

The Helping Hand from Belgian Justice to the Kazakh Police

Last October 1st, the Brussels home of Botagoz Jardemalie, a Kazakh regime opponent and political refugee, was searched by officers from the judicial police. Ms. Jardemalie is the subject of a request for judicial cooperation from Kazakhstan. A country from which her political refugee status, obtained in 2013, is supposed to protect her. Belgium thus agreed to a cooperation request from the country persecuting the targeted person.

The issue is all the more sensitive as, according to the three people present during the search, two individuals speaking Russian (meaning they were in all likelihood Kazakh policemen) were present. Worse, according to their testimony and the pictures taken on the fly, these two unidentified agents managed to consult documents on Ms. Jardemalie's desk. Next to the Belgian policemen, who did not react.

The Kazakh regime opponent wonders: "Does Belgium realize the consequences of this cooperation with the Kazakh dictatorship? (...) They are about to hand over on a silver platter a list of political opponents to the Kazakh State, and that would create a precedent endangering all the political refugees, the lawyers and the human rights activists living here."

Belgium Lends a Hand to the Kazakh Police

Belgium accepted a Kazakh request for judicial cooperation targeting Bota Jardemalie. This political refugee's home was searched in the presence of two agents of the Caucasian dictatorship.

STORY

LOUIS COLART

The occupants of the Brussels apartment did not hear the policemen enter. Around 6:30am, on Tuesday, October 1st, the home of Botagoz Jardemalie, a Kazakh regime opponent and political refugee, is being searched by officers of the judicial police. These men are probably using a special key, they do not force their way through the entrance. It is not Ms.

Jardemalie whom they wake up, but her 70-year-old mother, her 25-year-old son and her nephew.

“I was at the Parliament of the Council of Europe in Strasbourg that day, as part of my activities as a human rights activist,” said Bota Jardemalie, whom we met on the patio of a grand Brussels hotel. “My mother and my son were suddenly awoken by armed men, you can imagine their shock.”

Ms. Jardemalie (she will learn about this later) is the subject of a request for judicial cooperation from Kazakhstan. A country from which her political refugee status, obtained in 2013, is supposed to protect her. Belgium thus agreed to a cooperation request from the country persecuting the targeted person. This matter raises obvious questions.

Two Kazakh agents had free access

All the more since, according to the three people present during the search, two individuals speaking Russian (meaning they were in all likelihood Kazakh policemen) were present. Worse, according to their testimony and the pictures taken on the fly, these two unidentified agents managed to consult documents on Ms. Jardemalie’s desk. Next to the Belgian policemen, who did not lift a finger to stop them.

Botagoz Jardemalie said she fears that the information found by the Kazakh agents could endanger the life of other political opponents.

A political refugee, recognized regime opponent and lawyer of the Bar of New York, Bota Jardemalie is a long-standing target of the Kazakh regime. A State that was ranked 124th out of 180 in the last Transparency International ranking on corruption, and that is still governed (behind the scenes) by Nursultan Nazarbayev. The ex-president resigned in March 2019, but still holds on to power as president of the National Security Council.

Bota Jardemalie is paying the price of her proximity with a political opponent, Mukhtar Ablyazov. The latter was a minister before his fall in disgrace. A banker, he is accused of large-scale corruption by the Kazakh authorities. These authorities would like to capture him. Ablyazov has sought refuge in France where the *Conseil d’État* overturned an extradition decision. Before this happy outcome, the man spent three years behind bars.

Back to Brussels. “Does Belgium realize the consequences of this cooperation with the Kazakh dictatorship? I do not want to believe it. I want to hope that this is the result of a negligence that will be quickly fixed” reacts Ms. Jardemalie. “They are about to hand over on a silver platter a list of political opponents to the Kazakh State, and that would create a precedent endangering all the political refugees, the lawyers and the human rights activists living here. I am making an urgent appeal that Belgium do not transmit anything to

Kazakhstan. However, for the documents consulted by the Kazakh policemen in my home, it is already too late.”

[paragraph between first and second column, under photo:]

In this image, one of the two Kazakh agents seems to be participating in the search of Botagoz Jardemalie’s office.

Does she fear for the life of some clients, or other activists with whom she is in touch?
“Clearly, yes.”

