

**TRANSNATIONAL PERSECUTION
OF BOTA JARDEMALIE
BY THE REGIME IN KAZAKHSTAN
AND ITS AGENTS IN THE EU**

CASE BACKGROUND



Table of Contents:

Bota Jardemalie: the way from Harvard law graduate to prominent human rights defender..... 3

Kazakh bank as an instrument for transnational repression 6

“Injustice laundering”: how Kazakhstan abusing loopholes in western jurisdictions for transnational repression.....10

Kidnapping plot against Bota Jardemalie in Belgium (2014-2019)11

Illegal surveillance in Belgium (2017-present)12

Strategic lawsuit against public participation – SLAPP – in Belgium (2016 – present)13

Extradition by proxy: international arrest warrant/extradition request from Ukraine (November 2016 – present)14

Russian collaboration in transnational repression against Jardemalie: wanted in Russia17

Coercion-by-proxy: hostage taken of a family member of Jardemalie (2017 – 2020)18

Abuse of mutual legal assistance request (2018- present)21

International arrest warrant/extradition request from Kazakhstan (24 April 2018 - present)26

Hacking case (2019-2021)27

Smear campaign and subsequent closure of bank accounts in Belgium.....28

Kazakhstan’s failed attempts at injustice laundering in other western jurisdictions: lasting harm to victims29

Kazakhstan’s global media manipulation30

BOTA JARDEMALIE: THE WAY FROM HARVARD LAW GRADUATE TO PROMINENT HUMAN RIGHTS DEFENDER

“Human rights are the cornerstone of our freedom and dignity, the basis for economic prosperity, and the foundation for a just and equitable society. Defending them in Kazakhstan is crucial because, without these fundamental rights, my country has no future. Without them, Kazakhstan is destined to be a failed state, where injustice, corruption, and repression will erode any hope for progress, stability, and its independence.” - Bota Jardemalie

Bota Jardemalie, a Harvard Law graduate and New York licensed attorney, is a prominent human rights defender from Kazakhstan. She has been ruthlessly targeted by the Kazakh regime for over eleven years due to her successful human rights advocacy for regime opponents, activists, victims of torture, and political dissidents. Bota Jardemalie has been collaborating with the Open Dialogue Foundation for nearly 15 years. Among many other issues, she campaigned¹ for the adoption of a personal sanction regime in the EU against human rights violators and kleptocrats, modeled on the US “Magnitsky Act,” and for the reform of INTERPOL. Following Russia’s full-scale military invasion of Ukraine, Bota Jardemalie has been exposing Kazakhstan’s and other countries’ economic and military assistance to Russia and Russia’s circumvention of international sanctions. 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 180 countries.²

Over the years, Bota Jardemalie has been raising awareness about the political situation in Kazakhstan, politically motivated persecution, torture, and other human rights violations during meetings and events with members of the European Parliament, U.S. congressmen and senators, diplomats, members of parliaments and governments of EU member states, Canada, the UK, Australia, Switzerland, and representatives of international human rights organizations. Amongst others, she defended the Zhanaozen oil workers and their families, imprisoned and persecuted after their strike in December 2011, where at least 16 protesters were killed by police. Her work included, among others, lodging complaints against the government of Kazakhstan before the United Nations bodies in the following years. She has been an outspoken critic of the government’s increasing repression against any opposition or dissent. This has included providing testimony on Kazakhstan’s human rights abuses to international bodies such as the European Parliament and the Council of Europe as well as briefing MPs and government officials in numerous EU states.

Bota Jardemalie also provided legal assistance to Kazakhstan's opposition leader, Mukhtar Ablyazov,³ his wife, daughter, and other family members,⁴ as well as others associated⁵ with him who have been politically persecuted by the Kazakh authorities. Mukhtar Ablyazov is a prominent entrepreneur, former government minister, leading advocate for democratic reform in Kazakhstan and a founder of Democratic Choice of Kazakhstan.⁶ For more than 20 years, he remains a leading representative of the democratic opposition, which continue to struggle against Kazakhstan’s corrupt authoritarian regime.

¹ <https://en.odfoundation.eu/a/27789,odf-travels-to-rome-to-relaunch-the-draft-bill-for-an-italian-magnitsky-law/>

² <https://worldlibertycongress.org/governance/>

³ <https://en.odfoundation.eu/a/699337,statement-of-international-human-rights-and-rule-of-law-defenders-mukhtar-ablyazovs-expulsion-from-france-must-be-stopped/>

⁴ <https://en.odfoundation.eu/a/7675,the-open-dialogue-foundation-welcomes-lithuanias-decision-to-deny-the-extradition-of-syrym-shalabayev-to-kazakhstan-or-ukraine/>

⁵ <https://en.odfoundation.eu/a/8092,report-kazakhstan-pursues-former-top-managers-of-bta-bank-in-order-to-obtain-their-testimonies-against-mukhtar-ablyazov/>

⁶ <https://en.odfoundation.eu/a/8606,report-the-persecution-of-the-dck-activists-in-kazakhstan/>

Nursultan Nazarbayev, who single-handedly governed Kazakhstan for almost 30 years, and now Kassym-Jomart Tokayev, who became Nazarbayev's successor in 2019, have systematically eliminated dissent and banned independent media outlets in the country. Their opponents (including Aбыlyazov's associates) have been killed,⁷ imprisoned⁸ or banished.⁹

Numerous organisations and international bodies have defended Mukhtar Aбыlyazov over the years: OHCHR,¹⁰ European Parliament,^{11, 12} Members of the European Parliament,¹³ Members of PACE,^{14, 15} Members of the OSCE PA,¹⁶ International Federation for Human Rights,¹⁷ Amnesty International,¹⁸ Human Rights Watch,¹⁹ Chief Executive Officer of the Hermitage Capital Management William Browder,²⁰ The Moscow Helsinki Group, Russian Historical, Educational and Human Rights Society "Memorial," All-Russian Movement "For Human Rights,"²¹ Kazakhstan International Bureau for Human Rights and Rule of Law,²² Ukrainian Helsinki Human Rights Union, Ukrainian Human Rights Information Centre, Kyiv House of Human Rights, Association of Ukrainian Human Rights Monitors on Law Enforcement, and the Centre of Civil Liberties.²³

Mukhtar Aбыlyazov used to be a leading donor of the country's civil society, opposition, and independent media. Prior to its forced nationalisation in 2009, Mukhtar Aбыlyazov owned the majority of shares in BTA Bank and served as its Chairman of the Board of Directors from 2005 to 2009. After working at a renowned international law firm in New York, Bota Jardemalie joined BTA Bank as a managing director at the end of 2005. She left BTA Bank in 2009, after it was forcibly nationalised.

Since 2009 the state-orchestrated campaign against Aбыlyazov has made hundreds of political hostages, caught in the massive transnational repression campaign initiated by president of Kazakhstan against Mukhtar Aбыlyazov. To justify the abuse of domestic and international justice systems over decade against Aбыlyazov, regime in Kazakhstan forced to give false confessions and persecuted globally former BTA Bank managers, employees of companies, clients of BTA Bank, opposition activists, and even a former bodyguard of Aбыlyazov.²⁴ Bota Jardemalie had defended those who have been subjected to politically motivated persecution by the Kazakh authorities, exposing abuse of power and human rights violations in those cases.

For example, *inter alia*, Jardemalie assisted Spanish legal counsel on the Aбыlyazov-related politically motivated extradition case of Alexandr Pavlov in Spain,²⁵ in which Spain's *Tribunal Supremo* ultimately blocked Pavlov's extradition in February 2015 and ordered that he be granted political asylum.²⁶

⁷ <https://en.odfoundation.eu/a/1253,physical-elimination-of-political-opponents-by-nazarbayevs-regime/>

⁸ <https://en.odfoundation.eu/a/8949,collective-complaint-be-quiet-or-be-charged-with-extremism/>

⁹ <https://en.odfoundation.eu/a/726336,joint-submission-for-the-un-universal-periodic-review/>

¹⁰ <https://www.ohchr.org/fr/2016/12/dissident-kazakh-risque-torture-extrade-france>

¹¹ https://www.europarl.europa.eu/doceo/document/TA-9-2021-0056_EN.html

¹² https://www.europarl.europa.eu/doceo/document/TA-5-2003-0064_EN.html?redirect

¹³ Copies of the letters available upon request.

¹⁴ <https://pace.coe.int/en/files/23716/html>

¹⁵ <https://pace.coe.int/en/files/29811/html>

¹⁶ Copies available upon request.

¹⁷ <https://www.fidh.org/en/region/europe-central-asia/kazakhstan/kazakhstan-open-letter-to-mr-valls-and-mr-fabius-concerning-the-potential-13908>

¹⁸ <https://www.amnesty.org/en/latest/press-release/2014/01/france-stop-extradition-threatening-kazakhstani-dissident-torture/>

¹⁹ <https://www.hrw.org/news/2015/05/21/france/kazakhstan-letter-french-prime-minister-manuel-valls-case-mukhtar-abylyazov>

²⁰ Copy of the letter available upon request.

²¹ Copies available upon request.

²² https://bureau.kz/en/sobstvennaya-informacziya-po-angl/article_6665/

²³ <https://en.odfoundation.eu/a/6264,international-community-calls-on-france-to-prevent-extradition-of-opposition-politician-mukhtar-abylyazov/>

²⁴ <https://www.amnesty.org/en/latest/press-release/2014/02/spain-extradite-asylum-seeker-risk-torture-kazakhstan/>

²⁵ <https://en.odfoundation.eu/a/1217,how-europe-helps-the-hunters-of-abylyazov/>

²⁶ <https://en.odfoundation.eu/a/6003,alexandr-pavlov-safe-at-last/>

Bota Jardemalie also worked on the case of Italy's extraordinary rendition of Alma Shalabayeva and Alua Ablyazova (Ablyazov's wife and then-six-year-old daughter) to Kazakhstan in 2013.²⁷ Kazakhstani diplomats conspired with high-ranking Italian law enforcement officials to illegally transport the woman and child on a private jet from Rome to Astana, Kazakhstan, as political hostages.²⁸ At the request of the victims' family, Bota Jardemalie began working on the case and organised a legal team, ultimately helping to secure their return to Italy, where they were granted asylum in 2014.²⁹

When the authorities in Kazakhstan learned of her involvement, Bota Jardemalie was placed on the wanted list within days. About a month later, at Kazakhstan's request, INTERPOL issued a Red Notice targeting Bota Jardemalie for arrest on a fabricated criminal case opened in Kazakhstan. The Red Notice was later cancelled for non-compliance with INTERPOL's rules against political abuses of the INTERPOL.^{30, 31} In parallel, the Kazakhstani authorities launched an online smear campaign against Jardemalie in seven languages, using AI-generated propaganda, websites, and social media.

In 2013, Belgium granted Bota Jardemalie political asylum due to the extraordinary risks she faced in the form of reprisals by Kazakhstan against her for her legal and human rights work.

For more than three years, since July 2013, Bota Jardemalie worked extensively on the Ablyazov extradition case in France, which involved two simultaneous politically motivated extradition requests: to Ukraine and to Russia. The case concluded in December 2016 when France's supreme administrative court, the *Conseil d'Etat*, canceled Ablyazov's extradition to both countries.³² The court found that the cases in Ukraine and Russia were orchestrated by Kazakhstan and constituted a politically motivated abuse of the European Convention on Extradition.³³ The *Conseil d'Etat* ruled that BTA Bank's claims in Kazakhstan, Ukraine and Russia against Ablyazov were politically motivated, stemming from his opposition to Kazakhstan's dictatorial regime.³⁴ It concluded that Kazakhstan, Ukraine, and Russia had collaborated, using the allegations from BTA Bank as a pretext to prosecute Ablyazov for political reasons.³⁵



Mukhtar Ablyazov with his wife and daughter

²⁷ <https://news.un.org/en/story/2013/07/444952>

²⁸ <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/>

²⁹ <https://www.fidh.org/en/region/europe-central-asia/italy/15232-italy-kazakhstan-italy-grants-refugee-status-to-alma-and-alua-shalabayeva>

³⁰ <https://pace.coe.int/en/files/28587/html>

³¹ <https://pace.coe.int/en/files/25007/html>

³² https://www.lemonde.fr/international/article/2016/12/09/le-conseil-d-etat-annule-l-extradition-de-l-opposant-kazakh-moukhtar-ablyazov_5046666_3210.html

³³ Full text of the decision of the *Conseil d'Etat* dated 9 December 2016. <https://odfoundation.eu/content/uploads/i/fmfiles/pdf/att9-ablyazov-conseil-d-etat-09-12-2016-fr-highlighted.pdf>

³⁴ Full text of the decision of the *Conseil d'Etat* dated 9 December 2016. <https://odfoundation.eu/content/uploads/i/fmfiles/pdf/att9-ablyazov-conseil-d-etat-09-12-2016-fr-highlighted.pdf>

³⁵ Full text of the decision of the *Conseil d'Etat* dated 9 December 2016. <https://odfoundation.eu/content/uploads/i/fmfiles/pdf/att9-ablyazov-conseil-d-etat-09-12-2016-fr-highlighted.pdf>

This was only the second time in the history of France that the *Conseil d'Etat* canceled an extradition decree on the grounds that the extradition request was politically motivated; the first time was in 1977 in the case of an individual in France sought for extradition by the Franco regime in Spain.³⁶

Although it has been eight years since France refused to extradite Ablyazov, Kazakhstani authorities continue their attacks on him in France.³⁷ Kazakhstan, both directly through diplomatic means and indirectly through its lobbyists, exerts pressure on France to revoke Ablyazov's political asylum and expel him from the country. For example, France received diplomatic requests from the President of Kazakhstan, accompanied by references to flourishing economic cooperation, in a letter addressed to President Macron. These requests aimed to address what was described as "the Ablyazov problem," which was presented as a major obstacle in Kazakhstani French relations in 2022.³⁸ There is valid concern that Kazakhstan has been effectively employing the same strategy in Belgium to deal with "the Jardemalie problem."

