



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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25 June 2018

Excellency,

We have the honour to address you in our capacities as Chairperson and Focal Point for Reprisals of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW).

Our Committee has received information, which we would like to bring to the attention of Your Excellency's Government. This information relates to allegations of reprisals against Anti-Discrimination Memorial and Human Rights Movement Bir-Duino Kyrgyzstan, which submitted an alternative report to the Committee in March 2015 in advance of the consideration of the initial report of Kyrgyzstan at its 22nd session (13 to 24 April 2015).

According to the information received, following the submission of the alternative report to the Committee:

- By a decision of the Oktyabrsky District Court in Bishkek in January 2017, both civil society organizations were designated as terrorist and extremist groups and their activities have been banned;
- The alternative report, which is posted on the public webpage of the Committee, was deemed to be extremist material by the Court and its distribution banned, and authors of the report could be brought to criminal liability under article 299 of the Criminal Code;
- The civil society organizations in question were not provided notice of the hearing and were thus not afforded due process.

Without prejudging the accuracy of the information made available to us, we would like to express our concern over the above measures, which appear to be the direct consequence of the engagement of these civil society organizations with the work of the Committee.

In this connection, we would like to draw the attention of Your Excellency's Government to Human Rights Council resolutions 12/2, 24/24 and 36/21 on reprisals, as well as to resolutions 27/31 on civil society space and 31/32 on human rights defenders working on economic, social and cultural rights. In these resolutions, the Council recognizes the "crucial importance of the active involvement of civil society, at all levels, in promoting good governance, including through transparency and accountability, which is indispensable for building peaceful, prosperous and democratic societies". The Council strongly and unequivocally condemns reprisals and violence, and calls upon States to combat impunity, and take all necessary measures to ensure the rights and safety of human rights defenders.

His Excellency Mr. Daniyar Mukashev
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In this connection, we would like to underline the responsibility of Your Excellency's Government to prevent and refrain from all acts of intimidation and reprisals against individuals and groups who seek to cooperate, cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights; to take all appropriate measures to prevent the occurrence of acts of intimidation or reprisal; and to ensure accountability for any act of intimidation or reprisal against those individual or and groups by ensuring impartial, prompt and thorough investigations of any alleged act of intimidation or reprisal in order to provide access to effective remedies for victims, in accordance with the international human right legal obligations and commitments of Kyrgyzstan, and to prevent any recurrence, as elaborated in Human Rights Council resolution 36/21 (paras. 3 to 5).

Moreover, we would like to refer to the Guidelines against Intimidation or Reprisals ("San José Guidelines") ([HRI/MC/2015/6](#)), which the Committee endorsed at its 24th session. In the San José Guidelines, the Treaty Bodies strongly condemn any acts of intimidation or reprisals against those cooperated, tried to cooperate or have cooperated with the Treaty Bodies. The San José Guidelines remind State parties that, by becoming party to an international human rights treaty, they undertake to cooperate with the treaty body in good faith and to exercise due diligence in doing so, including by abiding to their duty to protect individuals and groups that engage with the Treaty Bodies (paras. 2 and 3).

In view of the seriousness of the above-mentioned allegations, we would appreciate receiving information within 30 days with regard to the above matter. Please, be informed that the Committee will make information regarding these allegations of reprisals, including relevant communications with the State party, public by posting it on the its webpage.

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



Jasminka Dzumhur

Focal Point for Reprisals
Committee on the Protection of the Rights of
All Migrant Workers and Members of Their
Families



Ahmadou Tall

Chair
Committee on the Protection of the Rights of
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