



# Kozlov Case File

**Final Monitoring Report on the Trial of Vladimir Kozlov,  
Akzhanat Aminov, and Serik Sapargali**



**December 2012**

Image credit: Law enforcement fire on protesters in Zhanaozen, Kazakhstan, December 16, 2011. Screen-grab from video by user aoikaze777 posted on YouTube, *zhanaozen strel'ba vid sverkhu*.



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## Editor's Note

This report is the product of monitoring of the trial of Kazakhstani opposition activists Vladimir Kozlov and Akzhanat Aminov and labor activist Serik Sapargali. The three men were accused of organizing and leading criminal groups that incited social hatred against the authorities in Kazakhstan among striking oil workers in the western city of Zhanaozen, leading to riots on December 16, 2011. At least 15 people were killed and dozens wounded in police actions to put down the riots. On October 8, 2012, all three men were convicted. Kozlov, who was the only defendant to maintain his innocence of all charges, was sentenced to 7 ½ years in prison.

Freedom House's monitoring identified substantial and repeated violations of the defendants' right to a fair trial in the proceedings. Furthermore, the court's verdict rested heavily on prejudicial interpretation of key facts, and giving criminal character to activities that are not criminal under the law of the Republic of Kazakhstan. Based on its monitoring, Freedom House has concluded the process was fundamentally flawed and manipulated so as to produce the result the government desired.

Translations of key documents in the case are included in this report as appendices, including the opening pages of the prosecution's closing argument and transcripts of key conversations, so that readers may judge the evidence for themselves to the fullest extent possible.

The monitoring and analysis for this report was conducted by Amangeldi Shormanbaev, a trained human rights lawyer and native Kazakh-speaker, who was contracted by Freedom House to monitor the trial. He was present at the trial throughout the proceedings from August 16-October 8, missing only September 24-28. Freedom House issued three public periodic monitoring reports during the trial, which provide a basis for this report. The report was translated and edited by Freedom House staff in Washington, DC and Almaty, Kazakhstan.

The events of December 16, 2011 were a tragedy for Kazakhstan. With 15 people killed and dozens wounded on the 20<sup>th</sup> anniversary of Kazakhstan's independence, it was immediately apparent that the investigation and explanation of these events would be a litmus test of the government of Kazakhstan's stated commitment to the rule of law. The Kozlov case was an important test of whether rights are universally guaranteed in Kazakhstan, regardless of the political implications of any given case.

The trial showed that rights are subject to violation on a political basis. The following report documents numerous violations of procedure and integrity of evidence during the trial. Furthermore, the report analyzes how the court's verdict relied on heavily politicized assertions to construct a version of reality in which the events of December 16 were an intentional product of the actions of a small number of opposition and labor activists. This conclusion requires glaringly political interpretation of both the facts and the law, as is shown in the report. Normal political speech was interpreted as criminal incitement of social hatred. Statements by opposition activists calling for a change in government were interpreted as violent calls to seize power. These interpretations were based on the "expert" testimony of biased witnesses employed in state institutions who acknowledge in court that they were provided with only fragments of the evidence gathered.

Most significantly for the country, at no point in the verdict did the court explain who started the violence on December 16. The defendants were convicted of "incitement of social hatred leading to grievous consequences" without any explanation of how the incitement caused the consequences. As is comprehensively shown in a monitoring report from the earlier trial of oil workers that were convicted of

organizing the riots in Zhanaozen,<sup>1</sup> the explanation offered in that trial was also inadequate. Even as the government of Kazakhstan claims that the Zhanaozen events are a closed case one year after the events, they have yet to explain how the violence started and who was responsible.

The conclusions of the verdict closely mirror the accusations that the government has long lodged against the opposition, and they were quickly re-broadcast in sensationalist fashion on state television stations across the country. Based upon Kozlov's conviction for inciting social hatred, the government has now also launched a severe crackdown on opposition activities and media outlets. The week of November 21, 2012, the government of Kazakhstan filed lawsuits to close the unregistered parties *Alga* and the *People's Front*, and against media outlets *Vzglyad*, *Respublika*, and *K+*, as well as those newspapers' social media accounts. The lawsuits request that the defendants be recognized as extremist and therefore banned on the territory of Kazakhstan. The offices of *Vzglyad* and *Respublika* have already been raided and copies of their newspapers confiscated at the time of writing. On December 12, 2012, the television station *K+* was ruled illegal and its broadcast banned on the territory of Kazakhstan. The chief editor of *Respublika* has been fined for publishing the newspaper's articles in a different newspaper.

Freedom House anticipated and expressly warned that repression of opposition parties and media outlets would follow Kozlov's conviction. Freedom House is now concerned that the next stage in the crackdown will be attacks on human rights activists and international organizations.

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<sup>1</sup> *International Monitoring Mission: Report on the Zhanaozen Oil Workers' Trial*, Civic Solidarity Platform, September 2012, <http://www.civicsolidarity.org/content/international-monitoring-mission-finds-trial-kazakhstan-workers-unfair>.

## **Executive Summary**

The trial of Vladimir Kozlov, Serik Sapargali, and Akzhanat Aminov did not meet international and national standards of the rights to a fair trial and impartial justice on the basis of the law.

The primary charge under Article 164 of inciting social hatred rested upon an interpretation of the law holding that “the authorities” (*vlast*) constitute a social group analogous to a race, tribe, religion, or class. According to Article 9 of Kazakhstan’s Criminal Code, “the use of criminal law by analogy is forbidden.” This novel interpretation may be used to criminalize opposition activity or statements critical of the authorities in Kazakhstan.

The charge under Article 170, calling for violent change of the constitutional order, is not supported by evidence. The prosecution presented no evidence that Kozlov ever publicly called for violent actions or the violent overthrow of the constitutional order. In its verdict, the court relied instead on expert interpretation of ambiguous texts alleged to be produced by Kozlov.

The interpretations of the experts who found signs of incitement of social hatred and calls for the violent change of the constitutional order are suspect because they 1) work in state institutions and are therefore dependent upon the state authorities and 2) were only presented for analysis select phrases from the evidence gathered. Analyzing phrases in isolation allowed them to be interpreted out of context, as was clearly established during defense examination of the experts in the court.

Exiled oligarch Mukhtar Ablyazov, who was described without evidence in the verdict as creating and financing the criminal group responsible for most of the crimes committed, was neither tried nor called as a witness in the case. That Ablyazov was omitted from those charged or called as witnesses indicates that the case was conducted in an arbitrary and prejudicial manner. Furthermore, the indictment refers to him at least five times as “the accused Ablyazov,” indicating that at some point he may have been included in the charges.

The re-broadcast on state television of a documentary film shown by the prosecution in its closing argument immediately following the reading of the verdict strongly indicates collusion between political actors, prosecutors, and the court.

Although evidence was presented that member of the party *Alga* Bolat Atabaev held conversations with unknown individuals who intended to cause violence in Zhanaozen, the court never established that these people did cause violence on December 16<sup>th</sup>, 2011; that Atabaev, Kozlov, or any other person paid, directed, or asked such people to cause violence on December 16<sup>th</sup>, 2011; or even who these people were. Without establishing how Kozlov and his co-defendants helped started the violence on December 16<sup>th</sup>, 2011, the aspect of the charges “leading to grievous consequences” lacks substance.

## **The Trial**

### ***Basic Facts***

The Aktau City Court presided over the case. The proceedings were held in the courtroom of the Mangistau Specialized Criminal Court in Aktau, 3<sup>rd</sup> microregion. The courtroom held approximately 100 people. The proceedings began August 16, 2012, and ended October 8, 2012. The proceedings were held in an “open regime,” with access permitted for journalists and observers, although there were problems at the beginning of the trial with searches of courtroom observers by courtroom staff.<sup>2</sup>

The materials for the case consisted of 63 tomes of evidence, averaging roughly 500 pages each. The indictment was 1,354 pages long, consisting of 677 pages of Kazakh text and 677 pages of Russian.

Kozlov was charged under the following articles of the Criminal Code of Kazakhstan. For full text of these articles, see Appendix 1.

Art. 164 part 3: Incitement to social, national, tribal, racial or religious hatred with grave consequences, punishable by 7-12 years imprisonment.

Art. 170 part 2: Call for violent overthrow of the constitutional order using mass media or organized group, punishable by a fine of 1,000-5,000 monthly income units (\$10,873-\$54,365), or 3-7 years imprisonment.

Art. 235 part 1: Formation of a criminal group, punishable by 7-12 years imprisonment and confiscation of property.

Kozlov pleaded not guilty and was convicted on all charges and sentenced to seven and a half years in prison and confiscation of property. His appeal was denied November 19, 2012.

Sapargali was charged under Art. 164 part 3 and Art. 170 part 2. He pleaded partially guilty before the start of the trial and expressed his regret. He received a four-year conditional sentence.

Aminov was charged under Art. 235 part 1, Art. 164 part 3, and Art. 170 part 2. He pleaded guilty before the start of the trial and expressed his regret. He received a five-year conditional sentence.

### ***Proceedings***

The right to a fair trial is guaranteed by Article 14 of the International Covenant on Civil and Political Rights, and by Articles 13 and 77 of the Constitution of the Republic of Kazakhstan. A fair trial is possible only when the law guarantees, and the court in practice protects, the range of rights included in the right to a fair trial, including independence and impartiality of the court, presumption of innocence, equality of parties, and right to a defense.

The following actions at a minimum violated the rights of the defendants to a fair trial during the legal proceedings: holding the trial in Kazakh with inadequate interpretation into Russian; inadequate time given to the defense to prepare; refusal to allow the defense to question key witnesses, including Mukhtar Ablyazov; failure to make key witnesses available for examination by the defense; possible falsification

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<sup>2</sup> As documented in Periodic Monitoring Report #1, <http://www.freedomhouse.org/article/first-monitoring-report-documents-violations-kozlov-trial>.

of evidence; failure to maintain the chain of custody of evidence; and apparent violation of the presumption of innocence.

### **Violations of the Right to Defense**

The trial was held in Kazakh, a language Mr. Kozlov and a large number of the witnesses did not speak. During the proceedings, there were multiple instances where the translator provided inadequate or incomplete translation into Russian.

On the first day of the trial, Mr. Kozlov asked that the case be delayed because his defense team had received the 1,354-page indictment on August 15, only one day before the trial began. The judge denied the request because Mr. Kozlov had declined a copy of the indictment on August 11. According to Article 336 of Kazakhstan's Criminal Code, a trial may not begin fewer than three days from the moment when a copy of the indictment is provided. This stipulation is irrespective of the defense's decision to decline a copy of the indictment previously. The defense's objection to the judge's decision was not sustained.

On September 5<sup>th</sup>, defense lawyer Sarsenbina requested to question via Skype the chairman of the editorial board of the newspaper *Golos Respubliki* Irina Petrushov, the editor of the newspaper *Vzglyad* Igor Vinyavskiy,<sup>3</sup> the Vice-President of Open Dialog Foundation Ludmila Kozlovsky, and Mukhtar Ablyazov, each of whom were frequently mentioned in the proceedings. The judge said that he would decide this question after the questioning of all witnesses. The next day, September 6<sup>th</sup>, after completion of the questioning of all witnesses, he asked the opinion of the parties on this request and then denied the request without explanation. According to Article 24 of the Criminal-Procedural Code, the procurator and the investigators are required to take all measures stipulated by the law to ensure a comprehensive, full, and objective investigation of the facts that are necessary and sufficient for the correct adjudication of the case. The explanation of the case must include any facts either incriminating or exculpating the accused, as well as those mitigating or aggravating his or her responsibility and punishment.

On September 6<sup>th</sup>, after the questioning of witnesses was completed, the prosecutor requested to read aloud the testimony of witnesses for the prosecution who were not present. The judge confirmed this request. Specifically, the testimonies of the following witnesses for the prosecution were read aloud: Tulkibaev, Chalaev, Tursynbaev, Mamai, Saktaganova, Baibusinova, and Kalzhanov. The reason these witnesses did not appear in court was given as that they were receiving medical care and could not travel to the court. Yet the key witness Zhanbolat Mamai,<sup>4</sup> who is described in the verdict as belonging to the criminal group led by Kozlov, was at that very moment in Almaty, where he took part in a press conference<sup>5</sup> on the creation of a new publication, the newspaper *Ashyk Alan*. The defense was given no opportunity to question Mamai and other key witnesses, which would have provided an opportunity to critically examine their statements.

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<sup>3</sup> Following the conviction of Kozlov, lawsuits were filed to close both *Golos Respubliki* and *Vzglyad* on the basis of "extremism."

<sup>4</sup> Zhanbolat Mamai is an opposition activist. He was arrested in June 2012 on suspicion of inciting social hatred. He was released in July and provided testimony for the prosecution, although he did not appear in court.

<sup>5</sup> As reported by guljan.org that same day, <http://www.guljan.org/ru/news/informblok/2012/September/2548>.



On September 18<sup>th</sup> the prosecution, with the permission of the court, continued the practice of reading the testimony of witnesses without calling them to appear in court. Specifically, the testimonies of Yergenova, Tuletaeva, and Saktaganova against the accused were read into the record without the witnesses being made available for questioning by the defense.

### **Possible Tampering with or Falsification of Evidence**

On September 7<sup>th</sup>, defense lawyer Sarsenbina noted that the statements of the witnesses for the prosecution Karashaeva and Chalaev concerning Kozlov were identical down to the word across two pages of testimony. Given that testimony is supposed to be taken from direct speech, it would be extremely unlikely for witnesses to give identical testimony in such a large quantity. The defense requested that the investigator who had questioned both witnesses be called to the courtroom in connection with possible falsification of testimony. The judge denied the request without explanation.

On September 18<sup>th</sup>, during the presentation of material evidence by the prosecutors, Kozlov and his lawyers called the attention of the court to the fact that the leaflets presented as material evidence in the case had been produced on a printer, when the leaflets produced by Alga had been made on a specific kind of high-speed copy machine, a Risograph. In addition, Kozlov and his lawyers called the attention of the court to the fact that among the leaflets presented as material evidence were leaflets in Russian, when in fact such leaflets had never been produced by the accused.<sup>6</sup> The Russian version had appeared only after Kozlov had requested translations of the leaflet into Russian during the course of the investigation.<sup>7</sup>

Kozlov and his lawyers also called the attention of the court to the fact that all of the leaflets had been produced on a single printer, which was evident because they all contained an identical mark from one printer's cylinder. The prosecution could not explain how, where, and on what printer these leaflets – which were purportedly material evidence in the case – had been produced, or how they had wound up in the possession of the people from whom they were taken. This indicates at a minimum a failure to maintain the chain of custody concerning these pivotal pieces of evidence, which leads to reasonable suspicions of falsification of or tampering with evidence.

On September 20, during the examination of the witness Smadinov, it became clear that the minutes of his official testimony differed in their Russian and Kazakh versions. Specifically, the name “Kozlov” had been added to the Russian version. Lawyers for the defense raised the question of the possible falsification of the minutes of Smadinov’s testimony. The judge did not attempt to investigate the issue and said that all parties could satisfy their concerns at a later stage in the process.

### **Apparent Violations of the Presumption of Innocence**

As part of its closing argument on September 27-28, the prosecution showed in court a documentary film that purported to show how Mukhtar Ablyazov planned to seize power in Kazakhstan. This film, which included footage from the investigation, had not been previously presented as evidence in the earlier stages of the process, and thus was legally inadmissible as part of the closing statement of the prosecution.

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<sup>6</sup> The workers of Zhanaozen are nearly all Kazakh; leaflets produced for their benefit would not have been in Russian.

