



WOMEN HUMAN RIGHTS DEFENDERS

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Kyrgyzstan: Women Human Rights Defenders, their Role and Prospects

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Abstract

Since the country's independence, women human rights defenders in Kyrgyzstan have faced an increasing number of threats and violations. From judicial harassment to physical attacks, women defenders in the country are targeted for speaking out against injustices and calling out human rights violators. This article highlights how despite all challenges, thanks to strong coordinated networks and solidarity actions, women human rights defenders in Kyrgyzstan remain at the forefront in defending human rights and exposing violations.

Overview

On 31 August 2019, the Kyrgyz Republic celebrated 28 years of its independence. Throughout these years, the role of women human rights defenders (WHRDs) has been unique; they have contributed to the struggle for the rights and freedoms of citizens in the post-Soviet country, and laid the foundations for the development of democracy and equal participation of citizens in decision-making at all levels of the Government. Citizens' initiatives to develop civic education, the development of new independent associations and peaceful assemblies, and public discussions and civic forums aiming to solve socially significant problems, supported

Kyrgyzstan's transition from being a post-Soviet nation state to a democratic one. The first non-governmental organisations (NGOs) in the Kyrgyz Republic were 'UKUK' (led by Mirgul Stamaliev), the International Center 'INTERBILIM' (led by Asiya Sasykbaeva), the Human Rights Bureau (led by Natalya Ablova), and the NGO Forum of the Kyrgyz Republic (led by Tolekan Ismailova). After the adoption of the Law on NGOs, various non-commercial organisations (NCOs) were established to promote the development of democracy and protection of human rights and freedoms in the Kyrgyz Republic.

The Human Rights Movement (HRM) Bir Duino-Kyrgyzstan, from the moment it was

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created, made the issue of protecting the rights of HRDs and WHRDs and expanding the political space for their activities a special priority. To ensure these rights, we deploy various mechanisms and tools to protect HRDs and WHRDs at the national and international levels:

- We actively use advocacy campaigns; send appeals on violations against the public to state bodies and address them to top officials of the state; send appeals to international mechanisms of the United Nations (UN), Organization for Security and Co-operation in Europe (OSCE) and international human rights organisations, in cases of pressure and harassment, arrests and detentions.
- We organise peaceful protests, demonstrations and marches to attract special attention of the public and authorities in case of rights' violations.
- We use judicial protection mechanisms, involving professional advocates and experts in defense when our rights to peaceful rallies and assemblies, and freedom of association are limited, and when there are allegations of unlawful acts, including extremist activities made against us. Bir Duino uses widespread advocacy and lobbying tactics to attract international human rights organisations and experts and organises monitoring of trials with the participation of HRDs and WHRDs and representatives of international organisations, involving the beneficiaries in public support.
- We began to actively interact with the Government, involving official representatives in our activities, participating in events and taking part in preparing reports and offering its expertise on international mechanisms.
- We interact with international human rights organisations and human rights protection networks such as the Asian Forum for Human Rights and Development (FORUM-ASIA), the International Federation for Human Rights (FIDH), Front Line Defenders, Civic Solidarity Platform, and Women Learning Partnership, who contribute to the protection and promotion of the rights of persecuted HRDs and WHRDs at the international level, and organise campaigns in support of international advocacy and urgent appeals.
- We set up supporting funds for HRDs and WHRDs for physical and psychological wellbeing and, rehabilitation, as well as emergency relocation and legal protection.
- We pay close attention to improving the knowledge of HRDs and WHRDs with the support of organisations like the Prague Centre for Human Rights, Front Line Defenders, and York University Human Rights Research Centre, on safety and security through networking and conducting security trainings for the organisation's staff and partners, both in Kyrgyzstan and abroad.

Harassment of HRDs and WHRDs during the term of the first President Askar Akayev

Kyrgyzstan was considered a beacon of democracy in Central Asia. With the closed conclusion of the agreement between the Government of the Kyrgyz Republic and the Kumtor gold mining company under the ruling of the First President Askar Akayev, the authorities initially attempted to discredit HRDs and civilian activists, most of whom were women. Their demands were transparency and equal participation in decision-making at all levels of the government, since the country's subsoil belonged to the people in accordance with the Constitution of the Kyrgyz Republic.

As soon as the Canadian gold mining company Kumtor Centerra started working in Kyrgyzstan, the political environment for NGOs began to narrow down and human rights activists, especially women, were persecuted by law enforcement agencies, including the national security services. From the start, HRDs and WHRDs were defamed and labelled as "foreign agents", accusing them of misappropriating grants, all while misleading articles appeared in the media. Through legislative mechanisms, amendments to laws regulating civil and political rights of citizens were adopted, in particular the right to peaceful rallies and meetings, freedom of speech and association. But this did not prevent WHRDs from being

detained for participating in peaceful actions and demonstrations.

During the presidency of Akayev, WHRDs who demanded respect for civil and political rights of citizens, transparency of elections, and end to corruption in the state bodies, were particularly targeted. This resulted in the growing influence of the NGO sector within the Kyrgyz political sphere that prompted authorities to further control NGOs. For example, the Government has successfully created and supported the so-called 'pocket' NGOs which positively supported all Government's decisions, reported on positive changes taking place in the Republic at international fora, and opposed any criticism coming from their colleagues in the sector. These 'pocket' NGOs served as a good imitation of civil society involvement in decision-making.¹

Restriction of freedom of speech and prosecution of WHRDs requiring transparency and security of the activities of mining companies in Kyrgyzstan

