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## Human Rights Council Working Group on Arbitrary Detention

### Opinions adopted by the Working Group on Arbitrary Detention at its seventy-ninth session, 21-25 August 2017

#### Opinion No. 62/2017 concerning Teymur Akhmedov (Kazakhstan)

1. The Working Group on Arbitrary Detention was established in resolution 1991/42 of the Commission on Human Rights, which extended and clarified the Working Group's mandate in its resolution 1997/50. Pursuant to General Assembly resolution 60/251 and Human Rights Council decision 1/102, the Council assumed that mandate and most recently extended it for a three-year period in its resolution 33/30 of 30 September 2016.

2. In accordance with its methods of work (A/HRC/33/66), on 21 March 2017 the Working Group transmitted to the Government of Kazakhstan a communication concerning Teymur Akhmedov. The Government replied to the communication on 30 May 2017. The State is a party to the International Covenant on Civil and Political Rights.

3. The Working Group regards deprivation of liberty as arbitrary in the following cases:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his or her sentence or despite an amnesty law applicable to him or her) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the Covenant (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights 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 (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty 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 (category V).



## Submissions

### *Communication from the source*

4. Teymur Akhmedov, born in 1956, is a citizen of Kazakhstan. He usually resides in Astana, where he works as a taxi driver.

5. The source reports that in early May 2016, Mr. Akhmedov and a colleague were invited to a rented apartment of seven adult male “students” who claimed to be interested in the beliefs of Jehovah’s Witnesses. They met for discussions on various dates in May and June 2016. Unbeknown to Mr. Akhmedov and his colleague, the “students” covertly recorded the peaceful discussions using a high-quality video camera. They also met on various dates at the residences of Mr. Akhmedov and his colleague in July, October and November 2016 and the “students” also covertly videorecorded the discussions.

6. In total, there were reportedly about 16 religious discussions, all of which were covertly videorecorded. During such discussions, the “students” asked Mr. Akhmedov and his colleague numerous questions relating to their personal views on various religious subjects and denominations, including Islam and the Russian Orthodox Church.

### Arrest and detention

7. According to the source, Mr. Akhmedov was arrested on 18 January 2017 at his home address by a senior investigator of the Astana department of the National Security Committee. The source reports that Mr. Akhmedov’s house was searched by the senior investigator, on the basis of a search warrant, with a group of other specialists, officers and eyewitnesses. During the search, they reportedly seized personal religious literature. Mr. Akhmedov was then brought to the administrative building of the Astana department of the National Security Committee. The source also reports that on that same day, the National Security Committee raided the registered premises of the local Jehovah’s Witnesses organization, seizing property, religious literature and computer equipment.

8. The source reports that on 20 January 2017, a judge of Saryarka District Court No. 2, in Astana, granted the motion of the National Security Committee investigator to place Mr. Akhmedov in pretrial detention for two months, pending trial. The motion was supported by the First Deputy Prosecutor of Astana. The source alleges that the judge summarily ruled that Mr. Akhmedov must be placed in pretrial detention. In doing so, the judge reportedly failed to assess the evidence establishing that Mr. Akhmedov was not a flight risk and had cooperated throughout the police investigation.

9. The source also reports that the same judge only made remarks “in an abstract and stereotyped way” about the permitted grounds for detention, without indicating any reasons why it was considered that the allegations that the applicant might abscond or obstruct the proceedings were well founded. Nor did the judge attempt to refute the arguments made by the applicant. In this context, the source submits that a general reference to the serious nature of the offence with which the applicant had been charged cannot be considered as sufficient justification of the risks alleged.

10. According to the source, Mr. Akhmedov suffers from cancer and requires treatment. The judge, however, refused to consider this as grounds not to place Mr. Akhmedov in pretrial detention, even though his local counsel had presented evidence of his need for surgical treatment.

11. According to the source, Mr. Akhmedov has been charged with violating article 174 (2) of the Criminal Code of Kazakhstan, for instigation of religious hatred. This provision purports to make it an offence to “insult ... the religious feelings of citizens”, and forbids any “propaganda of exclusivity, superiority or inferiority of citizens” on the grounds of their religion. If convicted, Mr. Akhmedov may face a sentence of 5 to 10 years’ imprisonment. Mr. Akhmedov is currently being held at the No. 12 detention facility in Astana.

