

**PETITION TO:**

**UNITED NATIONS WORKING GROUP ON ARBITRARY DETENTION**

Chair-Rapporteur: Dr. Ganna Yudkivska (Ukraine)  
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Mr. Ethan Hee-Seok Shin (Republic of Korea)

—  
*In the Matter of*

**Tilekmat Kudaibergen uulu**  
Citizen of the Kyrgyz Republic

v.

Government of Kyrgyz Republic

*And*

Government of the United Arab Emirates

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**Petition for Opinion**

*Pursuant to Resolutions 1991/42, 1994/32, 1997/50, 2000/36, 2003/31, 6/4, 15/18, 24/7*

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**QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY ARREST  
OR DETENTION**

**I. IDENTITY**

1. *Family Name:* Kudaibergen uulu
2. *First Name:* Tilekmat
3. *Sex:* Male
4. *Age at the Time of Detention:* 38
5. *Nationality:* The Kyrgyz Republic
6. *Identity document (if any):* [REDACTED]
  - (a) *Place of Issue:* [REDACTED]
  - (b) *On (date):* [REDACTED]
  - (c) *No.: Passport No.:* [REDACTED]
7. *Profession and/or activity (if believed to be relevant to the arrest/detention):* Political Activist
8. *Address of usual residence:* [REDACTED]

**II. ARREST**

1. *Date of arrest:* April 10, 2025
2. *Place of arrest (as detailed as possible):* Dubai, the United Arab Emirates (“UAE”). Prior to his arrest, Mr. Kudaibergen uulu was last seen at the Al Rahim Mosque in Dubai Marina.<sup>1</sup>
3. *Did they show a warrant or other decision by a public authority?* No, Mr. Kudaibergen uulu was apprehended by officers of the UAE’s Criminal Investigation Department who delivered him to unidentified individuals without any judicial process or extradition proceeding.<sup>2</sup>
4. *Authority who issued the warrant or decision:* Although authorities did not present a warrant or other evidence of a decision by a public authority during the arrest, Mr. Kudaibergen uulu was apprehended by officers of the UAE’s Criminal Investigation Department.<sup>3</sup>

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<sup>1</sup> FREEDOM FOR EURASIA, *Statement on the Disappearance of Kyrgyz Civil Rights Activist Tilekmat Kudaibergen uulu in Dubai*, (Apr. 12, 2025), <https://freedomforeurasia.org/statement-on-the-disappearance-of-kyrgyz-civil-rights-activist-tilekmat-kudaibergen-uulu-in-dubai/>.

<sup>2</sup> FREEDOM FOR EURASIA, *Tilekmat Kurenov Reveals Details of Forcible Detention in UAE and Unlawful Transfer to Kyrgyzstan*, (May 14, 2025), <https://freedomforeurasia.org/tilekmat-kurenov-reveals-details-of-forcible-detention-in-uae-and-unlawful-transfer-to-kyrgyzstan/> (hereinafter “Freedom for Eurasia (May 14, 2025)”).

<sup>3</sup> *Id.*

5. *Relevant legislation applied (if known)*: UAE Federal Law No. 39/2006, Part Two, Chapter 1

### III. DETENTION

1. *Date of detention*: Arrested on April 10, 2025 in the UAE and transferred to Kyrgyz Republic on April 18, 2025.<sup>4</sup>
2. *Duration of detention (if not known, probable duration)*: As of the date of this filing, April 19, 2025 to present.
3. *Forces holding the detainee under custody*: The Kyrgyzstan State Committee for National Security (“GKNB”)<sup>5</sup>
4. *Places of detention (indicate any transfer and present place of detention)*: Following his arrest, Petitioner was detained for eight days at an unknown location in the UAE before he was forcibly transferred to Kyrgyzstan into the custody of Kyrgyz authorities.<sup>6</sup> Since his transfer to Kyrgyzstan, Petitioner has been held at the State Committee for National Security Pretrial Detention Center in Bishkek.<sup>7</sup>
5. *Authorities that ordered the detention*: Petitioner’s detention was initially ordered by the Pervomaisky District Court of Bishkek,<sup>8</sup> and later extended by the Leninsky District Court of Bishkek.<sup>9</sup>
6. *Reasons for the detention imputed by the authorities*: Petitioner is being held pending an investigation.<sup>10</sup>

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<sup>4</sup> Freedom for Eurasia (May 14, 2025), *supra* note 2.

<sup>5</sup> Azattyk (Apr. 21, 2025), <https://rus.azattyk.org/a/33391308.html> (hereinafter “Azattyk (RFE/RL)”).

<sup>6</sup> Freedom for Eurasia (May 14, 2025), *supra* note 2.

<sup>7</sup> Azattyk (RFE/RL), *supra* note 5.

<sup>8</sup> *Id.*

<sup>9</sup> Pretrial Detention Order, Leninsky District Court (Bishkek, Kyrgyz Republic) (Sept. 17, 2025) (translated) (on file with author) (hereinafter “Leninsky District Court Order”).

<sup>10</sup> Ermek Sydykov, *SCNS Announces Detention and Extradition of Tilekmat Kurenov to Kyrgyzstan*, 24.KG (Apr. 21, 2025), [https://24.kg/english/326710\\_\\_SCNS\\_announces\\_detention\\_and\\_extradition\\_of\\_Tilekmat\\_Kurenov\\_to\\_Kyrgyzstan/](https://24.kg/english/326710__SCNS_announces_detention_and_extradition_of_Tilekmat_Kurenov_to_Kyrgyzstan/) (hereinafter “Sydykov, *SCNS Announces Detention of Tilekmat Kurenov*”).

7. *Relevant legislation applied (if known)*: The Petitioner was initially charged under Kyrgyz Criminal Code, Article 327.<sup>11</sup> Additional charges were later brought under Articles 278, 326, and 330.<sup>12</sup>

#### **IV. DESCRIBE THE CIRCUMSTANCES OF THE ARREST AND/OR THE DETENTION AND INDICATE PRECISE REASONS WHY YOU CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY**

##### **A. Statement of Facts**

Part (1) of this Statement of Facts offers background on the political environment and human rights context in Kyrgyzstan. Part (2) provides background on the Petitioner and his record as a civil and political activist in Kyrgyzstan. Part (3) describes Petitioner’s flight from Kyrgyzstan to the U.S. as an asylum seeker. Part (4) describes how Petitioner was lured to Dubai. Part (5) describes his unlawful rendition in Dubai and the Kyrgyz Government’s arbitrary detention of the Petitioner after he was extradited to Kyrgyzstan.

##### **1. Recent Erosion of Human, Civil, and Political Rights in Kyrgyzstan**

Since President Sadyr Japarov came to power in 2020, the Kyrgyzstan Government has demonstrated a pattern of increased civil and political repression.<sup>13</sup> According to Human Rights Watch, the Kyrgyzstan Parliament is “widely considered to have been significantly weakened after the constitutional reform of 2021, [having been] reduced from 120 to 90 members and stripped of some of its powers, making it dependent and vulnerable to pressure by President Japarov, who now has the power to change election laws, as well as to initiate criminal investigations into members of parliament.”<sup>14</sup>

President Japarov’s rise to power has been accompanied by increased pressure on civil society. As observed by one international human rights monitor, “[t]here has been growing pressure on media, and increasing intimidation and harassment of journalists, bloggers, lawyers, civil society activists and other critical voices. The tactics used against critics range from online threats and surveillance to detention, interrogation and criminal prosecution in apparent retaliation for their journalistic and civic activities.”<sup>15</sup>

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<sup>11</sup> Aizhan Kerimova, *Тилекмата Куренова заключили под стражу до 19 мая* [Tilekmat Kurenov Placed in Custody Until May 19], 24.KG (Apr. 21, 2025), [https://24.kg/proisshestvija/326760\\_tilekmata\\_kurenova\\_zaklyuchili\\_pod\\_straju\\_do19maya/](https://24.kg/proisshestvija/326760_tilekmata_kurenova_zaklyuchili_pod_straju_do19maya/).

<sup>12</sup> Leninsky District Court Order, *supra* note 9; FREEDOM FOR EURASIA, *Freedom of Eurasia Expresses Concern over Reports of Torture Against Tilekmat Kurenov, Extradited from the UAE to Kyrgyzstan*, (Nov. 6, 2025), <https://freedomforeurasia.org/freedom-of-eurasia-expresses-concern-over-reports-of-torture-against-tilekmat-kurenov-extradited-from-the-uae-to-kyrgyzstan/> (hereinafter “Freedom for Eurasia (Nov. 6, 2025)”).

