

Mandates of the Special Rapporteur on the situation of human rights defenders; the Working Group on Arbitrary Detention; the Special Rapporteur on the human right to a clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Independent Expert on the enjoyment of all human rights by older persons

Ref.: AL KAZ 6/2025
(Please use this reference in your reply)

27 October 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; Special Rapporteur on the human right to a clean, healthy and sustainable environment; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association and Independent Expert on the enjoyment of all human rights by older persons, pursuant to Human Rights Council resolutions 52/4, 51/8, 55/2, 52/9, 59/4 and 51/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the sentencing of five Kazakh environmental human rights defenders, Mr. Nurlan Zhaulybayev, Mr. Zhanat Kazakbay, Mr. Fazylzhan Sydykov, Mr. Nurlan Temirgaliyev, and Mr. Aidar Mubarakov, who opposed the construction of a nuclear power plant in Kazakhstan.** In addition, we would like to bring to your attention information about refusals to allow peaceful assemblies in several locations across the country.

According to the information received:

In June 2024, President Tokayev announced that a referendum on the construction of a nuclear power plant (NPP) in Kazakhstan would be held in autumn.

The national referendum sparked a debate between supporters and opponents. Public hearings on this issue were organized in several regions across the country. Some participants described the public hearings as tilted in favour of the construction of the NPP.

On 2 September 2024, President Tokayev signed decree 636 on holding a national referendum on 6 October 2024 on the following question: *“Do you agree with the construction of a nuclear power plant in Kazakhstan?”*

On 29 September 2024, reports emerged of the arrests and detentions of several civic activists who opposed the construction of the NPP near lake Balkhash across the country (including, in Almaty, of Mr. Nurlan Zhaulybayev, Mr. Zhanat Kazakbay, Mr. Fazylzhan Sydykov, Mr. Nurlan Temirgaliyev, and Mr. Aidar Mubarakov). During the first hours of their detention, they were not informed about the reasons for being detained. Their arrest was authorized two

days later by a judge of the investigative court, initially for two months. In January 2025, a request for home arrest was filed but has reportedly been denied.

On 26 August 2025, the Almaly District Court of Almaty found guilty Messrs Nurlan Zhauylbayev, Zhanat Kazakbay, Fazylzhan Sydykov, Nurlan Temirgaliyev, and Aidar Mubarakov under Article 272(3) of the Criminal Code of the Republic of Kazakhstan, regulating mass riots, and sentenced them to four years of restricted freedom each. Prosecutors had requested five-year prison terms. In addition, under article 50(3) of the Criminal Code, the convicted environmental human rights defenders have been banned from participating in public activities or creating a political party or becoming members of any political party for five years. The convicted activists are older persons of which three have chronic medical conditions that require regular treatment and access to medical care as well as facilities adapted to persons with reduced mobility. Reportedly, these conditions are not met by the facilities where they are detained.

According to media reports, most of the hearings were conducted hurriedly and with little chance for the defendants to share their views. On 24 July 2025, at one of the court hearings, reportedly journalists were removed from the courtroom by the judge. On 25 August 2025, the judge reportedly prohibited filming in the courtroom.

Denial of peaceful assemblies and action against other civic activists

On 25-26 September 2024, activists notified the local governments (“Akimats”) in Almaty, Aktobe, Pavlodar, Petropavlovsk, Uralsk and Shymkent of their intention to hold peaceful assemblies on referendum day and were met with refusals. Local public officials reportedly justified their refusals on grounds of “previously planned activities” on the same dates and locations, “provision of incomplete information” and “lack of regulation for holding a peaceful assembly”.

On 27 September 2024, in Ridder, the Akimat reportedly rejected a request to hold a rally on referendum day filed by one civic activist on 25 September.

As of 1 October 2024, reportedly a total of 45 refusals to permit peaceful assemblies on 6 October 2024 were recorded in 12 cities.

In addition, between 19 August and 6 October 2024, media and other sources reported of several cases where environmental human rights defenders, civic and political activists, journalists across Kazakhstan were subjected to fines, administrative penalties, detentions or surveillance in response to their opposition to the construction of the NPP.

