



Warsaw, 30 June, 2015

**INTERPOL USED BY RUSSIA IN THE CASE OF YUKOS AND KHODORKOVSKY.  
THE OPPRESSION OF PAVEL ZABELIN**

**Potentially, one of the main witnesses in the reopened on 30.06.2015 Mikhail Khodorkovsky's case is under constant threat from Russia. He can't travel outside Estonia, Germany and the US due to the Interpol arrest warrant filed by Russia through Interpol, and his family faces repression at home from the Russian enforcement bodies.**

As Russia prepares to react to the actions of European states, which have started to seize assets in relation to damages that Moscow should have paid to former shareholders YUKOS, a company seized and driven to bankruptcy, a growing risk emerges for those associated with Mikhail Khodorkovsky. In order to reverse the ruling of international courts, and to influence public opinion, Russia plans to reopen the case against the famous dissident, and try him as a criminal. To do so, it will need "witnesses", who will **testify to corroborate the official position of investigative bodies**, and it is prepared to apply all kinds of illegal pressures in order to achieve this goal.

Pavel Zabelin is known as an associate of Khodorkovsky, with the history of illegal attempts to force him to testify against the head of YUKOS in the past, and despite the fact he has been granted refugee status and the right to reside in Estonia (hence, on the territory of other EU countries), and that Germany and Estonia have previously refused his extradition to Russia, **Interpol persistently does not recognise the political nature of Zabelin's case**. His name remains in the Interpol database under a Red Notice, which means he can be detained and arrested in the very next country whose borders he crosses. This goes against the new policy, declared this year by Interpol, of withdrawing the names of recognised refugees from the lists of wanted persons.

Pavel Zabelin is a Russian citizen, who from 1997 to 2006 he was a director of the Moscow Palace of Youth (MPY). In his search for a strategic investor for this institution, from the year 2000, he has carried out negotiations with Mikhail Khodorkovsky (whose first wife, Elena, he had known privately since 1998) and the leadership of its flagship company, YUKOS. Their common business plans were interrupted by the initiation by the Russian authorities of a campaign of politically motivated persecution of Khodorkovsky.

In 2003, Zabelin was summoned to become a witness in the criminal investigation against YUKOS and Khodorkovsky. Investigators Yuri Burtovoi and Alexandr Bannikov attempted to coax him into giving false testimony against Alexey Pichugin, the security chief of YUKOS, accused of a number of assassinations, including the killing of Sergey and Olga Gorin (Sergey Gorin was a member of the leadership of the Menatep Bank, established by Khodorkovsky) in 2002. Moreover, during the proceedings, the prosecutors acted as if they already 'knew' that the killings were ordered by Leonid Nevzlin, one of the main shareholders of YUKOS, and Khodorkovski himself, despite any evidence which could have been presented. Still, Zabelin refused to do so. Investigators were striving to compel him to change his position, citing that **it would be in Russia's interests**. Then they warned him he could lose his business if he didn't obey. On one occasion, they pushed him into a car and drove him directly to the

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prosecutor's office. When president Putin publically announced that Khodorkovsky "had blood on his hands", Zabelin understood that it was expected of him to confirm this accusation.

The pressure intensified in the following year. On 7.10.2004, there was an **attempt to murder Zabelin** in Moscow. A shot was fired by 'unknown perpetrators' through driver's window of the car in which Zabelin was riding, and several more punctured the car's body. Nikulinskaya Inter-district Office of the Public Prosecutor in Moscow categorised the incident as an act of "hooliganism". The attempts to categorise the case as "attempted murder", brought a half-effect: the General Prosecutor's Office, which took over the case, closed it due to a "lack of suspects".

On 24 May, 2006, following information obtained from the FSB, Burtovoi launched a criminal case against Zabelin as an MPY director. As he was putting illegal pressure on Zabelin in relation to Khodorkovsky's case, he had a personal interest in imprisoning and, by doing so, preventing him from further publicising the case or making attempts to defend himself. During hearings, held in connection with the proceedings, the head of the investigation team was attempting to force Zabelin's relatives and associates to testify against him; his mother-in-law was interrogated 13 times.

