



## OPEN DIALOG FOUNDATION

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### **The story of *Kazakhstan democratic choice* opposition movement**

***Kazakhstan democratic choice* (KDC) was the second mass opposition movement in Kazakhstan to gain support among the country's populace, being openly opposed to the monopolisation of power structures by Nursultan Nazarbayev and his inner circle. The story of KDC is an outstanding illustration to the very core issues of the Kazakhstan authoritarian regime, where all the power lies in the hands of a closed circle of decision makers with the President Nursultan Nazarbayev at the head, whereas the regime's opponents are inevitably doomed to a life of persecution and eventually, forced emigration from their homeland.**

#### **KDC formation – preceding events**

In the very first years after Kazakhstan gained its 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 in the country began 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, Bolat Abilov amongst others.

The major financial & industrial groups (FGIs) were created in 1998-99 by Mukhtar Ablyazov and Nurzhan Subkhanberdin. The first of the two groups included the Turan-Alem Bank, which later became one of the system-founding banks of Kazakhstan Temir-bank, Astana-holding, becoming one of the major companies, and companies Aral-sol, Kostanayasbest, Astana-motors 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: Tan (“morning”) TV channel, newspapers “Delovoe obozrenie Respublika” (its then owners being Muratbek Ketebaev, Irina Petrushova and the newspaper’s journalists) and “Vremya PO” (owned by Nurlan Ablyazov).

The other FGI – that of Subkhanberdin – was to a large extent, a banking group, whose basis was formed by one of the then largest Kazakhstan banks, the Kazkommerzbank.

There were also the pro-governmental FGIs – those of Timur Kulibaev (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 1999, Nazarbayev started to demand that Mukhtar Ablyazov cede unto him half of the Turan-Alem Bank shares, acting via Rakhat Aliyev, his elder son-in-law, being then a high-ranking official in the law enforcement structures, such as the Kazakhstan National Security Committee (NSC).<sup>1</sup> It was the NSC that instigated criminal cases against Ablyazov and began exerting pressure on him.

The young businessmen – Ablyazov and his peers – understood that Aliyev was being backed by Nazarbayev, but were not able to oppose the President directly, as that would have been dangerous

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<sup>1</sup> from 1999 to 2000 – Head of NSC Department for Almaty and Almaty district; from 2000 to 2001 – first deputy President of NSC

without the backing of the Kazakh people. Therefore, they decided on a different course of action, initiating a campaign against Nazarbayev's son-in-law.

Moreover, Ablyazov and his peers understood that without political reforms, the country had little, if any, future prospects. In order for the reforms to come to be, they decided to initiate a new political movement to instill democratic reforms, therefore bringing about the weakening of the political regime.<sup>2</sup>

The process of preparation for creating such a movement lasted two years.

### **KDC creation**

Preparations to create the KDC began in 1999, and by autumn 2001 a group was formed, consisting of high-ranking officials, business people, social activists, and members of parliament, ready to openly defy both Rakhat Aliyev and the policies and practices of Nazarbayev.

On 18.11.2001, a group of well-known Kazakhstan government officials and business people, headed by Mukhtar Ablyazov and Galymzhan Zhakiyanov, announced the formation of an oppositionist movement "Kazakhstan Democratic Choice" (KDC). The programme of the newly-formed organisation included empowering the parliament, introducing direct elections of regional authorities, introducing election and judiciary reforms, as well as giving more freedom to the media. The founders of the new organisation were, among others:

- Akim of the Pavlodarsk region, **Galymzhan Zhakiyanov**;
- President of the board of Temirbank, **Mukhtar Ablyazov**;
- 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 of Kazkommerzbank **Nurzhan Subkhanberdin**;
- Members of parliament **Tolen Tokhtasynov, Serik Konakbaev and Bolat Abilov**;
- Kazakhstan national artist **Asanali Ashimov**<sup>3</sup>;
- President of the Kazakhstan agency for regulation of monopolies, protection of competition and small enterprises support **Berik Imashev**.

