



THE STORY OF
"THE DEMOCRATIC CHOICE OF KAZAKHSTAN"
OPPOSITION MOVEMENT



The year 2016 marks the 15th anniversary of the establishment of the largest opposition movement in the history of Kazakhstan

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Table of contents:

1. INTRODUCTION.....	4
2. DCK FORMATION – PRECEDING EVENTS.....	4
3. DCK CREATION.....	5
4. PERSECUTION OF DCK LEADERS.....	6
5. CRIMINAL PERSECUTION AGAINST MUKHTAR ABLYAZOV.....	7
6. CRIMINAL PERSECUTION AGAINST GALYMZHAN ZHAKIYANOV.....	8
7. DCK SCHISM.....	9
8. TRANSFORMATION OF THE MOVEMENT INTO A PARTY.....	10
9. DCK DELEGALISED.....	10
10. CONCLUSIONS.....	12
List of sources.....	13
THE ATTACHMENT. THE MEMORANDUM OF 3 APRIL, 2002, BETWEEN KAZAKHSTAN’S FOREIGN MINISTRY AND THE EMBASSIES OF FRANCE, GREAT BRITAIN AND GERMANY ON THE CASE OF GALYMZHAN ZHAKIYANOV.....	16

1. INTRODUCTION

The Democratic Choice of Kazakhstan (DCK) was the largest opposition movement in Kazakhstan of the past 25 years. The DCK's leaders gained support not only among the political elite, but also among the country's populace, cultural figures and the media. DCK openly opposed the monopolisation of power structures by Nursultan Nazarbayev and his inner circle. The story of the DCK serves as a perfect illustration of the core issues of the Kazakh authoritarian regime: all the competences were focused in the hands of a closed circle of decision makers with the President Nursultan Nazarbayev at the helm. For opponents and independent journalists, public protest against the policies of Nazarbayev's clan may result not only in a long prison term and attempts on their lives, but it may also lead to the all-out persecution of close friends and family members both in Kazakhstan and beyond its borders.

2. DCK FORMATION – PRECEDING EVENTS

In the very first years after Kazakhstan gained independence, the majority of high-ranking positions in the state were occupied by persons originating directly from the old party nomenklatura. It was only in the mid-90s that, on the initiative of President Nursultan Nazarbayev, the reins of power were starting to be handed over to people of younger generations who had already proven themselves in the business field – Mukhtar Ablyazov, Galymzhan Zhakiyanov, Nurlan Smagulov, Nurlan Kapparov, Sawat Mynbaev, Bulat Abilov amongst others.

The major financial & industrial groups (FGIs) were created in 1998-99 by **Mukhtar Ablyazov** and **Nurzhan Subkhanberdin**.

Mukhtar Ablyazov began his expansion in the sphere of business after the collapse of the Soviet Union. He established a large conglomerate 'Astana-Holding', purchased the national TV channel 'Tan' and several regional TV channels; for some time, he was deputy chairman of the board and shareholder of Kazkommertsbank. In 1995, Ablyazov bought a share in Kazakhstan's sugar industry; however, as he stated, he was forced to leave the business, as it was in conflict with the interests of the president's family. In 1997, Mukhtar Ablyazov began to work in the public sphere; he became president of the KEGOC company.

Ablyazov's FGI included Bank TuranAlem (which later became one of the system-founding banks of Kazakhstan), Temirbank, Astana-holding (which became a major company) and the companies Aral-sol, Kostanayasbest, Astana-motors which were founded amongst numerous others. The interests of these financial and industrial groups were concentrated in the extraction industry, the grain market, banking and automotive sectors. They were supported by a number of influential mass-media outlets: Tan ("morning") TV channel, newspaper "Delovoe obozrenie Respublika" (its then owners being Muratbek Ketebayev, Irina Petrushova and the newspaper's journalists).

The other FGI – that of **Subkhanberdin** – was to a large extent, a banking group which included one of the then largest Kazakh banks, the Kazkommerzbank.

There were also the pro-governmental FGIs – those of Timur Kulibaev (its main asset being the National Bank of Kazakhstan), Vladimir Ni – Vladimir Kim (main asset – the Kazakhmys), Aleksandr Mashkevich – Patokh Shodiev – Alidzhan Ibrahimov (main asset – ENRC) and a number of smaller concerns.

In the years 1998-1999, Mukhtar Ablyazov held the post of the Minister of Energy, Industry and Trade of the Republic of Kazakhstan. Ablyazov noted that he had developed a programme to diversify the economy; he promoted the transfer of part of the powers to regions; he planned to introduce market principles of tariff regulation, etc. However, over time, Nazarbayev began cutting back Ablyazov's competences. In 1999, Ablyazov resigned from government service, having noticed that Nazarbayev's methods of governance prevent the implementation of systemic reforms.

