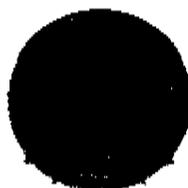


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MISSION PERMANENTE
DE LA RÉPUBLIQUE DU KAZAKHSTAN
AUPRÈS DE L'OFFICE DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS
INTERNATIONALES AYANT LEUR
SIÈGE A GENÈVE

Réf. N° _____

31 July, 2013

Excellency,

First of all, I wish to express our sincerest appreciation to Your Office and You personally for the continuous and mutually conductive cooperation in promoting and supporting human rights.

Allow me to convey You the official information regarding the Statement placed on the website of the OHCHR on 18 July, 2013 on behalf of the Special Rapporteur on the human rights of migrants, Mr. François Crépeau, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan E. Méndez, and the Special Rapporteur on the independence of judges and lawyers, Ms. Gabriela Knaul, with regard to deportation of Ms. Alma Shalabayeva and her daughter by the Italian authorities from Italy to Kazakhstan.

In this respect, we would like to comment the misrepresentation of the actions of Kazakhstan in the above mentioned Statement. The text of the statement is attached below for your easy reference.

The description of deportation as giving “rise to the appearance that this was in fact an extraordinary rendition” by three UN experts has no grounds.

Such an allegation clearly implies illegal collusion between the Italian Republic and the Republic of Kazakhstan. The Republic of Kazakhstan strongly rejects any insinuation that its actions in this matter were in any way inconsistent with the International Law.

**Her Excellency
Navanethem Pillay
United Nations
High Commissioner for Human Rights**

Geneva

The related facts of the matter are the following:

1. The decision to deport foreign nationals from Italy is an internal matter of the Italian Republic. The decision to deport Ms. Shalabayeva was based on her possession of false passport documents and not related to the Interpol warrant for the arrest of her husband Mr. Mukhtar Ablyazov whose extradition to Kazakhstan is still sought. We should point out that the Secretary General of Interpol, Mr. Richard K. Noble, has independently verified Ms. Shalabayeva's possession of a false diplomatic passport issued by the Central African Republic;
2. The decision to deport Ms. Shalabayeva from Italy was made by the Italian authorities alone without any pressure or interference by the Government of Kazakhstan;
3. Ms. Shalabayeva and her daughter are currently residing with Ms. Shalabayeva's parents in Almaty, a location in Kazakhstan freely chosen by Ms. Shalabayeva. She is not in detention or under house arrest. She is, however, currently under investigation in connection with a separate case involving illegally obtained Kazakhstan passports, which were issued to Mr. Ablyazov and his relatives allegedly in exchange for bribes;
4. The law enforcement agencies are in the process of verifying with their overseas counterparts whether Ms. Shalabayeva ever used an illegally obtained Kazakhstan passport. However, Ms. Shalabayeva is guaranteed every opportunity to defend herself from these allegations including access to legal counsel in accordance with the international norms and the national legislation;
5. Ms. Shalabayeva is currently considered to be a flight risk and is not allowed to leave the city of Almaty without permission from investigative authorities. All the rights and freedoms of Ms. Shalabayeva, as provided by Kazakhstan's legislation and the international law, are being fully respected and guaranteed;
6. Following the subsequent cancellation of the deportation order by the Italian authorities, Kazakhstan has stated that Ms. Shalabayeva can apply to return to Italy on condition that she returns to Kazakhstan should she need to stand a trial in the country;
7. Mr. Ablyazov is a fugitive who is on the run from justice in several countries. However, Ms. Shalabayeva is not accused of Mr. Ablyazov's crimes and will not be prosecuted for his actions.

We would be grateful if you could bring this information to the attention of the above mentioned UN experts.

We hope you will agree that these facts do not give rise to the conclusion initially drawn by the three experts.

The Kazakhstan side therefore suggests that the three UN experts withdraw the accusation of "extraordinary rendition" and that this is removed from the Statement currently posted on the OHCHR website.

Excellency, please, accept the assurances of my highest consideration.

Yours sincerely,



Mukhtar TILEUBERDI
Ambassador, Permanent Representative

UN human rights experts urge Italy to seek return of illegally deported Kazakh mother and daughter

GENEVA (18 July 2013) – Three United Nations human rights experts* have called on the Italian authorities to spare no efforts to facilitate the return to Italy of Kazakh national Alma Shalabayeva and her six-year-old daughter who were unlawfully deported to Kazakhstan on 31 May 2013.

“The circumstances of the deportation give rise to the appearance that this was in fact an extraordinary rendition which is of great concern to us,” the experts said.

Alma Shalabayeva is married to former political prisoner Mukhtar Ablyazov, who is a political opponent of Kazakhstan’s President Nazarbayev. He was granted political asylum in the United Kingdom in 2011 but fled after UK police warned him his life was in danger.

Ms. Shalabayeva and her daughter were legal residents in the European Union and living in Italy when they were expelled. The experts said the actions of the Italian authorities had violated guarantees of due process and deprived Ms. Shalabayeva of her right to appeal against deportation and to apply for asylum.

The experts, François Crépeau, Juan E. Méndez and Gabriela Knaul, said the authorities also appeared to have ignored concerns that Ms. Shalabayeva might be at risk of being persecuted, tortured or subjected to other forms of ill-treatment upon her forcible return to Kazakhstan due to her husband’s political activities.

“We are encouraged to see that Italy has now publicly recognized that the deportation of Ms. Shalabayeva and her daughter was unlawful and unacceptable,” said the UN experts on the rights of migrants, torture and independence of the judiciary.

They welcomed the decision to officially revoke the deportation order and the announcement that investigations were under way to determine responsibility for the illegal expulsion.

“We appreciate the Italian authorities’ commitment to carry out thorough investigations on the case and welcome the developments thus far,” the experts said. “We urge both Italy and Kazakhstan to continue to investigate and hold those responsible accountable.”

Italy is a State party to many international treaties which prohibit the expulsion, refoulement or extradition of a person to a State where it is feared he or she would be at risk of persecution and/or torture or cruel, inhuman or degrading treatment,

including the Convention against Torture and the 1951 Convention on the Status of Refugees.

“Furthermore, the Italian authorities have an obligation, under international law, to provide for an effective remedy to the victim of the violation, in this case Ms. Shalabayeva and her daughter,” the Special Rapporteurs said.

“Given the possible serious implications of this case, we call upon both the Italian and Kazakh authorities to cooperate and reach a diplomatic agreement to facilitate the rapid return of the deportees,” the experts said.

“We also urge Kazakhstan to uphold international human rights and respect Ms. Shalabayeva’s and her daughter’s freedom of movement by allowing them to safely return to Italy where they have been welcomed back by the Italian authorities.”

(*) The Special Rapporteur on the human rights of migrants, François Crépeau; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez; and the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul.