



The case of Tatiana Paraskevich: with the use of Ukrainian and Russian law enforcement agencies, Kazakhstan intends to compel the accused to testify against Mukhtar Ablyazov

In an attempt to gain access to Tatiana Paraskevich, one of the most important witnesses in the case of the opposition politician Mukhtar Ablyazov, Kazakhstan, does not neglect any means, actively cooperating with Ukrainian and Russian law enforcement agencies; striving to force the extradition of Tatiana Paraskevich from the Czech Republic to Ukraine or Russia; it has also undertaken endeavours to negotiate with the accused to persuade her to testify against Mukhtar Ablyazov in exchange for the discontinuation of all charges presented against her. In Russia, Tatiana Paraskevich's relatives are constantly subjected to pressure from law enforcement agencies and face the risk of arrest.

Tatiana Paraskevich is a former colleague of opposition politician Mukhtar Ablyazov. She currently faces highly dubious criminal cases, instituted against her in Ukraine and the Russian Federation on charges of financial crimes. The plaintiff in the proceedings against Tatiana Paraskevich is Kazakhstan's BTA Bank, although, according to Tatiana, she has never worked for the bank.

Let us recall that on 15 May, 2012, Tatiana Paraskevich was detained in the Czech Republic at the request of law enforcement bodies of Ukraine. On 7 June, 2012, the General Prosecutor's Office of Ukraine sent a request to extradite Tatiana Paraskevich to the Ministry of Justice of the Czech Republic. On 21 February, 2013, the High Court in Prague authorised the extradition of Tatiana Paraskevich to Ukraine, although twice before, on 5 October, 2012 and 2 January, 2013, the Pilsen Regional Court issued a decision to block the rendering of Tatiana Paraskevich.

Tatiana Paraskevich has been remanded in custody in a detention centre in Pilsen for the last 18 months. On 9 April, 2013, [she applied for international protection](#) in the Czech Republic. Currently, the Ministry of Internal Affairs is considering her application, although, according to the law of the Czech Republic, it should have issued a decision in June 2013. The Minister of Justice cannot allow or prohibit the extradition of Tatiana Paraskevich prior to the conclusion of the international protection application process.

On 14 June, 2013, a [request to extradite Tatiana Paraskevich](#) was also submitted by the Prosecutor's Office of the Russian Federation.

KAZAKHSTAN IS ACTIVELY PARTICIPATING IN TATIANA PARASKEVICH'S CASE

It is not known whether Kazakhstan has instituted a criminal case against Tatiana Paraskevich, but the Kazakh party is actively involved in her prosecution and is attempting to force the extradition of Tatiana Paraskevich from the Czech Republic to Ukraine or Russia.

Despite the fact that the Kazakh BTA Bank is not party to the cases regarding the extradition of or granting of international protection to Tatiana Paraskevich, its attorneys have repeatedly addressed letters to the courts (including the Regional Court in Pilsen) and to the Ministry of Internal Affairs of the Czech Republic.

On 8 October, 2013, while in the Ministry of Interior of the Czech Republic (MIA of the CR), the counsel Marina Mahytkova came across a package containing documents from a representative of Kazakh BTA Bank in Tatiana Paraskevich's case regarding her international protection application. It transpired that on 7 October, 2013, that Ian Vanicek, representing the interests of Kazakhstan's BTA Bank in the Czech Republic, had brought a package containing documents aimed at prompting a denial in the case regarding the application for international protection filed by Tatiana Paraskevich to the Interior Ministry of the Czech Republic in Paraskevich. The counsel also made a request to the Department for Asylum and Migration Policy, of the Czech Republic's Ministry of Internal Affairs, to be presented with a report on the case of Tatiana Paraskevich. Ian Vanicek enquired into the progress of the case, as well as whether the package of documents, which he had provided, has been or will be taken into consideration.

