



REPORT:

ANALYSIS OF DOCUMENTS
IN THE CASE OF ABLYAZOV

ReedSmith
From: Chloé A. Sarrail
To: Mural Nulybayev - Ministry of Justice of the Republic of Kazakhstan
Subject: Mukhtar Ablyazov

TRUST OUA
В НОВОМ ОКНЕ
Права участников АТО: как получить официальный статус?

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La plateforme Kazanword met en ligne le contenu des messages piratés de Nazarbayev, révélu dimanche. On y découvre notamment le régime de Noursoultan en Lettonie, l'écrivain Marek Halper, l'acteur français Jean-Louis Trintignant, des diplomates, des journalistes, des écrivains, des diplomates...

L'Espresso
Mukhtar Ablyazov: "Mi vogliono uccidere"
Pendant plusieurs semaines, un homme d'affaires kazakh a été l'objet de nombreuses spéculations. L'Espresso a pu obtenir des documents confidentiels qui confirment que Mukhtar Ablyazov est sous surveillance et que des tentatives ont été faites pour le faire disparaître.

RUSPUBLIKA KZ
Как дело Абылязова валяло в Кремле на особый контроль
Судящимися в распоряжении российских чиновников документы на токийском дипломатическом канцелярии и бизнесменах Мукхатара Абылязова казахским властями, но не показывали, какую роль в этом играют Россия.

Update of the submission	40 000 €
We will have to update our submissions according to the recent events.	
Manoeuvre of the transmission of documents by the diplomatic channel	5 000 €
We will have to monitor the transmission of the sealed documents (Cover of attorney, cables and observations)	
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Preparation of the hearings	10 000 €
Hearings	30 000 €

Kazakhstan is orchestrating the Ukrainian and Russian investigations in the case of an opposition politician and applies illegal lobbying mechanisms in Europe

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The Foundation pursues its goals through the organisation of observation missions, including election observation and monitoring of the human rights situation in the post-Soviet area. Based on these activities, the Foundation creates its reports and distributes them among the institutions of the EU, the OSCE and other international organisations, foreign ministries and parliaments of EU countries, analytical centres and media.

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The Foundation has its permanent representative offices in Warsaw, Kiev and Brussels.

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00-580 Warsaw

Aleja Szucha 11a, office 21

Tel. +48 22 307 11 22

E-mail: odfoundation@odfoundation.eu

en.odfoundation.eu

For more detailed information please contact us:

Project manager:

Lyudmyla Kozlovska lyudmylakozylovska@odfoundation.eu

Author:

Igor Savchenko igor.savchenko@odfoundation.eu

Editing:

Lyudmyla Kozlovska

Translation:

Barbara Odrobińska-Dudek

Asya Fruman

Proofreading:

Andrew Sewell

Graphic design:

Igor Savchenko

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Table of Contents:

1. INTRODUCTION.....	4
2. KAZAKHSTAN’S ILLEGAL INFLUENCE ON THE UKRAINIAN INVESTIGATION.....	5
3. KAZAKHSTAN’S ILLEGAL INFLUENCE ON THE RUSSIAN INVESTIGATION.....	6
4. KAZAKHSTAN’S UNDUE INFLUENCE ON THE AUTHORITIES OF FRANCE AND OTHER EUROPEAN COUNTRIES.....	8
5. INTERNATIONAL PR CAMPAIGN TO CREATE A NEGATIVE IMAGE OF MUKHTAR ABLYAZOV.....	9
6. KAZAKHSTAN’S ATTEMPTS TO BLOCK THE PUBLICATION OF DECLASSIFIED DOCUMENTS.....	10
7. CONCLUSIONS AND RECOMMENDATIONS.....	11

1. INTRODUCTION

Representatives of Kazakhstan prepared documents for the Ukrainian and Russian investigation in the case of opposition politician Mukhtar Ablyazov. Kazakhstani officials themselves questioned the defendants in the case, threatened them and forced them to sign testimonies. In Kazakhstan, the Federal Security Service of the Russian Federation questioned the Kazakh activists about their contacts with several Russian oppositionists, whom the authorities consider to be “Ablyazov’s people”.

The coordination of the investigation on the case of Ablyazov was carried out at the level of presidential administrations and involved senior officials of Russia and Ukraine. At the same time, Russia even had “control over the judicial process”.

The Russian investigation states that the proceeds from legalisation of property, “acquired with the money stolen by M.K. Ablyazov”, were used to “change the constitutional order” and “destabilise the political situation” in Kazakhstan. [1] Thus, the official documents of the investigation refute international guarantees of Kazakhstan that the financial crimes Ablyazov is accused of are not related to his political activities.