This new movement also received support from a number of civil activists, amongst them, the economist **Muratbek Ketebaev** (one of the movement's ideologists), the politician **Altynbek Sarsynbaev**<sup>4</sup> (although he openly sided with the opposition only in 2004<sup>5</sup>) and others.

### **Persecution of KDC leaders**

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<sup>2</sup> [http://www.ng.ru/ideas/2005-04-26/10\\_nazarbaev.html](http://www.ng.ru/ideas/2005-04-26/10_nazarbaev.html)

<sup>3</sup> <http://rus.azattyq.mobi/a/1882382/full.html>

<sup>4</sup> <http://www.nomad.su/?a=3-201002230032>

<sup>5</sup> [http://www.odfoundation.eu/ru/urgents/1427/fizicheskoe\\_ustranenie\\_politicheskikh\\_konkurentov\\_so\\_storoni\\_rezhima\\_nazarbaeva](http://www.odfoundation.eu/ru/urgents/1427/fizicheskoe_ustranenie_politicheskikh_konkurentov_so_storoni_rezhima_nazarbaeva)

The acting authorities' reaction was an immediate backlash, which resulted in the KDC members being removed from their official duties and a series of criminal cases levied against them. And so, on 20.11.2001 (barely two days after the founding of KDC was made public) **Galymzhan Zhakiyanov** was removed from his duties as the governor of the Pavlodarsk region. Posts were also taken away from four of his deputies and around two dozen of employees of Pavlodarsk regional and local administration authorities.

Official government posts were also taken away from other KDC founders – **Oraz Dzhandosov, Zhannat Ertlesova, Alikhan Baymenov, Kayrat Melimbetov and a number of others. Bolat Abilov** also lost his parliamentary mandate. It is notable that Kayrat Kelimbetov was reinstated to a prominent post in the government after some months' had elapsed (as minister of economy and budget planning), however beforehand, he had publicly denounced any opposition activity.<sup>6</sup>

**The publicly available materials were greatly enriched by the letter of the President of the Agency of financial police, Bolatbek Bulgakbaev, to all regional branches with a demand that they locate the relatives, families and friends of the prominent KDC activists, ascertaining their occupations and conducting a thorough security check to (desirably) discover any violations of the law they may have committed.**<sup>7,8</sup>

The authorities also undertook to limit the information available on KDC and its reformation platform. The TV channels which covered the KDC activities, including the Almaty-based TAN and the Irbis from Pavlodarsk, were shut down without any prior notice having been given.<sup>9</sup> Under pressure from the government, publishing houses refrained from printing KDC materials.

Together with the removal from official duties and posts, the leaders of the new movement became 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 **04.01.2002, a similar charge was brought against Zhakiyanov himself.** A criminal case on charges of abuse of office and misappropriation of funds was also instigated against Mukhtar Ablyazov.<sup>10</sup>

### **Criminal persecution against Mukhtar Ablyazov**

Mukhtar Ablyazov was first criminally persecuted in 1999.

In September 2001, there was also an attempt to detain Mukhtar Ablyazov, but he was immediately released from custody. Mukhtar Ablyazov was detained after former Kazakhstan Prime Minister Akezhan Kazhegeldin on 06 september 2011 was sentenced *in absentia* to 10 years imprisonment on charges of abuse of office.<sup>11</sup>

In November 2001, Ablyazov became the co-founder and main organiser of the opposition movement of "Kazakhstan Democratic Choice". After the founding of the oppositionist movement was made public, Mukhtar Ablyazov was once again subject to criminal persecution, having been charged with misappropriation of financial means, revenue fraud, foundation of a criminal group and abuse of office.

