

SHOOT TO KILL...

“SHOOT TO KILL...”

REPORT ON THE JANUARY 2022 TRAGEDY IN KAZAKHSTAN*

QANTAR 2022

* The Report is compiled by the Human Rights Alliance for Fundamental Rights Documentation Centre on the basis of direct documentation by independent monitors as well as the collection and research of other information.

Table of contents

Executive Summary	4
Introduction	7
Methodology and references	7
Documents and state response	8
Response and international statements	10
Outbreak of the conflict (respect for freedom of peaceful assembly)	13
Shoot to kill command (respect for right to life)	25
Chronicle of events. Violence, suppression of riots and destruction (the right to life, liberty and personal inviolability, the use of lethal weapons)	34
Detentions and arrests (respect for the right to liberty and personal inviolability)	46
Pre-trial investigation (respect for the right to a fair trial, including the right to defence)	52
Court trials (respect for the right to a fair trial)	57
Rehabilitation and apology from the state (right to compensation)	66
Concluding remarks	68
General conclusions	68
Questions to the country leadership and law enforcement agencies	70
Recommendations to the country leadership and law enforcement agencies	72
Annexes	72
Statistical report Qantar2022	73
Key statistics	74
Demographic characteristics of victims	76

Gender	76
Age	76
Ethnicity	78
Nationality	79
Victim's region	80
Social working status of the victim	83
Location and status of the victim at the time of the interview	85
Statistics directly from cases	88
The region where the events took place	88
Role in the events	91
The essence of the case	95
Date of commencement of human rights violations	98
Individual or group cases	101
Appeal	102
An analysis of violations of the rights	108
International documents-level violations of rights	108
Specific violations of the rights	108
What Kazakhstan laws have been violated in a particular case	110
Publications on particular cases	115
Conclusion	117
Technical challenges of documenting the events	117

Executive Summary

In January 2022, tragic events unfolded in Kazakhstan during which the use of lethal weapons resulted in the deaths of over two hundred people, as well as about twenty law enforcement officers. The use of lethal weapons was effectively sanctioned by President Tokayev.

These tragic events were not the first in the history of independent Kazakhstan. In 1986 a peaceful protest of Kazakh youth, known as “Zheltoksan”, ended with a violent suppression, but only one person was officially declared killed. In December 2011, 16 people died as a result of a violent end to a month-long oil workers' strike in Zhanaozen. Qantar2022, as the January 2022 events are called, became another bloody page in Kazakhstan's recent history. According to official data, 238 people were killed; according to human rights activists, 264 died¹. Of these, seven were minors and 10 women, including two girls. Nine people are listed as missing.

Rallies during Qantar 2022 began as support for the demands of citizens of Zhanaozen and the whole of Mangystau, demanding a reduction in the price of liquefied gas. The demands of the Zhanaozen protesters were supported throughout the country and evolved further into political demands: "Shal ket!", freedom for political prisoners and the resignation of the government. However, peaceful protesters and those who thought that a peaceful revolution had begun in the country and went to support them in the square with their presence, were used by organised experienced trained militant groups consisting of religious radicals, criminal elements, bandits, looters, petty hooligans and organised crime syndicates to create chaos and unrest. Events then progressed rapidly to a hot phase with armed militant groups targeting government offices, police departments, airports, etc.

The history of many countries shows that the events which have not been properly investigated and where the perpetrators and, more importantly, the instigators have not been identified and brought to justice, tend to repeat themselves with even more grave consequences. This, unfortunately, is also the case in Kazakhstan: with each tragedy, the number of deaths increases.

1 www.qantar2022.org

This report is prepared by the Documentation Centre of the Human Rights Alliance of Kazakhstan in support of fundamental rights², and deals with the circumstances surrounding the January 2022 events, starting with the spontaneous demonstrations in Zhanaozen and Mangystau province, and ending with events in different parts of Kazakhstan that have occurred from 2 January 2022 up to 20 May 2023, when the report was presented and published.

The purpose of the report is to independently review and analyse the January events on the basis of the documentation prepared, interviews with victims and/or their relatives, witnesses, collected video and photo evidence as well as other information.

The authors of the report were not intended to give a complete and thorough account of all events that took place between 2 and 7 January 2022. The report focuses more on the respect of citizens' rights to peaceful assembly and protest, to life, liberty and security of person, to a fair trial at the pre-trial and trial stages, including the right to defence, to access to information, and on the interaction between the police and participants in peaceful assemblies, which has resulted in numerous acts of violence and torture, the misuse of the term 'terrorists', and the wrongful and arbitrary detention of large numbers of people including the right to defence, access to information, as well as the interaction between the police and participants in peaceful assemblies, which has resulted in numerous acts of violence and torture, the misuse of the term "terrorists", and the wrongful and arbitrary detention of large numbers of people, many of whom have been charged with criminal offences and sentenced to various terms of imprisonment.

Since some of the criminal cases initiated as a result of Qantar2022 are still pending in court, many of the cases where there are victims have been mostly dismissed or are not available to the public due to being “classified”, and other cases are still under investigation, the conclusions and recommendations contained in this report should be considered as preliminary, being a stage for further documentation and discussion.

In order to ensure objectivity of assessments, human rights activists made a number of enquiries to the Office of the Prosecutor General of the Republic of Kazakhstan (OGO RK), Ministry of Internal Affairs of the Republic of Kazakhstan (MIA RK), National Security Committee of the Republic of Kazakhstan (RK NSC), Human Rights

2 The Human Rights Alliance for Fundamental Rights is an association of Kazakhstani human rights organisations, coalitions and individual experts, established on 14 January 2022 at the initiative of the Kazakhstan International Bureau for Human Rights and Rule of Law. Refer to the Statement on the Human Rights Alliance for Fundamental Rights: <https://bureau.kz/novosti/zayavlenie-o-sozdanii-pravozashhitnogo-alyansa/>.

Commissioner of the Republic of Kazakhstan (HRC of the RK) and the Presidential Administration of the Republic of Kazakhstan (PA), the answers to which would allow to restore the objective picture of what happened and give substantiated assessment of events as well as set forth position of competent and involved state bodies. Unfortunately, no answers to the questions raised have been received from the Kazakh authorities. At the same time, the refusal to communicate with civil society representatives was in most cases justified by references to Article 201 of the Code of Criminal Procedure of the Republic of Kazakhstan on the inadmissibility of the disclosure of pre-trial investigation data, as well as the prohibition on dissemination of personal data. For this matter, many questions will be raised again in the final part of the report.

Under these circumstances, the review and analysis Qantar2022 presented in this report is based on information obtained by the Centre from public sources and documents and testimonies gathered by the Centre directly. In total, more than 1,000 hours of video footage was viewed and more than 10,000 pages of various documents relating to Qantar2022 were studied. The authors of the report believe that the materials collected provide sufficient credibility to establish some of the factual circumstances of the January tragedy, to record violations of citizens' rights and freedoms and to assess the actions of the Kazakh authorities in accordance with international human rights standards.

Introduction

Methodology and references

This report has been compiled through personal interviews and contacts with those who participated in the events and their relatives, field research, video footage from the media and private individuals, written documents, selected available criminal case files of participants in the January events, as well as information from the Internet and social media, and various available information materials and policy briefs, communications with lawyers and legal advisors, reports of trial observers at the criminal proceedings against participants in the events, official documents from court chambers and on the basis of our own findings, as well as other information. This report also drew on available documentary journalistic and expert sources, as well as reports and policy briefs already published on the January events.

The documentation began on 5 January 2022 and the first lists of 139 casualties and deaths from the events occurred on 4-5 January, 2022 were published as early as 11 January in the social media, as soon as the Internet was made available³.

In total 600 cases related to Qantar2022 were documented by the Documentation Centre, 579 of which were based on testimonies of citizens, 9 cases on correspondence with state authorities and 12 cases on specific events. Among those interviewed were 542 men and 37 women. 217 deaths were identified, of which 175 were documented (according to death certificates and the testimony of relatives, 95% had gunshot wounds) from 9 cities of Kazakhstan: Almaty, Taldykorgan, Shymkent, Taraz, Aktobe, Kyzylorda, Semey, Oskemen and Atyrau. On 13 January 2022, civil volunteers created the website www.qantar2022.org, opened pages in various social networks to inform and collect documentation and for feedback. On 14 January the Human Rights⁴ Alliance for Fundamental Rights was established, with the main aim of promoting an objective and impartial chronology, analysis of the actions of all parties during the protests and respect for the fundamental rights of citizens.

3 <https://www.facebook.com/toregozhina/posts/pfbid0grZvymFW8kwuxMrPyY11JfCsfkRgAw9rpF9f6S6vQ1XM9i9VfEGnhsn5TfkGXBfNI>

4 https://pana-defenders.info/publications/aliance_hrds2022/

Documents and state response

On 5 January 2022, a state of emergency was declared throughout the country⁵. President Tokayev took office as Chairman of Kazakhstan's Security Council⁶ and requested military assistance from member states of the Collective Security Treaty Organisation (CSTO) for a counter-terrorist operation. On the same day, after 5 p.m., the Internet was shut down in Almaty and later throughout Kazakhstan. Mobile service was available. Rumours began to circulate about the arrest of Samat Abish, the first deputy of the NSC, in Almaty.

On 6 January, the chairman of the National Security Committee of the Republic of Kazakhstan, K.Massimov⁷, and five of his subordinates were detained and taken to a detention centre for treason under Article 175 of the Criminal Code of the Republic of Kazakhstan. On the same day, a critical "red" level of terrorist danger⁸ was introduced throughout the country and an anti-terrorist operation regime was established.

On 7 January, President Tokayev made several tweets⁹ on Twitter in which he spoke out about the mass protests in the country. In particular, he referred to "bandits and terrorists", which he claimed were being led "from a special centre". He also said there had been "at least six waves of terrorist attacks in Almaty, with a total of 20,000 attackers". "They beat and killed police officers and young soldiers, set fire to administrative buildings, looted private houses and shops, killed several citizens, and raped young women. My opinion is: no talking to terrorists, we must kill them."¹⁰ On the same day, he issued an address to the country's citizens, in which he said he had ordered law enforcement and the army to shoot on sight without warning¹¹. The National Security Committee issued an official denial of the detention of S.Abish and said that the information was untrue and provocative¹². The Interior Ministry of Kazakhstan said that 26 "armed criminals" were killed and 18 others wounded during the "mopping-up" operation. In addition, security forces detained 3,000 people across the country¹³.

5 <https://www.gov.kz/memleket/entities/mfa/press/news/details/309378?lang=ru>

6 <https://akorda.kz/ru/kasym-zhomart-tokaev-provel-zasedanie-soveta-bezopasnosti-605452>

7 <https://akorda.kz/ru/kasym-zhomart-tokaev-provel-zasedanie-soveta-bezopasnosti-605452>

8 <https://www.gov.kz/memleket/entities/knb/press/news/details/309460?lang=ru>

9 https://tvrain.tv/news/prezident_kazahstana_soobschil_o_napavshih_na_almaty_20_tysjachah_terroristov-545375/

10 <https://www.currenttime.tv/a/prezident-kazahstana-udalil-tvit-o-yakoby-napavshih-na-almaty-20-tysyachah-terroristah/31645139.html>

11 <http://president.kz/ru/obrashchenie-glavy-gosudarstva-kasym-zhomarta-tokaeva-k-narodu-kazahstana-70412>

12 <https://www.gov.kz/memleket/entities/knb/press/news/details/309475?lang=ru>

13 <https://www.currenttime.tv/a/kazakhstan-protesty/31641830.html>

On 8 January, the President's tweet about 20,000 terrorists was deleted and, as the President later said on 5 June 2022, "as far as 20,000 is concerned, this figure was provided by former heads of law enforcement agencies, we were talking about the whole country"¹⁴, and he sees no need to invite international experts. There were detentions by combined forces of special units of the Ministry of Internal Affairs, Ministry of Defence of the Republic of Kazakhstan (MoD) and National Guard in the city of Almaty and Almaty oblast¹⁵.

On 9 January, the Ministry of Foreign Affairs of the Republic of Kazakhstan (MFA) stated that "a number of publications in the foreign media are clearly superficial and one-sided", and reported that "Kazakhstan has been subjected to armed aggression by well-coordinated terrorist groups trained abroad. Among the attackers were individuals with combat experience in hot spots on the side of radical Islamist groups"¹⁶. The CSTO forces were reported to remain in the territory of Kazakhstan temporarily and would leave the country at the first request of the Kazakh side. Human casualties were reported for the first time and 10 January 2022 was declared a national day of mourning in the country.

On 10 January, it was officially announced that the situation in the Republic of Kazakhstan has stabilised and is under control, the centres of terrorist threats have been neutralised, all administrative facilities in the cities of Almaty, Kyzylorda, Taldykorgan and Taraz, which were seized by terrorists, have been released, and the security of particularly important, strategic facilities and weapons and ammunition storage sites has been ensured¹⁷.

On the same day, information about the neutralisation of various extremist cells¹⁸ was announced, and on 11 January, President Tokayev addressed the Parliament with an assessment of the January events¹⁹. On 13 January, the Office of the Prosecutor General of the Republic of Kazakhstan presented official information to the media²⁰.

On 13 January, authorities reported the stabilisation and completion of the anti-terrorist operation and the lifting of the critical "red" level of terrorist danger in 14 regions

14 <https://rus.azattyq.org/a/31883960.html>

15 <https://www.gov.kz/memleket/entities/knb/press/news/details/310382?lang=ru>

16 <https://www.gov.kz/memleket/entities/mfa/press/news/details/309757?lang=ru>

17 <https://www.gov.kz/memleket/entities/knb/press/news/details/310039?lang=ru>

18 <https://www.gov.kz/memleket/entities/knb/press/news/details/309779?lang=ru>

19 <https://www.akorda.kz/ru/vystuplenie-glavy-gosudarstva-kk-tokaeva-na-zasedanii-mazhilisa-parlamenta-respubliki-kazahstan-1104414>

20 <https://www.gov.kz/memleket/entities/prokuror/press/news/details/312074?lang=ru>

of the country²¹. On 14 January information was published that S.Abish²² continued to work in the RK NSC, but was on leave, however, on 17 January he was dismissed²³.

On 21 January, the Kazakh Foreign Ministry issued a new statement noting that the resolution adopted by the European Parliament on 20 January was biased and lacked an objective assessment of the tragic January events in Kazakhstan²⁴.

On 22 January, the authorities announced the establishment of two public commissions: Akikat, headed by lawyer Aiman Umarova²⁵, and Amanat, headed by lawyer Abzal Kuspan, who said that *“there are provocateurs among the police who do not want to obey the new order.”*²⁶ And he went on to say that *“our aim is to separate those who pursued criminal aims from those who came out for a peaceful rally with noble motives; the aim is to save peaceful demonstrators from mass torture and persecution; to help them unite with their families who are waiting for them at home.”* Both commissions were granted access to criminal case files and to detention centres and began work on the release of illegally detained persons. Human rights activist Zhemis Turmagambetova also joined in the activities to verify the legality of detention of protesters, who together with the Human Rights Commissioner of the RK Elvira Azimova made visits to the regions in order to visit TDFs and pre-trial detention facilities. In mid-February 2022, for the first time the media publicly stated on behalf of the Akikat Commission that *“the chaos was created with the help of our special services, with the help of the NSC.”*²⁷

International response and statements

Concerns about human rights, including the right to peaceful assembly and protest, the use of lethal weapons, arbitrary detention, ill-treatment and torture, and the misuse of the term ‘terrorists’ in the context of the January events were voiced not only by leading international non-governmental human rights organisations Amnesty

21 <https://www.gov.kz/memleket/entities/knb/press/news/details/311627?lang=ru>

22 <https://www.gov.kz/memleket/entities/knb/press/news/details/312092?lang=ru>

23 <https://akorda.kz/ru/rasporyazheniem-glavy-gosudarstva-abish-samat-satybaldyuly-osvobozhden-ot-dolzhnosti-pervogo-zamestitelya-predsedatelya-komiteta-nacionalnoy-bezopasnosti-respubliki-kazahstan-1701527>

24 <https://www.gov.kz/memleket/entities/mfa/press/news/details/315149?lang=ru>

25 <https://kaztag.kz/ru/news/eshche-odna-obshchestvennaya-komissiya-zaymetsya-yanvarskoy-tragediy-ee-vozglavit-ayman-umarova>

26 <https://kaztag.kz/ru/news/izvestnyy-advokat-posle-peregovorov-s-akordoy-sredi-politseyskikh-est-provokatory>

27 <https://azh.kz/ru/news/view/82897>

International²⁸, Human Rights Watch²⁹, the International Federation for Human Rights (FIDH)³⁰, but also by various United Nations agencies and mandates: in particular the UN High Commissioner for Human Rights Michelle Bachelet³¹, who called on the security forces and protesters to refrain from violence, as well as in the joint statement³² of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism Fionnuala Ni Aolain, the Special Rapporteur on extrajudicial, summary or arbitrary executions Morris Tidbol-Binz, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Nils Melzer, Special Rapporteur on the situation of human rights defenders Mary Lawlor, Chairperson of the Working Group on discrimination against women and girls Melissa Upreti and other group members.

This concern was later expressed in calls by international organisations for an independent international investigation into the January events³³. The same call was made in Resolution 2022/2505 (RSP) of the European Parliament dated 20 January 2022³⁴,

28 <https://www.amnesty.org/en/latest/news/2022/01/kazakhstan-ordering-security-forces-to-fire-without-warning-a-recipe-for-disaster/>

<https://www.amnesty.org/en/latest/news/2022/01/kazakhstan-authorities-must-release-arbitrarily-detained-protestors-and-respect-human-rights-amid-ongoing-unrest/>

<https://www.amnesty.org/en/latest/research/2022/01/the-calm-in-kazakhstan-is-restored-but-the-pressing-questions-on-multiple-human-rights-violations-remain-unanswered/>

29 <https://www.hrw.org/the-day-in-human-rights/2022/01/07>

<https://www.hrw.org/ru/news/2022/02/14/381132>

<https://www.hrw.org/news/2022/01/07/kazakhstan-cancel-shoot-without-warning-order>

<https://www.hrw.org/video-photos/video/2022/01/25/kazakh-protestors-met-bullets>

<https://www.hrw.org/news/2022/01/26/kazakhstan-killings-excessive-use-force-almaty>

<https://www.hrw.org/news/2022/02/01/kazakhstan-protesters-arbitrarily-arrested-beaten>

<https://www.hrw.org/the-day-in-human-rights/2022/02/09>

<https://www.hrw.org/news/2022/02/09/kazakhstan-set-independent-inquiry-january-events>

<https://www.hrw.org/news/2022/02/21/independent-investigation-kazakhstan-killings-torture-priority>

<https://www.hrw.org/news/2022/03/18/new-kazakhstan-needs-independent-inquiry-january-events>

<https://www.hrw.org/news/2022/05/05/kazakhstan-no-justice-january-protest-victims>

<https://www.hrw.org/the-day-in-human-rights/2022/05/05>

<https://www.hrw.org/news/2022/07/29/kazakhstan-joint-statement-january-2022-events>

30 <https://www.fidh.org/en/region/europe-central-asia/kazakhstan/kazakhstan-mass-protests-are-stifled-by-violence-and-further>

31 <https://www.ohchr.org/en/press-releases/2022/01/kazakhstan-unrest-bachelet-urges-peaceful-resolution-grievances?LangID=E&NewsID=28016>

<https://news.un.org/ru/story/2022/01/1416592>

32 <https://www.ohchr.org/en/press-releases/2022/01/kazakhstan-un-experts-condemn-lethal-force-against-protesters-misuse-term?LangID=E&NewsID=28019>

33 <https://www.hrw.org/ru/news/2022/02/14/381132>

34 <https://www.europarl.europa.eu/delegations/en/ep-resolution-of-20-january-2022-on-the-product-details/20220124DPU32102>

calling on the government of Kazakhstan to drop politically motivated charges, to end all forms of arbitrary detentions, to immediately release the arbitrarily detained demonstrators and activists and to launch a proper international investigation into the crimes committed against the people of Kazakhstan over the two weeks of protests. Such an investigation has also been repeatedly called for by Kazakhstan's human rights organisations: the Kazakhstan International Bureau for Human Rights (KIBHR)³⁵, the NGO Coalition of Kazakhstan against Torture (NGO Coalition), and the Human Rights Alliance for Fundamental Rights, established by several such organisations in response to the January events. However, the Kazakh authorities have rejected these calls, indicating that the investigation they are conducting will answer all questions.

35 More details please see in IPHR-KIBHR special statement on the January events prepared in the framework of their collaboration with CIVICUS Monitor: <https://www.iphronline.org/kazakhstan-widespread-violations-reported-during-bloody-january.html>

1. Outbreak of the conflict (respect for freedom of peaceful assembly)

The right to peaceful assembly is a fundamental human right and is guaranteed by many international conventions and declarations. It provides for free expression and protest within the limits of the law and without the use of violence.

In May 2020, Kazakhstan adopted a new Law “On the Procedure for Organising and Conducting Peaceful Assemblies in the Republic of Kazakhstan” which, according to its drafters, was intended to establish a notification procedure for peaceful assemblies. However, in reality, the organisation of peaceful assemblies continues to be permissive in nature and it is very difficult to obtain approval to hold a peaceful assembly. The law has many restrictive provisions which allow the authorities to ban unwanted protests almost arbitrarily, using vague wording and citing technical reasons. Law-abiding members of the political opposition and civic activists have for years been prevented from holding peaceful rallies and marches by the authorities' refusals. In 2022 alone, the authorities refused to approve at least 170 peaceful protests. The law enforcement agencies often pre-emptively, and usually arbitrarily, detain potential protesters.

The January events showed that the law does not work, especially when spontaneous and impromptu rallies take place. Kazakhstani citizens have received more than 30 communications from the UN Human Rights Committee on violations of their rights to freedom of peaceful assembly and expression, but Kazakhstan has not implemented any of them.

Protests in January 2022 began with that on 2 January, in the west of Kazakhstan, in the town of Zhanaozen in Mangystau Oblast, hundreds of people protested against a sharp increase in the price of liquefied gas: from 50 to 120 tenge. Participants of the peaceful rally blocked the road near the city administration building, and then Zhanaozen protesters were supported in other districts of the Mangystau Oblast. Protests began to spread instantly; they were supported by workers of all large enterprises in the west, in Aktau, the regional centre, people were walking and travelling by car. The protests were led by independent and respected trade union leaders: Amin Yeleussinov, Kuspan Kosshygulov and Tahir Yerdanov. They managed to maintain the peaceful nature of the rallies and avoid violence.

Then, on 3, 4 and 5 January, rallies were supported across Kazakhstan: in Almaty, Aktobe, Kyzylorda and other cities. Protests began in more than 80 cities and villages³⁶.

36 <https://www.facebook.com/toregozhina/posts/pfbid0seEK2CedtRmvQcPUCVvQJpv7cNXTAmnQkYmSuFe2WjBsXdgs1om7Lg9GU3y3mCubl>

Slogans changed from economic to political demands – “Shal ket!” (removal of ex-President Nazarbayev from real influence), the resignation of the government, the fight against corruption and the release of political prisoners

Bakhyt Zhanzakova, 48 years old, the wife of killed Yedil Seydakhmet, Almaty:

“It was the first time he went to a rally, he had never participated before. It was at 2 or 3 p.m. Until 4 p.m. he was calling children, everything was quiet and calm. At 4.30 p.m. he said: “That’s it, I’m going home.” After that, he stopped picking up the phone. The children began to worry. At 5.28 p.m. a woman from the hospital called my son’s mobile phone and said that my husband has died, and that I should bring his ID card.” A criminal case on the death of Edil Seydakhmet was initially opened on charges under Article 99 para 2 “Murder”, but it was subsequently classified as “Top-secret” and then the case was terminate on the basis of paragraph 2 of section 1 of Article 35 of the Criminal Procedure Code of the Republic of Kazakhstan “for lack of corpus delicti”.

Nurlan Kundakbay, 48 years old, eyewitness, Semey:

“I was at the rally on 5-6 January from about 11 a.m. until almost the end. People in military uniforms surrounded the protesters. Someone said that there would be a seizure, I accidentally heard somebody saying 'let's start'. The impressive looking men standing next to me immediately started walking away quickly. I had to leave too, telling those standing nearby in the crowd to leave. But every three metres there were machine gunners and they would not let anyone in. But when I said "I'm going to negotiate with the Akim", they let me out of the cordon. After that the seizure started immediately. I heard the sound of gunfire and stun grenades. I was hurt and offended, because innocent people were left in the square”.

The right to freedom of expression, association and assembly was unduly restricted in the days of the January tragedy. This is particularly evident in Aktau (Amin Yeleussinov), Atyrau (Max Bokayev) and Uralsk (Lukpan Akhmedyarov), where the important role of the leader, who has great authority, can control the crowd, and then the authorities do not interfere in peaceful protests and they proceed without violence, as happened in those cities. However, in other regional centres, security forces (military, police and National Guard) used excessive force against peaceful protesters, resulting in numerous injuries and deaths. Protesters were arbitrarily detained and tortured. Journalists covering the protests were harassed and some were arrested.

Akhmedyarov Lukpan, 47 years old, journalist, eyewitness, Uralsk: *“On 3 January 2022 I went to the square at 3 p.m. to see if there were people on the square, as news was spreading on the Internet that the demands of “Gaz-50!” were supported by the cities of Aktau and Aktobe. But no one was there. At 11-00 p.m. a video was sent to me on WhatsApp which showed the square where about 70 people were rallying, supposedly drivers of “Gazel” cars. There were policemen, Deputy Akim, and Deputy Head of the Police Department near them.*

I drew attention to the fact that no one was detained. They said that they were going to leave now, but that tomorrow, on 4 January, they invited all to a meeting at noon. On the 4th of January, at 11.45 a.m. I was told that people were gathering in front of the supermarket “Dina” on the outskirts of Uralsk (8 km to the centre). There were about 300 people there, rallying for about 1.5 hours and collecting people. A lot of SOBR in black balaclavas and uniformed police arrived. Then the procession moved to the city centre and reached N.Nazarbayev Avenue by 3 p.m., and there were already about 2 thousand people protesting. On the way the police tried to stop the procession 2 times, blocking the road, but the akim said there was no point in detaining them, and the procession went on. Around 8 p.m. all the police on the Central Square turned around and left. Someone brought a yurt and started installing it. And at that time, 25-30 masked and hooded men appeared from the side of the city akimat and began calling for the capture of the akimat. I was asked to calm them down, saying that they would recognise me and listen. However, when I approached them, not only did they not recognize me, but they started behaving aggressively, shouting, but they also did not break anything. At that time, across the street, near the oblast akimat, another group of around 30 people provoked the SOBR into a fight, and after 9 p.m. they went in the direction of the city akimat. However, no one followed them and did not give in to the provocations. Internet was cut off on the square. At 03.15 a.m. we were told that stun grenades were exploding on the square. We tried to go back and enter the square, but they wouldn't let us in as there were police everywhere and no protesters. Then I was detained and arrested for 10 days of administrative arrest. There was no destruction, looting or shooting of civilians in Uralsk”.

