



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

№ 30-44/168

*Enclosure: as stated, 31 pages.*

The Permanent Mission of the Republic of Kazakhstan to the United Nations office and other International Organizations in Geneva presents its compliments to the United Nations Human Rights Special Procedures and with reference to the latter's Note Verbale № AL KAZ 2/2024 dated May 9, 2024, has the honour to transmit the information of the Republic of Kazakhstan regarding the January 2022 events.

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

**Geneva, July 6, 2024**



**United Nations Human Rights  
Special Procedures**

**Cc: United Nations Office of the  
High Commissioner for Human Rights**

**Geneva**



*Akan Rakhmetullin*

*First Deputy Minister of Foreign Affairs  
of the Republic of Kazakhstan*

Astana

4 July 2024

**Your Excellences,**

The Republic of Kazakhstan welcomes your joint communication № AL KAZ 2/2024 of 9 May 2024.

We commend your contribution to the protection of human rights around the world, and we are grateful for the opportunity to provide the response to your communication in the Annex 1 to this letter.

Please accept the assurances of my highest consideration.



**Acting Minister  
Akan RAKHMETULLIN**

**Ms. Alice Jill EDWARDS**

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

**Ms. Ganna YUDKIVSKA**

**Vice-Chair on communications of the Working Group on Arbitrary Detention**

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**Ms. Gina Paola ROMERO RODRIGUEZ**

**Special Rapporteur on the rights to freedom of peaceful assembly and of association**

**Ms. Mary LAWLOR**

**Special Rapporteur on the situation of human rights defenders**

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**Mr. Ben SAUL**

**Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism**

**Response of the Republic of Kazakhstan  
to the request of the UN Special Procedures on Human Rights  
№ AL KAZ 2/2024 dated May 9, 2024,  
regarding the January 2022 events**

The tragic January events were an unprecedented test for our country. In those dark days, conspirators and radicals encroached on the foundations of our state. They used peaceful rallies to destroy stability in our country. Thereby, it is necessary to clearly distinguish between the causes of peaceful demonstrations and the goals of the conspirators who tried to carry out a coup.

People who suffered from systemic socio-economic problems took part in peaceful demonstrations. However, the criminal elements had other motives. Using provocateurs and bandits prepared in advance, they turned citizens' protests into mass riots.

As a result, a number of regions and cities of Kazakhstan plunged into chaos, the situation almost got out of control. Administrative buildings were seized. People took to the streets of the city of Almaty, smashing and looting everything in their path.

Needless to say, in this most difficult crisis period, the law enforcement system of Kazakhstan faced a great challenge. As a result of these tragic events, the Government worked on mistakes, and in the subsequent period, unprecedented reforms were undertaken to improve legislation and law enforcement practice, aimed at modernizing the system of law enforcement agencies, improving their work in general, and raising awareness of international human rights law.

Given the concerns of the distinguished Special Procedures of the UN Human Rights Council about the allegations regarding the January 2022 events in Kazakhstan, we have the honour to inform you of the following.

**Regarding questions 1, 2 and 8.**

After the tragic January events, the President of the Republic of Kazakhstan Kassym-Jomart Tokayev instructed law enforcement agencies to publish the results of the work carried out by the Interdepartmental Investigative and Operational Group on an ongoing basis.

Today, as a result of the January events, the criminal prosecution authorities have registered 5300 crimes (*The Ministry of Internal Affairs – 4 623, special prosecutors - 275, the Anti-Corruption Agency - 383, the National Security Committee - 15, the Financial Monitoring Agency - 4*).

Investigations on 758 cases were completed and cases were sent to court. 1413 persons were convicted in these cases, 578 of whom were convicted for participation, conscription and organization of mass riots (*imprisonment - 294,*

*restriction of liberty - 537, suspended sentence - 538, community service - 10, fine - 5, deferred - 1, released under amnesty - 8, terminated with death - 19, released from punishment due to the expiration of the statute of limitations - 1).*

On non-rehabilitative grounds, cases against 16 citizens were terminated, amnesty was applied against 1201 persons (*amnesty was not applied to persons who committed torture, abuse of power, organization of mass riots, terrorist crimes, etc*). The terms of punishment (*including for serious crimes*) were reduced for 1,100 persons, 74 persons of whom were released from custody.

