



MISSION PERMANENTE  
DE LA RÉPUBLIQUE DU KAZAKHSTAN  
AUPRÈS DE L'OFFICE DES NATIONS UNIES  
ET DES AUTRES ORGANISATIONS  
INTERNATIONALES AYANT LEUR  
SIÈGE A GENÈVE

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The Permanent Mission of the Republic of Kazakhstan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit the response of the Ministry of Foreign Affairs of the Republic of Kazakhstan to the joint communication from Special Procedures № AL KAZ 1/2022 dated January 18, 2022.

The Permanent Mission avails itself of this opportunity to renew to the OHCHR the assurances of its highest consideration.



**Geneva, March 18, 2022**

**Office of the High Commissioner  
for Human Rights  
Geneva**



**ҚАЗАҚСТАН РЕСПУБЛИКАСЫ  
ПРЕМЬЕР-МИНИСТРІНІҢ ОРЫНБАСАРЫ -  
СЫРТҚЫ ІСТЕР МИНИСТРІ**

**DEPUTY PRIME MINISTER,  
MINISTER OF FOREIGN AFFAIRS  
REPUBLIC OF KAZAKHSTAN**

**Nur-Sultan  
March 18, 2022**

**Your Excellences,**

The Republic of Kazakhstan welcomes your joint communication №AL KAZ 1/2022 of January 18, 2022. We commend your contribution to the protection of human rights around the world, and we are grateful for the opportunity to provide the following information regarding the legislation, policies and practices of Kazakhstan.

**Mr. Clément Nyaletsossi VOULE**

**Special Rapporteur on freedom of peaceful assembly and of association**

**Ms. Elina STEINERTE**

**Chair-Rapporteur of the Working Group on Arbitrary Detention**

**Mr. Luciano HAZAN**

**Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances**

**Mr. Morris TIDBALL-BINZ**

**Special Rapporteur on extrajudicial, summary or arbitrary executions**

**Ms. Irene KHAN**

**Special Rapporteur on freedom of expression and opinion**

**Ms. Mary LAWLOR**

**Special Rapporteur on human rights defenders**

**Ms. Fionnuala NÍ AOLÁIN**

**Special Rapporteur on counter-terrorism and human rights**

**Mr. Nils MELZER**

**Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

The Republic of Kazakhstan, respecting the principles and rules of international human rights law, has voluntarily assumed its international obligations to implement them through the ratification of the fundamental legal documents included in the structure of the International Bill of Human Rights.

According to Article 32 of the Constitution of the Republic of Kazakhstan, citizens of Kazakhstan have the right to assemble peacefully, without the use of arms, and to conduct meetings, rallies, demonstrations, processions and pickets. In accordance with this provision of the Constitution, this right may be restricted by law in the interests of national security, public order, safety, and protection of the rights and freedoms of other citizens.

Pursuant to the provisions of Article 32 of the Constitution of Kazakhstan, paragraph 2 of Article 2 of the Law of the Republic of Kazakhstan on the Procedure for Organizing and Holding Peaceful Assemblies in Kazakhstan of 2020 (hereinafter – the Law) establishes that "the right to freedom of peaceful assembly cannot be restricted, except in cases established by this Law in the interests of the national security, public order, safety, protection of the rights and freedoms of others."

These restrictions correspond to Article 21 of the International Covenant on Civil and Political Rights (hereinafter – the ICCPR), which stipulates that the right to peaceful assembly is not subject to any restrictions other than those imposed in line with the law and which are necessary in a democratic society for national security or public safety, public order, the protection of public health and the rights and freedoms of others.

***Regarding your first question.*** On January 1, 2022, **demonstrations against the increase in retail prices for liquefied petroleum gas** began in the Mangystau region of western Kazakhstan. The protesters demanded reduction of prices to the previous level and the solution of a number of other socio-economic issues. As per the President's instruction, the **Government of the Republic of Kazakhstan promptly responded to the demands of citizens** by January 4 and took measures to reduce gas prices, and imposed a moratorium on raising prices for staple foods, fuels and lubricants, and utilities. All persons detained during the unauthorized protests were released.

