

# KYRGYZSTAN

	2011	2012
<b>INTERNET FREEDOM STATUS</b>	n/a	<b>Partly Free</b>
<b>Obstacles to Access (0-25)</b>	n/a	13
<b>Limits on Content (0-35)</b>	n/a	10
<b>Violations of User Rights (0-40)</b>	n/a	12
<b>Total (0-100)</b>	<b>n/a</b>	<b>35</b>

\* 0=most free, 100=least free

**POPULATION:** 5.7 million  
**INTERNET PENETRATION 2011:** 20 percent  
**WEB 2.0 APPLICATIONS BLOCKED:** No  
**NOTABLE POLITICAL CENSORSHIP:** No  
**BLOGGERS/ ICT USERS ARRESTED:** No  
**PRESS FREEDOM STATUS:** Not Free

## INTRODUCTION

The current state of internet freedom in Kyrgyzstan must be understood in the context of the aftermath of events in 2010, which included the violent overthrow of President Kurmanbek Bakiev's regime, as well as ethnic clashes between the Kyrgyz and Uzbek population that led to over 400 deaths. Shortly before Bakiev's ousting, political pressure on the media, both traditional and online, intensified. The video portal Stan.tv was closed as punishment for covering opposition meetings,<sup>1</sup> the country's largest online portal that was serving as the main platform for political discussions was shut down,<sup>2</sup> and all internet service providers (ISPs) were forced to cut off their connections to the international internet in order to prevent information from leaking out.<sup>3</sup>

However, after Bakiev's removal in April 2010, these restrictions were lifted and the flow of information returned to normal. In 2011, the environment was relatively favorable to internet freedom, as the interim government was stable and presidential elections in October 2011 were deemed competitive, though flawed. Despite such improvements, internet access remains limited primarily to urban areas and state bodies initiated several attempts in 2011 to block websites. As of April 2012, however, only one blocking order against the Central Asian news website Ferghana News (Ferghana.ru) had been implemented by the state-run ISP, KyrgyzTelecom. Meanwhile, ethnic relations remained tense and several

1 "Newspaper suspended, TV station raided in Kyrgyzstan," Committee to Protect Journalists, April 2, 2010, <http://cpj.org/2010/04/newspaper-suspended-tv-station-raided-kyrgyzstan.php>.

2 "Страна, устремленная в будущее... Кыргызстан-2010. Хроника событий" [The country directed to the future... Kyrgyzstan-2010. Chronicle of events], August 30, 2010, <http://pda.kabar.kg/kabar/full/18890>.

3 "Блокировка продолжается" [Blocking goes on ], Namba.kg (blog), April 6, 2010 <http://blogs.namba.kg/post.php?id=470>.

individuals involved in websites advocating for Uzbek rights were physically attacked during the year.

## OBSTACLES TO ACCESS

Access to information and communications technologies (ICTs) has grown in Kyrgyzstan in recent years, with internet penetration being among the highest in Central Asia, though still low by global standards. According to the International Telecommunications Union (ITU), internet penetration rate in 2011 stood at 20 percent, an increase from 12.3 percent in 2006.<sup>4</sup> The State Telecommunication Agency under the Government of Kyrgyzstan (STA) reported a notably higher figure as of October 2011, of 1.9 million people, or about 35 percent of the population.<sup>5</sup> However, a USAID-funded survey by M-Vector Research Agency in 2011 found that only 16 percent of respondents reported ever using the internet.<sup>6</sup> Among them, 51 percent were located in the capital Bishkek and 32 percent in Osh, the country's second largest city. By contrast, only 5 percent of rural respondents reported ever going online, reflecting the urban-rural divide in penetration. Cybercafés are a particularly popular means of obtaining access, with over one-third of internet users reporting that they had accessed the internet at such a venue.<sup>7</sup>

Fixed-broadband access, via either fiber-optic cables or DSL, is accessible mainly in the capital Bishkek, with broadband in the provinces provided only by the state-run KyrgyzTelecom. Broadband speeds range from 24 Mbps for DSL to 100 Mbps for the FTTx (fiber to the x) network, which is well-developed in Bishkek. The government has launched a CDMA450 mobile telephone and broadband network to expand telecom infrastructure into more rural areas, though it has only become partially active. CDMA450 phones have become popular in rural areas with more than 30,000 subscribers as of November 2011; however, only 600 subscribers actually access the internet through their phones, reflecting a low digital literacy rate among rural users.<sup>8</sup>

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4 International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2006 & 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

5 Report of the State Communication Agency under the government of Kyrgyz Republic for 10 months of 2011, by request of the public fund, Civil Initiative on Internet Policy (CIIP).

