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The European Parliament, European Council and European Commission,
The U.S. Congress and U.S. Senate, U.S. State Department,
Members of the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of
the Organization for Security and Co-operation in Europe

23 September 2024

STATEMENT OF INTERNATIONAL HUMAN RIGHTS AND RULE OF LAW DEFENDERS

on the Transnational Persecution of Bota Jardemalie

by the Regime of Kazakhstan and its Agents in Western Countries

- *Western countries, and particularly Belgium, must put an end to the transnational repression of human rights defender Bota Jardemalie on their soil, orchestrated by Kazakhstan and its agents through the abuse of AML/CFT laws and interstate cooperation agreements.*
- *Political refugee Bota Jardemalie has been subjected to a multi-faceted, longstanding, and extensive transnational persecution, orchestrated by Kazakhstan to suppress her activism and human rights advocacy.*
- *Jardemalie's case demonstrates the near-limitless ability of Kazakhstan and other non-democratic regimes to undermine the institution of asylum and international protection within Western democratic systems.*
- *Belgium risks turning into an instrument of an authoritarian state, actively participating in its transnational repression and becoming complicit in gross human rights violations, ranging from due process violations to torture.*
- *It is imperative to close legal loopholes and hold Kazakhstan and other actors accountable for transnational repression and the gross misuse of the Belgian and Western judicial systems, ensuring the prevention of such abuses by non-democratic regimes and their agents in the future.*

The Kazakhstani authorities are attempting to convince the international community that President Tokayev is implementing democratic reforms in the country. However, the facts suggest otherwise. Like his predecessor, President Nazarbayev, President Tokayev continues to persecute opponents and dissidents both within Kazakhstan and abroad. Large-scale political repression against opposition and critics of the regime continues in Kazakhstan. To restrict civic space and freedom of expression, association, and assembly, Kazakhstan has been systematically prosecuting activists, journalists, bloggers, lawyers, and their family members under the guise of anti-extremism measures and anti-money laundering efforts.^{1, 2, 3, 4} Kazakhstan has become one of the most sophisticated regimes in systematically weaponising local banks to eliminate dissent.⁵

At the same time, “[t]he government [of Kazakhstan] engaged in acts of transnational repression to intimidate or exact reprisal against individuals outside the country.”⁶ The Kazakhstani authorities use various methods to target their political opponents living abroad, including abuse of instruments of international cooperation, such as INTERPOL Red Notices,⁷ extraditions and mutual legal assistance requests, political pressure, abuse of foreign judicial systems, illegal surveillance, online and physical harassment, coercion via proxy—family members and/or colleagues, and even murder. Unfortunately, authorities, law enforcement, and the judiciary in Western democratic states fail to recognise the overarching pattern of Kazakhstan's transnational repression, treating various instances as isolated events rather than acknowledging the "big picture.”

As experts in human rights and the rule of law, politicians with extensive knowledge of the political dynamics within the Organization for Security and Cooperation in Europe (OSCE) member states, we, the Coalition of signatories, urge you to carefully consider the recommendations following this statement. These are based on the well-documented case of Kazakhstan’s virtually unchecked ability—along with its agents and other non-democratic regimes:

- to undermine the institution of asylum and the international protection offered by Western democracies through longstanding, multi-faceted forms of transnational repression; this includes the abuse of AML/CFT laws and the misuse of international legal mechanisms, such as mutual legal assistance requests (MLA) and extradition demands, as exemplified in the case of Bota Jardemalie, a human rights defender, lawyer, and political refugee in Belgium;
- and to escape accountability for the gross misuse of Belgian and Western judicial systems, as despite extensive evidence of politically motivated persecution against Jardemalie. Belgian authorities have failed to recognize the broader pattern of transnational repression, treating each instance as an isolated case rather than addressing the systematic abuse.

We reached these conclusions based on the following facts:

- 1. Despite being granted political asylum in Belgium in 2023, Bota Jardemalie continues to be subjected to politically motivated persecution as a reprisal for her work during all this time.**

The authorities of Kazakhstan found multiple ways how to circumvent Jardemalie’s protection in Belgium. They have persistently sought to silence her and use her case to intimidate other human rights

¹ <https://www.hrw.org/report/2024/08/27/politically-targeted-economically-isolated/how-kazakhstans-financing-terrorism>

² <https://en.odfoundation.eu/a/726336,joint-submission-for-the-un-universal-periodic-review/>

³ <https://en.odfoundation.eu/a/724414,behind-the-glass-wall-how-to-turn-a-dissident-into-a-terrorist-and-a-fraudster/>

⁴ <https://en.odfoundation.eu/a/426901,kazakhstan-the-list-of-political-prisoners-and-other-victims-of-political-persecutions/>

⁵ <https://www.hrw.org/report/2024/08/27/politically-targeted-economically-isolated/how-kazakhstans-financing-terrorism>