The courts have been considering 4 cases against 67 persons, including 11 accused of attacking government buildings, 3 organizers of mass riots.

During the January events, 5419 people sought medical help in healthcare institutions, including 3998 law enforcement officers (*1309 military, 2689 police*) and 1151 civilians (*418 with gunshot wounds, 10 with stab wounds, 715 with various bodily injuries, 4 with burns, and 4 with respiratory tract poisoning*).

Of the 1151 civilians, 1097 are men, 54 are women, including 17 minors (*14 – males, 3 – females*) and 5 foreigners [REDACTED], [REDACTED]).

During the tragic events, special attention was paid to the death of citizens (*238 people were killed, including 19 law enforcement officers*). A list of all the victims were published on the departmental website of the Prosecutor General's Office, with only the surnames and initials of the names without specifying their full data, year of birth, place of residence and status in the case (*dictated by the objection of the relatives of the victims, as well as ethical considerations*).

The Interdepartmental Investigative and Operational Group clarified the circumstances of the death of all 219 civilians, 66 of whom were recognized as suspects in participation in mass riots, 143 violators of the state of emergency and the anti-terrorist operation (*including 22 that accidentally came under fire or in an accident*), 4 died while committing other crimes, 6 died as a result of torture.

Military investigation units and special prosecutors in separately registered criminal cases conducted an investigation into the circumstances of the use of weapons by military and police officers, within the framework of which their actions were given an appropriate legal assessment. Based on the results of the investigation:

1) On 16.11.2022, by a court verdict, a soldier [REDACTED] was sentenced to 6 years in prison for causing the death of [REDACTED];

2) On 26.06.2023, by a court verdict, [REDACTED] was sentenced to 7 years in prison for causing the death of the [REDACTED] family [REDACTED];

3) On 04.07.2023, by a court verdict, a soldier [REDACTED] was sentenced to 6.5 years in prison for causing the death of [REDACTED];

4) the case on the death of the minor [REDACTED] against a soldier [REDACTED] is over. On 28.03.2024, the appellate court overturned the verdict of the court of first instance and found [REDACTED] guilty, sentencing him to 7 years in prison;

5) the case on the death of [REDACTED] and [REDACTED], against a soldier [REDACTED] were completed and sent to court. On 03.06.2024, he was convicted and released from punishment due to the

expiration of the statute of limitations, the court verdict has not entered into force, the legality has been being studied by prosecutors.

In addition, President of Kazakhstan Kassym-Jomart Tokayev instructed to thoroughly investigate the facts when law enforcement officers had used prohibited methods of inquiry and torture against detainees.

From the first days of January, the Commissioner for Human Right E.Azimova (*now the Chairman of the Constitutional Court of the Republic of Kazakhstan*), a group of human rights defenders, members of the National Council of Public Trust, members of the National Preventive Mechanism joined the active work, who freely visited detention centers, got acquainted with the conditions of detention of participants in the January events, and also considered their complaints.

The Ombudsperson, independent public commissions headed by authoritative lawyers worked closely with the prosecutor's office, openly expressed and defended their positions.

Such work showed the transparency and democracy of the investigative process, allowed each appeal, each complaint to be approached individually. As a result, it was possible to significantly reduce the risks of unlawful sentences.

Following the first signals of complaints of torture, the prosecutors of the regions were instructed to strengthen the work of the prosecutors on duty to suppress the facts of the use of illegal investigative methods.

In the following days, for each such complaint and publication in the media, regardless of whether there was enough evidence for this or not, their one hundred percent registration in the unified register of pre-trial investigations, as well as the conduct of a pre-trial investigation on them by the Anti-Corruption Service and special prosecutors was granted.

For a prompt response to the actions of law enforcement officers in all regions of the country, mobile groups were organized. All contacts of the prosecutors on duty were posted on the departmental website “prokuror.gov.kz”.

In the course of this work, prosecutors released 103 people from temporary detention centers due to the lack of grounds for detention.

Since January 2022, the prosecutor's office has received 566 complaints from citizens, 373 of which are about prohibited methods of investigation (*35 decisions were made to include them in the pre-trial investigations of torture and abuse of power that had already begun, since the victims in their testimonies pointed to the same officials and, according to the current legislation, the verification of such complaints is carried out within the framework of registered criminal cases*), the remaining 193 are related to appeals against procedural decisions.

