

## POLITICAL FREEDOMS IN KAZAKHSTAN

SUMMARY.....	2
RECOMMENDATIONS.....	4
BACKGROUND .....	8
The 1999 Elections .....	8
“Kazakhgate” .....	10
The DVK .....	13
ELECTIONS .....	16
December 2002 Parliamentary By-Elections .....	16
Prospects for Free and Fair Elections .....	18
PRESSURE ON POLITICAL PARTIES AND MOVEMENTS.....	20
The 2002 Law on Political Parties and Problems with Registration.....	20
Democratic Choice of Kazakhstan (DVK) .....	21
Alash Party of Kazakhstan .....	23
Yel Dana National Democratic Party.....	24
Compatriot Political Party.....	24
The Communist Party of Kazakhstan .....	25
POLITICAL PRISONERS.....	27
Galymzhan Zhakianov .....	28
Targeting a Political Rival.....	28
Arrest, Criminal Investigation and Trial.....	28
Torture .....	30
The Continuing Government Campaign against Zhakianov.....	31
Mukhtar Abliazov .....	34
Sergei Duvanov .....	36
HARASSMENT OF OPPOSITION LEADERS, MEMBERS AND SUPPORTERS.....	39
Criminal Prosecutions and Administrative Sanctions .....	39
DVK.....	39
RNPK.....	44
Professional Retaliation.....	48
Mukhtar Umbetov.....	48
Marat Januzakov .....	49
Marina Sabitova .....	50
Other Harassment and Intimidation and Interference with Party Activities .....	51
ACKNOWLEDGEMENTS .....	53

## SUMMARY

Kazakhstan's vast energy wealth has, in recent years, made it an important geostrategic partner for many countries. It has also raised the political stakes inside the country significantly. As a consequence, throughout the past two years the government has undermined freedoms to shield itself from public scrutiny and political rivals, and to protect its substantial control over the hydrocarbon sector. Unless the government and international community act now to protect political freedoms, the country's parliamentary elections, scheduled for October 2004, are unlikely to meet international standards.

Several developments contribute to this concern. First is the conduct of recent elections. In the September 2003 local council elections, the opposition claimed that the government attempted to exclude its candidates from the ballot through arbitrary misdemeanor and other criminal charges, and other means of harassment and intimidation. The authorities also manipulated the December 2002 parliamentary by-elections. These are but the most recent examples of a series of problem-ridden elections in the past decade. Prominent among these were Kazakhstan's last national elections in 1999, which the Organization for Security and Cooperation in Europe (OSCE) found to be deeply flawed.

Second are the new legal barriers the government has erected to the registration of political parties. Third is the government harassment of members and supporters of Kazakhstan's opposition political parties and movements. In some cases, this has taken the form of arbitrary criminal and misdemeanor charges and threats of job dismissal, in many cases aimed at preventing the individual from running for public office.

The cumulative effect of these policies and practices has been a narrowing of the choices before the Kazakh electorate in the forthcoming elections. This report documents these developments. It describes how the July 2002 law on political parties served to reduce the number of registered parties from nineteen in 2002 to seven in 2003, and how the government obstructed the registration of opposition parties and movements. It documents government prosecution or harassment of fifteen members of unregistered parties and movements. The most prominent of these were the 2002 prosecution and imprisonment of Galymzhan Zhakianov and Mukhtar Abliazov, the leaders of the political movement Democratic Choice of Kazakhstan (DVK).<sup>1</sup> A journalist who fiercely

---

<sup>1</sup> DVK is an acronym that derives from the Russian, Demokraticeskii Vybor Kazahstana (Democratic Choice of Kazakhstan). As of this writing it has legal status only as a nonprofit organization because the government has denied it registration as a political party.

criticized the government and had covered opposition politics, Sergei Duvanov, was convicted in a politically motivated trial in 2003.

In November 2002, President Nazarbaev created the Permanent Consultative Council to draft proposals for the development of democracy. The Council includes representatives from the parliament, government, presidential administration, political parties, and nongovernmental organizations. This is a welcome step, but to demonstrate genuine commitment to political pluralism the government must release political prisoners, reform the law on political parties and the electoral code, and cease its harassment of opposition party members and their supporters.

On November 17, 2003, President Nazarbaev authorized Kazakhstan's signing of the International Covenant on Civil and Political Rights (ICCPR).<sup>2</sup> This is also a welcome step, although as of this writing, the parliament has yet to ratify the treaty. Nonetheless, Kazakhstan as a signatory is already obliged to "refrain from acts which would defeat the object and purpose"<sup>3</sup> of the ICCPR, such as government repression of opposition politicians and supporters. Also prohibited are state actions that violate the rights to freedom of assembly (article 21), expression (article 19), to participate in public affairs (article 25), and to be free of arbitrary arrest and detention (article 9).

---

<sup>2</sup>International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, *entered into force* Mar. 23, 1976.

<sup>3</sup> Vienna Convention on the Law of Treaties, *entered into force* Jan. 27, 1980, 1155 U.N.T.S. 331, art. 18.

## RECOMMENDATIONS

### To the Kazakh Government:

#### **Political Prisoners**

##### *Galymzhan Zhakianov*

- Because his prosecution has been widely viewed as selective and politically motivated, and because his trial lacked due process, release Galymzhan Zhakianov, pending an independent review of the charges against him. Allow the OSCE to immediately undertake an independent expert review of his case.
- Until Zhakianov is released, ensure he is treated in accord with the U.N. Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules).<sup>4</sup> Comply with commitments to ensure his personal security, access to counsel and to other visitors, such as human rights defenders and government and international representatives, as prescribed by law.
- Allow access by European Union diplomatic representatives, as set out in the Memorandum between the Ministry of Foreign Affairs of Kazakhstan and the Embassies of France, the United Kingdom, and Germany (April 3, 2002).
- Ensure that Zhakianov receives adequate medical treatment and access to medical personnel.
- Take all steps to prevent officials from harassing, arbitrarily arresting and detaining or taking other unlawful action against Zhakianov. Take appropriate disciplinary action against any and all officials responsible for such actions.

##### *Sergei Duvanov*

- Immediately conduct a full and transparent judicial review of Sergei Duvanov's conviction, in accordance with an appeal submitted by his lawyers to the Supreme Court on August 5, 2003, and further to a March 28, 2003, OSCE-commissioned

---

<sup>4</sup> Standard Minimum Rules for the Treatment of Prisoners, adopted Aug. 30, 1955, by the First U.N. Congress on the Prevention of Crime and the Treatment of Offenders, U.N. Doc. A/CONF/611, annex I, E.S.C. res. 663C, 24 U.N. ESCOR Supp. (No. 1) at 11, U.N. Doc. E/3048 (1957).

independent expert review that confirmed deep flaws in the original trial of January 2003.

## **Elections**

- Adopt amendments to the Law on Elections as recommended by the OSCE, especially regarding balanced electoral commissions.
- Ensure full access to the polls for domestic election monitors, and for exit polls; do not make the extent of domestic monitoring groups' foreign financing a determining factor in their ability to monitor the vote.
- Desist from harassment of, and threats against, opposition candidates during election campaigns and allow opposition candidates equal access to the media, particularly the broadcast media.
- Ensure equal access to the ballot for opposition candidates in the 2004 parliamentary elections.

## **Freedom of Association**

- Adopt and comply with amendments to the Law on Political Parties in accordance with the recommendations of the OSCE.
- Immediately register political parties and movements, and nongovernmental organizations that have submitted documentation in accordance with the law.
- End onerous restrictions on public meetings and peaceful demonstrations and permit, in a consistent manner, such activities to be carried out by political parties and public associations in accordance with international human rights standards on freedom of assembly.
- Cease the practices of politically motivated prosecutions, dismissals, and other harassment of members of the political opposition.
- Ensure opposition candidates have fair access to the state media.

## **International Human Rights Conventions and interaction with International Bodies**

- Ratify the International Covenant on Civil and Political Rights (ICCPR) and accede to its optional protocols.

### To Member States of the EU:

- Make better use of the periodic reviews of the Partnership and Cooperation Agreement (PCA) with Kazakhstan to urge the Kazakh government to bring its laws and practices with regard to due process guarantees and freedom of expression into compliance with international standards, with particular attention to the violations documented in this report.
- The European Parliament should request that the Commission and Council prepare a detailed public report regarding the state of Kazakhstan's compliance with these international standards in advance of the next E.U.-Kazakhstan Cooperation Council. It should further request that the E.U. issue a public statement making clear that continued engagement under the PCA is contingent on the Kazakh government's making specific and measurable progress in meeting these standards.
- Abide by the terms of the E.U.-Kazakh Ministry of Foreign Affairs memorandum signed in April 2002 on the protection of Galymzhan Zhakianov, which made the rendering of Zhakianov to Kazakh law enforcement agents contingent upon his receiving due process.

### To the OSCE:

- When considering Kazakhstan's bid for the 2009 chairmanship, ensure that it meets the human rights standards required of OSCE participating states.
- Undertake a thorough review of politically motivated civil and criminal prosecutions concluded or pending against opposition leaders and members.
- Review the application dossiers of political parties and movements whose registration has been obstructed by the government.
- Take into consideration the steps the government has used to limit political competition, and reflect this both in the work of the election monitoring mission and the eventual assessment of the forthcoming parliamentary elections.

To the United States:

- Intensify efforts at the highest levels to urge the government of Kazakhstan to bring its laws and practices – with regard to due process guarantees and freedom of expression – into compliance with bilateral agreements and international standards, with particular attention to the violations documented in this report and with specific regard to the Congressional resolution of July 16, 2003 on human rights in Central Asia.
- Make better use of the conditionality provided under Section 574(b) of the Foreign Operations Appropriations Act and the certification under the Cooperative Threat Reduction Act to hold the Kazakh government to the standard of “substantial progress” in human rights.

To International Financial Institutions and Other Multilateral and Bilateral Donors:

- The European Bank on Reconstruction and Development (EBRD) should take into account the findings contained in this report when assessing Kazakhstan’s compliance with Article 1 of the Agreement Establishing the Bank, and make clear to the Kazakh authorities that the nature and level of engagement will be contingent on measurable progress in human rights. In so doing, the EBRD should set specific benchmarks for such progress, building on the recommendations presented in this report and by other authoritative sources.
- The World Bank should factor in the information contained in this report in its country assistance strategy for Kazakhstan.
- Multilateral and bilateral donors should use their leverage to promote progress in human rights and democracy as part of their engagement with Kazakhstan.

To the Council of Europe:

- Kazakhstan’s request to gain observer status to the Council of Europe should be granted after the OSCE assesses its elections to have met international standards.

## BACKGROUND

### *The 1999 Elections*

In the past five years, Kazakhstan's political development has been marked by the government's moves to close political space and shield itself from public scrutiny and competition from credible rivals among the domestic political opposition. The three major developments that defined this trend were the 1999 presidential and parliamentary elections, the government's response to the "Kazakhgate" oil scandal – which implicates President Nursultan Nazarbaev and some of his close associates in the illicit transfer of oil profits into their personal bank accounts – and the government's repressive response to the emergence of a major political movement, the Democratic Choice of Kazakhstan (DVK). In the run-up to the 1999 elections, the government sought to discredit serious political opponents by prosecuting them on unfounded misdemeanor charges, and closing down or suspending private newspapers known for their links to the political opposition. In January 1999, President Nazarbaev won reelection. Nazarbaev was Kazakhstan's leader during the 1980's, until the breakup of the Soviet Union in 1991. Parliamentary elections in October 1999, delivered Nazarbaev a wholly compliant parliament. Both elections fell far below international standards.<sup>5</sup> In the months that followed, journalists, editors and opposition politicians critical of the government became prey to increasing attacks and politically motivated criminal charges. Those who exposed instances of official corruption were particularly subject to attack.<sup>6</sup>

One of those targeted in the lead-up to the 1999 elections was former prime minister Akezhan Kazhegeldin, then a serious contender to President Nazarbaev.<sup>7</sup> Persecution of Kazhegeldin began in 1998, when a politically motivated misdemeanor offense (referred to as an "administrative offense" in Kazakhstan) prevented him from contesting the 1999 presidential elections.<sup>8</sup> Fifty thousand Russian-language copies of his book,

---

<sup>5</sup> See "Republic of Kazakhstan: Parliamentary Elections," OSCE [online], [http://www.osce.org/odihr/documents/reports/election\\_reports/kz/kazak2-2.pdf](http://www.osce.org/odihr/documents/reports/election_reports/kz/kazak2-2.pdf) (retrieved December 15, 2003). "The Republic of Kazakhstan: Presidential Elections," OSCE [online], [http://www.osce.org/odihr/documents/reports/election\\_reports/kz/kazak1-2.pdf](http://www.osce.org/odihr/documents/reports/election_reports/kz/kazak1-2.pdf) (retrieved December 15, 2003).

<sup>6</sup> For more information, see "Freedom of the Media and Political Freedoms in the Prelude to the 1999 Elections" *A Human Rights Watch Report*, vol. 11, no. 11(D), October 1999.

<sup>7</sup> Kazhegeldin was prime minister from 1994-1997.

<sup>8</sup> Misdemeanor offenses are violations of the Kazakh Administrative Code. In Kazakhstan these are known as "administrative offenses;" for simplicity's purpose this report refers to them as "misdemeanors" or misdemeanor offenses." The offense was participation in an illegal public organization, in this case the Movement for Honest Elections. Two other presidential candidates were also excluded from the vote because of administrative offenses. See Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002), p. 325; and "Freedom of the Media and Political Freedoms in the Prelude to the 1999 Elections" *A Human Rights Watch Report*.

*Kazakhstan: Meeting the Challenges Ahead*, which calls for wide-ranging political reforms, were confiscated and burned, and the Kazakh-language edition was halted altogether.<sup>9</sup> In the months preceding the 1999 elections, Kazhegeldin and his associates also suffered physical assault by unknown assailants, harassment by law enforcement agents, and arbitrary misdemeanor charges.<sup>10</sup>

During the elections, Kazhegeldin fled the country, fearing prosecution on charges of tax evasion and abuse of office.<sup>11</sup> He continues to direct his the party, the Republican People's Party of Kazakhstan (RNPK), from abroad, and it remains dynamic and well-funded, even though it is unregistered and therefore formally illegal.<sup>12</sup> One of President Nazarbaev's most bitter opponents, he supports a popular and critical opposition website.<sup>13</sup>

Kazhegeldin has been detained at least twice in airports in Russia and Italy on requests from Kazakh judicial authorities. On September 6, 2001, the government convicted him in absentia and sentenced him to ten years of imprisonment. Local and international human rights organizations concluded the trial was flawed.

Other RNPK founding members have also been convicted on political grounds, including Sergei Duvanov and Amirzhan Qosanov (both documented in this report), and well-known political scientist Nurbulat Masanov.

---

<sup>9</sup> *Ibid.*, p. 28.

<sup>10</sup> *Ibid.*, passim.

<sup>11</sup> *Eurasianet* [online], <http://www.eurasianet.org/departments/election/kazakhstan/bbk101219.html> (retrieved October 14, 2003). In 2001, Masanov was convicted of "insulting the Kazakh people" on the basis of an audio recording of a private conversation, taped without his knowledge or consent. The recording was then spliced into a tape of a correspondent's "interview" questions. A criminal investigation against Masanov on the basis of this tape was quashed, but became the subject of a subsequent civil suit against Masanov, which he lost. In 2003, he faced criminal charges for not paying the fine levied in connection with the civil suit. Human Rights Watch telephone interview with Evgenii Zhovtis, head of the Kazakhstan International Bureau on Human Rights and the Rule of Law (KIBHRL), March 10, 2004. See also International League for Human Rights (ILHR), "ILHR testimony to the EU-Kazakhstan, EU-Kyrgyzstan and EU-Uzbekistan Parliamentary Cooperation Committees of the European Parliament," June 12, 2002; Bhavna Dave, "Kazakhstan" *Nations in Transit* (Washington, D.C.: Freedom House, 2002), pp. 216-17; and electronic communication from Kazis Toguzbaev, director, Kazakhstan International Foundation for the Defense of Political Prisoners, October 14, 2003.