⁶ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/kazakhstan/>

⁷ <https://en.odfoundation.eu/a/8201,the-report-the-reform-of-interpol-dont-let-it-be-stopped-halfway/#3-the-persecution-of-persons-with-refugee-status>

defenders and lawyers both domestically and transnationally. Bota Jardemalie has defended Kazakh opposition members, political activists, and victims of torture for over a decade. Since 2011, she has worked on the release of political prisoners in Kazakhstan and documented cases of human rights violations, including harassment, torture, political murders, and mass shootings.⁸ The Council of Bars and Law Societies of Europe (CCBE) and the International Observatory for Lawyers in Danger (*OIDA*) recognizes her as a “lawyer in danger.”^{9, 10} The Brussels Bar Council considers her a lawyer at risk due to her activities. She was granted political refugee status in Belgium in 2013. She is an elected member of the Leadership Council of the World Liberty Congress - chaired by Masih Alinejad, Leopoldo Lopez and Garry Kasparov - the largest global movement of pro-democracy leaders from a total of 60 countries.¹¹

2. Bota Jardemalie's case exemplifies an extraordinary instance of transnational repression against a political refugee.

As detailed further in the enclosed report, Kazakhstan has targeted her through judicial abuses, misuse of international cooperation mechanisms (including INTERPOL), illegal surveillance, attempted kidnapping, arbitrary detention and torture of her brother, hacking, lobbying, and a systematic smear PR campaign. The regime in Kazakhstan has misused MLA requests to target Jardemalie, seeking access to her banking information, electronic devices, human rights, and legal files. The European Parliament in a resolution of 11 February 2021 noted that the Kazakhstani authorities have abused international criminal cooperation mechanisms, including Interpol Red Notices and Mutual Legal Assistance (MLA), “with a view to persecuting opponents of the regime abroad and gaining access to confidential information,” as well as noting the systemic and political nature of Kazakhstan's repressive apparatus and its misuse of civil and criminal proceedings.¹²

3. Lack of accountability for gross misuse of the Belgian and Western judicial systems by Kazakhstani regime and its agents established pattern of developing "injustice laundering" to undermine the international institute of political asylum in Belgium.

The Kazakhstani authorities have developed a clever method of unscrupulously exploiting their own totally controlled judicial system to fabricate Kazakhstani proceedings that are then passed on to Western judiciaries. As described further in this report, this method of "injustice laundering" makes it possible to inject into Western judicial systems politically motivated allegations fabricated by Kazakhstan's controlled law enforcement bodies and its justice system. “Injustice laundering,” as a method of transnational repression, can take the form of politically motivated Mutual Legal Assistance (MLA) requests or abusive civil and criminal complaints based on proceedings initiated in Kazakhstan. For instance, in the case of Bota Jardemalie, Kazakhstan has employed this tactic through both MLA requests and fabricated criminal charges in an attempt to manipulate the Belgian legal system and undermine her status as a political refugee.

⁸ <https://www.omct.org/en/resources/urgent-interventions/belgium-kazakhstan-judicial-harassment-against-ms-botagoz-jardemalie>

⁹ https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Kazakhstan_-_Kazakhstan/2018/EN_HRL_20180423_Kazakhstan_Concerns-over-lawyer-Botagoz-Jardemalie.pdf

¹⁰ <https://protect-lawyers.org/item/botagoz-jardemalie-2/>

¹¹ <https://worldlibertycongress.org/governance/>

¹² https://www.europarl.europa.eu/doceo/document/TA-9-2021-0056_EN.html#:~:text=Urges%20the%20Government%20of%20Kazakhstan,20.

4. Kazakhstan and its agents weaponized AML/CFT laws and banking system for transnational repression.

Jardemalie's case is deeply intertwined with the authoritarian nature of Kazakhstan and its widespread political and judicial corruption. To prosecute Jardemalie and others, the regime in Kazakhstan weaponised a local bank, BTA Bank, to turn it into an instrument of transnational repression. Using BTA Bank as its proxy solely for politically motivated persecution, for 15 years, the regime in Kazakhstan has been abusing international legal cooperation and undermining democracy and legal and judicial systems in Belgium, in other EU member states, and in Ukraine. Moreover, the abuse of AML/CFT-based MLA requests has become one of the most effective tools for authoritarian states to erode the institution of political asylum in Western countries, undermining its role as a safeguard against repression.

It is important to notice, that Kazakhstan has been initiating abusive legal proceedings in various Western jurisdictions, not just in Belgium. In Germany and Liechtenstein, it exploited the judicial systems through the misuse of MLA requests. Although both countries ultimately ruled in favor of the targeted individuals and dismissed Kazakhstan's demands, the mere potential for procedural abuse as a tool to drain financial and moral resources, damage reputations, and exert pressure on professional and family lives has proven effective.

5. Kazakhstan is using coercion-by-proxy as a method of transnational repression.

Kazakhstan used BTA Bank even for coercion-by-proxy — a common tactic of transnational repression¹³ — to pressure the political refugee into returning to Kazakhstan. On 13 November 2017, Kazakhstan arrested Jardemalie's brother, Iskander Yerimbetov, who still resided in Kazakhstan. Yerimbetov was detained based on false allegations of money laundering by BTA Bank, in criminal case no. 170000131000012. He was taken as a political hostage in an attempt to force Jardemalie to return to Kazakhstan and to provide false testimony.¹⁴

6. Belgian authorities fail to address transnational repression occurring on Belgian soil organized by Kazakhstan and its agents.