338 criminal cases (*Art. 146 of the Criminal Code – 304, Art. 362 of the Criminal Code – 34*) were registered on complaints of unlawful methods of investigation (*including torture and abuse of power*). The most experienced investigators were involved in their investigation in accordance with international standards established by the new version of the Istanbul Protocol.

The most high-profile cases and where persons died in temporary detention centers, the investigation was entrusted to special prosecutors (*32 criminal cases*), 11

criminal cases on the facts of abuse of power were in the proceedings of the Internal Security Department of the Ministry of Internal Affairs.

301 criminal cases were terminated for lack of evidence and lack of *corpus delicti* (292 were terminated by the Anti-Corruption Service, 6 by prosecutors, 3 by the Internal Security Service of the Ministry of Internal Affairs).

A number of objective reasons served as the basis for the termination of criminal cases.

Firstly, there was a lack of sufficient evidence and other data indicating the elements of a crime.

It should be noted that complaints of torture were used as a line of defence to declare the evidence collected against them inadmissible.

The testimonies of 3998 law enforcement officers and other victims of the actions of the rioters indicate that the bodily injuries of the alleged victims of torture could be inflicted by other persons in the course of participation in the mass riots.

142 persons from among the victims were convicted of participating in mass riots, as well as committing other crimes in a state of emergency, when the movement of citizens was restricted. 17 persons were brought to administrative responsibility for violating the state of emergency and participating in unauthorized rallies, etc.

Their guilt in the crimes committed (*participation in mass riots, etc.*) was fully confirmed by the case materials, witness testimonies, recordings of street CCTV cameras and proved in court.

In addition, their arguments about the use of torture were examined in the main court proceedings and the court gave a proper legal assessment of them (*due to lack of confirmation, they were dismissed*).

Thus, it was established that in most cases the allegations of torture had been initiated in order to avoid criminal liability for their own unlawful acts.

Secondly, a significant part of the victims filed complaints of torture several months later, when the opportunity to collect evidence was lost.

In particular, video recordings of street surveillance cameras, the storage period of which is usually 1 month, have not been preserved. Moreover, an analysis of the victims' testimonies indicates that the alleged places of torture could be located in "blind spots".

Thirdly, due to the expiration of a certain time, the criminal prosecution authorities failed to identify witnesses to the incident, to remove traces of the crime (*blood, clothing, tools*) for expert research.

Therefore, criminal cases where there was no objective data indicating the elements of a crime, were terminated due to lack of evidence and lack of *corpus delicti*.

Thus, the allegations that "some investigations have been closed or suspended even in cases where the alleged perpetrators have been informally identified and where there were credible allegations and evidence of their involvement in acts of torture" are not true.

In 16 cases of torture of 84 citizens, including those resulting in the death of 6 people, special prosecutors prosecuted 49 employees of the Ministry of Internal

Affairs and the NSC (12 employees of the NSC and 37 employees of the Ministry of Internal Affairs).

In 14 cases, 43 law enforcement officers were convicted, 1 case against 1 police officer has been pending in court (torture of ██████████ District Police Department by district police officer ██████████ under consideration by the court since 05/16/2024).

Today, 1 case of torture of ██████████ against 5 police officers is at the stage of pre-trial investigation (against 4 employees of the Police Department of ██████████ and the deputy head of ██████████ Police Department ██████████ all of them were recognized as suspects, a preventive measure was chosen against them).

At the same time, in 21 criminal cases of torture, where there was sufficient data indicating the elements of a crime, the terms of investigation were interrupted due to the failure to identify the suspect (prosecutors - 10, the Internal Security Service of the Ministry of Internal Affairs - 8, the Anti-Corruption Service - 3). However, these cases have not been actually closed and not been terminated, since search cases have been opened on them, within the framework of which a set of operational-search measures is carried out.

As eyewitnesses or other evidence in other cases are identified, investigations into them will also be resumed, bringing the perpetrators to criminal responsibility.

If the applicants do not agree with the decisions taken, they have the right to appeal to the supervising prosecutor or to the investigating court, which has the right to cancel the unjustified decisions.

As for the trial in the Taldykorgan city court in the case of torture of 23 victims, we report the following.

