elections that she had been subjected to pressure and threats because she was also running in the presidential race.

«According to the law, if such signals were sent, they [law enforcement agencies] were obliged to react. But to tell the truth, I did not believe that there would be a reaction on their part, because Sadyr Japarov, before going to the elections, put his people in all key posts», - she said».

Clara Sooronkulova: Threats against me moved from online to offline / Kloop.kg

In April, before the elections to the Local Keneshes and the voting on the draft of the new Constitution, a case when KTRK did not publish a recording of a debate with an initiative group against the adoption of the country's basic law was registered.

Opponents of the Constitution considered this as a violation on the part of the country's main television channel, but the Central Election Commission did not find anything illegal.

There were several cases of attacks on journalists who were at the polling stations and filmed the voting process during the election day in Osh. In one case, the attack was carried out by an unknown woman who knocked out and then took away the phone of a journalist from Kloop.kg. In the second case, the police took away a journalist from Eldik.Media, who was filming how the elections were held at one of the polling stations.

CHAPTER 7

FAKE INFLUENCE ON SOCIAL NETWORKS

The reporting period was also marked by the increased activity of artificially created accounts on social networks - fakes (or trolls) who tried to influence public opinion by leaving comments in support of one side or the other.

Usually, such groups (farms) of fake accounts were especially active in pre-election periods, when it was necessary to ensure the appearance of support for a politician or a party.

Before the failed parliamentary elections in 2020, most of the fakes wrote positive comments about the pro-government parties «Mekenim Kyrgyzstan» and «Birimdik».

The patron of the «Mekenim of Kyrgyzstan», a former customs officer, Raiymbek Matraimov, often enjoyed artificial support in social networks. In particular, the activity of fakes increased after journalists discovered that he was associated with smuggling goods, money laundering and unexplained wealth both in Kyrgyzstan and abroad.

However, the fakes not only protected, but also actively attacked the opponents of their patrons. Thus, journalists and editorial offices, individual politicians and activists who criticized the current authorities were attacked.

Media Policy Institute, together with Kloop journalists, studied the activity of such fake groups during the 2020 Parliamentary Elections - before and after the voting - and identified more than 400 Facebook accounts that supported the authorities and discredited their opponents. After a complaint to the administration of the social network, most of these accounts were deleted.

After the change of government in October 2020, the troll farms were rebuilt and began to work for new politicians, including Sadyr Japarov, who became president.

«[Fakes] were not always aggressive and more often they simply re-posted the posts of parties and politicians in groups on Facebook. Although separate groups of fakes also disseminated hate speech publications - during all three elections held in 2020 and 2021, the targets of harassment were most often Adakhan Madumarov, Omurbek Tekebaev, Roza Otunbayeva, Klara Sooronkulova, activists of the Bashtan Bashta movement and opponents of the two referendums, initiated by Sadyr Japarov».

[*«For a referendum», but against NGOs and «Azattyk». Explaining how fakes and trolls work / Kloop.kg*](#)

The main message in discrediting critics of the authorities in the arsenal of fakes remains the same. They try to create a negative image around non-governmental organizations, incite hatred of LGBT people and write about the discrepancy between «Western values» and Kyrgyz ones.

As one of the political strategists explained in an anonymous interview to Kloop, the creators of the troll farms work incognito, because in Kyrgyzstan they can be held accountable for all the attacks they make towards political opponents.

However, fakes are used not only by pro-government forces, they are also used by opposition politicians. For example, some of the fakes supported the former chairman of the State Committee for National Security Abdil Segizbayev in the presidential elections in 2021.

CONCLUSIONS AND RECOMMENDATIONS

- Emergency measures to combat the COVID-19 pandemic undertaken by the country in the first months of the outbreak in March 2020 significantly limited the professional activities of independent media, negatively affecting the media activities and limiting access to information of public interest.

During an emergency, the state should create conditions for effective interaction with all media, regardless of the form of ownership,

in order to provide the population with reliable, trustworthy and accessible information about the situation in the country and the decisions made.

- Instead of eliminating violations to ensure freedom of speech and opinion and protection of these rights, the authorities began illegally summon the ones who criticize the authorities and report on the epidemiological situation in the country, forcing them to apologize, using mechanisms to restrict access to information on the basis of Article 313 of the Criminal Code of the Kyrgyz Republic «Incitement of racial, ethnic, national, religious or interregional hostility (hatred)» during the 2020 pandemic. Thus, the state had limited the constitutional rights of citizens to freedom of speech and freedom of information by its actions.

The authorities must refrain from arbitrary interference to freedom of speech and freedom of information. Any limitation of these rights should be only on the basis of the Constitution and laws to protect national security, public order, health and morality of the population, protection of the rights and freedoms of others and be proportionate to the stated goals.

- The election period and protests (from October 5, 2020) were accompanied by real threats to the physical safety of the journalists during their professional activity: threats, verbal attacks, physical attacks, attempts to seize and damage technical equipment. Threats against journalists increased significantly when Sadyr Japarov, who came to power in the wake of protests in October 2020, publicly accused journalists of distorting information without supporting these accusations with concrete facts. Japarov's support groups in social networks took his words as a signal, and, as a result, started actively spreading threats against journalists and editorial offices on social networks. Thus, journalists who conduct investigations do not receive the proper response from the state

The authorities should consider violence and threats against journalists as direct attacks on freedom of speech and press, and provide full political support to strengthen freedom of speech and freedom of press by ensuring conditions for journalists to safe and unhindered fulfillment of their professional duties. The key role of civil society in promoting respect for human rights, fundamental freedoms, democracy and the rule of law should be recognized, especially in

times of crisis and to ensure government accountability. The authorities should take measures to raise awareness among the population about the positive role of civil society in times of crisis.

The state should respond, support and encourage the conduction of independent journalistic investigations, as they contribute to transparency and accountability of state bodies in the fight against corruption. The activities of political officials can be the subject of political discussion and criticism in the media.

- The Law of the Kyrgyz Republic «On Protection from Inaccurate (False) Information», adopted on August 23, 2021, can be used as a tool to protect officials from criticism. Removing information only on the basis of the applicant's complaint without a trial and compliance with the principles of competition, equality and transparency contradicts the provisions of the Constitution of the Kyrgyz Republic and international treaties that enshrine the rights of a person and citizen to freedom of speech and opinion.

This law poses a serious threat to freedom of expression on the Internet in Kyrgyzstan and runs counter to the country's international obligations regarding freedom of expression, access to information and the right to privacy. The state, in accordance with ratified international treaties, is obliged to take measures to strengthen freedom of speech and freedom of expression and refuse to initiate and adopt laws aimed at restricting freedom of speech and opinion.