Kazakhstan illegally influenced employees of ministries and law enforcement agencies of France and other European countries. Lobbyists received huge fees for the creation of a negative image of Ablyazov, ensuring his extradition and concealing the political motivation underlying the case.

These facts became known from items of correspondence, which, in the years 2014-2015, were widely publicised in Europe. The authenticity of the correspondence has been confirmed by official information and testimonies given in US courts by representatives of the Kazakh government who tried to block the dissemination of these documents. Citing the documents of the correspondence, on 9 April, 2014, the High Court in London refused to render to Ukraine Ablyazov’s associate, Igor Kononko. [2]

Countries such as Spain, Italy, Great Britain, Poland, the Czech Republic, Austria, Switzerland, Belgium, the United States and Lithuania have granted asylum to Ablyazov’s associates and relatives. Their extraditions to Ukraine, Russia or Kazakhstan were denied.

Over the past two years, human rights organisations, approx. 50 members of the European Parliament and the PACE have pointed to the political context of the case of Ablyazov and the inadmissibility of his extradition. [3] Extradition of the opposition politician to Russia or Ukraine would pose a risk to his security and would be tantamount to his further rendering into the hands of the Kazakh authorities.

This report presents an analysis of the items of correspondence posted on information portals Trust.ua, ‘Respublika’, ‘Obozrevatel’, The Moscow Post, the newspaper Le Temps and on the Facebook page of the Kazakh political refugee Muratbek Ketebayev. These documents were also mentioned by Mediapart, the Financial Times, Le Nouvel Observateur, RFI and other European media.

THE CASE OF MUKHTAR ABLYAZOV: A BRIEF SYNOPSIS

In **2001**, the former energy minister Mukhtar Ablyazov became one of the founders of the influential opposition movement ‘Democratic Choice of Kazakhstan’; due to this fact, he fell from grace with President Nazarbayev. In **2002-2003**, Ablyazov served time in a Kazakh prison, having been convicted of ‘abuse of power’. In prison, he was subjected to torture, after which he could not move. Under pressure from the international community, which recognised the judgment as politically motivated, Ablyazov was pardoned. However, the ‘Democratic Choice of Kazakhstan’, and its successor – the ‘Alga!’ party were banned in Kazakhstan, having been labelled ‘extremist’.

In **2005**, Ablyazov became the head of the Kazakh BTA Bank. He continued to support and finance the opposition, which led to further conflict with Nazarbayev. According to Ablyazov, he refused to comply with the demands to transfer the controlling stake in BTA Bank to the representatives of the president.

After that, in **2009**, the BTA Bank was nationalised, and Ablyazov and his associates were presented with charges regarding financial crimes. Ablyazov left the territory of Kazakhstan. Later, Kazakhstan also accused Ablyazov of 'inciting social hatred', 'preparing an act of terrorism' and 'a crime against the peace and security of mankind'.

In **2011**, Ablyazov was granted political asylum in Great Britain. British police warned him of the threat of his assassination or kidnap for political reasons, and stated that they could not provide him with daily protection.

Meanwhile, the Kazakh BTA Bank has initiated civil actions in the London court. The Kazakh authorities have argued that Ablyazov, by providing loans to affiliated companies, misappropriated approx. 4.5 billion dollars. On **16 February, 2012**, Judge Nigel Teare found Ablyazov guilty of 'contempt of court', and, as a result, Ablyazov was sentenced to 22 months' incarceration. Ablyazov was absent from court during the adjudication. On **29 February, 2012**, on the motion of the BTA Bank, Judge Teare issued a conditional order by which he ordered Ablyazov to surrender to custody and to disclose the state of his assets. **Failure to meet these two requirements, according to the conditional order, would result in Ablyazov being deprived of the right to a defence in civil lawsuits.**

The oppositionist insisted that the disclosure of assets would result in his associates being prosecuted by President Nazarbayev. **Ablyazov also feared he would be killed in prison on the order of President Nazarbayev.** With the tragic example of Aleksander Litvinenko in mind, Ablyazov left the territory of the United Kingdom. The recent murder of an opponent of Nazarbayev, Rakhat Aliev in an Austrian prison, confirmed that Ablyazov's fears were not without grounds. [\[4\]](#)

After Ablyazov left Great Britain, **BTA Bank was able to apply for the issuance of judicial decisions in respect of Ablyazov without conducting proceedings and examining evidence.** In November 2012, a British court ordered Ablyazov to pay \$2.1 billion to BTA Bank. This was a judgment in absentia – when a decision is automatically issued without trial since the defendant is deprived of the right to a defence. Another decision in a civil case, ordering Ablyazov to pay \$400 million, was also issued without a trial, and, accordingly, without taking into account the arguments of the defence.