Abylyazov and his associates understood that without political reforms, the country had no future. **In early 2000, Mukhtar Abylyazov and Galymzhan Zhakiyanov decided to create a movement** that would advocate reform and strive to change the political regime through democratic and legal methods (by working with the community, through elections, the creation of a parliamentary faction, etc.). According to Abylyazov, the overthrow of Nazarbayev was not an objective of this association: *“The authorities, which ultimately fulfill the requirements of society, would continue to govern the country, but this would be done under the control of the citizens”*. [\[1\]](#)

Witnesses and participants of those events point to the following **factors which led to the establishment of the DCK**: the absence of fair elections, the rise in authoritarianism, arbitrariness on the part of law enforcement agencies, the prevalence of family and clan relations in politics and the economy etc. There is a theory which states that the establishment of the DCK was connected with the conflict between Mukhtar Abylyazov and Rakhat Aliyev, yet, according to oppositionist Vladimir Kozlov, Rakhat Aliyev was merely one of the champions for the establishment of the DCK. [\[2\]](#)

3. DCK CREATION

On 18 November, 2001, a group of well-known Kazakh government officials and business people, headed by Mukhtar Abylyazov and Galymzhan Zhakiyanov, announced the formation of an oppositionist movement “the Democratic Choice of Kazakhstan” (DCK). The organisers planned to publicly announce the founding of the DCK in the autumn of 2002. According to one Galymzhan Zhakiyanov, premature disclosure of information on the establishment of the DCK resulted from the statement of Rakhat Aliyev on 16 November, 2001, in which he said: *“... so that we struggle with all the evil spirits which prevent the healthy forces in society from working, breathing peacefully and freely”*. [\[3\]](#)

The policies of the DCK included empowering parliament, direct elections for regional authorities, introducing election and judiciary reforms as well as granting more freedom to the media. The founders of the new organisation were, among others (the list is non-exhaustive):

- Akim of the Pavlodarsk region **Galymzhan Zhakiyanov**;
- President of the board of Temirbank **Mukhtar Abylyazov**;
- Deputy Prime Minister **Oraz Dzhandosov**;
- Deputy Minister of Defence **Zhannat Ertlesova**;
- Minister of Labour and Social Protection **Alikhan Baymenov** ;
- Deputy Minister of Finance **Kayrat Kelimbetov**;
- President of the management board of Kazkommerzbank **Nurzhan Subkhanberdin**;
- Members of Parliament **Tolen Tokhtasynov, Serik Konakbaev** and **Bulat Abilov**;
- Kazakhstan national artist **Asanali Ashimov** [\[4\]](#);
- President of the Kazakh agency for the regulation of monopolies, protection of competition and support for small enterprises **Berik Imashev**.

This new movement also received support from a number of civil activists, amongst them, the economist and opposition politician **Muratbek Ketebayev** (was considered to be one of the movement’s ideologists), the politician **Altynbek Sarsynbaev** [\[5\]](#) (although he openly sided with the opposition only in 2004 [\[6\]](#)) and others.

On 19 January, 2002, in the Almaty, a **founding meeting of the DCK** was held; it was attended by approx. 1000 delegates from all regions. Among them were representatives of various parties, including

the Communist Party of Kazakhstan, the Republican Party of Kazakhstan, the 'Pokoleniye' ['Generation'] movement and others. [7] The meeting was broadcast by the 'Tan' TV channel. On 20 January, 2002, in Almaty, a rally, organised by the DCK, was held. According to the head of the Main Directorate of Internal Affairs, the event was attended by no more than 2,000 people, but Oraz Zhandosov later claimed that 5,000 had participated in it. [8] The movement was joined by more and more participants. More than 6,000 people have become members of the DCK. [9]

4. PERSECUTION OF DCK LEADERS

The acting authorities' reaction to the establishment of the DCK was extremely negative. As noted by opposition politician Serikbolsyn Abdildin, who was holding the position of the first secretary of the Communist Party of Kazakhstan at that time, *"What Nazarbayev feared the most was not democracy, but that he would lose his seat"*. [10] Under pressure from the security services, the DCK participants were denied the provision of premises for their meetings. [11] Officials began to openly oppose the DCK.

