



“Forget all about it - as you would a bad dream”.

How the Kazakhstani authorities failed to investigate torture and compensate victims of the “Bloody January 2022 events”

“When journalists start asking questions about what happened here, respond with general statements. And forget all about it - as you would a bad dream. Say that you were not beaten or tortured here. That it didn’t happen to you. Say a few words of thanks to the committee and nothing against it, or else we might lock you up again.”

Prosecutor, Kazakhstan, to one torture survivor of the January 2022 events

IPHR and Kazakh International Bureau for Human Rights and Rule of Law (KIBHR) are deeply concerned that for over two and a half years the Kazakhstani authorities have rejected calls for an international investigation into the so called “Bloody January 2022 events”, while national-level efforts to investigate these events and the human rights violations perpetrated during them have lacked independence, thoroughness, and effectiveness.

In January 2022, peaceful mass protests for social and political change evolved into unrest and clashes between security forces and people in the crowd, resulting in over 230 deaths and several thousand people injured.¹

Over the course of January 2022, Kazakhstani authorities detained thousands of individuals. Based on their monitoring, human rights groups believe that most people who were detained during the police or other state force operations

¹ For more background information, see special IPHR-KIBHR update on these events prepared for the CIVICUS Monitor: <https://iphronline.org/articles/kazakhstan-widespread-violations-reported-during-bloody-january/>

during the crackdown of the protests and the riots was subject to ill-treatment and hundreds - to torture.² However, the Kazakhstani authorities have failed to take adequate measures to investigate credible and numerous allegations of the excessive use of force, torture and other serious human rights violations reportedly committed by law enforcement and security officials and to bring those responsible to justice.

Official records indicate that, as of January 2024, 34 law enforcement and security officials had been convicted for torture and other offenses related to the "Bloody January" events in Kazakhstan.³ Since then, more convictions have been reported, and several court cases are still ongoing.⁴ While it is positive that officials have faced arrest, prosecution, and conviction for abuses, the number of such cases remains disproportionately low compared to the scale of reported violations, with hundreds of complaints of mistreatment filed by protesters detained in January 2022.⁵ Moreover, the legal proceedings have been tainted by violations of fair trial and due process rights, and the sentences imposed often do not match the severity of the crimes. There are also concerns about the inadequate compensation provided to victims of abuse and their families.⁶

In summer 2024, IPHR conducted a series of follow-up interviews with torture survivors, who were interviewed in 2022 for IPHR and KIBHR's joint report "*We don't even cry anymore*". *Torture, ill-treatment and impunity in Kazakhstan in connection with the 'Bloody January' events*.⁷ We asked them about their current situation and developments in their cases. Most of those interviewed reported that the complaints into their allegations of torture had been closed due to a so-called "lack of evidence", and that they had not received adequate redress nor compensation.

² For more information see the report from IPHR/KIBHR/OMCT/Coalition Against Torture 2023: "*We don't even cry anymore*". *Torture, ill-treatment and impunity in Kazakhstan in connection with the 'Bloody January' events*., <https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-ENG.pdf>

³ See the following media report for more information about figures provided by the General prosecutor's Office: <https://vlast.kz/novosti/58280-v-sudy-napravleny-dela-po-anvarskim-sobytiyam-v-otnosenii-13-sotrudnikov-knb-i-29-policejskih.html>

⁴ For more information, see IPHR-KIBHR update from June 2024: <https://iphronline.org/articles/kazakhstan-flood-coverage-restrictions-womens-rights-rally-ban-and-legal-cases-against-activists/>

⁵ See more in joint report issued by IPHR, KIBHR, the Coalition against Torture and the OMCT in January 2023: <https://www.iphronline.org/wp-content/uploads/2023/01/Kazakhstan-January-Report-ENG.pdf>

⁶ <https://bureau.kz/goryachee/tri-goda-zhdut/>

⁷ <https://iphronline.org/articles/we-don-t-even-cry-anymore/>

Marat⁸

Marat was shot on the streets of central Almaty on 5 January as a bystander at the protests. An ambulance was called and he was taken to City Hospital no.7 where he underwent surgery to save his kidney. On 8 January, with a catheter on his side, Marat, along with other wounded individuals, was forcefully taken from hospital by masked officers of the armed special police force to Almaty 155/18 Pre-Trial Detention Centre where he was subjected to severe beatings by masked men for three days, in an attempt to force him to confess. He witnessed other detainees being beaten and doused with boiling water by officials in uniform. On 25 January 2022, Marat was released to house arrest. No state hospital would treat his wounds as the doctors had reportedly received an order “not to treat ‘qantarovtsy’ (‘January people’ in Kazakh) and he had to continue his treatment in private clinics. The charges of ‘participation in mass riots’ against him were dropped in August 2022 for lack of evidence. The investigation into his claims of torture was also closed, allegedly due to lack of evidence.

