

Exposing Corruption *Exploring Solutions*

Project On Government Oversight

[Revised and re-sent on August 5, 2011]

June 2, 2011

Attorney General Eric Holder
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Attorney General Holder:

The Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. As such, POGO has a strong interest in determining whether foreign money is being used unlawfully to influence members of Congress.

A letter filed in an ongoing civil case in U.S. District Court raises serious concerns that the Republic of Kazakhstan may have unlawfully financed sitting members of Congress. Purportedly a letter from the Kazakh ambassador in Washington, DC, to the President of Kazakhstan, the document asserts that the Kazakh Embassy has established a caucus of U.S. lawmakers and is encouraging them to act on behalf of the Republic of Kazakhstan by financing the lawmakers through a "special foreign currency fund." (Attachment 1)

The authenticity of the letter has been contested by the defendants in subsequent court filings. The defendants have filed an analysis by a forensic document examiner and statements from officials from the government of Kazakhstan in support of their position. But documents separately filed under the Foreign Agents Registration Act (FARA) and records of campaign contributions from employees of various firms hired by the Republic of Kazakhstan give considerable credence to some of the letter's underlying claims. (Attachments 2, 3)

Rakhat Aliyev, the ex-son-in-law of Kazakh president Nursultan Nazarbayev and former senior security official, obtained the contested letter, according to an affidavit submitted along with the lawsuit.¹ Aliyev, who is hiding in self-imposed exile, is currently engaged in a bitter dispute with President Nazarbayev and has launched a lobbying campaign of his own in Washington, DC, which was intended

¹ Second Declaration of Rakhat Mukhtarovich Aliyev, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 35-1, Filed on January 21, 2011. <http://www.pogoarchives.org/m/gc/k/35-1.pdf> (hereinafter "Second Declaration of Rakhat Aliyev")

in part to embarrass Nazarbayev.² Aliyev's status as a former member of the Kazakh first family and senior official of the Kazakh security service make it plausible that he could have obtained such a document.³ But his current dispute with the President raises legitimate questions about his motives and credibility.⁴

Although serious questions have been raised about the authenticity of the letter and the credibility and motives of the person who obtained it, we believe there is sufficient circumstantial evidence to warrant an independent and official investigation, and we urge you to conduct such an investigation.

Background

The letter at issue was filed in a civil case being brought by two brothers, Devincci and Issam Hourani, who are represented by two former Assistant United States Attorneys at Crowell & Moring LLP.⁵ The lawsuit seeks damages from a group of Washington, DC-based consultants who allegedly "supported and orchestrated Kazakh President Nursultan Nazarbayev in a politically-motivated campaign to expropriate the Hourani brothers' investments in Kazakhstan and destroy their reputations internationally."⁶

The defendants—Alexander Mirtchev, his firm Krull Corporation, the international security firm GlobalOptions, Inc., and GlobalOptions Management, Inc., a joint venture of Krull and GlobalOptions—have been the subject of a number of recent investigative stories involving the murky services they have reportedly provided to dictators and oligarchs from the post-Soviet states, including the Kazakh first family.⁷

According to the lawsuit, one of the defendants, Alexander Mirtchev, "is a secretive consultant and strategist who works on behalf of the dictator President Nazarbayev to achieve various aims, not the least of which is to influence the corridors of power in Washington and alter the perception amongst

² Eric Lipton, "Feud in Kazakh President's Family Spills Into U.S.," *The New York Times*, May 29, 2011. <http://www.nytimes.com/2011/05/30/world/asia/30kazakhstan.html?pagewanted=all> (Downloaded May 31, 2011) (hereinafter "Feud in Kazakh President's Family Spills Into U.S."); David L. Stern, "Kazakhstan: Court Sentences President's Former Son-in-Law," *The New York Times*, March 27, 2008.

³ "Second Declaration of Rakhat Aliyev"

⁴ "Feud in Kazakh President's Family Spills Into U.S."

⁵ Crowell & Moring LLP, "Stuart H. Newberger." <http://www.crowell.com/professionals/stuart-newberger>; and Crowell & Moring LLP, "Michael L. Martinez." <http://www.crowell.com/Professionals/Michael-Martinez> (All Downloaded June 1, 2011)

⁶ Crowell & Moring LLP, "American And British Investors Sue Kazakhstan's Washington Consultants For Roles In Stealing Assets And Defaming Business Owners," September 23, 2010.

<http://www.crowell.com/NewsEvents/PressRelease.aspx?id=315> (Downloaded May 31, 2011)

⁷ Glenn R. Simpson and Mary Jacoby, "How Lobbyists Help Ex-Soviets Woo Washington—Scrubbed Images Open Doors, Assure Investors; A 'Most Wanted' Client," *The Wall Street Journal*, April 17, 2007. <http://online.wsj.com/article/SB117674837248471543.html>; Glenn R. Simpson, Susan Schmidt and Mary Jacoby, "Kazakh Leader's Daughter Monitored U.S. Bribe Case—Washington Firms Were Used to Gather Information on Probe," *The Wall Street Journal*, May 12, 2008. <http://www.pogoarchives.org/m/gc/k/WSJ%20Article-May%2012%202008.pdf>; Glenn R. Simpson and Susan Schmidt, "Kazakhstan Corruption: Exile Alleges New Details," *The Wall Street Journal*, July 22, 2008. http://online.wsj.com/article/SB121667622143971475.html?mod=googlenews_wsj; Glenn R. Simpson and Susan Schmidt, "World News: Russia's Deripaska Faces Western Investigations—U.S., U.K. Probes of Industrialist Focus on Transfer of Funds; He Also Has Business Setback, Ceding Stake in German Firm," *The Wall Street Journal*, October 10, 2008. <http://www.pogoarchives.org/m/gc/k/WSJ%20Article-October%2010%202008.pdf>; Susan Schmidt and Glenn R. Simpson, "Ex-Pentagon official linked to Kurdish oil—Perle denies having role in a consortium seeking rights to drill," *The Wall Street Journal*, July 30, 2008. <http://www.pogoarchives.org/m/gc/k/WSJ%20Article-July%2030%202008.pdf> (All downloaded June 1, 2011)

Washington insiders that his boss is a despot.”⁸ Another of the defendants, GlobalOptions, Inc., claims to have been conceived “as a private CIA, Defense Department, Justice Department, and FBI, all rolled into one.”⁹

The plaintiffs have filed documents that appear to be official correspondence among high-level Kazakh government officials.¹⁰ The documents identify the consultants as being affiliated with the Republic of Kazakhstan and help to support the plaintiffs’ contention that the consultants had a role in expropriating their assets. One of the documents is the letter between the Kazakh Ambassador and the President of Kazakhstan in which the Ambassador discusses funding members of Congress. The defendants have called these documents forgeries.¹¹

The lawsuit in which the contested documents were filed is reportedly an extension of an unusual battle between Aliyev and the Republic of Kazakhstan that is taking place in the U.S. Congress.¹² That battle is a continuation of a long-running and high-stakes feud between the Kazakh government and Aliyev, which began in 2007 amid allegations that Aliyev was planning to overthrow the Kazakh government.¹³

In 2008, Aliyev used a lobbying firm called RJI Government Strategies through a company he controls called Speedy Funk Film, according to documents filed under the Lobbying Disclosure Act (LDA).¹⁴ *The New York Times* recently reported that RJI Strategies was retained in part to embarrass the Republic of Kazakhstan by having members of Congress place statements in the Congressional Record critical of the Republic of Kazakhstan’s human rights record.¹⁵ The critical statements, at least five of which were placed on the Record at the request of RJI according to *The New York Times*, were intended to embarrass the Kazakhstan government and serve as leverage in a business dispute involving Devincci Hourani, a relative of Aliyev.¹⁶

⁸ *Devincci Salah Hourani and Issam Salah Hourani v. Alexander V. Mirtchev, Krull Corporation, GlobalOptions, Inc., and GlobalOptions Management, Inc.*, Complaint for Compensatory and Punitive Damages, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 1, Filed on September 23, 2010, p. 2.

<http://www.pogoarchives.org/m/gc/k/Hourani%20v%20Mirtchev%20Complaint.pdf> (hereinafter *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*)

⁹ GlobalOptions, Inc., “Company Profile.”

http://replay.web.archive.org/20051026104046/http://www.globaloptions.com/company_profile.htm (Downloaded May 31, 2011)

¹⁰ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Plaintiffs Request for Production of Documents, Exhibit 3, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 21-5, Filed on December 16, 2010. <http://www.pogoarchives.org/m/gc/k/Exhibit%203.pdf>; *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Plaintiffs Request for Production of Documents, Exhibit 5, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 21-7, Filed on December 16, 2010.

<http://www.pogoarchives.org/m/gc/k/Exhibit%205.pdf>

¹¹ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Reply of Defendants Alexander v. Mirtchev and Krull Corp. in Support of Their Motion to Dismiss and Motion to Strike, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 44, Filed on February 11, 2011.

<http://www.pogoarchives.org/m/gc/k/Hourani%20v%20Mirtchev-Documents%2044.pdf>

¹² “Feud in Kazakh President’s Family Spills Into U.S.”

¹³ Bruce Pannier, “Kazakhstan: Coup plots alleged as former presidential son-in-law battles authorities,” *Radio Free Europe*, April 20, 2008. <http://www.unhcr.org/refworld/category/COI,RFERL,,KAZ,480f10171c,0.html> (Downloaded May 31, 2011) (hereinafter “Kazakhstan: Coup plots alleged as former presidential son-in-law battles authorities”)

¹⁴ RJI Government Strategies, Inc., Lobbying Disclosure Act, Amendment.

