



The Mukhtar Ablyazov Case



**BTA Bank files false charges in cooperation with
investigative authorities of Ukraine, Russia and France**

*The French court nullified the decision on the extradition of the Kazakh opposition
activist and ordered that the case undergo further consideration*

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1. INTRODUCTION

On 9 April, 2014, the French court cancelled the decision on the extradition of the Kazakh opposition activist, Mukhtar Ablyazov and ordered the case undergo further consideration. Meanwhile, British lobbyists of the dictator Nursultan Nazarbayev are trying to gain favour for the controversial decision to revoke Mukhtar Ablyazov's political asylum.

In its previous report [\[1\]](#) the Open Dialog Foundation analysed how the 'Ilyashev and Partners' law firm, which represents the interests of the Kazakhstani BTA Bank in Ukraine, influenced Ukrainian and Czech investigative authorities, circumventing the legally established rules. BTA Bank fully represents the position of the Kazakh government interested in instituting criminal proceedings against the opposition activist, Mukhtar Ablyazov and other ex-managers of the bank. The proceedings against Ablyazov and his colleagues were initiated by way of filing false charges; this was done by a Ukrainian investigator, Maxim Melnik under the guidance of lawyers of BTA Bank who filed extradition requests against ex-managers of the bank and influenced extradition procedures in the Czech Republic. The updates published on trust.ua web portal [\[2\]](#) serve to confirm our assertions and show how the Kazakh party influenced Mukhtar Ablyazov's extradition procedure in France.

In the hearing of Mukhtar Ablyazov's extradition case in France, the Ukrainian party is represented by the law firm Winston & Strawn LLP. The Ukrainian investigator issued a permit for this firm to represent Ukraine's interests in court but in doing so, he did not comply with all of the procedures provided by the law. The persons in charge of 'representing' Ukraine are the lawyers of the Kazakhstani BTA Bank, the employees of the 'Ilyashev and Partners' law firm. Aside from that, the French prosecutor cooperated with the representatives of Ukraine, Russia and BTA Bank in order to ensure Ablyazov's extradition.

At the extradition trial of Igor Kononko, Ablyazov's former colleague, the interests of Ukraine were illegally represented in London's High Court by Norton Rose law firm, financed by Kazakhstan's BTA Bank. It was a major violation of the law that in the extradition cases of Mukhtar Ablyazov and his colleagues, the Ukrainian state is represented by individuals who are not adequately authorised to do so and who are influenced considerably by BTA Bank.

The report is based on data taken from the discussions and correspondence disclosed through the media:

- those between the Ukrainian investigator Maxim Melnik and the 'Ilyashev and Partners' firm, representing the interests of the Kazakhstan's BTA Bank;
- those between the French prosecutor Solange Legras and the representatives of Ukraine, Russia and the Kazakh BTA Bank.

In addition, the report used official documents of the General Prosecutor's of Ukraine, the Ministry of Internal Affairs of Ukraine, the Ukrainian Embassy in France and Winston & Strawn LLP law firm. The report refers to the information gathered by Mukhtar Ablyazov's lawyers who confirm that the intention to deprive Ablyazov of his refugee status is the result of a well-planned campaign conducted by the English lobbyists of Nazarbayev's regime.

The report focuses on the disclosed correspondence concerning Ablyazov's case. Analysing the available documents is necessary, because this very correspondence was the reason behind the High Court of London's decision to deny Ukraine's extradition request of Ablyazov's former colleague, Igor Kononko on 9 April, 2014. Judge Collins stated that there had been a gross abuse of the extradition procedure: *"The e-mail correspondence is the most remarkable document, as it undoubtedly shows ... that the procedure of drafting the extradition request was violated; in*

particular, not only was the essential information not given, but the material serving as grounds for the request was evidently forged by Ilyashev (editor's note: i.e., "Ilyashev and Partners" firm) ... who gave Mr.Melnik various petitions and documents". Also, as the British judge noted, "the e-mails seem to be speaking for themselves."

These facts must not be ignored at the extradition trial in Lyon, as they are indicative of the corruption-based cooperation between Kazakh, Ukrainian and Russian authorities carried out via the nationalised BTA Bank with the purpose of political persecution of Kazakh opposition activists and people close to them in Europe.

2. MUKHTAR ABLYAZOV'S CASE IN KAZAKHSTAN, FRANCE AND THE UK

2.1. POLITICAL PERSECUTION OF MUKHTAR ABLYAZOV IN KAZAKHSTAN.

In the year of 2001, Mukhtar Ablyazov – a Kazakh politician, former Minister for Energy, Industry and Trade, along with Galymzhan Zhakiyanov, the former akim (the head of the local government) of Pavlodar region, announced the creation of the opposition movement “Democratic Choice of Kazakhstan” (DCK) which campaigned for the decentralisation of power, the fight against corruption and human rights defence. This union became the most influential opposition movement in Kazakhstan, it gained support among the population and spoke out against Nursultan Nazarbayev's monopolisation of power. After the public announcement of the creation of this opposition movement, the Financial Police Agency sent a letter to all of its regional units, demanding that they find relatives, families and friends of the prominent activists of “Democratic Choice of Kazakhstan”, find out what they were doing, and run checks on them in order to uncover violations of the law [3].

Soon after, criminal proceedings were instituted against Mukhtar Ablyazov and people surrounding him. On March 27, 2002, Mukhtar Ablyazov was arrested on charges of “abuse of authority during his service as the Minister for Energy.” As a result, on July 18, 2002, the Supreme Court of Kazakhstan sentenced him to 6 years of imprisonment for “abuse of authority and illegal enterprise.”

International observers from the European Parliament [4], Human Rights Watch [5], Amnesty International [6] and the US Department of State [7] noted that the hearing of Ablyazov's case was as closed as it could possibly be and was characterised by multiple procedural violations. ***In prison, Mukhtar Ablyazov was tortured and beaten many times; as a result he was unable to move for a long period of time*** [8]. In view of the wide publicity that Mukhtar Ablyazov's case received in the European Union, on May 13, 2003 Nursultan Nazarbayev signed a decree to pardon the ex-minister. One of the conditions of Ablyazov's release in 2003 was his agreement to cease all political activity which was insisted upon by Nursultan Nazarbayev himself [9].

In spite of having renounced political activity, Ablyazov continued to support the opposition in Kazakhstan financially and inspirationally. As Alma Shalabayeva, the opposition activist's wife, says, after his release, Mukhtar Ablyazov and his family moved to Moscow where they lived from 2003 to 2005. In Moscow, Ablyazov relaunched his business and continued his political activity secretly supporting Kazakh opposition forces and non-governmental media. In October 2004 Ablyazov made a public statement via his Moscow lawyer, claiming that he had been warned about a plot to assassinate him [10].

In 2009, the new political crisis began in Kazakhstan. Mukhtar Ablyazov returned to Kazakhstan and became the chairman of the board of directors of BTA Bank. However, he fell out of grace with the President Nursultan Nazarbayev. The pretext behind this was the proof gathered by Kazakh intelligence agencies which confirmed that Ablyazov provided financial and ideological support to independent media, NGOs and opposition parties. At the hearing of Vladimir Kozlov's case, the expert, Roza Akbarova claimed to have a quotation from Vladimir Kozlov's speech in the British court which goes like this: “Since 2002 Mukhtar Ablyazov has been financing 70% of the activity of *Alga!* ... To be more precise, I can say that in 2005 he covered 75% of the party's financial expenditures. In 2006 it was 80%, in 2007— 90%, in 2008 — 95%. In the year of 2009 Mukhtar's [Ablyazov – agency's note] financial assistance accounted for 97% of the total amount of funds. These figures make it clear that Mukhtar has provided regular and substantial support to

DCK “Alga!” from the very beginning and over the course of time, he became the main sponsor” [11].

In 1998 Mukhtar Ablyazov and his business partners purchased BTA Bank (which was then called Bank TuranAlem) by winning a privatisation tender [12]. Ablyazov held the majority share in BTA Bank. As Ablyazov states, due to the bank’s success and high profits, *since 2005 Nursultan Nazarbaev and people from his immediate environment illegally demanded that the controlling stake of BTA Bank be signed over to Nazarbayev’s representatives. At first, they demanded that the shares be transferred over without any compensation, then – at a price lower than their market value* [13]. Mukhtar Ablyazov did not obey the ultimatum of Nursultan Nazarbayev.

Later, on February 2, 2009, BTA Bank was nationalised by force, under the pretext of fighting the economic crisis. Formally, such actions were conditioned by the statements of state financial control bodies which claimed to have detected major violations in the work of BTA Bank, *although no violations had been mentioned before the conflict between the President and Mukhtar Ablyazov started*. On the contrary, in 2006 and 2007 BTA Bank was declared ‘the best bank in the Central Asia’, as per the international *Euromoney* magazine, and in 2008 it took the 173rd place in the list of the world’s top banks (as per the business magazine *The Banker*). In 2008 BTA Bank repaid its external debts without refinancing in the amount of about US\$ 1.2 billion. In January 2009, international financial magazine *Global Finance* awarded BTA Bank the title “The Best Bank in the field of trade financing in Kazakhstan – 2009”. Before the forced nationalisation, BTA Bank had more than 150 000 corporate clients, 1.3 million private clients, 22 branches and 279 cash settlement centres [14].

After the nationalisation, a mass deposit outflow from individuals and legal entities occurred. The change of control among the shareholders and the management became a reason for the bank’s foreign creditors to demand that all the international liabilities of the bank be settled, which resulted in the bank’s default [15].

Also, after the nationalisation of BTA Bank criminal cases were opened against the bank’s managers and employees on charges of “financial crimes”. Mukhtar Ablyazov was declared wanted by the law enforcement bodies of Kazakhstan, and later by those of Russia and Ukraine.

The Kazakhstan prosecutor’s office charged Mukhtar Ablyazov with the following crimes:

A) Financial crimes (Embezzlement of property, abuse of authority, fraud – Art. 176, pt. 3, subparagraphs a, b; Art. 193, pt. 3, subparagraphs b, c; Art. 220, pt. 1; Art. 228; Art. 177, pt. 3, subparagraphs b, c; Art. 235, pt. 3 of the Criminal Code of the Republic of Kazakhstan).

In Kazakhstan there has been no trials on charges against Mukhtar Ablyazov concerning BTA Bank; the case is still being “investigated”. Meanwhile, as a result of two trials on BTA Bank case that took place on 25 December, 2009 and 24 May, 2012, 26 persons were sentenced to imprisonment. Many of the defendants were sentenced to a term longer than the prosecutor’s office demanded [16].

B) Stirring up social strife (Art. 164 of the Criminal Code of the Republic of Kazakhstan), calling for overthrow of the constitutional order (Art.170 of the Criminal Code of the Republic of Kazakhstan), creating and controlling a criminal organisation (Art. 235 of the Criminal Code of the Republic of Kazakhstan).

The charges of the prosecutor’s office of Kazakhstan against Mukhtar Ablyazov are that in March 2010, whilst residing abroad, he founded an “extremist organised criminal group” to support the

striking oil workers in Zhanaozen and by doing so “provoked a tragedy”. It is well-known that on December 16, 2011, striking oil workers were dispersed by the police using firearms; according to the official statements, at least 17 persons were killed and 108 were injured [17].

According to the prosecutor’s office of Kazakhstan, Ablyazov’s “organised crime group” (OCG) includes the opposition politicians **Vladimir Kozlov** and **Muratbek Ketebayev** who were charged with similar offences to Mukhtar Ablyazov. Polish authorities stated that the charges against Muratbek Ketebayev were politically motivated and granted him asylum on 9 December, 2013.

During the Zhanaozen strike, Vladimir Kozlov held meetings with oil workers and represented their interests in the European Parliament, OSCE, European Commission and Polish Sejm. On 8 October, 2012, the Court of Kazakhstan sentenced him to 7.5 years’ imprisonment with confiscation of property. International human right organisations, the European Parliament and governments of democratic states declared Vladimir Kozlov to be a political prisoner [18]. **While hearing the case of Vladimir Kozlov, Kazakh courts violated the presumption of innocence in respect of Mukhtar Ablyazov**, having accepted as fact that he allegedly created and controlled the OCG of Kozlov and Ketebayev. Prosecutors repeatedly labelled Ablyazov a “perpetrator” although the allegations against Ablyazov had not been examined at any trial. **The prosecutor’s office of Kazakhstan declared that the OCG of Ablyazov, Kozlov and Ketebayev had also committed crimes “against peace and human security” [19].**

On the basis of the verdict against Vladimirt Kozlov, the activity of the opposition party “Alga!” was prohibited in Kazakhstan, as well as the activity of 34 non-state media which provided the most extensive coverage of the Zhanaozen events (Vzglyad newspaper, video web portal Stan.tv, the K+ TV channel, the “united mass media outlet “Respublika” (which includes 8 newspapers and 23 online news sources) [20]. The government called them “extremist” and accused them of “stirring up social strife” and cooperating with Mukhtar Ablyazov. The hearings bore signs of a political order and were held with an apparent condemnatory bias.

