



Warsaw, 14 August 2017

The Extradition of Yerzhan Kadesov: kazakhstani authorities received another hostage

On 24 July 2017, a former BTA Bank employee, Yerzhan Kadesov was extradited from Hungary to Kazakhstan. The information was announced by the Anti-Corruption Agency in Kazakhstan on 10 August 2017.¹

Mr Kadesov faced criminal charges within the framework of the case against the Kazakhstani opposition politician Mukhtar Ablyazov². The Kazakhstani authorities stated that Mr Kadesov *'fully admitted his guilt'* and *'assists in obtaining additional evidence'* against Mr Ablyazov. The authorities noted that Mr Kadesov's testimony *'was confirmed by the statements of Mr Ablyazov's other former accomplices'*. On 9 August 2017, the court took into account Mr Kadesov's *'active cooperation'* with the investigative bodies and released him from custody on bail.

The prosecution of Mr Kadesov is closely connected with the case of his former colleague Zhaksylyk Zharimbetov. In January 2017, the Kazakhstani security services transferred Mr Zharimbetov from Turkey to Kazakhstan on a charter plane. Mr Zharimbetov had been granted refugee status in Great Britain; therefore, the principle of non-refoulement (which forbids a country from returning a refugee to the country of origin) was violated. It is yet to be known under which legal procedure Mr Zharimbetov was transferred to Kazakhstan. The course of events makes it possible to describe the incident as a kidnapping carried out by Kazakhstani special services in cooperation with Turkish special services. Mr Zharimbetov was placed in a Kazakhstani detention facility, after which he began to *'cooperate with the investigative bodies'* and give testimony against Mr Ablyazov.

In June 2017, Mr Zharimbetov phoned Mr Kadesov in a Hungarian prison, where he was subjected to an extradition arrest. **Mr Zharimbetov assured Mr Kadesov of 'guarantees of protection in Kazakhstan', if he comes to Kazakhstan and confirms the entire testimony given by Mr Zharimbetov against Mr Ablyazov.** Prior to this, Mr Kadesov had sought political asylum in Hungary. However, after Mr Zharimbetov's phone call, Mr Kadesov abruptly changed his position and requested that he be *'voluntarily extradited'* to Kazakhstan.³

Once in Kazakhstan, Mr Kadesov began to make statements⁴ which are very similar to Mr Zharimbetov's previous words⁵:

- They both stated that they had *'voluntarily returned'* to Kazakhstan. Mr Zharimbetov denied being kidnapped. Mr Kadesov reported that the Kazakhstani authorities *'did not exert pressure'* on him. Although earlier, in November 2016, representatives of the Kazakhstani authorities visited him in a

¹ http://anticorruption.gov.kz/rus/infocentr/obsh_znachimye_rassledovaniya/?rid=467&cid=0

² <http://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov>

³ <http://en.odfoundation.eu/a/8230,report-hungary-at-the-service-of-the-kazakhstani-dictator>

⁴ <https://www.youtube.com/watch?v=ha0nQ2Qpx0s&t=11s> ; http://www.inform.kz/ru/v-kazakhstan-iz-vengrii-dobrovol-no-vernul-sya-soobschnik-ablyazova-erzhan-kadesov_a3053594

⁵ <https://rus.azattyq.org/a/zharimbetov-delo-bta-ablyazov/28269011.html> ; <https://informburo.kz/novosti/podelnik-ablyazova-obratilsya-v-obse-s-oficialnym-zayavleniem.html>

Hungarian prison and demanded that he testify against Mr Ablyazov. At that time, Mr Kadesov refused to do so.

- According to Mr Zharimbetov and Mr Kadesov, Mr Ablyazov *'exploited the employees of BTA Bank'*. Still, before his extradition, Mr Kadesov stressed that he had never met or communicated with Mr Ablyazov.
- They both criticised the activities of the Open Dialog Foundation, which initiated an international campaign in their defence. Mr Zharimbetov stated that the Foundation spreads 'slandorous' information about his kidnapping (although the reason for the Foundation's actions was the appeal of Mr Zharimbetov's wife who had informed the Foundation about his upcoming kidnapping). Mr Kadesov enunciated that he 'didn't even know' that he was being defended by the Foundation: *"For me, it was something new that I should make some political statements. (...) I didn't read what I had to say in the political statement"*. It should be noted that Mr Kadesov's wife addressed the Foundation for assistance **a year after** he had **submitted an application for political asylum with the Hungarian authorities**. Mr Kadesov announced that the criminal charges were political and trumped-up. This is recorded in his application for asylum and in the decision of the Hungarian Migration Service in his case (the Foundation is in possession of certified copies of these documents).
- Mr Zharimbetov and Mr Kadesov informed the media that the President of the Open Dialog Foundation, Lyudmyla Kozlovska had 'politicised' their case. Once in Kazakhstan, Mr Zharimbetov began to reiterate that 'there's are no political overtones' in his case. Mr Kadesov's statement on the case was much more contradictory: *"From the very beginning, the case was a priori political. At that time (...) when we worked at the bank, it was a purely economic case. It became political after the events with the nationalisation of the bank took place. (...) The case against me and Mr Ablyazov is economic from the point of view of criminal charges. It is only political according to Mukhtar's statement, and according to Mrs Kozlovska's statement"*.

