



## PEOPLE'S DEPUTY OF UKRAINE

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**Members of the French Senate**

**Members of the French National  
Assembly**

*Ladies and Gentlemen!*

France has to decide upon whether to extradite Mukhtar Ablyazov, the leader of Kazakh oppositon, to Russia and Ukraine, or not.

Ablyazov is a political refugee and the principal opponent of the dictator Nursultan Nazarbayev who was yet again “re-elected” President of the Republic of Kazakhstan in the early election of April 26, 2015, having “received” 97.7% of votes, the “voter turnout” having been 95%.

In accordance with the Constitution of the Republic of Kazakhstan, Nazarbayev holds the official title of ‘Leader of the Nation’ enjoys absolute legal immunity which also applies to all the members of his family who are living with him, as well as to his property and funds. He has been ruling the country since 1989, when he was elected first secretary of the Communist Party of the Kazakh Soviet Socialist Republic.

Russia and Ukraine started criminal proceedings and demanded that Ablyazov be extradited upon the request of the Kazakh government. Nazarbayev personally asked Vladimir Putin and Viktor Yanukovych to help with Ablyazov’s extradition.

Information about the Ukrainian and Russian investigations into Ablyazov’s case being conducted by Kazakhstan was made public and attracted widespread media coverage. Dozens of members of the European Parliament underlined the non-transparent nature of the extradition requests, pointing out that it is the Kazakh government that is behind these requests. The leading human rights organisations emphasised the political context of Ablyazov’s case and the inadmissibility of his extradition.

Currently, representatives of the Ukrainian community are trying to convince the President of Ukraine, Petro Poroshenko, and his relative Viktor Shokin, the General Prosecutor, to stop the criminal proceedings against Ablyazov and withdraw the extradition request. Ukrainian human rights activists have been repeatedly calling on the government to investigate the conspicuous facts about corrupt relations between the Ukrainian investigators and Kazakhstan, while members of the PACE and the European Parliament have been speaking of the unlawful practices of Yanukovych’s regime being employed in Ablyazov’s case.

Statements of international organisations make it evident that Ukraine is not yet capable of ensuring an impartial court trial of Mukhtar Ablyazov. In 2015, the ECHR held that Ukraine had violated the right to a fair trial in numerous cases, such as “Ogorodnik v. Ukraine”, “Petrenko v.

Ukraine”, “Bochan v. Ukraine” and others. The judiciary is opposed to obeying lustration regulations. According to the report issued by the Freedom House organisation, even after the law “On Restoration of Trust to the Judiciary” had been adopted, most of the representatives of the former regime managed to retain their executive positions in courts. Representatives of the Ministry of Justice inform, in turn, that the judiciary is the system with which they encounter the most serious problems with lustration. In other words, it is too early to speak of changes in judiciary bodies and in Ukrainian justice.

The Ukrainian penitentiary system is not capable of safeguarding the life and health of the Kazakh opposition activist. This is proved by the information collected by international organisations and human right activists. In December 2014, the UN Committee Against Torture claimed that the health conditions in Ukrainian detention facilities had become worse, especially as far as the spread of tuberculosis was concerned. At the same time, human rights organisations remarked that there are no guarantees when it comes to receiving medical assistance from health care workers from outside the penal colony, and that the mortality and suicide rates in penal colonies are high. The Association of Ukrainian Human Rights Monitors on Law Enforcement regularly points out the fact that the condition of the premises and personal hygiene facilities, as well as the light conditions in the detention centres, do not meet standards.

Mukhtar Ablyazov’s extradition to Russia would be even more dangerous. In this case, he would fall into the hands of Putin, who has total control over the judiciary system, the law enforcement system and the penitentiary system – and also into the hands of investigators and judges who appear on the ‘Magnitsky list’.

Can one believe the Russian General Prosecutor’s Office when it promises that the rights of the Kazakh opposition leader will not be violated, knowing that Russia does not fulfill its international obligations and supports separatists in Eastern Ukraine? – No.

What are Russia’s guarantees of safeguarding Ablyazov’s life and health worth, if one of the leaders of the Russian opposition, Boris Nemtsov, was killed just a few hundred metres from Kremlin? – They are worth nothing.

How can one hope for a fair trial in Russia, if the dependence of the Russian justice system on the government has continued to grow in the last few years? Nadiya Savchenko’s case became yet another striking example of how Russia neglects justice and ignores the appeals of its international partners.

It is also widely known that nowadays, they persecute opposition activists in Russia by means of charging them with the theft of public funds. Nazarbayev uses the same method in Kazakhstan.

In Ukraine and Russia, which are high on the list of the most corrupt countries in the world, Ablyazov would be exposed to danger – not only the danger of an unfair trial, torture and poor detention conditions, but also to the danger of the Kazakh government’s interference. The representatives of the General Prosecutor’s Office of Kazakhstan even failed to conceal their intentions to negotiate with Russia or Ukraine regarding Ablyazov’s extradition.

I am asking you to stand up against Ablyazov’s extradition to Russia and Ukraine and to help save the life of a person who might be murdered or tortured solely because he poses a threat to the authoritarian political regime of Kazakhstan. Your support may turn out to be the determining factor!

**Yours faithfully,  
People’s Deputy of Ukraine**

**Vitaliy Kupriy**