C) Act of terrorism (Art. 233 of the Criminal Code of the Republic of Kazakhstan).

The general prosecutor’s office of Kazakhstan, violating the presumption of innocence, informed that since September 2011 Mukhtar Ablyazov, **Aleksandr Pavlov** (the head of his security team) and the politician **Muratbek Ketebayev** “have been hatching plans to organise acts of terrorism and extremism”: “It has been discovered that at the beginning of March 2012 they delegated their accomplices to detonate a series of explosions in public places of Almaty, including park zones and areas near administrative buildings [21].

At that time, both defendants were living outside Kazakhstan. There has been no announcement regarding the commencement of a trial in this case. **Article No. 49 of the Criminal Code of the Republic of Kazakhstan provides for the death penalty for terrorist crimes.** Since 1990, 536 death sentences have been handed down. Starting from 2003, after establishing the moratorium, sentencing to death was suspended [22]. A new version of the Criminal Code of the Republic of Kazakhstan extends the list of crimes punishable by the death penalty [23]. On 3 July, 2014, President Nazarbayev approved the new Criminal Code.

As part of the extradition request against Aleksandr Pavlov, Kazakhstan sent the Spanish authorities documents related to Mukhtar Ablyazov only (for instance, Kazakhstan sent a copy of the request of General Prosecutor’s Office of Ukraine for Ablyazov’s extradition to Ukraine, addressed to the Ministry of Justice of France. It is up to the Spanish government to make the final decision. *Amnesty International* has already called upon the Spanish government twice, asking

them not to extradite Aleksandr Pavlov and citing, amongst other reasons, the ***increase of persecutions of former associates of Mukhtar Ablyazov, which pointed to the existence of a political order from the Kazakh authorities*** [24].

At the same time, there were other statements in defence of Aleksandr Pavlov, made by: Juan Mendez, the UN Special Rapporteur on Torture; Isabel Santos, Chair of the Committee on Democracy, Human Rights and Humanitarian Questions of OSCE Parliamentary Assembly; Barbara Lochbihler, Chair of the European Parliament Subcommittee on Human Rights; members of the European Parliament: Ana Gomes, Piotr Borys, Marek Migalski, Raül Romeva i Rueda; senators of the Italian Parliament Luigi Compagna and Luigi Manconi; members of Polish Sejm Ligia Krajewska and Marcin Świącicki; parliamentary group of the Spanish party Union Progreso y Democracia, Spanish parliamentary deputies: José Ignacio Sánchez, Ricardo Sixto Iglesias and others.

In Kazakhstan, Mukhtar Ablyazov was found guilty without any trial having taken place. Senior officials of the Republic of Kazakhstan publicly label Ablyazov a criminal. Yerlan Idrisov, the Minister of Foreign Affairs, claimed to the European diplomats that Ablyazov *“started positioning himself in the West as a fighter for democracy. He committed a very serious economic offence, this has been proved in our courts. ... That’s why Kozlov is not a real opposition leader. Respublika is not a real independent newspaper, K+ Channel isn’t a real independent channel. It is a special instrument created by Ablyazov to “attack” Kazakhstan. That is why we classify the situation concerning Ablyazov and these entities as a special anti-Kazakhstan operation organised by Ablyazov. That’s why Kazakhstan, just like any other state, has a right to defend itself against this special operation* [25].

On 31 July, 2013 the French police detained Mukhtar Ablyazov on an Interpol red notice on the basis of the extradition request sent by Ukrainian law enforcement bodies. The Russian Federation and the Republic of Kazakhstan also filed extradition requests against the Kazakh opposition activist.

2.2. THE FRENCH COURT SANCTIONED THE EXTRADITION BUT THE COURT OF APPEAL NULLIFIED THIS DECISION.

On 9 January, 2014, the court of Aix-en-Provence sanctioned Mukhtar Ablyazov’s extradition to Russia and Ukraine. The court stated that of the two extradition requests, it shall give priority to the Russian one. ***The extradition proceedings of the Kazakh opposition activist was marked by several scandals and infringements:***

- On 2 October, 2013, there was a leak from the French court. On that day the ‘Ukrainian National News’ agency spread information that Ablyazov had been refused bail [26]. The news was published early in the morning, before the trial at which the court decision about denial of bail was read out.
- In November 2013 it became known that the French state prosecutor denied Ablyazov the right to call his lawyers from the pretrial detention facility. According to the lawyers, this was a violation of the right to defence. Apart from this, the state prosecutor repeatedly denied Ablyazov the right to be visited by his 12-year-old son in SIZO [27].
- **On 11 December, 2013**, the day before the extradition trial, at the end of the working day an additional statement (“notes to be included into the proceedings”) was filed in the court office by the representative of Ukraine, an employee of the law firm Winston & Strawn LLP, who wanted to substantiate his position towards Ablyazov’s extradition. Ablyazov’s lawyers filed an objection against this, including this document in the case materials, because Ukraine,

according to the French legislation, is not a party in the extradition procedure; its representatives can only be present at the hearing and answer the court's questions. Moreover, the statement of the Ukrainian party was not translated into Russian, spoken by Ablyazov. The French court, however, included this document in the case materials. Later, in its decision of **9 April, 2014**, the Paris court of appeal deemed said actions of the Aix-en-Provence court illegal, as the state of execution, according to the French legislation, is not a party in the extradition hearings and "cannot file a substantiating statement or any similar document" in the court office.

- The hearing on extradition to Russia and the hearing on extradition to Ukraine were held jointly on **12 December, 2013**. Taking into account the complexity of the case, one day was not enough to consider all the arguments. Representatives of the Open Dialog Foundation and Ukrainian human rights activists, Oleg Levitsky, Vadim Pivovarov and Marina Tsapok, were present at the hearings. According to the observers, the long speeches of the prosecutor and the representatives of Russia and Ukraine did not leave Mukhtar Ablyazov enough time for his final plea, and the judge asked him, "Be quick, people may miss their transport". On **9 January, 2014**, at the next trial, the decisions sanctioning the extradition to Ukraine and to Russia were announced, with preference for the extradition to Russia. Mukhtar Ablyazov's party lodged appeals against both decisions.
- After the hearing of 12 December, 2013, there were changes in the composition of the chamber of judges, although, according to the French legislation, the decision was to be taken by the same judges that had taken part in the hearing. On **27 February, 2014**, the Aix-en-Provence court convened a new hearing at the request of the prosecutor, Solange Legras. The decision to hold a new hearing was taken by the same judge that had presided over the extradition hearing on 12 December, 2013. The hearing was held in spite of the fact that the decisions of the Aix-en-Provence court of **12 December, 2013** – the decisions on Mukhtar Ablyazov's extradition to Russia and to Ukraine – were already being considered by the Paris court of appeal [\[28\]](#). The hearing was aimed at correcting the omissions in the decision of 12 December, 2013, as there were doubts as to which of the judges had taken the decision on Mukhtar Ablyazov's extradition. Ablyazov's defenders considered that those omissions were grave and could result in the cancellation of the extradition decisions in the court of appeal. According to the lawyers, the prosecutor and the Aix-en-Provence court must have been fearful of this, as the decision on holding a fresh hearing was made swiftly [\[29\]](#).
- On **March 13, 2014** the Aix-en-Provence court ruled to amend the decisions of 9 January, 2014, in spite of the fact that those decision were already being considered by the court of appeal.
- In April 2014, the French journalists published an investigation which revealed that before the hearing of 12 December, 2013, the prosecutor had secretly given the judges the documents received from the representatives of Russia and Ukraine; those documents induced the court to take the extradition decision. The Kazakh opposition activist did not have a chance to challenge these documents in court [\[30\]](#).

On **9 April, 2014** the court of appeal cancelled the extradition decisions taken by the lower court and ordered the case to be reconsidered in the court of Lyon. Mukhtar Ablyazov was transferred to the detention facility in Lyon.

On 26 May, 2014, the preliminary hearing took place in Lyon. On **3 June, 2014**, the court allowed the representatives of Russia and Ukraine to attend the hearings and to give oral explanations at the request of the court, without being parties to the proceedings. Russia and Ukraine will not have access to the case file, neither will they have a right to include additional documents in the

proceedings. It is worth noting that on the same day, the Ukrainian court stated that the representation of Ukraine by a private law firm in the French court was illegal. For more details, see subchapter 3.2 of the report.

On 18 June, 2014, the court of appeal nullified the ruling made by Aix-en-Provence court on **27 February, 2014** и **13 March, 2014**.

The hearings on the extradition requests of Ukraine and Russia have been scheduled for the same date – **25 September, 2014** – and will take place in Lyon.

2.3. NAZARBAYEV'S BRITISH LOBBYISTS STRUGGLE TO DEPRIVE ABLYAZOV OF HIS REFUGEE STATUS.

On 16 April, 2014 it became known that on 8 January, 2014 the Home Office of the UK had sent Mukhtar Ablyazov a notification about their intention to deprive him of the refugee status granted to him by the British government on 7 July, 2011. The notification was sent to Ablyazov's London address although by that time it was already widely known that he had been detained in France. The final decision on this issue – as of 8 July, 2014 – has not yet been taken. Peter Sahlas, the lawyer representing Ablyazov's family in Europe, notes that there has been no such precedent in the history of jurisprudence. Lev Ponomaryov, a human rights activist from Russia, also cannot think of a case when the state granted refugee status and then revoked it [\[31\]](#).

Ablyazov's lawyers report that the Home Office of the UK stated its intention to revoke the refugee status because there allegedly were *"serious reasons for considering that he committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee."* According to the Article 1 F (b) of the UN Convention Relating to the Status of Refugees, under such circumstances, a person is considered not worthy of international protection.

The British Home Office believes that there is sufficient reason to believe that Mukhtar Ablyazov could have committed large-scale financial fraud in Kazakhstan. *Without giving additional reasons, the Home Office expressed doubts as to the political motivation of the criminal prosecution against Mukhtar Ablyazov. The British office referred to the materials of a civil (therefore, a non-criminal) hearing held at the High Court of London as part of the BTA Bank lawsuits.* Apart from that, on 8 December, 2011 the High Court claimed that *"there is an arguable case that the Bank is bringing these proceedings in order to obtain a judgment against the defendants, to denude them of their assets and thereby to weaken, if not to eliminate, their ability to oppose the President of Kazakhstan in Kazakhstan"* [\[32\]](#).

It is also known **that Mukhtar Ablyazov did not have an opportunity to present his arguments in the London court** during the proceedings relating to the BTA Bank lawsuits. Mukhtar Ablyazov left the territory of Great Britain in early 2012. On 16 February, 2012, Judge Nigel Teare decided to detain Mukhtar Ablyazov in custody for 22 months for violating the court's order on the complete disclosure of assets. In March 2014, Judge Nigel Teare granted a special "Unless Order" debarring Ablyazov from defending himself in court if he doesn't disclose all of his assets and turned himself in. Ablyazov justified his refusal to provide information about his assets by the fact that such a disclosure presents a potential threat to the third party from President Nazarbayev's regime. Thus, ***the London court's rulings on the recovery of funds, imposed on Mukhtar Ablyazov on the basis of several lawsuits of the BTA Bank, were issued without any consideration of the defence's arguments.*** Ablyazov was deprived of the right for defence. Mukhtar Ablyazov applied to the European court of human rights, claiming there had been a violation of Article 6 of the European

Convention of Human Rights which guarantees the right to defend oneself in court. The European court's decision on this appeal is pending.

It is worth noting that in 2011 the UK's Home Office regarded the criminal prosecution of Ablyazov in Kazakhstan to be politically motivated and granted him political asylum. It took into account the proven attempts on Ablyazov's life in Kazakhstan (during his imprisonment between October 2002 and May 2003) and in Moscow (in 2004). **The UK government acknowledged the risk to the life of the opposition activist Mukhtar Ablyazov, as well as the probability of he and his associates being subjected to torture and cruel treatment in Kazakhstan.** Aside from that, on January 29, 2011, Mukhtar Ablyazov received an "Osman warning" from London Metropolitan Police, stating that *he might be subject to kidnapping or physical harm which might be politically motivated, and that the police were unable to ensure his protection against this threat on a daily or hourly basis.*

Moreover, it is impossible to revoke the refugee status without taking into consideration the position of Mukhtar Ablyazov himself. According to the Judgment of the European Court of Justice of 22 November 2012 [33], which is a precedent in this case, *every person has the right to make known his views effectively during an administrative procedure, and the authorities must examine carefully and impartially all the relevant aspects of the individual case and give a detailed statement detailing the reasons for their decision.* This is one of the fundamentals of the principle of respect for the right of defence. Also, in UNHCR's Background Note on the Application of the Article 1F of the 1951 Convention relating to the Status of Refugees, it is noted that the revocation of refugee status is of an exceptional nature. The person concerned will be granted procedural guarantees, if in particular:

- an opportunity to examine the testimonies on the basis of which the exclusion decision could be taken, and to provide relevant comments;
- a right to challenge the exclusion decision before an independent tribunal [34].

