



Inter-Parliamentary Union
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Kyrgyzstan

*Decision adopted unanimously by the IPU Governing Council at its 213th session
(Geneva, 27 March 2024)*



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KGZ-02 – Adakhan Madumarov

Alleged human rights violations

- ✓ Torture, ill-treatment and other acts of violence
- ✓ Arbitrary arrest and detention
- ✓ Inhumane conditions of detention
- ✓ Lack of due process in proceedings against parliamentarians
- ✓ Violation of freedom of opinion and expression
- ✓ Failure to respect parliamentary immunity

A. Summary of the case

Mr. Adakhan Kumsanbayevich Madumarov is a seasoned parliamentarian and former Speaker of the Kyrgyz Parliament, the *Jogorku Kenesh* (Supreme Council). Mr. Madumarov was the main challenger to interim President Sadyr Japarov in the 2021 presidential elections, and is also the leader of *Butun Kyrgyzstan* (United Kyrgyzstan), one of the largest opposition parties in parliament. According to the complainant, on 2 September 2023, as Mr. Madumarov was out on a stroll with his 13-year-old son, they were both arrested by a *Spetsnaz* (special forces) unit led by agents of the Central Investigative Department of the Interior Ministry. His son was later released and the parliamentarian transferred to the Bishkek Pervomaysky District Court, where he was charged with high treason and ordered to be held in pretrial detention in a State Committee on National Security (GKNB) remand prison. Shortly after his arrest, GKNB Chairperson Kamchybek Tashiev made statements that seemed to presume Mr. Madumarov's guilt.

Case KGZ-02

Kyrgyzstan: Parliament affiliated to the IPU

Victim: Opposition member of parliament

Qualified complainant: Section I.(1) (a) of the Committee Procedure (Annex I)

Submission of complaint: January 2024

Recent IPU decision: February 2024

IPU Mission(s): - - -

Recent Committee hearing: Hearing with the delegation of Kyrgyzstan to the 148th IPU Assembly in Geneva (March 2024)

Recent follow-up:

- Communication(s) from the authorities:
- - -
- Communication from the complainant:
January 2024
- Communication to the authorities:
February 2024
- Communication to the complainant:
January 2024

The complainant stresses that Mr. Madumarov has remained in detention until now with no possibility of continuing to carry out his mandate, as every appeal for his release has been rejected without justification. In addition, the complainant claims that Mr. Madumarov faces mistreatment and inhumane conditions of detention while being arbitrarily detained, as he suffers from a range of serious chronic health conditions, including type-2 diabetes and serious hypertension. The complainant stresses that the prolonged detention of Mr. Madumarov violates sections 3 and 6 of Government of the Kyrgyz Republic Decree No. 296 of 20 June 2018 on the approval of the list of serious diseases preventing the detention of suspects and accused persons.

The complainant adds that, in March 2022, the *Jogorku Kenesh* rejected the Prosecutor General's initial request to lift Mr. Madumarov's immunity. However, following a new request in June 2023, parliamentarians rejected charges related to preparing mass riots and attempting to seize power but allowed the abuse of power case against Mr. Madumarov to go ahead. The complainant stressed that the fact that the authorities subsequently upgraded the abuse of power charge to the charge of high treason was never explained and therefore maintains that the arbitrary arrest of Mr. Madumarov violates his parliamentary immunity. The complainant adds that the authorities later introduced embezzlement charges related to an old electoral donation supported by questionable evidence. The complainant adds that parliament's approval to prosecute in the embezzlement charge case was never sought and stresses that both charges have exceeded the statute of limitations. The complainant adds that the Pervomaysky District Court further violated Mr. Madumarov's rights by extending his custody and declaring the proceedings a closed trial. The complainant highlights the arbitrary classification of the case as "secret", imposing a non-disclosure obligation on Mr. Madumarov's lawyers and undermining their ability to defend their client.

