

Fatal End to Oil Strike

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On 16 December 2011, police used live ammunition on oil workers and others in response to an outbreak of violence at the site of an extended strike in Kazakhstan's oil-rich western region, killing 12 people. Oil workers had been on strike for approximately seven months, peacefully demanding higher wages from OzenMunaiGas, their employer, an oil production company in western Kazakhstan, and wholly-owned subsidiary of KazMunaiGas Exploration Production JSC.

In the years since Kazakhstan gained independence, oil has fuelled the country's vast economic growth. However, Human Rights Watch has found that repressive laws and abusive practices by the government and by some oil companies, both private and state-owned, have violated the labour rights of thousands of workers who do the difficult and often dangerous job of bringing Kazakhstan's oil to market.

On 16 December 2011, Kazakhstan's Independence Day, scuffles broke out between police and striking oil workers and others in the central square of Zhanaozen, an oil town in western Kazakhstan. Soon after scuffles broke out, unidentified men in oil company jackets charged a stage set up for the independence day celebration. A December 16 statement from Kazakhstan's prosecutor general's office said that the people involved in the clashes that day 'overturned the New Year's tree, tore down yurts and the stage, and set a police bus on fire'. Over the course of the day, multiple buildings in Zhanaozen were set on fire, including OzenMunaiGas offices, and shops and ATMs were looted.

In response, police and government forces were sent to Zhanaozen, and police used live ammunition on striking oil workers and others, killing at least 12 people and wounding others. According to government figures, three other people died that day, and dozens of police were wounded.

In the period leading up to and during the peaceful labour strike that began in May 2011, Human Rights Watch documented repressive tactics employed by Kazakh authorities and OzenMunaiGas to restrict workers' rights to freedom of assembly, association, and expression.

The rights to freedom of association, collective bargaining, and to strike are enshrined in International Labour Organisation (ILO) conventions to which Kazakhstan is party. Company interference in workers' efforts to bargain collectively, the mass dismissals in retaliation for staging peaceful strikes, as well as attempts by the authorities to break the strike, and keeping broad prohibitions on strikes in Kazakhstan, all violate rights guaranteed under international law.

In interviews with Human Rights Watch, workers described human rights violations that

occurred during the strike in 2011. OzenMunaiGas carried out mass dismissals of workers following the start of their peaceful strike, the workers said. The authorities tried in one instance to break the peaceful strike using force, and imprisoned worker representatives following proceedings that did not respect fair trial standards.

The labour dispute leading up to the strike at OzenMunaiGas began mid-May 2011 when approximately 22 OzenMunaiGas employees put forward demands to company management over calculation of their pay with a notice of intent to go on hunger strike in case their demands were not met. In response, OzenMunaiGas management informed the workers that their claims were 'unfounded'. Ten days later, the workers began a hunger strike, and hundreds of other OzenMunaiGas employees downed their tools in support of their demands, launching a peaceful strike that would last the next seven months. In May, a local court found the strike illegal on grounds that workers had not adhered to regulations for holding a legal strike and because OzenMunaiGas is classified as a 'hazardous production facility'.

The right to strike, while not absolute, is one of the principal ways workers and unions may promote and defend their interests. Yet, Kazakh authorities unlawfully interfered with the workers' peaceful strike. In early July 2011, law enforcement officers forcefully dispersed striking OzenMunaiGas workers, including beating one oil worker in the legs with a nightstick. Despite this, workers at OzenMunaiGas persisted with their peaceful labour strike, relocating to the central square in Zhanaozen.

In August 2011, a Zhanaozen court convicted Akzhanat Aminov, an oil worker who played an active role in defending workers' rights for 'organising an illegal gathering' on grounds that he had led the strike by giving orders to workers by phone. He was sentenced to a one-year suspended sentence with two years of probation. The same month, Natalia Sokolova, a union lawyer who briefly consulted OzenMunaiGas workers on the calculation of their pay, was sentenced to six years in prison on charges of 'inciting social discord' after speaking to oil workers about wage disparities. She was later released. Nearly one thousand OzenMunaiGas employees were dismissed during the strike.

There has been minimal accountability for the loss of life that occurred on 16 December, when the OzenMunaiGas strike was effectively brought to an end. While Human Rights Watch was not on the ground at the time to confirm independently how the unrest unfolded or who participated, in the immediate aftermath Human Rights



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Watch followed official statements and media reports, and conducted several interviews with town residents, oil workers, and medical personnel in Zhanaozen.

According to government statements, police fired warning shots into the air before shooting at individuals. However, several individuals with whom Human Rights Watch spoke said that no attempt was made to use any other means to disperse the crowds before the police fired live ammunition on people in the square, nor were any such additional alternative efforts at dispersal referred to in any official statements or media reports. All the individuals with whom we spoke at the time said that people on the central square were unarmed.