Since his detention on **31 July, 2013**, under the "red notice" of Interpol, Ablyazov has been held in custody in France. Ukraine, which was then governed by Yanukovych, and Russia, sent extradition requests. Within the framework of cooperation with Kazakhstan, these countries also accused Ablyazov of financial crimes. Kazakhstan has no extradition treaty with France, and that's why it makes attempts to get Ablyazov through Ukraine and Russia.

On 4 March, 2015, a French court finally approved the extradition to Ukraine and Russia, giving priority to the Russian request. The court only verified the "compliance of the extradition requests with procedural rules". Now, the decision on extradition is to be issued by the French government.

2. KAZAKHSTAN'S ILLEGAL INFLUENCE ON THE UKRAINIAN INVESTIGATION

- Kazakhstan controlled the actions of Ukrainian investigators through a private law firm 'Ilyashev and Partners', which officially represents the interests of the Kazakh BTA Bank. In turn, since 2009, BTA Bank has represented the position of the Kazakh authorities. An employee of 'Ilyashev and Partners', Arseniy Gerasymiv produced drafts of formal written charges and questions to be asked during interrogations for the investigator of the Ukrainian Ministry of Internal Affairs, Maksim Melnik. The investigator signed and used these documents. He also received instructions as to which of Ablyazov's associates should be declared wanted internationally.
- On 9 April, 2014, in the decision refusing to extradite Ablyazov's associate, Igor Kononko, the London court expressed its concern over the fact that Ukraine had not summoned to Britain its investigator,

Melnik, to testify: *“Be that as it may, the reason why Mr Melnik was not brought over to give evidence may be apparent from the bulk of emails which state in terms that he was being presented with documents which needed to be signed and he, on the face of it, took no part at all in deciding whether the prosecutions were, indeed, valid and should be brought, nor what should be the terms of them”.*

- Kazakhstan’s Prosecutor’s Office received from an employee of ‘Ilyashev and Partners’, Roman Marchenko, detailed reports on the actions of the Ukrainian investigative bodies. On 6 May, 2010, Marchenko asked Ulugbek Maksatbekuuly, the then member of the Management Board of BTA Bank, and currently - Adviser to the General Prosecutor the Republic of Kazakhstan: *“Today, I spoke with the investigator. He asked whether Zharimbetov should be placed on the wanted list”.* The reply received was as follows: *“It is necessary.”* Later, Marchenko stated that *“the instruction has been fulfilled”.*
- The representation of Ukraine in the French court was carried out "on a pro bono' basis by the firm 'Winston & Strawn LLP', which, according to published documents, was financed by the Kazakh BTA Bank. Investigator Maksim Melnik gave this company permission to represent Ukraine. As a result, on 30 July, 2014 in Ukraine, a criminal case was opened against Melnik on charges of abuse of office. Materials of the published correspondence were attached to this criminal case file.
- On 22 May, 2014, 16 July, 2014 and 20 August, 2014 in Kiev, at the level of Deputy Prosecutor General of Ukraine (Vitaliy Kasko) and Deputy General Prosecutor of the Republic of Kazakhstan (Andrey Kravchenko) informal meetings on the case of Ablyazov were held. The Kazakh side expressed its 'concern' over the criminal prosecution of investigator Melnik.
- Following these meetings, on 25 September, 2014, an investigator of the Kiev prosecutor’s office, Sergey Khodakovsky, ordered the closure of the criminal case against Maksim Melnik. It is noteworthy that this decision, mirrored verbatim the document which previously, i.e. on 3 September, 2014, had been produced on the official form of the prosecutor's office in Kiev by the firm 'Ilyashev and Partners'. On 19 June, 2015, the Pechersky District Court of Kiev satisfied the complaint of the Open Dialog Foundation and issued a decision to open a criminal case against Khodakovsky on charges of abuse of office.
- Some facts confirm the existence of political agreements between Ukraine and Kazakhstan at the level of the presidential administrations. On 25 March, 2014, a letter from the sender 'Aleksandr Aleksandrov' arrived at the postal address of the assistant of the Prime Minister of Kazakhstan Talant Muratbayev. The letter read: *“Talk to the boss; tomorrow, the head of the Ukrainian presidential administration Sergey Pashinskiy wants to talk with him about the criminal case against Ablyazov”.*
- On 16 April, 2014, a note from BTA Bank reached the managing director of 'Samruk-Kazyna' JSC, Berik Beysengaliev, which reported on the risks of rendering Ablyazov to Ukraine due to the 'corruption of the authorities', 'total insecurity', 'data leakage' and 'the attacks of Ablyazov’s defence on the criminal investigation and the investigation methods, used by the Ukrainian authorities'.

