

«Against the background of expanding the powers of the law enforcement agencies and limiting control mechanisms, the risks of corruption, unlawful actions and abuse of authority has increased,» mentioned by researcher Anna Zubenko, in her article written specifically for CABAR.asia.

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The appearance of COVID-19 in Kyrgyzstan, the subsequent declaration of an emergency situation, and state of emergency in some localities, exposed a number of systemic problems in public administration. The law enforcement agencies were not an exception. They were assigned the main burden to ensure compliance with the rules, but against the background of expanding powers and limiting control mechanisms, the risks of corruption, unlawful actions and abuse of authority increased. The reform of the patrol police in Bishkek, whose main achievements and goals under the new conditions were undermined, was also under threat. However, the employees/officers themselves have been in a vulnerable position: the incidence among law enforcement officers is increasing, and there is still no clarity on compensation payments.

Amplification during the state of emergency

From March 25 to May 10, 2020, a state of emergency was introduced in certain territories of Kyrgyzstan. To ensure compliance with the regime, commandant's offices were formed, in which the leading role was given to the Ministry of the Interior Affairs. The presidential decree on March 24 determined the framework for temporary restrictions on the rights and freedoms of citizens, and the further development of restrictive measures was entrusted to the commandant's office.

In this context, the mechanisms of "external" control of the activities of the security forces were seriously undermined. The restrictions during the state of emergency affected the activities of the Ombudsman, the National Center for the Prevention of Torture, civil society organizations, lawyers, and other parties whose activities contributed to the monitoring of compliance with the law. There were no direct restrictions or prohibitions on their activities, but the created pass system prevented the full-fledged operation of these structures. Messages about problems appeared in social networks, the mass media, and

reports of monitoring organizations.[\[1\]](#)

Since May 11, the state of emergency has been lifted, but the quarantine imposed in some places turned out to be no less stringent than the state of emergency, preserving favorable conditions not only for maintaining discipline, but also for corruption and police arbitrariness.[\[2\]](#)

Legal uncertainty

Both during the state of emergency and after the introduction of quarantine, the statements of the authorities on the restrictions and consequences for their violation contradicted each other, and the documents defining these measures were not published on time. A vivid example is the report of fines for citizens who do not wear masks in public places,[\[3\]](#) or the requirement of several certificates for entry and movement in the city of Bishkek, when citizens received conflicting information for several days. Such legal uncertainty not only aroused indignation of experts and society,[\[4\]](#) but also created the conditions for a free interpretation of the norms by police and other structures. This situation was also reinforced by the presence of different decision-making centers.

Monitoring of the actions of law enforcement agencies in emergency situations and states of emergency conducted by public organizations showed that there were problems in interpreting the established rules by both law enforcement officers and citizens. For example, citizens who had the necessary permits, approved by orders, hardly passed sanitary checkpoints, or were not allowed to pass at all. At the same time, citizens with the same package of documents at different checkpoints faced a different reaction from the security forces. On the other hand, citizens themselves did not fully understand the requirements of commandant's offices for traveling through posts, perceiving the requirements of permits as illegal.[\[5\]](#)

Restrictions on the movement of citizens within quarantine zones are dictated by the need to prevent mass infection. However, insufficiently regulated measures "untied the hands" of law enforcement officers, expanding their powers - citizens have been constantly stopped in the streets for document checkups. During such contacts, citizens noted a rude attitude (20.8%), extortion of bribes (8.3%), non-compliance with keeping distance (6.9%) rules. Moreover, in more than half of the cases (55%), officers did not show their documents and did not present themselves.[\[6\]](#)

Monitoring showed that in this case, the human factor played a large role - under the same conditions, patrolling the territory employees behaved differently. For example, a citizen

could be fined, delivered to the police station, or explained the quarantine rules for lack of documents or incorrectly filling out a rout sheet.[\[7\]](#)

The reason for the violations by the police and other structures providing order during the state of emergency was the obscure wording of the requirements regarding - “not going outside” without a reason. Although the main places allowed to visit were voiced by representatives of the Republican headquarters, in fact, officers, while interacting with citizens, themselves determined how “valid” the reasons for going outside were. At the same time, officers could issue a protocol of violation. According to some reports, the police issued a plan for the number of issued protocols on violations.[\[8\]](#)

Route sheets and curfew

The requirement to have routing sheets with you when walking around the city has been repeatedly voiced in the mass media. Law enforcement officers made violation reports under article 82 of the Code of Violations with a fine of 30 calculated indicators (disobedience to the lawful order of an internal affairs officer who is responsible for maintaining public order). However, an analysis by lawyers revealed the illegality of such fines. Since the requirements of the compulsory routing sheet were not enshrined normatively in orders and were not published, as required by the Constitution, and fines for its absence are illegal.[\[9\]](#)

