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### **Kazakhstan: Human Rights organisations judicially harassed**

On 22 May 2017, a court hearing at the Interdistrict Economic Court of Almaty city was held in relation to the human rights organisation, the **Liberty Foundation**, which together with two other Kazakhstani human rights organisations, the **International Legal Initiative Foundation** and the **Public Association ‘Kadyr Kasiet’ (Dignity)**, was accused of profiting from foreign funds and avoiding paying corporate tax. The Liberty Foundation and the International Legal Initiative Foundation were ordered to pay exorbitant fines for allegedly failing to pay taxes, whereas Kadyr Kasiet is currently undergoing a tax inspection.

The [Liberty Foundation](#) is an Almaty-based human rights organisation that promotes freedom of speech, assembly, and association, as well as other civic and political liberties and democratic standards, in addition to assistance and protection for human rights defenders in Kazakhstan. The [International Legal Initiative Foundation](#) was founded in 2010 with the aim of protecting and promoting human rights in Kazakhstan. The organisation also works on legislative reforms in the country and provides free legal aid for victims of human rights violations. The [Public Association Kadyr Kasiet](#) is an Astana-based human rights organisation that conducts systematic monitoring and documentation of human rights violations, reviews the compliance of the Kazakhstani legal system with the standards of international human rights law, and contributes to the empowerment and development of civil society.

On 22 May 2017, the Interdistrict Economic Court of Almaty city, during its second hearing in relation to the case of the Liberty Foundation, which is accused of tax evasion, allowed the organisation to provide justifications that they do not profit from the grants they received from the European Commission and international foundations, and therefore should not be subject to taxation. Following the results of the hearing, the Court allowed representatives of the donors to attend the next hearing, which will be held on 31 May 2017, in order to present their positions and provide clarifications regarding the funds provided to the Liberty Foundation.

In August 2016, the Department of State Taxes of the Ministry of Finance of Kazakhstan initiated tax investigations into the Liberty Foundation, the International Legal Initiative Foundation, and the Public Association Kadyr Kasiet, following a complaint against these organisations made on 3 August 2016 to the Almaty city prosecutor’s office by an unknown individual. In the complaint, the individual accused these human rights organisations of receiving foreign funds through their human rights work in order to destabilise Kazakhstan and “influence its political processes,” and requested the authorities to verify whether these three organisations have been paying taxes in accordance with the law.

In December 2016, the tax authority issued a conclusion in relation to two of the inspected organisations, the Liberty Foundation and the International Legal Initiative, stating that receiving foreign funds by the organisations should be considered as profiting and therefore, in accordance with Article 96 of the Internal Revenue Code, ordering them to pay fines to the amount of 8300 and 3700 euro respectively for failing to pay the corporate tax. Since then, the bank account of the Liberty Foundation has been blocked, followed by a temporary suspension of the organisation’s functioning. On 6 April 2017, the Inter-District Economic Court of Almaty found the International Legal Initiative

guilty of failing to pay taxes and fined them as well. The Liberty Foundation is still in the process of disputing the decision of the tax authority and Kadyr Kasiet remains under tax inspection and is awaiting notification of the outcome.

In accordance with the law in Kazakhstan, only profit oriented organisations should pay corporate tax. Since the human rights organisations in question are non-profit ones and in accordance with Article 134 Part 2 of the Internal Revenue Code, they are not liable for corporate taxation. In the event of non-payment of the corporate tax and imposed fines that the organisations are not willing to pay, they will be shut down, otherwise their leaders could be further criminally prosecuted for failing to abide the court ruling. Front Line Defenders believes that the ongoing harassment of these organisations is an attempt by the state to clamp down on the rights to freedom of expression and association due to the fact that there is no legal basis for such claims in Kazakhstani law and the active role that these organisations play in promoting human rights in Kazakhstan, which often involves denouncing human rights violations committed by the state. There are no other non-profit organisations being accused in similar offences and prosecuted in Kazakhstan.

Front Line Defenders is concerned about the ongoing judicial harassment and intimidation of the Liberty Foundation, the International Legal Initiative and the Public Association Kadyr Kasiet, which it believes to be related to their legitimate and peaceful human rights work in Kazakhstan.

**Front Line Defenders urges the authorities of Kazakhstan to:**

1. Immediately drop all charges against the International Legal Initiative and all the accusations against the Liberty Foundation, as it is believed that the charges are solely motivated by their legitimate and peaceful work in defence of human rights;
2. Immediately stop the ongoing inspection of the Public Association Kadyr Kasiet and unblock the account of the Liberty Foundation so it can continue human rights work immediately, as well as cease all further forms of surveillance or harassment against the human rights organisations, as it is believed that these measures are not only solely related to their legitimate human rights work but furthermore constitute a direct transgression of the rights of the organisations;
3. Guarantee in all circumstances that all human rights defenders in Kazakhstan are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions.