
Kyrgyzstan: Stop pressuring leading independent news portal, withdraw lawsuit to shut it down

4 September 2023

We, the undersigned human rights organisations, are alarmed at the move of Kyrgyzstani authorities to close down the Kloop Media Public Foundation, which manages the leading independent news portal Kloop.kg. We call on the Kyrgyzstani authorities to immediately withdraw the lawsuit to shut down the media organisation and to stop targeting it because of its independent, investigative and human rights-focused reporting. We also urge the EU and Kyrgyzstan's other international partners to second this call and make it clear that the failure of the government to comply with its international obligations regarding freedom of expression and other fundamental freedoms will have implications for mutual cooperation.

On 22 August 2023, the Bishkek city prosecutor's office filed a [lawsuit](#) against Kloop with local courts, requesting that the organisation be closed down under article 96 of Kyrgyzstan's Civil Code because it allegedly carries out activities that "go beyond the scope of the activities provided for by its charter". The prosecutor's office based its request on the fact that Kloop is not registered as a media outlet and argued that its charter does not set out that it will engage in the dissemination of information. However, under current national law, it is not compulsory for online information platforms to register as media outlets and Kloop's charter does cover the establishment of an information platform on social, political and economic issues.

It is clear from the argumentation used in the lawsuit that it has been initiated in retaliation for Kloop's independent coverage of issues which are inconvenient to those in power, including human rights violations and government corruption. Thus, the lawsuit focuses primarily on the allegedly "negative" nature of Kloop's coverage, saying that the portal's reporting features "sharp criticism" of government policies and aims to "discredit" representatives of authorities. With reference to alleged expert conclusions, Kloop's publications are also described as being "manipulative" of public opinion and "causing harm" to public health and well-being. The lawsuit even features such far-fetched claims as that the portal's reports cause feelings of "fear, anxiety, despair and panic", leading to "psychological disorders", "aggressive criminal behaviour, sexual anomalies, addictions, suicidal inclinations and other disorders of social adaptation." The portal is accused of "zombifying" the population because of its reporting, thereby facilitating the organisation of "protests and revolutions".

The accusations made against Kloop to justify the request to close it down are absurd, partly even ridiculous, and it is apparent that they stem from officials' dislike of being publicly scrutinised, criticised

and held to account. However, this does not diminish the threat that the lawsuit constitutes to the platform.

Moreover, in addition to requesting the closure of the organization under the country's Civil Code, the prosecutor's office states that an investigation allegedly was opened against Kloop in November 2021 under paragraph 2.1 of article 327 of the Criminal Code, which penalises public calls for seizing power with up to five years in prison. The prosecutor's office does not provide any further information on the current status of the criminal investigation, as part of which the expert assessments cited in the lawsuit are said to have been carried out. However, the reference made to the investigation in the lawsuit reinforces fears that Kloop and its representatives might be subjected to further, even more serious pressure. In the recent period, the Criminal Code provision in question has repeatedly been used to initiate criminal proceedings [against bloggers](#) writing on issues which are sensitive to state officials.

Kloop learned about the lawsuit brought against it shortly after President Sadyr Japarov [publicly criticised](#) the news platform for its reporting, in particular for an article about the involvement of people close to the president, the Head of the National Committee for State Security Kamchybek Tashiev and other influential individuals in the construction of a new football academy in Kyrgyzstan, which is financially related to the Spanish FC Barcelona. For unclear reasons, the academy has been built on land belonging to the state. When commenting on the article, which was published the same day as the lawsuit against Kloop was officially filed, President Japarov said that the platform's journalists "bring only harm and no benefit" to the Kyrgyz people. Kloop's team believe that this article might have triggered the lawsuit against the platform.

The initiative to close down Kloop runs counter to Kyrgyzstan's international obligations with respect to freedom of expression and the media, under which its authorities must facilitate free debate on issues of public concern and [ensure](#) that media outlets, publishers and journalists are not penalised solely for being critical of the government or the political social system it espouses. Investigative and critical reporting, such as Kloop's, is a key element in ensuring transparency of political processes and accountability of those in power. The initiative also falls short of Kyrgyzstan's obligations to safeguard freedom of association. As pointed out by the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association, in accordance with such standards, the involuntary dissolution of an association should [only be used as a last resort](#) when there is a clear and imminent danger resulting in a flagrant violation of national law and other, less drastic measures have proved insufficient. It is clear that no such grounds are present in Kloop's case.

The Kloop news portal was launched in 2007 and is widely recognised as a leading source of independent, investigative reporting on Kyrgyzstan and the wider Central Asian region, including on topics such as politics, human rights and corruption. During its more than 15 years of operations, Kloop has repeatedly been subjected to intimidation and harassment, including during the Bakiev era when it began its independent, investigative-style reporting. However, this is the first time that legal proceedings have been initiated against it with the aim of closing it down.

The move against Kloop, which also has been criticised by [local](#) media organisations and other international human rights NGOs (including [Human Rights Watch](#), [Front Line Defenders](#) and others), comes against the background of a [deteriorating climate](#) for free speech and civic space in Kyrgyzstan. In the last two years, the authorities of the country have stepped up efforts to prevent discussion of issues of public interest and suppress criticism of those in power. Independent media outlets have come under growing pressure, criminal cases have been opened against outspoken journalists and activists and several problematic draft laws affecting media and civil society have been initiated. Independent news

sites have repeatedly been blocked under the pretext of preventing the dissemination of “false” information.

We, the undersigned NGOs, call on the Kyrgyzstani authorities to put an end to this alarming trend, which the initiative to close down Kloop fits into, and to ensure that media, online information platforms, civil society organisations, journalists, activists and human rights defenders can carry out their activities without fear and reprisals in the country. The EU and Kyrgyzstan’s other international partners should use any opportunity to deliver this message loud and clear to the authorities of the country. This should include effective follow-up on the recommendations made in the [resolution on Kyrgyzstan](#) adopted by the European Parliament on 13 July 2023, which among others, calls for a reassessment of Kyrgyzstan’s status as a beneficiary of the EU’s GSP+ trade scheme given the current crackdown on freedom of expression and the media in the country.

The statement has been signed by the following organisations:

Freedom Now

Helsinki Foundation for Human Rights (HFHR)

International Federation for Human Rights (FIDH), within the framework of the Observatory for the Protection of Human Rights Defenders

International Partnership for Human Rights (IPHR)

Norwegian Helsinki Committee

World Organisation Against Torture (OMCT), within the framework of the Observatory for the Protection of Human Rights Defenders