<sup>13</sup> INT’L P’SHIP FOR HUM. RTS., *(Kyrgyzstan: Widening Campaign Against Free Speech—Strong & Clear EU Message Needed* (Sept. 14, 2022)), <https://www.iphronline.org/kyrgyzstan-widening-campaign-against-free-speech-strong-clear-eu-message-needed.html> (hereinafter “IPHR”).

<sup>14</sup> HUM. RTS. WATCH, *Kyrgyzstan Events of 2022*, <https://www.hrw.org/world-report/2023/country-chapters/kyrgyzstan#cea955> (last visited Aug. 1, 2023) (hereinafter “Human Rights Watch”).

<sup>15</sup> IPHR, *supra* note 13.

Other international human rights observers have echoed these concerns. The UN Human Rights Committee (“UNHRC”) expressed grave concern about the human rights situation in the country in November 2022, in particular as it relates to those who speak critically of the government.<sup>16</sup> The UNHRC raised similar concerns in October 2024 when President Japarov’s government sentenced two journalists to five and six years in prison respectively for allegedly “calling for mass disorder” after investigating a public trial for due process and fairness concerns.<sup>17</sup> Furthermore, in its annual report on human rights around the world, the United States Department of State found credible reports of “arbitrary arrest or detention; transnational repression against individuals in another country; [and] serious restrictions on freedom of expression and media freedom.”<sup>18</sup>

President Japarov’s crackdown on political dissidents appeared to escalate after his regime reached a land-swap agreement with Uzbekistan under which Kyrgyzstan relinquished its claim to the Kempir-Abad water reservoir along the Kyrgyz-Uzbek border in exchange for 19,000 hectares of Uzbek agricultural land.<sup>19</sup> The agreement is controversial in Kyrgyzstan for its lack of transparency and for relinquishing a Kyrgyz water resource to Uzbekistan.<sup>20</sup> President Japarov responded to the public backlash with mass arrests of political opponents and civil activists who opposed the agreement.<sup>21</sup>

## 2. The Petitioner’s Civil and Political Activism

Tilekmat Kudaibergen uulu is a Kyrgyz political activist who came to prominence in early 2020 for his criticism of the Kyrgyz Government’s mismanagement of the COVID-19 pandemic, high-level corruption, and overall incompetence.<sup>22</sup>

After the Kyrgyz Revolution and President Japarov’s rise to power in October 2020, Mr. Kudaibergen uulu broadened his activism to environmental preservation by rallying opposition to President Japarov’s plan to sell Kyrgyz natural resources (iron and gold) to foreign investors.<sup>23</sup> Specifically, the movement aimed to preserve the Jetim-Too iron ore deposit in the Jetim Range.

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<sup>16</sup> Human Rights Watch, *supra* note 14.

<sup>17</sup> OFF. OF THE U.N. HIGH COMM’R FOR HUM. RTS., *Concern over Prison Sentences for Kyrgyz Journalists*, (Oct. 10, 2024), <https://www.ohchr.org/en/statements-and-speeches/2024/10/concern-over-prison-sentences-kyrgyz-journalists>.

<sup>18</sup> U.S. DEP’T. OF STATE, BUREAU OF DEMOCRACY, HUM. RTS. & LAB., *2024 Country Reports on Human Rights Practices: Kyrgyz Republic* (2025), [https://www.state.gov/wp-content/uploads/2025/08/624521\\_KYRGYZ-REPUBLIC-2024-HUMAN-RIGHTS-REPORT.pdf](https://www.state.gov/wp-content/uploads/2025/08/624521_KYRGYZ-REPUBLIC-2024-HUMAN-RIGHTS-REPORT.pdf).

<sup>19</sup> *Trial of 27 Kyrgyz Border-Deal Detainees Continues, With 11 Defendants Absent*, RFE/RL (Oct. 4, 2023), <https://www.rferl.org/a/kyrgyzstan-border-deal-protesters-trial-resumes-defendants-absent/32622746.html>.

<sup>20</sup> MINORITY RTS. GRP. INT’L, *Kyrgyzstan: The Kempir-Abad Reservoir—Political Uncertainty or an Opportunity for Cooperation?* (2023), <https://minorityrights.org/resources/trends2023-water-justice-and-the-struggles-of-minorities-and-indigenous-peoples-for-water-rights-a-planetary-perspective-22/>.

<sup>21</sup> *Id.*

<sup>22</sup> Sydykov, *SCNS Announces Detention of Tilekmat Kurenov*, *supra* note 10; [REDACTED]

<sup>23</sup> [REDACTED]

In 2021, Mr. Kudaibergen uulu publicly opposed President Japarov’s proposal to transition Kyrgyzstan from a parliamentary to a presidential system of government, fearing the constitutional changes would create an autocracy. In March 2021, Mr. Kudaibergen uulu was detained and imprisoned after he organized a peaceful protest in Bishkek of President Japarov’s proposed constitutional changes. Although his activism was peaceful, Mr. Kudaibergen uulu was found guilty on August 20, 2021 of “public calls for violent seizure of power,” “attempted mass riots,” and “attempt to bribe voters.”<sup>24</sup> He was sentenced to eighteen months in prison.<sup>25</sup> During his imprisonment Mr. Kudaibergen uulu was subjected to physical and psychological pressure, placed in solitary confinement, and threatened by fellow inmates.<sup>26</sup>

When he was released after eighteen months on September 17, 2022, Mr. Kudaibergen uulu renewed his environmental activism by supporting the efforts of the Committee for the Protection of the Kempir-Abad Reservoir (“the Committee”) to oppose President Japarov’s plan to transfer territorial rights over the Kempir-Abad Reservoir to Uzbekistan.<sup>27</sup> The Committee held its only meeting on October 22, 2022, at the Casa Italia café in Bishkek. Mr. Kudaibergen uulu attended that meeting at Casa Italia. The next day, on October 23, 2022, Mr. Kudaibergen uulu traveled to Kazakhstan to meet with other political activists. That same day, Kyrgyz authorities cracked down on the Committee with mass arrests of persons that attended the Casa Italia meeting—five of the Committee members arrested in the crackdown were the subject of the Working Group’s opinion no. 61/2025.<sup>28</sup> When he heard of the arrests, Mr. Kudaibergen uulu decided that returning to Kyrgyzstan would be unsafe and instead flew to Moscow with other activists.<sup>29</sup>

### 3. Seeking Asylum in the U.S.

Fearing extradition in Russia, Mr. Kudaibergen uulu fled to the U.S. where he filed for political asylum. Mr. Kudaibergen uulu’s asylum hearing was scheduled for January 23, 2025.<sup>30</sup>

On January 10, 2024, while the family remained in the U.S., Kyrgyz authorities issued a warrant for Mr. Kudaibergen uulu’s arrest, alleging that he had been involved in a possible coup. Specifically, the GKNB accused Mr. Kudaibergen uulu of plotting to organize mass protests with real estate developer Imamidin Tashov. In an attempt to corroborate these allegations, a GKNB proxy posted a Facebook video

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<sup>24</sup> FREEDOM FOR EURASIA, *Kyrgyz Activist Tilekmat Kudaibergen uulu (Tilekmat Kurenov) Goes Missing in Dubai Amid Suspicions of Political Targeting* (Nov. 19, 2024), <https://freedomforeurasia.org/kyrgyz-activist-tilekmat-kudaibergen-uulu-tilekmat-kurenov-goes-missing-in-dubai-amid-suspicions-of-political-targeting/> (hereinafter “Freedom for Eurasia (Nov. 19, 2024)”); Judgment, Sverdlov Dist. Ct. (Bishkek, Kyrgyz Republic) (Aug. 20, 2021) (unpublished) (source on file with the author).

<sup>25</sup> *Id.*

<sup>26</sup> [REDACTED]

<sup>27</sup> *Id.*; Freedom for Eurasia (Nov. 19, 2024), *supra* note 24.

<sup>28</sup> *Sooronkulova, et al. v. Kyrgyzstan*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 61/2025, U.N. Doc. A/HRC/WGAD/2025/61 (Nov. 10, 2025), <https://docs.un.org/en/A/HRC/WGAD/2025/61>.