In Almaty, rallies took place peacefully until the afternoon of 4 January. On the night of 4 to 5 January, protesters reached Republic Square unhindered. There, already organised, aggressive and armed groups and bandits began beating police officers, smashing police cars, shop windows and restaurants. Law enforcement personnel were forced to use stun grenades. Separate violent groups of protesters attempted to seize the city's Akimat building. By 4 a.m., protesters had been dispersed by police and military forces. But on 5 January, the first working day, from early morning protesters again began to gather from all outskirts of the city and flocked to the square, led by aggressive masked and hooded men who called for the seizure of the akimat. Weapons were brought to the square in cars and in ambulances (old-style cars) and were handed out to those wishing to do so. After 2 p.m. the akimat was stormed and as a result seized and set on fire. The crowd then began to storm the residence of the First President. According to eyewitnesses, by 5.00 p.m., police officers and National Guard soldiers began to leave the square, saying that they had received orders to “go home”.

Sayat Adilbekuly, 29 years old, the victim, Almaty, *is a child massage therapist and professional photographer and videographer. On 5 January, at lunchtime,*

Sayat left his home and went to the pharmacy in search of medication for his daughter. He was totally unaware of what was going on in the city, as there was no Internet service that day, and they had not used TV for a long time, living in a bedroom suburb. The pharmacies near the house were closed, Sayat thought that they were still closed for the New Year, so he drove to city hospital No. 7, where the pharmacies should have been open for sure. But they were also closed. There he saw that a crowd of people blocked the road along Tashkentskaya Street and Ashimova Street. They did not let Sayat's car pass, asked where he was going and said "since you are going, take people with you and go to the square". Sayat refused. He left his car and decided to hitchhike to the central pharmacy on Gogol. One hitchhiker took him to Sairan. There he met another crowd. A more aggressive one, which was beating and forcing all passers-by to go to the square, saw a guy from Wolt's delivery service was being worked over. Sayat decided to run away, but two chased him and caught him. One punched his pocket, which contained his phone, and smashed it. Thus Sayat was forced to go with the crowd. They stopped cars, if the car did not stop, they threw stones, metal pipes and smashed car windows in its wake. "One of the cars was rudely stopped and they put me and the others in and sent us to the square. There we were all gathered together on Satpayev-Furmanov Street, encircled and guarded so as not to let anyone leave".

Inga Imanbai, 33 years old, wife of Mamay Zhanbolat, Almaty: "There were lots of peaceful citizens, they did nothing, they just watched. But there was also an aggressive crowd that was breaking and smashing. At one point one person from the aggressive crowd shouted: "There he is Mamai!". At this time, a crowd of people with sticks and other objects in their hands began attacking Zhanbolat. When other people, defending Mamai, pulled him aside, one of the attackers began to draw a gun from his holster. At this time activist Kairat Yerdebayev ran towards this man with the gun with the words "You should first shoot me". When the gunman saw people running towards him, he backed away. At that time we took Zhanbolat away, stopped a passing car, and drove home. Because we didn't know who the provocateurs were and whose people they were, we couldn't trust the police or the medics. Later, Kairat Yerdebayev contacted me from the square and said: "I saw the gun, it was a combat pistol. Zhanbolat's life is in danger". After that we took Zhanbolat to a safe place".

At the same hour, peaceful rallies were held by citizens in the cities of Semey, Taraz and Taldykorgan. Following a nationwide internet blackout, information about the shooting of protesters began to reach human rights defenders by mobile phone. Following the attack on the akimat from the direction of the First President's residence, there was firing (witnesses speak of a sniper) towards the protesters, killing some. An attempt was made to find the shooter and an assault on the residence was launched. The akimat and the residence were overrun by the protesters and the shooting ceased.

According to human rights activists, on 5 January, 48 people were killed in Almaty. Further rumours spread through the city that there were no terrorists, but their own military and police were shooting at civilians.

Trial of 5 suspects (posthumously) for involvement in January events. 21 February 2023. Bostandyk District Criminal Court of Almaty, third session.

Pointing with the mouse on the screen of the monitor investigator B.Ilyasov commented to the participants of the meeting on that the murdered accused Serik Kerimov took part in the storming of the President's residence in Almaty: "On 5 January 2022, in this video he is walking up Dostyk street towards the residence (an investigator shows with the mouse on the monitor and comments to the participants of the meeting). Here we see him near the fence of the residence with other rioters. While entering the territory of the residence with a shield in his hands he gets hit by a bullet and crawls back towards the fence".

Judge Maukeyev D.: Where is the shooting coming from?

Investigator Ilyasov B.: From the direction of the residence³⁷ (from the court transcript).

S.A., 45 years old, eyewitness, Almaty, says: "On 5 January 2022 around 10.30 p.m. the public figure Rysbek Sarsenbay together with a group of activists was in the building of the Television and Radio Centre "Kazakhstan" (Satpayev street, corner of Zheltoksan street), where he was going to address citizens and call not to give in to provocations. At that time a Gazelle car drove up to the building, and from there 8-10 masked people in civilian clothes (one of them was wearing a red waistcoat) with stones in their hands came out and began to professionally smash the glass windows of the building without a word. They then entered the lobby of the building with sticks and began to smash and break all the property without a word. They kicked four security guards of the building, took nothing, looted nothing and then disappeared in the same manner as they had come".

On 5 January, President Tokayev appealed for help to the heads of member states of the Collective Security Treaty Organisation (CSTO), and on 6 January, activists and civilians gathered again in the morning on the Republic Square, the central square in Almaty, demanding that CSTO troops not be allowed in. They had slogans such as "Peacekeepers with guns are not peacekeepers", "Ұрма, аtpа!" ("Don't hit, don't shoot!").

The Documentation Centre documented that after the arrest of a number of high-ranking officials of the RK NSC and its chairman, Massimov, the situation began to normalise, with all the people who were walking around in flak jackets, wearing black masks and with radios in their hands as well as armed groups disappearing from the streets.

37 <http://tirik.info/21-fevralya-sud-5-h-podozrevaemyh-posmertno-v-uchastii-v-yanvarskih-sobytyiah-bostandykskij-rajonnyj-sud-po-ugolovnym-delam-3-zasedanie/>

At around 5.30 p.m. on 6 January, people gathered in the Republic Square unfurled a banner saying "Karapaiym Halykpyyz, biz terrorist emespiz!!!" ("We are simple people. We are not terrorists!") and chanted their demands. On that day, from the early morning hours, according to witnesses, there were soldiers on the square who, without warning at about 6.30 p.m., began actively using lethal firearms to disperse peaceful protesters, which led to large numbers of casualties. Activist Nuraliya Aitkulova was killed.

On 7 January, Arman Dzhumageldiyev (a criminal authority nicknamed "Wild Arman", according to the information disseminated in the media)³⁸, who had been noticed in the unrest since 5 January and who had tried to lead violent groups of people in the square, was arrested.

On the same day, President Tokayev held a meeting of the counter-terrorist headquarters where he stated that "the constitutional order has largely been restored in all regions of the country. Local law enforcement agencies are in control of the situation. But terrorists are still using weapons doing damage to citizens' property. Therefore, the counter-terrorist actions should continue until all militants are eliminated," and it was said that the CSTO had arrived for a limited period of time to carry out mainly the functions of shielding and protecting strategic facilities³⁹.

Citizens were then informed by the President from the state TV channels that the country had been attacked by 20,000 terrorists⁴⁰. Citizens were urged to exercise caution, to be vigilant and to report any suspicious activity by dubious individuals. On 10 January, President Tokayev's statement at an extraordinary online CSTO summit was circulated on YouTube, claiming that Kazakhstan had experienced a major crisis and an attempted coup: "All fightings were coordinated from a single centre, these were attacks by well-trained professionals, including snipers with special rifles. Terrorists used their own communication means and had a numerical advantage fivefold, and the violence simultaneously broke out in 11 regions of Kazakhstan." It was also reported that "pileup of militants were seen around the Presidential residence in Nur-Sultan", it was further reported about "severed heads of military men", and that "bandits attacked and took bodies from morgues", and the situation in Kazakhstan was assessed as a "terrorist war"⁴¹.

Television and cellular communications were intermittent, with no cellular phone service available outside Kazakhstan. In Almaty, in 3 days of unrest, 3 NSC facilities were attacked, the building of the City Department of the NSC was seized without resistance

38 https://www.inform.kz/ru/kriminal-nyy-avtoritet-dikiy-arman-zaderzhan-v-almaty_a3882299

39 https://www.inform.kz/ru/prezident-kazahstana-provel-zasedanie-kontrterroristicheskogo-shtaba_a3882105

40 <https://www.youtube.com/watch?v=gViUmbejQng>

41 <https://www.youtube.com/watch?v=V55mhs-7mZU>

from security forces, 6 police departments were attacked, more than 7 arms shops, including Anna, Korgau and Alpamys, the airport was attempted to be seized, the Koktobe TV tower was attacked, ATMs, shops with household appliances and expensive phones were broken into across the city. A similar situation occurred with the use of weapons in the cities of Taldykorgan, Taraz, Aktobe, Kyzylorda, Semey, Oskemen and Shymkent. The squares were left with burned and looted akimat buildings, uncollected corpses, burnt out cars, broken trees, many cartridge cases and the bullets themselves.

From eyewitness interviews to the Documentation Centre with respect to the January events in 9 cities:

Shymkent: "At around 10 p.m. on 4 January, in front of the 9-storey buildings near the Kolos bus stop, people were detained by force and loaded into police vans in order to prevent them from attending a peaceful rally. Those who were simply going to their homes were also detained, creating an artificial commotion. There were more than 1,500 people on Al-Farabi Square".

Semey: "On 5 January, in the akimat building I saw some civil activists whom I knew and from whom I learned that several dozen provocateurs came up. We never saw them before, complete strangers, not activists, and started pogroms and attacks on police officers. We tried our best to keep people from provocation, defended police officers, but they broke through and started smashing everything."

Taldykorgan: "On 5 January there were about 3,000 people. Everything was going peacefully, but military APCs started coming in and stones were flying from the direction of the Police Department. There were provocateurs among the protesters who scolded the crowd. There were no illegal actions and no weapons in the hands of the crowd. It was a peaceful rally. But the military and SOBR started shooting at people. There were 12-calibre bullets with plastic bullets lying all over the square. The entire leadership of the city ran away".

Taraz: "On 6 January, when I approached the Super Qatar Park, I heard that allegedly money was being handed out, and together with a friend, we wanted to take a look and went in that direction. We saw that near the said building there was a large accumulation of strangers in white masks, like medics. And there were machine guns and pistols lying in front of the Police Department building, scattered around like rubbish."

Kyzylorda: "Holding flags of Kazakhstan together with my 14-year-old son, we also went to the rally, as we were in solidarity and wanted to protest against the price increase. The rally took place in front of the Magnum shopping centre next to the Regional Traffic Police. When we approached protesters waving flags, they started shooting at us, the ones holding flags. We ran and took cover in the canal. We waited there and then went back home. We didn't get hit."

Aktobe: “On the night of 7 January at 4 a.m. we woke up by the sound of explosions. There were two explosions. My husband was standing at the window and said: “Were there really people still there? Then we heard gunshots. It went on for twenty minutes. Then it all went quiet.”

Atyrau: “The Prosecutor’s Office building was boarded up. When I was walking by the akimat, I saw the smoke bombs. I didn’t see any terrorists, no one was threatening in the square, I heard discontent about why they called the CSTO.”

Astana: “We went to Tlendiyeva Street, about 15-20 people were just starting to gather, and suddenly police officers in black uniforms and balaclavas ran out of the buses, about 60 people. They sprayed gas cans at me, started hitting me, and threw me into a PAZ-U bus. The place of the rally was at the intersection of Rabochaya Street and Tlendiyeva Street, opposite the spare parts bazaar”.

Oskemen: “On 7 January, after Friday prayers, I decided to see what was going on in the square because I could hear noise and shouting. They started throwing tear grenades. Suddenly I saw a guy being beaten up, snatching his walkie-talkie from him and saying “He’s an underdog!” He turned out to be from the NSC, and it was he who incited the breaking of the tiles and called for smashing. And it was this guy who used a stun gun on me during the interrogation. Concerned for my safety, I was afraid to say that I recognised him”.

On 11 January, President Tokayev again confirmed that the CSTO forces had arrived temporarily and were tasked with protecting strategic sites, advising and supporting them, and that the main mission of the peacekeeping force had been successfully completed and that the phased withdrawal of the CSTO joint peacekeeping contingent would begin in two days. It was reported that the withdrawal process would take no more than 10 days.

Kazakhstan’s law enforcement agencies⁴², including Sunkar, Arlan Special Forces, the regional special forces unit and its platoons per oblast, and Berkut, the special forces unit of the Committee on Internal Troops of the Ministry of Internal Affairs, are fully engaged in the anti-terrorist operation. The remaining “terrorists” were being cleared out of the cities and mass detentions of rally participants began.

On 7 January, police officers appeared in Almaty and other cities engulfed in unrest, patrolling in vehicles, and National Guard soldiers walked around. There were soldiers everywhere, in the centre and on the perimeter of the squares, no more rallies were held, anti-terrorist units carried out mopping-up operations and sporadic gunfire was heard. Across the country 65 people were killed that day, which was documented.

42 <https://adilet.zan.kz/rus/docs/K2200002022>

Aliya Kurmanbaeva, 52 years old, mother of Akzhol Bazarkulov, who was killed in Almaty: “My son died on 7 January 2022. His family lives near the Kok-Tobe TV tower in Almaty, next to his grandmother. Grandmother was waiting for Akzhol for lunch and called him at 1.15 p.m. Akzhol picked up the phone and said he would be right there. Grandmother waited for about half an hour, but Akzhol did not show up. At about 2 p.m., she called again, but Akzhol did not answer the phone. It was only at 4.30 p.m. that we got through to his mobile phone, but the morgue staff answered and said that we had to come to take away A.Bazarkulov’s body. The body of my son was found down from the Central Museum of Almaty, opposite the Presidential Residence. It is not known who killed my son and how. A criminal case under Article 99 of the Criminal Code, “Murder”, was initiated; the relatives were recognised as victims. However, the criminal case was later dropped”.

The information gathered shows that the authorities used excessive force and that the use of lethal force by the security forces on 5, 6 and 7 January 2022 to suppress the protests was not justified and resulted in a large number of victims. In addition, there was a subsequent history of violent repression, including deaths due to torture and serious injuries.

Although the information circulated by the authorities about “twenty thousand terrorists”, “two severed heads of soldiers” and “raped women” was almost immediately debunked, a number of “popular” myths have gained ground. They are largely due to a lack of information, attempts by the authorities to restrict any access to objective information, restrict the activities of media and journalists, block Internet and social media, inconsistent and contradictory explanations by the authorities of what was happening, and the dissemination of unverified information by the authorities themselves, which they themselves then had to refute.

The authors of the report felt it necessary to cite these myths, as they surfaced repeatedly during the documentation process:

Myth 1: “Malicious Intent”. The coup d’état was organised by Nazarbayev himself with the help of his nephews K.Satybaldy and S.Abish, in order to return him to power for 3 years so as to hand the power over to another family member, as power was draining away from the family’s hands. Regarding the arrest of Samat Abish: the ex-president managed to agree with his successor K.Tokayev and released him in exchange for an end to violence by armed groups and bandit elements supervised by him or his circle. On the other hand, another nephew, Kairat Satybaldy, couldn’t be freed and was sentenced for 6 years on 26 September 2022, but nothing was mentioned about his involvement in January events. But, according to this myth, he was convicted as a warning to N.Nazarbayev that Akorda allegedly had irrefutable evidence of his involvement in the coup d’état.

Myth 2 “Tiger”. Qantar2022 was a special operation of President Tokayev, as there was a real dual power in the country and Tokayev did not have all plenitude of the

power in the country, much less enough influence on law enforcement agencies. The fact that on 5 January 2022, an urgent meeting of the Security Council was held during which the post of the chairman of the Security Council was taken away from N.Nazarbayev and transferred to K.Tokayev in absence of N.Nazarbayev, tamely, made us think that the protests were allegedly organised by Tokayev himself in order to force N.Nazarbayev to give him full power. This version is allegedly confirmed by Nazarbayev's statement made on 18 January 2022 that he was now a pensioner and did not go anywhere⁴³.

Myth 3 “Daughter”. These protests were designed as a revenge against D.Nazarbayeva, who in May 2020 was dismissed from the post of the chairman of the Senate by obscure reasons, but was re-elected to the Parliament on 10 January 2021 by the party list of Nur-Otan party. This version is allegedly supported by the fact that the gas price increase was initiated by Kazakhgaz JSC, the company led by her husband K.Sharipbayev, which served as a trigger for the whole process. Given that after the failed coup d'état, according to unofficial information, Nazarbayeva fled the country, such a myth is clearly viable.

Myth 4 “Hybrid attack and foreign meddling efforts”⁴⁴. According to the version of special prosecutor R.Ozharov, banned opposition groups linked to M.Ablyazov are allegedly among the main culprits⁴⁵. On the other hand, the State Secretary E.Karin stated⁴⁶ that the members of the foreign extremist organisations who came to Kazakhstan on 20 December 2021 by different routes and on the 7th-8th of January 2022 left the country also by different ways.

Myth 5 “Judas”⁴⁷. The coup d'état was allegedly organised by Karim Massimov, together with the reactionary forces of old Kazakhstan, who instigated the mass unrest in order to reverse the ongoing transformation and preserve the old order⁴⁸. It is not clear, however, and it has not been voiced who really wanted to gain power and become the next President of Kazakhstan.

Myths are myths because there may not be not a grain of truth in them. Who really organized everything and where was a single headquarters that coordinated militant groups to create chaos and mass disorder in more than 11 regions of the country, to the extent such centre really existed, one might know from the materials of criminal

43 https://www.youtube.com/watch?v=K0ZSwtUV_bo

44 <https://naqtygazeti.kz/erlan-karin-prokomentiroval-inostrannyj-sled-v-besporjadkah-v-kazahstane/>

45 <https://eurasianet.org/kazakhstan-prosecutors-offer-their-account-on-bloody-january>

46 https://www.oreanda-news.com/v_mire/chleny-ekstremistskih-organizatsiy-uchastvovali-v-besporjadkah-v-kazahstane/article1407099/

47 <https://www.youtube.com/watch?v=-NPAOa0C-ss>

48 <https://www.zakon.kz/6380774-erlan-karin-o-yanvarskikh-besporjadkakh-my-smogli-izbezhat-natsionalnoy-katastrofy.html>

case and trials of Karim Massimov and his subordinates, however all materials are classified as “top secret”. On 24 April 2022 the society just learned that the former head of the National Security Committee of the Republic of Kazakhstan Karim Massimov was sentenced by the Specialized Interdistrict Criminal Court of Astana to 18 years of imprisonment, and his deputies Anuar Sadykulov, Daulet Yergozhin and Marat Osipov to 16, 15 and 3 years of imprisonment respectively. It remained completely unclear what the leadership of the National Security Committee was convicted of, and on the basis of which evidence and how their guilt was proven.

On 24 February 2022, in a trial which was also entirely closed to the public, the Specialised Inter-District Military Court pronounced its verdict on charges of committing an offence under Article 451 “Exceeding authority” of the Criminal Code to former Minister of Defence Murat Bektanov, and sentenced him to imprisonment for 12 years to be served in a penal institution of maximum security. The verdict is also not accessible to the public.

Yerkegali Sagyndykov, Almaty oblast: On 7 January, on his way to a funeral from Almaty to Turkestan region, Yerkegali's car, where apart from him was his mother and uncle, was shot. His mother Tynyshtyk (78) and uncle Akyltai (63) were killed. Yerkegali himself was wounded. Who shot them, and why, Yerkegali does not know to this day. At about 12 o'clock in the afternoon near Targap village we decided to have a snack at a roadside canteen. 100-150 meters away we saw a KAMAZ, out of which people dressed in military uniform were jumping out, crossing the road, clearly heading for the canteen. They slowed down. But as they approached the cafe, an uncle sitting in the back seat said that it was somehow unsafe and suggested they leave. A Lada 2114 pulled up behind them. They drove about a metre and there was a barrage of gunfire. There were about 20 shooters (from an IG interview).

Nurzipa Garifullina, a mother of the murdered Almas Garifullin, Almaty: Almas lived with her on Dostyk Street in Almaty in a rented flat, and Almas had a nearby food shop where he worked with a friend, Alexander. On 6 January, Almas and Alexander went out in search of gasoline, since their shop was open, they were supplying groceries to the population, and they had to replenish the shop. Near the gas station on Ryskulov street, corner of Akhrimenko street, the car ahead of them swerved, but as they were turning around, a bullet hit Almas in the shoulder. Alexander took him to the hospital. But they said they could not save him. The bullet hit his shoulder, went through his heart and stopped at his feet. On January 8, he was buried. They exhumed him. The case, initiated under Article 451 of the Criminal Code, was dropped for lack of criminal offence and was classified, of which fact the relatives were notified by letter.

Analysing the beginning and the timeline of the January events across the country, peaceful protests by civic activists, whose right to freedom of peaceful assembly

was, as usual, grossly violated by the authorities, were exploited by violent organised groups and escalated into violence. When all administrative detainees in Almaty were released from the Special Detention Centre for administrative detainees at 10 Lobachevskogo Street, they immediately went to the square to take part in the protests. Out of more than 8,500 citizens held administratively liable for exercising their right to peaceful assembly in different cities of the country, over 3 thousand were detained and held administratively liable during January 4-5 and subjected to administrative arrests of up to 15 days. No criminal cases under Article 400 "Violation of the order of organizing and holding meetings, rallies, pickets, street marches and demonstrations" of the Criminal Code of the Republic of Kazakhstan were recorded as part of the documentation.

Having analysed the events in all of the cities covered by the unrest, an approximate political scenario can be drawn up for the transition of peaceful protests into a violent phase, especially in the south of the country: firstly, almost everywhere this transition was coordinated and further violent actions were carried out in sync, indicating a high level of preparation and co-ordination of the attackers. Secondly, they began on the outskirts (in Almaty three places) of cities in the evening, after 7 p.m. Small groups of people gathered there. It should be assumed that they were well prepared, had a plan of action, included members of various criminal groups and possibly had handlers from national security or law enforcement agencies, used online social networks and messengers. People were encouraged to come and support the rally in support of Zhanaozen, then the crowd that had gathered was led through the main streets of the city to the square and on the way expanded to a large scale, then trained organised people (it should be noted that they, for the most part, were masked and hooded, The mob then called for the seizure of akimats and state institutions, mainly police departments, where weapons were available, went to loot arms shops, and carried out pogroms of shops, ATMs, office buildings, etc.

Given that for years the protest city was Almaty, where in its best years the opposition could muster a maximum of 5,000 people, and that in other cities there were no mass rallies at all, Qantar2022 demonstrated how peaceful rallies can be turned into mass disturbances using well-known political techniques. President Tokayev said preparations had taken a long time⁴⁹.

49 <https://www.youtube.com/watch?v=V55mhs-7mZU>

2. Shoot to kill command (respect for right to life)

Respect for the right to life is central to any counter-terrorism strategy, especially when it concerns the protection of lives of civilian people, who are normally the target of terrorist attacks. The right to life is considered as a "supreme right", since other rights are rendered meaningless without its full and effective guarantee, and derogation from this right is prohibited even in times of public emergency. *"The right to life is the most important and basic human right. It is the foundation from which all human rights spring. If it is infringed, its effects are irreversible"*⁵⁰.

Therefore, the duty to protect the right to life of persons within their territory and jurisdiction therefore remains with the State, but must be fulfilled within the confines of the rule of law. This latter point is particularly crucial, given the challenges that States face in implementing effective mechanisms for the purposes of law enforcement, criminal justice or even armed conflict, whilst at the same time, accommodating the need to protect the right to life in forms that may even conflict with counter-terrorism strategies⁵¹.

The International Covenant on Civil and Political Rights (ICCPR) contains a basic provision on the right to life under Article 6(1), which states: *"Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."* Under Article 4(2) of the ICCPR, no derogation can be made, even in times of armed conflict or public emergency. In addition, Article 6(1) uses the word "inherent" and further explicitly prohibits arbitrary deprivation of life. States are therefore obliged to take adequate preventive measures in order to protect individuals against being murdered or killed by criminals or organized crime or militia groups, including armed or terrorist groups⁵².

When the core treaties of international humanitarian law are considered, the protection of human rights and, in particular, the right to life becomes evident. Article 3 of the Geneva Conventions of 1949 on non-international armed conflict prohibits violence against all persons taking no active part in the hostilities, without any adverse

50 Economic and Social Council report E/CN.4/1983/16, para. 22

51 From "University Module Series: Counter-Terrorism. Module 8: Right to Life" UN Office on Drugs and Crime (<https://www.unodc.org/e4j/ru/terrorism/module-8/key-issues/intro.html>)

52 Report to the General Assembly A/72/316, para 16.

distinction. With regard to non-international armed conflicts, Protocol Additional II protects the right to life and the relationship between the State and individuals within its jurisdiction⁵³.

The main international legal instruments aim to protect the right to life⁵⁴ and state that everyone has the right to life, liberty and security of person. The cited references to international law are important because the right to life in Qantar2022 was the main right violated of all those who died.

The documentation identifies the dead by city:

5 January. A total of 80 people died: 48 in Almaty, 1 in Taldykorgan, 9 in Shymkent, 1 in Atyrau, 3 in Oskemen, 18 in Kyzylorda;

6 January. Total of 72 people killed: 55 in Almaty, 1 in Taldykorgan, 2 in Taraz, 10 in Shymkent, 4 in Kyzylorda;

7 January. Total of 65 people killed: 34 in Almaty, 2 in Aktobe, 4 in Taldykorgan, 13 in Taraz, 10 in Shymkent, 2 in Kyzylorda.

Also documented were 6 deaths of foreigners: citizens of Uzbekistan, Kyrgyzstan, Israel and Russia. 98% of the dead were Kazakhs.

The basic principles concerning the prohibition of arbitrary deprivation of life and the determination of whether a particular deprivation of life is arbitrary or unlawful are: the lack of a sufficient legal basis in domestic law to protect the right to life; the

53 https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.35_AP-II-EN.pdf

54 Universal Declaration of Human Rights <http://www.un.org/en/universal-declaration-human-rights/>
The International Covenant on Civil and Political Rights https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-4&chapter=4&clang=_en
Convention on the Prevention and Punishment of the Crime of Genocide. https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-1&chapter=4&clang=_en
Convention on the Rights of the Child https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-11&chapter=4&lang=en
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=IV-13&chapter=4&lang=en
Convention for the Protection of Human Rights and Fundamental Freedoms <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005/signatures>
Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances <https://rm.coe.int/1680081563>
International Humanitarian Law. The Geneva Convention of 1949 with Protocols Additional I, II <https://www.icrc.org/eng/assets/files/publications/icrc-002-0173.pdf>

absence of a legitimate aim, including self-defence and protection of others from violence; the absence of an absolute need to use deadly force; the use of force in excess of the legitimate aim for which it is used; and the failure to effectively investigate the circumstances that led to the death of the person⁵⁵.

Below we consider those provisions of international law in the context of the January 2022 events in Kazakhstan. It is clear that loss of life is an inherent aspect of armed conflict, but strict criteria had to be met for the decision to use lethal force. First, the level of violence in Kazakhstan does not qualify as a situation of armed conflict, or within the definition of the "global war on terror". The case in Kazakhstan is not an interstate armed conflict. The party to the January events were groups with a certain degree of organisation and command structure, apparently embedded in the special services and the top leadership of the RK NSC, who aimed (according to official information) at seizing power.

In this conflict, the principle of distinguishing between peaceful and non-peaceful civilians in the use of weapons was not respected. The authorities made no timely attempt to distinguish or identify the participants in the conflict. As a result, the massive loss of civilian lives suggests that the vast majority of casualties during Qantar 2022 were arbitrary and unlawful.