Beginning in 2013, Kazakhstan's authorities launched abusive and illegal acts of transnational repression against Bota Jardemalie on European soil, using the nationalised BTA Bank as an instrument of persecution. Despite her asylum status in Belgium, the Kazakh authorities have persistently pursued fabricated legal actions against her, blatantly misusing international legal mechanisms and undermining the institution of political asylum. Her case highlights how Kazakhstan exploits these mechanisms and abuses the justice systems of other countries. The Council of Bars and Law Societies of Europe (CCBE) recognises Jardemalie as "lawyer in danger."^{39, 40, 41} The Brussels Bar Council considers her as a lawyer at risk due to her activities.

KAZAKH BANK AS AN INSTRUMENT FOR TRANSNATIONAL REPRESSION

Starting in 2009, Kazakhstan's authorities have weaponized BTA Bank as an instrument of persecution within Kazakhstan and a means of transnational repression in the UK, US, Spain, France, Germany, Austria,⁴² other EU member states, Switzerland, Ukraine, and even Russia. This strategy has been employed against hundreds of individuals, making Kazakhstan a pioneer in such large-scale, transnational harassment through the manipulation of a financial institution and exposing vulnerability of the western countries to such abuses. Targets of this persecution include Mukhtar Ablyazov, his family, colleagues, associates, political supporters, opposition members, human rights defenders,⁴³ and journalists.^{44, 45}

Illegal forced nationalization of BTA Bank at the request of President Nazarbayev. Between 2005 and 2009, when Mukhtar Ablyazov was a majority shareholder and chairman of its board of directors, BTA

³⁶ https://www.lemonde.fr/international/article/2016/12/09/le-conseil-d-etat-annule-l-extradition-de-l-opposant-kazakh-mukhtar-ablyazov_5046666_3210.html

³⁷ <https://en.odfoundation.eu/a/699337,statement-of-international-human-rights-and-rule-of-law-defenders-mukhtar-ablyazovs-expulsion-from-france-must-be-stopped/>

³⁸ Copies of the letters available upon request.

³⁹ 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

⁴⁰ <https://www.lawsocieties.eu/news/avocats-en-danger/6000558.article>

⁴¹ <https://protect-lawyers.org/en/item/botagoz-jardemalie-3/>

⁴² <https://en.odfoundation.eu/a/7319,report-the-facts-which-confirm-the-fabrication-of-the-case-of-mukhtar-ablyazov-in-russia-tatiana-paraskevich-and-artur-trofimov-prosecution/>

⁴³ <https://en.odfoundation.eu/a/9579,theyve-come-for-you-misuse-of-extradition-procedures-and-interstate-legal-assistance/>

⁴⁴ <https://en.odfoundation.eu/a/6074,muratbek-ketebayev-left-spain-and-went-back-to-poland-spain-rejected-the-kazakh-request-for-extradition/>

⁴⁵ <https://en.odfoundation.eu/a/8101,journalist-zhanbolat-mamay-arrested-in-connection-with-the-criminal-proceedings-against-mukhtar-ablyazov-in-the-bta-bank-case/>

became the largest privately owned commercial bank in Kazakhstan and former Soviet Union countries.⁴⁶ Then-President of Kazakhstan, Nursultan Nazarbayev,^{47, 48, 49} issued an ultimatum to Abylyazov: if he did not transfer half of his bank's shares by the end of April 2008, he would be arrested and his property confiscated. Abylyazov did not comply with the illegal ultimatum.

On February 2, 2009, the government, fully controlled by Nazarbayev, nationalized BTA under a false and artificially created pretext. The forced nationalization was authorized by the government of Kazakhstan on the basis of a secret decree, which was never provided to BTA Bank or its shareholders. Kazakhstan's sovereign wealth fund, Samruk-Kazyna, became the sole owner of BTA Bank.

Timur Kulibayev,⁵⁰ the billionaire son-in-law of then-President Nazarbayev, who headed Samruk-Kazyna, and then-Prime Minister of Kazakhstan, Karim Massimov,⁵¹ orchestrated the forced nationalization of BTA Bank. Kulibayev and his wife, Dariga Nazarbayeva, who is Nazarbayev's daughter, owned Halyk Bank, which was then the second largest privately owned commercial bank in Kazakhstan, following BTA Bank.

As MP Baroness Hodge of Barking testified in the UK Parliament to sanction kleptocrats in Kazakhstan: "Evidence suggests that Kulibayev abused his position to accrue vast wealth. In 2020, the Financial Times showed that Kulibayev benefited from a secret scheme to divert profits from big state pipeline contracts. He has faced money laundering and bribery



Dinara Kulibayeva and Timur Kulibayev, daughter and son-in-law of Nazarbayev, photo: atameken.kz

⁴⁶ BTA Bank has received numerous international awards. For instance, in 2008, BTA was ranked as one of the 300 most influential banks in the world by The Banker, a well-known financial monthly publication. BTA has become the largest and most successful bank in Kazakhstan. In January 2009 (just before the forcible nationalization), an international financial magazine, Global Finance, named BTA the "Best Commercial and Financial Bank in Kazakhstan 2009". At the time of the forced nationalisation on 2 February 2009, BTA had 25% of the banking sector in Kazakhstan.

⁴⁷ <https://www.cbsnews.com/news/the-worlds-enduring-dictators-nursultan-a-nazarbayev-kazakhstan-19-06-2011/>

⁴⁸ <https://www.occpr.org/en/investigation/the-nazarbayev-billions-how-kazakhstans-leader-of-the-nation-controls-vast-assets-through-charitable-foundations>

⁴⁹ <https://thediplomat.com/2016/10/nazarbayev-and-the-rise-of-the-kleptocrats/>

⁵⁰ <https://cdn.occpr.org/projects/suisse-secrets-interactive/en/person/47/timur-kulibayev/>

⁵¹ Karim Massimov, the former Prime Minister of Kazakhstan and head of the National Security Committee (KNB), was involved in gross human rights violations during his time in power under both President Nursultan Nazarbayev and, later, Kassym-Jomart Tokayev. Massimov's tenure is marked by crackdowns on political dissidents, opposition figures, and activists. He played a central role in the killing of activists and in enforcing repressive measures, including surveillance, arrests, and harassment of those critical of the government. In January 2022, he was arrested following mass protests in Kazakhstan, as part of internal political struggles and not a genuine move toward justice or reform. In April 2022, after secret court hearings, he was sentenced to 18 years in prison on charges of high treason, abuse of power, and actions aimed at violently seizing power. The legacy of his leadership remains one of repression and authoritarian control in Kazakhstan.

investigations in other jurisdictions [than Kazakhstan]. His worth, according to Forbes, is \$2.9 billion, and he owns at least £60 million of real estate here in the UK.”⁵²



Ultimate beneficiary of illegal nationalization of BTA Bank - the family of President Nazarbayev. Since its forced nationalization, BTA Bank was artificially brought to default on its obligations to international creditors. Yet, the government accused Abylazov and his colleagues of “embezzlement of the bank’s funds.” Through a series of non-transparent transactions, **all of BTA Bank’s valuable assets**, including those that were **allegedly “stolen”** by Abylazov and his colleagues, were **transferred to Halyk Bank**, which is owned by Nazarbayev’s family. Currently, Halyk Bank is now the largest privately owned commercial bank in Kazakhstan with at least 30% of the market share.⁵³ On June 23, 2015, BTA Bank voluntarily surrendered its banking license and ceased operations as a bank.⁵⁴ BTA Bank has been kept in existence as an instrument of persecution and transnational repression.

By 2017, through a serious of non-transparent transactions, oligarch Kenes Rakishev became the sole shareholder of BTA Bank instead of the state. Kenes Rakishev⁵⁵ is a business partner of Nazarbayev’s son-in-law Timur Kulibayev, whose bank Halyk Bank received all valuable assets of BTA Bank. Kenes Rakishev “has been dubbed in the media as ‘Nazarbaev's banker’” and has business ties with the son of the current president of Kazakhstan, Timur Toqaeu.⁵⁶ “Kenes Rakishev is a mysteriously wealthy Kazakh businessman worth up to \$1.6 billion, with close ties to the political elite, and a close associate of the

⁵² <https://hansard.parliament.uk/commons/2022-02-03/debates/41000B02-86AB-499E-8547-0F5AA84611B0/KazakhstanAnti-CorruptionSanctions>

⁵³ <https://www.fitchratings.com/research/banks/jsc-halyk-bank-of-kazakhstan-02-04-2024>

⁵⁴ <https://bta.kz/en/investor/news/2015/06/24/394/>

⁵⁵ <https://oversight.house.gov/timeline/kazakhstan/>

⁵⁶ <https://www.rferl.org/a/toqaeu-family-russian-assets/31658512.html>

head of the Chechen Republic [Ramzan Kadyrov], who has been sanctioned by the US.”⁵⁷ Kenes Rakishev is the son-in-law of Imangali Tasmagambetov, who has held various top government positions, including Prime Minister of Kazakhstan, Mayor of Almaty and Astana, Minister of Defense of Kazakhstan, and Ambassador of Kazakhstan to Russia. Since 1 January 2023,⁵⁸ he is appointed as Secretary General of the Collective Security Treaty Organization (CSTO).⁵⁹ Open Dialogue Foundation issued six reports on how Russia circumvents Western sanctions, explaining the role of Tasmagambetov and the CSTO, and recommending sanctions against them.⁶⁰



Ramzan Kadyrov and Kenes Rakishev, photo: golos-naroda.kz

Kazakhstan's authorities have systematically weaponized BTA Bank to further their political agenda, using it as a facade of legitimacy to fabricate criminal cases against their opponents. As an oligarch loyal to the existing regime, Kenes Rakishev ensures that BTA Bank continues to work directly with the authorities of Kazakhstan in that capacity.

How criminal cases were fabricated to justify illegal nationalization and the theft of assets by Nazarbayev's family. To fabricate criminal cases, the investigative bodies in Kazakhstan treated the total amount of money granted as loans by BTA Bank as "amounts embezzled by Ablyazov and his criminal group" without considering validity of the transaction, any collateral, the fact that part of these loans had been repaid, and the financed project itself.⁶¹ Arrears on loans were considered as losses for the bank. Additionally, some companies were unable to meet their liabilities because investigators had blocked their bank accounts following the nationalization of BTA Bank.⁶²

By positioning BTA Bank as a purported victim, they have constructed elaborate narratives of embezzlement and money laundering to justify abusive civil and criminal litigation and extradition demands, claiming these cases are purely economic rather than politically motivated. BTA Bank has also been employed in mutual legal assistance (MLA) requests, ostensibly seeking justice while actually furthering Kazakhstan's repressive aims.

⁵⁷ <https://hansard.parliament.uk/commons/2022-02-03/debates/41000B02-86AB-499E-8547-0F5AA84611B0/KazakhstanAnti-CorruptionSanctions>

⁵⁸ <https://eng.belta.by/politics/view/kazakhstans-representative-to-become-csto-secretary-general-on-1-january-2023-154888-2022/>

⁵⁹ CSTO is an intergovernmental military alliance in Eurasia consisting of six post-Soviet states: Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan and Tajikistan. <https://en.odkb-csto.org/> ODF's report "Kazakhstan: unprecedented acts of the regime's terror against civilians and the Russian-led CSTO's military intervention." <https://en.odfoundation.eu/a/178807,kazakhstan-unprecedented-acts-of-the-regimes-terror-against-civilians-and-the-russian-led-cstos-military-intervention/>

⁶⁰ <https://en.odfoundation.eu/a/725388,strengthening-the-axis-of-evil-dictatorships-against-ukraine/>, <https://en.odfoundation.eu/a/684240,russias-decade-long-war-against-ukraine-how-to-accelerate-ukrainian-victory/>, <https://en.odfoundation.eu/a/627027,russias-accomplices-in-the-war-against-ukraine-kazakhstan-and-kyrgyzstan-the-russian-armys-reliable-rear/>, <https://en.odfoundation.eu/a/624385,the-beneficiaries-of-russias-war-against-ukraine-how-the-nazarbayev-tokayev-regime-is-helping-putin/>, <https://en.odfoundation.eu/a/570712,everything-for-the-front-everything-for-victory-how-tokayev-helps-putin-while-fooling-ukraine-and-the-west/>, <https://en.odfoundation.eu/a/508247,the-secret-of-tokayev-and-putin-how-to-circumvent-the-oil-embargo/>, <https://en.odfoundation.eu/a/494919,kremlins-secret-ally-how-tokayev-is-helping-putin-circumvent-sanctions/>,

⁶¹ <https://en.odfoundation.eu/content/uploads/i/fmfiles/raporty/10-02-2017-odf-report-bta-case-eng.pdf>

⁶² <https://en.odfoundation.eu/content/uploads/i/fmfiles/raporty/10-02-2017-odf-report-bta-case-eng.pdf>

Beyond legal mechanisms, BTA Bank acts as a conduit for hiring agents to conduct illegal surveillance as it has been in the case of Bota Jardemalie.⁶³ BTA Bank's perceived status as a financial institution—despite its cessation of operations in 2015—provides a veneer of independence from the Kazakh authorities, making accusations of financial misconduct appear credible and harder to contest.

Additionally, using BTA Bank as an instrument for persecution allows the authorities to financially destroy and confiscate property and businesses, thereby eliminating all real or potential financial support for the opposition and civil society. These actions enable Kazakhstan to disguise its political motives under the guise of combating financial crimes, such as money laundering, making defense of the victims of politically motivated prosecution more challenging and extending the reach of its repressive tactics internationally.

To fight Ablyazov, the regime in Kazakhstan is spending huge sums of money by hiring hordes of lawyers, detectives, lobbyists and PR professionals all over the world (Washington, Paris, London, etc.).⁶⁴ Hundreds of millions of dollars have already been spent in this fight against the main political opponent. The central objective of this sprawling war machine is to deny the political nature of Ablyazov's involvement by portraying him as a crook who, after having dishonestly enriched himself, seeks to hide his greed by posing as a political opponent. The same is done to Ablyazov's supporters, such as Bota Jardemalie.

