

To:

Human Rights Commissioner of the Republic of Kazakhstan, Elvira Azimova, ombudsman-press@mail.ru
General Prosecutor of the Republic of Kazakhstan, Berik Asylov, press@prokuror.kz

Copy:

Ministry of Foreign Affairs of the Republic of Kazakhstan, nursultan@mfa.kz
Administration of the President of the Republic of Kazakhstan, Press@Akorda.kz

Subject: Pressure against human rights organisation, lawyers

2 May 2022

Dear Ms. Azimova and Mr. Asylov,

I am writing to you on behalf of International Partnership for Human Rights (IPHR) regarding recent developments, which we consider to represent pressure on the Public Foundation "Ar.Rukh.Khak" in relation to its efforts to document human rights violations perpetrated in connection with the mass protests and unrest that took place in Kazakhstan in January 2022 and to support and assist activists in this context. We urge you, using the powers of your respective offices, to help safeguard the freedom of operation of Ar.Rukh.Khak and to ensure that the organisation and its staff members are not subjected to intimidation and harassment because of their legitimate human rights activities.

According to our information, Shalipa Bekkulova, who works as a lawyer for Ar.Rukh.Khak, is currently under investigation by the National Security Committee (SCN) in the city of Shymkent. On 20 April 2022, she was summoned for interrogation as a witness in a criminal case relating to the January 2022 events in this city, and was questioned by SCN official B. Yerzhan who had travelled to Almaty from Shymkent for this purpose. During the interrogation, which Bekkulova attended in the presence of her husband, attorney Galym Nurpeisov, she was asked about her contacts with activists from Shymkent. The investigator also requested Bekkulova to bring him her phone on the following day, whereby he copied detailed information, including her contacts and WhatsApp and Telegram messages before returning the phone.

On 23 April 2022, the same SCN investigator, accompanied by two other law enforcement officials from Shymkent, carried out a search of Bekkulova's and Nurpeisov's home in Almaty. The officials informed the couple that an investigating court in Shymkent had issued a warrant for the search in relation to Bekkulova as part of the SCN's ongoing investigation into the January 2022 events. They went ahead with the search despite the objections of Nurpeisov, who -- as a practicing lawyer and member of the Bar in the Almaty region -- stores confidential legal case material in his home, and opened, examined and recorded various computer files and documents. After concluding that they did not find anything of interest for the investigation, the law enforcement officials ended the search, and handed over an order to Bekkulova to appear for interrogation at the Department of Special Prosecutors in Shymkent on 3-5 May 2022.

We are concerned that the investigative measures described above appear to have been initiated against Shalipa Bekkulova without substantial grounds and, in reality, are aimed at intimidating her and her organisation. Led by well-known human rights defender Bakhytzhan Toregozhina, Ar.Rukh.Khak is actively engaged in efforts to monitor and document human rights violations related to the January 2022 events across Kazakhstan and to support and assist activists who have been detained and prosecuted in this context. In her capacity as the organisation's lawyer, Bekkulova has been in contact with activists from different cities, including Shymkent to inquire about their situation during the January events, to compile information about violations reported by them, and to provide legal advice to them.

Our concerns about the recent developments are reinforced by the fact that the SNC officials who conducted the search of Bekkulova's and Nurpeisov's home on 23 April reportedly warned them not to share any information publicly about this incident, claiming that it constituted an "investigative secret". In addition, it is highly disturbing that the officials examined confidential material concerning the legal cases of Nurpeisov's clients. As you know, international standards protect the confidentiality of communications and consultations between lawyers and their clients within their professional relationship, and Kazakhstan's Law on the Professional Activities of Advocates and Legal Assistance (article 35, paragraph 5) specifically prohibits searches and examinations of lawyers' casework, materials, equipment and other property in all cases other than those specifically provided for by law.

Against this background, we urge you, in your respective capacities, to help ensure that described incidents involving Ar.Rukh.Khak's lawyer Shalipa Bekkulova and her husband, attorney Galym Nurpeisov are promptly, thoroughly and impartially investigated and that any officials guilty of violating their professional obligations are held accountable. We also urge you to help ensure that Ar.Rukh.Khak and its staff members, as well as other human rights groups, defenders and lawyers are able to carry out their work without intimidation and hindrance, in particular with respect to documenting human rights violations committed in connection with the January 2022 events and to providing assistance to victims of such violations.

I thank you for your attention to the issues raised in this letter.

Sincerely,

Brigitte Dufour, Director of IPHR