

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Defendants Torture Allegations Given Short Shift

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(Berlin) A [Kazakhstan](#) court, on June 4, 2012, convicted 34 oil workers and others on charges relating to violent clashes with police in December 2011, despite the use of testimony obtained by torture and ill-treatment, Human Rights Watch said today. The authorities should drop all unfounded charges and thoroughly and impartially investigate the defendants allegations of torture and other ill-treatment, Human Rights Watch said.

In a [trial](#) that began on March 27, the Aktau City Court found 34 of 37 oil workers and others guilty of various crimes including organizing and participating in mass unrest and theft during the clashes in western Kazakhstan. The court appeared to punish most heavily oil workers who were most active during a 2011 strike, Human Rights Watch said.

For the court to reach a verdict without properly investigating the defendants serious claims of torture is sham justice, said [Jane Buchanan](#), acting deputy Europe and Central Asia director at Human Rights Watch. This verdict and the hefty prison sentences for the most outspoken oil workers only reinforce the concern that they were singled out for their peaceful strike activities.

Three oil workers, among the 13 defendants who were sentenced to prison, had actively participated in a peaceful seven-month strike in Zhanaozen and had spoken to international media and organizations about the strike before it ended with the [outbreak of violence](#) in mid-December. Rosa Tuletaeva, Maksat Dosmagambetov, and Talgat Saktaganov were sentenced to seven, six, and four years, respectively.

Trial monitors reported that, during the trial, many defendants testified that they had suffered beatings, suffocation, psychological pressure, and other ill-treatment, apparently to coerce testimony against themselves or others. The [coerced testimony](#) of at least one defendant was used against other defendants, including those sentenced to prison. Defendants testified that the abusive treatment was carried out by police officers and investigators, agents of Kazakhstans National Security Committee (KNB), and, in at least one case, an officer from the Zhanaozen prosecutors office. The authorities did not effectively investigate these allegations, Human Rights Watch said.

The defendants sentenced to prison received sentences ranging from three to seven years. Of the twenty-one who were released, five were given amnesty and sixteen were given suspended sentences of one to three years. Three defendants were acquitted of all charges.

The trial related to crimes committed on December 16, 2011, in Zhanaozen, a town at the heart of Kazakhstans oil industry and the site of an extended oil workers strike.

In May 2011, oil workers went on strike at OzenMunaiGas, a subsidiary of Kazakhstans state oil and gas company KazMunaiGas. Over a dozen workers announced they were going on hunger strike to call for revision of the workers collective agreement, introduction of wage coefficients in their salaries, and changes to the system of remuneration that had been adopted the previous year. Workers told Human Rights Watch that thousands of other workers had joined the strike. Although the strike was found illegal by a local court, workers continued to demand higher pay. In July, workers relocated to Zhanaozens central square after police forcibly dispersed the strikers from OzenMunaiGas territory.

In December 2011, clashes erupted when unidentified men in oil company jackets charged a stage that had been set up for an event celebrating Kazakhstans Independence Day on Zhanaozens central square, where the strikers were gathered, and broke sound equipment. A video clip broadcast on various news programs shows the men destroying the equipment. Several buildings were set on fire and shops were looted over the course of the day.

The police, in response, [opened fire on striking oil workers and others](#), killing 12 and wounding dozens, according to official numbers. Three other people died during the clashes and 35 police officers were injured, according to official statements by the prosecutor

generals office.

The prosecutor generals office investigated the violence. Hundreds of people were detained and questioned. Human Rights Watch documented [allegations of torture and ill-treatment](#) by people who witnessed or were subjected to physical abuse by police in custody between December 16 and 19. Defendants similarly testified at the trial that they had been tortured and mistreated after they were detained.

Five of the defendants Shabdol Utkilov, Rosa Tuletaeva, Zhanat Murynbayev, Kairat Edilov, and Mels Sarybayev told the court that during the investigation, officers or investigators attempted to coerce testimony by suffocating them with plastic bags.

Another defendant, Tanatar Kaliev, an oil worker charged with organizing mass riots, testified that during an interrogation, [Officials] beat my head with a stool, [and] threatened there would be problems for my older son. Kaliev's testimony was used against Tuletaeva and Dosmagambetov, their attorney, Gulnara Juaspaeva, said in her closing statement.

Max Bokaev, a civil society activist who monitored the trial, said many of the defendants recanted all or part of the testimony they had given during the investigation, saying it had been coerced.

The Convention against Torture, to which Kazakhstan is a party, prohibits the use of statements and other evidence obtained through torture or ill-treatment in judicial proceedings.

The likelihood that convictions were based in part on evidence obtained through torture and other coercive methods, as well as the governments unwillingness to investigate these allegations thoroughly, seriously call into question the basic fairness of the trial, Human Rights Watch said.