“INJUSTICE LAUNDERING”: HOW KAZAKHSTAN ABUSING LOOPHOLES IN WESTERN JURISDICTIONS FOR TRANSNATIONAL REPRESSION

The Kazakhstani authorities have also developed a clever method of unscrupulously exploiting their own totally controlled judicial system to fabricate Kazakh proceedings that are then passed on to Western judiciaries. 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. Result: a politically motivated criminal case fabricated in Kazakhstan benefits from all the appearances of legality in Western jurisdictions. This "injustice laundering" can be done in several ways. The initial complaint can be made either by the Prosecutor General of Kazakhstan, or by BTA bank (which is controlled by the regime), or by friendly countries such as Russia, or by corrupt officials in a country such as Ukraine, which would act knowingly on behalf of the Kazakhstani authorities.

Kazakhstan has polluted Western judiciary systems by orchestrating politically motivated extradition requests through Russia and Ukraine, as these countries, unlike Kazakhstan, have extradition treaties with the relevant Western states. For instance, to extradite Ablyazov from France, Kazakhstan leveraged both Russian and Ukrainian jurisdictions, which have extradition agreements with France. "Injustice laundering" can occur directly, for example, through an MLA request to a Western state based on charges fabricated in Kazakhstan, or indirectly, through a powerful international collaboration institution such as INTERPOL. The Kazakhstani authorities have routinely abused INTERPOL by requesting the issuance of Red Notices against their opponents.

This method of transnational repression is particularly effective when it infiltrates the Anglo-Saxon legal system, particularly in Great Britain and the United States, which has the characteristic of producing decisions by default, i.e. in the absence of the convicted party, who may be deprived of the right to defend himself. In other words, the Anglo-Saxon system has produced decisions that have made it

⁶³ <https://www.thebureauinvestigates.com/stories/2023-03-11/the-spies-stalking-british-justice>

⁶⁴ <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2>

possible to recycle without filter the entirety of the accusations fabricated by the Kazakhstani judicial system.

This method is and will remain extremely effective as long as the Western democracies do not first understand the instrumentalisation of which they are victims, and then develop a proper response to such acts of transnational repression.

Like Western courts, Western media are also victims of the "injustice laundering" method of transnational repression. Kazakhstan's agents, including major Western PR agencies and law firms, contact Western journalists to pass on complaints and court decisions from the Kazakhstani judicial system. Few journalists resist the temptation to reproduce the accusations contained in these documents. As a result, hundreds of articles have been published in the West based on procedures whose legitimacy is not questioned by journalists, due to their lack of understanding of how authoritarian regimes operate. There is minimal awareness that these proceedings are fabricated by the Kazakhstani regime with the sole aim of silencing its opponents.

The method reaches its peak when Kazakhstan manages to present a Western journalist with a British civil court decision. The journalist, unaware of the deceit, may unwittingly fall into the trap and write an article repeating these accusations as if they are legitimate, without understanding their true nature or the fact that they are manipulated. Consequently, the journalist fails to realize that these decisions were obtained through manipulation by the Kazakhstani authorities, who are skilled at influencing Western legal systems.

KIDNAPPING PLOT AGAINST BOTA JARDEMALIE IN BELGIUM (2014-2019)

Despite having political asylum since 2013, Jardemalie has been in danger in Belgium and there has been a high risk to her physical safety. In 2014, when Bota Jardemalie was working on the Mukhtar Ablyazov extradition case in France, she received a credible threat "*the Kazakhs have hired people to either kidnap you or 'turn you into a vegetable'.*" The Federal Police of Belgium launched an investigation of a criminal conspiracy targeting Jardemalie and identified a Russian citizen and two ex-members of the STASI, the former East German secret service. They faced charges of criminal conspiracy, forgery, using forged documents, identity fraud, and impersonating public officials. These alleged crimes were part of a plot to locate and potentially kidnap Bota Jardemalie.⁶⁵ On the basis of those allegations, the German police, as requested by the Belgian Federal Police, conducted searches in the houses of those three individuals and arrested them in Germany in September 2015. On 29 November 2019 those individuals were sentenced by the Brussels Criminal Court.⁶⁶

On 15 September 2021, the Brussels Court of Appeal upheld and increased their conviction.⁶⁷ The Court of Appeal recognised that the defendants had attempted to bribe Jardemalie's lawyers to obtain information covered by professional secrecy, had harassed and monitored not only Bota Jardemalie, but also her relatives and other Kazakhstani dissidents, and **had tried to bring her to a meeting in a country where she would not have the international protection she enjoys in Belgium, with a view to her abduction or extradition to Kazakhstan, "all this within the framework of a criminal organisation that**

⁶⁵ 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

⁶⁶ <https://www.lesoir.be/263653/article/2019-11-29/trois-barbouzes-condamnes-pour-lespionnage-de-la-refugiee-kazakhe-bota>

⁶⁷ <https://www.sudinfo.be/art/798574/article/2021-06-17/des-ex-agents-de-la-stasi-juges-pour-une-supposee-tentative-denlevement>

enjoyed extraordinary human, material and financial resources, operating in Belgium as well as in France, Monaco, Italy, the UK, Germany and Russia”.⁶⁸

Bota Jardemalie and her lawyers were the target of numerous intrusions into their computer systems and hacking attempts using booby-trapped e-mails. 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**. The Court of Appeal found that the defendants’ activity was part of “*an even broader plan to search for dissidents wanted by the Kazakh authorities, as was [Jardemalie]*.”⁶⁹

The Court of Appeal noted that:

“37. The nature and scope of the defendants' investigations into [Jardemalie], the offences committed (including computer forgery and bribery (...)) and the methods (which relied heavily on fraudulent and intimidating maneuvers) used by them to this end, the broad spectrum of their surveillance which concerned not only the plaintiff but also other Kazakh dissidents who were wanted like her, the international ramifications of the defendants' action (involving the carrying out of acts in several States and the participation of numerous third parties, identified or not), the outlay of human, technical and financial resources allocated to carrying out their mission demonstrate that the criminal project with which the defendants were associated was clearly part of a criminal organisation, within the meaning of article 324bis of the Criminal Code.”⁷⁰ [Emphasis added]

ILLEGAL SURVEILLANCE IN BELGIUM (2017-PRESENT)

The Federal Police of Belgium completed another criminal investigation, recognizing Bota Jardemalie as a victim of illegal surveillance conducted on Belgian soil by a former UK military member working for the UK private intelligence firm Diligence. Diligence has been retained indirectly by BTA Bank through its UK lawyers.⁷¹ The case has now been sent to court in Brussels and is awaiting trial.⁷²

In 2017, Bota Jardemalie realised that she was once again the subject of unlawful surveillance. The Federal Police of Belgium arrested a suspect, who is a UK national and an expert in surveillance and communications, having operated in Iraq and Afghanistan, with ten years’ experience with the British Royal Marines.

The Federal Police investigation revealed the following:

- Bota Jardemalie was a 'target,' and she and her family were systematically observed in their apartment and during her travels, even abroad. These observations were the subject of extremely detailed reports.

⁶⁸ Decision available upon request.

⁶⁹ Decision of the Brussels Court of Appeal dated 15 September 2021. Available upon request.

⁷⁰ Decision of the Brussels Court of Appeal dated 15 September 2021: “ 37. La nature et l'ampleur des recherches menées par les prévenus au sujet de la plaignante, les infractions commises (notamment des faux informatiques et la corruption (...)) et les méthodes (qui ont largement fait appel à des manœuvres frauduleuses et intimidantes) utilisées par eux à cet effet, le large spectre de leur surveillance qui concernait non seulement la plaignante mais également d'autres dissidents kazakhes qui étaient recherchés comme elle, les ramifications internationales de l'action des prévenus (impliquant la réalisation d'actes sur plusieurs Etats et la participation de nombreux tiers, identifiés ou non), la débauche de moyen humains, techniques et financiers qui ont été affectés à la réalisation de leur mission démontrent que le projet criminel auquel les prévenus étaient associés s'inscrivaient clairement dans le cadre d'une organisation criminelle, au sens de l'article 324bis du Code pénal ”. Available upon request.

⁷¹ <https://www.thebureauinvestigates.com/stories/2023-03-11/the-spies-stalking-british-justice>

⁷² <https://www.thebureauinvestigates.com/stories/2023-03-11/the-spies-stalking-british-justice>

- The apartment opposite hers was rented, for €3,300/month, from January 2017, in order to be able to carry out this illegal surveillance, extremely intrusive in her private life.
- 181,647 photos of her, her family and everyone around her, and her vehicle were taken.
- The Federal Police believe that it is not impossible that a beacon was placed on her vehicle.
- This illegal surveillance was carried out by several professionals.

On 14 December 2023, the criminal case against the identified person was sent to the Criminal Court on charges of harassment and breach of the law on private detectives. The case was scheduled for 15 April 2024. However, the case court hearing had to be postponed to 18 June 2024 because the file had been lost. On 17 June 2024, Bota Jardemalie's lawyer was informed that the case would have to be postponed again due to a backlog.

The authors of the report raise serious concerns about the repeated delays in the hearing, especially in light of the recent brutal attacks on political refugees from Kazakhstan in Kyiv, Ukraine, and Vilnius, Lithuania. The apparent reluctance to prosecute and convict those responsible for illegal surveillance encourages perpetrators who pose a risk to Jardemalie's security in Belgium to commit such crimes again. "Justice delayed is justice denied."

STRATEGIC LAWSUIT AGAINST PUBLIC PARTICIPATION – SLAPP – IN BELGIUM (2016 – PRESENT)

In 2016, the Kazakhstani regime, aiming to silence Bota Jardemalie and disrupt the Belgian Federal Police's criminal investigation against its agents, weaponised BTA Bank to act as its proxy. Although presenting itself as an independent commercial bank, BTA Bank filed a civil complaint against Jardemalie in Belgium to open a criminal investigation, accusing her of laundering an astonishing 500 million euros on Belgian soil. In its civil complaint, BTA Bank, as a civil party, relied on a criminal case fabricated in Kazakhstan against Bota Jardemalie. The civil party provided copies of various orders and decisions from Kazakhstani investigators, prosecutors, and the judiciary, as well as several interrogation reports, as alleged proof of Jardemalie's "criminal activity."

At the same time, BTA Bank's complaint was **vague in terms of both facts and legal analysis**. It neither clarified the facts nor the legal basis of its accusations, nor did it provide any decisions from Kazakhstan detailing the offenses alleged against Bota Jardemalie, or any information regarding her alleged role in the crime. Moreover, the representative of BTA Bank refused to travel to Brussels to be questioned by the Belgian investigating judge.

In April 2019, the investigating judge dismissed the BTA Bank's request to continue the investigation against Jardemalie. In July 2021, the Federal prosecutor also confirmed the dismissal (*non-lieu*) of the case ("*Il n'existe aucune charge contre Botagoz Jardemalie*").

On 25 April 2023, the Chamber du Conseil of the Tribunal of the First Instance of Brussels **dismissed the criminal investigation against Jardemalie**,⁷³ rejected BTA Bank's vague and belated request to perform additional duties and found no grounds for money laundering charges. Additionally, **the court ordered BTA Bank to pay Jardemalie the maximum procedural indemnity plus an additional €5,000 *ex aequo et bono*, as compensation for the irresponsible and harassing legal procedure.**⁷⁴ The court order

⁷³ Available upon request.

⁷⁴ <https://www.lesoir.be/509728/article/2023-04-26/accusee-de-blanchiment-la-refugiee-kazakhe-bota-jardemalie-beneficie-dun-non>

criticized BTA Bank's attitude and its lack of credibility in explaining the late production of documents, and it noted the political context in which BTA Bank's case was brought.

In May 2024, backed by the unlimited financial resources of the oil-rich regime, BTA Bank, which no longer engages in any productive commercial activity other than participating in judicial and non-judicial persecution, appealed the decision to dismiss its civil complaint. **Eight years after lodging its complaint and more than fifteen years after the alleged predicate crime was committed**, BTA Bank submitted 110 new documents totaling over 2,700 pages. These documents, filled with “details” of its grievances, lacked both relevance and credibility. BTA Bank claims that it received the documents only in 2023 from the criminal investigation of case no. 170000131000012 in Kazakhstan, pursuant to which Jardemalie’s brother was arbitrarily detained and tortured, as detailed further below. This is another apparent case of injustice laundering. The appeal will be scheduled for a hearing before the Court of Appeal sometime in 2025.

In this case, BTA Bank acts as an instrument of transnational repression for the Kazakhstani regime, engaging in injustice laundering by contaminating the Belgian legal system and judiciary with documents from a non-free state. In Kazakhstan, parliamentary and presidential elections are neither free nor fair, authorities consistently marginalize or imprison genuine opposition figures, freedoms of speech and assembly are restricted and punished, corruption is endemic, the judiciary is subservient to the executive branch, and individuals can be illegally detained, tortured, and denied legal representation.⁷⁵ Should the Belgian authorities rely on documents produced by the authoritarian state, they will become *de facto*, and even *de jure*, allies in destroying its opponents.

This case is a clear example of SLAPP - Strategic Lawsuit Against Public Participation, another instrument of transnational repression. This is pure judicial harassment that has a clear strategy:

- first, to destroy Bota Jardemalie’s professional and personal life, and, most importantly, her human rights advocacy work. For example, the Kazakhstani ambassador in Belgium personally emailed members of the European Parliament, warning them against meeting with Jardemalie as a criminal that involved in money laundering;
- second, to have access her personal information and human rights files under the guise of investigating money laundering;
- and third, to tarnish Bota Jardemalie’s reputation, destroy her and her family financially, and, ideally, detain her during the investigation—a common tactic for a SLAPP.

EXTRADITION BY PROXY: INTERNATIONAL ARREST WARRANT/EXTRADITION REQUEST FROM UKRAINE (NOVEMBER 2016 – PRESENT)

In 2019, while analyzing documents from BTA Bank's SLAPP complaint, Bota Jardemalie was surprised to discover that there had been a request from Ukraine for her extradition. The Ministry of Justice of Belgium refused to provide a copy of the extradition file. After four years of litigation against the Belgian State to access extradition requests, the *Conseil d'Etat* of Belgium ruled that the Belgian State must provide copies of these documents.

⁷⁵ <https://freedomhouse.org/country/kazakhstan/freedom-world/2024>, <https://freedomhouse.org/country/kazakhstan/freedom-world/2023>, <https://freedomhouse.org/country/kazakhstan/freedom-world/2022>

On June 3, 2024, Bota Jardemalie received copies of the Ukrainian extradition file. The documents revealed that Kazakhstani authorities, using BTA Bank as a proxy, illegally influenced the Ukrainian side and fabricated a case against Bota Jardemalie in Ukraine. The extradition request was executed by Deputy of the Prosecutor General of Ukraine, Ievgenii Yenin.