<http://disclosures.house.gov/ld/pdfform.aspx?id=300066792> (Downloaded May 31, 2011)

¹⁵ “Feud in Kazakh President’s Family Spills Into U.S.”

¹⁶ “Feud in Kazakh President’s Family Spills Into U.S.”

In legal filings unrelated to the Hourani brothers' lawsuit, the top former lobbyist at RJI Strategies—Tanya Rahall—has alleged that RJI intentionally masked the identity of its true client—Aliyev—on LDA forms.¹⁷ There is, however, a reference to Aliyev as the owner of Speedy Funk Film on the LDA registration form filed by RJI, which appears to show that RJI's listing of Speedy Funk Film as its client was in compliance with the LDA.¹⁸ Nonetheless, the filings do help to obscure the interested parties on behalf of which RJI was lobbying.

The Hourani brothers' lawsuit is currently at the pre-trial stage with a number of motions pending before the court. One of the plaintiffs' motions is a request for jurisdictional discovery,¹⁹ which seeks a variety of documents that may shed light on any financial relationship between the Republic of Kazakhstan, its consultants, and members of Congress. The motion requests, among other materials, a listing of all members of the congressional caucus known as "Friends of Kazakhstan" and all correspondence between those members and the consultants. (Attachment 4) To date, no official membership roster for these organizations has been made public.

If discovery or partial discovery is granted in the case, there is no guarantee that material related to members of Congress will be included. By the same token, because of the potential sensitivity of disclosures in this matter, a substantial grant of discovery raises the strong possibility that defendants will seek a settlement—slamming shut the window into purported activities involving U.S. lawmakers. For this reason, an independent investigation is of the utmost importance.

The Contested Letter

If authentic, the letter filed by the plaintiffs raises serious concerns about the role of foreign money in U.S. politics and the relationship between foreign countries and congressional caucuses dedicated to supporting the interests of that country.

According to a translated version of the letter filed in the lawsuit, the Kazakh Ambassador to the United States informed President Nazarbayev that "[t]he destructive actions of the Hourani brothers along with R. Aliyev in the U.S [*sic*] are being contained by 'Friends of Kazakhstan', a group created by the Embassy, which is comprised of members of Congress and the U.S. Senate and the employees of their offices. The Embassy of the RK [Republic of Kazakhstan] is financing them through contributions into their funds from a special foreign currency fund allocated by You [the President of Kazakhstan]." (Attachment 1)

The defendants have argued that this letter is a forgery and have included substantial evidence in support of their position.²⁰ That evidence has included an analysis by a well known forensic document examiner and statements from officials from the Republic of Kazakhstan calling the letter an "evident forgery."²¹

¹⁷ *RJI Government Strategies, Inc. and RJI Capital Corporation v. Tanya A. Rahall and Hilliard Alan Zola, Defendants' Motion to Compel Discovery from Plaintiffs*, Civil Action No. 2009, CA, 007515 B, Filed on April 28, 2010, pp. 8, 32. <http://www.pogoarchives.org/m/gc/k/Defendants%27%20Motion%20to%20Compel%20Discovery%20from%20Plaintiffs,%20Civil%20Action%20No.%202009%20CA%20007515%20B.pdf>

¹⁸ RJI Government Strategies, Inc., Lobbying Disclosure Act, Amendment. <http://disclosures.house.gov/ld/pdfform.aspx?id=300066792> (Downloaded May 31, 2011)

¹⁹ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Memorandum of Law in Support of Plaintiffs' Motion for Leave to take Jurisdictional Discovery, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 21-1, Filed on December 16, 2010; See Attachment 4

²⁰ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Reply of Defendants Alexander v. Mirtchev and Krull Corp. in Support of Their Motion to Dismiss and Motion to Strike, United States District Court for the District of Columbia,

But the plaintiffs responded with circumstantial evidence to demonstrate that Aliyev has the ability to obtain sensitive Kazakh documents through sources in the Kazakh government that remain loyal to him.²² The documents include a secret chart of the internal operations of the Kazakh security service as well as other memorandums among high-level Kazakh officials.²³ It has also been reported that Aliyev has in recent years intercepted numerous audio recordings of conversations among high-level Kazakh officials.²⁴

News reports²⁵ and documents filed under FARA also add circumstantial evidence in support of the letter's authenticity. The documents and news reports show that the Republic of Kazakhstan has used lobbying firms to establish two separate congressional caucuses dedicated to supporting its interests. The most recent caucus, according to the filings, is called the Central Asia Caucus. (Attachment 3)

The FARA filings show that Policy Impact Communications was retained by the Republic of Kazakhstan to "[s]uccessfully complete the formation and influential implementation of the Central Asia Caucus." This caucus was intended to "utilize the potential of the existing Congressional Friends of Kazakhstan Caucus, while preserving and further developing good will and positive attitudes of the Caucus's co-chairs and members towards Kazakhstan and the Embassy."²⁶ Policy Impact Communications informed the Kazakh Embassy that it would use both the Friends of Kazakhstan Caucus and the Central Asia Caucus as "assets" to conduct a "comprehensive public relations campaign" on behalf of the Republic of Kazakhstan. (Attachment 3)

In addition, employees from firms hired by the Republic of Kazakhstan have donated thousands of dollars to members of Congress who have taken leadership roles in the most recent caucus, the Central Asia Caucus. One member of Congress, Delegate Eni Faleomavaega from American Samoa, particularly stands out. In the 2010 election cycle, two of Faleomavaega's top organizational contributors had been under contract with the Republic of Kazakhstan: Employees and family members from Policy Impact Communications contributed \$4,800, making the firm Faleomavaega's second largest organizational contributor²⁷; and the other firm, Steptoe and Johnson, which is the Republic of Kazakhstan's outside counsel,²⁸ contributed \$2,000 through its Political Action Committee. (Attachment 2)

Civil Action No. 10-1618-TFH, Document 44, Filed on February 11, 2011.

<http://www.pogoarchives.org/m/gc/k/Hourani%20v%20Mirtchev-Documents%2044.pdf>

²¹ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Reply of Defendants Alexander V. Mirtchev and Krull Corp. in Support of Their Motion to Dismiss and Motion to Strike, Exhibit 3, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 44, Filed on February 11, 2011.

<http://www.pogoarchives.org/m/gc/k/Document%2044-33.pdf>

²² "Second Declaration of Rakhat Aliyev"

²³ "Second Declaration of Rakhat Aliyev," pp. 4, 6

²⁴ "Kazakhstan: Coup plots alleged as former presidential son-in-law battles authorities"

²⁵ "Feud in Kazakh President's Family Spills Into U.S."

²⁶ Policy Impact Communications, Foreign Agents Registration Act, Exhibit AB for the Republic of Kazakhstan, Filed on May 19, 2009, pp. 18-19 of the .pdf. <http://www.pogoarchives.org/m/gc/k/Exhibit%20AB.pdf>

²⁷ Center for Responsive Politics, "Top Contributors: 2010 Race: American Samoa District 00: Eni F. H. Faleomavaega (D)." <http://www.opensecrets.org/races/contrib.php?cycle=2010&id=AS00> (Downloaded May 31, 2011)

²⁸ *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Reply of Defendants Alexander V. Mirtchev and Krull Corp. in Support of Their Motion to Dismiss and Motion to Strike, Exhibit 3, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 44, Filed on February 11, 2011.

<http://www.pogoarchives.org/m/gc/k/Document%2044-33.pdf>; *Devincci Salah Hourani, et al., v. Alexander V. Mirtchev, et al.*, Declaration of Warren Anthony Fitch, United States District Court for the District of Columbia, Civil Action No. 10-1618-TFH, Document 24-1, Filed on January 6, 2011. <http://www.pogoarchives.org/m/gc/k/24-1.pdf>

In addition, employees from Policy Impact Communications contributed \$2,000 to one of the original co-chairs of the Central Asia Caucus, Howard “Buck” McKeon, as well as \$1,000 to the current co-chair, Danny “Dan” Lee Burton. (Attachment 2)

These contributions do not prove that money was being funneled from the Embassy to members of Congress. But the donations are nonetheless significant considering that every member of Congress that has served as a co-chair of the Central Asia Caucus has received contributions from a lobbying firm that was hired to establish that caucus. And while the contributions are relatively small, in the case of Faleomavaega they comprise two of the top ten organizational contributors to a non-voting delegate that is a co-chair and driving force²⁹ behind the creation of the caucus.³⁰ We have detailed these contributions, as well as contributions to other Kazakh-connected lawmakers, in Attachment 2.

Conclusion

The ongoing dispute between Aliyev and the Republic of Kazakhstan has brought to light allegations of questionable activities involving efforts to influence U.S. policy by parties on both sides, including an allegation that the Kazakh government is funneling money to members of the U.S. Congress. And while the defendants as well as officials from the Republic of Kazakhstan have strongly challenged the authenticity of the letter that underpins that charge, other facts present sufficient evidence to warrant an independent investigation. If anything, the contested nature of the letter makes an independent inquiry all the more necessary.

Please contact me, Jake Wiens, and/or Adam Zagorin at (202) 347-1122 if you have any questions or need further information or evidence to aid your efforts. Thank you for your consideration of this very important matter.

Sincerely,



Danielle Brian
Executive Director

Enclosures: 4

cc: Jack Smith, Chief, Public Integrity Section, Department of Justice
House Committee on Standards of Official Conduct
House Office of Congressional Ethics

²⁹ Eurasian Transition Group, “Congress Caucus on Central Asia,” November 30, 2009.