On 20 November, 2001, the Prime Minister of the Republic of Kazakhstan, Kasymzhomart Tokayev stated: *"Some of our citizens, representing the business elite, and even civil servants, who have become rich people over the 10 years of independence, have decided to wage an information war against their own government, insulting and blackmailing the government and parliament. (...) Therefore, I believe that democracy is not a toy in the hands of 'kiddie surprises' of politics."* The premier suggested that Nazarbayev dismissed DCK members from government posts: *"(...) in order to remove non-professionals and intriguers from their positions."* [12]

On 25 January, 2002, at a meeting of akims [governors], Nazarbayev stated: *"... this whole group is only good for comedy shows, and not for the country's political life. The authorities just have to stop this farce. I have instructed the General Prosecutor's Office along with the Ministry of Internal Affairs to analyse all the speeches of the politicians and the press over the past three months and to bring to justice all those who deserve it, in accordance with the law"*. [13]

The publicly available materials were greatly enriched by the letter of the President of the Agency of financial police, Bolatbek Bulgakbaev, sent to all regional branches with a demand that they locate the relatives, families and friends of prominent DCK activists, ascertaining their occupations and conducting a thorough security check in order to (desirably) discover any violations of the law they may have committed. [14], [15]

Members of the opposition movement were removed from their official duties and a series of criminal cases being levied against them. And so, on 20 November, 2001 (barely two days after the founding of DCK was made public) **Galymzhan Zhakiyanov** was relieved of his duties as governor of the Pavlodarsk region. Four of his deputies and around two dozen employees of the Pavlodarsk regional and local administration authorities also lost their jobs.

Other DCK founders were dismissed from official government posts – Oraz Dzhandosov, Zhannat Ertlesova, Alikhan Baymenov, Kayrat Kelimbetov and a number of others. Bulat Abilov also lost his parliamentary mandate. According to Ablyazov, Nazarbayev intimidated some DCK members, including Kayrat Kelimbetov and Erzhan Tatischev who subsequently left the movement. Kayrat Kelimbetov was reinstated to a prominent position in the government (Minister of the economy and budgetary planning) after some months had elapsed, however, this was on the condition that he denounced all opposition activity. [16] According to Ablyazov, while he was doing time in the period between July 2002 and May 2003, Erzhan Tatischev was forced to transfer, on a free of charge basis, 9% of the shares of the 'TuranAlem' bank to Nazarbayev's representatives.

The authorities also undertook to limit the information available on the DCK and its reformation platform. The TV channels which covered the DCK activities, including the Almaty-based TAN and Irbis

from Pavlodarsk, were shut down without any prior notice having been given. In March 2002, the transmitting feeder of the TV channel 'Tan' was shot; as a consequence, the channel could not broadcast programmes for a long time. According to Ablyazov, it was workers of Nazarbayev's security services who shot on the feeder. [17] Under pressure from the government, publishing houses refused to print DCK materials.

As well as being removed from official duties and posts, the leaders of the new movement became the targets of a wave of repression. By the end of December, 2001, two former deputies to Galymzhan Zhakiyanov of the Pavlodarsk region – Sergey Gorbenko and Aleksandr Ryumkin – were presented with charges of abuse of office. On 04 January, 2002, a similar charge was brought against Zhakiyanov himself. A criminal case on charges of abuse of office and misappropriation of funds was also initiated against Mukhtar Ablyazov. [18]

Following the arrest of Ablyazov and Zhakiyanov, Nazarbayev admitted to Serikbolsyn Abdildin: "*Seke, they have almost overthrown me*". [19]

5. CRIMINAL PERSECUTION AGAINST MUKHTAR ABLYAZOV

Mukhtar Ablyazov was first persecuted as early as in 1999, as a result of the conflict with Nazarbayev. According to Ablyazov, after he openly spoke against Nazarbayev's methods of governance and refused to take a number of government posts, the president instructed the chairman of the NSC, Alnur Musayev, to find a reason to initiate a criminal case against him. Following the issuance of this order, Ablyazov was regularly called in for questioning. The fabrication of the criminal case against him was another factor which prompted Ablyazov to establish the DCK. [20]

After the founding of the oppositionist movement was made public, Mukhtar Ablyazov was once again subjected to threats and demands by Nazarbayev. According to Ablyazov, the president wanted him to return to public service, cease his opposition activity and to transfer his shares. **As a result, Ablyazov was subjected to criminal persecution.** In 2002, he was charged with illegal participation in economic activity (Art. 310, section 1 of the CC of the RK) and abuse of office (Art. 307, section 3 of the CC of the RK). The essence of the accusations was that Ablyazov had allegedly been involved in illegal debt relief, by which he caused damage to the state company KEGOC in the amount of 557 million 600 thousand tenge (approx. 3 million 700 thousand euros). [21]

On 27 March, 2002, Mukhtar Ablyazov was arrested. International observers from Human Rights Watch [22], Amnesty International [23], the European Parliament [24] and the US Department of State [25] noted that the court case was characterized by numerous procedural errors, an insufficient evidence base and incoherence in witness testimonies which could indicate that the criminal persecution of Mukhtar Ablyazov had underlying political motivation.