While we do not wish to prejudge the accuracy of the information made available to us, we express our serious concern over the criminal prosecution and sentencing of Mr. Nurlan Zhaulibayev, Mr. Zhanat Kazakbay, Mr. Fazylzhan Sydykov, Mr. Nurlan Temirgaliyev, and Mr. Aidar Mubarakov, and the criminalization and punishment, including through the imposition fines, administrative penalties,

detentions or surveillance of other activists, in seeming retribution for exercising their rights to freedom of expression, peaceful assembly and association. We are also concerned about the seemingly arbitrary and unjustified restrictions on the right to peaceful assembly in connection with the public debate around the construction of a nuclear power plant.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the legal and factual basis for the detention, charges, and sentences against Mr. Nurlan Zhaulybayev, Mr. Zhanat Kazakbay, Mr. Fazylzhan Sydykov, Mr. Nurlan Temirgaliyev and Mr. Aidar Mubarakov, and explain how these measures are compatible with Kazakhstan's obligations under international human rights law.
3. Please provide detailed information on the right to fair trial guarantees ensured for the convicted persons, including examination of witnesses against them, to defend themselves through legal assistance of their own choosing, etc.
4. Please provide information on whether, and in what manner, an environmental impact assessment has been carried out to identify, prevent, mitigate and monitor the environmental and human rights impacts associated with the construction and operation of the nuclear power plant.
5. Please provide information on how the authorities take into consideration the older age of the convicted persons in regard of accommodation and access to health care and support.
6. Please provide information about how the State ensured meaningful and inclusive consultations with the public prior to the referendum given the country's history of nuclear testing and concerns about environmental safety, transparency and long-term energy strategy.
7. Please provide information as to the specific measures put in place to ensure that human rights defenders and civil society actors in Kazakhstan can exercise their rights to freedom of expression, peaceful assembly and association and carry out their legitimate work in a safe and enabling environment, without fear of harassment and intimidation from the authorities or any other agent acting on their behalf or with their

acquiescence.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Astrid Puentes Riaño
Special Rapporteur on the human right to a clean, healthy and sustainable environment

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Gina Romero
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Claudia Mahler
Independent Expert on the enjoyment of all human rights by older persons

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to the following standards and norms of international human rights law, as well as recommendations accepted by Kazakhstan during its recent Universal Periodic Review and those issued by United Nations treaty bodies.

The concept of human rights defenders and the obligation of States to ensure their protection

We would like to refer your Excellency's Government to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders).

Regarding the scope of "human rights defenders", we wish to underscore the following considerations. The UN Declaration on Human Rights Defenders refers to "individuals, groups and associations... contributing to... the effective elimination of all violations of human rights and fundamental freedoms of peoples and individuals" (fourth preambular paragraph). In line with this broad definition, human rights defenders may be any individuals or groups actively engaged in the promotion and protection of human rights, ranging from international organisations headquartered in major cities to individuals working within their own local communities. They may come from different professional and social backgrounds, and their efforts may be paid or voluntary. Importantly, human rights defenders are not confined to non-governmental or intergovernmental organisations; they may also include, for example, government officials, civil servants, or members of the private sector. The key criteria are whether the individual or group is defending a human right and acting through peaceful means. Additionally, it is essential that human rights defenders uphold the universality of human rights as articulated in the Universal Declaration of Human Rights. One cannot selectively deny certain rights (for instance, those of women or LGBTIQ persons) presenting oneself as a human rights defender in respect of other rights.

Article 1 of the Declaration states that everyone has the right to promote and strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels. Article 12 of the declaration further states that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Additionally, we would like to refer to recommendation 140.103, supported by Kazakhstan during the Universal Periodic Review of 23 January 2025, to establish a national protection mechanism for journalists and human rights defenders.

The rights to freedom of expression, peaceful assembly, and association

Concerning the rights to freedom of expression, freedom of peaceful assembly, and freedom of association, we would like to refer to articles 19, 21, 22 of the ICCPR, ratified by Kazakhstan on 24 January 2006.

Article 19 of the ICCPR guarantees the right to freedom of opinion and the right to freedom of expression, which includes the right “to seek, receive and impart information and ideas of all kinds, either orally, in writing or in print, in the form of art, or through any other media”. This right applies online as well as offline, protects the freedom of the press as one of its core elements and includes not only the exchange of information that is favourable, but also that which may criticize, shock, or offend.

In its [general comment No. 34](#), the Human Rights Committee stated that States parties to the ICCPR are required to guarantee the right to freedom of expression, including “political discourse, commentary on one's own and on public affairs, canvassing, discussion of human rights, journalism, cultural and artistic expression, teaching, and religious discourse” (CCPR/C/GC/34, para. 11). The Committee states that article 19 also covers the right of a free press and other media able to comment on public issues without censorship or restraint and to inform public opinion and a corresponding right of the public to receive media output.