Aydos Meldekhan, a 44 years old father of a killed 4-year-old Aikorkem Meldekhan, Almaty: "On January 7, around 7 p.m., son Bauyrjan (18) and daughter Janel (15), son Bekislam (7) and the youngest Aikorkem (4) went to a shop (to buy bread, milk, nappies). We were driving along Akan Seri, Seyfullina and Satpaeva streets. When we approached the city Akimat (Satpaeva-Zheltoksan), someone opened fire. Only bright flashes could be seen from the underground centre near the akimat. And then a rumble. Something hit the car. When the son-driver tried to turn around and drive back, the car came under fire. There are over 20 bullet holes in the car. The bullet hit Aikorkem in the head, the girl died on the spot. Her sister Janelle was injured and her brothers took her to hospital with four bullet wounds. "We ourselves found bullets in the car. There are bullets that were recovered from the daughter's body. They did a ballistics test. They said the bullets are only used by the military. But they pointed out that we can't prove who the shooter was. Because there was an order to "shoot to kill, therefore no one will be tried"⁵⁶.

Kerimbayeva Gaukhar, 40 years old, mother of a killed 12-year-old boy Kylychbek Sultan, Almaty: "In the evening of 5 January at 8.30 p.m. we left

55 See 52 above

56 <https://kaztag.kz/ru/news/otets-ubitoy-trekhletney-aykorkem-skazali-ne-zamorachivatsya-prikaz-strelyat-na-porazhenie>

home with my son Sultan and went to a shop, which was in the dormitory. We stood and waited. At that time we heard puffs. Behind the police department building, Lake Sairan, it was New Year festive days, just on the 5th of January, there were fireworks every day in the evenings. While we were walking my son was filming these lights. There were fires. I looked at the roof of the police station and they were shooting there. Then we realised they were real shots. I turned to Sultan and said: Let's go home and I noticed that he had his cell phone out and was filming, thinking it was fireworks. He finished the video and wanted to turn and run, but that's when he fell down. At first I thought he tripped. Then I saw blood coming out of his head. That was it, then he didn't get up again... There were no rallies in that area. Everything was calm. I wrote to the President and the Akim of the city, Sagintayev, via E-Otinish: I asked why they were shooting, because there was no order to shoot then..."

Another important aspect is that the Kazakh authorities carried out an arbitrary deprivation of life, justifying their actions by necessary defence.

Response of the Ministry of Defence of the Republic of Kazakhstan No. 4/32-3T-T-305 of 23.02.2022: During the period from 5 to 19 January 2022 a state of emergency was in force in the territory of the Republic of Kazakhstan. The issues relating to the use of weapons by internal affairs officers and members of the National Guard, who are tasked to ensure law and order, including patrolling in settlements population centres, fall within the competence of the Ministry of Internal Affairs of the Republic of Kazakhstan. For this reason, you can contact the Ministry of Internal Affairs in order to obtain more detailed information on the rules of patrolling and the procedure for the use of weapons.

Response of the Ministry of Internal Affairs No. 5-5-5-58/3T-T-1629 of 21.02.2022: The January events in Kazakhstan began with illegal rallies (protests), which subsequently escalated into mass unrest, including the burning of administrative buildings, attacks on law enforcement officers and special forces, looting, murder, robbery and shopbreak. In that connection, to hold off armed attacks, prevent the seizure of weapons and ensure the safety of citizens from criminal attacks, etc., police, Ministry of Defence and National Security personnel used weapons against criminals in accordance with the law.

President Tokayev demonstrated that he was prepared to justify arbitrary killings on the basis of suspicions that were not supported by particular evidence. The command he gave, although linked to attacks by armed men on state institutions and police stations, resulted in the deaths of innocent civilians, especially as they died when they themselves posed no threat and they were not attacking anyone. The targeted killing by security forces was carried out as a preventive and punitive measure, which is prohibited under international humanitarian law. Such measures are not permissible, even in situations of armed conflict, unless there is concrete and

credible evidence of an immediate danger to the soldiers themselves or the protection of others in the vicinity. The imminent, rather than abstract, risk justifying the targeted deprivation of life must be clear and justifiable⁵⁷. During Qantar2022 arbitrary deprivation of life was used only on the basis that the security forces had orders from the President to shoot to kill, a state of emergency was in effect and a curfew was in place.

Dauren Bitkembayev, 31, son of murdered pensioners Gulzifa Kulsultanova and Kuat Bitkembayev, Almaty: On 7 January he and his family and parents had a family dinner. Magnums were already working that day and children were playing outside. After lunch, the parents decided to go home. Around 9 p.m., the son started calling his parents to see how they got home. But they did not answer. As it was already evening and curfew was about to start, he went home to his parents at 8 a.m. on 8 January. But there was no one home. He started looking for his parents. For three days he searched the city hospitals and morgues, but could not find them. Three days later they found out that a car with pensioners had been burned down on the crossroad of Satpayev and Furmanov Streets. We went there. The car was not there. The police officers said that the bodies were burned, they found only the charred body of the car and the remains of the bodies, my mother's teeth, the remains of my father's skull, a charred phone, and the house keys. It was clear that these were our parents. We got the rest of the remains about a month later. The first time we collected the remains ourselves with my sister and brother, the second time we gave them back after the forensic examinations. The investigator said that the case was closed and classified.

There have been instances around the world where a head of state has called for the use of violence against countrymen to disperse protesters. For example, during the uprising in Syria in 2011 President Bashar al-Assad called on his military to shoot demonstrators on sight. This led to mass violence and civil war in the country.

In Kazakhstan, according to Article 59 of the Law on Law Enforcement Service, "firearms and other weapons, special means and physical force shall be used to stop socially dangerous acts, arrest and bringing before the law enforcement authorities persons who have committed such acts, taking into account the nature of offences and specific situations."⁵⁸ Article 61 of the Law provides that firearms and other weapons may be used in cases of necessary defence and extreme necessity, also in defence against criminal attacks, to hold off attacks on officers and persons carrying out their duty to protect public order, ensure public security and counteract crime, etc.

⁵⁷ See 52 above.

⁵⁸ Law No. 380-IV ZRK of the Republic of Kazakhstan dated 6 January 2011 On the Law Enforcement Service, as amended on 11 July 2022 <https://adilet.zan.kz/rus/docs/Z1100000380>

The January Qantar2022 events were some of the largest and most violent protests in Kazakhstan's history. They raised important questions about citizens' rights and freedoms, corruption and social justice. The majority of protesters behaved peacefully, but infiltrated organised groups with walkie-talkies began committing violent acts. On 5 January 2022, President Tokayev called the protesters "terrorists" and sent in the army to disperse them. More than 10,000 demonstrators were detained. On 7 January, President Tokayev announced on television that he had publicly ordered law enforcement agencies and the army to "shoot to kill without warning"⁵⁹, setting the stage for the spontaneous use of weapons and resulting in the arbitrary and unlawful taking of lives.

There is a sense that the military might have started using lethal weapons before the President gave the order. However, President Tokayev said in an interview to Khabar 24 that he took the decision "even before the public statement to open fire on the armed bandits, I claim responsibility for that because I believe that in such cases the head of state must claim responsibility"⁶⁰ and stated that at that moment "the interests of the State and the security of our citizens are the highest consideration for me".

On 16 November 2022, military court of the Almaty garrison, pronouncement of sentence on private Mark Zlunyaev, military unit 18404, charged under Article 451 of the Criminal Code, 6 years in the medium security institution, Almaty, guilty of the death of shepherd Yernazar Krykbaev.

The accused, Mark Zlunyaev, said after the pronouncement of his sentence: "First of all, I would like to express my condolences to the victim, I did not want to kill anyone, there was no intent to intentionally kill someone, to deprive the family of their breadwinner. I was just standing at my post and carrying out my task, I was just following the order. That's all I have nothing more to say". (from the court transcript).⁶¹

On 17 March 2023, military court of the Almaty garrison, court proceedings in the case of private Daniyar Yeginbaev, military unit 18404, accused under Article 451 of the Criminal Code of the RK for the death of two people from the Seytkulov family in Taldykorgan.

Representative of the victims D.Dauletgarieva: "Do you think that only one Yeginbaev should be put to trial?"

Witness Private I Samarski: "No one should be convicted, everyone was following the President's superior order" (from the court transcript)⁶².

59 Kazakhstan: Ordering security forces to "shoot without warning" is a direct path to disaster, 7 January

60 <https://www.youtube.com/watch?v=seRvN2mjHJA>

61 <http://tirik.info/osuzhdyon-pervyj-voennyj-zastrelivshij-pastuha-krykbaeva-vo-vremya-yanvarskih-sobyti/>

62 <http://tirik.info/nikto-ne-dolzhen-byt-osuzhdyon-vse-vypolnyali-vyshestoyashhij-prikaz-prezidenta-qantar2022>

One year later, on 5 January 2023, at a session of the Majilis of the Kazakhstan Parliament, the General Prosecutor Berik Asylov stated: "For the first time the security forces used military weapons at around 4 p.m. on 5 January 2022 when defending the Presidential Residence. And then the security forces used weapons to hold off attacks on police buildings, akimats and other facilities, that is, when the unrest escalated into a violent phase, then during "mopping-up operation" in the cities from armed militants. In other words, fire was opened against the attackers long before the President's featured speech."

According to him, as a matter of fact law enforcement personnel do not need a special command to shoot on sight criminals. "There are express provisions in the laws: 'On Law Enforcement Service'; 'On National Guard'; 'On Combating Terrorism', which allow using service weapons to react to an attack if people's lives and health are threatened. Such a dangerous situation evolved during a day on 5th January and lasted through the 8th, until the situation was taken under control".

It is clear from the documentation that the use of weapons by the military and police on 5-7 January 2022 was indiscriminate and illegal. Both rubber bullets, grenades, tear gas and firearms were used, both against peaceful protesters and those who were involved in pogroms, against looters and bystanders.

Under Article 62(6) of the Law on Law Enforcement Agencies, "the use of firearms and other weapons, special means and physical force by officers in excess of their authority shall entail liability as established by law." In this regard, if law enforcement bodies and military personnel abused or exceeded their authority by using weapons in the context of execution of President Tokayev's order "to shoot to kill", they should be held legally responsible for arbitrary deprivation of citizens' lives. However, this is not the case. Moreover, according to the information of the General Prosecutor's Office of the Republic of Kazakhstan dated 5 January 2023, on the fact of death of 213 civilians in 180 cases the pre-trial investigation has been terminated due to the absence of the elements of criminal offence, 19 cases have been interrupted (8 – for failure to identify persons, 11 – due to the appointed expertise), 12 cases are pending and two cases have been made their way to court⁶³. Another six deaths from torture were brought to court.

Based on simple logic, the Kazakh authorities and President Tokayev himself should be interested in establishing the truth and punishing all those who in fact arbitrarily (or

63 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s>

deliberately!) interpreted the President's order and used lethal weapons inappropriately, disproportionately, and in excess of authority, resulting in civilian deaths.

The documents collected indicate that there was “the use of small arms, Kalashnikov AKSU-74 rifled machine guns (calibre 5.45mm), rifled submachine guns “PP 90M1” (calibre 9mm), Kalashnikov machine guns (calibre 7.62 mm), Makarov pistols, Glock pistols, and various types of Condor flashbang grenades, HAND Grenade-CS SC 01/20, RGK-60 hand grenades, Tandem traumatic weapons, Fort 500M shotguns, and others”, which caused serious bodily injury or death. The video footage presented during the trials and collected during the documentation shows that severe injuries received by protesters (skin lacerations, gaping and through wounds) correspond to the type of injuries caused by service weapons used by law enforcement and army personnel with live ammunition and this is beyond any doubt.

As a result of documentation, it was established that the following military units were involved in ensuring (restoring) law and order during the January events in Almaty: the Academy of the Border Guard Service of the National Security Committee, RGU Department of the Border Guard Service of the National Security Committee for Almaty Oblast, military unit 6654, military unit 5571 of the National Guard, military unit 32363; the 35th Separate Guards Airborne Assault Brigade (SAGAR) was also deployed; military unit 5547 of the RK National Guard in Kyzylorda; military unit 5511 of the RK National Guard in Semey; military unit 6506 of the RK National Guard and military unit 35748 in Shymkent; military unit 5514 of the National Guard, and military unit 18404 in Taldykorgan; military unit 5513 of the RK National Guard and military unit 91678 “RgK South” in Taraz; military unit 5546 of the RK National Guard in Atyrau; military unit 5518 of the RK National Guard, RGU Regional Command “Shygys”, military unit 638 of the RK National Guard, military unit 3477 and military unit 6699 of the RK National Guard in Ust-Kamenogorsk; and military unit 6655 of the RK National Guard in Aktobe.

The security forces and soldiers who were deployed to protect law and order during the protests had neither proper training nor appropriate munition equipment. Information was confirmed that during curfews (and not only curfews) armed men were shooting at pedestrians and cars at random.

On 8 January 2022, between 9 p.m. and 10 p.m., military personnel in Taldykorgan opened fire on a car carrying the spouses Nurbolat Seitkulov, Altynai Yetayeva and their 15-year-old daughter Nurai. All three were killed on the spot. The victims were returning from a visit and were trying to return before curfew. None of them

knew that the curfew began at 8 p.m., as it was announced on television that it was in force from 11 p.m. until 7 a.m.

At the time of writing, 95% of the incidents have never been properly investigated, or the cases have been suspended and/or “classified”. Neither victims’ lawyers nor the victims themselves have access to the case files. The amnesty announced on 27 October 2022 may have allowed the security forces involved in these arbitrary deprivations of life to escape criminal responsibility.

3. Chronicle of events. Violence, suppression of riots and destruction (the right to life, liberty and personal inviolability, the use of lethal weapons)

Mass riots began on the night of 4-5 January 2022, immediately in 11 cities of oblast significance of Kazakhstan and in a number of other cities and district centres. The demonstrators marched unhindered to the central squares. Having reached the square, the protesters stormed the akimats, law enforcement agencies and other security agencies in response used stun grenades, tear gas and rubber bullets. By about 3-4 o'clock in the morning, the demonstrators were either detained or dispersed everywhere. On 5 January it was reported that the President had concentrated all power in his hands immediately after the meeting of the Security Council. Then he issued a statement on the situation in the country and appealed to citizens to show prudence and not succumb to provocations from inside and outside, "the euphoria of the rallies and permissiveness." "Power will not fall," the President declared and introduced a state of emergency for a period of two weeks, from 5 January to 19 January 2022.

Duisenbekov Samat, 39 years old, eyewitness, Taldykorgan: *It all started on the 4th of January. People gathered in the square for a rally. Akim, head of the Police Department, Mr Kudebayev arrived. They were at the square until one or two in the morning. Then everyone went to the "Koltsevaya". Even on 4 January, they began to detain people and put them into police vans. On 5 January, at 8-9 a.m., people gathered at the City Internal Affairs Department (GUVD) demanding the release of the detainees. All the unrest of the people began with the lawlessness of the Nazarbayev regime, being in 30-year slavery of the people. On 5 January, there were about 8-15 thousand people. Everything was going peacefully, but the military armoured vehicles began to start and stones were flying from the side of the Internal Affairs Department (UVD). Among the protesters there were also provocateurs who set fire to the crowd. I think they were its employees. There were no illegal actions and weapons in the hands of those present. It was a peaceful rally. But the military, SOBR special police started shooting at people. Cases of 12-caliber plastic cartridges laid everywhere on the square. There were the National Guard, SOBR, the military. All the city leaders ran away, I saw it with my own eyes. Only young security officers stayed. The protesters began to be pressed up from both sides – from the side of the square and from the side of the Internal Affairs Department (UVD). It all started with the fact that they began to start armoured vehicles, accompanied by police cars. The protesters began to boil over, so the military from the armoured vehicles, declaring that they would not take any action against the people, turned around and left. But clashes began with the police, who*

started to beat people with batons. Everything turned into a violent conflict. There were even those who had their heads broken. By 4 p.m., the protesters had taken possession of the akimat, in front of which there were about 100 security officials of the National Guard.

Baimagambetov Muratbay, 50 years old, eyewitness, civil activist, Kyzylorda: *On 4 January 2022, he went to a peaceful rally in the area of the Magnum shopping centre, expressed his protest against the price increase, and also called on the gathered people to peaceful rallies. Peaceful protesters stayed all night, did not commit any illegal actions. On 5 January in the morning at about 7-8 o'clock, near the Magnum shopping centre, SOBR special police officers used stun guns, physical force, pushed peaceful protesters (about 300 people) into police vans. On 5 January at about 8-9 a.m., he was detained along with other persons by police officers and kept until 3 p.m. in the police department. Leaving the police department in the Magnum area, he saw that the cars had already been burned, and people were going from the oblast akimat area. As he learned later the akimat was took over at about 2 p.m., and provocateurs and protesting civilians went inside the akimat. According to Baimagambetov, they opened fire with lethal force against peaceful protesters around 4 p.m. on 5 January 2022. At the same time Small and Magnum hypermarkets worked as usual.*

At a hearing in the parliament on 5 January 2023, it was reported: "At the peak of the riots, almost the entire staff of the departments of the National Security Committee of the city of Almaty, Almaty and Kyzylorda oblasts left their buildings. On 5 January, a written order was received from the Deputy Chairman of the National Security Committee, Lieutenant-General Mr Anuar Sadykulov, about the readiness of the officers of the special security service A ("Arystan") and personnel to leave the building. Based on the order of Mr Karim Massimov, the buildings of the National Security Committee of the city of Almaty and Kyzylorda oblast were left. Also, at the order of the police heads, the buildings of the Police Departments of Almaty and Zhambyl oblasts were left."⁶⁴ Later, on 13 January, it became known about the detention of Sadykulov as part of a pre-trial investigation "based on the facts of actions aimed at the violent coup d'état and abuse of rank."

*Chronicle of events. Ust-Kamenogorsk*⁶⁵

On 5 January 2022, at 11.30 a.m., residents of Ust-Kamenogorsk began to gather on the Republic square, located on the Kazakhstan street, in front of the building of the akimat. After lunch, clashes began and law enforcement officers used tear and stun grenades. Further, the protesters began to march along the streets: Kazakhstan, Pobeda Ave., across the bridge of the Ulba river, Nazarbayev Ave. and turning around

⁶⁴ <https://www.youtube.com/watch?v=zUn2W4O1sYw>

⁶⁵ Judgment dated 19 July 2022, case No. 1-299, Ust-Kamenogorsk

on the ring of the Ushanov square, again arrived on Nurmagambetov street. On the way on Gorky Street, 14 trees and shrubs were cut down by the Shtil MS 210 gas chainsaw and thereby an obstacle was created to the passage of the Vodomet quick response vehicle, Maz-6317.

Chronicle of events. Shymkent⁶⁶

On 5 January 2022, at about 10.30 p.m., the total number of protesters was up to 8 thousand, they threw stones and other materials to hand at administrative buildings, using combustible mixtures, attacked the defending employees of the police department and personnel of military units No. 6506, No. 35748 from different sides. Among the attackers were persons under alcoholic or other intoxication. There was no reaction to stun and tear grenades. On 6 January 2022, employees of the Shymkent city police department and the military officers used deadly weapons. Of the 20 killed: 17 were shot with a Makarov pistol, 3 – with a Tandem traumatic weapon. From 4 to 6 January, as a result of mass riots, the Korme centre of the Shymkent akimat was burned down.

In the afternoon of 5 January 2022, the situation in the squares in a number of cities, where protesting citizens gathered, changed dramatically. There were cars without numbers, from there they quickly unloaded and handed out weapons. Akimats were taken by storm within one day in several cities: Almaty, Shymkent, Taldykorgan, Aktobe, Semey and Taraz. There were attacks and attempts to capture in Atyrau and Kyzylorda. The airports of Almaty and Aktobe were also simultaneously captured.

Chronicle of events. Aktobe⁶⁷

On 4 January 2022, the drivers of the Gazelles vehicle-borne gathered at the parking area located on the street named after 312th rifle division in Aktobe. At 12.20 p.m., the drivers went towards the Zhilgorodok market, but since the road was blocked, they went to the railway crossing on Mir Ave., where they created a traffic jam, and as a result, the number of protesters increased. At about 2 p.m., the protesters went to Yeset Batyr Street and joined the protesters on the square in front of the oblast akimat building. On 5 January 2022, starting from 12.20 p.m., a rally on the square in front of the oblast akimat building escalated into mass riots through the efforts of provocateurs. There were minor damages to the oblast akimat, police department, specialized security service department of the Aktobe oblast buildings.

Chronicle of events. Taraz⁶⁸

On 4 January 2022, people gathered in the square named after N.Nazarbayev and in front of the building of the oblast akimat and spoke on acute social

topics. At about 10.50 p.m., the procession began along Tole bi street and Turar Ryskulov street. The marchers entered the courtyards, and the number of protesters grew to 2,000 people. At 12.15 a.m. on 5 January 2022, they came to the oblast akimat. They announced the Kamal plan (note: kettling) of 80 military personnel of military unit No. 5513 of the National Guard. As a result of the provocateurs' actions, the peaceful protest turned into civil disorders. According to the Gong plan, law enforcement agencies began to use stun grenades. After 10.00 p.m., protesters broke into the oblast akimat building. Buildings of the Nur-Otan party's branch, Police Department, National Security Committee, State Revenue Department of Zhambyl oblast were also damaged. There were armoured vehicles and a Ural-Federal special vehicle on the square.

Attacks on shops and shopping centres began, looters took out goods and hacked ATMs. In the centre of the largest cities, law enforcement officers abandoned their cars and special vehicles, which were burned. On the night of 5-6 January, state of chaos prevailed in Almaty: militant groups and bandit elements were robbing, firing all over the place. According to official information, 33 special vehicles, 7 ambulances, 2 fire engines, 7 trucks and 1 fuel truck were burned in Almaty. 120 shops and 80 catering facilities were affected. Across the country, the total material damage suffered during Qantar2022 amounted to 30 billion tenge.

Chronicle of events. Semey⁶⁹

On 5 January 2022, at about 12.00 p.m., the citizens began to gather in front of the Spartak Stadium. Then, they began a procession along the Kashaganov, Abai, K.Mukhamedkhanov, Kozbagarov Streets coming to the Central Square, while shouting such slogans as: "Shal, ket!", "Kazakhstan alga!", "Nazarbayev ketsin!" and others. At about 07.00 p.m., clashes began between the protesters and law enforcement officers, who used tear and stun grenades. Thereafter, the Semey City Akimat was captured. The armoured car, GAZ 233036 (tiger) GRNZ 521 UU 16, military unit No. 5511 of the National Guard, stood in front of the Akimat. There were destructions in the Semey City Akimat and the Police Department of the East Kazakhstan Oblast, and the normal activities of the government agencies and private organisations were disrupted.

Chronicle of events. Atyrau⁷⁰

On 4 January 2022, at about 12.00 p.m., about 200 unknown persons gathered near the Alaman shopping centre, and soon their number reached 2,000 people. At about 2.30 p.m., the police began to detain the activists, however, those who had gathered at the rally attacked and released those put on the bus. On January 5, 2022, at about 2:10 p.m., the protesters, numbering about 2,000 people, gathered

66 Ashtayev's judgment dated 15 July 2022 No 5211-22-00-1/348, Shymkent

67 N. Isayev's judgment, Aktobe

68 N. Makhatov and others' indictment, Taraz

69 Judgment dated 25 August 2022 case No. 6329-22-2-1/253 Semey

70 From the verdict of the CIMS of Atyrau oblast dated 25 January 2023. №2398-22-00-1/29

on Isatai-Mahambet Square and went to the building of the Oblast Akimat, where, pushing the police and military personnel to the right side of the Akimat building, they occupied the main entrance. As a result of the January events, the property of the Oblast Akimat building was damaged (a surge protector, a telephone set, a monitor, doors and windows of the building), several items were stolen therefrom (the KR flag, a flagpole, a screwdriver, a carpentry tool, a wireless radio microphone, a loudspeaker SM-066). There were an armoured car Ural-432009-VV (military unit No. 5546) and armoured vehicles SBM VPK-233136 (TIGR) on the square.

On the evening of 5 January 2022, President Tokayev gave an urgent address to the people of Kazakhstan, where he noted that *“the situation in the country is extremely tense, individuals who name themselves “protesters”, despite my repeated calls for calm, continue to escalate the situation in the country, about half of its territory is engulfed in unrest, there are dead, wounded. The crowds of bandit elements are beating servicemen, mocking them, robbing shops... The high level of organisation of hooligan elements is noteworthy. This is indicative of a carefully thought out plan of action by the conspirators, who are financially motivated.”*⁷¹

*Chronicle of events. Taldykorgan*⁷²

On 5 January 2022, at about 02.00 p.m., 300–400 people gathered at Avtobaz and headed to the square in Taldykorgan. It became known that on the night of January 4 to 5, 70 people were taken to the police department. On 5 January, about 2,500 more people arrived from the suburbs and settlements of the Almaty Oblast. From 2.45 p.m. on 5 January to 3 a.m. on 6 January 2022, there were mass riots, stun grenades and firearms were applied by the military and law enforcement agencies. As a result, various damages were inflicted to the regional administration, the building of the Department of the National Security Committee, the Nur Otan party, the regional Police Department and the Taldykorgan Police Division, and the monument to the first President N.Nazarbayev was demolished.

*Chronicle of events. Kyzylorda*⁷³

On 4 January 2022, at about 11.30 a.m., rallies began simultaneously in front of the Arai City Mall in Kyzylorda and in the district centres of Aral, Kazaly, Karmakshi, Zhalagash, Shieli, Zhanakorgan. At 7.30 p.m. about 2,000 people gathered. On 5 January, at about 12.45 p.m., the head of the Police Department launched the special operations “Gong”, “Kamal” and “Korgau” in order to strengthen the Police Department and the control over the local police services. Light-noise and tear grenades were used. Then the rioters divided into groups, switched to active attacks, armed with sticks, bricks, fittings, glass bottles, seized and set fire to the Oblast Akimat. At about 4.02 p.m., they entered the courtyard of the Oblast Police

Department, from where they began to shoot with military weapons against the attackers. During the riots, the buildings of the Oblast Police Department, the Kyzylorda City Akimat, the Oblast and Interdistrict Special Courts, and the building of the branch of Nur Otan building were burned down.

Against the backdrop of the protests, the resignation of the government was accepted.

On 5 January 2022, 48 people were killed in Almaty during the attack on the residence of the President and the attack to the police stations. Throughout the night from 5 to 6 January explosions and shooting were heard. After a decision was made to invite the CSTO peacekeeping forces to Kazakhstan, the protesters again went to the square with a demand not to allow the entry of the forces of the Collective Security Treaty Organisation, because they perceived this news as an “occupation”. Soldiers appeared on the squares. In the morning of 6 January, it was reported that Karim Massimov, the Chairman of the National Security Committee, was arrested, as for Samat Abish, the Deputy Chairman of the NSC, a relative of Nazarbayev, the information was controversial. About 100 protesters, mostly well-known opposition activists, stood peacefully on the Republic Square in Almaty. However, after 05.30 p.m., the military suddenly opened fire on people. Everyone ran in disorder. On 6 January, 55 dead were documented in Almaty.

On 7 January, the police officers, the soldiers of the National Guard, and the military appeared everywhere in the city of Almaty. The detention of citizens continued. The mopping-up operation was underway and the isolated shots were heard. By the evening, it was announced that the constitutional order had been restored in the country. On that day, 34 people were killed in Almaty.

