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**INTERNATIONAL COMMUNITY CALLS ON FRANCE TO PREVENT EXTRADITION OF OPPOSITION
POLITICIAN MUKHTAR ABLYAZOV**

Since his arrest on the basis of a 'red notice', Mukhtar Ablyazov has already spent nearly two years in different detention facilities in France. Now, as the extradition trials have come to an end, the fate of the famous Kazakh oppositionist will depend on a decision by the French government. Over the past two years, the most renowned international, Russian, Ukrainian and Kazakh human rights organisations, as well as approx. 50 members of the European Parliament have issued statements regarding the political context of Ablyazov's case and called on France to deny his extradition to Russia or Ukraine.

Kazakh President Nursultan Nazarbayev, by applying political pressure and by corrupting officials in Russia and Ukraine, has orchestrated the issuance by these countries of requests for the extradition of Ablyazov. This is evidenced by documents published in the media, and subsequently, widely publicised in the European mass media by human rights activists and parliamentarians. Referring to these documents, on 9 April, 2014, the High Court in London refused to extradite Ablyazov's associate, Igor Kononko, to Ukraine.¹ As part of the campaign against the opposition politician Mukhtar Ablyazov, Kazakhstan pursues many of his associates, who have already been granted political asylum in Poland, Spain, the Czech Republic, Austria, Great Britain, Italy, Belgium, Latvia, the USA, Hungary and Switzerland. At the same time, Kazakhstan, Russia and Ukraine had their extradition requests for these individuals declined.

This document contains excerpts from statements made by human rights defenders, MEPs and PACE members on the inadmissibility of the extradition of Mukhtar Ablyazov.

**1. EUROPEAN PARLIAMENTARIANS CALL FOR THE PROTECTION OF THE OPPOSITION POLITICIAN
FROM EXTRADITION**

Approx. 50 members of the European Parliament spoke out against the extradition of Mukhtar Ablyazov from France. They included:

- Chairs of the EP Subcommittee on Human Rights of the previous (2009-2014) and current convocations: respectively Barbara Lochbihler and Elena Valenciano, as well as chairpersons of other committees of the European Parliament: Elmar Brok (the Committee on Foreign Affairs), Anna Fotyga (the Subcommittee on Security and Defence), Pavel Svoboda (the Committee on Legal Affairs).
- Vice-Chairs of various committees of the European Parliament of the current convocation: Kazimierz Ujazdowski (the Committee on Constitutional Affairs), Liisa Jaakonsaari (the Delegation to the EU-Russia Parliamentary Cooperation Committee), Andrzej Duda, Jadwiga Wiśniewska and Juan Lopez Aguilar (the Delegation to the ACP-EU Joint Parliamentary Assembly).
- Vice-Chair and Co-Chair of the Group of the largest parties represented in the European Parliament: Jacek Saryusz-Wolski (the European People's Party), Marju Lauristin and Tanja Fajon (the Progressive Alliance of Socialists and Democrats), Heidi Hautala and Rebecca Harms (the Greens/European Free Alliance), Fernando Maura Barandiaran (the Alliance of Liberals and Democrats for Europe).

¹ An excerpt from the court's ruling: "The e-mail correspondence is of the greatest interest, as it shows (...) without a doubt, that the procedure for making a request for extradition has been violated (...) the material on which the request was based, had been fabricated by the firm 'Ilyashev and Partners'.

- Other MEPs of the current convocation: Benedek Javor, Jarosław Leszek Wałęsa, Janusz Wojciechowski, Afzal Khan, Tonino Picula, Kosma Złotowski, Jan Olbrycht, Tunne Kelam, Ana Gomez, Beata Gosiewska, Marek Gróbarczyk, Marek Jurek, Zdzisław Krasnodębski, Stanisław Ożóg, Bolesław Piecha, Brando Benifei, Revault d'Allonnes Bonnefoy, Jonas Fernandez, Bogusław Liberadzki, Arne Lietz, Kati Piri, Soraya Post, Julie Ward, Josef Weidenholzer, Janusze Zemke, Michal Boni, Tomáš Zdechovský. At the same time, Ana Gomes and Fernando Maura Barandiaran have sent a request for a meeting with Mukhtar Ablyazov in the place of his detention, yet have received no response so far.
- MEPs of the previous convocation (2009-2014): current President of the European Liberal Democrat Party Graham Watson, and other MEPs: Niccolò Rinaldi, Nicole Kiil-Nielsen and Sonia Alfano.

