



INTERNATIONAL
OBSERVATORY
FOR LAWYERS

APPEAL OF THE INTERNATIONAL OBSERVATORY OF LAWYERS IN DANGER

Kazakhstan: Persecution of lawyer and political refugee Botagoz Jardemalie

May 17th 2018

The International Observatory for Lawyers in Danger (Hereinafter IOL) expresses its deep concern regarding the situation of the Kazakhstani political refugee and lawyer of the New York Bar, Botagoz Jardemalie, who has advised numerous Kazakhstani regime opponents.

Jardemalie has advised Mukhtar Ablyazov¹, a main opposition figure in Kazakhstan now living in exile in France. As a consequence of her work, she has become a target of the Kazakhstani regime, which insistently represses any form of opposition linked to the political movement *Democratic Choice of Kazakhstan* and persecutes those who are involved or affiliated with it. She was granted political asylum in 2013 in Belgium due to extraordinary risks she faced in the form of reprisals by Kazakhstan.

The safety of Jardemalie has been threatened even in Belgium, where she was subjected to surveillance and was targeted in a kidnapping plot ultimately foiled by the Belgian police.

At Kazakhstan's request, in 2013, INTERPOL published a Red Notice targeting Jardemalie for arrest on a fabricated criminal case, however this Red Notice was later cancelled for non-compliance with INTERPOL's rules against political abuses of the Organization.

The brother of Jardemalie, Iskander Yerimbetov, has been held in pre-trial detention since November 13, 2017. As reported by his counsel² and several human rights organisations, Yerimbetov has suffered serious mistreatment and was subjected to torture (see [Human Rights Watch and Norwegian Helsinki Committee](#); [Freedom House](#); and [Kazakhstan Coalition of NGOs Against Torture](#)). An independent examination of Yerimbetov, carried out by Svetlana Chernikova, and the visit of human rights defenders Zhemis Turgmagambetova, Executive Director of the Public Foundation "Charter for Human Rights", and Yevgeniy Zhovtis, Director of the Kazakhstan International Bureau for Human Rights and the Rule of Law, have confirmed the episodes of torture. It is fair to believe that her brother was arrested in order to pressure Jardemalie to cease her work and force her to return to the country to provide false testimony against Mukhtar Ablyazov.

¹ In 2016 the case of Ablyazov was recognised as politically motivated by the French Conseil d'État, which stopped his extradition.

² <http://en.odfoundation.eu/a/8565,report-iskander-yerimbetov-political-hostage-of-nazarbayev-s-regime> On 22 November 2017, his counsel managed to visit Yerimbetov for the first time, and she described his condition as follows: "He was seriously ill, pale, terribly depressed, intimidated; he fainted repeatedly, his speech was incoherent, he could not talk at all, he cried. He also asked for water. It was clear that he was hungry".



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As provided for by the United Nations Basic Principles on the Role of Lawyers, binding upon the Republic of Kazakhstan, lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions (Principle 18).

Moreover, Kazakhstan authorities have an obligation to ensure that lawyers can perform all of their professional functions without intimidation, hindrance, harassment or improper interference and that they do not suffer, and are not threatened with, prosecution for any action taken while carrying out their duties (Principle 16).

The IOL therefore urges the Kazakhstani authorities to comply with the standards set forth by the Basic Principles on the Role of Lawyers, to abide by its international human rights obligations and to:

- **Guarantee that Botagoz Jardemalie is able to perform her professional duties freely and independently, ending any form of intimidation or harassment against her or her family;**
- **End any form of ill-treatment of Jardemalie's brother, Iskander Yerimbetov, and immediately release him from detention and ensure that he has a fair trial.**

Who are we?

The creation of the International Observatory for Lawyers is an initiative managed by a consortium made up of the Conseil National des Barreaux (France), the Consiglio Nazionale Forense (Italy), the Consejo General de la Abogacía Española (Spain), and the Ordre des Avocats de Paris (France). Launched in 2015, the Observatory consists of thirty bar members.

The International Observatory for Lawyers has a double goal: to list cases of lawyers who are victims of threats, pressure, torture, enforced disappearances and other offences against their moral and physical integrity; and to provide legal, moral and/or material assistance to these lawyers.

The active members of the OIAD are the following:

Cameroon

Cameroon Bar

Spain

Barcelona Bar

Colegio de Abogados del Senorio de Bizkaia (Bilbao)

Barreau de Tour

Barreau de Thonon les Bains

Barreau de Rennes

Italy

Bari Bar

Brescia Bar

Messina Bar

Oristano Bar (Sardinia).

Roma Bar

Milano Bar



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Colegio Legi de l'Advocacia de Lleida
Madrid Bar
Colegio de Talavera de la Reina (Toledo)

France

Barreau de Caen
Barreau des Hauts-de-Seine
Barreau de Metz
Barreau de Montpellier
Barreau de La Rochelle - Rochefort
Barreau de Lyon
Barreau de Rouen
Barreau de Strasbourg