After meeting the demands of the protesters in the Mangystau region, demonstrations with similar demands began in all major cities of the country. The President instructed the Government and local authorities to find peaceful solutions to the issues raised through dialogue with all involved parties based on respect for the rights and freedoms of the citizens. This approach demonstrated a clear political will and a desire to resolve differences through dialogue, confirming the commitment of the authorities to the Listening State concept.

Nevertheless, terrorist, extremist and criminal groups hijacked and used the protests in major cities to ignite violence and crime.

As already noted, the January protests in Kazakhstan were initially peaceful, during which the protesters fully exercised their constitutional rights freely, and put forward demands of a socio-economic and political nature without any

restrictions. Through peaceful dialogue with all involved parties based on respect for the rights and fundamental freedoms of citizens, the government took necessary and prompt decisions to accommodate the demands of peaceful demonstrators. During peaceful protests, law enforcement agencies were firmly instructed to take lawful, necessary and proportionate steps to ensure public safety, public order, and protection of the life and wellbeing of the people.

Through dialogue with peaceful protesters, the Prosecutor General's Office staff and law enforcement agencies repeatedly explained to the protesters that their demands were heard and urged them to respect the law of Kazakhstan. Though peaceful protesters did not meet the requirements of the Law on Holding Peaceful Assemblies and Observing Public Order, **they were not subjected to any punitive measures.**

During these period, the Head of State addressed the protesters and urged them to show prudence and not to succumb to provocations and calls for the violent overthrow of the constitutional order. However, some citizens ignored these appeals.

It should be emphasized that the **participants of the subsequent mass riots did not put forward any specific economic and political demands. They had no intention to engage in dialogue with the authorities but intended to terrorize the population and overthrow the constitutional order through violence.** On January 4, 2022, in Almaty, following violent confrontation with unarmed law enforcement officers, armed terrorists seized, looted, destroyed and set on fire buildings and property of the Mayor's Office (Akimat), the residency of the President, city police departments, the Committee of National Security, the Prosecutor's Office, and a number of media, TV and radio companies. The terrorists also seized the international airport of Almaty, where there were planes of local and foreign airlines with passengers.

In line with the legislation of Kazakhstan, the role of the police during peaceful protests was to ensure safe conditions for the free expression of demands by protesters, as well as to prevent mass riots and violations of public safety. Furthermore, the police officers ensured the protection of law and order **without any use of weapons, including non-lethal weapons.**

At the initial stage, the police acted in accordance with the approved instructions for ensuring law enforcement and public safety during peaceful demonstrations. The officers were **not armed.**

As the number of protesters increased and radical extremists, terrorists and bandits joined these protesters, the demonstrations turned violent. As a result, numerous violent groups of protesters, including in Almaty, organized **mass riots** in different districts of the city. The rioters committed **pogroms, set alight** cars of the authorities, **attacked** police officers, administrative buildings of government agencies, and **seized** special equipment, medical and other state vehicles. Their actions were well-coordinated. Sticks, bats, paving stones, ordinary stones, bottled gasoline and alcohol were delivered **to the location of the protests in a coordinated** manner.

Law enforcement officers were equipped with **non-lethal weapons** - stun grenades, water cannons, and teargas, which are widely used in similar situations in international police practice.

Non-lethal weapons were used in full compliance with Article 60 of the Law of the Republic of Kazakhstan on Law Enforcement Service (*Use of non-lethal weapons and physical force*).

***For reference:** officers have the right to use physical force, including restrain, as well as non-lethal weapons to: **repel attacks** on individuals and officers; **suppress mass riots** and group violations of public order; **repel attacks on buildings, premises, structures, vehicles, as well as free facilities occupied by armed persons; detain offenders, if they disobey or resist officers; repel an attack for the purpose of self-defense** when there is a real threat of serious harm to life; **necessary defense, extreme necessity; deliver offenders; stop vehicles** by damaging them if the driver does not obey the officer's legitimate demands to stop.*

Following the aggravation of the situation, radical extremists, terrorists, and bandits took advantage of it and began to commit crimes en masse. They used aggressive force and weapons, attacked and criticized law enforcement officers publicly, including on the internet and social networks, called on others to do the same, seized and set alight buildings and cars, destroyed critically necessary and protected infrastructure, and killed people.