The request to extradite Bota Jardemalie to Ukraine was prepared and sent to Belgium when Jardemalie was working defending Abylazov against his extradition from France. The request was made in connection with the same criminal case that was used to extradite Mukhtar Abylazov from France.⁷⁶

Criminal cases in Ukraine and Russia fabricated at the request of Kazakhstan. In its previous reports, the Open Dialogue Foundation provided an analysis of documents showing how Kazakhstani authorities illegally influenced the Ukrainian investigation, passed instruction to fabricate a criminal case against Mukhtar Abylazov and his colleagues, and revealed extensive corruption ties between Ukraine's Ministry of Internal Affairs (MIA), the General Prosecutor's Office of Ukraine (GPU), and the Kazakhstani authorities.^{77,78} In its reports, ODF analyzed the correspondence that was published in the media in 2014-2015-2016, which confirmed that representatives of Kazakhstan had prepared the documents for the Ukrainian and Russian investigators on the case of Mukhtar Abylazov and his associates.^{79, 80, 81} The Kazakhstani authorities themselves questioned the defendants in the case, threatened them and forced them to sign testimonies. The coordination of the investigation on the case of Abylazov was carried out at the level of senior officials of Kazakhstan, Russia and Ukraine.⁸²

The extradition request for Abylazov from Ukraine was considered together with the Russian extradition request in December 2016 in France by a fifteen-judge panel of the *Conseil d'Etat* Litigation Section, reserved for cases deemed to be of extraordinary importance.⁸³ As it was mentioned earlier in this report, the French *Conseil d'Etat* canceled Abylazov's extradition to Ukraine, as well as to Russia, finding that the cases in Ukraine and Russia were orchestrated by Kazakhstan and constituted a politically motivated abuse of the European Convention on Extradition. The *Conseil d'Etat* ruled that BTA Bank's claims in Kazakhstan, Ukraine and Russia against Abylazov were politically motivated, stemming from his opposition to Kazakhstan's dictatorial regime. It concluded that Kazakhstan, Ukraine, and Russia had collaborated, using the allegations from BTA Bank as a pretext to prosecute Abylazov for political reasons.

In 2016, Ukrainian MP, Chairman of the Verkhovna Rada Committee on Preventing and Combatting Corruption, and one of the authors of the law on lustration, Yegor Sobolev urged the Ukrainian General Prosecutor's Office to carefully examine publicised incidents of abuse by Ukrainian investigators in the cases against Kazakh opposition.⁸⁴ Unfortunately, corruption has persistently plagued Ukraine as a severe and enduring problem.

Criminal case in Ukraine against Jardemalie was orchestrated by Kazakhstan. This politically motivated Ukrainian case against Bota Jardemalie is another example of Kazakhstan's transnational repression. Bota Jardemalie has never lived or worked in Ukraine; however, on March 17, 2016, Jardemalie was

⁷⁶ <https://en.odfoundation.eu/a/6139,report-the-case-of-mukhtar-abylazov-in-ukraine/>

⁷⁷ <https://en.odfoundation.eu/a/6139,report-the-case-of-mukhtar-abylazov-in-ukraine/>, <https://en.odfoundation.eu/a/5173,evidence-of-the-fabrication-of-the-extradition-request-with-regard-to-the-opposition-politician/>

⁷⁸ <https://en.odfoundation.eu/a/6869,report-analysis-of-documents-in-the-case-of-abylazov/>

⁷⁹ <https://en.odfoundation.eu/a/6869,report-analysis-of-documents-in-the-case-of-abylazov/>

⁸⁰ <https://en.odfoundation.eu/a/5173,evidence-of-the-fabrication-of-the-extradition-request-with-regard-to-the-opposition-politician/>

⁸¹ <https://en.mukhtarabylazov.org/i/fmfiles/pdf-en/14-02-2016-mediapart-article-abylazov-en.pdf>

⁸² <https://en.odfoundation.eu/a/6857,report-political-persecution-of-syrym-shalabayev/>

⁸³ Full text of the decision of the *Conseil d'Etat* dated 9 December 2016. <https://odfoundation.eu/content/uploads/i/fmfiles/pdf/att9-abylazov-conseil-d-etat-09-12-2016-fr-highlighted.pdf>

⁸⁴ <https://en.odfoundation.eu/a/7246,yegor-sobolev-calls-for-an-investigation-into-the-corrupt-acts-of-ukrainian-investigators-in-the-mukhtar-abylazov-and-syrym-shalabayev-cases/>

made a suspect, and a search warrant was issued for her by Ukraine. On November 3, 2016, Ukraine made a request to extradite Bota Jardemalie from Belgium. Even on its face, the Ukrainian case against Jardemalie lack territorial jurisdiction and simply incomprehensible. The irregularities, including the vagueness of the facts and the offenses prosecuted, were pointed out by the Ministry of Justice of Belgium on December 23, 2016, in its request to Ukraine to clarify the case.

The Ukrainian extradition file for Bota Jardemalie revealed interference by three Ukrainian Members of Parliament (MPs) from the Verkhovna Rada in the extradition process. In coordination with lobbyists of Kazakhstan, they individually contacted the Ministry of Justice of Belgium, expressing concern over the lack of response from Belgian state authorities to the Ukrainian General Prosecutor's Office's request to arrest and extradite Bota Jardemalie. The MPs involved were Golovko M.I. on January 27, 2017; M. Palamarchuk, MP and First Deputy Chairman of the Committee of the Verkhovna Rada for the legislative regularization of law enforcement activity, on March 2, 2017; and Romanuk Viktor Mykolaïovytch on March 15, 2017.

The Ukrainian MPs admitted in their respective personal requests that they acted at the request of Ilyashev & Partners,⁸⁵ the law firm formally representing Kazakhstan's BTA Bank. In fact, over the years, Ilyashev & Partners have been coordinating all its actions directly with Kazakhstani authorities.⁸⁶

Statements of Noble Price awarded human rights defenders from Russia and Ukraine^{87,88,89} and the Open Dialogue Foundation's reports^{90,91,92,93} have analysed the documents confirming that the Kazakh authorities illegally influenced a Ukrainian investigator through the law firm "Ilyashev and Partners." Through this firm, the Kazakh side passed to the Ukrainian investigator personal data of defendants; prepared interrogation reports, written allegations and requests for extradition for the investigator; consulted the investigator regarding requests for the disclosure of bank secrets; gave instructions as to who should be declared wanted by INTERPOL, what questions should be asked during interrogations, and in what manner the investigation should be conducted.

For example, an employee of "Ilyashev and Partners," Arseny Gerasymiv prepared and edited for the investigator, procedural documents pertaining to the criminal cases against Ablyazov's associates: Tatiana Paraskevich,⁹⁴ Igor Kononko,⁹⁵ Syrym Shalabayev,⁹⁶ and Alexander Udovenko. Gerasymiv also informed the investigator what "results" he should obtain during interrogations. Through the firm "Ilyashev and Partners," Ukrainian Investigator Melnik consulted the Kazakh side with regard to his actions. Whilst Arseny Gerasymiv 'worked' with Ukrainian investigators, his colleague, Roman Marchenko, constantly kept in touch with the Kazakh prosecutor's office and BTA Bank.⁹⁷

⁸⁵ <https://en.odfoundation.eu/a/3157,kazakhstan-lobby-contrives-a-case-against-bta-bank-in-ukraine-in-order-to-oppress-the-opposition/>

⁸⁶ <https://en.odfoundation.eu/a/3157,kazakhstan-lobby-contrives-a-case-against-bta-bank-in-ukraine-in-order-to-oppress-the-opposition/>

⁸⁷ <https://en.odfoundation.eu/a/3573,human-rights-activists-demand-that-ukraine-cancel-the-extradition-request-for-banker-ablyazov-from-france/>

⁸⁸ <https://en.odfoundation.eu/a/7974,appeal-of-human-rights-activists-of-ukraine-and-kazakhstan-regarding-the-inadmissibility-of-extradition-of-tatiana-paraskevich-from-the-czech-republic/>

⁸⁹ <https://en.odfoundation.eu/a/7039,human-rights-defenders-write-to-lithuanian-authorities-in-support-of-syrym-shalabayev/>

⁹⁰ <https://en.odfoundation.eu/a/3157,kazakhstan-lobby-contrives-a-case-against-bta-bank-in-ukraine-in-order-to-oppress-the-opposition/>

⁹¹ <https://en.odfoundation.eu/a/4317,bta-bank-files-false-charges-in-cooperation-with-investigative-authorities-of-ukraine-russia-and-france/>

⁹² <https://en.odfoundation.eu/a/5173,evidence-of-the-fabrication-of-the-extradition-request-with-regard-to-the-opposition-politician/>

⁹³ <https://en.odfoundation.eu/a/6139,report-the-case-of-mukhtar-ablyazov-in-ukraine/>

⁹⁴ <https://en.odfoundation.eu/a/7974,appeal-of-human-rights-activists-of-ukraine-and-kazakhstan-regarding-the-inadmissibility-of-extradition-of-tatiana-paraskevich-from-the-czech-republic/>

⁹⁵ <https://en.odfoundation.eu/a/7974,appeal-of-human-rights-activists-of-ukraine-and-kazakhstan-regarding-the-inadmissibility-of-extradition-of-tatiana-paraskevich-from-the-czech-republic/>

⁹⁶ <https://en.odfoundation.eu/a/6857,report-political-persecution-of-syrym-shalabayev/>

⁹⁷ <https://en.odfoundation.eu/a/6139,report-the-case-of-mukhtar-ablyazov-in-ukraine/>

With respect to Jardemalie, Ukraine sent three reminders to Belgium. On 2 September 2020, it was signed by Yevgenii Konovalchuk, Acting Head of the International Legal Cooperation Department of the General Prosecutor's Office of Ukraine. Another reminder was sent on 28 August 2021. The third reminder was sent on 27 May 2022, three months after the Russian full-scale invasion of Ukraine. They were signed by Dmytro Vlasov, Deputy Head of the International Legal Support Department, Head of the Extradition and Cooperation Department of the General Prosecutor's Office.

Position of Belgian authorities on the extradition request from Ukraine. Belgium has not formally refused this extradition request. The Ministry of Justice of Belgium indicated that: *“No decision on the two extradition requests has been adopted or notified to the Kazakh and Ukrainian authorities. It is usual not to make decisions when the person concerned has political refugee status.”* However, the Coalition of signatories holds the position that the extradition request for Bota Jardemalie should be officially rejected by the Belgian Ministry of Justice, as it is politically motivated and orchestrated by Kazakhstan. This would send a clear and important message to corrupt Ukrainian politicians and state officials that Ukraine, as an EU candidate member, must immediately cease participating in the political persecution of Kazakhstan's opposition and stop polluting the judicial system of an EU member state with politically motivated extradition requests.

Ukrainian authorities, on the other hand, should immediately cease participating in the injustice laundering orchestrated by Kazakhstan, withdraw the extradition request for human rights defender Bota Jardemalie, and investigate the well-documented abuses by Ukrainian investigators and prosecutors in the cases against Kazakh opposition.

RUSSIAN COLLABORATION IN TRANSNATIONAL REPRESSION AGAINST JARDEMALIE: WANTED IN RUSSIA

On 13 February 2024, Mediazona, an independent Russian media outlet known for its critical reporting on state repression and human rights abuses in Russia, published an investigative article titled “Wanted in Russia. Mediazona Scraped and Analyzed the Entire Ministry of Internal Affairs’ Wanted Database—and Developed a User-Friendly Search Tool.”⁹⁸ The article revealed the existence of 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.

The article noted, “We have collated all the wanted notices from the database on the Ministry of Internal Affairs website and discovered that Russia is actively seeking not only dozens of European politicians and officials on criminal charges, but also one head of state—Kaja Kallas, the Estonian Prime Minister. Our findings also include numerous high-ranking Ukrainian military officials and hundreds of individuals whom investigators label as 'foreign mercenaries' in the ranks of the Ukrainian Armed Forces. For anyone curious, we've included a user-friendly database search function, allowing you to look up yourself, a namesake, or anyone else.”⁹⁹

As the article revealed, this database, part of Russia's broader efforts to track and target dissidents, included the names of high-profile figures such as assassinated Russian opposition leader Alexei Navalny and former political prisoners Ilya Yashin and Mikhail Khodorkovsky. The article not only exposed the

⁹⁸ <https://en.zona.media/article/2024/02/13/wanted>

⁹⁹ <https://en.zona.media/article/2024/02/13/wanted>

extent of Russia's surveillance but also provided a user-friendly search tool that allows readers to check the database for specific individuals.

Despite having no ties to Russia, Jardemalie's name was also found in this database. By entering her surname, "ДЖАРДЕМАЛИ," in Cyrillic into the search tool provided at the end of the article, her information appeared listed among those wanted by Russian authorities. However, the database does not specify when she was added. This finding underscored the transnational reach of Kazakhstan. It appears that, just as in Mukhtar Ablyazov's case,¹⁰⁰ Kazakhstan orchestrated the politically motivated transnational persecution of Bota Jardemalie not only through Ukraine but also through Russia.

Given that, following Russia's full-scale military invasion of Ukraine, Bota Jardemalie has been exposing Russia's circumvention of international sanctions, facilitated by Kazakhstan's and other Central Asian countries, Russia's involvement in the January 2022 shootings of peaceful protesters in Kazakhstan, and her defense of Mukhtar Ablyazov, this development is predictable and further underscores the close collaboration between Russia and Kazakhstan in executing transnational repression. The inclusion of her 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.

COERCION-BY-PROXY: HOSTAGE TAKEN OF A FAMILY MEMBER OF JARDEMALIE (2017 – 2020)

By November 2017, Kazakhstan's authorities were unsuccessful in neutralizing Jardemalie's work as a human rights defender whether by having her arrested, extradited or kidnapped. On 13 November 2017, Kazakhstan arrested Jardemalie's brother, Iskander Yerimbetov, who, unlike Jardemalie, still lived in Kazakhstan.¹⁰¹ The authorities of Kazakhstan decided to prosecute Yerimbetov in order to exert pressure on Bota Jardemalie.