<sup>7</sup> Kozlov, an ethnic Russian, does not speak Kazakh.

On October 8th, immediately following the reading of the verdict, this exact documentary film alleging Ablyazov and Kozlov's plan to seize power was shown on several national television stations, among them *Kazakhstan* and state-controlled *Khabar*.<sup>8</sup> The presentation of the same film on state television strongly suggests collusion between political actors, the prosecutors, and the court, indicating that the verdict was subject to political influence.

## The Verdict

This section analyzes the verdict of the court, in particular the legal basis on which it rested and the coherence of the charges of which Kozlov and his co-defendants were found guilty.

### Article 164

The verdict of the court rested upon interpretation of Article 164 of the Criminal Code, “inciting social hatred,” to find that the defendants incited hatred against the authorities as a social group with grievous consequences.<sup>9</sup> A translation of the article may be found in Appendix 1. The verdict states that Kozlov distributed materials and information “that created a negative image and stereotype of the authorities, inciting participants in the illegal protest to violent actions against the authorities.”<sup>10</sup>

Part one of Article 164, “Incitement of social, national, tribal, racial, or religious hatred” reads as follows:

*“Purposeful actions intended to incite social, national, tribal, racial, or religious hatred or discord, to insult national honor or dignity or the religious sentiments of citizens, or also the propagandizing of exclusivity, superiority, or inferiority of citizens by dint of their belonging to a religious, class, national, tribal, or racial category, if these actions are carried out publicly or with the use of mass media, or also by means of the distribution of literature and other information sources that propagandize social, national, racial, or religious hatred or discord.”*

The meaning of the key word “social” in the first line is unclear. Academic legal commentaries on Article 164 of Kazakhstan’s criminal code do not contain a clear definition of this term.<sup>11</sup> Furthermore, the second part of the definition, which lists action against citizens by dint of their “belonging to a religious, class, national, tribal, or racial category” excludes the term “social” used in the first line. The Supreme Court of Kazakhstan has never provided a decree interpreting Article 164.

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<sup>8</sup> The film was shown with the title “Alga men Aqsha”, or “Alga & Money,” cited in “Reaktsiya provlastnykh izdaniy na prigovor Kozlovu” (“Reaction of pro-government media to the Kozlov verdict”), *RFE/RL*, October 9, 2012: <http://rus.azattyq.org/content/kazakhstan-official-media-on-sentence-to-kozlov/24733603.html>. A Russian-language film titled “Amoral’nyi AlgaRitm” or “Amoral AlgaRhythm” and using many of the same materials was shown on state television November 15, 2012.

<sup>9</sup> The word translated here as “authorities” is the Russian *vlast’*, which may mean “power, authority, rule, the government, the leadership of the state.”

<sup>10</sup> See Verdict, Appendix 2.

<sup>11</sup> See *Commentaries to the Criminal Code of the Republic of Kazakhstan*, ed. I.I. Rogov and S.M. Rakhmetov, Almaty, 1999, p. 345 and *Commentaries to the Criminal Code of the Republic of Kazakhstan*, ed. S.M. Rakhmetov, T.A. Bapanov, Almaty 2001, p. 303.

Lacking such clear definition, the court in the case relied upon interpretations provided by experts for the prosecution that analyzed statements, articles, and leaflets allegedly created by Kozlov and his co-defendants. As stated earlier, these experts interpreted select phrases taken out of context by the prosecution. They were also of dubious independence, being employees of state institutions vulnerable to political pressure. The defense was allowed to call its own experts, but their conclusions appear to have had no influence upon the verdict.

Furthermore, given the ambiguity of the law, designating the authorities as a social group deserving of protection is a conclusion that must meet a higher standard of evidence, due to the chilling effect of such a designation upon freedom of expression. The “authorities” cannot be regarded as a social group that may fall victim to incitement of social hatred without potentially criminalizing a broad range of political activity.

### ***Mukhtar Ablyazov***

Mukhtar Ablyazov is a former Minister of Energy, Industry, and Trade, and prominent oligarch from Kazakhstan, who left the country in 2003 after being convicted and then released on charges of abusing official powers. He became chairman of BTA Bank, which was taken over by the government of Kazakhstan’s sovereign wealth fund following the financial crisis in 2008-2009. He fled to London, where he then faced charges of embezzlement of billions of dollar from BTA. He has currently fled the United Kingdom and resides in an unknown location.

The present report offers no comment on the legal proceedings against Ablyazov in the United Kingdom. Those proceedings are legally distinct from the proceedings against Kozlov and his co-defendants, and have no bearing on the charges against Kozlov. That did not prevent the court from including in the verdict as fact allegations against Ablyazov that have not been proven in a court of law, as described later.

Ablyazov played a prominent role in the prosecution’s case against Kozlov. The prosecution presented Ablyazov as the creator of an organized criminal group, which Kozlov allegedly came to lead. The court accepted this argument. Specifically, the verdict states:

*The accused V. Kozlov, in March of 2010, with the goal of subverting and destroying the socio-political foundations of the constitutional order of the Republic of Kazakhstan, willingly joined an extremist organized criminal group created and financed from abroad by Mukhtar Ablyazov, who is currently sought by investigative organs for the crime of embezzling \$7 billion from BTA Bank in 2005, the board of which bank he chaired. The criminal group was founded on the principles of hierarchy and strict division of roles, and V. Kozlov acted as leader of this group in Kazakhstan.*<sup>12</sup>

For the purposes of an objective and full investigation, Ablyazov should have been included as an accused party or questioned as a witness, given that it was impossible to establish the guilt and intention of Kozlov without finding also the guilt and intention of Ablyazov. Moreover, in the course of the trial, significant and determinative actions were ascribed to Ablyazov himself. At least five times in the indictment, Ablyazov is referred to as “the accused Ablyazov,” indicating that he may have at one time had charges prepared against him.<sup>13</sup>

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<sup>12</sup> See Appendix 2. Emphasis in original.

<sup>13</sup> These references are on pages 325 (twice), 338, 536, and 538 of the Russian-language indictment.

Yet despite defense requests, Ablyazov was neither called as a witness nor tried *in absentia*. The court examined a case in which the alleged primary organizer of the crimes was not included, which marks the prosecution as arbitrary and incomplete.

### ***The Facts as Presented***

This section analyzes the facts of the case as the court presented them in its verdict. The analysis evaluates the extent to which these facts were coherently argued in court, and also the extent to which the actions as described are in fact criminal actions under Kazakhstan's national laws. The analysis follows the narrative argument of the verdict, the opening pages of which are included in Appendix 1.

#### **1: In March 2010, Mukhtar Ablyazov created an organized criminal group that Kozlov joined and led.**

*“The accused V. Kozlov, in March of 2010, with the goal of subverting and destroying the socio-political foundations of the constitutional order of the Republic of Kazakhstan, willingly joined an extremist organized criminal group created and financed by Mukhtar Ablyazov, who currently lives abroad and is sought by investigative organs for the crime of embezzling \$7 billion from BTA Bank in 2005, the board of which bank he chaired. The criminal group was founded on the principles of hierarchy and strict division of roles, and V. Kozlov acted as leader of this group in Kazakhstan.”* Verdict, p. 1

The prosecution presented no evidence that Ablyazov founded a criminal group, or that Kozlov joined one in March 2010. On page 10 of the verdict, Ablyazov is described as founding the criminal group in March 2010, which was also not attested by evidence in court. This did not prevent the court from stating these allegations as facts in the verdict.

#### **2. In the course of 2010-2011, Kozlov drew “public figures with radical views” into the criminal group of Ablyazov.**

*“In 2010-2011, [Kozlov] drew a group of public figures with radical views into the above-mentioned organized criminal group, who expressed their consent to criminal activities and the fulfillment of all the tasks of the leaders of the criminal group, specifically, such individuals as Sapargali, Atabaev, and Mamai.”* pp. 1-2

The prosecution presented no evidence in court to establish that Atabaev and Mamai are “public figures with radical views.” Although Atabaev and Mamai are members of the Popular Front movement, which the prosecution argued was extremist, at the time of the trial there had been no judicial proceedings or court decisions legally recognizing the Popular Front as an extremist organization.<sup>14</sup>

#### **3. On March 15, 2010, Kozlov arrived in the city of Zhanaozen and spoke before participants in the oil workers’ protest.**

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<sup>14</sup> Since the conviction of Kozlov and rejection of his appeal, a lawsuit has been filed against the Popular Front to have it recognized as extremist and banned on the territory of Kazakhstan.

*“On March 15, 2010, the accused Kozlov, intending to conduct activities directed at the subversion and destruction of the socio-political bases of the constitutional order of the Republic of Kazakhstan, arrived in the city of Zhanaozen in Mangistau oblast. In the course of this visit, using the existing situation, in order to realize his criminal goals, he spoke before the participants in a protest, promising them support by providing lawyers, economists, and analysts, and also announcing to them that he was opposed to the authorities, promised to publish in the mass media his conclusions regarding their socio-economic difficulties.” p. 2*

In court Kozlov confirmed that he had gone to Zhanaozen March 15, 2010. A video of his conversation with oil workers that day was shown in court. The video shows that Kozlov did not make a speech before oil workers, but held a conversation with several people. In the video, the meeting takes place on the street next to the bus station in Zhanaozen, on the square where the oil workers’ strike was taking place. Groups of oil workers are standing nearby and talking among themselves. The conversation is primarily led by Natalia Azhigalieva.<sup>15</sup> During the conversation, Kozlov does promise to assist the oil workers with lawyers and economic analysis.<sup>16</sup> Judging by the video, the conversation did not attract much interest from the workers.

**4. On April 30, 2010 Kozlov held a conference call on Skype with Mukhtar Ablyazov in which they discussed how to topple the government.** Appendix 7 is a translation of the transcript of the Skype conference call, as it was included in the evidence of the case.

*“On April 30, 2010 the accused Kozlov, continuing his criminal activity, spoke by Skype with the leader of the organized criminal group M. Ablyazov, who is in hiding abroad, and the leaders of the regional branches of the unregistered party Alga. In the course of this event, he received from Ablyazov the task of finding the weak link in the government, that is to say to put special effort towards uniting by the end of 2011 oil workers, miners, and debtors through public incitement of social hatred and discord in order to undermine the security of the state and at all costs topple the government of the Republic of Kazakhstan. In his turn, the accused Kozlov stated that he was ready to make all efforts in order to fulfill this task and was confident in the achievement of the goal of overthrowing the government.” pp. 3-4*

The fragment included in the evidence is incomplete; the full conversation lasted 2 hours and 48 minutes, according to the defense. Clearly the question of why only part of the conversation was entered into evidence and considered by the court is of paramount importance. Even the full volume of the transcripts included in the evidence were not always given to the experts for examination, as was established in court and is described in detail on page 17.

During the proceedings, the court listened to the recording of the fragment and it was possible to hear the intonation of the participants. As can be seen by reading the transcript, Ablyazov gave no tasks to

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<sup>15</sup> An oil worker and leader of the strike in Zhanaozen. See Glossary.

<sup>16</sup> A key point of the oil workers’ strike was that they were not being adequately compensated for their work. *Alga* activists promised to assist them by finding economists who could analyze their compensation.

anyone, nor did anyone accept tasks. Instead Ablyazov gave his opinion on the development of the political system in Kazakhstan, as well as possible activities for Alga. It should be noted that in open societies with parliamentary systems, the use of the phrase “topple the government” does not necessarily indicate violence.

**5. Throughout 2010 and 2011 Kozlov maintained constant transmission of the speeches, statements, and announcements of Ablyazov through a TV channel.**

*“The accused V. Kozlov, in order to fulfill the tasks that he had been given, and using the opportunities provided by the party and social movement that he led, the Popular Front, and also using mass media that he had affiliated and radicalized, continued his unlawful activities of destabilization of the country by conducting agitation activities and distributing flyers among the workers of single-industry towns and other categories of people. That is to say, in 2010-2011 he maintained constant transmission of the speeches, statements, and announcements of the leader of the organized criminal group M. Ablyazov through the TV channel K+, and also the wide distribution of printed publications affiliated with him.” p. 4*

The question of how Kozlov “maintained constant transmission of the speeches, statements, and announcements” of Ablyazov on K+ was not examined in court. Nor was the question of how Kozlov “affiliated and radicalized” certain mass media outlets examined. This did not prevent the court from stating these allegations as facts in the verdict.

**6. Kozlov organized and financed the transport to Zhanaozen of newspapers and leaflets.**

*“Kozlov, with the goal of creating a negative image of the authorities, using the political grouping “Popular Front” that was created under the aegis of the popular party Alga, by means of the members of the organized criminal group, organized the distribution and financing of the transportation to Zhanaozen of copies of the printed publications under the brand Respublika, Vzglyad, Dat, TV channel K+, and the leaflets “Warriors of the Holy Land of Mangistau!” and “Rise up from Your Knees, Kazakh, Throw the Tyrant & the Thief from Your Neck!”, which contained indications of incitement of social hatred and discord in the form of negative characterizations of the authorities of Kazakhstan, and also of different publications with radical content.” p. 4-5*

In and of itself, the distribution of newspapers is not a crime. As regards the presence of “signs of incitement of social hatred and discord in the form of a negative characterization of the authorities of Kazakhstan,” the authorities should not be considered a social group. To criminalize negative characterization of the authorities is effectively to criminalize criticism of the government. See also page 8 of this report.

**7. Kozlov organized a trip to Zhanaozen for Bolat Atabaev and Zhanbolat Mamai. There they publicly called for workers to leave the ruling Nur Otan party.**

*“[Atabaev and Mamai], following the orders of Kozlov and in order to channel the protest sentiments of the workers in a political direction, by means of a negative evaluation of the performance of the leadership of the country and the organs of the state, publicly called participants in the protest to leave the party Nur Otan and join the movement Popular Front, with the goal of inciting social hatred and discord, calling for a violent seizure of power, undermining the security of the state, and violently altering the constitution order.” p. 5*

A public call to leave one party for another is not a crime. Furthermore, a public call to leave one party for another does not indicate attempt to incite social discord, violently seize power, undermine the security of the state, or violently change the constitutional order, but is a typical feature of political jockeying in open political systems.

**8. In January 2011 Aminov created an organized criminal group consisting of oil workers.**

*“In January 2011, the accused Aminov, with the goal of inciting social hatred and discord, created from among his co-workers at OzenMunaiGaz A. Azhigalieva [sic], R. Tuletaeva, E. Karashaev, Sh. Utkilov, C. Yermagambetova, O. Tursynbai, B. Chalaev, K. Omerov<sup>17</sup> an organized criminal group, which he led himself.*

*“The accused Aminov actively participated in protest actions as the leader of the organized criminal group that he had created, acted as the organizer of a variety of strikes that took place at OzenMunaiGaz, and single-handedly determined the need, grounds, and time for protest actions and the demands presented in the name of workers to their employer.” pp. 5-6*

Under Kazakhstan’s labor laws, to defend one’s labor rights in an organized fashion, including by competing for positions in the leadership of a company, is not a crime so long as violent methods are not used. In this case, no evidence was presented that the members of the “Aminov group” had committed violent acts.

**9. On January 19, 2011, Aminov organized a hunger strike with the participation of Zhanaozen residents.**

*“On January 19, 2011, the accused Aminov along with the members of the organized criminal group he created and led, acting as a group, with the intention of inciting social hatred and discord, undermining authority and discrediting employers and their representatives, and to encourage the dissatisfaction of the workers with the social policies of the administration of OzenMunaiGaz, organized a hunger strike with the participation of Zhanaozen residents D. Sargulova, B. Ismagulova, Z. Utebekova, T. Yergazega, G. Topaeva.” p. 6*

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<sup>17</sup> Roza Tuletaeva and Shabdol Utkilov were convicted in the trial of oil workers held in Aktau in summer 2012. The others listed here were originally detained but expressed their regret and had charges dropped against them. All of those listed testified for the prosecution.