Fable: On January 7-17, 2022, ██████████ (detective), ██████████ (detective), ██████████ (detective), ██████████ (traffic inspector) and ██████████ (SOBR) used physical force and ironed 23 detainees (including 4 minors) for participating in riots in Taldykorgan to obtain confessions.

By the verdict of the court of Taldykorgan of the Zhetysu region dated 10.02.2023 under Article 146 Part 2 Paragraphs 1, 2, 3, 4 of the Criminal Code, ██████████ to 4 years, ██████████ to 3 years and 6 months of imprisonment, under Article 146 Part 2 Paragraphs 1, 2, 3 of the Criminal Code sentenced ██████████ to 3 years of imprisonment, under Article 146 Part 2 Paragraphs 1, 3 of the Criminal Code sentenced ██████████ to 3 years of imprisonment with serving the sentence in medium-security penitentiary institutions.

All participants in the process were timely notified of the time and place of the court session, while the accused were placed separately from the victims.

The issue of a small courtroom was resolved during the trial. Further hearing was held in the building of the specialized inter-district court for criminal cases of the Zhetysu region (SIDC), which is adapted for a large number of participants in the process, observers, and there are also conditions for confidential work of the prosecution, defense, and ensuring the safety of victims (the hall is intended for jury trials).

There were no complaints from the participants in the process and the parties, including on the fact of threats. According to the regulatory resolution of the

Supreme Court of the Republic of Kazakhstan dated December 28, 2009 No7, persons who reported torture are not prosecuted on the fact of knowingly false denunciation under Article 419 of the Criminal Code.

Thus, the information that "unsuccessful allegations of torture may automatically lead to accusations of false reporting, which will be a retaliatory measure and have a deterrent effect on other victims of torture" is not true.

In the courtroom were international observers, journalists, an interpreter, [REDACTED], a representative of the US Consulate in the Republic of Kazakhstan, [REDACTED], the chief inspector of the human rights protection department of the National Center for Human Rights and [REDACTED] the head of the human rights department of the National Center for Human Rights.

In addition, we would like to refute some of the arguments of the authors of the communication referred to by the special procedures in their request.

Since the beginning of January 2022, law enforcement agencies have revealed numerous facts of the dissemination of false information and videos, the so-called "fakes", on social networks. The leitmotif of these publications is to undermine the reputation of law enforcement agencies and the image of the state as a whole.

There have been no reports from detainees who have been forced to withdraw complaints or "keep quiet" about the practice of torture in detention in exchange for the suspects not being sentenced to punishment or being subjected to a lesser penalty.

The information that "hundreds of citizens are still deprived of their liberty" is also not true. The cases of unjustified detentions were the result of a crisis situation, to which the prosecutor's office responded in a timely manner. After clarifying the circumstances, all those unjustifiably detained were immediately released.

The cases when the detainees were not officially registered for several days, and they did not have the opportunity to contact their lawyers, were the result of the state of emergency and the counter-terrorist operation introduced at that time. After the restoration of a stable situation, detention procedures were brought into line with the current legislation.

With regard to the implementation of the recommendations of the ILO Committee on the Application of Standards to Kazakhstan on the implementation of the provisions of Convention No. 87 following the 110th session of the ILC, on July 11, 2022, together with social partners, an appropriate Action Plan was adopted, within the framework of which the revision of Article 402 of the Criminal Code of the Republic of Kazakhstan, which provides for liability for calls to participate in a strike recognized by the court as illegal, is considered.

The Government is considering the possibility of transferring Part 1 of Article 402 of the Criminal Code from a criminal offense to an administrative offense with the introduction of a new article of the Code of the Republic of Kazakhstan "On Administrative Offenses" and, by analogy with Article 400 of the Criminal Code, to retain criminal liability only if the actions provoking the continuation of participation in a strike recognized by the court as illegal, caused significant harm to

the rights and legitimate interests of citizens or organizations or the legally protected interests of society or the state, or caused mass riots.

In addition, the case of the disappearance of [REDACTED] was reclassified under Article 99, Part 2, Paragraph 15 of the Criminal Code "murder during mass riots".

In this regard, it is worth noting that during the tragic events, no statements on the facts of enforced disappearance, including those of trade union leaders, were registered.