Statements in support of Ablyazov were also issued by members of national parliaments, namely: Spanish MP Ignancio Sanchez Amor, Italian Senator Manuela Serra and Chairman of the European Affairs Committee of the French National Assembly Danielle Auroi.

1.1. The case against Ablyazov is politically motivated:

- Ex-member of the Bundestag Viola von Cramon stated as follows: *“In 2011, the Kazakh tycoon and politician was granted political asylum in the UK for a reason. ... Economic crimes, under which the oligarch has been incriminated, are practically inseparable from the ongoing political persecution of the opposition politician, as was the case with Khodorkovsky in Russia. ... The federal government should make an open statement on this issue and make it clear to its French partner that Ablyazov’s rendition poses a threat to Europe’s reputation”*.²
- Members of the European Parliament Ana Gomes and Marju Lauristin addressed Federica Mogherini with a call *“to raise the issue of the threat of extradition of Mr. Ablyazov with the EU governments concerned”* and protest against his extradition. The members noted that the case of Mukhtar Ablyazov is *“a compelling case of misuse of the Interpol system”*: *“EU Member States should not cooperate in capturing and rendering people in automatic and blind compliance with international arrests warrants issued by authoritarian states”*.³

1.2. EU states have granted protection to Ablyazov’s associates:

- Polish MPs, Tomasz Makowski, Łukasz Krupa, Maciej Mroczek stated that the campaign to oppress political opponents directly affects Mukhtar Ablyazov and related persons: Muratbek Ketebayev, Tatiana Paraskevich and Alexander Pavlov.⁴
- MEPs Elmar Brok and Barbara Lohbihler expressed serious concerns whether human rights are going to be respected in the extradition cases of Mukhtar Ablyazov, Alexander Pavlov and his other colleagues.⁵
- In its resolution of 13 March, 2014, the European Parliament called on Kazakhstan to *“drop all requests for the extradition of opposition politicians”*.⁶

² http://www.gruene-bundestag.de/presse/pressemitteilungen_ID_2000147/2013/juli/eu-staaten-duerfen-sich-nicht-an-kasachischer-jagd-auf-oppositionspolitiker-beteiligen_ID_4389629.html

³ <http://www.anagomes.eu/PublicDocs/0935b812-175c-4497-941b-cb005dc85684.PDF>

⁴ <http://en.odfoundation.eu/a/3920,polish-parliamentarians-appeal-to-ukraine-s-authorities>

⁵ http://barbara-lochbihler.de/cms/upload/PDF_2013/11_14_D201357042_EB_BL_to_Ashton_on_MS_extradit_to_Kazakhstan.pdf

⁶ <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0252&language=GA>

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- Ukrainian human rights defender Tatiana Pechonchik points to the fact that Ablyazov’s associates were granted political asylum in the UK (Zhaksylyk Zharimbetov and Roman Solodchenko), Poland (Muratbek Ketebayev), Italy (Alma Shalabayeva and Alua Ablyazov), and the Czech Republic and that Great Britain refused to fulfill Ukraine’s request regarding the extraditions of Tatiana Paraskevich and Igor Kononko. The information was also publicised that in January 2014, Austria refused to extradite Ablyazov’s ally, Artur Trofimov, to Russia, and in February 2015, Spain granted asylum to Alexander Pavlov, a former head of security of Ablyazov.
 - 18 members the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament expressed their hope that *“the French authorities will decide to grant protection to Mr. Ablyazov and thereby join other European and EU Member States, such as Austria, the Czech Republic, Italy, Poland, Spain, Switzerland and the United Kingdom, which have already given international protection to family members and other dissidents related to Mr. Ablyazov”*.⁷

2. INTERNATIONAL COMMUNITY UNDERLINES KAZAKHSTAN’S ILLEGAL INFLUENCE ON RUSSIA AND UKRAINE REGARDING THE CASE OF ABLYAZOV