Fabricated basis for arrest of a political hostage. Iskander Yerimebetov was arrested on the basis of false allegations by BTA Bank in money laundering in a criminal case no. 170000131000012. According to the absurd allegations made on 15 November 2017 against Yerimbetov, twelve years earlier, in 2005, political opponents of the Kazakh regime, Mukhtar Ablyazov and his sister Bota Jardemalie, allegedly involved Iskander Yerimbetov in the money laundering activities of Ablyazov's "criminal group" Allegedly, Yerimbetov was engaging in entrepreneurial activity in Kazakhstan "with Ablyazov's money," "stolen from BTA Bank."

When arrested, officers of the secret service of Kazakhstan - National Security Committee (KNB) - demanded that Iskander Yerimbetov persuade his sister to return to Kazakhstan and give false testimony against regime opponent Mukhtar Ablyazov.¹⁰² They also tried to force Yerimbetov to "cooperate with the investigation bodies" and "admit his guilt."¹⁰³

Torture in detention. Yerimbetov refused to cooperate and give false testimonies.¹⁰⁴ He was severely tortured in the detention center.^{105, 106} The torture included, for example, corporal punishment. Under

¹⁰⁰ <https://en.odfoundation.eu/a/8115,ablyazov-has-been-released-from-prison-kazakhstan-russia-and-ukraine-continue-to-harass-the-opponent/>

¹⁰¹ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24490&lang=en>

¹⁰² <http://www.protect-lawyers.com/oiad-content/uploads/2018/05/17-05-2018-appeal-iol-jardemalie-case-en.pdf>

¹⁰³ <https://en.odfoundation.eu/a/8565,report-iskander-yerimbetov-political-hostage-of-nazarbayevs-regime/>

¹⁰⁴ <https://pace.coe.int/en/files/25176/html>

¹⁰⁵ <https://www.hrw.org/news/2018/02/15/kazakhstan-businessman-alleges-torture>

¹⁰⁶ <https://pace.coe.int/en/files/30207/html>

the orders of the authorities, other inmates choked my brother multiple times and beat him repeatedly, targeting his chest, back, and head, and even breaking one of his ribs. The inmates were trying to hang him, threatening to kill him by faking an accident. There were threats of physical violence from law enforcement officials, who threatened to drown Jardemalie's brother in a bucket of excrement; they threatened to infect him with AIDS through injecting him with infected blood; they threatened to rape him with a broom handle or with the participation of other inmates. Bota Jardemalie's brother was held in inhuman detention conditions (he was held in a cold cell in unsanitary conditions, without water or clothing, and was only provided with a mattress from 10 p.m. to 6 a.m.). On January 26, 2018, Nils Melzer, the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, sent a letter to the Government of Kazakhstan expressing his "grave concern" over reports that Yerimbetov had been tortured and mistreated in custody.¹⁰⁷ Yerimbetov was held in extended pretrial detention, a year in solitary confinement.

Propaganda campaign to justify fabricated allegations. A propaganda campaign was launched in Kazakhstan's state-controlled media, suddenly asserting that criminal collusion between Yerimbetov and Ablyazov allegedly occurred years ago, whereas the only link between the two individuals was the fact that Yerimbetov happened to be Jardemalie's brother. Iskander Yerimbetov never worked at BTA Bank, did not know Ablyazov and had never any business connections with him. Iskander Yerimbetov was a well-known entrepreneur in Kazakhstan in his own right, completely independent of Ablyazov. Given the enormous state resources that have been exhaustively applied to target Ablyazov since 2009, it was simply not credible that it took until 2017 for investigators to determine that Iskander Yerimbetov, who was domiciled and operating his businesses in Kazakhstan throughout this period, was involved in any financial transactions with Ablyazov, and that his arrest was suddenly warranted.



Iskander Yerimbetov in the court

Abusive legal assistance request and extradition demand. On 30 March 2018, while holding tortured Jardemalie's brother in solitary confinement, Kazakhstan cynically requested Belgium's legal assistance in his criminal case no. 170000131000012. This request was part of a broader strategy to destroy Bota Jardemalie, whom Kazakhstan also accused of money laundering in the same case as her brother. As detailed further in this report, Belgium's Justice Minister approved the request in April 2018 without conducting the necessary verification required by law, thereby failing to protect a refugee and uphold the rights of a lawyer and the legal profession.

¹⁰⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23596>

Moreover, on April 24, 2018, Kazakhstan issued an extradition request to Belgium for Bota Jardemalie, seeking her extradition as a suspect in the same case (no. 170000131000012), as detailed further in this report.

New criminal allegations against Jardemalie's brother. When Yerimbetov's arrest made news in Kazakhstan, the authorities and state media loudly parlayed the aforementioned baseless allegations of money laundering and a supposed connection to Ablyazov. Yet, when the emptiness of those allegations became evident, the authorities decided to pivot away from the politicized BTA-related accusations in order to portray Yerimbetov as a common criminal, regardless of his ostensible links to the renowned political opponent. As a result, he was charged (and subsequently tried and convicted) not for alleged money laundering, but rather on unrelated fraud allegations, unconnected to Ablyazov." A fraud case was opened, and a pretrial investigation was commenced on 1 March 2018. On 3 March 2018, while in detention, Yerimbetov was served with the fraud allegations and 45 minutes later he was officially notified that the pretrial investigation was finished. In October 2018, he was convicted of fraud unrelated to BTA Bank and sentenced for 7 years of imprisonment.¹⁰⁸

International scrutiny of the Yerimbetov case. The international community and civil society have spoken out forcefully again Yerimbetov's detention since the very beginning. In particular, they have (1) noted that his detention and prosecution were politically motivated and intended to pressure his sister, Bota Jardemalie, to falsely implicate regime opponent Mukhtar Ablyazov and cease her human rights advocacy; (2) recognised him as a political prisoner; (3) observed that Yerimbetov's business activities were perfectly legal and clearly did not constitute fraud under Kazakh law; and (4) condemned the fact that he was tortured during his detention. International institutions, including the European Parliament, and organisations that demanded his immediate release.^{109, 110, 111, 112}

On December 7, 2018, the United Nations Working Group on Arbitrary Detention (UN WGAD) concluded that Yerimbetov was detained in Kazakhstan in violation of international law and urged his immediate and unconditional release, and also called upon Kazakhstan to investigate the torture allegations and to pay compensation to Yerimbetov for his unlawful arrest and detention since November 2017.¹¹³

In its decision, the UN Working Group states:

*"The deprivation of liberty of Iskander Yerimbetov, being in contravention of articles 3, 9 and 10 of the Universal Declaration of Human Rights and of articles 9 and 14 of the International Covenant on Civil and Political Rights, is arbitrary and falls within categories I and III . . . The Working Group considers that, taking into account all the circumstances of the case, **the appropriate remedy would be to release Mr. Yerimbetov immediately** and accord him an enforceable right to compensation and other reparation, in accordance with international law."¹¹⁴*

A Category I violation occurs "when it is clearly impossible to invoke any legal basis justifying the deprivation of liberty." A Category III violation occurs "when the total or partial non-observance of the

¹⁰⁸ <https://www.nhc.no/en/kazakhstan-must-release-iskander-yerimbetov-and-co-defendants/>

¹⁰⁹ <https://www.osce.org/permanent-council/403400>

¹¹⁰ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.pdf?redirect

¹¹¹ https://www.rubio.senate.gov/public/_cache/files/9b633465-8854-445f-a677-69a7f628505f/7DC6415F07E32C5C0BF1D3273EBBB27F.07-29-19-bipartisan-letter-on-kazakhstan-political-prisoner.pdf

¹¹² <http://semantic.pace.net/tools/pdf.aspx?doc=aHR0cDovL2Fzc2VtYmx5LmNvZS5pbmQvbnVncveG1sL1hSZWYvWDJILURXLWV4dHluYXNwP2ZpbGVpZD0yODlzNyZsYW5nPUVVO&xsI=aHR0cDovL3NlbWFudGljcGFjZS5uZXQvWHNsdC9QZGYvWFJlZi1XRC1BVC1YTUwvUERGLnhzbA=&xsItparams=ZmlsZWlkPTI4MjM3>

¹¹³ https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf

¹¹⁴ https://www.ohchr.org/sites/default/files/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf

international norms relating to the right to a fair trial ... is of such gravity as to give the deprivation of liberty an arbitrary character.”

The UN WGAD’s decisions are binding under international law and, in many countries including Kazakhstan, also binding under domestic constitutional law. However, despite its obligation under international law, Kazakhstan has never complied with the UN WGAD’s opinion and failed to release Yerimbetov and to compensate him for his unlawful arrest and detention.



Civil activists demand the release of Iskander Yerimbetov

Release of Yerimbetov due to his critical health condition. Yet, in 2019, Yerimbetov’s health deteriorated to a critical state due to the medical negligence and severe torture to which he endured following his arrest. Yerimbetov was diagnosed with various illnesses, including a brain aneurysm in its most severe stage, which was most probably due to head trauma caused by beatings in detention. On 1 November 2019, due to his critical health condition, Yerimbetov was taken from the prison colony, where he was serving the sentence, to a hospital for urgent treatment. On 11 December 2019, the court rendered a decision to release Yerimbetov from the remainder of the sentence in connection with his serious illness that was determined by the Special Medical Commission on 4 December 2019.

In 2020 he and his family received humanitarian visas from Switzerland, and in 2021, they were granted political asylum in Switzerland. Iskander Yerimbetov remains a suspect in criminal case N170000131000012 in Kazakhstan, facing false allegations of money laundering.

Bota Jardemalie’s elderly parents were also forced to leave Kazakhstan in 2019 due to the fear of reprisal, and they were granted political asylum in Belgium in 2022.

ABUSE OF MUTUAL LEGAL ASSISTANCE REQUEST (2018- PRESENT)

Abusive Kazakh MLA request is tied to the criminal case with gross human rights violations. On 30 March 2018, while holding arbitrarily detained, tortured Jardemalie's brother, Iskander Yerimbetov, in solitary confinement, Kazakhstan cynically requested Belgium's legal assistance in his criminal case no. 170000131000012. This MLA request was part of a broader strategy to destroy Bota Jardemalie, whom Kazakhstan also accused of money laundering in the same case as her brother.

Jardemalie’s case illustrates how 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. This is a blatant and outrageous example of “injustice laundering,” where a politically motivated case, fabricated by Kazakhstan's controlled law enforcement and justice system—marred by gross human rights violations—is injected into Western judicial systems. The result is that a politically motivated criminal case, manufactured in Kazakhstan, takes on the false appearance of legality within Western jurisdictions.

Should Kazakhstan succeed in its MLA request, the next step will be the full whitewashing of the politically motivated criminal case no. 170000131000012. Kazakhstan will then claim that all necessary evidence of Jardemalie's guilt, as well as that of other defendants, was obtained through cooperation with Belgian law enforcement, thereby legitimizing their politically motivated case through the involvement of a respected Western judicial system like Belgium's. This could make the charges appear credible and deflect international criticism. In doing so, **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.

Details of the Kazakh MLA request. The MLA request from Kazakhstan sought authorisation for two representatives of Kazakhstan’s law enforcement to search Bota Jardemalie’s apartment in Belgium. Additionally, it sought access to and transfer of Jardemalie’s banking information, all electronic devices, personal records, professional legal and human rights files, and, most outrageously, her refugee file from the Belgian government. Kazakhstan also sent a very extensive list of questions and requested to interrogate Jardemalie in the presence of two Kazakhstani investigators. The request has been a clear case of “fishing expedition.”¹¹⁵ The vague and wide-ranging nature of the MLA request indicates that the instrument is being used as an instrument of transnational repression against an individual.

Belgium’s Justice Minister approved the request in April 2018 without conducting the necessary verification, thereby failing to protect a refugee and uphold the rights of a lawyer and the legal profession.

Warrantless search of the political refugee’s home at the request of the prosecuting state. On 1 October 2019, at Kazakhstan’s MLA request, Belgian police conducted a warrantless search of political refugee and lawyer, Bota Jardemalie’s apartment in Brussels.¹¹⁶ The policemen seized her electronic devices, as well as her father’s, and documents, which included privileged and confidential work relating to her advocacy as a human rights defender and a lawyer. One of the most worrying facts is that – despite Jardemalie having been granted asylum due to persecution by the Kazakhstani regime – the Belgian police brought two unidentified Kazakh agents along for the raid, and they were allowed to conduct their own search of Jardemalie’s apartment, including documents she had there, without supervision. Soon after the search, Jardemalie’s email accounts were accessed by unknown and unauthorized users. They contained privileged and confidential communications (protected by lawyer’s professional secrecy) and sensitive information related to those she defended and activists from Kazakhstan.

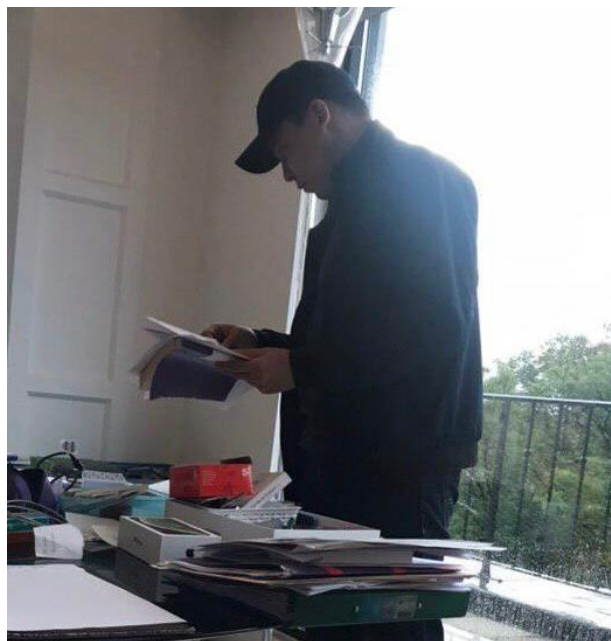
Bota Jardemalie was not present during the search – she was at the Parliamentary Assembly of the Council of Europe in Strasbourg at that time, advocating for human rights in Kazakhstan. The police officers did not knock or ring the doorbell; instead, they opened the door with a universal key. Inside, Bota Jardemalie’s elderly mother, her son (who is a refugee in Belgium alongside his mother), and her

¹¹⁵ <https://pace.coe.int/en/files/30051/html>

¹¹⁶ <https://en.odfoundation.eu/a/9584,unprecedented-and-unacceptable-cooperation-between-belgian-authorities-and-kazakhstans-authoritarian-regime/>

nephew were sleeping and woke up when the police entered their bedrooms, causing them psychological trauma.