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

that appeared to show Mr. Kudaibergen uulu and Mr. Tashov discussing plans to organize rallies.<sup>31</sup> Notably, there is no mention of violence in Mr. Kudaibergen uulu and Mr. Tashov's recorded conversation and Mr. Kudaibergen uulu says little at all in the video.

While living in the U.S., Mr. Kudaibergen uulu continued to post online critiques of President Japarov's regime, mainly regarding Japarov's environmental policies. Most notably, he criticized the government's lifting of a ban on uranium mining and sale of natural resources to foreign investors.<sup>32</sup>

#### **4. Mr. Kuidabergen uulu was Lured to Dubai in Order to Apprehend and Silence Him**

On November 12, 2024, Mr. Kudaibergen uulu traveled to Dubai to meet a former member of the Kyrgyz Parliament, Emil Jamgyrchiyev, who claimed to be organizing Kyrgyz opposition members sympathetic to Mr. Kudaibergen uulu's beliefs. Specifically, Jamgyrchiyev invited Mr. Kudaibergen uulu to Dubai to meet with other members of the opposition interested in organizing protests against President Japarov's regime. Mr. Kudaibergen uulu and Jamgyrchiyev met on November 13, 2024. However, no other opposition members or Kyrgyz activists were there to meet Mr. Kudaibergen uulu in Dubai.<sup>33</sup>

On November 14, 2024, Jamgyrchiyev abruptly left for Kyrgyzstan, asking Mr. Kudaibergen uulu to wait for the other opposition members to arrive. After Jamgyrchiyev's departure, Mr. Kudaibergen uulu discovered that his passport was missing. He reported his missing passport to the police in Dubai. Rather than help him, however, the Dubai police raided Mr. Kudaibergen uulu's hotel room on November 18, 2024, claiming they had information he was dealing drugs. The Dubai police detained Mr. Kudaibergen uulu for twenty hours and informed him that Kyrgyz authorities had requested his extradition. Mr. Kudaibergen uulu explained that, if extradited, he would face torture and mistreatment in Kyrgyzstan for his political activism. The Dubai police released Mr. Kudaibergen uulu on November 19.<sup>34</sup>

Mr. Kudaibergen uulu was stranded in Dubai, without his passport, where he hid with friends for months while requesting a laissez-passer to return to the U.S. from the UAE. On January 3, 2025, Mr. Kudaibergen uulu was again detained in Dubai following another extradition request from the Kyrgyz Government citing dubious criminal allegations. Mr. Kudaibergen uulu was released after being held in custody for nine hours.<sup>35</sup> On January 7, 2025, Mr. Kudaibergen uulu registered with the United Nations High Commissioner for Refugees ("UNHCR") as an asylum seeker.<sup>36</sup> Mr. Kudaibergen uulu informed the UAE authorities of his registration as an asylum seeker.

#### **5. Extradition from UAE and Detention in Kyrgyzstan**

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<sup>31</sup> Joe Luc Barnes, *Kyrgyzstan: Security Services Claim to Have Quashed Another Planned Coup*, EURASIANET (Jan. 11, 2024), <https://eurasianet.org/kyrgyzstan-security-services-claim-to-have-quashed-another-planned-coup>.

<sup>32</sup> [REDACTED]

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> U.N. High Comm'r for Refugees, *UNHCR Registration Certificate for Tilekmat Kudaibergen uulu*, No. 894-25-4890541 (on file with author).

On April 10, 2025, Mr. Kudaibergen uulu was detained in Dubai by officers of the UAE’s Criminal Investigation Department.<sup>37</sup> Mr. Kudaibergen uulu was not subjected to an official extradition process and was instead immediately delivered to unidentified individuals who held him in an unknown location for eight days without explanation and without access to an attorney.<sup>38</sup> Dubai officers abducted Mr. Kudaibergen uulu despite their knowledge of his status as a UN-registered asylum seeker.<sup>39</sup> On April 18, 2025, Mr. Kudaibergen uulu was forcibly transferred to Kyrgyzstan by private plane.<sup>40</sup>

On April 19, 2025, the GKNB announced Mr. Kudaibergen uulu had been extradited to Kyrgyzstan.<sup>41</sup> State media reported that Mr. Kudaibergen uulu was detained and charged with violating Article 327 of the Criminal Code of Kyrgyzstan, which prohibits public calls for violent seizures of power.<sup>42</sup> Mr. Kudaibergen uulu was subsequently accused of violating Article 326 which prohibits “violent seizure[s] of power” punishable by up to 15 years in prison.<sup>43</sup>

## 6. Pretrial Detention

Once in Kyrgyzstan, authorities held Mr. Kudaibergen uulu at the GKNB’s Pretrial Detention Center No. 1 in Bishkek.<sup>44</sup> On April 21, 2025, the Pervomaisky District Court of Bishkek ruled to place Mr. Kudaibergen uulu in pretrial detention until May 19, 2025.<sup>45</sup> The Kyrgyz Government alleges that Mr. Kudaibergen uulu was part of a conspiracy to overthrow the government.<sup>46</sup> This conspiracy allegedly included, among others, Oygoon Kyrgyz whom the GKNB arrested on May 12, 2025.<sup>47</sup> On July 15, 2025, nearly two months after his initial detention order expired, the District Court of Bishkek extended Mr. Kudaibergen uulu’s detention until September 19, 2025.<sup>48</sup> On September 12, 2025, the Leninski District Court in Bishkek extended Mr. Kudaibergen uulu’s pretrial detention until October 19, 2025.<sup>49</sup> As described above, Mr. Kudaibergen uulu remains in pretrial custody while the government continues its investigation into his alleged crimes.<sup>50</sup> The GKNB reports Mr. Kudaibergen uulu is suffering from

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<sup>37</sup> Freedom for Eurasia (May 14, 2025), *supra* note 2.

<sup>38</sup> *Id.*

<sup>39</sup> UNHCR Registration Certificate, *supra* note 36.

<sup>40</sup> Freedom for Eurasia (May 14, 2025), *supra* note 2.

<sup>41</sup> Sydykov, *SCNS Announces Detention of Tilekmat Kurenov*, *supra* note 10.

<sup>42</sup> Kerimova, *supra* note 11; Criminal Code of the Kyrgyz Republic art. 327.

<sup>43</sup> Leninsky District Court Order, *supra* note 9; Criminal Code of the Kyrgyz Republic art. 326.

<sup>44</sup> Azattyk (RFE/RL), *supra* note 5.

<sup>45</sup> Freedom for Eurasia (May 14, 2025), *supra* note 2.

<sup>46</sup> Sydykov, *SCNS Announces Detention of Tilekmat Kurenov*, *supra* note 10.

<sup>47</sup> *Id.*

<sup>48</sup> *Сот Тилекмат Куреновдун абактагы мөөнөтүн 19-сентябрга чейин узартты* [Court Extends Tilekmat Kurenov’s Detention Until September 19], AZATTYK (RFE/RL) (July 15, 2025), <https://www.azattyk.org/a/33474770.html>.

<sup>49</sup> Leninsky District Court Order, *supra* note 9.

<sup>50</sup> *Id.*

chronic inflammation of an intervertebral hernia during his detention.<sup>51</sup> Nonetheless, the Kyrgyz authorities continued to levy new charges against Mr. Kudaibergen uulu including charges under Article 326 (violent seizure of power), Article 278 (inciting mass riots), and Article 330 (incitement of racial, ethnic, national, religious, or interregional hatred).<sup>52</sup>

## 7. Current Status

As of this writing, Mr. Kudaibergen uulu remains in custody at the GKNB's Pretrial Detention Center No. 1 in Bishkek.<sup>53</sup> In February 2026, Mr. Kudaibergen uulu's criminal trial began. The trial calendar currently has 21 witnesses scheduled to testify, and accordingly, trial proceedings will likely last for several months before the court reaches a verdict.

### B. Legal Analysis

Both the UAE and Kyrgyz Republic have arbitrarily deprived Mr. Kudaibergen uulu of liberty under the Working Group's Revised Methods of Work. Section IV.B.1. describes how the UAE's arrest and extradition of Mr. Kudaibergen uulu was arbitrary under Categories I and III of the Working Group's Revised Methods of Work. Next, Section IV.B.2. describes how the Kyrgyz Republic's ongoing detention of Mr. Kudaibergen uulu is an arbitrary deprivation of his liberty under Categories I, II, III, and V of the Working Group's Revised Methods of Work.

