



**КЫРГЫЗ РЕСПУБЛИКАСЫНЫН
ЖЕНЕВА ШААРЫНДАГЫ
ТУРУКТУУ ӨКҮЛЧҮЛҮГҮ**

**ПОСТОЯННОЕ
ПРЕДСТАВИТЕЛЬСТВО
КЫРГЫЗСКОЙ РЕСПУБЛИКИ В
ЖЕНЕВЕ**

**THE PERMANENT MISSION OF THE
KYRGYZ REPUBLIC IN GENEVA**

№ 194/064/7

The Permanent Mission of the Kyrgyz Republic to the United Nations Office in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and has the honour to transmit the response of the Kyrgyz Republic to the letter from the Special Rapporteur on the independence of judges and lawyers, the Working Group on Arbitrary Detention and the Special Rapporteur on the situation of human rights defenders dated 20 December 2025.

The Permanent Mission avails itself of this opportunity to renew to Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Enclosure: as stated.



Geneva, 21 January, 2025

**OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS
Geneva**

and relevant decisions were issued by the Pervomaisky District Court in Bishkek on 2 December 2024.

On 29 November 2024, based on the results of all the special and other investigative actions taken, S. Mattsakov was charged with an offence under article 209 (3) of the Criminal Code, [REDACTED]
[REDACTED]
[REDACTED] under registration number 02-820-2024-001027 and forwarded to the Office of the Procurator General in accordance with article 495 of the Code of Criminal Procedure for a decision to be taken concerning the initiation of separate proceedings.

On 29 November 2024, the Procurator General opened a second criminal case, No. 03-150-2024-000151, against S. Mattsakov and entrusted its further investigation to the Central Investigation Department.

On the same day, given that there was sufficient evidence that a crime had been committed in criminal case No. 003-150-2024-000151, S. Mattsakov was charged with an offence under article 379 (3) of the Criminal Code.

On 29 November 2024, pursuant to article 141 of the Code of Criminal Procedure, the files of criminal cases No. 003-150-2024-000148 and No. 03-150-2024-000151 were combined into a single proceeding with the registration number 03-150-2024-000148.

With procuratorial approval, investigators subsequently issued an order for the preparation of an application for S. Mattsakov to be placed in pretrial detention.

On 30 November 2024, the application, which was submitted by a senior investigator at the Central Investigation Department, [REDACTED], was partially granted by decision of the Pervomaisky District Court in Bishkek and S. Mattsakov was placed in pretrial detention until 30 December 2024.

On 30 December 2024, the Pervomaisky District Court in Bishkek granted an application submitted by Senior Investigator [REDACTED] to extend S. Mattsakov's pretrial detention until 28 February 2025.

At present, investigators are carrying out the necessary investigative work to establish all the circumstances of the case.

It should be noted, when setting out the particulars of criminal proceedings against lawyers that, pursuant to article 43 (4) of the Constitutional Act on the Procurator's Office, article 495 (3) of the Code of Criminal Procedure and article 29 (3) of the Bar and Advocacy Act, a decision to initiate criminal proceedings against a lawyer may be taken only by the Procurator General or his or her deputy, which constitutes recognition of the special legal status of lawyers and a procedural safeguard for ensuring a high level of legal responsibility and objectivity when taking such a significant decision.

The role performed by the Procurator General or his or her deputy at this and subsequent stages of pretrial proceedings is key and stems from the need to prevent unlawful pressure on the lawyer and ensure the impartiality of investigating agencies.

Furthermore, to meet international legal requirements, chapter 56 of the Code of Criminal Procedure provides for special procedure in court proceedings involving lawyers.

At the same time, it should be understood that lawyers' immunity, which calls for the application of the special procedure for initiating criminal cases, is not intended to afford them absolute inviolability. Lawyers can and should be held criminally and otherwise liable in accordance with the law if there are substantial grounds for so doing and the above-mentioned procedures are followed.

Article 24 of the Constitution provides that all persons are equal before the law and the courts.

Furthermore, certain arguments set out in the attached letter are solely the personal views and positions of S. Mattsakov's lawyers, which are based

on incomplete information about the crime committed and the evidence gathered, and consequently are not consistent with the facts.

The criminal proceedings against S. Mattsakov are thus being conducted in full compliance with Kyrgyz law and will result in a final procedural decision that is grounded in law.
