

ABLYAZOV WINS AT CASSATION COURT IN PARIS

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AIX-EN-PROVENCE COURT'S EXTRADITION DECISIONS ANNULLED; CASE SENT TO LYON TO BE HEARD ANEW

CASSATION WIN COMES JUST AS SCANDAL ERUPTS OVER

AIX-EN-PROVENCE COURT'S MISHANDLING OF CASE;

NEWSPAPER PUBLISHES DETAILS OF ILLEGAL ACTIVITIES OF

AIX-EN-PROVENCE JUDGES AND PROSECUTOR;

ABLYAZOV'S LAWYERS DEMAND FRENCH JUSTICE MINISTER LAUNCH INVESTIGATION

Paris, April 9, 2014 — France's highest court today annulled the extradition decisions issued against Kazakh political opponent and refugee Mukhtar Ablyazov by a court in Aix-en-Provence on January 9, 2014. The Cassation Court has ordered that Ablyazov's case be sent to Lyon for a new hearing.

Ablyazov's defense team hailed the news of their client's victory at the Cassation Court, and announced that they will rapidly seek his release from detention.

The texts of the Cassation Court's decisions have not yet been issued.

The news comes just as the French newspaper *Le Canard Enchaîné* today published details of illegal actions by the Aix-en-Provence judges and prosecutor who handled the Ablyazov extradition case. Prior to the Ablyazov extradition hearing on December 12, 2013, a local prosecutor secretly submitted documents to the three judges who were to decide on the extradition. Representatives of Russia and Ukraine had given these documents to the local prosecutor. The documents contained severe inaccuracies and misinformation. Ablyazov never had an opportunity to challenge any of these documents in court. The judges used these documents in deciding in favor of Ablyazov's extradition to Russia or Ukraine. Twin court decisions issued by the Aix-en-Provence court on January 9, 2014 gave priority to the Russian extradition request.

On April 9, 2014, Ablyazov's French lawyers, led by Jean-Pierre Mignard, announced they had submitted a complaint to the French Minister of Justice, Christiane Taubira, concerning the revelations. In their complaint to the Minister, the lawyers demanded that France's Inspectorate General of Judicial Services launch an investigation into apparent "multiple, grave and repeated breaches" of due process as well as violations of professional ethics by the judges and prosecutor in Aix-en-Provence. The lawyers called into question whether Ablyazov, his lawyers or the French Republic itself should continue to have faith in the Aix-en-Provence judges and prosecutor or in the legitimacy of the court's decision in favor of extradition. They further pointed out to the Minister of Justice that Aix-en-Provence prosecutor Solange Legras "is not a representative of the Prosecutor General in Moscow, but rather a French justice official who as such is first and foremost a constitutional guardian of individual freedoms, including those of Mr. Ablyazov".

Both Russia and Ukraine are seeking Ablyazov's extradition on behalf of Kazakhstan, and by doing so the three countries have sought to eliminate him as a leading proponent of democratic reform who could trigger a contagion of political opposition in former Soviet republics. Ablyazov was granted political asylum by the United Kingdom in 2011.

On March 31, 2014, a Ukrainian website published leaked e-mails between the Aix-en-Provence prosecutor and judges. On April 7, 2014, the prosecutor, Solange Legras, admitted to Agence France Presse that the e-mails were authentic. The e-mails were published as part of a three-part series on corruption in the Ukrainian justice system. The website also published extensive documentation that appears to prove that the Ukrainian extradition request targeting Ablyazov was fabricated by representatives of Kazakhstan's nationalized BTA Bank in collusion with a Ukrainian investigator. This collusion appears to have included the falsification of documents and payment of bribes. Ablyazov was the owner and chairman of Kazakhstan's BTA Bank prior to its forced and unlawful nationalization in 2009.

Commenting on the Aix-en-Provence court's rulings in favor of extradition to Russia and Ukraine, Ablyazov yesterday stated: "I was amazed that the prosecutor and the court in Aix-en-Provence were so willing to believe allegations coming from regimes that put bullets in the backs of protesters and illegally seize private businesses. I was even more amazed that whatever they thought of the fabricated allegations against me, the prosecutor and the judges in Aix-en-Provence claimed that I would have a fair trial in Russia or Ukraine, that my rights would not be violated and I would not risk being tortured or killed if extradited there."

In observations made at a hearing on February 27, 2014, Ablyazov's defense admonished the Aix-en-Provence prosecutor for "slavishly serving the corrupt regimes of Kazakhstan, Russia and Ukraine" seeking Ablyazov's extradition, declaring that she "lacks objectivity" on the case and has "brought shame to the French justice system and the French values she is supposed to uphold". The lawyers emphasized that the allegations the trio of ex-Soviet countries are making against Ablyazov all flow from the harsh and unlawful 2009 nationalization of BTA Bank by the corrupt Kazakh regime. The nationalization sought to eliminate Ablyazov's financial base as the leading opponent of the regime, and to prevent Ablyazov from triggering a contagion of political opposition in former Soviet republics.