<sup>12</sup> The RNPK has an estimated membership of 14,000, located mainly in western and northern Kazakhstan, and in the cities of Atyrau and Almaty. Bhavna Dave, "Kazakhstan," *Nations in Transit* (Washington, D.C.: Freedom House, 2003), p. 313; Viacheslav Schekunskikh, "U nas dva poliusa: rezhim Nazarbaeva i oppozitsionnie sily" (We have two poles: the Nazarbaev regime and opposition forces), *Kazakhstanskie novosti* (Kazakhstan News), February 4, 2002 [online] [http://kazhegeldin.addr.com/2002/About\\_04\\_02\\_02.htm](http://kazhegeldin.addr.com/2002/About_04_02_02.htm) (retrieved October 28, 2003).

<sup>13</sup> This website is [www.eurasia.org.ru](http://www.eurasia.org.ru).

## **“Kazakhgate”<sup>14</sup>**

While the Kazakh government has a record of preventing strong opposition movements from challenging it in elections, its actions against the RNPK and subsequently DVK should also be understood in the light of struggles among the political elite for control of financial and natural resources. The Kazakhgate oil revenue corruption scandal figures prominently among these disputes.

In July 2000, opposition media outlets supported by Akezhan Kazhegeldin and Mukhtar Abliazov, who would later become cofounder of DVK, began to publish allegations that high-level government officials, including President Nazarbaev and his close associates, received kickbacks from foreign oil companies, and that the funds were held in held Swiss bank accounts.<sup>15</sup> Subsequently, information emerged that government officials, including President Nazarbaev, secretly controlled a Swiss bank account holding U.S. \$1.4 billion.

On April 4, 2002, two years after the initial allegations, Prime Minister Imangaly Tasmagambetov confirmed the existence of the account, and claimed that it was primarily earmarked for the founding of a national oil fund.<sup>16</sup> Tasmagambetov left unanswered questions from the Kazakh parliament about the existence of personal Swiss accounts in the name of Nazarbaev and his relatives and totaling more than U.S. \$100 million.

As a result of the Kazakhgate allegations, on April 2, 2003, a U.S. federal court indicted two American businessmen on charges of corruption in their energy deal transactions with Kazakhstan. The indictment alleges that James Giffen diverted more than U.S. \$78 million in fees paid by oil companies to Swiss bank accounts controlled by two unnamed Kazakh government officials.<sup>17</sup> On September 18, 2003, the second businessman indicted, former Mobil Oil Corporation executive J. Bryan Williams, was convicted and sentenced to forty-six months in prison on charges of tax evasion. The income Williams was indicted for not reporting included a kickback he allegedly received while a senior

---

<sup>14</sup> The name “Kazakhgate” is widely used in Kazakhstan and is derived from the Watergate political scandal in the U.S. in the early 1970s.

<sup>15</sup> Abliazov had served as minister of energy from 1998-1999.

<sup>16</sup> The government further said that the U.S.\$1.0-U.S.\$1.4 billion was in the account and used to pay pensions, offset government deficits, and that the remainder was put in an oil fund. However, the Economist Intelligence Unit reported that it was difficult to verify. Economist Intelligence Unit, “Kazakhstan: Country Report,” July 2002, pp. 14-15.

<sup>17</sup> United States District Court, Southern District of New York, Indictment, United States vs. James H. Giffen, April 2, 2003. The companies included companies cited in the indictment Mobil (now ExxonMobil), Amoco (now part of BP), Texaco (now ChevronTexaco), and Phillips Petroleum (now ConocoPhillips).

Mobil employee.<sup>18</sup> At the time of writing, ongoing Kazakhgate hearings in New York City continued to attract considerable international media attention.<sup>19</sup> Opposition members in the Kazakhstan parliament, including a former prominent member of the DVK, have sought information from the Kazakh and U.S. governments.<sup>20</sup>

Since July 2000, efforts to disclose information and raise publicity in Kazakhstan about the corruption scandal have been led by members of the political opposition,<sup>21</sup> and the media affiliated with it. Some journalists covering the scandal became victims of anonymous physical assaults.<sup>22</sup> The government has closed media outlets and prosecuted journalists who covered Kazakhgate. The editor-in-chief of *SolDat*, Emurat Bapi, was sentenced in 2001 to one year in prison on libel charges after his paper reprinted two foreign press Articles on Kazakhgate.<sup>23</sup> Following *Vremia Po's* reprint of foreign Articles on Kazakhgate in July 2000, the government pressured a state-owned printer to stop producing the paper. In September 2000, when a Kazhegeldin-supported website posted Articles on Kazakhgate, the country's two main Internet service providers blocked access to the website.<sup>24</sup>

The government's sensitivity to the issue also spurred its incarceration of political opponents. In March 2002, DVK leader Mukhtar Abliazov was arrested, following publication of materials on Kazakhgate in media that he controlled.<sup>25</sup> Sergei Duvanov, who had published hard-hitting articles on Kazakhgate and other government

---

<sup>18</sup> United States Attorney Southern District of New York press release, "American Businessman Charged with \$78 Million in Unlawful Payments to Kazakh Officials in 6 Oil Transactions; Former Mobil Corp. Executive Indicted for Tax Evasion in Kickback Scheme," April 2, 2003; *The New York Times*, September 19, 2003.

<sup>19</sup> See, e.g., Joshua Chaffin, "Chevron Texaco Quizzed in Bribe Probe," *The Financial Times*, September 11, 2003; on October 21, 2003, Erlan Idrissov, the Kazakh ambassador in London, was interviewed on the BBC television programme "Hard Talk" and questioned on Kazakhstan's deteriorating human rights record, including government repression linked to Kazakhgate.

<sup>20</sup> Appeals of parliamentary deputies Serikbolsyn Abdildin, Vladislav Kosarov and Tolen Tokhtasynov to the U.S. Department of Justice and the General Procuracy of Kazakhstan, October 1, 2003. Tokhtasynov was the chairman of the DVK political council. He left the DVK to become Secretary of the Central Committee of the Communist Party on December 13, 2003. RFE/RL *Newsline*, December 16, 2004 Vol. 7, No. 235.

<sup>21</sup> See, for example, following sections on the DVK and on Mukhtar Abliazov.

<sup>22</sup> See below, section on Sergei Duvanov.

<sup>23</sup> Bapi was found guilty of having insulted the dignity and honor of the president, a criminal offense under Article 318 of the criminal code. His conviction however fell under the general amnesty and he did not serve his sentence. At the time of writing, Bapi was due to stand trial once again, on charges of tax evasion. Human Rights Watch interview with Emurat Bapi, Almaty, August 8, 2003; RNPK press releases, "V Kazakhstane ozh idaetsa dva gromkikh politicheskikh sudebnikh protsesssa" (Two Big Political Trials Expected in Kazakhstan), August 29, 2003.

<sup>24</sup> [www.eurasia.org.ru](http://www.eurasia.org.ru). Bhavna Dave, "Kazakhstan," 2002, p. 217; CPJ "Kazakhstan," *Attacks on the Press in 1999*.

<sup>25</sup> RFE/RL Kazakh Service, March 28, 2002.

corruption issues, was convicted on suspicious rape charges in January 2003.<sup>26</sup> In addition, research conducted by Human Rights Watch in July and August 2003 indicated that journalists and editors have increasingly reverted to self-censorship.<sup>27</sup>

In 2001, in tandem with the opposition's efforts to expose the Kazakhgate scandal, financial struggles intensified among the political elite—including several members of the Nazarbaev family.<sup>28</sup> For example, in advance of an auction for the state's share of Halyk Savings Bank, the country's largest bank, Mukhtar Abliazov and his investment group, Astana Holding, began serious lobbying efforts to gain control of it.<sup>29</sup> At the same time, Rakhat Aliev, President Nazarbaev's son-in-law and, at the time, deputy head of the National Security Service (KNB), attempted to strip Abliazov of some of his holdings.<sup>30</sup>

Also around the same time, the government revealed its continuing resistance to political reform and competition when Galymzhan Zhakianov, then governor of Pavlodar province, began to make public calls for reform, including direct elections for provincial governors.<sup>31</sup> Major Kazakh media outlets, some of which were controlled by Aliev's wife, Dariga Nazarbaeva, and another Nazarbaev son-in-law, Timur Kulibaev, responded with a television and Internet campaign to discredit Zhakianov.<sup>32</sup> President Nazarbaev subsequently dismissed Aliev from the KNB and named him head of the presidential security service.<sup>33</sup>

---

<sup>26</sup> See section on Sergei Duvanov.

<sup>27</sup> Human Rights Watch interviews with journalists and editors representatives in Almaty, Atyrau, Uralsk, Shymkent, and Aktiube, July-August 2003.

<sup>28</sup> Bhavna Dave, "Kazakhstan," 2003, p. 326; Aldar Kusainov, "Kazakhstan's Critical Choice," *Eurasianet* [online], [http://www.eurasianet.org/departments/rights/Articles/eav011303\\_pr.shtml](http://www.eurasianet.org/departments/rights/Articles/eav011303_pr.shtml), January 13, 2003 (retrieved January 1, 2003).

<sup>29</sup> *Ibid.*

<sup>30</sup> Rakhat Aliev is at present ambassador to Austria and Representative of Kazakhstan to the OSCE. He is also the husband of President Nazarbaev's daughter, Dariga Nazarbaeva. Aldar Kusainov, "Kazakhstan's Critical Choice."

<sup>31</sup> Executive power is concentrated in the office of the president of Kazakhstan. The president has the authority to propose constitutional amendments, dissolve parliament, appoint and dismiss the government, call referenda and appoint regional and municipal governors. See Human Rights Watch, "Freedom of the Media and Political Freedoms in the Prelude to the 1999 Elections" *A Human Rights Watch Report*, vol. 11, no. 11(D), October 1999. Opposition movements have called for constitutional reform to broaden power-sharing.

<sup>32</sup> Serge Enderlin and Serge Michel, "Kazakhstan sous la steppe des barils" (Kazakhstan Under the Steppe of [Oil] Barrels), *Le Figaro* [online], <http://www.lefigaro.fr/cgi/edition/genimprime?cle=20030713.FIG0222> (retrieved July 21, 2003); Bhavna Dave, "Kazakhstan," 2003, p. 317; Human Rights Watch interview with Andrei Sidirov, Almaty, August 8, 2003; *Kazakstan 2001-2002 – Politicheskii krizis* (Kazakhstan 2001-2002: Political Crisis) (Novosibirsk: Kania, 2002), pp. 5-7.

<sup>33</sup> Zhakianov, Abliazov and parliamentary deputy T. Tokhtasinov made these calls, for example, "Address by Parliamentary Deputy T. Tokhtasinov to President Nazarbaev, October 10, 2001 [online],

## **The DVK**

On November 18, 2001, the day after Abliazov lost his bid for control of Halyk Savings Bank, he and Zhakianov founded the Democratic Choice of Kazakhstan (DVK).<sup>34</sup> The new organization's platform issues included broadening the parliament's powers, establishing direct elections of regional political leaders, instituting electoral and judicial reform, and expanding media freedoms. As of the end of 2003, it reportedly had about 32,000 members.<sup>35</sup>

The central government's response to the establishment of DVK was to immediately dismiss its members who held government posts and to prosecute others. On November 20, just two days after the DVK's formation was announced, Zhakianov was abruptly dismissed from his post as governor of Pavlodar.<sup>36</sup> Other DVK founding members and principals who were also senior government officials—including a deputy prime minister, the deputy minister of defense, the minister of labor, and a deputy finance minister—were also dismissed.<sup>37</sup> Zhakianov's four deputies from the Pavlodar governor's office were immediately fired, and almost twenty other Pavlodar provincial and local government members perceived as DVK supporters were alleged to have submitted "voluntary" resignations in the wake of the DVK's founding.<sup>38</sup>

In late December 2001, state authorities brought charges of abuse of office against two of Zhakianov's Pavlodar administration deputies, Sergei Gorbenko and Aleksandr Riumkin.<sup>39</sup> A few days later, on January 4, 2002, the same charges were brought against Zhakianov.<sup>40</sup>

---

<http://www.zhakiyanov.info/inner.php?menuid=7&show=1482> (retrieved October 23, 2003); *Kazakstan 2001-2002 – Politicheskii krizis*, p. 7.

<sup>34</sup> Aldar Kusainov, "Kazakhstan's Critical Choice," January 13, 2003.

<sup>35</sup> Interfax-Kazakhstan, December 1, 2003.

<sup>36</sup> He was replaced by Daniel Akhmetov. Akhmetov was named as prime minister on June 13, 2003, immediately after the May-June 2003 land reform bill controversy. *RFE/RL Newsline*, June 13, 2003.

<sup>37</sup> These were Uraz Jandosov, a deputy prime minister, Jannat Ertlesova, deputy minister of defense, Alikhan Baumenov, minister of labor, and Kairat Kelimbetov, a deputy finance minister. *RFE/RL Newsline*, November 19-26, 2001; *Kazakstan 2001-2002 – Politicheskii krizis*, 2002, p. 8.

<sup>38</sup> Rozlana Taukina, Associated Press, "V poslednie dni ukhodiashevo goda v Kazakhstane" (The last days of the outgoing year in Kazakhstan), December 31, 2001 [online] <http://www.kaznews.ru/daigest.php> (retrieved June 28, 2003). Taukina strongly suggests that the "voluntary" resignations were in fact coerced.

<sup>39</sup> *RFE/RL Kazakh Report*, December 28, 2001; "Obvinaiutsa v prevyshenii polnomochii" (They're accused of abuse of office), *Kazakhstanskaia Pravda*, January 5, 2002. The accusations involved an illegal exchange of state warehouses, a charge which would later constitute one of those laid against Zhakianov in July 2002.

<sup>40</sup> Khabar news agency, January 9, 2002. See below for details regarding the charges against, and trial of Zhakianov

Confrontation between the DVK and the Nazarbaev government was heated during the early days after its founding. On January 19-20, 2002, the DVK joined forces with other opposition groups and led large-scale meetings in Almaty, attracting about 1,000 participants.<sup>41</sup> At the meeting, Zhakianov and other prominent political figures delivered speeches that criticized the Nazarbaev government, and Zhakianov called for a referendum on the direct election of regional political leaders. President Nazarbaev countered on January 25 with a speech criticizing the meeting, and demanded that law enforcement agencies take steps to stop “the buffoonery.”<sup>42</sup>

The government also moved to restrict information about the DVK and its calls for reform. Television stations that had covered DVK activities, including the Almaty-based “Tan”<sup>43</sup> and Pavlodar-based “Irbis,” were abruptly taken off the air. Publishing houses came under pressure from the government, and, as a result, refused to print DVK materials. Committee for National Security (KNB) and other security officials interrogated meeting participants in at least five provinces.<sup>44</sup> In the days that followed the Almaty gathering, criminal charges of abuse of office and financial mismanagement were brought against Mukhtar Abliazov.<sup>45</sup> Then, on March 27, 2002, following

---

<sup>41</sup> Some estimates put the number of participants at 5,000. According to Mukhamedkali Ospanov, one of Zhakianov’s Pavlodar administration deputies and a DVK activist at the time, the numbers of demonstrators could have been substantially higher had the meeting been held in the center of the city. Since authorities denied permission to hold it directly downtown, the meeting location was changed at the last minute and the gathering was held in the city’s circus building outside the city center. Human Rights Watch interview with Mukhamedkali Ospanov, Moscow, May 23, 2003. The meeting was broadcast live on Tan TV, which, according to a former employee, further exacerbated the authorities’ displeasure. Human Rights Watch interview with former Tan TV employee Marzhan Elshibaeva, Almaty, April 19, 2003. Also DVK videocassette, “19-20 January 2002: Meeting of the Democratic Opposition and DVK Meeting.”

<sup>42</sup> “Report on the criminal prosecution on the grounds of his political activities, of the leader of the political movement ‘Democratic Choice of Kazakhstan,’ Galymzhan Zhakianov,” delivered to Human Rights Watch in April 2003.

<sup>43</sup> Owned by Abliazov. “Tan” began rebroadcasting in September 2002. CPJ, (CPJ), “Kazakhstan,” *Attacks on the Press in 2002* [online], <http://www.cpj.org/attacks02/europe02/kazak.html> (retrieved July 5, 2003).