In this context, access to the internet was restricted. This was a necessary measure. The authorities were aware that such restrictions would create difficulties in various spheres of public life and hinder certain functions of the government and businesses.

However, **the state took this step to prevent terrorists and extremists from coordinating their actions on various messengers and social networks.**

Despite the measures taken, the situation in the country worsened drastically and on **January 5**, the level of mass aggression, use of weapons, seizure and arson of buildings and cars, destruction of vital infrastructure, attacks and murders of ordinary citizens and law enforcement officers sharply increased. **Assessing the situation as critical in which the life of the nation was under real and immediate threat, President Tokayev**, guided by the legislation and the Constitution of the country, ordered to take urgent measures to restore public order and safety and publicly **announced a state of emergency in the country.**

The next day, **the President ordered the launch of a counter-terrorist operation** to eliminate threats to national security, protect democracy and the lives and property of the citizens. This decision was announced publicly in accordance with the requirements of the Constitution, legislation and international legal obligations of Kazakhstan. Law enforcement agencies and local authorities also publicly warned citizens about the consequences of non-compliance with the curfew and legal requirements of the authorities during the state of emergency.

In line with Article 2 of the Law on the Procedure for Organizing and Holding Peaceful Assemblies in Kazakhstan, when a state of emergency, martial law or an anti-terrorist operation is introduced for a specific period of time, peaceful assemblies may be prohibited or limited in accordance with the procedure

established by the laws of Kazakhstan "On a state of emergency", "On martial law" and "On countering terrorism".

In addition, after evaluating the situation, the President had to appeal to the Member States of the Collective Security Treaty Organization (CSTO) with a request to send peacekeeping forces to help stabilize the situation in the country. **The mandate of the peacekeeping forces was to protect strategic facilities.** The anti-terrorist operation was carried out solely by the law enforcement agencies and the National Guard of Kazakhstan. Approximately 2,000 CSTO peacekeepers were sent to Kazakhstan.

Placing important facilities under the protection of these peacekeepers enabled Kazakhstani forces and law enforcement, special agencies and the army to focus on combating armed criminals. Following this operation, our law enforcement and military forces managed to take control of almost all the captured facilities.

*On January 19, after the completion of the operation, the collective peacekeeping forces left the territory of Kazakhstan.*

In his address to the people of Kazakhstan on January 7, 2022, President Tokayev ordered law enforcement agencies and the army to, "where necessary, open fire without warning". **This order was intended to combat terrorism and to protect citizens from armed bandits**, as well as to provide law enforcement agencies with the opportunity to defend themselves after many civilians and law enforcement officers, as well as other first aiders, were injured or killed.

It should be noted that the President's order on the use of lethal weapons was principled and concise. It was in line with the international principles of legality, necessity and proportionality in relation to the existing threat to democratic institutions, national security and the constitutional order of the country.

As the situation in the country stabilized President Tokayev announced the end of the state of emergency on January 19.

It must be emphasized that during the initial peaceful protests and the riots that followed, as well as during the anti-terrorist operation, peaceful demonstrators were not persecuted.

Furthermore, it is important to note that law enforcement agencies **brought (without detention) 9,200 people to police stations and immediately released almost half of them after clarifying their circumstances.** Most of the criminal cases currently under investigation are related to thefts and robberies.

**Any use of force by the law enforcement agencies of Kazakhstan was directed only against armed terrorists and criminals to protect the lives of the population. The authorities took all the necessary measures to ensure that no excessive force was used against peaceful demonstrators, human rights activists and journalists.**

In addition, President Tokayev instructed law enforcement agencies to form an investigative group to conduct a large-scale investigation into cases of possible use of excessive force against individuals and to bring all those responsible to

justice. The results of the investigation will be presented to the international community once complete.