The journalists Zamira Sydykova and Tamara Slashcheva were arrested for demanding information regarding the agreement between the Government of the Kyrgyz Republic and the Canadian company Kumtor Centerra. In 1995, Zamira Sydykova published a number of critical articles in a newspaper accusing the head of Kyrgyzaltyn group of gold mining companies of stealing the country's gold reserve. According to

the verdict of the Pervomaisky District Court of Bishkek on 23 May 1997, she was sentenced to 1.5 years in prison and 6 months of corrective labour with a deduction of 20% of the salary. Together with her, three more journalists were convicted: Alexander Alyanchikov, Marina Sivashva and Bektash Shamshiev.²

In 1999, Kaliya Moldogazieva, director of the Institute for Environmental Protection was dismissed from her post after publishing an article in the Vecherny Bishkek newspaper on the pollution of the Issyk-Kul Lake resulting from the activities of the company Kumtor Operating. The persecution of Moldogazieva continued after she founded the Tree of Life PF, when the Government launched a campaign to discredit her findings and her specialist status. She was attacked by the government-linked media for her interviews on extractive industry issues, in particular how the Government protects these companies from NGO investigations, and the companies' non-compliance with environmental standards.³

Persecution for advocating for the respect of citizens' civil and political rights

During Akayev's term, an association of government-organised non-governmental organisations (GONGOs) and NCOs was created to oppose the activities of WHRD Tolekan Ismailova and the NGO Coalition for Democracy and Civil Society (Coalition). They tried to duplicate the activities of the Coalition and implement the policy of

the President Akayev. For the first time, the Government launched a large-scale campaign against independent observers of the Coalition, calling them foreign spies after announcing the monitoring results of both presidential and parliamentary elections since 2000, and using hate speech through controlled media, TV and radio. This campaign was large-scale and particularly targeting Tolekan Ismailova, founder and elected President of the Coalition.

On 13 March 2001, Tolekan was attacked by an unknown person when she was leaving her home. She was hit on the head and lost consciousness. There are allegations that authorities specifically targeted Tolekan to intimidate and force her to stop promoting human rights. No one was arrested or brought to trial due to this incident. As the Coalition actively monitored the holding of the presidential election, it was stated that their protests for not being allowed to visit polling stations, as well as their statements on serious electoral irregularities, were the reasons for the Government to persecute organisations within the Coalition. In June 2000, the Ministry of Justice stated that since the Coalition was not registered as a public association, hence it could not receive funds from abroad to support its activities.⁴

In 2004, Tolekan, in her capacity as head of the Civil Society Against Corruption Public Organization (CAC) and Diana Makenbaeva, the organisation's lawyer, organised a series of civil fora in the Issyk-

Kul oblast⁵ against the illegal transfer of land to China. The security forces surveilled the fora while aggressive groups of men threatened and attempted to attack HRDs and WHRDs who were left without the protection of law enforcement agencies and the support of partner organisations.

On 10 January 2005, Tolekan, Natalya Ablova, journalist Zamira Sadykova and opposition politicians found bright orange dollar signs on the walls of their houses, plus their names: “\$ + TIA”, “\$ + Ablova”, and “Down with the orange dollar opposition!” After the events in Ukraine⁶, the orange colour has become a kind of a symbol of the opposition. Tolekan Ismailova recalls: “I think this is done with the aim of stopping our political activity and putting pressure on us. I demand that the perpetrators be found and punished, since their actions are a violation of public order and psychological pressure on dissidents.”⁷

Harassment of HRDs and WHRDs during Kurmanbek Bakiev’s presidency

On 24 March 2005, as a result of the revolution, a change of power took place in Kyrgyzstan, with President Akayev forced to flee the country. The opposition nominated Kurmanbek Bakiev who was later elected President. The change of power took place with the participation of criminal groups, and led to their merger, with hostile take-overs of businesses. Bakiev gradually focused on strengthening his personal power, expanding the family-clan system, and promoting relatives

and close ones to political positions and business structures.

Large-scale repression against political opponents intensified in the country: the media were under pressure, even the popular radio stations Azattyk and BBC (British Broadcasting Corporation) began to close, together with several local independent newspapers. Murders of prominent political figures and wellknown independent journalists were left without investigation.

The political sphere was completely dominated by the pro-Government Ak-Jol party that occupied most of the seats in the Parliament. In 2007, two laws – the Constitution of the Kyrgyz Republic and the Code of the Kyrgyz Republic “On Elections in the Kyrgyz Republic” – were immediately submitted to a referendum. These were restricting the rights of citizens and received a negative assessment by the Venice Commission of the Council of Europe. The Parliament was kept away from civilian control and participation. It became an instrument of the ruling regime. The police institute, without being occupied with functional duties, practically became a political tool for controlling activists and political opponents. The election processes were under the control of the security forces and the police, and this caused discontent among ordinary citizens and intensified conflicts. Citizens’ demands for access to information and peaceful rallies were brutally suppressed, and the number of politically repressed

activists and politicians in prisons was growing. Human rights activists, including WHRDs, fell under special pressure.

Accusations of WHRDs in overthrowing the government and opposing the government initiatives

After the November 2005 rallies, members of the Movement for Reforms, WHRDs and leaders of NGOs, Asiya Sasykbaeva, Cholpon Dzhakupova and R. Kadyrova were targeted by the National Security Service and the General Prosecutor's Office. The Security Service said they had a diskette with recorded statements of movements of activists inciting to overthrow the current Government.

In a similar fashion, WHRD Aziza Abdirasulova was prosecuted by law enforcement bodies under the article 'Hooliganism' for carrying out rallies and actions against Kyrgyzstan's status of Heavily Indebted Poor Country (HIPC).