The Committee further asserts that there is a duty of States to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (para. 23). Recognizing how journalists and persons who engage in the gathering and analysis of information on the human rights situation and who publish human rights-related reports, including judges and lawyers, are frequently subjected to threats, intimidation and attacks because of their activities, the Committee stresses that “all such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims, or, in the case of killings, their representatives, be in receipt of appropriate forms of redress” (para. 23).

Any restriction on the right to freedom of expression must be compatible with the requirements set out in article 19(3) ICCPR. Under these requirements, restrictions must (i) be provided by law; (ii) pursue one of the legitimate aims for restriction, which are the respect of the rights or reputations of others and the protection of national security or of public order (*ordre public*), or of public health or morals; and (iii) be necessary and proportionate for those objectives. The State has the burden of proof to demonstrate that any such restrictions are compatible with the Covenant and any restrictions must be “the least intrusive instrument among those which might achieve their protective function” ([CCPR/C/GC/34, para. 34](#)).

Laws restricting the freedom of expression must not violate the non-discrimination provisions of the ICCPR (paragraph 26). Article 19(3) may also never be invoked as a justification for the muzzling of any advocacy of human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of the

exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, be compatible with article 19(Id.). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (Id.).

Article 21 guarantees the right of peaceful assembly and states that no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals, or the protection of the rights and freedoms of others.

As Human Rights Committee interpreted in its general comment No. 37 (CCPR/C/GC/37), participating in an "assembly" entails organising or taking part in a gathering of persons for a purpose such as expressing oneself, conveying a position on a particular issue, or exchanging ideas (paragraph 12). The gathering can also be intended to assert or affirm group solidarity or identity (Id.). Assemblies may, in addition to having such aims, serve other goals and still be protected under article 21(Id.).

The obligation to respect and ensure peaceful assemblies imposes negative and positive duties on States before, during, and after assemblies (paragraph 23). The negative duty entails that there be no unwarranted interference with peaceful assemblies (Id.). States are obliged, for example, not to prohibit, restrict, block, disperse, or disrupt peaceful assemblies without compelling justification, nor to sanction participants or organisers without legitimate cause (Id.). Moreover, States parties have certain positive duties to facilitate peaceful assemblies and to make it possible for participants to achieve their objectives (paragraph 24). States must thus promote an enabling environment for the exercise of the right of peaceful assembly without discrimination and put in place a legal and institutional framework within which the right can be exercised effectively (Id.). Where needed, States must also protect participants against possible abuse by non-State actors, such as interference or violence by other members of the public, counterdemonstrators, and private security providers (Id.).

States must leave it to the participants to determine freely the purpose or any expressive content of an assembly (paragraph 22). The approach of the authorities to peaceful assemblies and any restrictions imposed must in principle be content neutral and must not be based on the identity of the participants (Id.). States must ensure that laws and their interpretation and application do not result in discrimination in the enjoyment of the right of peaceful assembly, including on the basis of sex, political or other opinion, sexual orientation or gender identity, or other status (paragraph 25). Particular efforts must be made to ensure the equal and effective facilitation and protection of the right of peaceful assembly of individuals who are members of groups that are or have been subjected to discrimination, or that may face particular challenges in participating in assemblies (Id.). Moreover, States have a duty to protect participants from all forms of discriminatory abuse and attacks (Id.). The possibility that a peaceful assembly may provoke adverse or even violent reactions from some members of the public is not sufficient grounds to prohibit or restrict the assembly (paragraph 27). States are obliged to take all reasonable measures that do not impose disproportionate

burdens upon them to protect all participants and to allow such assemblies to take place in an uninterrupted manner (Id.). No one should be harassed or face other reprisals as a result of their presence at or affiliation with a peaceful assembly (paragraph 33).

While the right of peaceful assembly may in certain cases be limited, the onus is on the authorities to justify any restrictions (paragraph 36). They must be able to show that any restrictions meet the requirement of legality and are also both necessary for and proportionate to at least one of the permissible grounds (Id.). Restrictions must not be discriminatory, impair the essence of the right, or be aimed at discouraging participation in assemblies or causing a chilling effect (Id.). They must be the least intrusive among the measures that might serve the relevant protective function (paragraph 40).