Lawyer Peter Sahlas reports about the documents received from a person in Kazakhstani government – **the documents that "prove the existence of contact between Kazakh and British authorities concerning Ablyazov's status."** However, the lawyer emphasises the fact that the law bars the UK government from discussing Ablyazov's status with the representatives of Kazakhstan, as Ablyazov was granted asylum because of his persecution by Kazakhstani authorities. The UK government so far refuses to comment on this. The lawyers intend to get explanations from the Home Office through judicial procedure [35].

The lawyers claim that the decision to revoke the refugee status is illegal and that it resulted from the activity of the British lobbyists of Nazarbayev's regime. According to the documents available to the *Financial Times*, two London law firms – Reed Smith and Ronald Fletcher Baker – lobbied for revocation of Mukhtar Ablyazov's refugee status [36].

According to the lawyers' information, the direct correspondence relating to Mukhar Ablyazov's case was exchanged between the Ronald, Fletcher, Baker firm and the UK Home Office, as well as between the governments of Kazakhstan and the United Kingdom. Lawyers note that on 31 January, 2014 there was a meeting between lawyers from the Reed Smith firm, John Howell – the consultant of BTA Bank, representatives of the British Ministry of Justice and the representatives of the General Prosecutor's Office of Kazakhstan. John Howell said that the decision to revoke Ablyazov's refugee status had been taken and would be executed if, and when, considered appropriate; that the process had been *"driven by the home secretary, Theresa May, as part of a wider 'clean-up' of asylum decisions that have been taken in recent years in respect of individuals who have abused the system and rules"*. John Howell noted that after revoking Ablyazov's refugee status, the British government would allegedly cancel his colleagues' refugee statuses as well.

According to the lawyers of Mukhtar Ablyazov, **the intention to revoke his refugee status may have also been brought about by the wishes of David Cameron, the British Prime Minister, to improve his relationship with Kazakh authorities.** It is worth noting that from 30 June, 2013 to 1 July, 2013 David Cameron was on an official visit to Kazakhstan, as a result of which, 10 contracts amounting to US\$ 1.1 billion were signed [\[37\]](#). The Prime Minister was accompanied by the representatives of 30 British companies. One of the main objectives of the visit was to sign business deals, lucrative for the UK [\[38\]](#). International human rights organisations expressed regret that during the meetings, the issue of human rights violations had only been raised formally, while President Nazarbayev had claimed that there were no political repressions and political prisoners in the country [\[39\]](#).

Apart from this, **communication between Kazakh authorities and representatives of the UK is takes place through Tony Blair and his circles.** In 2012 the former Prime Minister of the UK was invited to Kazakhstan as a consultant to attract foreign investments [\[40\]](#). For his services, he receives up to £16 millions a year from the Kazakhstan government [\[41\]](#). Muratbek Ketebayev, a Kazakhstani opposition activist, and Kanat Berentaev, an economist, think that such cooperation is born out of the desire of the Kazakhstani authorities to have an unofficial source of influence on the government agencies of the UK [\[42\]](#).

For example, **Tony Blair's elder brother, Judge William Blair, issued an order to freeze the assets and confiscate the documents of Mukhtar Ablyazov on 13 August, 2009.** Two days after the issuance of the order to place Ablyazov in custody for refusal to disclose his assets, Tony Blair visited Nursultan Nazarbayev with a report. Some journalists present this fact as proof of the Kazakhstani President's informal influence on the London court being carried out by Tony Blair [\[43\]](#).

The representatives of Tony Blair's office state that at his meetings with Nursultan Nazarbayev he raises the issues of the observance of human rights in Kazakhstan, and that one of the main goals of his activity is allegedly to spur social and economic reforms in Kazakhstan, "moving (the country) in a democratic direction". In spite of this, human rights activists give examples of how rights and freedoms have increasingly been infringed upon in Kazakhstan in recent years, while Tony Blair is ignoring these problems [\[44\]](#), [\[45\]](#).

According to the information available to *Financial Times*, **Cherie Blair, the wife of Tony Blair, is the head of an international law firm Omnia Strategy which is advising Kazakhstan** on "risks posed by its obligations under bilateral investment treaties" and "under the convention of the International Centre for Settlement of Investment Disputes". After the information about the possible revocation of Ablyazov's refugee status had been made public, in May 2014 Cherie Blair paid a visit to Kazakhstan and discussed the issues of cooperation between Kazakhstan and Omnia Strategy with the Prime Minister, Karim Masimov [\[46\]](#).

On 12 June, 2014, in his interview to the Italian weekly *L'Espresso*, Mukhtar Ablyazov said, "I know how the Kazakh regime works. It is one of the richest dictatorships in the world. In its prosecuting me, the regime put political pressure on Western leaders, promising them important commercial contracts in exchange for my arrest and extradition. The Kazakh regime also involved influential businessmen who put pressure on Western politicians until they adopted a friendly position with regard to the dictator." [\[47\]](#).

3. WITH THE HELP OF UKRAINE AND RUSSIA, KAZAKHSTAN INTERFERES IN THE CONSIDERATION OF MUKHTAR ABLYAZOV'S EXTRADITION CASE

3.1. KAZAKHSTAN'S BTA BANK INTERFERED IN THE WORK OF UKRAINIAN INVESTIGATIVE BODIES.

Law firm 'Ilyashev and Partners' initiated criminal prosecution of participants in the case of BTA Bank in Ukraine. To date, the company continues to make progress with the case and ensure its legal support. Formally, the client of 'Ilyashev and Partners' is BTA Bank. Given that 97.3% of its shares are owned by the Government of Kazakhstan represented by the National Welfare Fund 'Samruk-Kazyna', ***BTA Bank fully represents the position of the Kazakh authorities which are interested in the prosecution of the former managers of the bank.***

Through the law firm 'Ilyashev and Partners', the Kazakh side transferred to Ukrainian investigators information and personal data of the accused; drew up for the investigator interrogation reports, written documents with indictments and requests for extradition; negotiated with the investigator requests for the overriding of bank secrecy; provided guidance to Ukrainian investigators as to who should be declared wanted by Interpol, what questions to ask during interrogations and which issues to pursue during the investigation.

The analysis of the documents [\[48\]](#), attached to e-mails between the lawyer from the firm 'Ilyashev and Partners', Arseniy Gerasymiv and investigator Maxim Melnik, was further confirmation of the fact that the firm 'Ilyashev and Partners' participated in the drafting of official documents:

- On 15 February, 2012, the lawyer from the firm 'Ilyashev and Partners', Arseniy Gerasymiv corrected documents ***signed by the investigator Maxim Melnik***, and sent them to the investigator for signing. The corrected documents included the decision to arrest corporate rights of different companies in Ukraine related to the case of former top managers of BTA Bank: Mukhtar Ablyazov, Roman Solodchenko, Zhaksylyk Zharimbetov, Ildar Khazhayev, Alexander Udoenko, Igor Kononko and Tatiana Paraskevich. The decision was prepared in accordance with the request of BTA Bank.
- On 23 February, 2012, Arseniy Gerasymiv requested that investigator Maxim Melnik make a request to the Kiev private notary with regard to the information about Ukrainian companies which appear in the case of BTA Bank; the request also included a demand to provide copies of the required documents. On the same day, the investigator received a similar request, ***compiled on behalf of the investigator***, to be sent to Svyatoshin Regional State Administration; later - a request to be sent to the Economic Court of Kiev. ***The content of all of these requests was prepared by the firm 'Ilyashev and Partners', and not investigator Maxim Melnik*** (see Appendix 1).
- In the letter dated 20 April, 2012, Arseniy Gerasymiv offers the investigator his assistance in completing the necessary documents regarding Igor Kononko, which were subsequently sent to the High Court in London. For example, it was suggested that the case of Igor Kononko should be supplemented with the decision to institute criminal proceedings against another participant in the case of BTA Bank - Syrym Shalabayev. Arseniy Gerasymiv wrote: *"I can do anything, if you send me the ruling on Shalabayev in electronic form"*.
- On 23 April, 2012, Arseniy Gerasymiv sent to the investigator a refined/finalised decision to institute criminal proceedings against Syrym Shalabayev. The content of the decision suggests

that Mukhtar Ablyazov, Igor Kononko, Syrym Shalabayev and Alexander Udovenko, committed 'embezzlement of BTA Bank's funds 'in abuse of their official positions'.

- On behalf of the investigator, the firm 'Ilyashev and Partners' produced a decision to prosecute Tatiana Paraskevich as a defendant in the case of BTA Bank. The decision read that she 'colluded' with Mukhtar Ablyazov, Syrym Shalabayev, Igor Kononko and Alexander Udovenko and 'committed embezzlement of a large amount of BTA Bank's funds'.
- On 27 February, 2013, Arseniy Gerasymiv sent the documents to the investigator for signing. These were the investigator's answers to the inquiry, sent by lawyer Arseniy Gerasymiv, regarding the criminal case against former managers of BTA Bank. The firm 'Ilyashev and Partners' made the inquiry itself, and it also produced the answers to the questions posed. **Clearly, therefore, the firm 'Ilyashev and Partners' created the appearance that it cooperates with the investigator within formally established rules.**

Documents attached to the e-mails prove that 'Ilyashev and Partners' negotiated with the investigator Maxim Melnik not only regarding the questioning of witnesses, but also motions to disclose bank secrecy, seize companies, etc. It is important that 'Ilyashev and Partners' prepared requests to provide information and documents on behalf of the investigator. The investigator may have been a source of information by overriding the secrecy of investigation. Perhaps it was through the investigator that the lawyers obtained important information which they could not have obtained otherwise (for example, about banking secrecy). Thus, **the Kazakh government through the Kazakh BTA Bank and firm 'Ilyashev and Partners' received the information necessary for the prosecution of Mukhtar Ablyazov's partners and associates.**

The aforementioned facts suggest that investigator Maxim Melnik did not act independently, but rather he followed the instructions and recommendations of the firm 'Ilyashev and Partners'. **It is important that it was on the initiative of this very investigator that a criminal case against former managers of BTA Bank: Zhaksylyk Zharimbetov, Mukhtar Ablyazov, Roman Solodchenko and Syrym Shalabayev, the husband of Ablyazov's sister, was opened in Ukraine.** Therefore, one can assume that all criminal cases against managers of BTA Bank in Ukraine were opened under the influence and on the initiative of the law firm, which, in fact, represents the interests of the Kazakh government.

'Ilyashev and Partners' also exerted influence on witnesses. The text attached to the letter of 23 February, 2012, written by Arseniy Gerasymiv, proves that during the interrogation of the witness, investigator M. Ivatsok had a task to persuade the witness to file for bankruptcy: *"The case: the interrogation of the President of 'Prime-Sstroy' Ltd., M. Ivatsok. Execution state: persuade [the witness] to file for bankruptcy"* (see Appendix 1, Appendix 2). The purpose of the investigator's interrogations was not to clarify the circumstances of the case, but rather to persuade a witness to perform certain actions.

In general, the services rendered by the firm 'Ilyashev and Partners' to investigator Maxim Melnik, go beyond the law. The actions of BTA Bank's lobbyists constitute a direct violation of Ukraine's Criminal Procedure Code, which prohibits interference in the work of the investigator of persons who are not entitled to it (Article 40 of the CPC). In addition, such actions bear tell-tale signs of a criminal offence under Article 343 of the Criminal Code of Ukraine - interference in the work of law enforcement authority, i.e. the "exerting influence in any form on a law enforcement officer in order to achieve the issuance of an unlawful decision."

On 27 May, 2014, human rights organisations Centre for Civil Liberties, Ukrainian Helsinki Human Rights Union, the Centre for Human Rights Information and the Open Dialog Foundation issued a joint statement, expressing concern that **"the judicial bodies of Ukraine could not abandon**

practices that had been implemented during the governance of Viktor Yanukovich and earlier”.