Jardemalie's nephew, the son of her brother Iskander Yerimbetov, was staying at her home in Brussels. In November 2017, after Iskander Yerimbetov was illegally arrested in Kazakhstan, two officers from the National Security Committee (KNB)—Vitaly Patsan, head of a unit in Department 10 of the KNB, and Daniyar Suleimenov, head of a unit in the Almaty Department of the KNB—interrogated him in the basement of the detention center without the presence of his lawyer. During these interrogations, they threatened Iskander Yerimbetov that his son would be detained and raped if he did not cooperate in persuading Jardemalie to return to Kazakhstan. To protect Jardemalie's nephew, the family had to shelter him outside of Kazakhstan. The presence of two Kazakh agents at Jardemalie's home in Brussels was an extremely psychologically traumatic experience for him.



Search of the Jardemalie's apartment

Threatening arrest, the Belgian police officers forced Jardemalie's son to countersign a very general list of items they seized, while at the same time refusing to enter his actual surname into the document – putting the nephew's surname (Yerimbetov, corresponding to his father Iskander Yerimbetov's) instead.

At no point during the search did the Belgian police provide a search warrant, despite being asked for one by Jardemalie's family. The search continued for around two hours, without the presence of a lawyer. When two of Jardemalie's lawyers, Ronit Knaller and Antoine Matz, finally reached the apartment, the police prevented the attorneys from entering.¹¹⁷

No information was provided to Jardemalie's lawyers regarding the grounds for the raid. In fact, Jardemalie's lawyer was told that the **grounds for the search were "secret."** Later, it became apparent that these actions were the result of a Kazakhstani MLA request. However, the authorities refused to provide access to the file or any official information, and it took **over three years** of litigation for Jardemalie to receive a copy of the MLA file and understand the nature of the request.

Position of the Council of the Brussels Bar Association on the warrantless search of the refugee's home. 5 November 2019, the Council of the Brussels Bar Association (*Conseil de l'Ordre du Barreau de Bruxelles*) adopted a resolution noting that Jardemalie, as a political opponent of the authoritarian Kazakhstani regime and a lawyer recognised as being in danger by international organisations dedicated to the protection of lawyers, had her rights violated because the search occurred without the presence of the Head of the Brussels Bar Association. The Bar Council concluded that all the documents seized indiscriminately, some were covered by professional secrecy, and all should be returned to Jardemalie.

Interrogation of the refugee in the presence of the Kazakh agents. In a further violation of the protective rights that Jardemalie is supposed to enjoy as a political refugee, she was summoned to appear before the Belgian Federal Police to answer questions provided by Kazakhstani authorities. She

¹¹⁷ <https://en.odfoundation.eu/a/9584,unprecedented-and-unacceptable-cooperation-between-belgian-authorities-and-kazakhstans-authoritarian-regime/>

immediately returned from Strasbourg to Brussels and voluntarily appeared at the Federal Police, where she was temporarily arrested at the request of the Kazakhstani authorities. During her detention, Belgian interrogators warned her with continued detention until she answered the questions from Kazakhstan. Three years later, when she gained access to the MLA file, she discovered that her interrogation had actually occurred in the presence of representatives from the prosecuting state. She did not see them in the room where she was questioned, and she was not informed about their presence.

Belgium provided the prosecuting state with banking information of the political refugee. Jardemalie later learned from the police that Belgian authorities had already collected and provided information to Kazakhstan about her banking history. Two Belgian banks supplied all of the political refugee's banking information to the persecuting state. This allowed the Kazakh authorities to obtain a comprehensive array of details about Jardemalie's daily life, whereabouts, and movements, as well as similar information about her son (also a refugee) and other family members. Given the context, it is astonishing and concerning that there were no safeguards in place to prevent the Belgian authorities responsible for international legal cooperation from disclosing such private and sensitive information to Jardemalie's persecuting state—the very regime from which Belgium had granted her asylum.

Direct prosecutorial cooperation with the prosecuting state. In addition to the usual diplomatic channels for international cooperation for its MLA request, Kazakhstan used a more informal route by establishing a direct communication channel with the Belgian General Prosecutor's Office through its Belgian lawyer. Consequently, in 2019, the Belgian General Prosecutor's Office relied solely on the assertions of Kazakhstan's lawyer that the case was not political and did not conduct any independent assessment. The prosecutor disregarded the fact that Kazakhstan is a notoriously dictatorial state known for systematically using torture in its "investigations," and that Bota Jardemalie has been recognized as a refugee precisely because of the unjust politically motivated proceedings she faced in Kazakhstan. The fact that Kazakhstan requested Jardemalie's refugee file from Belgium and that the MLA request was related to proceedings in which her brother was arbitrarily detained and tortured—a situation internationally recognized as political persecution—did not prompt the Belgian General Prosecutor's Office to question Kazakhstan's allegations in the slightest.

Concerns of the UNHRC special mechanisms. On 1 November 2019, three special mechanisms of the United Nations Human Rights Council - the Working Group on Arbitrary Detention, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on the right to privacy - expressed to the Belgian authorities their "*serious concerns since the physical integrity of Ms Jardemalie and that of her clients appear to be at risk*", and expressed their deep concern that "*by cooperating in this way with the Kazakh authorities and allowing them access to Ms Jardemalie's documents, the Belgian authorities [could] be putting Ms Jardemalie and her clients at risk despite her protected refugee status.*"¹¹⁸

Jardemalie's legal struggle to access the MLA file and defend her rights in Belgium. Since the date of the search and seizure of her documents and electronic devices on 1 October 2019, Bota Jardemalie has been fighting to end the criminal cooperation that is used as an instrument of transnational repression against her.

At the time of the execution of this MLA request, **no judicial remedy – right to appeal** - was available in Belgium to enable Jardemalie to protect her fundamental rights and prevent further violation of those of her clients, including Kazakh political activists, journalists and victims of torture.¹¹⁹ Moreover, Belgian authorities **refused to grant access to the MLA request**, making it impossible for Jardemalie to defend

¹¹⁸ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24908>

¹¹⁹ <https://www.fidh.org/en/issues/human-rights-defenders/belgium-kazakhstan-judicial-harassment-against-ms-botagoz-jardemalie>

in an effective manner her rights in Belgium. However, the Court of Appeal of Brussels referred her case to the Constitutional Court of Belgium.

On 13 January 2022, the **Constitutional Court of Belgium** in its judgment 1/2022¹²⁰ ruled that, despite the absence of a right explicitly provided for by the law, **the remedy should exist** for someone in Jardemalie's position when the request for mutual legal assistance comes from a non-EU Member state, and it was necessary to provide Jardemalie a right of appeal in Belgium against the actions the State of Belgium in order to be able to challenge the legitimacy of the mutual assistance in criminal matters requested by Kazakhstan (Constitutional Court, judgment 1/2022). The Constitutional Court also ruled that, in order for her to defend her right to appeal, she **must have access to the MLA file**.

Position of the Minister of Justice of Belgium. The Observatory for the Protection of Human Rights Defenders, a partnership of *FIDH* and the World Organization Against Torture (*OMCT*) called upon the authorities of Belgium to put an end to any form of international cooperation, including judicial cooperation, with Kazakhstan regarding Jardemalie.¹²¹

Despite overwhelming evidence demonstrating the political nature and severe human rights violations of the Kazakh prosecution— including the fact that Jardemalie's own brother was tortured as part of these proceedings—, the Minister of Justice of Belgium **refused to reconsider his position**. Following the Constitutional Court's ruling that granted Jardemalie the right to appeal, the Minister of Justice **assured** that cooperation with Kazakhstan would be suspended pending the outcome of her appeals. He also confirmed that no documents would be forwarded to Kazakhstan during the legal proceedings initiated by Jardemalie against the Belgian State/the Belgian General Prosecutor's Office ("Jardemalie vs. State of Belgium") to end this cooperation.

Blatant violation of Jardemalie's rights during the appeal process. However, alarmingly, on 21 March 2023, Kazakhstan, represented by a Belgian lawyer, filed a request with the investigating judge in Brussels to access the MLA litigation file "Jardemalie vs. State of Belgium" and to take a copy of it. Somehow, Kazakhstan's lawyer was aware of confidential information to which normally should not have had access: the identity of the investigating judge and other case details of the litigation to which Kazakhstan was not a party. Despite the absence of any justification for the admissibility of Kazakhstan's request, the investigating judge, while the case was being dealt with at the level of the Court of Appeal, **granted Kazakhstan access** to and a copy of the MLA litigation file "Jardemalie vs. State of Belgium", **without any legal basis**. Thus, the materials of the case ended up in the hands of the prosecuting state, despite the Belgian authorities having firmly declared that they would ensure no documents were communicated to that state. Bota Jardemalie was not informed about this action and had no opportunity to intervene. Meanwhile, the Belgian General Prosecutor's Office was aware of Kazakhstan's actions and had both the ability and obligation to oppose the access in order to protect Jardemalie's fundamental rights. They should have also appealed the manifestly illegal order issued, especially given that the main issue in the ongoing litigation in Belgium is to prevent any transmission of information to Kazakhstan. However, this was not done.

Additionally, the prosecuting state Kazakhstan, through its Belgian lawyer, was invited by the General Prosecutor's Office to join the proceedings in Belgium "Jardemalie vs. State of Belgium" without even informing political refugee Jardemalie. Such an invitation was contrary to Belgian law. The Court of Appeal barred Kazakhstan from becoming a party to the proceedings "Jardemalie vs. State of Belgium."

¹²⁰ <https://www.const-court.be/public/f/2022/2022-001f.pdf>

¹²¹ <https://www.omct.org/en/resources/urgent-interventions/belgium-kazakhstan-judicial-harassment-against-ms-botagoz-jardemalie>

Position of the Belgian General Prosecutor's Office on the abusive MLA request. Most astonishing in the case is that the Belgian General Prosecutor's Office has taken the position in the Court of Appeal proceedings that the case is not political, and Belgium should cooperate with Kazakhstan on the matter of criminal case no. 170000131000012 in full. According to the position of the Belgian General Prosecutor's Office, without even sorting through the millions of files and documents seized from Bota Jardemalie to distinguish between those that might be useful to Kazakhstan, those covered by professional secrecy, and those of a political nature, it would be appropriate to transmit all the seized material to execute Kazakhstan's MLA request related to criminal case no. 170000131000012, in which her brother was tortured. In doing so, the Belgian Prosecutor General is also diverging from the conclusions reached by other democratic states, such as Liechtenstein and Germany, which have recognized Kazakh injustice laundering manipulations and refused Kazakhstan's MLA requests, as detailed further below.

The Belgian General Prosecutor's Office has ignored extensive documentary evidence provided by Jardemalie, which demonstrated that the MLA request from Kazakhstan was 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. On the contrary, the Belgian General Prosecutor's Office stated that "[T]he documents produced by the State of Kazakhstan as an annex to its request for international judicial assistance reveal that the investigation appears to be based solely on criminal (financial) offences, and not political ones. No political persecution therefore seems to have been established on the basis of the documents in the file." By taking this position, the Belgian General Prosecutor's Office actively supports Kazakhstan's injustice laundering and transnational repression against the political refugee. The hearing at the Court of Appeal is scheduled for 15 October 2024.

INTERNATIONAL ARREST WARRANT/EXTRADITION REQUEST FROM KAZAKHSTAN (24 APRIL 2018 - PRESENT)

It was to her great astonishment, in June 2024, Bota Jardemalie learned that Kazakhstan had requested her extradition on 24 April 2018 in the same file no. 170000131000012. It was done while her brother was kept in solitary confinement in Kazakhstan, and after Kazakhstan's MLA request in connection with criminal case no. 170000131000012, in which her brother was tortured. Sending this extradition request, years after its removal from Interpol's files, is clearly a facet of the transnational repression suffered by Bota Jardemalie. Just as the Ukrainian extradition request, Belgium has not formally refused this extradition request. As indicated earlier, the Ministry of Justice of Belgium stated that: "*No decision on the two extradition requests has been adopted or notified to the Kazakh and Ukrainian authorities. It is usual not to make decisions when the person concerned has political refugee status.*"

The Coalition of signatories firmly believes that the Belgian Ministry of Justice should officially reject Kazakhstan's extradition request for Bota Jardemalie. By doing so, Belgium would unequivocally affirm its commitment to protecting refugees and upholding human rights. Officially rejecting this request would not only safeguard Jardemalie from politically motivated persecution but also send a powerful message to Kazakhstan and the international community that Belgium stands resolutely against the misuse of legal systems for transnational repression. Such a decision would reinforce Belgium's reputation as a defender of justice and human rights, ensuring that its legal processes are not co-opted by authoritarian regimes seeking to silence dissent.

Injustice Laundering by Kazakhstan

November 2017 – Present:

Bota's brother, Iskander Yerimbetov, was arrested on fabricated money laundering allegations in connection with criminal case no. **170000131000012**. The reason for the arrest: to pressure Jardemalie into returning to Kazakhstan. He was tortured and held in solitary confinement. UN WGAD recognized that his detention violated international law. Bota's brother was released for medical reasons in December 2019 but remains a suspect in this case.

March 2018:

Kazakhstan sends an MLA request to Belgium to assist with the investigation of case no. 170000131000012, requesting that its agents search her apartment, interrogate Jardemalie, and seize all her files and devices to be sent to Kazakhstan.

April 2018:

Kazakhstan sends an extradition request to Belgium for Jardemalie based on false money laundering charges as a suspect in case no. **170000131000012**.