<sup>44</sup> Joshua Machleder and Ivan Sigal, “Independent Media and Alternative Narratives in Central Asia,” paper presented at 4<sup>th</sup> Annual Central Eurasian Studies Society (CESS) Conference, Harvard University, October, 2003; “V Pavlodare prekratil veschane telekanal ‘TV 6X6’” (T.V. “6X6” Shut Down in Pavlodar), *Internews News Bulletin* No. 137, May 2002 [online], <http://www.internews.kz/rus/bulletin/137/news02.htm> (retrieved October 28, 2003). For example, DVK supporters in Karaganda, Alkmolinsk, Pavlodar, Western Kazakhstan, and Kostanai provinces who attended the January 2002 meeting confirmed to Human Rights Watch in March and April 2003 that they and others who had attended had been summoned by these officials for “conversations.”

<sup>45</sup> *Kazakstan 2001-2002 – Politicheskii krizis*, p. 9. Also at this time, dissension within the DVK led to the founding of a new political party, “Ak Zhol” (Bright Way) by several members of the party executive. They included former prime minister Uraz Jandosov, former minister of labor Alikhan Baumenov, and former parliamentary deputy Bulat Abilov. “Ak Zhol” obtained registration in December 2002 and is considered “moderate” opposition.

publication of materials on Kazakhgate in Abliazov-controlled media, Abliazov himself was arrested.<sup>46</sup>

Five months later, both Abliazov and Zhakianov were convicted on charges of abuse of office and sentenced to six and seven-year prison terms respectively, during trials that international observers called grossly flawed.

---

<sup>46</sup> RFE/RL Kazakh Service, March 28, 2002.

## ELECTIONS

In perpetrating the violations documented below in this report, the government is apparently seeking to block the opposition from the electoral process and to limit its effectiveness. In two rounds of elections held in the last two years months—the December 2002 parliamentary by-elections and the September 2003 local elections—the government manipulated the vote, again to ensure its own dominance of elected office.

The international community has consistently criticized the conduct of Kazakhstan's elections, noting that they fell short of international standards for free and fair elections<sup>47</sup>. The conduct of the September 2003 and December 2002 elections indicates that Kazakhstan has made little if any progress toward meeting international standards for free and fair elections.

### ***December 2002 Parliamentary By-Elections***

Irregularities in the December 2002 parliamentary by-elections included erroneous and outdated voter lists, the use of gifts and bribes to win pro-presidential candidate votes, the blocking of independent election monitors' observation activities, an overwhelming devotion of state media time to pro-government candidates, the denial of the use of public halls for opposition candidates, the removal of opposition candidates from the ballot just hours before the opening of the vote, and intimidation of voters by government employees.<sup>48</sup> The by-elections took place in three provinces. In all instances, a pro-government candidate was declared the winner.

Seven candidates stood for office in the northern Pavlodar province, but the real contest was between Karlygash Zhakianova, wife of imprisoned DVK leader Galymzhan Zhakianov, and Vasili Maksimonko, an official at the local aluminum factory. Maksimonko won the election with 51 percent of the vote.<sup>49</sup>

---

<sup>47</sup>See "Republic of Kazakhstan: Parliamentary Elections," OSCE [online] [http://www.osce.org/odihr/documents/reports/election\\_reports/kz/kazak2-2.pdf](http://www.osce.org/odihr/documents/reports/election_reports/kz/kazak2-2.pdf) (retrieved December 15, 2003). "The Republic of Kazakhstan: Presidential Elections," OSCE [online], [http://www.osce.org/odihr/documents/reports/election\\_reports/kz/kazak1-2.pdf](http://www.osce.org/odihr/documents/reports/election_reports/kz/kazak1-2.pdf) (retrieved December 15, 2003).

<sup>48</sup> Human Rights Watch interviews with election candidates, election campaign workers, and independent election monitors, Kazakhstan, March-April 2003. Also, Association of Sociologists and Political Scientists (ASPI), "December 28, 2002 Interim Elections," Almaty, 2003; Republican Network of Independent Monitors, "Final Report on the December 28, 2002 By-Elections to the Parliament of Kazakhstan in the Kurmangazinsky (16), Maikuduksky (32), and Toraigirsky (46) Districts," Almaty, January 10, 2003; and DVK et al., "Parliamentary Deputy Election Observation Report in Toraigirsky District No. 46, Pavlodar province," December 28, 2002.

<sup>49</sup> Kazakhstan News Bulletin "Dec. 28 by-election results certified," January 11, 2003 [online] <http://www.homestead.com/prosites-kazakhembus/010803.html> (retrieved March 22, 2004).

The vote in Pavlodar was marred by voter manipulation, harassment of students working on the election campaign, and coercion of school pupils. One Zhakianova campaign worker claimed to Human Rights Watch that a young teenage girl had told her that teachers at the girl's school in Pavlodar had advised students to instruct their parents to vote for Maksimonko, and that school administrators had threatened to dismiss schoolteachers should they cast votes for Zhakianova.<sup>50</sup> Uandek Zimbaev and Nurzhan Zhakianov, two student members of Zhakianova's election team, told Human Rights Watch that they were among a group of eight arbitrarily detained by police for six hours when hanging campaign posters in Pavlodar. Police demanded to how much they were being paid for working on the election campaign, asked them "Who are you going to vote for, Nazarbaev or Zhakianova?" and warned that if they continued to work on the campaign they would suffer retaliation at university.<sup>51</sup>

In Karaganda province, Senator Mukhtar Tinikeev won with 51 percent of the vote, after two of his four opponents—Bulat Abilov, co-chairman of the opposition Ak Zhol party, and Nikolai Usatov, of the pro-government Otan party—were removed from the ballot in the hours preceding the opening of the polls.<sup>52</sup> The disqualification of Abilov and Usatov, on minor technical grounds, was announced just three days before the vote. Abilov appealed the decision to the district court, which ruled in his favor, but when the claim went forward on appeal the provincial court upheld the electoral commission decision just hours before the polls opened, taking voters completely by surprise. Observers noted that voters were not properly informed of the candidates' removal from the ballot; they also recounted that some voters in protest refused to cast their ballot or simply wrote on the ballots "We're for Abilov."<sup>53</sup>

In addition to narrowing down the competition, government officials in Karaganda province took pains to obstruct scrutiny of the process. For instance, independent election monitor Marina Sabitova related how the head of the Karaganda provincial election commission had attempted to strike a deal with her in order to limit the number of independent election monitors.<sup>54</sup> She and other election monitors in Karaganda also related instances of outdated and falsified voter lists, lower voter turnout than officially

---

<sup>50</sup> Human Rights Watch interview with Natalia S., Pavlodar, April 17, 2003.

<sup>51</sup> Human Rights Watch interviews with Uandek Zimbaev and Nurzhan Zhakianov, Pavlodar, April 17, 2003.

<sup>52</sup> RFE/RL Central Asia Report, January 2, 2003, Vol. 3, No. 1. Association of Sociologists and Political Scientists (ASPI).

<sup>53</sup> Human Rights Watch interviews with Marina Sabitova and Lidia Mikhailovna, Karaganda, April 8 and 9, respectively; Association of Sociologists and Political Scientists, "Resultaty Exit Poll I Tsentribirkoma: sravnitel'nyy analiz" (Exit Poll and Central Electoral Committee Results: A Comparative Analysis), Almaty, 2003; Dmitrii Mostovoi, "I Vso-taki Butiu sniali!" ("Butiu" Removed After All), *Megapolis*, no. 51(110), December 26, 2002.

<sup>54</sup> Human Rights Watch interview with Marina Sabitova, Karaganda, April 8, 2003.

reported, proxy voting, and instances where election monitors were held at an unreasonably large distance from voters' ballot boxes.<sup>55</sup>

One of the most shocking incidents of the 2002 parliamentary by-elections took place in Atyrau, in western Kazakhstan. The candidates were Uzakkali Elubaev, a local district *akim*<sup>56</sup> and member of the pro-presidential Otan Party, N.M. Makhashev, another local district *akim*, and Jumabai Dospanov, RNPK branch leader in Atyrau province.<sup>57</sup> Elubaev swept the polls with 84 percent of the vote. Dospanov suffered what appeared to be an attempt on his life three days before the elections. He recounted that when traveling by car to meet with voters in Makhambetsk and Indersk districts one of the tires on his car fell off while the car was traveling at high speed. Later, Dospanov discovered that the screws on the tires had been deliberately loosened.<sup>58</sup> "My informant in the KNB told me that he hadn't been able to warn me about the "accident," which was [planned] to prevent me from participating in the elections," said Dospanov.<sup>59</sup>

### ***Prospects for Free and Fair Elections***

The September 2003 *maslikhat* (local council) elections were swept by the pro-presidential party Otan, which ran unopposed in close to fifty percent of constituencies.<sup>60</sup> *Maslikhat* elections are significant in that they provide political parties with a regional base and ensure political pluralism at the local and regional levels. Significantly, *maslikhats* also appoint members of election commissions, and elect the members of the Senate, the second half of Kazakhstan's bi-cameral parliament.

Opposition members alleged that the government attempted to exclude their candidates from the ballot. In Koshketau city, Akmolinsk province, DVK members and other opposition candidates said that the government has obstructed their registration by

---

<sup>55</sup> Ibid.; Human Rights Watch interview with Lidia Mikhailovna, independent election monitor, Karaganda, April 9, 2003.

<sup>56</sup> An *akim* is a local head of government, for example, a mayor of a city or village, or governor of a province.

<sup>57</sup> Association of Sociologists and Political Scientists (ASPI), "December 28, 2002 Interim Elections," Almaty, 2003.

<sup>58</sup> Human Rights Watch telephone interview with Jumabai Dospanov, June 19, 2003 and electronic communication, June 23, 2003.

<sup>59</sup> Human Rights Watch telephone interview with Jumabai Dospanov, June 19, 2003.

<sup>60</sup> OSCE Centre in Almaty press release, "OSCE Centre Assesses Local Elections in Kazakhstan," October 13, 2003; Maigul Kondikazakova, "Vzdrognut li "Otan" i "Asar," esli obediniatsa Ak Zhol i DVK...?" (Will Otan and Asar Flinch if Ak Zhol and the DVK unite?), Navigator, October 22, 2003. The OSCE conducted only a limited observation of the elections and was unable to draw a conclusion as to whether the elections met OSCE standards.

requiring lengthy psychiatric tests.<sup>61</sup> They charged that parliamentary deputies were unduly reluctant to sign their ballot applications,<sup>62</sup> while other officials flooded them with arbitrary requests to submit certificates or statements.<sup>63</sup>

DVK representatives reported similar harassment in other provinces, designed to prevent opposition candidates from participating in the fall election.<sup>64</sup> In Ust-Kamenogorsk, East Kazakhstan province, the head of the local DVK branch and the DVK election campaign director were accused of violating the administration code for participating in an unregistered public organization—i.e., the DVK.<sup>65</sup> Daniel Danilevskii, the election campaign director, was previously charged with a violation of the administrative code back in December 2002 and so was already disqualified from participating in the September race.<sup>66</sup> B. Tuleubaev, head of the DVK branch in Ust-Kamenogorsk, also had charges of administrative offense brought against him in July.<sup>67</sup>

---

<sup>61</sup> Under the Law on Elections, potential candidates must submit to the Central Electoral Commission documents certifying their mental health.

<sup>62</sup> Under the Law on Elections, government officials must certify candidate nominations.

<sup>63</sup> On their mental health, for example. DVK press releases, Akmolinsk province, July 10, 11, 14, and 16, 2003.

<sup>64</sup> Electronic communication from Vladimir Kozlov, DVK press secretary, Almaty, July 11, 2003.

<sup>65</sup> DVK Ust-Kamenogorsk branch electoral campaign press release, "Khuliganskoe napadenie na predstavitel'stvo DVK v Ust-Kamenogorske" (Hooligan Attack on DVK Office in Ust-Kamenogorsk), July 16, 2003.

<sup>66</sup> *Ibid.*; See also section on Maira Obenova.

<sup>67</sup> DVK electoral campaign press release, Ust-Kamenogorsk, July 16, 2003. See also section on Maira Obenova.

## PRESSURE ON POLITICAL PARTIES AND MOVEMENTS

### *The 2002 Law on Political Parties and Problems with Registration*

Continuing pressure on political parties significantly narrowed the field for the September 2003 district council elections and the forthcoming 2004 parliamentary elections and imposed major restrictions on Kazakhstan's most dynamic opposition parties. A key factor in this process was the adoption of a restrictive new Law on Political Parties in July 2002, which raised from 3,000 to 50,000 the minimum number of member signatures required to obtain registration. In the view of the law's supporters in parliament, the new minimum was imposed to ensure that "any party that claims it represents the interest and speaks on behalf of the people of Kazakhstan should have a legitimate basis for that."<sup>68</sup>

The law drew criticism from local and international observers, who claimed that it would restrict parties' access to the ballot and limit pluralism. The OSCE denounced the restrictiveness of the new law and predicted that it would have "a chilling effect on the development of political pluralism in Kazakhstan."<sup>69</sup>

The concerns of the OSCE and others proved justified. Due to the significant number of signatures required under the new law, only eleven of the previous nineteen parties registered in 2002 applied for re-registration by January 2003, as required by the law. Of the eleven, seven were granted re-registration: the Otan Republican Political Party, Aq Zhol (Bright Path) Democratic Party, the Civic Party, the Agrarian Party, the Communist Party, the Party of Patriots, and the Aul (village) Social-Democratic Party. On October 30, the Ministry of Justice registered a new political party, Rukhaniyat (Spirituality), headed by the chairman of Kazakhstan's Migration and Demography Agency, Altynshash Jaganova, and reportedly committed to promoting civil and international harmony.<sup>70</sup> Also, in October 2003, Dariga Nazarbaeva, President Nazarbaev's daughter, transformed her movement, Asar (All Together) into a political party that has since been registered.<sup>71</sup> All of these parties are widely perceived as pro-

---

<sup>68</sup> "President signs law "On political parties,"" Kazakhstan News Bulletin Released weekly by the Embassy of the Republic of Kazakhstan, Vol. 3, No. 24, July 17, 2002. <http://www.kazakhembus.com/071702.html> [retrieved on March 8, 2004]

<sup>69</sup> Mark Braden, "OSCE/ODIHR Review of Kazakhstan's New Law on Political Parties," July 8, 2002; OSCE press release, "New Law on Political Parties Could Seriously Threaten Political Pluralism in Kazakhstan," June 27, 2002. Evgenii Zhovtis sharply criticized the law at a December session of the Permanent Consultative Council. Human Rights Watch telephone interview with Evgenii Zhovtis, March 10, 2004.

<sup>70</sup> "Rukhaniyat beretsa za politiku" (Rukhaniyat takes up politics), *Kazakhstanskaia Pravda*, October 30, 2003.

<sup>71</sup> Interfax-Kazakhstan news agency, Almaty, in Russian, September 3, 2003.

presidential, with the exception of Aq Zhol and the Communist Party, which are widely considered to be “moderate” opposition and seen as unlikely to produce candidates who would realistically challenge President Nazarbaev.

DVK was eliminated in the registration process, as were Yel Dana (Wisdom of the Nation), Alash, and the Compatriot Party. Some sources allege that Yel Dana, Alash, and the Compatriot Party were denied registration because they were seen to violate Article 7 of the law on political parties, which prohibits ethnic, religious, or gender-based parties.<sup>72</sup> Representatives of these parties who spoke with Human Rights Watch, however, as detailed below, denied that the Ministry of Justice based its rejection of their application dossiers on this aspect of the law. The Republican People’s Party of Kazakhstan (RNPK) and Azamat Democratic Party boycotted re-registration in protest of the restrictions in the new law.

Four other parties did not apply for re-registration—the People’s Congress, the Socialist Party, the Justice Party, and Qazaq Eli (Kazakh Nation) Party of National Union.<sup>73</sup>

In all of the cases cited below, the minor technical problems cited by government officials appear to have been pretexts to deny registration. Without registration, a party may not operate under Kazakh law. Members and supporters of unregistered parties who carry out party work—for example hold rallies or meetings in public spaces, or distribute party written materials—are subject to misdemeanor or even criminal sanctions.<sup>74</sup> Unregistered parties cannot contest party-list parliamentary deputy positions, though party members may run as independent candidates from their constituencies. While Azamat, DVK, and the RNPK are not registered, their leaders are invited to participate, as prominent public figures, in the Permanent Consultative Council—a body created on the initiative of President Nazarbaev in November 2002 to draft proposals on democratization and development of civil society.