Human rights activists appealed to the General Prosecutor's Office, Ministry of Internal Affairs and Security Service of Ukraine with the demands that:

- an official apology be made and an investigation in the cases of refugees and their family members, affected by the actions of Ukraine, be carried out;
- the request filed with Interpol for issuing an international arrest warrant for Mukhtar Ablyazov and participants in his case be withdrawn;
- cooperation with the secret services of Russia, Kazakhstan, Uzbekistan and other authoritarian regimes with a view to prosecution, abduction and rendering of political opponents and refugees be ceased.

However, heads of Ukrainian law enforcement agencies in their responses did not comment on the majority of the demands put forward by the human rights activists. [\[49\]](#)

Ukrainian MP and former Foreign Minister, Boris Tarasyuk, in his statement to the Ukrainian authorities pointed to violations of Interpol's statute by the Russian Federation and Kazakhstan, requested to initiate investigation into the legality of extradition requests by Ukraine and ensure public investigation into the incidents of “illicit cooperation of the previous regime with authoritarian regimes in order to persecute political opponents”. Also, Oleg Osukhovskiy, the head of the subcommittee of Parliament on combating organised crime and corruption, sent a letter to the prosecutor's office regarding the reviews of the extradition requests.

In an interview for the Open Dialog Foundation, the head of the lustration committee of Ukraine, Yegor Sobolev, stated: *“After Maidan, society has changed a lot, but the state mechanisms and the state apparatus have hardly changed.”* The problem of corruption in law enforcement agencies has not been solved. Yegor Sobolev declared that he was ready to seek the dismissal of officials who had participated in the corruption schemes in Ablyazov's prosecution: *“Frankly, it's hard for me to imagine what the Ministry of the Interior could have been guided by. I believe that either the head of department does not understand what is happening, or it is a direct betrayal of the principles of the Maidan. It is shameful that our country is involved in this case”.* [\[50\]](#)

Tatiana Chornovol, the government's representative, responsible for anti-corruption policy in Ukraine, commented on Mukhtar Ablyazov's prosecution as follows: *“Ablyazov was one of the largest oppositionists in Kazakhstan. He financially supported the opposition. But he was successfully defeated by operating on foreign accounts. One billion was sent by officials in Kazakhstan for the fight against Ablyazov, and Putin joined. It's not about the economy. He was attacked for political reasons. Otherwise, he would have felt great in Kazakhstan”.* [\[51\]](#)

3.2. PRIVATE LAW FIRMS, IN VIOLATION OF PROCEDURES, REPRESENT UKRAINE IN MUKHTAR ABLYAZOV'S EXTRADITION CASE.

There is reason to believe that the lawyers of Kazakhstan's BTA Bank have a direct impact on the lawyers who represent Ukraine at Ablyazov's extradition trials in France.

At the trial in France, the Ukrainian side is represented by the Paris office of the law firm Winston & Strawn LLP. ***On 18 November, 2014, the investigator of Ukraine's Ministry of Internal Affairs, Maxim Melnik, authorised the lawyers from the firm Winston & Strawn LLP to participate in the trial in France by representing the interests of Ukraine*** and carry out all possible actions aimed at extraditing Mukhtar Ablyazov (see Appendix 3). The ‘permission’ given by investigator Melnik was transferred to the Ministry of Justice of France through the Embassy of Ukraine in France. At the

same time, ***the General Prosecutor's Office in a letter dated 13 November, 2013, permitted the firm 'Ilyashev and Partners' to "ensure the representation of" Ukraine at the extradition process without payment for services from the state budget*** (see Appendix 4). Thus, the investigator of the Ministry of Internal Affairs authorised the firm Winston & Strawn LLP to represent Ukraine at the trial, while prosecutors granted the right to 'ensure' that representation to the firm 'Ilyashev and Partners' which, in fact, protects the interests of Kazakhstan's BTA Bank and the Kazakh authorities.

French Criminal Procedure Code allows delegation to the law firm the right to represent the interests of the state in court. However, from the perspective of Ukrainian legislation, the cooperation of Ukrainian prosecutors with law firms in the case of Ablyazov's extradition was carried out with gross violations and abuses. Below we present the list of major violations:

A) Firm Winston & Strawn LLP received permission to represent Ukraine at the French court in violation of legal procedures.

According to Article 15 of the European Convention on Mutual Assistance in Criminal Matters, the General Prosecutor's Office of Ukraine (GPU) as one of the central authorities in the extradition process was to issue an official statement to the judicial authorities in France, informing that the company Winston & Strawn LLP would represent Ukraine's interests in court. However, official documents, which are freely available, prove that the position of the GPU is inconsistent and contradictory.

And so, ***on 14 May, 2014, the GPU stated that it had not granted to any firm (including Winston & Strawn LLP) the authority to represent Ukraine in Mukhtar Ablyazov's extradition case*** (see Appendix 5). However, in its letter of 23 May, 2014, to the Embassy of Ukraine in France, the GPU argues that it does not object to the fact that the Ministry of Interior granted permission to the firm Winston & Strawn LLP to participate in the trial (see Appendix 6). At the same time, according to an expert on criminal justice from the Ukrainian Helsinki Union, Oleg Levitskiy, the permission of the MIA investigator is legally 'void', as the investigator has no right to grant such permission. Also, according to Ukrainian legislation [\[52\]](#), *any cooperation with a private company should be enshrined in the bilateral agreement with the Ministry of Justice of Ukraine*. Such an agreement may be concluded on the basis of an open tender for the purchase of such legal services with their subsequent payment from the budget of Ukraine.

On 3 June, 2014, the Pechersk District Court of Kiev declared illegal the permission issued by the MIA investigator, Maxim Melnik, for the lawyers from the firm Winston & Strawn LLP to represent the interests of Ukraine in the extradition processes in France. The Court ruled that neither Ukrainian legislation nor international agreements entitle the investigator to send documents on extradition to another state:

- Such actions are contrary to Article 575 of the Criminal Procedure Code, which strictly defines the powers of the investigator in the extradition proceedings. No other powers in extradition cases can be delegated to the investigator.
- Powers of an investigator are limited to the territory of Ukraine.
- According to the European Convention on Mutual Assistance in Criminal Matters, the exchange of information between countries in criminal cases is conducted only through the Ministry of Justice and judicial bodies.

It is noteworthy that the prosecutor's office and the firm 'Ilyashev and Partners', which represents the interests of Kazakhstan's BTA Bank, filed an appeal against the court's decision to revoke the

mandate of the firm Winston & Strawn LLP. *It is suspicious that the third party in the form of BTA Bank is so interested in who will represent the interests of Ukraine in Ablyazov's extradition case in Lyon.* On **19 June, 2014**, the Kiev Court of Appeal granted the appeal of the prosecutor and the firm 'Ilyashev and Partners' and upheld the permission of the investigator Maxim Melnik for the firm Winston & Strawn LLP to represent Ukraine in the court of Lyon. The court justified its decision by the fact that, according to Article 303 of the Criminal Procedure Code, such actions of the investigator Melnik are not part of the exhaustive list of actions of the investigator, which are subject to challenges in pre-trial proceedings. Thus, during the pre-trial proceedings, the lawyer cannot challenge the issuance of permission by the investigator Melnik to the firm Winston & Strawn LLP.

B) Funding of the activities of the legal firms representing Ukraine at the French court, is carried out with violations of the law.

The permission, issued by the GPU to the firm 'Ilyashev and Partners' to "ensure the representation" of Ukraine in a French court "without payment of services from the state budget" may be connected with corruption schemes, in which the GPU is involved. Thus, according to Ukrainian legislation [\[53\]](#), *financing of the representation of Ukraine in a foreign court can only be carried out for budgetary funds, which are distributed by the Ministry of Justice of Ukraine.*

It is noteworthy that previously, the Kazakh BTA Bank had financed the work of the lawyers representing Ukraine in the extradition case of Igor Kononko, Ablyazov's former colleague. The case was considered by the High Court in London in the years 2013-2014. ***Ukraine's interests were represented by the law firm Norton Rose.*** The President of 'Ilyashev and Partners', Irina Mayorova, informed the London court that ***it was the Kazakh BTA Bank which provided payment to the lawyers from Norton Rose*** as well as expert fees (see Appendix 7). Simultaneously, the GPU itself states that it did not hire the firm 'Ilyashev and Partners' or the firm Norton Rose. [\[54\]](#) In this case, *it remains unclear how the GPU has allowed its functions in the London court to be performed by a private company without appropriate permission from the GPU and a conclusion of a formal contract with the Ministry of Justice of Ukraine.*

3.3. A FRENCH PROSECUTOR ILLEGALLY COOPERATED WITH REPRESENTATIVES OF UKRAINE, RUSSIA AND KAZAKHSTAN'S BTA BANK.

SMS correspondence and recordings of telephone conversations between the lawyers from Winston & Strawn LLP, representing the interests of Ukraine, and the prosecutor of Aix-en-Provence, Solange Legras, prove misconduct by the prosecutor and exertion of illegal influence by interested parties in the course of the extradition case. Following the appearance of the information in the media, Ablyazov's counsels appealed to the Minister of Justice of France to investigate the actions of the prosecutor **Solange Legras**. The prosecutor herself labelled the leak an 'outrageous burglary' and an attempt to 'intimidate French justice', noting that Mukhtar Ablyazov is the mastermind behind this. Lawyers regarded these words as 'libelous' and subsequently sued the prosecutor. [\[55\]](#) The Court of Cassation clearly stated that *"... even if the requesting country can be admitted by the investigative chamber to participate in the hearing, this country does not automatically become a party to the process"*. Thus, representatives of Ukraine had no right to influence the actions of the prosecutor.

Prosecutor Solange Legras repeatedly phoned **Guillaume Faure**, the employee of Winston & Strawn LLP. She reported to the lawyer the actions of Mukhtar Ablyazov's counsels, for example:

“...we received arguments, even an additional statement from Mr. Rebstok (Mukhtar Ablyazov’s counsel - Ed.), with a motion to dismiss your statements! Also regarding the fact that you are not authorised, as you are an advocate, you are not authorised to participate on behalf of the state”.

The correspondence of the employer of Winston & Strawn LLP, **Guillaume Faure** with the lawyer **Lucien Simon**, who also runs the case against Mukhtar Ablyazov, shows that they have met several times, coordinated their actions and agreed on handing over documents to the prosecutor Solange Legras. ***Lucien Simon personally met with the prosecutor. Moreover, the prosecutor gave advice to counsels who led the case against Ablyazov.*** For example, a person named Paul L’Huillier wrote to Guillaume Faure: “Solange phoned me, she is asking us to hurry up, have you read the remarks?”. Indicative is also the phrase sent by Guillaume Faure to Lucien Simon and Antonin Lévy, the counsel of the Kazakh BTA Bank. [56] Guillaume Faure wrote to his colleagues during a court hearing on the extradition case, “Is Solange using the tactics?”.

On 12 December, 2013, Guillaume Faure, the employee in Winston & Strawn LLP and a representative of Ukraine in court, during the meeting, wrote to Lucien Simon and prosecutor Legras messages of the following content [57]:

- Are we killing Mandela? (18:59:30)

- Is Ablyazov crying? (19:00:37)

The prosecutor replied:

- Almost! But I am certainly! (19:01:18)

Based on these facts, one can assume that there was an informal arrangement between the prosecutor and the counsels who demanded Ablyazov’s extradition. This conclusion is confirmed by the fact that after the meeting, the prosecutor Solange Legras reported her actions to the representative of Ukraine, Guillaume Faure: *“I filed a request for giving the Russians the priority, taking into account the amount of damage - \$ 50 billion. I have not discussed this with you, but I think that Ukraine will understand. Have a wonderful weekend. SL”* (see Appendix 8).

On the basis of the correspondence of prosecutor Solange Legras and the counsel of Kazakhstan's BTA Bank, Antonin Lévy, one can conclude that their cooperation began before the arrest of Mukhtar Ablyazov in France. ***Thus, the counsel of BTA Bank forwarded to the French prosecutor addresses where Mukhtar Ablyazov could be found.*** Also, in one of her letters to Antonin Lévy, Solange Legras demonstrated her somewhat mocking attitude towards the situation with Mukhtar Ablyazov’s family: *“You are probably aware of the fact the wife and daughter of Ablyazov left Kazakhstan and arrived to ask permission to visit him in a detention centre. If I understood correctly, they were received in Italy. After all that has been said about the fate that awaits them in Kazakhstan (they can be kidnapped, illegally imprisoned, held in custody, and even subjected to torture), it is quite funny!”*. It is common knowledge that on **18 April, 2014**, Italy granted refugee status to Mukhtar Ablyazov’s wife and 7-year-old daughter - Alma Shalabayeva and Alua Ablyazova. ***Italian authorities considered reasonable the fears concerning safety of Ablyazov’s family due to the persecution by the Kazakh authorities.***

As shown by the correspondence [58], ***the prosecutor of Aix-en-Provence collaborated not only with representatives of the Ukrainian side, but also with Denis Grunis, the employee of the General Prosecutor’s Office of the Russian Federation in Mukhtar Ablyazov’s extradition case.*** And so, to one of the letters by Denis Grunis, prosecutor Solange Legras replied: *“Thank you, dear Mr. Grunis, I look forward to the court’s decision and hope that we did not fight in vain!”*.

