



Kiev, 25 January, 2016

YEGOR SOBOLEV CALLS FOR AN INVESTIGATION INTO THE CORRUPT ACTS OF UKRAINIAN INVESTIGATORS IN THE MUKHTAR ABLYAZOV AND SYRYM SHALABAYEV CASES

On 14 January, 2016, MP, Chairman of the Verkhovna Rada Committee on Preventing and Combatting Corruption, and one of the authors of the law on lustration, Yegor Sobolev urged the General Prosecutor's Office to carefully examine publicised incidents of abuse by Ukrainian investigators in the cases against Kazakh opposition politician Mukhtar Ablyazov¹ and his relative Syrym Shalabayev.²

Lithuania is considering extradition requests filed by Ukraine and Kazakhstan with regard to Syrym Shalabayev. On 7 December, 2015, it became known that **the basis for the filing of the request by Ukraine for the extradition of Syrym Shalabayev was a decision issued by Volodymyr Guzyr, the former Deputy General Prosecutor, implicated in corruption scandals.** According to media reports, Guzyr himself opposed the investigation into the bribery case of the 'diamond prosecutors', Volodymyr Shapakin and Oleksandr Korniyts.

Volodymyr Guzyr sent to the Extradition Department a report, according to which all rights of Syrym Shalabayev are being 'observed', the criminal case 'bears no trace of political motive' and Ukraine 'has not violated' international guarantees in this case. The head of the International Legal Cooperation Directorate of GPU, Oleksandr Kovalenko informed the Open Dialog Foundation that **Ukraine has sent to Poland, a similar request for the extradition of Syrym Shalabayev, but 'received a denial'.**

On 16 November, 2015, human rights organisations: the Centre for Civil Liberties, the Centre for Human Rights Information, the Open Dialog Foundation and the Kazakhstan International Bureau for Human Rights and Rule of Law pointed to the overtly political context of Syrym Shalabayev's prosecution, conducted in parallel with the case of opposition politician Mukhtar Ablyazov.³

Yegor Sobolev points to information given by the human rights organisations which states that Ukraine cannot guarantee fair justice and proper treatment for Syrym Shalabayev until its judicial and law enforcement systems have been completely reformed: *"Such circumstances, in accordance with the norms of international treaties, constitute sufficient grounds for a refusal to extradite the person"*.

Yegor Sobolev requested that a copy of the opinion be sent to Volodymyr Guzyr and that *'information be provided as to whether the General Prosecutor of Ukraine took into account the arguments of international human rights organisations and MEPs regarding the political nature of the cases of Mukhtar Ablyazov and Syrym Shalabayev and the opacity of the extradition procedures'*. In addition, the MP calls for *'clarification as to whether the legitimacy of the grounds for issuing a request for the extradition of Syrym Shalabayev is to be examined, given the number of precedents of Ukrainian extradition request denials issued by Poland (the case of Syrym Shalabayev - Ed.), Great Britain (the case of Igor Kononko - Ed.) and Czech Republic (the case of Tatiana Paraskevich - Ed.)'*.

¹ <http://en.odfoundation.eu/a/6869,report-analysis-of-documents-in-the-case-of-ablyazov>

² <http://en.odfoundation.eu/a/6857,report-political-persecution-of-syrym-shalabayev>

³ <http://en.odfoundation.eu/a/7039,human-rights-defenders-write-to-lithuanian-authorities-in-support-of-syrym-shalabayev>

In addition, Yegor Sobolev notified the prosecutor's office of the published evidence of corrupt influence on the Ukrainian investigative bodies in the cases of Syrym Shalabayev and Mukhtar Ablyazov: *‘Evidence of influence on the Ukrainian investigative bodies, according to human rights activists, exists in the initiated criminal proceedings against an investigator of MIA of Ukraine Maksim Melnyk to whom unauthorised persons, according to the electronic correspondence published in the media, provided advice in connection with investigative actions’.*

Investigator of the Prosecutor’s Office of Kiev, Sergey Khodakivskiy has repeatedly made attempts to close the case against investigator Melnik. Khodakivskiy’s actions could have been orchestrated by representatives of the Kazakh government (according to the published correspondence). On 23 July, 2015, the Open Dialog Foundation, by legal process, brought about the initiation of a criminal case against Khodakovskiy on charges of abuse of power. Still, on 30 September, 2015, the Prosecutor’s Office of Kiev closed the case against its investigator. To date, the Open Dialog Foundation, the complainant in the case, has not even been notified of the case’s closure.

Emphasising the need for an independent inquiry into the circumstances of the case, Yegor Sobolev hereby urges the General Prosecutor to provide answers to the following questions:

- On what grounds was the criminal case against investigator Khodakivskiy discontinued and why weren’t human rights defenders notified of this fact?
- Was the published correspondence contained within the case file and were all necessary investigative actions undertaken? How did the Prosecutor’s Office of Kiev ensure the impartiality of the investigation which regarded its employee?
- Is investigator Khodakivskiy continuing to conduct an investigation into the case against Interior Ministry investigator Melnik given his repeated attempts to close the case?

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