On 8-9 January, the cleaning of the Republic Square and other parts of the city began, and by the morning of January 9, the situation in the country, as a whole, had stabilized even more and was brought under control. January 10 was declared the Day of National Mourning. The observers saw how the janitors and people in civilian clothes were actively removing burnt-out cars, shell casings from the square, washing off blood, etc. At the same time, no criminal forensic or any other actions were observed on the square at that time in hot pursuit to record the traces of crimes.

Zhanbolat Zholdasbai, 47 years old, Aktobe: *On 7 January 2022, on the square near the Oblast Akimat “at around 4 a.m., we with the protesters were warming ourselves by the fire, when the armoured personnel carrier drove in, the OMON and Special Forces offices surrounded from all sides and started shooting without warning, without any word. Everyone fled in different directions.” Zhanbolat was wounded and fell. Somebody fired from a Makarov pistol. The Special Police*

71 <https://www.laws.kz/6003595-tokaev-nameren-deistvovat-maksimalno-zhestko.html>

72 From the indictment of B. Aliaskarov, Taldykorgan

73 From the indictment of M. Baimagambetov, Kyzylorda

officers picked him up, beat him, then took to the emergency hospital, where he was operated, and then stayed there for three days. Zhanbolat was again taken out of the hospital without any discharge summary and without clothes and was brought to the Police Department, where they charged him with the administrative arrest for 10 days. The officers returned his purse to him, but without money. He served 10 days with a wound and without medical assistance, the wound began to fester. After the release, he could not even be treated, because there was no insurance. "We had gone to a peaceful rally, there was no thought of any disorder or robbery," said Zhanbolat, a civil activist, father of 4 children, self-employed.

In general, the pre-trial investigations were initiated against about 1,200 people across the country, mainly on the charge of "participation in mass riots", "seizure of buildings and structures", "looting", "illegal possession of weapons", or other offenses. The minors were detained in Taldykorgan, Taraz and Almaty. Among the detainees were graduates of orphanages, as well as the unemployed, drivers engaged in private cabs, security guards of private non-agency structures, employees of various fitness centres and car washes, self-employed people from flea markets and engaged in renovation of apartments and offices, etc. Also, civil activists and oppositionists were among them.

On 13 January, the National Security Committee of the Republic of Kazakhstan announced the reduction of the terrorist threat, and the Republican Operational Headquarters for Combating Terrorism (ROH) reported the completion of the anti-terrorist operation in 14 regions, but maintaining the red level of the terrorist threat in the city of Almaty, Almaty oblast and Zhambyl oblast, where the measures on the identification and detention of terrorists and persons involved in other criminal activities during the period of riots continued to be implemented⁷⁴.

According to Ms Aiman Umarova a well-known advocate, the chairman of the Public Commission "Akikat", the following groups of protesters stand out in the January riots in Almaty (typical for all cities): peaceful protesters; organized groups to create chaos, clashes between civilians and law enforcement; organised groups to intimidate citizens, compel them to participate in riots; leaders of the routes receiving the command; experienced trained capture teams (who, in her opinion, could include employees of the law enforcement agencies themselves and special forces of the RK NSC). Due to the fact that the employees of the National Security Committee of the Republic of Kazakhstan left buildings and weapons to the people who rallied, she asked to exclude them from the participation in the investigation

74 <https://www.arnapress.kz/obshchestvo/218370-antiterroristicheskaya-operaciya-zavershena-v-14-regionah-kazahstana- knb>

of the January events⁷⁵. Ms Umarova also believes that the radical religious cells nurtured by the employees of the National Security Committee of Kazakhstan⁷⁶ and others were also involved. Most importantly, the civilians themselves, being not aware of the plans of certain influential groups, were used "in the dark" with the aim of forcibly seizing power, and she believes that preparations for that scenario went on for at least 2 years⁷⁷.

Ms Umarova concluded that *"the January events could not have happened without the participation of special services, which is becoming obvious today. It is no longer a secret that the employees of some departments of the NSC, headed by their leadership, not only were inactive, but also helped criminal groups in a certain way. During the pogroms, only a few television channels were operating, and the information they broadcast was very scarce. In addition, the January events showed what the unlimited power of the NSC can lead to. I believe that the NSC has discredited itself, lost confidence, it needs to be reformed or another security body created. The majority of the citizens understand that the main organizers and beneficiaries of the January events are at large."*⁷⁸

Aliya Isenova, 58 years old, eyewitness, Semey: *"I was invited in advance to a meeting with the city Akim on 5 January 2022, at 03.00 p.m. in the library named after Abai. A few blocks before the square, there were soldiers all around. There were about 80 people on the square. Mostly there were activists of the city and caring people. The Deputy Akim in a medical mask came out to the protesters, but he was suddenly taken away by the police. Suddenly, fire trucks, armoured personnel carriers drove in and the shooting began. People started running away. I was wounded behind the Akimat, I went through the cordon of the military, where a man took out a first-aid kit and tried to provide me with medical assistance. But then I heard the cry of a policeman behind me: "This is an activist! Grab her!" My phone was taken away and I was thrown into a paddy wagon. They started throwing everyone in there. There were SOBR officers and policemen in the paddy wagon."*

On 2 February 2022, Ruslan Iskakov, Head of the 5th Department of the NSC of the RK (the department deals with counterintelligence support of law enforcement agencies), was arrested on suspicion of concealing the crimes of an organized criminal group, the

75 <https://ru.sputnik.kz/20220215/kto-gromil-almaty-i-byli-li-terroristy-otvetila-pravozaschitnik-ayman-umarova-22809746.html>

76 <https://kazpravda.kz/n/ayman-umarova-dlya-dostoynoy-zhizni-nuzhny-verhovenstvo-prava-i-soblyudenie-zakonnosti/>

77 <https://www.youtube.com/watch?v=Tu5YB0qM6qI>

78 <https://litter.kz/sudebnye-zasedaniia-dolzhen-byt-otkryty-aiman-umarova-o-kantare-amnistii-i-zhenshchinakh-v-sude-1673344836/>

members of which were detained during the riots in Almaty. According to one version, R.Iskakov was considered the curator of such groups. For example, the well-known criminal authority “Wild Arman” allegedly coordinated his actions with him⁷⁹, and according to the investigation, Mr Iskakov was supposed to take control of the crowd, create the so-called “people’s council” to put forward the unified ultimatum demands to the authorities⁸⁰. There are many questions about Iskakov’s conduct, because in the early days, the anti-terrorism and extremism officers interrogated the detainees during Qantar2022. At the same time, the first reports of ill-treatment and torture of detainees appeared. Later, another information about the activities of R.Iskakov appeared in the media^{81,82}.

06 February 2023 ANAFIYAEV’S CASE

The court proceedings over 7 defendants regarding the fact of death of Mr Anafiyaev Zh. The Almaly District Court for Criminal Cases. Interrogation of witnesses. 7th session.

Interrogation of witness Serik Tuganbaev by the prosecution.

Attorney Daukenov K.: You said earlier that you heard voices of some people being beaten. Do you know what floor those detainees were on?

Witness Tuganbaev S.: I don't know. Even when I was taken out for investigative actions, my head was tied with a sports jacket, and with our heads down we were taken out of the temporary detention centre, I know only that they were going up the stairs, but I didn't see which floor. I was brought to some place, where I could raise my head and only that time I knew that I was brought to the investigator, after which I lay at the feet of the investigator on the floor.

Advocate Daukenov: Does it mean that the protocol of your interrogation was made when you were at the feet of the investigator?

Witness Tuganbaev: Yes, that's exactly what happened⁸³ (from the transcript of the court).

A positive public reaction appeared on the social networks to the fact that the authorities at that time demonstrated an understanding of the role of the RK NSC in

79 <https://kaztag.info/ru/news/asylov-podtverdil-kurirovanie-dikogo-armana-sotrudnikom-knb-i-opisal-rol-kudaybergena>

80 https://www.inform.kz/ru/dikiy-arman-deystvoval-pri-koordinacii-kuratora-iz-knb-genprokuror_a4020004

81 <https://masa.media/ru/site/rodstvenniki-semeychan-zaderzhannykh-za-krazhu-rudy-u-rossiyskoy-kompanii-trebuyut-peresmotra-del>

82 <https://newtimes.kz/obshchestvo/146141-zastavili-soznatsya-v-ubijstve-tatisheva-i-ogovorit-ablyazova-tokmadi-o-lyudyah-masimova>

83 From the transcript of the court in the criminal case of Zh. Anafiyaev, who was killed as a result of torture: <http://tirik.info/po-golove-bili-avtomatom-stopoj-nog-po-spine-dubinkoj-igolkoj-kololnogi-elektroshokerom/>

the January events and the need to reform that closed organisation, which was the heir to the Soviet KGB and inspired fear in the citizens. On 3 February 2022, in pursuance of the instructions of the Head of State, announced on 11 January at the plenary meeting of the Parliament’s Majilis and on 27 January at the meeting of the Security Council, the National Security Committee established a special Working Group to assess and optimize the structure, tasks and functions of the bodies of the NSC of the RK⁸⁴. On 1 April, President Tokayev gave a number of instructions aimed at improving the work of the bodies of the National Security Committee of the Republic of Kazakhstan⁸⁵. On 17 May 2022, the President of the Republic of Kazakhstan signed the Decree “On Certain Issues of the National Security Committee of the Republic of Kazakhstan.”⁸⁶

However, unfortunately, there are still no answers to the questions posed by President Tokayev on 11 January 2022: “All militants and their accomplices involved in the crimes against the civilians should be found and punished. It is critical to deal with those behind the terrorist attacks. Another extremely important point: why did the State “overslept” the presence of sleeping cells of militants and the activities of their command post?” Who are those militants? Where was the command post, and who commanded it? Where are those militants now?

At the time, only those have appeared in the dock who are accused of the death of 12 people: shepherd **E.Krykbaev**, soldier **M.Kaisarov**, colonel of the NSC **D Adilbay**, people died as a result of torture: **Anafiyaev Zh.**, **Mukashev A.**, **Otepbaev E.**, **Zhotabaev Zh. and Kaliev E.**, **3 members of the Seitkulov’s family** (father, wife and daughter) and **Kanseit E.**, a son of the rector of KazNU named after Al Farabi Tuimebaev G. That is, so far, the accused of the death of 12 people out of the officially recognized 238 people have been found.

In every case of the death of a person during the January events (as well as any violent death of a person), the authorities must conduct a comprehensive and objective investigation, and only in the case when it is indisputably established that the lethal weapon was used lawfully in connection with the immediate threat to the life of the law enforcement officials or other citizens, in full compliance with the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 1990⁸⁷, an investigation may be terminated and law enforcement officials’ actions declared lawful.

84 <https://www.gov.kz/memleket/entities/knb/press/news/details/320925?lang=ru>

85 <https://www.gov.kz/memleket/entities/knb/press/news/details/349743?lang=ru>

86 <https://www.gov.kz/memleket/entities/knb/press/news/details/374800?lang=ru>

87 https://www.un.org/ru/documents/decl_conv/conventions/firearms.shtml

However, no such investigation has been carried out on the merits or, in any case, the results of any such investigation are seriously questioned by the victims, relatives of the victims, human rights activists and civil activists.

The questions continue to remain why the actual use of deadly force and the deaths of many peaceful protesters and bystanders is essentially not held accountable? Why are the members of the armed groups and their organizers still largely unidentified and prosecuted? Why are the military who opened fire to kill and those who gave them the order to shoot not brought to justice?

If terrorists, foreign citizens arrived in Kazakhstan on planes, as officially reported by the authorities⁸⁸, if any, are their names and nationality known? And if they are suspected of participating in mass riots, then why are there no lists of them, or why are they not put on the international wanted list?

There are also many questions regarding certain organised groups supervised by the special services. There is no information on the results of the January events, were those special groups for provoking riots, their curators established, were their activities terminated? The fact that such groups exist has been suggested by the Kazakhstan people for a long time, since they still have before their eyes the tragedy of Zhanaozen in 2011, when the riots were also organized and the peacefully protesting oil workers were shot. Moreover, this practice of dispersing protesters is already used after Qantar 2022. For example, on the night of 9-10 April 2023 in Zhanaozen, the criminal elements again participated in stopping the peaceful protest in front of the akimat.⁸⁹

At that time, on 10 January 2022, the Secretary of State E.Karin stated: *"I think we are facing a hybrid terrorist attack on Kazakhstan, with the ultimate goal of general destabilization and possible coup d'état. All these events are evaluated according to old patterns, based on the previously seen events. Someone compares it with colour and velvet revolutions, but in relation to Kazakhstan, those scenarios were ineffective. After all, the circumstances in our country are different: the position of the authorities is quite stable, and there are a number of other factors. They would not allow to implement the classic scenarios of colour revolutions. Ultimately, a completely different model was tested in Kazakhstan. Another scenario for destabilizing the situation, but with the use of radical and terrorist groups. Every action of the subversive groups in all cities of Kazakhstan was carefully planned,"* he assured that when the work to stabilize the situation in the country is completed, the efforts will be put to investigate all causes and circumstances. Then, of course, it will be possible to fully tell and report

88 <https://inbusiness.kz/ru/last/ob-inostranom-slede-v-yanvarskih-sobytyiah-rasskazal-gossekreter-rk>

89 <https://youtu.be/Y5ooFUEbgSs>

*already how they developed, as planned, but by how rapidly everything developed, by how carefully it was all organized and how precisely all these groups acted, we can say that, of course, each event was part of a bigger plan. Because, you can imagine how much such careful preparation and planning required so that the actions of different disparate groups in different regions, even in the same region, one algorithm, similar tasks to seize state institutions, law enforcement buildings, actions to seize weapons, strikes aimed at communications means, road infrastructure facilities closures. It is impossible to just spontaneously develop and distribute commands.*⁹⁰

More than a year after Qantar 2022, the promises to clear things up remain unfulfilled.

90 http://tengrinews.kz/kazakhstan_news/myi-stolknulis-s-gibridnoy-terroristicheskoy-atakoy-karin-458614/

4. Detentions and arrests (respect for the right to liberty and personal inviolability)

When talking about the rights of a person who has been detained on the suspicion of committing a crime, we talk about the right of any person, without any discrimination whatsoever, to freedom and personal integrity, the right to freedom from torture and other degrading, cruel or inhuman treatment during detention and all subsequent stages of investigation. Guarantees of protection against arbitrary detention include the right to be informed of the reasons for detention, of the charge brought, and in a language that the detainee understands, the right to be informed of his/her rights and how he/she can exercise these rights, access to a lawyer of his/her choice, within 48 hours to be brought before a judge, etc.

Hundreds of people were arbitrarily detained and placed in custody during the January tragedy of Qantar2022. 600 cases were documented where citizens faced gross violations of a number of their fundamental rights and freedoms, including freedom and personal integrity, freedom from torture and a fair trial. In the course of documentation, characteristic violations of the rights of persons during detention, delivery, drawing up a detention protocol, providing legal and medical assistance, choosing a preventive measure, detention, pre-trial investigation, and protection against torture and other cruel, inhuman or degrading treatment, based on international obligations of the Republic of Kazakhstan and provisions of the national legislation.

Detentions and the choice of a preventive measure in the form of detention in custody were made under the following articles of the Criminal Code of the Republic of Kazakhstan: Article 181 "Armed coup", Article 188 "Theft", Article 191 "Robbery", Article 255 "Act of terrorism", Article 269 "Assault on, or taking over, buildings, premises, means of communication", Article 272 "Mass riots", Article 274 "Dissemination of knowingly false information", Article 287 "Illegal purchase, transfer, sale, storage, transportation or carry of arms, ammunition, explosives and explosive devices", Article 291 "Theft or extortion of arms, ammunition, explosives and explosive devices", Article 293 "Hooliganism", Article 380 "Violence toward a public official", etc.

The mere fact of arbitrary detention is unacceptable, and detention must meet the requirements of legality in terms of international standards, and it must comply with the substantive and procedural rules of the national law. The common principles of international law include: the principle of the rule of law and the related principle of legal certainty, the principle of proportionality and the principle of protection from

arbitrariness. If we are talking about keeping people in detention, then we must first ensure the common principle of legal certainty is met.

Koshygulov Kuspan, 52 years old, a trade union leader, victim, Aktau: On 6 January 2022, he met with the protesters in the central square and stayed on the square until evening, and in the evening went to Amin Yeleussinov. The Mangystau Arena building housed 850 military personnel. About 20 persons, including Amin Yeleussinov, Takhir and Kuspan, drove to and met with soldiers, filmed their position on video, and when they were about to leave, their car was surrounded. It was a provocation. Their phones were taken away, the caps were put on their heads, they were led for 15 minutes, then they were handed over to others, after that they were placed in a container, and only after that the caps were removed from their heads. They were kept in the container for about 2 hours. According to their gaits and behaviour, those people looked like athletes, an organized criminal group. After the container, they were transferred to a house. The house was with window bars, they were locked there. Kuspan Koshygulov does not know where the container and the house are located, but he thinks that it is on the outskirts of the city, next to the sea. They were released on 7 January in the evening, having again put caps on their heads, and taken to the city. They realized that they were released after the dissolution of the protesters. Mr Koshygulov thinks that the kidnapping was orchestrated by the authorities.

NN, victim, Almaty oblast. N. lives in Almaty oblast: During the January events he did not come to Almaty, he was at home. On 6 January 2022, at about 07.00 p.m., he left for Korday. On the way, he was detained by the military and, without any explanations, he was taken to a new pre-trial detention centre in the Koshmambet Village of Karasai District. There he was beaten and tortured. They asked: Where are you going? What did you do? What did you make? They kept him until 14 January, until the bruises disappeared, and then he was released together with 15-20 people. Before leaving, they were obliged to write a statement that no one had any complaints. They were glad to leave from there and wrote such a statement. Before letting go, the prosecutor warned that if they tell anyone, they would be locked up again and charged you. He was illegally detained for 8 days.

International documents in the area of human rights do not provide a definition for cruel, inhuman or degrading treatment and punishment. This is because their intent is to provide people with maximum possible protections against their rights to physical and mental integrity, and respect for their inherent dignity. It should also be noted that any act of deprivation of liberty must correspond to the purpose of protection of an individual against arbitrariness. Only persons specifically authorized by the law to do so, may conduct arrests and detentions of people as well as placing them under arrest. What is also very important, is that the personal data of those who conduct arrests or otherwise deprive other citizens of their liberty should be easily identifiable,

for instance by them wearing name tags on their uniforms, or easily recognizable ID numbers.⁹¹

The detention itself during Qantar 2022 was often done by the officers who were not in uniform, no certificate was presented during the detention in every second case. At the same time, according to subparagraph 1) of paragraph 5 of the Law of the Republic of Kazakhstan “On Agencies of Internal Affairs”, “the officers, when exercising the powers of internal affairs agencies, must: 1) introduce themselves and present an official ID when contacting an individual...”

The authorities have not learned their lessons since the January tragedy and continue to involve the unmarked law enforcement officers. Thus, on 11 April 2023, more than 100 unemployed oil workers peacefully protesting at the office of KazMunayGas were detained in Astana.⁹²

The reasons for the detention during Qantar 2022 were not specific, people were detained on the basis that their phone numbers were in the address book of those who were arrested, there were also cases of detention based on the fact that they were peacefully staying on the square or there was a video from the rally on their phones.

Zhubakov Yerbolat, 68 years old, father of Rinat Zhubakov, Oskemen: “Rinat was illegally detained on 9 January near his house. Why “illegal”? Because the detention took place by unknown people, without showing any documents, sanctions, etc. They just twisted Rinat's hands and took him away.”

International standards require that it should be clearly stated under what law and on the basis of what factual information a person is being detained. The rights of detainees in the first days of the tragedy were violated everywhere: the right to inform a third person, the right to counsel of one's choice, the right to medical assistance, the right to challenge the legality of detention, the right not to self-incriminate themselves, including the right to remain silent, the right to complain against cruel treatment or conditions of detention.

Any person, including those arrested or detained on criminal charges, has the right to communicate confidentially with an advocate. After mass detention of protesters, a huge flow of citizens who reported missing relatives was documented. People taken into custody could not exercise their right to notify a third person of their arrest or detention and of the place where they are being held. The right of detainees to communicate with the outside world and visits is the fundamental safeguard against

91 Guide to Fair Trials, Amnesty International, 2014

92 <https://youtu.be/5Lopz-jVVBs>

human rights violations, including torture and ill-treatment. The ability of the accused to prepare his defence depends on the exercise of this right.

Kairat Kozhakhmetov, 37 years old, victim, Almaty: On 5 January 2022, at about 4.00 or 5.00 p.m., he left his house located near hospital No. 7 in Kalkaman microdistrict to buy medicine for the child with a doctor's prescription. He saw a crowd of guys, they said that there was a rally in the city, all shops and pharmacies were closed. At that time, two or three cars drove up and a stun grenade was thrown therefrom. It exploded right under the feet of K.Kozhakhmetov. The guys stopped a passing car, put him in and took him to the 12th city hospital, where they put a plaster cast on his broken leg in the traumatology department. On 8 January 2022, the special force officers came to the hospital in the evening. Three fighters ran up to each of them: “Don't move! We'll shoot! Terrorists!”. They asked where the weapons and ammunition were hidden. They took away the cell phones. They were taken him to detention centre LA-155/18 in Almaty. He did not have any possibility to contact his family during the first week of his stay in the pre-trial detention centre, he was not allowed to make a single call home. A week later, the investigating court sanctioned Kozhakhmetov's arrest for two months. Later, the prosecutors informed him that he would be placed under the house arrest. On 27 January 2022, he returned home. On 08 September 2022, the criminal prosecution under Article 272 of the Criminal Code of the Republic of Kazakhstan was terminated due to the failure to prove the presence of a criminal offense according to Article 35 of the Criminal Code of Kazakhstan. On 28 November 2022, Kozhakhmetov was recognized as a disabled person of Group 3.

All detainees have the right to seek medical attention and receive medical care and treatment. This right is an integral part of the duty of the authorities to respect the right to health and respect for human dignity. As a result of documentation, numerous violations of this right were found, as appears from the statement of the human rights activists to the Commissioner for Human Rights of the Republic of Kazakhstan regarding the health status of more than 40 people in the pre-trial detention centre in Almaty. After Ms E.Azimova visited this pre-trial detention centre (LA-155/18), all those in need of medical treatment were transferred to the 4th city hospital for inpatient treatment.

Espenbetova Aiman, 35 years old, wife of the victim Bauyrzhan Talgara, Almaty Oblast: On 5 January the shops did not work, Talgar went onto the highway along the Rayymbek street. There he learned about the rally, joined the people walking into the city. When they were walking up along the Furmanov street, a grenade exploded at his feet. He received serious injuries to his legs and arms in the form of multiple fractures. At about 3.30 p.m., Talgar was put into the hospital, where he receives the emergency care. On 8 January, in the evening, he, along with other wounded patients, was taken from the hospital to detention centre SI-18 by the

special force officers. His family could not find him. And only 12 days later the investigator contacted them and said that Talgar was in SI-18. It turned out that from 8 January to 17 January he was completely without clothes, as he was taken from the hospital. They did not perform a surgery on his legs, the leg began to rot, on 18 January Talgar was taken to the 4th city hospital and on 20 January he was operated there with the installation of the Ilizarov's frame. Then he was returned to SI-18 and, on 2 February, he was released on bail. Since then, Talgar has undergone three surgeries on his leg and one surgery on his arm. On 8 September 2022, the criminal case under Article 272 of the Criminal Code was terminated due to the absence of the elements of a criminal offense.

The standards for ensuring the right to freedom and personal integrity are to certain extent reflected in the national legislation of the Republic of Kazakhstan. However, as the documentation of the January tragedy showed, these standards were largely not met. For more details please refer to the KIBHR report about the observance of the rights of persons detained during and after the January 2022 events at the stage of pre-trial investigation and the compliance with international standards and national legislation⁹³.

Torture and other forms of ill-treatment have been used ubiquitously, both for the purposes of intimidation and to extract confessions that they were terrorists. People in detention reported arbitrariness and neglect, including beatings, lack of food and water, cold and dampness in the detention cells. Based on the January events Qantar 2022, a joint report "We don't even cry anymore" was compiled by the International Partnership for Human Rights (IPHR), the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and the NGO Coalition of Kazakhstan against Torture (NGO Coalition) in partnership with the World Organisation Against Torture (OOPT)⁹⁴.

In particular, the human rights activists note in their report that many detainees in January were subjected to torture. People "were held in the substandard places like gyms or in overcrowded cells, forced to stand in uncomfortable positions, forced to sleep on the floor, given little or no food and water, denied medical care." The security forces dressed in black uniforms without identification marks beat the detainees. Those delivered to the police stations or isolation wards were tortured with electric shockers, burned with irons, put plastic bags on their heads, inserted needles under their nails, poured boiling water over them, thereby knocking out confessions. At the beginning of 2023, this report was presented and discussed by the authors and human

93 Analytical report on the observance of the rights of persons detained during and after the January events of 2022, at the pre-trial investigation stage [weY2ERsiSRPhsNJBppkORcbyoI_YlkyqITQ0g](https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-EN.pdf)

94 <https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-EN.pdf>

rights activists with the representatives of the General Prosecutor's Office of the Republic of Kazakhstan, the Ministry of Internal Affairs of the Republic of Kazakhstan and other state bodies.⁹⁵

"Also, the illegally detained were kept in a residential container in Ainabulak microdistrict guarded by the armed private security agency, they were beaten and not allowed to eat or drink. Then they were transferred to another container at the airport. There they were received by the NSC officers and the military, who continued to beat them. This became known from the materials of the case file of 11 NSC officers in the Turksib District Court of Almaty"^{96 97}

According to the information of the General Prosecutor's Office of the Republic of Kazakhstan⁹⁸ announced on 5 January 2023, the pre-trial investigation was commenced into 329 criminal cases on the facts of torture. The majority cases was handled by the anti-corruption service, while the special prosecutors investigated the criminal cases against 34 police and NSC officers. Nevertheless, it is clear that the majority of the law enforcement officers, unfortunately, were not subjected to any punishment for attacks on protesters and arbitrary detentions of thousands of peaceful demonstrators and others people.

95 <https://bureau.kz/novosti/v-zloveshem-kruge-nasiliya/>

96 https://www.youtube.com/watch?v=GEzNbeS_kFw&t=143s

97 <https://www.youtube.com/watch?v=UHpTf5zE6P8>

98 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s>

5. Pre-trial investigation (respect for the right to a fair trial, including the right to defence)

At this stage of criminal proceedings, it is especially necessary to highlight the observance of the right to qualified legal assistance – the right to counsel. According to international standards, every person who has been deprived of liberty or who is facing a criminal charge has the right to a lawyer in asserting his/her rights and preparing a defence. If an individual does not have a lawyer of his/her own choosing, he/she have the right to have an effective, qualified assistance from an appointed lawyer when the interests of justice so require. Detainees must be provided access to the assistance of a lawyer from the moment they have been taken into custody, including during interrogations. Sufficient time and conditions must be provided to enable communication with a lawyer in confidence.

Moreover, it is noted that the right to a lawyer, including before trial, generally means that a person has the right to a lawyer of his/her own choosing. International standards specifically speak of the right to have a lawyer of own choosing before the trial.

Until 10 January 10, 2022, the lawyers engaged by the relatives of the detainees could not access their clients in the buildings of the police departments. The paramilitary guards threatened the lawyers that the state of emergency was in effect and they had the right to follow the “shoot to kill” order if the lawyer continues insisting on the meeting with their clients. Only after 12 January, in Almaty, some lawyers were able to meet with their clients in the building of the Police Department and saw that the detainees were beaten, ill-treated and tortured in order to extract confessions therefrom.