3.4. THE CRIMINAL CASE AGAINST MUKHTAR ABLYAZOV IN THE RUSSIAN FEDERATION.

Close ties exist between Kazakhstan and Russia with regard to the case of Mukhtar Ablyazov. Thus, the Kazakh opposition politician, Muratbek Ketebayev, stated that according to his information, on **24 April, 2014**, Russian presidential aide, Yevgeniy Shkolov held a meeting with senior officials of Kazakhstan regarding the criminal case against Mukhtar Ablyazov and his extradition process. According to Muratbek Ketebayev, representatives of the two countries - Russia and Kazakhstan - have made arrangements regarding the coordination of the actions aimed at extraditing Mukhtar Ablyazov to Russia. Russian security and law enforcement officials *"promised the guests that they will make every effort to catch Mukhtar Ablyazov, and that a representative of the General Prosecutor's Office will be definitely involved in the process of extradition in Lyon, just as he was involved in Aix-en-Provence"*. According to Ketebayev, such meetings were also held in the past - in May and November 2013.

According to the information obtained by Muratbek Ketebayev, in June 2009, during a private meeting, ***Nursultan Nazarbayev addressed the then former Prime Minister Vladimir Putin with a request that Ablyazov's extradition from Europe be facilitated.*** Negotiations were officially confirmed by a protocol, and Putin gave appropriate instructions to the Russian Ministry of Internal Affairs. Muratbek Ketebayev emphasised that "Nursultan Nazarbayev, Vladimir Putin and Viktor Yanukovych united against Mukhtar Ablyazov". [\[59\]](#)

Since the initiation of criminal proceedings against Mukhtar Ablyazov in Russia in 2010, his case has been run by employees of the Investigative Department of the Interior Ministry, who have also previously been involved in Magnitsky's case. [\[60\]](#)

According to Mark Feigin, Ablyazov's Russian counsel, the head of the investigative group dealing with Ablyazov's case is Nikolay Budilo (the former head was Oleg Urzhumtsev). In Russia, Deputy General Prosecutor, Viktor Grin, supervises the criminal case against Ablyazov. Major decisions regarding Mukhtar Ablyazov were made by the judge of the Tver Court of Moscow, Alexey Krivoruchko. Mark Feigin believes that these persons belong to a group of law enforcement and judicial workers, which specialises in the "fulfillment of political orders to eliminate people inconvenient to the authorities by means of abusing the Russian law". The counsel argues that these persons apply inadmissible pressure on defendants and witnesses in order to obtain the necessary evidence.

Investigator Nikolay Budilo initiated the search, which was carried out on 29 May, 2014, in the Moscow apartment of Alexander Petrushov, one of the founders of the opposition online portal 'Respublika'. The portal is registered in Russia and, in particular, it delivers information about Kazakhstan which is alternative to that aired by Kazakh state media. The search was performed on the grounds of the fact Alexander Petrushov was supposedly Mukhtar Ablyazov's 'confidant' in Russia and maintains relationships with other participants in the criminal case. Petrushov argues that he last had a conversation with Mukhtar Ablyazov 6 or 7 years ago, and he is not acquainted with other participants of the case. [\[61\]](#)

As a result of the search, police seized documents, data storage devices, technical equipment, in particular, the newspaper's server, which creates an obstacle for normal operation of the 'Respublika' portal.

In addition, Ablyazov's Russian counsel, Mark Feigin, reported an obstruction of his professional activities. Namely, he was refused permission to participate in the case as Mukhtar Ablyazov's defender. It was only after much publicity had been given to this fact in the media that the

investigator Nikolay Budilo admitted Feigin as Ablyazov's defender. It is noteworthy that the same practice was applied by the Ukrainian investigator Maxim Melnik who denied Sergey Ripa, Ablyazov's Ukrainian counsel, the right to represent the Kazakh politician in the criminal case. According to Ripa, he has all the necessary documents, including permission from Ablyazov to provide legal representation, but the investigator refuses to allow him to become acquainted with the case file. The counsel argues that he will appeal the investigator's decision in court, but it may take some time. [\[62\]](#)

Mark Feigin explains the widespread practice of not allowing counsels to participate in criminal cases in a bid to gain time or try to impose 'their' lawyers on the defendants. By this, the lawyer also explains the behaviour of the investigator Budilo and the attitude of the Tver Court of Moscow. According to Mark Feigin, in June 2014, Nikolay Budilo refused to accept his motion in the form of registered letters. Also, in April 2014, Judge of the Tver Court of Moscow, Alexey Krivoruchko refused to consider Mark Feigin's motion to change the preventive measure in the form of absentee arrest against Ablyazov. The lawyer believes that in this way, the judge is buying time until the decision of the French court in the case of extradition is handed down, and he is also blocking the opportunity for the defence to file a complaint with the European Court of Human Rights.

We hereby request that the leaders of Russian law enforcement agencies comment on the procedural irregularities in the criminal case against Mukhtar Ablyazov, as presented by counsel Feigin.

4. CONCLUSIONS AND RECOMMENDATIONS

Kazakh authorities, in violation of the law, apply lobbying mechanisms in order to ensure extradition from Europe of Mukhtar Ablyazov and his associates, whose criminal cases are clearly of a political nature. Mukhtar Ablyazov is the main opponent of the current Kazakh regime and a personal enemy of President Nursultan Nazarbayev. European countries granted political asylum to many associates, colleagues and relatives of Ablyazov (Zhaksylyk Zharimbetov and Roman Solodchenko were granted refugee status in the UK, Muratbek Ketebayev - in Poland, Alma Shalabayeva and Alua Ablyazova - in Italy; Tatiana Paraskevich was granted international protection in the Czech Republic). The Czech Republic and the UK refused to render Tatiana Paraskevich and Igor Kononko to Ukraine.

At the same time, the undue influence by the Kazakh side is exerted not only on Ukrainian and Russian investigative authorities, but also the investigating authorities of the Czech Republic (the case of Tatiana Paraskevich), Spain (the case of Alexander Pavlov), Italy (the case of Alma Shalabayeva), as well as France and the United Kingdom (the case of Mukhtar Ablyazov). European Union countries, which declare internationally, their readiness to protect the values of democracy and human rights, should not, in practice, trample these values by engaging in corrupt relations with dictatorships. Economic and political interests of governments must not prevail over the fundamental human rights, and extradition agreements must not be used as a tool against political opponents, endangering their lives and well-being.

Given all of the aforementioned circumstances, the Open Dialog Foundation hereby emphasises the need for an investigation into the falsification of extradition requests, fabrication of criminal charges and abuse of Interpol mechanisms by Kazakhstan (through Ukraine and Russia). Officials in the Czech Republic, Spain, Italy, France and Great Britain, who, using their powers, facilitate politically motivated prosecution by the Kazakh authorities must be brought to disciplinary responsibility.

The correspondence between the French prosecutor and representatives of Ukraine, Russia and BTA Bank received widespread coverage in the media; also, it obviously played a key role in the decision on Ablyazov's extradition. At the same time, the decision of the French court relied, in particular, on documents which were secret for the Kazakh opposition leader and former banker, which violates Ablyazov's fundamental right to a fair trial. Therefore, the French government should be interested in an impartial public inquiry in order to avoid further manipulations of this kind on the part of the Kazakh and Russian special services.

We also call on the UK authorities not to resort to revoking Ablyazov's refugee status, as this controversial move discredits the asylum system in Europe, established after World War II. We are alarmed by the appearance of data pertaining to illegal contact between the governments of Kazakhstan and the United Kingdom regarding the case of Mukhtar Ablyazov and we urge the UK authorities to comment on this information. The actions of the Kazakh and Russian secret services aimed at eliminating Nazarbayev's political opponent may also be directed at discrediting the French and British governments.

We would like to draw the French government's attention to the fact that Russia and Ukraine violate recommendations, put forward by France under the Universal Periodic Review (the organisation with Special Consultative Status is part of the Economic and Social Council of the United Nations). In particular, France recommended that Russia adopt legislation prohibiting the use of confessions obtained under torture, and guarantee the right to a fair trial [\[63\]](#), and Ukraine was urged to protect journalists from violence. [\[64\]](#) France cannot extradite a refugee to the country which does not fulfill its very demands in the field of human rights. Russia, which

flagrantly violated international law, annexed the Crimea and now supports terrorist groups in the east of Ukraine, cannot be considered a safe country for extradition.

We also call on the representatives of the new Ukrainian authorities not to repeat the mistakes of the past regime and refuse to cooperate with the authoritarian regimes in Russia and Kazakhstan in the sphere of abuse of the system by Interpol in order to prosecute political opponents. Former Ukrainian General Prosecutor, Viktor Pshonka, who demanded Ablyazov's extradition, is currently wanted internationally as he faces charges of mass murder. Also former deputy general prosecutor, Renat Kuzmin and Yuriy Udartsov are accused of malfeasance and are in hiding. The last one to be signed was the extradition request issued by Ukraine's General Prosecutor's Office against Mukhtar Ablyazov.

In its decision to refuse to render to Ukraine Ablyazov's former colleague, Igor Kononko, the British court mentioned that, according to Ukrainian legislation, the activities of criminal prosecution bodies must not be financed by private entities: *"...there is strong evidence to support the fact that, in actual fact, the prosecution in this case was financed by Ilyashev (the 'Ilyashev and Partners' firm – Ed.), who, undoubtedly, receives financial means from the Republic of Kazakhstan or the bank, which has remained in Kazakhstan"*. The Ukrainian authorities must bring to justice members of the security agencies responsible for abuses in the case of Mukhtar Ablyazov.

In a letter to the Open Dialog Foundation of 28 May, 2014, the General Prosecutor's Office of Ukraine stated that the information provided by our foundation and other human rights organisations, regarding the abuse of Interpol mechanisms by authoritarian states "will be taken into account when carrying out the inspection of the extradition requests of the competent authorities of the respective foreign countries and issuing decisions regarding them". The General Prosecutor's Office reports that since the change of its management, the department carefully examines all requests for extradition, verifying their potential political nature. Between March-April 2014, due to a risk of persecution for political beliefs, Ukrainian prosecutor's office refused to render 3 persons to the Russian Federation and one person to the Republic of Belarus.

Ukraine needs to show the world community its willingness to abandon the unlawful means of Yanukovych's regime and withdraw the request for extradition of Mukhtar Ablyazov and others charged in the a fabricated case of BTA Bank.

