

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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KYRGYZSTAN: SUPPRESSION OF ANTI-WAR PROTESTS VIOLATES THE RIGHT TO FREEDOM OF PEACEFUL ASSEMBLY

The authorities of Kyrgyzstan have repeatedly violated the right to freedom of peaceful assembly in recent months and persecuted those who tried to exercise it, including anti-war protesters who have left Russia following its full-scale invasion of Ukraine. The police have arbitrarily prevented and terminated peaceful anti-war demonstrations which they regarded as actions that “foment inter-ethnic tension” in Kyrgyzstan. Some peaceful protesters have been fined for their purported violations.

On 24 February in Bishkek, the capital of Kyrgyzstan, five Russian citizens were detained for holding a peaceful demonstration on the anniversary of Russia’s full-scale invasion of Ukraine in violation of their right to freedom of assembly. A further two Russian demonstrators were not detained because they were accompanied by children.

According to media reports, the demonstrators tied ribbons in the colours of the Ukrainian flag to lamp posts and railings on one of Bishkek’s main streets and laid flowers at a sculpture entitled “The earth – our home” in Emen Bagy Park.

The five detainees were taken to the police station in Pervomaiskii District. According to posts on social media and media reports, the detaining officers did not explain the reason for their detention. At the police station, officers informed them that any actions in support of Ukraine or Russia were not permitted and asked them to sign statements that they did not intend to cause “inter-ethnic tension”¹ in Kyrgyzstan. Four of the five were accused of violating the regulations for foreign citizens residing in Kyrgyzstan by not living at the place of their official registration and were fined 5,500 Som (\$63).²

Freedom of peaceful assembly is increasingly under threat in Kyrgyzstan. Since March 2022, a series of court decisions have progressively limited where peaceful gatherings can be held by banning meetings outside the parliament, Presidential administration, Russian, Ukrainian and US embassies, the central Ala Too Square and outside the main concert hall. These limitations do not apply to state organized rallies.

Since the Russian invasion of Ukraine in February 2022, a number of people have been detained and fined for their peaceful protests against Russian aggression in Ukraine. On 16 January 2023, 21-year-old Russian citizen, Timofei Ilyushin, who had fled persecution in Russia for his pro-Ukrainian views was forced to leave Kyrgyzstan after attempting to hold a peaceful protest in support of political prisoners in Russia and against the war in Ukraine. On 17 January, the day after he notified the authorities of his intention to hold a protest, four police officers from the Anti-extremism department came to the hostel where he was living and took him to the main police station. On the way to the police-station he was asked why he was in Kyrgyzstan and why he was trying to create conflict between Russia and Kyrgyzstan, and at the police station police officers threatened him with criminal prosecution for fomenting inter-ethnic tension. He was forced to sign a statement about his reasons for coming to Kyrgyzstan and for applying for permission to hold a demonstration. He was then asked to leave the country which he did out of fear for his own safety.³

On 5 and 17 March 2022 peaceful demonstrators were detained for “failing to obey the lawful demands of police officers”.⁴ On 2 April more than 20 peaceful demonstrators were detained despite the fact that they were in Gorky Square where public gatherings are permitted. They were later released by a court.⁵

¹ Article 330 of the Criminal Code “inciting racial, ethnic, national, religious, and interregional hatred (discord)” provides for a fine of 100,000 to 200,000 som or deprivation of liberty for up to five years.

² Задержание россиян за акцию в поддержку Украины. Милиция рассказала подробности - | 24.KG

³ See “Я назвал его имя: Путин”. История бегства активиста Илюшина (svoboda.org) and Россиянин, намеревающийся провести акцию у посольства РФ в Бишкеке, покинул КР - | 24.KG

⁴ See <https://kloop.kg/blog/2022/03/22/sud-oshtrafoval-dinaru-osshurahunovu-na-3000-somov-za-antivoennyj-miting-u-posolstva-rossii/and> <https://www.facebook.com/watch/?v=327220752714991>

⁵ <https://youtu.be/rOYPI6IHLWY>

As a state party to the International Covenant on Civil and Political Rights (ICCPR), the government of Kyrgyzstan has an obligation to recognise and facilitate the right of peaceful assembly. Article 21 of the ICCPR forbids any restrictions on this right other than those “which are necessary in a democratic society in the interests of national security or public safety, public order and protection of public health or morals or the protection of the rights and freedoms of others.” The assertion by Kyrgyzstani police that peaceful protest against Russia’s war of aggression in Ukraine foments inter-ethnic tension, or in any other way affects public safety or public order, is manifestly false. The state should always assist individuals and groups who wish to assemble peacefully, and the blanket application of legal restrictions such as banning all demonstrations in certain places is not in conformity with international human rights standards. Furthermore, the right to peaceful assembly must be enjoyed by all on the territory of the state party including foreign nationals as well as citizens.⁶

⁶ See OSCE Guidelines on Freedom of Peaceful Assembly, Warsaw, 2010, 73405.pdf (osce.org) and Human Rights Committee General Comment 37 on the right to freedom of peaceful assembly (2020), CCPR/C/GC/37 particularly para. 5 regarding foreign citizens.