Despite clear violations of Bota Jardemalie's fundamental rights, **the Ministry of Justice of Belgium fails to recognize the pattern of transnational repression against her, treating each abusive act as isolated and unrelated.**¹⁵ The Ministry of Justice has authorized the execution of Kazakhstan's MLA request, without considering the authoritarian nature of the Kazakhstani regime, its systemic gross human rights violations, and the violations of fundamental rights of Bota Jardemalie.¹⁶

Additionally, the Belgian General Prosecutor's Office maintains that the MLA request and a related criminal case in Kazakhstan are non-political and insists on cooperating with Kazakhstan, ignoring concerns about professional secrecy and the political, legal and human rights implications. The Belgian General Prosecutor's Office insists on cooperating with Kazakhstan by transmitting all of Jardemalie's files and electronic devices (computers, phones, and memory sticks), even though it acknowledges that this transmission is likely to breach professional secrecy or involve the disclosure of political material related to the opposition and civic activists in Kazakhstan. This stance completely overlooks the

¹³ <https://freedomhouse.org/report/transnational-repression>

¹⁴ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24490&lang=en>

¹⁵ *Union Internationale des Avocats (UIA)*, "Concern for the situation of Kazakh lawyer Botagoz Jardemalie", 18 December 2019.

<https://www.uianet.org/en/actions/preoccupation-pour-la-situation-de-lavocate-kazakhe-botagoz-jardemalie>

¹⁶ <https://www.omct.org/en/resources/urgent-interventions/belgium-kazakhstan-judicial-harassment-against-ms-botagoz-jardemalie>

authoritarian nature of Kazakhstan's kleptocracy, its systemic gross human rights violations, and the fact that this MLA request is connected to case no. 17000013100012, in which Jardemalie's brother was arbitrarily arrested and tortured.¹⁷

We regret, that the Belgian General Prosecutor's Office has ignored extensive documentary evidence, which demonstrates that the MLA request from Kazakhstan is part of a politically motivated and irreparably unfair procedure that lacks credibility and should be classified as a "**flagrant denial of justice**" according to the case law of the European Court of Human Rights. We believe that the stance of the Belgian General Prosecutor's Office raises serious concerns about the integrity of international legal cooperation and the protection of political refugees and victims of transnational repression, especially given the position of the Ministry of Justice of Belgium. The hearing at the Court of Appeal is scheduled for 15 October 2024.

7. Kazakhstan is using proxy states and former militaries for transnational repression.

In June 2024, Bota Jardemalie learned that Ukraine had requested her extradition in 2016 in connection with a criminal case in Ukraine fabricated at the request of Kazakhstan.¹⁸ In 2024, she also discovered that she is wanted in Russia, a part of Kazakhstan's transnational repression and injustice laundering efforts.

In fact, Kazakhstan is known for using third countries to carry out transnational repression against political refugees in Western countries. For example, previously, Kazakhstan orchestrated politically motivated criminal investigations both in Russia and in Kazakhstan against Mukhtar Ablyazov, the leader of Kazakhstan's opposition.¹⁹ Russia and Ukraine have posted INTERPOL notices for Ablyazov's arrest and issued extradition requests, assisting the Kazakhstani regime in its campaign against its principal political opponent. On 9 December 2016, France's supreme administrative court – the Council of State (*Conseil d'État*) – halted Ablyazov's extradition to Russia and Ukraine. France's supreme administrative court concluded that Kazakhstan, Ukraine and Russia had acted in concert seeking to prosecute Ablyazov, using BTA Bank-related allegations, for a political purpose.²⁰ In the case of Tatiana Paraskevich, Mukhtar Ablyazov's former colleague, Kazakhstan also orchestrated criminal investigations against her in Russia and Ukraine. In parallel, Kazakhstan tried to cancel her subsidiary protection that she had in the Czech Republic. The Czech Republic refused her extradition to Russia and Ukraine.²¹

Moreover, Kazakhstan cooperates with Russia in executing transnational repression of Jardemalie. Following Russia's full-scale military invasion of Ukraine, Bota Jardemalie has been exposing internationally Russia's circumvention of international sanctions, facilitated by Kazakhstan and other Central Asian countries, as well as Russia's involvement in the January 2022 shootings of peaceful protesters in Kazakhstan, and her defense of Mukhtar Ablyazov. For this human rights work Jardemalie was placed to a secretive database maintained by the Ministry of Internal Affairs of the Russian Federation, which lists individuals wanted for various reasons, including political opposition and activism.