The counsel, Mahytkova made copies of the documents with a mobile phone. A few days later, on 10 October, 2013, it was revealed that the documents of the Kazakh BTA Bank were not included in the case regarding the granting of international protection to Tatiana, since according to Czech law, only documents provided by Tatiana Paraskevich and her authorised attorney may be taken into consideration.

However, these documents clearly show who is truly behind the sanctioning of Tatiana Paraskevich's extradition and denial of her request for international protection in the Czech Republic.

In an accompanying letter to the Ministry of Internal Affairs of the Czech Republic, the counsel of Kazakhstan's BTA Bank attached the following documents:

- 1. Notification of suspicion of committing a criminal offense (in two versions – pursuant to the old and the new, adopted in April 2012, Criminal Procedure Code of Ukraine);**
- 2. The verdict of the Supreme Court of Prague on the admissibility of the extradition of Tatiana Paraskevich;**
- 3. Legal opinion of a Ukrainian expert stating that there is no 'political dimension' in the case of Tatiana Paraskevich.**

On 3 September, 2013, the Ukrainian expert, Anzhela Strizhevskaya produced a legal opinion regarding the case of Tatiana Paraskevich. The expert noted that she has become acquainted with the case only on the basis of copies of service documents (of the criminal case). Based on her legal expertise, she was able to find as follows:

1. Having analysed the information placed on the website of the Open Dialog Foundation concerning the case of Tatiana Paraskevich ([the article 'The case of Tatiana Paraskevich: the decision on extradition could threaten the life and health of the detainee'](#)), the expert, Anzhela Strizhevskaya concluded that the suspect had declared her desire to obtain political refugee status due to political persecution against her on the territory of Ukraine. Nevertheless, the above article of our Foundation does not state this assumption explicitly. We are also unaware according to which incidents, Tatiana Paraskevich would cite political persecution against her on the territory of Ukraine. Anzhela Strizhevskaya concluded that "there are currently no objective reasons to believe that there is any political motivation behind the prosecution of Tatiana Paraskevich in Ukraine, and in this connection, there is no basis for granting her the status of **political refugee from Ukraine**". This conclusion of the Ukrainian expert is peculiar from a legal and regulatory point of view, as **Tatiana Paraskevich, bearing the citizenship of the Russian Federation and the Republic of Kazakhstan, may request international protection only from persecution in these two states, but not from Ukraine.**

2. In her legal opinion, Anzhela Strizhevskaya focused on the fact that Tatiana Paraskevich had appealed to the competent authorities of the Czech Republic with her application for political asylum only after a long period of stay in the country, and not at the first opportunity. However, the expert did not take into account the fact that **Tatiana Paraskevich had arrived in the Czech Republic for the purpose of undergoing medical treatment and did not initially set out to seek international protection in the country.** It should also be noted that Tatiana Paraskevich has not been aware for a long period of time, that a criminal case had been initiated against her by Ukrainian and Russian law enforcement agencies, so [she had no reason to fear for her safety](#). As explained to the Open Dialog Foundation by Tatiana Paraskevich's counsel Marina Mahitkova, her client filed an application for international protection only at the moment that she became aware that she could face prosecution by the Russian Federation.

3. Anzhela Strizhevskaya also justifies in detail the assertion that there is no cooperation between the intelligence services of Ukraine, Kazakhstan and the Russian Federation as the Ukrainian authorities declare they have chosen the European path of development for the country. The Open Dialog Foundation considers this fact insufficient to declare that Tatiana Paraskevich would be safe in Ukraine.

The relevant conclusions of the expert defend the position of Kazakhstan as a stakeholder in the case. This is confirmed by the fact that this legal opinion, along with other documents, was submitted by the lawyers of Kazakhstan's BTA Bank to the courts of the Czech Republic, with an aim of facilitating the extradition of Tatiana Paraskevich to Ukraine.

The Ukrainian expert's opinion regarding the absence of political motives in the case of Tatiana Paraskevich could mean that, if extradited to Ukraine, Tatiana Paraskevich could not expect to receive political asylum in this country. Thus, the Kazakh authorities have taken care in advance to ensure that there would be no obstacles to extradite Tatiana from Ukraine to Kazakhstan.