<sup>6</sup> <http://www.ia-centr.ru/expert/6048/>

<sup>7</sup> <http://2002.novayagazeta.ru/nomer/2002/48n/n48n-s13.shtml>

<sup>8</sup> <http://www.http.kub.info/article.php?sid=1772>

<sup>9</sup> The relay feed of TAN channel was gunned down by shooter unknown

<sup>10</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404rus.pdf>

<sup>11</sup> <http://www.fergananews.com/articles/7281>

**On 27.03.2002, Mukhtar Ablyazov was arrested.**

International observers from Human Rights Watch<sup>12</sup>, Amnesty International<sup>13</sup>, the European Parliament<sup>14</sup> and the US Department of State<sup>15</sup> noted that the court case was conducted with numerous trial errors, insufficient base of evidence and incoherence in witness testimonies, which could indicate the existence of political motivation behind Mukhtar Ablyazov criminal persecution.

On 18.07.2002, the Supreme Court of the Republic of Kazakhstan sentenced Ablyazov to six years' imprisonment for abuse of office and illegal entrepreneurial activities.

**During his sentence in the penal colony, Ablyazov was subjected to beatings and psychological pressure on numerous occasions. On 07.12.2002, in view of his breach of the prison's regime (a notebook having been found in his cell, in which Ablyazov was writing a book) he was placed into an isolation detention facility for 15 days. As means of protest, Ablyazov announced he would commence a hunger strike.** After the incident, he was transferred from the Granitny general regime colony to the Derzhavinsk penitentiary (both the locations in Akmolinsk region). After the transfer, he was not permitted any visitors: his barristers 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. Such a step was motivated by the widespread coverage that Ablyazov's case had received in the international community: two resolutions of the European Parliament in his support, as well as a plea for mercy submitted on Ablyazov's behalf.

The decision to submit the plea for mercy was a political gambit by Ablyazov aimed at regaining his freedom. The decision was not spontaneous, and it had the support of the KDC.

On 14.05.2003, during his Almaty press-conference, Mukhtar Ablyazov stated that the plea for mercy to the President was written by himself, in person, and he had not been subjected to any pressure. Ablyazov also claimed that he would stop his political activity with the KDC and would continue his work as a businessman.

**Criminal persecution against Galymzhan Zhakiyanov**

On 29.03.2012, Kazakh police undertook a failed attempt to detain Galymzhan Zhakiyanov. At 2 a.m., around 20 police officers surrounded one of the hotels in the centre of Almaty, where Zhakiyanov was residing at the time. In his attempts to avoid the arrest, he found refuge in a complex of buildings belonging to the French, UK and German embassies. After five days' negotiations between the three embassies on the one hand and the Kazakh Ministry of Interior on the other, a memorandum was finally signed, according to which Zhakiyanov was guaranteed a fair and transparent trial, home arrest throughout the period of preliminary investigations and access to EU diplomats. The embassies also committed to appoint their respective representatives to escort Zhakiyanov to his place of residence at Pavlodar. However, as early as on 10<sup>th</sup> April, the Kazakh authorities promptly breached the conditions of the memorandum: Zhakiyanov was forcibly delivered to Pavlodar onboard a military

<sup>12</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404.pdf>

<sup>13</sup> <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=type&type=ANNUALREPORT&publisher=AMNESTY&coi=KAZ&docid=40b5a1f810&kip=0>

<sup>14</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0064+0+DOC+XML+V0//EN&language=CS>

<sup>15</sup> <http://www.state.gov/j/drl/rls/hrrpt/2002/18373.htm>

aircraft, where he was detained until 15 June 2007 (i.e. beginning of the trial) at the 'Pavlodarsol' company barracks under armed guard.<sup>16</sup>

**Zhakiyanov was charged with abuse of office during his term as governor of Pavlodarsk region. The investigators claimed that some companies had been privatised having been artificially undervalued, and that the state treasury had suffered losses as a result of storages exchange.**<sup>17</sup>

During the preliminary investigations, Zhakiyanov was being interrogated without any considerations for his health. The investigators repeatedly ignored the doctors' advice on Zhakiyanov's hospitalisation and continued with the prolonged interrogations. On 18.05.2002, Zhakiyanov suffered a heart attack after two days of continuous interrogation by the investigator I.K.Kusainov. On 06.06.2002 he was admitted to the cardiology emergency ward of the Pavlodarsk hospital.