In emergency situations, curfews operated in certain territories, for violation of which, in addition to compiling a protocol, violators were delivered to police stations and kept until morning. Such conditions could carry the risk of infection for both the officers themselves and detainees who were locked together in the room for several hours. In the period from March 25 to May 11, 5027 citizens were delivered to the territorial bodies of internal affairs. A protocol was drawn up against 1399 citizens and they were fined. A warning was received by 3628 citizens.[\[10\]](#)

The practice of detention also had high risks of violation of human rights, in particular, the use of violence and torture against violators. The resonance was caused by a video, which appeared on the Internet in which an officer of one of the district departments of the interior affairs of the capital was beating a detainee for violating curfew.[\[11\]](#) Materials on this fact were submitted to the prosecutor’s office, but no public reaction or explanation was given in this case, as well as for other violations.

There are practically no reports of criminal cases or official checks against law enforcement officers in the public space, while there are many reports of violations of the law and human rights. This situation leads to an increase in mistrust among the population and the formation of a false idea of “permissiveness” for law enforcement officers.

The threat of disruption to the reform of the patrol police in Bishkek

Ensuring public safety and crime prevention faded into the background while fighting against the virus. The main priority was the maintenance of quarantine measures, which were and still remain mostly restrictive. The main burden in Bishkek fell on employees of the Police Patrol Service (hereinafter: PPS).

In 2019, a pilot model of patrol police was introduced in Bishkek. The main goal of the reform was to create a service-oriented service (instead of the traditional traffic police) that would not only ensure compliance with traffic rules, but also ensure public safety. Patrols were created to respond to calls through the “102” service and to patrol strictly defined areas. Thanks to the renewal of personnel with the involvement of civilian employees and the removal of incompetent personnel, for the first time in a long period, positive ratings from residents had prevailed. Positive feedback was to a large extent associated with the rejection of the main corruption symbol - militiaman’s baton, as well as with the polite and tactful attitude of new officers towards citizens.[\[12\]](#)

With the introduction of the state of emergency, all PPS forces were thrown at restricting the movement of citizens. The number of conflict situations has increased, corruption risks have intensified due to the temporary return of the practice of using the militiaman’s baton. This measure carries the risk of reorienting the work of employees to previous punitive methods of work - “catching” traffic violators and writing out fines. As a result, overall security and service efficiency will decrease. Previous attempts to reform this service have shown that with permission to use militiaman’s baton, most of the time officers spend on the sidelines, patrolling time reduces, and then totally disappears. Thus, the reform can be completely failed, because the service will return to its previous conditions with a high level of corruption.



When allowed to use militiaman's baton, most of the time officers spend on the sidelines, where patrolling time is reduced. Photo: Sputnik

Later, the leadership of the PPS stated that officers were allowed to use the militiaman's baton only during a state of emergency, and after it ends, the militiaman's baton will be banned again.^[13] However, control over the implementation of this measure needs to be strengthened, in order to avoid abuse of power by inspectors.

Infections among officers and lack of clarity regarding compensation

In the fight against COVID-19, law enforcement officers were at the forefront. More than five thousand police officers were involved in ensuring the emergency regime, and more than a thousand officers patrolled the cities and regions of Kyrgyzstan every day.^[14] Data on the number of employees after the withdrawal of the state of emergency has not yet been declared.

As in the case of doctors, the public criticizes the authorities due to the fact that police officers are not provided with sufficient means of protection. At first, non-governmental and international organizations, businessmen, the Council of Veterans, and the Public Council of the Ministry of Internal Affairs assisted in the purchase of masks, as was reported on the official website of the department. However, the official position is unchanged – the

authorities claim that the security forces are provided with all necessities. At the same time, anonymous messages appear on social networks that the security forces are not provided with food and transport.

Several photos of crowded bus appeared on the Internet, where police officers were delivered to their duty station.[\[15\]](#) Later, the agency explained that sanitary measures were being followed, disinfection was being carried out, and police officers were provided with masks to eliminate the risk of infection. However, maintaining this state of affairs with the transportation of police officers is still risky, given the increase in incidence rate.





Employees of the Ministry of Internal Affairs get to work on a crowded bus, where a safe distance from infection has not been observed.