Kidnapping attempt

“I am extremely shocked” goes on to say her lawyer, Christophe Marchand. This specialist of international legal proceedings thinks that “Belgium had the obligation to refuse, in accordance with Belgian laws and the international commitments of our country.” He requests today the return of the documents seized at her client’s home and that a hearing held on October 4 at the headquarters of the federal police, on the basis of questions transmitted by Kazakhstan, not be relayed.

“Ms. Jardemalie is a political opponent to the Kazakh dictatorship, who obtained political asylum in Belgium; she is also a lawyer and a human rights activist. Belgium had the moral and legal obligation to protect her. This collaboration of Belgium with a dictatorship gives me goosebumps,” goes on to say lawyer Marchand. Regarding the active presence of two Kazakh individuals during the search? “It is the cherry on the sundae! Belgium brings into Ms. Jardemalie’s most private space the State apparatus that persecutes her.”

If the corruption accusations alleged by Kazakhstan against Jardemalie remain mysterious, there is plenty of evidence of the persecution against her. To start, a kidnapping attempt on Belgian territory, judged not later than last week at the correctional tribunal of Brussels. An incredible spy story involving two ex-agents of the East German Stasi. The prosecution requested four years of prison against the three defendants in this kidnapping attempt organized on behalf of the Kazakhs.

Bota Jardemalie’s own brother, Iskander Yerimbetov, is imprisoned in Kazakhstan since November 2017. His detention is considered arbitrary both by the Working Group “Human Rights” of the United Nations and by the European Parliament, pursuant to a March 2019 resolution.

Two judges petitioned to hear the same accusations?

The Kazakh offensive against Ms. Jardemalie is long-standing. Essentially, they are accusing her of having helped her ally Ablyazov to hide millions abroad.

[paragraph between third and fourth column:]

“If it is confirmed that foreign agents actively participated in the searches, it would not be acceptable”

Lawyer Michel Forges, Bâtonnier of the Bar of Brussels.

First, obscure communication firms have been hired to tarnish Abyazov’s and Jardemalie’s reputations. As of 2016, the Ukrainian subsidiary of the Kazakh bank BTA has been a complainant in Belgium. This way, the authorities circumvent the absence of an extradition treaty between Kazakhstan and Belgium. The judge responsible for investigating this case was Michel Claise. The latter, answering our colleagues from *Le Vif/L’Express* in January 2018, said the case should be “handled delicately”. Today, the judge only responds with a terse “no comment.”

It is not Michel Claise who was requested by the Brussels prosecutor’s office to give effect to the judicial cooperation request in question today, but her colleague Ludivine Kerzmann. According to Ms. Jardemalie, the questions transmitted by Kazakhstan are about the same accusations of the Abyazov/BTA case. The Brussels judge also “considered she should not express herself,” in response to the many questions of *Le Soir*.

The judge did not warn the Bâtonnier about the search of October 1st, as it is customary to do when a lawyer is the subject of a special investigative method. Lawyer Michel Forges, warned of these events *a posteriori*, did not “note blatant irregularities from the judicial authorities.” The Bâtonnier still said the following: “If it is confirmed that foreign agents actively participated in the searches, it would not be acceptable.” He concludes by saying “It is possible that there would have been a breach on this issue, but for now, we will not make more comments.”

Apart from the investigative judge, two authorities have approved the cooperation request from Kazakhstan. The Brussels prosecutor’s office and the Ministry of Justice. They were both contacted by *Le Soir*, but none answered our questions.

[top of the fourth column:]

“No comment” *[repeated three times, in English, French and Dutch]*

The international judicial cooperation proceedings involve many actors, each entitled to “filter” the request. In the Jardemalie case, the Kazakh request raises serious questions... to which no one wanted to answer.

***Le Soir* sent ten questions to the Minister of Justice. The government is the first “filter.” Answer from the minister’s office, Koen Geens (CD&V)? “Geen commentaar” about an individual file.**

Another series of questions was sent to the Brussels prosecutor's office. There also, "we will make no comments," they said. Third filter, the investigating judge. Ludivine Kerzmann "considers she should not express herself." It is another "no comment" that we got from another judge, Michel Claise. The latter seems to have been petitioned, for many years, with the same accusations of "corruption" against Bota Jardimalie.