#### 1. Claims against the United Arab Emirates

##### *a. Arbitrary Deprivation of Liberty by the UAE Under Category I*

A detention is arbitrary under Category I when there is no legal basis or justification for it.<sup>54</sup> The Working Group has found Category I detention where (i) an individual is held *incommunicado*;<sup>55</sup> (ii) the government uses vague charges or laws to detain or prosecute an individual;<sup>56</sup> (iii) an individual is

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<sup>51</sup> *Activist Kurenov's Chronic Inflammation of Intervertebral Hernia Worsened While in Custody, National Security Committee Explains Footage with Cane in Court*, AKIPRESS (2025), [https://m.akipress.com/news:831031:Activist\\_Kurenov\\_s\\_chronic\\_inflammation\\_of\\_intervertebral\\_hernia\\_worsened\\_while\\_in\\_custody,\\_National\\_Security\\_Committee\\_explains\\_footage\\_with\\_cane\\_in\\_court/](https://m.akipress.com/news:831031:Activist_Kurenov_s_chronic_inflammation_of_intervertebral_hernia_worsened_while_in_custody,_National_Security_Committee_explains_footage_with_cane_in_court/).

<sup>52</sup> Freedom for Eurasia (Nov. 6, 2025), *supra* note 12.

<sup>53</sup> Azattyk (RFE/RL), *supra* note 5.

<sup>54</sup> A Category I deprivation of liberty occurs “[w]hen it is clearly impossible to invoke any legal basis justifying the deprivation of liberty . . . .” *Report of the Working Group on Arbitrary Detention, U.N. Human Rights Council*, 16th Sess., U.N. Doc. A/HRC/16/47, annex ¶ 8(b) (Jan. 19, 2011), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/102/76/PDF/G1110276.pdf> (“Revised Methods of Work”).

<sup>55</sup> *Wang Quanzhang et al. v. China*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 62/2018, U.N. Doc. A/HRC/WGAD/2018/62, ¶¶ 55–56 (Aug. 24, 2018), <https://docs.un.org/en/A/HRC/WGAD/2018/62>.

<sup>56</sup> *61 Individuals v. United Arab Emirates*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 60/2013, U.N. Doc. A/HRC/WGAD/2013/60, ¶ 22 (Nov. 22, 2013), <http://hrlibrary.umn.edu/wgad/60-2013.html>; *Judicaël et al. v. Republic of Congo*, Working Group on

arrested without substantive evidence to justify the arrest;<sup>57</sup> or (iv) a State obtains custody over an individual via the practice of extraordinary rendition.<sup>58</sup> Here, the UAE held Mr. Kudaibergen uulu *incommunicado* and carried out an extraordinary rendition on behalf of the Kyrgyz Republic. Thus, the UAE arbitrarily detained Mr. Kudaibergen uulu under Category I.

i. The UAE Held Mr. Kudaibergen uulu *Incommunicado*

The Working Group has consistently held that detaining a person *incommunicado* is a form of arbitrary detention under Category I on the grounds that such detention violates the right to challenge the lawfulness of one's detention before a competent tribunal, as guaranteed under Articles 8, 10, and 11 of the Universal Declaration of Human Rights ("UDHR").<sup>59</sup> *Incommunicado* detention occurs where an individual is "deprived of their liberty in secret for potentially indefinite periods, held outside the reach of the law, without the possibility of resorting to legal procedures, including *habeas corpus*."<sup>60</sup> In this context, the Working Group has affirmed that "secret and/or *incommunicado* detention constitutes the most heinous violation of the norm protecting the right to liberty of a human being under customary international law."<sup>61</sup>

In the present case, the UAE held Mr. Kudaibergen uulu *incommunicado* for nine days. When Mr. Kudaibergen uulu was kidnapped by UAE agents on April 10, 2025, the UAE did not inform Mr. Kudaibergen uulu's family or his attorney of his arrest. Relatedly, the UAE also did not provide the public any information on Mr. Kudaibergen uulu's arrest or whereabouts. Thus, during this period, the UAE held Mr. Kudaibergen uulu in secret detention which is, by definition, *incommunicado* detention.<sup>62</sup>

The UAE's *incommunicado* detention held Mr. Kudaibergen uulu outside the reach of law, without possibility of judicial review or *habeas corpus*. Between April 10, 2025 and April 19, 2025, Mr. Kudaibergen uulu had no access to legal counsel and no opportunity for judicial review of his extradition. Therefore, the UAE's detention deprived Mr. Kudaibergen uulu of the very rights the UNHRC upholds

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Arbitrary Detention, U.N. Human Rights Council, Opinion No. 44/2014, U.N. Doc. A/HRC/WGAD/2014/44, ¶ 26 (Feb. 4, 2015), <http://hrlibrary.umn.edu/wgad/44-2014.pdf>.

<sup>57</sup> *Gargari v. Mexico*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 58/2016, U.N. Doc. A/HRC/WGAD/2016/58, ¶ 21 (Nov. 25, 2016), <https://docs.un.org/en/A/HRC/WGAD/2016/58>.

<sup>58</sup> *Zhiya Kassem Khammam al Hussain v. Saudi Arabia*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 19/2007, U.N. Doc. A/HRC/10/21/Add.1, ¶ 18 (Nov. 22, 2007), <https://docs.un.org/en/A/HRC/10/21/Add.1>.

<sup>59</sup> *Wang Quanzhang Opinion*, *supra* note 55.

<sup>60</sup> Special Rapporteur on the Promotion and Protection of Human Rights While Countering Terrorism, *Joint Study on Global Practices in Relation to Secret Detention in the Context of Countering Terrorism*, U.N. Human Rights Council, U.N. Doc. A/HRC/13/42, p. 2 (May 20, 2010), <https://undocs.org/A/HRC/13/42>; *see also Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/22/44, n. 27 (Dec. 24, 2012).

<sup>61</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/22/44, ¶ 60 (Dec. 24, 2012), <https://docs.un.org/en/A/HRC/22/44>.

<sup>62</sup> *Joint Study on Global Practices in Relation to Secret Detention*, *supra* note 60, p. 2.

through its condemnation of secret and *incommunicado* detentions.<sup>63</sup> Therefore, the UAE's *incommunicado* detention of Mr. Kudaibergen uulu was an arbitrary deprivation of his liberty under Category I.

ii. The UAE Orchestrated an Extraordinary Rendition of Mr. Kudaibergen uulu to the Kyrgyz Republic

The Working Group has consistently found that engaging in the practice of “renditions” (also called “extraordinary renditions”) amounts to a violation of Article 9 of the UDHR and constitutes Category I arbitrary detention.<sup>64</sup> The Working Group has defined an extraordinary rendition as “the informal transfer of a person from the jurisdiction of one State to that of another on the basis of negotiations between administrative authorities of the two countries (often intelligence services), without procedural safeguards . . . .”<sup>65</sup> To determine whether a rendition has occurred, the Working Group will consider factors such as whether the transfer occurs outside of any legal procedure and whether the detainee receives any information about the proceedings initiated against him or her. The Working Group has also found that both the sending State and the receiving State maintain responsibility for the violation of international law.<sup>66</sup>

Here, the UAE did not observe its own legal procedures for carrying out extraditions when it forcibly transferred Mr. Kudaibergen uulu to the Kyrgyz Republic. The UAE enacted statutory protections for individuals subject to extradition proceedings under Federal Law No. 39 of 2006 which provides UAE procedure for international cooperation on criminal matters.<sup>67</sup> Under Article 11(3), Federal Law No. 39 requires any foreign State requesting surrender of an individual provide, among other information, a statement of facts issued by a competent foreign judicial authority showing the criminal acts attributed to the extradition target and an official copy of a criminal conviction.<sup>68</sup> Moreover, Article 17 states that any individual subject to extradition “shall be submitted to the competent Public Prosecution within forty eight hours from the date of his arrest, and the Public Prosecution must inform him of the reason for arrest, the content of the request for surrender, the existing evidences, [and]

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<sup>63</sup> *Id.*

<sup>64</sup> *Zhiya Kassem Khammam al Hussain v. Saudi Arabia*, *supra* note 58, ¶¶ 18, 21; *Ayman Ardenli & Muhammad Haydar Zammar v. Syria*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 8/2007, U.N. Doc. A/HRC/4/40/Add.1, ¶¶ 22, 25 (2007), <https://hrlibrary.umn.edu/wgad/8-2007.html>.