The organization of a hunger strike is not a crime.

**10. On May 15, 2011 Aminov distributed among the oil workers in Zhanaozen a leaflet showing a calculation of salary that had been created by the lawyer for the union Natalia Sokolova.**

*“In addition, the accused Aminov... conducted several meetings with employee of the union of workers Karazhanbas N. Sokolova and requested that she create a deliberately provocative calculation of the salaries of the workers of OMG.” p. 6*

In court, Sokolova testified that while the calculations were being made she had genuinely thought they did not contradict the labor code, and only after her conviction had realized that the calculation was incorrect.<sup>18</sup> This contradicts the court’s assertion that the salary calculations provided were deliberately provocative.

**11. On May 16, 2011 Aminov told the members of his organized criminal group Azhigalieva, Tuletaeva, Utkilova, Saktaganova to organize a hunger strike.**

*“On May 16, 2011 the accused Aminov, not ceasing to incite social hatred and discord, with the goal of intensifying the situation, ordered members R. Tuletaeva, N. Azhigalieva, Sh. Utkilov, T. Saktaganov of the organized criminal group created and led by him to organize an illegal act of protest and announce a hunger strike, which they did.” p. 7*

Organization of a strike is not in itself a crime. No evidence attested that the purpose of the action was to incite social discord.

**12. May 29, 2011, Aminov appeared on the territory of the drilling service of OzenMunaiGaz and publicly spoke before the oil workers which had gone on strike.**

*“Despite the fact that on May 27 2011 the Zhanaozen city court had found the protest action of the employees of OzenMunaiGaz illegal, on May 29 2011 the accused Aminov appeared at the place agreed upon for the conduct of the illegal strike, where, knowing well the possibility of negative consequences, in order to further intensify the situation and increase protest sentiment among the workers and to incite social discord and hatred, publicly spoke alongside M. Isenbaev, a member of the criminal group he had organized, before the oil workers who had remained. That is to say, he sought to convince the masses that if they showed strength and stubbornness, this would lead to their victory over their employer and allow them once again to improve the oil workers’ living conditions and undoubtedly restore to work those who had been fired, by participating in his organized illegal strike.” p. 7*

The prosecution did not present any statements by Aminov at this gathering regarding use of violence. Aminov’s public statements as described in the verdict do not constitute a crime.

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<sup>18</sup> For more details on Natalia Sokolova, see Glossary.



**13. On June 30, 2011 the members of the organized criminal group created by Aminov left his group and joined the organized criminal group led by Kozlov.**

*“Despite the fact that on May 27, 2011 the Zhanaozen city court had found the protest action of the employees of OzenMunaiGaz illegal, on May 29, 2011 the accused Aminov appeared at the place agreed upon for the conduct of the illegal strike, where, knowing well the possibility of negative consequences, in order to further intensify the situation and increase protest sentiment among the workers and to incite social discord and hatred, publicly spoke alongside a member of the criminal group he had organized M. Isenbaev before the oil workers who had remained. That is to say, he sought to convince the masses that if they showed strength and stubbornness, this would lead to their victory over their employer and allow them once again to improve the oil workers’ living conditions and undoubtedly restore to work those who had been fired, by participating in his organized illegal strike.*

*“As a result of the lack of a desired result after the 10-day deadline given to employers’ to fulfill these unfounded demands put forward by Aminov in the name of the workers of OMG, and also in connection with his arrest on June 30, 2011, Aminov lost influence within the criminal group he had created. As a result the members of this group dispersed and came under the leadership of the organized criminal group led by Kozlov.”*  
p. 7

Aminov fully confessed his guilt in the charges against him. However, no evidence of the commission of crimes by the so-called criminal group of Aminov was ever presented in court, nor is such evidence cited in the verdict. It is unusual as a matter of law to name a criminal group “criminal” when it has not committed any crimes as judged by a court.

**14. June 25, 2010, Sapargali participated in a protest in Almaty, where he spoke out against Kazakhstan’s entry into the Customs Union with Russia and Belarus.** Appendix 4 is a translation of the transcript of the speech as presented in the indictment.

*“June 25, 2010, the accused S. Sapargali, intending to subvert and destroy the socio-political bases of the constitutional order of the Republic of Kazakhstan, participated in a protest by the monument to A. Imanov in the city of Almaty, where he publicly cast doubt upon the correctness of the external and internal policies of the state, speaking out against Kazakhstan’s entry into the Customs Union with Russia and Belarus. In his speech he infringed the legitimacy of the representatives of state authority in the country who had taken political decisions on the future integration of the country into the global economy, and openly sought to convince society to take a stand against the state order and authorities.”* p. 7

Sapargali does call to “topple the government” (*svergnut’ vlast’*), but there are no direct calls to violence in the speech. Such calls without practical actions cannot be considered crimes in and of themselves. Evidence regarding the direction or execution of violent actions by Sapargali was not shown in court. To criticize the political decisions of the authorities of the country is not a crime, as is implied in the verdict.

**15. In May 2011 Kozlov sent Aizhangul Amirova<sup>19</sup> by email a brochure and leaflets.**

*“In May 2011, Kozlov sent [Amirova] a printed product (brochure) titled “Intelligent Organization of Mass Riots,” and in September 2011 she distributed among the striking workers in Zhanaozen leaflets titled ‘Warriors of the Holy Land of Mangistau!’ and ‘Rise up from Your Knees, Kazakh, Throw the Tyrant & the Thief from Your Neck!’ ... earlier Kozlov sent her electronic versions of these leaflets which based on his instruction she was required to reproduce and distribute among the oil workers.” p. 10*

The allegation that Kozlov sent Amirova a brochure, or anything for that matter, was not reviewed in court. The prosecution presented no evidence detailing alleged email communications between the accused and Amirova. Kozlov’s lawyers maintain that he never sent any digital versions of brochures or leaflets to Zhanaozen. The leaflets were signed by Mukhtar Ablyazov, not by Kozlov.

The brochure is also called by two different names in the verdict. On page 10, where it is described in the narrative section of the report, it is titled “Intelligent Organization of Mass Riots” (*massovykh besporyadkov*). On page 14, where it is described in the list of confiscated items, it is titled “Intelligent Organization of Protests” (*protestov*). During the proceedings, the evidence read into the record gave the title “Intelligent Organization of Protests.” This discrepancy is also reflected in the indictment, where it is called “Intelligent Organization of Mass Riots” on page 169, and “Intelligent Organization of Protests” on page 673.

**16. On October 25 & 31, 2011, Atabaev spoke with Kozlov and told him that he was in conversation with people who want to blow up an oil pipeline.** Appendix 4 (October 25) and Appendix 5 (October 31) contain translations of the transcripts of the conversations between Kozlov and Atabaev as presented in the indictment.

*“As shown by the recording included in the criminal case as material evidence, it is clear that on October 25, 2011 B. Atabaev, one of the active members of the extremist organized criminal group led by V. Kozlov, told him that on December 1, 2011, a certain group of individuals, including so-called ‘cut-throats’ from among the ranks of sportsmen<sup>20</sup>, planned to arrange an ‘upheaval’ – mass riots, and also that he [Atabaev] was closely connected to this group. In order to coordinate their actions they needed to select and send an individual [to Zhanaozen] with sufficient experience. [He also told Kozlov] that the members of the group of ‘cut-throats’ had given their word on the Quran, that they were serious and ready to die, that they called the mass riots a ‘party,’ that in order to organize the mass riots they had held a ‘congress,’ which included members from Karazhanbas, and that they asked him to tell M. Ablyazov about their existence. When [Atabaev] told Ablyazov about this, he promised all possible help to the group of ‘cut-throats.’*

*“In addition, during his report, Atabaev told the accused Kozlov that he understood that as a result of the actions of this group blood would be spilled, and*

<sup>19</sup> Aizhangul Amirova is an Alga party activist. See Glossary.

<sup>20</sup> In post-Soviet countries, sporting clubs are frequently used to recruit and develop criminal gangs.

*emphasized that this was the preference of the ‘cut-throats,’ and he expressed his own position regarding actions that could lead to conflict, open hatred, clashes, violence, pogroms, and destruction of property, and confirmed his role in this as a provocateur.*

*“Concluding his report, Atabaev, speaking about the ‘cut-throats’, stated that he was continuously engaged in the process of preparing for mass riots and would make his own contributions to their plans: ‘...they want it to be December 1<sup>st</sup>, I say let’s do December 31<sup>st</sup>, so it’s a surprise, they want it to last for three days. During that time the Kazakhs from other cities and oblasts will rise up, too...’. The accused Kozlov, having listened to the report of this active member of the extremist organized criminal group that he led, agreed with his words, ‘...so that the Kazakhs will rise up in other oblasts, they will need to be informed...’*

*“On October 31, 2011 the accused Kozlov asked the active member of the extremist organized criminal group Atabaev about the organization of mass riots by the aforementioned group of ‘cut-throats.’ Atabaev in turn asked the accused Kozlov to permit him to go to Zhanaozen in order to lead these individuals, which in addition to organizing mass riots were planning to blow up an oil pipeline.*

*“The accused Kozlov supported the actions of Atabaev but then advised him that in Kazakhstan there were lacking the objective factors that would allow one to organize and bring out into the streets a protest of the size planned – 50,000 people.*

*“As a positive example worthy of imitation in the destabilization of the country, he also gave the example of the actions of the members of the international terrorist group ‘Jund al-Khalifat,’ which had conducted bombings in order to terrify the population near the local government building and a suicide bombing near the prosecutor’s office in Atyrau oblast. He also argued to move from empty words to concrete actions.” pp. 12-13*

In the verdict, a key part of the conversation from October 25 is given as:

**Atabaev:** During that time the Kazakhs from other cities and oblasts will rise up, too...

**Kozlov:** ...so that the Kazakhs will rise up in other oblasts, there will need to be information....

However, in the transcript as presented in the evidence submitted to the court, the word meaning “to rise up” is absent.

**Atabaev:** That way Kazakhs in other cities and oblasts will have time

**Kozlov:** For Kazakhs in other oblasts, there will need to be information.

The word meaning “to rise up” (*podnyat’sya*) is added to both sentences in the version included in the verdict. This creates a different meaning.

The discrepancy may originate in the indictment, which has the second phrasing (without the word “to rise up”) on page 604 in the section that presents the transcript of the conversation, and the new phrasing (with the word “to rise up”) on page 60, in the narrative section. The fact that this error was replicated by the judge his verdict indicates a casual relationship to the evidence, and casts doubt upon the conclusions of the court.

Kozlov never mentions the Jund al-Khalifat terrorist organization in the transcript of the conversation, as the verdict implies. He does mention a bombing that had just taken place in Atyrau as an example of “people who really do something.” The court in its verdict ignored that he then clearly and explicitly rejected terrorism in his following statements to Atabaev. This was likely based on the testimony given by one of the prosecution’s experts. Appearing in court on August 21, the expert Svankulov confirmed that he had not listened to the entire conversation of October 31. Specifically he said he had not listened to the end of the conversation, when Kozlov rejects terrorism, and stated that the experts only analyzed what they were presented by the investigative services.

The court also provided no evidence that Kozlov or anyone else charged collaborated with violent actors. The identity of the ‘cut-throats’ was never established in court, nor was it established that Atabaev or Kozlov paid, directed, or organized them to commit acts of violence, nor was it established that they had any relation to the events of December 16, 2011.

Simply put, the transcripts of these conversations show a different picture than that presented in the verdict. On the one hand, Atabaev seems excited by the prospect of working with the ‘cut-throats’, as he calls them. Kozlov, on the other hand, appears skeptical of their intentions, fearful of the legal consequences of anything leading to violence, and completely rejects terrorism as an option at the end of the second conversation. The main focus of the second conversation is how to apply for a permit to hold a legally approved demonstration, and how to issue a call for a demonstration without being charged for criminal activity.

**17. During the search of the possessions of Amirova and Murinbaev specific leaflets were found.**

*“The protocol of the search of January 6, 2012 shows that at the place of work of A. Amirova at address: Zhanaozen, mkr. Orken, house 1, apt 134 were discovered and entered into evidence: 107 copies of newspaper Golos Respubliki, 20 copies of a leaflet titled ‘Warriors of the Holy Land of Mangistau’, 22 copies of ‘Rise up from Your Knees, Kazakh, Throw the Tyrant & the Thief from Your Neck’, the brochure ‘Intelligent Organization of Protests’ (l.d. 160-163, 178-179, tome 52)....” pp. 13-14*

As explained earlier in the section “Possible Tampering with and Falsification of Evidence,” on September 18<sup>th</sup>, during the presentation of material evidence by the prosecutors, it emerged that the leaflets presented as part of the material evidence in court had been produced on one printer, which was different from the copy machine used by Alga. See page 7 for more detail.

**18. Ablyazov financed the activity of Alga using \$7 billion stolen from BTA Bank.**

*“During the search of the home of the accused Kozlov, a flash drive was found, which contained an electronic document titled ‘The additional witness statement of V. Kozlov,’ from which it was established that starting in 2002 Ablyazov financed no less than 70 percent of the activity of the so-called public organization DVK,<sup>21</sup> later registered as the people’s party Alga, and from 2009 up to 97 percent. In addition, Ablyazov was the main sponsor of the party and acted as the constant leader and creator of the ideology and strategy of the political actions of the party (Tome 3, case files 2-14).*

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<sup>21</sup> *Demokraticheskiy Vybora Kazakhstan*, or “Democratic Choice of Kazakhstan,” was a predecessor party to Alga.

*“The fact that Ablyazov financed the party Alga was confirmed by the witness questioned in court A. Lukmanov, who testified that during his participation in conference [sic] in the cities of Warsaw and Brussels he heard V. Kozlov say that M. Ablyazov financed the party Alga.*

*“In this fashion it has been authoritatively established in court that funds in the quantity of \$7 billion criminally embezzled by Ablyazov from BTA Bank were used through Ketebaev and Kozlov in the interests of the organized criminal group they created and led with the goal of systematic criminal actions and constant control over these activities.” p. 21*

The assertions of the court concerning the embezzlement of funds by Ablyazov from BTA Bank have no basis in any evidence presented in these proceedings. At no point in the proceedings was any evidence presented that Ablyazov had in fact embezzled these funds, which question is currently under examination in London’s High Court. This did not prevent the court from including these allegations as fact in the verdict. The inclusion of these allegations calls into question the impartiality of the court.

## **Conclusion**

As can be seen, the court’s verdict is riddled with inconsistencies, logical leaps, and simple errors. There were multiple mistakes relating to procedure, chain of custody, and integrity of evidence that in a rule-of-law system would have invalidated the proceedings as a whole. The verdict failed to establish several key facts, instead relying on broad interpretations of the law to give criminal character to normal political activities like distributing leaflets, making speeches, and organizing protests.

- At no point in the trial did the prosecution present a single instance when Kozlov publicly called for violent actions or a violent seizure of power.
- A prosecution expert who analyzed a key conversation between Atabaev and Kozlov acknowledged that he had only analyzed a portion of the conversation in question, leaving out part of the conversation when Kozlov rejected terrorism. The court ignored this fact.
- The court held that criticism of the government’s decision to enter the Customs Union with Russia and Belarus was proof of an attempt to destroy the sociopolitical bases of the state.
- The court held that a non-violent call to leave the ruling *Nur Otan* party for another party was intended to incite social hatred and discord.
- The court failed to establish how the actions of the accused led to the events of December 16, 2011.
- The court asserted as fact allegations regarding Ablyazov’s embezzlement of funds that were not investigated during the proceedings, and can have only political significance irrelevant to the legal case at hand.

