

Rome

Deportation of Kazakh mother and child shakes Italy



Mukhtar Ablyazov, fugitive Kazakh banker

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It was around midnight when some 30 armed men dressed in black burst into the villa in a well-to-do Rome suburb where [Alma Shalabayeva and her young daughter](#) had been living for the past eight months. Twenty more armed men were swarming outside.

After ransacking and searching the house, one of the gunmen, an Italian man with a gold chain, screamed “Russian bitch” at her and, minutes later, “I am the mafia!” Ms Shalabayeva’s brother-in-law, who had been visiting with his wife and daughter, emerged from a room, his face bloodied by a beating.

Terrified, Ms Shalabayeva quickly understood that they were looking for her husband, [Mukhtar Ablyazov, a Kazakhstan opposition leader](#) and former energy minister who fled his homeland in 2009 fearing for his life, later gaining political asylum in the UK. He is currently being [pursued by Kazakhstan](#) in London’s High Court for the alleged misappropriation of at least \$6bn from BTA. Bank, of which he was former chairman.

“At that moment I had only one feeling – they had come to kill us . . . They were just going to kill us all without a trial and investigation and nobody would ever know,” recounts Ms Shalabayeva, describing events in May this year that have sent shockwaves through the Italian government, leaving it struggling to explain its actions and raised the concerns of the UN rapporteur for human rights.

She was hastily [deported to Kazakhstan](#). Rome’s readiness to hand over the wife of a political refugee has raised questions about commercial links between Italian elite and resource-rich Kazakhstan, frequently criticised for its human rights record.

As Ms Shalabayeva recounts in [an 18-page statement](#), provided this week to the Financial Times by her lawyers, she was taken in the early morning of May 29 to a police station somewhere in Rome. Two days later, after being held in a detention centre for illegal immigrants, Ms Shalabayeva and her six-year-old daughter Alua, who was born in the UK, were flown to the Kazakh capital Astana where she was told she was under criminal investigation.

Documents released by an Italian court to her family's lawyers show that the plane was chartered by the Kazakh embassy in Austria. Ms Shalabayeva says she was repeatedly denied access to her lawyers, that she asked repeatedly for political asylum, saying her life was in danger, but was told by Italian officials that it was "too late".

The documents also show that the day before the raid, the Kazakh embassy asked Italian police to arrest Mr Ablyazov and extradite him. He was photographed at the villa by a security firm hired by the Kazakh authorities on May 26. His current whereabouts is unknown.

The official reason for Ms Shalabayeva's deportation was possession of an allegedly fake Central African Republic passport. At a May 31 court hearing, Riccardo Olivo, a Rome lawyer for the family, showed judges signed testimony from two Central African Republic embassies that the passport was genuine.

Unknown to Mr Olivo, however, the deportation order for Ms Shalabayeva had already been signed by a junior government official. "None of us knew that they had an accord with the Kazakh authorities and had prepared to deport her so quickly. It is one of the most incredible stories I have ever seen," he told the Financial Times.

Alma Shalabayeva's statement in full

"There was one thought at that moment – they were just going to kill us all without a trial and investigation and nobody would ever know"

So incredible that the Italian government is under pressure to explain from the UN and human rights organisations that have condemned Kazakhstan's human rights record under Nursultan Nazarbayev, president since his country's independence from the former Soviet Union in 1991.

Emma Bonino, Italian foreign minister, was unaware of the deportations at the time and has asked Angelino Alfano, interior minister and

deputy prime minister, for clarification. Having initially had no response from Mr Alfano, number two in Silvio Berlusconi's centre-right party, the foreign ministry received documents relating to the case on Friday. Mr Alfano's spokeswoman did not answer questions by this newspaper. No official documents released to date mention any involvement by Mr Alfano.

Human rights activists and defence lawyers are asking why Italy would hand over the wife of a political refugee so readily. Suspicion rests on Italy's strong commercial interests in resource-

rich Kazakhstan, actively courted by Mr Berlusconi when prime minister, and by other world leaders including David [Cameron, Britain's premier, who visited Kazakhstan](#) last week.

Ms Shalabayeva's case is not unique. Kazakhstan has asked Spain to extradite Alexandr Pavlov who has applied for political asylum there. A former bodyguard to Mr Ablyazov, he has been accused in Kazakhstan of plotting a terrorist attack that did not materialise, and fraud. According to Spanish press reports, Mr Nazarbayev discussed a pending extradition treaty with Spain on a visit to Madrid last February. Mr Pavlov's cases are both pending, his lawyer said.

Muratbek Ketebaev, a former Kazakh economy minister and now opposition activist, flew from Poland to Madrid in April to testify on behalf of Mr Pavlov. Kazakhstan has since requested the extradition of Mr Ketebaev from Poland, where he has applied for political asylum, also accusing him of terrorist-related crimes.

Lawyers for Ms Shalabayeva have lodged an appeal against her deportation. Separately, a Rome court on June 27 annulled prosecutorial decrees used by police to justify the seizures of items from her rented villa. The court said it was "perplexed" at the speed of the deportations of two people related to a political refugee.