¹⁷ https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf

¹⁸ <https://en.odfoundation.eu/a/3157,kazakhstan-lobby-contrives-a-case-against-bta-bank-in-ukraine-in-order-to-oppress-the-opposition/>

¹⁹ <https://en.odfoundation.eu/a/699337,statement-of-international-human-rights-and-rule-of-law-defenders-mukhtar-ablyazovs-expulsion-from-france-must-be-stopped/>

²⁰ <https://en.odfoundation.eu/a/8115,ablyazov-has-been-released-from-prison-kazakhstan-russia-and-ukraine-continue-to-harass-the-oppositionist/>

²¹ <https://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov/>

The inclusion of Jardemalie's name in the Russian database demonstrates the depth of this cooperation, revealing how these two countries have coordinated their efforts to target dissidents and critics across borders, using a multi-faceted approach to silence opposition.

8. Kazakhstan's request to extradite Bota Jardemalie.

While her brother was being tortured and held in solitary confinement, in 2018, Kazakhstan requested Jardemalie's extradition in connection with the same criminal case no. 170000131000012. This request, coming years after her removal from INTERPOL's files, exemplifies the transnational repression Jardemalie faces. Belgium has not yet officially refused extradition requests from Kazakhstan and Ukraine, citing a common practice of not making decisions when a person has political refugee status.

9. Kazakhstan is behind the illegal surveillance and a kidnapping attempt on Belgian soil.

In 2014, the Belgian Federal Police launched an investigation of a criminal conspiracy targeting Bota Jardemalie. Three individuals, two former agents of the STASI (the East German secret police) and a Russian national, came under scrutiny by the Federal Police of Belgium for criminal conspiracy.²² On 15 September 2021, the Brussels Court of Appeal convicted the defendants for criminal organisation, private corruption, computer forgery, harassment by means of telecommunication, using a false name and illegal practice of the profession of private detective.²³

But Kazakhstan continues hunting. The Federal Police of Belgium concluded another criminal investigation, officially recognising Bota Jardemalie as a victim of unauthorised surveillance by a former UK military member employed by the private intelligence firm Diligence, which was hired indirectly by BTA Bank—an instrument of transnational repression for Kazakhstan's regime.²⁴ On 14 December 2023, the perpetrator of the illegal surveillance was charged with harassment and violating private detective laws and was scheduled for trial on 15 April 2024. Since then, the trial has been delayed twice. The authors of the report raise serious concerns about the delays in the trial. The apparent reluctance to prosecute and convict those responsible for the illegal surveillance encourages perpetrators who pose a risk to Jardemalie's security in Belgium to commit such crimes again.²⁵ "Justice delayed is justice denied."

Details of transnational repression against Bota Jardemalie are provided in the report enclosed with this statement:

- **Kidnapping Plot in Belgium (2014-2019):** Belgian Federal Police uncovered a plot involving former STASI agents and a Russian national aiming to kidnap Jardemalie. The plot was thwarted, and the perpetrators were convicted.
- **Illegal Surveillance in Belgium (2017-present):** Jardemalie was subjected to unauthorized surveillance by a former UK military member hired by a private intelligence firm linked to

²² https://www.lepoint.fr/societe/barbouzerie-kidnapping-piratage-l-incroyable-histoire-de-l-homme-le-plus-traque-d-europe-16-11-2021-2452171_23.php

²³ <https://www.sudinfo.be/art/798574/article/2021-06-17/des-ex-agents-de-la-stasi-juges-pour-une-supposee-tentative-denlevement>

²⁴ <https://www.thebureauinvestigates.com/stories/2023-03-11/the-spies-stalking-british-justice>

²⁵ The court hearing was postponed twice on the case of the perpetrator, who was charged with harassment and violating private detective laws against Jardemalie on Belgium soil: the first hearing was scheduled for trial on 15 April 2024, then due to the loss it was postponed on 18 June 2024. On that day, the hearing was postponed again.

Kazakhstan's BTA Bank. The Belgian courts are currently handling the case, with repeated delays in the trial.

- **Strategic Lawsuit Against Public Participation – SLAPP – in Belgium (2016 – present):** BTA Bank, acting as an instrument for the Kazakh regime, filed a baseless civil party complaint against Jardemalie, accusing her of money laundering. The case was dismissed in 2023, but the bank continues its judicial harassment through appeals.
- **Extradition by proxy: international arrest warrant/extradition request from Ukraine (November 2016 – present):** Kazakhstan orchestrated an extradition request from Ukraine for Jardemalie, despite her never having lived or worked in Ukraine. The request is part of a broader strategy of transnational repression.
- **Russian Collaboration in Transnational Repression (2024):** Jardemalie discovered her inclusion in Russia's "wanted" database, demonstrating Kazakhstan's broader efforts to suppress her through allied authoritarian states.
- **Coercion-by-proxy: hostage taken of a family member of Jardemalie (2017-2020):** Kazakhstani authorities arrested and tortured Jardemalie's brother, Iskander Yerimbetov, to pressure her into returning to Kazakhstan and testifying against political opponents.
- **Abuse of Mutual Legal Assistance (MLA) (2018- present):** Kazakhstan abused the AML/CFT laws and MLA process to obtain personal and legal documents and electronic devices from Jardemalie in Belgium, despite her status as a political refugee. The Belgian authorities conducted a warrantless search of her home, further compromising her safety and legal rights.
- **International Arrest Warrant/Extradition Request from Kazakhstan (2018-present):** Kazakhstan had requested Jardemalie's extradition in 2018, in connection with her brother's criminal case while her brother was tortured in Kazakhstan. Belgium has yet to formally refuse this extradition request.
- **Hacking Case (2019-2021):** Jardemalie discovered her email accounts and iCloud had been hacked. Despite confirming the intrusion, Belgian authorities dismissed the case in 2021.
- **Smear campaign and financial exclusion in Belgium (2018-present):** Jardemalie has been targeted by a Kazakh-sponsored smear campaign in multiple languages, leading to the closure of her bank accounts in Belgium.