With these facts in mind, it appears highly likely that the trial had political purposes, namely 1) to create a legal precedent for the repression of opposition political parties and media outlets; and 2) to isolate and marginalize Mukhtar Ablyazov, even though he was not charged in the case.

## **Appendix 1: Articles 164, 170, and 235**

*Translated from Russian versions accessed at <http://www.zakon.kz/211944-ugolovnyji-kodeks-rk-2011.html>, December 11, 2012.*

### **Article 164. Incitement of social, national, tribal, racial, or religious hatred.**

1. Purposeful actions intended to incite social, national, tribal, racial, or religious hatred or discord, to insult national honor or dignity or the religious sentiments of citizens, or also the propagandizing of exclusivity, superiority, or inferiority of citizens by dint of their belonging to religion, class, national, tribal, or racial category, if these actions are carried out publicly or with the use of mass media, or also by means of the distribution of literature and other information sources that propagandize social, national, racial, or religious hatred or discord –

Punishable by a fine up to one thousand monthly salary units, or correctional labor up to two years, or deprivation of freedom up to seven years.

2. The same actions, completed by a group of people or more than once, or combined with violence or the threat of violence, or also by a person using his official capacity or by the leader of a social organization –

Punishable by a fine from 500 up to 3000 monthly salary units, or by the limitation of freedom for up to four years, or by the deprivation of freedom from three to seven years with the deprivation of the right to conduct certain activities or to pursue certain employment from three years to an unlimited time period.

3. Actions described in the first and second parts of the present article leading to grievous consequences –

Punishable by deprivation of freedom from seven to twelve years with deprivation of the right to conduct certain activities or to pursue certain employment from three years to an unlimited time period.

### **Article 170. Calls for the violent overthrow or change of the constitutional order or to the violent violation of the unity of the territory of the Republic of Kazakhstan.**

1. Public calls for the violent overthrow of the government, the violent seizure of power, the subversion of the security of the state or the violent change of the constitutional order, or also for the violent violation of the integrity of the Republic of Kazakhstan and the unity of its territory, and also the distribution of materials containing such contents with such a goal –

Punishable by a fine from 300 up to 1000 monthly salary units or the deprivation of freedom up to five years.

2. The same actions carried out with the use of mass media or by an organized group –

Punishable by a fine from 1000 to 5000 monthly salary units or by the deprivation of freedom from three to seven years.

**Article 235. Formation and leadership of an organized group for the purpose of completing one or several crimes, or also participation in such a group.**

1. Creation of an organized group for the purpose of completing one or several crimes, or also leadership of such a group -

Punishable by deprivation of freedom from seven to twelve years with confiscation of property.

2. Participation in an organized group, created for the purpose of completing one or several crimes –

Punishable by deprivation of freedom from five to ten years with confiscation of property.

3. Actions described in parts one or two of the present article, carried out by a person using his official capacity –

Punishable by deprivation of freedom from eight to thirteen years with the confiscation of property.

## Appendix 2: From the Verdict

*All emphases in original.*

No. 1-266/14-12

### Verdict

In the name of the Republic of Kazakhstan

October 8, 2012

Aktau city

The Aktau City Court of Mangistau Oblast, represented by the judge B.K. Myrzabekov, under the secretaries L. Perdebek and A. Yelesinova, with the participation of the state prosecutors A. Zhanaev, G. Mukanov, and E. Turmaganbetov, the defense lawyers A. Plugov, V. Sarsenbina, K. Aigerbaeva, A. Batieva, A. Dosbolov, and translators: A.A. Duisenbaev and N.M. Imasheva, reviewed in open court proceedings the criminal case against:

**Vladimir Ivanovich Kozlov**, born 8/10/60, city of Aktobe, Russian by nationality, citizen of the Republic of Kazakhstan, with special education, married, unemployed, without previous convictions, living at the address: city of Almaty, Zarechnaya st. 2b; accused under article 235 part 1, art. 164 part 3, article 170 part 2 of the Criminal Code of the Republic of Kazakhstan.

**Akzhanat Mendibaevich Aminov**, born 9/10/57, Balkanskaya oblast of the Republic of Turkmenistan, Kazakh by nationality, citizen of the Republic of Kazakhstan, with higher education, married, director of the service of social and administrative support of OzenMunaiGaz, living at the address: city of Zhanaozen, microraion Samal, house 35, apt. 87, accused under article 235 part 1, article 164 part 3, article 170 part 2 of the Criminal Code of the Republic of Kazakhstan.

**Serik Sadykuly Sapargali**, born 9/29/1952, Almaty oblast of the Republic of Kazakhstan, Kazakh by nationality, citizen of the Republic of Kazakhstan, with higher education, divorced, unemployed, without previous convictions, living at the address: city of Almaty, microraion Zhetisu, house 14, apt. 24, accused under article 164 part 3, article 170 part 2 of the Criminal Code of the Republic of Kazakhstan.

### Has Established:

The accused V. Kozlov, in March of 2010, with the goal of subverting and destroying the socio-political foundations of the constitutional order of the Republic of Kazakhstan, willingly joined an extremist organized criminal group created and financed from abroad by Mukhtar Ablyazov, who is currently sought by investigative organs for the crime of embezzling \$7 billion from BTA Bank in 2005, the board of which bank he chaired. The criminal group was founded on the principles of hierarchy and strict division of roles, and **V. Kozlov acted as leader of this group in Kazakhstan**. In addition, in the period 2010-2011, he drew into this organized criminal group public figures with radical views, who agreed to participate in criminal activity and fulfill all the instructions of the leaders of the criminal group, specifically S. Sapargali, B. Atabaev, and Zh. Mamai.

The following duties were given to V. Kozlov: to call publicly for incitement of social hatred and discord, for violent seizure of power, for undermining the security of the state, and for violent changing of



the constitutional order; to fulfill the directives of M. Ablyazov, who had created the extremist organized criminal group, to be accountable to M. Ketebaev, in part by using the funds that he disbursed; and under the cover of party activities as the leader of the people's party *Alga* to seek the so-called "weak link" by personally visiting regions with cities that relied solely on one industry. Also he was tasked with analysis of the situation, and offering material and legal assistance for the provocation of mass protest attitudes among working industries in order to gain control of them; guiding the destructive activities of the so-called *Popular Front* through the party *Alga* which he led, the organization along with A. Amirova through their office in Zhanaozen, of distribution of the outlet affiliated with and radicalized by M. Ablyazov, the television station K+, and its affiliated internet-video site StanTV, as well as the newspapers "Respublika", "Vzglyad", "Golos Respubliki", "Pravda Kazakhstan", and leaflets, as well as other printed materials, containing indications of incitement of social hatred and discord in the form of negative characterizations of the authorities of Kazakhstan, statements that created a negative image and stereotype of the authorities, inciting participants of the illegal protest to violent actions against the authorities. The duties of the accused V. Kozlov also included: personal organization of the process of purposeful selection of workers from among the company town firms, subjecting them to psychological manipulation and control; the formation of them into activist-provocateurs ready for participation in the extremist organized criminal group, their instruction in turning labor conflicts into political events, in creation of situations leading to conflict, in open hatred, in conflicts, in violence, in pogroms, and in the destruction of property; financial support to the above described activities....

### Appendix 3: From the Closing Statement of the Prosecution

*Translation of the first several pages of the prosecution's closing statement, based on an unofficial transcript by members of the media in the courtroom.*

Respected chairman,  
Participants in these proceedings and those present in the courtroom,

We have arrived at the final stage of the legal process, which has gone on for several days, and it will not be long before the court excuses itself to make its just and legal decision.

But first, I would like to pause and provide a legal analysis of the criminal actions under discussion from the perspective of public safety, and to answer the question that naturally arises in this regard, that is to say, what was the reason for these actions and what allowed for their commission.

If we look on the question from the perspective of social development, the independence of our state has reached 20 years, and in that time only one new generation has been born and grown up. From the perspective of history, this is only a blink. If we compare it with our cherished dream, then independence is only a gleam or a first step in the fulfillment and realization of our centuries-long dream. If we depart from the forum of present events, then these years are the equivalent of several eras. As Akhmet Baitursynov<sup>22</sup> says – these are the years that moved “both mountains and rulers.” This is the time when the whole world learned who the Kazakhs are as a people. This is a brilliant time, when the world not only learned, but saw how the sons of the Kazakhs presided over many gatherings of the peoples of the world, when many great thoughts and gravid words were spoken. As was said in the President's annual address, this is the period when we strengthened the borders of our independent state, crossing through a multitude of passes, when we determined the fundamental directions of our future progress and those summits that we must overcome in the future. At present before us stands a goal: to enter into the ranks of the most developed countries of the world.

Speaking of that, it cannot be forgotten that independence was not given to our people without difficulties, that it did not fall from the sky onto our heads like the bird of happiness, that freedom and independence are not given to any peoples without struggle, as all must pass through narrow and treacherous ways. At the foundation of independence lies the centuries-long struggle of the Kazakh people against colonization and slavery, and includes the struggle for national independence led by Syrym Datov, Isatai Taimanov, Makhambet Utemisov, Kenesari-khan,<sup>23</sup> the hymn of freedom of the partisans of Alash,<sup>24</sup> the great and the minor uprisings against Soviet rule in the last century, the bloody march in Almaty,<sup>25</sup> and the freedom-loving youth of the end of the previous century, who nursed great offense and revenge, resilience and pride in no longer permitting such wrong in the future. Independence for us has been especially costly, and for that reason it is sacred. All this calls us to the active stance of an independent people, to the preservation of unity, to the endurance of all possible adversities.

In the first years of independence, there were not a few complications, among which a special place must be reserved for the area of economics, and which were directly connected with the habits and opinions of the people.

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<sup>22</sup> A Kazakh intellectual of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries

<sup>23</sup> Kazakh leaders of the early 19<sup>th</sup> century.

<sup>24</sup> A Kazakh party of the revolutionary period that briefly ruled Kazakhstan before Soviet dominance.

<sup>25</sup> The reference is to the violent demonstrations in 1986 in Almaty, then the capital of Kazakhstan.

We chose the path of a market economy, which historically had neither been known nor had been given to us. As a result of economic reforms, our present circumstances have utterly changed, and now before us stands the path of long development, if we rely on the experience of foreign governments, which shows that stabilization of independence in the political, spiritual, and economic senses demands more than half a century. We drew our conclusions solely from the difficulties that we lived through, and planned our path to the future while never forgetting them, as in world history there is only experience of transition from capitalism to socialism, and no such experience of the reverse process.

We are not mistaken if we say that the first years of economic reform for Kazakhstan were a moment of serious tests, tests of the endurance of a people that had received independence, and of its faith in maintaining independence at any cost. The spirit of the people, its force of will, its unity, all were tested. Its knowledge and the qualifications of its citizens and leaders, their responsibility to the popular cause, also underwent such tests. Also tested was our faith in the future, the possibility of finding an exit from difficulties, and certainty in the chosen path of the Elbasy Nursultan Abishevich.<sup>26</sup> From these tests the people, and the Elbasy, emerged with distinction. The world was shown that there is such a persistent people, called the Kazakh, that there is such a capable, pure-hearted, patriotic individual. It must be noted that in these 20 years of independence we passed through these historical tests even as our neighbors near and far observed us with great attention, doubting that the Kazakhs could become an independent people.

From the start, Kazakhstan showed the international community that it was a peace-loving people, ready to engage in open, mutually beneficial political and economic relations, understanding how to preserve inter-ethnic harmony and internal national unity, strongly maintaining the banner of democratic development, and which not only values the knowledge and principles of the world, but will add its efforts to their further development.

As a result, stable relationships with the states of the world were established, both near and far, on the basis of mutual understanding, and the possibility of further development of internal reforms was established.

In the strengthening of the foundation of independence, a special role was played by systemic reforms in the political and spiritual spheres, and also their overall development. In this regard, the Fundamental Law was passed, which provided the guidelines for the creation of a democratic society. In agreement with the demands of a secular state, political parties appeared, which brought together within themselves different opinions and viewpoints within society, specifically through one of the forms of the state, which has three branches. The path to democratic traditions and political freedom is long, we are on it, and as yet unconquered summits await us.

Our ancestors said that the value of freedom in the culture, specifically this expression is the basis for our plans and actions in the sphere of culture, on the civilized path of the rebirth of spirituality of independent Kazakhstan.

We cannot claim that we are an independent state until we have achieved spiritual freedom. In the annual address of the President to the people of Kazakhstan, he speaks about the “competitiveness of Kazakhs and Kazakhstanis on the global level”, for which the capability of our new generation should not be lower, but comparable to that of our peers from other countries on the level of knowledge, qualifications, worldview, innovation, and business acumen. The achievement of this goal is the deciding factor in our spiritual independence.

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<sup>26</sup> The title Elbasy, meaning “Leader of the Nation,” was given to President Nazarbaev by constitutional amendment in May 2010.

In his next annual address, the President said that the fundamental goal of our development was not only competitiveness, but also to enter into the ranges of the 50 most advanced countries in the world. A truly meaningful and great goal.

In this manner, in 20 years of independence we have conquered many summits and borders. We occupy a central place in the ranks of the world's 185 independent states. We have grown close to many world leaders in our level of development in a variety of significant spheres.

However, there is much remaining for us to do in the future. Joining the category of the 50 most developed countries in the world demands fulfillment of all the programs leading the people along the path to their level. The fundamental task of the future consists of full mastering of a mechanism of political, social, and economic development along with strengthening the foundations of the state.

The Constitution of the Republic of Kazakhstan was accepted by the will of the people on the basis of full centuries-long dreams and pure intentions, based on the laws of independence, with the awareness of great responsibility before present and future generations, with a desire to seize a worthy place in the international community, recognizing the unified historical fate of the people of Kazakhstan, creating a state on the age-old Kazakh land, considering the people loyal to the principles of freedom, equality, and peace, creating a civil society.

The native land. As all know, our forefathers lived through many difficult times along the path to the formation of the free people of Kazakhstan, the independent state, and the preservation of its unity, security, and shared viewpoints.

In part 2 Article 1 of the constitution the founding principles of the Republic are given, such as social harmony and political stability, economic development with the goal of improving the well-being of the people.

The policies enacted by the head of state to preserve these principles increased the authority of the Republic of Kazakhstan before the international community, and our state was the first of the states of the CIS to serve as chair of the OSCE in Europe.

What is truly patriotic, is that the 20-year-old state of Kazakhstan, as a whole, relates to every one of its citizens like to its only son, and above all emphasizes that no one may separate such principles as harmony and friendship, stability and security, unity and peace, that no one has the right to incite an innocent people in a peaceful time to the commission of crimes that are abhorrent to human values, against the security of peace and humanity, and against the constitution order of the state and security.