All those willing to support our appeals are welcome to send their written statements to the following addresses:

- President of the European Parliament Martin Schulz - Rue Wiertz 60, 1047 Bruxelles, Belgique. Tel. +32 (0)2 28 40 737, +32(0)2 28 42 111. E-mail of the Head of Cabinet, Markus Winkler: markus.winkler@europarl.europa.eu;
- EU High Representative for Foreign Affairs and Security Policy Catherine Ashton, 1046 Brussels, Belgium. Tel. +32 2 584 11 11. A blank for appeals: http://www.eeas.europa.eu/contact/index_en.htm;
- Chairman of the European Commission - 1049 Brussels, Belgium. Tel. +32 (0) 2 298 1566, +32 (0) 2 296 5745. A blank for appeals: http://ec.europa.eu/commission_2010-2014/president/contact/mail/index_en.htm;
- EU Commissioner for Human Rights, Emily O'Reilly - F-67001, Strasbourg, avenue du Président Robert Schuman, 1, Tel. +33 3 88 17 23 13;
- Office of the United Nations High Commissioner for Human Rights - Palais des Nations, CH-1211 Geneva 10, Switzerland, tel. + 41 22 917 9220, e-mail: InfoDesk@ohchr.org;
- Special Rapporteur on the human rights of migrants - Special Procedures Division, c/o OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax: +41 22 917 90 06, e-mail: migrant@ohchr.org;
- The Special Rapporteur on torture and other cruel, inhumane or degrading treatment or punishment - Special Procedures Division, c/o OHCHR-UNOG, 8-14 Avenue de la Paix, 1211 Geneva 10, Switzerland, fax: +41 22 917 90 06, e-mail: sr-torture@ohchr.org;

- United Nations High Commissioner for Refugees, Case Postale 2500, CH-1211 Genève 2 Dépôt, Suisse. Tel.+41 22 739 8111, fax: +41 22 739 7377. A blank for appeals: http://www.unhcr.org/cgi-bin/texis/vtx/contact_hq;
- ODIHR Director Janez Lenarcik - Ul. Miodowa 10, 00-251 Warsaw, Poland, Office: +48 22 520 06 00, Fax: +48 22 520 06 05, e-mail: office@odihr.pl;
- General Secretariat of the International Criminal Police Organization "Interpol"- General Secretariat 200, quai Charles de Gaulle, 69006 Lyon, France, Fax: +33 (0)4 72 44 71 63;
- French President Francois Hollande - 55 Rue du Faubourg Saint-Honoré 75008 Paris, Fax: +33 1 47 42 24 65;
- Marie-Suzanne Le Queau, Director of the Department of Criminal Affairs and Pardons, Ministry of Justice of France - Direction des affaires criminelles et des grâces, Ministère de la Justice 13, place Vendôme 75042. Paris cedex 01, e-mail: marie-suzanne.lequeau@justice.gouv.fr;
- British Home Secretary Theresa May: 2 Marsham Street, London, SW1P 4DF; 020 7035 4848; public.enquiries@homeoffice.gsi.gov.uk;
- Lubomir Zaoral, Minister of Foreign Affairs of the Czech Republic - Loretánské náměstí 5, 118 00 Praha 1, Tel.: +420 224 181 111, e-mail: podatelna@mzv.cz;
- Helena Válková, Minister of Justice of the Czech Republic: ul.Vyšehradská 16, district Praha 2, Prague, postal code 128 10, tel. +420 221 997 106, +420 221 997 111, fax: +420 224 919 927, e-mail: posta@msp.justice.cz;
- Ministry of Foreign Affairs and Cooperation of the Kingdom of Spain (Ministerio De Asuntos Exteriores Y De Cooperacion) – 28012, Madrid, Plaza de la Provincia, 1, Tel. + 34 91 379 97 00;
- Ministry of Justice of the Kingdom of Spain (Ministerio De Justicia) – 28012, Madrid, Calle Bolsa, 8, Tel. +34 91 837 22 95;
- Ministry of Internal Affairs of Italy - Piazza del Viminale n. 1 - 00184 Roma, tel. +3 90636 064 651, e-mail: dait@pec.interno.it;
- Ministry of Foreign Affairs of Italy - 00135, Rome, Piazzale della Farnesina, 1, Tel. +390 6369 18899;
- President of Ukraine Petro Poroshenko – Kiev, 11 Bankovaya Street, 11, 01220, Tel. +380 (44) 255-74-52;
- Minister of Justice Pavel Petrenko – Kiev, 13 Gorodetsky Street, 01001, Tel. +380 (44) 486-42-09, e-mail: themis@minjust.gov.ua;
- Minister of Internal Affairs of Ukraine Arsen Avakov – Kiev, 10 Akademika Bogomoltsa Street, 01601, Tel. +380 (44) 256-03-33;
- General Prosecutor of Ukraine Vitaliy Yarema – Kiev, 13/15 Riznytska Street, Tel. +38 044 280 10 20, +38 044 596 73 13 e-mail: press-service@gp.gov.ua;
- Government Commissioner for anti-corruption policy Tatiana Chornovol – Kiev, 12/2 Grushevsky Street, 01008, Tel. +380 (44) 256-69-05, e-mail: chornovol@kmu.gov.ua;
- Head of the Lustration Committee of Ukraine, Yegor Sobolev – Tel. +38 063 787-73-29, e-mail: luscomitet@gmail.com;
- General Prosecutor of the Russian Federation Yuriy Chaika - 125993, GSP-3, Russia, Moscow, 15a B. Dmitrovka Street, Tel.: +7 495 987-56-56;
- Minister of Internal Affairs of the Russian Federation Vladimir Kolokoltsev - 119049, Moscow, 16 Zhytnaya Street, Tel. +7 495 667-67-67, Fax: + 7 495 667-05-98, e-mail: pr@mvd.gov.ru;

Annex 1. Correspondence of an employee of the 'Ilyashev and Partners' law firm with Maxim Melnik, an investigator from the Ministry of Internal Affairs [65]

Arseniy Gerasymiv sent to Maxim Melnik documents prepared by the counsel on behalf of the investigator. Arseniy Gerasymiv asked the investigator to file inquiries with the regional state administration.

The list of questions and instructions which Arseniy Gerasymiv was going to discuss with Maxim Melnik, included the investigator convincing the interrogated witness to file for bankruptcy.

Mail #728

Subject: questions

Date: Thu, 23 Feb 2012 18:14:38 +0200

From: Arseniy Herasymiv <herasymiv@attorneys.ua>

To: Melnik, Maxim <shyfx@mail.ru>

Cc: Marchenko, Roman Viktorovich <marchenko@attorneys.com.ua>

Message-ID: <1729953806.20120223181438@attorneys.ua>

MD5: 5a60d57fa1a0f1eeb452186e66d2c08d

Status: read

Attachments: Inquiry of investigator to the state registrar of Svatoshinskaya RSA.doc ; : Inquiry of investigator to the state registrar of Pecherskaya RSA.doc ; 508_4360_List_of_questions_crim_case_for_23_02_2012.doc

Hello Maxim

Please find attached the list of questions which we would like to discuss with you.

I'm also sending again the inquires which should be filed with RSA, we introduced some amendments in the agreement with them. Please use these in the investigation.

Sincerely yours,

Arseniy Gerasimiv

Ilyashev and Partners

Legal Firm

Ukraine, 04053, Kyiv

11 Kudryavska Str.

tel. +38 (044) 494 19 19

fax: +38 (044) 494 19 99

www.attorneys.ua

Відділу державних реєстраторів Святошинської
районної в місті Києві державної адміністрації

ЗАПИТ

В зв'язку з розслідуванням СУ ГУ МВС України в м. Києві кримінальної справи № 10-20060, за фактом вчинення злочинів, передбачених ч.3 ст. 358, ч.4 ст. 190 КК України, прошу повідомити наступну інформацію:

На обліку в Святошинській районній в місті Києві державній адміністрації перебувають підприємства:

1. ТОВ «АФІНА ТРЕЙД» (код за ЄДРПОУ 33155179);
2. ТОВ «АБСОЛЮТ ІНВЕСТМЕНТ» (код за ЄДРПОУ 33155163).

Проху повідомити чи звертались до Вас з 01 лютого 2012 року з приводу вчинення будь-яких реєстраційних дій (в тому числі зміна складу учасників, реєстрацій змін та доповнень до статуту, тощо) представники вказаних підприємств. У разі наявності інформації, прошу повідомити з приводу яких реєстраційних дій були звернення та дані щодо осіб які звертались (прізвища, ім'я, по-батькові, адресу, номери телефонів, інформацію щодо документів на підставі яких здійснювалось представництво).

22 лютого 2012 року

Старший слідчий в особливо важливих справах
СУ ГУМВС України в місті Києві
майор міліції

Мельник М.В.

Список питань

№	Справа	Стан виконання
1.	Допит директора ТОВ «Прайм-Строй» Іванцока М.Г.	Переконати подати заяву про банкрутство
2	Банківська таємниця Україна ТОВ «Прайм-Строй»	Клопотання подано 09.08.2011
3	Накладення арешту на рахунки акціонерів ПАТ «БТА Банк» бенефіціаром яких є Аблязов М.К. (ТОВ «Голдфайн Імпорт Інвестмент», ТОВ «Імпульс Капітал Інвестмент», ТОВ «Лейкленд Інвестмент»)	Клопотання подано 03.06.2011
4	Витребувати з Господарського суду міста Києва справи за позовами ТОВ «Голдфайн Імпорт Інвестмент», ТОВ «Імпульс Капітал Інвестмент», ТОВ «Лейкленд Інвестмент» до АТ «БТА Банк» та ПАТ «БТА Банк»	
5	Накладення арешту на рахунки ТОВ «Прайм-Строй»	Клопотання подано 29.06.2011
6	Скласти протоколи на власників компаній (Повний і Шатковский)	
7.	Запити в Печерську, Шевченківську, Святошинську РДА	Надіслано проекти запитів
8.	Витребування копій документів в нотаріуса Михайленка С.А.	Надіслано проект запиту

Annex 2. Correspondence of an employee of the 'Ilyashev and Partners' law firm with Maxim Melnik, an investigator from the Ministry of Internal Affairs [66]

Arseniy Gersaymiv sends to investigator Maxim Melnik, questions for the interrogation by investigator Ivatsok.

Mail #770

Subject: Ivantsyuk questions
Date: Fri, 2 Mar 2012 14:36:53 +0200
From: Arseniy Herasymiv <herasymiv@attorneys.ua>
To: Melnyk, Maxim <shyfx@mail.ru>
Cc: Marchenko, Roman Viktorovych <marchenko@attorneys.com.ua>
Message-ID: <149547958.201203021436S3@attorneys.ua>
MD5: b99da582ebc656dcc44152ab5a1519d5
Status: read
Attachments: 508_4360_questioning_of Ivantsyuk_list_of questions.doc

Hello Maxim,

The attached file contains the list of questions to be asked at the questioning of M.G. Ivantsyuk.

Sincerely yours,
Arseniy Gerasimiv
Ilyashev and Partners
Legal Firm
Ukraine, 04053, Kyiv
11 Kudryavska Str.
tel. +38 (044) 494 19 19
fax: +38 (044) 494 19 99
www.attorneys.ua

ПИТАННЯ ІВАНЦОКУ М.Г.

1. Що Вам відомо про фінансування будівництва бізнес-центру «Прайм»?
2. Хто здійснював фінансування будівництва?
3. Що Вам відомо про фінансування будівництва бізнес-центру «Прайм» Акціонерним товариством «БТА Банк»? Як були використанні кошти?
4. Яка була необхідність в отриманні додаткового кредиту для фінансування будівництва бізнес-центру «Прайм»?
5. Чи відома вам Компанія «Алтерсон»? Якщо так, хто є її фактичним власником чи акціонером?

6. Чи відомі вам громадяни: М.Аблязов, І.Хажаєв, О.Удовенко, І.Кононко, А.Айжулов, Р.Солодченко, Т.Параскевич? Якщо так, при яких обставинах ви з ними познайомились та в яких стосунках перебуваєте?
7. Чи відома вам Компанія «Стантіс лімітед»? Хто є її фактичним власником чи акціонером? Що вам відомо про укладення договору уступки права вимоги від 01 листопада 2010 року за договором про надання позики №23-03/07 від 23.03.2007 року, укладений між Компанією «Стантіс Лімітед», ТОВ «Прайм-Строй», Компанія «Нітнелав Холдінг Лімітед»?
8. Що вам відомо про обставини укладення договору позики від 13.04.2007 року між Компанією «Стантіс Лімітед» та Компанією «Альтерсон Лтд» яким здійснювалось фінансування бізнес-центру «Прайм»?
9. Що Вам відомо про обставини укладення генерального кредитного договору № 2000/07/35 від 13.04.2007 року, укладеного між АТ «БТА Банк» та Компанією «Альтерсон ЛТД»?
10. Що вам відомо про Компанію «Нітнелав Холдінг Лімітед»? Хто її власники (акціонери)?
11. Хто є засновником (учасником) ТОВ «Прайм-Строй»? (Учасником є ТОВ «СІТІ КОРПУС»)?
12. Хто є засновником ТОВ «СІТІ КОРПУС»? (Засновником є Компанія з обмеженою відповідальністю «Сабтауер Трейдинг Лімітед»)
13. Хто є фактичним власником Компанії з обмеженою відповідальністю «Сабтауер Трейдинг Лімітед»?
14. Чи відомі вам громадяни Ремізовська Н.К., Мартимович А.Б.? Чи є вони штатними працівниками ТОВ «Прайм-Строй»?
15. Як ви можете пояснити, що Мартинович А.Б. здійснює одночасно представництво ТОВ «Прайм-Строй» у справі №8/56 за позовом АТ «БТА Банк» до ТОВ «Прайм-Строй» стосовно звернення стягнення на предмет іпотеки бізнес-центр «Прайм», а також інтереси Міжнародної бізнес компанії «Альтерсон Лтд» (яка підконтрольна Аблязову М.К.) в цій же справі на підставі довіреності від 09.11.2011 року?
16. Як ви можете пояснити, що Ремізовська Н.К. одночасно представляє інтереси ТОВ «Прайм-Строй», а також
 - Компанії «Урбас Індастріал Лімітед», Компанії «Фестон Лтд», Компанії «Батітрав Ресорсез Лімітед» (компанії, що підконтрольні Аблязову М.К.) у справі №6/411 за позовом АТ «БТА Банк» до ТОВ «ГМСІ» стосовно звернення стягнення на корпоративні права;
 - інтереси ТОВ «Дробо Тред Інвестмент» за позовом до АТ «БТА Банк» у справі №9/128, що знаходиться на розгляді в Господарському суді міста Києва;
 - інтереси ТОВ «Голдфайн Імпорт Інвестмент» за позовом до АТ «БТА Банк» у справі №62/51, що знаходиться на розгляді в Господарському суді міста Києва;
 - інтереси ТОВ «Імпульс Капітал Інвестмент» у справі № 58/450 за позовом до АТ «БТА Банк» до АТ «БТА Банк», що знаходиться на розгляді в Господарському суді міста Києва;
 - інтереси ТОВ «Лейкленд Інвестментс» у справі № 58/593 за позовом до АТ «БТА Банк», що знаходиться на розгляді в Господарському суді міста Києва;

Annex 3. The “permission to appear in court”, issued by the investigator Maxim Melnik for the employees of the Winston & Strawn LLP company [67]

With this document, Maxim Melnik granted to workers of Winston & Strawn LLP law firm the authority to represent the interests of the Ukrainian state during court hearings regarding Mukhtar Ablyazov's extradition from France.