10. Kazakhstan conducted similar transnational repression in other countries against its critics:

Political killing of opposition journalist Aidos Sadykov in Kyiv, Ukraine. On 18 June 2024, in Kyiv, Ukraine, the regime of Kazakhstan orchestrated a brutal assassination attack on opposition journalist and political refugee Aidos Sadykov. The assassin shot Aidos in the head in broad daylight, in full view of his wife, journalist Nataliya Sadykova, as they arrived at their home. Aidos Sadykov died from the head shot wound on 2 July 2024 in a hospital in Kyiv.²⁶ Aidos Sadykov and his wife fled Kazakhstan in 2014 and sought refuge in Ukraine. The Sadykovs continued to face transnational repression in the form of intimidation, harassment, politically motivated charges, and placement on the international wanted list after leaving Kazakhstan.²⁷ Following the assassination attack on Sadykov, Ukrainian authorities

²⁶ <https://www.article19.org/resources/kazakhstan-full-justice-for-late-activist-and-blogger-aidos-sadykov/>

²⁷ <https://iphronline.org/wp-content/uploads/2024/07/joint-kazakhstan-upr-report-july-2024.pdf>

identified two Kazakhstani citizens as suspects in the attempted murder, who then fled to Kazakhstan. Maulen Ashimbayev, Chairman of the Senate of Kazakhstan, publicly denied any involvement of Kazakhstani authorities in the crime and stated that Kazakhstan would not extradite anyone to Ukraine.²⁸

Abuse of INTERPOL's Red Notice and the weaponization of Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) laws to hold family members and associates as political hostages in the case of Barlyk Mendygazyev. For years, Kazakhstan has been targeting entrepreneur Barlyk Mendygazyev for his environmental activism, for financing the legal defense costs of activists, and for supporting the families of the politically persecuted in Kazakhstan.²⁹ Barlyk Mendygazyev, who resides in the U.S., had all his businesses seized and destroyed in Kazakhstan through attacks organized by the Kazakhstani authorities, and he was politically charged with money laundering. Kazakhstan abused INTERPOL's Red Notice mechanism against Mendygazyev. Barlyk Mendygazyev's brother, Bekizhan, and associates were arrested as political hostages and sentenced on trumped-up charges of nonpayment of taxes, money laundering, and participation in an organized criminal group to force Barlyk Mendygazyev to stop his political activities.³⁰ Another Barlyk's brother, Kalyk Mendygazyev, was harassed and tortured by the authorities that eventually led to his death. Kazakhstani authorities weaponized Chevron Corporation, one of the world's largest U.S. energy companies with substantial commercial interests in Kazakhstan, and used it as an instrument of transnational repression to target Barlyk Mendygazyev.³¹ The Mendygazyev case demonstrates once more that any business in Kazakhstan can be destroyed if its founder falls into disfavor with the authorities or oligarchs close to the authorities.

Violent attack in Vilnius, Lithuania, against Zamanbek Tleuliev, a political refugee and youth leader of the Democratic Choice of Kazakhstan oppositional movement. In March 2024, Zamanbek Tleuliev, a political refugee and coordinator for the peaceful opposition movement Democratic Choice of Kazakhstan's Coordinating Council, was violently attacked in Vilnius, Lithuania. He was beaten beyond recognition, suffering kicks to his head and body, and had his teeth knocked out. This is the second attempt on Tleuliev's life; previously, on 6 February 2022, he was attacked in Kyiv, Ukraine.³² Tleuliev asserts these attacks were orchestrated by the authorities of Kazakhstan. Kazakhstan persecutes activists of the Democratic Choice of Kazakhstan both domestically and internationally.³³ The Democratic Choice of Kazakhstan³⁴ (DCK) was founded by the long-standing political opponent of the regime in Kazakhstan, Mukhtar Ablyazov. In 2018, a district court in Astana, the capital of Kazakhstan, banned DCK as an "extremist organization" and prohibited its activities throughout the country, including online and on social media networks. As a result, hundreds of people were imprisoned for their affiliation with DCK on charges of "participation in an extremist organization." The European Parliament recognised DCK as a peaceful opposition movement.³⁵

²⁸ <https://www.article19.org/resources/kazakhstan-full-justice-for-late-activist-and-blogger-aidos-sadykov/>

