

A TV journalist, Raushan Aitkulova, filed a petition to the General Prosecutor's Office against the president of Kyrgyzstan, Sooronbai Zheenbekov, and the government saying they were guilty of coronavirus deaths.

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In her petition, Aitkulova indicated the inaction and mediocrity of the government and the president of Kyrgyzstan mentioning the words of Zheenbekov who said he owed nothing to no one at the parliamentary session on June 30. According to the journalist, these words prove his indifference and apathy to the citizens of the country.

On July 13, she filed a petition to the General Prosecutor's Office.

Let's gain insight with lawyer **Zamir Zhooshev** into the reasons why Sooronbai Zheenbekov might be put on trial and what force his words have.

## What have Sooronbai Zheenbekov and the government done?

The petition of Raushan Aitkulova has a whole list of claims against the head of Kyrgyzstan and the cabinet of ministers.

1. During the emergency, the state failed to regulate prices on medications and medical equipment in favour of "pharmaceutical oligarchs", which resulted in lethal outcomes.
2. They did not prepare beds and hospitals for patients despite their promise, which also resulted in deaths of citizens.
3. They failed to supply the necessary quantity of medical equipment, lung ventilators, oxygen concentrators and pulseoxymetry devices.

She also indicated in her petition the growth of corruption in the country during the pandemic. According to Aitkulova, the reason was the bulge in treatment prices, lack of medications and medical equipment, which caused deaths of people.

According to July 15 data, Kyrgyzstan has 11,977 coronavirus cases, including 160 deaths.

497 more people have died because of community-acquired pneumonia, whose outburst is now registered in the country.

## What could they do about the coronavirus?

According to Aitkulova's petition, the president, first of all, should have:

- Held more active campaign against coronavirus by taking control of it;
- Introduced state regulation of vital medications;
- Provided for sufficient number of beds in hospitals and clinics for all patients;
- Provided necessary medical equipment;
- Distributed donor funds in a more reasonable way;
- Controlled the situation in the country in a tougher way, especially after the removal of lockdown measures;
- Preserved the national economy by supporting the businesses.

## Can a president be put on trial?

Yes, he can. Even despite the office and privileges, the president and members of the government remain the citizens of Kyrgyzstan. If the General Prosecutor's Office finds, after the investigation, that they really committed a crime, they will get the status of suspects.

In this case, the members of the government may be summoned for interrogation during the investigation of a criminal case initiated by Aitkulova. If enough reasons are found, they can be put on trial.

As to the president, this course of events regarding him will be possible only if he leaves office on his own or after his impeachment. This procedure falls within the parliament cognisance.

## What is the procedure against the president?

Charges against the head of state may be brought by the parliament only by means of voting. To declare impeachment, at least 40 members of parliament must demand the extraordinary meeting, when a special committee has to bring charges against the President of Kyrgyz Republic.

The general prosecutor of Kyrgyzstan must confirm this decision. In other words, the General Prosecutor's Office must find signs of crime in any deed of the President.

Then, if at least 80 MPs support this decision within three months and vote for the removal of the head of state, the President may be put on trial.

Given the fact that the parliament is on vacation until September, it will be difficult to do this. However, it is possible.

## Fine. What about the petition filed to the General Prosecutor's Office?

Within 24 hours of the date of filing, the General Prosecutor's Office must register the petition in the Unified Register of Crimes and Offences (ERPP). Afterwards, the criminal case shall be deemed initiated and subject to transfer to Ministry of Interior Affairs or State Economic Crime Service for investigation.

The investigator or group of investigators will carry out the inspection and decide whether a crime was committed or not. If they find the crime was committed, individual officers must be recognised as suspects and they should be imposed a pre-trial restraint up to placement to a pre-trial detention facility.

## What can president and government face?

Raushan Aitkulova asked to initiate a case regarding the ex and current prime ministers, as well as other members of the government under article 320 of the Criminal Code of the Kyrgyz Republic "Misfeasance in office":

1. Misfeasance in office by an official despite the interests of the service that resulted in harm intentionally or negligently.
2. The same act committed for advantage of oneself or other persons or on personal grounds.

As to the president, she asked to investigate his involvement in this.

According to part 4 of the said article, if an official holding a responsible post commits a crime, the punishment would be imprisonment from 7.5 to 10 years, a fine 180-220 thousand som (2.3-2.8 thousand dollars) without the right to hold certain posts or to be

engaged in a specific activity for up to three years.

## I don't believe it is possible in Kyrgyzstan. What are the chances?

In practice, the chances are the petition won't be registered. Even if it is registered with the ERPP, the investigating body and the prosecutor's office can pretend to verify facts specified in the petition and then stop the pre-trial procedure due to absence of the event of a crime or an offence.

This prediction is suggested by the inaction of the general prosecutor who does not see or hear what happens in the country because of the pandemic. However, he has failed to take any measures at his initiative. Although, according to the legislation of Kyrgyzstan, citizens must not necessarily write a petition to the General Prosecutor's Office for the public prosecutor to start protecting public interests.

Main photo: [knews.kg](http://knews.kg)



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