According to Ablyazov, this was an unprecedented case, as his case was examined before the Supreme Court immediately. The General Prosecutor's Office of Kazakhstan stated that the charges against Mukhtar Ablyazov are "*reasonable and supported by evidence, available in the case*" and the case was transferred to the Supreme Court which had jurisdiction. [26] The Supreme Court's decision is final and not subject to appeal. Ablyazov's trial lasted less than a month. **On 18 July, 2002, the Supreme Court of the Republic of Kazakhstan sentenced Ablyazov to six years' imprisonment** for abuse of power and illegal entrepreneurial activities.

Following Ablyazov's incarceration, many of his assets were seized and forcibly transferred to nominal owners of the president. Ablyazov notes that these seizures were effected not on court orders, but following the issuance of informal instructions, given by Nazarbayev.

During his sentence in the penal colony, Ablyazov was subjected to beatings and psychological pressure on numerous occasions. On 07 December, 2002, due to a breach of the prison's regime (a notebook which he was using to write a book had been found in his cell) he was placed into an isolation detention facility for 15 days. As means of protest, Ablyazov announced that he would go on hunger strike. After the incident, he was transferred from the Granitny general regime colony to the Derzhavinsk penitentiary (both facilities are in the Akmolinsk region). After the transfer, he was not permitted any visitors: his lawyers were prevented from seeing him for three weeks.

On 13.05.2003, President Nursultan Nazarbayev signed a warrant of pardon for Mukhtar Ablyazov, excusing the latter from the remainder of his prison term. This step was motivated by the widespread coverage that the Ablyazov case had received in the international community, and resolution of the European Parliament [\[27\]](#) in his support. **One of the conditions of Ablyazov's release was his cessation of political activity**, on which Nursultan Nazarbayev insisted.

Ablyazov filed a petition for clemency, but this decision was a political gambit by Ablyazov aimed at regaining his freedom. The decision was supported by the DCK. On 14.05.2003, during a press-conference in Almaty, Mukhtar Ablyazov stated that he had written the plea for mercy to the President himself, in person, and that he had not been subjected to any pressure. Ablyazov also claimed that he would cease his political activity with the DCK and would continue his work as a businessman.

6. CRIMINAL PERSECUTION AGAINST GALYMZHAN ZHAKIYANOV

On 29.03.2012, Kazakh police undertook a failed attempt to detain Galymzhan Zhakiyanov. At 2 am, around 20 police officers surrounded one of the hotels in the centre of Almaty, where Zhakiyanov was residing at the time. In an attempt to avoid arrest, he found refuge in a complex of buildings belonging to the French, UK and German embassies. After five days of negotiations between the three embassies on the one hand and the Kazakh Ministry of Interior on the other, a memorandum **was finally signed** (*see Attachment*), according to which Zhakiyanov was guaranteed a fair and transparent trial, house arrest throughout the period of preliminary investigations and access to EU diplomats. The embassies also committed to appointing their respective representatives to escort Zhakiyanov to his place of residence at Pavlodar.

However, as early as on 10 April, 2002, **the Kazakh authorities promptly breached the conditions of the memorandum**: Zhakiyanov was forcibly delivered to Pavlodar onboard a military aircraft, where he was detained until 15 July, 2002 (i.e. the first day of the trial) at the 'Pavlodarsol' company barracks under armed guard. [\[28\]](#)

Zhakiyanov was charged with abuse of office during his term as governor of the Pavlodarsk region. The investigators claimed that some companies had been privatised following their artificial undervaluation and that the state treasury had suffered losses as a result of storages exchange. [\[29\]](#)

The investigators repeatedly ignored doctors' advice on Zhakiyanov's hospitalisation and continued with the prolonged interrogations. **On 18 May, 2002 Zhakiyanov suffered a heart attack after two days of continuous interrogation** by the investigator I. K. Kusainov. On 06 June, 2002 he was admitted to the cardiac emergency ward of Pavlodarsk hospital.

The observers of the court trial, amongst them foreign diplomats, noted that the trial was marred by numerous serious irregularities (for example, the inclusion of witness testimonies which had been extracted under pressure and an insufficient evidence base).