Harassment of WHRDs advocating environmental safety and demanding extractive companies to be transparent

The sisters Erkingul and Bakhtygul Imankojoeva were prosecuted by the authorities for speaking out against the Canadian gold mining company Kumtor Centerra, demanding transparency of its activities and promoting the interests of local residents affected by leaking of cyanide caused by the company's

factory in 1998. Bakhtygul Imankojoeva who worked as a doctor in the village of Barskoon, was persecuted for disseminating data on the number of women who had to abort after the cyanide spill. Her human rights activities provoked the discontent of local authorities, and in September 2008, a criminal case was opened against Bakhtygul. She was accused of abuse of office, fraud, and theft of building materials from the hospital. On 12 October 2010, the lawyer of CAC, A. Ashirov, proved the innocence of Bakhtygul in the Supreme Court, and she was subsequently reinstated in her post. Erkingul Imankojoeva continued to work in the public association "Karek", and in 2010 she became a member of the Parliament (Jogorku Kenesh) for the Social Democratic Party of Kyrgyzstan (SDPK).

Arzykan Momuntaeva, director of the Coalition for Democracy and Civil Society regional office, who dared to tell the truth about gold mining transactions at the Jerui and Andash deposits between the Government and mining companies, was assigned to the temporary detention centre in Talas in May 2006. Together with Arzykan, Lira Tantabaeva, a well-known activist of the women's movement, the leader of the NGO Ayalzat who had previously undergone severe heart surgery, and the mother of minor children, was detained and placed in a temporary detention centre. Being in a pre-trial detention centre seriously worsened the health of Lira and Arzykan.

Harassment for requiring transparency of elections and restriction of the right to hold peaceful assemblies

After the early parliamentary elections, human rights activists, including youth activists who disagreed with the falsification of the results of the early parliamentary elections in 2007, were arrested. On 18 December 2007, because of their participation in the action ‘I Don’t Believe’, three activists, Tolekan Ismailova, Nazgul Turdubekova and Aigul Kyzalakova and 12 young activists were placed in the reception centre and sentenced to 5–7 days in prison. For two and a half days, the arrested were kept in terrible, degrading conditions equal to torture. Thanks to advocacy and international pressure, they were released 2.5 days later.⁸

For participation in the rally in support of Iranian activists, Tolekan Ismailova, Diana Makenbaeva, Aida Baydzhumanova and Evgenia Krapivina, employees of the CAC, as well as human rights activist Erkingul Imankojoeva were detained. To present their appeal, the participants went to the Iranian Embassy, but along the way, eight participants of the rally – four employees of the CAC and four partners of the organisation – were arrested. The Pervomaisky Court of Bishkek, when considering the administrative cases of the detainees, found them guilty of violating Article 392 of the Administrative Code. Regarding the employees of the CAC, Diana Makenbaeva, and Aida Baijumanova, as well as Erkingul Imankojoeva from the

public association “Karek”, a decision was made to recover an administrative fine of 1,500 soms. Evgenia Krapivina was issued a warning. Two other detainees had their administrative cases closed by the court due to lack of any administrative offence. After the revolution on 7 April 2010, the Supreme Court acquitted all participants of the rally.

Restriction of freedom of speech

The journalist Jyparkul Arykova was charged with high treason under Article 292 and espionage under Article 293 of the Criminal Code of the Kyrgyz Republic. After more than 8 months of detention in the State Committee for National Security (SCNS) pre-trial detention centre, on 22 February 2007, thanks to the protection of CAC and lawyer N. Zotova, the court acquitted Jyparkul Arykova on Article 292 of the Criminal Code of the Kyrgyz Republic (high treason). Since October 2008, Jyparkul Arykova worked at the CAC as a coordinator for promoting Women’s Leadership in Kyrgyzstan.

Persecution after the 2010 revolution and inter-ethnic conflict in the south

2010 was a difficult year in the history of Kyrgyzstan. The worsening political and socio-economic situation in the country resulted in the bloody April Revolution, with a violent change of power. The country was headed by the Provisional Government, led by transitional president Roza Otumbaeva. President Bakiev fled to the south of Kyrgyzstan to his ancestral

village and refused to transfer power. It was only as a result of negotiations conducted by diplomats and human rights activists like Tolekan Ismailova and Aziza Abdirasulova that he left the country without provoking further violence.

Three months after the April Revolution, in the south of Kyrgyzstan, in Osh and Jalalabad regions, an inter-ethnic conflict erupted between the Kyrgyz and Uzbeks. This claimed the lives of more than 426 people, leaving destruction, fires, intolerance between representatives of two ethnic groups, injustice and lack of access to justice for victims of the conflict representing the ethnic minority.

The conflict that took place in the south of Kyrgyzstan between 11–14 June 2010, led not only to a high level of nationalism, hostility and intolerance between Kyrgyz and Uzbeks, but also to a split in society, including NGOs, into two parts: one justified the conflict after it happened, encouraged suppression and infringement of the rights of ethnic Uzbeks, while the second opposed human rights violations. In that situation, the activity of lawyers and HRDs and WHRDs who protected the victims of the conflict was sharply criticised and attacked by the nationalist-minded part of the population.

During that period, at the entrances to state institutions there were instances of open attacks on HRDs and WHRDs and lawyers by organised groups of women, so-called 'OBONs' (Special Purpose Women's Detachments) during trials. There are known facts of open death threats made by criminal groups against

individual HRDs and WHRDs and members of their families.⁹

Persecution of defenders of the rights of victims of inter-ethnic conflict in the south of the Kyrgyz Republic in June 2010

WHRDs Tolekan Ismailova and Aziza Abdirasulova were among the first ones to travel to the conflict zones. They recorded facts of human rights violations, openly voicing and transmitting them to public authorities. During the monitoring, they documented massive violations of the rights of ethnic minorities. Human rights activist Azimzhan Askarov, an ethnic Uzbek who had recorded facts of violence during the days of conflict in the Jalalabad oblast, was arrested and sentenced to life imprisonment. Having taken a principled position on protecting human rights, the WHRDs incurred aggression and harassment from officials, law enforcement agencies and nationalists. Hundreds of articles were published in the media to discredit and cause aggression against Ismailova and Abdirasulova, who were called traitors of their people. Furthermore, officials from their tribunals openly expressed their hatred towards them, while open threats were made against them and their relatives.

