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## THE CASE OF PARASKEVICH: UKRAINE CONTINUES TO COLLABORATE WITH RUSSIA AND KAZAKHSTAN ON ATTEMPTS TO PROSECUTE POLITICAL REFUGEES

As early as in 2014 the Czech Republic granted to Tatiana Paraskevich subsidiary protection, refusing to extradite her to Ukraine or Russia. However, in 2016, Ukraine and Russia almost simultaneously issued identical requests for Paraskevich's extradition. There is every reason to believe that Russia's and Ukraine's persistence is driven by the political and illegal influence of Kazakhstan, which is the true mastermind behind this prosecution. Tatiana Paraskevich is implicated in Mukhtar Ablyazov's case which has been recognised by the international community as politically motivated. The Kazakh regime's pursuit of the oppositionist Ablyazov and his associates, who have been granted asylum in Europe, has continued for several years now.

In two years, the Ukrainian prosecutor's office hasn't managed to bring a single representative of the Yanukovich regime to justice. Russian soldiers have been engaged in fighting in the east of Ukraine. Against this backdrop, cooperation with Russia and its closest ally, Kazakhstan, in the political case of Ablyazov compromises the new Ukrainian authorities who apparently lack the political will to reform law enforcement agencies.

Russian citizen, Tatiana Paraskevich, is a former associate of the Kazakh opposition politician and businessman Mukhtar Ablyazov, who previously headed Kazakhstan's BTA Bank. In 2009, following a conflict with President Nazarbayev, Ablyazov was accused of 'embezzlement of bank funds'. Subsequently, Kazakhstan accused Ablyazov of 'inciting social hatred' and 'preparing a terrorist act'. Ablyazov was granted political asylum in Great Britain. On the request of Kazakhstan, which has no extradition treaty with the majority of EU countries, Russia and Ukraine also initiated a criminal case against Ablyazov and his associates (including Paraskevich). Russia and Ukraine accused Paraskevich of 'embezzling BTA Bank funds' whilst she was a member of 'Ablyazov's criminal group'.

### UKRAINE AND RUSSIA DON'T AGREE WITH DECISIONS OF THE CZECH AUTHORITIES

On 18 February, 2014, the Czech Republic granted to Paraskevich **subsidiary protection** (a type of international protection). On 16 February, 2015, following a decision by the Ministry of Internal Affairs of the Czech Republic, Paraskevich's status has been extended until 16 February, 2017.

On 7 June, 2012 and 14 June, 2013, respectively, Ukraine and Russia sent **requests for the extradition** of Paraskevich. On 18 March, 2014, the Czech Republic's Ministry of Justice refused to extradite Paraskevich to Ukraine. On 28 March, 2014, the Plzen Regional Court refused to extradite her to Russia.

Two years later, on 18 February, 2016, the General Prosecutor's Office of Ukraine, and on 8 April, 2016, the General Prosecutor's Office of Russia **once again addressed the Ministry of Justice of the Czech Republic**. The duplicative extradition requests were submitted along with **the same documents** that Ukraine and Russia had already sent (the decisions to present charges, and the decisions to arrest her,

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dating back to 2012-2013). The Ukrainian and Russian demands contain similar wording and content structures.<sup>1</sup>

Deputy General Prosecutor of Ukraine, Anatoliy Matios noted that the Czech Republic rejected the previous request for the extradition of Paraskevich due to 'the situation as regards security in Ukraine'. But in fact, the Minister of Justice of the Czech Republic cited the decisions of the courts. In particular, on 2 January, 2013, the Regional Court in Plzen stated that the facts described in the Ukrainian decisions to institute criminal proceedings, are 'very vague', and, in addition, Ukraine **couldn't guarantee compliance with Art. 3 (prohibition of torture) and Art. 6 (fair trial)** of the European Convention on Human Rights.

In the second request, the Ukrainian prosecutor's office stated that the Czech Republic can extradite Paraskevich, as "according to information obtained through INTERPOL channels, currently, the competent authorities of the Czech Republic render wanted persons to Ukraine". In addition, the documents attached to the extradition request, investigator of Ukraine's MIA, Aleksandr Piddubnyak, cited the decision of the Constitutional Court of the Czech Republic of 26 May, 2015, as an argument. The Court considered one of the appeals, filed by Paraskevich in 2014, regarding her release from custody. However, the Constitutional Court also expressed the opinion that "the possible presence of deficiencies in the justice system and in prisons" in Russia and Ukraine "is not an automatic barrier" preventing the extradition of people to those countries.

Compared with Ukraine's, the Russian authorities' statements contained in their extradition request are stricter. In fact, **Russia's General Prosecutor's Office criticised the decisions of the Czech courts and government regarding the case of Paraskevich.** Russian Deputy General Prosecutor, Sabir Kekhlerov expressed dissatisfaction with the provision of subsidiary protection to Paraskevich: "The Czech authorities haven't requested any information on the case from us, and therefore, we believe that the competent authorities of the Czech Republic have been misled". It is noteworthy that the Russian General Prosecutor's Office not only requests that "Paraskevich be rendered", but also "taken into custody", although the issue of electing a preventive measure goes beyond the scope of an extradition request.