The sources which published the correspondence: the information portal trust.ua ua [\[5\]](#), [\[6\]](#), [\[7\]](#), [\[8\]](#), [\[9\]](#), [\[10\]](#); the information portal 'Respublika' [\[11\]](#), [\[12\]](#); Facebook-page of Kazakh political refugee Muratbek Ketebayev [\[13\]](#).

3. KAZAKHSTAN’S ILLEGAL INFLUENCE ON THE RUSSIAN INVESTIGATION

- Presidents of Kazakhstan and Russia, as well as other senior officials of these states coordinated the actions of the Russian investigative bodies and carried out 'control over litigation' in the case Ablyazov in the Russian Federation.
- On 11 September, 2012, the Law Firm 'Quorum', which represented the interests of Kazakhstan's BTA Bank in Russia, informed the General Prosecutor's Office of the Republic of Kazakhstan, Ulukbek

Maksatbekuly as follows: *"In June 2009, the President of the Republic of Kazakhstan Nursultan Nazarbayev, during a personal meeting, appealed to the Chairman of the Russian Government V.V. Putin with a personal request to conduct an impartial and full investigation into the activities of Ablyazov and his accomplices in the territory of Russia".* The letter also stated: *"(...) employees of the Russian Interior Ministry received documents relating to a number of loans granted by the Bank of Russia; however, (...) they did not succeed in gathering materials, sufficient for a criminal investigation"*.

- According to the documents, in June 2013, the Minister of Internal Affairs of the Russian Federation Vladimir Kolokoltsev reported to Vladimir Putin on the course of the investigation. It follows from the correspondence that the Kazakh side held meetings with Russian presidential aide Yevgeny Shkolov, First Deputy Prime Minister of the RF Igor Shuvalov and Moscow Mayor Sergei Sobyenin. In particular, on 5 November, 2013, Yevgeny Shkolov supported the proposals to *"allocate Curators of the issue of the BTA Bank in the Supreme Arbitration Court of the Russian Federation and the Federal Service of Court Bailiffs in order to control litigation, ensure objective consideration and decision-making"*. The Russian side has promised to ensure *"recognition by the Russian Federation of the judgments, handed down in the Republic of Kazakhstan"* in the case of Ablyazov.
- On 1 April, 2010, Shakizat Amzeyev, whom journalists labelled 'a foreign intelligence agent of the Republic of Kazakhstan', requested that the Kazakh prosecutor's office urge the Russian prosecutor's office to exert pressure on the chairman of the Moscow City Court, Mr. Yegorov. The goal was to prevent "releasing on bail" the defendants in the case Ablyazov: Volkov Vorotyntsev, Belov, Bondarenko, and deny their complaints.
- According to the published documents, consultations for the Russian investigators were provided by the lawyer Andrey Pavlov, a representative of BTA Bank in Russia, one of the persons included in the 'Magnitsky list'. On 26 November, 2013, he reported to the General Prosecutor's Office of the Republic of Kazakhstan and stated that the participants in the case of Ablyazov, namely: Volkov, Bondarenko, Belov and Vorotyntsev were sentenced to 8-9 years' imprisonment. Pavlov informed the office that Putin had 'discussed' the course of the investigation regarding these individuals with Nazarbayev, *"supported the court sentences, handed down against the defendants and took the case 'under his personal control"*. From the correspondence it became known that initially, Volkov denied his guilt, but then decided to "cooperate with the investigative bodies". Once, the interrogation of Volkov was postponed, as it was necessary "to agree on the answers" with Pavlov.
- Lawyer Yelena Tishchenko, a defendant in the case of Ablyazov, also decided to "cooperate with the investigative bodies". On 10 October, 2013, whilst being held in the Russian detention centre, Ms. Tishchenko wrote a letter to the General Prosecutor of Kazakhstan Askhat Daulbayev, expressing her readiness "to provide any assistance to law enforcement authorities of the Republic of Kazakhstan." In November 2013, representatives of the Kazakh prosecutor's office questioned her in a Moscow detention centre. In a letter dated 29 November, 2013, Andrey Pavlov stated that during the period from 15 November, 2013 to 29 November, 2013, *"Y.Y. Tishchenko gave detailed and comprehensive testimony about all the members of the criminal group"*, which allows to bring to justice other partners of Ablyazov. In December 2013, Tishchenko was amnestied.
- On 5 September, 2013 and 6 September, 2013, the investigator Nikolay Budilo sent to Andrey Pavlov a draft document of written charges in the case of Ablyazov. The investigator requested that the representative of the Kazakh side verify the names of companies, initials of the accused and specify the amount of the damage caused.
- During the search in the Moscow apartment of another prosecuted person in the case of Ablyazov, Tatiana Paraskevich, the police threatened her son and daughter with beatings or kidnap if they refused to sign testimonies incriminating their mother.