In July 2010, as a result of open death threats made by criminal groups, as well as unknown persons against Tolekan Ismailova and her family members, she had to leave the country for several months, together with her daughter and grandchildren.¹⁰ In anticipation of the

departure, unknown women enquired about her grandchildren and the exact address of her current residence from residents of the residential building in which Tolekan lived.

On 18 August 2010, there were women in the Mayor's Office of Osh who lost their relatives and friends during the June riots. Human rights activist Aziza Abdirasulova was also at the Mayor's Office. The women began to attack her, referring to earlier statements in the media made by the Ombudsman of the country, Tursunbek Akun, on the activities of Aziza Abdirasulova and her relations with international human rights organisations. The women kept Aziza Abdirasulova in the office for more than two hours. During that time, her life and health were subjected to significant threat. The women called the prosecutor to detain Abdirasulova. The prosecutor of the city arrived and noted the illegality of women's actions, and took Aziza Abdirasulova and four girls out of the Mayor's Office.¹¹

In the post-conflict period, the activities of lawyers protecting ethnic Uzbeks and victims of the conflict were sharply criticised and attacked by the nationalist-minded part of the population. There are known cases of attacks on women lawyers Nazgul Suiunbaeva, Tatiana Tomina, and Dilbar Turdieva in the courtrooms in the city of Osh, when they managed to leave the premises only with the assistance of the guards. Attempts of attack were made against Tatiana Tomina during the proceedings of her clients in the Supreme Court of Bishkek; a sabotage was arranged in a courthouse. Despite the fact that the

lawyers submitted their complaints and statements regarding the attacks by law enforcement agencies, no action was taken to bring the perpetrators to justice.

Restriction of the right to freedom of expression and persecution of HRDs

Since 2010, Tolekan Ismailova has also been persecuted by special services of the Republic for her leading role in the International Festival of Documentary Films on Human Rights "Bir Duino-Kyrgyzstan". The organisers of the festival "Bir Duino-Kyrgyzstan" were subjected to various types of persecution, harassment up to even physical threats and attacks for organising movie screenings.

- In 2010, during the festival, the CAC first encountered pressure and attempts to disrupt the screening of films in the cities of Bishkek, Naryn, Karakol and Talas. Referring to the head of the presidential administration, Emil Kaptagaev, the National Security Service officers exerted moral and psychological pressure on the organisation's employees Diana Makenbaeva and Aida Baijumanova, demanding to cancel the screening of the film *10 conditions of love* by the Australian director John Levis devoted to the fate of the well-known human rights activist and President of the World Uyghur Congress (WUC), Rebiya Kadeer. Pressure was exerted in connection with the obligations of Kyrgyzstan in the framework of the

fight against extremism and terrorism within the framework of the Shanghai Cooperation Organization (SCO).

- In 2012, the festival and its team were under tremendous pressure in connection with the screening of the film, *I am gay, I am Muslim*. The Pervomaisky District Court of Bishkek labelled the film as extremist, and consequently banned its screening and distribution in the Republic. The Prosecutor General's Office requested the ban of the film, providing an expert assessment of the State Commission for Religious Affairs, according to which the film contains signs of religious hatred and religious humiliation of Muslims. The Supreme Mufti also opposed the film, saying that it "distorts the image of Islam by showing the example of people who have nothing to do with religion."¹² On the day of the screening, groups of aggressive women and young people gathered in front of the cinema, trying to disrupt the festival with provocative posters, some coming into the cinema as viewers, and shouting threats to the organisers and the author of the film. An important role in resolving the situation in the hall was played by human rights partners and guests of the festival.¹³
- In 2013, violent attacks against and persecution of the festival organisers occurred due to screening of a documentary film about the torture victim and human rights

activist Azimzhan Askarov who was sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan. As in previous years, the disruption was carried out by groups of women – the previously mentioned 'OBON' – and young nationalists who tried to disrupt the screening of the film. To ensure order, the festival team turned to law enforcement agencies that helped to prevent conflict.

Harassment of HRDs and WHRDs following the election of President Almazbek Atambaev

After the April 2010 events in Kyrgyzstan, some progress was made in the field of political rights and freedoms. However, most likely it was not the merit of the authorities but a consequence of revolutionary events, combined with the reluctance of civil society and population to return to authoritarian traditions.

In 2011, Almazbek Atambaev was elected President. The State hierarchy strengthened, joining the Customs Union and interacting within the framework of the SCO, as part of a rapprochement with Russia. At the same time, Atambaev outlined the tendency to return to the authoritarian past. Since 2013, the country saw a rapid deterioration of the respect and implementation of fundamental rights and freedoms of citizens, especially the rights to freedom of association, freedom of speech and the media, freedom of conscience and

religion, freedom of peaceful assembly, a fair trial, and political rights.

In 2014, former Ombudsman Tursunbai Bakir Uulu submitted to the Parliament a draft law 'on foreign agents' aimed at controlling and restricting the activities of NGOs. Only thanks to active advocacy campaigns, the Parliament rejected the draft law in 2016.

Due to the adoption of a new version of the Constitution of the Kyrgyz Republic in June 2010, criminal law articles that envisaged criminal penalties for libel and insult were decriminalised. However, already in May 2014, the country's Parliament adopted amendments (Law of the Kyrgyz Republic No. 68 dated 17 May 2014) to the Criminal Code of the Kyrgyz Republic, i.e., to Article 329 "Making a false report about a knowingly non-existent crime", allowing criminal prosecution of persons who disseminate misleading information. As a result, an article envisaging criminal prosecution for libel was added to the criminal code.