6 "Media Consumption & Consumer Perceptions Baseline Survey," M-vector Consulting Agency, April 2011, [http://m-vector.com/upload/news/media\\_survey\\_eng/Part1Researchovervieweng.pdf](http://m-vector.com/upload/news/media_survey_eng/Part1Researchovervieweng.pdf).

7 Ibid.

8 Information obtained from the former top management of Kyrgyztelecom.

Mobile phone penetration is significantly higher in Kyrgyzstan with a penetration rate of nearly 105 percent in 2011.<sup>9</sup> Mobile phone companies claim that their networks cover 90 percent of the populated territory in the country, thus opening the possibility of internet use for most people as mobile web access expands. At the end of 2010, Beeline (one of the largest mobile phone carriers) launched a 3G network that currently covers the whole country. Another large firm, Megacom, launched its own 3G network in January 2012 in Bishkek and reported plans to cover the entire country within six months. Meanwhile, Saimatelecom launched a 4G network covering Bishkek and some suburbs. With the rollout of these mobile broadband networks, the number of mobile web users had reached an estimated 20,000 as of early 2012.

Despite the spread of ICT infrastructure across the country in recent years, the price of internet access remains beyond the reach of much of the population. As an indication of the limited access among lower income brackets, the M-Vector study noted above found that only 8 percent of internet users with an average monthly income of less than 7,500KGS (about US\$160) use the internet, while about 40 percent of those with an income under 30,000 KGS (about US\$640) do.<sup>10</sup> Moreover, given high poverty rates in rural areas, accessing the internet is not a high priority for many people.<sup>11</sup> Individuals living in rural areas largely rely on mobile phone internet access because the fixed-line infrastructure is very underdeveloped. Such service costs on average between US\$40 and US\$750 per gigabyte for mobile internet access; by comparison, the average monthly income per capita is US\$190.<sup>12</sup> A lack of equipment and low computer literacy also render internet use difficult for many people in rural areas. Prices for unlimited data plans, which are primarily available in the capital, are more affordable, ranging from US\$5 to US\$100 per month for fixed-line broadband, depending on speed and download volume.<sup>13</sup>

Differing tariffs for accessing domestic versus international content are in place by fixed-line internet providers but not via mobile phone. All fixed-line operators charge about ten times less in fees or even none for internal traffic compared to international traffic. Mobile phone operators do not make this distinction in their data plans and charge the same for accessing information, wherever it may be hosted.

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9 International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2011, accessed July 13, 2012, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

10 "Media Consumption & Consumer Perceptions Baseline Survey," M-vector Consulting Agency.

11 In rural areas, about 60 percent of the population lives below the poverty line, while in cities, this number is about 30 percent. Source: "USAID Local Development Program," USAID Kyrgyz Republic, accessed September 17, 2012, <http://ldp.kg/en/tasks/chas-sector/sectors/agriculture/meat/>.

12 World Bank, "Gross national income per capita 2011, Atlas method and PPP," World Bank Databank, 2011, accessed July 18, 2012, <http://databank.worldbank.org/databank/download/GNIPC.pdf>.

13 The information is obtained by comparisons of tariff plans from the sites of ISPs.

Many social media outlets such as YouTube, Facebook, and Twitter are freely available. However, some international blog-hosting services are subjected to filtering from upstream providers based in Kazakhstan. Three of Kyrgyzstan's four first-tier ISPs are linked to the international internet via Kazakhstan and its state-run provider Kazakhtelecom; the fourth connects through Russia.<sup>14</sup> As a result, when the Kazakhstan government blocks websites, they also become inaccessible in Kyrgyzstan. Among the resources blocked in Kazakhstan are the blog-hosting service Livejournal, the news website Newsland.ru, and some Google services. Nevertheless, ISPs in Kyrgyzstan are not required to use government-owned channels to connect to the international internet and can establish their own. In 2010, the state-owned ISP KyrgyzTelecom completed the construction of a fiber-optic cable connection to China, but it has yet to begin functioning.<sup>15</sup>