### Appeal against pretrial detention

12. The source reports that on 30 January 2017, Astana City Court, sitting as an appeal court, heard the appeal that was filed on behalf of Mr. Akhmedov against the 20 January 2017 pretrial detention decision of the court of first instance.

13. Mr. Akhmedov's lawyers reportedly argued at length that the first instance court had failed to cite any evidence in support of the contention that Mr. Akhmedov was a flight risk justifying pretrial detention under article 147 (1) of the Criminal Procedure Code of Kazakhstan. They also emphasized that Mr. Akhmedov had wrongly been placed in detention for the peaceful exercise of his religious beliefs and that no evidence whatsoever has been presented by the investigator or prosecutor in support of the need for pretrial detention.

14. However, according to the source, Astana City Court entirely ignored the evidence and arguments provided and summarily rejected the appeal. In doing so, the appeal court merely repeated the general wording of article 147 of the Criminal Procedure Code but did not cite any evidence in support of that conclusion.

15. In addition, the source reports that both the first instance court and Astana City Court disregarded a medical report of 5 January 2017 confirming that Mr. Akhmedov suffered from a tumour that required hospitalization and surgery. In that respect, the source refers to article 22 (2) of the Standard Minimum Rules for the Treatment of Prisoners, whereby "sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals".

### Mr. Akhmedov's peaceful exercise of his religious beliefs

16. The source submits that Mr. Akhmedov was targeted because he is a Jehovah's Witness. This was evidently done by the National Security Committee as part of an effort to silence the peaceful religious activity of Jehovah's Witnesses in the capital city, Astana. According to the source, this is confirmed by the fact that on the same day as Mr. Akhmedov's arrest, the National Security Committee raided the registered premises of the local Jehovah's Witnesses organization, seizing property, religious literature and computer equipment (see paragraph 7 above).

17. The source notes that as part of his religious practice as a Jehovah's Witness, Mr. Akhmedov peacefully shares his religious beliefs with others. His religious practice is the same as that of the more than 17,700 Jehovah's Witnesses in Kazakhstan and the millions of their fellow believers worldwide.

18. The source also notes that this peaceful practice is protected by the fundamental human rights to freedom of religion and expression guaranteed by articles 18 and 19 of the Covenant. In that respect, the source refers to the Views adopted by the Human Rights Committee in *Leven v. Kazakhstan* (communication No. 2131/2012, paras. 9.2 and 9.4, Views adopted on 21 October 2014). The source also refers to the Working Group's opinion No. 42/2015 (para. 40), to Human Rights Committee general comment No. 34 (2011) on the freedoms of opinion and expression (para. 48) and to jurisprudence of the European Court of Human Rights.

19. Mr. Akhmedov was reportedly detained by the National Security Committee on charges that during the covertly videorecorded discussions with the "students" he had made statements that were allegedly "negative ... about representatives of the religion of Islam and Orthodoxy" and had advocated "the superiority of one religion over another". According to the source, Mr. Akhmedov's answers in response to the questions posed by the "students" were in reality entirely peaceful. His answers were based on his sincere religious beliefs and understanding of the Holy Bible. Likewise, the source underlines that there is nothing unique (or criminal) in his view that his religious beliefs are correct. That view is held universally by all religions.

20. The source submits that Mr. Akhmedov was targeted by the National Security Committee and is the victim of fabricated criminal charges. The facts of his case — adult "students" inviting members of a religious minority for discussions that are covertly videorecorded — are the same as in other criminal cases in Astana brought by the National

Security Committee against members of other religious minorities. The source thus submits that Mr. Akhmedov is not guilty of any criminal act. He is the victim of a scheme by the National Security Committee to try to criminalize the peaceful religious activity of Jehovah's Witnesses in Kazakhstan.

#### Categories of the Working Group

21. The source submits that the detention of Mr. Akhmedov is arbitrary under categories II, III and V of the categories applicable to the cases under consideration by the Working Group.