<sup>65</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/4/40, ¶ 50 (Jan. 9, 2007), <https://undocs.org/A/HRC/4/40>.

<sup>66</sup> *See Amine Mohammad Al-Bakr v. Afghanistan & United States of America*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 11/2007, U.N. Doc. A/HRC/4/40/Add.1, ¶ 15 (May 11, 2007), [https://www.worldcourts.com/wgad/eng/decisions/2007.05.11\\_Al\\_Bakry\\_v\\_Afghanistan.pdf](https://www.worldcourts.com/wgad/eng/decisions/2007.05.11_Al_Bakry_v_Afghanistan.pdf) (finding that Thailand violated international law for transferring the applicant, via extraordinary rendition, to the custody of the United States); *Zhiya Kassem Khammam al Hussain v. Saudi Arabia*, *supra* note 58, ¶ 18 (finding that Saudi Arabia violated international law for receiving the applicant via extraordinary rendition from Kuwait).

<sup>67</sup> Federal Law No. 39 of 2006 (U.A.E.), *On International and Judicial Cooperation in Criminal Matters* art. 11(3) (Oct. 31, 2006), [https://www.unodc.org/uploads/icsant/documents/Legislation/United%20Arab%20Emirates/English/FEDERAL\\_LAW\\_NO.39\\_of\\_2006.pdf](https://www.unodc.org/uploads/icsant/documents/Legislation/United%20Arab%20Emirates/English/FEDERAL_LAW_NO.39_of_2006.pdf).

<sup>68</sup> *Id.*

documents related to the request.”<sup>69</sup> Lastly, Article 19 requires that a “competent court” review extradition requests “in the presence of the Public Prosecution, the requested person, and his attorney.”<sup>70</sup>

The UAE did not observe any of the above procedural safeguards required under Articles 11, 17, and 19 of Federal Law No. 39 when it forcibly transferred Mr. Kudaibergen uulu to the Kyrgyz Republic. Kyrgyzstan did not provide UAE officials a statement of the criminal acts attributed to Mr. Kudaibergen uulu or an official criminal conviction by a Kyrgyz court because such documents do not exist. Furthermore, Mr. Kudaibergen uulu was not brought before a UAE prosecutor or informed of the basis of his arrest. Finally, Mr. Kudaibergen uulu’s extradition was not reviewed by a UAE tribunal. Therefore, the UAE’s forcible transfer of Mr. Kudaibergen uulu to the Kyrgyz Republic did not adhere to Emirati legal procedure and constituted an extraordinary rendition.

Furthermore, the details surrounding Mr. Kudaibergen uulu’s arrest, detention, and transportation to Kyrgyzstan reflect the Working Group’s own definition of an extraordinary rendition.<sup>71</sup> Specifically, the short timeframe and secretive means of transfer suggests a high level of administrative coordination between the two governments. These circumstances suggest the UAE and Kyrgyzstan pre-arranged to transfer Mr. Kudaibergen uulu outside the bounds of Emirati or international law. These circumstances are further evidence the forcible transfer of Mr. Kudaibergen uulu is within the definition of an extraordinary rendition and that the UAE violated Article 9 of the UDHR and arbitrarily deprived Mr. Kudaibergen uulu of his liberty under Category I.

*b. Arbitrary Deprivation of Liberty by the UAE Under Category III*

Under Category III of the Working Group’s Revised Methods of Work, a deprivation of liberty is arbitrary “[w]hen the total or partial non-observance of international norms relating to the right to a fair trial, spelled out in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”<sup>72</sup> Due Process is integral to a fair trial and the minimum international standards of due process are established in the UDHR, the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment (the “Body of Principles”), and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the “Mandela Rules”). The Arab Charter on Human Rights (“ACHR”) (ratified by the UAE in 2008) provides further protections for the right to due process.<sup>73</sup>

*i. The UAE Did Not Notify Mr. Kudaibergen uulu of the Charges Against Him or the Grounds for His Detention*

Article 9 of the UDHR, Principle 10 of the Body of Principles, and Articles 14(1) and 16(1) of the ACHR require that arrested individuals be presented a warrant and informed of the grounds for their detention.<sup>74</sup> Furthermore, as discussed above in Section IV.B.1.a.ii., the UAE’s Federal Law No. 39

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<sup>69</sup> *Id.* at art. 17.

<sup>70</sup> *Id.* at art. 19.

<sup>71</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/4/40, ¶ 50 (Jan. 9, 2007), <https://docs.un.org/en/A/HRC/4/40>.

<sup>72</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/16/47, annex ¶ 8(c) (Jan. 19, 2011), <https://hrlibrary.umn.edu/wgad/2011report.pdf>.

<sup>73</sup> ACHR, arts. 14(1), 16(1) (May 22, 2004), <https://digitallibrary.un.org/record/551368?v=pdf>.

<sup>74</sup> UDHR, art. 9, <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>; Body of Principles, prin. 10, <https://digitallibrary.un.org/record/53865?v=pdf>; ACHR, *supra* note 73, arts. 14(1), 16(1); *see also*

guarantees those subject to extradition the right to be notified of the charges against them in the requesting country.<sup>75</sup>

Here, as discussed above in Section IV.B.1.a.ii., the UAE agents who arrested Mr. Kudaibergen uulu did not produce any warrant or otherwise inform him of the charges against him in the Kyrgyz Republic. Given the apparent administrative collaboration between the UAE and the Kyrgyz Republic regarding Mr. Kudaibergen uulu's arrest, detention, and transfer, the UAE was aware of the Kyrgyz Republic's allegations against Mr. Kudaibergen uulu. Regardless, the UAE did not provide Mr. Kudaibergen uulu with a Kyrgyz warrant for his arrest, a statement of allegations from a Kyrgyz court, or a copy of any criminal conviction against him. By detaining Mr. Kudaibergen uulu without presenting a warrant or other documents notifying Mr. Kudaibergen uulu of the grounds for his detention, the UAE violated Article 9 of the UDHR, Principle 10 of the Body of Principles, UAE Federal Law No. 39, and Articles 14(1) and 16(1) of the ACHR. Accordingly, the UAE's detention of Mr. Kudaibergen uulu counts as a Category III violation.

ii. The UAE Violated Mr. Kudaibergen uulu's Right to Have His Detention Reviewed by a Court

Article 3 of the UDHR and Article 14(6) of the ACHR protect persons' right to have their detention reviewed by a competent tribunal.<sup>76</sup> Furthermore, UAE Federal Law No. 39 also guarantees extradited individuals the right to have the legality of their removal reviewed by a competent court. However, the UAE did not provide Mr. Kudaibergen uulu with access to a court to review the lawfulness of his arrest, detention, and extradition. Indeed, Mr. Kudaibergen uulu's transfer to the Kyrgyz Government was not reviewed by any Emirati tribunal. Thus, Mr. Kudaibergen uulu was denied any opportunity to claim the protections afforded him under international human rights law or Emirati law and was arbitrarily deprived of his liberty under Category III.

iii. The UAE Violated Mr. Kudaibergen uulu's Right to an Attorney

Article 16(3) of the ACHR guarantees each individual the right to be represented by a lawyer of his or her own choosing when facing criminal charges.<sup>77</sup> Article 19 of UAE Federal Law No. 39 similarly entitles extradited individuals to have their extradition reviewed by a competent court with their attorney present.<sup>78</sup> However, in the present case, the UAE did not afford Mr. Kudaibergen uulu any opportunity to contact his attorney or obtain other counsel that would advocate against his detention and extradition. After his abduction in Dubai, Mr. Kudaibergen uulu did not have an opportunity to contact his attorney (or his family or other acquaintances who may have obtained legal representation on his behalf) until after his transfer to Kyrgyzstan was complete. As a result, the UAE Government deprived Mr. Kudaibergen uulu of his right to an attorney under Article 16(3) of the ACHR and Article 19 of

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Human Rights Committee, *General Comment No. 35 (Article 9: Liberty and Security of Person)*, ¶ 23, <https://docs.un.org/en/CCPR/C/GC/35>.

<sup>75</sup> Federal Law No. 39 of 2006 (U.A.E.), *supra* note 67, art. 11(3).

<sup>76</sup> UDHR, *supra* note 74, art. 3; see Human Rights Committee, *General Comment No. 35 (Article 9: Liberty and Security of Person)*, *supra* note 74, ¶¶ 2, 39 (finding that the right to liberty and security of person requires judicial review of the legality of detention).