Everywhere the detainees claimed that during interrogations they were beaten, and there were no lawyers during the interrogations. In most cities, neither a lawyer of their choosing nor the relatives could get access to those detained in the first days of the January events during 2 or 3 weeks in reliance on the state of emergency, which was in effect until 19 January 2022. The unimpeded access of lawyers to the detainees was only granted after 20-25 January.

While people taken into custody have the right to notify a third person of their arrest or detention and the place where they are being held, none of the detainees were allowed to exercise that right. Detainees have the right to have their relatives, attorneys, doctors, court officials, and if the detainee is a foreign national, consular officials

or representatives of authorised international organisations, visit them without delay. Here, a striking example of legal lawlessness is the very high-profile and resonant case of the famous musician **Vikram Ruzakhunov** from Bishkek.

The rights of a detainee to communicate with third parties and have visitors constitute a fundamental guarantee of protection against human rights abuses, including torture, cruel treatment and forced disappearance. How this right is exercised will be a factor in the ability of the accused to prepare his/her defence, and respecting this right is necessary to ensure the right to privacy and family life, and the right to one’s health and safety.

Out of 579 cases documented by us, 175 deal with fatalities, of which 104 criminal cases were terminated under Article 35.1.1/2 of the Criminal Procedure Code, including 31 which were “classified”; 14 criminal cases were suspended; trials are pending in relation to seven killed. Out of 405 documented cases of victims, 303 participants were sentenced, 66 criminal cases were dismissed, including five cases with “classified” status.

In accordance with the declared “top secret” status of cases under articles 175, 179, 262 of the Criminal Code (belonging to a criminal community, an attempted coup d'état and overthrowing the constitutional order), the judicial hearings on the former chairman of the NSC K. Massimov and his deputies were completely closed to the public. Many criminal cases, even against ordinary employees of the national security agencies (especially in connection with the use of lethal weapons against civilians) are also classified, which creates great difficulties for relatives and the victims themselves in obtaining information and creating an objective and complete picture of what happened.

Despite the requirements stipulated by the criminal procedure legislation of the Republic of Kazakhstan on the conduct of criminal trials (Article 23 Part 1 of the Criminal Procedure Code) “based on the principle of competitiveness and equality between prosecution and defence” and that, according to Article 25 Part 5 of the Criminal Procedure Code “an investigation should look into circumstances that both incriminate and acquit the suspect, accused, defendant, as well as those that extenuate or aggravate responsibility and punishment. The body conducting the criminal process should check all declarations of innocence or a lesser-degree of guilt, as well as the presence of circumstances that acquit the suspect, accused, defendant, or extenuate their responsibility, as well as allegations of use of unauthorised investigative methods when collecting and recording evidence,” those requirements were essentially ignored.

In Taraz, the court ignored all arguments of the defence in the cases of nine defendants, including five who were killed. On the fact of participation, all were found guilty without the right to rehabilitation, while the criminal cases regarding the homicide of the five who were killed were not properly investigated and were terminated under Article 35 (part 1/2) of the Criminal Procedure Code of the Republic of Kazakhstan.

Indira Bekezhanova, 40 years old, mother of the murdered Raiys Rysbekov, Taraz: *On 6 January 2022, at about 6.00 p.m., Raiys went to the store and did not return. The next day, she learned that her son had received a gunshot wound, admitted to the city hospital and died during the surgery. The bullet hit the head near the ear. They called me to get acquainted with the case. I just scrolled the papers before my eyes and noticed a photo where my son was lying and things were put next to him: the keys to the house, my mother's bank card, a lighter, a knife and two bullets. Where did the knife and bullets come from? My mother thinks they planted it all. He was charged under articles 255, 287 and 272 of the RK Criminal Code. The charge under Article 255 of the Criminal Code "Act of Terrorism" was abandoned at the stage of investigation and the case was brought to the court under Articles 272 and 287 of the RK Criminal Code. During the trial, the interviewed paramedic testified that the corpse was found in the area of the square, but there was no blood around, although there should be a lot of blood from a head wound. The relatives believe that he was killed in another place, and then the corpse was transferred to the area of the square. According to the parents, the guilt and the participation in the rally have not been proven in court.*

Almost all complaints to the prosecutor's office were not considered properly in accordance with the law. Only when the Amanat public commission, headed by lawyer A.Kuspan, started to work from the end of January 2022, some detainees began to be released. Apparently, there were many questions about the legality of the mandate of the commission, which had free access to the materials of criminal cases, but the very fact of the release of people from arrest caused a positive response in the society. In total, by 13 March 2022, 99 people were released.

During the pre-trial investigation, lawyers and relatives of the detainees continuously complained about red tape, non-provision of information, change of investigators, non-committal replies to all petitions, dubious evidence of guilt, dubious examinations, coercion to confess guilt, threats to relatives.

Saule Imangozhina, 55 years old, mother of Mukhit Tugelbaev, Semey: *The mother could not find her son for a long time. Nobody could tell her where he was. Wherever she went, they talked about the Capture operation and didn't let her*

in, pushed her away with pistols and machine guns. On 24 January 2022, Saule Imangozhina wrote an application about the disappearance of her son to the prosecutor's office in Semey. Only then, on 26 January 2022, Saule received a reply that Mukhit was in a temporary detention facility, and on 27 January 2022, Saule was able to visit her son. According to her, although many days have passed since the arrest, her son's face was covered in black spots. Each of his fingers was beaten with a baton. The son said: "Mom, I almost died. From 6 January to 9 January 2022, we were beaten and tortured. We were kept in a cold basement, forced to urinate in our pants. They did whatever they wanted, they wanted to rape me with a baton. But one of them said: "Be careful, this is the literate one, he can write against us if he remains alive."

Aslanbek Omarov, the accused, Aktobe, during the trial that took place on 12 January 2023, he testified that the investigators extorted money from him in order to change the article to a lenient one or remove several articles and replace them with a more lenient one. Aslanbek said at the trial that they demanded money from him in order to drop the charge "terrorism". For 2 weeks, Aslanbek's wife, Daniya, could not see him, as the police refused relying on "quarantine", but in fact they were waiting for the signs of beatings to disappear. According to Daniya, the lawyer appointed by the State also said that Aslanbek was severely beaten. On 26 January 2022, Aslanbek was transferred to a pre-trial detention centre on the basis of an open criminal case under Article 272.1 "Organisation of mass riots". Daniya Bekturganova tried to get access to the videos from the Police Department, where her husband was beaten, but she was told that the video no longer exists, that it was deleted. The forensic examination did not confirm the facts of beatings⁹⁹. By court verdict No. 1598-22-00-1/41 dated 1 February 2023, he was acquitted.

From February – March 2022, the first trials began, which were conducted online and about which the relatives were not even notified but learnt after the fact. The charges and sentences mainly related to article 188 "Theft" of the RK Criminal Code, and evidence was based on video recordings from stores where the faces of the accused were clearly visible. Such trials took place mainly with the confession of guilt by the defendants and the signing of a procedural agreement.

Then the trials began on charges of hooliganism and robbery, and then on charges of participating in riots and seizing government buildings.

Since the Kazakhstan authorities immediately recognized that there were no 20,000 "terrorists", the crime under Article 255 "Act of Terrorism" of the RK Criminal Code

99 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s>

was not imputed to those detained under the documented cases in connection with the January events. With regard to those killed in the January events, the pre-trial investigation was mainly carried out in connection with the fact of the death and in connection with the fact of participation in mass riots. As for the death of children, pensioners and civilians who happened to be at the scene of events, the pre-trial investigation was carried out only into the death.

In the cities of Shymkent, Kyzylorda and Taraz, the cases into the death of all the killed were terminated, and 2 people were found guilty of participating in mass riots in Kyzylorda: Aitbai Aliyev and Ablai Mahatay, in the city of Taraz – 7 killed, in Almaty – 6 killed. In accordance with the verdict, they were released from punishment under Article 35 (part 3(11) and part 4) of the RK Criminal Procedure Code due to their death, without the right to rehabilitation.

6. Court trials (respect for the right to a fair trial)

The guarantees of equality in criminal proceedings prohibit discriminatory laws and discrimination in the implementation of laws and include the right to equality before the law and equal protection by the law, the right to equality before the court and equal treatment in court, as well as the right to equal and free access to court. Judges, prosecutors, and law enforcement officials have the obligation to ensure equal protection of the law and to respect and uphold the prohibition of discrimination. They must ensure the implementation of the existing laws and regulations, guaranteeing non-discrimination. By the time of writing this Report, 112 court hearings had been monitored and documented, and court transcripts had been posted online and on social media. Human Rights Alliance will submit a report on the observation of the right to a fair trial of the January events.

05 January 2023. According to the Ministry of Internal Affairs, 4623 criminal cases concerning January events have been investigated, including those initiated for charges of murder, hooliganism, theft, arms trafficking, and intentional destruction of property. A total of 983 persons were detained, 502 of them were referred to the jurisdiction of special prosecutors. 255 persons were released from custody (those who have no criminal record and for indemnification of damage). Twelve juveniles were identified to have committed serious offences and non-custodial sentences were changed. 631 persons were brought to court: 132 were sentenced to real terms in prison, others were sentenced to restrictions, community service, or fines. Cases terminated due to reconciliation of parties: 44 were terminated at the stage of investigation, and 14 at the stage of trial. Amnesty was granted to 980 detainees, 76 were released from detention facilities, and term imprisonment was reduced for 94 convicted persons. 36 criminal cases are currently pending¹⁰⁰.

Examples of discriminatory application of laws include the disproportionate application of vaguely formulated anti-terrorism laws targeted at certain groups, multiple arrests and detention of individuals because of their political beliefs. The UN General Assembly has repeatedly called upon states to ensure that anti-terrorism laws are non-discriminatory in nature. Every person has the right to equality before the courts being “an essential element of the protection of human rights serving as one of the procedural means to secure the rule of law”. The right to equality before the courts

100 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s>

requires that similar cases are dealt with in similar proceedings. This prohibits application of exceptional procedures in special courts for certain types of crimes or for certain categories of persons, unless such distinction is justified by objective and reasonable grounds.

In principle, providing lesser procedural guarantees in "political" criminal cases than would apply in "ordinary" cases would therefore be inconsistent with the right to equality before the courts¹⁰¹. As for the cases concerning "terrorism" or "extremism" after the January events, documenting has shown that courts in different regions of Kazakhstan applied different approaches to defendants, resulting in longer detention and more severe punishments for similar crimes. One year after Qantar2022, we documented 3 cases where civilian defendants received heavy sentences, 15 years or more. Their cases are listed below:

Nursultan Issayev, 32 years old, higher education, poet, self-employed, Aktobe, was sentenced for 15 years of imprisonment based on Article 380-1, p.2, Article 272 p. 2 of the Criminal Code. On 5 January 2022, Issayev N. came in his car with his friends to the square in front of the regional Akimat of Aktobe, where a peaceful rally was taking place. After the law enforcement forces applied special means, Issayev N. decided to leave the place, but as he lost his friends in this turmoil, he decided to come back to find and get them with him. Since the shooting intensified, and sound bombs and tear grenades continued to explode, he decided to leave the place in his car, as the car had gas equipment. The windshield of the car was shattered with a sound bomb, and he could not see anything, so as he was driving from the parking place, he ran into a cordon of police officers and hit two officers. On 9 January 2022, Nursultan Issayev was detained at his home by police officers. During the detention and later, he was subjected to physical and psychological pressure and torture. His rib bones were broken, teeth were knocked out, and he had brain concussion. On 10 January, when he was brought to the temporary detention facility (TDF) barely alive, Issayev became ill. An ambulance arrived, and all the beatings and injuries were recorded. A complaint against the police officers concerning these injuries was filed to the anti-corruption service, but the case was dismissed due to the absence of elements of crime. The police officers who were hit by his car were not seriously injured. One of them had minor injuries, the other had none at all. The expert examination confirmed that the injuries received by the police officers did not cause any harm to their health. However, on 1 February 2023, the Inter-district Criminal Court of Aktobe, chaired by judge Bakhtygaliev N.A. found Issayev N. guilty and sentenced him to 15 years of imprisonment (case No. 1598-22-00-1/41). The court of appeal upheld the verdict.

101 See 88 above

Kazybek Kudaibergenov, 34 years old, self-employed, was engaged in apartment renovation business, 3 children, Kyzylorda, was sentenced to 16.5 years of imprisonment. On 29 November 2022, K.Kudaibergenov was sentenced to 17 years in prison by a verdict of the Interdistrict Court of Kyzylorda oblast based on Article 272, Article 380-1, Article 255 of the Criminal Code of the RK for running over a National Guard soldier M.Kaisarov while reversing his KAMAZ vehicle. Defence attorney stated in order to establish the real cause of death of the National Guard soldier M.Kaisarov, the body should be exhumated. According to the law, an autopsy should have been performed once signs of violent death had been identified on the body of Kaisarov. This was not done; no expert examination was performed, so the defence requested exhumation of the body. However, the defence attorney's request was left unanswered. It remains to be uncovered, if Kaisarov's death was connected with being hit by KAMAZ or there was some other cause. K.Kudaibergenov denies the accusation, but he signed all the protocols without reading them, as he was severely beaten. His wife says that he needs psychological help. He needs medical assistance after having been beaten for 20 days.

Yerbol Dzhumanov, 38 years old, self-employed, needs compulsory treatment for alcohol abuse, city of Taraz, sentenced to 16 years of imprisonment on 28 April 2023. From the indictment: On 07 January 2022, officers of OPP of DP for Zhambyl oblast detained Dzhumanov Ye. and Sailauov Ye. at their places of residence in the course of law enforcement intelligence operations. On 06 January 2022, Dzhumanov E.B., arrived at the building of the Zhambyl Oblast Department of National Security Committee (DNSC) with other participants of the mass riots. At 3.10 a.m. 30 soldiers of military unit 91678 "RgK South" of the Ministry of Defence of the Republic of Kazakhstan arrived in a KAMAZ truck escorted by Arlan special armoured vehicles, to the building of DNSC. Dzhumanov Ye. fired several single tracer shots in the direction of the DNSC officers Adilbai D.A. and others. Company commander of military unit 91678 "RgK South" of the Ministry of Defence of the Republic of Kazakhstan, captain Kairatov B.S. fired back towards the attacker Dzhumanov E.B. from Kalashnikov automatic gun and Makarov pistol. As a result of shots made by Dzhumanov E. the head of ATC department, Lieutenant Colonel Adilbai D.A was seriously wounded and died at 6.42 a.m. in the intensive care unit of the Taraz City Hospital. The only inconsistency in the case is that Dzhumanov denies being present at the place of rally at that time¹⁰².

Equal treatment by the courts in criminal cases requires the defence and prosecution to be treated in a manner that ensures equality of parties in the preparation and presentation of their case. Every accused person is entitled to be treated equally with other similarly

102 Minute 1.28 he says that he was not there <https://www.youtube.com/watch?v=NATMOOrjdb4>

placed accused people. One of the violations of the right to equal treatment by the courts include impunity or lenient sentences for law enforcement officials convicted of human rights violations¹⁰³. In the cases documented by the Centre, all criminal cases concerning the death of people which were initially qualified under Article 99 "Murder" of the Criminal Code, were later reclassified under Article 451 "Exceeding the Limits of Authority" of the Criminal Code for military men, and under Article 362 "Exceeding the Limits of Authority or Official Powers" for police officers, resulting in more lenient sentences.

Oralbay Shoibekov, South Kazakhstan Oblast, Maktaaral district, 54 years old, father of murdered Shoibekov Meirambek, Shymkent, 25 years old. Despite the fact that the criminal case was repeatedly terminated at the pre-trial investigation stage, father of the killed man seeks to establish the identity of the person who shot his son. According to O.Shoibekov, the investigation body knows the name of the serviceman whose bullet killed his son, and from his words, the bullet is identical to the cartridge case of the law enforcement officer who was wounded at the same time.

The right to equal and free access to court was also insufficiently respected. In most cases, trials were conducted online, which perturbed victims and survivors. Other factors that undermine the effective enforcement of the right to equal access to court include the announced amnesty¹⁰⁴, which made it more difficult to prosecute and punish the use of lethal arms by the military and police against civilians.

20 January 2023, Almaty, Almaty district court for criminal cases, trial of the murder of Anafiyayev J. during Qantar2022 in the walls of Almaty City Police Department (DP). All seven accused are employees of the temporary detention facility (TDF). They are charged under Article 146 "Torture".

A petition filed by Kairatuly Ye. and Yedilbekov Ye., defence attorneys of the defendants: We request holding subsequent court sessions offline because Internet connection is poor, and it is hard to hear all participants.

Judge Ustelbaev Ye.: The request to hold the subsequent court hearings off-line is rejected due to bad epidemiological situation and the increase of cold-related diseases: SARS, scarlet fever, coronavirus. There are many witnesses in the case, and I cannot jeopardize the health of the participants¹⁰⁵. (from the transcript of the court. Note: There is no quarantine in Kazakhstan).

103 See. 88 above

104 <https://adilet.zan.kz/rus/docs/Z2200000152> Закон РК «Об амнистии» от 2.11.2022 №152-VII ЗРК

105 <http://tirik.info/nikto-ne-dolzhen-byt-osuzhdyon-vse-vypolnyali-vyshestoyashhij-prikaz-prezidenta-qantar2022/>

The right to be tried by a competent, independent and impartial court is absolute and is not subject to any exception under any circumstances, including during a state of emergency and armed conflict. Documenting shows that fairness of trials concerning the January events is seriously in question. The monitoring of trials gives the impression that the entire state apparatus was behind the prosecution, while defendants and victims were deprived of such adequate protection. The principle of equality of arms is an essential guarantee of the accused's right to defend him or herself and ensures that the defence has a genuine opportunity to prepare and present its case, and to contest the arguments and evidence put before the court, on a footing equal to that of the prosecution. However, the trials were held with an accusatory bias, most of the motions of defence attorneys were rejected, unlike similar procedural actions of prosecutors, motions for recusal of the judge were never satisfied.

On 14 February 2023, the trial of 5 suspects (posthumously) involved in the January events took place.

Bostandyk court No. 2 for criminal cases. The trial is held online/offline.

Judge Maukeyev D: I allow filming only those participants who agree to be filmed and prohibit any publications in public domain¹⁰⁶ (from the transcript).

25 January 2023 online/offline trial over 24+1 (murdered) convicts in Almaty on the fact of participation in the riots.

Bostandyk District Court, Qantar2022, Interrogation of victims 7th session.

Judge Maukeyev D.: Which of the bloggers and journalists present at the trial had the information about the trial materials published in the media? I am warning you that the prosecutor's office and investigative bodies are looking into this matter at the moment. I prohibited the disclosure of any data that became known to you during the trial. You can only take photos of those participants who gave their consent.

Attorney Zhuaspaeva G.: Is it a closed trial?

Judge Maukeyev D.: Zhuaspaeva, we have an open trial, don't turn it back into show, you can record, but you cannot publicize information in accordance with law, you have to ask the permission of other participants of the process. I'm not trying to scare anyone, I am just warning you.

106 <http://tirik.info/14-fevralya-sostoyalsya-sud-5-h-podozrevaemyh-posmertno-v-uchastii-v-yanvarskih-sobytyah-bostandykskij-sud-po-ugolovnym-delam-2-zasedanie/>

The "Kazak Times" journalist started to find out what article of the law the judge was referring to. The judge did not like this persistence of the journalist, so he ordered the secretary to remove the journalist from the court room and the secretary removed him¹⁰⁷ (from the court transcript).

The right to a public hearing means that not only the parties in the case (and victims, in jurisdictions where they are not considered to be parties), but also the general public and the media, have the right to be present. In addition to safeguarding the rights of the accused, this right embodies and protects the public's right to know and monitor how justice is administered, and what decisions are reached by the judicial system. The right of trial observers and others to "attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments" is expressly provided for in the Declaration on Human Rights¹⁰⁸.

Even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public. However, the monitors did not get access to the trial, even despite the request of attorneys of eleven NSC officers accused of torture and death of E.Otepbayev.

The right to a fair public hearing is violated, if a trial takes place in a small courtroom unable to accommodate the interested public or if the trial is closed to the public. It remains unclear why the trial in Taraz was held in the pretrial detention centre, also in violation of the right to open trial.

Special emphasis should be made on the principle of presumption of innocence. Starting with President K.Tokayev, who in his speech on 5 January 2022 immediately called the protesters and participants of the events "terrorists" and "bandits", and ending with the speech of the Prosecutor General of Kazakhstan B.Asyllov on 5 January 2023, who called civil activist Eigerim Tleuzhanova "a member of an extremist religious organisation" and "organizer of the seizure of the airport on 05 January 2022" even before the court verdict came into force, the principle of presumption of innocence was often not respected¹⁰⁹.

The right to be presumed innocent is a norm of customary international law – it applies at all times, in all circumstances. It cannot be the subject of treaty reservations

107 <http://tirik.info/25-yanvary-a-sud-onlajn-offlajn-nad-24-1-po-g-almaty-po-faktu-uchastiya-bostandykskij-rajonnyj-sud-qantar2022-dopros-poterpevshih-7-zasedanie/>

108 See 88 above

109 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s>

or lawfully restricted in times of public emergency. The right to be presumed innocent applies to suspects even before formal charges are filed and continues until a conviction is confirmed following a final appeal.

No one charged with a criminal offence may be compelled to testify against him or herself or to confess guilt in accordance with the principle of presumption of innocence. Unfortunately, the authors of this report documented more than 400 cases, where the victims said that they had been compelled to confess to something they did not do. If they refused or remained silent, they were subjected to ill-treatment. The prohibition against self-incrimination requires a court to establish before a guilty plea is accepted that the plea is voluntary and is made without pressure. However, courts ignored statements of defendants that they had made confessions under torture and dismissed their requests to exclude the unlawfully obtained evidence from criminal case files.

*On 14 January 2022 in the city of Semey, officers in masks with guns in their hands arrived in 3 cars and took **Rinat Aliyev** away from home, and **Chingis Alpiyev** was arrested at work. Both of them were not present and did not participate in the January rallies. R.Aliyev and Ch.Alpiyev were charged under Article 272 of the RK Criminal Code "Participation in mass riots". They were beaten and tortured because they would not sign a confession. Six months later, on 01 June 2022, the criminal prosecution under Article 272 was terminated due to lack of elements of crime. However, on the same day, on 01 June 2022, without releasing them from the detention centre, they were charged again under Article 256 "Propaganda of Terrorism" of the RK Criminal Code. Currently, R.Yeliev and Ch.Alpiev are held in the temporary detention facility of the city of Semey, and hearing of the case initiated under Article 256 of the Criminal Code of the Republic of Kazakhstan is pending.*

Another issue that came to light during the documenting was the use of significant evidence or evidence of legally material reports. In the trials of the January events, the testimony of "secret" witnesses, and even witnesses who testified and gave evidence in different trials about different episodes and even events that took place in different places, were widely used. The courts did not respond to protests of victims and defendants over this issue. In many cases, pre-trial investigation authorities presented either inconclusive or non-obvious evidence for episodes of participation in mass riots and participation in the seizure of state buildings, based on video footage only confirming the presence of the convicted persons at the squares or near those buildings.

*Trial in Taraz, 9 people on trial under Qantar2022. **Nurakhan Makhatov**, 63 years old, defendant, Taraz city: "Prisoners unanimously stated that Muratkhan Myrzaliyev and Ruslan Bashirov were witnesses. According to him, there is one*

witness per five people in the criminal case. Myrzaliyev and Bashirov themselves were released in January on charges of theft and attempted murder of a government official. Now they testify against others. Defendant Dauren Nuraliev (disabled of Group 3 since childhood) said in the video that he was at the rally in Taraz on 4 January, and is being charged under part 1 of Article 272 "Organisation of mass riots". He said that those, who were real organizers, are witnesses in our case. Myrzaliyev threw stones, walked with a shield, attacked officers, and now he is a witness in our case¹¹⁰. On minutes 4:23 to 4:42 in the video, defendant D.Nuraliyev says: "They said to us: You will come out of here if you point at this old man (pointing at Nurakhan Makhatov). Turning to those sitting next to him, he says: "Tell us how it really was. Tell the truth, what are you afraid of?"

Unlike those accused of mass riots, the military, NSC and police defendants were not in custody in most cases but were generally under house arrest or a recognizance not to leave. This was used by Major General Serik Kudebayev, former head of the Almaty Region Police Department (dismissed at his own request in February 2022), who was charged in accordance Article 362 "Exceeding authority or official powers" of the Criminal Code of the RK, and while being under house arrest during the trial in the Taldykorgan City Court fled the country on 23 March 2023 after the state prosecutor had requested 9 years of imprisonment after the debate. Later, on 27 April 2023, he was returned from Turkey and sentenced to 10 years in prison the next day.

According to the information of the General Prosecutor's Office, presented on 5 January 2023, the courts considered cases concerning January events against 1221 persons, of whom 1205¹¹¹ were convicted. Four verdicts of acquittal were granted, including:

Bakhtiyar Taishov, who was acquitted on 25 November 2022 by a verdict of Almaty District Court of the City of Almaty on charges under Article 287 and Article 296 of the Criminal Code of the Republic of Kazakhstan. 25.01.2022г. B.Taishov was going to fly to Turkey with his wife and child for treatment of their 1.5-year-old son. On 25 January 2022 his flight was delayed to the next day due to January events, and in order not to return home, which was located 100 km from Almaty, has decided to stay overnight in "Turkestan" hotel in Almaty. Bakhtiyar Taishov, was detained at about 03.00 a.m. on 26 January 2022 in Almaty. During a search of personal belongings in the hotel, Almaty NSC officers found an object in polyethylene (marijuana), and a smooth-bore weapon and cartridges under the bed. In the afternoon of 26 January 2022, a search was conducted at B.Taishov's place of residence, without his presence, and ammunition and a grenade were found. B.Taishov believes

that these actions of NSC officers were illegal, as he had nothing to do with the ammunition, weapons, and the January events, and did not admit the accusations of a criminal offence against him. During his detention he was beaten and tortured several times with the words "Admit your guilt!"

Activist **Zhanmurat Ashtayev**, who was detained in Shymkent immediately after the riots, was acquitted, despite all his claims that he had not been there. Ashtayev was kept in custody for over a year since he was convicted in July 2022 on charges under Article 272 "Mass riots" of the Criminal Code of the RK to 3 years and one month of imprisonment; the court of appeal left the sentence stand; only on 14 March 2023 the Supreme Court of Kazakhstan acquitted him completely and resolved to stop criminal proceedings due to lack of crime in his actions and to release him from custody. Two more acquittals were issued on 1 February 2023, in the city of Aktobe with respect to Aslanbek Omarov and Yernur Azhniyazov, and both were released in the courtroom.

110 <https://www.youtube.com/watch?v=NATMOrjdb4>

111 <https://www.youtube.com/watch?v=A9quA2YVojs&t=21s> with respect to the January events

7. Rehabilitation and apology from the state (right to compensation)

It should be noted that after 1 year and 5 months, the authorities have not provided information about what had happened, who was to blame, and who wanted to organize the seizure of power. Full lists of those killed in the January events have not been published yet either. Despite numerous demands from public and human rights defenders, the authorities do not report in substance, demonstrating that the public in this case has no right to information. It is also obvious that there is no effective communication between the authorities and the public on the January events. In addition to the above-mentioned myths, various versions of what had happened from political scientists, public figures, and journalists constantly appear. Among them is L.Mlechin's "Tragic January. President Tokayev and lessons learned"; J.Kulekeyev "January events: struggle for Akorda"; Almaty TV channel made a 5-episodes film "Tragic қаңтар"; also, large programs of popular editions: Azattyk, Vlast.kz, Orda.kz were issued for the anniversary of January tragedy. As we know, a feature film about these events was recently shot in Almaty.