Kyrgyzstan's telecommunications sector is relatively liberalized and competitive compared to other countries in the region. There are four first-tier ISPs. The state-owned KyrgyzTelecom is the largest ISP with a market share of about 60 percent, and it oversees infrastructure deployed throughout Kyrgyzstan. The other three first-tier ISPs (Elcat, Megaline, and Saimatelecom) are privately-owned. The largest among them is Megaline, which provides broadband service in Bishkek. In addition to the first-tier providers, there are 61 licensed second-tier ISPs, though only 15 are active.

There are six mobile phone operators providing voice and data services via a variety of technical standards. The two largest competitors with nearly equal market share are Megacom and Beeline. Megacom was nationalized in 2010 amidst the political upheaval. In January 2012, a court ruled that 51 percent of Megacom's shares should be returned to the owners who possessed the company before individuals affiliated with the ex-president came to unlawfully own it.<sup>16</sup>

The main body regulating the ICT industry, including radio spectrum allocation, is the State Telecommunication Agency under the Government of Kyrgyzstan (STA), which is a government body that contains a director and 137 members. The director and his two deputies are appointed by the prime minister.<sup>17</sup> Some facets of its work have been criticized, such as inefficient and non-transparent allocation of radio frequencies and restrictions on wireless mesh internet networks. Another problematic issue has been the requirement that communication devices (including computers, modems, and wireless access points) must be

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14 "Coverage area of internet service providers in Bishkek," Tilekus.com (blog), accessed September 17, 2012, <https://sites.google.com/site/tilekus/projects/internet-in-central-asia/internet-providers-in-kyrgyzstan>.

15 "Годовой отчет 2010, Кыргызтелеком" [Annual report 2010, Kyrgyztelecom], Kyrgyztelecom, accessed September 17, 2012, [http://www.kt.kg/about\\_us/documents\\_and\\_tender/#ui-tabs-3](http://www.kt.kg/about_us/documents_and_tender/#ui-tabs-3).

16 Information obtained from a conversation with top management of Megacom. The decision has yet to be published officially.

17 "Regulation on the State Telecommunication Agency under the government of Kyrgyz Republic," passed by a Resolution of the government of KR № 124, as of 20.02.2012.

locally certified by the STA.<sup>18</sup> While this requirement is not systematically enforced, its selective application could serve as an instrument of political pressure and pretext for authorities to seize “uncertified” property, though this has not yet occurred.

## LIMITS ON CONTENT

The Kyrgyzstan government does not significantly censor the internet, but some political and news websites have been sporadically blocked in the past. In 2011, there were several incidents of orders to block such content being issued, with only one block on Ferghana.ru implemented as of April 2012 (see below). This may be because television remains by far the dominant medium through which citizens obtain information about their country and thus censorship efforts have focused on broadcast media.<sup>19</sup> For example, in the run-up to the 2011 presidential elections, the government passed a statute placing stringent regulations on foreign television broadcasts related to the elections and imposing high fines for violations.<sup>20</sup> Given the difficulty of parsing content, television carriers chose to cut off access to most foreign television channels—whether they were Russian, American, or European—in order to avoid the fines. By comparison, the websites of broadcasters such as CNN, the BBC, or Russia Today remained available throughout the campaign. Online resources have not been affected by this statute as they are not considered to be mass media.

Nevertheless, there have been several incidents of government entities ordering blocks of online content, including at least one news website. In May 2011, a court in the Pervomaiski region issued a decision prohibiting the distribution of two books—*The Philosophy of Cruelty: Hour of the Jackal* and *The Philosophy of Cruelty: The Genocide Continues...*—and an accompanying video CD-ROM that documented the ethnic violence that occurred in June 2010. The books and videos, which flooded online video-sharing sites, sparked outrage in Kyrgyzstan because of their portrayal of the event as genocide against ethnic Uzbeks. The judge ruled the content illegal for inciting national hatred and banned its dissemination in Kyrgyz territory.<sup>21</sup> Later in June 2011, the Prosecutor General’s Office ordered the blocking of the portals Yandex.ru, Mail.ru, and YouTube after having discovered that the sites

18 “Regulation on rules and procedure of mandatory certification of production.”