<http://www.eurasiantransition.org/files/a0bbc4cb9d65342f9fbc917367d4cf64-247.php> (Downloaded May 31, 2011)

³⁰ 112th Congress, Committee on House Administration, “Congressional Member Organizations—111th Congress.” http://gop.cha.house.gov/index.php?option=com_content&view=article&id=181:congressional-organizations&catid=1:member-services (Downloaded June 1, 2011)

Attachment 1

Translation

**[Letterhead of the Ambassador
Of the Republic of Kazakhstan]**

No. 261/o

[Stamps and hand notations]
26 November 2010

**To the President of the Republic
of Kazakhstan
N.A. NAZARBAYEV**

Dear Nursultan Abishevich!

In accordance with Your personal order, the Embassy along with Your outside advisor, independent member of the Board of Directors of the State Holding "Samruk Kazyna" Doctor A. Mirtchev have developed a plan of action to fight and discredit the criminal group headed by R. Aliyev, as well as Devincci (Assem) Hourani, a citizen of the U.S., and his brother Issam Hourani, citizen of the U.K.

Doctor Mirtchev presented current information concerning these individuals through the channels of the former U.S. Assistant Secretary of Defense, Richard Pearl. Presently, the Hourani brothers constantly reside in London. Issam Hourani, a citizen of Lebanon, received UK citizenship, his wife Gulshat Hourani (Aliyev) and their daughter Aya Hourani [did so] as well. The last time they were registered in the U.S. was upon their arrival to Washington on 10 July 2010 by flight no. United Airlines 923 and their departure on 30 July 2010 by flight no. United Airlines 922.

In connection with the lawsuits by the Hourani brothers against the Government of the Republic of Kazakhstan, we are investigating their activities within the framework of the arbitral and civil actions with the goal of determining their lobbyists in Congress and in the U.S. State Department. The destructive actions of the Hourani brothers along with R. Aliyev in the U.S.

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Translation

are being contained by "Friends of Kazakhstan", a group created by the Embassy, which is comprised of members of Congress and the U.S. Senate and the employees of their offices. The Embassy of the RK is financing them through contributions into their funds from a special foreign currency fund allocated by You.

The Embassy together with Doctor A. Mirtchev have informed the Chairman of the KNB of the RK N. Abykayev about the upcoming civil hearings in the U.S. In that regard, we requested the commencement of criminal cases concerning R. Aliyev's OPG laundering criminal monies and other crimes with the goal of impeding the financial ability of the Hourani brothers to finance their attorneys and lobbyists in the U.S. KNB RK has commenced criminal case No.

10751704710040 and has distributed through the Interpol to the law enforcement services of the EU countries as well as the American FBI a criminal dossier about the criminal grouping of R. Aliyev and I. Hourani, including a description of their multiple crimes and their ties to Islamic terrorist organizations. This will allow us to track down their financial assets in European and U.S. banks with the goal of freezing those accounts under the pretext of "laundering of criminal and terrorist monies."

The Embassy has also informed the various law enforcement organs of the U.S. about the activities of R. Aliyev, I. Hourani and others.

This is being reported in accordance with Your order.

Ambassador

[signature]

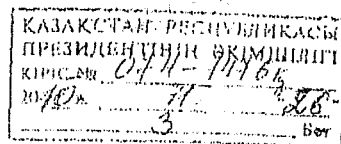
E. Idrissov



Қазақстан Республикасының
Төтенше Және Өкілетті
Елшісі
Вашингтон қаласы

Ambassador of the Republic of
Kazakhstan
Washington, D.C.

N 261/0



«26» ноября 2010 г.

Президенту
Республики Казахстан
НАЗАРБАЕВУ Н.А.

Глубокоуважаемый Нурсултан Абишевич!

В соответствии с Вашим личным поручением Посольством совместно с Вашим внештатным советником, независимым членом Совета директоров Госхолдинга «Самрук-Казына», Доктором А.Миртчевым проработан план действий по борьбе и дискредитации преступной группировки во главе с Р.Алиевым, а также гр.США Девинчи (Ассем) Хорани и его брата гр.Великобритании Иссам Хорани.

Доктором Миртчев предоставил оперативную информацию по данным лицам через каналы бывшего вице-министра обороны США Ричарда Перле. Братья Хорани в настоящее время постоянно проживают в Лондоне. Гр.Ливана Иссам Хорани получил гражданство Великобритании, также его жена Гульшат Хорани (Алиева) и дочь Айя Хорани. Последний раз они были зарегистрированы в США при прилете в Вашингтон 10 июля 2010г. рейсом 923 Юнайтед Эйрлайнз и при вылете 30 июля 2010г. рейсом 922 Юнайтед Эйрлайнз.

В связи с судебными исками братьев Хорани против Правительства Республики Казахстан нами отслеживаются их деятельность в рамках арбитражных и гражданских судов, с целью выявления их лоббистов в Конгрессе и Госдепартаменте США. Деструктивная деятельность братьев Хорани совместно с Р.Алиевым на

территории США блокируется Посольством через созданную нами группу «Друзья Казахстана», состоящая из членов Конгресса и Сената США и сотрудников их офисов. Посольство РК финансирует их через пожертвования в их фонды из выделенных Вами валютного спецфонда.

Посольство совместно с Доктором А.Миртчевым проинформировали Председателя КНБ РК Н.Абыкаева о предстоящих судебных слушаниях в США. В этой связи обратились с просьбой о возбуждении уголовных дел в отношении ОПГ Алиева по отмыванию криминальных денег и других преступлений с целью заблокировать финансовые возможности братьев Хорани по финансированию адвокатов и лоббистов в США. КНБ РК возбудило уголовное дело №10751704710040 и по линии Интерпола Астаны разослало криминальные досье на криминальную группу Р.Алиева и И.Хорани включая описание их многочисленных преступлений и связи с исламскими террористическими организациями в правоохранительные органы стран Европейского Союза, а также ФБР США. Данная информация даст возможность отслеживать их финансовые средства в банках Европы и США, с целью блокирования их счетов под предлогом «отмывания криминальных и террористических денег».

Посольством также были проинформированы правоохранительные органы США о деятельности Р.Алиева, И.Хорани и других.

Сообщается в порядке исполнения Вашего поручения.

Посол



Е.Идрисов

Attachment 2

While Under Contract								
Company	Contract with Kazakhstan	Contract with Hourani/Aliyev	Member	Caucus	Employee	Contribution	Date	Date of Contested Letter
APCO	9/1/2007-4/15/2009	N/A	Shelly Berkley	Co-Chair: Friends of Kazakhstan	Don Bonker	\$300	3/3/2009	10/26/2010
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Howard "Buck" McKeon	Co-Chair: Central Asia Caucus (111th Congress)	John M. Haddow	\$1,000	6/24/2009	10/26/2010
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Danny Burton	Co-Chair: Central Asia Caucus (112th Congress)	William H. Nixon	\$500	12/15/2009	10/26/2010
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Danny Burton	Co-Chair: Central Asia Caucus (112th Congress)	John M. Haddow	\$500	12/15/2009	10/26/2010
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Howard "Buck" McKeon	Co-Chair: Central Asia Caucus (11th Congress)	William H. Nixon	\$1,000	4/23/2010	10/26/2010
Stepoe and Johnson	Dates Not Publicly Disclosed (Law Firm for Embassy)	N/A	Eni Faleomavagea	Co-Chair: Central Asia Caucus	PAC	\$2,000	9/30/2010	10/26/2010
Self Employed/Consultant	N/A	10/16/2009-2011 (termination date unclear)	Darrell Issa	Friends of Kazakhstan	Tanya Rahall	\$500	10/25/2010	10/26/2010
After Contract								
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Eni Faleomavagea	Co-Chair: Central Asia Caucus	William H. Nixon	\$2,400	10/1/2010	10/26/2010
Policy Impact Communications	5/1/2009-5/1/2010	N/A	Eni Faleomavagea	Co-Chair: Central Asia Caucus	Tamera Nixon (spouse)	\$2,400	10/1/2010	10/26/2010

Attachment 3

POLICY IMPACT COMMUNICATIONS, INC. SERVICES AGREEMENT

This Consulting Agreement ("Agreement") is entered into by and between Policy Impact Communications (hereafter referred to as "PIC"), a valid and existing corporate entity with offices located at 1401 K Street, N.W., Suite 600, Washington, D.C. 20005, and the Embassy of the Republic of Kazakhstan in the United States of America (hereafter referred to as the "Embassy" or the "Client") located at 1401 16 Street, N.W., Washington, D.C. 20036.

HEREAFTER, the Client and PIC are referred to collectively as "Parties" and singularly as "Party"

NOW, THEREFORE, in consideration of the mutually agreed upon terms and conditions herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Obligations of Policy Impact Communications

1.1 PIC shall perform the Consulting Services and carry out its obligations hereunder with due diligence in accordance with the best interests of the Client. The PIC shall act, in respect of any matter relating to this Agreement or the Consulting Services, as faithful advisers to the Client, and shall support and safeguard the Client's legitimate interests in any dealings with third parties or other persons in relation to the Agreement. Notwithstanding the foregoing, PIC and its Personnel shall not be liable to the Client and the Client expressly releases PIC from any and all claims, liabilities costs and expenses excepting those that arise solely from the gross negligence or willful misconduct of PIC or its Personnel.

1.2 The Consulting Services shall include all services as outlined in Attachment A as approved by the Client. These Consulting Services shall be performed by its Chairman and Chief Executive Officer, William Nixon, and other employees of PIC.

1.3 On monthly basis PIC shall submit to Client the reports on the Consulting Services provided in accordance with Attachment A.

2. Term and Termination

2.1 The initial term (the "Initial Term") of this Agreement shall be for one calendar year commencing on the date of signing the Agreement. After the Initial Term, the Agreement may be renewed by the Parties with signed written consent.