On 9 December 2016, the French State Council recognised the political nature of the prosecution of Mr Ablyazov. INTERPOL removed from the wanted list, the names of Mr Ablyazov and several other defendants in the case of the BTA Bank, namely: Tatiana Paraskevich, Artur Trofimov, Kuanysh Nurgazin, Aleksander Pavlov and Muratbek Ketebayev. Ablyazov's 13 colleagues and relatives have been granted asylum or subsidiary protection in the EU and the US.

Ignoring the decisions of the EU states and INTERPOL, the Kazakhstani authorities began to look for new ways to declare Mr Ablyazov wanted and bring about his extradition. Kazakhstan intensified the 'hunt' for former employees of BTA Bank in order to obtain 'convenient' testimonies and present them as 'new evidence' against Mr Ablyazov. Thus, the authorities of Kazakhstan want to 'save face', **but their actions further confirm the obvious political nature of the case.**

Former employees of BTA Bank, whose cases hadn't been widely publicised, were sentenced to imprisonment despite their 'collaboration with the investigative bodies'. In particular, it happened with Kayrat Sadykov, who, in June 2017, was sentenced to 15 years' imprisonment. **As the cases of Mr Zharimbetov and Mr Kadesov became public, the Kazakhstani authorities decided to use them for their propaganda purposes.** Referring to the examples of Mr Kadesov and Mr Zharimbetov, the authorities demonstrate to other former employees of BTA Bank that *'they should not be afraid to return'*. Mr Kadesov, following the example of Mr Zharimbetov, called upon Ablyazov's all former colleagues to 'return to Kazakhstan': *"There are ordinary people here, and a good attitude ... conditions are good, too"*.

Thus, the authorities offer a bargain to Ablyazov's former colleagues: they should come to Kazakhstan and give the convenient testimony in exchange for a suspended sentence. Most likely, Mr Kadesov,

similarly to Mr Zharimbetov, will also receive a suspended sentence. However, this can become a ‘trap’ for other wanted persons who are less known abroad.

Pro-government mass media actively publish the statements by Mr Zharimbetov and Mr Kadesov, who ‘are exposing Ablyazov’s crimes’. Based on the testimony of Mr Zharimbetov, a Kazakhstani court sentenced Ablyazov to 20 years’ imprisonment. Also, the testimonies became the basis for the arrest of a renowned journalist **Zhanbolat Mamay**, against whom criminal charges were brought in the case of BTA Bank. In a few days’ time, he will be tried in a Kazakhstani court. A prominent Kazakhstani businessman **Muratkhan Tokmadi** is being held in the detention facility of the National Security Committee. His wife reported that, through the use of torture, the NSC persuades him to give false testimony and ‘admit’ that 13 years ago, he ‘committed murder’ at the instruction of Mr Ablyazov.⁶

“I wanted to return because of my close people, my relatives, my parents who stayed in Kazakhstan”, Mr Kadesov stated. In fact, he continues to be a hostage in the hands of the authorities. The current words uttered by Mr Kadesov and Mr Zharimbetov completely contradict what they had officially declared earlier during the procedure for obtaining political asylum in the EU. Kazakhstan receives testimony through blackmail, pressure and threats. Obviously, this has nothing to do with justice.

Mr Kadesov’s and Mr Zharimbetov’s testimony can be used to hand out default judgements and file extradition requests against the rest of Mr Ablyazov’s colleagues and relatives who received protection in the EU (in particular, against the Khrapunov family which may become the nearest ‘target’).

We hereby express our regret that the Hungarian authorities ignored the decisions of other EU states and the arguments of human rights organisations regarding the political nature of the case of BTA Bank. Mr Kadesov’s extradition violated Hungary’s international obligations to respect human rights. The Hungarian authorities should carry out an investigation into the visit of representatives of Kazakhstani authorities to Mr Kadesov in prison, and also Mr Zharimbetov’s phone call to Mr Kadesov. Officials who committed these human rights violations, must be held accountable.

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⁶ <http://ru.odfoundation.eu/a/8262,otchet-delo-murathana-tokmadi>