### *Democratic Choice of Kazakhstan (DVK)*

After the adoption of the law on political parties, the DVK’s leadership did not attempt to register as a political party because the movement lacked the minimum 50,000 members. Instead it actively sought registration as nonprofit organization. DVK’s

---

<sup>72</sup> These sources included a U.S. diplomat and opposition party members interviewed by Human Rights Watch. The July 2003 certification of Kazakhstan by the U.S. Department of State required for Kazakhstan to receive funds under the Freedom Support Act states that the four parties were denied registration because they violated the ban on gender- or ethnic based parties.

<sup>73</sup> Human Rights Watch is not aware of the reasons why these parties did not apply for re-registration.

<sup>74</sup> See Article 337 of the Kazakh Criminal Code, and Article 274 of the Kazakh Administrative Code.

previous but unsuccessful attempts to satisfy nonprofit organization registration requirements suggest a Ministry of Justice determination to deny it registration altogether, and to prevent the movement from ever qualifying as a political party.

DVK had a temporary registration permit as an NGO from January 2002 until January 2003, and during that period all fourteen regional branches repeatedly submitted applications for registration. Only one regional branch, that of Almaty, was successful.<sup>75</sup>

The government's reasons for denying the DVK branches' registration included translation inaccuracies between Russian and Kazakh-language versions of registration documents, the need to conduct an expert review of registration documents, irregularities in DVK's statute, the absence of emblems or symbols for DVK, or ostensibly incomplete or inadequate documentation. In six provinces, registration documents were submitted in 2002 between two and four times in an effort to address the technical problems cited by the government.

The DVK took steps to comply with Ministry of Justice registration requirements, but the Ministry continued to reject its registration requests. In November 2002 the DVK held a national congress to make changes to its statute as requested by the Ministry of Justice, but, in December 2002, the Ministry refused to register the changes, claiming that relevant documents submitted were incomplete and unnumbered, and that the text of the changes did not correspond to those voted in at the November 2002 conference. In January 2003, the Astana City Court ruled in favor of the government's decision and, citing technical reasons, turned down the DVK's appeal. The Supreme Court upheld the Astana City Court ruling. Also in January 2003, the Astana City Court refused a DVK request to have its temporary registration extended for six months.

When the deadline for DVK's permanent registration expired in early January 2003, the group held a conference to found a new organization entitled "Democracy. Choices. Kazakhstan," and submitted registration documents to the Ministry of Justice. The Ministry deemed the new title in violation of the civil code as it was "identical" to the old title.<sup>76</sup>

In July 2003, in a hearing conducted in absentia, the government suspended the DVK's activities for four months on the grounds that that it had failed to gain registration

---

<sup>75</sup> In some cases materials were submitted up to four times over. As of July 4, 2003, the activities of the DVK Almaty branch were technically suspended.

<sup>76</sup> HRW telephone interview with Bakhit Tumenova, executive secretary, DVK, June 23, 2003. The DVK claims that linguistic experts argued the contrary, and that the objection was yet another pretext to deny registration

within the required timeline.<sup>77</sup> On August 29, the Atyrau City Court prohibited DVK activity throughout the country.<sup>78</sup>

On December 2, 2003, the DVK's executive committee announced its intention to found the "Democratic Choice of Kazakhstan" People's Party, and thereby change its status from that of a nonprofit organization to a political party. DVK leadership stated that it would comply with the requirements of the Law on Political Parties.

### *Alash Party of Kazakhstan*

Since January 2003, the Ministry of Justice has repeatedly blocked the re-registration of the Alash Party of Kazakhstan, a Kazakh nationalist party, leaving it tied up in legal battles with the state. Alash leader, Janat Kasymov, told Human Rights Watch in April 2003 that the party had complied with Ministry of Justice requests for modifications to the party's charter, had corrected errors in membership signature lists, and was awaiting formal re-registration within a few days.<sup>79</sup> By mid-June, however, the Ministry of Justice had turned down Alash's registration application six times on the grounds of additional technical inconsistencies and errors, including ambiguity in the delineation of party leaders' authority.<sup>80</sup> Kasymov explained that the continued pretexts prompted the party to contest the rejection in court:

Now it's very clear that they don't want to register us. At first we cooperated, but now we've been turned down six times, this could go on forever, they can invent whatever reasons they want. We've even been told [by government officials] that we have one of the best-written charters, and parliamentary deputies have gone so far as to telephone the Ministry [of Justice] and ask what's going on. That's why we're taking the issue to court.<sup>81</sup>

As of March 2004, Alash remained unregistered.

---

<sup>77</sup> Under art. 53 of the law on administrative violations, which covers the suspension of the activities of entrepreneurs or legal entities. Appeal of Decision No. 02-660 of Judge R. M. Zhakanova, S.M.E.S, Astana, July 4, 2003; DVK press release, "Provokatsii, kak nachala 'chestnikh vyborov' (A Provocation as "Honest Elections" Begin), July 22, 2003. DVK has been denied registration as a public association under the Law on Public Associations.

<sup>78</sup> S. Kairkhanov, "Demokraticheskovo vybora bolshe net" (No More Democratic Choice) *Ak Zhaiyk* [Atyrau], No. 40(613), October 2, 2003; DVK press release, "Do demokratii – 200 let?" (Two Hundred Years Until Democracy?), September 29, 2003.

<sup>79</sup> Human Rights Watch telephone interview with Janat Kasymov, April 25, 2003.

<sup>80</sup> *Ibid.*, June 13, 2003.

<sup>81</sup> *Ibid.*

### *Yel Dana National Democratic Party*<sup>82</sup>

The Yel Dana (Wisdom of the Nation) women's party, founded in 1999, was refused re-registration due to problems with membership signature lists, alleged violations of the civil code, and technical omissions in the party charter, irregularities that chairwoman Raushan Sarsembaeva acknowledged, but referred to as "minor [and] certainly not of fundamental importance."<sup>83</sup> Although the number of members on the party's membership signature lists submitted in January 2003 totaled close to 54,000, the Ministry of Justice objected to the inclusion of 177 alleged minors among them, as well to the fact that some members had used old Soviet passports as proof of personal identification.<sup>84</sup> Sarsembaeva countered that the number of signatures minus the 117 still met the requirements of the law, and that the pretext was, as others, trivial. Sarsembaeva also noted that many village residents have not been able to obtain new passports following Kazakhstan's independence and continue to use former Soviet passports.<sup>85</sup> As of March 2004, it remained unregistered.

### *Compatriot Political Party*<sup>86</sup>

The Compatriot Party, which advocates Kazakhstan's integration with Russia, has been refused re-registration three times since January 2003 on the grounds of minor irregularities in membership signature lists and technical errors in the party's statute.<sup>87</sup> The Ministry of Justice said that 250 of the party's 59,000 membership signatures were of minors. This still left the party well beyond the 50,000 threshold.

Given the weakness of these pretexts, party chairman Gennadii Beliakov ascribed the rejection to the central government's fears that the party would not be loyal to the president. He pointed out that:

---

<sup>82</sup> Formerly the Democratic Party of Women.

<sup>83</sup> Human Rights Watch interview with Raushan Sarsembaeva, Almaty, April 7, 2003. While Yel Dana is a women's party, the government apparently did not consider that it met the terms of a gender-based party, and therefore did not ban it from registration on those grounds. Sarsembaeva has since joined Asar.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> Formerly the Russian Party.

<sup>87</sup> Human Rights Watch interview with Gennadii Beliakov, chairman, Compatriot Party, Almaty, April 19, 2003.

...all the objections to our application are minor... [the government is] doing it deliberately to delay the registration process, it's because we're opposition, and because they don't know whom we'll support in the presidential elections, for now we support Nazarbaev, but maybe someone 'cleaner' will be required.<sup>88</sup>

As of March 2004 the party remained unregistered.

### *The Communist Party of Kazakhstan*

Even opposition parties, that successfully registered, endured government obstacles and harassment in the process. For example, the Communist Party was granted re-registration on March 20, 2003, but only after official intimidation and harassment, particularly in Pavlodar, Zhambyl, and Western Kazakhstan provinces.<sup>89</sup> The Ministry of Justice twice rejected its re-registration application, twice temporarily froze its registration, and delayed its final decision on registration.<sup>90</sup>

Communist Party chairman Serikbolsyn Abdildin told Human Rights Watch that a first re-registration refusal in January 2003 was based on government claims of membership irregularities, and a second refusal in March due to the need to re-verify signature lists. Abdildin also asserted that, in tandem with officials' tendency to paint the Communist Party as "dangerous" or "wanting revenge," government officials charged with verifying signatures had questioned party members, particularly youth, about their reasons for joining the party. During the registration process the officials harassed student party activists, warning them that "you're against Nazarbaev" and would suffer negative consequences in university.<sup>91</sup>

The government also exerted pressure on older party activists. In the Kurmangazinsk district in Atyrau province, for example, elderly party members complained that local authorities forced them to submit written statements resigning from the party.<sup>92</sup> In Pavlodar province, law enforcement agents questioned new party members and charged

---

<sup>88</sup> Ibid.

<sup>89</sup> Human Rights Watch interview with Serikbolsyn Abdildin, chairman, Communist Party of Kazakhstan, Astana, April 11, 2003; *Pravda Kazakhstan*, No. 11 (79), March 19-25, 2003.

<sup>90</sup> Human Rights Watch interview with Serikbolsyn Abdildin, Astana, April 11, 2003; "Kommunistam 'vykruchivaut' ruki" (Unscrewing the Communists' Hands), *Pravda Kazakhstan*, No. 11 (79), March 19-25, 2003; Kazakhstan parliament press release, "Skol'ko v Kazakhstane partii?" (How Many Parties are there in Kazakhstan?), April 2003 [online], <http://www.navi.kz/Articles/4print.php?artid=3125> (retrieved June 14, 2003).

<sup>91</sup> Human Rights Watch interview with Serikbolsyn Abdildin, Astana, April 11, 2003.

<sup>92</sup> *Pravda Kazakhstan*, No. 11 (79), 19-25 March 2003.

that they had been pressured by current party members to join.<sup>93</sup> In the province's Sherbakhtinsk district, the deputy *akim* summoned party activist Natalia Peters during the party's registration campaign, to ask why she had joined the party and what she had been promised in return for becoming a member.<sup>94</sup> The deputy *akim* also made clear to her that he had in his possession a list of the close to sixty party members in Sherbakhtinsk district, implicitly alluding to official surveillance of these members and the potential for intimidation.<sup>95</sup>

Government intimidation was successful in shrinking the ranks of the party's members and dissuading people from signing the membership list needed for re-registration. Party activists claimed, for example, that fears of professional retaliation discouraged citizens from joining the party or making public their membership in it.<sup>96</sup>

---

<sup>93</sup> Chairman Abdildin pointed out, however, that the party simply did not possess the resources to carry out such a campaign. Human Rights Watch interview, Astana, April 11, 2003.

<sup>94</sup> Human Rights Watch interview with Zoia Kozhanova, chairwoman, Pavlodar province branch of the Communist Party, April 16, 2003. According to Kozhanova, there are approximately 1,700 Communist Party members in Pavlodar province.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*; Human Rights Watch interview with Claudia Svintsova, Karaganda, April 9, 2003.

## POLITICAL PRISONERS

Between July 2002 and January 2003 the government arrested and convicted three leading opposition figures: DVKs' co-founders Mukhtar Abliazov (who has since been pardoned) and Galymzhan Zhakianov; and Sergei Duvanov, an independent journalist and human rights defender with links to the RNPK. Zhakiaov and Abliazov had the potential to mount serious challenges to Nazarbaev's firmly-entrenched presidential rule, and Abliazov and Duvanov played significant roles in the publication of information about the Kazakhgate oil revenues corruption scandal.

All three men were convicted in deeply flawed trials that international trial observers concluded were politically motivated.<sup>97</sup> Local and international protest has resulted in broad coverage of the cases and has focused attention on the three men.<sup>98</sup> For example, the European Parliament, U.S. government and numerous international and local human rights groups have established as benchmarks for human rights progress an independent review of their cases or their release.<sup>99</sup> In September 2003, the European Parliament nominated Galymzhan Zhakianov for the 2003 Sakharov prize, an award that recognizes individuals who have made outstanding contributions to democratic development and the rule of law in their respective countries.<sup>100</sup>

The government appears to be using the pardon process to pressure political prisoners to abandon politics altogether. Apparently in response to international pressure, on May 13, 2003, Abliazov was released under presidential pardon. Since his release, however, he has quit politics and resigned from the DVK. Because he was pardoned, he cannot contest his conviction. While Abliazov has said that no one persuaded him to step down from politics, recent developments with two other cases suggest government pressure. As of this writing, authorities also appear to be pressuring Zhakianov to withdraw from politics in exchange for a pardon,<sup>101</sup> while harassment by prison officials of Duvanov

---

<sup>97</sup> International League for Human Rights, "League Testifies in European Parliament," June 12, 2002 [online], [http://www.ilhr.org/ilhr/events/euro\\_parliament.htm](http://www.ilhr.org/ilhr/events/euro_parliament.htm) (retrieved November 25, 2003).

<sup>98</sup> See, for instance, numerous analytical Articles posted on Eurasianet.org, and on the Institute for War and Peace Reporting (IWPR) and Radio Free Europe/Radio Liberty websites. See also Human Rights in Kazakhstan and Central Asia, European Parliament Resolution on Kazakhstan Adopted on February 13, 2003, P5\_TA-PROV(2003)0064; and U.S. Congress Act, H.R. 1950, 108<sup>th</sup> Congress, 1<sup>st</sup> Session, July 16, 2003.

<sup>99</sup> European Parliament Resolution on Kazakhstan Adopted on February 13, 2003, P5\_TA-PROV(2003)0064; Congressional Resolution on human rights in Central Asia, S.J. Res. 3, January 14, 2003. National Fund for the Defense of Political Prisoners, the Kazakhstan International Bureau for Human Rights and the Rule of Law, and the International League for Human Rights, and Human Rights Watch have all criticized the trials.

<sup>100</sup> U.N. Secretary-General Kofi Annan is also among the 2003 nominees. International League for Human Rights (ILHR), September 18, 2003.

<sup>101</sup> In September, the KNB alleged publicly that Zhakianov was willing to step down from politics in exchange for presidential pardon. Interfax-Kazakhstan, September 3, 2003; Khabar news agency, September 15, 2003.

while he was in prison was viewed by his defense and supporters as an effort to compel him to request a presidential pardon.

### ***Galymzhan Zhakianov***

Human Rights Watch is not in a position to assess the validity of the government's charges against Galymzhan Zhakianov. But information collected by Human Rights Watch on Galymzhan Zhakianov's arrest, trial and conviction points to a government effort to remove him from the political arena. Developments after his conviction also show that authorities are determined to press ahead with a campaign to further discredit Zhakianov and impede his release from prison. They obstructed Zhakianov's request for a presidential pardon, and instigated new criminal charges that could increase his prison term from seven to ten years.

### ***Targeting a Political Rival***

Before his imprisonment in August 2002, Galymzhan Zhakianov wielded significant political power. He came to prominence on the national political arena in 1994, when President Nazarbaev appointed him governor of northeastern Semipalatinsk province.<sup>102</sup> In 1997 President Nazarbaev appointed him governor of Pavlodar province. In the fall of 2001, Zhakianov began to make public calls for political reform, including the institution of direct elections of provincial governors.<sup>103</sup>

### ***Arrest, Criminal Investigation and Trial***

At approximately 2 a.m. on March 29, 2002, about twenty policemen bearing an arrest warrant surrounded Zhakianov's hotel in downtown Almaty.<sup>104</sup> Zhakianov took refuge in a building housing the embassies of France, the United Kingdom, and Germany. After five days of negotiations, a memorandum was signed between the three embassies and the Foreign Ministry of Kazakhstan guaranteeing Zhakianov an open and transparent trial, house arrest at his residence in Almaty during the pre-trial investigation,

---

<sup>102</sup> Semipalatinsk province was integrated into Eastern Kazakhstan province in 1997. RFE/RL *Kazakh News*, April 24, 2003.

<sup>103</sup> Many consider that the publication of Zhakianov's September 2001 article, "Vremia delat' vybor" (Time to Make a Choice), which called for direct election of provincial governors, provoked a critical change in the central government's attitude towards him.