“As transpires from the political activity of Mr. Ablyazov, and information published by international media outlets, it would seem that those truly behind his search are the authorities of Kazakhstan”, - 18 members of the Group of the Progressive Alliance of Socialists and Democrats in the European Parliament noted.⁸

2.1. Extradition procedures were opaque:

- 11 Polish MEPs have stated as follows: *“Extradition requests — clearly political in nature — were submitted in this case by the investigating authorities of Russia and Ukraine (under the Yanukovich regime), both of which were sympathetic towards the Kazakh Government. The extradition procedures are lacking in transparency”*.⁹ This problem has also been referred to by MEP Kosma Złotowski and Italian Senator Manuela Serra.¹⁰
- MEP Kazimierz Ujazdowski, citing data obtained from non-governmental organisations, noted that the political persecution of Ablyazov has been carried out according to Nazarbayev’s request directed to Putin. Ujazdowski also drew the attention of the Ukrainian authorities to the fact that that through the law firm Ilyashev and Partners, Kazakh authorities: *“investigated and financed the preparation of a timely extradition request, which Ukraine and Russia issued to France after Mr Ablyazov's arrest”*.¹¹

2.2. Ukraine has been urged to stop illegal cooperation with authoritarian regimes:

- Polish Sejm deputy Artur Dębski and former Mayor of Warsaw, Marcin Świącicki, urged the Ukrainian authorities *“to cease cooperation with authoritarian regimes in Russia and Kazakhstan in the field of abuse of the Interpol system in order to prosecute political opponents”*.¹²
- On 14 October, 2014, Members of the Parliamentary Assembly of the Council of Europe: Frank Schwabe, Chiora Taktakishvili, Mechthild Rawert, Kimmo Sasi, Mailis Reps, Pieter Omtzigt, Gerardo

⁷ <http://en.odfoundation.eu/a/6070,the-social-democrats-intervene-on-mukhtar-ablyazov-s-case>

⁸ <http://en.odfoundation.eu/a/6070,the-social-democrats-intervene-on-mukhtar-ablyazov-s-case>

⁹ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2014-007824+0+DOC+XML+V0//EN&language=en>

¹⁰ <http://en.odfoundation.eu/a/5270,kosma-zlotowski-in-mukhtar-ablyazov-s-case>

¹¹ <http://odfoundation.eu/i/fmfiles/pdf/26-03-2015-ujazdowski-ablyazov-fr-ua-valls-taubira-shokin-en.pdf?download>

¹² <http://en.odfoundation.eu/a/3920,polish-parliamentarians-appeal-to-ukraine-s-authorities>

Giovagnoli and Tinatin Bokuchava called on France, the Czech Republic and Spain to prevent the extradition of Mukhtar Ablyazov and his colleagues to Russia, Ukraine or Kazakhstan: *“Ukraine's involvement in the case is a clear legacy of the Yanukovich regime, which collaborated closely with Russia and Kazakhstan. The new Ukrainian authorities should now clearly distance themselves from the activities of the previous authorities, which were in breach of human rights standards of the Council of Europe, and ensure that they do not follow the path of the politically motivated misuse of Interpol, aimed at persecuting opposition activists”*.¹³

- Member of the Dutch delegation to PACE, Pieter Omtzigt, requested that Vice head of the Ukrainian delegation to PACE, Serhiy Sobolev bring to the attention of the Ukrainian authorities, the call for the need to end corruption cooperation with Kazakh and Russian investigative authorities, undertaken in order to prosecute Mukhtar Ablyazov.¹⁴

3. IN UKRAINE OR RUSSIA, ABLYAZOV WILL NOT BE GUARANTEED SECURITY OR A FAIR TRIAL

The international community has warned the French authorities against extraditing Ablyazov to Ukraine or Russia. In these countries, the opposition politician may face an unfair trial, ill-treatment and Kazakh intervention in his case.