Government claims of justice being served are ludicrous when the convictions were built on a foundation of torture and ill-treatment, Buchanan said. These verdicts make a mockery of Kazakhstans judicial system.

Torture Allegations

Human Rights Watch previously called for the court to [suspend the trial](#) pending a thorough and independent investigation into the allegations in a manner that was capable of bringing those responsible to justice, in line with Kazakhstan's international commitments concerning the prohibition on torture.

In April, the Aktau City Court presiding judge forwarded information about the defendants allegations of torture and ill-treatment to the Mangistau regional prosecutors office for review, and requested a response within 10 days, in accordance with national law. Instead of the regional prosecutors office, an Interior Ministry police agency, the Department for Internal Security, conducted a preliminary investigation sometime in April. It then issued a decision not to open an investigation, announcing that, There was no evidence of a crime in the actions of the law enforcement agents that responded to the mass unrest on December 16. The prosecution read the decision at a May 3 court hearing for the defendants.

The Internal Security Department also claimed that defendants who allege the police beat them, did not file complaints, and were not medically treated after that, are attempting to avoid criminal punishment. However, at least one defendant, Dosmagambetov, had filed a claim on December 30, 2011, alleging he had been mistreated following his detention. A medical examination conducted in response concluded that several of Dosmagambetov's ribs had been broken and that he had bruises, Juaspaeva told Human Rights Watch. Juaspaeva said the investigation did not lead to any disciplinary action, as far as she has been able to determine.

Juaspaeva also represents four other defendants who alleged mistreatment and who did not receive a medical examination after the judge referred the allegations to the prosecutors office, indicating a broader failure of the authorities to investigate the allegations seriously, Human Rights Watch said. There was no indication of whether the authorities questioned any of the officers who were on duty when the ill-treatment and torture is alleged to have taken place, or what other investigative steps the authorities took.

It's not surprising that the internal police department dismissed the allegations of torture since they apparently didn't conduct a thorough investigation, Buchanan said. With no investigation of the torture charges, it's clear that the trial of the 37 defendants was severely compromised.

Convictions for Police Violence

On May 17, an Aktau court sentenced Zhenisbek Temirov, the former head of the Zhanaozen temporary detention facility, to five years in prison in relation to the death of a detainee, following the violent clashes in Zhanaozen.

Police detained Bazarbai Kenzhebaev, 50, on December 16 and held him for two days. He [died](#) four days later, on December 22, from a ruptured intestine and blunt abdominal trauma, injuries apparently sustained in custody. The court also ordered Temirov to pay one million tenge (US\$6,750) in damages to Kenzhebaev's family. Those directly responsible for Kenzhebaev's death have not been held accountable, despite a January 25 statement by the prosecutor general that measures are [being] taken to identify those who have beaten the deceased.

On May 28, an Aktau court convicted five police officers for abuse of power or official authority resulting in grave consequences with use of weapons or special equipment at Zhanaozen. Bekzhan Bagdabayev, head of the Mangystau region anti-extremist police unit; Yerlan Bakytkaliuly, Zhanaozen first deputy police chief; Kabdygali Utegaliyev, Mangistau region deputy police chief; Nurlan Yesergenov, a senior investigator; and Rinat Zholdybayev, a Mangistau region detective, were sentenced to between five and seven years in prison and banned from holding office in law enforcement for five years. According to media reports, prosecutors said at the trial that the police could have used alternative methods to respond to the mass disturbances.

These sentences for senior police officers for excessive use of force are important, but to prevent killings of protesters in the future, significant crowd-control reforms are needed, Buchanan said. These convictions should be considered the start of a process, not the end.

Another Trial of Oil Workers and Others

After the violent confrontation on December 16 in Zhanaozen, [violence spread](#) on December 17 to Shetpe, about 160 kilometers from Aktau and home to the families of striking oil workers. A worker close to the situation in Shetpe told Human Rights Watch that workers and town residents had gathered outside the mayors office on December 16 and 17 to demand that communications to Zhanaozen be restored, and on December 17 blocked train traffic through the city. Around 9 p.m., the worker reported to Human Rights Watch that the train station was burning and that law enforcement agents, including riot police, had dispersed and fired at the crowd. According to a statement by the prosecutor general, a dozen people were wounded by gunfire and one person died.

On May 21, the Aktau City Court convicted 11 of 12 defendants charged with deliberate destruction of transport vehicles or infrastructure and organizing or participating in mass unrest in Shetpe. Four defendants were sentenced to prison terms ranging from four and seven years, one was given a two-year suspended sentence, six were released under amnesty, and one was acquitted. According to the press service of the Mangistau regional court, the Aktau City Court also ordered the 11 who were convicted to jointly pay 16.5 million tenge (US\$111,500) in damages to railway companies whose business suffered during the unrest.

Police Torture and Abductions in Turkey

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