



LAW OF THE KYRGYZ REPUBLIC

dated January 28, 2019 No. 19

On the protection of persons who reported corruption offenses

(As amended by the Law of the Kyrgyz Republic dated January 22, 2021 No. 11)

Adopted by the Jogorku Kenesh of the Kyrgyz Republic on December 20, 2018

Article 1. Subject of regulation of this Law

This Law is aimed at protecting the rights and freedoms of citizens, ensuring the protection of persons who reported corruption offenses from prosecution, establishes the legal and organizational framework for the protection of these persons, and is also aimed at strengthening public confidence in the state and its structures.

Article 2. Legislation of the Kyrgyz Republic on those who reported corruption offenses

The legislation of the Kyrgyz Republic on the protection of persons who have reported corruption offenses is based on the Constitution of the Kyrgyz Republic and consists of this Law and other regulatory legal acts of the Kyrgyz Republic that have entered into force in the manner prescribed by law international treaties to which the Kyrgyz Republic is a party, as well as generally recognized principles and norms of international law.

This Law applies to persons who reported corruption offenses, whose reports were confirmed during the audit.

Article 3

1. Bodies providing state protection are:

- 1) bodies that make decisions on the implementation of state protection;
- 2) bodies implementing security measures.

2. The decision on the implementation of state protection is made by the court (judge), the prosecutor, the head of the body of inquiry or the investigator, in whose proceedings there is an application (report) on a crime or a criminal case.

3. The implementation of security measures is assigned to the bodies of internal affairs, national security, the penitentiary system, to combat economic crimes in criminal cases that are in their production! or referred to their jurisdiction, as well as to other state bodies, which may be entrusted in accordance with the legislation of the Kyrgyz Republic with the implementation of certain security measures.

4. Security measures in relation to protected persons in criminal cases pending in the court or the prosecutor's office are carried out by the decision of the court (judge) or the decision of the prosecutor by the bodies of internal affairs, national security, the penitentiary system, to combat economic crimes, located at the place location of the protected person.

5. Security measures in relation to protected persons from among the military personnel are also carried out by the command of the relevant military units and the higher command.

6. Security measures in relation to protected persons held in pre-trial detention centers or in correctional institutions are also carried out by institutions and bodies of the penitentiary system of the Kyrgyz Republic.

Article 4. Principles for the protection of persons who have reported corruption offenses

The principles for the protection of persons reporting corruption offenses are:

- 1) legality, respect for the rights and freedoms of man and citizen;
- 2) creation of conditions for the formation in society of an atmosphere of intolerance towards manifestations of corruption;
- 3) ensuring guarantees against unlawful interference in the professional (labor) activities of persons who have reported corruption offenses, from official prosecution;
- 4) responsibility of persons who disclosed information about persons who reported the facts of corruption offenses;
- 5) warning about the harmful consequences of corruption offenses.

Article 5. Ensuring the confidentiality of information about the protected person

1. Information about the person who reported the fact of corruption offenses may be classified only after confirmation of the information provided in the application.

Classification should be carried out at the request of the protected person or with his consent.

The classification procedure is established in accordance with the legislation of the Kyrgyz Republic on the protection of state secrets.

In the cases provided for by paragraph 1 of Article 7 of this Law, the authorized bodies ensure the personal safety of persons who have reported corruption offenses.

2. Keeping the secret of a person who has reported corruption offenses shall be ensured by the authorized state bodies.

3. By decision of the body implementing security measures, a ban may be imposed on the issuance of information about the protected person from state and other information and reference funds, and his telephone numbers and state registration marks of vehicles used by him or belonging to him may also be changed.

4. In exceptional cases related to proceedings in another criminal or civil case, information about the protected person may be submitted to the investigating authorities, the prosecutor's office or the court on the basis of a written request from the prosecutor or court (judge) with the permission of the body that made the decision on the implementation of state protection .

5. The rules of this article do not apply to persons who knowingly provided false information.

Article 6. Persons subject to protection

Persons who reported a corruption offense in the prescribed manner are under the protection of the state in accordance with this Law and other regulatory legal acts.

Article 7. Grounds for applying security measures to persons who have reported corruption offenses

1. The grounds for the application of security measures are data on the existence of a real threat of murder of the protected person, violence against him, destruction or damage to his property in connection with participation in criminal proceedings, established by the body that decides on the implementation of state protection.

