

French Court Says Fugitive Kazakh Banker Can Be Extradited

By Dan Bilefsky

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PARIS — A French court ruled on Thursday that Mukhtar Ablyazov, a Kazakh businessman accused of embezzling as much as \$6 billion from a Kazakh bank he once controlled, should be extradited to Ukraine or Russia to face fraud charges.

The court, in the southern city of Aix-en-Provence, said it preferred that he be sent to Russia, since the extent of the embezzlement alleged by Moscow — about \$5 billion — was far larger than that alleged by Ukraine. The bank, BTA, operates in both countries, as well as in Kazakhstan. Mr. Ablyazov's lawyer, Olivier Quesneau, told reporters that he would appeal the judgment, potentially extending his imprisonment in France for many more months.

The French court's decision marks the latest twist in a legal drama that has taken Mr. Ablyazov to Britain, Italy and France in the past four years to avoid Kazakh, Russian and Ukrainian officials seeking to recover bank assets he is accused of stealing. He fled Britain in early 2012 after a judge sentenced him to 22 months in prison for illegally transferring funds that the court had frozen.

Mr. Ablyazov moved to Italy last year. But in May, Italian commandos stormed the villa in Rome where he was staying with his family and whisked his wife and 6-year-old daughter back to Kazakhstan. Mr. Ablyazov and his 12-year-old son were not at the villa at the time and they soon after fled to France. Hunted by private detectives hired by BTA, he was eventually captured in July by the French police while living near Cannes in the south of France.

Mr. Ablyazov has been likened to Mikhail B. Khodorkovsky, the former oil tycoon recently freed after a decade in prison in Russia. Like Mr. Khodorkovsky, Mr. Ablyazov made his fortune during the privatizations of state companies after the fall of the Soviet Union and then drew on his vast wealth to finance opposition movements. The Kazakh, Ukrainian and Russian governments assert that Mr. Ablyazov looted the bank and hid a fortune in overseas accounts.



Italian commandos stormed the villa in Rome where Mukhtar Ablyazov was staying.
Interpol, via Associated Press

He has strenuously denied any wrongdoing and has said he is the victim of a politically motivated vendetta launched by President Nursultan A. Nazarbayev of Kazakhstan, a onetime ally. He has also accused Mr. Nazarbayev of trying to pressure him to hand over part of BTA when it was under his control.

Mr. Ablyazov has said Russia and Ukraine are acting on behalf of Mr. Nazarbayev, since France has no extradition treaty with Kazakhstan.

Human rights groups have argued against the extradition, and Amnesty International has warned that he could be at risk of unfair treatment and even torture if returned to Kazakhstan.

BTA has pressed 11 separate claims against Mr. Ablyazov and has accused him of diverting money from the bank that was meant for several real estate projects, including a skyscraper in Moscow and a Kazakh development. Mr. Ablyazov, a former Kazakh government minister, ran the bank until 2009, when it was taken over by the government and declared insolvent.

Mr. Ablyazov fled his country in 2009 and was granted asylum in Britain in 2011 on the grounds that he was at risk of persecution. But his departure from Kazakhstan failed to keep his legal troubles at bay.

In July, the expulsion of his wife and daughter to Kazakhstan caused a political storm in Italy, and they were allowed to return in December, after the Italian government intervened. It had come under strong criticism for the haste with which it acted, seemingly to satisfy Kazakhstan, an important gas-rich trading partner in an unstable region.