“The legal situation in my case has practically not changed, there has been no progress. My case was closed, they never considered it, despite our complaint. Right now, with the help of human rights defenders, we're going through the appeal stages and then we plan to appeal to international bodies.

The General Prosecutor's Office informed me that my complaint about the torture I endured was closed on the grounds of lack of evidence. They specifically noted that I had not provided any photos that would confirm the fact of the torture.

My lawyer and I couldn't understand this response because, when being placed in a detention centre, there is a procedure where all one's belongings, including gadgets and clothing (except for underwear), are confiscated.

I explained this and asked how I could possibly have collected visual evidence under these circumstances. They replied that there are cameras and logs in correctional facilities and that I didn't provide any of this

⁸ Name has been changed for security reasons

evidence. How could I have done that when the authorities have all the power?

Also, I clearly remember that in my complaint about my torture, I stated that all video cameras were covered with wet cloths and taped over. Our lawyer requested that the video recordings were provided, to which they responded that during that period from 8 to 17 January, repair work was being carried out, and the surveillance cameras were not working, so no video recordings from that period could be provided.

So - not only in my case, but in all the cases of those who went were subjected to torture, the situation is the same: there is no photo or video evidence from any of the detention centers. However, there is testimony from our fellow cellmates since we witnessed each other's experiences. And they didn't bother to beat us individually; they beat us en masse, right in front of everyone.

When I was released, the prosecutor told me: "When you're detained and journalists start asking questions about what happened here, respond with only general statements. And forget all about it as you would a bad dream. Say that you were not beaten or tortured. That didn't happen to you. Say a few words of thanks to the committee and nothing against it, or we might lock you up again."

When I saw information about a little girl who had died, I decided that, as a father, I cannot remain silent. I wouldn't want any citizen who knows the truth to stay silent either. Since then, I made a vow that, regardless of threats to my life, I must always tell the truth. (...) I hope that one day things will change, and I will be able to live in a free country where I don't have to fear for my life and my child's life."

Other respondents reported that many people are tired of fighting for their rights and have lost faith in the quest for justice. Worryingly, many victims who spoke out publicly and filed complaints, have been threatened and intimidated.

"When I was released from detention, I immediately gave an interview about my torture, and it caused an outcry, with several hundred thousand people viewing it. I started receiving anonymous phone calls, where they

threatened that I would regret it if I didn't stop speaking out. Then they began calling my brother, and because of this, he emigrated abroad.”

The following example of Timur shows that victims who were left disabled as a result of injuries sustained during the January 2022 events have been left without adequate compensation

Timur⁹

On 5 January 2022 Almaty resident, Timur, was wounded - he suspects by a flash-bang grenade which exploded next to him. He woke up three days later in the intensive care ward of City Hospital no.7, having almost lost his sight: he could only see dark shadows. The last thing he remembered was being hit in the stomach with a gunstock and people screaming. On 8 January, he recalled that he was taken from the hospital by individuals wearing black uniforms and masks, to pre-trial detention centre 155/18, where they were unloaded onto the snow and where security officials beat their legs with truncheons. After a cursory medical examination, they were taken back out into the cold and doused with cold water from head to toe. The police officers reportedly said amongst themselves that if someone had a facial injury, it meant that he was in the front row of the protesters. Officers then reportedly began leading Timur down the corridor, forcing him to turn around and hitting him on the temples with truncheons. He lost his eyesight after the beatings. Timur's family found him on 19 January, two weeks after he was injured. In March 2022, when a criminal investigation was opened by the anti-corruption agency into the torture allegations, he was recognised as a victim of torture, but no perpetrators were identified. Although he claims that his cellmates know his aggressors, the investigation was closed as lacking evidence. The charges brought against him for alleged participation in violent public disorder were dropped in 2022 as unsubstantiated.