Compensation and rehabilitation in connection with the violation of rights are not a charity from the state, but effective measures of legal protection and compensation of harm as required by the international law and national legislation. The right to rehabilitation and compensation for harm caused by unlawful actions of an authority conducting criminal proceedings is stipulated by Chapter 4 of the Criminal Procedure Code of the Republic of Kazakhstan (RK CPC). Also, pursuant to Article 41 of RK CPC, official apologies should be brought to a victim. Any person illegally prosecuted, detained, suspected, or accused, in respect of whom an order was made to terminate criminal proceedings due to absence of elements or event of crime, or a court verdict of acquittal was delivered, is entitled to compensation for moral and material damage.

Unfortunately, fifty of 54 identical (exactly the same!) lawsuits filed by victims with the civil courts of Almaty, Semey, Astana, and Taldykorgan with the support of human rights defenders were rejected or returned for various grounds.

Only four lawsuits were considered, and the court ruled that the injured peaceful participants of the January tragedy should be paid between 2 and 4 million tenge in moral damages.

In the case of four more peaceful participants Abdusattarov D., Esengazy M., Esmurzayev B. and Kazhgaliyev N., the state, represented by the head of the department of special

prosecutors of the Almaty prosecutor's office, officially apologised for illegal criminal prosecution and the harm caused.

At the same time, peaceful protesters who had nothing to do with violence, organized groups and attempts to seize power, but who were subjected to illegal criminal prosecution, continue to face problems in the form of seizure of property, bank accounts, cannot use notary services, etc. due to the restrictions that were imposed on them after their detention and criminal prosecution. The rights of relatives of victims, who have lost their jobs and were denied a loan, etc., still have not been restored. The rights of these persons violated because of illegal or unjustified criminal prosecution should be restored. The victims need rehabilitation or their status which would give them the right for rehabilitation should be defined. Courts deny victims the right to an apology, the right to rehabilitation and recognition of those killed as victims of the January events.

At the time of writing this Report, none of the victims of the January events and the dead civilians, including 4-year-old Aikorkem and 12-year-old Sultan, have been rehabilitated. Kazakhstan should address this issue at the highest level and, according to human rights defenders and civil activists, Law "On Rehabilitation of Peaceful Participants and Victims of the January 2022 Events" should be adopted.

Concluding remarks

General conclusions

The chronological overview and analysis of the events during Qantar2022 in 11 cities in Kazakhstan where mass unrest took place, provided in this Report, show that violence, violation of the peaceful nature of the protests and especially deaths of peaceful protesters and bystanders were largely the result of the actions of the authorities and to a large extent the order “shoot to kill without warning” given by President K.Tokayev, and the arbitrary use of lethal weapons by military and law enforcement agencies, as well as further actions taken by law enforcement structures on 5-7 January 2022.

According to official data as of 5 January 2023, the circumstances of death of all 219 civilians were established in the course of measures taken (of that number 41 were people with criminal record in the past; 67 were recognized as suspected of participating in mass disorders; 142 violated the state of emergency and anti-terrorist operation rule, including 22 accidentally hit by gunfire or in a traffic accident; 4 died during committing other crimes; 6 died as a result of torture).

As documented, Kazakhstan lacks robust mechanisms to protect the right to life, and the authorities are not prepared to take strict precautions and comprehensive measures to avoid violation of the right to life by them through the obligation to exercise “due care”.

The authorities, including the Head of State, have never thoroughly investigated the proportionality of the use of force by the police and military, or analysed whether laws and administrative rules have been implemented to protect individuals against arbitrariness.

International standards establish that deprivation of life by state authorities is a matter of using lethal force in extreme circumstances with an immediate and real threat to the lives of law enforcement officers and other persons. Even though counter-terrorism practice should give priority not to the use of lethal weapons, but to providing an opportunity to surrender and other measures to prevent human victims, disproportionate and often unreasonable force has been used by the authorities, although under international law force must comply with the principle of necessity as well as proportionality, which has not been done.

Documentation has also shown that despite numerous emergency training programs for law enforcement officers and provision of all necessary resources and means to

the law enforcement agencies, there was an obvious unpreparedness and lack of professionalism on the part of law enforcement agencies while taking measures to stop mass unrest without the use of lethal weapons.

In this connection, a comprehensive assessment should be performed to establish if the use of lethal weapons by the military and law enforcement agencies was absolutely necessary and proportionate, all actions of security agencies during the January tragedy should be analysed thoroughly, and all results of such analysis should be presented to the public.

It should also be noted that President Tokayev, before voicing his “shoot-to-kill” order, did not conduct a reasonable assessment of the nature of the threat of violence and various alternatives to the use of lethal weapons to avoid casualties among civilians – protesters and bystanders. The right of citizens to life was violated because the “anti-terrorist” operation could have been better controlled and more carefully planned to protect the right to life. The military and police used lethal weapons without warning to the victims, giving them no opportunity to surrender and possibly stay alive.

On 7 January 2022, the President stated that there had been an “attempted coup d’état” in January with the involvement of the officials and promised that those responsible would be held accountable, but did not name the alleged organizers. Officially, 238 people were reported dead during the January events. The authorities claim that civilians died at the hands of “terrorists” and bandits, but provide no convincing evidence.

If, according to President Tokayev's explanation, his order “to shoot to kill without warning” was aimed at “armed bandits”, and the security forces often fired at “everyone and indiscriminately”, as it follows from the documentation of the dead, then those who fired should be held accountable for exceeding their authority. The president himself should be interested in restoring justice and punishing all those who arbitrarily and disproportionately used weapons against civilians, for which it makes sense to initiate an international investigation to put an end to the events of January.

As the documentation shows, the authorities did not take the necessary steps to overcome the consequences of Qantar2022. During and after the events, no parliamentary commission was established to study the situation and the events of January 2022. There were no parliamentary hearings on the January tragedy until January 5, 2023, or the speech of the General Prosecutor of the Republic of Kazakhstan before the Parliament. There was no initiative on the part of the General Prosecutor of the RK to conduct a separate investigation into the reported use of excessive lethal force by the military and the police.

The Kazakh authorities stated that it is necessary “to find and punish all the militants and their accomplices involved in crimes against civilians. It is critically important to deal with those who stand behind the terrorist attacks. Another crucial point: why has the state 'slept through' the existence of sleeper cells of militants and the activities of their command centre?” So far, there is no information on the results of the search for answers to these questions.

Obviously, there are serious questions about the order announced by President Tokayev, the deaths of civilians, the detention and prosecution of peaceful protesters during and after Qantar2022, there are also questions about the actions of the special services, security forces, the NSC, the anti-terrorist group A (“Arystan”), akims and akimats, as well as the transparency and validity of the state of emergency, the need and legality of the invitation and entry of CSTO forces and the authorities' responsibility for what happened.

Regarding the use of lethal weapons, the authorities of the country have not provided any compelling reason for the lawful and legitimate deprivation of life of citizens. A state of emergency rule does not authorize the arbitrary and disproportionate use of lethal weapons. The use of firearms is lawful only if alternative, less drastic measures cannot achieve the objective. The death of 219 (officially recognized) civilians must be recognized as arbitrary deprivation of life, until in each case it is undisputed by law enforcement that the particular individual posed an immediate threat to the life or health of law enforcement officers or third parties to the agencies.

Below are some questions that have arisen during and as a result of the documentation and relate to the clarification of the circumstances of what happened. Full and comprehensive answers must be given to these and other questions that the public has.

Questions to the country leadership and law enforcement agencies

1. When will the lists of those killed be published with full data: name, year of birth, city, date of death, cause, circumstances of death, and place where the corpse was found?
2. The documentation revealed the presence in places of gathering of peaceful citizens of organized and trained combat groups of 5-30 people, who initiated and provoked mass disorder and chaos, destroyed property, seized buildings, intimidated citizens without making any demands. Most of them wore masks and hoods and were led by young men of athletic build in flak jackets with walkie-talkies in their hands. The trials are under

way, but so far none of these men are among the defendants. Who were these people? Why their role in the January events has not been identified and made public? Why have they not been detained and held accountable for their actions? Since there are versions that these groups are somehow connected to the NSC of the RK, it must be established whether their existence is legal, how it is regulated and controlled.

3. It was established during documentation that under cover of uniformed military and law enforcement officers there were people in plain clothes with weapons in their hands, without insignia, who were target shooting at civilians. Who were these people and how are they connected with the authorities? How are their activities regulated and how are they held accountable in case of exceeding their authority and official powers, if they are national security or police officers?
4. Who of the heads of departments and divisions of the Ministry of Internal Affairs of the Republic of Kazakhstan and the National Security Committee of the Republic of Kazakhstan were held accountable in connection with the January events?
5. Why the akims of the oblasts where the unrest and deaths of citizens occurred had not been held accountable?
6. Why the leadership of the Ministry of Internal Affairs of the Republic of Kazakhstan has not been held accountable for the distribution of weapons from police departments, for the deaths of citizens, deaths from torture in the walls of temporary detention and pre-trial detention facilities? Why is the leadership of the Prosecutor General's Office not held accountable for the mass violation of human rights during Qantar2022?
7. After 5 January 2022, when the head of the National Security Committee K.Massimov was dismissed from the office and then arrested and imprisoned, there was an information in the media that a number of close relatives of the First President Nazarbayev and high-ranking current and former officials had left the country by charter flights. S.Abish, N.Nigmatullin, A.Mamin and others were dismissed. Since no pre-trial investigation was conducted on them, some of them returned to the country. Has any role of these people in Qantar2022 events been established?
8. Has any role of the First President N.Nazarbayev in the January events been established?

Recommendations to the country leadership and law enforcement agencies

1. To provide full answers to the above questions.
2. To examine all facts set out in this Report and take measures in accordance with the law.
3. To resume proceedings on all terminated and classified cases concerning human deaths during Qantar2022, to ensure that all military men and law enforcement officers who were involved in unlawful actions against civil population be held accountable.
4. To recognize the necessity of hybrid international investigation.
5. To adopt the Law On Rehabilitation of Peaceful Participants and Victims of January 2022 Events.

Annexes:

1. Statistical report on the events of January 2022.
2. Report "We don't even cry anymore" by the International Partnership for Human Rights (IPHR), Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and Kazakhstan's NGO Coalition against Torture (NGO Coalition) in partnership with the World Organisation against Torture (OMCT)) (<https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-RU.pdf>)
3. Analytical report on the observance of the rights of persons detained during and after the January 2022 events, at the stage of pre-trial investigation (https://bureau.kz/monitoring_2/doklady_i_otchety_kmbpc/o-soblyudenii-prav-licz-v-yanvare/?fbclid=I-wAR33WhV8PVabAkWq7b0JW-weY2ERsiSRPhsNJBppkORcbyoI_YlkyqITQ0g)
4. Statement by Ye. Zhovtis sent to the Inquiry Commission to investigate the treatment and detention of Zhanbolat Mamay by the Republic of Kazakhstan (United Kingdom)
5. Analytical report "Labour rights, trade unions: January events of 2022 in Kazakhstan (Mangistau oblast)" (https://bureau.kz/monitoring_2/doklady_i_otchety_kmbpc/trudovye-prava-profsoyuzy-sobytiya/)

Statistical report Qantar2022

Almaty, Kazakhstan, May 2023

Key statistics

Between 4 April 2022 and 30 April 2023, a total of 579 questionnaires were entered by Bakhytzhan Toregozhina's team into the "Victims" section, which involved collecting data mainly on people killed, injured, beaten and detained. There are also two other types of questionnaire that are used to collect information on what happened in January 2022: the torture questionnaire and the event questionnaire. Together, all three questionnaires form a coherent whole, but other non-governmental organisations and groups are responsible for completing them. The data collection was organised by the Human Rights Alliance of Kazakhstan with advice and technical assistance being provided by Huridocs.

This report presents only statistics on the cases entered in the "Victims" section.

Most cases were uploaded into the database (filling) in April-June, and thereafter the database was supplemented from the publication of official data, publications on Youtube and in social networks

Table 01. Distribution of questionnaire fill-ups by months

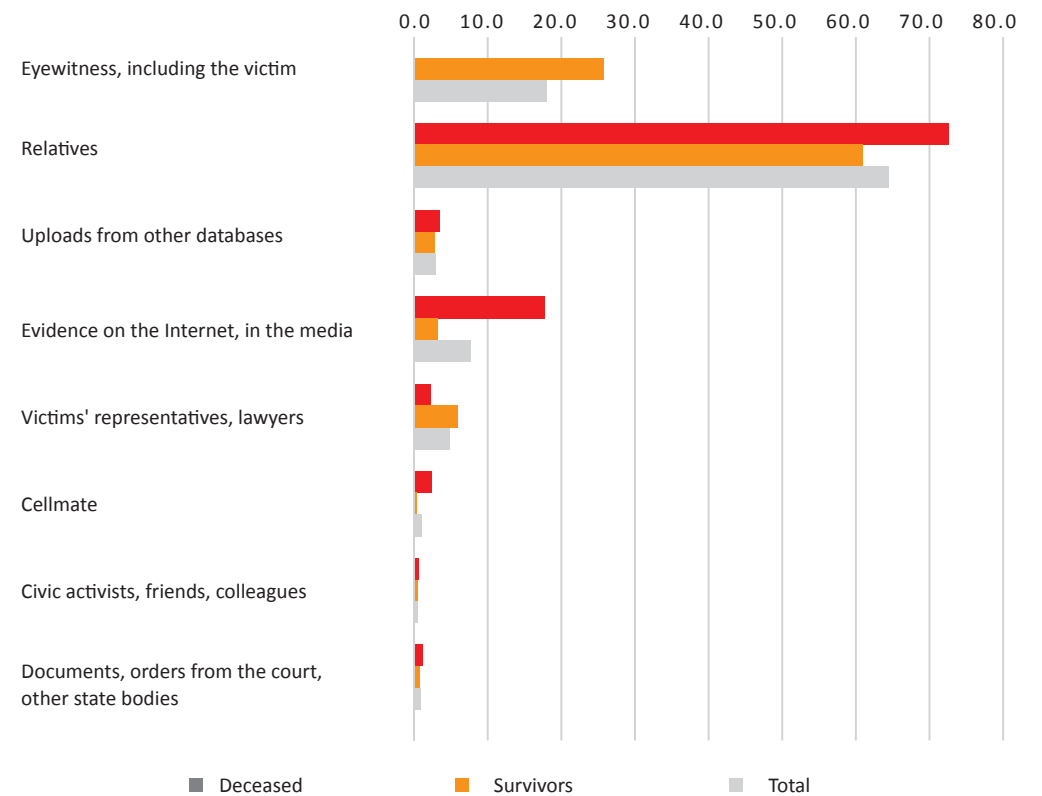
Month	Quantity	%	Month	Quantity	%
April	162	28,0	October	7	1,2
May	168	29,0	November	28	4,8
June	74	12,8	December	11	1,9
July	46	7,9	January	5	0,9
August	56	9,7	February	9	1,6
September	6	1,0	April	7	1,2
Total	579	100,0			

Either people upon personal interviews or testimonies published in the Internet were named as the source of information at the Documentation Centre of the Human Rights Alliance for Fundamental Rights.

64.4% of the information was provided by relatives, since the victims were mostly killed or were in detention at the time of the interview. It was the cases of death (murder) that were the focus of the initial data collection. 18.0% of the interviews were conducted by the people themselves, the victims. 7.6% were uploads of information

about the events from the media or the Internet, and 4.8% were given by lawyers and victims' representatives. 0.5% were civic activists, friends, and colleagues. 0.9% of the cases were taken from court documents. 57.9% of the sources interviewed were women and 42.1% were men.

Diagramme 01. Source of information in the database, %



Demographic characteristics of victims

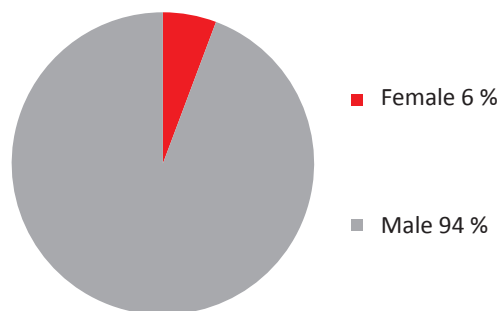
Of the 579 cases, 92.9% of the victims were male and 7.1% female. Of the 175 deceased, 5.7% were female and 94.3% were male.

Gender

Table 02. Gender identity of a victim

	Number			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Female	10	31	41	5,7	7,7	7,1
Male	165	373	538	94,3	92,3	92,9

Diagramme 02. Victims deceased by gender, % – share of



None of the victims belonged to any minority, or this fact is unknown to the sources (interviewees).

Age

The age has been specified in the database not for all victims. 152 deceased victims have both the date of birth and date of death, only the date of birth has been specified in four cases, 15 have a known date of death but no date of birth, 4 have neither the date of death nor the date of their birth (mostly victims identified through internet, media). Of the surviving 404 victims, 25 did not give their date of birth. But sometimes interviewees gave approximate age, without giving exact dates. For

the sake of uniform age calculation, the age of the victims as at 05 January 2022 was taken into account.

Of those victims whose cases were entered into the database and whose age was known, the majority of victims were aged from 16 to 35 (61.9%), a fifth of victims (20.1%) were aged from 35 to 45, people between 46 and 55 accounted for 11.5%, people between 56 and 65 accounted for 5.6% and people over 65 accounted for 0.9%. 0.5% were children under 16. The average age of victims was 33.4 years old, the average age of the deceased was 34.0, and the average age of the survivors was 33.2. Among the dead, the figures can be seen in the table below. Among the deceased recorded in the database 6 are minors: 1 girl aged 4, one child of each 12 and 15 and 3 people aged 17. The death toll includes 1 person aged 72 and 2 people aged 73.

Table 03. Victims by age

	Deceased	Survivors	Total	Deceased	Survivors	Total
under 16	3	0	3	1,8	0,0	0,5
from 16 to 25	51	125	176	29,8	32,4	31,6
from 26 to 35	47	119	166	27,5	30,8	29,8
from 36 to 45	38	74	112	22,2	19,2	20,1
from 46 to 55	21	43	64	12,3	11,1	11,5
from 56 to 65	8	23	31	4,7	6,0	5,6
66 and older	3	2	5	1,8	0,5	0,9

Table 04. Victims by age and gender, number

Sex/gender of affected person(s) and age	Deceased	Survivors	Total
Female	under 16	0	2
	from 16 to 25	1	0
	from 26 to 35	2	3
	from 36 to 45	0	10
	from 46 to 55	2	9
	from 56 to 65	2	6
	66 and older	1	0
	Total	10	28
	Total	10	28

Sex/gender of affected person(s) and age		Deceased	Survivors	Total
Male	under 16	1	0	1
	from 16 to 25	50	125	175
	from 26 to 35	45	116	161
	from 36 to 45	38	64	102
	from 46 to 55	19	34	53
	from 56 to 65	6	17	23
	66 and older	2	2	4
Total		161	358	519

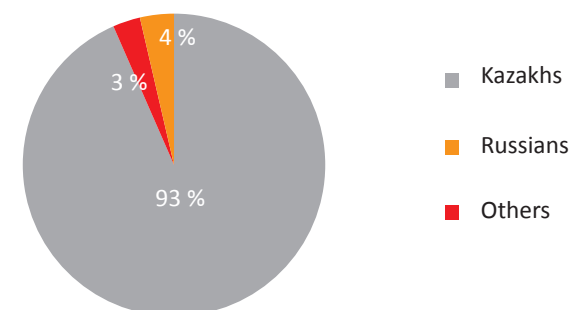
Ethnicity

Of all the victims recorded in the cases, 93.4% were Kazakhs, 2.9% were Russians, 1% were Kyrgyz, and there were also representatives of other ethnic groups (Tatars, Uighurs, Uzbeks, Turks, Jews, Koreans, a Kazakh and half-Ukrainian), with 4 victims of unknown ethnicity. The death toll was roughly the same, see the table below for details.

Table 05. Ethnicity of victims by gender, number

Gender	Ethnicity	Deceased	Survivors	Total
Female	Kazakhs	9	30	39
	Russians	1	1	2
	Total	10	31	41
Male	Kazakhs	153	349	502
	Russians	7	8	15
	Koreans	0	1	1
	Kyrgyzs	2	4	6
	Tatars	0	2	2
	Uzbeks	1	2	3
	Jews	0	3	3
	Turks	0	1	1
	Uighurs	1	0	1
	Unknown, unable to identify	1	0	1
	Prefer not to say	0	3	3
	Total	165	373	538

Diagramme 03. Ethnicity of victims, % – share of



Nationality

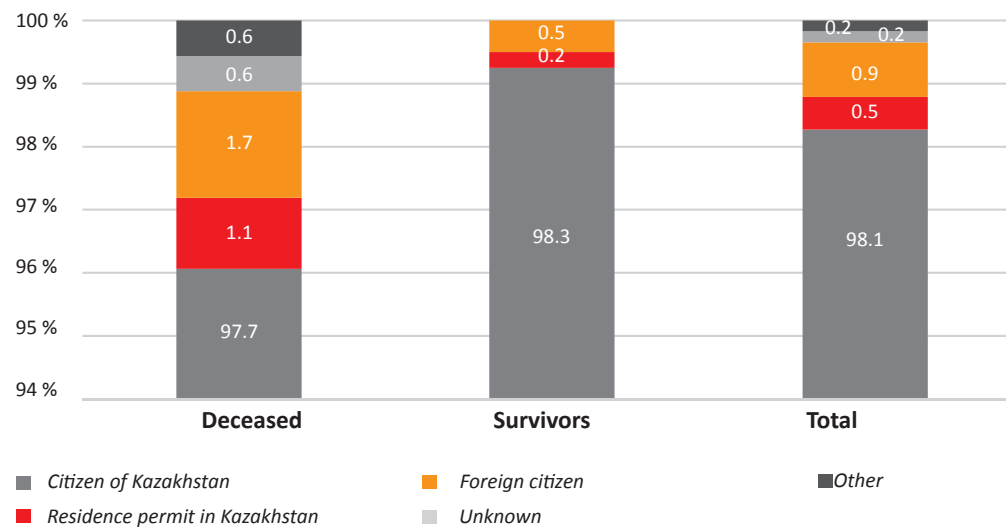
569 people or 98.1% of all victims were Kazakh nationals. Six of the victims had foreign citizenship: Kyrgyzstan, Russia, Uzbekistan, Israel, three of whom had residence permits in Kazakhstan. The nationality of two victims is not known. Of the interviewed victims' cases recorded: 401 persons (or 99.0%) were citizens of Kazakhstan. 2 were citizens of Kyrgyzstan, one of whom had a residence permit in Kazakhstan) and 1 citizen of Uzbekistan.

Table 06. Nationality of victims by gender, number

Sex	Citizenship	Deceased	Survivors	Total
Female	Citizen of Kazakhstan	9	31	40
	Residence permit in Kazakhstan	1	0	1
	Total	10	31	41
Male	Citizen of Kazakhstan	159	370	529
	Residence permit in Kazakhstan	1	1	2
	Foreign citizen	3	2	5
	Unknown	1	0	1
	Other	1	0	1
	Total	165	373	538

Sex	Citizenship	Deceased	Survivors	Total
Total	Citizen of Kazakhstan	168	401	569
	Residence permit in Kazakhstan	2	1	3
	Foreign citizen	3	2	5
	Unknown	1	0	1
	Other	1	0	1
	Total	175	404	579

Diagramme 04. Nationality of victims, %



Victim's region

It is expected that the majority of victims are from the regions where the most brutal massacres and human rights violations took place. Thus, more than a quarter of people in the database (i.e. 26.4%) are from Almaty, 17.1% are from Almaty oblast, mainly from Taldykorgan, and 14.9% are from East Kazakhstan oblast, mainly from Ust-Kamenogorsk. The figures are also high in Shymkent and Kyzylorda oblast. If we consider just the deceased, 42.9% are from the city of Almaty, 16.0% are from Almaty oblast, 10.3% are from Zhambyl oblast, 9.1% from Kyzylorda oblast, 5.7% from East Kazakhstan oblast and 5.1% from the city of Shymkent. The rest of the statistics is given in the table below.

Table 07. Region of permanent residence of victims

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Astana	0	8	8	0,0	2,0	1,4
Almaty	75	78	153	42,9	19,3	26,4
Shymkent	9	30	39	5,1	7,4	6,7
Akmola oblast	1	5	6	0,6	1,2	1,0
Aktobe oblast	2	15	17	1,1	3,7	2,9
Almaty oblast	28	71	99	16,0	17,6	17,1
Atyrau oblast	2	7	9	1,1	1,7	1,6
East Kaz. oblast	10	76	86	5,7	18,8	14,9
Zhambyl oblast	18	49	67	10,3	12,1	11,6
West Kaz. oblast	1	8	9	0,6	2,0	1,6
Karaganda oblast	4	0	4	2,3	0,0	0,7
Kostanay oblast	0	2	2	0,0	0,5	0,3
Kyzylorda oblast	16	27	43	9,1	6,7	7,4
Mangistau oblast	2	1	3	1,1	0,2	0,5
Pavlodar oblast	0	13	13	0,0	3,2	2,2
North Kaz. oblast	0	1	1	0,0	0,2	0,2
Turkestan oblast	5	12	17	2,9	3,0	2,9
Other	1	1	2	0,6	0,2	0,3
Unknown	1	0	1	0,6	0,0	0,2
Total	175	404	579	100,0	100,0	100,0

The age profile varies by regions. It can be seen that while the number of people affected is relatively high, the average age in southern Kazakhstan is definitely lower than in the capitals and the north. This may be a consequence of high population density and youth unemployment in these regions.

Table 08. Average age by region of permanent residence among all victims

Region of residence	Average age	N	Standard deviations
Astana	48,9	8	11,5
Almaty	34,3	142	12,9
Shymkent	28,4	38	9,8

Region of residence	Average age	N	Standard deviations
Akmola oblast	44,7	6	12,8
Aktobe oblast	40,0	16	12,6
Almaty oblast	32,1	94	11,4
Atyrau oblast	39,3	9	17,5
East Kaz. oblast	35,4	86	10,3
Zhambyl oblast	26,3	67	10,1
West Kaz. oblast	44,4	9	8,6
Karaganda oblast	28,3	4	12,0
Kostanay oblast	23,0	2	5,7
Kyzylorda oblast	35,0	42	10,8
Mangistau oblast	34,5	2	21,9
Pavlodar oblast	42,2	12	13,5
North Kaz. oblast	47,0	1	-
Turkestan oblast	27,3	17	9,8
Other	32,0	1	-
Unknown	22,0	1	-
Total	33,4	557	12,3

Table 09. Average age by region of permanent residence among deceased victims

Region of residence	Average age	N	Standard deviations
Almaty	35,9	72	14,5
Shymkent	29,0	9	7,8
Akmola oblast	34,0	1	-
Aktobe oblast	38,0	2	11,3
Almaty oblast	36,6	28	12,1
Atyrau oblast	45,0	2	14,1
East Kaz. oblast	27,9	10	4,7
Zhambyl oblast	29,7	18	11,9
West Kaz. oblast	39,0	1	-

Region of residence	Average age	N	Standard deviations
Karaganda oblast	28,3	4	12,0
Kyzylorda oblast	36,1	16	13,6
Mangistau oblast	19,0	1	-
Turkestan oblast	24,0	5	7,7
Other	32,0	1	-
Unknown	22,0	1	-
Total	34,0	171	12,9

Social working status of the victim

The events mainly affected people whom they themselves or their relatives categorised as "hired workers" (34.9%) and "self-employed" (29.2%). Civil activists made up 13.3% of the collected list of victims, human rights activists account for 0.2%, and social and political activists for 0.2%. 3.1% were law enforcers, 9.2% were students, and 4.8% were entrepreneurs. Among the deceased, the distribution is as follows: self-employed account for 36.0%, hired workers for 32.0%, law enforcers for 10.3%, students for 8.6%, and businessmen and entrepreneurs for 6.3%. It is worth noting that among the survivors the share of the self-employed is significantly lower, while the share of civil activists is significantly higher, which can be explained by the fact that civil activists are easier to contact and are easier to find after the events. Deaths have mostly overtaken random people. In addition, many civil activists were forcibly detained at home or detained during those days, as they were known to the authorities to be 'potential riot organisers'. Also it is important to note that not a single surviving representative of the law enforcement agencies was included in the database; all information concerning such law enforcement officers comes from the Internet and the media, but there is also information from relatives of the dead military men. There is no information on the wounded members of the security forces in the database.