Journalists and human rights defenders were not involved in the orbit of criminal prosecution.

The investigation to identify the perpetrators and ultimate organizers of mass riots in 2022 in Kazakhstan continues and is under special control.

### **Regarding questions 3 and 7.**

In relation to victims of torture, within the framework of the pre-trial investigation, forensic medical and forensic psychological and psychiatric examinations are carried out, on the basis of which the possible circumstances and severity of the injury received (*physical and psychological*) are determined.

At the same time, a victim of torture, taking into account the state of his health or well-being, can independently apply for primary medical care to the territorial health authorities.

The procedure for the provision of medical and psychological care is regulated by the Code of the Republic of Kazakhstan "On the Health of the People and the Health Care System", the Order of the Minister of Health of the Republic of Kazakhstan (*dated November 30, 2020 No KR DSM-224/2020, "On Approval of the Standard for the Organization of the Organization of Medical and Social Care in the Field of Mental Health of the Population of the Republic of Kazakhstan"*) and "Standards for the Organization of Primary Health Care in the Republic of Kazakhstan" (*Order of the Minister of Health of the Republic of Kazakhstan dated March 30, 2023 No 49*).

Thus, according to the requirements of Article 123 of the Code "On the health of the people and the health care system", primary health care is provided by general practitioners (*family doctors*), district therapists, paramedics, social workers, psychologists in the field of health care.

Consequently, the applicant, if necessary, has the right to independently apply to the health authorities for medical, psychological and rehabilitation assistance.

Further, in accordance with the requirements of the regulatory decisions of the Supreme Court of the Republic of Kazakhstan, the body conducting the criminal proceedings is obliged to explain to the victim of torture his right to file a claim for compensation for property and moral damage, the procedure for bringing such a claim, as well as his right to receive compensation.

In accordance with Article 41 of the Criminal Procedure Code, claims for compensation in monetary terms for moral damage caused are filed in civil proceedings. In the event of a civil claim for compensation for damage in a criminal case, it is considered in accordance with the procedure established by Chapter 20 of the Criminal Procedure Code.

To date, the court has examined 11 civil claims (2 in 2021, 9 in 2023), as a result of which moral and material damages were recovered from the convicts who were found guilty of committing torture in favor of the victims.

In addition, victims of torture are paid State monetary compensation in accordance with the Victims Compensation Fund Act. In order to receive compensation, victims of torture must apply to the competent authorities. This information is published on the departmental website of the Prosecutor General's Office. The amount of state monetary compensation for victims of torture ranges from 30 to 40 MCI (in 2024, the monthly calculation index is 3692 tenge).

Moreover, at the initiative of the Head of State, the public fund "Kazakhstan Khalkyna" was created in the country. The Foundation provided charitable assistance to 713 victims for a total of 2 billion 381 million tenge, in particular: to the families of 151 dead civilians – 1 billion 1 million tenge (7 million tenge each); 148 minor children in the families of deceased civilians – 244 million tenge (2 million tenge for each minor child); 248 adult civilians who received gunshot wounds – 585 million tenge (3 million tenge each); families of 13 children who received gunshot wounds – 39 million tenge (3 million tenge each), etc.

With the assistance of local executive bodies, the social and domestic problems of affected citizens (employment, treatment, provision of food baskets, school supplies and other types of legal assistance) have been resolved.

#### **Regarding question 4.**

The Constitution of the Republic of Kazakhstan guarantees the protection of human rights, including the prohibition of torture and ill-treatment. Article 17 of the Constitution stipulates that "no one shall be subjected to torture, violence or other cruel or degrading treatment or punishment".

On March 17, 2023, Law No 212-VII "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Human Rights in the Field of Criminal Proceedings, Execution of Punishment, as well as the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment" was signed.

Complaints of torture or ill-treatment by detainees and convicted persons must be immediately forwarded by the administration of places of detention to the procurator.

All evidence collected by intimidation, threats, coercion to testify and pleading guilty to a criminal or administrative offence shall be declared inadmissible.

Responsibility has been introduced for aiding, abetting, complicity or acquiescence on the part of colleagues and managers, in particular, without the expiration of the statute of limitations, repentance, reconciliation of the parties and amnesty in these cases.