In late December 2011 the Prosecutor General's office opened a criminal investigation into police use of force and abuse of power. In May 2012, five police officers were found guilty on charges of 'abuse of power or official authority with grave consequences'. It was established that bullets from the weapons of three of the police officers caused the death of three civilians, one of whom was a minor. The officers were sentenced to between five and seven years in prison.

To date, the prosecution of these officers has been the sole response to the loss of civilian life which occurred that day.

In the aftermath of the violence, Kazakh authorities targeted the most outspoken oil workers and political opposition activists who supported them throughout their strikes, sentencing political opposition leader Vladimir Kozlov to seven and a half years in prison in August 2012 following an unfair trial. Two other activists tried along with him were given suspended sentences.

Human Rights Watch also documented how, in the immediate aftermath of the violence, between 16-19 December, several people witnessed or were subjected to physical abuse by police in custody. These individuals described how police variously kicked and beat detainees who had been brought into custody with truncheons, stripped them naked and walked on them, and subjected them to freezing temperatures.

Human Rights Watch also documented the death on 22 December of Bazarbai Kenzhebaev, 50, who died from wounds apparently sustained while he was in police custody between 16-18 December. Police arrested Kenzhebaev at about 5 p.m. while he was walking the short distance between his daughter's house and the maternity hospital, where she had just given birth, and brought him to the Zhanaozen Main Police Department. He was released after he was repeatedly and severely beaten by law enforcement agents in custody.

The response of the authorities to Kenzhebaev's death was inadequate. Charges were eventually brought against Zhenisbek Temirov, the head of the Zhanaozen temporary detention facility where Kenzhebaev was held, for 'allow[ing] illegal detention of Kenzhebaev and not arranging timely hospitalization'.

Temirov was sentenced on 17 May 2012 to five years in prison and ordered to pay 1 million tenge (at that time, approximately US\$6,750) in damages to Kenzhebaev's family, but to date, not a single law enforcement officer has been held accountable for ordering or carrying out the beatings that lead to Kenzhebaev's death.

Authorities also brought charges against 37 oil workers and others on charges relating to the December 2011 violence, including participating

in or organising mass riots. On 4 June 2012, an Aktau court convicted 34 of the defendants, imprisoning 13 of them, despite the use of testimony obtained by torture and ill-treatment. The three other defendants were acquitted.

Human Rights Watch documented how, at trial, defendants testified that they had suffered beatings, suffocation, psychological pressure, and other ill-treatment, apparently to coerce testimony against themselves or others.

For example, on 10 April 2012, Esengeldy Abdrakhmanov, one of the defendants, told the court he contracted tuberculosis after he was detained and mistreated, according to the Zhanaozen 2011 Committee, a group of civil society activists who monitored the trial. Abdrakhmanov told the court that he was stripped naked, made to lie on the cold floor of the police station, and doused with cold water.

On 11 April 2012, Tanatar Kaliev, an oil worker charged with organising mass riots, testified that he was ill-treated during the investigation. According to media reports, Kaliev told the court that, after he was detained: 'I literally stood there in blood—the whole floor was covered in blood.'

According to the Zhanaozen 2011 Committee, Parakhat Dyusenbaev testified in April that he was threatened with rape and humiliated sexually. The Zhanaozen 2011 Committee reported that at least two others also testified they had been threatened with rape.

At least five of the defendants—Shabdol Utkilov, Rosa Tuletaeva, Zhanat Murynbaev, Kairat Edilov, and Mels Sarybaev—told the court that during the investigation, officers or investigators attempted to coerce testimony from them by suffocating them using plastic bags. Maksat Dosmagambetov, an oil worker, said his kidneys were badly beaten and he suffered broken ribs.

The allegations of ill-treatment and torture by defendants in the trial of 37 were never investigated in a manner capable of bringing the perpetrators to justice, as is required by international law.

In April 2012, the Aktau City Court presiding judge forwarded information about the defendants' allegations of torture and ill-treatment to the Mangistau regional prosecutor's office for review. An Interior Ministry police agency conducted a preliminary investigation in April, but then issued a decision not to open an investigation, announcing, 'there was no evidence of a crime in the actions of the law enforcement agents that responded to the mass unrest on 16 December'.

The Internal Security Department, the body that carried out the preliminary investigation, 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 30 December 2011, alleging he had been mistreated following his detention. His lawyer told Human Rights Watch that a medical examination conducted in response concluded that several of Dosmagambetov's ribs had been broken and that he had bruises but that the investigation did not lead to any disciplinary action.

All of the defendants who were imprisoned in 2012 in connection with the December 2011 violence have since been released or paroled, but no law enforcement officer was ever held accountable for the ill-treatment and torture which the defendants alleged they endured.

The authorities brought charges against 37 oil workers and others 34 of whom were convicted, and 13 of whom were imprisoned, despite the use of testimony obtained by torture and ill-treatment