The observers of the court trial, amongst them foreign diplomats, noted that the trial was held with numerous severe irregularities, such as the inclusion of witness testimonies which had been extracted under pressure and insufficient base of evidence.

**Torture was also used against witnesses in order to extract incriminating evidence against Galymzhan Zhakiyanov.** At least two of Zhakiyanov's subordinates were beaten in a police station, with the aim of extorting evidence incriminating the former Pavlodarsk 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 in person, the police officer told me: 'He is an enemy of the people', and then he listed some paragraphs, telling me I also fitted the 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 are 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 got prisons, isolators, 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...".*<sup>18</sup>

**On 02.08.2002, Galymzhan Zhakiyanov was sentenced to 7 years' imprisonment** for abuse of power and official prerogatives. The European Parliament deemed the sentence 'politically motivated'.<sup>19</sup> International organisations Amnesty International<sup>20</sup> and Human Rights Watch<sup>21</sup> cited Zhakiyanov as political prisoner.

Galymzhan Zhakiyanov first served his sentence in a special regime penal colony of Kushmurun (Kostanaysk region), but in 2004, he was transferred to Shiderty (Pavlodarsk region).

On 14.01.2006, a special delegated commission on penal cases of Pavlodarsk district court supported the ruling by Ekibastuzsk city court (dated 14.12.2005) on **conditional parole for Galymzhan Zhakiyanov.**<sup>22</sup>

Galymzhan Zhakiyanov presently resides outside the borders of Kazakhstan.<sup>23</sup>

<sup>16</sup> <http://2002.novayagazeta.ru/nomer/2002/48n/n48n-s13.shtml>

<sup>17</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404rus.pdf>

<sup>18</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404rus.pdf>

<sup>19</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0064+0+DOC+XML+V0//EN&language=MT>

<sup>20</sup> [http://www.amnesty.org/en/library/asset/EUR01/001/2004/en/7ff8510f-d60a-11dd-bb24-1fb85fe8fa05/eur010012004en.html#17.3.Political%20prisoners%20\(update%20to%20AI%20Index:%20EUR%2001/02/2003\)outline](http://www.amnesty.org/en/library/asset/EUR01/001/2004/en/7ff8510f-d60a-11dd-bb24-1fb85fe8fa05/eur010012004en.html#17.3.Political%20prisoners%20(update%20to%20AI%20Index:%20EUR%2001/02/2003)outline)

<sup>21</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404rus.pdf>

<sup>22</sup> <http://www.fergananews.com/articles/4183>

<sup>23</sup> [http://forbes.kz/process/businessmen/galyimjan\\_jakiyanov\\_teper\\_u\\_nas\\_vsya\\_semya\\_-\\_studenty\\_i](http://forbes.kz/process/businessmen/galyimjan_jakiyanov_teper_u_nas_vsya_semya_-_studenty_i)

In its resolution on Kazakhstan dated 13.02.2003, the European Parliament draws attention to the political motivation of charges against Mukhtar Ablyazov and Galymzhan Zhakiyanov; the unjust convictions of the independent journalists Sergey Duvanov and Irina Petrushova; repercussions against mass media, the opposition and religious minorities; persistent obstacles laid down by the authorities regarding the issues of political parties and civil society organisation registration; excessive concentration of power in the hands of the President; widespread practices of torture and harsh treatment from the law enforcement in Kazakhstan.<sup>24</sup>

### KDC schism

Soon after the foundation of KDC, certain differences of opinions arose among its leaders as to the further development of this civil organisation, whereas the so-called “constructive” wing decided, under pressure from the government and fearing political repressions, to split and create a separate political party.

Moreover, the constructive wing opposed the idea of cooperation with others forces opposed to Nazarbayev, such as the members of the Communist party and the Republican National party, as well as members of dozens of political groups and others.