**Regarding your second question.** The investigation of the tragic January events in our country continues and its preliminary results are provided in Paragraph 1 of Annex 1 to this letter. However, we cannot currently provide full information on the results of the investigation, but we can assure that the personnel of the investigative agencies of Kazakhstan are making every effort to identify and bring to justice those who committed acts of violence and other criminal acts, including on the part of the authorities.

**Regarding your third question.** Every complaint about the overreach of authority and abuse of authority by law enforcement officers is being examined by the Prosecutor's Office and the internal security units of the Ministry of Internal Affairs.

In order to ensure that citizens can receive information and/or file complaints, including against the actions of police officers, a "1414" Call Center hotline of the Ministry of Internal Affairs has been created. In total, the Call Center received 2,808 missing person reports – 1,400 citizens who disappeared in Kazakhstan during the January events (with 1,408 repeated reports).

Out of the aforementioned number of missing persons, 1,392 persons were found (*including 95 people who died, 1 of whom drowned, 39 were in hospitals, 117 detained for committing crimes and taken into custody (Temporary Detention Facility - 37; Pre-trial Detention Facility - 80), 148 citizens were under administrative arrest, 994 citizens were found*), the whereabouts of 8 persons remains unknown (*Almaty - 5, Almaty Region - 1, Shymkent - 2*).

All personnel are focused on locating the missing persons. In all criminal cases, including persons under investigation and those arrested, the right to defense is granted in accordance with the Criminal Procedure Code of Kazakhstan (hereinafter referred to as the CPC).

In accordance with Article 27 of the CPC, everyone has the right to receive qualified legal assistance during criminal proceedings. The defendant has the right to participate in the criminal process from the moment a person receives the status of a witness entitled to protection, a suspect, an accused, as well as at any subsequent moment of the criminal process.

In accordance with Article 67 of the CPC, the participation of the defendant in criminal proceedings is mandatory in cases where a suspect, accused, defendant, convicted person has been detained as a preventive measure. Relatives can also act as defenders, and are provided with full information about the persons under investigation and those that are arrested.

In order to ensure the rights of detained citizens, the Commissioner for Human Rights (Ombudsperson) and members of the National Preventive Mechanism and the National Council of Public Trust (NCPT) are granted access to the detainees and arrested persons in order to independently verify possible cases of ill-treatment, or failure to provide medical and legal assistance.

In addition, reports of human rights violations are also assessed by specially created public commissions, which include well-known human rights defenders and lawyers in Kazakhstan, including [REDACTED] and others.

The State and law enforcement agencies do not interfere in their activities. This approach is a guarantee of transparency and impartiality of the ongoing investigation.

The relatives of the detained persons are provided with full information about the location of the detained or arrested person, on what basis they were detained, as well as the possibility of visiting them.

Prosecutors, together with the Republican Board, conduct daily inspections of temporary detention facilities (TDF) and pre-trial detention facilities (PDF). The issue of timely provision of qualified legal assistance, as well as access of lawyers to pre-trial detention facilities, has been resolved. Detainees are provided with access to qualified lawyers, including, if necessary, free legal counsel at the expense of the state. The issue of providing timely qualified legal assistance, as well as access of defense lawyers to detention institutions, has been resolved. They have been granted access to pre-trial detention centers, TDF and detention rooms to examine the conditions of detention.

In addition, special prosecutors are investigating the attack on the building of the "Qazaqstan" TV channel (Almaty). The Military Investigation Department of the Ministry of Internal Affairs is investigating the shootout during the protection of the "Koktobe" TV tower, as a result of which one of the officers of the Almaty Police Department died from gunshot wounds.

Investigative bodies are working on cases in compliance with the criminal procedure legislation and in accordance with international standards (the Minnesota Protocol).

The final legal assessment of all these facts will be published following the completion of the investigative and operational procedures.

During the January events, there were no reported incidents of disappearances or arbitrary detentions by law enforcement agencies of journalists, human rights activists and civil society activists.