Torture was also used against witnesses in order to extract incriminating evidence against Galymzhan Zhakiyanov. At least two of Zhakiyanov's subordinates were beaten at a police station in a bid to force them to give incriminating evidence against the former governor. One of the witnesses (who remains

anonymous) spoke of the events that transpired at the police station: *“When I answered that I knew Zhakiyanov personally, the police officer told me: ‘He is an enemy of the people’, and then he listed some paragraphs, telling me I also fitted that description. Then he said: ‘Put him against the wall’. And after that, upon the chief’s orders, some people started beating me in my kidneys, all of them asking: ‘Who is it that Zhakiyanov is meeting? Where is his family now?’. I said I didn’t know. Then they started getting on my psyche, and then, as I was sitting down, the chief gave me a kick in the head, and there was blood. Then it was all over... afterwards I wrote where I worked, gave them my home address and stuff, and the chief said: ‘We’ve got prisons, isolation facilities, colonies; you start wagging your tongue, we’re gonna break you down, you and your family, we’re gonna do things you can’t imagine’, - and then he started talking about needles under fingernails...”* [30]

On 02 August, 2002, Galymzhan Zhakiyanov was sentenced to 7 years’ imprisonment for “abuse of power and official authority”. The European Parliament deemed the sentence ‘politically motivated’. [31] International organisations Amnesty International and Human Rights Watch cited Zhakiyanov as a political prisoner. [32]

Galymzhan Zhakiyanov began to serve his sentence in a special regime penal colony of Kushmurun (Kostanaysk region), but in 2004, he was transferred to Shiderty (Pavlodarsk region). On 14 January, 2006, a special delegated commission on penal cases of the Pavlodarsk district court supported the ruling by Ekibastuzsk city court (dated 14 December, 2005) on **conditional parole for Galymzhan Zhakiyanov**. [33]

Galymzhan Zhakiyanov currently resides outside the borders of Kazakhstan and he is not involved in any opposition activity. [34]

7. DCK SCHISM

Due to the pressure from the Kazakh authorities, aimed at preventing the activities of the DCK, disagreements about the future path of the association’s development arose among its leaders. The **‘moderate wing’**, fearing political repressions, decided to branch off into a separate political party. The wing opposed the idea of cooperation with others forces opposed to Nazarbayev (including the members of the Communist party and the Republican National party).

The **‘radical wing’**, including Ablyazov and Zhakiyanov, insisted on uniting the DCK with the existing opposition forces, which resulted in the aforementioned assembly on 19 January, 2002, after which DCK united in its ranks all the anti-Nazarbayev democratic opposition forces.

On 29 January, 2002, members of the ‘moderate wing’, headed by Alikhan Baymenov, announced their intention to create a political party – **“Ak Zhol”** (Kazakh: ‘the luminous path’). Aside from Baymenov, the leadership of the party included Oraz Dzhandosov (President of the board of the Financial Association of Kazakhstan), Daulet Sembaev (Head of the Financial Association of Kazakhstan) and other politicians, who formerly held high-ranking government offices. [35]

‘Ak Zhol’ Party was registered on 03 April, 2002. The party failed to avoid internal differences of opinion: as in February, 2005, a conflict emerged between the co-presidents of the party with Alikhan Baymenov and Lyudmila Zhulanova on one side, and the co-presidents Bolat Abilov, Oraz Dzhandosov and Altynbek Sarsenbaev on the other. As a result, on 15 March, 2005 the party officially announced a split. This, in turn, resulted in the founding of a new party – **Nastoyashhiy [i.e. ‘the real’] Ak Zhol** unregistered and operating in parallel to the existing ‘Ak Zhol’ party. The Nastoyashhiy Ak Zhol ranks were joined by the most opposition-minded leaders: Altynbek Sarsenbaev, Tulegen Zhukeev, Oraz Dzhandosov and Bolat Abilov.

Alikhan Baymenov subsequently became the sole president of the 'Ak Zhol' party. Presently, the 'Ak Zhol' party continues its activity, positioning itself as 'constructive opposition', but, in practice, it takes the pro-government stance.

8. TRANSFORMATION OF THE MOVEMENT INTO A PARTY

Despite the fact that the DCK leaders: Galymzhan Zhakiyanov and Mukhtar Ablyazov were jailed for long periods of time, the movement continued its active functioning. It was at this time that DCK became known internationally. In its resolution on Kazakhstan dated 13 February, 2003, the European Parliament pointed to the politically motivated charges against Mukhtar Ablyazov and Galymzhan Zhakiyanov; the unjust conviction of independent journalists Sergey Duvanov and Irina Petrushova; the persecution of the press, opposition groups and religious minorities; systematic obstacles engineered by the authorities in the spheres of registration of political parties and public organisations; the excessive concentration of powers in the hands of the president; the prevalence of the practice of torture and ill-treatment by law enforcement officials in Kazakhstan. [36]

Following the incarceration of Ablyazov and Zhakiyanov, key posts in the DCK were filled by **Tolen Tokhtasynov** (head of the DCK political council), **Asilbek Kozhakhmetov** (initially as first deputy president, and later, president), **Bakhyt Tumenova**, **Vladimir Kozlov** (members of the political council). [37] The movement gradually began to diverge into two factions: those who supported Ablyazov and those who supported Zhakiyanov.

