



Observatoire ARGA

ANALYTICAL REPORT
on indicators of arbitrary criminal prosecution, violations of
procedural safeguards, and breaches of international obligations
in the case of FARMAKTIV LLP and Fernand Zogbi (Republic of
Kazakhstan)

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I. Introduction

This report has been prepared within the activities of Observatoire ARGA and the Association Asylum Research & Global Assistance to institutionally document the circumstances of criminal prosecution against FARMAKTIV LLP and its founder Fernand Zogbi, and to assess these circumstances under the national law of the Republic of Kazakhstan, international human rights law, and the State's international obligations.

The report is intended for use by international human-rights, supervisory, and intergovernmental bodies and forms the first international protection layer for this case.

II. Brief profile of the victim and the company

FARMAKTIV LLP is a Kazakh pharmaceutical company with more than 25 years of lawful operations in the field of medical devices and medicines. The company carried out licensed production of glucometers and test strips and supplied medical products through public procurement channels, including to the Ministry of Health and SK-Pharmacy LLP.

Fernand Zogbi is a citizen of the Lebanese Republic who has lived and conducted business in Kazakhstan for more than 30 years. Throughout this period, he has not been subject to criminal or administrative liability, has not had regulatory sanctions, and has maintained a stable business reputation.

The fact that the victim holds exclusively foreign citizenship (Lebanon) adds an international-legal dimension to the case and activates an expanded international protection framework, including consular, diplomatic, and human-rights mechanisms.

III. Description of the conflict and the transition to criminal prosecution

Until March 2025, FARMAKTIV LLP operated in a regular mode, successfully underwent state inspections, including a comprehensive audit six months before the initiation of the criminal case, and had no claims from regulators or customers.

On 19 March 2025, Fernand Zogbi was detained by the authorities of the National Security Committee of the Republic of Kazakhstan and subjected to hours-long questioning without access to a lawyer and an interpreter. Simultaneously, searches were conducted with large-scale seizure of personal and corporate property, which led to a de facto paralysis of the company's activities.

From that moment, a dispute that previously had no formal legal framing was transformed into criminal prosecution through the use of coercive procedural mechanisms.

IV. Procedural violations and systemic defects in the investigation

1. Violation of the right to defence
 - refusal to grant access to a lawyer and interpreter at the early stage;
 - systematic restrictions on access to the case file;
 - refusal to timely provide copies of interrogation records.
2. Manipulation of the evidentiary basis
 - refusal to appoint an independent forensic technical examination of the production process;
 - substitution of forensic expertise with a “specialist opinion” lacking procedural status;
 - preparation of a financial examination with a pre-determined conclusion of “state damage” without analysing actual deliveries, cost structure, and profit.
3. Premature completion of the investigation
 - declaring the investigation completed while defence motions remained unexamined;
 - rectifying procedural violations only after a direct amendment to the criminal procedure legislation.

V. Prolonged detention and conditions of isolation

Since April 2025, Fernand Zogbi has been held in pre-trial detention. The detention is prolonged and accompanied by:

- lack of access to family;
- limited communication, reduced to rare contacts with lawyers;
- deterioration of health;
- absence of a convincing justification for the continued deprivation of liberty.

These circumstances indicate features of arbitrary deprivation of liberty and disproportionate interference with personal freedom.

VI. Breach of Kazakhstan's international obligations

1. Consular guarantees

The refusal to allow a representative of the Lebanese Republic access to its citizen is inconsistent with the Vienna Convention on Consular Relations and lacks proper legal justification.

2. International human rights standards

The case facts indicate possible violations of:

- the right to liberty and security of person;
- equality of arms;
- the right to a fair trial;
- the prohibition of arbitrary detention.

VII. International protection framework

Given the victim's citizenship and the nature of the alleged violations, the case has already been internationalised and recorded within the following institutional mechanisms:

- Commission for the Control of INTERPOL's Files (CCF);
- UN Working Group on Arbitrary Detention (WGAD);
- UN Special Procedures (including mandates on torture, independence of judges and lawyers, and the rights of migrants);
- Office of the UN High Commissioner for Refugees (UNHCR);
- Council of Europe human-rights structures.

The victim's foreign citizenship objectively expands the circle of stakeholders interested in monitoring and legally assessing the case, including diplomatic and intergovernmental channels.

VIII. Preliminary legal qualification of the situation

From the standpoint of international law and human-rights standards, the situation demonstrates a set of indicators of:

- using criminal proceedings for economic and administrative purposes;
- arbitrary deprivation of liberty;
- breach of the proportionality principle;
- restriction of the right to effective defence;
- disregard of consular and international guarantees.

IX. Conclusion

The FARMAKTIV LLP and Fernand Zogbi case represents an example of transforming an economic and regulatory conflict into criminal prosecution through disproportionate coercive measures.