<sup>104</sup> Human Rights Watch interview with Karlygash Zhakianova, Zhakianov's wife, Almaty, March 29, 2003.

and access to Zhakianov by European Union diplomatic representations.<sup>105</sup> The embassies also promised to accompany Zhakianov to his residence in Pavlodar.<sup>106</sup> On April 10, 2002, however, the government contravened the memorandum when authorities forcibly transported Zhakianov by military plane to a private dormitory in Pavlodar, where he was detained until the start of his trial on July 15, 2002.<sup>107</sup>

During the pre-trial investigation, interrogators questioned Zhakianov without consideration of his poor health. Zhakianov's lawyers and relatives assert that criminal investigators on several occasions ignored medical orders to hospitalize Zhakianov and conducted lengthy interrogation sessions when his health was poor, also in violation of doctors' orders.<sup>108</sup> On May 18, 2002, on one such occasion, Zhakianov is alleged to have suffered a heart attack following two days of lengthy questioning by investigator I.K. Kusainov; on another occasion, on June 6, 2002, he was transferred to intensive care after investigator Kusainov attempted to interrogate him, in the absence of Zhakianov's lawyers, in the Pavlodar hospital cardiology department.<sup>109</sup> Karlygash Zhakianova, Zhakianov's wife, also told Human Rights Watch that medical personnel who treated Zhakianov were warned by Ministry of the Interior representatives that "this person [Zhakianov] is against the president."<sup>110</sup> Zhakianov supporters who led pickets in protest against the interrogation sessions conducted while he was in poor health were convicted under the criminal code on charges of interference in court proceedings and slander.<sup>111</sup>

Charges against Zhakianov included abuse of office and exceeding official authority,<sup>112</sup> and derive from his alleged actions while he was governor of Pavlodar. It is alleged that he sold a state repair factory below cost and conducted an illegal exchange of

---

<sup>105</sup> "Memorandum between the Ministry of Foreign Affairs of Kazakhstan and the Embassies of France, the United Kingdom and Northern Ireland, and Germany," Almaty, April 3, 2002.

<sup>106</sup> Ibid.

<sup>107</sup> The government claimed that residence in the dormitory in Pavlodar also constituted house arrest, and that therefore that the terms of the memorandum had not been violated. It based its decision to transfer Zhakianov to Pavlodar on the fact that numerous witnesses crucial to the pre-trial investigation were resident in Pavlodar, and that visits from diplomatic personnel to Zhakianov in Almaty were interfering with the pre-trial investigation. Interfax-Kazakhstan news agency, April 11, 2002.

<sup>108</sup> Letter from Zhakianov's lawyer, Elena Rebenchuk, to the General Procurator, May 20, 2002; DVK press release "Zhakianov v reanimatsii" [Zhakianov in Intensive Care], May 20, 2002; Human Rights Watch interview with Karlygash Zhakianova, Almaty, March 29, 2003; *Kazakstan 2001-2002 – Politicheskii krizis*, p. 11.

<sup>109</sup> Ibid. Zhakianov himself confirmed this information in his testimony to the Pavlodar City Court, see unofficial transcript "Trial over Zhakianov," available at <http://www.zhakiyanov.info/inner.php?menuid=8>.

<sup>110</sup> Human Rights Watch interview with Karlygash Zhakianova, Almaty, March 29, 2003.

<sup>111</sup> Articles 339 and 343. See section on Gennadii Bondarenko.

<sup>112</sup> Indictment on criminal case No. 023216050053, Pavlodar provincial procuracy, June 25, 2002.

warehouses at a loss to the state.<sup>113</sup> Trial observers, who included foreign diplomats, and members of Zhakianov's defense team, told Human Rights Watch that the trial was deeply flawed, and described numerous procedural violations, including coerced witness testimony and insufficient evidence.<sup>114</sup> An unofficial transcript of the thirteen-day hearing supports these allegations.<sup>115</sup> The transcript also reveals the delivery by many prosecution witnesses – including government representatives – of testimony in support of the defense.

Many prosecution witnesses either avoided answering the prosecution's questions or were unable to provide coherent answers. Officials who conducted expert examinations of court materials also provided incomplete or contradictory testimony, and one state lawyer who acted as a witness for the defense claimed that during the pre-trial investigation state criminal investigators had threatened her with prosecution should she cooperate with the defense.

On August 2, 2002, Zhakianov was sentenced to seven years in prison for abuse of office and exceeding official authority.<sup>116</sup>

### *Torture*

Police beat at least two of Zhakianov's employees in an attempt to gain information about him.

Kairat K. (not his real name) told Human Rights Watch that at approximately 9 a.m. on March 29, the day of Zhakianov's arrest, civilian-clothed policemen detained him and brought him to a police station in Almaty.<sup>117</sup> There, other police who declined to identify themselves asked whether Kairat K. was a personal acquaintance of Zhakianov. Kairat K. told Human Rights Watch:

---

<sup>113</sup> The government argued that Zhakianov had sold the Peschansk repair and engineering works factory and Tort-Kuduk gold mine below cost, and that his Pavlodar administration had violated communal property laws when it concluded a deal to exchange a state warehouse with one belonging to a private company, Romat Pharmaceuticals. The government claimed that this exchange was conducted at a loss to the state. Verdict of the Pavlodar City Court, Judge I.V. Tarasenko, August 2, 2002

<sup>114</sup> Human Rights Watch interviews with family members, lawyers, international observers including foreign lawyers, and other trial observers, Almaty, Pavlodar, Karaganda, and Moscow, March-June 2003.

<sup>115</sup> The unofficial transcript "Trial over Zhakianov," is available at <http://www.zhakiyanov.info/inner.php?menuid=8>.

<sup>116</sup> Violations of Articles 307 and 308, respectively, of the criminal code. Verdict of the Pavlodar City Court, Judge I.V. Tarasenko, August 2, 2002.

<sup>117</sup> The name of the police station and the place of detention are omitted to protect the witness.

When I responded in the affirmative, [one officer] said, “He’s an enemy of the people,” then he named some legal Article and said that I was also implicated in the case. Then he said, “Put him against the wall,” and, at the order of the chief, a few men began to beat me on the kidneys with their fists and arms, intermittently asking me questions like “With whom does Zhakianov meet? Where are his relatives now?” and when I said I didn’t know they started to make psychological threats, and finally, when I was sitting down, the chief kicked me in the head, so that I started to bleed, and then he stopped. He asked, “Where is Baldash?”<sup>118</sup> and when I said I didn’t know, he replied, “He’s here,” and some men brought him into the room, and I saw that he had been beaten, too. Then I wrote down where I worked, domestic errands, etc., and the chief said, “The prisons, the SIZO, the colonies, they all belong to us, if you tell anybody about what’s happened to you we’ll break you and your relatives, we’ll do anything we want to you,” and then he started to make psychological threats like putting needles under my fingernails.<sup>119</sup>

Kairat K. also related that the policemen had threatened to rape Baldash’s fourteen- and sixteen-year-old daughters, and that he and Baldash B. were coerced into signing statements that they had not been ill-treated while in detention.<sup>120</sup> Karylgash Zhakianova met Kairat K. and Baldash B. when they were released from the police station, and said that “Kairat had blood all over him, and the lower half of his body was covered in bruises, and Baldash was black and blue from bruises, too.”<sup>121</sup> Appeals to the Almaty procuracy, or office of the prosecutor, submitted by a third party protesting the beating were met with silence.<sup>122</sup>

### *The Continuing Government Campaign against Zhakianov*

Authorities appear intent on a campaign to thoroughly tarnish Zhakianov’s reputation and prevent his return to politics. After his conviction, for example, the government has continued to pursue aggressive investigations of the former governor’s alleged misconduct while in office. On September 12, 2003, these investigations culminated in the instigation of new criminal charges against Zhakianov on grounds of theft, abuse of

---

<sup>118</sup> Not his real name. Also a Zhakianov employee.

<sup>119</sup> Human Rights Watch interview with Kairat K. (not his real name), Almaty, April 13, 2003.

<sup>120</sup> Ibid.

<sup>121</sup> Human Rights Watch interview with Karylgash Zhakianova, Almaty, April 13, 2003.

<sup>122</sup> Ibid.

office, and fraud.<sup>123</sup> Elena Rebenchuk, Zhakianov's lawyer, told Human Rights Watch that a criminal case instigated in 1997 in Semipalatinsk against Zhakianov's administration and subsequently closed on the grounds of lack of evidence in June 2002, had been re-opened in February 2003.<sup>124</sup>

The government also appears to have exploited appeals to release Zhakianov on the grounds of ill-health to block his return to the political arena. Since his incarceration, Zhakianov has suffered constant skin and viral infections,<sup>125</sup> and in May 2003 he was reported to have contracted pneumonia.<sup>126</sup> In July, his lawyers and wife alleged that he displayed the beginning symptoms of tuberculosis.<sup>127</sup> On July 2, Karlygash Zhakianova submitted an appeal for clemency on behalf of her husband on the grounds of ill-health; the government turned down the request, stating that an appeal for clemency must come directly from the prisoner.<sup>128</sup> The penal code, however, permits appeals submitted by prisoners' relatives.<sup>129</sup> On August 6, after refusing for a full year to do so, Zhakianov himself submitted an appeal for pardon to President Nazarbaev. On September 15, the KNB held a press conference in Astana to announce new criminal charges against Zhakianov, and showed a video recording on which Zhakianov agreed to participate in "moderate" political activities, not fund the DVK, and return to being only a

---

<sup>123</sup> Khabar television, Almaty, in Russian, September 15, 2003, as cited in BBC Monitoring.

<sup>124</sup> Human Rights Watch telephone interview with Elena Rebenchuk, July 4, 2003; Human Rights Watch interview with Mukhamedkali Ospanov, Moscow, May 23, 2003; Venera Abisheva, "Korotkie vstrechi posle dlinnovo puti" (Short meetings after a long road), June 25, 2003, Respublika.kz; "Press release for the press conference of Elena Rebenchuk, lawyer of Galymzhan Zhakianov," July 2, 2003, Almaty. This case also constituted one of the episodes in the July-August 2002 trial.

<sup>125</sup> As a result of an accident suffered as a young adult, Zhakianov suffers from a weakened lung condition, and is particularly susceptible to lung infections. Human Rights Watch interviews with Karlygash Zhakianova, March-July 2003, and with Zauresh Battalova, senator, Almaty, August 1, 2003.

<sup>126</sup> Human Rights Watch telephone interview with Karlygash Zhakianova, May 15, 2003. "Press release for the press conference of Elena Rebenchuk, lawyer of Galymzhan Zhakianov," July 2, 2003, Almaty.

<sup>127</sup> Human Rights Watch telephone interview with Elena Rebenchuk, July 4, 2003; "Interview with Karlygash Zhakianova," Respublika.kz, July 4, 2003. An official diagnosis of Zhakianov has not been made available. Those close to Zhakianov state that medical and prison personnel are under pressure not to confirm that Zhakianov has tuberculosis, and that Zhakianov himself has denied the reports about his condition in order to avoid transfer to tuberculosis prison barracks. *Ibid.*; Human Rights Watch interview with Zauresh Battalova, senator, Almaty, August 1, 2003.

<sup>128</sup> "Petition for forgiveness," letter from Karlygash Zhakianova to President Nazarbaev, July 2, 2003; Letter No. Zh-4682,2 from N. Belorukov, deputy chairman of the presidential commission on pardons, to Karlygash Zhakianova, July 10, 2003. Numerous local and Russian politicians and human rights groups subsequently appealed to President Nazarbaev to release Zhakianov on grounds of ill health.

<sup>129</sup> See in particular, official commentary to Article 168 of the penal code. Letter from Evgeniy Zhovtis, director, The Kazakhstan International Bureau on Human Rights and the Rule of Law (KIBHRL), to Zauresh Battalova, senator, and Serikbolsyn Abdildin, parliamentary deputy, KIBHRL *Monitoring*, July 25, 2003.

businessman should his request for presidential pardon be satisfied.<sup>130</sup> Karlygash Zhakianova and the DVK leadership claimed that the video recording had been fabricated.<sup>131</sup>

On June 20, 2003, the Supreme Court rejected Zhakianov's appeal of the original July 2002 Pavlodar provincial court decision.<sup>132</sup> The same month, his lawyers requested that the Organization for Security and Cooperation in Europe (OSCE) conduct an expert review of the case.<sup>133</sup> As of this writing, a review has not been forthcoming.

Since his conviction in July 2002, Zhakianov has been imprisoned in Colony 161/4, adjacent to Kushmurun village in northern Kostanai province. While an April 2003 Human Rights Watch mission to Kazakhstan did not reveal physical mistreatment of Zhakianov in detention, testimony pointed to ongoing efforts by prison officials to create constant psychological discomfort and pressure.<sup>134</sup> A former inmate at Kushmurun prison, released in February 2003, told Human Rights Watch that at that time Zhakianov had been under constant surveillance by prisoners who carried out orders of the prison administration,<sup>135</sup> and that efforts were made to prevent contact between Zhakianov and other prisoners.<sup>136</sup> Vladimir Ushkov, another inmate released from Colony 161/4 after February confirmed prison authorities' ongoing targeted surveillance of Zhakianov and efforts by the KNB to implicate Zhakianov in incidents

---

<sup>130</sup> Khabar news agency, September 15, 2003. The press conference, broadcast on national television, also occurred five days before the *maslikhat* elections of September 20, 2003.

<sup>131</sup> Human Rights Watch telephone interview with Karlygash Zhakianova, September 16, 2003; DVK press release, "Ocherednaia falshivka rejima" (Routine regime falsification), September 15, 2003.

<sup>132</sup> "Press release for the press conference of Elena Rebenchuk, lawyer of Galymzhan Zhakianov," Almaty, July 2, 2003.

<sup>133</sup> Letter to the OSCE from Evgeniy Zhovtis, Nurbulat Masanov, Rozlana Taukina, Natalia Chumakova, Petr Svoik and Elena Rebenchuk, Almaty, June 9, 2003; Human Rights Watch telephone interview with Elena Rebenchuk, July 4, 2003.

Karlygash Zhakianova had submitted a request to president Nazarbaev in July for clemency for her husband on health and humanitarian grounds. "Interview with Karlygash Zhakianova," Respublika.kz, July 4, 2003.

<sup>134</sup> One example of consistent petty harassment includes efforts since April 2003 to obstruct Zhakianov's contact with the outside world. At that time, Karlygash Zhakianova reported that a pay phone installed in the prison at the behest of Zhakianov's family and lawyer was more often than not mysteriously out of order. Human Rights Watch interview with Karlygash Zhakianova, Almaty, March 29, 2003. Human Rights Watch interview with Karlygash Zhakianova, Almaty, July 31, 2003; Interfax-Kazakhstan news agency, September 16, 2003.

<sup>135</sup> Groups of prisoners who work informally for the prison administration are a regular feature of the Kazakh prisoner hierarchy.

<sup>136</sup> Sergei N. (not his real name) had previously served sentences in Petropavlosk and Ust-kamenogorsk, and he told Human Rights Watch that basic conditions in Kushmurun were worse than in Petropavlosk and Ust-kamenogorsk prisons.

such as disturbing ward order or provoking fights among inmates.<sup>137</sup> Kushmurun prison employees who have spoken with Karlygash Zhakianova have been subsequently warned by senior prison authorities not to do so, and have been told that “he [Zhakianov] is against the president.”<sup>138</sup> At the time of writing, prison authorities had also reduced telephone access by Zhakianov and other inmates in Colony 161/4 to a minimum.<sup>139</sup>

Prison authorities have also denied visits to Zhakianov by his lawyer, parliamentary deputies, and the director of KIBHRL.<sup>140</sup> Despite guarantees provided in the April 2003 memorandum signed between the Ministry of Foreign Affairs and foreign embassies, access by diplomatic representatives has been intermittent due to the slow response from Kazakh officials to requests for access.<sup>141</sup>

In addition to levying administrative penalties and bringing criminal cases designed to keep DVK members off the ballot, the government has attempted to convict, on criminal charges, four of Zhakianov’s former deputies who worked for the Pavlodar province administration. The four were abruptly dismissed from their posts at the same time as Zhakianov, in November 2001. Convinced that they will be unfairly tried and convicted in Kazakhstan, all four of these men—Alexander Koshevoi, Mukhamedkali Ospanov, and Sergei Gorbenko, and Alexander Riumkin—fled the country.

### ***Mukhtar Abliazov***

A successful businessman and energy minister from 1998 to 1999, Mukhtar Abliazov founded the DVK together with Galymzhan Zhakianov in November 2001, and issued calls for serious political reform. In February and March 2002, media outlets financed by Abliazov published information on the Kazakhgate oil corruption scandal.<sup>142</sup> On March 27, Abliazov was arrested in Almaty on charges of abuse of office and financial mismanagement.<sup>143</sup>

---

<sup>137</sup> “Kazakhstanskii etap” (Kazakhstan’s Phase), *Novaia gazeta* (The New Newspaper) [Moscow], September 1, 2003.