## **KAZAKHSTAN'S ILLEGAL INFLUENCE ON THE UKRAINIAN AND RUSSIAN INVESTIGATION**

On 4 September, 2012, a representative of Kazakhstan's BTA Bank, Vojtech Trapl, in a letter to Paraskevich's counsel, directly stated that in exchange for "giving truthful testimony concerning the activities of M. Ablyazov", Kazakhstan can instantly close the criminal cases against Paraskevich in Ukraine and Russia.

Such unlimited "possibilities" of Kazakhstan have been confirmed by leaked correspondence of Kazakh officials published in 2014.<sup>2</sup> The correspondence confirmed that **representatives of Kazakhstan prepared for the Ukrainian and Russian investigators, draft written charges against Ablyazov and Paraskevich, and issued other instructions regarding the case.** The authorities of Kazakhstan and Russia even "controlled court proceedings". In Russia, the case of Ablyazov and Paraskevich were run by investigators included in the 'Magnitsky list', who threatened other accused persons, forcing them to "confess to the crimes" and "admit" the guilt of Ablyazov.<sup>3</sup>

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<sup>1</sup> An excerpt from the Russian request: "A detailed description of the deeds that T.N. Paraskevich is accused of, is given in the attached documents". An excerpt from the Ukrainian request: "The circumstances of the committed crime are described in detail in the attached documents".

<sup>2</sup> <https://kazaword.wordpress.com/>

<sup>3</sup> <http://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>

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Paraskevich's counsel demanded the closure of the criminal case in Russia in light of the fact that the investigative body has not provided evidence of guilt. On 27 April, 2015 and 4 September, 2015, Russian Interior Ministry denied the counsel's motion, citing that the law **"does not oblige" an investigator to cite evidence in the indictment act**. Pursuant to Art. 17 of the Code of Criminal Procedure, the investigator (as well as a judge) evaluates the evidence based on his *"inner conviction"*, the available evidence, the law and his *"conscience"*.

In Ukraine, Kazakhstan supervised the investigation through the law firm 'Ilyashev and Partners'. For example, according to the correspondence, on 2 August, 2012, an investigator of Ukraine's MIA, Maksim Melnik, received instructions from the Kazakh side which read that the interrogation of defendants in the case *"must prove"* that Paraskevich was one of *"Ablyazov's people"* who allegedly *"managed offshore companies"*.

Due to the publicity the matter received, a criminal case was initiated against investigator Melnik on charges of abuse of power. Investigator of Kiev's prosecutor's office, Sergey Khodakovsky, has repeatedly made attempts to close the case against Melnik. He could have been guided by representatives of the Kazakh side (according to the published correspondence). On 23 July, 2015, through legal action, the Open Dialog Foundation brought about the opening of a criminal case against investigator Khodakovsky on charges of abuse of power. However, on 30 September, 2015, the prosecutor's office in Kiev closed the case against its own investigator, failing to notify the applicant (the Open Dialog Foundation) of this fact. The GPU **ignored** comments about the presence in the media of materials which may confirm that the investigator committed acts of corruption.

British authorities rejected **Ukraine's requests for the extraditions of Igor Kononko and Roman Solodchenko** who are involved in the same case as Paraskevich. **Syrym Shalabayev**, Ablyazov's relative, is also accused in the same case in Ukraine. Lithuania has granted him political asylum in respect of Kazakhstan. In Lithuania, court hearings to consider the requests of Ukraine and Kazakhstan regarding Shalabayev's extradition are underway. The basis for the Ukrainian request was a letter from the odious prosecutor Vladimir Guzyr, a participant of high-profile corruption scandals. Guzyr later resigned under public pressure.<sup>4</sup>

## **ABUSE OF INTERPOL MECHANISMS AND JUSTICE SYSTEMS OF THE EU COUNTRIES**

**A possible aim of the duplicative requests for extradition** is to limit Paraskevich's movement, her ability to open bank accounts, find accommodation or employment, as well as to exhaust her with fresh, protracted litigation. By carrying out the instructions of Kazakhstan with regard to the case of Ablyazov, Russia and Ukraine are abusing INTERPOL mechanisms and the EU states' justice systems.

The true reasons underlying the issuance of an international arrest warrant are stated in the document handed by the representative of the BTA Bank, Vojtech Trapl, to Paraskevich's counsel: *"Even in the event of a refusal by the law enforcement bodies of Ukraine to extradite T. Paraskevich from the Czech Republic, she has been declared internationally wanted by Russian law enforcement agencies, and will be declared wanted by Ukraine, which will therefore hinder her movement and residence within the EU and other countries"*.

On 31 March, 2014, Counsel Makhitkova filed a request with INTERPOL to remove Paraskevich's name from the wanted list. So far, **despite the fact that two years have now passed, INTERPOL hasn't replied to the counsel's request**. On 31 March, 2015, the Czech Interior Ministry issued a passport to Paraskevich. However, there still remains a risk that Paraskevich will be included in INTERPOL's non-public list.