Table 10. Category of victims by social status

Social status	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Hired worker	56	146	202	32,0	36,1	34,9
Self-employed	63	106	169	36,0	26,2	29,2
Civil activist	5	72	77	2,9	17,8	13,3

Social status	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Student	15	38	53	8,6	9,4	9,2
Entrepreneur, businessman	11	17	28	6,3	4,2	4,8
Other	9	13	22	5,1	3,2	3,8
Unemployed, homeless	4	15	19	2,3	3,7	3,3
Representative of a law enforcement agency (police, National Security Committee (KNB), military, cadets)	18	0	18	10,3	0,0	3,1
Journalist	1	9	10	0,6	2,2	1,7
Pensioner	4	6	10	2,3	1,5	1,7
Housewife	1	5	6	0,6	1,2	1,0
Bloggers without media (citizen journalists)	0	3	3	0,0	0,7	0,5
Government employees (not law enforcers)	2	1	3	1,1	0,2	0,5
School children	2	1	3	1,1	0,2	0,5
Lawyer/legal consultant	0	1	1	0,0	0,2	0,2
Human rights activist	0	1	1	0,0	0,2	0,2
Social and political activist	0	1	1	0,0	0,2	0,2
Total	175	404	579	-	-	-

* Responses to this question were multiple, i.e. the respondent could mark more than one answer.

In section "Other", among other things, the following commentaries have been made:

- *Active life stance on human rights violations*
- *Actors*
- *Unemployed*
- *Temporarily unemployed, ill*

- *Runs a private business*
- *Private business – a sewing shop*
- *Disabled from childhood, unemployed*
- *Unknown what he did (source witness does not know anything about the victim's identity)*
- *Father is engaged in the individual construction, the victim was helping his father*
- *College lecturer*
- *Professional doctor*
- *Worked at Ust-Kamenogorsk Titanium-Magnesium Combine, East Kazakhstan Oblast*
- *Is on care for schizoid disorder*
- *School teacher*

Location and status of the victim at the time of the interview

30.4% of the interviews were conducted with relatives, colleagues, friends of the deceased victims and the location of the victims was defined as "dead".

Of those who were alive at the time of the interview and whose location was indicated in the questionnaire (N=401), 38.4% were in pre-trial detention centres, temporary detention facilities, another 3% were in penitentiary institutions, 14% were under house arrest, 10.7% gave undertaking not to leave, and 25.2% were at home, at liberty.

Table 11. Location and status of the victim at the time of the interview or publication in the media

	Q-ty	%
Received conditional sentence	27	6,7
In pre-trial detention centres, temporary detention facilities	154	38,4
Sentenced to a jail term, in penitentiary institutions	12	3,0
At liberty, at home	101	25,2
At hospital	2	0,5
Under house arrest	56	14,0
Undertaking not to leave	1	0,2
Pre-trial restriction: bail	43	10,7
Administrative supervision	4	1,0

Of those who were free at home, there were comments like the following:

- *He is at home. Sentenced by the Auezovsky Court in Almaty to 2 years' restriction of liberty under Article 188(3)(3).*
- *At home. He became disabled after the January events.*
- *Case on charge under art. 272 dismissed*
- *Case on charge under article 272 part 3 suspended*
- *He had an operation, at home.*
- *After the gunshot wound he became disabled of Group 1, paralysed.*
- *Admitted to his parents' bail*
- *Admitted to bail from pre-trial detention*
- *Released home after detention*
- *At home, according to order on termination of pre-trial investigation of criminal case*

The named correctional facilities are located in the following regions: mostly in East Kazakhstan oblast – 46 victims, 35 in Zhambyl oblast, 34 in Almaty, 34 in Almaty oblast and further in the table below. Only those are listed who themselves or their relatives indicated the city where the institution was located.

Table 12. The region of the correctional facility where the victims were held at the time the information was collected and the names of the institutions

City	Number of prisoners	Number of prisoners at the time of data collection
East Kazakhstan oblast	46	– OV-156/1 pre-trial detention centre – Semey temporary detention facility – 10 a, Likharev street, Ust-Kamenogorsk, East Kazakhstan oblast, OV-156/1 pre-trial detention centre
Zhambyl oblast	35	– SI-13 (ZhD-158/1 facility, Taraz)
Almaty	34	– LA-155/18 facility (renamed to facility No. 72 in Almaty) – In the National Security Committee (KNB) pre-trial detention centre – facility No. 72 in Almaty (formerly LA-155/18) – SI-18
Almaty oblast	34	– LA 155/14, Kunayev city, Zarechny vil. – Taldykorgan, LA-155/4 – LA-155/16 facility (SI – 16), 20, Medeu str., Taldykorgan

City	Number of prisoners	Number of prisoners at the time of data collection
Kyzylorda oblast	21	– ZK-169/1 facility, Kyzylorda
Aktobe oblast	11	– State Institution “KA-168/1 facility of the Ministry of Internal Affairs of the Republic of Kazakhstan”, 3, Pavlov str., Astana district, Aktobe city, Aktobe oblast
Shymkent	6	– ICh-167/11, Shymkent.
Atyrau oblast	3	– Atyrau, not specified
Astana	1	– Temporary detention facility (Zhetigen, 27/2)
Total	191	

Statistics directly from cases

The region where the events took place

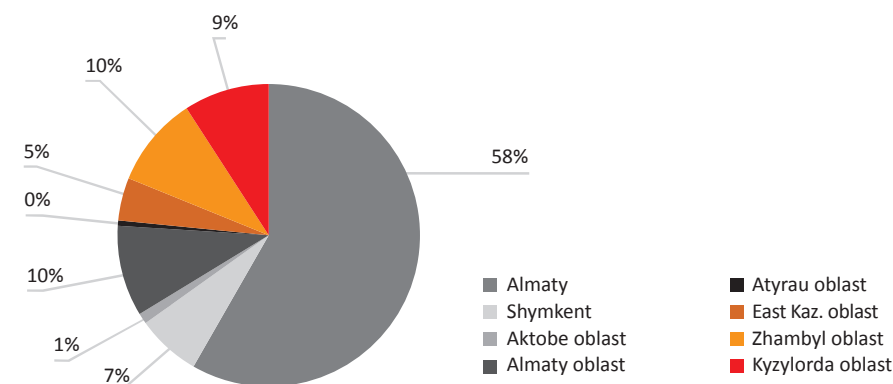
Of 579 cases recorded in the database, Almaty, being the place of action, accounts for only 38.2% of cases, 58.3% of cases (102 people) involve victims who died, and 29.5% of cases (119 people) concern victims who survived. Similarly, it is possible to read the data for all regions.

Table 13. The region where most of the events took place, the survivors and the deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Astana	0	8	8	0,0	2,0	1,4
Almaty	102	119	221	58,3	29,5	38,2
Shymkent	12	34	46	6,9	8,4	7,9
Akmola oblast	0	5	5	0,0	1,2	0,9
Aktobe oblast	2	16	18	1,1	4,0	3,1
Almaty oblast	17	46	63	9,7	11,4	10,9
Atyrau oblast	1	6	7	0,6	1,5	1,2
East Kaz. oblast	8	76	84	4,6	18,8	14,5
Zhambyl oblast	17	46	63	9,7	11,4	10,9
West Kaz. oblast	0	7	7	0,0	1,7	1,2
Kostanay oblast	0	2	2	0,0	0,5	0,3
Kyzylorda oblast	16	26	42	9,1	6,4	7,3
Mangistau oblast	0	1	1	0,0	0,2	0,2
Pavlodar oblast	0	11	11	0,0	2,7	1,9
North Kaz. oblast	0	1	1	0,0	0,2	0,2
Total	175	404	579	100,0	100,0	100,0

So far, there have been casualties in eight regions (or nine cities, Semey and Ust-Kamenogorsk were one region) of Kazakhstan in the January events.

Diagramme 05. Nationality of victims, %



The database lists events in 24 locations, and casualties were reported in 12 locations. Let us list the largest casualties by location of events. In Almaty the largest number of cases on events that took place there was collected. A total of 223 interviews were conducted on victims in Almaty, including 103 on those who died and 120 on those who were wounded, detained and on other human rights violations connected with the January events. With respect to the events that took place in Taraz, 63 cases were collected on 20 April 2023, including 17 in relation to the deceased and 46 involving other violations. In relation to the events that took place in Taldykorgan, 57 cases were interviewed, of which 13 involved deceased and 44 concerned other violations. With respect to the events that occurred in Ust-Kamenogorsk, respondents were interviewed and evidence was collected on 43 cases, of which 5 related to those who died and 38 to those who were alive and whose rights were violated. Concerning the events that took place in Shymkent, 45 cases were collected, 12 of them concerning the dead, 33 concerning others. For Kyzylorda, the database contains 41 cases, of which 15 involve the deceased and 26 concern others who survived. In the city of Semey, 41 cases have been identified, 3 of which are for the deceased, and 38 for other human rights violations. In Aktobe, 18 cases were recorded by the Documentation Centre, of which 2 were for the deceased and 16 for other violations. Other cities mentioned in the interviews where there were killed and other victims include: Aktau, Atyrau, Almaty Oblast, Bayanaul, Karaganda, Kaskelen, Koshmambet village of Karasai district, Kokshetau, Kostanai, Pavlodar, Petropavlovsk, Stepnogorsk, Uralsk, Ekibastuz.

Table 14. The locality where most of the events took place

Locality	Q-ty		%		Total	Total, %
	Deceased	Survivors	Deceased	Survivors		
Almaty	102	119	58,9	29,7		
Taraz	16	46	9,7	11,4	63	10,9
Taldykorgan	13	44	7,4	10,9	57	9,8
Semey	3	38	1,7	9,4	41	7,1
Ust-Kamenogorsk	5	38	2,9	9,4	43	7,4
Shymkent	12	33	6,9	8,2	45	7,8
Kyzylorda	15	26	8,6	6,4	41	7,1
Aktobe	2	16	1,1	4,0	18	3,1
Astana	0	8	0,0	2,0	8	1,4
Ekibastuz	0	8	0,0	2,0	8	1,4
Uralsk	0	7	0,0	1,7	7	1,2
Atyrau	1	6	0,6	1,5	7	1,2
Kokshetau	0	4	0,0	1,0	4	0,7
Kostanay	0	2	0,0	0,5	2	0,3
Pavlodar	0	2	0,0	0,5	2	0,3
Aktau	0	1	0,0	0,2	1	0,2
Almaty oblast, Zhambyl district	0	1	0,0	0,2	1	0,2
Bayanaul district, Bayanaul village	0	1	0,0	0,2	1	0,2
Karasai district, Koshmambet village	0	1	0,0	0,2	1	0,2
Petropavlovsk	0	1	0,0	0,2	1	0,2
Stepnogorsk	0	1	0,0	0,2	1	0,2
Karaganda	1	0	0,6	0,0	1	0,2
Kaskelen town	4	1	1,7	0,0	5	0,5
Total	175	404	100,0	100,0	579	100,0

Role in the events

A third of the victims were intentional voluntary participants in rallies, marches and assemblies (33.9%). 16.4% were injured without even being on the scene, while 15.7% did not plan to take part but stayed behind. 17.1% (!) were accidental victims (and another 3.1% were on the way to the procession, another 2.9% did not know how they ended up at the scene, where they got beaten, shot, detained, etc.) 2.8% were hired rally participants. 9.7% were there for observation. 1.2% were forced to participate, while 7.9% mentioned "other" – some of them were journalists, bloggers, military, looking for relatives and friends, were vigilantes, were victims of violence (they were forced to participate in robberies), and the respondents simply do not know what happened.

Table 15. Role in the events

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Known voluntary participant in a peaceful rally, march and assembly		Survivors	196	18,3	40,6	33,9
Innocent bystander passing by the event		Total	99	21,1	15,3	17,1
Was not at the place of the rally, march, etc. at all		51	95	25,1	12,6	16,4
Unplanned participant in a rally, march and assembly (came and stayed voluntarily)	26	65	91	14,9	16,1	15,7
Observer purposefully present	11	45	56	6,3	11,1	9,7
Was in a place that was on the way of the march	3	15	18	1,7	3,7	3,1
It is unknown what's attitude does the Source have towards the events – happened to be in the situation – was at home or at work during the events	7	10	17	4,0	2,5	2,9
Mercenary participant in the action	16	0	16	9,1	0,0	2,8
Unplanned participant in a rally, march and assembly (did not plan to participate initially, but was forced to)	3	4	7	1,7	1,0	1,2

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Other	19	27	46	10,9	6,7	7,9
	175	404	579			

Among the recorded cases, the distribution of deaths by "role in the event" is roughly even, indirectly indicating different causes of death, in different locations in the city (not only in squares) and under different circumstances (including military personnel while fulfilling orders).

Diagramme 6. Role of victims in the events, %, percentage of the deceased



From those whose age is known, statistics have been compiled on the roles of those affected, shown in the chart below, combining some of the roles:

A) *Known voluntary participant in an event, observer or mercenary:* Known voluntary participant in a peaceful rally, march, gathering + Observer purposefully present + Mercenary participant in the action

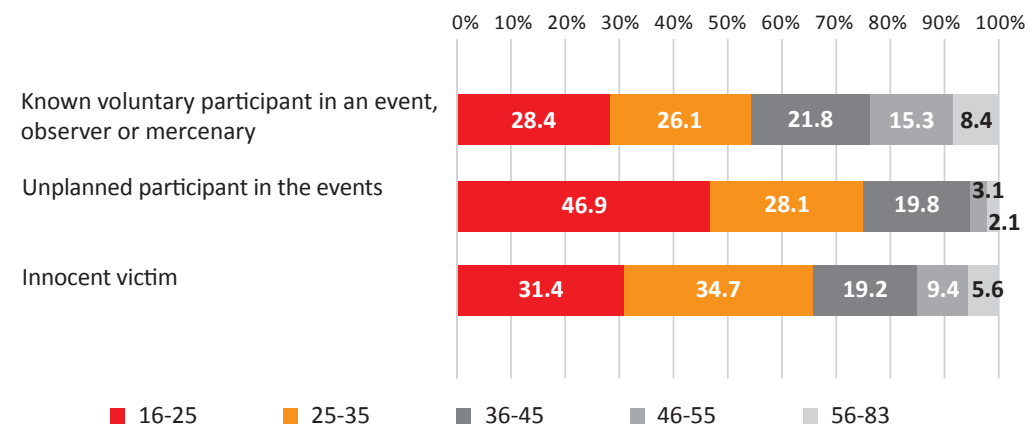
B) *Unplanned participant in the events:* Unplanned participant in a rally, march and assembly (came and stayed voluntarily) + Unplanned participant in a rally, march and assembly (did not plan to participate initially, but was forced to)

C) *Innocent victim:* Innocent bystander passing by the event + Was in a place that was on the way of the march + It is unknown what's attitude does the Source have towards the events – happened to be in the situation – was at home or at work during the events + Was not at the place of the rally, march, etc. at all.

In this breakdown, among the participants in the events who intended to participate in the events in one way or another, it can be seen that these were mostly people under the age of 35, accounting for 54.4% of the analysed victim base. Another 21.8% were people aged between 36 and 45. Those over the age of 46 account for 23.8%.

Accordingly, it can be concluded that young people under the age of 35 are actively drawn in the events, and among the unplanned participants they are the most numerous. The percentage of people from 36 to 45 years of age is roughly equal in all categories, and people from 46 to 55 years of age are more numerous among voluntary rally participants than among casual victims and unplanned participants. The same applies to people 56 and older.

Diagramme 7. Age spectrum by role of victims in the events, %.



From the "other"

- Was driving near a gun shop and was caught on camera.
- In Almaty, he took some things on the street: a phone. There were other people on the street taking things as well.
- As part of the businessmen, he went to the square as a vigilante to protect private property.
- He went out to a drugstore and was shot.
- His wife does not know whether her husband was at the rally or what he was doing.
- When he was coming back from work, his friend called him to see what was going on in the city.

- The mother does not know the circumstances of her son's death.
- Mother does not know whether her son participated in the rallies or not. According to the testimony, they drove by the gun shop and took the guns.
- He wasn't at the rally, they forced him to rob the shop.
- He wasn't at the rally, just picked up a gun on the street.
- Strangers got into his car and forced him to take them to an address.
- It is not known if he was at the rally or not and where exactly he was shot.
- He went to where he was suggested out of interest, and there they took the phones from the shop.
- The father does not know under what circumstances or where his son was shot.
- On the way they went to the akimat to see what was going on.
- The victim came to the square in Shymkent in search of his younger brother.
- The victim was not at the rally, he was distributing food to the protesters.
- He went to look for his friend, who stopped answering the phone and was recorded by cameras.
- While defending the akimat building his heart stopped beating due to gas poisoning and injuries.
- He only went to the site of the rally and did not take part in it, but was detained.
- Relatives do not know whether at the rally or at work, and investigators do not know either.
- According to his mother, he responded to a call from a deputy to defend the city as part of the patrol.
- The car was stolen without the purpose of theft.
- According to the resolution on termination of the pre-trial investigation, he was at the rally on January 4-6 and took part in the riot.
- Is in care for schizoid disorder.
- Eyewitness.

Journalists

- Active life stance. Uploads videos of violations on her YouTube channel. Journalist at DK NEWS.
- Journalist, editor-in-chief of the news service of the news agency Kokshetau Asia.
- Journalist for the newspaper Uralskaya Nedelya, carrying out his job at the site of the rally in Uralsk.
- He did not take part in the rally. His friends asked for a lift home.
- Editor of Radio Azattyk.

Military personnel

- A military defending the akimat of the city of Almaty.
- A military who was on a combat mission to restore public order in the city.

The essence of the case

What had happened in bloody January to each of the victims who was included in one way or another in our documentation project? The answer to this question implied multiple answers so that several answers could be marked.

In 30.2% of the cases included in the database, the victims died. 60.1% of the respondents reported that their case involved human rights violations, including by way of detention. 41.8% were beaten, 35.9% reported that they were subjected to psychological pressure from the authorities, 33.9% (196 people) were injured or killed immediately by gunfire, 34.2% (every third person) were tortured, 23.0% were hit with truncheons, 4.8% reported that they were hit with electric shocks, and 2.1% were subjected to special weapons. 1.6% were wounded by cold arms. 4 corpses were exhumed (5.0%), 3 persons went missing (0.5%) and were later found dead.

Of all the cases that have been recorded in our database, 59.6%(!) were prosecuted in some way, administratively and/or criminally, and that's 345 people.

Table 16. What is the case, in the terms of separation of deceased/survivors case subjects

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Died	175	0	175	100,0	0,0	30,2
Was injured by gunfire	138	58	196	78,9	14,4	33,9
Was wounded by cold arms	6	3	9	3,4	0,7	1,6
Was beaten	10	232	242	5,7	57,4	41,8
Was subjected to special weapons (sting-ball grenade, tear gas, water cannon, etc.)	5	7	12	2,9	1,7	2,1
Was subjected to kinetic special equipment (truncheons)	2	131	133	1,1	32,4	23,0
Was subjected to electrical special equipment (electric shocks)	1	27	28	0,6	6,7	4,8
Was detained	4	344	348	2,3	85,1	60,1
Missing	3	0	3	1,7	0,0	0,5

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Was tortured	9	189	198	5,1	46,8	34,2
Subjected to psychological pressure from the authorities	3	205	208	1,7	50,7	35,9
Prosecuted administratively and/or criminally	12	333	345	6,9	82,4	59,6
The corpse was exhumed	29	0	29	16,6	0,0	5,0
Other	2	21	23	1,1	5,2	4,0
	175	404	579	100,0	100,0	100,0

Under the "other" it is indicated (mostly as comments on the noted):

- He was held administratively liable in the form of an administrative detention.
- The lawyer was not allowed to meet the detainee.
- Was burned.
- On the day of the rally he was detained and then released. However, on 7 January 2022 he was sentenced to administrative arrest for 10 days.
- He was found hanged in his own house.
- He was already wounded and brought to the police station where he was beaten.
- His car was hit by gunfire.
- Did not take part in the rally, but was able to negotiate and prevent an attack on a museum building in Almaty.
- Unlawful detention for more than 4 hours.
- Denied a lawyer, the lawyer was not given access, did not allow him to call his relatives.
- Subjected to beatings with a machine gun, a broken rib.
- By prosecutor's resolution, the case on pre-trial investigation under Article 174 of the Criminal Code was terminated.
- Persecuted by law enforcement agencies for his beliefs and opinions.
- At the meeting with his mother, the son cried and could not say anything. Convicted by verdict of the Almalinsky district court of Almaty.
- She was interrogated despite her health complaints: asthma and high blood pressure.
- Suicide.
- Police officers forcibly removed the phone from the detainee's hands and damaged her arm in the process.

Men were more affected by the January events in Kazakhstan since they were more involved in the events. The number of women's cases in the database is not sufficient for a detailed analysis in this section, so a gender breakdown in quantitative terms is presented below.

Table 17. What is the case, from the gender breakdown, number

	Female			Male		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Died	10	-	10	165	-	165
Was injured by gunfire	10	7	17	128	51	179
Was wounded by cold arms	0	0	0	6	3	9
Was beaten	0	9	9	10	223	233
Was subjected to special weapons (sting-ball grenade, tear gas, water cannon, etc.)	1	1	2	4	6	10
Was subjected to kinetic special equipment (truncheons)	0	4	4	2	127	129
Was subjected to electrical special equipment (electric shocks)	0	0	0	1	27	28
Was detained	0	19	19	4	325	329
Missing	0	0	0	3	0	3
Was tortured	0	9	9	9	180	189
Subjected to psychological pressure from the authorities	0	18	18	3	187	190
Prosecuted administratively and/or criminally	0	20	20	12	313	325
The corpse was exhumed	1	0	1	28	0	28
Other	0	6	6	2	15	17
Total	10	31	41	165	373	538

Date of commencement of human rights violations

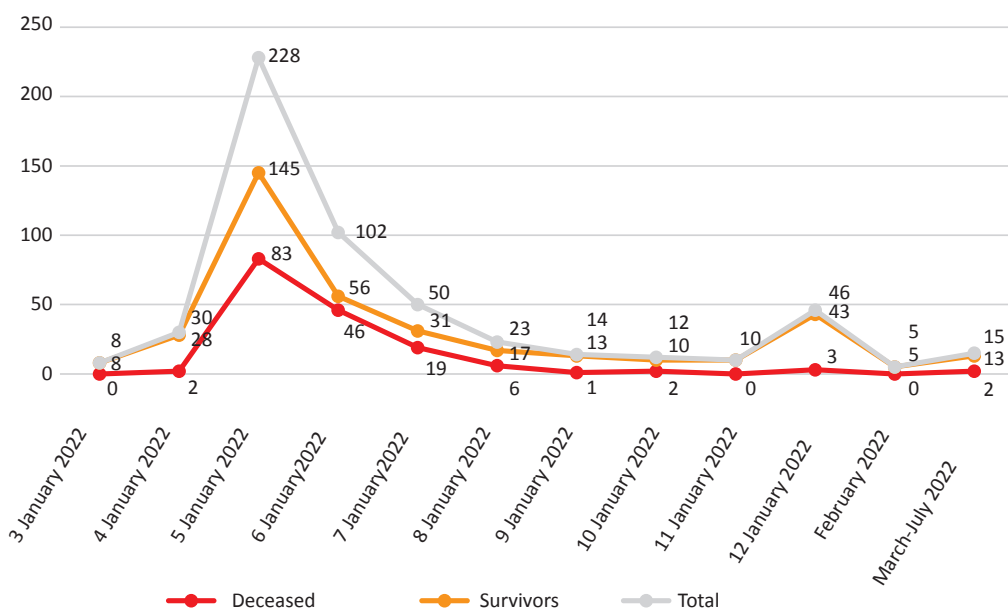
As of 30 April 2023, 543 cases (93.8%) have the date of commencement of human rights violations in the collected database. 87.8% of the commencement dates of all cases fall between 3 January and 11 January 2022, with 42.0% falling on 5 January. For the whole of January there were 96.3% of cases. 98.8% of the deaths described in the database occurred in January. In 97.0% of the cases of the deceased persons, murders occurred between 4 January and 10 January 2022. There is also documentation by the time of violations, but it will not be presented in this report due to a great deal of time for processing.

Table 18. Date of commencement of human rights violations, broken down by survivors-deceased, number

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
03-JAN-22	0	8	8	0,0	2,1	1,5
04-JAN-22	2	28	30	1,2	7,4	5,5
05-JAN-22	83	145	228	50,6	38,3	42,0
06-JAN-22	46	56	102	28,0	14,8	18,8
07-JAN-22	19	31	50	11,6	8,2	9,2
08-JAN-22	6	17	23	3,7	4,5	4,2
09-JAN-22	1	13	14	0,6	3,4	2,6
10-JAN-22	2	10	12	1,2	2,6	2,2
11-JAN-22	0	10	10	0,0	2,6	1,8
12-JAN-22	2	6	8	1,2	1,6	1,5
13-JAN-22	0	9	9	0,0	2,4	1,7
14-JAN-22	0	7	7	0,0	1,8	1,3
15-JAN-22	0	2	2	0,0	0,5	0,4
16-JAN-22	0	2	2	0,0	0,5	0,4
18-JAN-22	0	2	2	0,0	0,5	0,4
19-JAN-22	0	1	1	0,0	0,3	0,2
20-JAN-22	0	2	2	0,0	0,5	0,4

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
21-JAN-22	0	3	3	0,0	0,8	0,6
22-JAN-22	0	1	1	0,0	0,3	0,2
23-JAN-22	1	0	1	0,6	0,0	0,2
25-JAN-22	0	3	3	0,0	0,8	0,6
26-JAN-22	0	3	3	0,0	0,8	0,6
27-JAN-22	0	1	1	0,0	0,3	0,2
29-JAN-22	0	1	1	0,0	0,3	0,2
03-FEB-22	0	1	1	0,0	0,3	0,2
08-FEB-22	0	1	1	0,0	0,3	0,2
09-FEB-22	0	1	1	0,0	0,3	0,2
24-FEB-22	0	1	1	0,0	0,3	0,2
25-FEB-22	0	1	1	0,0	0,3	0,2
02-MAR-22	0	1	1	0,0	0,3	0,2
04-MAR-22	0	1	1	0,0	0,3	0,2
05-MAR-22	0	1	1	0,0	0,3	0,2
06-MAR-22	0	1	1	0,0	0,3	0,2
18-MAR-22	0	1	1	0,0	0,3	0,2
26-MAR-22	0	1	1	0,0	0,3	0,2
04-APR-22	0	1	1	0,0	0,3	0,2
09-APR-22	0	1	1	0,0	0,3	0,2
11-APR-22	0	1	1	0,0	0,3	0,2
14-APR-22	0	1	1	0,0	0,3	0,2
20-APR-22	0	1	1	0,0	0,3	0,2
05-JUN-22	0	2	2	0,0	0,5	0,4
01-JUL-22	2	0	2	1,2	0,0	0,4
	164	379	543	100,0	100,0	100,0

Diagramme 8. Date of commencement of human rights violations, broken down by survivors-deceased, by days of January and other terms, number



A total of 129 cases have a case completion date. 82.9% of the cases entered in the database ended in January, as these were deceased cases.