Ablyazov himself stated publicly after his release that he would cease his involvement in the movement. As a matter of fact, **while conducting his business activities in Russia, he was secretly providing financial support to DCK.** *'Mukhtar Ablyazov left DCK only in the eyes of the general public, but as a matter of fact, his presence was to be felt everywhere – from the management posts in the central and the regional branches, to the most important element, that is, strategy'* [38], - as recalled by Gulzhan Ergalieva, a member of the DCK political council at that time.

A course was set to transform the movement into a political party. **In February, 2004, the founding convention** was held for the National Party 'the Democratic Choice of Kazakhstan'. During the convention, Asilbek Kozhakhmetov announced the manifesto of the party and was elected President of the Political Committee Presidium for NP DCK. On 04 May, 2004, the Kazakhstan Ministry of Justice registered **the National 'Party the Democratic Choice of Kazakhstan'**.

On 27 July, 2004 in Almaty, the joint assembly was held by NP DCK and the Kazakhstan Communist Party (KCP), during which the decision was taken to **form a single electoral block for participation in the upcoming 2004 elections to the Majilis of Parliament.** The block was named "Opposition block by communists and DCK".

According to the election results, the communists and DCK received 3.44% votes and failed to overcome the electoral threshold. In the majority of single-mandate constituencies, none of the block representatives managed to win a seat. Observers from OSCE and the Council of Europe deemed that the 2004 parliamentary elections had *'failed to meet international standards'*. [39]

9. DCK DELEGALISED

On 11 December, 2004, the 2nd NP DCK assembly was held, during which a new party president was elected – the then-imprisoned Galymzhan Zhakiyanov. The assembly also approved a letter to President Nazarbayev on the situation of Zhakiyanov, statements in support of the Ukrainian democratic oppositionist as well as a political party statement on the non-legitimacy of the elected state authorities

in view on the parliamentary elections having failed to meet democratic standards. **The party called on members of society to exercise their rights to civil disobedience.**

Based on this very statement, the Almaty prosecutor's office accused NP DCK of promoting goals aimed at the disruption of the functioning of state authorities, violating the Kazakhstan constitution and the legal act "On political parties". As a result, the prosecutor's office submitted a motion for the liquidation of legal entity NP DCK.

On 06 January, 2005, on the basis of a filed motion, **the Special Almaty economic court issued an order on the liquidation of NP DCK** in connection with charges of "political extremism" and "incitement of social enmity and hatred". On 09 January, 2005, the appeal authority of Almaty city court upheld the first instance court order in its original form.

The international organisations Freedom House and Human Rights Watch harshly criticised the court's decision to ban the party. [\[40\]](#) *"This ruling represents a troubling step backwards for those who had hoped for genuine progress towards democracy in Kazakhstan"*, - Jennifer Windsor, Executive Director of Freedom House, stated.

Opposition activists blamed the Kazakh authorities for resorting to repression aimed at rendering a *velvet revolution* in the country impossible. [\[41\]](#)

On 29 April, 2005, members of the liquidated NP DCK issued a statement on the founding of a **new democratic orientation party in Kazakhstan – 'Alga' National Party**, which was to succeed DCK. Initiators of the party's foundation included Kazakh civil activists – Bolat Atabaev, Batyrkhan Darimbet, Zhumabay Dospanov, Zhenis Doszhanov, Marat Zhanuzakov, Sagat Zhusip, Utegen Ihsanov, Asylbek Kozhahmetov, Vladimir Kozlov, Igor Kolov, Gulnara Kurbanbaeva, Adilzhan Kinzhegaleev, Viktor Novikov, Mikhail Sizov, Bahyt Tumenova, Banijamin Fajzulin, Kazis Toguzbaev. The first founding assembly of the National Party 'Alga!' was held on 23 July, 2005.