²⁹ <https://en.odfoundation.eu/a/726307,transnational-repression-against-barlyk-mendygazyev/>

³⁰ <https://www.state.gov/reports/2023-country-reports-on-human-rights-practices/kazakhstan/>

³¹ <https://en.odfoundation.eu/a/726307,transnational-repression-against-barlyk-mendygazyev/>

³² https://focus.ua/politics/502599-glavu-shtaba-kazahskoy-oppozicii-v-kieve-izbili-neizvestnye-predstavilis-operativnikami-sbu-video?utm_source=dlvr.it&utm_medium=twitter

³³ <https://en.odfoundation.eu/a/8606,report-the-persecution-of-the-dck-activists-in-kazakhstan/>

³⁴ <https://en.odfoundation.eu/a/7250,the-story-of-the-democratic-choice-of-kazakhstan-opposition-movement/>

³⁵ <https://en.odfoundation.eu/a/9184,a-new-resolution-of-the-european-parliament-urges-kazakhstan-to-put-an-end-to-all-forms-of-political-repression/>

Illegal surveillance and assassination attempts against Mukhtar Ablyazov, the founder of DCK and leader of the Kazakhstani opposition, in France. Since 2014, several media reports have detailed failed attempts on Ablyazov's life.^{36, 37, 38} In 2021, the French press reported on assassinations and assassination attempts carried out by former General Directorate for External Security (*DGSE*) officers and police working for a criminal organisation, targeting, among others, foreign opposition members residing in France.³⁹ They conducted an attempt on the life of a Congolese leader General Ferdinand Mbaou and confessed during the investigation to have Mukhtar Ablyazov on their list.⁴⁰ Furthermore, Ablyazov himself reported these operations, which he feared were targeting him, to the French police. In June 2020, he filed a complaint with the Paris Judicial Court regarding "preparatory acts of kidnapping." He supported his complaint with evidence demonstrating that he was under 24-hour surveillance and feared an imminent armed attack.⁴¹ The tracking and surveillance team comprised at least 20 people. He was constantly followed by a team of at least five motorcyclists, and five to seven cars were on duty around his apartment day and night.

Unfortunately, there has been little information about the actions taken by French law enforcement or the judiciary afterward. Ablyazov was not granted police protection, despite French courts acknowledging the direct danger and the prior warning⁴² he received during his stay in Britain in 2011. Additionally, he was not notified of any investigation into the reported facts, which may be regarded as a gross dereliction of duty. We firmly believe that these events must be thoroughly investigated and that those responsible must be held accountable. These are just a few examples of the transnational repression Mukhtar Ablyazov has experienced over the years due to his firm political stance and ever-growing political influence in Kazakhstan.

Kidnapping of Mukhtar Ablyazov's wife and six-year-old daughter from Italy. One of the most severe cases of transnational repression orchestrated by Kazakhstan occurred in 2013, involving the abduction and illegal expulsion of Mukhtar Ablyazov's wife, Alma Shalabayeva, and their six-year-old daughter, Alua Ablyazova, from Italy to Kazakhstan.⁴³ Ablyazov's wife and six-year-old daughter were located in a house in Rome by Israeli private investigative services.⁴⁴ The woman and girl were illegally handed over by Italian police to two diplomats from Kazakhstan who escorted them on a private jet from Rome to Astana. The deportation triggered a political crisis in Italy when it became known that Kazakhstan's ambassador in Rome had colluded with Italian interior ministry officials to deliver Ablyazov's wife and daughter as hostages to Kazakhstan.⁴⁵ There were no arrest warrants or lawful grounds for the deportation of Ablyazov's wife and daughter to Kazakhstan. On 18 July 2013, the United Nations issued a press release stating: "The circumstances of the deportation give rise to the appearance that this was in fact an extraordinary rendition."⁴⁶ On 22 July 2013, Hugh Williamson, the director of the Europe and

³⁶ <https://www.standard.co.uk/hp/front/living-in-fear-in-london-the-exiled-kazakh-banker-accused-of-2-billion-fraud-6506705.html>

³⁷ <https://www.businessinsider.com/mukhtar-ablyazov-bta-bank-2010-8>

³⁸ <https://www.ft.com/content/23571482-e584-11e2-ad1a-00144feabdc0>

³⁹ <https://www.20min.ch/fr/story/les-tueurs-a-gages-etaient-en-fait-des-espions-597599437061>

⁴⁰ <https://www.lorientlejour.com/article/1261029/entre-barbouzeries-et-assassinats-le-demantelement-dune-incroyable-officine-criminelle.html>

⁴¹ https://www.lepoint.fr/video/barbouzerie-kidnapping-piratage-l-incroyable-histoire-de-l-homme-le-plus-traque-d-europe-16-11-2021-2452243_738.php

⁴² "On 29 January, 2011, the London police gave Mukhtar Ablyazov an 'Osman warning', which stated: "You may be subject to kidnapping or physical damage, which may be politically motivated. The police cannot ensure your protection against this threat on a day-to-day and hour-to-hour basis." <https://en.odfoundation.eu/a/1227/political-persecution-of-mukhtar-ablyazov/>