Responsibility has also been introduced for knowingly illegal detention, deliberate failure to notify the relatives of the detainee of the fact of detention and his whereabouts, refusal to provide such information and falsification of the time of drawing up the detention protocol or the time of actual restriction of the rights of citizens.

In accordance with the requirements of Article 147 of the Code of Criminal Procedure, remand in custody as a preventive measure is applied only with the sanction of a judge and only in relation to a suspect, accused or defendant in the commission of an offence for which the law provides for a penalty of deprivation of liberty for a term of more than five years, provided that it is impossible to apply other, less severe measures of restraint.

According to the regulatory resolution of the Supreme Court of the Republic of Kazakhstan dated December 28, 2009 No7, it is inadmissible to bring to criminal responsibility under Article 419 of the Criminal Code, for knowingly false denunciation of a suspect who filed a complaint about torture or other ill-treatment with the competent authorities, only on the basis that the facts set forth in his complaint were not confirmed and the criminal case on this appeal was terminated.

In accordance with Article 97 of the Criminal Procedure Code, in order to ensure the security of witnesses, suspects and other persons participating in criminal proceedings, members of their families and close relatives, the body conducting the criminal proceedings has the right to apply security measures.

In addition, the Law "On Advocacy and Legal Assistance" provides for the right to legal assistance, including the protection of the rights of victims of torture and ill-treatment.

In 2022, the Head of State signed the Law "On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on Improving Legislation in the Areas of Intellectual Property and the Provision of State-Guaranteed Legal Assistance", according to which the circle of persons entitled to receive guaranteed state legal assistance (*GSLA*) was expanded, including victims of sexual violence, human trafficking, torture, acts of terrorism, refugees, large and low-income families, veterans and persons with disabilities.

At the same time, in Kazakhstan, everyone has the right to receive qualified legal assistance, including free of charge in cases provided for by law.

In 2023, the number of persons assisted by *GSLA* was 211,918, of which: in civil proceedings - 6278; in criminal proceedings – 109,466; for administrative offenses - 6041; legal advice - 90,133.

Also, in Kazakhstan, comprehensive social legal assistance is provided to persons in difficult life situations, and includes legal support for the client from the moment of applying for legal assistance to the final legal decision on the case.

#### **Regarding question 5.**

The main provisions of the guidelines for the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment (*Istanbul Protocol*) have been adopted and included in the legal acts of the authorized state bodies (*Instruction on the organization of pre-trial investigation in the prosecutor's office of criminal cases of torture, approved by the order of the GP RK No264 dated 31.12.2022*).

All investigations into cases of torture are conducted in accordance with the documentation requirements and the specifics of the main provisions of the *Istanbul Protocol*.

On December 8, 2023, the President of the Republic of Kazakhstan Kassym-Jomart Tokayev signed Decree No 409 "On the Action Plan in the Field of Human Rights and the Rule of Law" (*Action Plan*), which provides for a number of events, aimed at human rights in the field of criminal justice, execution of punishment and prevention of torture and ill-treatment.

The following activities are included in current Action Plan:

- amendments to regulatory legal acts on the conduct of forensic medical and forensic psychological and psychiatric examinations in order to fully comply with the recommendations of the updated Istanbul Protocol;
- bringing the methodology of forensic medical and forensic psychological and psychiatric examinations in line with the recommendations of the updated Istanbul Protocol;
- development of proposals to improve the mechanism for compensation for harm caused to victims of torture and ill-treatment, as well as their rehabilitation in accordance with the recommendations of the updated Istanbul Protocol and UN bodies.

A survey was conducted among 2453 employees of the internal affairs bodies, 52 convicted of torture (17 - serving a sentence in the form of imprisonment, 35 - under the control of the probation service), as well as 1487 employees of the prosecutor's office. The results of the study were tested:

- at the round table (31.03.2023), organized by the Academy of the Prosecutor General's Office, with the participation of the heads of personnel and psychological services of the central offices of state bodies (*PG, NSC, MIA, KUIS*), representatives of the expert and scientific community (*Academy of Public Administration under the President of the Republic of Kazakhstan, Academy of the National Security Committee, Kostanay Academy of the Ministry of Internal Affairs, etc.*);

- International Conference "Prevention of Torture and Ill-Treatment: International and European Standards and Best Practices", organized by the GPO jointly with the Council of Europe (20.04.2023), with the participation of the Prosecutor General, the Chairman of the Supreme Court, the Chairman of the Commission on Human Rights under the President of the Republic of Kazakhstan, the Commissioner for Human Rights, the Ambassador of the European Union to Kazakhstan, as well as delegations of Central Asian countries, international experts and representatives of interested government agencies and organizations of the Republic of Kazakhstan.