Ablyazov, Zhakiyanov and the more radical wing were very much in favour of an alliance with these groups, which resulted in a famous assembly in the Almaty circus, after which KDC united in its ranks all the anti-Nazarbayev democratic opposition forces (19.01.2002).

**On 29.01.2002**, a number of KDC activists (headed by **Alikhan Baymenov**) informed of 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 used to hold high-ranking government offices.<sup>25</sup>

According to political scientists, the schism in KDC was the result of not only the earlier differences on political and ideological issues (the activists that joined the “Ak Zhol” were considered to be the ones more loyal to the authorities<sup>26</sup>), but also of personal, official and business connections and interests.

**The Kazakhstan Democratic Party ‘Ak Zhol’ was registered on 03.04.2002.**<sup>27</sup> The party failed to avoid internal differences in opinions, as in February 2005 a conflict became visible between the co-presidents of the party, 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 15.03.2005 the party officially announced a split.<sup>28</sup> 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*. The *Nastoyashhiy Ak Zhol* ranks were joined by the most opposition-minded leaders: Altynbek Sarsenbaev, Tulegen Zhukeev, Oraz Dzhandosov and Bolat Abilov.

Alikhan Baymenov, in his turn, became the sole president of the ‘Kazakhstan Democratic Party:’ *Ak Zhol*.

<sup>24</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0064+0+DOC+XML+V0//EN&language=CS>

<sup>25</sup> <http://www.dw.de/%D1%80%D0%B0%D1%81%D0%BA%D0%BE%D0%BB-%D0%B2-%D0%BA%D0%B0%D0%B7%D0%B0%D1%85%D1%81%D1%82%D0%B0%D0%BD%D1%81%D0%BA%D0%BE%D0%B9-%D0%BE%D0%BF%D0%BF%D0%BE%D0%B7%D0%B8%D1%86%D0%B8%D0%B8/a-422045>

<sup>26</sup> [http://neweurasia.tv/archive/book/svoik\\_erg/beseda11.pdf](http://neweurasia.tv/archive/book/svoik_erg/beseda11.pdf)

<sup>27</sup> [http://election.kz/portal/page?\\_pageid=73.47267&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=73.47267&_dad=portal&_schema=PORTAL)

<sup>28</sup> <http://www.freeas.org/index/default.htm/?nid=4274>

Presently, KDP 'Ak Zhol' continues its activity, positioning itself as 'constructive opposition'.

### Transformation of the movement into a party

After the imprisonment of the KDC leaders Galymzhan Zhakiyanov and Mukhtar Ablyazov, the movement continued its active functioning. It was at this time that KDC became known internationally. With the aid of one of its members – a famous Kazakhstan director Rashid Nugmanov, then already having emigrated to France – the problems of the Kazakhstan oppositionists became known to the European Parliament. In 2003, the European Parliament issued its resolutions on Kazakhstan, where the Ak Orda was called to cease its persecution of the KDC leaders Mukhtar Ablyazov and Galymzhan Zhakiyanov, as well as the journalists Irina Petrushova and Sergei Duvanov.

The key posts in the KDC were taken by Tolen Tokhtasynov (head of the KDC political council), Asilbek Kozhakhmetov (initially as first deputy president, then later president after Tolen Tokhtasynov had left to join the Kazakhstan Communist Party), Bakhyt Tumenova, Vladimir Kozlov (members of the political council).<sup>29</sup>

After their arrest, the movement instantly began splitting between those supporting Ablyazov and Zhakiyanov.