⁴³ <https://en.odfoundation.eu/a/1251,the-unlawful-deportation-of-alma-shalabayeva-was-the-result-of-a-targeted-special-operation-carried-out-by-kazakh-and-italian-security-forces/>

⁴⁴ <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2>

⁴⁵ <https://en.odfoundation.eu/a/1251,the-unlawful-deportation-of-alma-shalabayeva-was-the-result-of-a-targeted-special-operation-carried-out-by-kazakh-and-italian-security-forces/>

⁴⁶ <https://news.un.org/en/story/2013/07/444952>

Central Asia Division of the Human Rights Watch, stated: “The scandal which erupted in Rome, has adversely affected both Rome and Astana. In order to prevent further deterioration of the situation, Kazakhstan should return Shalabayeva and her daughter and deal with the growing concern regarding the violation of human rights.”⁴⁷ Facing international pressure, the Kazakhstani authorities were forced to allow Ablyazov’s wife and daughter to temporarily leave the country at the end of December 2013, after seven months under house arrest on fabricated charges against Alma Shalabayeva. In April 2014, Italy granted political asylum to Ablyazov’s wife and daughter.⁴⁸ In 2020, six Italian law-enforcement officers were sentenced to 6-year prison terms on abduction charges, while one justice of peace received a sentence for forgery of documents.⁴⁹ On appeal, the defendants had been acquitted. That decision was challenged by the Attorney General of Perugia. The Supreme Court overturned the acquittal and ordered a new trial before the Court of Appeals in Florence.⁵⁰

RECOMMENDATIONS TO BELGIUM, UKRAINE, THE EU, THE U.S., AND OTHER WESTERN COUNTRIES TO END IMPUNITY AND LIMIT OPPORTUNITIES TO TARGET EXILES:

1. Recommendations to Belgian Authorities to Address Bota Jardemalie’s Situation in Belgium:

- The Belgian Ministry of Justice should **officially reject the extradition request from Ukraine** for Bota Jardemalie, as it is politically motivated and orchestrated by Kazakhstan.
- The Belgian Ministry of Justice should **officially reject Kazakhstan’s extradition request** for Bota Jardemalie.
- The Belgian Ministry of Justice should immediately **cease any ongoing cooperation with Kazakhstan related to any Mutual Legal Assistance (MLA) requests** that pertain to Bota Jardemalie and **reject the outstanding MLA request**.
- The Belgian authorities should promptly **refuse to transmit the materials and devices seized** from Bota Jardemalie during the warrantless search of her home, which was conducted in response to Kazakhstan’s MLA request.
- Belgium must **guarantee the physical and psychological well-being** of Bota Jardemalie and her family, ensuring they are protected from further acts of transnational repression.
- Belgian authorities should ensure **compliance with the European Convention on Human Rights standards** and adhere strictly to the provisions of Article 8 of the ECHR, as interpreted by the European Court of Human Rights, particularly in cases involving searches of lawyers' premises. This includes ensuring that any interference with professional secrecy is necessary, proportionate, and accompanied by adequate safeguards to protect lawyer-client confidentiality.

⁴⁷ <https://www.hrw.org/news/2013/07/22/dispatches-italys-extraordinary-rendition-kazakhstan>

⁴⁸ <https://www.fidh.org/en/region/europe-central-asia/italy/15232-italy-kazakhstan-italy-grants-refugee-status-to-alma-and-alua-shalabayeva>

⁴⁹ <https://www.lastampa.it/cronaca/2020/10/15/news/condannati-due-super-poliziotti-per-il-sequestro-di-shalabayeva-1.39417340/>

⁵⁰ https://www.repubblica.it/cronaca/2023/10/19/news/alma_shalabayeva_cassazione annulla assoluzioni-418246754/#:~:text=Caso%20Shalabayeva%3A%20la%20Cassazione%20annulla%20le%20assoluzioni%2C%20disposto%20un%20appello%20bis,-Accolto%20il%20ricorso&text=La%20Corte%20di%20Cassazione%20ha,dieci%20anni%20fa%2C%20nel%202013.

- Belgian authorities should **uphold the UN Basic Principles on the Role of Lawyers**, especially Principle 16(a), ensuring that Bota Jardemalie can perform her professional duties without intimidation, hindrance, harassment, or improper interference, and that she is adequately protected when her safety is threatened due to her legal work.

2. Recommendation to the Ukrainian Authorities:

Ukrainian authorities should immediately cease participating in the injustice laundering orchestrated by Kazakhstan. Ukrainian authorities should:

- **withdraw the politically motivated extradition request** for human rights defender Bota Jardemalie and
- conduct a thorough **investigation into the well-documented abuses** by Ukrainian investigators and prosecutors in cases involving the Kazakh opposition.

Such actions would demonstrate Ukraine's commitment to upholding human rights, ensuring justice, and distancing itself from the repressive tactics of authoritarian regimes.