We would also like to refer to articles 5 and 6 of the UN Declaration on Human Rights Defenders, which reaffirm the rights to freedom of expression, peaceful assembly, and association in the context of human rights defence.

The right to liberty and security of person

We would also like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to liberty and security of person.

Regarding the liberty of person, it states that no one shall be subjected to arbitrary arrest or detention. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest. As interpreted by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), the notion of "arbitrariness" is not to be equated with "against the law" but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same general comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of expression or freedom of assembly, is arbitrary. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). The Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic, or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has also concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

The right to a clean, healthy and sustainable environment

In 2021, the Human Rights Council recognized the right to a clean, healthy and sustainable environment through resolution 48/13, and in 2022, the United Nations General Assembly reaffirmed it by adopting resolution 76/300. These resolutions underscore that all States have a duty to respect, protect, and fulfil this right for present and future generations. As such, environmental protection is not only a matter of policy, but a binding human rights obligation, central to the enjoyment of related rights to life, health, water, food, housing, culture, and development.

Furthermore, in its Advisory Opinion of 23 July 2025 concerning the obligations of States in relation to climate change, the International Court of Justice affirmed that “the environment is the foundation for human life, upon which the health and well-being of both present and future generations depend”. The Court thus considered that the protection of the environment is a precondition for the enjoyment of human rights, whose promotion is one of the purposes of the United Nations as set out in article 1, paragraph 3, of the United Nations Charter.

As elaborated in the report of the Special Rapporteur on the human right to a clean, healthy and sustainable environment A/80/187 presented before the General Assembly, States have binding obligations under international law to protect the environment and the climate system, including the duty to prevent foreseeable harms to people and ecosystems. To comply with this duty, States must carry out Environmental, Social, and Human Rights Impact Assessments (ESHRIAs). The International Court of Justice has clarified that such assessments are required under customary international law. Importantly, these assessments must not be treated as a formality; they must be carried out prior to project authorization, be comprehensive in scope, and address cumulative, transboundary, and long-term impacts. In this regard, the final decision resulting from ESHRIAs should take into account comprehensive and integrated alternatives, including the no-project options, based on the best available scientific evidence, particularly in relation to large-scale projects such as the construction and operation of a nuclear power plant.

The right to fair trial

Regarding various proceedings mentioned above, we would like to refer to article 14 of the ICCPR, which enshrines the right to equality before courts and tribunals and to a fair and public hearing by a competent, independent, and impartial tribunal established by law if the person faces any criminal charges or if their rights and obligations are determined in a suit at law.

Core obligations under the ICCPR

With reference to the ICCPR obligations outlined above, we wish to respectfully remind your Excellency’s Government that the ICCPR places a binding obligation on States parties “to respect and to ensure” all the rights in it (article 2(1)); to take legal and other measures to achieve this purpose (article 2(2)); and to pursue accountability, and provide effective remedies for violations of the rights (article 2(3)).

Universal Periodic Review outcomes and treaty body observations

We would also like to refer to relevant recommendations accepted by Kazakhstan during its Universal Periodic Review, and to those issued by United Nations treaty bodies.

Universal Periodic Review

During the Universal Periodic Review of 23 January 2025, Kazakhstan supported the following recommendations on human rights defenders: 140.92 (“protect

the right to freedom of expression and assembly, and immediately end intimidation, harassment and detainment of human rights defenders, journalists and civil society representatives”); 140.96 (“take the necessary measures to ensure that human rights defenders can work safely and exercise their right to freedom of expression”); 140.110 (“fully implement international standards protecting human rights defenders online and offline”); 140.111 (“fully protect freedom of expression and peaceful assembly online and offline, ensure thorough investigations of all acts of intimidation and harassment of human rights defenders, civil activists and media workers, and hold accountable all those responsible”).

Human Rights Committee

We would also like to refer to the Human Rights Committee’s concluding observations of 3 September 2025 (CCPR/C/KAZ/CO/3).

The Committee stated that Kazakhstan should “facilitate the exercise of the right of peaceful assembly and ensure that any restrictions comply with the strict requirements of article 21, including the principles of proportionality and necessity” (paragraph 52). In particular, it should “ensure that the notification procedure cannot be misused to stifle peaceful assemblies, including spontaneous assemblies and demonstrations, and that any decision regarding the prohibition of a peaceful assembly is subject to an effective appeals procedure” (Id.). It should also “ensure non-discrimination, both in law and in practice, to enable all individuals and civil society actors to organise and participate in peaceful assemblies” (Id.).