

**Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression**

Ref.: AL KGZ 3/2022  
(Please use this reference in your reply)

19 December 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 43/16 and 43/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged criminalisation of Mr. Bolot Temirov, the cancellation of his citizenship, and his deportation from the Kyrgyz Republic, following his journalistic reporting on allegations of corruption.**

Mr. **Bolot Temirov** is a human rights defender, investigative journalist and the founder of Temirov Live, a YouTube channel through which he reports on alleged cases of state corruption.

We previously wrote to your Excellency's Government about Mr. Bolot Temirov's case on 19 July 2022 (AL KGZ 1/2022). We regret not receiving a reply and remain concerned, considering the new allegations below.

According to the information received:

On 18 April 2022, Temirov Live published a new journalistic investigation into allegations of high-level corruption involving government tenders. On 19 April 2022, Mr. Bolot Temirov was informed that new criminal cases were opened against him alleging document forgery and illegal border-crossing, in addition to the drug-related charges initiated against him earlier this year immediately after another anti-corruption investigation.

Furthermore, on 20 April 2022, the investigator of the Investigative Service of the Bishkek City Department of Internal Affairs allegedly issued a decree which annulled Mr. Temirov's Kyrgyzstani ID card for domestic use and passport for international travel as invalid, thus de facto revoking his citizenship. Mr. Temirov reportedly became aware of this decree only on 17 May 2022.

On 25 April 2022, criminal charges were pressed against Mr. Bolot Temirov. He was accused of two counts of document forgery (Article 379 Paragraphs 1-3 of the Criminal Code), one count of continuous illegal crossing of Kyrgyzstan's state border (Article 20 and Article 378 Paragraph 1 of the Criminal Code), and one count of drug possession (Article 283 Paragraph 1 of the Criminal Code). According to the prosecution, Mr. Temirov had allegedly forged his military service book and used it to unlawfully obtain the citizenship and the passport of the Kyrgyz Republic. He then allegedly used

the passport to cross the border several times.

On 28 September 2022, the Sverdlovsk District Court of Bishkek acquitted Mr. Bolot Temirov on charges of drug possession and illegal border crossing. The human rights defender was found guilty of document forgery. However, due to the expiration of the statute of limitations on this crime, Mr. Bolot Temirov did not receive any punishment. Both sides appealed the verdict.

On 23 November 2022, the Bishkek City Court reviewed the verdict on appeal. It fully upheld the lower court's decision and did not revisit the issue of statute of limitations. However, the court ruled that Mr. Temirov had to be expelled from the Kyrgyz Republic as a criminal punishment because, based on the alleged forgery of documents, he was not a citizen of the Kyrgyz Republic. As Mr. Temirov had Russian citizenship, the court ruled that he had to be deported to Russia. He is reportedly banned from reentering Kyrgyzstan for five years due to allegedly committing a crime.

Mr. Bolot Temirov was detained in the courtroom and deported the same day to Moscow without any documents or personal belongings. Between his detention and deportation, his whereabouts reportedly remained unknown to his lawyers and family.

Without wishing to prejudge the accuracy of the information received, we wish to express concern as to the reported criminalisation of Mr. Bolot Temirov, cancellation of his citizenship, and his deportation from the Kyrgyz Republic, which appear to be directly linked to his legitimate human rights work against corruption and the exercise of the freedom of expression, with the apparent objective to prevent him from continuing his work in the Kyrgyz Republic.

In connection with these serious concerns, we would like to refer your Excellency's Government to relevant international human rights instruments and standards, cited in the **Annex on Reference to international human rights law** attached to this letter.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and comments you may have on the allegations mentioned above.
2. Please provide information on the legal and factual basis for the criminal cases against Mr. Bolot Temirov and the applicable statute of limitations.
3. Please provide information on the legal and factual basis of the revocation of his citizenship and subsequent expulsion from the Kyrgyz Republic.
4. Please provide information about measures taken to ensure that civil society and human rights defenders in the Kyrgyz Republic, including those working on anti-corruption issues, can carry out their legitimate

activities in a safe and enabling environment without fear of harassment, criminalisation, or acts of intimidation of any kind.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor  
Special Rapporteur on the situation of human rights defenders

Irene Khan  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

## **Annex**

### **Reference to international human rights law**

In connection with the above-alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards:

We would like to refer your Excellency's Government to Article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Kyrgyz Republic on 7 October 1994, which guarantees the right to freedom of opinion and expression. Article 19 requires the States to guarantee the right to freedom of expression, including the right to seek, receive and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, inter alia, political discourse, commentary on public affairs, discussion of human rights, and journalism (Paragraph 11). Free press and other media should be able to comment on public issues without censorship or restraint and to inform public opinion, and the public has a corresponding right to receive media output (Paragraph 13).

We would also like to refer your Excellency's Government to Article 12 (4) of the ICCPR, which provides that no one shall be arbitrarily deprived of the right to enter his own country. According to the Human Rights Committee's General Comment No. 27 (CCPR/C/21/Rev.1/Add.9), the right of a person to enter their own country recognises the special relationship of a person to that country and implies the right to remain in one's own country (Paragraph 19). Article 12 (4) does not distinguish between nationals and aliens, and the persons entitled to exercise this right can be identified only by interpreting the meaning of the phrase "his own country" (Paragraph 20). The scope of "his own country" is broader than the concept of "country of his nationality" (Ibid.). It is not limited to nationality in a formal sense; it embraces, at the very least, an individual who, because of their special ties to or claims in relation to a given country, cannot be considered a mere alien (Ibid.). This would be the case, for example, of nationals of a country who have there been stripped of their nationality in violation of international law (Ibid.). A person may in no case be arbitrarily deprived of the right to enter their own country (Paragraph 21). The reference to the concept of arbitrariness in this context guarantees even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (Ibid.). The General Comment also explicitly highlights that a State party must not, by stripping a person of nationality or expelling an individual to a third country, arbitrarily prevent this person from returning to their own country (Ibid.).

Moreover, we would like to remind your Excellency's Government of its obligations under Article 14 of the ICCPR, according to which, in the determination of any criminal charge against him, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December

1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 (a), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms;
- Article 6 (b) and (c), which provides for the right to freely publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights; and
- Article 12 (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Finally, we would like to refer your Excellency's Government to the recent report (A/HRC/49/49) of the Special Rapporteur on the situation of human rights defenders, in which she stressed that protection frameworks applicable to human rights defenders apply to human rights defenders working against corruption.