2.2 Notwithstanding any other terms contained here, this Agreement may be terminated for any or no reason, by either the Client or PIC, in either one's sole discretion, at any time prior to the end of the Initial Term or any subsequent term, but only upon thirty (30) days written notice to the other Party of such termination. This ensures that all pending activities

will be concluded before the end of the relationship. Such written notice shall be effective if hand delivered, or if delivered by certified mail, return receipt requested, to the other Party at the address listed in clause 5 of this Agreement. In the event of such termination, all compensation for the Consulting Services shall cease as of the date contained in the notice of termination, and no further compensation shall be paid or due.

2.3 PIC shall begin carrying out the Consulting Services on: (i) the date that the Advance Payment (as defined herein) is received by PIC; or (ii) the date of signing the Agreement.

3. Compensation

3.1 The compensation to be paid by the Client to the account of PIC under this contract is \$1,500,000 US Dollars.

3.2 The first payment to PIC in the amount of \$500,000 US Dollars (the "Advance Payment") shall be made on or before May 1, 2009. The Parties agree that the rest amount of compensation will be divided into 4 installments to be paid in accordance with the schedule of payments set forth herein.

3.3 Schedule of Payments:

Number	Date	Amount
1 st Installment	July 1, 2009	\$200,000 US dollars
2 nd Installment	September 1, 2009	\$200,000 US dollars
3 rd Installment	November 1, 2009	\$200,000 US dollars
4 th Installment	December 31, 2009	\$400,0000 US dollars


3.4 Payments received after the 30 day period will be assessed a 1.5% late fee, which will compound monthly until payment is received. Further, work under this Agreement may be discontinued without notice if the account is overdue in excess of 30 days. PIC has the option of resuming services after payment of the arrearage and the late fees.

4. Independent Contractor

4.1 PIC acknowledges that it is an independent contractor of the Client. Nothing in this Agreement shall be construed or interpreted as creating a relationship between the Parties other than that of an independent contractor. Under no circumstances is PIC to be considered an employee, agent, partner, joint venturer, or representative of the Client. Neither Party shall have authority, whether express, implied or apparent to bind the other Party to any agreement or make representations, or warranties, of any kind, or to contract on behalf of the other Party.

5. Miscellaneous Terms and Conditions

5.1 Assignment. Neither Party shall assign or subcontract any portion of its obligations

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under this Agreement without the prior written consent of the other Party. Assignment or subcontracting shall in no way relieve the Party of any of its obligations under this Agreement.

5.2 Notices. Any communications to be given hereunder by either Party to the other shall be deemed to be duly given if set forth in writing and personally delivered or sent by mail, registered or certified, postage prepaid with return receipt requested, as follows:

Notices should be sent to PIC at the following address:

William H. Nixon
Chairman and CEO
Policy Impact Communications
1401 K Street, NW
Suite 600
Washington, DC 20005

Notices should be sent to the Client at the following address:

Embassy of the Republic of Kazakhstan to
the United States of America
1401 16 Street, N.W.,
Washington, D.C. 20036

Written notices shall be deemed communicated upon delivery at the correct address.

5.3 Governing Law. This Agreement shall in all respects be construed in accordance with and governed by the laws of the District of Columbia.

5.4 Legal Compliance. Both Parties agree to abide by the laws of the United States of America and the Republic of Kazakhstan when applicable, including but not limited to the U.S. Foreign Corrupt Practices Act (15 U.S.C. §§ 78dd-1, et seq.), which forbids U.S. citizens and companies from compensating foreign officials for the purpose of obtaining or keeping business.

5.5 In the event of any dispute, controversy or claim arising out of or relating to this Contract, the Services or a breach thereof, the parties hereto shall consult and negotiate with each other and, recognizing their mutual interests, attempt to reach a satisfactory resolution.

5.6 In the event that the Contract is terminated by Client or PIC, the parties will negotiate in good faith to reach an agreement regarding the amount of the Advance Payment both deem to have been earned by PIC up to the effective date of the termination of the Contract. Upon agreement as to the portion of the Advance Payment that is deemed by the Parties to have been earned, PIC will disburse the remainder of the unearned Advance

Payment to Client.

5.7 Work Product. All documents, data, and records produced by PIC in carrying out the obligations and services under this Agreement shall become and remain the property of the Client. PIC shall be entitled to retain a copy of all such documents, data, and records for a reasonable time.


5.8 Conflict of Interest. The Client acknowledges that PIC shall have the right to render similar services to or on the behalf of others during the term of this agreement. However, PIC shall not begin representing others with interests in discord with the Client's interests.

5.9 Severability. This agreement is severable such that any provision of this agreement be or become invalid or unenforceable, the remaining provisions shall continue to be fully enforceable.

5.10 Captions. The paragraph headings of this Agreement are inserted for convenience only and shall not constitute a part of this Agreement in construing or interpreting any provision hereof.

5.11 Waiver; Consent. This Agreement may not be modified, in whole or in part, except by the written consent of both parties. No waiver of any of the provisions or conditions of this Agreement or any of the rights of a party hereto shall be effective or binding unless such waiver shall be in writing and signed by the party claimed to have given or consented thereto. Except to the extent that a party may have otherwise agreed in writing, no waiver by that party of any condition of this Agreement of breach by the other party of any of its obligations or representations hereunder or thereunder shall be deemed to be a waiver of any other condition or subsequent or prior breach of the same or any other obligation or representation by the other party, nor shall any forbearance by a party to seek a remedy for any noncompliance or breach by the other party be deemed to be a waiver by the first party of its rights and remedies with respect to such noncompliance or breach.

5.12 Confidentiality. PIC shall maintain the confidentiality of all trade and proprietary secrets including information given by the Ministry of Foreign Affairs of the Republic of Kazakhstan or by the Client and comprising official or commercial secrets in accordance with internal regulations of the Government of the Republic of Kazakhstan or which is not generally known and/or is not subject to disclosure and that may be disclosed in the course of fulfilling this Agreement unless prior consent from the Client is obtained. Information not covered includes information (a) which was already public knowledge at the time it was learned by the party, or which subsequently came into the public domain through no fault of PIC; (b) which is necessary or appropriate to disclose in order to comply with applicable laws; (c) which was lawfully received by the receiving party from a third party free of an obligation of confidence to such third party before such information is received from the Ministry of Foreign Affairs of the Republic of Kazakhstan or the Client; (d) which was already in the possession of PIC prior to the receipt thereof; (e) which is required to be disclosed in a judicial or administrative proceeding after all reasonable legal remedies for maintaining such information in confidence have been exhausted including, but not limited to, giving the

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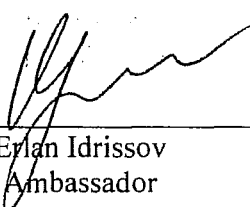
disclosing party as much advance notice of the possibility of such disclosure as practical so the disclosing party may attempt to obtain a protective order concerning such disclosure; or (f) which is subsequently and independently developed by employees, consultants, or agents of the receiving party without reference to the confidential information disclosed under this Agreement.

PIC shall require and shall use reasonable efforts to ensure that its all Personnel agree to observe and act in strict conformity with this provision and to maintain the confidentiality of the Agreement, the Consulting Services and all information received from Client and identified by Client as being confidential.

5.13 Entire Agreement. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof, and supersedes all prior written or oral negotiations, agreements, representations, and understandings pertaining thereto. This Agreement shall be modified only by the written agreement signed by both Parties hereto. No covenant, representation, or condition not expressed in this Agreement shall affect or be deemed to interpret, change, or restrict the express provisions hereof.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the dates set forth below.

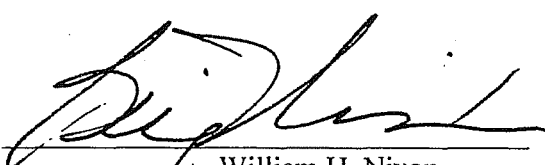
THE EMBASSY OF THE REPUBLIC OF
KAZAKHSTAN TO THE UNITED STATES
OF AMERICA


Eylan Idrissov
Ambassador

Date:

30 April, 2009

POLICY IMPACT COMMUNICATIONS


William H. Nixon
Chairman and Chief Executive

Date:

30 April 2009

2009 MAY 28 AM 9:17
U.S. EMBASSY/REGISTRATION UNIT

Қазақстан Республикасының
Елшілігі



Embassy of the Republic of
Kazakhstan

Вашингтон қаласы

Washington, D.C.

N_____

Letter of Agreement

Washington,
"30" April, 2009

This letter confirms that the Embassy of Kazakhstan to the United States of America and the Policy Impact Communications agree that their cooperation under the Consulting Agreement signed on April "30", 2009 will begin on May 1, 2009 and continue for twelve months until May 1, 2010.

All provisions of the agreed scope of work, which is a part of the Consulting Agreement will be implemented in the period outlined above regardless of the specific beginning and ending dates of the Agreement.

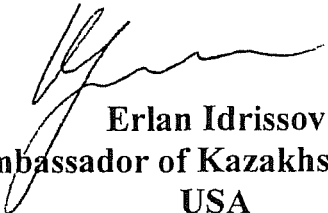
The schedule of activities will remain unchanged and planned program events for the period May 1, 2009 – May 1, 2010 will take place as outlined in Attachment A to the Consulting Agreement.

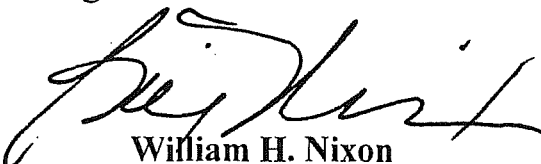
The Parties have agreed to reconsider the schedule of payments pursuant to 3.3 of the Consulting Agreement, except for the advance payment to PIC in the amount of \$500,000 US Dollars which remains unchanged. The revised Schedule of Payments shall be as is set forth below.