Lawyers serving the interests of Kazakhstan's dictator Nursultan Nazarbayev asked prosecutor Solange Legras to arrest Ablyazov in the south of France in July 2013. At the request of Kazakhstan's lawyers, Legras ordered Ablyazov's arrest on the basis of an Interpol notice posted by Ukraine in 2011. She later worked closely with French lawyers appointed by the Ukrainian regime to mount a case against Ablyazov that sought to whitewash Kazakhstan's illegal nationalization of BTA Bank in 2009 and the regime's expropriation of its assets.

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BACKGROUNDER – MUKHTAR ABLYAZOV'S FRENCH EXTRADITION PROCEEDINGS

Mukhtar Ablyazov was arrested in France on July 31, 2013, formally at the request of the now-defunct regime in Ukraine. On August 1, 2013, he was transferred to a prison in Luynes, near Aix-en-Provence, where authorities had agreed that he be given an individual cell due to risks for his safety.

Since 2009, Russia and Ukraine have posted Interpol notices for Ablyazov's arrest, assisting Kazakhstan's dictator Nursultan Nazarbayev in his campaign against his principal political opponent. When Ablyazov lived in the United Kingdom from 2009 to 2012, British authorities never acted upon Ukraine's Interpol notice, which was obviously politically motivated. Ablyazov was granted political asylum by the United Kingdom in 2011, protecting him from extradition to Kazakhstan. A local French prosecutor in Aix-en-Provence decided, however, unlike the British, to honor the Ukrainian Interpol notice and ordered Ablyazov's arrest on July 31, 2013.

A court in Aix-en-Provence issued decisions in favor of Ablyazov's extradition to Russia and Ukraine on January 9, 2014. The decisions came after a sole extradition hearing, held at the court on December 12, 2013. For the vast majority of the day the court heard long recitations of allegations against Ablyazov, replete with inaccuracies and facts taken wholly out of context. The allegations were read out by representatives of Russia and Ukraine and by Aix-en-Provence prosecutor Solange Legras. Under French law, the representatives of Russia and Ukraine cannot be parties to extradition proceedings, but the Aix-en-Provence court allowed them to present oral and written allegations against Ablyazov. When it was finally Ablyazov's turn to present his side, it was already evening. The three-judge panel did not listen to him attentively, and at times the judges chatted amongst themselves as he spoke. A few minutes after Ablyazov began to talk, the presiding judge asked him to hurry up, because "people have to catch public transit home". The extradition hearing was disorganized and rushed, with microphones that did not work, inadequate translation facilities for Ablyazov, who speaks Russian, and a panel of judges who did not even bother to ask one single question of the renowned political opponent about why he is at risk of torture and unfair trial in case of extradition to Russia or Ukraine.

The judges in Aix-en-Provence also ignored urgent appeals against Ablyazov's extradition from the most respected human rights organizations in France and worldwide, some of which have been observing Ablyazov's opposition activities for over a decade. In addition, the court overlooked a July 2013 advisory of the United Nations Refugee Agency, which has alerted countries worldwide not to extradite asylum-seekers to Ukraine due to Kiev's repeated failures to protect victims of political persecution. The Aix-en-Provence court even shrugged off hundreds of decisions of the European Court of Human Rights, cited by Ablyazov's defense, which irrefutably establish that Ablyazov cannot rely on either Ukraine or Russia to give him a fair trial, or to protect him from torture.

Instead, the Aix-en-Provence court chose to take sides with Russian and Ukrainian investigators and judges handling the case against Ablyazov – serving regimes known for murdering opposition figures and systematically trampling human rights. The Russian judge backing the extradition request sent to France has been blacklisted from entry to the United States due to his complicity in the murder in pre-trial detention of 37-year-old anti-corruption whistleblower Sergei Magnitsky. Several other Russian officials on a United States Congress blacklist are also involved in the case against Ablyazov. The European Parliament has moved to blacklist many of the same Russian investigators and judges from entry to the European Union. As for Ukraine, the corrupt President Viktor Yanukovich has now fled his country. An arrest warrant has been issued for the very prosecutor-general who oversaw the case against Ablyazov that was "made-to-order" for Kazakhstan. Yet, in an attempt to ensure that Ablyazov's case is not closed in Ukraine, representatives of Kazakhstan's regime are actively trying to corrupt newly appointed Ukrainian state officials and they are preparing to launch a propaganda campaign against Ablyazov in Ukraine.

The Aix-en-Provence court's extradition rulings against Ablyazov contained a catalogue of factual errors, revealing that the panel of three judges had only a superficial understanding of the allegations, and that the Court was duped by Russia and Ukraine into pretending that Ablyazov's extradition was unrelated to the decade-long political battle that he has waged against Kazakhstan's corrupt dictatorship. In deciding on Ablyazov's extradition, the Aix-en-Provence court asserted a wild fiction – that Russia and Ukraine are seeking the former political prisoner's extradition independently of Kazakhstan's political campaign against him.

On April 9, 2014, the French Cassation Court annulled the Aix-en-Provence court's twin extradition decisions, and sent the case to Lyon for the extradition requests to be reconsidered there.