We should recognize that in actuality attacks upon democratic values out of envy towards the flourishing of the Kazakh people, towards the strengthening of their cooperation, towards the improvement of the people's condition and social situation, and using in this any misunderstanding and labor conflict, giving to it a political coloring, organizing among the population the poisoning of their consciousness, giving rise to an incorrect understanding and strengthening protest feelings towards to organs of the state in hopes of changing the leadership of the state. Certain negatively-oriented groups, using for their selfish ends the open doors to the international community, and desiring to take advantage of the Kazakh people and the flourishing of their future, intended to realize their goals of coming to power by using the unformed worldviews of the youth, the unemployed, and the unformed part of society through poisoning their self-consciousness, by sending them financial support earned through criminal activity, and using the technology of revolution. In this regard, realizing their selfish intentions, relying on unprincipled ideologies and universal values, honor, and conscience, they used the rights and needs of citizens in their own interests while concealing themselves through the activity of various social organizations and political parties, and falsifying facts and one-sidedly presenting them in the mass

media. As a result, unable to separate the wheat from the chaff, youth and the common people became victims of this negative politics. The citizens who suffered as a result of these negative activities are compared by the opposition to cannon fodder, who are sacrificed, and the opposition thinks that no one will be called to account for this.

At present, the criminal group, convinced that it cannot come to power through armed revolution, has turned to a massive ideological effort among the people, and explains its activities as the development of democracy, but does not want to draw attention to the fact that this is a bloody democracy. In addition, without giving details or explaining their bases, they have called for the seizure of power, undermining the bases of social relations and poisoning individual minds. Such negative actions cannot be forgiven, as such mistakes would be used by our enemies in their benefit, and would threaten the basis of democracy. In this regard we cannot forget about those individuals living abroad that provide financial support, and in disagreement with the politics of the government have fled the country, using their fellow-travelers for their own ends and financing their activities while they dream of seizing power in order to gain and increase the monies they have lost...

## Appendix 4: Speech of Serik Sapargali June 25, 2010

*The original copy of the speech contained in the indictment is written in cursive in Kazakh, found in volume M3, case file page 15-28, 29-42. Translation is from the Russian-language version presented on pages 340-341 of the Russian-language indictment. All emphases in original.*

At the monument to A. Imanov in Almaty.

Honored kin and countrymen! Today we have come to bend a knee to our great hero Amangeldy Imanov.<sup>27</sup> As you know well, Mukhtar Shakhnov laid aside all other questions and developed an ideology.<sup>28</sup> This was the ideology of a Kazakh national state. The authorities, forced to recognize this ideology, turned it into a doctrine. But of course, for example, when a state of Kazakhs, the Kazakh nation, when they say that the Kazakh nation is a form of self-governance and we need to return to the constitution, then the question arises, why that has not been done. I will tell you, my brothers...

Why have we gathered here? We came to drink in the spirit of our ancestors. We do not have this spirit now, we have no spirit. But not all is lost, see just recently, on April 24 in Mangistau I visited the grave of the famous Karaman Ata.<sup>29</sup> Three thousand oil workers had gathered, the Kazakh oil workers of all the West. I saw the spirit there. One cannot say that there is nothing and deny what exists. Absolutely it exists, absolutely it exists, but we are unable to awaken it, we cannot reach it, and especially as regards the youth. You can see for yourself, my respected Abilseit-aga.<sup>30</sup> But even if he looks like a colossus, unfortunately it seems he has the spirit of a dwarf. That's why we have to wake the spirit up. When Fidel Castro had his revolution, only 20 percent of the population supported him, 7 percent were against it, and 70 percent were uninterested. But he had a revolution nonetheless. Got it?

That's why we have only one option, they've taken us into their hands, and **on the first of July the Customs Union borders are opening**. Within a year the borders will open. **After that we'll have to resist not just a Nazarbaev regime, but a whole Putin-Medvedev regime**. We won't have the strength, which is why we only have a year. If in one year we cannot return the government to Kazakhs, **if we do not destroy this regime**, it's this, you know, in a garden you get yellow-colored weeds, and if you don't trample it, if you just organize symposiums and conferences, it won't do anything to it. You have to tear it out by the roots, cut it out – **you have to cut this regime off**. I'm telling you, we have a movement to defend our independence, Mukhtar-aga, and we should make Mukhtar-aga our banner. When you stopped the eleventh, 50 people sat by you, I was watching you, there were citizens nearby, and they said that you stopped the trouble. We should raise [unclear]. We should drink in the spirit of these people [turning to the statue of Imanov], because next to them we are dwarves. You know? There is such a wide steppe remaining to us. Thirty-six percent of the earth, the ninth-largest state. That's how our country looks.

I'll tell you, I went to Mangistau. I read to the whole leadership of MangistauMunaiGaz, except the general director, this "labor security." I'll tell you, China has gathered up 50% of the thing, China practically runs the thing. All the gas of Mangistau is going to China now. Only UzenMunaiGaz. Just a few days some young men from Zhanaozen arrived and said that they were being transferred to China, too. They said that they were bringing in contractors. You see? I'm an oil worker, who worked 20 years in

<sup>27</sup> Imanov was a leader of the uprising against tsarist rule in Kazakhstan in the early 20<sup>th</sup> century, and supported the establishment of Soviet control over the territory.

<sup>28</sup> Mukhtar Shakhnov is a writer and politician in Kazakh nationalist circles who was present at the rally.

<sup>29</sup> Karaman-Ata is a legendary Muslim figure supposedly buried in a crypt east of Zhanaozen.

<sup>30</sup> The reference is to someone present at the rally.

the fields. No one here knows better than me how much wealth and how much gas is leaving the country. I've studied all the major companies of Kazakhstan. You know? It all leaves the country, and we're here impoverished. If you go 50 kilometers from here, **everyone is poor. That's the way it is for us: no homes, no work, it's all that way.** That's why we have to wake up. I'm telling you, I told Mukhtar-aga, I said, Mukhtar-aga, we're with you, alongside your organization there is our organization, and we make no distinction, **we are gathering warrior-martyrs, look right here there's Ertas, there are these citizens. We aren't going to show them anymore, because they have different punishments coming.**

In our organization, in our hymn, there's a call to the Kazakh people: **All the illegal authorities on earth that rely upon the illegal Nazarbaev constitution, on the illegal referendum held in violation of the 78<sup>th</sup> article of the Constitution of the Republic of Kazakhstan of 1995, should step down.** That's the second point, and the third point is: If President Nazarbaev announces he is stepping down, publicly announces all the sources of his and his family's and his cronies' wealth and returns it to the state, then his resignation will be accepted and his security will be guaranteed. See these guys already started to get nervous. They don't need a national state, they don't need a battle. In the last few days **at the congress there should have been one question: how to topple this criminal and illegal government.** How do we topple it now? We should have said that when all the people were gathered, but these youngsters got distracted, they talked about history and so forth. One task: what to do to topple this government. **We have only one year.** Whoever is a fighter, whoever holds the flag of Amangeldy, join us and we will do it. The Kyrgyz have done it twice, Kyrgyz! **How are we worse than the Kyrgyz? Glory to the state of the Kazakhs!**

## Appendix 5: Conversation between Atabaev and Kozlov

Found in volume 58, case file page 1-7. Translated from pages 603-606 of the Russian-language indictment. All emphases in original.

Fragment of conversation between the accused V. Kozlov and the witness B. Atabaev on October 25, 2011, 2:52 pm.

Atabaev = A

Kozlov = K

A: Volodya, good afternoon. **So this is the situation. On December 1<sup>st</sup> there's going to be an "uprising."**

K: What do you mean an "uprising"?

A: It's in Zhanaozen. Because...there...one person as a scout, and need to add another person, and we'll see how real it is. They're waiting. **There's a small group there, with sportsmen, I mean – cut-throats. And they're waiting. Serik Sapargali is ready to leave, but I think there should be someone neutral there, because you need to evaluate the situation realistically, how serious they are, have they decided to do this, are they ready to sacrifice, are they aware of what they're going to do. I'm in support. So now we need a neutral person... They all swore on the Quran. So they don't know what I'm going to tell you, they asked me to let him know, overseas. I told him. He says, if it is that serious, if it's something that has serious intentions, then he says there will be support. But for that I said that there should be someone there. Serik is going, but Serik... I thought maybe you. He can make what we want out of what is there. But someone else should be there with him... he doesn't know about this, he's going secretly, Roza<sup>31</sup> doesn't know, Natasha<sup>32</sup> doesn't know,... doesn't know about this. They're keeping it secret. But they call it "a party." They held a congress already. There were people from Karazhanbas there. So I understand Volodya, blood is going to be spilled, but it's their choice. ...otherwise how could it be? Should we just wait?**

K: I understand.

A: So fine, if you have some doubts, I also had doubts in the beginning, but now I think we need someone. Who can we get? Someone who want talk, who... won't get emotional, but who'll look at all this realistically and evaluate the situation. Who could do that?

K: I don't even know, because here, you should understand, all of this is absolutely... **If this turns out to be a provocation arranged by these guys, we'll be held criminally liable.**

A: I understand, but no one should know about this. That's what we think. This person should go and realistically evaluate their strength, see what it's like on the spot. **I've already been with them for several months. On the last trip I met with these guys in secret.**

K: **I need to consult about these things, because this is a, you know, a step.**

A: **But what we should do, you should pretend that you know nothing about this, you shouldn't know anything about it. I said, "political organizations cannot get involved in this at all," I wrote them a long time ago about this, we don't know anything. They understand that perfectly. You have**

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<sup>31</sup> Roza Tuletaeva, a leader of the oil workers, convicted of organization of mass unrest for the December events and sentenced to 7 years in prison. She alleged that she was tortured in detention, and testified against Kozlov.

<sup>32</sup> Natalia Azhigalieva.



**to keep going after this. A leader... They understand this perfectly well. They understand, there are going to be victims. They understand that perfectly.**

K: So it's clear some kind of reaction is required.

A: That's why whoever we can, in order to evaluate the situation realistically, not critically according to rumors, but thinking critically, to look at all the pros and cons. Who other than Serik could go? Serik wants to go by train and he doesn't want to go to Aktau, he... Shetpe, the station nearby. He'll leave from there and they'll pick him up.

K: Shetpe?

A: Yeah, Shetpe? Isn't that nearby?

K: No, it's about 200 kilometers away.

A: Ah, then by car from there. He doesn't want to go by plane.... So who can...?

K: I don't even know. All this isn't really appropriate. **I'm not supposed to know anything, for example, right... so where am I supposed to get someone?**

A: No..., **I can speak with this person.**

K: I just don't have anyone who wouldn't be tied to the party. I'm not a local, all my contacts are with the party or with my work.

A: It's just to trust Serik, that's totally, just...

K: No, I don't want Serik, we need to figure out **who it should be, maybe someone else, maybe you know someone. We're ready to arrange a trip for someone so that he can check it out. But first, he..., how should he go?**

A: **I wrote them that there would be someone with Serik to evaluate the situation realistically, just so you know, because taking these decisions, to take this step – it's really a responsibility.** Just words... I'm not planning. I said that there would be someone who they would have to convince. Not convince, but... realistically the situation. How many "ruch" do you have? [*inaudible*], that you've gathered.

K: Well it's just...

A: I also don't always, it happens, unrealistically overestimate the possibilities, that's why I don't trust myself. **It should be someone, see... who worked in security, former security service... you remember, he was here.** Someone who should realistically, without bias, evaluate the situation accurately and be convinced with his own eyes... **They want it to be December 1, I say "let's do December 31, so it's a surprise", -- they want it to last three days. That way Kazakhs in other cities and oblasts will have time.**

A: **For Kazakhs in other oblasts, there will need to be information.**<sup>33</sup>

K: For that it seems to me we have to travel to the oblasts and learn everything clearly, and then during this period just tell trusted people so they get ready. You know, when people go to sacrifice themselves, fully knowing it, fully at peace with it, calm, I had a lot of time to talk about that and to hear about it. **Aizhangul<sup>34</sup> doesn't trust them. I think Aizhangul can give the whole picture, but they're totally against her communicating. There was someone else with her, Zhanara or something. Supposedly she's connected with...** [*inaudible*]

K: They're all fucked-up in the head, without exception. Their favorite entertainment is just piling on each other... all sorts of crap, without any evidence, no arguments, just chatter.

<sup>33</sup> This exchange is included in the verdict, but with different phrasing and the addition of a word meaning "to rise up." See page 20.

<sup>34</sup> *Alga* activist Aizhangul Amirova. See Glossary.

A: They say, “we don’t have evidence, but we don’t want to risk it,” that kind of thing.

K: ...someday they’ll say the same about them.

A: I said, you could also say the same about me.

K: **Well, Talgat, for example, is a trusted member of that same “Zhaka”,<sup>35</sup> and if there is some kind of parallel organization, I don’t understand it.**

A: **So “Zhaka”... absolutely and he has no right at all... either through it, or... Bolat... complaints to him... nothing will come of it.**

K: It’s not simple, it’s just as an idea it’s suicide.

A: Yes.

K: From the perspective of utility it’s...

A: It’s a signal.

K: Well in Aktobe, too.

A: No, in Aktobe it’s not on such a scale, but here... very much so.

K: **Let’s think about our candidates.**

A: The person should be close to us...

K: He should be someone trusted on our side.

A: Although from our side, from your side, so he can be clean. And realistically evaluate the situation. Because they’re rushing. **They’re talking with Serik, I guess, Serik is ready to go, but...**

K: ...While she’s still there...trying to claim it for themselves... politicize everything, as it were.

A: But most important – it should be a clear-eyed person. When can we respond?... **They’re calling this event a wedding.**

K: In general I have doubts that they can pull it off.

A: ...you talk through Kalamkas, December 1<sup>st</sup> there’s going to be a big event: Karazhanbas goes on strike in Mangistau.<sup>36</sup> I ask those people: this isn’t just a “check-mark”? Karazhanbas goes on a general strike on December 1<sup>st</sup>, they organized a strike committee. They’re going to hold out for that period. It’ll be close to the end of November. Karazhanbas will be the first day.

K: **So let’s think.**

*[Interference on the line from here on, the conversation is held in whispers.]*

A: ...money... meaning explain... then they want to get a fifth.

K: There right?

A: ... but I met with them, 38 people, I met about 28-29 of them... and there’s a second question: they want to organize, through authoritative... to control everything... transfer money through them... He met and immediately returned... people... a group of four, one of them, who organized Pavlodar, Karaganda, and Semipalatinsk oblasts. The second question... I met with him, he should agree. They have their principles, they don’t want to get involved in politics, they’re in business. My guys say that if they say the word, then he’ll agree. ... authority in that, they respect him... he’s afraid of “Mahmud,” who you know.

K: Sure, I know!

A: ...and met with “Bakha”, who controls...

K: “Khorgos”?

A: No, ... they understand, that if the Popular Front demands...

K: Agreed.

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<sup>35</sup> Talgat Saktaganov was one of the striking oil workers. It is unclear what “Zhaka” refers to.

<sup>36</sup> Kalamkas and Karazhanbas are sites of oil fields in Western Kazakhstan.

## Appendix 6: Conversation between Atabaev, Kozlov, and Turusbekova October 31, 2011

*Found in volume 3, case file page 15-28. Translated from pages 610-614 of the Russian-language indictment. All emphases in original.*

Transcript of conversation between the accused Vladimir Kozlov, the witness Bolat Atabaev, and Aliya Turusbekova<sup>37</sup> in the office of the unregistered party Alga, Almaty city October 31, 2011, 3:15 pm.

Kozlov = K

Atabaev = A

Turusbekova = T

K: Hello.

A: Hi, look, I'm explaining to her why it is I, every day I'm sitting on Skype with these people until three in the morning, I'm sick of it, you know, I feel like I'm answering for these people and it's messing me up, like I'm going crazy, now I'm supposed to answer their questions today. I want to do a call not from the Popular Front, but as Atabaev: a call to go into the square to Karazhambas, Kalamkas, Zhetybai, to gather all the people of Zhanaozen. But I'm not going to speak in the name of the Popular Front, just as Atabaev, I'm going to go there that day, let them pick me up, let them beat me, I just want to do it.