Schedule of Payments:

Number	Date	Amount
1 st Installment	August 1, 2009	\$200,000 USD
2 nd Installment	November 1, 2009	\$200,000 USD
3 rd Installment	February 1, 2010	\$200,000 USD
4 th Installment	May 1, 2010	\$400,0000 USD

The parties will be responsible to deliver on their obligations as outlined in the Consulting Agreement and in this Letter of Agreement.


Erlan Idrissov
Ambassador of Kazakhstan to the
USA


William H. Nixon
Chairman and CEO
Policy Impact Communications

THE REPUBLIC OF KAZAKHSTAN

PIC Agenda Objectives and Deliverables May 1, 2009 – May 1, 2010

Policy Impact Communications, Inc. is honored to join the Republic of Kazakhstan as its public- and government relations firm of record in the United States of America. Among the most pressing issues of importance to Kazakhstan is to build upon its solid and growing reputation as an ally of the United States in Central Asia and a stable and expanding democracy that will serve as a cornerstone of peace, security, and economic growth in that strategic part of the world. Toward this end—and based on directives provided by the Embassy of the Republic of Kazakhstan—Policy Impact will undertake a comprehensive program with the following priorities:

1. Remove the Certification language and process regarding the Republic of Kazakhstan from the Foreign Operations Appropriations Act report language.
2. Improve trade and economic relationships between Kazakhstan and the United States by repealing Jackson-Vanick restrictions (S. 282 and H.R. 876).
3. Successfully complete the formation and influential implementation of the Central Asia Caucus.
4. Build a positive image of Kazakhstan and reinforce its strategic, political, and economic objectives through an aggressive earned media campaign, events and programs, and increased Capitol Hill presence.

Each of these objectives will be addressed in order of priority, outlining the strategy and tactics, followed by anticipated deliverables in the first year of the relationship.

Objective 1


Remove the Certification language and process regarding the Republic of Kazakhstan from the FY 2010 Foreign Operations Appropriations Act.

Strategy and Tactics

1. Work with House allies on Capitol Hill to communicate directly with Chairwoman Nita Lowey (D-NY) of the House Appropriations Subcommittee on Foreign Operations to express opposition to Kazakhstan's listing. Leverage other assets on the subcommittee including Barbara Lee (D-CA) and Steve Israel (D-NY).
2. Work with Senate allies on Capitol Hill to communicate directly with Chairman Daniel K. Inouye (D-HI), Vice Chairman Thad Cochran (R-MS), and Foreign Operations Subcommittee leaders Patrick Leahy (D-VT) and Judd Gregg (R-NH), as well as key members Tom Harkin (D-IA), Barbara Mikulski (D-MD), Mary Landrieu (D-LA), Tim Johnson (D-SD), Robert Bennett (R-UT), Christopher Bond (R-MO), and Sam Brownback (R-KS) to build support for removing certification language regarding the Republic of Kazakhstan.

Key Deliverables in Year One

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- Have already secured critical letter from Chairman Eni Faleomavaega to Chairwoman Lowey expressing opposition. (Letter was submitted to Ambassador Idrissov on April 1, 2009, meeting Chairwomen Lowey's deadline for comments).
 - Secure a similar critical letter from a prominent ally on the Senate side to Chairman Leahy and Chairman Inouye.
 - Coordinate continued strategy to exclude certification process through careful communication from other allies, as well as information from Congressional Research Services.
 - Identify a lead Senator and a lead Representative who will successfully advocate for removal of the "certification" language.
 - Proceed to implement strategy based on sensitive direction received from allies and research services in order to make sure that the "certification" language is not inserted in the FY 2010 Foreign Operations Appropriations Act.
3. Coordinate media agenda to improve Kazakhstan's image, tracking stories that are both negative and positive and responding in kind.
4. Using allies on Capitol Hill communicate with United States Secretary of State Hillary Clinton concerning the certification process, educating the Department of State concerning Kazakhstan's progress in human rights.

Objective 2

Repeal of the Jackson-Vanick restrictions (S. 282 and H.R. 876).

Strategy and Tactics

1. Make effective use of the support that has been acquired and work that has been done already by the Embassy on the Hill.
 - Implement Embassy's arrangement with Rep. Berkley to introduce a relative legislation.
 - Work with a list of Members who have already shown support for the repeal
 - Capitalize on the existing support of the Jewish advocacy organizations both in the U.S. (NCSJ) and in Kazakhstan and worldwide (Euro-Asian Jewish Congress).

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2. Enlist the support of key Senate and House Members for the relevant legislation ("To Authorize the Extension of Non-Discriminatory Treatment – Normal Trade Relations Treatment – to the Products of Kazakhstan"), beginning with key supporters of Kazakhstan in both chambers of Congress, using this base to promote passage of these measures through the Senate Finance and House Ways and Means Committees, respectively.

- Senate base support: *Richard Lugar (R-Indiana – sponsor of S. 282); Orrin G. Hatch (R-Utah); Bob Bennett (R-Utah); Mary L. Landrieu (D-Louisiana); Sam Brownback (R-Kansas); Lisa Murkowski (R-Alaska); Joseph Lieberman (I/D-Connecticut); and Bob Corker (R-Tennessee).*
- House base support: Members of the Central Asia Caucus and Members of the Friends of Kazakhstan Caucus.
- Capitalize on working relationship with *Chairman Eni F.H. Faleomavaega* of the House Foreign Affairs Subcommittee on Asia, the Pacific and Global Environment, which has broad jurisdiction over U.S. foreign policy affecting Central Asia.
- Prepare and disseminate "Dear Colleague" letters, floor statements and extension of remarks by core supporters and Caucus members.

Key Deliverables in Year One

- Promote at least one hearing on Jackson-Vanick in either the U.S. Senate or the House of Representatives before the August recess.
- At least three Senate floor statements in support of S. 282.
- At least six House floor statements and/or extension of remarks in support of a relevant legislation. High news value events to which floor statements and related media reports and op-ed could be tied include: the Conference on Kazakhstan's Model of Interethnic and Interreligious Accord in the Hague, Netherlands, May 2009; Part II of the 17th OSCE Economic and Environmental Forum in Athens, Greece, May 18-20 2009; III Congress of Leaders of World and Traditional Religions, Astana, July 1-2, 2009; Euro-Atlantic Partnership Co-operation (EAPC) Security Forum, Astana, June 24-25, 2009 and other significant events which will be suggested by the Embassy.
- Organize at least four individual briefings by the Ambassador, with key reporters, columnists, and economic writers, such as Thomas Friedman of *The New York Times*, relevant to the repeal of Jackson-Vanick.
- Disseminate at least two "Dear Colleague" letters related to Jackson-Vanick, emphasizing Kazakh progress in human rights and Democracy.
- Track all negative commentary toward Kazakhstan and any attempts to foment opposition to the proposed repeal of Jackson-Vanick and respond to it in a timely appropriate manner, using authoritative surrogates.

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3. Meet with key members and staff of the Senate Finance and House Ways and Means Committees to work for passage of S. 282 and a relative H.R., accession to the WTO, and MFN.

Senate

Max Baucus, Chairman (D-Montana – Russ Sullivan, Chief of Staff; Dimetrios J. Marantis, Chief International Trade Counsel); Charles E. Grassley, Ranking Minority Member (R-Iowa – David Ross, International Trade Counsel); John D. "Jay" Rockefeller, IV (D-West Virginia); Orrin G. Hatch (R-Utah); Kent Conrad (D-North Dakota); Olympia J. Snowe (R-Maine); Jeff Bingaman (D-New Mexico); John Kyl (R-Arizona); John Kerry (D-Massachusetts); Jim Bunning (R-Kentucky); Michael D. Crapo (R-Idaho); Bill Nelson (D-Florida); John Ensign (R-Nevada); Ron Wyden (D-Oregon); Michael B. Enzi (R-Wyoming); Charles E. Schumer (D-New York); John Cornyn (R-Texas); and, Debbie Stabenow (D-Michigan)


House

Charles Rangel, Chairman (D-New York – John Buckley, Chief Tax Counsel / Viji Rangaswami, Deputy Staff Director, Subcommittee on Trade / Alex Perkins, International Trade Counsel); Dave Camp (R-Michigan – Angela Ellard, Chief Trade Counsel, Minority); Pete Stark (D-California); Wally Herger (R-California) T; Sander M. Levin (D-Michigan) T-Chair; Sam Johnson (R-Texas); Jim McDermott (D-Washington) T; Kevin Brady (R-Texas) T-Min.; John Lewis (D-Georgia); Paul Ryan (R-Wisconsin); Richard E. Neal (D-Massachusetts) T; Eric Cantor (R-Virginia); John S. Tanner (D-Tennessee) T; John Linder (R-Georgia); Xavier Becerra (D-California); David Nunes (R-California) T; Lloyd Doggett, (D-Texas) T; Pat Tiberi (R-Ohio); Earl Pomeroy (D-North Dakota) T; Ginny Brown-Waite (R-Florida); Mike Thompson (D-California); Geoff Davis (R-Kentucky) T; John B. Larson (D-Connecticut); Dave G. Reichert (R-Washington) T; Earl Blumenauer (D-Oregon); Charles W. Boustany, Jr. (R-Louisiana); Ron Kind (D-Wisconsin); Dean Heller (R-Nevada); Bill Pascrell, Jr. (D-New Jersey); Peter J. Roskam (R-Illinois); Shelley Berkley (D-Nevada); Joseph Crowley (D-New York); Chris Van Hollen (D-Maryland) T; Kendrick Meek (D-Florida); Allyson Y. Schwartz (D-Pennsylvania); Artur Davis (D-Alabama); Danny K. Davis (D-Illinois); Bob Etheridge (D-North Carolina) T; Linda T. Sanchez (D-California) T; Brian Higgins (D-New York); and, John A. Yarmuth (D-Kentucky).*

Key Deliverables in Year One

- Create a coalition of at least 20 co-sponsors of S.282 and a relative H.R. in the first three months.
- Work directly with the leadership and staff of House Ways and Means committee and its Trade Subcommittee, as well as with Senate Finance Committee and its International Trade Subcommittee, to get the legislation passed out of the committees before the August recess and voted on in the U.S. Senate and House of Representatives.