**Regarding your fourth question.** One of our priorities is the eradication of any kind of illegal actions. Kazakhstan is a party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The regulatory framework has been brought in line with the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules.

In order to ensure openness and transparency, close cooperation has been established with public monitoring commissions, the national preventive mechanism and non-governmental organizations.

They conduct independent monitoring of compliance with the rights and conditions of citizens in custody. All residential, office, communal and household detention premises are examined with the participation of community activists.

If bodily injuries are detected, video recording is carried out and immediate medical assistance is provided to the victims. The Prosecutor's Office is informed about every such case.

If it is impossible to provide qualified medical care in the detention centers, the persons are taken to civic health organizations and are treated in specialized guarded wards. In general, during the January events, 267 people with injuries were admitted to medical institutions, 33 of them received in-patient treatment in city hospitals and were released.

To date, one person under investigation and under arrest is in a hospital in Taraz and 30 are receiving out-patient treatment in medical institutions.

At the same time, it is ensured that all the defendants are aware of their constitutional right to present a defense and receive qualified legal assistance; the lawyers are admitted to their clients without hindrance.

According to Article 17 of the Law of the Republic of Kazakhstan No. 353 on the Procedure and Conditions for the Custody of Persons in Special Temporary Detention Centers and Facilities, dated March 30, 1999, detainees are granted unlimited private and confidential meetings with defense counsel.

**All investigative work in pre-trial detention facilities are conducted in specially equipped premises with installed video surveillance cameras.**

*Regarding your fifth and seventh questions.* The Constitution of Kazakhstan enshrines the basic international standards relating to freedom of expression. Of a total of 98 Articles of the country's Constitution, 30 are devoted to human rights. The Constitution guarantees freedom of association, freedom of speech and artistic freedom. Censorship is prohibited.

As previously stated, there are no ongoing criminal proceedings into allegations of harassment of journalists, nor any deaths of journalists during the January events.

*Regarding your sixth question.* Due to the escalation of illegal rallies and protests into mass unrest, accompanied by riots, arson of administrative buildings and vehicles, attacks on government officials and law enforcement officers, obstruction of traffic, police officers that were sent to protect public order were equipped with special non-lethal weapons (*they used flash bang and stun grenades, water cannons and tear gas, which is a widespread international police practice in similar situations*).

They did not possess or use firearms, because all rallies initially were peaceful.

Law enforcement forces began to use weapons to neutralize terrorists only after a state of emergency was declared on January 5 and the anti-terrorist operation began the next day, in response to the threat to civilian lives and safety.

Furthermore, we note that non-lethal weapons and firearms were used by law enforcement officers in strict accordance with Articles 60 and 61 of the Law of Kazakhstan on Law Enforcement Service, which corresponds to paragraph 9 of the Basic Principles of the Use of Force and Firearms by Law Enforcement Officials (*adopted by the 8th United Nations Congress on the Prevention of Crime and the Treatment of*

*Offenders in Havana, Cuba, August 27 - September 7, 1990*). In addition, the measures taken corresponded to the exceptional circumstances outlined in Article 4 of the International Covenant on Civil and Political Rights (ICCPR) of 1966.

**Regarding your eighth question.** Under paragraph 6 of Article 1 of the Law of Kazakhstan on Countering Terrorism, **terrorism** is considered the ideology of violence and the practice of influencing decision-making of state bodies, local self-government bodies or international organizations by committing or threatening to commit violent and (or) other criminal acts related to intimidation of the population and aimed at inflicting damage to individuals, society and the state.

**An act of terrorism** is an act or threat of causing an explosion, committing arson or other acts that threaten the lives of people, cause significant property damage or have other harmful effects on society, if such acts are committed for the purpose of violating public safety, intimidating the population, influencing decision-making of state bodies of Kazakhstan, foreign states or an international organization, as well as instigating war and complicating international relations, or a threat to commit such acts.

**Article 255 of the Criminal Code** establishes criminal liability for such acts **with sentences ranging from six years to life imprisonment and confiscation of property**, depending on the gravity of the offense.

