

22.10.12/jr/

**Mr Nursultan Nazarbaev,  
President of Kazakhstan**

**Levyi bereg, residence "Akorda"  
Astana, 010000  
Republic of Kazakhstan**

Dear Mr Nazarbaev,

I am writing on behalf of IndustriALL Global Union representing more than 50 million workers in mining, energy and manufacturing industries in some 140 countries to express my grave concern over the results of the trial of 37 people in connection with December 16 events in Zhanaozen, Mangistau region, Kazakhstan.

The trial started in March 2012. In early June 13 defendants received sentences ranging from 3 to 7 years. Of the 21 who were released, five were given amnesty and 16 were given suspended sentences of 1 to 3 years. Three defendants were acquitted of all charges.

On 6 August the court in Aktau, Kazakhstan, held an appeal hearing concerning the trial of 37 people. All the sentences were confirmed by this court of higher jurisdiction, except one. Rosa Tuletaeva's sentence was reduced from 7 to 5 years.

Those sentenced to prison include most outspoken oil workers, all of whom had assumed active roles in the strike. Maksat Dosmagambetov had traveled to Moscow in June 2011 to speak to labor activists and the media about the oil strikes in Kazakhstan. He was sentenced to 6 years in prison. Talgat Saktaganov went to Warsaw in late September 2011 to speak about the strike at an Organization for Security and Co-operation in Europe (OSCE) meeting. His sentence was 4 years in prison. Rosa Tuletaeva provided commentary and information to the media and international organizations in western Kazakhstan throughout the strike. She was sentenced to 7 years in prison, later reduced to 5 years.

International human rights organizations reported that during the trial both the defendants and the witnesses had testified that they were subjected to physical and psychological abuse by police and investigators, including beatings, suffocation, and threats of rape or harm to family members.

One of the witnesses, Alexander Bozhenko, 20, testified in court that he was tortured for several days and forced to bear evidence against oil workers in Zhanaozen. He completely renounced his earlier testimony, acquired by torture. He also went public with his story, giving interviews to the media, and sent a statement to the Prosecutors' Office claiming that he was beaten and tortured by police. However, his statement was rejected by the Prosecutor's Office, like tens of similar statements by defendants and witnesses of the trial.

Alexander Bozhenko's testimony was central to the presentation given by human rights activist Galym Ageleulov at the OSCE session in Warsaw, Poland.

On 16 October Kazakh media reported that Alexander Bozhenko was found severely beaten and later died from his injuries.

The events of December 16, 2011 in Zhanaozen were preceded by a 7-month peaceful oil workers' strike. During the strike the workers urged both the employer and the authorities to engage in social dialogue. Refusal to engage in social dialogue led to the violent conclusion of the industrial dispute. IndustriALL considers government's actions as a violation of workers' rights, including the right to strike, freedom of expression and assembly. These rights are guaranteed by both the Constitution of Kazakhstan and International Labour Organization's fundamental Conventions 87 and 98.

Moreover, the trial of 37 people in Zhanaozen is a sign that the government blames the workers for the violence of December 16-17, and not the police. Testimonies of torture from both the defendants and witnesses of the trial cannot be ignored. Not only is the evidence acquired under torture invalid, but torture itself is a grave crime against human rights, as is specifically mentioned by the UN Universal Declaration of Human Rights, Article 5.

I urge you, Mr Nazarbaev, to ensure full investigation of the murder of Alexander Bozhenko, investigate cases of torture reported by defendants and witnesses of the Zhanaozen trial and thus revise the results of the trial.

Yours faithfully,  
Jyrki Raina,  
IndustriALL Global Union  
General Secretary