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Appeal of human rights activists of Ukraine and Kazakhstan regarding the inadmissibility of extradition of Tatiana Paraskevich from the Czech Republic

We call upon the Czech authorities to defend Tatiana Paraskevich who has been exposed to persecution as a part of politically motivated case and now faces new threats. Firstly, Ukraine and Russia expressed their disagreement with the decision of the Czech authorities on the inadmissibility of extradition of Mrs. Paraskevich and sent repeated requests for her extradition. Secondly, the initiation of revision of Mrs. Paraskevich's refugee status is a source of concerns.

Tatiana Paraskevich is prosecuted as a part of the case of the Kazakh opposition politician and businessman Mukhtar Ablyazov. In 2001, Mr. Ablyazov became one of the founders of the opposition movement "Democratic choice of Kazakhstan" and then he spent more than a year in a Kazakh prison. Mr. Ablyazov has been granted refugee status in Great Britain. He remains one of few representatives of the democratic opposition in Kazakhstan. Former opposers of President Nazarbayev have been either killed, or imprisoned, or ceased their activities for fear of their lives.

The persecution of Mrs. Paraskevich is a part of the campaign led by the Kazakh government which, with the help of Russia and Ukraine, tries to gain access to Mr. Ablyazov and to his close persons by all means. Prominent human rights organizations, including Ukrainian, Russian and Kazakh ones, issued the declaration on the political context of the case of Mr. Ablyazov. Amnesty International, the Czech Helsinki Committee, Members of the European Parliament as well as members of national parliaments of EU states emphasised the inadmissibility of extradition of Tatiana Paraskevich from the Czech Republic.

We would like to draw attention of the government of the Czech Republic to the fact that Austria, Belgium, Great Britain, Spain, Italy, Lithuania, Poland and the U.S.A. granted asylum to fellow activists and relatives of Mr. Ablyazov. Moreover, Great Britain refused to extradite Igor Kononko and Roman Solodchenko to Ukraine and Lithuania refused to extradite Syrym Shalabayev to Ukraine – they are all prosecuted in the same case as Tatiana Paraskevich. We also informed the Lithuanian authorities of the fact that the case of Syrym Shalabayev – Ablyazov’s relative – has a political context. Lithuania took our arguments into consideration and granted asylum to Mr. Shalabayev and, on 29.07.2016, refused the Ukrainian and Kazakh requests for his extradition.

The Czech Republic refused the request for extradition of Tatiana Paraskevich in 2014. However, in 2016, Russia and Ukraine synchronously sent repeated requests for extradition (together with the same documents examined by the Czech Republic two years ago). Such “concerted” practices of Russia and Ukraine may be explained by the Kazakhstan’s corrupt and political influence which is behind this persecution.

In 2009, following a conflict with Nazarbayev, Mr. Ablyazov was charged with “misappropriation of the Kazakh BTA Bank’s assets”. Moreover, Kazakhstan accused Ablyazov of “stirring up of social hatred” (as a part of the Zhanaozeny case). Kazakhstan, which has no extradition treaties with most EU states, contacted the Ukraine’s and Russia’s law enforcement authorities. As a result, Russia and Ukraine also charged Mr. Ablyazov and his supporters with financial criminal offences. It is remarkable that the Russian criminal file states that Ablyazov “made use of the misappropriated assets” for the purposes of “the change of constitutional system” in Kazakhstan.

Any charges with financial criminal offences brought against Mr. Ablyazov cannot be dealt with outside the context of his political persecution for his opposition activities. Kazakhstan also strongly influenced the Ukrainian and Russian investigation by other channels in the cases of Ablyazov and Paraskevich.

In 2014, the website kazaword.wordpress.com published the correspondence of the Kazakh representatives which was also noticed by the European media. The Kazakh authorities confirmed the authenticity of the correspondence and now they request the ban on its further publication at the American and New Zealand courts. Based on this correspondence, the French law enforcement authorities initiated a criminal case against its prosecutor Solange Legras who took over documents in the case of extradition of Mukhtar Ablyazov from the Ukraine’s Russia’s and Kazakhstan’s representatives in a manner contrary to the lawful procedure.

And in Ukraine, under pressure from the public, the investigator Maxim Melnik was charged with a crime in connection with excess of power. As the published correspondence shows, the investigator received texts of charges, questions for interrogation and other “pieces of advice” from the Kazakh representatives (firm „Ilyashev and Partners“). For example, in one of the published letters, the Kazakhstan’s representatives instruct the Ukrainian investigator that the interrogation “must show that”: Paraskevich was one of the “Ablyazov’s people” who “managed companies in tax havens”. On 09.04.2014, the High Court of London – when dealing with the Ukraine’s request for extradition of Igor Kononko – ruled that the investigator Melnik, as the facts show, “was given documents to be signed, however, he did not participated in the decision-making process at all”.

It was found that Kazakh lobbyists not only instructed the Ukrainian investigators but also tried to spread their influence on the Czech law enforcement authorities too. According to Mrs. Paraskevich’s lawyer, representatives of Kazakhstan in the Czech Republic asked the Ministry of

Interior to refuse to grant asylum to Mrs. Paraskevich. Despite this fact, the Ministry of Interior of the Czech Republic granted subsidiary protection (one of the forms of international protection) to Tatiana Paraskevich on 18.02.2014. On 16.02.2015, the second decision extending this status by two years was taken.