The main accusation against Pavel Zabelin as a director of the Intalia company was based on the minutes of a "shareholder's meeting" of 27 September, 1997, that never took place. Those notes were supposed to prove that, in 1998, Zabelin lost the right to represent the company, and for this reason, all his subsequent actions were illegal. There was a forged "signature" of Zabelin's below the text, which was photocopied from his passport, issued in 2001. **Two experts of Estonian Forensic Science Institute, in their opinion no. N.DM-004-2010/9-8.3/2 from 22 December, 2010, confirmed that the signature had been falsified.**

On 14.07.2007 the office of the General Prosecutor issued an international arrest warrant for Zabelin. It was forwarded to Interpol, contrary to the premise of this institution, which helps to trace persons whose whereabouts are unknown. This was not the case while he stayed in Estonia: Russian authorities knew his address and telephone numbers – he was exchanging correspondence with the investigators. Prosecutor Tumanov went as far as to initiate a procedure of confiscation as regards Zabelin's apartment in Tallinn, but Estonian authorities rejected it.

In 2007, the Russian authorities confiscated personal belongings of the mother, father and sister of Zabelin, despite the fact there was no ongoing investigation involving any of them. The police organised a search of his parents' house in a demonstrative way, aimed at destroying their reputation in the neighbourhood. Local residents were encouraged to observe the action, and officers were heard commenting loudly, "Zabelin is a thief". They also confiscated his parents' passports. This turned local residents radically against the family. It was particularly traumatic for his mother, Galina Zabelina, when an officer commented: "**you will never see your son again**". Zabelin's mother and sister filed a lawsuit in connection with the treatment they were forced to endure (case no. 55382/07). His mother later died in 2013.

Fearing for his life, Zabelin applied for asylum in Estonia (where he went in 2005 due to the permanent threat in Russia). He was granted asylum on 30 August, 2007, by the decision of the Council for Migration and Citizenship (Kodakondsus - ja Migratsiooniamet, KMA) No. 153 as he was a witness in the politically motivated case against YUKOS, threats were used against him, and his family members were persecuted. In addition, an assassination attempt took place, and there are reasons to believe that the FSB staff organised it. Also, the fact that on 12 February, 2007, Pavel Zabelin was accused *in absentia* of misappropriation of funds, which would bring about his arrest if he returned to Russia, was taken into account. The KMA decided that, taking into consideration his participation in the case of YUKOS and the fruitless complaints filed against investigators, he would have no chance for a fair trial in Russia.

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As a result of issuance of a red notice by Interpol, two extradition proceedings were held: in Germany and Estonia. On 29 January, 2008, the Regional Court in Brandenburg rejected the extradition request on the grounds that **Estonia had granted him asylum**, and withdrew his name from the national Interpol list. The Estonian District Court of the Harju Province rejected another request for extradition on 27 February 2008.

In June 2009, a trial in absentia was launched by Khamovnicheskiy court in Moscow by **Judge Marina Syrova, who later sentenced** members of the famous band **Pussy Riot** to imprisonment. She did not allow any of the witnesses of the defence to testify. The court also refused to allow Zabelin to testify via video-conferencing from Estonia. The apartment of Vladimir Shushkov, his lawyer, was searched illegally. The aim of the search was to confiscate original documents that proved Zabelin's innocence and could have been used as part of his defence. On 10 February, 2010, the court sentenced him to 8 years in prison under art. 159 of the Criminal Code for 'fraud on a particularly large scale' – misappropriation of the shares that, in fact, he disposed of back in 2005. The cassation was rejected. On 22 September, 2010, Zabelin filed a complaint with the European Court for Human Rights, under no. 60523/10.

In June 2010, the next trial started, where Judge Diana Mischenko analysed the second part of the 2007 accusations. Analogically, it didn't approve any witness or evidences to support claims contrary to the falsified documents, which incriminated him. On 22 June, 2011 the court found that Zabelin was guilty and sentenced him to 9 years concurrent for "fraud". He filed another complaint at the ECHR regarding this decision. **Art. 159 CC is the most widely used legal base in political trials in Russia.** It was used against Alexei Navalny in 2013-14 and many other dissidents.