<sup>138</sup> *Ibid.*

<sup>139</sup> Interfax-Kazakhstan news agency, September 16, 2003; Statement of E.A. Zhovtis, director of the KIBHRL, , “On the situation of G. Zhakianov and S. Duvanov,” August 12, 2003; Human Rights Watch interview with Karlygash Zhakianova, Almaty, July 31, 2003.

<sup>140</sup> Statement of the director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, E.A. Zhovtis, “On the situation of G. Zhakianov and S. Duvanov,” August 12, 2003.

<sup>141</sup> “Memorandum Between the Ministry of Foreign Affairs of Kazakhstan and the Embassies of France, the United Kingdom and Northern Ireland, and Germany,” Almaty, April 3, 2002; Human Rights Watch interviews with diplomatic representatives in Almaty, April 2003.

<sup>142</sup> These included “Tan” television and the newspaper *Vremia Po*.

<sup>143</sup> *RFE/RL Newslines*, March 28, 2003.

International and local observers at Abliazov's June-July 2002 trial told Human Rights Watch that numerous procedural violations, a lack of credible evidence, and inconsistent witness testimony reflected a political motivation behind the case. Witnesses provided contradictory testimony, retracted testimony given during the pre-trial investigation, and stated that they had been coerced into delivering their earlier testimony.<sup>144</sup> The court also denied most motions filed by the defense.<sup>145</sup> Authorities took measures to restrict access to, and information about, the trial. Law enforcement agents prevented people who wished to attend the trial from traveling to Astana or delayed their arrival by removing them from trains, and summoning them for "discussions" with procuracy officials and police officers.<sup>146</sup> In Astana during the first four days of the trial, requests by seventy people for access to, or information about, the hearing were denied by judicial and other government officials. Police also forcibly dispersed, physically mistreated, and detained those who conducted peaceful demonstrations in front of the Supreme Court. The defense claimed that the state media's coverage of the trial was erroneous, and protested the court's refusal to allow audio or video taping of the hearings.<sup>147</sup>

On July 18, 2002, the Supreme Court sentenced Abliazov for abuse of office and illegal entrepreneurial activities to six years in prison.<sup>148</sup>

Conflicting reports surfaced about Abliazov's treatment in prison. While Abliazov himself publicly denied reports of ill-treatment, other sources claimed that he had been subjected to beatings and constant psychological pressure.<sup>149</sup> On December 7, 2002, for example, he was reported to have been placed in an isolation cell for fifteen days.<sup>150</sup> In protest, Abliazov held a hunger strike in protest until December 16. His lawyers were denied access to him during this time and the prison administration refused to provide

---

<sup>144</sup> Human Rights Watch interviews with local and international observers at the trial, Kazakhstan, March-April 2003.

<sup>145</sup> *Ibid.*

<sup>146</sup> Written statement of KIBHRL, June 28, 2002.

<sup>147</sup> *Ibid.*

<sup>148</sup> Articles 307 and 310 of the criminal code. Before assuming the post of minister of energy in 1998, Abliazov headed Kazakhstan's national power company, KEGOK. The court ruled that during his tenure as minister of energy, Abliazov misappropriated approximately U.S.\$3.65 million from KEGOK. Another charge leveled was the failure to return his mobile telephone to KEGOK when Abliazov transferred posts from KEGOK to the Ministry of Energy, resulting in losses to KEGOK of about U.S.\$4,000. This charge, however, was rejected by the court. Verdict of the Supreme Court, Astana, July 18, 2002.

<sup>149</sup> Dmitri Glumskov and Gennadii Sysoev, "Prezident Kazakhstana pomiloval opal'novo ministra" (Kazakh President Pardons Disgraced Minister), *Kommersant* [Moscow]. May 14, 2003.

<sup>150</sup> DVK press release "Tol'ko chto stalo izvestno o pokushenii na Mukhtara Abliazova" (Breaking news – attack on Mukhtar Abliazov), December 18, 2002.

them with reasons for his punishment in isolation.<sup>151</sup> When Abliazov was released from the isolation cell on December 16, unidentified prisoners reportedly beat him in the face. Parliamentary deputies who attempted to confirm this information were denied access to Abliazov on December 20.<sup>152</sup> Abliazov was soon afterwards transferred from the general regime prison close to Kokshetau, in Akmolinsk province, to a strict regime prison in Derzhavinsk, also in Akmolinsk province.<sup>153</sup>

Apparently in response to international pressure, on May 13, 2003, Abliazov was released under a presidential pardon. He has since stated that he will not contest his conviction, that he will resign from the DVK, and that he is quitting politics to return to business.<sup>154</sup> Several credible sources who requested anonymity and who maintain close relations with Abliazov stated that he was coerced into exchanging withdrawal from politics for his freedom.<sup>155</sup> Astana Holding, a network of companies under Abliazov's control, however, continued to face scrutiny and investigations from authorities, suggesting that the government was seeking to maintain pressure on Abliazov. On April 29, a court order was issued to halt financial transactions conducted by Astana Holding.<sup>156</sup>

### ***Sergei Duvanov***

Sergei Duvanov is a member of KIBHRL and a well-known journalist who wrote trenchant criticism of the government's involvement in the Kazakhgate scandal. His January 2003 conviction on rape charges has sent an unambiguous message to journalists in Kazakhstan on the limits of acceptable criticism of government policy and coverage of sensitive issues, particularly official corruption.

---

<sup>151</sup> Ibid.; written statement of Kazakhstan International Fund for the Defense of Political Prisoners, "V sviazi s pokusheniem na Mukhtara Abliazova" (Regarding the attack on Mukhtar Abliazov), December 20, 2002.

<sup>152</sup> Ibid. KIBHRL also confirmed that Abliazov had very likely been beaten by fellow inmates. "Zona ikh pogubit" (Prison Destroys Them), *Gazeta vremia* [Almaty], March 27, 2003; Appeal of "Za prava cheloveka," "Spasti zhizn' kazakhstanskovo politzakluchennovo Mukhtara Abliazova!" (Save the life of Kazakh political prisoner Mukhtar Abliazov!), December 20, 2002.

<sup>153</sup> Nurakhmet Kenzheev, "Abliazova izbivali i pytalis otpravit', a Zhakianova budut 'lomat' v drugoi kolonii?" (Abliazov Beaten and Attempts to Transfer Him, Will Zhakianov be 'Broken' in Another Prison?), *Respublika.kz*, March 21, 2003.

<sup>154</sup> Abliazov's remarks at a press conference in Almaty on May 14, 2003, *Khabar News*, May 14, 2003, <http://www.khabar.kz>.

<sup>155</sup> Human Rights Watch interviews in Almaty, July 31 and August 1, 2003, and via telephone, May 15, 2003.

<sup>156</sup> Almaty city procuracy, "Postanovlenie o priostanovlenii raskhodnikh operatsii i nalozhenii aresta na dvizhenia i raschetnie, valiutnye i depositnye scheta iuridicheskikh lits" (Order to suspend expense transactions and seize settlement, dollar and deposit accounts), No. 85, April 29, 2003.

Duvanov has consistently focused his work on justice and civil rights issues, and in recent years has become an increasingly outspoken critic of government policies. The government responded to his criticism with a series of retaliatory measures. In July 2002, it filed a criminal libel case against him for Internet postings about government attempts to silence journalists covering Swiss and U.S. investigations into alleged corruption by President Nazarbaev and his family members. It later dropped the charges.<sup>157</sup>

On August 28, 2002, unknown assailants viciously attacked Duvanov outside his home, inflicting a head injury and knife wounds; that same day, Duvanov had received official notification of an invitation to speak about human rights abuses in Kazakhstan at the OSCE Human Dimension Implementation Meeting in Warsaw.<sup>158</sup> To Human Rights Watch's knowledge, police investigations into the attack yielded no results.

On October 28, 2002, Duvanov was arrested on suspicion of raping a minor, one day before he was to travel to the U.S. to participate in a series of meetings on press freedoms, human rights, and corruption in Kazakhstan.<sup>159</sup> He was convicted on January 28, 2003 and sentenced to three-and-a-half year's imprisonment,<sup>160</sup> following a trial that was widely criticized in Kazakhstan and abroad as deeply flawed. An OSCE-commissioned expert judicial review of the case, completed in March 2003, found that evidence presented at the trial was insufficient grounds for the conviction. It also found the defense's theory of fabrication was not adequately refuted and that the investigation was neither complete nor objective.<sup>161</sup> Authorities have made moves to block such public criticism and to prevent public awareness of the case. Diplomats and staff of international organizations, while able to attend the original trial proceedings, were denied access to the appeal hearing,<sup>162</sup> and the distribution of the OSCE report was delayed due to the Kazakh government's objections.<sup>163</sup> In June, the supervisory board

---

<sup>157</sup> U.S. Department of State, *Country Reports on Human Rights Practices for 2002: Kazakhstan* (Bureau of Democracy, Human Rights and Labor: March 31, 2003) [online], <http://www.state.gov/g/drl/rls/hrrpt/2002/18373.htm> (retrieved September 22, 2003).

<sup>158</sup> It was notable that Duvanov's assailants did not attempt to rob him during the attack.

<sup>159</sup> Including meetings with the Open Society Institute, Radio Liberty, and the Carnegie Endowment for International Peace. Michael Wines, "Politically Motivated Verdict Against Nazarbaev's Adversary," *The New York Times*, March 12, 2003.

<sup>160</sup> For more information see Human Rights Watch press releases "Journalist Violently Attacked in Kazakhstan," August 30, 2002, and "Kazakhstan: Open Investigation Needed of Charges against Kazakh Journalist," October 29, 2002; also "Letter to President Nazarbaev Regarding the Due Process Rights of Sergei Duvanov," February 14, 2003.

<sup>161</sup> Ferdinand J.M. Feldbrugge and William B. Simons, "The Duvanov Case," Leiden, March 28, 2003.

<sup>162</sup> *Ibid.*

<sup>163</sup> The OSCE review was discussed at the June 5, 2003, meeting of the OSCE Permanent Council. Its conclusions were rejected by the Kazakh government.

of the Almaty Province Court of Appeals turned down an appeal for review of the case.  
<sup>164</sup> On November 29, 2003, the Supreme Court rejected Duvanov's appeal.

Following the distribution of the OSCE report, prison authorities singled out Duvanov for selective harassment. His defense counsel and supporters viewed this harassment as a possible strategy to compel him to request a presidential pardon. Prison officials attempted to limit visits by defense and parliamentary deputies guaranteed by law, confiscated his diaries and other writing materials, denied him use of the telephone, and obstructed the delivery of correspondence and food packages.<sup>165</sup>

On December 29, 2003, when one third of Duvanov's three-and-a-half year prison term expired and prison authorities deemed that he had observed good behavior, Duvanov was transferred from a general regime prison to a lower-security facility.<sup>166</sup> Duvanov has been permitted to resume work with his former employer, KIBHRL, and to spend nights at home. He continues to serve his prison term, however, and is subject to strict requirements. These including regular reporting to his former prison, remaining at home between 9 p.m. and 6 a.m., and refraining from visiting public places.<sup>167</sup>

Duvanov and his defence counsel continue to press for full acquittal.<sup>168</sup>

---

<sup>164</sup> Human Rights Watch electronic communication from Evgeniy Zhovtis, director, KIBHRL, June 23, 2003.

<sup>165</sup> Statement by KIBHRL, "O situatsii, slozhivzheisia v sviazi s prebyvaniem S.V. Duvanova v kolonii LA 155/8" (On the situation surrounding S.V. Duvanov's detention in Colony LA 155/8), September 10, 2003.

<sup>166</sup> Specifically, from general regime prison LA-155/8 to prison-settlement LA155/13. Statement of Sergei Duvanov, *Assandi Times* [Astana], January 23, 2004, as cited in BBC Monitoring.

<sup>167</sup> *Ibid.*; Olivia Allison, "Out of Prison, Kazakhstani Journalist Shrugs off Government Pressure," *Eurasianet*, January 26, 2004; Galima Bukharbaeva, IWPR, "Zhurnalists trebuet opravdania" (Journalist Demands Justice), January 26, 2004.

<sup>168</sup> Galima Bukharbaeva, "Zhurnalists trebuet opravdania."

## HARASSMENT OF OPPOSITION LEADERS, MEMBERS AND SUPPORTERS

The government has pressed politically motivated criminal or misdemeanor charges not only against opposition party leaders, but also their members and supporters. In some cases these charges prevented those individuals from running for public office. Under the current Law on Elections, those convicted of misdemeanor violations during the year preceding the elections or those who have not yet served out sentences conferred as a result of criminal convictions are prohibited from standing for election.<sup>169</sup> In a positive move, the Kazakh parliament adopted an amendment to the Law on Elections dropping restrictions to the ballot for those who have been convicted of misdemeanor offenses.

Fourteen cases documented in March-April 2003 show how the authorities have targeted members and supporters of two the most dynamic and well-funded opposition groups, the DVK and the Republican People's Party of Kazakhstan (RNPK). The government has pressed civil and criminal charges against them for distributing their groups' press releases, holding unsanctioned meetings, and participating in peaceful demonstrations. In some cases, grounds for civil or criminal charges were simply fabricated against people in retaliation for their support of or affiliation with the opposition.

### ***Criminal Prosecutions and Administrative Sanctions***

#### ***DVK***

##### **Igor Kolov**

Igor Kolov was charged with a violation of the administrative code (a misdemeanor offense) just days after he became head of the DVK's Kostanai province branch in early January 2003. The facts suggest that the charges were a tactic to prevent him from participating in the 2003 *maslikhat* (local council) elections.

On January 6, 2003, Kolov, a city council deputy in Rudny since 2000, organized an open meeting on community services issues in the city. The meeting, held in the Druzhba cinema, was so well-attended that some in the crowd spill out onto the street. Later that day, authorities charged and convicted Kolov with a violation of Article 373 of the Administrative Code, on organizing unsanctioned meetings. The charge carried a

---

<sup>169</sup> Constitution Law of the Republic of Kazakhstan on Elections in the Republic of Kazakhstan, September 28, 1995, art. 4(1-3).

fine of 8,600 *tenge* (approximately U.S.\$56.00).<sup>170</sup> Kolov claimed that local authorities had brought the charge against him because he was a member of DVK.<sup>171</sup>

Kolov described other harassment linked to his membership in the DVK, including questioning by the KNB when he became a member, and verbal pressure exerted by employers on his family members. The *akimat*<sup>172</sup> also intimidates people to dissuade them from joining parties like the DVK:

The *akimat* sometimes sends policemen to the homes of those who meet with me, to take statements from them...people tell me that as a result they're afraid to have anything to do with the DVK...and they say that they'll vote for me, but that they don't believe that I'll be able to change anything.<sup>173</sup>

### Ludmilla Artiukova

Ludmilla Artiukova, deputy DVK leader in Pavlodar, was arbitrarily dismissed from her government post in Ekibastuz and later convicted of abuse of office on politically motivated grounds. As a result, she was ineligible to stand as a candidate in the fall 2003 *maslikhat* elections.<sup>174</sup>

Authorities began to pressure Artiukova, a twenty-two-year veteran of the civil service, immediately after DVK leader Zhakianov was fired from his post in November 2001. Artiukova told Human Rights Watch that on December 7, 2001, the *akim*, or mayor, of Ekibastuz, her superior, summoned her to inform her that she would be well advised to resign from her position as her political affiliation with the DVK represented a conflict of interest. After she refused, the *akim* and his staff denied the incident had occurred.<sup>175</sup>

---

<sup>170</sup> Human Rights Watch interview with Igor Kolov, Almaty, April 1, 2003; telephone interview, June 27, 2003. Kolov said that the administrative violation concerned a failure to obtain permission to hold the meeting in that location.

<sup>171</sup> Human Rights Watch interview with Igor Kolov, Almaty, April 1, 2003.

<sup>172</sup> The *akimat* is the office of the local executive or *akim*, the governor of a province or district or mayor of a town.

<sup>173</sup> Ibid. Human Rights Watch interview with Igor Kolov, Almaty, April 1, 2003.