#### Category II

22. The source asserts that Mr. Akhmedov was detained solely because he was discussing his religious beliefs, at the invitation of seven adult men who identified themselves as university "students". In doing so, Mr. Akhmedov was exercising his rights to freedom of religion and freedom of expression guaranteed by articles 18 and 19 of the Universal Declaration of Human Rights, and by articles 18 and 19 of the Covenant, to which Kazakhstan has been a State party since 24 January 2006. The source thus considers that the detention of Mr. Akhmedov is arbitrary, falling under category II.

#### Category III

23. According to the source, no reasons were given by the trial or appeal courts to justify the order placing Mr. Akhmedov in pretrial detention. Instead, the courts merely repeated the general wording of article 147 (1) of the Criminal Procedure Code, without pointing to any evidence to justify such detention. The source thus considers that the detention of Mr. Akhmedov is arbitrary, falling under category III.

#### Category V

24. The source submits that the State authorities targeted Mr. Akhmedov for prosecution solely because he is a Jehovah's Witness and belongs to a minority religious group. In this respect, the source notes that the Human Rights Committee, in its concluding observations on the second periodic report of Kazakhstan, has called on Kazakhstan to refrain from using the broadly formulated article 174 of the Criminal Code to punish the peaceful expression of religious beliefs (see CCPR/C/KAZ/CO/2, paras. 47 and 48). Similar concerns were reportedly expressed by special rapporteurs who have conducted recent missions to Kazakhstan (see, *inter alia*, A/HRC/28/66/Add.1, paras. 44, 46, 47 and 69 (j); and A/HRC/29/25/Add.2, paras. 25, 30 and 96 (a)).

25. The source also alleges that State authorities have previously used language that is far more "insulting" to Jehovah's Witnesses, and have done so in the mass media and in speeches to State officials, schoolteachers and even young children. Nevertheless, in all of those cases, law enforcement officials and the State body on religious affairs in Kazakhstan reportedly concluded that such speech was not unlawful. In addition, the State body on religious affairs has approved for import religious literature that contains language which believers of many religions may find "offensive" or "insulting" and which advocates so-called "religious superiority". In that respect, the source refers to a motion filed with the criminal investigator on 20 February 2017 on behalf of Mr. Akhmedov to terminate his case, which documents these facts. To date, the criminal investigator has reportedly not ruled on the motion or terminated the criminal case.

26. The source submits that the fact that State authorities have targeted Mr. Akhmedov for prosecution confirms that the motive for his detention is religious discrimination against Jehovah's Witnesses, as a religious minority, contrary to article 7 of the Universal Declaration of Human Rights and articles 26 and 27 of the Covenant. Accordingly, the source considers that the detention of Mr. Akhmedov is arbitrary, falling under category V.

#### *Response from the Government*

27. On 21 March 2017, the Working Group transmitted the allegations from the source to the Government under its regular communications procedure. The Working Group

requested the Government to provide, by 21 May 2017, detailed information about the current situation of Mr. Akhmedov and any comments on the source's allegations.

28. The Working Group notes that it received a response from the Government on 30 May 2017, that is, after the deadline given by the Working Group. As such, the Working Group considers that the Government's response in the present case is late and the Working Group is unable to accept the response as if it had been presented in a timely manner. Nonetheless, as indicated in paragraphs 15 and 16 of the Working Group's methods of work and in conformity with its usual practice, the Working Group may render an opinion on the basis of the information submitted by the source and all the information obtained in relation to a given case. In the light of this, the Working Group transmitted the late response of the Government to the source for any further comments. The source transmitted its further comments on 28 July 2017.

### Discussion

29. In the absence of a timely response from the Government, the Working Group has decided to render its opinion on the basis of the information submitted by the source, in conformity with paragraph 15 of its methods of work.

30. The Working Group has in its jurisprudence established the ways in which it deals with evidentiary issues. If the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations (see A/HRC/19/57, para. 68). In the present case, the Government submitted its response late and the Working Group cannot proceed as if such response had been submitted in a timely manner.

31. The source has alleged that the detention of Mr. Akhmedov falls under categories II, III and V of the Working Group. The Working Group will consider these in turn.

32. The source has submitted that Mr. Akhmedov was arrested for the peaceful exercise of his rights under articles 18 and 19 of the Covenant. The Working Group notes that the Government has submitted in its late reply that Mr. Akhmedov was arrested and subsequently successfully prosecuted under article 174 (2) of the Criminal Code of Kazakhstan. The Working Group also notes that this legal provision criminalizes purposeful actions aimed at inciting social, national, racial, class, religious or other hatred.