19 According to the 2011 M-vector survey, TV still remains the primary source of information for 83.4 percent of the urban population and 93.5 percent of the rural population. Source: “Media Consumption & Consumer Perceptions Baseline Survey,” M-vector Consulting Agency, April 2011.

20 According to the statute, all overseas channels during an election campaign can only be broadcasted from recorded sources and must not contain any information about candidates that can be considered as propaganda or that can discredit them. See Article 22 of the Constitutional Law № 68, “On elections of the President of Kyrgyz Republic and deputies of Jogorku Kenesh of Kyrgyz Republic,” as of 02.07.2011.

21 “Суд вынес запрет на распространение книг «Час шакала» и «Час шакала-2» на территории Кыргызстана” [The court made the judgment to prohibit the distribution of books “Jackal Hour” and “Jackal Hour-2” on the territory of Kyrgyzstan], Kyrgyz Telegraph Agency (KirTAG), May 3, 2011, <http://www.kyrtag.kg/?q=ru/news/5870>.

contained the banned materials. The non-profit Civil Initiative on Internet Policy (CIIP) sent a letter to the management of these companies requesting that the material be removed from their sites to prevent a blanket block from being imposed. The management of Yandex.ru agreed to the request and removed the content, though the materials remain available on YouTube and Mail.ru as of mid-2012, and the blocking order was never carried out.<sup>22</sup>

In another case in June 2011, the parliament passed a resolution instructing the government to block the independent Central Asian news website Ferghana News (Ferghana.ru) also based on charges that its content could incite national strife.<sup>23</sup> In February 2012, the STA sent letters to all ISPs delineating the requirement to block the news website.<sup>24</sup> As of April 2012, only KyrgyzTelecom has implemented the blocking.<sup>25</sup>

Also in June 2011, a member of parliament suggested blocking Diesel Forum (Diesel.elcat.kg), the country's most popular online forum, claiming that it too was "inciting national strife."<sup>26</sup> The forum has been online for over ten years and is the most popular platform for discussion of a wide variety of issues, including political debates and criticism of the government. During the events of 2010, Diesel Forum was a key source of information for many citizens. Given the lack of evident rationale for the blocking suggestion, which sparked widespread opposition from the online community, the block was never implemented.

The government has also sought to restrict access to terrorism-related content. In November 2011, a top official in 10<sup>th</sup> department of the Ministry of Internal Affairs claimed that their unit for countering cyber-threats had identified 12 websites with terrorist and extremist content that were then blocked according to a court order.<sup>27</sup> Among the list of blocked websites was one belonging to the militant group Islamic Movement of Uzbekistan (furqon.com); however, according to Freedom House tests conducted in December 2011, the website remained accessible from most ISPs.

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22 Videos can be found at: [http://www.youtube.com/watch?v=vcgbMC7\\_LWU](http://www.youtube.com/watch?v=vcgbMC7_LWU), and <http://video.mail.ru/mail/uzbekbek1/268/269.html>, accessed September 17, 2012.

23 "Resolution of Jogorku Kenesh," Kenesh.kg, June 17, 2011, <http://kenesh.kg/RU/Pages/ViewNews.aspx?id=8&NewsID=2678>.

24 "Пресс релиз Государственного агентства связи при Правительстве Кыргызской Республики" [Press-release of the State Telecommunication Agency under the government of Kyrgyz Republic], as of 22.02.2012.

25 "Independent News Website Partly Blocked in Kyrgyzstan," Radio Free Europe/Radio Liberty, February 22, 2012, [http://www.rferl.org/content/independent\\_news\\_website\\_partly\\_blocked\\_in\\_kyrgyzstan/24492408.html](http://www.rferl.org/content/independent_news_website_partly_blocked_in_kyrgyzstan/24492408.html).

26 "Депутат «Ар-Намыса» требует привлечь к уголовной ответственности форум «Дизель»" [The deputy of "Ar-namys" political party demands that the forum "Diesel" to be criminal proceedings taken against ], Kloop.kg (blog), June 20, 2011, <http://kloop.kg/blog/2011/06/20/deputat-ar-namysa-trebuetch-privlech-v-ugolovnoj-otvetstvennosti-k-dizel-forum/>.