- Investigators and judges who were running or continue to run the case of Ablyazov in Russia, are included in the list of sanctions in the case of Magnitsky (investigators: Nikolay Budilo, Natalia Vinogradova, Oleg Urzhumtsev, Judge Sergey Podoprigrorov, Elena Stashina, Alexei Krivoruchko, Svetlana Ukhnaev). The criminal case is supervised by Deputy General Prosecutor Viktor Grin who is also included in the 'Magnitsky list'. On 26 September, 2012, the Kazakh government issued investigator Budilo a pistol (CZ 75 B, 9mm Luger, No. 4880V). Ukrainian firm 'Ilyashev and Partners' contacted Budilo and provided translations into French of the documents necessary for the submission of the Russian extradition request.
- Not only did representatives of Kazakhstan exert influence on the investigating authorities in the Russian Federation, but they also took over their functions. For example, on 19 May, 2010, an agent of the Kazakh Foreign Intelligence Shakizat Amzeyev informed the administration of the President of Kazakhstan about the fact that he had questioned Lev Rakovskiy, and he also talked with Zhaksylyk Zharimbetov: *"He is ready to cooperate, as we are preparing the arrest of his friends Savchenko (CEO of ATTA IPOTEKA) and Dmitriy Pak, if he doesn't deceive us"*.
- In 2015, the Russian opposition nationalist Aleksander Potkin, who had contacted Kazakh activists, was reclassified as a defendant having previously been a witness in the case of Ablyazov. The Russian investigation accuses Potkin not only of the 'legalisation of property that Ablyazov acquired by criminal means', - the investigators insist that the funds from the legalisation were used for the 'incitement of national hatred' and 'changing of the political system' in Kazakhstan. The FSB questioned Kazakh activists who had been in contact with Potkin and other Russian oppositionists. Thus, the authorities made it clear that any contact between representatives of the Russian and Kazakh opposition may result in their criminal prosecution.

The sources which published the correspondence: the information portal 'Obozrevatel' [\[14\]](#); the information portal 'Respublika' [\[15\]](#), [\[16\]](#), [\[17\]](#), [\[18\]](#), [\[19\]](#); The Moscow Post [\[20\]](#); Portal Compromat.ru [\[21\]](#); the 'Only truth' blog [\[22\]](#).

4. KAZAKHSTAN'S UNDUE INFLUENCE ON THE AUTHORITIES OF FRANCE AND OTHER EUROPEAN COUNTRIES

- French prosecutor Solange Legras exchanged information and advice with representatives of Ukraine (Guillaume Faure), Russia (Denis Gryunis) and Kazakhstan's BTA Bank (Antonin Levy), who demanded the extradition of Ablyazov. The prosecutor was on friendly terms with them, and even apologised to representatives of Ukraine for having asked to give priority to the Russian extradition request.
- An employee of the Kazakh Embassy in France engaged in regular correspondence regarding the case of Ablyazov with François Delahousse (the head of the department for the Caucasus and Central Asia with the MFA of France) and François Revardeaux (advisor to Laurent Fabius). On 31 July, 2013, François Delahousse warned Jean Galiev about the arrest of Mukhtar Ablyazov in the South of France.
- Through François Revardeaux, Kazakhstan's General Prosecutor's Office sent to the French Ministry of Justice, three letters, in which it expressed its 'deep concern' over the fact that France had rejected the Kazakh request for the extradition of Ablyazov. Kazakhstan suggested that Ablyazov be rendered on the basis of the UN Convention against Transnational Organized Crime.
- In addition, Galiyev requested that Revardeaux and Delahousse informally transfer to the Ministry of Justice, articles in which Ablyazov was presented in a negative light. According to the correspondence, Revardeaux fulfilled the request, and Delahousse handed the materials to the department of the Ministry of Foreign Affairs. Galiyev also addressed Laurent Taieb, the founder of the 'Prestige' company, which creates a positive image of Nazarbayev in Europe, with a request to convey to the 'right people' information about the criminal charges against Ablyazov in Kazakhstan. According to

Galiyev, 'the right people' must quickly spread the information at the same time concealing the source.