K: You want them to...

A: Rise up! And so what should we do?

T: The second thing – so you make a statement, and will they actually come out? What if you call for them and no one comes into the streets.

A: No, I won't call, although it's only logical... If they're going to take some kind of sanctions, going to arrest people, they say, we'll take up stones. I, you understand.

K: It's just that you're calling on one group of people, but you're holding conversations with another group entirely, so it winds up that you're talking with people who, practically speaking, have nothing to do with the strikers.

A: No, they don't.

K: These are other people?

A: They're other people!

K: But you're going to call on the workers.

A: Yes. But they're all relatives, everyone understands that this is impossible, that they, as a united whole, in reality this is just a pretext, the reason is just oil, it's not just the strike, they're saying, "we're martyrs, we're ready to sacrifice ourselves," they say "blood will be spilled – that's necessary, nothing will change without this," and now they're going to do it.

K: But you still don't understand: whether they go do it or not, or if someone knows you, who wants to drag them in

A: Well if there's going to be a result, this is unavoidable.

K: Ah, but that's the question – the most important one. Then you have to write the text so that you can't be charged for it.

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<sup>37</sup> Aila Turusbekova is an Alga party activist and wife of Kozlov.

A: [*inaudible*], they say a week in advance we should go there, rent an apartment, go to the office, do it that way, first they want an official demonstration, they want to apply for permission.

T: Well one can apply.

A: Right, one can, but all the same I don't think they will give permission. But whatever.

K: Why won't they give permission? I mean, it's Zhanaozen, it's a square, it's not designated for anything, the only question is what the subject of the application for the demonstration would be?

A: Subject: "Independence."

K: You mean support for the independence of Kazakhstan.

A: Right!

T: On the 20<sup>th</sup> anniversary of independence.

K: And at the threshold of independence, you can, whenever you want, hold a demonstration.

T: No, I mean this would be in honor of the 20<sup>th</sup> anniversary or whatever.

K: Right, the occasion of independence.

A: I know one thing: the more I shout about independence, the more nervous [*inaudible*].

NZh:<sup>38</sup> No, okay then let's do an application for a demonstration.

K: **Let's think for a second how we can do this best, then we'll tell you later what you have to avoid in the text, what words, you know, the result is important, the result shouldn't be that you can be charged with something, the result should be that people come out.**

A: Right, right, right. Look even if it was just 20,000, 15,000, it means the population will be there, and the colder it gets, the more nerves, the more tension there will be.

K: Nerves, right, right. Then let's propose, say, let's apply to hold the demonstration on that theme, let's you do the call to people with that text, for example, avoiding those things [*NZh interrupts*]

T: You know, so when we apply, we'll need an announcement that says there's going to be such-and-such demonstration, so everyone go there, and you'll avoid that, that is since you made the application, they'll say the meeting will be after [*K interrupts*]

K: Who should make the application?

A: It should be from the oil-workers themselves, but it should definitely be clear that it's not from the Popular Front.

K: From individuals?

A: Right, from individuals.

K: And what kind of security is there going to be?

T: Well, all of it, just have to show who will be there.

K: Sure, they'll just sign themselves. **Then we'll do the application from the people who are on the square, and then we can tell people, that is, not to come to the demonstration, you made the application, that is, these guys made the application at some point so don't say there's a refusal or not a refusal, we invite you to take part in a demonstration, and especially,** if we write that it's on the independence of Kazakhstan, then we can always explain that yes, we called people, and we thought, that the demonstration is in honor of the independence of Kazakhstan, they can say, of course we are completely sure that they'll allow the demonstration, why not? The independence of Kazakhstan is a general holiday.

T: Right, we can apply, and then with that application [*K interrupts*]

K: Right, with that application, then logically.

A: **And Serik is leaving the 4<sup>th</sup> or 5<sup>th</sup> – Sapargali.**

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<sup>38</sup> No explanation is given in the indictment for who "NZh" is.

**K: Sapargali should come today from the start.**

A: With Taibolina.<sup>39</sup>

K: We're settling everything now.

A: Right, right, right.

**K: He's leaving on Wednesday and coming back on Friday, you can talk with him there.**

A: Sure, sure, sure.

T: Then there's Aizhan, that's [*K interrupts*]

A: Aizhan,<sup>40</sup> there's these people there, I don't know why they lie to her so much, what happened, it's a kindergarten.

**K: Well screw them, we work with Aizhan and we're going to work with her in the future, so look we know her, and these people we don't know;**

T: So look, we'll send the application, the form to Astana. There's a form for this, so let them prepare it and that's all.

A: It's just that she needs to deal with these local governments less.

K: Well, one of the local authorities is her classmate from school, so she deals with him not like [*A interrupts*]

A: Well they were thinking that this Zhanar, her friend, she's also always running to the local government, they see her in the government building. But I say you have to deal with your enemy, you need to talk with them, need to [*K interrupts*]

K: But to shoot – not them, but her, I mean to shoot this Zhanar, and they're saying – you know, whoever's in the local government, needs to be shot for that.

A: Who knows what this is, it's kindergarten, that level.

T: The level they talk with them on, it's just horrible.

A: I just can't deal with it.

K: I mean if you go on the Internet, there's a bunch of it.

A: All the same there's, but understand, if I'll this is confirmed, that it's them.

**K: Serik is traveling with that girl,** let them check it all out and then come back with some kind of result, they'll arrive on Friday, we'll discuss the results, he'll come and we'll make a decision.

T: OK, then tell us when you make the decision.

**K: Serik is such an emotional guy, he's explosive, he thinks however he wants to think;**

A: We need someone neutral, someone clear-eyed, I'm also emotional, and then afterwards I sit there and think: was it that way or not? We need to add someone for him who would be neutral with an analytical mind, someone clear-eyed, cold-blooded, so they don't get tricked. But I feel like there I'm specially provoking Kalamkas, maybe you're overestimating yourself, but then "hey, if you're afraid, then just say you're afraid."

K: You talk with a lot of people who say everyone thinks the same way they do, who say they speak for everyone.

A: There's a lot of those, a lot.

**K: When Zhanbolat<sup>41</sup> came, he told me that there were 500 young people there and so on,** but I saw only two. He said they could bring a group of five at maximum, OK, he could find 20 more, and then I met with one from that first two, his mother came to Almaty for that round-table on gender things, his

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<sup>39</sup> It is unclear who this person is. They were not questioned in court.

<sup>40</sup> Activist Aizhangul Amirova. See Glossary.

<sup>41</sup> Opposition activist Zhanbolat Mamai. See Glossary

mother signed on, Tumenova<sup>42</sup> made a statement in defense of the oil workers, something really rare from the women's organizations to the President, and his mother signed on to the statement, then she came here and told Tumenova, "Take my name off the list, the local governor came down on me and so on and so forth", that is, there were no young people at all, it's just those ones that "sit on Skype" or sit somewhere, at best they're honestly deceiving themselves, or maybe they can be provoked, you don't see them, you don't know anyone, you don't see anyone face to face ever.

A: I see them on Skype.

K: OK, on Skype, but who is this person, who does he represent, who the hell knows from Skype, they can all do screenshots and then save it all in the computer's memory, all your correspondence and everything else. That's why we have to understand these people, figure out who they are and what they represent. Let Sapargali go and link up with these people so that he can see how realistic the people there are. Let him go, and give him good instructions, so that he doesn't let emotions get in the way.

A: **OK, of course I'll give him instructions, I'll just every darn day it's become a habit for me, even in the evenings there's always a celebration or some kind of event, I won't leave, but they, you've rethought everything, you think badly of us, it seems.**

T: Then write that they should work out a few different options, that you're planning on applying for a demonstration, that supposedly this week you'll decide and afterwards give some information, so that they calm down a bit.

K: **There are people who really do something, look today in Atyrau someone did a bombing, no one knows anything about them, they aren't talking amongst themselves about what's here, there, there's none of that, they just show up with explosives and blow something up, it's a totally different approach, totally different technique.**

A: **They have their own plans, but they don't say anything, and no one suspects that they want to blow up an oil pipeline.**

K: **Terrorism!**

A: **Yeah, that's how terrorism happens, if I can't change anything legally, then I have to take up terrorism, if I can't prove anything in court, if I can't change anything legally in Kazakhstan.**

K: **If they could gather 50,000 people, they wouldn't need to do any kind of terrorism, if 50,000 people came out and wouldn't leave, if they showed solidarity without any kind of terrorism. That's how the Soviet system was taken down, Andropov was the general secretary then, it was like he rammed into a sheep's horns, and they didn't move, because the masses rose up and he understand that it was all over.**

A: But I can't openly call for 20,000, 30,000 people just to "show up at the demonstration."

K: Let's make a legitimate contribution to a demonstration and call everyone to come out, to come to the demonstration.

A: From today I'll tell them that we are going to apply for permission to have a demonstration, you should support it [*K interrupts*]

K: And say that we want to check the preparedness [*inaudible*], that is if these 25 people, if we hold all these conversations that we're creating "Al-Qaeda" or whatever, "Al-Qaida" is nothing good, that is to say terror, if you come to power by terror then you'll always remain a terrorist.

A: Got it, OK then, I'm off to work. Good luck.

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<sup>42</sup> Bakhyt Tumenova, director of the health rights organization Amansauyk.

## Appendix 7: Conversation between Ablyazov and Regional Leaders of Alga, April 30 2010

*Found in volume 37, case file pages 93-108. Translated from pages 325-338 of the Russian-language indictment. The transcript frequently breaks the speech of one individual into multiple paragraphs. This has been retained in the translation below. All emphases in original*

Fragment from the conversation of the accused Ablyazov<sup>43</sup> at a meeting with representatives of the unregistered party “Alga” April 30, 2010, completed via Internet service “Skype” at the office of the party in the city of Almaty.

Participants: **Ablyazov M.K., Kozlov V.I., Sizov M.V., Fominyh T.A.** – head of the Almaty city branch of the unregistered party “Alga”; **Faizulin B.D.** – head of the Almaty oblast branch of the unregistered party “Alga,” the city of Taldykorgan; **Kasenova F.A.** – head of the Semey city branch of the unregistered party “Alga”; **Simbinov R.R.** – head of the Astana city branch of the unregistered party “Alga”; **Zhanuzakov M.N.** – head of the Akmola oblast branch of the unregistered party “Alga”; **Tulemisova G.M.** – head of the Aktobe oblast branch of the unregistered party “Alga”; **Zharylkasynova D.K.** – head of the Zhambyl oblast branch of the unregistered party “Alga,” **Abenova A.Zh.** – head of the West Kazakhstani oblast branch of the unregistered party “Alga”; **Mahotina V.V.** – head of the Karaganda oblast branch of the unregistered party “Alga”; **Kolov I.A.** – head of the Kostanai branch of the unregistered party “Alga”; **Kasymova P.O.** – head of the Pavlodar oblast branch of the unregistered party “Alga”; **Mukhit N.E.** – head of the Kyzylorda oblast branch of the unregistered party “Alga”; **Doszhanov Zh. K.** – head of the South Kazakhstani oblast branch of the unregistered party “Alga”; **Nistoliy M.A.** – head of the North Kazakhstani oblast branch of the unregistered party “Alga”; **Kakimova I.B.** – head of the East Kazakhstani oblast branch of the unregistered party “Alga”

**Kozlov:** Now we’ll call you on the video, and make the connection...

**Ablyazov:** Yes, I can see, now I will turn on the video.,,

**Ablyazov:** I can see you very well

**Kozlov:** Then, let’s start, we’ll figure it out as we go. **So, we have here all heads of the oblast branches and me....**

Everyone knows you, but as the years go by, maybe you don’t know many, some you forgot, perhaps. Come on, roll in here. That’s Mikhail Valeryevich

(*Sizov*) Ours – you know him

**Kozlov:** Next – Fatima Adikovna (*Kasenova*)- head of Semipalatinsk.

**Kozlov:** Benjamin Dekanderovich (*Faizulin*), Taldykorgan

**Kozlov:** **Perizat** (*Kasymova*), this is Pavlodar.

**Kozlov:** Next to him is Valentina Viktorovna **Mahotina** also, this is Karaganda.

**Kozlov:** ...There now, over there is Sake...

**Kozlov:** ...There now, over there is our Igor Alexandrovich **Sherstyanyh...**

**Kozlov:** Over there, here, the guy with the glasses is **Marat...**

**Kozlov:** Next is Olga Mikhailovna- head of the administration of the social department...

**Kozlov:** ...there now, our Mukhit – head from Kyzylorda, now they co-chair together with **Sake...**

**Kozlov:**... Gulzhan (*Tulemisova*) – this is Aktobe

**Kozlov:** Further is Zhenis Syrtayevich (Doszhanov) – this is Shymkent. Further is Tatyana Fominyh – the Almaty city branch. Here we have Damila – head of the...

**Kozlov:** Next is Marina (*Nistoliy*) – this is Petropavlovsk, head of the branch Dametken (Zharylkasynova), next to her is Taraz, next is Ruslan (Simbinov) – that’s is Astana.

**Kozlov:** Next is Anargul (*Abenova*) – that’s Uralsk. And Indira (*Kakimova*) – Ust-Kamenogorsk. So in

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<sup>43</sup> Ablyazov was not charged (*obvinyayemyi*) in the case. This appears to be an error in the indictment. The title “the accused Ablyazov” appears twice on page 325, and on pages 338, 536, and 538.

principle, all the regional heads are here...

**Ablyazov:** Can you hear me well?

**Kozlov:** ...Mukhtar Kabulovich, **so this is regarding our Kazakh authorities.** You, from far away, let's say, and with your contacts and the rest, what is your impression in general? Will our authorities hold it together?

**Ablyazov:** Yes, there is a risk. If tomorrow, the regime in Kazakhstan will be changed, Nazarbayev steps down, there will be a period, possibly, let's say, there will be a soft shutdown, yes. That is to say, changes may be gradually implemented. And our task, in my opinion, is to take into account all the factors and make it so we could rebuild the country right away, and not as happened in Kyrgyzstan – to suffer for a few more years. It's one leader changed another one, and only then by way of, let's say, removals, bloody events, to change the regime. This should be avoided, in my opinion. This is, really, my evaluation of the events in Kyrgyzstan.

**Kozlov:** I see. How are we going to do it?

**Ablyazov:** It's clear that this regime should be changed if for no other reason, but because of the bad Internet.

*(All laugh)*

**Ablyazov:** You know, here in London I've gotten skilled at the Internet. Here you can get any information, any service through the Internet. Hotel – through the Internet. Restaurant – through the Internet. If you need to buy something – through the Internet. If you need to find out something – on the Internet. Documents – Internet. Any sketch – Internet. It's just colossal to have it like this, of course.

**Ablyazov:** ...what we need, it is to account for mistakes in all countries, like Ukraine, for instance, or in Georgia, or in Kyrgyzstan. And to try, based on them, not to make such mistakes. As they made. I mean, although in general I think that these countries are going to develop quickly now.

**Kozlov:** Yes. They at minimum have overcome the barrier we are still behind. They are now --

**Ablyazov:** Yes, yes, yes, this is that half-transformation, as they say.

**Kozlov:** As far as Kyrgyzstan is concerned, in principle, everything is clear, but we need more on Kazakhstan. Mukhtar Kabulovich, here we have a question from Mikhail.

