

# URGENT ACTION

## BOLAT ATABAEV RELEASED

**Prisoner of conscience Bolat Atabaev was released on 3 July. The charges against him, including “inciting social discord”, have been dropped and he now has the status of a witness. Amnesty International believes the charges against him were unfounded, and he was targeted for the peaceful exercise of his right to freedom of expression.**

Prominent theatre director **Bolat Atabaev** was released under Article 65 of the Criminal Code of the Republic of Kazakhstan (“exemption from criminal liability due to active repentance”), after he agreed to write a statement in which he admitted that “I went to Zhanaozen, and gave a speech. I admit these were my actions”. The Committee for National Security (Komitet Nacionalnoi Bezopasnosti, KNB) and the Prosecutor’s Office in the western city of Aktau, accepted this statement as sufficient evidence of “repentance” and Bolat Atabaev walked free from Pre-trial Detention Centre Number One in Aktau at 10pm on 3 July. He flew home that night to the southern city of Almaty, over 3,000 km away. At a press conference there the next day, he told journalists and supporters that at first he had refused to cooperate with the investigation and give testimony, but that on the advice of one of his friends, a fellow film director, who had intervened on his behalf with the KNB and negotiated for his release, he finally agreed to write a statement admitting to having given a speech to striking workers in Zhanaozen in 2011.

Bolat Atabaev has been speaking out since mid-2011 on behalf of striking workers in the south-west of the country. He visited striking workers in the oil city of Zhanaozen and has tried to draw the authorities’ attention to the workers’ demands, which included calls for the authorities and employers to recognise the right of independent trade unions and ensure that salaries and working conditions meet international labour standards. He protested publicly against the security forces’ use of lethal force against striking workers, protesters and unarmed citizens during violent clashes in Zhanaozen in December 2011.

The charges against Bolat Atabaev were lodged by the KNB on 6 January 2012 under article 164 (“inciting social discord”) of the country’s Criminal Code. He was arrested on 15 June by KNB officers as he was leaving his home in Almaty. After his arrest he was put in a convoy to travel by road to a pre-trial detention centre in Aktau.

**No further action is requested from the UA network. Many thanks to all who sent appeals. Amnesty International will continue to monitor this case and take further action as necessary.**

This is the first update of UA 177/12. Further information: <http://www.amnesty.org/en/library/info/EUR57/003/2012/en>



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### ADDITIONAL INFORMATION

Thousands of oil industry workers in south-western Kazakhstan's Mangistau Region began a series of strikes and public protests in May 2011, following disputes over pay and working conditions. The oil companies took legal action: the strikes were declared illegal and hundreds of striking employees were dismissed.

The authorities used excessive force to break up the protests and arrested dozens of striking workers as well as trade union and opposition political party activists. Most were sentenced to short terms of administrative detention, or fined. The security forces also threatened, detained and beat relatives and supporters of the striking workers and harassed human rights monitors. Independent journalists covering the strike were assaulted by men in civilian clothes in October 2011. The authorities' failure to investigate such violations added to the workers' grievances and increased tension.

On 16 December, in the worst confrontation in recent Kazakhstani history, celebrations of the 20th anniversary of Kazakhstan's independence in Zhanaozen were marred by violent clashes between protesters and police. At least 15 people were killed and more than 100 seriously injured. Eyewitnesses claimed that some police had fired warning shots in the air, but others had fired directly into the large crowd in the square, which included women and children. Amateur video footage showed the security forces aiming and firing at protesters running away, and beating those lying injured on the ground. The president imposed a 20-day state of emergency in Zhanaozen, sent in military reinforcements and set up a special commission to investigate the violence. All communications with the town were cut off. The president, who visited the city on 22 December, blamed the violence on "young hooligans" who had taken advantage of the dissatisfaction and anger of the striking workers to destroy and loot public and private property. He said the security forces had acted strictly within the law. However, the Prosecutor General's Office opened a criminal investigation into the security forces' actions, after video footage of the events was released. Following a visit to Zhanaozen on 22 December, the president dismissed senior national and regional oil and gas company executives as well as the regional governor for failing to adequately address the demands of the striking oil workers.

The Prosecutor General's Office announced that 16 people had been arrested, charged with organizing the violence while over 130 had been detained for taking part in violent mass disorder. In the days following the violence, released detainees and relatives of detainees reported that scores of people, including young women, had been rounded up and kept incommunicado in overcrowded police cells. They claimed the detainees had been stripped naked, beaten, kicked and doused with cold water. Journalists reported hearing screams coming from interrogation rooms in police stations. Independent monitors were allowed no access, so found it difficult to confirm this. At least one man was alleged to have died as a result of torture in police custody.

The main trial, of 37 people, all accused of organizing or taking part in the violence, started at the end of March 2012. Most of them recanted their confessions in court, saying they had been made under duress. Some of them gave very detailed and graphic descriptions of the torture and other ill-treatment they had suffered in detention and some identified police and security officers they said were responsible. The police and security officers, accused by the defendants and their lawyers of opening fire at the demonstrators and ill-treating them in detention, testified in court as victims or witnesses, some of them anonymously. All pleaded self-defence; when asked who had given the order to open fire, some said they had not been ordered to open fire, but had not been ordered not to open fire either. The Prosecutor General's Office reviewed the allegations of torture at the request of the presiding judge but rejected the claims. Seven of the defendants were sentenced to prison terms of up to seven years.

Name: Bolat Atabaev

Gender m/f: M

Further information on UA: 177/12 Index: EUR 57/004/2012 Issue Date: 5 July 2012