

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL KAZ 3/2025

(Please use this reference in your reply)

21 August 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged obstruction of Mr. Amangeldy Shormanbayev's participation in the UN Human Rights Committee's review of Kazakhstan's report in June 2025.**

Mr. **Amangeldy Shormanbayev** is a human rights defender from Kazakhstan and Program Director in Public Foundation "International Legal Initiative" (ILI), a non-governmental organisation, the mission of which is educational and human rights activities that promote public awareness of human rights, their implementation and protection, as well as participation in legislative reforms to promote human rights.

We previously wrote to your Excellency's Government on 12 February 2021 (AL KAZ 3/2021 about prosecution and suspension of ILI's work and on 16 June 2017 ([AL KAZ 2/2017](#)) about its judicial harassment. We acknowledge the replies from your Excellency's Government dated 14 Aug 2017 and [14 Apr 2021](#).

The alleged human rights violations in connection with the January 2022 protests, which are mentioned below, were addressed in communications dated 18 January 2022 ([AL KAZ 1/2022](#)) and 9 May 2024 ([AL KAZ 2/2024](#)). We thank your Excellency's Government for its responses dated [18 Mar 2022](#) and [6 Jul 2024](#).

According to the information received:

Mr. Shormanbayev has spent the past three years working on cases concerning deaths that took place during the January 2022 unrest. According to the information received, he submitted 13 complaints to the UN Human Rights Committee regarding these deaths, alleging that law enforcement authorities failed to conduct effective investigations.

In advance of the Human Rights Committee's most recent consideration of Kazakhstan's report, ILI, the NGO he works for, submitted a report which detailed concerns regarding Kazakhstan's implementation of the right to life, prohibition of torture, the right to a fair trial, freedom of association, and the use of artificial intelligence in the judicial system and law enforcement. One of the key topics of this submission was the actions of the authorities during the January 2022 events.

Mr. Shormanbayev was planning to participate in the session of the Human Rights Committee in Geneva on 23 June to share further information, as well as to attend the review of Kazakhstan's report on 24-25 June. His trip was allegedly scheduled for 22 June.

On 11 June 2025, he applied for a Swiss visa (application No. CHE-A-008059423), reportedly stating that his purpose was to attend the Human Rights Committee's session. However, on 18 June, the Swiss Embassy in Astana refused the application, citing that "the information provided regarding the purpose and conditions of the planned stay was not credible." He allegedly learned of the refusal two days before the departure.

A day before, on 19 June, Mr. Shormanbayev reportedly received a text message on his mobile phone concerning a tax debt. According to a copy of the tax notice, the debt was in the amount of 1.78 KZT, relating to vehicle tax. It has been reported that despite the negligible amount, this debt could have been used as grounds to prevent him from leaving the country. Moreover, even if he had paid the debt immediately upon receiving the notice, it is alleged that the information would not have appeared in the database in time for his departure.

It is also noteworthy that the alleged debt was registered with the State Revenue Office of the Auezov District of the State Revenue Department of Almaty. However, according to the information received, Mr. Shormanbayev has neither resided nor been registered in the Auezov District for more than 20 years.

On 23 June, Mr. Shormanbayev allegedly visited the State Revenue Office to clarify the reason for the tax debt and was reportedly informed that it had been imposed by mistake.

It is alleged that Mr. Shormanbayev was deliberately prevented from attending the Human Rights Committee's review of Kazakhstan's report in Geneva to impede his participation in the session and his potential cooperation with United Nations mechanisms. Specifically, the refusal of the visa allegedly resulted from interference by Kazakhstani authorities, and the outstanding tax debt allegedly imposed in error would allegedly have been a deliberate measure to prevent his departure even if a visa had been granted.

According to the information received, at least four other Kazakhstani activists were also denied Swiss visas for attending the same session.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our concern regarding the reported obstruction of Mr. Shormanbayev's participation in the Human Rights Committee's review of Kazakhstan's report, including the alleged imposition of a travel-restricting tax debt immediately prior to his departure and alleged interference in the visa issuance process. We are notably concerned that these measures seem deliberate efforts to prevent Mr. Shormanbayev from engaging with United Nations mechanisms and might be directly connected to his human rights defence work and the exercise of his freedom of expression.

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 regarding the reported tax debt imposed against Mr. Shormanbayev, including the grounds for its imposition, the date it was incurred, and whether it has been confirmed as having been imposed in error. Please indicate if there is any other measure in place that would prevent Mr. Shormanbayev from leaving the country or returning to it and, if so, explain its legal grounds and compatibility with international human rights norms and standards.
3. Please provide information on the measures taken to prevent and address acts of intimidation or reprisals against individuals or groups from Kazakhstan engaging or seeking to engage with the United Nations and its human rights mechanisms, including steps to ensure protection, accountability, and access to remedies.

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.

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 be informed that a letter on this subject matter has also been sent to the government of Switzerland.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

Firstly, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), ratified by Kazakhstan on 24 January 2006. Article 19 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 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](#)). Article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (para. 23). Nor, under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, be compatible with article 19 (para. 23.).

We would also like to refer to the obligations under article 12 of the ICCPR, which guarantees the right to freedom of movement. According to article 12(2) and (3), everyone shall be free to leave any country, including their own, and this rights shall not be subject to any restrictions except those which are (1) provided by law, (2) are necessary to protect national security, public order (*ordre public*), public health or morals, or the rights and freedoms of others, and (3) are consistent with the other rights

recognised in the ICCPR.

As emphasised by the Human Rights Committee in general comment No. 27 (CCPR/C/21/Rev.1/Add.9), restrictive measures must conform to the principle of proportionality; they must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected (paragraph 14). The principle of proportionality has to be respected not only in the law that frames the restrictions, but also by the administrative and judicial authorities in applying the law (paragraph 15). It also stated that it would be a clear violation if this right was restricted by making distinctions of any kind, such as political or other opinion (paragraph 18).

Furthermore, we would like to refer your Excellency's Government to the fundamental principles set forth in 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). Articles 1 and 2 of the Declaration state 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 and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6(b), which provides for the right to freely publish, impart, or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms, as provided for in human rights and other applicable international instruments;
- Article 5(c), which provides for the right, at the national and international levels, to communicate with non-governmental and intergovernmental organisations for the purpose of promoting and protecting human rights and fundamental freedoms;
- Article 9(4), which provides that, in the exercise of human rights and fundamental freedoms – including the promotion and protection of human rights – and in accordance with applicable international instruments and procedures, everyone has the right to unhindered access to and communication with international bodies that have general or specific competence to receive and consider communications concerning human rights and fundamental freedoms;
- Article 12(2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled 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, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We would like to draw your Excellency's Government's attention to Human Rights Council resolutions 12/2, 24/24, 36/21, 42/28, 48/17, and 54/24 reaffirming the right of everyone, individually and in association with others, to unhindered access to and communication with international bodies, in particular the United Nations, its representatives and mechanisms in the field of human rights. The Human Rights Council urges States to prevent and refrain from all acts of intimidation or reprisal, to take all appropriate measures to prevent the occurrence of such acts. This includes the adoption and implementation of specific legislation and policies to promote a safe and enabling environment for engagement with the United Nations on human rights and to effectively protect those who seek to cooperate, cooperate, or have cooperated with the United Nations. The Council also calls upon States to combat impunity by conducting prompt, impartial, and independent investigations and ensuring accountability for all acts of intimidation or reprisal, and by condemning publicly all such acts, underlining that these can never be justified, to provide, in accordance with their international human rights obligations and commitments, access to effective remedies for victims, and to prevent any recurrence.