* "T" identifies a member of the Subcommittee on Trade.

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- Build support within the American Jewish community for repeal of the Jackson-Vanick restrictions, including at least three letters of support from key organizations and one op-ed in a major newspaper (WSJ, Washington Post).
 - Field at least three articles and/or op-eds related to congressional consideration of the repeal of the J/V restrictions from Kazakhstan. These can be tied into key events, including: the Second Astana Economic Forum attended by the Nobel Laureates in Economics; the Conference on Kazakhstan's Model of Interethnic and Interreligious Accord in the Hague, Netherlands, May 2009; Part II of the 17th OSCE Economic and Environmental Forum in Athens, Greece, May 18-20 2009; III Congress of Leaders of World and Traditional Religions, Astana, July 1-2, 2009; Euro-Atlantic Partnership Co-operation (EAPC) Security Forum, Astana, June 24-25, 2009 and other significant events which will be suggested by the Embassy. Emphasis will be placed on Kazakhstan's increasing importance as a global economic player, progress in human rights, as reasons for repealing Jackson-Vanick.
 - Enlist support of American corporations working in Kazakhstan.
4. Work directly with the United States Trade Representative (USTR) to develop an advocacy within that organization for granting Most Favored Nation trading status to the Republic of Kazakhstan, as well as to conclude Kazakhstan's accession to the World Trade Organization.
- *Ron Kirk, US Trade Representative*
 - *Timothy Stratford, Assistant USTR for China*
 - *Assistant USTR for South and Southwest Asia Michael J. Delaney (in charge of the U.S. trade cooperation in Central Asia)*
 - *Assistant USTR for World Trade Organization and Multilateral Affairs Matt Rohde (in charge of the WTO bilateral negotiations with Kazakhstan)*

Key Deliverables in Year One

- Hold one USTR congressional briefing related to Kazakhstan followed by a high-level USTR meeting with Kazakhstan officials.
- Use briefings with USTR and Congress to inform concerning Kazakhstan's efforts to resolve trade and contractual disputes with American firms, relating to steel, titanium, and uranium.
- Provide information to USTR and Congress regarding Kazakh efforts to ensure fairness in access to markets.
- Capitalize on the PIC's good relationship with Timothy Stratford to directly influence Michael J. Delaney and Matt Rohde in order to provide favorable conditions for Kazakhstan's WTO accession process, its goals and objectives within the Trade and Investment Framework Agreement between U.S. and countries of Central Asia (TIFA).

E.I. 

- Provide the Embassy with inside information on the particular details of the USTR negotiation strategy with regards to Kazakhstan's accession to WTO.

5. Leverage congressional relationships and staff transitions to build solid relationships with the foreign policy team of President Barack Obama, including with Secretary of State Hillary Clinton and her foreign policy team, as well as with Vice President Joe Biden and his experts.

Key Deliverable in Year One

- Organize and execute by the end of 2009 at least one State Department congressional briefing that includes information and dialogue related to these three key areas.

Objective 3


Successfully complete the formation and influential implementation of the Central Asia Caucus.

Strategy and Tactics

1. **U.S. Congressional Caucus on Central Asia.** Necessary to the success of advancing U.S.-Kazakhstan relations to promote the strategic, political, and economic objectives of the Republic of Kazakhstan is the creation of the U.S. Congressional Caucus on Central Asia. Among the key objectives included in the creation of the Caucus will be repeal of the Jackson-Vanick restrictions. The Caucus's other primary objective will be to prevent insertion of the "certification" clause in the FY 2010 Foreign Operations Appropriations Act. This Caucus will not only provide a stable and legitimate voice on interests related to Kazakhstan, but will ensure that focus on Kazakhstan is not lost as the new administration of President Barak Obama concentrates on restoring bilateral relations with Russia. In this way, the Central Asia Caucus will be critical to each of the objectives contained in this proposal.

- Policy Impact has already played an instrumental role in the creation of the Central Asia Caucus.
- The Caucus and its leadership have already been established and approved by the U.S. House of Representatives, with *Representative Eni F.H. Faleomavaega (D-American Samoa)*, Chair; and, *Representative Howard "Buck" McKeon (R-California)*, Co-Chair.*
- Other Members of the U.S. House of Representatives who are considered likely to join the Caucus include: Representatives *Joe Barton (R-Texas)*; *Rob Bishop (R-Utah)*; *Madeleine Z. Bordallo (D-Guam)*; *Donna Christensen (D-Virgin Islands)*; *James Clyburn (D-South Carolina)*; *Emanuel Cleaver (D-Missouri)*; *John Conyers (D-Michigan)*; *Joseph Crowley (D-New York)*; *William D. Delahunt (D-Massachusetts)*; *Eliot Engel (D-New*

* Names in italics throughout the document indicate an existing strong relationship between the individual and Policy Impact Communications.

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York); Jeff Flake (R-Arizona); Alcee L. Hastings (D-Florida); Wally Herger (R-California); Maurice D. Hinchey (D-New York); Mazie Hirono (D-Hawaii); Sheila Jackson-Lee (D-Texas); Eddie Bernice Johnson (D-Texas); Peter King (R-New York); Gregory W. Meeks (D-New York); Donald A. Manzullo (R-Illinois); Jim Matheson (D-Utah); Jim McDermott (D-Washington); Charlie Melancon (D-Louisiana); Solomon P. Ortiz (D-Texas); Donald M. Payne (D-New Jersey); Mike Pence (R-Indiana); Joseph R. Pitts (R-Pennsylvania); George Radanovich (R-California); Nick J. Rahall (D-West Virginia); Charles B. Rangel (D-New York); Dana Rohrabacher (R-California); Pete Sessions (R-Texas); Brad Sherman (D-California); John S. Tanner (D-Tennessee); Bennie G. Thompson (D-Mississippi); Patrick J. Tiberi (R-Ohio); Diane E. Watson (D-California); Melvin L. Watt (D-North Carolina); and, Robert Wexler (D-Florida).


- Key professional staff for the Caucus will include: Dr. Lisa Williams (Faleomavaega) and Ryan Crumpler (McKeon).
- Policy Impact will develop a strategy that would utilize the potential of the existing Congressional Friends of Kazakhstan Caucus, while preserving and further developing good will and positive attitudes of the Caucus's co-chairs and members towards Kazakhstan and the Embassy.

Key Deliverables in Year One

- Secure support and membership in the Central Asian Caucus of all 14 members of the Friends of Kazakhstan Caucus.
 - Sign up at least sixteen new members of the Caucus in the first three months and assure a membership of at least one committee chairman and two subcommittee chairmen with the jurisdiction over areas of interest to Kazakhstan (in consultations with the Embassy).
 - Coordinate three Central Asia Caucus events in the first year, including a media-oriented inauguration, and two events focused on security and energy (outlined below).
 - Achieve a congressional delegation to visit Kazakhstan in July 2009 in conjunction with the III Congress of Leaders of World Religions.
 - Achieve a Senate CoDel to visit Kazakhstan by the end of 2009.
2. Utilize the Caucus to secure support for Kazakhstan's chairmanship in the Organization for Security and Cooperation in Europe (OSCE) and achieve a favorable position in the U.S. Department of State toward holding an OSCE summit in Kazakhstan in 2010.

Key Deliverable in Year One

- Work directly with Helsinki Commission members and staff to prevent the Commission's criticism and negative commentaries of Kazakhstan's democratic

F. I. 

and human rights record, as well as with regards to its Chairmanship in the OSCE, in order to achieve a favorable review of Kazakhstan's progress in these areas.

- Enter by the end of 2010 at least three positive statements in the Congressional Record by allies in Congress.
- Hold at least one hearing by the Helsinki Commission with participation of the State Department senior representatives to influence the DOS to support holding an OSCE summit in Kazakhstan in 2010.

Objective 4


Build a positive image of Kazakhstan and reinforce its strategic, political, and economic objectives through an aggressive earned media campaign, events and programs, and building positive support in the think tank and human rights communities.

Strategy and Tactics

1. Conduct a comprehensive public relations campaign, using government assets such as the Central Asia Caucus, Kazakh Caucus, foreign policy experts, and top journalists, to create regular and favorable coverage of Kazakhstan in prestige American media to increase and sustain a positive image of the country, its people, and the leadership of President Nazarbayev.

Key Deliverables in Year One

- Create and publish the *Kazakhstan Daily Digest*, beginning the first month.
- Make effective use and necessary adjustments to the Embassy's weekly News Bulletin.
- Place at least four articles or op-eds by prominent experts and opinion-makers in prestige media, such as *The New York Times*, *The Washington Post*, and *The Wall Street Journal*. These will be based on authentic news hooks, including activities related to Kazakhstan-U.S. relations, as well as activities driven by Congress and outcomes of academic and think tank research and reports. Major news events may include, but will not be limited to: The Third Congress of Leaders of World and Traditional Religions; The Annual Meeting of NATO's Euro-Atlantic Partnership Council; President Nazarbayev's annual State of the Nation Address; as well as Kazakhstan's Independence Day, and other value-oriented occasions directed by the Embassy.
- Assure timely and effective coverage in the media and on the Web of positive activities (statements for CR, State Department briefings, congressional hearings, think tank conferences, etc.).