According to the complainant, the charge of high treason against Mr. Madumarov is related to his participation in a bilateral meeting with officials of Tajikistan in March 2009, where he was sent, together with a larger delegation, as Secretary of the Security Council to discuss long-standing issues related to the undemarcated border between the two countries. The complainant adds that Mr. Madumarov was acting on instructions from the then President of Kyrgyzstan when he co-signed the protocol (minutes) of the meeting, during which the idea of a land swap had been discussed. According to the complainant, the document carries no legal value, as it was neither endorsed by parliament nor implemented.

The complainant concludes that the reason for Mr. Madumarov's detention, which violates Kyrgyz due process standards, is to punish him for his criticism of the authorities, including his opposition to a recent controversial land-swap deal with Uzbekistan, and to attempt to stamp out opposition in parliament. Statements from his party describe a campaign of "unthinkable threats, psychological pressure and criminal prosecution" following the 2020 elections and the subsequent political upheaval. Regarding Mr. Madumarov specifically, the statement reads that there is "no doubt that the protocol of 2009 is just a pretext for the total destruction of our party and our leader".

During the 148th IPU Assembly, the IPU Committee on the Human Rights of Parliamentarians met with representatives of the Permanent Mission of the Kyrgyz Republic to the United Nations Office and other international organizations in Geneva, who responded to its questions related to the case. In particular, they elaborated on the sensitive nature of the border dispute with Tajikistan following an armed attack by Tajik armed forces in September 2022, which had caused 64 casualties and 250,000 internally displaced persons. According to the authorities, the seriousness of this matter had led the presiding judge to conduct the trial in secret. As a result, much of the information sought by the Committee could not be made available. Nevertheless, the representatives of the authorities undertook to share with the Committee any information that was made available as soon as possible. In addition, the authorities stated that during a court hearing on 19 March 2024 the prosecutor had requested that Mr. Madumarov be found guilty of both offences with no prison sentence, as the statute of limitations had expired for both charges. On 26 March 2024, the complainant communicated that Mr. Madumarov was found guilty of abuse of power and embezzlement but received no prison sentence. However, the complainant reports that he has to remain in detention until the criminal proceedings have been concluded, which is apparently unlawful.

B. Decision

The Governing Council of the Inter-Parliamentary Union

1. *Notes* that the complaint concerning the situation of Mr. Madumarov, a member of the Kyrgyz Parliament at the time of the initial allegations, was declared admissible by the Committee on the Human Rights of Parliamentarians under its Procedure for the examination and treatment of complaints on 7 February 2024;
2. *Thanks* the representatives of the Permanent Mission of the Kyrgyz Republic to the United Nations Office and other international organizations in Geneva for the information provided at a hearing with the IPU Committee on the Human Rights of Parliamentarians during the 148th IPU Assembly in Geneva; and *looks forward* to receiving additional information from the relevant authorities, in particular from parliament, in response to its queries;
3. *Is dismayed* that Mr. Madumarov has remained in prison for more than seven months with no possibility of exercising his mandate; *fails to see why* his arrest and prolonged detention were necessary to investigate the allegations made against him; *is worried* by reports that his detention puts his health at risk and by the allegation that the repeated requests for an end to his deprivation of liberty on the grounds that his detention is unlawful have been dismissed without justification; and *calls on* the authorities to release Mr. Madumarov without delay;
4. *Expresses concern* over reports that he was arrested despite the fact that his immunity had not been lifted for the charges brought against him; *is concerned* that the Chairperson of the GKNB reportedly made statements that seemed to presume Mr. Madumarov's guilt shortly after his arrest; *is deeply worried* by multiple allegations that his right to a fair trial has been denied and that the evidence presented against him is unrelated to the charges brought; *welcomes* the information provided by the authorities that Mr. Madumarov is not expected to be sentenced to prison as the statute of limitations for the charges has expired; *calls on* the authorities to make every effort to protect Mr. Madumarov's rights to a fair trial and to exercise his parliamentary mandate without any undue interference and to ensure that he is able to resume his parliamentary duties without delay; and *looks forward* to hearing from the parliamentary authorities on the points made above;
5. *Requests* the Secretary General to convey this decision to the Speaker of the Kyrgyz Parliament (*Jogorku Kenesh*), the complainant and any third party likely to be in a position to supply relevant information;
6. *Requests* the Committee to continue examining the case and to report back to it in due course.