Timur's update in August 2024: “ I haven't received anything except disability status and a disability allowance. Nothing fundamentally

⁹ Name has been changed for security reasons

changed; they just gave me status, and that's it. They didn't review my case at all. We were awarded the ridiculous sum of 2,000,000 tenge (about 4000 Euro). We appealed, but the court's decision was left unchanged, and when we submitted a cassation appeal to the Supreme Court, they refused to consider it, claiming that we missed the deadline, which was soon after we submitted our application. But we submitted it on time.

We were planning to resubmit, but during that period, in the summer, on 19 July, I believe, they restructured the Supreme Cassation Court. This reform takes time. Most of those who were also fighting have already given up and stopped fighting. I seem to be the only one left continuing to fight.

The system is designed for the convenience of the government structures. The same goes for the e-government website, which operates with glitches and doesn't function well.

Honestly, I don't expect to receive justice. It seems to me that this needs to be raised to the international level, but it's difficult because I might be the only one still continuing the fight.

My lawyer had three clients, all victims. Of them, only I am left; the others got tired of fighting and gave up. They accepted the compensation offered to them, though they still haven't received it. I know that even that meager compensation still hasn't been paid. I still need to pay for eye drops, medicine, injections, and IVs — all at my own expense.

The disability allowance is standard, without any special status or classification based on medical need. We have first, second, and third disability groups. I'm in the first group, and even that doesn't reach 100,000 tenge, which is about 200-210 dollars [per month]. Now, it might be even less, around 200 dollars.

The last time I saw my ophthalmologist was in July. The visit cost 15,000 tenge, and drops for three months cost about 100 dollars. On average, I spend about 150 dollars a month just for the ophthalmologist, not including the neurologist, orthopedist, and other specialists.

I've temporarily reduced my civil activism so that it doesn't negatively impact the legal side of things, especially in court. So, I'm not as active right now. [...] Some people received a compensation of 2,000,000 tenge (4,000 dollars), and those who agreed still haven't received it; they're waiting. This amount of 2,000,000 tenge was awarded to everyone, even to those who suffered not from gunshot wounds but, for example, were beaten or hit by a rubber bullet. There was no individual approach; everyone was awarded the same amount.

The state tries to drag out cases for as long as possible. For example, my case for moral compensation was accepted for review only by the court in Astana, even though everything happened in Almaty. The judge in Astana handles the case offline; the lawyer came twice. Inconveniences are deliberately created so that we get tired and stop fighting, give up. Not everyone can travel to Astana or buy plane tickets.”

IPHR and KIBHR urge the Kazakhstani authorities to

- Ensure independent, thorough and effective investigations into the allegations of torture and ill-treatment in connection January 2022 events with the input of recognised independent international experts as well as experts from Kazakhstani civil society, and ensure that they are conducted in a transparent way and that the conclusions are made public, in particular:
 - To re-examine the cases in which investigations were suspended or terminated;
 - To provide necessary social and legal assistance to the victims of torture, whose cases are being investigated and to ensure that the burden of proof lies on the suspects and the governmental bodies
 - To ensure thorough and effective investigations of the cases of civilian death in the result of disproportionate use of force and deaths in the result of torture, and provide public information about the results of these investigations
 - To provide reliable and coherent public information about the progress of investigations of torture allegations
- Ensure that alleged perpetrators of torture and ill-treatment are duly prosecuted in a fair trial, including persons in position of command responsible for torturing and cases of deaths in custody as results of torture, physical or psychological ill-treatment and wilful negligence, and, if found guilty, punished in accordance with the gravity of their acts.

- Ensure that during court hearings, victims of torture are provided at all times with adequate and appropriate safety and security measures, and that the trials are held in a manner that is sensitive to the victims' situations and avoid re-traumatisation.
- Ensure that amnesties and pardons are not applied to the perpetrators of torture and ill-treatment, as well as to those who committed murder of peaceful protesters, with or without intent;
- Provide effective remedy, redress and rehabilitation to the victims of torture and ill-treatment and to their families.
- Uphold and protect the right to peaceful assembly as guaranteed by international human rights standards, including by permitting and facilitating peaceful protests, and ensuring that peaceful protesters are not subjected to arbitrary detention or penalisation.