3. Policy Recommendations to Prevent and Address Transnational Repression:

The European Parliament, European Council and European Commission, the U.S. Congress and U.S. Senate, U.S. State Department, Members of the Parliamentary Assembly of the Council of Europe and the Parliamentary Assembly of the Organization for Security and Co-operation in Europe should:

- Include the case of Bota Jardemalie as an example of transnational, multi-faceted persecution in their reports and policy discussions on combating transnational repression. It is crucial to incorporate this case into the development of comprehensive preventive measures, including the establishment of standardized definitions of transnational repression and enhanced legal frameworks to prevent the misuse of international cooperation tools.
- Establish an official definition of transnational repression to be used by all government agencies. Use this definition to create a process for systematically recording cases of transnational repression that occur in the respective jurisdictions.
- Ensure that law enforcement officials, judiciary, personnel at key agencies, and those working with refugees and asylum seekers are trained to recognize the targeting of exiles and diasporas.
- Reinforce their legal frameworks to prevent the misuse of their judicial systems by authoritarian regimes. This includes enacting legislation that explicitly prevents the execution of MLA requests, extradition demands, and other forms of legal cooperation that are politically motivated and aimed at repressing dissidents and human rights defenders.
- Develop mechanisms to detect and counteract "injustice laundering," where authoritarian regimes attempt to legitimize politically motivated cases through the legal systems of democratic states. This could include establishing independent oversight bodies to review MLA requests and other forms of international cooperation to ensure they are not being used for transnational repression.

- Hold accountable those within their jurisdictions who facilitate transnational repression, whether through legal, financial, or other means. This could include sanctions against individuals and entities that assist authoritarian regimes in persecuting political refugees and human rights defenders abroad.
- Work together to share information on cases of transnational repression, ensuring that those targeted by authoritarian regimes receive consistent protection and that any attempts to abuse international legal mechanisms are swiftly identified and countered.
- Provide targeted support to victims of transnational repression, including legal assistance, security measures, and platforms to raise awareness about their cases. This support should extend to those like Bota Jardemalie, who are persecuted for their human rights work and opposition to authoritarian regimes.

Sincerely yours,

Lyudmyla Kozlovska, President of the Open Dialogue Foundation; coordinator of the human rights monitoring group #ActivistsNotExtremists, Ukraine

Bakhytzhana Toregozhina, Head of the human rights organization “Ar-Rukh-Hak”, 2023 International Women of Courage Award, Kazakhstan

Dr. Leyla Yunus, Director of the Institute for Peace and Democracy (IPD), Azerbaijan

Emin Huseynov, Institute for Reporters’ Freedom and Safety, Azerbaijan

Oleksandra Matviichuk, human rights lawyer, Head of the Center for Civil Liberties, Nobel Peace Prize Laureate 2022

Human Rights Centre “ZMINA”, Ukraine

Antonio Stango, President of the Italian Federation for Human Rights – Italian Helsinki Committee, Professor of International Organisations and Human Rights at Rome Link Campus University, Italy

Garry Kasparov, co-founder of the Free Russia Forum, Vice President of World Liberty Congress, Russia

Masih Alinejad, President, World Liberty Congress, Iran

Leopoldo Lopez, Secretary General, World Liberty Congress, Venezuela

Carine Kanimba, Director of Office of Freedom Affairs and Head of Africa Regional Network, World Liberty Congress, Rwanda

Ammar Abdulhamid, Parliamentarian and Director of Policy, World Liberty Congress, Syria

Carmen Lau, International Advocacy and Program Associate, Hong Kong Democracy Council, Member of Leadership Council, World Liberty Congress, Hong Kong

Nilofar Ayoubi, Regional secretary for Middle east & North Africa, World Liberty Congress, Afghanistan

Andrei Sannikov, Head of European Belarus Foundation, Belarus

Joey Siu, Ombudsperson and Executive Council Member, World Liberty Congress, USA

Chemi Lhamo, Campaigns Director, Students for a Free Tibet, and Member of Leadership Council, World Liberty Congress, Tibet/Canada

Jonathan Duarte, Executive Director, Fundación para la Libertad de Nicaragua, Member of Leadership Council, World Liberty Congress, Nicaragua/USA

Natalia Pelevina, Coordinator, Transitional Justice for Russia, Russia

Medeni Sungur, President, Digimar Institute, Türkiye

Marat Danebayev, victim of political persecution in Kazakhstan, brother of political prisoner and torture victim Timur Danebayev

Sayat Adilbekuly, victim of torture and political prosecution during January 2022 events in Kazakhstan

Nurgul Kaluova, former Kazakhstani political prisoner, member of the Human Rights Initiative “Bostandyq.Kz”

Human Rights Protection Foundation “Qaharman”, Kazakhstan

Human Rights Movement “405”, Kazakhstan

Human Rights Initiative “Bostandyq.Kz”, Kazakhstan

The Human Rights Movement “Veritas”, Kazakhstan

Human Rights Movement “Femina Virtute”, Kazakhstan

Human Rights Movement “Article 14”, Kazakhstan

The Human Rights Movement “Elimay”, Kazakhstan