

Warsaw, 2 August, 2017

Posel na Sejm
Rzeczypospolitej Polskiej
Marcin Świącicki
Nowy Świat 41a
00-040 Warsaw, Poland

Secretary General of Interpol

Mr Jürgen Stock

Chairperson the Commission for the Control of Interpol's Files

Mr Vitalie Pirlog

200 Quai Charles de Gaulle,

69006 Lyon, France

Dear Mr. Stock:

As a member of the Polish Parliament, I underline the important role that Interpol plays in pursuing and detention of dangerous criminals. I welcome the reform of structure and policies of Interpol that was started in November 2016. The aim of these amendments is to solve the problem of violations of art. 3 of the INTERPOL Constitution that prohibits use of Interpol for political persecution.

INTERPOL reform is in the Parliamentary Assembly of the Council of Europe's (PACE) work agenda. On 26 April, 2017, PACE approved resolution on the topic of «Abusive recourse to the Interpol system: the need for more stringent legal safeguards»¹. PACE provided recommendations on further reform of Interpol. Besides, Interpol reform is subject of interest for human rights organisations. For example, there is analysis of the reform and additional recommendations in the last report of the Open Dialog Foundation². Also individual Members of the Polish Parliament actively engage in support for the processes of the INTERPOL's reforms.

I would like to draw your attention to several cases, which serve as examples of misuse of Interpol for political purposes. Some of them have been already described in the letters signed by a number of the MPs from the PACE (dated 27 June, 2017); the case of Muratkan Tokmadi is a new one:

Muratkhan Tokmadi – a businessmen and friend of Yerzhan Tatishev, former head of BTA Bank, has been arrested on June 12, 2017 in his home during the operation conducted by special forces of the Republic of Kazakhstan. From that time, Mr. Tokmadi, his family, friends and employees were subjected to disproportionate treatment by Kazakh law enforcement and governmental agencies with the intent to elicit testimonies by the means of intimidation, prolonged interrogation and unlawful arrests. The purpose of the pressure and persecution of Tokmadi's family is to obtain fabricated testimony against the Kazakhstani businessman and politician Mr Mukhtar Abylazov. Mr Tokmadi is being coerced to confess to the murder, committed 13 years ago, allegedly on the instruction of Mr. Abylazov. Thus, Ms. Dzhamilya Aimbetova-Tokmadi, the wife of the detainee, has been threatened with the criminal prosecution based on the refusal to provide false statements about her husband and forced to leave the country due to the well-founded fear for her life. All the family members and associates of Mr Tokmadi are on the risk to be prosecuted via Red Notice of Interpol.

¹ <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23714&lang=EN> ; <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23524&lang=EN> ;

² <http://en.odfoundation.eu/a/8201.the-report-the-reform-of-interpol-don-t-let-it-be-stopped-halfway>

Yan Andreev – the former head of one of districts of the Yaroslavl region (Russia). He did not belong to the ruling party 'United Russia', and because of that has been subjected to persecution. The governor of Yaroslavl region demanded that Andreev resign, but he refused to do that. After that, four criminal cases were initiated against Andreev on charges of corruption crimes. The court acquitted him on all counts. But region's leadership continued to threaten him. In December 2011, the Russian authorities initiated the fifth criminal case against Andreev, after which put him on Interpol's wanted list. He lives in Israel, where he has residence permit.

By abusing Interpol, Kazakhstani regime persecutes its political opponents – oppositionist **Mukhtar Ablyazov**, as well as **his colleagues and relatives**. Kazakhstan accused them of financial crimes (the case of BTA Bank). In order to have more «chances» to extradite them, Kazakhstan had corruption influence to Ukrainian and Russian investigation on this case (the published correspondence confirmed this). On 9 December, 2016, the French State Council recognised Ablyazov's case as politically motivated, and also stressed that Kazakhstan had exerted pressure on the Ukrainian and Russian authorities, demanding that they submit extradition requests. In July 2017 Mr Ablyazov's name was removed from the INTERPOL's databases – however, INTERPOL continues to be instrumentally used in cases against his former colleagues and family members.

Kazakhstan persecutes the **Khrapunov family** – Ablyazov's relatives and opponents of Kazakhstani regime. Authorities required from Khrapunov family to sever ties with Ablyazov and testify against him. They refused to do that. After that Kazakhstani authorities called Khrapunov family «a criminal group» and initiated against them more than 20 criminal cases on financial crimes. **Victor Khrapunov, Leila Khrapunova**, their son **Ilyas Khrapunov** and their relative **Aiyar Ilyassov** are in Interpol's wanted list on Kazakhstan request. They have residence permit in Switzerland. Switzerland refused to extradite Victor Khrapunov to Kazakhstan twice (in 2011 and in 2014). Ukraine also put Ilyas Khrapunov on the wanted list.

Anatoliy Pogorelov – former Ablyazov's colleague while working in BTA Bank. He is wanted by Interpol at the request of Kazakhstan. 12 Ablyazov's associates, who are included in the same case as Pogorelov, have been granted asylum in the EU and the United States. Interpol has already removed some of them from the wanted list (Tatiana Paraskevich, Artur Trofimov, Alexandr Pavlov, Kuanys Nurgazin). Pogorelov resides in unsafe state – the United Arab Emirates, which are not a party to the Universal Declaration of Human Rights.

Ferid Yusub - a citizen of Azerbaijan. He had a conflict with one of the leaders of the Ministry of Internal Affairs of Azerbaijan, after which he has been subjected to criminal persecution. On 6 January, 2013, the UNHCR in Egypt granted Yusub refugee status. Azerbaijan put him on Interpol wanted list. In May 2015 he was detained in Russia. Russian authorities approved his extradition to Azerbaijan. INTERPOL removed Yusub's name from the wanted list. But Russian authorities ignore this fact and do not recognize decision of the UNHCR on Yusub's case.

Moreover, we would like to warn Interpol bodies about facts which confirm high probability of being placed on Interpol wanted list under politically motivated charges. In particular, we are talking about opponents of Moldovan authorities (opponents of the Moldovan oligarch Vladimir Plahotniuc) – lawyer and human rights activist **Ana Ursachi**³, and businessman and activist **Alexandru Machedon**⁴.

Leyla Yunus, Arif Yunus – Azerbaijan human rights activists, which in 2015 were sentenced to long court terms in Azerbaijan. After protests of the international community, the appellate court changing the penalty to a suspended sentence. On 3 May, 2016, Arif and Leyla Yunus were granted refugee status in the Netherlands. The Yunus family filed a cassation appeal demanding their full acquittal, and the Azerbaijani court issued a warrant for their compulsory appearance in court.

³ She is accused of involvement in the murder committed 20 years earlier.

⁴ According to Ana Ursachi, a criminal case is being prepared in Moldova against Machedon on charges of economic crimes.

I would like to draw Interpol's attention to political nature of persecution of Yan Andreev, members of the Khrapunov family, Anatoliy Pogorelov and Ferid Yusub. Pogorelov and Yusub are in unsafe states and cannot count on protection of their rights. That is why we ask Interpol to help in situation when UAE and Russia should provide Pogorelov and Yusub with freedom of movement. Moreover, it is important that opponents of Azerbaijan authorities (the Yunus family) and Moldovan authorities (Ana Ursachi and Alexandru Machedon), as well as Tokmadi's family and associates should not be included on Interpol wanted list.

I express my deep gratitude to Interpol for its contribution to justice and security and hope for further improvements aimed at prevention of using INTERPOL for political persecutions.

Sincerely yours,

March Tsimet