- In addition, the incidents of undue influence by Kazakhstan on law enforcement agencies of the Czech Republic (the case of Ablyazov's colleague, Tatiana Paraskevich), Spain (the case of Ablyazov's security chief Aleksander Pavlov), Italy (the case of Ablyazov's wife, Alma Shalabayeva), were made public, which provoked an international scandal. As a result, Paraskevich, Pavlov and Shalabayeva have been granted political asylum.
- Due to the active participation in the campaign to protect her husband, Alma Shalabayeva received threats from the Kazakh authorities that relatives of the oppositionist would also be prosecuted. The Shalabayev family is systematically subjected to surveillance by the security services. On 28 July, 2015, in Vilnius, Syrym Shalabayev, the brother of Ablyazov's wife, Alma Shalabayeva, was arrested on the request of Kazakhstan. Syrym Shalabayev was Ablyazov's business partner and financed the Kazakh opposition. He received temporary protection in Lithuania and is now awaiting a decision on his application for asylum.
- Ukraine and Kazakhstan presented to Shalabayev charges of financial crimes in the framework of the case of Ablyazov. Since 2012, S. Shalabayev has been included in the Interpol list on the request of Ukraine. However, in Kazakhstan, a criminal case against him was initiated only on 22 July, 2015 – 6 years after the commission of the actions Ablyazov is accused of. Lithuania will consider the requests for the extradition of Syrym Shalabayev, which Kazakhstan and Ukraine sent almost simultaneously – on 17 August, 2015 and 19 August, 2015. Previously, on 2 December, 2014, Lithuania granted asylum to Ablyazov's uncle - Kuanysh Nurgazin.

The sources which published the correspondence: the information portal trust.ua [\[23\]](#), [\[24\]](#); the information portal 'Respublika' [\[25\]](#); the magazine 'Mediapart' [\[26\]](#).

5. INTERNATIONAL PR CAMPAIGN TO CREATE A NEGATIVE IMAGE OF MUKHTAR ABLYAZOV

- Kazakh officials hired several foreign companies, including Reed Smith, FTI Consulting, Portland Communications, John Howell & CO Ltd. Their objective was to create a negative image of Ablyazov and to promote his extradition to Russia or Ukraine. This PR campaign was approved by the presidential administration of the Republic of Kazakhstan.
- In January 2014, FTI Consulting Company presented the plan of the campaign: *"The draft PR campaign outlines an international approach to seek to neutralise MA's PR campaign and to further raise awareness of the crimes that form the basis of the extradition requests."* In particular, the plan includes the following points: presenting Ablyazov's case as a large-scale financial crime; proving that it is safe for Ablyazov to be extradited to Russia and Ukraine; denying Ablyazov's statements about Kazakhstan being behind the Russian and Ukrainian extradition requests; maintaining the reputation of Kazakhstan. To execute the plan, it was suggested that politicians, diplomats, influential French and international journalists be engaged.
- FTI Consulting offered its cooperation to Organised Crime Observatory (OCO), the organization which deals with Interpol, the French government, European law enforcement bodies and prosecution offices. Judging from its correspondence, in February 2014, OCO, acting in cooperation with GRASCO (a French NGO) agreed to produce a report on Mukhtar Ablyazov's crimes. Jonathan Hawker, an employee of FTI Consulting, emphasised that the report must portray Ablyazov as a swindler "hiding behind the cloak of political persecution".
- OCO recommended using search engine optimisation, so that if someone ran a search for "Ablyazov", the search results would be not about "persecution of the political dissident" but about "the swindler

who stole 10 billion dollars from the bank and is abusing the protection afforded to him in Western Europe". Since 2011, Portland Communications Company has been working on search engine optimisation and, in addition, making changes to the Wikipedia entry on Ablyazov.