The situation was further aggravated by the fact that Ablyazov was pardoned after barely a year (in 2003), whereas Zhakiyanov remained in prison. Ablyazov himself stated publicly after his release, that he would cease to cooperate with the movement<sup>30</sup>, but as a matter of fact, while conducting his business activities in Russia, he was secretly providing KDC with financial support. *'Muhtar Ablyazov left KDC only for the general public, but as a matter of fact, his presence was to be felt everywhere – from the managing posts in the centre and the regional branches, to the most important point, that is, strategically'*<sup>31</sup>, - as remembered by Gulzhan Ergalieva, member of the 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: Kazakhstan Democratic Choice.** During the convention, Asilbek Kozhakhmetov announced the manifesto of the party and was elected the President of the Political Committee Presidium for NP KDC. The convention was attended by a representative of the authorities – **Ermukhamet Ertisbaev** – which could have been seen as testament to a certain degree of goodwill from the authorities towards the newly-founded party.<sup>32</sup> **On 04.05.2004, the Kazakhstan Ministry of Justice registered the National Party Kazakhstan Democratic Choice.**<sup>33</sup>

On 27.07.2004 in Almaty, the reporting and pre-election assemblies were held by NP KDC and the Kazakhstan Communist Party (KCP). A joint assembly was also held, during which the decision was taken to **form a single elections block for participation in the upcoming 2004 elections to the lower house of the Parliament of Kazakhstan (Majilis).** The block was named "Opposition block by communists and KDC".

**According to the election results, the communists and KDC received 3.44% votes and failed to overcome the election threshold.** In the majority single-mandate constituencies, none of the block

<sup>29</sup> [http://neweurasia.tv/archive/book/svoik\\_erg/beseda11.pdf](http://neweurasia.tv/archive/book/svoik_erg/beseda11.pdf)

<sup>30</sup> <http://www.freeas.org/?nid=1289>

<sup>31</sup> [http://neweurasia.tv/archive/book/svoik\\_erg/beseda11.pdf](http://neweurasia.tv/archive/book/svoik_erg/beseda11.pdf)

<sup>32</sup> <http://zonakz.net/articles/5615>

<sup>33</sup> <http://zonakz.net/articles/6172>

representatives managed to win a seat.<sup>34</sup> Observers from OSCE and the Council of Europe deemed the 2004 parliamentary elections as '*failing to meet international standards*'.<sup>35</sup>

### **KDC delegised**

**On 11.12.2004**, the 2<sup>nd</sup> NP KDC 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 G. Zhakiyanov, statements in support of the Ukrainian democratic oppositionist, as well as the political party statement on non-legitimacy of the elected state authorities in view on the parliamentary elections not having met the democratic standards. The party called on society to exert their rights to civil disobedience.<sup>36</sup>

Based on this very statement, the Almaty prosecutor's office accused NP KDC 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 request for liquidation of legal entity NP KDC.

**On 06.01.2005**, on the basis of request submitted, the Special Almaty economic court announced its resolution on the liquidation of NP KDC on charges of "political extremism" and "incitement of social enmity and hatred". The international organisations *Freedom House* and *Human Rights Watch*<sup>37</sup> condemned the court resolution. 'The court case is an alarming step back for those who hoped for development of democracy in Kazakhstan'<sup>38</sup>, - Jennifer Windsor, Executive Director of *Freedom House*, stated.

**Opposition activists blamed the Kazakh authorities for resorting to repression with the aim rendering a *velvet revolution* in the country impossible.**<sup>39</sup>

On 09.01.2005, the appellation authority of Almaty city court upheld the first instance court resolution in its unchanged form.<sup>40</sup>

On 29.04.2005, members of liquidated NP KDC issued a statement on the founding of a new democratic orientation party in Kazakhstan – 'Alga' National Party, which was to become the successor of KDC. 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 23.07.2005.<sup>41</sup>

Throughout its existence from 2005 to 2012, the party did not manage to register, although it had undertaken all the necessary steps to do so. 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, refused the party registration under various pretenses.<sup>42</sup>

<sup>34</sup> [http://election.kz/portal/page?\\_pageid=73,1364299&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=73,1364299&_dad=portal&_schema=PORTAL)