Taking into account the close and comprehensive cooperation between law enforcement agencies of Kazakhstan, Russia and Ukraine, **Kazakh law enforcement agencies will immediately gain access to Tatiana, as soon as she arrives in Ukraine or Russia.** Especially, as an attempt has already been made to contact Tatiana Paraskevich in a Czech prison. Tatiana Paraskevich's counsels fear that, if extradited to Ukraine or the Russian Federation, she may simply be kidnapped by Kazakh secret services. In recent years, the security services of Kazakhstan have repeatedly threatened and [attempted to assassinate opposition politicians and civil activists in post-Soviet states](#).

There is no guarantee that in Ukraine and the Russian Federation Tatiana Paraskevich will be safe and won't be subjected to unlawful interrogations and unfair trial. Especially as in the Russian Federation, [the case of Tatiana Paraskevich is being conducted by the same investigators which were involved in 'Magnitsky case'](#) (in particular, the investigator Nikolay Budilo). On **5 October, 2012, during open proceedings in the case to extradite Tatiana Paraskevich, held in the Regional Court in Pilsen, Tatiana noted that the law enforcement bodies of the Russian Federation exerted pressure on members of her family (her 80-year-old mother, husband, son and daughter). They were all summoned for questioning and threatened with arrest. The investigator, Nikolay Budilo, threatened Tatiana Paraskevich's elderly mother with arrest should she fail to come up with a [testimony implicating Mukhtar Ablyazov](#).** It is worth noting that the same investigator questioned Tatiana Paraskevich in a Czech prison on 19 November, 2012. Russian investigators also threatened Tatiana Paraskevich's 22-year-old daughter with kidnap or exclusion from university. Tatiana's family are now afraid to reside in Russia, as they fear further pressure from law enforcement bodies.

KAZAKHSTAN'S LOBBY COULD AFFECT THE VERDICT OF THE HIGH COURT OF PRAGUE ON THE ADMISSIBILITY OF TATIANA PARASKEVICH'S EXTRADITION TO UKRAINE

The lawyers representing the Kazakh BTA Bank have a copy of the verdict of the Supreme Court of Prague on the admissibility of Tatiana Paraskevich's extradition to Ukraine. It is not yet known how they succeeded in acquiring the document, since the court sentence isn't publicly available and can be accessed only by the High Court in Prague, the Regional Court in Pilsen and Tatiana Paraskevich's counsels. Marina Mahytкова reported that she hadn't made the documents available to anyone.

The received documents prove that Kazakhstan's lobby attempted to have an unprecedented impact, aimed at sanctioning the extradition of Tatiana Paraskevich to Ukraine and to force a denial in response to her international protection application, made in the Czech Republic.

In addition, Tatiana's counsel recalled that such attempts had been undertaken in the past. On 8 August, 2012, the bank's management represented by the Acting Chairman of Kazakhstan's BTA Bank, Askhat Beysenbaev, issued a power of attorney, by which it authorised a Czech attorney, Vojtech Trapl "to represent the interests of the Bank before all administrative authorities and courts or other authorities in the Czech Republic, in the case of the extradition of a citizen of the Russian Federation, Tatiana Nikolayevna Paraskevich [...], being remanded in the extradition prison in Pilsen, as well as on all other matters relating to the extradition of Tatiana Nikolayevna Paraskevich to Ukraine [...] The attorney is authorised to carry out representation independently and to take any action which the Attorney deems necessary to protect the interests of the Bank in the case of extradition of the Russian citizen, Tatiana Nikolayevna Paraskevich".