**MINISTRY OF INTERNAL AFFAIRS OF UKRAINE
INVESTIGATIVE DEPARTMENT
OF THE KYIV CENTRAL ADMINISTRATION**

vul. Volodymyrska, 15, Kyiv 01601

November 18, 2013 No. 12/3-7446

PERMISSION TO APPEAR IN COURT

In re: No. dated

I, Maxim Volodymyrovich Melnyk, investigator of the Department of Investigation of White Collar Crime, of the Investigative Department of the Central Administration for Kyiv of the Ministry of Internal Affairs of Ukraine, whereas the Ukrainian state has filed a motion for extradition of Mr. Mukhtar Kabulovich Ablyazov, citizen of Kazakhstan, born May 16, 1963, hereby confirm, in accordance with Article 696-16 of the Criminal Code of the Republic of France, that law firm "W & S SELARL," located at the following address:

W & S SELARL, acting through partners Mr. Gilles Bigot
and Mr. Guillaume-Denis Faure, attorneys of the Paris Bar Association,
40 - 48 rue Cambon, C8 71234 75039, Paris,
Cedex 01, T: +33 (0)1 53 64 82 82, D: +33 (0)1 53 64 82 59,
F: +33 (0)1 53 64 82 20,

may perform the following actions:

- take part in the hearing to take place 5 December, 2013 in the Instruction Chamber of the Aix-en-Provence Court of Appeal, in which the matter of the petition to extradite Mr. M.K. Ablyazov will be considered;
- take part in all preliminary and subsequent hearings scheduled as part of this extradition procedure;
- file and submit any materials, correspondence; make oral arguments and observations required for representation of the interests of Ukraine in this procedure, to all authorities, bodies and institutions in which "W & S SELARL" is entitled to act;
- more generally, to undertake all steps towards the extradition of Mr. M.K. Ablyazov to Ukraine.

Investigator of the Department of Investigation

Kyiv Central Administration of the Ministry of Internal Affairs of Ukraine

Police Major

M.V. Melnyk

**МВС УКРАЇНИ
ГОЛОВНЕ УПРАВЛІННЯ
В МІСТІ КИЄВІ
СЛІДЧЕ УПРАВЛІННЯ**

вул. Володимирська, 15, м. Київ, 01601

18 листопада 2013 року № 12/3-7446

На № _____ від _____

ДОЗВІЛ З'ЯВИТИСЯ В СУД

Я, слідчий відділу розслідування злочинів у сфері службової діяльності, слідчого управління Головного управління Міністерства внутрішніх справ України в місті Києві майор міліції Мельник Максим Володимирович, враховуючи, що держава Україна подала екстрадиційний запит з метою екстрадиції пана Аблязова Мухтара Кабуловича, громадянина Казахстану, народженого 16 травня 1963 року, цим документом підтверджую, згідно статті 696-16 Кримінального Кодексу Французької Республіки, що юридична фірма «W & S SELARL», яка має наступні координати:

W & S SELARL, діюча через своїх партнерів, Метра Жіля Біго і Метра Гійома-Дені Фора адвокатів Паризької колегії адвокатів, 40 - 48 вулиця Камбон, CS 71234 75039, Париж,
Cedex 01, T: +33 (0)1 53 64 82 82, D: +33 (0)1 53 64 82 59,
F: +33 (0)1 53 64 82 20

може виконувати наступні дії:

- взяти участь в слуханні, яке відбудеться 5 грудня 2013 року в Інструктивній Палаті Апеляційного Суду Екс-ен-Прованс, в якій розглядається запит про екстрадицію пана Аблязова М.К.;
- взяти участь у всіх попередніх і наступних слуханнях, які відбудуться в рамках цієї екстрадиційної процедури;
- представляти і відправляти всі матеріали, листування; представляти усні аргументи і спостереження, необхідні для представництва інтересів України в рамках цієї процедури, у всіх інстанціях, органах і установах, в яких юридична фірма «W & S SELARL» може діяти;
- у більш загальному плані, виконувати всі дії, спрямовані на екстрадицію пана Аблязова М.К. в Україну.

Слідчий слідчого управління Головного управління
Міністерства внутрішніх справ України
в місті Києві
майор міліції



М.В. Мельник

+38044 528 30 75

Annex 4. The response of the General Prosecutor's Office to the request of 'Ilyashev and Partners' firm [68]

The General Prosecutor's Office of Ukraine 'does not object' to the involvement of lawyers by the company 'Ilyashev and Partners' in order "to provide representation of the interests" of Ukraine at the hearings regarding the extradition of Mukhtar Ablyazov in France without payment [of their fees] from the state budget of Ukraine.

The Prosecutor's Office of Ukraine
GENERAL PROSECUTOR'S OFFICE OF UKRAINE

01011, Kiev-11, ul. Reznitskaya, 13/15 faks: 200-69-00
13.11.2013 No. 14/2/1-36115-11

The law firm
'Ilyashev and Partners'
Marchenko G.
ul. Kudryavskaya 11
Kiev, 04053

The General Prosecutor's Office of Ukraine considered your request regarding the involvement of lawyers in order to ensure the representation of the interests of Ukraine in the matter overseen by the competent authorities of the French Republic of the request to extradite M. Ablyazov.

On 9 August, 2013, The General Prosecutor's Office of Ukraine filed with the Ministry of Justice of the French Republic a request for extradition of a citizen of the Republic of Kazakhstan, Mukhtar Kabulovich Ablyazov, born 16 May, 1963, in order to bring him to justice for offences punishable under Article 190, section 4 and Article 191, section 5, of the Criminal Code of Ukraine.

According to the Ministry of Foreign Affairs of Ukraine, the extradition trial against M.K. Ablyazov has been postponed until the 5 December, 2013.

Given the fact that during the consideration of the request for extradition of M.K. Ablyazov by the French bodies it may be necessary to ensure adequate representation of the interests of Ukraine, as well as the fact that the law firm 'Ilyashev and Partners' is ready to provide such representation without seeking remuneration from the state budget of Ukraine for its services, Ukraine's General Prosecutor's Office has no objection to attracting lawyers to represent Ukraine's interests when considering the request in question by the competent authorities of the French Republic.

The Head of the Main Directorate
of International and Legal Cooperation
and European Integration

A. Prikhodko

Kurilenko



Прокуратура України

ГЕНЕРАЛЬНА ПРОКУРАТУРА УКРАЇНИ

01011, м. Київ-11, вул. Різницька, 13/15

факс: 200-69-00

В 11.2013 № 14/2/1-36115-11

Юридична фірма
«Ілляшев та Партнери»
Марченку Р.

вул. Кудрявська, 11,
м. Київ, 04053

Генеральною прокуратурою України розглянуто Ваше звернення щодо залучення юристів для забезпечення представництва інтересів України при розгляді компетентними органами Французької Республіки запиту про видачу Аблязова М.К.

Генеральною прокуратурою України 09.08.2013 до Міністерства юстиції Французької Республіки направлено запит про видачу громадянина Республіки Казахстан Аблязова Мухтара Кабуловича, 16.05.1963 року народження, для притягнення до кримінальної відповідальності за вчинення злочинів, передбачених ч. 4 ст. 190, ч. 5 ст. 191 КК України.

За інформацією Міністерства закордонних справ України, судовий розгляд справи щодо екстрадиції Аблязова М.К. перенесено на 05.12.2013.

Враховуючи те, що при розгляді французькою стороною запиту про видачу Аблязова М.К. може виникнути необхідність у забезпеченні належного представництва інтересів України, а також те, що юридична фірма «Ілляшев та Партнери» готова таке представництво забезпечити без оплати послуг з державного бюджету України, Генеральна прокуратура України не заперечує проти залучення юристів для представництва інтересів України при розгляді компетентними органами Французької Республіки зазначеного запиту.

Начальник Головного управління
міжнародно-правових зв'язків
та європейської інтеграції

О. Приходько

Куриленко

Annex 5. The document issued by the General Prosecutor's Office of Ukraine of 14 May, 2014 [\[69\]](#)

The General Prosecutor's Office of Ukraine claims that it did not provide any legal firm, including Winston & Strawn LLP, the authority to represent the interests of Ukraine in the court trial regarding the extradition of Mukhtar Ablyazov from France.

The Prosecutor's Office of Ukraine
GENERAL PROSECUTOR'S OFFICE OF UKRAINE

01011, Kiev-11, ul. Reznitskaya, 13/15 faks: 200-69-00
14.05.2014 No. 14/2/1-36115-11

S.M. Koziy

Ul. Vorovskogo 10, office 2

Kiev, 04053

Your request regarding the rendering (extradition) of M.K. Ablyazov to Ukraine has been considered.

On 9 August, 2013, the General Prosecutor's Office of Ukraine filed with the Ministry of Justice of the French Republic a request for the rendering (extradition) of M.K. Ablyazov in order to bring him to criminal liability.

The law firm 'Ilyashev and Partners' presented an offer to participate in this case in order to render 'within the limits provided for by the binding law, possible and effective assistance' during the consideration by the French competent authorities of the request for extradition.

On 13 November 2013, The General Prosecutor's Office of Ukraine sent a reply in which it stated that it did not object to such participation.

Still, the General Prosecutor's Office of Ukraine has not granted the authority to represent the interests of Ukraine in the case regarding the request to extradite M.K. Ablyazov from the French Republic to any law firm, including 'Ilyashev and Partners'.

As in this case we were dealing with the extradition proceedings in France, the authority was executed under Article 696-16 of the Criminal Procedure Code of the French Republic.

Deputy Head of the Office –
the Head of the Extradition Department
of the Main Directorate
of International and Legal Cooperation

O. Pidgayniy



Прокуратура України

ГЕНЕРАЛЬНА ПРОКУРАТУРА УКРАЇНИ

вул. Різницька, 13/15, Київ-11, 01011

факс: 200-69-00

14.05.2014 № 14/2/1-36115-10

від _____

Козію С.М.

вул. Воровського, 10, офіс 2,
м. Київ, 04053

Ваш запит щодо видачі (екстрадиції) до України Аблязова М.К. розглянуто.

Генеральна прокуратура України 09.08.2013 звернулася до Міністерства юстиції Французької Республіки із запитом про видачу (екстрадицію) Аблязова М.К. для притягнення до кримінальної відповідальності.

Юридична фірма «Ілляшев та партнери» звернулася з пропозицією участі у цій справі для надання у «межах, передбачених чинним законодавством, можливої та ефективної допомоги» при розгляді компетентними органами Французької Республіки запиту про видачу. Генеральною прокуратурою України 13.11.2013 надано відповідь про те, що проти такої участі вона не заперечує.

Разом з тим, повноваження представляти інтереси України у справі про видачу (екстрадицію) з Французької Республіки Аблязова М.К. Генеральна прокуратура України будь-якій юридичній фірмі, в тому числі «Winston & Strawn», не надавала.

Оскільки у даному випадку йшлося про екстрадиційне провадження у Франції, представництво здійснювалося на підставі ст. 696-16 КПК Французької Республіки.

Заступник начальника управління –
начальник відділу екстрадиції
Головного управління міжнародно-
правового співробітництва

О. Підгайний

Annex 6. The letter from the General Prosecutor's Office of Ukraine to the Ukrainian Embassy in France of 23 May, 2014 [\[70\]](#)

The General Prosecutor's Office of Ukraine does not object to the permit for the firm Winston & Strawn LLP to appear in court in order to participate in the extradition trial against Mukhtar Ablyazov.