Kazakhstan's foreign ministry said the Italian authorities had requested the deportations of Ms Shalabayeva and Alua for immigration offences and its embassy in Rome had co-operated. It said Ms Shalabayeva, now living with her parents in Almaty but not allowed to leave the city, was under investigation on suspicion of illegally obtaining a Kazakh passport. She would also be questioned over the whereabouts of her husband, the ministry said. If found guilty and jailed then the daughter is likely to be turned over to a state orphanage, defence lawyers said. Ms Shalabayeva denies the allegations against her.

"They were deported because one of the most notorious dictators in the world wanted hostages to use against his main political opponent. And now he has them. Because Italian law enforcement agents made it happen," her husband said in an interview conducted by email with La Stampa, an Italian daily, on Friday.

Appealing to Enrico Letta, Italy's prime minister, "to get to the bottom of this sordid affair", Mr Ablyazov adds: "Could you imagine your wife and children being taken hostage by your political opponents, to be used as pawns in your political battles? That is what happened to me." Mr Letta responded by ordering an internal inquiry.

A lot of money is at stake in a long-running feud between Nursultan Nazarbayev, Kazakhstan's president, and Mukhtar Ablyazov, the fugitive politician and former chairman of BTA Bank.

Kazakhstan is pursuing Mr Ablyazov in London's High Court for the alleged misappropriation of at least \$6bn from BTA in one of the biggest and most

complex fraud cases in banking history.

Mr Ablyazov, a vocal member of Kazakhstan's opposition, denies wrongdoing and says Mr Nazarbayev is campaigning to eliminate him as a political foe. He makes no secret of wanting the Kazakh leader's job.

Born in 1963, Mr Ablyazov trained as a nuclear physicist and was part of the bright generation of Kazakhs that Mr Nazarbayev, 20 years his senior, hoped would promote the country's modernisation.

Often compared to Mikhail Khodorkovsky, the jailed Russian oil tycoon, Mr Ablyazov made his fortune in the wild early years of capitalism that followed the Soviet Union's demise, only to clash with the authorities after co-founding a pro-reform opposition party to challenge Mr Nazarbayev's authoritarian rule.

While serving as Kazakhstan's energy minister in the late 1990s, Mr Ablyazov was jailed for corruption but was later pardoned by the president on condition he stayed out of politics.

After Mr Ablyazov was appointed chairman of BTA in 2003 the bank flourished, taking advantage of an era of cheap capital to borrow giddily on international financial markets. However, when the US subprime crisis erupted, BTA, like other top Kazakh banks, was stranded with billions of dollars in foreign debt. As Kazakhstan moved to bail out the banking sector, BTA resisted and was taken over by force in early 2009. Mr Ablyazov fled to London, accusing the authorities of expropriation.

BTA's new state owners soon discovered a black hole in the bank's books and launched legal proceedings against Mr Ablyazov in the UK. The High Court issued an injunction freezing Mr Ablyazov's worldwide assets and ordering the banker to disclose his investments. In all, BTA has brought 11 civil cases against Mr Ablyazov and other defendants aimed at recovering about \$6bn of assets allegedly misappropriated from the bank while he was chairman.

In Kazakhstan, BTA is struggling to survive. An acrimonious restructuring deal that wiped out two-thirds of BTA's \$16bn debt in 2010 obliged foreign investors to take \$7.7bn haircuts. More pain was inflicted on BTA's foreign creditors last year when the bank restructured another \$11bn of debt.

Mr Ablyazov, who says he was under pressure from Mr Nazarbayev to surrender a 50 per cent share in BTA even before the global financial crisis,

has denied wrongdoing. Under his leadership, BTA concealed assets to guard against forced nationalisation, he says.

The UK granted Mr Ablyazov political asylum in 2011, acknowledging that he would face persecution if extradited to Kazakhstan. The police in London offered him protection after uncovering an assassination plot.

However, Mr Ablyazov courted danger, using his links with the opposition in Kazakhstan to step up his political activities from self-imposed exile. In a move that is said to have enraged Astana, media outlets funded by Mr Ablyazov gave coverage to a deadly police crackdown on a riot by striking oil workers in west Kazakhstan in December 2011, as the country celebrated 20 years of independence.

Events shifted decisively in BTA's favour in early 2012 when Mr Ablyazov fled the UK after failing to appear at a contempt of court hearing, where he was to be handed a 22-month jail sentence. Mr Ablyazov is debarred from defending himself in the fraud case unless he discloses his assets or turns himself in. London courts have served three default judgments against him and a fourth is expected shortly.

BTA creditors will see the first proceeds of the four-year court case as two of Mr Ablyazov's UK homes, including a mansion with a 50ft ballroom and mosaic swimming pool on "Billionaires' Row" in north London and a sprawling estate in Surrey, are put up for sale.

Fighting back, Mr Ablyazov is preparing an appeal in the European Court of Human Rights, claiming he has been denied the right to a fair trial in the UK.