3.1. Human rights activists stated that the extradition of Ablyazov would be in violation of international law

- Human Rights Watch has repeatedly urged the French authorities *“not to extradite Ablyazov to either Ukraine or Russia. Under international and European human rights law, France has an obligation to protect Ablyazov, a recognized refugee in the UK, from extradition to any country that might return him to Kazakhstan, where he is at grave risk of ill-treatment and flagrant denial of his fair trial rights”*.¹⁵
- Amnesty International has also noted that *“the French government must not allow the extradition of Kazakhstani banker and opposition figure Mukhtar Ablyazov... Russian and Ukrainian security services collaborate routinely with the security apparatus in Kazakhstan”*. Amnesty International believes that France should guarantee protection of the rights of Mukhtar Ablyazov: *“Otherwise, Europe becomes deeply implicated in the on-going human rights violations that plague Central Asian republics, including Kazakhstan, where torture and ill-treatment of detainees and prisoners are commonplace”*.¹⁶
- The International Federation for Human Rights, the French Human Rights League and the Kazakhstani International Bureau for Human Rights and Rule of Law has stated that, given the refugee status, which Ablyazov enjoys: *“any charges presented to Mr. Ablyazov should be investigated in the EU”*.¹⁷
- Kazakhstani International Bureau for Human Rights and Rule of Law contends that *“the decision of the French court to extradite M. Ablyazov to Russia and Ukraine, the countries where he cannot be guaranteed the right to a fair and open public hearing by a competent, independent and impartial tribunal contradicts international norms in the sphere of human rights”*.¹⁸

¹³ <http://odfoundation.eu/a/5503,oswiadczenie-czlonkow-zgromadzenia-parlamentarnego-rady-europy-w-sprawie-mukhtara-ablyazova>

¹⁴ <http://ua.odfoundation.eu/i/fmfiles/pdf/merged.pdf>

¹⁵ <http://www.hrw.org/news/2014/01/09/france-protect-critic-kazakhstan-government>

¹⁶ <https://www.amnesty.org/press-releases/2014/01/france-stop-extradition-threatening-kazakhstani-dissident-torture/>

¹⁷ <https://www.fidh.org/International-Federation-for-Human-Rights/eastern-europe-central-asia/kazakhstan/kazakhstan-open-letter-to-mr-valls-and-mr-fabius-concerning-the-potential-13908>

¹⁸ http://www.bureau.kz/data.php?page=&n_id=6665&l=en

- On 27 November, 2014, the Moscow Helsinki Group, the Russian organisation of assistance to refugees, the ‘Civil Assistance’ Committee and the All-Russian Movement ‘For Human Rights’ pointed to the fact that "the methods of persecution exerted on Ablyazov comprise many similarities with the political oppression of Mikhail Khodorkovsky in Russia and Yulia Tymoshenko in Ukraine".¹⁹ On 1 April, 2015, Russian human rights activists sent a second appeal to the French authorities in which they stated: *"Taking the decision to deport Ablyazov in Russia, the French courts have relied on the formal assurances given by representatives of the General Prosecutor's Office of the Russian Federation. Yet, our experience shows that such guarantees, in many cases, are not fulfilled in reality. Suffice it to cite the example of Sergey Magnitsky"*.²⁰ The statement has also been supported by Russian human rights organisation ‘Memorial’ and ‘Civil Control’.
- A renowned Russian human rights activist, Lev Ponomarev, stated: *"...I can say with confidence that a trial against Ablyazov, conducted in Russia, Ukraine or Kazakhstan would be unlawful and, indeed, politically biased in nature"*.
- Ukrainian human rights organisations have also urged the French authorities to take into account the political motivation underlying Ablyazov’s case and to refuse to extradite him. Ukrainian Helsinki Human Rights Union stated: *"The case of the Kazakh oppositionist Mukhtar Ablyazov is a prime example of the lack of real change in the system of Ukrainian law enforcement agencies, which continue to be guided by corrupt practices in their activities (...) The fact that the initiation of, and investigation into, the criminal case against Mukhtar Ablyazov in Ukraine was carried out almost entirely by the Kazakh authorities is indeed appalling"*.
- Furthermore, an appeal to the French authorities was signed by the following Ukrainian human rights organisations: Human Rights Information Centre, Kiev House of Human Rights, Association of Ukrainian Human Rights Monitors on Law Enforcement, the Committee For the Protection of Illegally Accused Persons, the No Borders Project, the Centre of Civil Liberties, the Centre for Civil Society Studies, the Kharkiv Human Rights Protection Group.
- On 16 March, 2015, the Ukrainian Ombudsman's office informed the Open Dialog Foundation that monitoring visits to detention centres and penal colonies in Ukraine in 2014 uncovered *"systemic violations of the order of detention and punishment, resulting in the cruel or degrading treatment of detainees and prisoners"*.²¹