General Prosecutor's Office of Ukraine

[heading]

23.05.2014 [number not visible]

The Embassy of Ukraine
in the French Republic
[address not visible]

On 9 August, 2013, the General Prosecutor's Office of Ukraine filed with the Ministry of Justice of the French Republic a request for the rendering (extradition) of M.K. Ablyazov in order to bring him to criminal liability.

Thus far, by decision of the High Court of Cassation in France, the request was rendered for new examination to the Investigative Chamber of the Appellate Court of Lyon (the preliminary consideration of the case is scheduled for 26 May, 2014).

On 11 November, 2013, the investigator which is carrying out the pre-trial investigation in the criminal proceedings against M. Ablyazov, handed to representatives of the law firm 'W&S SELARL' 'The permit to appear in court' issued in accordance with Article 696-16 of the Criminal Procedure Code of the French Republic, allowing the firm to participate in the extradition trial. On 19 May, 2014, the pre-trial investigative body confirmed the permit.

The General Prosecutor's Office of Ukraine does not object to handing the permit to lawyers of the firm 'W&S SELARL'.

I kindly ask that this information be communicated to the French side.

Moreover, we kindly ask that the participation of a representative of the Embassy of Ukraine in the French Republic in the court hearings regarding the request for extradition of M. Ablyazov, filed by the General Prosecutor's Office of Ukraine, be ensured. A request in this regard was filed with the Ministry of Foreign Affairs of Ukraine.

The Head of the Main Directorate
of International and Legal Cooperation

A. Prikhodko

05/25/2014 12:05 PM CT

Fax Services

+33145499693

07



Прокуратура України

ГЕНЕРАЛЬНА ПРОКУРАТУРА УКРАЇНИ

вул. Рильського, 17/15, м. Київ, 01601

телефон: 044-261-3611

23.05.2014 14:21:36 115-19

Рез. ...

Посольство України
у Французькій Республіці31 Avenue de Saxe
75007 Paris

Генеральною прокуратурою України 09.08.2013 на Міністерстві юстиції Французької Республіки направлено запит про видачу М. Аблязова для притягнення до кримінальної відповідальності.

На теперішній час цей запит за рішенням Вищого касаційного суду Франції передано на новий розгляд Слідчій палаті Апеляційного суду м. Ліона (попередній розгляд справи призначено на 26.05.2014).

Слідчим, який здійснює досудове розслідування в кримінальному провадженні стосовно М. Аблязова, 18.11.2013 представникам юридичної фірми «W&S SELARL» відповідно до ст. 696-16 КПК Французької Республіки надано «Допіл з'явитися в суд» для участі у екстрадиційних процедурах. 19.05.2014 органом досудового слідства підтверджено зазначений дозвіл.

Генеральна прокуратура України проги надання цього доказу для адвокатів фірми «W&S SELARL» не заперечує.

Проту вказану інформацію довести до відома французької сторони.

Окрім того, прогали б забезпечити участь представника Посольства України у Французькій Республіці у судовому слуханні щодо запиту Генеральної прокуратури України про видачу М. Аблязова. Відповідне прохання з цього приводу направлено до МЗС України.

Начальник Головного управління
міжнародно-правового співробітництва

О. Приходько

Annex 7. The letter from 'Ilyashev and Partners' firm to the High Court of [\[71\]](#)

Irina Mayorova, a representative of 'Ilyashev and Partners' law firm, confirms that due to the shortage of resources in General Prosecutor's Office of Ukraine, BTA Bank (Kazakhstan) reimburses the expenditures connected with court proceedings in Igor Kononko's extradition case.



The Chief Clerk
Westminster Magistrate's Court

Dear Sir

The Government of Ukraine -v- Igor Kononko

Ilyashev & Partners has been instructed by the General Prosecutor's Office of Ukraine to act in the General Prosecutor's application for the extradition from the UK of Mr Igor Kononko.

Mr Roman Marchenko, Senior Partner of this firm, was contacted by the Main Office of the International Legal Co-operation of the General Prosecutor's Office of Ukraine in January 2013. They had been referred to Ilyashev & Partners because the firm is known to act in international cases and also acts for BTA Bank (Kazakhstan).

Ilyashev & Partners has acted for BTA Bank (Kazakhstan) in a number of proceedings in relation to the recovery of stolen money. The Bank filed several criminal complaints in Ukraine which initiated the proceedings. BTA Bank (Kazakhstan) has been granted the position of a civil claimant under the Code of Criminal Procedure and is consequently afforded a respective status within the criminal proceedings. As the formally recognised civil claimant, the BTA Bank (Kazakhstan) is entitled to be heard in the criminal proceedings in relation to the recovery and compensation of funds stolen from the Bank.

Mr. Marchenko met with the Deputy Head of the Main Office of the International Legal Co-operation of the General Prosecutor's Office who asked whether Ilyashev & Partners could so act and we confirmed that we could.

We understand that the reason why the General Prosecutor's Office approached a private law firm was that the Ukraine had suffered a series of failed extradition requests, and it considered that it had not been given sufficient information and advice by the authorities acting in the UK for the general Prosecutor's Office to engage with, and understand the issues in the cases.

After further discussions it became clear that the General Prosecutor's Office could not however access funds for the legal costs from its budget. The BTA Bank (Kazakhstan) was approached and agreed to pay the costs because a successful extradition and conviction would accelerate the return of the stolen money to the bank.

We advised the General Prosecutor's office that we would need to appoint London agents. A list of international law firms operating in London was drawn up and Norton Rose was chosen and appointed.

We should make it clear that although BTA Bank (Kazakhstan) is funding the legal fees (including payment of expert fees), the instructions to this firm and to Norton Rose come solely from the General Prosecutor's Office.

Yours faithfully

Irina Mayorova
CEO

7 Feb 2013



Annex 8. Correspondence between Guillaume-Denis Faure, Lucien Simon and the prosecutor Solange Legras [72]

Solange Legras and Guillaume Faure were exchanging emails with regard to Mukhtar Ablyazov's extradition case.

Guillaume FAURE – Solange LEGRAS, 2013-12-12 19:00:37, Ablyazov is crying?

Lucien SIMON – Guillaume FAURE, 2013-12-12 19:00:31, No... Rika zarai

Solange LEGRAS - Guillaume FAURE, 2013-12-12 19:01:18, Almost!! But me certainly!!!

Guillaume FAURE – Lucien SIMON, 2013-12-12 19:14:04: It's no longer than pleadings, it's the 12 stations of Golgotha

Lucien SIMON – Guillaume FAURE, 2013-12-12 19:15:11, Ablyazov my life my work

Lucien SIMON – Guillaume FAURE, 2013-12-12 19:17:57, Decision on 9th

Guillaume FAURE – Lucien SIMON, 2013-12-12 19:20:43, Were they good?

Guillaume FAURE – Lucien SIMON, 2013-12-12 19:21:00, What do you think the odds are?

Guillaume FAURE – Antonin LEVY, 2013-12-12 19:22:04, The ordeal is over? Were they good?

Antonin LEVY - Guillaume FAURE, 2013-12-12 18:27:28, Now it's Mignard

taxisg7 - Guillaume FAURE, 2013-12-12 20:03:11 At 20h03: your taxi has arrived 1 GAR GARE DE LYON to PARIS 12th. Light grey Mercedes (taxi 1065)

taxisg7 - Guillaume FAURE, 2013-12-12 20:13:31 At 20h13: your taxi has arrived 1 GAR GARE DE LYON to PARIS 12th. Black Mercedes (taxi 6905)

Antonin LEVY - Guillaume FAURE, 2013-12-12 20:39:44, No

36400 - Guillaume FAURE, 2013-12-12 08:35:14, RDV at SMUGGLER! From 14 to 21 December, 30% on all that you buy in the boutique to thank you for your confidence (except blazers and tailor-made)

www.smuggler.fr

(code boutique on-line: VPHIV1314°

Offer valid only on presentation of this text.

Lucien SIMON – Guillaume FAURE, 2013-12-13 12:23:03, Am in the t g v to Paris. Ablyazov's spokesman is in the same train -)))

21018 - Guillaume FAURE, 2013-12-13 12:37:35, Orange info, your music option Deezer premium will be activated within 48h. Configure your Deezer account now on

<http://m.deezer.com/orange/sync>

Solange LEGRAS - Guillaume FAURE, 2013-12-13 16:13:04, Decision on 9 January. I have asked for priority remittance to the Russians given the sum of the prejudice 50 billion dollars

I didn't talk to you about it but I think Ukraine will understand

Have a good week-end

S L"

Antonin LEVY - Guillaume FAURE, 2013-12-13 21:09:36, We're finishing the translation. I'll get the doc to you this evening. Antonin

GUILLAUME FAURE - SOLANGE LEGRAS,2013-12-12 19:00:37,Ablyazov pleure ??

LUCIEN SIMON - GUILLAUME FAURE,2013-12-12 19:00:31,Non.... Rika zarai

SOLANGE LEGRAS - GUILLAUME FAURE,2013-12-12 19:01:18,Presque!! Mais surtout moi!!!!

GUILLAUME FAURE - LUCIEN SIMON,2013-12-12 19:14:04,"C'est plus une plaidoirie, c'est les 12 stations du Golgotha"

LUCIEN SIMON - GUILLAUME FAURE,2013-12-12 19:15:11,Ablyazov ma vie mon œuvre

LUCIEN SIMON - GUILLAUME FAURE,2013-12-12 19:17:57,Délibéré le 9

GUILLAUME FAURE - LUCIEN SIMON,2013-12-12 19:20:43,Ils ont été bon ??

GUILLAUME FAURE - LUCIEN SIMON,2013-12-12 19:21:00,Quelles sont les cotes d'après toi ?

GUILLAUME FAURE - ANTONIN LEVY,2013-12-12 19:22:04,Le calvaire est fini ? Ils ont été bons ?

ANTONIN LEVY, GUILLAUME FAURE,2013-12-12 18:27:28,La c'est mignard

taxisg7 - GUILLAUME FAURE,2013-12-12 20:03:11,"A 20h03 : votre taxi est arrivé 1 GAR GARE DE LYON à PARIS-12EME. Mercedes gris clair (taxi 1065)."

taxisg7 - GUILLAUME FAURE,2013-12-12 20:13:31,"A 20h13 : votre taxi est arrivé 1 GAR GARE DE LYON à PARIS-12EME. Mercedes noire (taxi 6905)."

ANTONIN LEVY - GUILLAUME FAURE,2013-12-12 20:39:44,Non

36400 - GUILLAUME FAURE,2013-12-12 08:35:14,"RDV chez SMUGGLER ! Du 14 au 21 décembre, -30% sur tous vos achats en boutique pour vous remercier de votre fidélité (hors blazers et sur-mesure).

www.smuggler.fr

(code boutique en ligne : VPHIV1314)

Offre valable uniquement sur présentation de ce sms."

LUCIEN SIMON - GUILLAUME FAURE,2013-12-13 12:23:03,Suis dans le t g v vers Paris . Porte parole d'ablyazov dans le même train -:)))

21018 - GUILLAUME FAURE,2013-12-13 12:37:35,Orange info : votre option musique premium Deezer sera activée sous 48h. Configurez dès à présent votre compte Deezer sur <http://m.deezer.com/orange/sync>

SOLANGE LEGRAS - GUILLAUME FAURE,2013-12-13 16:13:04,"Délibéré 9 janvier . J'ai requis la remise prioritaire aux russes compte tenu du montant du préjudice 5 milliards de dollars

Je ne vous en avais pas parlé mais je pense que l'Ukraine comprendra.

Bon week end

S L"

ANTONIN LEVY - GUILLAUME FAURE,2013-12-13 21:09:36,On finit la trad. Je te fais passer le doc ce soir. Antonin

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The Open Dialog Foundation was established in Poland, in 2009, on the initiative of Lyudmyla Kozlovska (who is currently the President of the Foundation). The statutory objectives of the Foundation include protection of human rights, democracy and rule of law in the post-Soviet area, with particular attention devoted to the biggest CIS countries: Russia, Kazakhstan and Ukraine.

The Foundation pursues its goals through the organisation of observation missions, including election observation and monitoring of the human rights situation in the CIS countries. 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.

In addition to observational and analytical activities, the Foundation is actively engaged in cooperation with members of parliaments involved in foreign affairs, human rights and relationships with the CIS countries, in order to support the process of democratisation and liberalisation of internal policies in the post-Soviet area. Significant areas of the Foundation's activities also include support programmes for political prisoners and refugees.

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