E.I. 

2. Arrange and conduct visits to Kazakhstan by high-ranking U.S. administration and congressional officials, as well as key media and opinion leaders through the Committee on Foreign Affairs in the U.S. House of Representatives and, specifically, the Subcommittee on Asia, the Pacific and the Global Environment, as well as leading think tanks.

- Congressional Delegations led by Representative Eni F.H. Faleomavaega, chairman of the Subcommittee on Asia, the Pacific and the Global Environment or by other committee and subcommittee chairmen – members of the Caucus.
- Possible delegations of top congressional staff sponsored by government or non-profit coalition or think tank.
- Private media tour of Kazakhstan.

Key Deliverable in Year One

- At least one congressional staff delegation and one congressional delegation (in addition to July Codel) to visit Kazakhstan in the first year.

3. Leverage relationships with think tanks, foundations, and professional groups to build coalitions and include discussion and study of U.S.-Kazakhstan relations as part of their conferences and symposia on security and foreign policy.

- Related organizations and individual specialists may include but will not be limited to: The Foundation for the Defense of Democracy (*Cliff May*, President; and, *Mark Dubowitz*, Executive Director); American Enterprise Institute (*David Gerson*, Executive Vice President; and, *Claude Barfield*, Resident Scholar and Director); Heritage Foundation (*Edwin J. Feulner*, President; *Ernest Istook*, Distinguished Fellow; and, *Ariel Cohen*, Senior Research Fellow); Brookings Institute (*Johannes F. Linn*, Executive Director); Center for Strategic and International Studies (*Cory Welt*, Deputy Director); CATO Institute (*Gary Pecquet*; *Leon Taylor*; *Jay Johnson*); SAIS (*Fred Starr*, Chairman & Research Professor, the Central Asia Caucus Institute; and *Svante Cornell*, Research Director); The Jamestown Foundation (*Vladimir Socor*, Senior Fellow).
- Additional related organizations and individual specialists will be identified in consultations with the Embassy.

Key Deliverables in Year One

- Include Kazakhstan, its progress and strategic importance in these three areas, in at least one think tank high-profile annual conference with the participation of prominent foreign policy authoritative figures (*Madeleine Albright*, *Zbigniew Brzezinski*, *Henry Kissinger*, *James Baker*).

4. Capitalize on media relations and news opportunities to promote Kazakhstan with reporters, editors, and editorial boards, while at the same time monitoring coverage

F.I.

through use of the *Policy Impact Daily Digest* to control adverse articles by writers known to be critical of the nation.

- *Fred Hiatt*, Editorial Page Editor, *The Washington Post*
- *Peter Finn*, *The Washington Post*
- *David L. Stern*, *The New York Times*
- *Liliya Erzhanova*, *The Associated Press*
- *Susan Schmidt*, *The Wall Street Journal*
- *Glen R. Simpson*, *The Wall Street Journal*
- *Sarah Hofius*, *The Times-Tribune*
- *Doug Bandow*, *The American Spectator*

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Key Deliverable in Year One

- Constructively engage NGOs, particularly *Human Rights Watch*, *Freedom House*, *Reporters Without Borders*, *National Endowment for Democracy*, *National Democratic Institute*, the *National Republic Institute*, and *Amnesty International*, to be accurately informed on Kazakhstan's progress in human rights and to issue a favorable report.
- Conduct comprehensive audit of Kazakhstan's presence on the global Internet to determine prime sources of information for Americans and general attitudes and opportunities to provide positive news.
- Based on the outcome of the audit mentioned above, undertake improvements to Kazakhstan's official Web site in the United States and/or establish a new Web site.
- Establish a legitimate blogger and build the content, reputation, and influence of a pro-Kazakhstan site.
- Build Kazakhstan's Web 2.0 presence through social media and outreach to online news sources and popular bloggers.

5. Organize events at the Embassy, on Capitol Hill, and throughout Washington aimed at introducing officials, staff, business leaders, and the media to Kazakhstan's rich culture, history, and opportunities.

- Lunches with Ambassador, industry-specific programs focusing on investment opportunities in Kazakhstan, cultural programs at the Embassy, and "field trips" to parts of the U.S. to highlight U.S.-Kazakh business and cultural relations.

E.I.

Attachment 4

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEVINCCI SALAH HOURANI, *et al.*,)
)
Plaintiffs)
)
v.) Civil Action No. 10-1618-TFH
)
ALEXANDER V. MIRTCEV, *et al.*,)
)
Defendants.)
_____)

**MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS’
MOTION FOR LEAVE TO TAKE JURISDICTIONAL DISCOVERY**

Introduction

This is an action for damages by two brothers – one an American citizen and one a British citizen – arising from a series of actions taken against them by and amongst the Defendants, independently, in concert with each other, and at the behest of the Government of Kazakhstan, which is not a Defendant. In response, the Defendants have moved to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure, asserting some arguments that are purely jurisdictional and other arguments that raise a mix of law and fact. In light of these dismissal motions, Plaintiffs now seek an Order from the Court permitting them to take jurisdictional discovery with respect to a discrete set of fact issues relating to threshold matters raised in Defendants’ Rule 12 Motions.¹

¹ Plaintiffs acknowledge that the GlobalOptions Defendants have requested, as part of their Motion to Stay, a stay of all discovery in this case. *See* GlobalOptions Memorandum of Points and Authorities In Support of Joint Motion to Stay For a Stay of All Discovery Pending (1) Resolution of Motion to Dismiss and (2) Conclusion of Related International Arbitration, November 23, 2010, Dkt. No. 17, at 4-10. The GlobalOptions Defendants’ motion is meritless, and Plaintiffs respond partially herein and reserve their full response for the Consolidated

(continued...)

Specifically, Plaintiffs seek an Order from the Court permitting them to serve a Request for Documents in the form attached (Exhibit 1), which, once responded to by Defendants, will assist in establishing and resolving threshold jurisdictional issues raised by Defendants. This will aid both the parties and the Court in resolving the pending motions based on a proper and more complete record.

Discussion

Plaintiffs filed their Complaint in this Court on September 23, 2010. In response, the Defendants filed various motions, including motions to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure. One motion to dismiss was jointly filed by Defendants Mirtchev and Krull Corporation (“Krull Mot.”), while a separate motion to dismiss was jointly filed by Defendants GlobalOptions, Inc. and GlobalOptions Management, Inc. (“Global Mot.”). Both motions articulate a variety of the same arguments for dismissal including, *inter alia*, that: (1) the Complaint fails to state a claim; (2) some of the claims are time-barred; and (3) the Complaint fails to name a required party. Although some of Defendants’ arguments are strictly speaking “jurisdictional,” others raise a mixture of fact and law for defenses that go beyond jurisdictional defenses. Accordingly, we seek the Court’s permission to take very limited

(continued...)

Opposition they will file this Court on January 14, 2010. Needless to say, many of the grounds on which this request for relief is premised are not invoked by the instant motion. For instance, the GlobalOptions Defendants state that this case presents “enormous discovery burdens on the parties.” *Id.* at 7-8. As explained more fully below, the requests Plaintiffs propose in this motion are very limited in scope and nature and relate only to documents that should be available here, in the District of Columbia. Moreover, this discovery is necessary to respond to the arguments the GlobalOptions Defendants raise in their other two motions. Accordingly, this Court should allow Plaintiffs to go forward with the requested discovery.

jurisdictional discovery on the fact side to position the record best for an appropriate resolution by the Court.

The most obvious reason for allowing some limited discovery at this threshold stage is Defendants' Rule 19 defense. Both motions to dismiss assert that dismissal is warranted, pursuant to Rule 19 of the Federal Rules of Civil Procedure, because Plaintiffs have failed to join a required party – namely, the Republic of Kazakhstan. *See* Krull Mot. at 36-42; Global Mot. at 25-30. The thrust of this defense is essentially that Kazakhstan and its President, Nursultan Nazarbayev, are indispensable to the resolution of this case because they are, according to Defendants, so intertwined with the allegations of the Complaint that they must be joined as Defendants for this case properly to be resolved. The Defendants then take it a step further and assert that because Kazakhstan and its President cannot be sued – given their sovereign immunity – the entire case must be dismissed under Rule 19. *Id.*

As Plaintiffs will make clear in their Consolidated Opposition to the Motions to Dismiss (due on January 14, 2011), this Court can and should resolve the merits of Plaintiffs' allegations against the Defendants without Kazakhstan being a party to this case. Indeed, Rule 19 does not require dismissal for failure to join a joint tortfeasor or of one of the principals or agents. *See, e.g.,* Wright & Miller, 7 FED. PRAC. & PROC. CIV. § 1623 (3d ed. 2001) (“co-conspirators, like other joint tortfeasors, will not be deemed indispensable parties,” and “joinder has not been required of principals and agents”). Nevertheless, there is no doubt that Plaintiffs have alleged in their Complaint that the Defendants are commercial agents of Kazakhstan and its President, and carried out their unlawful activities against Plaintiffs here in the District of Columbia at the instruction of – and with vast sums paid by – the Kazakh Government and its Embassy in

Washington, D.C. Despite the heated rhetoric from Defendants,² the fact is that none of the Defendants actually deny that they had a joint venture with each other or any other agreements with Kazakhstan, President Nazarbayev, their agents, and/or some or all of the other Defendants. To the extent that Defendants rely on Rule 19 and their mixed arguments of fact and law (i.e., are they commercial agents, what was the extent of their agency, how did their actions as agents harm Plaintiffs, will they be indemnified by their principal if judgment is entered against them, etc.), Plaintiffs require limited discovery to sort out the agency relationships between and among the Defendants and Kazakhstan/Nazarbayev, as well as other known associates. Of course, the specific nature of the commercial arrangements between the Defendants and the Republic of Kazakhstan are relevant for discovery purposes because they bear on the Defendants' ability to obtain relief, indemnity or otherwise, from a party that typically enjoys immunity under the Foreign Sovereign Immunities Act in the event that a judgment be entered against Defendants. Such a scenario is sufficient, though not necessary, to defeat Defendants' Rule 19 argument. This is all highly relevant to the creation of a full and accurate record for this case and the appropriate resolution by the Court of the Rule 19 defense raised by Defendants.

