

Kyrgyzstan: Call for the release of lawyer Samat Mattsakov

9 December 2024

Lawyers for Lawyers and the Law Society of England and Wales are gravely concerned about the recent arrest and continued detention of lawyer Samat Mattsakov by Kyrgyzstan’s State Committee for National Security (SCNS). The 38-year-old criminal defence lawyer is known for representing clients in politically sensitive cases, including journalists and media workers. There are strong reasons to believe he is being targeted for conducting his legitimate professional activities. We urge the Kyrgyz authorities to immediately release Mr Mattsakov and drop all charges against him, unless credible evidence is presented.

According to information received, SCNS officers detained¹ Mr Mattsakov on the morning of 29 November, seized his phone, and took him to the SCNS central office in Bishkek, where he was initially held for approximately two hours without access to a lawyer and deprived of his right to a phone call.² Subsequently, Mr Mattsakov was escorted to his home, which also serves as his office, where a search was conducted that allegedly violated procedural safeguards. The search was conducted in the absence of a formal court order and Mr Mattsakov’s lawyers were barred from entering the premises, with one of them [reportedly](#) being subjected to a physical assault by SCNS officers conducting the search. A dictaphone and several CDs containing privileged information were confiscated. This included materials related to Mr Mattsakov’s ongoing representation of [Imamidin Tashov](#), head of the KG Group construction company and a previous presidential candidate, who has alleged being [tortured](#) by SCNS officers while in detention on charges of [plotting a coup](#).³

Following the conclusion of the search, SCNS officers forcibly [escorted](#) Mr Mattsakov to an unmarked vehicle, which brought him back to the SCNS central office. Nearly four hours later, five lawyers were finally granted access to Mr Mattsakov and met with him in the head investigator’s office. After prolonged interrogations, Mr Mattsakov was charged with “large-scale fraud” and “forgery of documents committed to conceal another crime or to facilitate its commission” under Articles 209(3) and 379 (3) of the Criminal Code of the Kyrgyz Republic. [Reportedly](#), Mr Mattsakov stands accused of allegedly forging a legal services agreement with a client, following a complaint made by the latter to the SCNS.

At the hearing that took place that evening and continued into the early morning of 30 November 2024, the Pervomaisky District Court ordered Mr Mattsakov’s pre-trial detention until 30 December. The overnight proceedings, [attended](#) by a large number of colleagues of Mr Mattsakov and human rights defenders, appear to have been a tactic to unjustly exhaust the defence and [reportedly](#) failed to respect due process. The investigator presented an incomplete case file, and the defence was repeatedly denied access to key documents, including the copy of the allegedly forged document, under the pretext of ‘investigative

¹ According to Article 5, paragraph 22 of the Criminal Procedure Code (CPC) of the Kyrgyz Republic (KR), actual detention is the moment of actual deprivation or restriction of freedom of a detained person, including freedom of movement, forced retention in a certain place, forced delivery to the bodies of enquiry and investigation (seizure, closing in a room, forcing to go somewhere else or stay in a place, etc.), as well as any other actions that significantly restrict a person’s personal freedom, with indication of the exact time when the said restrictions became real, regardless of whether the detainee was given the status of a detainee or not.

² According to Article 44 of the CPC of the KR, the investigating officer is obliged to draw up a protocol of detention and to respect the detainee’s right to: (1) one effective, free, and supervised telephone conversation; (2) access to a lawyer from the moment interrogation starts, and in the case of detention – from the moment of actual detention – and in the absence of a chosen lawyer, to have access to legal assistance guaranteed by the state; and (3) medical examination and assistance of a doctor after actual detention. Other rights are established by the CPC KR and Law “On Advocacy and Legal Practice” of the KR.

³ According to Article 30 of the Law of the Kyrgyz Republic on Advokatura and Attorney’ Activity the Kyrgyz Republic “All information obtained by an attorney, or which became known to him while rendering legal assistance to his client are covered by attorney – client privilege”.

secrecy'. In addition, Mr Mattsakov has been charged with the offence of 'forgery of an official document', however the defence stressed that the allegedly forged document does not fall within the definition of 'official documents' as required by part 3 of Article 379 of the Criminal Code of the Kyrgyz Republic.

The undersigned organisations share the concerns expressed by the [Kyrgyzstani Bar Association](#) (Advokatura) and [local civil society](#) that the detention of Mr Mattsakov is related to his professional duties as a lawyer. There are strong indications that this follows the unlawful identification of Mr Mattsakov with his clients or his client's cause. We are also concerned that his trial may not meet international fair trial standards, due to infringements of due process and equality of arms, as well as lawyer-client confidentiality.

As a State party to the International Covenant on Civil and Political Rights and the European Convention on Human Rights, the Kyrgyz Republic has an obligation to ensure, inter alia, that anyone charged with a criminal offence is brought to trial in proceedings which meet international fair trial standards. The Kyrgyz Republic also has obligations under international human rights law to ensure no-one is deprived of their liberty except on such grounds and in accordance with such procedures as are established by law.

Furthermore, in accordance with Principle 16 of the UN Basic Principles on the Role of Lawyers, lawyers must be able to perform all their professional functions without intimidation, hindrance, harassment or improper interference; and shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards and ethics. In accordance with Principle 18, lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions. In addition, Principle 22 stipulates that governments shall recognise and respect the full confidentiality of all communications and consultations between lawyers and their clients within their professional relationship.

The undersigned organisations respectfully urge the relevant authorities to:

1. Immediately and unconditionally release lawyer Samat Mattsakov, unless credible evidence is presented that his arrest and detention comply fully with international human rights law and standards;
2. Ensure that pre-trial detention is only used as an exceptional measure and that persons are brought to trial without undue delay and in proceedings that comply with fair trial rights;
3. Halt all acts of intimidation and harassment against lawyers in Kyrgyzstan, including Mr Mattsakov, and ensure that they are not unlawfully identified with their clients or their clients' cause; and
4. At all times guarantee the independence of the legal profession and uphold the fundamental principle of lawyer-client confidentiality by strictly adhering to procedural standards on the search and confiscation of lawyers' premises and materials, in line with international and domestic law.

We will continue to monitor the situation of Mr Mattsakov, as well as other members of the legal profession in the Kyrgyz Republic.

SIGNATORIES:

**Lawyers for Lawyers
The Law Society of England and Wales**