It also became known to the Open Dialog Foundation that on 4 September, 2013, the attorney Vojtech Trapl, acting on behalf of the Kazakh BTA Bank, sent a letter to Tatiana Paraskevich's counsel, Marina Mahytкова. Along with the letter he sent a note, in which, alongside other information on the prosecution of her client, there was a proposal concerning cooperation with BTA Bank. "We offer cooperation with investigators and BTA Bank JSC, which would comprise the giving of truthful testimony concerning the activities of Ablyazov in the misappropriation of assets of BTA Bank JSC. Should T.Paraskevich agree to cooperate with the investigation, BTA Bank, being a civil party in criminal proceedings, may apply to the law enforcement authorities to drop criminal charges against T.Paraskevich in Ukraine and the Russian Federation in this regard" – the information reads. In his letter, Vojtech Trapl stressed that the literal content of the offer

of cooperation is to be communicated to Tatiana Paraskevich verbally, without the transfer of the written information into her hands. He also suggested that in the event that Tatiana Paraskevich agrees to take the offer, Ukrainian and Russian investigative authorities would immediately contact her in order to administrate the ultimate termination of the criminal prosecution. Vojtech Trapl also stated that he would not mind meeting with Tatiana Paraskevich personally, but that he lacked the legal authority to do so.

Thus, the representative of Kazakhstan's BTA Bank confirmed through his actions, that the criminal case against Tatiana Paraskevich is only a means by which to compel her to testify against the Kazakh opposition leader, Mukhtar Ablyazov, who still remains the main target of Kazakh special services. In this case, the political overtones of criminal proceedings against Tatiana Paraskevich have become obvious.

On 17 October, 2012, the counsel, Jan Vanicek sent a letter to the High Court in Prague, in which he explicitly stated that the Kazakh BTA Bank is a stakeholder in the case regarding the extradition of Tatiana Paraskevich to Ukraine, despite not officially being recognised as party to the extradition process. The letter expressed dissatisfaction with the decision of the Regional Court in Pilsen of 5 October, 2012 (which ruled not to extradite Tatiana to Ukraine), and presented a number of conclusions, arguing in favour of the admissibility of Tatiana Paraskevich's extradition to Ukraine. Previously, on 28 September, 2012, a letter of similar content was sent to the Regional Court in Pilsen. It also included a proposal to remove the cash bail conditions which were afforded to Tatiana Paraskevich. According to the aggrieved party (the Kazakh BTA Bank), the defendant could use flee in order evade criminal prosecution should she be granted bail.

Thus, the documents held by the Open Dialog Foundation confirm that Kazakhstan has undertaken active endeavours to influence the extradition of Tatiana Paraskevich from the Czech Republic to Ukraine. **It cannot be ruled out that the Kazakhstan lobby influenced the decision of the Supreme Court of Prague of 21 February, 2013, regarding the admissibility of Tatiana Paraskevich's extradition.**

THE INTERNATIONAL COMMUNITY CONTINUES TO INSIST THAT TATIANA PARASKEVICH'S EXTRADITION TO UKRAINE AND THE RUSSIAN FEDERATION IS INADMISSIBLE

On 21 October, 2013, the international human rights organisation [Amnesty International made an official statement](#) in which it called on the international community to demand from the government of the Czech Republic that the extradition of Tatiana Paraskevich to Ukraine or the Russian Federation be prevented. **"If forcibly returned to Ukraine or the Russian Federation, she will likely be transferred to Kazakhstan and at risk of torture and other ill-treatment, and unfair trial due to her links with Kazakhstani opposition figure, Mukhtar Ablyazov"**, - reads the statement of Amnesty International.

Previously, an official statement on the case of Tatiana Paraskevich had been also issued by Amnesty International of the Czech Republic and the Czech Helsinki Committee. [The human rights organisations have called on the authorities of the state](#) to prevent the extradition of Tatiana Paraskevich to Ukraine, as the country has systematically violated the European Convention on Human Rights.