Indeed, the need for jurisdictional discovery is made evident not only by the detailed allegations of the Complaint, but also by several documents recently obtained by Plaintiffs. Specifically, attached hereto for the Court's review are two relevant documents. They are attached in English (Exhibits 2 and 3) as well as in the original Russian (Exhibits 4 and 5).

² The Krull Motion characterizes Plaintiffs' claims as, among other things, "groundless," "implausible," "hysterical," and "fanciful." Krull Mot. at 7-11, while the Global Motion similarly characterizes Plaintiffs' claims as "conclusory" and without "factual evidence." Global Mot. at 11

As the Court will see, these two documents make clear that some of the Defendants – particularly Mirtchev – have a commercial agency relationship with the Government of Kazakhstan that raises the question of whether, and to what extent, this Defendant’s actions are tied to his principal, the Kazakh Government. The first document (Exhibit 2) is a personal memorandum apparently signed by President Nazarbayev himself (dated November 26, 2010) and addressed to the head of the KNB (Kazakhstan’s KGB), the Minister of Foreign Affairs, and the President’s Chief of Staff. It directs that they act “constantly” to “control” the situation with Rakhat Aliyev and Issam Hourani concerning ongoing litigation and arbitration. It also calls for “new *in absentia*” criminal trials of Plaintiffs to be moved forward, and directs Kazakhstan’s security services to manipulate Interpol into returning these men to Kazakhstan, no doubt to be imprisoned and worse.

The second document (Exhibit 3) is apparently a response to an Order from President Nazarbayev (also dated November 26, 2010) from Kazakhstan’s Ambassador to the United States. This remarkable memorandum is worth quoting in full:

In accordance with Your personal order, the Embassy along with Your outside advisor, independent member of the Board of Directors of the State Holding “Samruk Kazyna” Doctor A. Mirtchev have developed a plan of action to fight and discredit the criminal group headed by R. Aliyev, as well as Devincci (Assem) Hourani, a citizen of the U.S., and his brother Issam Hourani, citizen of the U.K.

Doctor Mirtchev presented current information concerning these individuals through the channels of the former U.S. Assistant Secretary of Defense, Richard Pearl. Presently, the Hourani brothers constantly reside in London. Issam Hourani, a citizen of Lebanon, received UK citizenship, his wife Gulshat Hourani (Aliyev) and their daughter Aya Hourani [did so] as well. The last time they were registered in the U.S. was upon their arrival to Washington on 10 July 2010 by flight no. United Airlines 923 and their departure on 30 July 2010 by flight no. United Airlines 922.

In connection with the lawsuits by the Hourani brothers against the Government of the Republic of Kazakhstan, we are investigating their activities within the framework of the arbitral and civil actions with the goal of determining their

lobbyists in Congress and in the U.S. State Department. The destructive actions of the Hourani brothers along with R. Aliyev in the U.S. are being contained by "Friends of Kazakhstan," a group created by the Embassy, which is comprised of members of Congress and the U.S. Senate and the employees of their offices. The Embassy of the RK is financing them through contributions into their funds from a special foreign currency fund allocated by You.

The Embassy together with Doctor A. Mirtchev have informed the Chairman of the KNB of the RK N. Abykayev about the upcoming civil hearings in the U.S. In that regard, we requested the commencement of criminal cases concerning R. Aliyev's OPG laundering criminal monies and other crimes with the goal of impeding the financial ability of the Hourani brothers to finance their attorneys and lobbyists in the U.S. KNB RK has commenced criminal case No. 10751704710040 and has distributed through the Interpol to the law enforcement services of the EU countries as well as the American FBI a criminal dossier about the criminal grouping of R. Aliyev and I. Hourani, including a description of their multiple crimes and their ties to Islamic terrorist organizations. This will allow us to track down their financial assets in European and U.S. banks with the goal of freezing those accounts under the pretext of "laundering of criminal and terrorist monies."

The Embassy has also informed the various law enforcement organs of the U.S. about the activities of R. Aliyev, I. Hourani and others.

This is being reported in accordance with Your order.

Taken together, these two documents establish, as the Plaintiffs' Complaint alleges, that Mirtchev and officials at the highest levels in the Kazakhstan Government are, and for some time have been, engaged in a concerted effort to discredit and ruin the Houranis here in Washington. Apparently those efforts are still ongoing, and even raise the specter of retaliating against the Plaintiffs simply because they have sought relief from this Court and international tribunals.

These recent documents clearly support Plaintiffs' request to conduct the jurisdictional discovery attached hereto. While there clearly is a commercial relationship between the Defendants and the Republic of Kazakhstan, the exact nature of that commercial relationship is unclear, but entirely relevant to whether Kazakhstan is a required party and whether dismissal is necessary under Rule 19. Courts allow for discovery in such circumstances. As this Court has explained in another case, "[i]t is the rule in this circuit that 'if a party demonstrates that it can

supplement its jurisdictional allegations through discovery, then jurisdictional discovery is justified.” *Fasolyak v. Cradle Society, Inc.*, 2007 WL 2071644, at *10 (D.D.C. July 19, 2007) (Hogan, C.J.)(quoting *GTE New Media Servs., Inc. v. BellSouth Corp.*, 199 F.3d 1343, 1351 (D.C. Cir. 2000)). *See also In re Vitamins Antitrust Litigation*, 120 F. Supp. 2d 58, 72 (D.D.C. 2000) (Hogan, J.) (this Court permitted jurisdictional discovery addressed to a party’s contacts with a particular forum). As Judge Kollar-Kotelly has noted, the “‘Circuit’s standard for permitting jurisdictional discovery is quite liberal,’ and plaintiffs are entitled to jurisdictional discovery even if they have not made a *prima facie* showing of jurisdiction.” *Citizens for Responsibility and Ethics in Washington v. Office of Administration*, 2008 WL 7077787, at *2 (D.D.C. Feb. 11, 2008) (quoting *Diamond Chem. Co. v. Altofina Chems., Inc.*, 268 F. Supp. 2d 1, 15 (D.D.C. 2003)).

Here, as noted, the Plaintiffs believe limited factual discovery is necessary and appropriate under the foregoing liberal standards. By attacking the Complaint as factually insufficient yet at the same time arguing that dismissal is required pursuant to Rule 19, Defendants have created mixed issues of fact and law that must be addressed by the Court. The attached documents make clear that such evidence does exist, and must be produced in a full and timely manner – especially since Defendants have put forward their Rule 19 defense in a manner that suggests to the Court that such evidence does *not* exist. To enable an appropriate rebuttal to these claims, Plaintiffs require limited discovery that will flesh out the issue of whether Defendants are in fact agents of Kazakhstan and its President, and the manner and extent of that agency relationship. This information, as explained above, is crucial to determining whether the Defendants have their own remedies against Kazakhstan stemming from their commercial relationship that would make the joinder of Kazakhstan in this action unnecessary. As this Court

noted in *In re Vitamins Antitrust Litigation*, this constitutes “sufficient basis for permitting plaintiffs to obtain further jurisdictional discovery.” 120 F. Supp. 2d at 72. Accordingly, Plaintiffs propose, given the liberality of the jurisdictional discovery precedents in this Circuit, that they be permitted to take limited jurisdictional discovery (as set forth in the accompanying Request for Production of Documents) that seeks:

- Any and all Agreements amongst and between the Defendants.
- Any and all Agreements amongst and between the Defendants and the Republic of Kazakhstan – defined as including President Nazarbayev, members of his family, and all Government agencies and officials, including the Kazakh embassy to the United States and the Kazakh Ambassador to the United States.
- Any and all Agreements amongst and between the Defendants and the Kazyna Sustainable Development Fund, Samruk Kazyna, and/or Aigul Nurieva and/or Kaloyan Dimitrov.
- Any and all correspondence, e-mails, and other communications between and amongst all of the above relating to Agreements by, with, and on behalf of the Government of Kazakhstan – defined as including President Nazarbayev, members of his family, and all Government agencies and officials, including the Kazakh embassy to the United States and the Kazakh Ambassador to the United States.
- A list of all members of a group known as “Friends of Kazakhstan” that was “created” by the Kazakhstan Embassy to the United States.
- Any and all correspondence, e-mails, and other communications between and amongst Defendants and the group Friends of Kazakhstan and any of its members.

These discovery requests are narrowly focused on two issues: (1) the contractual and agency relationship amongst the Defendants; and (2) the contractual and agency relationship between and among the Defendants and the Republic of Kazakhstan, including its President and others. Once this limited discovery is obtained – which should not take long – Plaintiffs will be able to present a fulsome record upon which the Court can resolve the Rule 19 defense.

Conclusion

Based on the foregoing, Plaintiffs seek leave from the Court for an Order permitting limited jurisdictional discovery against the Defendants in the form of the attached Request for Production of Documents.

Respectfully submitted,

/s/ Michael L. Martinez

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Counsel for Plaintiffs

December 16, 2010

Certificate of Service

I declare this 16th day of December, 2010, that service of the foregoing motion was made on all Defendants via their counsel by way of the Court's ECF system. Copies of the motion and attachments are also being e-mailed on the same date to counsel for Defendants.

/s/ Michael L. Martinez

Michael L. Martinez, D.C. Bar #347310