Considering the victim's foreign citizenship, the prolonged detention, the nature of the procedural violations, and the already activated international protection layer, the further development of the case has not only domestic, but also international-legal significance.

This report is intended for use in international human-rights, diplomatic, and institutional mechanisms to protect the victim's fundamental rights and prevent further violations.

X. Systemic context: use of criminal prosecution in economic and corporate conflicts in the Republic of Kazakhstan

The FARMAKTIV LLP and Fernand Zogbi case cannot be assessed in isolation. The presented facts fit into a broader and documented context of recurrent business pressure in Kazakhstan, where criminal-procedure mechanisms are used as tools for asset redistribution, changes in corporate control, or displacement of owners.

Such practices have repeatedly become the subject of public discussion in international and regional media, analytical reports of human-rights organisations, and investment assessments addressing Kazakhstan's investment climate.

XI. Typical indicators of such cases (based on open sources and media)

Media and expert reviews regularly identify recurring elements that correspond to the circumstances of the present case:

- an abrupt shift from regulatory or commercial disputes to criminal prosecution;
- large-scale searches and seizure of corporate infrastructure;
- pre-determined financial and economic examinations;
- restrictions on defence rights;
- prolonged pre-trial detention;

- parallel redistribution of assets.

XII. Examples reflected in media and the public domain

In recent years, Kazakh and international media have widely covered cases in which entrepreneurs and investors alleged:

- criminal prosecution after refusing to transfer a business share or alter ownership structure;
- the use of economic-crime accusations in strategically important sectors (pharmaceuticals, extractive industries, agriculture, logistics, construction);
- pressure on foreign investors and owners followed by diplomatic intervention or international arbitration;
- subsequent termination of cases, mitigation of charges, or acquittals after the loss of business control.

These cases have been analysed in international business publications, human-rights reports, and materials related to investment disputes against the Republic of Kazakhstan in foreign jurisdictions.

XIII. Relevance of the systemic context for assessing the FARMAKTIV LLP case

In light of this context, the FARMAKTIV LLP and Fernand Zogbi case acquires indicators of:

- potential use of criminal proceedings outside their legitimate purposes;
- pressure on a long-established business with a stable reputation;
- disproportionate state interference with property rights;
- breach of legal certainty and protection of good-faith investments.

It is of particular significance that the victim is a citizen of a foreign state, which traditionally increases the international sensitivity of such cases and draws the attention of diplomatic, investment, and human-rights stakeholders.

XIV. Findings

Referring to the systemic nature of similar practices is not an accusation; it is an analytical and contextual element necessary for an objective international-legal assessment of the situation.

Taken together with concrete procedural violations, prolonged detention, and refusal of consular access, this context strengthens the argument for international monitoring of the FARMAKTIV LLP and Fernand Zogbi case and for applying protective mechanisms provided by international law.

Legal and reference sources (list)

- European Convention on Human Rights (ECHR)
https://www.echr.coe.int/documents/convention_rus.pdf
- ECtHR case-law database (HUDOC), Articles 5 and 6
<https://hudoc.echr.coe.int/>
- Vienna Convention on Consular Relations (1963)
https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf
- International Covenant on Civil and Political Rights (ICCPR)
<https://www.ohchr.org/sites/default/files/ccpr.pdf>
- UN Convention against Torture (CAT)
<https://www.ohchr.org/sites/default/files/cat.pdf>
- UN Working Group on Arbitrary Detention (WGAD)
<https://www.ohchr.org/en/special-procedures/wg-arbitrary-detention>
- UN Special Procedures (mandate registry)
<https://www.ohchr.org/en/special-procedures>
- UNHCR
<https://www.unhcr.org/>
- Council of Europe Commissioner for Human Rights
<https://www.coe.int/en/web/commissioner>
- INTERPOL Constitution
<https://www.interpol.int/en/Who-we-are/Legal-framework/Constitution-of-INTERPOL>
- INTERPOL Rules on the Processing of Data (RPD)
<https://www.interpol.int/en/Who-we-are/Legal-framework/Rules-on-the-Processing-of-Data>
- Commission for the Control of INTERPOL's Files (CCF)
<https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files>
- OECD: Kazakhstan country page (investment climate and investor rights)
<https://www.oecd.org/countries/kazakhstan/>
- Human Rights Watch: Kazakhstan reports
<https://www.hrw.org/europe/central-asia/kazakhstan>
- Amnesty International: Kazakhstan reports
<https://www.amnesty.org/en/location/europe-and-central-asia/kazakhstan/>

– ICSID: case-law (cases involving Kazakhstan)

<https://icsid.worldbank.org/cases>

– Observatoire ARGA (examples of master dossiers and analytical reports)

<https://argaobservatory.org/>