<sup>35</sup> <http://www.hrw.org/legacy/russian/reports/2005/world/kazakh.html>

<sup>36</sup> <http://zonakz.net/articles/7670>

<sup>37</sup> <http://www.kommersant.ru/doc/537630/print>

<sup>38</sup> <http://zonakz.net/articles/?artid=7881>

<sup>39</sup> <http://www.kommersant.ru/doc/537630/print>

<sup>40</sup> <http://zonakz.net/articles/8084>

<sup>41</sup> <http://freeas.org/?nid=4380>

<sup>42</sup> [http://odfoundation.eu/ru/publics/1204/partiya\\_alga\\_zapret\\_na\\_deyatelnost\\_presledovanie\\_aktivistov](http://odfoundation.eu/ru/publics/1204/partiya_alga_zapret_na_deyatelnost_presledovanie_aktivistov)

On 21.12.2012, the Almaty district court accepted the submitted request from the Almaty prosecutor's office, listing 'Alga!' as an extremist organisation; as a result, the party was banned from activity in Kazakhstan. The resolution was taken based on the sentence against its leader, Vladimir Kozlov, who was accused by the Kazakhstan prosecutors of having colluded with Mukhtar Ablyazov and founded an organised criminal group in order to show support for the striking oil workers in Zhanaozen, thereby provoking the tragedy that followed on 16-17.12.2011. On 08.10.2012 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. The 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 came from: the European Parliament<sup>43</sup>, the US Department of State<sup>44</sup>, Amnesty International<sup>45</sup>, the Polish Bar Association<sup>46</sup>, Freedom House<sup>47</sup>, Civic Solidarity<sup>48</sup>, Norwegian Helsinki Committee<sup>49</sup>, High Representative of the European Union for Foreign Affairs and Security Policy, Catherine Ashton.<sup>50</sup>

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

**In their clashes with the opposition, the official authorities feel no means are below them – from criminal persecution (Mukhtar Ablyazov, Galymzhan Zhakiyanov) to physical removal (Altynbek Sarsenbaev, Zamanbek Nurkadilov<sup>51</sup>). An opposition party faces the risk of being dubbed "extremist" at any time, therefore being legally banned by court order. This was the very means by which the fate of NP KDC was firstly sealed, and later, its successor: NP "Alga!".**

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<sup>43</sup> <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2013-0190&language=EN>

<sup>44</sup> <http://www.state.gov/j/drl/rls/hrrpt/2012/sca/204402.htm>

<sup>45</sup> [http://files.amnesty.org/air13/AmnestyInternational\\_AnnualReport2013\\_complete\\_en.pdf](http://files.amnesty.org/air13/AmnestyInternational_AnnualReport2013_complete_en.pdf)

<sup>46</sup> [http://adwokatura.pl/wp-content/uploads/2013/07/NRA\\_Report\\_on\\_Mission\\_in\\_Kazakhstan-amended\\_all.pdf](http://adwokatura.pl/wp-content/uploads/2013/07/NRA_Report_on_Mission_in_Kazakhstan-amended_all.pdf)

<sup>47</sup> <http://www.freedomhouse.org/sites/default/files/Final%20Monitoring%20Report%20-%20Kozlov%20Trial.pdf>

<sup>48</sup> [http://www.civicsolidarity.org/sites/default/files/preliminary\\_report\\_kozlov\\_trial\\_ru.pdf](http://www.civicsolidarity.org/sites/default/files/preliminary_report_kozlov_trial_ru.pdf)

<sup>49</sup> <http://humanrightshouse.org/Articles/18751.html>

<sup>50</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/132776.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/132776.pdf)

<sup>51</sup> [http://www.odfoundation.eu/ru/urgents/1427/fizicheskoe\\_ustranenie\\_politicheskikh\\_konkurentov\\_so\\_storoni\\_rezhima\\_naz\\_arbaeva](http://www.odfoundation.eu/ru/urgents/1427/fizicheskoe_ustranenie_politicheskikh_konkurentov_so_storoni_rezhima_naz_arbaeva)