**For reference:** *The Criminal Code contains 25 Articles establishing criminal liability for terrorist and extremist crimes.*

In the January events, criminals aimed to seize or retain power, violently change the constitutional system of Kazakhstan, and force the authorities to make unlawful decisions.

There were also repeated attempts to seize the Almaty Police Department, as well as offices of the mayors (*akimats*) of Aktobe, Zhambyl and Kyzylorda regions.

Accordingly, the actions of criminal groups also constitute propaganda or public incitement to seize or retain power, or to violently change the constitutional order of Kazakhstan (**Article 179 of the Criminal Code**), an attack on or seizure of buildings, facilities, means of communication (**Article 269 of the Criminal Code**).

According to the norms of the Criminal Code, these crimes are also recognized as extremist and terrorist crimes (*paragraph 30 of Article 3 of the Criminal Code*).

It should be noted that the actions of the criminals during the seizure of the Almaty International Airport are punishable in accordance with Article 3 of the UN Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (*each State Party undertakes to apply severe penalties to the crimes referred to in Article 1*), signed in Montreal on 23.09. 1971.

Law enforcement agencies in these situations acted fully in accordance with the norms of the current national legislation and international treaties ratified by Kazakhstan.

In view of the above, as well as in accordance with the norms of the current national legislation and the provisions of **UN resolutions No. 2396 and No. 2341**, the actions of these criminals in Kazakhstan are recognized as an **act of terrorism**.

Kazakhstan, acting through its law enforcement agencies and special services, takes a responsible attitude towards fulfilling its international obligations in the field of countering terrorism and violent extremism.

Our country is a party to **19** international universal instruments on combating terrorism. Within its multilateral and bilateral cooperation with the countries of Europe, Asia and America, Kazakhstan has concluded more than **60** agreements in various areas of combating crime, including terrorism and extremism. The UN Security Council has adopted 41 resolutions on combating terrorism, under which our country has relevant obligations.

A national legislative framework has been developed to effectively counteract modern challenges and threats.

There are laws on Countering terrorism (1999), on Countering Extremism (2005), on Countering the Legitimization (Laundering) of Incomes Received by Illegal Means, and Financing of Terrorism (2009).

Acts of the President and the Government have been developed that regulate the activities of the Anti-Terrorist Center, operational headquarters for combating terrorism, anti-terrorist commissions on reducing and eliminating the consequences of acts of terrorism, protecting facilities vulnerable to terrorism, etc.

In conclusion, we would like to note that law enforcement agencies and the National Guard forces were able to avoid large number of civilian casualties, thanks to the above-mentioned regulations, the availability and timely implementation of operational plans, as well as scrupulous work on training and re-training, including a detailed study of relevant standards in the field of human rights and the use of force. At the same time, necessary measures will be taken against every violation of human rights in accordance with the legislation of Kazakhstan. All the offenders will be brought to justice. The rights to freedom of expression and association, peaceful rallies and a free press are guaranteed by the Constitution and laws of Kazakhstan.

Kazakhstan fully supports and protects the constitutional rights of citizens. We will not tolerate violence, including violence committed by those who may use the aforementioned rights to commit violent criminal acts against civilians, law enforcement agencies, as well as for the purpose of violent change of the constitutional system of Kazakhstan.

In March of this year, during his address to the people of Kazakhstan, the Head of State presented the preliminary results of the investigation and a new package of political reforms aimed at protecting human rights and improving the social and economic situation of the country's population.

I hope that the information provided by the Republic of Kazakhstan in an open and transparent manner is sufficient to offer you more clarity on the issues covered and addresses all of your concerns.

I would like to reconfirm Kazakhstan's commitment to the protection of fundamental rights and freedoms, as well as its willingness to further develop close and fruitful cooperation with the United Nations human rights bodies and mechanisms.

Please accept the assurances of my highest consideration.



**Mukhtar TILEUBERDI**

## **1. Preliminary results of the investigation of the January events in Kazakhstan**

Law enforcement agencies are taking all necessary measures to identify and punish participants in terrorist attacks, and to fully restore public safety in the country.