**Sizov:** ...today, we can say for the first time this year we are gathered like this.

**Ablyazov:** Absolutely

**Sizov:** ...the following concrete question. **How do you see the party's development in the short-term? I mean by the end of this year, do you have any expectations for the party, any guidance for the activities that in your opinion should be priorities?**

**Ablyazov:** You know, Mikhail, first I would like to express my position regarding the party. In general in our conditions, the very fact of registration or its lack, I believe, is not the most important thing. Bulat Abilov<sup>44</sup> has come to me many times and said, "let's merge." And I tell him, "Bulat, if the present authorities get overthrown, I don't know, how to say this, pretences to this or anything, what will happen next?" Just because you have a stamp. And that's it? And what will happen, you are not clear, it turns out that tomorrow people are going to fight...even with you, fine, let's do it like that. You'll get everything. Your merger with Tuakbay, it's just senseless, at first you merged and then disbanded, then you merged and it's not clear why you do this. And where *we* want, I'm giving an example

**Ablyazov:** I,... look, time goes by and I see that... it's not an addition, it's actually ...meaning...Now see, today I...so just as on registration, that I...I believe that...just perfect...some process, independent, yes. And I would simply say, at this place...that... supported... even though virtually, that it is needed...party...Hello?

**Ablyazov:** I mean, if we talk about the party, I have the following position, we have to learn how to bring people out [to protest] with a concrete idea, with concrete programs, under this regime, to realize these ideas. Today we will bring 500, tomorrow 1000, when we manage to get 20,000, the authorities will take notice. Then we'll see

**Ablyazov:**... grab, it is needed, how to say...and not to be scared of anything, we still don't

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<sup>44</sup> Head of the Social-Democratic Party *Azat*. See Glossary



know...ready... That's the only way the regime will take notice. If we will ..., then they will take it into account. Take us into account, as it were.

**Ablyazov:**... in principle, the authorities use people, that's why we seriously, often need... a part of the approach and..., hostage...and to bring out on everything

**Ablyazov:** ... never scared to bring people there and then. Can you hear me? That's why party activities – this is our main goal, to focus on some points now and produce maximum pressure on the authorities, and then we will establish ourselves as a party and gather strength. Now my understanding is that we need, need an alliance, need an alliance with the communists. Certainly organizationally they aren't a very strong party, we'll have to work harder, unfortunately. But, nonetheless, they are our allies. There are different public organizations, like Aynur Kurmanov's, Zauresh Batalova's<sup>45</sup> and we need to increase this uniting process, the so-called party movements, I gave this name to former members. Only this way can we strengthen the process. If we stay focused only on the development of our party, I believe, we won't be able to get stronger. The example of Kyrgyzstan shows that we all have to unite. To unite with "Azat" also of course. If [they] support it then okay, if not then, well what we can do, then others will support it. That is why I believe our task is to increase these processes up to July 1st, there will be a quiet period during the summer, then it needs to be dramatically intensified again. And only then we achieve authority. In other words, when people in the country understand that the party is influential and the opposition is influential, then new people will come to us and we will have different opportunities, including financial resources. So that's me speaking in general. Mikhail, I don't know what's your understanding

**Sizov:** Yes, we talked exactly about this all day today. Well, so.

**Ablyazov:** Okay, yes, I hear you, how do you see this development in general? Of the opposition movement?

**Kozlov:** ...in principle, we see things the same more or less. For instance, tomorrow we will have a meeting here, here in our courtyard, this meeting will be called for this purpose. We want to bring people from all the regions. These are our leaders – regional, party. They brought along with them representatives of friendly NGOs, which are not big, numerically small, but they are protest-oriented already. But as a rule, they all protest separately. And they brought them all here and tomorrow we will speak with them on this subject, to start a real unification for the sake of achieving specific goals. **For instance, we will agree that those who are the participants of the meeting, after returning to their places, for instance, if any of us initiates a protest action [what we will do].** For instance if debtors say we would like to stage a gathering. Then all participants of the meeting, who live in the same area, who are here, will join them and bring their people. **In other words we want, sort of, ...to physically enlarge these protest actions and consolidate the relations between parties, NGOs and simply between, let's say, protestors, in other words, to condense and consolidate the protest-oriented class, which exists today, to make it unified.** You can hear right, Mukhtar Kabulovich?

**Kozlov:** ...Well, then that's all the same, I don't need explanation. So, it's the understanding that we have, roughly. That there are certain forces today that are emerging separately more and more frequently and just need to be unified not into a structure, not into a party, not into an organization, but unified on the principle of drawing us closer together. In other words, bluntly speaking, to move to a first-name basis, to support each other physically, namely in organizing such protest actions.

**Ablyazov:** Yes, I agree.

**Faizulin:** Good day again. Mukhtar Kabulovich, I have a question, regarding the audience we worked with. From the start, it was primarily "protesters," in other words, the least protected segments of the population. We counted on them. **So did all our real opposition parties, meaning to bring marginalized people out to the square,... "protesters."** But experience and our practice shows that in reality these people are all the same. Within these NGOs and parties, they come from one party to another. The society as a whole has no such reaction. The readiness as in Bishkek, we don't see it in the regions.

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<sup>45</sup> Leaders of the social movement *Talmas* and the NGO *Fund for the Development of Parliamentarism in Kazakhstan*, respectively.

**Faizulin:** But we're still relying on being able to draw in an independent field. Not even independent, but the middle class. Because that class stays behind. But they have also many problems and on many issues, like regarding protection of their businesses, in principle, they are even ready to protest, but not always at demonstrations. We would like you to provide your, your view on this subject, how to develop not only the lowest classes as such, protest [classes], but also the middle class. Especially, representatives of small businesses who have something to lose. Their position is not very desirable at the moment, as they don't have any opportunity to get somewhere as an elite, say a business-elite.

**Ablyazov:** I completely agree. In fact we need to involve all classes. I believe that the forms of protest are different, let's say businessmen, they are scared to go onto the public stage. But if their interests will be protected through requests to relevant bodies, press conferences, and so on. When they see the result, the circle will get broader, and some of them will definitely join concrete protest actions. So we need to widen this class, it's also a form of protest, there are protest-oriented people that are ready to gather in public, on the streets immediately, but there are protest-oriented people who are published in the press, speak at the press conferences.

**Ablyazov:** Yes. In other words it is necessary to widen, I agree, this is the correct approach. Certainly, there have to be various approaches for small and medium business and some others. In other words, different approaches. We have to internally have an integrated... people understand this, when this is said from different positions, but not only from the purely protest-oriented one.

**Faizulin:** We just mean that we don't work with some segments of the population purely in the party sense. **Certainly, politically the goal is there - to stir up the situation, teach people to protest.** And in this respect, I believe we are often asked questions, especially recently after your statements at K+ and in the newspapers, how we associate you, more precisely, how you, I mean what your relationships are. Because many people see, and in principle, it already concretely means that the politics of the opposition and many other issues are personally connected to you. As you.

**Ablyazov:** What do you think yourself, how should I position myself better?

**Faizulin:** For us, for the party that would be suitable to have a leader.

**Faizulin:** No, but Vladimir Ivanovich will be the Russian-speaking leader, okay.

**Ablyazov:** You know, see how I think, the thing is that we have to appraise ourselves honestly. I think, look, there is an ambivalent attitude to me from "Azat", they are jealous, the same with Bulat Abilov and the others. But this isn't the most important, the most important is that the authorities have information resources and they always present it as if that I stole 10 billion, something else, too, all that. And a certain portion of the population still believes this. We work with you for a long time, it'll be 10 years soon. And definitely, this is our population, citizens that watch TV, speak and in newspapers, and this ambivalence, I understand, will influence the social basis itself. There will be pluses, certainly, but also minuses. That's why I'm purposefully asking you what you think.

**Faizulin:** We believe that firstly, that you should be humanized, humanized. In other words come down to our level. You understand? From here, from outside, from the above, sort of, a recognized oligarch of his own kind. But no matter how they call you, opposition, Khodorkovskiy, in any case, you should be humanized. Vladimir Ivanovich today spoke with Mikhail spoke about the idea here today. We support it and want to just develop it for ourselves. First all of the leaflet campaigns that we carry out, [should] aim for one goal. So, we want there to be some kind of concrete connection, now, in this moment. To connect you and us. Not even as a leader, let it be one of us – a member of a political council. How would you call it, a member.... In short, you should, you should be with us, sort of, pursuing one goal, meaning and... Well, in general, our proposal has been stated, it consists in an attempt to get somehow connected with us, connect you with our activities, our party, and with us specifically. Let's say, for me, even though Vladimir Ivanovich is laughing, but for me, I believe that a political action, a meeting with you, wherever possible in a neutral territory. At least, do you remember, as it was in Moscow

**Ablyazov:** For me to publicly join the party, you mean?

**Faizulin:** It would be excellent. We could come and receive you into the party, you know, they won't say anything. No, the question is that many people hear a lot about you and talk. But, they can't understand yet your relation to our party. In other words, everyone knows who you are and what you did in relation

to the opposition party. But particularly Alga, sort of, is viewed alongside the others. That's why I am talking about not the leadership, but how you belong to us, let's put it this way. So we expressed our vision. Now you tell us your opinion about the proposal we made. We can and are ready to come and accept [you], and generally we want this to be reflected, certainly, in all mass media.

**Ablyazov:** Two, three months ago I thought of publicly joining "Alga." But I had a hope that we could still come together with other parties, and somehow unite our efforts. And that's why I did not want to be considered as a member of any party, but as a man who wants to change everything. I would say the following, now the authorities try to discredit me. They are trying to initiate [criminal cases] in Russia, Ukraine. Now they promise that pipelines will run across Ukraine. In Russia they say that we are allies, the Customs Union. Why don't you support us? And they will continue this campaign of discrediting and falsifying. Of course without a doubt this negative aspect will take a toll on the party as well. This needs to be taken into account.

**Kozlov:** But regardless in practice you are perceived as connected with us, and in the end it winds up that we distribute, for instance, your interviews and etc, so it's all the same in the end. So it just winds up as a kind of unspoken situation is all. But we of course will discuss this option. Maybe we won't hurry to talk about it tomorrow, because tomorrow the gathering is more general, something wider...

**Kozlov:** Well, it's going to be necessary to fill out the application to join the party. Otherwise, it is like the Jew who is dying and complaining to the God that he never won a car in a lottery, and He shouts odown to him – "Well buy a ticket for once in your life!"

**Kasenova:** Good day, Mukhtar Kabulovich, I invite you to Semey. This is the only region that...**"K+"**  
**how great you roar,...it's broadcast two times.** And here is the question, in general you... and we are concerned. Here, because... and that's why we hear that...that this channel will be closed. What do you think? Tell us please...

**Ablyazov:** The case is that the channel is broadcast on a separate channel that isn't dependent on Russia. In Russia it is "Yamal"... it is true that they're all closed there, but these are western satellites, that's why it is impossible to shut them down

**Kozlov:** I see. It means that we should also promote NTV+, to help K+ expand more. We, perhaps should help some other programs, let's say, K+, in order to promote the channel, so that more dishes will be rebuilt and that more of these NTV+ dishes will be bought, so people would look for this channel on them. Because anyone who sees it once will watch it constantly. That's why it's enough that the person tunes to the channel just once and in principle he will keep it. But it's helping a lot now, because especially now there's a lot of shaking

**Ablyazov:** But I think that the tomorrow's event will be inside. Then I assume we will attempt to move to the next one, won't we?

**Kozlov:** Yes, we have such plans. We already spoke about them today. How we are going to move forward. I believe that so much time has passed, because the prosecutor's office started to write out ....explanations for the law. I said that I never, as it were, called for them. They said that the prosecutor's office comes without a call, it comes on its own. I said that if it comes on its own, it should go away on its own. They went away, in principle. But, they will compile something, some kind of ruling and so on. But we will definitely gather for the demonstration tomorrow somehow, let's say. Today, by the way, the information coming from all the regions, not all but many, is that people have been detained. In Karaganda it was a kind of comedy, a black, a policy comedy. I guess someone was taken from his home, arrested, they accused him of allegedly insulting his wife on the telephone recently. So the police came to his house and arrested, took him to the police. And he had tickets for other people, who were supposed to come on behalf of the NGO "Miner's Family." Reports are coming from Taraz, that people are receiving significant attacks, meaning they receive threats, getting held up so they can't travel. So absolutely we're going to have some losses.

**Ablyazov:** But I meant all the remaining oppositionists?

**Kozlov:** The communists are actively supporting us. I mean you can see the difference in our relations. I called Abildin to invite him. I mean, he's an elder, and besides these days, even if he's not the first. Anyway I called. And he told me that "I already know and even if you hadn't called me I would have

come.” So yeah. But for example when I went to the congress, to *Azat*, no one personally invited me there, not Zharmakhan,<sup>46</sup> not Butya. Kosanov called and invited me. [*The connection is interrupted*]

**Kozlov:** No one personally invited me to the *Azat* congress for example, not Butya, not Zharmakhan. Kosanov called. So I talked with him and came to the congress. We called Kosanov too so that he would handle all the contacts, organize all the information and so forth for all their leaders. He told us “Oh, it’s too late, you can’t just do it yourself, we need an official invitation, then we’ll review it and decide.” So that’s our relationship. And from their side they also said, literally “Since this is a general public forum, where representatives from NGOs and representatives of various parties are going to take part, then the decision about conducting it should have been taken together. And since the decision to hold this forum was taken without the participation of *Azat*, then we don’t feel obliged to participate.” Right. They said the same to Aldamzhar yesterday more or less. He came to us and said, you know, they ask why should we participate, they do everything as a group, they carry it out, and we’re going to hold it all together. More or less that’s how it is. That’s the relationship.

**Ablyazov:** That’s Aldamzharov who says that, right?

**Kozlov:** Aldamzharov comes to us himself and brings his people. Everything is fine with Aldamzharov. He comes to us frequently, and his people are coming tomorrow. So everything’s fine. But he was with Abilov yesterday. And Abilov told him that about our gathering. That they’re not planning to come.

**Ablyazov:** And Bulat... I talked with him for a long time about how we need to unite and join a single party. **There was an example, when in the second world war... systems, England, the USA, France, and the Soviet Union... arrangements, united against a shared enemy.** I tell him, why are you pushing away from the communists, you’re pushing away other social classes when you say you don’t want to unite with them. **We have one enemy, independent of our views we need to unite in order to topple this enemy.** This is the first step. The second step: we announce free elections, and then whoever offers the population of the country the best platform and presents himself the best should win. The people themselves will decide. But instead you want to built on top of *Nur Otan*, it’ll be the *Anti-Otan*. And nothing good will come of that. In principle he accepted that. But you know, he accepted it under my pressure. He signed on... because, I’ll be blunt, because I accused him of a lot, of cowardice, of inconsistency, treason. I mean, we have a history.

**Ablyazov:** The thing is he thinks only one party can survive. Unfortunately, he, we’re in an asymmetrical situation with the regime, and that’s also bad. We were richer. That’s why I propose to reorient onto whoever remains, like in sports, everyone who... will see, that he’s lagging behind and from his circle, let’s say, even in the party itself a schism will start and the people who want changes will come to us. Kaisar is coming to me now, it seems like he’s not coming alone, he’s calling from the Astana affiliate. In the Astana affiliate there’s that Denis, member of the political council right?

**Denis:** Um

**Kozlov:** Yes, he’s one of the members of the political council of Astana. By the way I also literally just a few days ago met with that Alibaev in the airport, and we had a short conversation, and he literally told me that “I just came from the congress and was disappointed”. And that’s their leader of the Astana party. And he told me that he was disappointed.