<sup>77</sup> ACHR, *supra* note 73, art. 16(3).

<sup>78</sup> Federal Law No. 39 of 2006 (U.A.E.), *supra* note 67, art. 17.

UAE Federal Law No. 39 and violated his right to due process under international and Emirati law. Thus, the UAE's detention of Mr. Kudaibergen uulu was an arbitrary deprivation of his liberty under Category III.

## 2. Claims Against the Kyrgyz Republic

### a. *Arbitrary Deprivation of Liberty by the Kyrgyz Republic Under Category I*

As described above in Section IV.B.1.a., a detention is arbitrary under Category I when there is no legal basis or justification.<sup>79</sup> In the present case, the Kyrgyz Republic has engaged in multiple forms of Category I detention.

#### i. The Kyrgyz Republic Held Mr. Kudaibergen uulu *Incommunicado*

As described above, the Working Group consistently holds detaining a person *incommunicado* is a form of arbitrary detention under Category I because such detention deprives the person of the right under UDHR Articles 8, 10, and 11 to challenge the lawfulness of their detention before a competent tribunal.<sup>80</sup> As previously stated, an individual is held *incommunicado* when they are “deprived of their liberty in secret for potentially indefinite periods, held outside the reach of the law, without the possibility of resorting to legal procedures, including *habeas corpus*[.]”<sup>81</sup>

In the present case, the Kyrgyz Republic collaborated with the UAE to hold Mr. Kudaibergen uulu *incommunicado* from April 10 (when he was kidnapped in Dubai) until April 19 (when the GKNB announced Mr. Kudaibergen uulu was in custody in Kyrgyzstan). During this period, Mr. Kudaibergen uulu was held in secret for nine days by unidentified individuals at an unknown location. It is unclear whether the unidentified individuals who held Mr. Kudaibergen uulu for nine days are affiliated with the Kyrgyz Republic or UAE, however it is clear the two governments collaborated at a high-level to transfer Mr. Kudaibergen uulu from the UAE to Kyrgyzstan in secret. Relatedly, whomever detained and transported Mr. Kudaibergen uulu, did so on behalf of the Kyrgyz Republic. Thus, through its agents, the Kyrgyz Republic held Mr. Kudaibergen uulu *incommunicado* and arbitrarily deprived him of his liberty under Category I.

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<sup>79</sup> *Report of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/36/38, ¶ 8(a) (July 13, 2017), <https://docs.un.org/en/A/HRC/36/38>.

<sup>80</sup> *Wang Quanzhang Opinion*, *supra* note 55, ¶¶ 55–56; UDHR, *supra* note 74, arts. 8, 10, 11.

<sup>81</sup> *Joint Study on Global Practices in Relation to Secret Detention*, *supra* note 60, p. 2. The Special Rapporteur's report has been recognized by the Working Group as identifying the extent of human rights violations associated with *incommunicado* detention. See UN Working Group on Arbitrary Detention, *Report of the Working Group*, UN Doc. A/HRC/22/44, fn. 27 (Dec. 24, 2012).

ii. The Kyrgyz Republic Orchestrated an Extraordinary Rendition to Gain Custody Over Mr. Kudaibergen uulu

As discussed above in Section IV.B.1.a.ii., extraordinary renditions are arbitrary detentions under Category I.<sup>82</sup> In addition, the Working Group has also found that both the sending State and the receiving State violate international law when carrying out an extraordinary rendition.<sup>83</sup>

In the present case, the UAE rendered Mr. Kudaibergen uulu to Kyrgyzstan on behalf of the Kyrgyz Republic.<sup>84</sup> The Kyrgyz Government requested the rendition of Mr. Kudaibergen uulu without obtaining a criminal conviction or any other finding of fact by a Kyrgyz court of Mr. Kudaibergen uulu's alleged criminal activity. Furthermore, the Kyrgyz Republic did not have any evidence or lawful basis for its extradition request. Therefore, the Kyrgyz Republic knew or should have known the UAE would transfer Mr. Kudaibergen uulu without any legal proceeding or judicial safeguards. Moreover, as described above in Section IV.B.1.a.ii., the speed and secrecy of Mr. Kudaibergen uulu's transfer suggest a high level of coordination between the Kyrgyz and Emirati Governments. This coordination requires a prior agreement between the Kyrgyz Republic and the UAE to facilitate the transfer of Mr. Kudaibergen uulu outside the bounds of the UAE's lawful extradition process. Thus, through its collaboration with the UAE, the Kyrgyz Republic facilitated an extraordinary rendition of Mr. Kudaibergen uulu and arbitrarily deprived him of his liberty under Category I.

b. *Arbitrary Deprivation of Liberty by the Kyrgyz Republic Under Category II*

A detention is arbitrary under Category II of the Working Group's Revised Methods of Work when it results from the exercise of fundamental rights or freedoms protected under international law, including the rights to free expression and association.<sup>85</sup> Here, the Kyrgyz Republic arrested and detained Mr. Kudaibergen uulu on the basis of his exercise of these rights.

i. The Kyrgyz Republic's Detention of Mr. Kudaibergen uulu is Retaliation for His Exercise of His Right to Free Expression

Article 19 of the UDHR and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) guarantee the right to freedom of expression. Article 19 of the UDHR provides "[e]veryone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of

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<sup>82</sup> *Zhiya Kassem Khammam al Hussain v. Saudi Arabia*, *supra* note 58, ¶¶ 18, 21; *Ayman Ardenli & Muhammad Haydar Zammar v. Syria*, *supra* note 64, ¶¶ 22, 25; *see also Amine Mohammad Al-Bakr v. Afghanistan & United States of America*, *supra* note 66.

<sup>83</sup> *See Amine Mohammad Al-Bakr v. Afghanistan & United States of America*, *supra* note 66, ¶ 15 (finding that Thailand violated international law for transferring the applicant, via extraordinary rendition, to the custody of the United States); *Zhiya Kassem Khammam al Hussain v. Saudi Arabia*, *supra* note 58, ¶ 18 (finding that Saudi Arabia violated international law for receiving the applicant via extraordinary rendition from Kuwait).

<sup>84</sup> The UAE's role in the rendition is described in Section IV.B.1.a.ii, *supra*.

<sup>85</sup> *Methods of Work of the Working Group on Arbitrary Detention*, U.N. Human Rights Council, U.N. Doc. A/HRC/33/66, ¶ 8(b) (July 12, 2016), <https://digitallibrary.un.org/record/848575?v=pdf>.

frontiers.”<sup>86</sup> Article 19 of the ICCPR similarly provides “everyone shall have the right to freedom of expression[.]”<sup>87</sup> Mr. Kudaibergen uulu’s right to free expression is of particular importance through his work as a political and social activist in Kyrgyz political life. The UNHRC has explained that the right to free expression includes the right to political discourse and to comment on public affairs.<sup>88</sup> These rights extend to free expression across different mediums including the internet and social media.<sup>89</sup> Finally, the UNHRC has also held the right to free expression may not be restricted by vague and overly broad laws that grant excessive discretion to the state.<sup>90</sup>

Here, the Kyrgyz Republic detained Mr. Kudaibergen uulu explicitly in retaliation against him for his exercise of free expression criticizing the Japarov Regime. Mr. Kudaibergen uulu is an outspoken critic of the Kyrgyz Government and a political activist who has engaged in both grassroots and online activism to organize civic opposition to President Japarov’s policies. In response, the Kyrgyz Government issued a warrant for Mr. Kudaibergen uulu’s arrest on charges that criminalize his use of his right to free expression. Specifically, Mr. Kudaibergen uulu is charged under Kyrgyz Criminal Code Article 327, which prohibits “public calls for the violent seizure of power[.]”<sup>91</sup> The plain language of Article 327 is vague and overbroad insofar it describes public criticism of the government and other valid forms of public discourse. Furthermore, the Kyrgyz Government invoked Article 327 to imprison Mr. Kudaibergen uulu for his political activism. Thus Article 327, both as written and as applied by the Kyrgyz Government, violates Mr. Kudaibergen uulu’s right to free expression under Article 19 of the ICCPR.<sup>92</sup> Although there are limited circumstances where the right to free expression may be restricted, those circumstances are not applicable here for reasons described in Section IV.B.2.b.iii below.