27 "12 сайтов заблокировано на территории Кыргызстана за распространение слухов экстремистского характера" [12 sites have been blocked in Kyrgyzstan as spreading rumors of extremist kind], Kyrgyz Telegraph Agency (KirTAG), November 28, 2011, <http://www.kyrtag.kg/?q=news/13260>.

According to the legal requirements in place under the 2005 statute, “On Counteraction to Extremist Activities,”<sup>28</sup> the procedure by which a website can be blocked must first begin with a request to the prosecutor.<sup>29</sup> Then a review committee must be assembled consisting of representatives from different organizations (linguistic, religious, legal, etc.) that could confirm the extremist orientation of a site, though the committee members are appointed by the government, calling into question the committee’s independence and level of objectivity. Once confirmation is granted, a court will issue a judicial decision to block the website. When implementing a blocking order, ISPs in Kyrgyzstan generally do so by blocking access to the website’s internet protocol (IP) address. Should the IP address change, the website would become accessible again. Since there is no consistent monitoring of the status of blocks by the authorities, their effectiveness is limited. In a different dynamic, the Central Election Committee in July 2011 rejected several accreditation requests by internet-based news agencies to cover the presidential election campaign. The committee claimed that under Kyrgyz law, the online news sites were not considered “mass media” and that only mass media are permitted to cover election campaigns.<sup>30</sup> After criticism by local experts and international organizations such as the European Union,<sup>31</sup> Human Rights Watch,<sup>32</sup> and the Committee to Protect Journalists,<sup>33</sup> parliament reversed the decision the following month and allowed online information agencies to take part in election coverage.<sup>34</sup>

Self-censorship online exists to a degree, primarily as a result of government restrictions against the incitement of national hatred. All posts on forums are strictly moderated to limit this type of content, and online journalist or bloggers generally try to avoid issues concerning ethnic relations.

28 Dmitry Golovanov, “Kyrgyzstan: Extremism Outlawed,” IRIS Merlin, August 2005, <http://merlin.obs.coe.int/iris/2005/8/article26.en.html>; “The statute on counteraction against extremist activities” as of, 20.02.2009.

29 Representatives of the 10<sup>th</sup> department explained the procedure to the author in a private interview in December 2011.

30 Kalicha Djamankulova, “Информационные агентства не допустили к предвыборной агитации” [Information agencies are not allowed to cover the presidential elections], Knews.kg, July 21, 2011, <http://www.knews.kg/ru/vybory/1104>.

31 Jeanne Khusainova, “Европейский союз: Информационные агентства в Кыргызстане должны использовать все законные возможности для отстаивания своих прав” [European Union: information agencies in Kyrgyzstan should use all legal resources to assert their rights], 24kg.org, July 28, 2011, <http://www.24kg.org/election2011/105863-evropejskij-soyuz-informacionnye-agentstva-v.html>.

32 Jeanne Khusainova, “Human Rights Watch: ЦИК Кыргызстана должен аккредитовать информационные агентства для участия в предвыборной агитации” [Human Rights Watch: CEC of Kyrgyzstan has to accredit information agencies to cover the presidential elections], 24kg.org, August 5, 2011, <http://www.24kg.org/election2011/106343-human-rights-watch-cik-kyrgyzstana-dolzen.html>.

33 Jeanne Khusainova, “Комитет по защите журналистов призывает ЦИК Кыргызстана позволить информационным агентствам участвовать в освещении выборов” [Committee to Protect Journalists appeals CEC of Kyrgyzstan for allowing information agencies to cover presidential elections], 24kg.org, July 28, 2011, <http://www.24kg.org/election2011/105864-komitet-po-zashhite-zhurnalistov-prizyvaet-cik.html>.

34 Askar Aktalov, “Жогорку Кенеш: «Информационные агентства имеют право принимать участие в предвыборной агитации»” [Jogorku Kenesh: information agencies have a right to cover the presidential elections], Knews.kg, August 16, 2011, [http://www.knews.kg/ru/parlament\\_chro/1862/](http://www.knews.kg/ru/parlament_chro/1862/).