**Ablyazov:** Right. Him. In sum I think that soon it’s going to get to the point that people are going to leave, and they’re going to come to us or to those who move quickly. That’s why our task is to move, unfortunately, of course,... we’ll receive more blows, we have to understand that. But if we don’t get scared we’re going to move and everything is going to be fine. **I’ll add one interesting thing, that**

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<sup>46</sup> Zharmakhan Tuakbai, member of *Azat*. See Glossary.

**almost every day Rakhat Aliev<sup>47</sup> calls me and his appraisal is that Alga is the strongest party in Kazakhstan.**

[Applause. All laugh]

**Ablyazov:** Fortunately, like Volodya said, we have more attention on the press, on these attacks. But that also creates a lot of sympathy, which tomorrow will become defense and strength. Because when people are afraid of something and act anyway, more people come to them who want changes. That's why I think you are acting correctly. Of course, there are going to be some problems, some difficulties, but now we need to just suffer through those. Just like yesterday, they shut the whole system down for days, they wanted it, and started to run it with me.

**Kozlov:** Right. By the way, there are similar evaluations that have come through. He's calling out. Aha, that's it. I've heard similar evaluations twice in the last few days. The day before yesterday I met with an adviser, there's..., he's an adviser to the ambassador, the political advisor to the ambassador of the United States. And he says that Dosym Satpaev, our political scientist, met a few days ago with the ambassador of the United States. And when the ambassador asked him, how do you see the political field, who is capable in this area. He said that the party Alga is, he says, today, well, strong, the strongest party, which, the only one that is capable of representing itself in the regions and in the cities and which represents itself through actions, which is noticeable today. And the second evaluation was – that MNewsInternational. They did an overview “100 Days of Kazakhstan”, the chairmanships of Kazakhstan and there was this phrase there, regarding our lack of registration, there was a phrase, in this vein, “the authorities for many years have not registered the leading opposition party of Kazakhstan Alga”. That's why today when I spoke at our forum, I compared us and *Azat*. And I said that we're on the right path, even in that we don't evaluate ourselves, we always wait for others' evaluations coming from the field where we work, meaning from people, from experts, *Azat* say. But *Azat* talks about itself constantly, even at their party congress they're so already used to yammering like this that they don't appraise themselves, they even truly insulted me at the congress when I was sitting in the first row of the invitees, each of them, Bulat, Kosanov, Tuyakbai also. They don't even notice, they said that *Azat* is the only opposition party, that the people don't trust anyone more than them, no other party, that they are the best, the most intellectual. I mean they just praised themselves to high heaven. I just think that their self-appraisal has just completely departed from reality. And in the future we just have to listen to what people are saying about us and not think up for ourselves some kind of praise, just keep going.

**Kasenova:** Kasenova, Semei city. I have two questions for you. Today we talked several times about the fact that Alga is evaluated highly. We earned this high mark through, well, long, painstaking work on resolving social issues. Now we are talking about how in the future we shouldn't do work for the helpless, but continue all our projects on the conduct, on the resolution of social problems. How do you see that issue? That's the first question. And the second: your views on the timeframe for your return, the return of our friends abroad. As you understand, there's a more global question behind that question. So two questions, thank you for your attention.

**Ablyazov:** I'll start from the end.

**Kasenova:** Go ahead, from the end.

**Ablyazov:** In general, I mean, here I've been fighting constantly against the authorities for ten years. **But within myself, I am convinced that no earlier and no later than by the end of the next year, the government must fall.** And that's it. In principle, this is real. We just have to work on this. I was especially convinced at the beginning of this year, when we all started together to stir things up, and the

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<sup>47</sup> Another exiled oligarch from Kazakhstan, formerly married to President Nazarbaev's daughter. See Glossary.

authorities started to come loose, they were incapable. They were incapable last year. And right now it's very important [to build] on these dissatisfactions, the huge quantity, not to get scared and then our ranks will increase. **And that's why I'm sure that by the end of the next year, if we continue, we will be able to break the government.** That's why just yesterday I said, **from here I can see that the regime will fall. I'm also convinced that by the end of next year we can topple this government.** **That's why I think that we have to find the weak spots in the government: oil workers, miners, debtors and everyone in order to merge them all into one, into one place, and that will have enormous force.** And set the government aside. And from there – the most important is that we will integrate ourselves into this government. We, the participants in the process, so that it doesn't wind up like in Kyrgyzstan, in Kyrgyzstan the old course has just remained without changes. I'm talking about real changes. Look. **I see this right now as the biggest, biggest priority.** As far as social projects. As I understand it, in the regions you work a lot with different classes, you provide legal aid and other aid. Of course, you should probably do this, undoubtedly. I think that's right, it needs to be...

**Ablyazov:** **I think that the time has come to topple the government.** Of course, we need to get support, but these are as it were actions. The main areas are needed. We need to go to those points, to those places that are more prepared. So we can give the government a bit of a shake. I'm convinced that this is Almaty and the rural regions. In these regions and cities we need... Of course, in that case it could be... we'll decide this...

**Ablyazov:** That's why, if we talk about a priority, then I think that, I heard this phrase, it's not, that [the government] loses, but let's say, a lot of strength, but in the regions, the regions as it were. But I want to say that it's very complicated, for people, because in the regions all the same to, as it were, bring people... and break the government.

*[Connection is interrupted]*

**Ablyazov:** Hello, can you hear me?

**Kozlov:** Yes, we can. I'll just repeat. He said that in the regions we need to continue, but we need to consider that you're working in the rural regions, and the rural people won't come out of conscience. Here I'm talking about we have a project "People's Deputy", where we provide concrete assistance, legal and so on to people that come to us. That's not only a rural location, it's a city as well, meaning that people come to our office and receive high-quality legal aid.

**Ablyazov:** And you're doing this work now.

**Kozlov:** Yes, it's being done. It's been worked out. Frankly, we haven't stopped doing it, but there's no special resources dedicated to it. Meaning that work continues as part of the routine, and we're just strengthening this now. For example, we're doing leaflet campaigns or we're organizing demonstrations, we just added this to what we were doing before. We didn't cut down on this work. The only thing is that in a rural place we got rid of the delivery-men, a certain number of agitators. But today we already talked about this, the fact that in actuality even if we removed 80 percent of the delivery-men, the KPD would only fall by 10 percent. Meaning everyone agreed that the majority of those 15, they, aside from the delivery of newspapers, honestly don't do anything. And that's why this didn't help in the task, which is just to bring together a greater number of people.

Naturally we need to work today in the cities along this direction. With the NGOs, with all the different structures to gather at the meetings and so on, to unite these protest-oriented classes of the population, but of course there are more of them in the cities. That is to say there's more, not that they're just in the cities and that's all. In the villages there really are protest-oriented people, but frankly there's nothing to make it so that they would protest. It's a totally different situation there. There you can only

organize our people to come out, and if need be, maybe in some kind of situation, they'll stand up.

**NM:** A question about your security. Especially after that interview you gave, where you talked about a direct order for hit on you from Kulibaev. That is the question of your security, and in general, how is the situation for you at the present with that? That is isn't there...

**Ablyazov:** Look, what's happening. As far as physical security, I think that I'm fine here. In general, my situation... hasn't been hard. I mean, a humble picture, of course, because I lead a very basic life: home to work. At work I go into a basement. I travel in an armored car... you know, I practically don't go out to public places, I don't visit restaurants, nothing. So it's not simple to carry out. What's more, there have been consultations with local security services. As far as other security. Well, Kazakhstan, of course, talks about its successes, about how they are winning everywhere. But I'll tell you, the lawsuits in England are not going to start this year. There are processes are ongoing, they're connected with procedures, meaning they received an order to freeze shares. This is when the opposing side holds that you should pay some compensation for a material suit. But here, of course, they are taking a decision by the end of the court process to freeze the shares, as was done. But I control my own property, and I'm selling it. More complicated is what's happening, they're falsifying, they took a decision. The thing is, there's the Minsk Convention between the countries of the CIS. You can hear me, yes?

**All:** Yes, yes.

**Ablyazov:** They're using the Minsk Convention to initiate criminal cases in Kazakhstan, and then they start up elsewhere, in Russia, in other countries. Then Nazarbaev personally travels, he goes to Russia. The past year he was doing this, but he didn't succeed in receiving any kind of support. This year in March he personally went there, he met with Medvedev, with Putin, and more than once. Karim Masimov came with a big delegation. They requested that the Central Bank revoke the license from my Russian bank. There is a massive assault under way, not just political. They bring suitcases full of cash and buy witnesses. In general they're conducting a lot of work like this. That's why of course I'm constantly battling with giants of the state, and not only with one, but with many.

**Ablyazov:** It's been difficult. But I'm sure that... I'm going to withstand with a lot... And for you... what I'm preparing, we need a lot of activists in different countries. I don't know which ones. I mean... these publications are intended so that tomorrow these materials can be presented in the courts of various countries: Switzerland, America, England, also in other Latin countries. That's why not that it's comfortable for me, but unlike you, you get hit directly just walking along, I get hit occasionally, and they're different. Meaning legal. Attempts at persecution through criminal procedures and so on. But I'm sure that I'll be able to fight these off. And now of course, everything depends on you, how quickly we can communicate what takes place in Kazakhstan, can we gather supporters, can we take down this government. **Because I think that by the end of the next year this is an achievable goal.**

**Ablyazov:** I submitted... with Kazakhstan. There's a court process, I submitted evi...

**Ablyazov:** It's going to be in court several years. That's in principle ours.

**Ablyazov:** That's why I say there's going to be a long battle here, you all have the more lively battle, on the front lines, at the leading edge.

**Kozlov:** Understood. Meaning that if we can defeat this as it were "hydra," then you in principle could leave there.<sup>48</sup>

**Ablyazov:** You understand yourselves. Unfortunately, I'm constantly forced to not be public because resources are needed in order to realize all these programs. But the government knows that I'm assembling resources and tries to stop it immediately, kill it, and so on. That's why I have to be here. I'm

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<sup>48</sup> On the recording played in court, general laughter was audible. This is not noted in the transcript.

sure that there's no kind of physical, sec... there won't be a problem. Right. **That's why our task is to overthrow the government.** Of course I work a lot, I do political work, I meet with the heads of the services of different countries. I argue that they should reexamine their politics. Of course there's a lot of work with Western journalists. We work, I mean I finance these programs, that tell about what is happening in the country. Right. So in general, we do a lot of work in the West. Maybe the work isn't as visible, but there's a lot of work there. **Then we are preparing a lot of lawsuits against Timur Kulibaev,<sup>49</sup> against the Prime Minister. Unfortunately, it can't be done against the President, because he has state immunity. But I've got a lot on him.** But I'll say in this my ally is Rakhat [Aliyev]. I fought hard with him yesterday, today he's an ally, he brings materials, gives witness testimony. And since he's an enemy of the regime... I don't see any point in pushing him away. Of course I don't do any public announcements that we're together, but it seems to me that his energy against the regime should be used. Bulat Abilov is always saying that we

**Ablyazov: Against the enemy, here... against the enemy to unite all efforts**

**Ablyazov: To smash the regime. Right.**

**Ablyazov: That's my position.**

**Kozlov:** Got it. Then I wish you, you know, success with your

**Kozlov: And we're ready, ready, say, to contribute all our efforts from our side. In principle it's clear to all of us. I think that we'll survive. I think that we'll move forward and through our common efforts achieve what is necessary.**

**Faizulin:** Well, until soon.

**Kozlov:** Yes. Benjamin is waiting for the upcoming meeting. Did you hear us? Mukhtar Kabulovich.

**Kozlov:** Well, then that's all, good buy everyone.

**Ablyazov:** Thank you.

**Kozlov:** We're off to cook. Enjoy the holiday!

**Ablyazov:** Thanks! Goodbye.

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<sup>49</sup> A powerful political and business figure in Kazakhstan. See Glossary.



## **Glossary**

**Bulat Abilov** – Businessman and politician. Heads the opposition Social-Democratic Party *Azat*.

**Alga** – Unregistered opposition party led by Vladimir Kozlov.

**Rakhat Aliyev** – Former Deputy Foreign Minister of Kazakhstan, ambassador to Austria, and prominent businessman in Kazakhstan. Formerly married to President Nazarbayev’s daughter Dariga Nazarbayeva. After criticizing the government in 2007, he was accused of a series of crimes and divorced by his wife. Convicted of numerous crimes *in absentia* in Kazakhstan, he has not been extradited, and has never returned to Kazakhstan. Lives in Malta.

**Mukhtar Ablyazov** - Former Minister of Energy, Industry, and Trade and prominent oligarch in Kazakhstan, who left the country in 2003 after being convicted and then released on charges of abusing official powers. Became chairman of BTA Bank, which was taken over by the government of Kazakhstan’s sovereign wealth fund following the financial crisis. Fled to London, where he then faced charges of embezzlement of billions of dollar from BTA. Has currently fled the United Kingdom and resides in an unknown location. Founded the Democratic Choice of Kazakhstan, and is widely reputed to fund Alga and opposition media outlets.

**Akzhanat Aminov** – Oil worker who led strikes and protests among the workers of OzenMunaiGaz, tried alongside Kozlov. Acknowledged his guilt in the trial and received a five-year conditional sentence.

**Aizhangul Amirova** – Opposition activist affiliated with the *Popular Front* and Alga. Originally detained on charges of inciting social hatred after the events of December 2011. Testified for the prosecution.

**Bolat Atabaev** – Opposition activist and well-known Kazakh theater director affiliated with the Popular Front. Originally detained on charges of inciting social hatred in the Kozlov case. Testified for the prosecution.

**Democratic Choice of Kazakhstan (DVK)** – Predecessor party to *Alga*.

**Karazhanbas** – Oilfield in Western Kazakhstan where strikes took place.

**KazMunaiGaz (KMG)** – State-owned oil and gas company of Kazakhstan.

**Vladimir Kozlov** – Leader of *Alga*. Denied his guilt throughout the trial. Was convicted and sentenced to seven and a half years in prison.

**Timur Kulibaev** – Prominent Kazakhstani businessman, married to President Nazarbayev’s daughter Dinara. Headed Kazakhstan’s sovereign wealth fund Samruk-Kazyna until after the Zhanaozen violence, when he was suddenly forced to step down. Still lives in Kazakhstan.

**Zhanbolat Mamai** – Opposition activist affiliated with the *Popular Front*. Originally detained on charges of inciting social hatred in the Kozlov case. Testified for the prosecution.

**OzenMunaiGaz (OMG)** – Local subsidiary of KazMunaiGaz that dominates production in Mangistau oblast, where Zhanaozen is located.

**Popular Front (Khalyk Maidani)** – Opposition movement affiliated with *Alga*.

**Natalya Sokolova** – Lawyer for the striking oil workers in Zhanaozen. Sentenced to six years in jail in August 2011 for “organizing illegal strikes.” After she acknowledged her guilt, she was released from prison in February 2012 and her sentence was reduced to a conditional sentence. Testified for the prosecution.

**Serik Sapargali** – Opposition activist tried alongside Kozlov. Partially acknowledged his guilt and was given a four-year conditional sentence.

**Roza Tuletaeva** – Oil worker for OzenMunaiGaz who led striking workers in Zhanaozen. Arrested following the December 2011 violence, she was convicted of organizing mass unrest and sentenced to 5 years in prison. Alleged being tortured in her trial. Testified for the prosecution.

**Aliya Turusbekova** – Opposition activist and wife of Vladimir Kozlov.

**Zhanaozen** – Oil town in Western Kazakhstan. In May 2011, workers at OzenMunaiGaz went on strike to demand better compensation and occupied the main square in the center of the town. On December 16, 2011, the square was the starting point for clashes between police and protesters.