We are concerned that, currently, the Czech Supreme Public Prosecutor's Office tries to reach the reversal of subsidiary protection granted to Tatiana Paraskevich through a court order claiming that the Ministry of Interior did not examine her case thoroughly enough. The Prosecutor's Office has already managed to reverse the decision of 18.02.2014 and to refer it back to the Ministry of Interior for new examination. Now, the prosecution office requests the reversal of the second decision on subsidiary protection of 16.02.2015. It is the first case of this kind in the Czech Republic. As the correspondence shows, representatives of Kazakhstan contacted the representatives of the Czech Prosecutor's Office in the Paraskevich's case in the past. Therefore, concerns exist that the Kazakh authorities might influence the process of reversal of subsidiary protection, and thus create a dangerous precedent which would deprive refugees in the EU of their protection.

We would like to draw the attention of the Czech authorities to the fact that Ukraine and Russia are not able to guarantee the enforcement of extradition guarantees in the Paraskevich's case. The Ukrainian government continues sabotaging reforms of law enforcement authorities. Prosecution offices and courts have not been reformed. The issue of cruel treatment in penitentiary facilities is systematic and the conditions in Ukrainian remand prisons are even worse than in colonies. It is remarkable that the number of acquittals in Ukraine is almost as low as in Russia (0,3%).

Results of our monitoring show that Ukraine still continues to be dangerous for refugees and asylum seekers. In 2016, the migration service refused to deal with the request of Russian citizen Aminat Babayeva for asylum and consequently she was apprehended by force by members of the Ukraine's Security Service and forcibly transferred to Russia. Another example – in May 2016 human rights activists and the German embassy managed to prevent the attempt of the Ukrainian prosecution office to extradite human rights activist Alovzat Aliyev, who was granted refugee status in Germany, to Azerbaijan.

Besides, on 29.08.2016, the General Prosecutor's Office of Ukraine adopted a decision on extradition of Vyacheslav Platon (Kobalev), and on the same day was extradited to Moldova. Under the Ukrainian laws, extradition may take place only if no appeal against the extradition decision is submitted within 10 days. Mr. Platon (Kobalev) was prevented from exercising his right of appeal against the extradition decision.

Over the last two years, Ukraine has been systematically refusing to grant asylum to dozens of citizens of Russia and Belarus who are persecuted for their support of Euromaidan and for their disagreement with the annexation of Crimea. Such policy looks weird given the actual war with Russia.

Moreover, in Ukraine, Tatiana Paraskevich might face illegal transfer to Kazakhstan or abduction by the Kazakh special forces. Until now, those who are involved in the abduction of the Russian oppositionist Leonid Razvozhayev, who was dragged by unknown persons near the Kiev UNHCR bureau and transferred to Russian prison in 2012, have not been punished. The abduction practices are commonplace in Kazakhstan. The case of Ablyazov's wife Alma Shalabayeva, who was kidnapped together with her six-year old daughter from Italy in 2013, had widespread

resonance, and only due to the efforts of the international community the family managed to return from Kazakhstan to Europe.

Against the background of the annexation of Crimea and involvement of Russia in the war in Donbass, “providing of services” to the Russian and Kazakh authoritarian regimes in the political case damages the new Ukrainian state power. The Ukrainian prosecution authorities are not able to draw up documents for international search for representatives of Janukovych’s regime correctly but, at the same time, they tirelessly strive to extradite persons close to the oppositionist Ablyazov.

Kazakhstan aims, in all probability, to limit the free movement of Tatiana Paraskevich through the Ukraine’s and Russia’s request for extradition and to terrorize her with new court proceedings. In its resolution of 13.04.2016, the European Parliament condemned the practices of governments of certain states of Central Asia which abuse Interpol and extradition proceedings for the purpose of persecution of political opposers. The European Parliament called upon EU states to guarantee a more effective protection for victims of such persecution and to prevent their expulsion.

Granting the extradition requests of Ukraine or Russia in the Paraskevich’s case will have tragic consequences. In case of her extradition, Tatiana Paraskevich will face unfair trial, undue treatment, transfer to Kazakhstan or abduction by the Kazakh special services. We hope that the authorities of the Czech Republic will take these facts into consideration and will also pay attention to the published evidence of political context of the Ablyazov’s case. We call upon the Czech authorities to prevent the reversal of subsidiary protection granted to Tatiana Paraskevich and to refuse the repeated requests for her extradition.



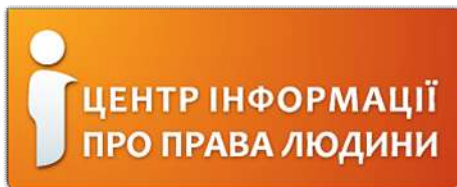
Open Dialog Foundation

<http://en.odfoundation.eu/>



Center for Civil Liberties

<http://ccl.org.ua/>



Human Rights Information Centre
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Kharkiv Human Rights Protection Group
<http://khpg.org/>

Eugene Zhovtis, Kazakh human rights activist

Muratbek Ketebayev, Kazakh oppositionist, dissident and political refugee in Poland

Irina Petrushova, independent journalist, former editor-in-chief of the Kazakh newspaper «Respublika»