

Information on the UN GA Resolution
«The scope and application of the principle of universal jurisdiction»

The UN General Assembly Resolution “The scope and application of the principle of universal jurisdiction” invites Member States to submit information on the application of universal jurisdiction in their national legal norms and jurisprudence. It should be noted that universal jurisdiction as a legal basis for the criminal prosecution of persons who have committed grave international crimes is provided for in the national legislation of the Kyrgyz Republic. Thus, chapters 52 and 53 of section II of the Criminal Code of the Kyrgyz Republic provide for liability for crimes against international law and order concerning crimes against peace and humanity, enforced disappearance, genocide, production, purchase, transfer, accumulation, use or proliferation of weapons of mass destruction, propaganda of war, apartheid, attacks on protected persons or institutions, ecocide, violations of the laws and customs of warfare, violence against residents in the area of hostilities, looting, criminal violations of international humanitarian law, criminal inaction or giving a criminal order during hostilities, illegal use of signs protected by international treaties, mercenarism.

According to statistical data for 2019, the courts of the republic under Article 384 of the Criminal Code of the Kyrgyz Republic (2019) "Production, purchase, transfer, accumulation, use or proliferation of weapons of mass destruction" considered 1 case and convicted 1 person. Under article 395 of the Criminal Code of the Kyrgyz Republic “Mercenary”, the courts of the republic considered 5 cases and convicted 7 persons. At the same time, in 2019, under article 375 of the Criminal Code of the Kyrgyz Republic (1997) "Mercenary", 1 criminal case was considered and the case was terminated against 1 person.

In 2020, the courts of the republic under article 395 of the Criminal Code of the Kyrgyz Republic (2019) "Mercenary" considered 2 criminal cases, 1 person was convicted. Also, in 2020, under article 375 of the Criminal Code of the Kyrgyz Republic (1997), 1 criminal case was considered and 1 person was convicted.

Also, Chapter 35 of the Criminal Code of the Kyrgyz Republic provides for liability for crimes against public safety and public order. In particular, part 2 of Article 239 states that an act of terrorism, that is, the commission of an explosion,

arson or other actions that create the danger of death of people or the onset of other grave consequences, in order to intimidate the population, violate public safety or influence decision-making by authorities or international organizations, is punished with imprisonment of IV category.

According to statistical data, the courts of the republic for 2019 did not consider criminal cases under Articles 239, 240 of the Criminal Code of the Kyrgyz Republic (2019) "Act of terrorism" and "Financing of terrorist activities".

At the same time, the courts of the republic for 2019 under article 226 of the Criminal Code of the Kyrgyz Republic (1997) "Act of terrorism" considered 2 criminal cases, convicted 1 person and transferred 1 case to another court for consideration.

No criminal cases were considered under article 226-1 of the Criminal Code of the Kyrgyz Republic (1997) "Financing of terrorist activities".

In 2020, the courts of the republic did not consider criminal cases under article 239 of the Criminal Code of the Kyrgyz Republic (2019) "Act of terrorism". Under article 240 of the Criminal Code of the Kyrgyz Republic (2019) "Financing of terrorist activities" 1 case was considered and 1 person was convicted.