The Kyrgyz blogosphere is not well-developed. There are several popular blog-hosting platforms in Kyrgyzstan (such as Namba.kg, Kloop.kg, Diesel.elcat.kg, and Taboo.kg), but most blogs focus on entertainment, reprint reports from other news agencies, or simply contain a blogger's private thoughts on different issues. There are no particularly popular blogs specifically devoted to political or social issues. Most blogs are in Russian, though some are in the local Kyrgyz language, but the latter are not as popular as the former. The internet in general has become an important source of alternative information for users, but since it is primarily the wealthier segments of the population who can afford to consistently access the internet, the wealthy are the main active participants in online communities. Social media applications such as Facebook have not yet gained widespread popularity. As of March 2012, there were about 75,000 Facebook users in Kyrgyzstan, representing only about 3 percent of online users.<sup>35</sup>

Several online initiatives were launched in the run-up to the 2011 elections, including the website Politmer.kg created to allow Kyrgyz citizens to monitor the campaign promises made by the presidential candidates, and the crowd-sourcing website Map.inkg.info created to document and map out election violations. During pre-election debates, some forum topics were created to collect questions for the candidates.

## VIOLATIONS OF USER RIGHTS

Following the violent overthrow of President Bakiyev in 2010, a new constitution was approved by referendum in June 2010, which strengthens the power of parliament vis-à-vis the president. Article 31 of the constitution guarantees the right to freedom of thought, expression, speech, and press. Article 29 provides constitutional protections over privacy, including private correspondences (by phone, mail, electronic or others), and forbids the collection or dissemination of confidential information without an individual's consent. Nevertheless, the judiciary is not independent and remains dominated by the executive branch. Corruption among judges, who are underpaid, is also widespread, hindering the fairness of decisions in freedom of expression cases as well as others.<sup>36</sup>

In July 2011, the government decriminalized libel to bring legislation in line with the new constitution. Nevertheless, "insult" remains a criminal offense. Officials have long used libel charges to stifle critical media but have not applied these against bloggers to date.<sup>37</sup> The

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35 "Kyrgyzstan Facebook Statistics," Social Bakers, accessed March 2012, <http://www.socialbakers.com/facebook-statistics/kyrgyzstan>.

36 Aili Piano (ed.), "Kyrgyzstan," *Freedom in the World 2012*, <http://www.freedomhouse.org/report/freedom-world/2012/kyrgyzstan>.

37 "OSCE Hails Kyrgyzstan Decision to Discriminate Libel," The Telegraph, July 19, 2011, <http://www.telegraph.co.uk/news/worldnews/asia/kyrgyzstan/8648135/OSCE-hails-Kyrgyzstan-decision-to-decriminalise->

criminal code contains several provisions (Articles 299 and 299-1) that prohibit “inciting national, racial, religious or inter-regional hostility.” As noted above, the government has sought to apply these provisions in some cases to restrict nonviolent political speech. Nevertheless, there have been no cases of an individual being punished for views or information published online.

All traditional media outlets must register with the government. In June 2011, the Prosecutor General’s Office<sup>38</sup> proposed amending the statute that regulates mass media<sup>39</sup> to include internet news websites as a form of mass media, requiring them to have a license and to operate with the same responsibilities as traditional media outlets. In January 2012, an expert from the Government Office seconded the recommendation.<sup>40</sup>

There are currently no restrictions on anonymous communication on the internet. Websites do not need to register, encryption software is freely available, and real-name registration to post content online is not required. Furthermore, registration for prepaid SIM cards is optional; however, post-paid SIM cards, which are rarely used, do require registration with a passport.

The director of the Ministry of Internal Affairs claimed in October 2011 that their department on countering cyber threats monitors online content with the aim of identifying provocative rumors and then determining who is behind them.<sup>41</sup> This statement appears to be unfounded, however, as the ministry is known to lack personnel with sufficient technical qualifications for such work.

Nevertheless, several scandals in 2010 and 2011 revealed the abuse of equipment for intercepting communications. While the scandals involved the interception of phone communications, the equipment can also be applied to the internet. One such scandal involved a phone conversation between two members of a provisional government regarding the fraudulent appropriation of US\$1 million.<sup>42</sup> A subsequent study from June 2011 by the

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[libel.html](#).