Throughout its existence from 2005 to 2012, the party was not registered, despite all the necessary steps for registration having been undertaken. The party has repeatedly submitted documents to the Kazakhstan Ministry of Justice with the aim of registering along with signatures of party members (the numbers of whom varied from 40 to 655 thousand). The ministry, however, denied the applications for party registration under various pretenses. [\[42\]](#)

On 21, December 2012, the Almaty district court accepted the submitted request from the prosecutor's office, listing 'Alga!' as an extremist organisation; as a result, the party was banned from political activity in Kazakhstan. The resolution was taken based on the sentence against its leader, **Vladimir Kozlov**, who was accused by the Kazakh prosecutors of having colluded with Mukhtar Ablyazov and founded an organised criminal group to support the striking oil workers in Zhanaozen, thereby 'provoking' the tragedy that followed on 16-17 December, 2011. [\[43\]](#), [\[44\]](#), [\[45\]](#), [\[46\]](#)

On 08 October, 2012 Vladimir Kozlov was sentenced to 7.5 years' imprisonment with confiscation of property on charges of "incitement of social hatred", "calls to overthrow the constitutional order" and "the founding and leading of an organised criminal group". International human rights organisations and governments of democratic countries deemed Vladimir Kozlov to be a political prisoner. Strong condemnation of Kozlov's sentence and the Kazakh authorities also followed from: the European Parliament [\[47\]](#), the US Department of State [\[48\]](#), Amnesty International [\[49\]](#), the Polish Bar Association, Freedom House [\[50\]](#), Civic Solidarity [\[51\]](#), Norwegian Helsinki Committee [\[52\]](#), High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton [\[53\]](#).

The banning of the DCK and the harassment of its members has become the beginning of the new oppressions of the regime, suppressing any opposition initiative, also by a means of physical elimination of opponents. On 12 November, 2005, three weeks before the presidential elections, the former Akim of Almaty and Chairman of Kazakhstan's Agency for Emergency Situations, **Zamanbek Nurkadilov**, was

found dead. According to the official version, he committed suicide, having fired two shots into his chest, and the third, 'conclusive' shot – into his head. In 2004, Nurkadilov published his statement in which he accused President Nursultan Nazarbayev of corruption and called on him to resign. On 13 February, 2006, **Altynbek Sarsenbayev**, the former Minister of Information and the Secretary of the Security Council of Kazakhstan, was found dead. In 2004, he accused the authorities of rigging the parliamentary elections, and crossed over to the opposition. [54] Thus, two influential members of the elite who have had public support and could have been Nazarbayev's real competitors in elections, were killed.

10. CONCLUSIONS

The story of DCK demonstrates that in Kazakhstan, virtually no possibility exists for political opposition to compete fairly for power, as ought to be seen in democratic countries. Kazakh opposition must, first and foremost, fight to sustain its own existence.

In their clashes with the opposition, the official authorities will stop at nothing – from criminal persecution (Mukhtar Ablyazov, Galymzhan Zhakiyanov) to physical removal (Altynbek Sarsenbaev, Zamanbek Nurkadilov [55]). Opposition parties faces the risk of being deemed "extremist" at any time, thereby being legally banned by court order. This was the very means by which the fate of NP DCK was first sealed, and later NP "Alga!", its successor.

Having dealt with opposition movements in Kazakhstan, the authorities, in violations of the law, have begun to apply the lobbying mechanisms in order to ensure the extradition of opposition leader Mukhtar Ablyazov and his family members, who have political asylum in the EU. Kazakhstan has been striving to illegally influence the law enforcement agencies of the Czech Republic, Spain, Italy, France, Great Britain, thus triggering an international scandal. [56], [57] Opposition journalists and activists who currently reside in Europe, are also subjected to oppression. [58]

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THE ATTACHMENT

THE MEMORANDUM OF 3 APRIL, 2002, BETWEEN KAZAKHSTAN'S FOREIGN MINISTRY AND THE EMBASSIES OF FRANCE, GREAT BRITAIN AND GERMANY ON THE CASE OF GALYMZHAN ZHAKIYANOV

On 3 April, 2002, Zhakiyanov was transferred into the hands of the Kazakh authorities. Several days later, Kazakhstan violated the terms of the memorandum. Zhakiyanov was held in custody in a barrack under armed guard and was subjected to ill-treatment. The trial was held with gross violations. On 2 August, 2002, Zhakiyanov was sentenced to 7 years' imprisonment.

CONFIDENTIAL

MEMORANDUM**between the Ministry of Foreign Affairs of the Republic of Kazakhstan and the Embassies of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany to the Republic of Kazakhstan**

The Ministry of Foreign Affairs of the Republic of Kazakhstan on the one hand, and the Embassies of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany to the Republic of Kazakhstan, on the other hand, taking into account the historically friendly and trusting relationships that exist between these three countries and the Republic of Kazakhstan, and in connection with the situation in relation to a citizen of the Republic of Kazakhstan Mr. G.B. Zhakiyanov who is currently residing within the territory of the shared building, occupied by the three embassies, agreed to sign this Memorandum in order to allow Mr. G.B. Zhakiyanov to leave the building voluntarily.