The previous law on peaceful assembly that existed prior to the April 2010 events provided for a mandatory notification and authorisation procedure for conducting peaceful assemblies. In 2012, the country's Parliament adopted a new version of the law (Law of the Kyrgyz Republic No. 64 dated 23 May 2012) and eliminated the notification-permission procedure for conducting peaceful assemblies. In early 2013, the Parliament also made additions (Law of the Kyrgyz Republic

No. 148 dated 25 October 2014) to the KR Code on Administrative Responsibility that provided for administrative liability for illegal blocking of the road, i.e., actions aimed at restricting the rights and freedoms of citizens to free movement by individuals and (or) legal entities.

These changes negatively affected the situation of HRDs, WHRDs, journalists and lawyers who during the Atambaev period were subjected to aggressive defamation and prosecution on defamation charges. In 2016, the regional office of the UN Office of High Commissioner for Human Rights (OHCHR) for Central Asia stated that the number of negative statements and threats against HRDs by state bodies had increased in Kyrgyzstan. The OHCHR was reportedly concerned about the fact that HRDs opportunities for work were being reduced in Kyrgyzstan.¹⁴

WHRDs Tolekan Ismailova and Aziza Abdirasulova were subjected to defamation by the former President Atambaev. He filed multi-million lawsuits against journalist Dina Maslova, former deputy of the Jogorku Kenesh and human rights activist Cholpon Dzhakupova. Former Prime Minister Sapar Isakov filed a lawsuit against Elnur Alkanova, who conducted an independent journalistic investigation.

Accusing HRDs, WHRDs, citizens' organisations and those collaborating with the UN of extremist activities has become a new trend in their persecution. As a result of such accusations, the southern office of the HRM Bir Duino-

Kyrgyzstan and the houses of its lawyers were searched, and the report to the UN Committee on the Rights of Migrant Workers was declared extremist and included in the list of extremist materials.¹⁵ The organisation was forced to begin a legal battle with law enforcement bodies and the State Committee for National Security that went on for many months while negatively affecting its activities, cooperation with state and donor organisations, and significantly damaging its credibility.

With the growing influence of fundamentalism, there have been attempts to put pressure on WHRDs advocating for women's rights. As conservatives and proponents of fundamentalism aggressively act to destroy gains in women's rights, they create a culture of impunity in which violence against women and girls is growing rapidly.¹⁶

In this situation, LGBTI activists are targeted by conservatives, nationalists and the traditional sectors of the population. Hate speech in the media has become an additional tool in the fight against HRDs, WHRDs and LGBTI activists. The leaders of the highest state bodies and parliamentarians openly attack and criticise them, accusing them of promoting Western values that are alien to the Kyrgyz culture. Participants, organisers, HRDs, WHRDs and public figures who participated in the women's march were subjected to severe pressure and defamation.

Defamation of WHRDs

In October 2016, WHRDs Tolekan Ismailova and Aziza Abdirasulova were subjected to severe defamation and public dishonour. They were accused of betraying their homeland through a video distributed in Kyrgyzstan where they were sitting next to Kadyrzhan Batyrov at the Human Dimension Conference of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). Batyrov was a leader among the Uzbek population, and after the inter-ethnic conflict in the south in 2010, he left the country. He was convicted in absentia of inciting ethnic hatred and put on the international wanted list. This case was widely discussed in Parliament, and Member of the Parliament Maksat Sabirov called Tolekan Ismailova a "traitor" of the country. He added that in Kyrgyzstan there are a lot of people involved in unsavoury activities, hiding behind the protection of human rights.¹⁷ Aggression in society and the position of the authorities forced WHRDs to temporarily stay outside of Kyrgyzstan.

The OHCHR Regional Office for Central Asia issued a press release on the matter stating that negative statements and threats against HRDs and WHRDs by state bodies became more common due to the fact that Tolekan Ismailova and Aziza Abdirasulova have been subjected to defamation. OHCHR called on the Kyrgyz authorities to "actively counter defamation, abuse and threats" against HRDs.¹⁸

On 14 May 2016 at the award ceremony for women with many children, the President of the Kyrgyz Republic, Almazbek Atambaev, in his solemn speech, listing his enemies, including the leaders of the oppositional “People’s Parliament”, named the head of the HRM Bir Duino-Kyrgyzstan Toleskan Ismailova and the head of the public foundation Kylym Shamy Aziza Abdirasulova, accusing human rights activists of destabilising the state, and presenting them to the public as “faithfully working off their foreign grants”. The reputational damage inflicted on HRDs and WHRDs was especially severe, as the president’s speech was delivered at the award ceremony on Mother’s Day.¹⁹

Human rights activists have filed lawsuits against President Atambaev to defend their honour and dignity, demanding compensation for moral damage. Unfortunately, their claims were not deemed satisfactory and the judicial system demonstrated the inequality of the parties and lack of access to fair justice. On 22 May 2016, the Supreme Court rejected the claim of Toleskan Ismailova in a lawsuit to protect her honour and dignity against President Almazbek Atambaev for the amount of 10 million soms. The decision was final and not subject to appeal. The court made a decision only in the case of Toleskan Ismailova.

Charges of extremism

On 27 March 2015, the SCNS conducted illegal searches in the office of the Osh branch of HRM Bir Duino-Kyrgyzstan.

Searches were also conducted in the houses of the lawyers Valerian Vakhitov and Khusanbai Saliev. The SCNS’ actions pressured the activities of independent lawyers, HRDs and WHRDs who are among the best professionals in southern Kyrgyzstan and have been protecting the most vulnerable citizens since 2010.