<sup>174</sup> Artiukova told Human Rights Watch that she had intended to run in the September 2003 local elections. Human Rights Watch interview with Ludmilla Artiukova, Pavlodar, April 17, 2003.

<sup>175</sup> Ibid. Ludmilla Artiukova, "Skazhi mne, kto tvoi akim, i ia skazhu, kto ty..." (Tell me who your *akim* is, and I'll tell you who you are) *Pravda Kazakhstana* [Astana], No. 9, April 4, 2003. Artiukova was head of the Ekibastuz

A dubious criminal case followed. Artiukova continued to work in the *akimat* in Ekibastuz, but on February 4, 2002, the Ekibastuz procuracy laid charges of abuse of office against her, and at the end of that month she was “temporarily” released from her professional duties “while the investigation was ongoing.”<sup>176</sup> The charges concerned Artiukova’s alleged underpayments for her stay in a hotel in Ekibastuz when she was transferred from the civil service in Semipalatinsk to Ekibastuz.<sup>177</sup> Artiukova stated that during the entire period of her stay in the hotel she had regularly paid the fee she was charged by the deputy *akim* of Ekibastuz, not once had the hotel management made objections. Expert financial reviews of case documents were also unable to establish the precise sum said to be owed by Artiukova.<sup>178</sup> After almost twelve months of investigation, however, on March 25, 2003, Artiukova was given a one-year suspended sentence for abuse of office under Article 307 of the criminal code.<sup>179</sup> An appeals court upheld the verdict on April 9, 2003.<sup>180</sup>

### Gennadii Bondarenko

The government also prohibited Gennadii Bondarenko, DVK branch leader in Pavlodar, from contesting the 2003 *maslikhat* and 2004 parliamentary elections. In retaliation for Bondarenko’s activities in the DVK, authorities convicted him on criminal charges, launched a civil libel case against him, and threatened to charge him with a misdemeanor offense.

In June 2002, Bondarenko and DVK colleague Nurlan Zhuldassov were protesting the repeated police interrogation of Zhakianov against doctors’ orders in May and June

---

*akim*’s staff, and thus technically a member of Zhakianov’s Pavlodar provincial administration. From 1995-1997, she occupied a high-ranking position in Zhakianov’s Semipalatinsk provincial administration.

<sup>176</sup> Human Rights Watch interview with Ludmilla Artiukova, Pavlodar, April 17, 2003. Artiukova was eventually permanently dismissed.

<sup>177</sup> In 1999, when Artiukova was transferred, she was offered housing in a hotel owned by the Ekibastuz *akimat* until such time as an appropriate residence could be found. The hotel had been legally registered as an apartment. Artiukova paid 97,339 *tenge* [about U.S.\$ 650] over a period of four years between 1999 and 2002, the apartment rental price established under government communal works’ guidelines. The prosecution argued that she owed the government 408,567 *tenge* [about U.S. \$ 2,700], the difference between the price of a hotel apartment and private apartment, according to communal works’ guidelines. “Pavlodarskaia oblast. Bolshaia ‘zachistka’ prodolzhaetsa. Ugolovnoe delo No. 0232120100012” (Pavlodar oblast. The big “purge” continues. Criminal case No. No. 0232120100012) DVK Pavlodar province press release, April 2, 2003.

<sup>178</sup> “Pavlodarskaia oblast. Bolshaia ‘zachistka’ prodolzhaetsa,” (Pavlodar Province. The Great ‘Clean-up Operation’ Continues) DVK Pavlodar province press release, April 2, 2003; Ludmilla Artiukova, “Skazhi mne, kto tvoi akim, i ia skazhu, kto ty...”

<sup>179</sup> Verdict of the Ekibastuz city court, Case no. 1148, March 25, 2003.

<sup>180</sup> Decision of the Ekibastuz city court, Judge G.G. Sagidenov, April 9, 2003; “Zakaz vpolnen!” (The order has been carried out!) DVK Pavlodar province press release, May 4, 2003.

2002.<sup>181</sup> The two men picketed the police station responsible for the Zhakianov case, and distributed written materials. The Pavlodar procuracy charged Bondarenko and Zhuldasov with “interference in court proceedings and the criminal investigation”<sup>182</sup> and “slander committed against the investigator during the pre-trial investigation.”<sup>183</sup> Both men received two-year suspended sentences on these charges.<sup>184</sup>

Earlier, in March 2002, Pavlodar authorities had served Bondarenko with an official warning threatening a misdemeanor penalty following his organization of an “unsanctioned meeting” for Communist Party leader Serikbolsyn Abdildin (a member of parliament) and party members.<sup>185</sup> Meeting participants were forced on March 2, 2003, to meet in a city square in Pavlodar after several private firms or organizations refused to rent them space for an indoor gathering, citing inadequate facilities or ongoing renovations.<sup>186</sup>

### Evgeniy Kravets

In November 2002, Evgeniy Kravets, a member of the DVK in Pavlodar city, was convicted and fined 1,646 *tenge* (about U.S. \$11) for violating Article 350 of the administrative code, on the illegal distribution of unregistered published materials.<sup>187</sup> In September 2002, Kravets had been distributing DVK press releases about 500 meters from the DVK office in Pavlodar when a policeman detained him, brought him to a nearby police station, and seized the press releases.<sup>188</sup>

---

<sup>181</sup> Letter from Zhakianov’s lawyer, Elena Rebenchuk, to the General Procurator, May 20, 2002; DVK press release “Zhakianov v reanimatsii” [Zhakianov in Intensive Care], May 20, 2002. See section on Galymzhan Zhakianov.

<sup>182</sup> Article 339(2) of the criminal code.

<sup>183</sup> Article 343(2) of the criminal code. Verdict of the Pavlodar City Court, Judge Adlet Baktiarov, November 4, 2002. According to the verdict, Bondorenko and Zhuldasov from June 6-21 led a picket in front of the office of the investigator, police colonel I.K. Kusainov, carrying posters with Kusainov’s photograph on them, and distributed printed materials bearing Kusainov’s photograph.

<sup>184</sup> Verdict of the Pavlodar city court, Judge Adlet Baktiarov, November 4, 2002.

<sup>185</sup> Communist Party colleague Zoia Kozhanova was also served the court warning.

<sup>186</sup> Human Rights Watch interview with Zoi Kozhanova, Pavlodar, April 16, 2003.

<sup>187</sup> An appeals court upheld the ruling on December 12, 2002. Decision of the Pavlodar Province Court, Judge L.I. Paramonova, December 12, 2002. Under the law on mass media, publications which are issued either periodically or on a regular basis, have a permanent title, current issue number, and are issued in more than once every six months in the amount of no less than 100 copies, are required to have registration. Arts. 1(2,3), 12(2,3), Law on Mass Media. No. 451-1, July 23, 1999. The DVK press releases do not fit this definition.

<sup>188</sup> Human Rights Watch interview with Evgeniy Kravets, Pavlodar, April 16, 2003.

At the beginning of May 2003, Kravets was once again detained by police in Pavlodar and accused of distributing unregistered published materials, in this case the opposition newspapers *Assandi Times*, *Soz*, and *Pravda Kazakhstana*.<sup>189</sup>

### Adilzhan Kinzhegaleev

On July 2, 2003, police in Trudny detained Adilzhan Kinzhegaleev, a member of both DVK and the Communist Party while he was distributing free copies of the opposition newspapers *Assandi Times* and *Soz*, stating that he was “illegally distributing illegal publications.” Police detained Kinzhegaleev in a police station downtown, then brought him to a “sobering-up point” situated on the outskirts of the city, where they demanded to know where he had obtained the newspapers and why he was distributing them. The agents denied Kinzhegaleev’s request to make a phone call, and released him after approximately two hours.<sup>190</sup>

### Natalia S.<sup>191</sup>

Natalia S., a pensioner and DVK member in Pavlodar, was charged with a misdemeanor violation in October 2002 for alleged illegal distribution of DVK press releases. She told Human Rights Watch that two policemen detained her on October 2 at the entrance to an apartment building, where she was distributing the materials.<sup>192</sup> The Pavlodar City Court on November 12 convicted her for “illegal distribution of unregistered published materials,” fining her 1,646 *tenge* (about U.S.\$11).<sup>193</sup>

---

<sup>189</sup> International Foundation for Protection of Speech “Adil Soz,” “Politseiskie Pavlodara zapreshchaiut rasprostraniat’ gazety ‘Asandi Taims’, ‘Soz’ i ‘Pravda Kazakhstana’” (Pavlodar police block the distribution of the “Asandi Times,” “Soz” and “Pravda Kazakhstana” newspapers), May 2003 [online] [http://www.adilsoz.kz/hot\\_news/2003/05/page1.htm](http://www.adilsoz.kz/hot_news/2003/05/page1.htm) (retrieved May 25, 2003).

<sup>190</sup> Igor Kolov, DVK press release, Rudny, July 3, 2003.

<sup>191</sup> Not her true name.

<sup>192</sup> Human Rights Watch interview with Natalia S., Pavlodar, April 17, 2003.

<sup>193</sup> Article 350 of the administrative code.

## RNPK

### Amirzhan Qosanov

Amirzhan Qosanov, RNPK executive committee chairman, was convicted of tax evasion and document forgery in October 2003 on apparently politically motivated charges. As a result, he is unable to contest parliamentary elections scheduled for 2004.<sup>194</sup>

On September 11, 2003, the Almaty city procuracy filed charges on tax evasion and document forgery against Qosanov under Articles 222 and 325 of the criminal code.<sup>195</sup> He faced up to three and a half years in prison under these charges.<sup>196</sup>

Qosanov is also the head of a nongovernmental organization, Reform, that conducts research, training, and seminars on political and civil society issues. He told Human Rights Watch that on November 6, 2002, Almaty tax police accused Reform of failing to pay taxes on grants received from international organizations between 1998 and 2002.<sup>197</sup> During that period, however, Qosanov claimed that tax officials conducted successful quarterly and yearly complex audits of Reform and that the organization paid, as required, approximately U.S.\$10,000 in income and social security taxes.<sup>198</sup> The

---

<sup>194</sup> This is not the first time the government has harassed Qosanov. In 2001, officials prevented him from traveling to the U.S. to testify before the U.S. Congress on human rights conditions in Central Asia. In 1998, Qosanov was reportedly beaten by unidentified masked persons in the run-up to the 1999 parliamentary and presidential elections. See Human Rights Watch, *World Report 2002* (New York: Human Rights Watch, 2002), p. 325; and "Freedom of the Media and Political Freedoms in the Prelude to the 1999 Elections" *A Human Rights Watch Report*, vol. 11, no. 11(D), October 1999, p. 28.

<sup>195</sup> RNPK press release, "Ugolovnoe delo Amirzhana Qosanova peredaetsa v sud" (Amirzhan Qosanov's criminal case goes to court), September 11, 2003.

<sup>196</sup> "O nalogakh i drugikh ob'iazatel'nikh platezhakh v biudget" (Law on Taxes and Other Obligatory Budget Payments), arts. 15(3), (34)(3). Appeal from Reform to the Tax Committee of the Ministry of Finance, November 19, 2002. Human Rights Watch interview with Almira Kosainova, RNPK press-secretary, Almaty, April 2, 2003. Criminal Code of Kazakhstan, art. 222 [online], <http://pavlodar.com/zakon/index.html?dok=00087&all=all> (retrieved June 23, 2003) and art. 325 [online], <http://pavlodar.com/zakon/index.html?dok=00087&all=all> (retrieved June 23, 2003).

<sup>197</sup> Written appeal from Reform to the Tax Committee of the Ministry of Finance, November 19, 2002.

<sup>198</sup> Human Rights Watch interviews with Amirzhan Qosanov, New York, January 31, 2003, and Almaty, March 31 and August 7, 2003.

Tax police regularly bring cases against government critics, including RNPK members. A criminal case for tax evasion has also been recently instigated against Emurat Bapi, who is editor-in-chief of *Soldat* and an RNPK member. Bapi was given a one-year prison sentence in 2001 for having insulted the honor and dignity of the President Nazarbaev following publication in 2000 of Articles on Kazakhgate in *Soldat*. Human Rights Watch interview with Emurat Bapi, Almaty, August 8, 2003; RNPK press releases, "V Kazakhstane ozhidaetsa dva gromkikh politicheskikh sudebnikh protsessa" (Two Big Political Trials Expected in Kazakhstan), August 29, 2003; "Pochemu forsiruiutsa ugolovnie dela v otnoshenii Amirzhana Kosanova i Emurata Bapi?" (Why are criminal cases against Amirzhan Qosanov and Emurat Bapi being speeded up?), July 1, 2003. On November 17, 2003, the Medeusk district court handed Bapi a one-year suspended sentence on charges of illegal entrepreneurship, tax evasion and document forgery (Articles 192, 218 and 222 of the criminal code,

government held that approximately U.S.\$21,000 was outstanding, and that Qosanov's failure to pay these taxes was intentional. The assertion was based on a disputed understanding of Reform as a commercial entity, rather than a nonprofit organization, and on a disputed assumption that Qosanov was aware of activities by Reform that might qualify it as a commercial entity.<sup>199</sup>

Tax police filed additional criminal charges against Qosanov on January 13, 2003, for alleged falsification of two checks for U.S.\$700 each, issued by Reform in payment for catering services used in March 1999.<sup>200</sup> The timing of the charges, fully four years after the alleged incident took place, together with threats against Qosanov's colleague, RNPk press secretary Almira Kusainova, during the pre-trial investigation, point to a political motivation.<sup>201</sup>

On October 13, 2003, a court handed Qosanov a one-year suspended sentence under Articles 222 and 324 of the criminal code, and ordered him to pay a fine of 131,000 tenge [approximately U.S.\$882].<sup>202</sup>

### Jumabai Dospanov

Jumabai Dospanov has been chairman of the RNPk branch in western Atyrau province since 1998. He is also a journalist and owner of the opposition newspapers *Vecherniy*

---

respectively). Bapi is to pay 9 million tenge in outstanding taxes [approximately U.S.\$62,000], a fine of 21,000 tenge [approximately U.S.\$143.00], and is forbidden from engaging in publishing activities for the next five years. KIBHRL Monitoring, November 18, 2003.

<sup>199</sup> Qosanov's defense refuted the charges, arguing that de facto Reform was a non-commercial organization, and that the prosecution had failed to specify both particular legislation violated by Reform and precise sums of tax unpaid based on tax legislation that had undergone regular amendments between 1998 and 2002. Comments of lawyer I. Meerzon, and final speech of Amirzhan Qosanov, Medeusk district court, Almaty, October 10, 2003 [online], <http://www.zhakiyanov.info/inner.php?offset=10> (retrieved October 14, 2003).

<sup>200</sup> The catering services were engaged for celebrations held by Reform on March 8, International Women's Day, and during Navruz, an annual holiday in Central Asia which celebrates the beginning of spring. Human Rights Watch interview with Amira Kosainova, RNPk press-secretary, Almaty, April 2, 2003.

<sup>201</sup> Human Rights Watch interview with Almira Kusainova, RNPk press-secretary, Almaty, April 2, 2003. Investigators on the case violated procedural norms during the pre-trial investigation when they issued verbal threats to, and requested "informal discussions" from, Ms. Kusainova. She told Human Rights Watch that during one interrogation session in the first quarter of 2003 an investigator had warned her that judicial authorities had not yet decided whether she herself or Qosanov would be imprisoned.

<sup>202</sup> RNPk press release, "V Kazakhstane poiavilsia esche odin politicheskii osuzhdeniy" (Another political conviction in Kazakhstan), October 13, 2003.

*Atyrau* (Evening Atyrau) and *Altyn gasyr* (The Golden Century). Since 2001, he has been harassed twice in connection to his opposition political activities and media work.<sup>203</sup>

Dospanov was an RNPk candidate in the December 2002 parliamentary by-elections, and suffered an attempt on his life during the run-up to the elections.<sup>204</sup>

In 2001-2002, when Dospanov was editor-in-chief of the independent newspaper *Vecherniy Atyrau*, he lost a civil libel case for having published derogatory information about the Atyrau province akim. Dospanov refused to pay a punitive fine of 2 million *tenge* [about U.S.\$13,300], and in 2002 two criminal cases were instigated against him for failure to pay that fine. As a result, Dospanov was prohibited from traveling outside Atyrau for five months. On July 19, 2002, police forcibly removed Dospanov from the plane on which he was to travel to Almaty to attend a National Democratic Institute (NDI) seminar on political party development.<sup>205</sup>

Most recently, in mid-June 2003, Dospanov traveled to Almaty to attend a meeting on a proposed referendum on the controversial land reform law.<sup>206</sup> Dospanov asserted that, in an effort to prevent him from attending the session, police and National Security Service agents on the train checked his personal identification documents four times and carefully searched his belongings.<sup>207</sup> Dospanov also alleged that Atyrau authorities had coerced at least eight of the group of thirty-four who traveled to Almaty to write statements denying they had attended the meeting.