38 “Генпрокуратура Кыргызстана предлагает «законодательно к СМИ отнести интернет-издания и сайты, зарегистрированные в зоне .kg»” [Prosecutor General’s Office suggests “to legalize internet agencies and sites, registered in .kg zone, by inclusion them in the list of mass-media”], 24.kg, June 6, 2011, <http://www.24.kg/community/101891-genprokuratura-kyrgyzstana-predlagaet.html>.

39 The law, “On mass-media,” June 16, 2008, <http://www.medialaw.kg/?q=node/9>.

40 Nurzada Тынаева, “Эксперт Аппарата правительства предлагает разработать новый закон «О СМИ», чтобы регулировать информагентства” [The expert of the Government Office suggests to work out the new statute on mass-media to regulate information agencies], Knews.kg, January 17, 2012, [http://www.knews.kg/ru/parlament\\_chro/9145/](http://www.knews.kg/ru/parlament_chro/9145/).

41 “Программисты 10-го управления МВД КР вычисляют распространителей слухов по Интернету” [The programmers of the 10<sup>th</sup> department of the Ministry of Internal Affairs determine the spreaders of rumors in Internet], October 25, 2011.

42 Video of recorded phone conversation can be viewed at: <http://www.youtube.com/watch?v=zGKUrgGkyzg>.

non-profit CIIP analyzed the legislative framework surrounding interception and its enforcement. It concluded that there were many gaps in the law that enabled interception equipment to be used, and even abused, without sufficient oversight.<sup>43</sup> In April 2011, the parliament passed a decision to switch off all interception equipment deployed on the premises of mobile phone operators.<sup>44</sup> According to reports by members of parliament from September 2011, however, the equipment continues to function.<sup>45</sup> As of February 2012, the CIIP together with the Kyrgyz State Committee on National Security and several human right organizations were working to draft amendments to the statute on the Conduct of Investigations—the body responsible for regulating these issues—that would clarify the circumstances surrounding the use of interception and provide a more adequate legal framework.

Amidst ongoing ethnic tensions, in 2011, there were several reported instances of physical attacks or intimidation of members of minorities associated with news websites. In August, Sokhrukh Saipov, the editor and publisher of the news website UzPress, was brutally attacked, although it is unclear whether Saipov was attacked specifically for his online activities. Nevertheless, the website publishes content in three languages about the social and political challenges affecting ethnic Uzbeks in southern Kyrgyzstan.<sup>46</sup> In a separate incident in May 2011, followers of the nationalist Asaba party threatened non-ethnic Kyrgyz staff of the online news agency 24.kg.<sup>47</sup>

During 2011, there were no politically motivated cyberattacks reported in Kyrgyzstan, including in the run-up to the presidential elections. In 2005, however, the OpenNet Initiative recorded the extensive use of distributed denial-of-service (DDoS) attacks against opposition and news websites, demonstrating a precedent for such attacks.<sup>48</sup> In September 2011, there was one incident of the Kabar.kg government online news agency website being defaced by hackers, but this did not significantly obstruct its work. In March 2012, the social entertainment resource Namba.kg experienced a DDoS attack that was apparently part of an extortion attempt.<sup>49</sup> In the same month, the news agency Vesti.kg also reported a DDoS

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43 “Анализ законодательства КР на соответствие применения СОПМ, – предварительное заключение” [Analysis of the Kyrgyz legislation, concerning lawful using of interception equipment -preliminary conclusion], Gipi.kg, accessed September 17, 2012, <http://www.gipi.kg/archives/1743>.

44 Resolution of Djogorku Kenesh № 332-V as of 15.04.2011, “On switching off mobile operators' lawful interception equipment.”

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attack on its site,<sup>50</sup> presumably because they had been republishing articles from Ferghana.ru.

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50 Anna Yalovkina, “Редактор "Ферганы": Трудно судить, связаны ли DDoS-атаки на "Фергану" и "Вести"” [Editor of *Fergana*: It’s hard to judge whether DDoS attacks on Fergana and Vesti are related], Vg.kg, March 29, 2012, [http://www.vb.kg/news/society/2012/03/29/183948\\_redaktor\\_fergany\\_trydno\\_sydit\\_sviazany\\_li\\_ddos\\_ataki\\_na\\_fergany\\_i\\_vesti.html](http://www.vb.kg/news/society/2012/03/29/183948_redaktor_fergany_trydno_sydit_sviazany_li_ddos_ataki_na_fergany_i_vesti.html).