33. In this respect, the Working Group recalls that the Human Rights Committee, in its 2016 concluding observations on Kazakhstan, stated that:

The Committee is concerned about the broad formulation of the concepts of "extremism", "inciting social or class hatred" and "religious hatred or enmity" under the State party's criminal legislation and the use of such legislation on extremism to unduly restrict freedoms of religion, expression, assembly and association.<sup>1</sup>

34. The Working Group is also mindful that, in the same concluding observations, the Human Rights Committee stated that:

The Committee is also concerned about undue restrictions on the exercise of freedom of religious belief, including in the 2011 law on religious activity and religious associations (see CCPR/C/KAZ/CO/1, para. 24), such as the mandatory registration of religious organizations, the ban on unregistered religious activities, and restrictions on the importation and distribution of religious materials. The Committee is further concerned about the use of broadly formulated definitions of crimes and administrative offences in the Criminal Code, including in articles 174 and 404, the Administrative Code, and legislation on combating extremism, to punish individuals exercising their freedom of religion and belief with severe sanctions (arts. 18, 19 and 26).<sup>2</sup>

<sup>1</sup> See CCPR/C/KAZ/CO/2, para. 13.

<sup>2</sup> Ibid., para. 47.

35. The Working Group further notes the views of the Special Rapporteur on freedom of religion or belief, following his visit to Kazakhstan in 2014:

Many of these provisions remain merely vaguely circumscribed rather than being clearly defined. Perhaps the most obvious example is article 164 of the current Criminal Code (article 174 of the new Criminal Code). This article combines the offence “incitement to religious enmity” with a number of other phenomena such as “insult to religious feelings”. Given the broad formulation, even exclusivity or superiority claims made on behalf of certain religions might arguably fall within the remit of this article. As a result of broadly circumscribed offences, however, any sort of unwelcome religious claims deemed offensive to parts of the society or to government agencies could be penalized by sanctions, including imprisonment. This leads to legal insecurity with concomitant adverse repercussions on freedom of expression and freedom of religion or belief.<sup>3</sup>

36. The Working Group concurs with the views expressed by the Human Rights Committee and the Special Rapporteur on freedom of religion or belief, in relation to the formulation of article 174 of the Criminal Code. The definitions of “inciting social or class hatred” and “religious hatred or enmity” are extremely broad and lack the requisite degree of legal certainty. As such, this provision presents a serious threat to the full enjoyment of the right to freedom of religion in Kazakhstan as enshrined in article 18 of the Covenant. The present case of Mr. Akhmedov is a testament to the reality of this threat. The actions of Mr. Akhmedov that led to his successful prosecution under article 174 of the Criminal Code were entirely peaceful. Even in its late response, the Government of Kazakhstan has not provided an example of a single violent action or incitement of others to violence by Mr. Akhmedov. On the contrary, as the Government has itself argued in its late reply, the prosecution of Mr. Akhmedov rests on witnesses testifying that he only described other religions as “lies” and argued that Jehovah’s Witnesses were the only true religion, without any incitement to violence or religious hatred.

37. The Working Group recalls that the freedom of religion is an absolute right, upon which no restrictions can be permitted and from which no derogations are possible.<sup>4</sup> However the freedom to manifest religion is not an absolute right, and article 18 (3) of the Covenant permits restrictions to the right to manifest religion if these are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. As the Human Rights Committee argues in its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion:

Limitations may be applied only for those purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated.<sup>5</sup>

38. Moreover, article 20 of the Covenant obliges States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

39. In the present case, however, the Government has not produced any concrete example, in its late response, of the way in which the actions of Mr. Akhmedov needed to be restricted. The Working Group notes that the Government described the crime for which Mr. Akhmedov was sentenced as a “grave offence against peace and safety of humanity”. Yet, the Government has not explained how mere meetings with others and peaceful religious discussions amounted to such a crime. It is clear to the Working Group that Mr. Akhmedov did nothing more than exercise his right to freedom of religion under article 18 of the Covenant. According to that article, he was allowed to do so, but for this, he was arrested and prosecuted by the authorities. The Working Group therefore concludes that the arrest of Mr. Akhmedov falls under category II.