---

<sup>203</sup> Human Rights Watch interview with Jumabai Dospanov, Atyrau, August 4, 2003. The most recent civil case concerns a violation of the Law on Mass Media, a case Dospanov argues constitutes retaliation for *Altyn Gasyr's* -- his newspaper -- coverage of Kazakhgate.

<sup>204</sup> See *below*, "December 2002 parliamentary elections."

<sup>205</sup> *Ibid.*; Human Rights Watch interview with Tomas Brydle, director, NDI, Almaty, March 28, 2003.

<sup>206</sup> On June 14, 2003, approximately 550 persons from Kazakhstan's fourteen administrative regions gathered in Almaty and elected a committee to work towards a referendum on the country's controversial land privatization bill, adopted on June 20, 2003. Opposition to the bill, which critics say will enrich the wealthy, has led to major reshuffles in government, including the June 11 resignation of prime minister Imangali Tasmagambetov. Daria Mustafina, "Referendum -- protses proshel" (The Referendum -- the Process is Underway), June 19, 2003 [online], <http://www.zhakiyanov.info/inner.php?menuid=6&show=1892> (retrieved June 20, 2003); Human Rights Watch telephone interviews with Adilkhan Ramazanov, June 16 and 20, 2003.

<sup>207</sup> Electronic communication from Jumabai Dospanov, June 20, 2003. Human Rights Watch interview with Jumabai Dospanov, Atyrau, August 4, 2003.

## Adilkhan Ramazanov

Adilkhan Ramazanov, chairman of the Almaty city branch of the RNPK, claims that since 1999 he has been charged with a yearly average of four to six misdemeanor offenses, mostly for organizing or participating in unsanctioned meetings.<sup>208</sup>

For example, on November 13, 2002, approximately forty persons gathered in front of an opera house in downtown Almaty for close to forty minutes, carrying umbrellas with the word “Duvanov” (the journalist, charged with rape) When the crowd dispersed, Ramazanov returned to his car, carrying a bundle of umbrellas. Ramazanov was immediately tried and convicted and fined 16,460 *tenge* [approximately U.S.\$110] for having organized an unsanctioned meeting. Ramazanov paid the fine. Sixteen days later, however, he learned that the Almalinsk district procurator had appealed the court’s sentence as too light and that the case had been forwarded to the Almaty City Court for further examination.<sup>209</sup>

Ramazanov told Human Rights Watch that he saw the administrative fine as retaliation for his links with Kazhegeldin and as a means for authorities to keep him off the ballot as a candidate in September 2003 local council elections <sup>210</sup>

Ramazanov also told Human Rights Watch that after he participated in a protest march in Almaty on June 14, 2003 calling for a referendum on the controversial land law, a procuracy official threatened him with five to ten days of administrative arrest.<sup>211</sup>

## Maira Obenova

Maira Obenova has been harassed repeatedly in connection with her RNPK and NGO work. In October 2002 she organized a series of seminars on the reinstatement of the Constitutional Court<sup>212</sup> in the cities of Semipalatinsk and Ust-Kamenogorsk. In Ust-Kamenogorsk, where she led the seminar together with KIBHRL, the fifty-odd participants had just sat down in a room in a private building rented for the occasion, when the building security guards expelled them from the premises, without providing an explanation. With no other options, the group assembled in a park close-by. The

---

<sup>208</sup> Ramazanov stated, however, that the charges had led to only six convictions. Human Rights Watch telephone interview with Adilkhan Ramazanov, June 16, 2003.

<sup>209</sup> Human Rights Watch telephone interviews with Adilkhan Ramazanov, June 16 and 20, 2003; Oksana Lisitskaia, “Mest’ za zontiki,” (Revenge for the Umbrellas) *SolDat* [Almaty], No. 24(82), December, 2002.

<sup>210</sup> Human Rights Watch telephone interview with Adilkhan Ramazanov, June 16, 2003.

<sup>211</sup> Human Rights Watch telephone interviews with Adilkhan Ramazanov, June 16 and 20, 2003.

<sup>212</sup> The Constitutional Court was abolished in 1995.

gathering in the park was monitored closely by police who then detained and penalized some of the seminar's participants for holding an unsanctioned meeting.<sup>213</sup>

Also in October 2002, when Obenova was attending a DVK national congress in Almaty, law enforcement agents took advantage of her absence to harass Obenova's family.<sup>214</sup>

In June 2002, Maira Obenova was the subject of an investigation and politically motivated prosecution brought by local authorities for her participation in a committee to protect Galymzhan Zhakianov and Mukhtar Abliazov. Police enquired with Obenova about the activities of the committee, asked who had advised Obenova to become a member of the committee, and confiscated copies of Articles published in the local newspaper *Menin Kazakhstanym* (My Kazakhstan) and press releases on events surrounding Zhakianov in Pavlodar.<sup>215</sup> The procuracy accused Obenova of illegal distribution of unregistered materials,<sup>216</sup> but the court dropped the charges due to lack of evidence.<sup>217</sup>

### ***Professional Retaliation***

Persons who engage in political opposition activities risk arbitrary dismissal from work and threats from and surveillance by law enforcement agents.

#### ***Mukhtar Umbetov***

In Mangistau province, the *akim* himself allegedly issued orders to have Mukhtar Umbetov, head of the Mangistau branch of RNPk, dismissed from his post at the Mangistau Atomic Energy Industrial Complex (MAEK) in Aktau in February 2003. When the move was made to dismiss him, Umbetov had been employed at MAEK for twenty-two years, and had never received a professional reprimand. He told Human Rights Watch he had been informed by colleagues from the Confederation of Independent Trade Unions that his dismissal was in retaliation for his political activities:

---

<sup>213</sup> Human Rights Watch telephone interview with Maira Obenova, June 16, 2003. Obenova did not state whether officials attempted to lay charges against her during these incidents.

<sup>214</sup> *Ibid.*

<sup>215</sup> Human Rights Watch telephone interviews with Maira Obenova, June 16 and 23, 2003, and electronic mail communication with Maira Obenova, June 23, 2003.

<sup>216</sup> Art. 342 of the Civil Code.

<sup>217</sup> Human Rights Watch telephone interview with Maira Obenova, June 23, 2003.

In April 2003 in Astana, the head of the Confederation of Independent Trade Unions [of Kazakhstan], Leonid Solomin, had a meeting with the akim of Mangistau province. Solomin asked why I had been illegally fired, and the akim replied, ‘On top of his trade union work, Umbetov is too active in political opposition activities.’ They [the authorities] think that if you get rid of the person, you get rid of the problem.<sup>218</sup>

Encouraged by the significant outcry by local political activists, Umbetov contested his dismissal in court, which on May 15, 2003, ruled in his favor.<sup>219</sup>

Authorities nonetheless continue to actively seek to stop Umbetov’s political involvement. In June 20, 2003, procuracy officials told Umbetov that he should close the Mangistau RNPk branch as it was unregistered. He refused. On June 27, Umbetov was questioned by procuracy officials, who demanded a list of RNPk members, told Umbetov that he was being monitored by the police, and ordered that Umbetov close down the Mangistau RNPk branch due to its “illegal operations.”<sup>220</sup> Umbetov alleged that these steps were designed to prevent RNPk members from participating in the upcoming elections.<sup>221</sup>

### *Marat Januzakov*

Marat Januzakov, DVK branch leader since July 2002 in Kokshetau, Akmolinsk province, had worked for sixteen years as a professor of Russian language and literature in Sh. Ualikhanov Kokshetau State University. He had no administrative or professional complaints on his record. On January 27, 2003, however, he was suddenly dismissed for having committed a “serious violation of labor discipline” after having been absent from work for three days in October 2002 to attend a DVK congress in Almaty. Januzakov filed a suit against the university on charges of arbitrary dismissal, but lost the case in the

---

<sup>218</sup> Human Rights Watch telephone interview, and electronic communication with Mukhtar Umbetov, June 30 and July 5, 2003, respectively. Umbetov is also vice-president of the Confederation of Independent Trade Unions of Kazakhstan.

<sup>219</sup> *Ibid.*

<sup>220</sup> *Ibid.* The RNPk has boycotted re-registration in protest against the restrictions of the new law on political parties. Under the law, official closure of a political party requires either that a party hold a congress to vote itself closed, and then apply for closure to the Ministry of Justice; or that the government itself issue a court order to close the party on the grounds of lack of registration. Neither of these steps has been taken with regard to the RNPk.

<sup>221</sup> Human Rights Watch telephone interview with Mukhtar Umbetov, June 30, 2003.

Kokshetau City Court on May 4, 2003.<sup>222</sup> Januzakov has appealed the decision to the regional court.<sup>223</sup>

Januzakov explained to Human Rights Watch that the judge's decision appeared to have been politically motivated, as had the original decision to dismiss him. During the period of his absence in October 2003, Januzakov had no courses or exams to oversee, and had submitted written notification of leave without specifying the three days in question.<sup>224</sup> Januzakov told Human Rights Watch that the procurator, and his assistant harassed his students, "asking them whether I had been at the DVK congress in Almaty."<sup>225</sup> Januzakov also told Human Rights Watch about previous and ongoing interference by authorities in DVK activities in Kokshetau, including instances when law enforcement agents confiscated DVK press releases and opposition newspapers such as *Delovoye Obozreniye Respublika*.<sup>226</sup> Authorities have also repeatedly denied a license to Januzakov's newspaper *Zerkalo* (The Mirror).<sup>227</sup>

### *Marina Sabitova*

Marina Sabitova is the head of the nongovernmental organization Democratic Assistance Center and a DVK member and an academic at the Karaganda branch of the Russia-Kazakhstan Humanitarian University. She was dismissed from her post at the university in 2002.

She told Human Rights Watch that she believed her dismissal was linked to the Democratic Assistance Center's participation in an NGO campaign calling for review of amendments to the Law on Mass Media. Immediately following the campaign, the local procuracy and the KNB summoned her for questioning about her NGO's activities.<sup>228</sup> A financial audit of Sabitova's department at the university was conducted at the same time as the procuracy's investigation and provided a pretext for her removal from the university.<sup>229</sup>

---

<sup>222</sup> Human Rights Watch interview with Marat Januzakov, Almaty, April 1, 2003, and electronic communication, July 7, 2003.

<sup>223</sup> Electronic communication from Marat Januzakov, July 7, 2003.

<sup>224</sup> Ibid.

<sup>225</sup> Human Rights Watch interview with Marat Januzakov, Almaty, April 1, 2003.

<sup>226</sup> Ibid. *Delovoye Obozreniye Respublika* (Republican Business Survey) was the predecessor to *Assandí Times*, known for its critical coverage of the government.

<sup>227</sup> Human Rights Watch interview with Marat Zhanuzakov, Almaty, April 1, 2003.

<sup>228</sup> Human Rights Watch interview with Marina Sabitova, Karaganda, April 8, 2003.

<sup>229</sup> Ibid.

Karaganda government officials and managers at the workplaces of Sabitova's relatives put pressure on her family members immediately after Sabitova attended the DVK congress in Almaty on January 20, 2002. The province akim summoned Sabitova's mother, a professor at the Karaganda State University, for a "visit," reportedly stating, "Please have Marina write a statement to the effect that she attended the DVK meeting just by chance."<sup>230</sup> Sabitova's husband, an employee at a law institute in Karaganda, was also summoned by his management for questioning about his wife's involvement with the DVK soon after January 20.<sup>231</sup>

### ***Other Harassment and Intimidation and Interference with Party Activities***

Government officials prevent activists from organizing and attending opposition party gatherings by threatening them, placing them under invasive or intimidating surveillance, or even physically obstructing their travel. Authorities also harass activists for their media activities.

In at least two separate incidents authorities, tried to prevent DVK supporters from attending a DVK congress in Almaty, held in October 2002. Members of the nongovernmental pensioners' organization Pokoleniie [The Generation] are among those who were physically prevented from traveling to the gathering. In October 2002, police forcibly removed seventy-two-year-old Claudia Svintsova, the Karaganda branch leader of Pokoleniie, from a train as she traveled from Karaganda to Almaty to attend the DVK congress, and sent her back to Karaganda.<sup>232</sup>

DVK activists in Western Kazakhstan province who planned to attend the same congress in Almaty in October 2002 discovered that employees at the Uralsk railway station ticket booth possessed a list containing names of DVK supporters and had instructions to call a certain phone number should those on the list attempt to buy a railway ticket. When DVK activists subsequently called the number, KNB agents answered. The Western Kazakhstan branch of the DVK subsequently held a press conference to publicize this information, but a KNB agent present alleged that the information had been fabricated.<sup>233</sup>

---

<sup>230</sup> Ibid.

<sup>231</sup> Ibid.

<sup>232</sup> Human Rights Watch interview with Claudia Svintsova, Karaganda, April 9, 2003.

<sup>233</sup> Human Rights Watch interview with Oksana Pernovskaia, head of the DVK's Western Kazakhstan branch, Almaty, April 1, 2003.

In July 2002, police charged Iskanderbek Torbekov, head of the Jambyl province branch of the RNPk, with illegal possession of narcotics. Torbekov was detained by police on a train while traveling to Almaty to attend a political party training session organized by the National Democratic Institute.<sup>234</sup> According to Torbekov, the law enforcement agents planted drugs on his person, charged him with illegal possession of narcotics, and released him only after the training session ended.<sup>235</sup> After a three-month-long criminal investigation, however, the court ruled that Torbekov was not guilty, as the quantity of drugs found on his person was insufficient to constitute a criminal charge. “But the goal of the provocateurs’ action was the following, not to let me get to last year’s central committee party meeting,” claimed Torbekov.<sup>236</sup>

Numerous participants of the January 20, 2002, DVK-led opposition meeting in Almaty were systematically interrogated by KNB and other government officials immediately following the meeting. In Karaganda, sixty-four-year-old pensioner Lidia Mikhailovna received a visit at home from representatives of the Ministry of Social Affairs not long after having attended the January meeting. The purpose and timing of their visit was suspicious, she said, because “ostensibly they came to check whether we were eligible for benefits, but they said that the DVK is bad, and they had us sign a document that we had attended the DVK meeting, and they wanted to know what we talked about at the meeting, what we voted for...”<sup>237</sup> In Astana, pensioner Albert N. also asserted that five activists who had attended the January gathering had been questioned afterwards by KNB agents, and that at least one of the five had been asked to sign a statement indicating that her participation in the meeting was unintentional.<sup>238</sup>

---

<sup>234</sup> Human Rights Watch telephone interview with Iskanderbek Torbekov, June 21, 2003, and interview with Almira Kosainova, RNPk press-secretary, Almaty, April 2, 2003

<sup>235</sup> *Ibid.*

<sup>236</sup> RNPk press release, “Dialog demokratov v Alma-Ate” (Democrats’ Dialog in Almaty), May 30, 2003.

<sup>237</sup> Human Rights Watch interview with Lidia Mikhailovna, Karaganda, April 9, 2003.

<sup>238</sup> Human Rights Watch interview with Albert N., Astana, April 11, 2003.

## **ACKNOWLEDGEMENTS**

This report was researched by Marie Struthers, consultant to the Europe and Central Asia division of Human Rights Watch, during two missions to Kazakhstan in April and August 2003. The report was written by Marie Struthers and edited by Rachel Denber, acting director of the Europe and Central Asia division, Acacia Shields, senior researcher of the Europe and Central Asia division, and Iain Levine, program director of Human Rights Watch. Veronika Leila Szente Goldston, advocacy director of the Europe and Central Asia division, provided additional comments. Legal review was done by James Ross, senior legal advisor for Human Rights Watch. Invaluable assistance was given by Kristina Alessi, research associate at the Europe and Central Asia division, and Timur Onica, intern with the Europe and Central Asia division.

We would like to thank all those in Kazakhstan who shared their stories with us and without whom this report would not have been possible. We extend our special thanks to Evgenii Zhovtis, director of Kazakhstan International Bureau for Human Rights and Rule of Law, for his constructive comments.