The anonymity of such messages is explained by the fear of dismissal - employees are afraid to talk openly about problems. A significant case occurred in the Suzak region, where a police officer was fired after reporting a lack of protective suits and a lack of adequate nutrition.[\[16\]](#)

As of May 13,[\[17\]](#) 53 cases of infection, or 5% of all cases registered in the country, were recorded among law enforcement officers. Sick employees were identified in Bishkek (39 people or 13.8% of all infected in Bishkek) and in Naryn (14 people or 10.2% of all infected in Naryn). Moreover, an increase in the number of infected among representatives of law enforcement agencies and military personnel is possible, if the issue of ensuring their protection is not resolved in the near future.

The question of compensation payments remains open. It has already been stated that in the event of a coronavirus infection, compensation payments to the security forces are not

provided, unlike medical workers. Additional funds to law enforcement officials will be paid only for work during the state of emergency. It remains unclear to what extent and what categories of employees will receive compensation. There are doubts that the government will be able to fully fulfill this obligation due to the budget deficit, but so far it has been officially announced that there are funds and issues will not occur.[\[18\]](#)

Conclusion

The situation with coronavirus showed gaps in managerial decisions on quarantine measures and their inconsistency. The nationwide problem has been confirmed – state bodies are not able to analyze previous experience and practice in order to make more effective decisions. As the emergency situation continues to operate, and quarantine is introduced in certain territories, it is necessary first of all to eliminate legal gaps that lead to violation of citizens' rights and corruption. These problems were identified at the stage of the commandant's office, but still not resolved.

Government agencies are not able to analyze past experience and practice in order to make more effective decisions.

Another point that concerns all structures of the country is concealment of problems and pressure on employees who voice these problems. This also applies to doctors who apologized in front of the camera under pressure, and police officers who are forced to anonymously ask for help. Police officers and other structures providing emergency situations should be provided with protective equipment, food, transportation, and everything necessary for work. Complaints voiced by officers should be investigated by management, and not lead to their dismissal.

It is necessary to strengthen the work of the supervisory authority – the prosecutor's office, which should monitor the legality of the actions of various structures involved in ensuring the emergency regime. Law enforcement agencies should be given priority because they are the ones that enforce restrictive measures. Along with this, it is necessary to strengthen the work of the Internal Investigation Service of the Ministry of Internal Affairs to conduct official investigations of violation cases. Information on the results of such inspections should be as open as possible, as well as data on criminal cases against police officers. The audit should also touch upon the effectiveness of the allocation of remedies from the budget and received from humanitarian aid in order to find out at whose fault the officers are being in danger of getting infected.

Regarding the activities of patrol police, efforts must be made to restore confidence. Since

the Safe City project has already been implemented in Bishkek and considering the first results of the operations of the PPS, cameras and patrols are enough to maintain good road safety. The priority of the patrol police should be the maintenance of public safety, since under the conditions of quarantine and social tension the level of crime can increase. Mandatory transparency is required in punishing employees who violate work ethics and legislation. Purge of personnel should continue, in order to exclude the spread of corruption among the ranks of the patrol officers.

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[1] [Results of monitoring the actions of power structures in emergency situation/ state of emergency // Civil Union](#)

[2] [Lawyers are sounding the alarm: the authorities created the conditions for police arbitrariness and corruption // 24.KG news agency](#)

[3] [The government has denied information from Bishkek's commandant's office that a fine was not provided for the absence of a mask](#)

[4] ["Fines are illegal!" Authorities are required to publish acts of quarantine restrictions // Kaktus.media](#)

[5] [Results of monitoring the actions of power structures in emergency situation/ state of emergency // Civil Union](#)

[6] Ibid

[7] Ibid

[8] Ibid

[9] [All protocols related to the absence of route sheets should be canceled](#)

[10] [Ministry of Internal Affairs urges citizens to comply with emergency requirements throughout the country](#)

[11] [The police beat the curfew violator in Bishkek // news agency "24.kg](#)

[12] [Civil Union survey results](#)

[13] [PPS: Inspectors stopped going to the streets of Bishkek with a militiaman's baton // Kaktus.media](#)

[14] [President Sooronbay Jeenbekov met with the Minister of Internal Affairs – Kashgar Dzhunushalieva // mvd.gov.kg](#)

[15] [PHOTO: Policemen getting to work in a crowded bus](#)

[\[16\] A policeman was fired in Suzak, who spoke about the lack of overalls for law enforcement officers at checkpoints.](#)

[\[17\] Coronavirus detected in 53 security officials in Kyrgyzstan - Ministry of Health](#)

[\[18\] The provisions of compensation to law enforcement officers will take place // news agency "24.kg"](#)



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