- Reed Smith, John Howell & CO Ltd and Hogan Lovells are lobbying to launch criminal proceedings against Ablyazov in the United Kingdom. According to the documents available to the Financial Times, London law firms, Reed Smith and Ronald Fletcher Baker, *lobbied for the withdrawal* of Ablyazov's refugee status. Peter Salas, Ablyazov's lawyer, states that there are documents that prove the existence of communications between Kazakh and British officials regarding Ablyazov's status, which is illegal.
- Earlier, because of the intensive lobbying activity exercised by BTA Bank and Hogan Lovells, the UK postponed the granting of political asylum to Ablyazov for more than half a year. Meanwhile, the court of London held that the civil claims filed by the BTA Bank are not politically motivated. Mukhtar Ablyazov had repeatedly claimed that the nationalized BTA Bank is not an independent entity; rather, it exercises the political will of the Kazakh government.
- On August 16, 2013, Pavel Prosyankin, Managing Director of BTA Bank, received a letter from Almat Zhamiyev, one of the managers of the National Welfare Fund "Samruk-Kazyna" (the chairman of which is the Prime Minister of Kazakhstan). The letter contained an instruction for the Bank to align its litigation plan with the Kazakh government: *"...it is necessary to develop, in cooperation with your Hogan Lovells advisor, the roadmap for criminal proceedings against the former management of BTA Bank"*.
- On the same day, Prosyankin informed a government representative about the existing risks: *"Producing such a document would threaten the possibility of criminal proceedings against Ablyazov in the UK, since, contrary to the official position of the Bank, it would be obvious that the criminal prosecution of Ablyazov, as well as the extradition activity, is a result of the coordinated actions of the Bank and the State of Kazakhstan. That is, it would constitute actual proof of Ablyazov's statement that the Bank is a tool used by the state to persecute him"*. The response that the Bank received contained a suggestion that it: *develops a thorough plan to ensure that its interaction with the government is not regarded as "coordinated action"*.
- In 2013, the Kazakh government spent approximately half a million euros on the information campaign in France organised by *Laurent Taieb*, the director of the magazine *L'essentiel des Relations Internationales*. Three payments for the services of Portland Communications in 2010 amounted to 255 thousand pounds (about 365 thousand euros), excluding tax.
- On August 5, 2013, four days after Ablyazov had been detained in France, Nurlan Danenov, the Ambassador of Kazakhstan to France, received a letter from his counsellor Anuarbek Akhmetov. The letter stated *it would be for the benefit of France "that the Alstom company be chosen as a partner for the light-rail tram system construction project in Astana"*, as well as *"for participation in the organisation of Expo 2017 International Exposition and for unfreezing the situation with the projects of co-production of helicopters, military electronics, industrial gases"*.

Media that published or quoted the correspondence: Le Temps [\[27\]](#), [\[28\]](#); "Respublika" information portal [\[30\]](#), [\[31\]](#), [\[32\]](#), [\[33\]](#), [\[34\]](#); Radio Free Europe/Radio Liberty [\[35\]](#); Financial Times [\[36\]](#).

6. KAZAKHSTAN'S ATTEMPTS TO BLOCK THE PUBLICATION OF DECLASSIFIED DOCUMENTS

- The abovementioned correspondence received widespread coverage. Apart from Le Temps, Mediapart and RFI, many other European media referred to the disclosed letters, informing the audience about the corruptive influence of Kazakhstan on Ablyazov's case. Among these media were

Le Nouvel Observateur [\[37\]](#); Atlantico [\[38\]](#), NZZ [\[39\]](#), Yahoo France [\[40\]](#), L'Espresso [\[41\]](#), The Wall Street Journal [\[42\]](#), La Provence [\[43\]](#), El Pais [\[44\]](#).

- The publishing of these facts provoked an international scandal, confirming the scale of the lobbying campaigns and the corrupt activity of Kazakhstan in Europe.
- On March 2, 2015, the State of Kazakhstan filed a lawsuit in the U.S. *District Court for the Southern District of New York* against several dozen undisclosed persons, accusing them of the theft of messages sent by Kazakh officials. The court forbade the undisclosed persons from disseminating the correspondence. The European media and the Kazakh information portal "Respublika" analysed the materials which had already been made public by that time. On the grounds of the *Court's* ruling, Kazakhstan demanded that the American web hosting company remove 47 articles from Respublika's website, since the articles contained links to the published stolen documents. Moreover, Kazakhstan is trying to obtain the IP addresses of persons who read *Respublika's* publications on Facebook.
- Among the documents that Kazakhstan is demanding to remove are documents in Abylyazov's case, namely those about the agreements between the presidential administrations of Ukraine and Kazakhstan [\[45\]](#); those about the payment for the services of Winston & Strawn LLP [\[46\]](#); those about the costs of the PR campaign run by the French media [\[47\]](#); those about the correspondence between Zhan Galiyev and the French government [\[48\]](#); those about contracts beneficial to France which were offered after Abylyazov's arrest. [\[49\]](#) Thus, by filing the lawsuit, Kazakhstan confirmed the authenticity of these documents.

