



**DELEGATION
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE**

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**Statement by the delegation of Kazakhstan to the OSCE
on the events in the town of Zhanaozen
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Dear Mr. Chairperson, dear colleagues,

I would like to bring the attention of the Permanent Council to the following statement of the Prosecutor General of the Republic of Kazakhstan on the events that took place in the town of Zhanaozen on 16 December 2011.

On 16 December 2011, in the town of Zhanaozen in Mangystau province, during the celebration of the Independence Day of the Republic of Kazakhstan in the Central Square, a group of former (previously fired) workers of the *OzenMunaiGaz* oil-producing enterprise, supported by hooligan young people, started mass insurgencies leading to riots, looting, arson and violence against civilians and police officers.

As a result, 125 facilities were set on fire, damaged and looted, including the offices of the mayors of the town of Zhanaozen and of Tenge village; the pension distribution centre; police stations; the office of *OzenMunaiGaz*; the Aruana hotel; the Sulpak, Atlant and Sholpan shopping centres; the offices of five banks; nine ATM machines; 21 vehicles; apartment buildings; and numerous facilities belonging to small and medium-sized businesses.

The damage caused to the State, companies and individuals is estimated at billions of tenges.

In order to end the mass disorders and to protect civilians, the command of the Department of Internal Affairs of the province sent to the scene of the events a police squad, which was attacked by the crowd using firearms and knives, stones, sticks and Molotov cocktails.

Given the situation, the police squad, after firing several warning shots, had to use live ammunition against the activists of the insurgency.

As a result of the clashes, **64** persons received gunshot wounds, and **14** persons died. The deaths of two other persons were not related to the mass disorders on the streets.

Thirty-five police officers received various bodily injuries and wounds.

On the instructions of the Head of the State, in order to investigate the facts of the mass disorders as well as the reasons and conditions for their development, an inter-agency investigation team under a special prosecutor has been established and is now operating.

As of today, **six** persons have been identified as the organizers of the mass disorders. Their names are: Saktaganov, Dzharylgasinov, Irmuhanov, Dosmagambetov, Utkilov and Tuletaeva. They have been charged under Article 241, part 1, of the Criminal Code and are all under arrest.

Along with the **23** active participants in the mass disorders, **11** individuals who set fires and looted have been identified and arrested. Most of them confirmed the fact of organizing and participating in the insurgencies.

In particular, they stated that they had been preparing for the insurgencies in advance and had involved a group of young people who had prepared Molotov cocktails and armed themselves with improvised weapons.

In the course of the investigation, following the appeal of the specially established public commission, and taking into account the personal characteristics, extent of guilt and marital status of the individuals concerned, the measures of restraint for 11 individuals have been downgraded, to ones which do not involve arrest.

The work to identify and detect other organizers and participants in the mass disorders continues.

Simultaneously, by order of the Head of State, the legitimacy of the actions of the police officers that took part in restoring public order is being ascertained.

Special attention is being devoted to the use of weapons.

The investigation has shown that, in most cases, the police officers acted in accordance with the law in the presence of a real threat to the lives and health both of the civilians and of the police officers themselves.

Nevertheless, in some cases, the use of weapons and special devices by the police was disproportionate, and the reaction to the acts of the attackers was unequal to the threat, and led to the death and injury of people.

For the improper performance of his duties resulting in the absence of action to prevent illegal actions by his subordinate, the deputy head of the Department of Internal Affairs (DIA) of Mangystau province Mr. Utegaliev, who was in charge of the police squad, is being called to criminal account.

For the use of weapons with an excess of authority, leading to the death of people, the following are being called to criminal account:

- The head of the anti-extremist division of the DIA of Mangystau province, Mr. Bagdabaev;
- The first deputy head of the Office of Internal Affairs of the town of Zhanaozen, Mr. Bakytkaliuly;
- The police inspector of the DIA of Mangystau province, Mr. Zholdybaev.

An investigation has been carried out to evaluate the death of Kenzhebaev Bazarbai, who according to the statement of his relatives died because of the physical injuries that he suffered in the Temporary Detention Facility of the Office of Internal Affairs of the town of Zhanaozen.