Searches were conducted after an American journalist, Umar Farooq, visited the Osh office on the basis of illegal court sanctions to seize extremist materials without making any charges against lawyers. Computers with more than 100 criminal cases were seized, with among them high-profile cases, like the case of human rights activist Azimzhan Askarov, Imam Rashod Kamalov, or the case of a 9-year-old boy raped by a madrasah teacher.²⁰ From March to June 2015, the HRM Bir Duino-Kyrgyzstan was proving in the courts the illegality of judicial sanctions and actions of the SCNS. On 24 June 2015, the Supreme Court declared the searches in the Osh office of HRM Bir Duino Kyrgyzstan and the houses of lawyers unlawful. Unfortunately, the officials did not bear due responsibility for their illegal actions.

On 24 January 2017, the SCNS issued a press release stating that representatives of HRM Bir Duino-Kyrgyzstan tried to prevent the detention of a suspect of extremism, and among seized materials were found items related to activities of HRM Bir Duino-Kyrgyzstan.

We believe that this press release was issued on the day of the delivery of the

trial judgement by the Chui Regional Court against human rights activist Azimzhan Askarov, whose interests and rights Bir Duino Kyrgyzstan have been protecting since 2010. The head of the organisation has been his public defender.

The organisation filed a lawsuit to protect its honour and dignity; the respective lawsuits were conducted for more than a year. On 4 April 2017, the Pervomaisky District Court on Bishkek recognised the information in the press release issued by the SCNS as discrediting the business reputation of the HRM Bir Duino-Kyrgyzstan. The court ordered the SCNS of the Kyrgyz Republic to refute the said inaccurate information in the media. However, later this order was cancelled by the City Court.

Unfortunately, by the Decree of the Supreme Court of the Kyrgyz Republic, 20 June 2018, the decision of the Bishkek City Court, 24 January 2018, was upheld. The justification stated: “it has not been found whether the representatives of the HRM Bir Duino-Kyrgyzstan did or did not take any action to prevent detention of A.Sh. and a search in the process of the investigative actions.” By its decision, the Court violated the principle of the presumption of innocence; the Court did not establish the fact of illegal actions on the part of the employees of Bir Duino Kyrgyzstan, but took the side of the SCNS.

In March 2018, during a review of the official website of the Ministry of Justice of the Kyrgyz Republic, in the section of extremist materials, the HRM Bir Duino-

Kyrgyzstan found a report sent together with the Anti-Discrimination Centre (ADC) “Memorial” to the UN Committee on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW). In the same column, was also found a report from Freedom House titled ‘Chronicle of violence: the events of June 2010 in southern Kyrgyzstan (Osh region)’.

For more than a year, Bir Duino Kyrgyzstan did not know that the ADC report was being recognised as extremist and included in the list of extremist materials. In this connection, distributing, copying, transporting this report and posting it on the Internet entailed criminal liability for 2 to 7 years in prison.

On 22 October 2018, the resolution of the judicial board of the Supreme Court of the Kyrgyz Republic cancelled the decision of the Oktyabrsky District Court of Bishkek dated 5 January 2017, by which the joint Alternative Report of the ADC “Memorial” sent by the HRM Bir Duino-Kyrgyzstan to the CMW was recognised as extremist. This decision was completely abolished, and the case was sent for a new trial to the Oktyabrsky District Court of Bishkek. By the ruling of the Oktyabrsky District Court of Bishkek on 16 January 2019 (presiding A.B. Jeenbekova), the statement of the General Prosecutor of the Kyrgyz Republic to interested persons of the State Committee for National Security of the Kyrgyz Republic and the Ministry of Internal Affairs of the Kyrgyz Republic on our report was left without consideration. Later it was found out that all the case

materials were returned by the Court for additional study.

The HRM Bir Duino-Kyrgyzstan has sent relevant statements to the authorised bodies to hold the SCNS, the Prosecutor General's Office, and the Ministry of Internal Affairs accountable for falsifying the data.

In the course of nine years, WHRD Khadicha Askarova has been advocating for the rights of her husband, human rights activist Azimzhan Askarov. Askarov is a torture victim accused of killing a police officer, illegally sentenced to life imprisonment after the inter-ethnic conflict in southern Kyrgyzstan in 2010. Currently, HRM Bir Duino-Kyrgyzstan protects the rights of Khadicha Askarova as the wife of the deceased policeman, Ch. Bechelova, filed a lawsuit to recover debts for material and moral damage in connection with the death of her husband – compensation being the house of Azimzhan Askarov.

The HRM Bir Duino-Kyrgyzstan notes that the guarantees of the prohibition of arbitrary deprivation of home established in paragraph 10, part 4, Article 20 of the Constitution of the Kyrgyz Republic are not subject to any restrictions. We repeatedly noted earlier that the house that was seized is the only house inherited by Azimzhan Askarov from his mother, and all the more so, it cannot not be given as compensation. Her interests are currently being defended in the Bazarkorgon District Court.

Restriction of freedom of expression and harassment of independent journalists, WHRDs, HRDs, and lawyers

On 6 March 2017, President Almazbek Atambaev criticised the media. On the same day, Attorney General Indira Dzholdubaeva filed two lawsuits against the online media outlet Zanoza.kg and radio station Azattyk. The editor of Zanoza.kg is the journalist Dina Maslova. Lawsuits were filed as the websites published the opinion of the lawyers of the opposition party, Ata-Meken, who stated that the cargo on board of a Boeing plane that crashed and killed 39 people in Kyrgyzstan in January 2017, allegedly belonged to the Almazbek Atambayev's family.²¹ The lawyers of Ata-Meken party were requested to pay 10 million soms (around US\$143, 208).²²

In June 2017, the Prosecutor General's Office filed a lawsuit against WHRD Cholpon Dzhakupova, former deputy of the Parliament and currently Director of the Adilet Legal Clinic. The lawsuit stems from the fact that Zanoza.kg published quotes of Cholpon Dzhakupova criticising the President during a round table organised by the Ombudsman Institute on 30 March 2017.

