

# AMNESTY INTERNATIONAL

## Public Statement

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### **Kazakhstan: Workers' rights: trade unionist Nurbek Kushakbaev jailed on trumped up charges**

The authorities in Kazakhstan must demonstrate full respect for the rights to freedom of association and peaceful assembly, and in particular should immediately and unconditionally release Nurbek Kushakbaev and end their attack on independent trade union movements.

Trades union activist Nurbek Kushakbaev, a labour inspector for the trade union organization of the oilfield service enterprise Oil Construction Company (OCC), was found guilty on trumped up, far-fetched charges of inciting an illegal strike. He was sentenced by a court in Astana on 7 April to two and a half years' imprisonment under Article 402 of the Criminal Code, for inciting participation in an illegal strike.

The arrest and conviction of Nurbek Kushakbaev is just one link in a long chain of events that will lead to the eventual destruction of the independent trade union movement in Kazakhstan.

Nurbek Kushakbaev was accused of inciting an illegal strike after hundreds of oil workers in Mangistau oblast' began a hunger strike at the beginning of January 2017, as a part of protest against the liquidation of the Confederation of Independent Trades Unions of Kazakhstan (CIDUK). This protest was in response to the fact that one of the largest trade unions in the country was unable to pass state re-registration, despite repeated attempts to do so. On 4 January, a court ordered the liquidation of the CIDUK as well as the trade union of domestic workers, health workers, and metal workers, which are members of the confederation.

Nurbek Kushakbaev was one of the leaders of the hunger strike, which lasted for two weeks, from 5 to 21 January 2017. Around 600 members of the OCC trade union took part. Nurbek Kushakbaev and the chair of the OCC Trade Union, Amin Yeleusinov, were arrested a day before the end of the hunger strike, on 20 January, and were taken in handcuffs from Aktau to Astana. Amin Yeleusinov was charged under Article 189 of the Criminal Code, "misappropriation or embezzlement" of property and awaits trial. In the period 19 – 24 January, 63 oil workers were detained and brought before the court. They were all fined between 489,000 and 1.22 million tenge (US\$140 and US\$360).

In addition to his prison sentence, Nurbek Kushakbaev must also pay the "offended party" 25.2 million tenge (\$83,000). He is also banned from involvement in civic activism for two years after his release.

At the end of February the International Trade Union Confederation demanded the release of Amin Eleusinov and Nurbek Kushakbaev and criticised the liquidation of the CIDUK.

Nurbek Kushakbaev's arrest and imprisonment are in violation of the International Covenant on Economic, Social and Cultural Rights, which Kazakhstan has ratified. Under Article 7 of the ICESCR, states have an obligation to "recognize the right of everyone to the enjoyment of just and favourable

conditions of work". Under Article 8, states must ensure the rights of workers to form and join trade unions and to strike. Nurbek Kushakbaev should be immediately and unconditionally released

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