As a result, the Head of the Temporary Detention Facility of the Office of Internal Affairs of the town of Zhanaozen, Mr. Temirov, who permitted the illegal detention of Mr. Kenzhebaev and did not arrange timely hospitalization for the latter, is being called to criminal account.

At the same time, measures are being taken to identify those who beat the deceased.

Illegal actions by the local executive officials and heads of oil enterprises contributed to the growth of social tension and the long-lasting strike of the oil workers that resulted in the mass disorders.

The financial police discovered that the above-mentioned officials, contrary to the interests of the people of the town, had for several years been stealing funds allocated for social and economic support of the local population and workers in the oil industry.

The investigation has revealed that both the former and the current mayors of the town of Zhanaozen, Mr. Babahanov and Mr. Sarbopeeov, have been stealing funds through the *Zhanashyr* and *Zharylkan* public endowments.

The endowments accumulated sponsorship money of JSC “EP *Kazmunaigaž*” allocated for the social support of the townsfolk.

Most of the money would later on be turned into cash and embezzled.

The officials and heads of endowments concerned are being called to criminal account.

A criminal case based on Article 176, part 3, subparagraph b, of the Criminal Code has been started against the heads of JSC “EP *Kazmunaigaž*” and *Kompaniya Munai Ecologiya, LTD Miroshnikov* and *Baimuhambetov* for the theft of 335 million tenges that belong to JSC “EP *Kazmunaigaž*”.

A criminal case based on Article 176, part 3, subparagraph b, of the Criminal Code is under investigation against the former director of *OzenMunaiGaz*, Mr. Eshmanov, and his deputy, Mr. Markabaev, who are accused of stealing 127 million tenges that belong to JSC “EP *Kazmunaigaž*” in collusion with the director of *Burgylau LTD*, Mr. Seitmagambetov.

One of the reasons for the mass disorders was the active efforts of some individuals who persuaded fired workers to continue their protests and to violently oppose the authorities.

Experts found evidence of the call to enflame social hatred in the propaganda materials that the individuals mentioned distributed.

On the basis of this fact, the National Security Committee is carrying out investigations and has started a criminal case in accordance with Article 164, part 3, of the Criminal Code.

During the investigation, a number of leaders and active members of the unregistered public unions *Alga* and *Halyk Maidany*, Mr. Kozlov, Ms. Amirova and Mr. Sapargali, who are suspected of enflaming social hatred, have been detained.

The events that took place in the village of Shetpe require separate comment.

On 17 December 2011, a group of people blocked the railroad connection, tore up railroad tracks and damaged transport infrastructure facilities at the railroad station of Shetpe in Mangystau province.

These actions interfered with normal transport operations, and seven passenger and nine freight trains were halted for several hours.

When the police tried to prevent the illegal actions, they were attacked by individuals who used weapons, Molotov cocktails and stones; five police officers received various injuries and burns.

After firing several warning shots, the police were forced to use live ammunition. Eleven of the attackers were wounded, and one died.

The investigation reached the conclusion that, in this case, the use of weapons was legal.

As of today, three individuals – Mr. Bakytzhan, Mr. Sabirbaev and Mr. Zhilkishiev – are being called to criminal account for organizing mass disorders and for using violence against the representatives of authority.

Another 12 individuals are charged with participating in the mass disorders, using violence against the representatives of authority and damaging means of transportation and railroads.

Investigations into all the cases mentioned are ongoing. The results of the investigations will be reported regularly.

Concerning the arrest of the editor-in-chief of *Vzglyad* newspaper, Mr. Igor Vinyavskiy, a criminal case has been initiated under Article 170, part 2, of the Criminal Code (Article 170, part 2. Exhortation to the forcible overthrow or changing of the constitutional order, or forcible disruption of the territorial integrity of the Republic of Kazakhstan by means of the mass media). The Prosecutor of Almaty authorized the search of Mr. Vinyavskiy's place of residence and work.

According to the findings of the investigation, the unlawful activity which Mr. Vinyavskiy is suspected of engaging in is not linked to his activity as a journalist or as the editor-in-chief of the *Vzglyad* newspaper.

He is suspected of organizing the dissemination of leaflets, the content of which have been determined to break the laws of Kazakhstan.

The investigation is still in progress and we will update the participating States on its course.

Thank you!