<sup>3</sup> See A/HRC/28/66/Add.1, para. 46.

<sup>4</sup> See the Committee’s general comment No. 22 (1993) on the right to freedom of thought, conscience and religion, para. 3.

<sup>5</sup> Ibid., para. 8.

40. The source has submitted that the detention of Mr. Akhmedov also falls under category III, as the justifications provided by the judge for remanding Mr. Akhmedov in custody during the pretrial stage were not specific to Mr. Akhmedov but rather repeated the general wording of article 147 of the Criminal Procedure Code.

41. The Working Group considers that it is entitled to assess the proceedings of the court and the law itself in order to determine whether they meet international standards.<sup>6</sup> In the present case, the Working Group recalls that pretrial detention must be an exceptional measure and as such should be justified in each individual case and assessed by a competent, independent judge in order to meet the standard of article 9 (3) of the Covenant. Moreover, the right to a fair trial, as encapsulated in article 14 of the Covenant, entitles anyone who has been accused of a crime and stands trial to a reasoned judgment that provides specific reasons for the decision of the court so as to render effective the right to appeal.<sup>7</sup>

42. At the outset, the Working Group wishes to highlight the overall facts of the case, whereby Mr. Akhmedov was effectively entrapped by the authorities, as numerous situations were specifically arranged by them to provoke Mr. Akhmedov into what was deemed to be the commission of a crime. The Working Group notes that all the alleged criminal acts were in fact set up by the authorities and that if it had not been for these deliberate actions of State agents, Mr. Akhmedov would not have been arrested and prosecuted and the issue of the application of pretrial detention would not have arisen. The Working Group also observes the silence by the Government in its late reply in relation to this point.

43. The source has submitted that there was a judicial hearing on the application of pretrial detention in relation to Mr. Akhmedov but argues that the judge did not provide specific reasons for keeping him in pretrial detention. The source has also submitted that the decision of the court was appealed but that the appeal was unsuccessful and argues again that the appellate court failed to provide specific enough reasons for the imposition of pretrial detention. According to the source, the reasoning of both the first instance court and the appellate court did not go beyond the repetition of the general wording of article 147 of the Criminal Procedure Code.

44. Moreover, the Working Group notes that according to the source, Mr. Akhmedov suffers from cancer and requires surgical treatment, and that this fact was reportedly submitted by his lawyers to the court during the pretrial detention hearing, among the reasons for not applying pretrial detention. In its late reply, the Government has asserted that this submission was not made to the court, but has failed to submit any documentary evidence to support that assertion; neither has the Government provided an explanation in relation to the reasoning of the first instance and appellate courts on the application of pretrial detention.

45. The Working Group has, in its jurisprudence, established that if the source has established a *prima facie* case for breach of international requirements constituting arbitrary detention, the burden of proof should be understood to rest upon the Government if it wishes to refute the allegations. Mere assertions by the Government that lawful procedures have been followed are not sufficient to rebut the source's allegations (A/HRC/19/57, para. 68). The Working Group therefore concludes that the first instance and appellate courts failed to give a reasoned, individualized judgment on the application of pretrial detention to Mr. Akhmedov, in violation of article 14 of the Covenant. Moreover, the Working Group is also of the view that this breach is aggravated by the fact that Mr. Akhmedov suffers from cancer and requires surgical treatment — a significant factor which should have been taken into account by the courts — and that alternatives to a custodial measure should have been at least considered.

<sup>6</sup> See opinions No. 33/2015, No. 15/2017 and No. 16/2017.

<sup>7</sup> See Human Rights Committee, general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, para. 49.

46. The Working Group has already established that the detention of Mr. Akhmedov was arbitrary under category II, and with this in mind wishes to emphasize that no trial should have taken place in relation to Mr. Akhmedov. However it did take place, and in the view of the Working Group, there were grave violations of Mr. Akhmedov's right to a fair trial. The application of pretrial detention in his case was not an individualized measure, given that no reasoning was provided by the courts and that they did not consider alternatives to a custodial measure in the light of the serious health condition of Mr. Akhmedov. The Working Group therefore concludes that the deprivation of liberty of Mr. Akhmedov also falls under category III.