3.2. The rendering of Ablyazov to Ukraine or Russia would be tantamount to his rendering into the hands of Kazakhstan:

- Members of European Parliament Michal Boni, Pavel Svoboda, Tomáš Zdechovský informed the French authorities that *"a positive decision to extradite Mr Ablyazov, one of the most vocal opponent of the current Kazakh president, Mr Nursultan Nazarbayev, to Russia - Kazakhstan's long-term political ally, or Ukraine - currently struggling to engage in extremely difficult structural reforms to fight the systemic corruption, including in the justice system, would be equal to sending Mr Ablyazov directly to Kazakhstan"*.²²
- *"Neither Russia nor Ukraine can be seen as credible countries where Ablyazov can count on a fair trial and have his safety ensured"*, - MEP Fernando Maura noted in his statement to Mrs. Mogherini.²³ His

¹⁹ <http://en.odfoundation.eu/a/5484,open-letter-to-french-president-francois-hollande-from-russian-human-rights-activists>

²⁰ <http://mvvc44tv.cmle.ru/?a=note&id=27431#>

²¹ <http://en.odfoundation.eu/a/6128,ombudsman-sonditions-in-ukrainian-detention-centres-and-prisons-do-not-meet-european-standards>

²² <http://en.odfoundation.eu/a/6225,meps-from-poland-estonia-and-the-czech-republic-in-a-joint-appeal-to-the-french-authorities-concerning-ablyazov>

²³ <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2015-004056&format=XML&language=EN>

colleague, Kazimierz Ujazdowski, supported with the statement, noting the sluggish pace of the lustration process and the losing battle against corruption in law enforcement and penitentiary systems of Ukraine, as well as a threat to the lives of opposition politicians in Russia (citing the example of Boris Nemtsov).

- *"Do not help Nazarbayev in his pursuit of his main political opponent, Mukhtar Ablyazov,"* - prominent civil society activists of Kazakhstan: human rights activist Bakhytzhan Toregozhina, journalist Irina Petrushova, as well as representatives of Kazakhstan's political emigration (theatre director Bulat Atabayev, opposition politician Muratbek Ketebayev, journalist Igor Vinyavskiy) jointly urged the President of France.²⁴
- From his Kazakh prison cell, political prisoner Vladimir Kozlov urged the French authorities to stop the extradition of his associate Mukhtar Ablyazov, pointing to the criminal methods of the Kazakh regime: *"... let us remind ourselves of the kidnapping of his family in Italy; the attempted rendering to Kazakhstan of his associates Alexander Pavlov and Muratbek Ketebayev from Spain"*.

We hereby call on the French government to take into account the incidents of illegal cooperation between Kazakhstan and Ukraine in the case of Ablyazov, and heed the numerous statements of human rights organisations, members of PACE, the OSCE Parliamentary Assembly, the European Parliament and the national parliaments of European countries on the inadmissibility of the extradition of the Kazakh oppositionist from France [20]. In Russia and Ukraine, Ablyazov may not only face an unfair trial and ill-treatment, but also interrogation in the interests of Kazakhstan and may even be rendered there.

The decision of the French government on the extradition case of Ablyazov must comply with international agreements on human rights and the rights of refugees. Article 3 of the European Convention on Extradition prohibits extradition in cases when criminal charges against an individual have been brought for the purpose of prosecuting or punishing them on account their political views or should the person's position be prejudiced for this reason. According to Article 3 of the UN Convention against Torture, "no State Party shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture".

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²⁴ <http://en.odfoundation.eu/a/5502,an-open-letter-to-president-francois-hollande-from-representatives-from-the-kazakh-opposition>