2. Security measures are applied on the basis of a written application of the protected person or with his consent expressed in writing, and in relation to minors - on the basis of a written application of his parents or persons replacing them, as well as authorized representatives of departments for family and child support (in the absence of parents or persons replacing them) or with their consent expressed in writing.

3. If the application of security measures affects the interests of adult family members of the protected person and other persons living together with him, their consent, expressed in writing, to the application of security measures is required.

Article 8. Reporting a corruption offense

A report on a corruption offense must contain information about violations associated with corruption or creating conditions for corruption, which entail disciplinary or criminal liability established by law.

Article 9. Rights and obligations of persons who have reported corruption offenses

1. A person who has reported a corruption offense has the right to:

- 1) know their rights and obligations;
- 2) to appeal against decisions of authorized state bodies provided by the legislation;
- 3) apply with a written application for the application of measures of protection and cancellation to the authorized bodies;
- 4) receive material remuneration in the cases and in the manner established by this Law, other regulatory legal acts.

2. A person who has reported a corruption offense must:

- 1) have sufficient data indicating the reported corruption offence;
- 2) comply with the legal requirements of the prosecutor's office, authorized state bodies, provided for by this Law and other regulatory legal acts.

3. A person who has reported a knowingly false corruption offense shall be liable in accordance with the legislation of the Kyrgyz Republic.

Article 10. Rights and obligations of bodies providing state protection

1. Bodies that make decisions on the implementation of state protection, within their competence, have the right to:

- 1) request from all public authorities, local governments, legal entities and individuals and receive from these authorities, legal entities and individuals the necessary information on applications and reports about a threat to the security of persons in respect of which a decision is made to implement state protection;

2) to carry out procedural actions or give the necessary instructions to the bodies implementing security measures for the implementation of state protection of persons who have reported corruption offences;

3) require, if necessary, from the bodies implementing security measures, the application of additional measures of state protection;

4) fully or partially cancel security measures in agreement with the bodies implementing these measures.

2. Bodies implementing security measures have the right to:

1) select the necessary security measures provided for by this Law, determine the methods of their application, if necessary, change and supplement the applied security measures;

2) require protected persons to comply with the conditions for applying security measures to them, to comply with legal orders related to the application of these measures;

3) to apply to the court (to the judge), to the prosecutor, the head of the body of inquiry or the investigator, who are in charge of the criminal case, with a petition for the application of security measures in the course of the proceedings or for their cancellation.

3. Bodies providing state protection are obliged to explain to the protected person his rights and obligations when announcing to him a decision (determination) on the implementation of state protection in relation to him.

Article 11. Material reward

1. A person who has reported a corruption offense shall be paid a reward from the amount of the corruption offense recovered .

2. A person who reported a corruption offense is paid a monetary reward from the funds recovered from corruption offenses received by the state budget in the amount of not more than one million soms.

3. The procedure and amount of payment of remuneration are established by the Government of the Kyrgyz Republic.

(As amended by the Law of the Kyrgyz Republic dated January 22, 2021 No. 11)

Article 12 Security measures

1. Several or one of the following security measures may be applied simultaneously to a protected person:

1) personal protection, protection of housing and property;

2) issuance of special means of individual protection, communication and danger warning;

3) ensuring the confidentiality of information about the protected person;

4) relocation to another place of residence;

5) replacement of documents with changes in personal data, also applied, if necessary, in relation to family members of the protected person;

6) change in appearance;

7) masking their appearance or additional visual isolation when speaking in court, as well as not disclosing personal and other data during the judicial investigation;

8) change of place of work (service) or study;

9) temporary placement in a safe place;

10) the application of additional security measures in respect of a protected person who is in custody or in correctional institutions, including transfer from one place of detention or serving a sentence to another.

2. The security measures provided for by paragraphs 4-7 of part 1 of this article are carried out only in criminal cases for grave and especially grave crimes.

3. Security measures may be canceled in the manner prescribed by the legislation of the Kyrgyz Republic in the field of protection of the rights of witnesses, victims and other participants in criminal proceedings.

4. Security measures for close relatives, relatives and close persons are carried out in accordance with the procedure established by the legislation of the Kyrgyz Republic in the field of protecting the rights of witnesses, victims and other participants in criminal proceedings.

Article 13. Entry into force of this Law

This Law shall enter into force on the day of its official publication.

The Government of the Kyrgyz Republic to take appropriate measures to implement this Law.

**President of the
Kyrgyz Republic**

S. Jeenbekov