Furthermore, the Kyrgyz Republic has a history of persecuting Mr. Kudaibergen uulu for his political activism, such as when he was arrested on March 15, 2021, based on unfounded charges that he was “attempting to seize power and organize mass unrest.”<sup>93</sup> Later, Mr. Kudaibergen uulu was targeted in mass arrests by the Kyrgyz Government in an effort to crackdown on public dissidents following the formation of the Committee for the Protection of the Kempir-Abad Reservoir (the “Committee”), of

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<sup>86</sup> UDHR, *supra* note 74, art. 19.

<sup>87</sup> *International Covenant on Civil and Political Rights*, art. 19 (Dec. 16, 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>88</sup> Human Rights Committee, *General Comment No. 34 (Article 19: Freedoms of Opinion and Expression)*, U.N. Doc. CCPR/C/GC/34 (Sept. 12, 2011), <https://docs.un.org/en/CCPR/C/GC/34>.

<sup>89</sup> *Id.* ¶¶ 11-12.

<sup>90</sup> *Id.* (“For the purposes of paragraph 3, a norm, to be characterized as a ‘law’, must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly . . . A law may not confer unfettered discretion for the restriction of freedom of expression on those charged with its execution.”) (internal citations omitted).

<sup>91</sup> Criminal Code of the Kyrgyz Republic No. 127 (Oct. 28, 2021), [https://legislationline.org/sites/default/files/2025-03/KG\\_Criminal%20Code%202021\\_EN.pdf](https://legislationline.org/sites/default/files/2025-03/KG_Criminal%20Code%202021_EN.pdf).

<sup>92</sup> *General Comment No. 34*, *supra* note 88.

<sup>93</sup> INT’L P’SHIP FOR HUM. RTS. *et al.*, *Joint NGO Letter to the United Arab Emirates Regarding the Case of Tilekmat Kudaibergen uulu* (Jan. 14, 2025), <https://iphronline.org/wp-content/uploads/2025/01/joint-ngo-letter-re-tilekmat-kudaibergen-to-uae-mfa.pdf>.

which Mr. Kudaibergen uulu was a founding member. Mr. Kudaibergen uulu’s current detainment is part of the Kyrgyz Republic’s long-running persecution of Mr. Kudaibergen uulu and is explicitly retaliation for his political opposition to the Japarov Regime. Thus, Mr. Kudaibergen uulu’s detainment is an arbitrary detention under Category II.

ii. The Kyrgyz Republic’s detention of Mr. Kudaibergen uulu is Retaliation for his Exercise of His Right to Freedom of Association

Article 20 of the UDHR and Article 22 of the ICCPR guarantee the right to freedom of association. Specifically, Article 20(1) of the UDHR mandates “[e]veryone has the right to freedom of peaceful assembly and association.”<sup>94</sup> Article 22 of the ICCPR similarly provides “everyone shall have the right to freedom of association[.]”<sup>95</sup> In addition, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association (“UN Special Rapporteur”) has found the right to free association extends to collective action that holds a government to account, resists oppression, or advances political freedom and justice.<sup>96</sup>

In the present case, the Kyrgyz Republic has targeted Mr. Kudaibergen uulu for his association and ties with other political activists including Imamidin Tashov. Specifically, the Kyrgyz Republic issued a warrant for Mr. Kudaibergen uulu’s arrest alleging Mr. Kudaibergen uulu and Mr. Tashov were conspiring to incite mass unrest in Kyrgyzstan. These charges criminalize Mr. Kudaibergen uulu’s political activism, specifically his efforts to organize grassroots opposition to the Japarov Regime. Political collective action is at the core of the UN Special Rapporteur’s description of the freedom of association enshrined under international law.

In recent years the Kyrgyz Republic has targeted several other political activists Mr. Kudaibergen uulu has collaborated with in the past. Specifically, the Kyrgyz Government has detained Mr. Kudaibergen uulu’s associate Oygoon Kyrgyz, Rita Karasartova,<sup>97</sup> and several environmental activists who attended the Café Italia meeting and co-founded the Committee. The government detained these activists on similar criminal charges of organizing riots and public unrest. The government has also suggested Mr. Kudaibergen uulu is a member of a broader conspiracy to violently overthrow the regime.<sup>98</sup> Thus Mr. Kudaibergen uulu’s arrest, under a criminal statute that infringes his freedom of association, is part of the Kyrgyz Government’s broader strategy to eliminate political activism and opposition in Kyrgyzstan. Thus, Mr. Kudaibergen uulu’s detention is in retaliation for his exercise of his freedom of association and an arbitrary deprivation of his liberty under Category II.

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<sup>94</sup> UDHR, *supra* note 74, art. 20(1).

<sup>95</sup> ICCPR, *supra* note 87, art. 22.

<sup>96</sup> *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association*, U.N. General Assembly, U.N. Doc. A/80/219, ¶¶ 7–9 (2025), <https://docs.un.org/en/A/80/219>.

<sup>97</sup> *Sooronkulova, et al. v. Kyrgyzstan*, Working Group on Arbitrary Detention, U.N. Human Rights Council, Opinion No. 61/2025, U.N. Doc. A/HRC/WGAD/2025/61 (Nov. 10, 2025), <https://docs.un.org/en/A/HRC/WGAD/2025/61>.

<sup>98</sup> Ermek Sydykov, *Tilekmat Kurenov’s Accomplice Detained*, 24.KG (May 12, 2025), [https://24.kg/english/328689\\_Tilekmat\\_Kurenovs\\_accomplice\\_detained/](https://24.kg/english/328689_Tilekmat_Kurenovs_accomplice_detained/).

iii. None of the Recognized Exceptions to the Rights to Freedom of Expression or Association Are Applicable Here

The rights to freedom of expression and association may be restricted under certain circumstances. However, none of those exceptions apply here.<sup>99</sup> The UNHRC has established a three-part test for determining whether a restriction on the right to free expression or association is justified.<sup>100</sup> The limitation must (1) be provided for by law, (2) serve an enumerated purpose, and (3) be necessary to achieve that purpose.<sup>101</sup> The enumerated purposes for which a government may restrict these fundamental rights are to protect national security, public safety, public order, public health, and the fundamental rights and freedoms of others. Regarding the requirement that any limitation must be *necessary* to achieve an enumerated purpose, the government must “specify the precise nature of the threat” posed by the restricted activity,<sup>102</sup> establish a “direct and immediate connection between the expression and the threat,” and demonstrate why the limitation was necessary.<sup>103</sup> Importantly, any restriction on the right to free expression or association must not “put in jeopardy the right itself.”<sup>104</sup>

As described above in Section IV.B.2.b.i, the Kyrgyz Government targeted, arrested, and detained Mr. Kudaibergen uulu on the basis of his political activism. Therefore, there is no interpretation of the government’s action that would not “put in jeopardy the right itself.” Mr. Kudaibergen uulu is charged under Kyrgyz Criminal Code 327, effectively criminalizing his efforts to organize political opposition to the Japarov Regime. Although the Kyrgyz Government claims Mr. Kudaibergen uulu attempted to plan a violent coup, and so might claim his arrest was necessary to protect national security, public safety, or public order, it is the burden of the government to affirmatively invoke any such defense. And regardless, there is no evidence of any connection between Mr. Kudaibergen uulu’s political activity and any threat to national security, public safety, or public order—let alone any “direct and immediate” connection. Thus, while the government has charged Mr. Kudaibergen uulu with crimes enumerated by statute, the exceptions to the rights of free expression and association are not applicable here. Therefore, Mr. Kudaibergen uulu’s detention is an unjustified restriction on his right to free expression and association.

*c. Arbitrary Deprivation of Liberty by the Kyrgyz Republic Under Category III*

As discussed above in Section IV.B.1.b., a detention is arbitrary under Category III “[w]hen the total or partial non-observance of international norms relating to the right to a fair trial, spelled out in the UDHR and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character.”<sup>105</sup>

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<sup>99</sup> *Park v. Republic of Korea*, Human Rights Committee, Communication No. 628/1995, U.N. Doc. CCPR/C/64/D/628/1995, ¶ 10.3 (Nov. 3, 1998), <https://juris.ohchr.org/casedetails/810/en-US>.

<sup>100</sup> *Id.*

<sup>101</sup> *Shin v. Republic of Korea*, Human Rights Committee, Communication No. 926/2000, U.N. Doc. CCPR/C/80/D/926/2000, ¶ 7.2 (Mar. 16, 2004), <https://juris.ohchr.org/casedetails/1107/en-US>.