Table 19. Date of the end of human rights violations case, broken down by survivors-deceased, number

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
05-JAN-22	30	1	31	26,5	6,3	24,0
06-JAN-22	37	6	43	32,7	37,5	33,3
07-JAN-22	25	1	26	22,1	6,3	20,2
08-JAN-22	6	1	7	5,3	6,3	5,4
09-JAN-22	2	0	2	1,8	0,0	1,6
11-JAN-22	2	0	2	1,8	0,0	1,6
12-JAN-22	1	0	1	0,9	0,0	0,8
13-JAN-22	1	1	2	0,9	6,3	1,6

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
14-JAN-22	1	1	2	0,9	6,3	1,6
17-JAN-22	1	0	1	0,9	0,0	0,8
18-JAN-22	1	0	1	0,9	0,0	0,8
22-JAN-22	1	0	1	0,9	0,0	0,8
29-JAN-22	1	0	1	0,9	0,0	0,8
02-MAR-22	1	0	1	0,9	0,0	0,8
10-MAR-22	0	1	1	0,0	6,3	0,8
22-APR-22	0	1	1	0,0	6,3	0,8
25-MAY-22	0	1	1	0,0	6,3	0,8
05-JUN-22	1	0	1	0,9	0,0	0,8
01-JUL-22	1	0	1	0,9	0,0	0,8
01-AUG-22	1	0	1	0,9	0,0	0,8
04-AUG-22	0	1	1	0,0	6,3	0,8
09-SEP-22	0	1	1	0,0	6,3	0,8
Total	113	16	129	100,0	100,0	100,0

Individual or group cases

Out of 422 cases where it was indicated (72.9% of all cases), 63.3% persons suffered as part of a group, 36.7% individually. Among the deceased, almost half of the cases were as part of the group.

Table 20. One or in a group, broken down by survivors-deceased, %

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
One	59	96	155	45,7	32,8	36,7
As part of a group of two or more people	70	197	267	54,3	67,2	63,3
Total	129	293	422	100,0	100,0	100,0

Appeal

The fact of the appeal

Out of 253 cases where it was indicated, 66.8% cases were appealed at the time of the survey. 31.6% cases were not appealed, for the remaining 326 cases out of 579, it is unknown. There were appeals for those who deceased in 56.3% of cases. Among survivors, there were more appeals (68.3%).

Table 21. Whether the case was appealed, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Yes	18	151	169	56,3	68,3	66,8
No	12	68	80	37,5	30,8	31,6
Appeal in progress	1	2	3	3,1	0,9	1,2
Other	1	0	1	3,1	0,0	0,4
Total	32	221	253	100,0	100,0	100,0

Subject of appeal

Out of 159 cases where it was indicated, 46.5% cases complained of torture, in 36.5% of cases illegal detention, detention and arrest were mentioned; in 23.9% of cases, the pre-trial restrictions were appealed, in 15.7% exceeding of authority and illegal actions of law enforcers. For other subjects of appeal, see the table below.

Table 22. Subject of appeal, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Torture	1	73	74	5,3	52,1	46,5
Illegal detention and arrest	1	57	58	5,3	40,7	36,5
Prosecution	0	7	7	0,0	5,0	4,4

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Beatings, bodily blows, injuries, acts of force	0	22	22	0,0	15,7	13,8
Exceeding of authority, illegal actions of police officers and prosecutors, labelling process	4	21	25	21,1	15,0	15,7
Moral and psychological pressure	0	3	3	0,0	2,1	1,9
Illegal search	0	2	2	0,0	1,4	1,3
Illegality of counter-intelligence measures	0	1	1	0,0	0,7	0,6
Pre-trial restrictions	0	38	38	0,0	27,1	23,9
Failure to provide and lack of information	1	1	2	5,3	0,7	1,3
Violation of the minor's rights	0	1	1	0,0	0,7	0,6
To stop criminal prosecution	1	9	10	5,3	6,4	6,3
Wrongful conviction	2	4	6	10,5	2,9	3,8
Death of the victim (including reasons for suicide)	7	1	8	36,8	0,7	5,0
Claiming things and other evidence	1	3	4	5,3	2,1	2,5
Other	4	0	4	21,1	0,0	2,5
Total	1	14	15	5,3	10,0	9,4

* Unreliably calculated percentage, as 19 is a small number for statistical inference.

** This is a multiple choice question. That is, for example, "torture and death", "beatings, bodily blows and pre-trial restrictions", etc. may appear in one case.

Under the "other" it is indicated:

- Torture and lawyer's actions
- Prosecutor's actions regarding the state of health of the victim
- No official condolences; an investigation is going slowly; officers who tortured the detainees are still at liberty; parents are persecuted at the buildings of government agencies and they initiate conflicts, illegal video filming; weekly posting information about the January events
- The victim wrote an application for a face-to-face interrogation with other persons under investigation;
- On the interrogation of cellmates; confession in the propaganda of terrorism in order to hide the fact of unfounded suspicion of participation in riots;
- Complained about imprisonment
- Unfounded criminal prosecution
- 1. General Prosecutor's Office: On the illegal actions of the Prosecutor's Office of Semey, the Special Prosecutor's Office of Semey, the lack of arguments for house arrest, on the statement of the Deputy Prosecutor "That no cases of terrorism have been registered"; 2. To the General Prosecutor's Office: Actions of the city akim and city prosecutor, lawyer M.T.Abylkasimov on the situation of the January events; 3. To the prosecutor of the East Kazakhstan oblast: on the negligence of prosecutors; 4. To the prosecutor of Semey: on the situation with the detained son; 5. General Prosecutor's Office: on the situation with the detained son; 6. To the Prosecutor's Office of the East Kazakhstan oblast: complaint against the prosecutor of the SOG of USP (Department of Special Prosecutors) of the Prosecutor's Office of the East Kazakhstan oblast, 7. To the head of the crime scene investigation team: on explaining the transfer; 8. To the General Prosecutor: on changing the pre-trial restrictions, cancel the East Kazakhstan oblast's Prosecutor's decision on dismissal in favour of the victim
- Torture, illegal investigative actions; on pressure from the staff of the Taraz Police Department; the Police Department's officers did not show the detainee's personal belongings; unsanitary conditions in pre-trial detention centre; on inaction on torture of Urzaliyev's pre-trial detention centre; on the loss of a car wheel; on the non-consideration of an application by the chief prosecutor Kh. Daushev; on the handover of a parcel for a detainee to the investigator A.Taishiyev; on the lost trousers that were torn by the police officers.
- A wife applied to the branch of the Amanat party for compensation for the loss of the breadwinner.

Authority of appeal

Out of 182 cases where the authority (or authorities) of appeal was indicated, in 72.0% cases there were appeals to the prosecutor's offices, 38.5% to the anti-corruption investigation bodies, 15.9% and 15.4% each to the court and the police departments. 4.9% appealed to the President of Kazakhstan. 12.1% applied to NGOs, parties and

movements (including the Amanat party, former Nur-Otan party, as well as the unregistered El-Tiregi party). Only 9.9% persons applied to the media and to journalists and bloggers. 8.2% appealed to the Commissioner for Human Rights, 3.8% appealed to various special commissions, such as the Amanat Commission on the January Events, chaired by Abzal Kuspan, the Akikat public commission, headed by Aiman Umarova. See the rest of the options below.

Table 23. Body of appeal, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Commissioner for Human Rights	2	13	15	10,0	8,0	8,2
Prosecutor's office	15	116	131	75,0	71,6	72,0
Anti-corruption body	4	66	70	20,0	40,7	38,5
Police	2	26	28	10,0	16,0	15,4
NGOs, parties and movements	1	21	22	5,0	13,0	12,1
Media, journalists, bloggers	3	15	18	15,0	9,3	9,9
Court	1	28	29	5,0	17,3	15,9
Judicial Board	0	5	5	0,0	3,1	2,7
President, the Presidential Administration	1	8	9	5,0	4,9	4,9
Members of Parliament	0	4	4	0,0	2,5	2,2
Special commissions	0	7	7	0,0	4,3	3,8
Internal Security Directorate	0	3	3	0,0	1,9	1,6
National Preventive Mechanism	0	1	1	0,0	0,6	0,5
Akim	1	2	3	5,0	1,2	1,6
Other (e.g. which court, international organisations, etc.)	0	1	1	0,0	0,6	0,5
Total	20	162	182	100,0	100,0	100,0

* Unreliably calculated percentage, as 20 is a small number for statistical inference.

Results of appeals

The questionnaire asked the following question: “If there was a trial, what was the result?” In the analysis, the responses were split into two large categories: a trial was successful, or a trial was unsuccessful. Those cases that were appealed split almost exactly equally between the two possible outcomes, positive and negative (full or partial), which means that appealing is necessary and is not hopeless.

Table 24. Appeal body, split be “survivors-deceased”

An appeal was successful	An appeal was unsuccessful
1) A special appeal filed by an attorney was granted by a resolution of the Almaty city court (appellate instance) whereunder a two-month arrest was replaced with a bail.	1) Since they live far away from Almaty, they are unable to visit the city at the times required by the investigation; besides, they're afraid they might be charged under a terrorism clause. So they decided to stop going to the city altogether.
2) By a 10 February 2022 resolution of the Almaty city court an “arrest” was replaced with a “bail”	2) The individual was handed a two-year sentence.
3) A resolution changed an arrest by reducing its term from 15 days down to 14 days	3) By the verdict of the Almaty district court for the city of Almaty on 17 April 2022, the individual was handed a five-year sentence under Article 291(3); the verdict was upheld by a ruling of the Appeal collegium of the Almaty city court dated 6 April 2022; the Cassation collegium returned the cassation appeal without consideration.
4) By a verdict of the Yenbekshi district court for the city of Shymkent dated 18 May 2022, Mr. Yergali Nariman-uly Kulbaev was sentenced to a four-year suspended sentence, adjudicating him guilty under Article 272(2) and 272(3), of the Criminal Code of the Republic of Kazakhstan.	4) The right to file an appeal or petition through the district court. Judge D.K.Sembaev
5) An appeal filed with the oblast court on 3 February 2022 changed a fine to a warning.	5) The oblast court denied our appeal against the actions by the police officers and the arrest protocol drawn in my respect.
6) By a court resolution a disciplinary measure in respect of the police officers was changed.	6) The court ruling was left intact.
7) An individual charged under Article 488 (6) of the Code of Administrative Offences managed to win the case, on the basis of her being on the square in the capacity of a journalist.	7) The relatives received the phone call literally a few minutes before the start of the trial, which ruled that my husband was to stay at the investigative detention center for another two months; our appeal for a house arrest, even if under a bail, was also denied.

An appeal was successful	An appeal was unsuccessful
8) The body was released for funeral.	8) By verdict No.1910-22-00-1/123 dated 19 May 2022, O.O. was adjudicated guilty under Article 291(1), and sentenced to a three-year imprisonment, and under Article 287(4), to an imprisonment for a term of three years and six months. O.O. was handed a combined sentence of four years in prison in a medium-security facility. Under Article 63 of the Criminal Code, such a sentence is deemed as “suspended sentence” and implies a probation control for the entire duration of the sentence.
9) A criminal case was terminated during the investigation phase due to a lack of corpus delicti.	9) Prosecutor SOG: Denied an appeal to change a sentence.
	10) The trial at the oblast court was held on 24 January 2022. The court resolution under Article 488 and 699 of the Code of Administrative Offences was let stand, the appeal was dismissed.

An analysis of violations of the rights

This documentation project pursued a goal of carrying out an analysis of violations of the rights, conducted by attorneys and human rights defenders across a variety of parameters. At this moment, some of the cases that have been registered in the database has been evaluated against those parameters.

International documents-level violations of rights

When reviewing the violations of international documents and agreements that have been ratified by Kazakhstan, a total of 174 cases have been evaluated, 88 of those deceased and 86 of those who survived. The provisions of the International Covenant on Civil and Political Rights (ICCPR) have been violated in 98.9% of the 174 cases, while the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was violated in 21.8% of all cases.

Table 25. International documents on which there was a violation of rights in the collected cases, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
International Covenant on Civil and Political Rights (ICCPR)	87	85	172	98,9	98,8	98,9
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	6	32	38	6,8	37,2	21,8
Total	88	86	174	100,0	100,0	100,0

Specific violations of the rights

In the cases of 113 deceased and 118 Survivors, the attorneys and human rights defenders have been able to determine what rights exactly have been violated. Clearly, the right to life has been violated in every single case of those who were deceased. Of those, 36.8% had a right to freedom of movement. Also, as it follows from the cases

at hand, in 8.8% of them the right to peaceful assembly has been violated. In 4.4% of the cases, the right to freedom against torture and cruel, inhuman or degrading treatment or punishment has been violated. As for those who survived, the right to a fair and public trial has been violated in 50.8% of the cases, and the right to peaceful assembly was not respected in 36.4% of the cases. Other rights that have been violated are shown in the table below.

Table 26. Violated rights, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Right to free movement	41	6	47	36,3	5,1	20,3
Right to equality before the law	1	7	8	0,9	5,9	3,5
Right to a fair and public trial	4	60	64	3,5	50,8	27,7
Right to freedom of thought, conscience and religion	2	9	11	1,8	7,6	4,8
Right to freedom of opinion and expression	2	9	11	1,8	7,6	4,8
Right to peaceful assembly	10	43	53	8,8	36,4	22,9
Right to live	113	8	121	100,0	6,8	52,4
Prohibition of torture and cruel, inhuman or degrading treatment or punishment	5	70	75	4,4	59,3	32,5
Prohibition of arbitrary arrest and detention	0	24	24	0,0	20,3	10,4
Prohibition of arbitrary interference with privacy	0	3	3	0,0	2,5	1,3
Total	113	118	231	100,0	100,0	100,0

What Kazakhstan laws have been violated in a particular case

The interview asked this question: “in the opinion of the authorities, which laws of Kazakhstan have been violated in this particular episode?” The attorneys and human rights defenders reviewed 303 cases against this question, including 106 cases where individuals were deceased, and 183 cases when individuals survived. In the deceased category, all 100% of the cases pertain to the Criminal Code. As for the survivors, 92.2% of the cases fall within the Criminal Code, with the remainder having to do with the Code of the Republic of Kazakhstan on Administrative Offenses.

Table 27. Laws that have been violated, split by survivors-deceased

Law	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Criminal Code of the Republic of Kazakhstan (CC)	106	183	289	100,0	92,9	95,4
Code of the Republic of Kazakhstan On Administrative Offenses (CAO)	0	14	14	0,0	7,1	4,6
Total	106	197	303	100,0	100,0	100,0

In 54.0% of the cases of those deceased, a case had been initiated under Article 99 of the Criminal Code (“Murder”), in 24.8% of the cases – under Article 272 (“Mass Riots”), in 7.5% of the cases – under Article 269 of the Criminal Code (“Assault on Buildings, Premises, Means of Communications, or Taking Over the Same”), in 5% of the cases – under Article 255 (“An Act of Terrorism”), and in 12.4% of the cases – under Article 451 (“Abuse of Power”). In 11.8% of the cases, the respondents either were not aware of the relevant article or failed to report it due to various reasons, including due to being told not to do so by an attorney, or for the fear of perceived consequences. Other cases are shown in the table below.

In 68.0% of the cases, violations were registered under Article 272 (“Mass Riots”), in 8.0% of the cases – under Article 269 of the Criminal Code (“Assault on Buildings, Premises, Means of Communications, or Taking Over the Same”), in 17.6% of the cases – under Article 291 (“Theft of Arms and Weapons”), in 9.4% of the cases – under Article 287 of the Criminal Code (“Illegal Acquisition, Transfer, Sale, Storage, Transportation

or Carrying of Arms and Weapons, Ammunition, Explosives and Explosive Devices”), in 5% of the cases – under Article 380 of the Criminal Code (“Violence Against a Public Official”). Other cases are shown in the table below.

Table 28. Laws that have been violated, split by survivors-deceased

Article	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Article 99 of the Criminal Code (Murder)	87	1	88	54,0	0,3	16,8
Article 105 of the Criminal Code (Inciting Suicide)	2	0	2	1,2	0,0	0,4
Article 126 of the Criminal Code (Illegal Deprivation of Liberty)	0	1	1	0,0	0,3	0,2
Article 146 of the Criminal Code (Torture)	2	5	7	1,2	1,4	1,3
Article 174 of the Criminal Code (Inciting Hatred)	0	1	1	0,0	0,3	0,2
Article 187 of the Criminal Code (Small Theft)	0	5	5	0,0	1,4	1,0
Article 188 of the Criminal Code (Theft)	1	21	22	0,6	5,8	4,2
Article 194 of the Criminal Code (Extortion)	0	1	1	0,0	0,3	0,2
Article 200 of the Criminal Code (Illegal Takeover of a Vehicle or Other Means of Transportation Without Intent to Steal It)	0	2	2	0,0	0,6	0,4
Article 202 of the Criminal Code (Premeditated Destruction or Causing Damage to Others’ Property)	0	1	1	0,0	0,3	0,2
Article 24 of the Criminal Code (Preparation for a Crime and Attempt to Committing a Crime)	0	3	3	0,0	0,8	0,6
Article 255 of the Criminal Code (An Act of Terrorism)	8	4	12	5,0	1,1	2,3

Article	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Article 256 of the Criminal Code (Propaganda of, or Calls for, Terrorism)	0	3	3	0,0	0,8	0,6
Article 269 of the Criminal Code (Assault on Buildings, Premises, Means of Communications, or Taking Over the Same)	12	29	41	7,5	8,0	7,8
Article 272 (Mass Riots)	40	247	287	24,8	68,0	54,8
Article 273 of the Criminal Code (Deliberately False Report of an Act of Terrorism)	0	1	1	0,0	0,3	0,2
Article 274 of the Criminal Code (Dissemination of Deliberately False Information)	0	2	2	0,0	0,6	0,4
Article 28 of the Criminal Code (Categories of Accomplices in the Commitment of a Criminal Offense)	0	1	1	0,0	0,3	0,2
Article 287 of the Criminal Code (Illegal Acquisition, Transfer, Sale, Storage, Transportation or Carrying of Arms and Weapons, Ammunition, Explosives and Explosive Devices)	0	34	34	0,0	9,4	6,5
Article 288 of the Criminal Code (Illegal Manufacture of Arms and Weapons)	1	0	1	0,6	0,0	0,2
Article 289 of the Criminal Code (Negligence in Storing Firearms)	1	0	1	0,6	0,0	0,2
Article 291 (Theft of Arms and Weapons)	1	64	65	0,6	17,6	12,4
Article 293 of the Criminal Code (Hooliganism)	0	2	2	0,0	0,6	0,4
Article 296 of the Criminal Code (Illegal Turnover of Narcotics, Psychotropic Substances, and the Like)	0	2	2	0,0	0,6	0,4

Article	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Article 361 of the Criminal Code (Abuse of Official Authority)	1	0	1	0,6	0,0	0,2
Article 378 of the Criminal Code (Insulting a Public Official)	0	1	1	0,0	0,3	0,2
Article 379 of the Criminal Code (Refusal to Obey a Public Official)	1	0	1	0,6	0,0	0,2
Article 380 of the Criminal Code (Violence Against a Public Official)	1	18	19	0,6	5,0	3,6
Article 405 of the Criminal Code (Participating in the Activity of an Organisation that Has Been Recognized as Extremist)	0	5	5	0,0	1,4	1,0
Article 451 of the Criminal Code (Abuse of Power)	20	5	25	12,4	1,4	4,8
Article 362 of the Criminal Code (Abuse of Power or Official Authority)	4	0	4	2,5	0,0	0,8
Article 669 of the Code of Administrative Offenses of the Republic of Kazakhstan (Failure to Comply with a Court Verdict, a Court Ruling, or other Resolution Issued by a Court of Law, or an Executive Document)	0	1	1	0,0	0,3	0,2
Article 699 of the Code of Administrative Offenses of the Republic of Kazakhstan (Bodies of the Ministry of Defense of the Republic of Kazakhstan)	0	1	1	0,0	0,3	0,2
Article 478 of the Code of Administrative Offenses of the Republic of Kazakhstan (Actions That Provoke Violations of Public Order While in a State of Emergency)	0	1	1	0,0	0,3	0,2

Article	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Article 488 of the Code of Administrative Offenses of the Republic of Kazakhstan (Violation of the Law on the Procedure or Arranging and Holding Peaceful Assembly)	0	7	7	0,0	1,9	1,3
Respondent is not aware of the relevant article or chooses not to respond	19	2	21	11,8	0,6	4,0
Respondent does not know whether a case has been initiated	0	1	1	0,0	0,3	0,2
Respondent has not been involved in the case	0	2	2	0,0	0,6	0,4
No case has been initiated	0	1	1	0,0	0,3	0,2
Total	161	363	524	100,0	100,0	100,0

Publications on particular cases

The importance of openness and public transparency in witness accounts of events of such magnitude cannot be understated. In those cases where responses were provided to this question (a total of 262 cases), information on 76.0% of those was published by the victims, their relatives, or other respondents, across social networks and messengers. Information on the cases where the victim was deceased was published more frequently (81.6% of the cases) than that in the cases with victims who survived (74.6% of the cases). However, no publications were made in 24% of the cases. In one case, the response was “not a single publication has been made, no interview given.” Sixty-eight sources in the “Other” category mentioned the following mass media and websites: the official page of Radio “Azattyq” (a great number of mentions), “Mediazone”, “News of Kazakhstan”, “VlastKZ”, “Information Center of the Eurasian Bureau of the World Trade Unions Federation and the Movement of the Workers of the Commonwealth of Independent States”, “Ulysmidia”, “OrdaKZ”, “Uralskaya Nedelya” (Ural Week), “Nastoyascheye Vremya” (Current Time), “Obozrevatel”, “KaktusMedia”, “Interfax”, “TirekInfo”, “The Village Kazakhstan”, Information Agency “KazTAG”, webpage of “AkZhaik”, webpage of Kazakhstan International Bureau for Human Rights and the Rule of Law.

Table 29. Did the sources or the victim publish information about this episode, case in social networks, messengers?

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Yes	40	159	199	81,6	74,6	76,0
No	9	54	63	18,4	25,4	24,0
Total	49	213	262	100,0	100,0	100,0

Of the 337 cases, in 70.0% of them information was published on YouTube, in 50.7% - on Facebook, and in 21.1% of the cases the information was published in WhatsApp by the victims or their relatives. Other social networks were also used for publications.

Table 30. Social networks and messengers where information about the incident was posted, broken down by survivors-deceased

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Youtube	58	178	236	67,4	70,9	70,0
facebook	54	117	171	62,8	46,6	50,7
whatsapp	24	47	71	27,9	18,7	21,1
instagram	20	33	53	23,3	13,1	15,7
telegram	22	27	49	25,6	10,8	14,5
tiktok	1	0	1	1,2	0,0	0,3
VK	1	0	1	1,2	0,0	0,3
Total	86	251	337	100,0	100,0	100,0

Conclusion

This statistical report is an integral part and an annex to the Report of Tragic Events in Kazakhstan in January 2022, which was drafted by the Human Rights Alliance for the Protection of Fundamental Rights “Shoot to Kill...” and is aimed to facilitate a general analysis of data pertaining to human rights violations that took place during the January 2022 events in Kazakhstan. A sufficient number of cases has been gathered on the participants and victims of those tragic January events, with a special emphasis initially placed on the cases which resulted in deaths and injuries. Many participants and witnesses are reluctant to share information on those catastrophic days, some have proven to be impossible to locate, since the Kazakhstan authorities would not cooperate in providing the pertinent information.

The information we have collected speaks of the magnitude of the tragic event, Qantar2022. Both peaceful protesters and random bystanders who got involved in the unrest by chance, have been hurt. There were clear provocations. Human rights and freedoms, Kazakhstan’s international obligations and laws, were all widely violated. The aftermath of those events will remain in the nation’s collective memory for a long time going forward.

It is the documentation centre’s hope that each case will be thoroughly reviewed and investigated, and that the true story of what happened during those days will come to surface.

The Alliance will continue recording the cases, and the human rights defenders will make relevant public inquiries following citizens’ accounts of Qantar2022.

Technical challenges of documenting the events

Not mandatory for inclusion in the report, but to facilitate analysis of the kind of challenges that were experienced over the course of documentation.

Table 31. Challenges identified in the interview process

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Safety threats for witnesses	2	0	2	1,1	0,0	0,3

	Q-ty			%		
	Deceased	Survivors	Total	Deceased	Survivors	Total
Unreliable information collected	6	1	7	3,4	0,2	1,2
Witnesses refused to provide some information	15	43	58	8,6	10,7	10,1
Insufficient awareness of human rights	9	17	26	5,1	4,2	4,5
Some questions deemed too personal	4	0	4	2,3	0,0	0,7
No challenged experienced	127	327	454	72,6	81,3	78,7
Other	34	44	78	19,4	10,9	13,5
Total	175	402	577	100,0	100,0	100,0

In "Other":

- Publications in the mass media
- Attorney and father of the victim would not permit for information to be shared
- Afraid to establish contact, so that the individual detained and kept at the pre-trial investigation unit would not suffer consequences from the authorities
- The brother is unwilling to share information, in the interest of an investigation
- The audio recording contains certain faults. The reasons for such faults are not clear to the person documenting the audio recording
- The audio recording of the interview has technical faults due to aircraft flying over at the moment the interview was being recorded
- During the interview, the attorney promised to provide all documents pertaining to the criminal case. However, no documents were provided by the attorney at the time of case information being filled in, i.e. as of 10 February 2023
- Pressure from the authorities and direct threats against the relatives. The spouse was called to the Department of Police and Committee of National Security and was warned that she should keep her mouth shut unless she wanted to be left homeless and with no means to survive. The family has a business, so they were told "you may lose your business and your car, too"
- They live in Zhezkazgan, it was very difficult to find contacts
- They were threatened by the law enforcement into refusing to provide any information or give an interview
- No interview with the relatives and attorney was conducted because, according to the attorney, the Almaty city prosecutor's office asked not to
- Internet, mass media

- The mother refused to record the interview
- The mother is unwilling to meet or provide information on her son's case
- She failed to provide case photographs and documents
- She was reluctant to establish contact, failed to provide copies of documents, confused dates
- Mother refused to provide documents and have the conversation recorded
- Initially, in April-May the father refused to give the interview
- Difficulties when uploading the video interview, in the form of inability to upload it into the database, hence it was saved into a cloud storage
- When completing the questionnaire, the Documenting person used information obtained from publications on Facebook, YouTube and other social networks
- I plan on giving an interview, once I have located the contact information for the relatives
- Asked not to bother his wife with questions, since she is home alone with four kids, two of them sick
- Relatives in a difficult situation
- Events from the mass media, Internet
- The wife is very sick, finds it difficult to give the interview, periodically has to be hospitalized to a tuberculosis hospital
- The mother does not have sufficient information on her son's death; a pre-trial investigation into a murder case is ongoing

“SHOOT TO KILL...”

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