Based on the results of the study, a number of systemic problems were identified in the procedures for selecting personnel, psychological support for employees in the course of service, as well as the procedure for conducting official investigations, which significantly reduce the effectiveness of preventing torture and other prohibited methods of work.

The presented results of the study on combating torture aroused increased interest and were approved by the participants of the scientific event with a recommendation to disseminate positive experience in the countries of Central Asia and Europe.

Active work on the implementation of the provisions of the Istanbul Protocol continues.

**Regarding question 6.**

The absolute prohibition of the use of torture, cruel, inhuman and degrading treatment, intentional infliction of physical pain and mental suffering, and other unlawful methods of work is enshrined in current legislation.

The Law of the Republic of Kazakhstan dated 17 March 2023 No 212-VII provides:

- Fixing the term "person entering in an official capacity" in order to expand the circle of persons belonging to the subjects of the crime under Article 146 of the Criminal Code;
- Amendments to Article 110 of the Criminal Code "Torture", in terms of excluding competition with Article 146 of the Criminal Code (*excluded "with the use of torture"*);
- Introduction of a new corpus delicti "Cruel, inhuman or degrading treatment"; toughening of sanctions under article 146 of the Criminal Code (*for the commission of torture*);
- the exclusion of the use of a suspended sentence for torture;
- Delimitation of jurisdiction between the prosecutor's office and internal affairs bodies for the investigation of cases of ill-treatment and torture.

A significant amount of work is being done to prevent and prevent torture, the main focus is on eliminating the causes and conditions of its commission. To this end, a new formula for the detection of crimes in accordance with the Istanbul Protocol has been developed.

The heads of law enforcement agencies have approved the Instruction on ensuring compliance with the constitutional rights and freedoms of citizens in criminal proceedings and in the execution of punishment (*Orders of the Prosecutor General dated 09.01.2023 No14, Minister of Internal Affairs dated 13.01.2023 No14, Chairmen of Anti-Corruption Agencies dated 13.01.2023 No19, Financial Monitoring dated 16.01.2023 No7*). It provides for the grounds for bringing citizens before the criminal prosecution authorities, carrying out the delivery, bringing them in with the use of video tokens, equipping "transparent" rooms for the conduct of investigative actions, establishes the personal responsibility of managers, as well as the requirement for the prosecutor to go to the scene of torture. A ban has been introduced on conversations, surveys, negotiations with persons without procedural status.

In all law enforcement agencies and penitentiary institutions, a system of continuous video surveillance has been introduced, which has had a real effect. Comprehensive work is underway on 100% equipping and using video tokens by employees. For the regulatory and legal regulation of the functioning of video surveillance systems, a joint order approved special Rules (*approved by orders of the Prosecutor General dated 27.01.2023 No46, Minister of Internal Affairs dated 21.02.2023 No 176, Chairmen of Financial Monitoring Agencies dated 23.02.2023 No 54, Anti-Corruption dated 27.02.2023 No 85*), which contain the procedure for organizing the operation of the video surveillance system, ensuring round-the-clock monitoring, conditions for

storing video recordings, equipping with autonomous backup power sources and additional sets of equipment.

In addition, according to the National Center for Human Rights, in 2023 a number of complaints of torture decreased to 165, which is almost three times less compared to 2022 (447 complaints).

In 2023, NPM participants made 461 preventive visits, more than 3 thousand recommendations were made. Representatives of the Ombudsman in the regions conducted 606 visits, 600 recommendations were adopted.

As a result of the work, 275 officials were brought to justice (208 to disciplinary, 67 to administrative), 258 of which - at the suggestion of representatives, 17 - at the initiative of NPM participants.

The measures taken by Kazakhstan to prevent torture and expand the mandate of the NPM, including access to convicted persons, were highly appreciated by the Committee Against Torture in 2023 (*Concluding observations on the fourth periodic report of Kazakhstan to the Committee against Torture dated 10 May 2023*).