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<sup>4</sup> <http://en.odfoundation.eu/a/7397,report-the-role-of-infamous-prosecutor-vladimir-guzyr-in-the-case-of-syrym-shalabayev>

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The Ukrainian and Russian extradition requests specify the same guarantees in the case Paraskevich: a lack of political motives for the prosecution, protection from torture, ensuring a fair trial and proper conditions of detention, providing access to diplomatic representatives of the Czech Republic. **However, these guarantees are formal, groundless and will not ultimately be fulfilled by Russia and Ukraine.**

Human rights organisations and diplomats have pointed to the sabotage of the reform of the prosecutor's office and the presence of systemic corruption in the Ukraine's judiciary. The show trials of Savchenko and other political prisoners have confirmed once again that Russia is not going to heed the position of the countries of the civilised world. Russia is becoming increasingly isolated and it has eliminated the precedence of international law in the country. Recent legislative changes allow Russia to ignore decisions of the ECHR and other international courts, which 'contradict the Constitution of the RF'.<sup>5</sup>

International human rights organisations and representatives of the European Parliament have repeatedly noted **the political nature of the case of Ablyazov**. Nine EU Member States have granted asylum to associates of Ablyazov's who have had the same accusations as Paraskevich levied at them. The inadmissibility of Paraskevich's extradition has been underlined by Amnesty International, Spolek Salamoun, the Czech Helsinki Committee, Members of the European Parliament as well as approx. 20 Czech, Polish and Italian parliamentarians.<sup>6</sup>

MEPs have repeatedly called on the new Ukrainian authorities to cease their engagement in Kazakhstan's political persecution in the case of Ablyazov.<sup>7</sup> **However, Ukraine has not withdrawn its request for the extradition of Ablyazov; on the contrary, it has intensified cooperation with the authoritarian regimes of Kazakhstan and Russia as regards this case. Ukraine declares that INTERPOL refuses to put Yanukovych and some of his associates on the wanted list. At the same time, the efforts of the Ukrainian prosecutor's office don't focus on proper substantiation of the charges against members of Yanukovych's regime, but rather on the prosecution of persons who have been granted refugee status in Europe, through the use of INTERPOL.**

**The case of Ablyazov and his associates is not the only example of the ongoing cooperation between Ukraine and authoritarian regimes.** On 17 April, 2016 in Ukraine, Azerbaijani human rights activist Alovzat Aliyev was detained; previously, Azerbaijan declared him wanted through INTERPOL on charges of 'theft' and 'forgery'. Ukrainian authorities have ignored the fact that Germany has granted political asylum to Alovzat Aliyev. Until 6 May, 2016, Aliyev was held in custody under inhumane conditions in a Ukrainian prison. It was only on 10 May, 2016, partly due to the publicity the case attracted, that the General Prosecutor's Office of Ukraine refused to extradite Aliyev due to his refugee status.

Tolerance for the persecution by authoritarian regimes is manifested in the fact that over the past two years, Ukraine has repeatedly and unjustifiably refused to grant asylum to citizens of Belarus and Russia, who are persecuted for supporting Euromaidan.<sup>8</sup> For example, in 2015, 86 Russians applied for asylum, and so far, only 11 of them have been granted protection by Ukraine.<sup>9</sup>

**We hereby urge the authorities of the Czech Republic to take into account the information presented by human rights organisations regarding the political context of Ablyazov's prosecution and the**

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<sup>5</sup> <http://en.odfoundation.eu/a/7280,russia-s-ignoring-of-european-court-of-human-rights-decisions>

<sup>6</sup> Members of the European Parliament: Piotr Borys, Nicole Kiil-Nielsen, Ska Keller, Marek Migalski, Mirosław Poche, Judith Sargentini, Graham Watson. Italian parliamentarians: Alessandro Gozi, Lia Quartapelle, Manuela Serra, Giovanni Claudio Fava; a Czech parliamentarian: Jaromír Štětina; Polish parliamentarians: Robert Biedroń, Maciej Wydrzyński, Małgorzata Gosiewska, Artur Górczyński, Artur Dębski, Ligia Krajewska, Łukasz Krupa, Tomasz Makowski, Maciej Mroczek, Michał Pacholski, Paweł Sajak, Marcin Świącicki et al.

<sup>7</sup> <http://ru.odfoundation.eu/a/6265,mezhdunarodnaya-obshchestvennost-prizyvaet-franciyu-ne-dopustit-ekstradicii-oppozicionnogo-politika-muhtara-ablyazova>

<sup>8</sup> <http://ccl.org.ua/news/zvernennya-prezidentu-ukrayini-shhodo-nadannya-statusu-bizhentsya-gromadyanam-bilorusi/>

<sup>9</sup> [http://www.bbc.com/ukrainian/politics/2016/02/160208\\_asylum\\_seekers\\_russia\\_ukraine\\_sd](http://www.bbc.com/ukrainian/politics/2016/02/160208_asylum_seekers_russia_ukraine_sd)

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**extent of Kazakhstan's illegal influence as well as the subordination of the Ukrainian and Russian investigative bodies in the case. We hereby call for the duplicative requests for extradition, with regard to which the Czech authorities have already adopted a decision, to be rejected.**

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