In general, investigative teams (Ministry of Internal Affairs - 2,739, Special Prosecutors - 183, Anti-Corruption Agency - 174, Committee of National Security - 15, SIR - 3) are investigating **3,770** criminal cases, including **44** on acts of terrorism, **94** on murders, **45** on mass riots and others.

Of these, **138** criminal cases against **235** persons have been completed and sent to court, **72** persons have been convicted. These are ordinary offences (theft, robbery, possession and theft of weapons, etc.), which were investigated by the Ministry of Internal Affairs.

An interdepartmental investigative team is investigating cases of mass riots and acts of terrorism.

***For reference:** The Team consists of 224 employees: special prosecutors, investigators and detectives of the Ministry of Internal Affairs, the Committee of National Security, the Anti-Corruption Service and the Financial Monitoring Agency.*

The work is carried out in 8 regions (Almaty, Shymkent, Almaty, Zhambyl, Kyzylorda, East Kazakhstan Region, Aktobe and Atyrau regions).

The interdepartmental investigative group conducted more than **6,000 investigative actions** (1848 inspections, 2079 interrogations, 524 searches and seizures of property, 39 exhumations of corpses, as well as 915 examinations were ordered).

Today, in all criminal cases under investigation, **766 persons** were **detained** with court authorization. Their involvement in crimes was investigated not only by prosecutors, but also by the court when authorizing the arrest.

**Special attention is paid to the investigation into allegations of unlawful actions by law enforcement officers.**

Overall, the Prosecutor's Office received **301** complaints about unlawful methods of investigation. They opened **256** criminal investigations on torture and abuse of power. The Anti-corruption Service is considering **247** criminal cases. This is their direct jurisdiction under the Code of Criminal Procedure.

The nine most high-profile cases and cases of deaths of people in temporary detention facilities are being investigated by special prosecutors. As part of these cases, **nine** officials were detained, including **eight** employees of the Department of the National Security Committee (DNSC) and one policeman. This includes a investigator suspected of torture using an iron in the building of the Police Department of Almaty Region. In Almaty, six officers of the DNSC are suspected

of using torture against 24 citizens. As a result, all victims were injured and one person died.

Two more officers of the DNSC of the Almaty region are suspected of battery against a previously detained person in a temporary detention center resulting in his death. **All of them were arrested by a court order.**

Investigations are ongoing.

230 people died during the riots, including civilians, children, law enforcement officers and military personnel. An investigation is underway, the causes and circumstances of the deaths are being examined. Information about the deceased and detained persons is the subject of investigation in these cases. Thus, in accordance with the requirements of Article 201 of the Code of Criminal Procedure, any data from pre-trial investigations is currently not subject to disclosure.

In addition, the non-disclosure of information about persons who died during the January events is also a matter of moral considerations.

Each deceased person had relatives and friends. Taking this into account, additional publicity of full information may have an adverse effect on them.

There are no criminal proceedings related to the persecution and death of journalists during the January events.

There are, however, instances of violations of administrative law by media representatives. Media representatives who did not comply with the Law of the Republic of Kazakhstan on Mass Media regarding the mandatory requirement to wear or show distinctive elements (vests, armbands, clearly visible stickers) were detained and taken to police stations to clarify the circumstances and verify the identity; after that, they were immediately released.

The distinctive elements of journalists are required, first and foremost, to ensure the safety of the media representatives, as well as to be able to identify the journalists. This international practice is widely used in the coverage of peaceful assemblies.

In addition, during the January events, administrative charges were brought against four media representatives in the Akmola region.

[REDACTED]  
[REDACTED] He published an appeal on his Facebook page containing comments on the actions of the President of the Republic of Kazakhstan. On January 12, 2022, under Art. 478 of part 1 of the Code of Administrative Offenses, he was sentenced to 10 days of administrative arrest.

[REDACTED]  
[REDACTED] On January 6, 2022, under Art. 476 of part 1 of paragraph 3 of the Code of Administrative Offenses, he was sentenced to 5 days of administrative arrest.