The judicial authority ordered Zanoza.kg, and its journalists to pay the head of state a compensation amounting to 9 million soms (US\$128,857) and to refute the articles 'Cholpon Dzhakupova: It's time to tame a man with manic inclinations' and

‘Millions from the president: at whose expense is the banquet really?’²³

Overall, lawsuits were filed by the Prosecutor General’s Office in defence of Atambaev for the total amount of 27 million soms (around US\$386,700). There were co-defendants in these lawsuits. So, they demanded 20 million soms (US\$286,450) from Azattyk, 3 million soms (US\$42,960) from the director of Adilet legal clinic Cholpon Dzhakupova, and 10 million soms (US\$143,233) from two lawyers of the politician Omurbek Tekebaev. The total amount is 60 million soms (US\$859,399). The claims against “Azattyk” were withdrawn one month after they were filed. Prior to that, Atambaev met with the director of Radio Liberty, Thomas Kent, and continued to sue Zanoza.kg.

The hearings continued throughout the year, and the defendants lost the trials. A court decision banned journalists, human rights activists and lawyers from leaving the country until the end of the proceedings, while their properties were also seized. Processes were then underway to sell the defendants’ properties, who were allowed to pay their debts in instalments.²⁴ In response to this, Cholpon Dzhakupova and one of the founders of the Zanoza.kg website, Narynbek Idinov, filed a complaint to the UN Human Rights Committee against the Court’s decisions.

Only on 18 May 2018, the former president of the Kyrgyz Republic and the leader

of the SDPK party Almazbek Atambaev announced his intention to withdraw material claims against the founders of the Zanoza.kg website, Dina Maslova, Naryn Aiyp, PF “ProMedia”, as well as WHRD Cholpon Dzhakupova.²⁵ Cholpon commented on this decision of Atambaev: “But I will be realistic: I understand why this happened. The situation in the country has changed. We have used all legal mechanisms. In general, I have a two-fold attitude to the situation. I’m glad that the hassle has ended. On the other hand, I feel sorry that this did not happen in court, where the judge could show his honesty and respect for the law. I want the state institutions to work correctly.”

The SDPK party filed a lawsuit against human rights activist Rita Karasartova and 24.kg news agency under the article on the protection of honour and dignity. The reason for the lawsuit was a comment made by the human rights activist published in an article of 24.kg titled ‘Regions showed their teeth to the ruling party’. In particular, basis of the lawsuit seemed to be one of her interviews where she stated that the SDPK lost mayoral elections because of the party’s corruption. The Party lawyer, Taalaibek Usabaliev said the SDPK filed a lawsuit against Karasartova and 24.kg news agency for the protection of business reputation and compensation for moral harm. The human rights activist said the following about SDPK: “They have played the game of politics too much, they are selling posts right and left.”²⁶

In April 2018, the case was closed against the journalist Elnura Alkanova who conducted a special investigation for Fergana News Agency on the sale of a luxury settlement – the Ideal House cottage settlement, previously owned by Maxim Bakiev – son of the former President Bakiev – and people from his inner circle. In her investigation, she found ties between the new buyer and the former Prime Minister Sapar Isakov. After the investigation was published, the Prosecutor General’s Office checked if there was any connection between the Prime Minister of the Kyrgyz Republic, Sapar Isakov, with some individuals from BTA Bank CJSC who were also mentioned in the material. But the examination did not reveal a connection between the two. Then, the investigator of the investigating service of the State Agency for Combating Economic Crimes (SACEC) initiated a criminal case against Alkanova based on the Criminal Code article ‘Disclosure of commercial, banking or other secrets, as well as secrets of taxpayer information’, forbidding her to leave the country.²⁷ In light of this, Alkanova could face five years in prison and fines.²⁸ The criminal case was investigated by the SACEC, but almost all the deadlines for the investigation expired, and Alkanova was never presented with the final charge. In addition, it is known that the Prosecutor’s office refused to support the prosecution in court in light of the many shortcomings in the case.²⁹

Gulgaaky Mamasalieva, Head of the Interbilim Center defended the rights

of residents of Jalal-Abad and opposed the demolition of residential buildings in the city, and therefore was accused of sabotage by the Mayor of the city. Avazov called Gulgaaky Mamasalieva and the former candidate for the post of Ombudsman, Gulgaaky Mamasalieva, enemies of the city and asked her to “get out of the city”. The video, in which the mayor of Jalal-Abad Salaydin Avazov accuses Gulgaaky Mamasalieva was published on social media networks on 3 June 2016.³⁰

Attacks on women lawyers

In 2017, there were new cases of violence in the courtroom. On 2 May 2017, the Council of the Bar and the SCNS registered a statement regarding the beating of two lawyers in the city of Osh: Aisalkyn Karabaeva and Mukhaiyo Abduraupova. This incident occurred on 28 April 2017 in the building of the Osh City Court. A group of people beat these two lawyers who defended in court Nargiza Rajapova, a citizen accused of fraud and murder of a police colonel. The Coalition Against Torture in Kyrgyzstan reported that the trial to determine a preventive measure against Nargiza Rajapova scheduled for 28 April was held with gross violations. The complainants and relatives of the deceased police colonel organised provocations, and put pressure on the judges and the defence. Without saying a word to the defense lawyers and the accused, the judge decided to satisfy the investigator’s request for preventive measure – two months of detention

in the Jalal-Abad pre-trial detention centre. After that, according to lawyer Karabaeva, an aggressive crowd from the complainant party attacked the lawyers and beat them. The guards who, together with the accused Rajapova, were forced to hide the lawyers in a police wagon, were also beaten. When the car was driving away, the crowd shouted threats against the lawyers. The injured lawyers wrote a statement to the (SCNS) and the prosecutor's office against the investigator, who, according to the lawyers, 'leaked' the information to the injured party and, possibly, organised the attack. They also sought medical aid from doctors.³¹

Excessive checks of documents at the border and the ban on entry of HRDs, WHRDs

In 2018, a number of HRDs, WHRDs and experts stated there were excessive border checks that infringed on their rights to freedom of movement. They believe they are on the blacklist that restricts their travel abroad, and some international HRDs, WHRDs have been banned from entering the country.