Criminal cases were accompanied by the application of psychological pressure on Zabelin's lawyers. On 1 October, 2010 Inna Andronova and Elvira Obeniakova, Zabelin's associates from the MYP, were sentenced to 6 and 4 years' imprisonment for "misappropriation". Andronova was illegally held under arrest for several years before official procedures were launched. She was told that her son would be expelled from university if she didn't testify against Zabelin. After a complaint to the ECHR (no. 23804/10), Russia agreed there were irregularities in this case. On 27.09.2012, Judge Victor Danilkin announced the next sentences for Zabelin's colleagues from MYP: Elena Biley and Osman Pliiev – 6 and 5 years respectively. **The same judge sentenced Khodorkovsky** to 14 years in a penal colony. All of these Zabelin's associates pleaded not guilty throughout the court investigations.

There were at least **14 people** who participated in the fabrication of Zabelin's case, who were included in 305-name **list of officers fighting YUKOS** that Garry Kasparov provided to the US Congress on 16 June, 2011. There were also **2 names from the "Magnitsky List"** among Zabelin's enemies: Deputy Prosecutor General Victor Grin (who ratified his unsubstantiated bill of indictment) and head of the infamous department K of the FSB, Viktor Voronin, who provided falsified documents.

In 2009-2010 Zabelin's case was analysed by the US bodies, in connection with the processing of his visa application. They acceded to the position of Estonian authorities being the basis for asylum, and they recognised that the allegations against him have not been substantiated. He received a visa and at the beginning of 2011, he left Estonia and headed towards the United States.

Pavel Zabelin's lawyers sought to have his name removed from Interpol lists. Since 2010, his lawyers have been trying to achieve this. The case was under deliberation during the 77<sup>th</sup>, 78<sup>th</sup> and 80<sup>th</sup> sessions of the Commission for Control of Interpol Files but the last one, which met on 5-6.06.2011, stated clearly that it found no political motivation behind the extradition proceedings against him. However, it didn't provide any further explanation to support this finding.

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Belgium's and France's recent decision to seize Russian assets in those countries brings a new context to Zabelin's case; the 2 countries ruled to enforce the decision of the Hague's Permanent Court for Arbitration which ordered Moscow to pay 52 billion dollars in compensation to YUKOS' shareholders. Zabelin's case is a priority for Russia given its attempts to discredit Khodorkovsky and secure its assets in the West. When Russian investigative bodies interact with his family, they give clear signals that they **"have their eye on him"**. **Judge Marina Syrova told Zabelin's lawyer Vladimir Iliyn that "he was defending the enemy of the state"**. The same Judge Marina Syrova, who had earlier sentenced Zabelin to prison, was later on appointed to consider Zabelin relative's petition to cancel the arrest on their property. It must be assumed that it was a clear manifestation of the Russia's authorities' attitude in this case.

### **Conclusions and recommendations:**

- Pavel Zabelin's case should be seen as a part of the persecution of former shareholders and managers of YUKOS with Mikhail Khodorkovsky at the helm. International support for Khodorkovsky should extend on people closely associated with him and subjected to oppression in Russia, including such glaring examples as the story of Pavel Zabelin;
- Recommencing proceedings against Khodorkovsky poses a direct threat to Zabelin, his family and associates. The International community should take strides to guarantee his personal safety, as well as the safety of his family members and colleagues in Russia;
- American, Estonian and EU authorities should be particularly aware of the risks faced by Zabelin and, in this connection, they should undertake particular preventive steps;
- The Commission for the Control of Interpol Files is provided with well-founded information about the political nature of Zabelin's persecution. It should review its previous decision in this regard;
- In line with Interpol's principle of removing recognised refugees and politically persecuted dissidents from its lists, as adopted at a hearing of the Legal Affairs & Human Rights Committee (AS/Jur) of the Parliamentary Assembly of the Council of Europe (PACE) in Yerevan on 19 May, 2015, Interpol's Red Notice published on Russia's request should be cancelled immediately.

Appeals to the INTERPOL on the case of Pavel Zabelin should be directed to: Commission for the Control of INTERPOL's Files, The International Criminal Police Organization - Interpol, General Secretariat, 200 Quai Charles de Gaulle, 69006 Lyon, France, tel. +33 4 72 44 70 00; fax: +33 4 72 44 71 63; e-mail: CCF@interpol.int

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