The annual report issued by Amnesty International for the year 2013 noted that in Ukraine, torture and ill-treatment by the police "are still commonplace and continue to be committed with impunity". According to the Ministry of the Interior, in 2010, 40 cases of deaths in custody were reported. According to human rights defenders, in 2010, up to 790 thousand people in Ukraine

suffered from torture and other [ill-treatment by law enforcement officers](#), and in 2011, the [number of victims of violence](#) by the police reached almost one million citizens. [Ukraine has ignored the recommendation of the UN Council on Human Rights](#) regarding the establishment of an independent body which would investigate into cases of torture by the police.

On 9 October, 2013, **Members of the European Parliament Piotr Borys and Marek Migalski** made a request to the European Commission, in which they reported an increase in the number of arrests of oppositionists in the Republic of Kazakhstan. As [striking examples](#), they cited the arrest of Tatiana Paraskevich in the Czech Republic and Alexander Pavlov in Spain.

When commenting on the situation with Tatiana Paraskevich, Martin Rozumek, the director of the Organisation for Aid to Refugees (OPU) in the Czech Republic stated that [there are preconditions for the granting of international protection](#). "By preconditions we mean non-democratic states - Kazakhstan and Russia, which frequently use the tool of criminal prosecution in order to bring people back to the country... This is a tried and tested procedure – people are accused of a serious crime and their extradition to a state which is not democratic and lacks a just legal system, is demanded".

The Kazakh authorities would welcome the extradition of Tatiana Paraskevich to Ukraine or the Russian Federation, as it would provide them with access to one of the most important witnesses in the case of opposition politician Mukhtar Ablyazov. In order to achieve this goal, the Kazakh party has hired lawyers who lobby Tatiana Paraskevich's extradition in the courts of the Czech Republic. Thus, Kazakhstan is interfering with the internal affairs of an independent state.

The case of Tatiana Paraskevich certainly can be considered to be politically motivated, since she is being persecuted due to her relations with the Kazakh opposition leader, Mukhtar Ablyazov. The investigating authorities of the Republic of Kazakhstan need Tatiana Paraskevich as a witness, as she can be a source of important information against the Kazakh opposition.

Taking into account the above, the Open Dialog Foundation hereby calls on the authorities of the Czech Republic to prevent the extradition of Tatiana Paraskevich to Ukraine or the Russian Federation and to grant her international protection.

Should the extradition to Ukraine or the Russian Federation be nevertheless carried out, the competent authorities of the Czech Republic must clearly identify the constraints ([stipulated in Article 576](#), section 2 of the Criminal Procedure Code of Ukraine), which will be mandatory in taking appropriate remedial decisions in Ukraine (in particular, the inadmissibility of re-extraditing Tatiana Paraskevich to other countries, as well as the inadmissibility of any interrogation of Tatiana Paraskevich by investigative agencies of other states or on their behalf). Unfortunately, [the procedure is not provided](#) in the Russian law, hence, onward extradition of Tatiana Paraskevich to Kazakhstan from the Russian Federation poses a higher risk.

All those interested in helping this cause are welcome to support our appeals by sending their statements to the following addresses:

- **Tomáš Haišman**, Director of the Department of Asylum and Migration of the Ministry of the Interior of the Czech Republic - NadŠtolou 936/3, 170 34 Praha 7. Tel.: +420 974 832 495, +420 974 832 502, e-mail: tomas.haisman@mvcvcr.cz
- **Marina Benešová**, Acting Minister of Justice of the Czech Republic: 16 Vyšehradská Street, Praha 2 District, the city of Prague, postal code 128 10, tel.: +420 221 997 106, +420 221 997 111, fax: +420 224 919 927, e-mail: posta@mosp.justice.cz

- Jakub Machačka, the Head of the Government Human Rights Council in the Czech Republic - nábřeží Edvarda Beneše 4, Praha 1, PSČ 118 01, Tel.: +420 224 002 111, e-mail: machacka.jacub@vlada.cz
- Jan Kohout, Minister of Foreign Affairs of the Czech Republic - Loretánské náměstí 5, 118 00 Praha 1, Tel.: +420 224 181 111, e-mail: podatelna@mzv.cz