7. CONCLUSIONS AND RECOMMENDATIONS

The extent of Kazakhstan's corrupt influence and the scale of the negative PR campaign are yet further proof of the fact that the case against Mukhtar Abylyazov and his associates is politically motivated.

Ukrainian and Russian investigative bodies involved in Abylyazov's case are not independent; they depend on the political interests of the Kazakh party. Therefore, his extradition to these countries may result in an unfair investigation and unfair trial, biased interrogations beneficial to Kazakhstan and, eventually, extradition to Kazakhstan.

The regimes of Putin and Nazarbayev are using Abylyazov's criminal case as a tool for political revenge and reprisals against both Kazakh and Russian opposition. The investigators claim that Mukhtar Abylyazov spent the "stolen money" on financing a part of the Russian opposition and preparing an "overthrow of power" in Kazakhstan.

Any charges relating to economic crimes brought against Mukhtar Abylyazov must not be considered outside the context of his political persecution, prompted by his opposition activity.

The European Union labelled the Russian show trials of Ukrainian political prisoners a "farce". These events showed that Moscow is not going to defer to the position of civilized states, respect international law and fulfill its obligations. Russia is the closest political and economic ally of Kazakhstan. France, which joined the *Magnitsky list* sanctions, cannot ignore the fact that investigators and judges from this list are running a case against Abylyazov.

Ukraine continues to participate in Abylyazov's case, reluctant to mar its bilateral relations with Kazakhstan. After the facts of abuse in Abylyazov's case had received widespread coverage, criminal proceedings against two Ukrainian investigators were initiated. However, the Ukrainian prosecution office does not seem to be interested in a prompt and impartial investigation into Ukraine's unlawful cooperation with Kazakhstan. The corrupt judicial system of Ukraine strongly resists all attempts to reform it.

Russia and Ukraine do not ensure proper conditions of detention, nor do they provide protection against torture. The European Convention on Extradition and the UN Convention against Torture forbid the extradition of a person if charges against them have a political context or if there is a threat of torture. The Open Dialog Foundation hopes that the French government will take into account the position of its European partners and human rights organisations regarding the inadmissibility of extradition of the Kazakh opposition activist.

We are concerned about the lack of reaction from the French government to numerous publications in the European media regarding Kazakhstan's illegal influence on the employees of French ministries and law-enforcement bodies. We are calling upon the European Parliament and the European Commission to approach *the French government with a request* for a proper public investigation into abuses in Ablyazov's case. EU institutions should make it clear to the French government *that the extradition of the opposition activist would violate international human rights agreements* and threaten the European reputation.

Anyone willing to support our demands can address a request to:

- François Hollande, President of France – 55 Rue du Faubourg Saint-Honoré 75008 Paris. Fax: +33 1 47 42 24 65;
- Manuel Waltz, Prime Minister of France – Hôtel Matignon 57, rue de Varenne, 75007 Paris;
- Christiane Taubira, Justice Minister of France – Ministère de la Justice 13, Place Vendôme, 75042 Paris Cedex 01;
- Laurent Fabius, Foreign Minister of France – Paris 37, Quai d'Orsay F, 75351 PARIS. Tel. + 33 1 43 17 53 53;
- Federica Mogherini, High Representative of the Union for Foreign Affairs and Security Policy – 1049 Brussels, Rue de la Loi: Wetstraat 200. Tel. +32 2 584 11 11; +32 (0) 2 295 71 69;
- Elmar Brok, Chairman of the European Parliament Committee on Foreign Affairs – Rue Wiertz 60, 1047 Bruxelles, Belgique. Tel. +32 2 28 49013 (Brussels), +33 3 881 76902 (Strasbourg);
- Theresa May, Home Secretary of the UK – 2 Marsham Street, London, SW1P 4DF; 020 7035 4848. E-mail: public.enquiries@homeoffice.gsi.gov.uk;
- Prime-Minister of the UK – 10 Downing Street, London, SW1A 2AA. Tel. +44 20 7925 0918, e-mail: <https://email.number10.gov.uk>.

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