[REDACTED] he broadcast a livestream in support of the events in Zhanaozen and urged the residents of Stepnogorsk to rally in support of the protesters. On January 4, 2022, criminal charges were brought against [REDACTED] under Art. 174 of part 1 of the Criminal Code of the Republic of Kazakhstan (inciting social, national, tribal, racial, class or religious hatred).

[REDACTED] Former media representative who does not have the status of a journalist. On January 6, 2022, under Art. 488 of part 6 of the Code of Administrative Offenses, he was sentenced to 10 days of administrative arrest.

According to the Ministry of Internal Affairs, trade unionists were not detained by law enforcement agencies during peaceful rallies and subsequent riots.

According to the Orders of the Minister of Internal Affairs of the Republic of Kazakhstan No. 505 dated July 28, 2017 on Approval of the Internal Rules and Regulations of Pre-trial Detention Centers of the Penal System and No. 745 dated October 28, 2020 on Approval of the Rules for Providing Medical Care to Citizens whose Freedom is Restricted and Persons Serving Sentences in Detention Centers, Placed in Special Institutions, persons put into pre-trial detention centers shall undergo a mandatory medical examination.

Commissioner for Human Rights [REDACTED] and Head of the Charter for Human Rights Public Foundation [REDACTED] conducted six visits. More than 100 people were seen.

***For reference:*** Two visits in the Zhambyl region, one visit in Almaty, one in the Atyrau region, one in the Kyzylorda region and one in the East Kazakhstan region.

141 remand detainees and 20 relatives were received.

February 5, 2022 – JIA-155/16 (Taldykorgan). During the visit, the remand detainee [REDACTED] filed a complaint about the non-attendance of a lawyer and the remand detainee [REDACTED] filed an oral complaint about the unlawful actions of employees of the police departments. 15 persons were received regarding personal matters.

February 5, 2022 – JIA-155/18 (Almaty). 11 remand detainees who participated in the January events were received regarding personal matters.

February 5, 2022 – ИЧ-158/1 (Taraz). 6 persons were received regarding personal matters.

February 17, 2022 – JIA-155/16 (Taldykorgan). Meeting with 66 remand detainees and 20 relatives of detainees.

February 17, 2022 – 3K-169/1 (Kyzylorda). Meeting with 43 remand detainees, participants in the January events. No complaints or grievances from the detainees were received. A meeting was held with the staff of the institution.

Members of the Public Monitoring Commissions (PMC) conducted 30 visits. Meetings were held with 356 persons, including 74 confidential ones.

***For reference:*** Six visits in Shymkent, three in the Zhambyl region, three in the Aktobe region, three in Nur-Sultan, two in Almaty, two in the East Kazakhstan region, two in the Karaganda region, two in the Kostanay region, two in the Akmola region, one visit in the Almaty, Mangystau, North Kazakhstan, Pavlodar and West Kazakhstan regions each.

No complaints or grievances in regard to detention conditions were received from remand detainees and convicts.

Participants of the National Preventive Mechanism (NPM) conducted 47 visits, including 43 special visits, 2 intermediate, 1 periodic and 1 at the initiative of the prosecutor.

654 persons were seen. 50 suspects made written appeals about the unlawful actions of the employees of the police departments, 5 of them filed complaints on criminal cases. Materials regarding four remand detainees who had previously received bodily injuries were not registered in the criminal record database.

In other regions (West Kazakhstan, Karaganda, Mangystau) no visits were made by the NPM representatives (there were no detainees at the rallies).

***For reference:** Eight in the Almaty region, six in the Zhambyl region, five in the East Kazakhstan region and Pavlodar region each, four in Shymkent and the North Kazakhstan region each, three in Nur-Sultan, three in the Aktobe region, three in the Kyzylorda region, three in the Atyrau region, two in the Kostanay region, and one in the Akmola region.*

Representatives of the “We Are Against Torture Public Association” visited pre-trial detention centers in Nur-Sultan. Following the meetings, no complaints or grievances regarding the conditions of detention were received.