At the same time, the Subcommittee against Torture made various recommendations following its visit to Kazakhstan in 2023, including strengthening the independence and autonomy of the NPM (*Report of the Subcommittee against Torture of 4 January 2024*).

As a result of the active work carried out, the number of complaints of torture in Kazakhstan has significantly decreased. The introduction of new legislative measures, the strengthening of investigative techniques and the empowerment of NPMs have further reduced the level of torture and ill-treatment in the country.

Today, measures are being taken to improve legislation with regard to the definition of torture, and a draft law of the Republic of Kazakhstan has been submitted to the Majilis of Parliament for consideration "On Amendments and Additions to Certain Legislative Acts on the Optimization of the Criminal, Criminal Procedure and Criminal Executive Codes".

The draft law provides for amendments and additions to articles 50, 72 and 73 of the Criminal Code, in terms of establishing a lifetime ban on holding positions in law enforcement and special bodies with the mandatory imposition of deprivation of the right to hold a certain position or engage in certain activities for committing torture; prohibiting the application of conditional early release to those convicted of torture and the replacement of the unserved part of the sentence with a lighter type of punishment or the reduction of the sentence imposed.

Along with this, amendments are being considered to expand the powers of lawyers in criminal proceedings. It provides for the provision of lawyers with the right to appoint an expert examination for all objects; establishing the possibility for lawyers to directly ask questions to the expert without petitioning the investigator; granting lawyers the right to familiarize themselves with the materials when sending them for examination; granting lawyers the right to submit to the court a document opposite to the indictment - the act of defense.

In order to prevent torture and other unlawful methods of investigation that humiliate human dignity and damage the health of citizens, the internal affairs,



6) torture of ██████████ in the temporary detention center of the ██████████ Police Department (*special prosecutors interrogated 355 persons, appointed 10 expert examinations, conducted 58 examinations, 50 seizures, exhumation of the corpse and 95 other investigative actions, but it was not possible to identify the guilty person, video recordings from the scene of the incident were not preserved, eyewitnesses to the torture were not identified. On 05.04.2024, the terms of the investigation of the criminal case were interrupted due to the failure to identify the persons who committed the criminal offense*).

**Regarding question 10.**

The Constitution of the Republic of Kazakhstan guarantees the right of citizens to receive information and freedom of speech. These fundamental rights form the basis for the transparency of the judicial system.

The Law on the Judicial System and the Status of Judges enshrines the principles of publicity and openness of court proceedings. Exceptions are cases related to state secrets or the private life of citizens.

At the same time, the Criminal Procedure Code and the Code of Civil Procedure detail the procedure for holding court hearings, including the conditions for open sessions. Such meetings can be attended not only by the participants in the process, but also by other persons, including representatives of the media.

The Law on Mass Media establishes the rights of journalists to receive information and their access to socially significant events, including trials. Media representatives have the opportunity to be accredited at the courts to cover trials, which gives them the right to attend open court sessions, to make recordings and broadcasts, except in cases of closed sessions.

In addition, court decisions in most cases are publicly available on the official websites of the courts, which allows the public and the media to quickly receive information about the results of court proceedings.

In a number of cases, the court may decide to hold a closed session to protect state secrets, the interests of minors, the private life of citizens or other secrets protected by law. The norms are aimed at protecting sensitive information and the rights of participants in the process.

In some cases, video filming or photography in the courtroom may be prohibited. Such measures are taken to avoid violating the rights of the parties to the process or influencing the course of the trial.

National legislation provides for a set of measures to ensure the right to information and media access to judicial proceedings, which contributes to the transparency and openness of the judicial system. They are aimed at balancing the openness of trials and the protection of the rights and interests of all parties to the proceedings. The law guarantees that the rights of citizens and the media to receive information are respected, while ensuring the necessary protection of confidential information and the interests of justice.

In conclusion, we would like to note that the Republic of Kazakhstan attaches paramount importance to ensuring the rule of law, respect for the constitutional rights of citizens, building a democratic society, and establishing a legal culture in society in accordance with the country's international obligations.

Kazakhstan welcomes constructive cooperation with international human rights organizations and UN institutions, and is also ready to make its feasible contribution to the maintenance of measures aimed at observing international human rights law.

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