The programme director of the School of Peacekeeping and Media Technologies in Central Asia, Inga Sikorskaya, says that over the past year she has been subjected to unnecessary checks, 19 times. Last time, on 16 June 2018, even her passport was targeted at Manas airport: "I was even forced to undergo double border control. They also damaged my photograph in my passport, almost a third of it was torn off. Therefore, in Kazakhstan they did not let

me pass until I presented my internal ID. First, I did not see this, I was late for the plane, I did not look. Since May last year, this was the 19th time. One of the border guards during the inspection said that it was a 'secondary', that is, a secondary list. Well, it's clear that I was included in some lists."³²

WHRD and human rights expert Mihra Rittmann who has been working with Human Rights Watch as Central Asia researcher for several years, went on vacation, and when she returned she was not allowed to cross the border. Tajik WHRD Nigina Bakhrieva arrived in Kyrgyzstan in 2009 to prepare a submission on the unrest in Nookat area to the UN Human Rights Committee, but was deported from the country without any justifications.³³

Restriction of the right to peaceful assembly

On 20 January 2018, there were plans to hold a peaceful march in commemoration of the 70th anniversary of the UN Universal Declaration of Human Rights and the International Women's march that took place around the world between 20–21 January 2018. However, despite the fact that a notice about the event was sent to the Bishkek Mayor's Office, the Pervomaisky district administration restricted movement of the march that was then held in the form of a peaceful meeting – a flash mob. In this regard, the HRM Bir Duino-Kyrgyzstan sent a request to the Pervomaysky Court to restore its rights 'on peaceful assemblies' under the Legislation of the Kyrgyz Republic.³⁴

As a result, a fine of 10,000 Soms (around US\$145) was imposed on the head of the Administration, and disciplinary sanction was incurred by the responsible officer.

Conclusion

Historically, in Kyrgyzstan, women were more involved than men in advocacy and civic activism, and as a result, they were more often subjected to harassment and pressure. WHRDs are always at greater risk and can be doubly vulnerable, both as HRDs and as women, with their relatives, friends and children potentially targeted as well. Women human rights activists and civic activists, especially in the region, do not always find the support of authorities and communities, and understanding of families. The traditional perception of the role of women, combined with diffusion and strengthening of religious views, has led to criticisms and defamation, leaving them isolated in confronting these issues. Defamation, public dishonour, multimillion lawsuits against WHRDs, prosecution, and accusations of extremist activity inflict moral, psychological, and physical damages on their state of health. This also adversely affects their professional activities, taunting their image and credibility, making them become outcasts while losing the support of their partners and donor organisations.

All the above mentioned factors indicate the need for special attention to protect the rights of WHRDs, raising their status and understanding their role in society, as well as their contribution to the protection of human rights and democracy in Kyrgyzstan. It is necessary to interact with

them, continue supporting them and fulfil the obligations to make sure the rights of WHRDs are protected by the state, international organisations and donors. Permanent funds and support programmes for WHRDs are needed to respond urgently to harassment and to provide them with protection and security.

While ensuring a better protection of the rights of WHRDs in Kyrgyzstan, the Kyrgyz authorities should:

- Protect the rights of WHRDs in accordance with the 1998 UN Declaration on Human Rights Defenders, ensuring compliance of domestic legislation with its provisions, posing particular attention to eliminating legal barriers for WHRDs to obtain financial resources, independence, the right to freedom of association, peaceful assembly and freedom of expression.
- Acknowledge the work of WHRDs and ensure expansion of the political space for civil society, including the Internet, promoting an increasingly safer and more conducive environment for civil society.
- State bodies, law enforcement agencies, and officials should refrain from any intimidating or repressive actions against WHRDs. Such actions should be condemned, investigated, and those responsible should be held accountable.
- Prevent politically motivated harassment or any other unreasonable harassment against WHRDs because of

their human rights work. In particular, WHRDs should not be subjected to judicial harassment, illegal judicial or administrative proceedings, or other abuse of administrative or judicial power, as well as arbitrary search of their offices, premises, arrest, detention and other sanctions for actions related to their human rights activities. The state should ensure the protection of their physical and personal integrity during court hearings.

- Ensure that lawyers engaged in human rights activities are not subjected to intimidation or reprisal, and threats to deprive them of the right to engage in advocacy for their efforts to protect human rights or protect HRDs and WHRDs.
- Stop discrediting WHRDs and their human rights activities, refrain from hanging negative labels or practising defamation in one form or another in their public statements.
- Develop active and constructive interaction with WHRDs, increase their participation in public life and public discussions.

We also recommend that international organisations:

- In accordance with the European Union and OSCE Guidelines for protection of the rights of human rights defenders, the OSCE Programme Office in Bishkek should play an important role in putting into

practice the OSCE EU policy regarding HRDs and WHRDs.³⁵

- Continue effective monitoring of the situation of WHRDs, especially by international human rights organisations.
- Develop projects to raise public awareness of the work of WHRDs, with the aim of creating a system that, in the event of a threat, would help mobilise broad support and protect WHRDs.
- Mainstream gender equality in the decision-making process at all levels, especially within the human rights movement and corporate sector.

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