The Ministry of Foreign Affairs of the Republic of Kazakhstan, acting for and on behalf of the Government of the Republic of Kazakhstan as an authorised body of the Republic of Kazakhstan to conduct affairs with foreign states, acts as a guarantor of the personal security of Mr. G.B. Zhakiyanov.

The Ministry of Foreign Affairs of the Republic of Kazakhstan guarantees that Mr. G.B. Zhakiyanov will have the opportunity to exercise his right to defence with the use of all legitimate methods and means, including the right to legal assistance in accordance with the laws of the Republic of Kazakhstan.

The Ministry of Foreign Affairs of the Republic of Kazakhstan will provide the heads of diplomatic missions of member states of the European Union, accredited to the Republic of Kazakhstan with access to Mr. G.B. Zhakiyanov who will be remanded under house arrest in Almaty.

The Embassies of the French Republic, the United Kingdom of Great Britain and Northern Ireland and the Federal Republic of Germany to the Republic of Kazakhstan hereby undertake to provide an escort for Mr. G.B. Zhakiyanov to the place of his detention under house arrest, in accordance with the provisions of the Protocol, attached to this Memorandum.

Signed on 3 April, 2002 in Almaty

<p>For the Ministry of Foreign Affairs of the Republic of Kazakhstan [signature illegible]</p>	<p>For the Embassy of the French Republic to the Republic of Kazakhstan [signature illegible]</p> <p>For the Embassy of the United Kingdom of Great Britain and Northern Ireland to the Republic of Kazakhstan [signature illegible]</p> <p>For the Embassy of the Federal Republic of Germany to the Republic of Kazakhstan [signature illegible]</p>
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МЕМОРАНДУМ

между Министерством иностранных дел Республики Казахстан и Посольствами Французской Республики, Соединенного Королевства Великобритании и Северной Ирландии, Федеративной Республики Германии в Республике Казахстан

Министерство иностранных дел Республики Казахстан, с одной стороны, и Посольства Французской Республики, Соединенного Королевства Великобритании и Северной Ирландии, Федеративной Республики Германии в Республике Казахстан, с другой стороны, принимая во внимание традиционно дружественные и доверительные отношения, существующие между данными тремя странами и Республикой Казахстан, и в связи с возникшей ситуацией относительно нахождения гражданина Республики Казахстан г-на Жакиянова Г.Б. на территории общего ведения трех Посольств, пришли к соглашению подписать настоящий Меморандум для того, чтобы позволить г-ну Жакиянову Г.Б. добровольно покинуть здание.

Министерство иностранных дел Республики Казахстан, действуя от имени и по поручению Правительства Республики Казахстан как уполномоченный орган Республики Казахстан по ведению дел с иностранными государствами, выступает в качестве гаранта личной безопасности г-на Жакиянова Г.Б.

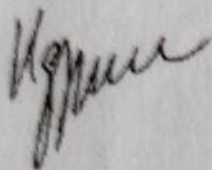
Министерство иностранных дел Республики Казахстан гарантирует реализацию права г-на Жакиянова Г.Б. на защиту всеми законными методами и средствами, включая право использования услуг адвокатов в соответствии с законодательством Республики Казахстан.

Министерство иностранных дел Республики Казахстан предоставит доступ к своим дипломатическим представительствам государств-участников Европейского Союза, аккредитованным в Республике Казахстан, или уполномоченных ими лиц к г-ну Жакиянову Г.Б., который будет содержаться под домашним арестом в Алматы.

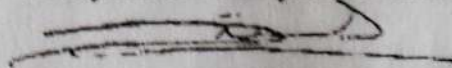
Посольства Французской Республики, Соединенного Королевства Великобритании и Северной Ирландии, Федеративной Республики Германии в Республике Казахстан принимают на себя обязательство обеспечить сопровождение г-на Жакиянова Г.Б. до места его содержания под домашним арестом согласно условиям Протокола, прилагаемого к настоящему Меморандуму.

Подписано 3 апреля 2002 года в Алматы

За Министерство иностранных дел
Республики Казахстан



За Посольство Французской
Республики в Республике Казахстан



За Посольство Соединенного Королевства
Великобритании и Северной Ирландии
в Республике Казахстан

За Посольство Федеративной Республики
Германии в Республике Казахстан