47. Finally, the source has submitted that the State authorities targeted Mr. Akhmedov for prosecution solely because he is a Jehovah's Witness and belongs to a minority religious group. Accordingly, the source considers that the detention of Mr. Akhmedov is arbitrary, falling under category V.

48. The Working Group recalls that, in his 2014 report following his mission to Kazakhstan, the Special Rapporteur on freedom of religion or belief noted the particular difficulties faced by Jehovah's Witnesses in Kazakhstan, who, as part of their faith, feel obliged to share their beliefs with others.<sup>8</sup> This has led to numerous situations in Kazakhstan where Jehovah's Witnesses have been charged with illegal missionary activity after participation in peaceful religious meetings and subjected to severe fines and seizure of documentation for unregistered "missionary activity", as reported by the Special Rapporteur on the rights to freedom of peaceful assembly and of association following his country visit to Kazakhstan in 2015.<sup>9</sup>

49. In the view of the Working Group, the present case of Mr. Akhmedov follows the same pattern. The Working Group has already established that the actions of Mr. Akhmedov were entirely peaceful and within the limits of his freedom of religion. He was arrested solely for the exercise of his rights under article 18 of the Covenant. Moreover, the Working Group notes that not only was the domicile of Mr. Akhmedov searched, but so were the premises of the Jehovah's Witnesses and various religious items were seized. In the light of this and the wider reports of actions by the authorities against the Jehovah's Witnesses, as evidenced by the 2014 and 2015 reports of the Special Rapporteurs cited above, the Working Group concludes that the present case also falls under category V, as discrimination on the grounds of religion prohibited under article 26 of the Covenant.

50. The Working Group refers the present case to the Special Rapporteur on freedom of religion or belief.

### **Disposition**

51. In the light of the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Teymur Akhmedov, being in contravention of articles 2, 3, 7, 9 and 18 of the Universal Declaration of Human Rights and of articles 2, 9, 18 and 26 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories II, III and V.

52. Consequent upon the opinion rendered, the Working Group requests the Government of Kazakhstan to take the steps necessary to remedy the situation of Mr. Akhmedov without delay and bring it into conformity with the standards and principles set forth in the international norms on detention, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

53. The Working Group considers that, taking into account all the circumstances of the case, the appropriate remedy would be to release Mr. Akhmedov immediately and accord him an enforceable right to compensation and other reparations, in accordance with international law.

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<sup>8</sup> See A/HRC/28/66/Add.1, para. 35.

<sup>9</sup> See A/HRC/29/25/Add.2, para. 50.



54. In accordance with paragraph 33 (a) of its methods of work, the Working Group refers the present case to the Special Rapporteur on freedom of religion or belief.

#### **Follow-up procedure**

55. In accordance with paragraph 20 of its methods of work, the Working Group requests the source and the Government to provide it with information on action taken in follow-up to the recommendations made in the present opinion, including:

- (a) Whether Mr. Akhmedov has been released and, if so, on what date;
- (b) Whether compensation or other reparations have been made to Mr. Akhmedov;
- (c) Whether an investigation has been conducted into the violation of Mr. Akhmedov's rights and, if so, the outcome of the investigation;
- (d) Whether any legislative amendments or changes in practice have been made to harmonize the laws and practices of Kazakhstan with its international obligations in line with the present opinion;
- (e) Whether any other action has been taken to implement the present opinion.

56. The Government is invited to inform the Working Group of any difficulties it may have encountered in implementing the recommendations made in the present opinion and whether further technical assistance is required, for example through a visit by the Working Group.

57. The Working Group requests the source and the Government to provide the above information within six months of the date of the transmission of the present opinion. However, the Working Group reserves the right to take its own action in follow-up to the opinion if new concerns in relation to the case are brought to its attention. Such action would enable the Working Group to inform the Human Rights Council of progress made in implementing its recommendations, as well as any failure to take action.

58. The Working Group recalls that the Human Rights Council has encouraged all States to cooperate with the Working Group and requested them to take account of its views and, where necessary, to take appropriate steps to remedy the situation of persons arbitrarily deprived of their liberty, and to inform the Working Group of the steps they have taken.<sup>10</sup>

*[Adopted on 25 August 2017]*

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<sup>10</sup> See Human Rights Council resolution 33/30, paras. 3 and 7.