<sup>102</sup> *Sohn v. Republic of Korea*, Human Rights Committee, Communication No. 518/1992, U.N. Doc. CCPR/C/54/D/518/1992, ¶ 10.4 (July 19, 1995), <https://juris.ohchr.org/casedetails/642/en-US>.

<sup>103</sup> *General Comment No. 34*, *supra* note 88, ¶ 35.

<sup>104</sup> *General Comment No. 34*, *supra* note 88, ¶ 21.

<sup>105</sup> *Revised Methods of Work*, *supra* note 54, annex ¶ 8(c).

i. The Kyrgyz Republic Violated Mr. Kudaibergen uulu’s Right to Release Pending Trial

Article 9(3) of the ICCPR provides that the right to release pending trial is the norm, whereas pretrial detention is appropriate only under exceptional circumstances.<sup>106</sup> In particular, the UNHRC has explained that “[d]etention pending trial must be based on an individualized determination that [such detention] is reasonable and necessary taking into account all the circumstances, for such purposes as to prevent flight, interference with evidence or the recurrence of crime . . . . Pretrial detention should not be mandatory for all defendants charged with a particular crime, without regard to individual circumstances.”<sup>107</sup> Principles 38 and 39 of the Body of Principles further confirm that, except in special cases, a criminal detainee is entitled to release pending trial.<sup>108</sup>

The Kyrgyz Republic is holding Mr. Kudaibergen uulu in pretrial detention without bail, even though the District Court of Bishkek has not made the necessary determination that Mr. Kudaibergen uulu’s particular circumstances warrant excepting his case from the general rule against pretrial detention. Thus, the Kyrgyz Republic is violating Mr. Kudaibergen uulu’s rights under Article 9(3) of the ICCPR and Principles 38 and 39 of the Body of Principles.

ii. The Kyrgyz Republic Violated Mr. Kudaibergen uulu’s Right to Be Promptly Tried Without Undue Delay

The UNHRC has found that protecting the right to life, liberty, and the security of person, as guaranteed under Article 3 of the UDHR, requires states to ensure prompt judicial review of any deprivation of liberty by arrest or detention.<sup>109</sup> Specifically, the UNHRC mandates “in cases where the accused are denied bail by the court, they must be tried as expeditiously as possible.”<sup>110</sup> In addition, Article 14(3)(c) of the ICCPR guarantees that each individual subject to arrest shall “be tried without undue delay.”<sup>111</sup> The right to be tried without undue delay is further reiterated by Principle 38 of the Body of Principles.<sup>112</sup>

Here, the Kyrgyz Republic has held Mr. Kudaibergen uulu in pretrial detention without bail since April 19, 2025. On April 21, 2025, the District Court of Bishkek ordered Mr. Kudaibergen uulu be placed in pretrial custody until May 19, 2025. That date came and went, while Mr. Kudaibergen uulu remained in detention—without bail or trial. Almost two months later, on July 15, 2025, the Court extended his pretrial detention until September 19, 2025. On September 17, 2025, Mr. Kudaibergen uulu’s pretrial detention was extended again until October 19, 2025. As a result, Mr. Kudaibergen uulu was detained without bail and without trial for the charges against him for over ten months. The Kyrgyz Republic’s

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<sup>106</sup> ICCPR, *supra* note 87, art. 9(3).

<sup>107</sup> Human Rights Committee, *General Comment No. 35 (Article 9: Liberty and Security of Person)*, U.N. Doc. CCPR/C/GC/35 (Dec. 16, 2014), <https://docs.un.org/en/CCPR/C/GC/35>.

<sup>108</sup> UDHR, *supra* note 74 at arts. 8, 10, 11; Body of Principles, *supra* note 74, prin. 38-39.

<sup>109</sup> *General Comment No. 35, supra* note 74, ¶¶ 2, 39.

<sup>110</sup> Human Rights Committee, *General Comment No. 32 (Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial)*, U.N. Doc. CCPR/C/GC/32, ¶ 27 (Aug. 23, 2007).

<sup>111</sup> ICCPR at art.14(3)(c), *supra* note 87.

<sup>112</sup> Body of Principles, *supra* note 74, prin. 38.

prolonged pretrial detention of Mr. Kudaibergen uulu violates his right to be tried without undue delay under Article 14(3)(c) of the ICCPR.

*d. Arbitrary Deprivation of Liberty by the Kyrgyz Republic Under Category V*

Under Category V of the Working Group’s Revised Methods of Work, a detention is an arbitrary deprivation of liberty if the detention is “discriminat[ory] based on . . . political or other opinion[.]”<sup>113</sup> The Working Group has held that, where (as here) a petitioner has suffered an arbitrary detention under Category II in connection with legitimate exercise of free expression or assembly, there is a strong presumption the detention also constitutes discrimination based on political views in violation of Category V.<sup>114</sup> The Working Group has further held that a broader pattern by the state of detaining persons for political activities and similar treatment of other political opposition leaders may reenforce this presumption.<sup>115</sup>

As explained above in Section IV.B.2.b., Mr. Kudaibergen uulu’s detention is arbitrary under Category II as retaliation for his political opposition to the Kyrgyz Government. Therefore, the Kyrgyz Republic’s detention of Mr. Kudaibergen uulu is presumptively also arbitrary under Category V. Additionally, Mr. Kudaibergen uulu’s detention is part of a pattern of the Kyrgyz Government persecuting political opponents and critics of the current regime. Mr. Kudaibergen uulu himself was previously charged and sentenced to 18 months in prison for expressing his political opinions and criticisms of President Japarov. In addition, the Kyrgyz Government carried out mass arrests of environmental activists who attended the Café Italia meeting and co-founded the Committee. Furthermore, Mr. Imamidin Tashov, Oygoon Kyrgyz, and Rita Karasartova are among several other activists tied to Mr. Kudaibergen uulu who were arrested or targeted by the Kyrgyz Government for organizing political opposition to the Japarov Regime. Thus, under the Category II presumption and the corroborating factors described above, Mr. Kudaibergen uulu’s detention is an arbitrary deprivation of liberty under Category V.

**C. Conclusion**

Mr. Kudaibergen uulu’s arrest, extradition, and detention violated applicable international and domestic law. He was detained in retaliation for his political activism, in clear violation of his human right to freedom of expression and association. Furthermore, his extraordinary rendition and indefinite pretrial detention offend international norms of personal liberty and due process. Therefore, both the UAE and Kyrgyz Republic have arbitrarily deprived Mr. Kudaibergen uulu of his liberty. Accordingly, Petitioner Mr. Kudaibergen uulu respectfully requests that the Working Group declare his detention by the UAE and Kyrgyz Republic unlawful, and that the Working Group instruct the Kyrgyz Republic to release him from detention immediately.

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<sup>113</sup> *Revised Methods of Work*, *supra* note 54, annex ¶ 8(e).

<sup>114</sup> *Opinion No. 18/2025 concerning Marat Zhylanbaev*, Working Group on Arbitrary Detention, U.N. Human Rights Council, U.N. Doc. A/HRC/WGAD/2025/18 (2025), <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session102/a-hrc-wgad-2025-18-aev.pdf>.

<sup>115</sup> *Id.*

**V. INDICATE INTERNAL STEPS, INCLUDING DOMESTIC REMEDIES, TAKEN ESPECIALLY WITH THE LEGAL AND ADMINISTRATIVE AUTHORITIES, PARTICULARLY FOR THE PURPOSE OF ESTABLISHING THE DETENTION AND, AS APPROPRIATE, THEIR RESULTS OR THE REASONS WHY SUCH STEPS OR REMEDIES WERE INEFFECTIVE OR WHY THEY WERE NOT TAKEN.**

Given the extrajudicial nature of Mr. Kudaibergen uulu's transfer he was unable to seek relief from his rendition in the UAE. Mr. Kudaibergen uulu has taken steps to challenge the proceedings against him in the Kyrgyz Republic. Mr. Kudaibergen uulu retained legal counsel in Kyrgyzstan. Mr. Kudaibergen uulu requested, and was denied, bail. Mr. Kudaibergen uulu continues to deny the charges brought by the Kyrgyz Government and to defend his case to the extent practicable given the lack of due process and arbitrary nature of his detention.

**VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION (TELEPHONE AND FAX NUMBER, IF POSSIBLE).**

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