May 2024:

Kazakhstan's proxy, BTA Bank, appeals the dismissal of its 2016 SLAPP complaint against Jardemalie, which accused her of money laundering on Belgian soil, by submitting thousands of pages of evidence. BTA justifies the late submission of this new evidence, claiming it was only received in 2023 from the criminal investigation of case no. **170000131000012** in Kazakhstan.

HACKING CASE (2019-2021)

Bota Jardemalie has been recognized as a victim of hacking that occurred following the search of her home on 1 October 2019, which was conducted pursuant to the Kazakhstani MLA request accepted by the Belgian Ministry of Justice without any independent assessment of Kazakhstan's allegations, its human rights situation, its judiciary, or Jardemalie's history of politically motivated persecution. Two Kazakh agents were present during the search and were given direct access to Jardemalie's home, allowing them to examine and photograph documents that were protected and confidential, some of which were written in Cyrillic, so that only they could understand the content.

Immediately after the search, Bota Jardemalie discovered that her email accounts and iCloud had been hacked. She filed a civil party complaint in that regard. The Belgian investigation confirmed the new computer intrusion into Jardemalie's systems. Unfortunately, on 26 May 2021, the General Prosecutor's Office dismissed the case because *"the investigation does not make it possible to impute the facts of the preventions to one or more specific persons."*

SMEAR CAMPAIGN AND SUBSEQUENT CLOSURE OF BANK ACCOUNTS IN BELGIUM

Bota Jardemalie has been a target of ongoing, very aggressive smear PR campaign in seven languages online and in the press, using AI-generated propaganda, sponsored by the Kazakh regime. The Kazakh regime, with assistance of BTA Bank, have employed tactics described below in the section **"Kazakhstan's global media manipulation"** of this report, using disinformation to falsely associate her with criminality. These baseless allegations are first disseminated through anonymous blogs, and then legitimised by their appearance in mainstream media outlets across different countries, thereby amplifying the smear campaign globally. By recruiting "agents of influence," including journalists and lobbyists, Kazakhstan ensures these narratives reach an international audience, manipulating public perception of Jardemalie and undermining her credibility as a human rights defender. This strategy reflects Kazakhstan's broader use of global media manipulation to discredit political opponents and silence dissent through reputational destruction.

As a result of negative PR, as well as abusive MLA requests accepted by Belgium, Jardemalie experienced problems with banking. Banks in Belgium closed her bank accounts without any explanation and refused to open her a bank account. She also was blocked from making any Western Union transfers.

Moreover, to undermine Jardemalie's human rights advocacy work, the ambassador of Kazakhstan in Belgium personally emailed every member of the European Parliament, warning them against meeting with Jardemalie, and falsely accusing her of being guilty of criminal offenses. In 2018, prior of the event "Persecution of lawyers: selected cases from Moldova, Ukraine, Russia and Kazakhstan" at the European Parliament,¹²² the Embassy of Kazakhstan in Belgium sent propaganda materials to MEPs Julia Ward and Jaromír Štětina. The materials contain defamatory information regarding the Open Dialogue Foundation and Bota Jardemalie.¹²³ In particular, the Embassy of Kazakhstan sent a link to the Kazakhstani propaganda Internet resource "Enemies of the People of Kazakhstan." The publications on the website contain the hate speech and direct threats against specific individuals, including Bota Jardemalie.¹²⁴

¹²² <https://en.odfoundation.eu/a/8578,persecution-of-lawyers-individual-cases-presented-at-ep-and-at-the-osce-pa-winter-meeting/>

¹²³ <https://en.odfoundation.eu/a/8473,a-smear-campaign-against-the-open-dialogue-foundation-has-reached-the-walls-of-the-european-parliament-updated/>

¹²⁴ <https://en.odfoundation.eu/a/8473,a-smear-campaign-against-the-open-dialogue-foundation-has-reached-the-walls-of-the-european-parliament-updated/>

KAZAKHSTAN'S FAILED ATTEMPTS AT INJUSTICE LAUNDERING IN OTHER WESTERN JURISDICTIONS: LASTING HARM TO VICTIMS

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. This underscores the urgent need for decisive countermeasures from Western nations to prevent such abuses.

Germany discontinues criminal investigation against Ablyazov on suspicions of false testimonies from Kazakhstan. Kazakhstani authorities submitted by way of international legal assistance to the Munich Public Prosecutor's Office criminal complaint against Mukhtar Ablyazov and other defendants, accusing them of fraudulently damaging the management of the former German bank HypoVereinsbank between 2005 and 2009, resulting in a loss of approximately 23 million euros. BTA Bank also joint the complaint as an injured party and submitted additional documents.

In a decision dated 19 August 2021, the Munich Public Prosecutor dropped the charges on the grounds that, *"in the absence of any objective evidence and in view of the uncertainties involved in assessing the plausibility of the statements of the other persons involved that are available to us, we have no sufficiently solid basis to enable us to prove the guilt of the defendant."*¹²⁵

In the decision, the Public Prosecutor noted that:

- *"the presumption of guilt [was] based solely on statements of fact and documents provided by the Kazakh authorities [...] and, in part, by BTA Bank,"* that excluded any correspondence between Mukhtar Ablyazov and other persons allegedly involved;
- the transcripts of the September 2017 interrogations of Mr. Volkov, Mr. Bondarenko, Mr. Belov and Mr. Vorontyntsev, which took place shortly after they had been sentenced in Moscow to terms of imprisonment of several years, and while they were defendants in another criminal proceeding, were *"are essentially identical in content and in some sections practically identical in wording,"* and *"in view of the length of the interrogation transcripts (between 9 and 16 pages) and the complexity of the facts on the one hand, as well as the relatively short duration of the interrogations stated in each case (between one and two and a half hours) on the other hand, it is obvious that the texts of the interrogation transcripts were at least largely pre-formulated"* before the persons interrogated signed them.
- Similarly, the hearing of Mr. Trofimov on 22 April 2019, while he was in custody, was *"in part identical, almost word for word, to the hearing of the respondent Mr. Volkov"* and included *"a large number of details relating to the exact dates on which the contracts were concluded, the exact sums of the loans, [...] etc., for which it seemed almost impossible to quote them from memory - especially when decades had passed since then";*
- there was *"no written evidence of any involvement of the defendant Mr. Ablyazov in the credit fraud"*, no *"compromising communication"*, and that the suspicion of criminal behavior was based solely on the interrogation records of the defendants submitted by the General

¹²⁵ Decision of the Munich Public Prosecutor II dated 19 August 2021. Available upon demand.

Prosecutor's Office of Kazakhstan, the transcripts of which were "*essentially identical*" or contained a number of implausibilities.¹²⁶

This case in Germany initiated by Kazakhstan serves as another compelling example of how the Kazakhstan authorities fabricate criminal allegations that fail to withstand the scrutiny of the Western law enforcement. This case in Germany serves as a clear instance of "injustice laundering," where Kazakhstan attempted to inject fabricated criminal allegations into a Western legal system. Despite their efforts, the Kazakhstani authorities' fabricated testimonies and manipulated evidence were exposed and ultimately rejected by the Munich Public Prosecutor's Office.

Liechtenstein's refusal to cooperate in criminal matters with Kazakhstan. In the end of 2018, following the arrest of Jardemalie's brother, Iskander Yerimbetov, Kazakhstan's Office of the General Prosecutor issued a MLA request to Liechtenstein seeking international criminal assistance. The MLA request was for information about Yerimbetov in relation to the criminal case in Kazakhstan, where he was accused of money laundering funds allegedly stolen from BTA Bank by Ablyazov.

Liechtenstein reviewed the MLA request from Kazakhstan and requested Kazakhstan to provide additional information to explain the allegations. Following the additional information received from Kazakhstan, Liechtenstein rejected Kazakhstan's request for mutual assistance on 5 December 2019.¹²⁷ Kazakhstan's explanations failed to persuade the Liechtenstein court, which observed that numerous reports and documents presented compelling reasons to question the adherence to international legal norms in the Kazakh criminal proceedings, especially those involving Iskander Yerimbetov. The court specifically referred to reports and documents highlighting Yerimbetov's circumstances, which raised significant doubts regarding the MLA request in connection with the BTA Bank's allegations, suggesting it might be part of the politically motivated criminal proceedings against Ablyazov and Yerimbetov. This MLA request was another failed attempt at "injustice laundering" by Kazakhstan, where their efforts to manipulate international legal cooperation for politically motivated purposes were thwarted.

As it did in Belgium against Bota Jardemalie, BTA Bank made a criminal complaint and initiated a money laundering investigation in Liechtenstein against Mukhtar Ablyazov and its associates. A preliminary investigation was opened; but, due to a lack of evidence, as was the case in Germany, the Public Prosecutor's Office of Liechtenstein ended the preliminary investigation.

KAZAKHSTAN'S GLOBAL MEDIA MANIPULATION

In August 2014, on the portal kazaword.wordpress.com ("Kazaword" portal), unknown persons began to index and publish links to stolen correspondence of senior officials of Kazakhstan. Approximately 100,000 documents (69 gigabytes of data) have been published there. The emails and documents of the state official exposed on the "Kazaword" portal revealed a network of corruption and abuse, as well as brought to light the scale of the repression, including transnational repression, organized by this dictatorship. The disclosed correspondence has been referred to by numerous European media outlets: *Le Temps*, *Mediapart*, *The Financial Times*, *Le Nouvel Observateur*, *RFI*, *Atlantico*, *Neue Zürcher Zeitung*, *Tages Anzeiger*, *SonntagsZeitung*, *Blick*, *Yahoo France*, *L'Espresso*, *La Provence*, *El Pais*, as well as the Ukrainian media outlets: "Trust.ua" and "Obozrevatel."¹²⁸

¹²⁶ Decision of the Munich Public Prosecutor II dated 19 August 2021. Available upon demand.

¹²⁷ Decision available upon request.

¹²⁸ <https://en.odfoundation.eu/a/7228,kazakhstan-the-oppression-of-journalists-and-bloggers/>

On 12 March 2015, Kazakhstan filed a civil lawsuit in the U.S. District Court for the Southern District of New York in which it confirmed the theft of correspondence and confidential documents from the Gmail account of Marat Beketayev (until December 2015, he served as the executive secretary of the Ministry of Justice, after Deputy Head of the Presidential Administration and Ministry of Justice), Andrey Kravchenko (then Deputy General Prosecutor) and other state officials.

An e-mail forwarded to then-executive secretary of the Ministry of Justice, Marat Beketayev,¹²⁹ dated January 2014, contained a memo proposing to use research for a documentary as a cover for espionage against Mukhtar Ablyazov and anyone around him.¹³⁰ The memo was entitled "Saint or Sinner?" and referred to Mukhtar Ablyazov as the "Little Man."¹³¹ This operation would involve "covert operations" subjecting Ablyazov and everyone around him to "cyber assaults" and "sabotage." There would be "media manipulation globally." The proposal went on: "We will be contacting everyone whether they be friend, associate, family member in Little Man's life and he will find that we are in every aspect of his existence, further undermining his confidence."¹³²

The memo to the executive secretary of the Ministry of Justice of Kazakhstan describes a highly orchestrated project divided into two main components:

"LAUREL 1

1. *The first part of the project is called Laurel 1, and involves the production of an actual, real full-length documentary film provisionally called «Saint or Sinner ?» (...)*

2. *This will be a focused documentary exploiting all weaknesses of our target while outwardly having the appearance of complete balance.*

(...)

4. *But showing the documentary on television is **NOT** the main purpose of Laurel 1. The main purpose is to provide the perfect cover for a more sophisticated project called Laurel 2 (see below).*

(...)

7. *A legitimate film production company will be incorporated in the UK with mainstream banking facilities.*

(...)

¹²⁹ "In 2006, Beketaev became advisor to the Deputy Prime Minister of Kazakhstan. From 2007, he was advisor to the Prime Minister. From 2007 to 2010, he held the position of Deputy Minister of Justice. In 2010, Beketaev became executive secretary of the Ministry of Justice. On 11 December 2015, he was appointed Deputy Head of the Presidential Administration of Kazakhstan. Beketaev held the post of Minister of Justice (...) from 13 September 2016 until the dismissal of the Mamin cabinet on 5 January 2022. Since January 2022, he has been an advisor to the Prime Minister of the Republic of Kazakhstan" - https://en.wikipedia.org/wiki/Marat_Beketaev. On 21 October 2023, the former Minister of Justice Marat Beketayev had been arrested on suspicion of "abuse of office." <https://exclusive.kz/ex-justice-minister-arrested-on-abuse-of-office-charges/>

¹³⁰ <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2#comments-anchor>

¹³¹ Attachment 1

¹³² <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2#comments-anchor>

9. An **initial investment of 250.000** will be deposited in the bank account of the production company to finance the feasibility study. (...) Only about 50,000 of this budget will be spent on researching the study, however. The rest will be used to finance the preliminary phase of Laurel 2.

LAUREL 2

(...)

2. The Laurel 2 investigation is designed both as an intelligence gathering exercise in support of the documentary film project (Laurel 1), and as a stand-alone body of largely covertly obtained data.

(...)

8 (...) The "Little Man" may not be the only target in these fields, as others close to him may prove of greater interest to us - family, lawyers, close friends, spiritual advisers, lovers, fiduciaires, PR consultants, tame journalists, senior staff, former staff, domestic staff and so forth.

9. Covert projects will include:

(...)

a. Cyber-assult on the Little Man and those close to him, (family, friends, advisors and so forth). Email monitoring in particular is likely to be of interest.

(...)

e. Recruit "agents of influence" (journalists, academics, politicians, religious leaders, corporate spokesmen, international lobbyists, etc.)

(...)

g. Covert entry specialists (breaking and entry) for bugging, sabotage, Intel gathering and so on. The specialists we use are the "best of the best".

(...)

j. Media manipulation globally.

(...)

l. Anonymised blogs to gather Intelligence and disseminate disinformation, perverted sexual proclivities, allegations of extreme criminality, jihadi sympathies + financing and so forth. (Once such allegations are "established" they can legitimately be reported in the mainstream media. This is potentially one of the most powerful psychological weapons in our armoury.)

m. Dissemination of disinformation and deflection.

(...)

o. We will be contacting everyone whether they be friend, associate, family member in Little Man's life...¹³³ **[emphasis added]**

¹³³ Attachment 1

Another e-mail related to this project was sent to Marat Beketayev by Patick Robertson, CEO WorldPR, in October 2014.¹³⁴ “During a 25-year career as what he calls a “strategic communications adviser”, Patrick Robertson has sought to burnish the image of figures such as the Chilean dictator Augusto Pinochet and the disgraced British politician Jonathan Aitken. He is well-connected among the Conservative establishment: Margaret Thatcher was honorary president of the Bruges Group, the Eurosceptic organisation he co-founded in 1989.”¹³⁵

In this email dated 16 October 2014 and entitled “Phase 2 Letter and first Payment Urgently Required - Private & Confidential”, WorldPR's CEO revealed that the contracting party formally was BTA Bank, an instrument of transnational repression for the regime in Kazakhstan. Robertson requested “urgent assistance and support in securing the necessary letter and first payment from BTA JSC so that we can proceed to Phase 2 was agreed, without interruption.”¹³⁶ The email continued: “*Under our Contract with the Bank, it is specified in Annex No. 1 (see p.10) that we may expect to receive instructions to proceed to Phase 2 within 7 days of delivery of service on Phase 1. Since we delivered our report and Treatment to you and the Bank on 3rd October in Astana, it means that we should have received an official letter to proceed no later than 10th October. That is already a week ago. (...) We are incurring significant costs and my people are taking big risks every single day.*”¹³⁷

Kazakhstan has implemented the strategy advocated in LAUREL 2. Bota Jardemalie, as a lawyer and human right defender, who among many others, defended Mukhtar Ablyazov against politically motivated extradition requests became one of the many victims of this sophisticated and multi-layered strategies of transnational repression deployed against opponents of the regime in Kazakhstan.

This memo provides a glimpse into how authoritarian states use transnational repression to target opponents, combining traditional intelligence tactics with modern tools of disinformation, cyber warfare, and psychological operations. By exploiting both legal loopholes and covert means, authoritarian regimes can act beyond their borders, repressing dissent in exile or across international jurisdictions. These actions constitute a significant threat to the safety and freedom of political dissidents, human rights defenders, journalists, and activists worldwide.

¹³⁴ “WorldPR has nearly thirty years' experience in providing strategic consultancy and professional communications services to governments, businesses, NGOs, political parties and campaigning organisations.

Our particular expertise lies in the design and execution of large-scale cross-border public relations assignments that are of vital importance to sovereign nations and strategic players. Our success is based on our ability to focus the energy and creativity of large teams of world-class professionals to achieve precise and measurable results” - <https://www.worldpr.org/#about>

¹³⁵ <https://www.ft.com/content/1411b1a0-a310-11e7-9e4f-7f5e6a7c98a2#comments-anchor>

¹³⁶ Attachment 2

¹³⁷ Attachment 2

From: aiddanal@yahoo.co.uk
To: Marat_Beketay
Subject: Fw: MEMO from Mr Ridge for your friend
Date: Saturday, February 01, 2014 10:41:56 PM

Marat,

Hope you are well; let's talk when you have read the stuff I forward to you below in relation to your meeting in DC.

Best. E.I.

Sent via BlackBerry from T-Mobile

From: Peter Ridge <p2012rr@gmail.com>
Date: Fri, 31 Jan 2014 08:26:06 -0500
To: <aiddanal@yahoo.co.uk>
Subject: MEMO from Mr Ridge for your friend

Saint or Sinner?

LAUREL 1

1. The first part of the project is called Laurel 1 and it is the production of an actual, real full-length documentary film provisionally called "Saint or Sinner?" which will be about the Little Man and his activities over the last five years.
2. This will be a focused documentary exploiting all weaknesses of our target while outwardly having the appearance of complete balance.
3. It will be a major work of documentary investigation and with post-production work will be professionally ready for markets in Asia and Europe. The filmmakers will be submitting the finished Film to all International Film Festivals giving it truly global coverage.
4. But showing the documentary on television is **NOT** the main purpose of Laurel 1. The main purpose is to provide the perfect cover for a more sophisticated project called Laurel 2 (see below).
5. It will be come clear to the Little Man very early into the documentary process that he is under serious scrutiny. He will undoubtedly carry out

in-depth investigations into who is making the film. (Given the support he has received in some quarters of the Western media, he may even believe that he can persuade the documentary makers to see his side of the story.)

6. It doesn't matter what the Little Man thinks or believes. Having established the perfect cover, Laurel 1 will proceed exactly as if a normal television documentary was being made.
7. A legitimate film production company will be incorporated in the UK with mainstream banking facilities. It is normal practice among filmmakers to create a Production Company specific to a particular film project.
8. The directors of the production company will consult UK Tax experts to apply all available tax breaks for such a project, providing the production company with total authenticity that will be able to withstand any level of scrutiny applied by Little Man and his team.
9. An initial investment of 250,000 will be deposited into the bank account of the production company to finance the feasibility study. This is not an exceptionally large sum for normal for preliminary work of this type. Only about 50,000 of this budget will be spent on researching the study, however. The rest will be used to finance the preliminary phase of Laurel 2.
10. The Little Man's investigation into the makers of the film will leave him in **NO** doubt whatsoever that they are *bona fide* genuine accredited film makers and journalists with over 40 years of experience making investigative films for the BBC in the UK, CBS in the USA, ZDF in Germany, Arte in France and many more.
11. Please note that we anticipate that the Little Man will be able to get access to the company's bank and email accounts and see all company documentation.
12. The film's subject (the Little Man) will determine the structure of the documentary. Whether it's an epic drama or an insightful documentary,

all films should tell an interesting story.

13. Like all movies, documentaries need to fit into the basic structure with a beginning, middle and an end. The beginning will make a statement or establish the parameters of our story. The middle will provide detail, either to support the opening statement or to outline conflict and resolution. The end will tie the elements of the story together-to prove our statement or resolve the over-arching conflict established in the beginning.

14. And like a good novel, this documentary will start with a scene or scenes that immediately capture the audience and make them want to continue watching. Whether it's a powerful visual or an intriguing dilemma, the opening will leave viewers hungry for more.

15. As the middle of the documentary proceeds, it will be consistently organized around a simple structure. In order to tell the story, the filmmakers will have to provide significant background information and intelligence. Much of this information will be gathered in Laurel 2 (see below).

16. While it is possible to provide background information with narration, the filmed interviews with experts of principles in the story will have greater impact.

17. As the middle of the documentary evolves it will contain multiple instances of conflict and resolution. These occurrences will escalate to a climax near the end of the film.

18. The material will suggest at the appropriate time what the ending for the film ought to be. Although the documentary will come to a logical conclusion, it will **impact greatly** on the main character.

19. The shooting is likely to occur in multiple countries; drawing on information that will gathered in Laurel 2 or provided by the client. The filmmakers will go in whatever direction the evidence and research takes them and they will forensically examine each

interview for further avenues of investigation.

20. The shooting script can only be determined once work is underway, but it is expected to be substantial in terms of interviewees. Each interviewee will believe that the filmmakers are the entrepreneurs behind "Saint or Sinner?".

The film production team, investigators and supporting intelligence-gathering team working on Laurel 1 and Laurel 2 are ONE AND THE SAME.

The investigators have been involved in many high profile cases including a campaign to repatriate one of the highest profile Libyan figures in recent times back to his country despite the strenuous efforts of the UK Government to leave this Libyan incarcerated. The team have vast experience in this field and are well versed in securing expert counter surveillance during their work as it may involve significant risk, not only physical but also in terms of telecoms and IT and the team will utilize state of the art encrypted telephony.

LAUREL 2

1. What follows is something that we had originally intended to discuss at the conclusion of the initial research phase, to make it the material more case-specific.
2. The Laurel 2 investigation is designed both as an Intelligence gathering enterprise in support of the documentary film project (Laurel 1), and a stand-alone body of largely covertly obtained data.
3. There is a significant history to this project, with an extensive and detailed amount of potentially compelling information retained by various parties in respect of the Little Man. To conserve valuable resources and expedite the process generally, we would suggest debriefing such persons within the collective, those with insightful and potentially damaging

knowledge, persons with a strong grasp of the undercurrents of the “story”.

4. It is important to avoid, through our own independent researches, duplicating material that, it subsequently transpires, is already known to the Principals. From experience, we know much can be learned by this simple debrief method, by preparing our homework very thoroughly.

Knowledgeable insiders often do not know the potential value, to investigators, of what they are able to contribute.

5. A similar principle extends to the public domain element of the story - and again, an exhaustive, multi-lingual, patient and diligent trawl through all publicly available material is likely to reveal “nuggets” of information that can be collated and exploited with our particular emphasis in mind. Individual lines of investigation can ensue from this process of distillation and focused research.

6. The following activities are included for information purposes only and not designed to be all inclusive or 100% comprehensive. The project is some way away from knowing what actions may be required, at what point in time, against whom, or if at all.

7. The reporting structure has been tentatively agreed to take place on a monthly basis in differing locations around Europe. At such times, reported activities will be reviewed and new lines of investigation, as per the following examples, may be agreed upon and incepted, subject to prevailing requirements.

8. We propose covert operations of various kinds. The Little Man may not be the only target in these fields, as others close to him may prove of greater interest to us – family, lawyers, close friends, spiritual advisors, lovers, fiduciaries, PR consultants, tame journalists, senior staff, former staff, domestic staff and so forth.

9. Covert projects will include:

- a. Cyber-assaults on the Little Man and those close to him, (family, friends, advisors and so forth). Email monitoring in particular is likely to be of interest.
- b. Consult with criminal forensic psychologists to create a profile.
- c. Using the profile, we will be able to more specifically target the vulnerable aspects of Little man's persona using the Psyops experts (see below).
- d. Consultations with top specialists in the Psyops field with a view to major destabilisation of the Little Man and his entourage.
- e. Recruit "agents of influence" (journalists, academics, politicians, religious leaders, corporate spokesmen, international lobbyists, etc.)
- f. Suborn potential allies of all kinds in all walks of life. Recruiting persons of interest via inducements of all kinds – ex employees, advisors, spurned lovers etc.
- g. Covert entry specialists (breaking and entry), for bugging, sabotage, Intel gathering and so on. The specialists we use are the 'best of the best'.
- h. Staff infiltration.
- i. Recruit and liaise with "common enemies".
- j. Media manipulation globally.
- k. Active discussions with friends and colleagues within special forces, diplomatic corps, politicians, media, Intelligence community, and so forth. Glean valuable data of all kinds from such sources, some located overseas with special skills we may be able to draw upon.

l. Anonymised blogs to gather Intelligence and disseminate disinformation, perverted sexual proclivities, allegations of extreme criminality, jihadi sympathies + financing and so forth. (Once such allegations are “established” they can legitimately be reported in the mainstream media. This is potentially one of the most powerful psychological weapons in our armoury.)


m. Dissemination of disinformation and deflection.

n. Financial investigations – we are very skilled in researching offshore corporations and their banking matrices. Elicit the identities of hitherto unknown financial links, relationships, support mechanisms, criminality, tax evasion, money laundering, and so on.

o. We will be contacting everyone whether they be friend, associate, family member in Little Man’s life and he will find that we are in every aspect of his existence, further undermining his confidence.

10. There would be liaison with Laurel 1 on all aspects of the above work.

11. **Finally, it is very important to note that we cannot predict at the outset precisely in what order or investigations’ will take shape as the investigation will be driven by what is uncovered and the team will be required to adapt and improvise accordingly.**

From: Beketayev Marat beketayevm@hotmail.com 
Subject: Fwd: Phase 2 Letter and first Payment Urgently Required - Private & Confidential
Date: 17 October 2014 at 05:41
To: DZIP Nurgabylov Nurlan nurgabylov@gmail.com



Begin forwarded message:

From: Patrick Robertson <patrickrobertson@me.com>
Date: 16 October 2014 20:09:53 GMT+6
To: Marat Beketayev <beketayevm@hotmail.com>
Cc: "Madaliyev, Almat" <amadaliyev@reedsmith.com>
Subject: Phase 2 Letter and first Payment Urgently Required - Private & Confidential

Dear Marat,

I hope this email finds you well.

I would like to request your urgent assistance and support in securing the necessary letter and first payment from BTA JSC so that we can proceed to Phase 2 as agreed, without interruption.

Under our Contract with the Bank, it is specified in Annex No. 1 (see p.10) that we may expect to receive instructions to proceed to Phase 2 **within 7 days of delivery of service on Phase 1**. Since we delivered our report and Treatment to you and the Bank on 3rd October in Astana, it means that we should have received an official letter to proceed no later than 10th October. That is already a week ago.

My problem is urgent because I have instructed our team to proceed based on our conversation in Astana. We are incurring significant costs and my people are taking big risks every single day. It would be exceptionally risky for the success of the project if the Bank were not to address Phase 2 as urgently as it needs to be.

I trust that you will fully understand my reasons for writing and I hope I can count on your wholehearted support in the crucial next days.

With all good wishes,

Yours,

Patrick

PS: I have asked The Rt. Hon. David Davis MP, former Shadow Home Secretary, to meet you on your next visit to London. He is a heavy hitter and would work well with Lamont and Straw.

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WORLDPR
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If you are NOT the intended recipient, please email back to pr@worldpr.org.

The report offers a glimpse into how the authoritarian state of Kazakhstan uses transnational repression to target its opponent, Bota Jardemalie, combining both legal and illegal tools, as well as traditional intelligence tactics with modern disinformation techniques. This excerpt is from a leaked memo sent to the executive secretary of the Ministry of Justice of Kazakhstan:

" 9. Covert projects will include:

(...)

e. Recruit "agents of influence" (journalists, academics, politicians, religious leaders, corporate spokesmen, international lobbyists, etc.)

(...)

g. Covert entry specialists (breaking and entry) for bugging, sabotage, Intel gathering and so on. The specialists we use are the "best of the best".

(...)

j. Media manipulation globally.

(...)

l. Anonymised blogs to gather Intelligence and disseminate disinformation, perverted sexual proclivities, allegations of extreme criminality, jihadi sympathies + financing and so forth. (Once such allegations are "established" they can legitimately be reported in the mainstream media. This is potentially one of the most powerful psychological weapons in our armoury.)

m. Dissemination of disinformation and deflection. "

