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**The list of Kazakh dissidents, their families and colleagues  
persecuted with the use of INTERPOL in the European Union in 2012-15**

Below, we list political opponents, their families and colleagues, persecuted by the Kazakh authorities and president Nursultan Nazarbayev through the misuse of the INTERPOL system in the European Union in the years 2012-2015. There is a high risk of torture and ill-treatment, should they be extradited to Kazakhstan or cooperating countries, such as Russia or Ukraine.

**1) Mukhtar Ablyazov (threat of extradition from France)**

The main political opponent of Nazarbayev. In the 1990s, Minister of Energy, Industry and Trade of Kazakhstan. In the 2000s, the largest stakeholder and chairman of the Board of Directors of the forcibly nationalised BTA Bank. Ablyazov is one of the founders and the main leader of the 'Democratic Choice of Kazakhstan' opposition political party created in 2001 and subsequently banned and dissolved. Imprisoned and tortured in Kazakhstan in 2002, he was released after the intervention of the international community (resolution of the European Parliament<sup>1</sup>; deemed as prisoner of conscience by the Amnesty International<sup>2</sup>, recognised as a political prisoner by Human Rights Watch<sup>3</sup>, the OSCE and the US State Department<sup>4</sup>). Currently, he is i.a. accused of heading an organised criminal group, committing offences against public order and crimes which endanger national security in order to overthrow the constitutional order (Art. 235 of the Criminal Code of the Republic of Kazakhstan) and of fraud worth \$6-15 billion (Art. 176 of the CC of RK, misappropriation of entrusted property, and Art. 193, laundering of money or other property acquired by illegal means). Granted political asylum in the United Kingdom in 2011. Since July 2013 he is detained in France, currently in Paris.

United Kingdom:

The BTA Bank, forcibly overtaken by the Kazakh government, launched a legal campaign against Ablyazov in the UK. British police informed him there was a plot to assassinate him and stated that they couldn't guarantee his safety. His family members received anonymous letters with threats. In the UK, he was sentenced to 22 months in prison for contempt of court for refusing to properly disclose all his assets. He explained that this could pose a risk to the people in Kazakhstan he had worked with. According to the lawyers who represent him, the proceedings against him were unprecedented, not only because of the scale of the incriminated deeds, but also due to unusual decisions for this type of case (such as specific interpretation and drastic penalties for contempt of court, or complete deprivation of the defendant's right to a defence as a sanction for failing to appear in order to serve the sentence). One of the key judges considering the case was William Blair (who issued the order to freeze

<sup>1</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P5-TA-2003-0064+0+DOC+XML+V0//EN&language=CS>

<sup>2</sup> <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=type&type=ANNUALREPORT&publisher=AMNESTY&coi=KAZ&docid=40b5a1f810&skip=0>

<sup>3</sup> <http://www.hrw.org/sites/default/files/reports/kazakhstan0404.pdf>

<sup>4</sup> <http://www.state.gov/j/drl/rls/hrrpt/2002/18373.htm>



Ablyazov's assets), brother of Tony Blair, former British Prime Minister and, currently, Special Advisor to Nazarbayev, who has received multi-million pound remuneration for his services.

France:

Requests for Ablyazov's extradition have been filed by Russia and Ukraine, in close cooperation with Kazakhstan ([LINK](#)). *He is protected against direct extradition to Kazakhstan by his political asylum issued by the UK.* France agreed to arrest him on 31 July, 2013, when a local prosecutor in Aix-en-Provence was asked to do so by a French lawyer working for BTA Bank - Antonin Lévy. Ablyazov was put in prison in Luynes, near Aix-en-Provence. Extensive documentation published by investigative journalists on trust.ua appears to prove that Kazakhstan, via law firm 'Ilyashev and Partners' instigated and financed the preparation of a timely extradition request, which Russia sent to France after Ablyazov's arrest. The cited law firm has represented interests of BTA Bank in Ukraine since 2009 and lobbied the judicial prosecution of the parties to the case ([LINK](#)).

On 3 October, 2013, the court in Aix-en-Provence denied Ablyazov the possibility to be released and subjected to electronic monitoring instead. Kazakh, Russian and Ukrainian state-owned mass media reported the news prior to its official announcement. Lévy was said to have developed a cosy relationship with the prosecutor in Aix-en-Provence to provide her with misinforming documents in favour of extradition, which she illegally gave to the judges who were to decide on the case. A criminal complaint was later filed against the Aix-en-Provence prosecutor and judges for grave abuse of trust in their roles as public officials.

On 9 January, 2014, the court in Aix-en-Provence approved extradition requests, filed by both Russia and Ukraine, giving priority to the Russian one. Earlier, both countries had provided assurances that Ablyazov would neither be ill-treated nor subjected to onward transfer to Kazakhstan. Ablyazov's defence team contended, though, that France would be in violation of its international and European human rights obligations should Ablyazov be sent to either Russia or Ukraine, due to the real risk of torture or ill-treatment and the likelihood of subsequent transfer to Kazakhstan ([LINK](#)).

On 9 April, 2014, the Cassation Court – the highest French national court – cancelled the extradition approval and ordered that the case undergo further consideration in the Court of Appeal in Lyon. Meanwhile, British lobbyists of the president Nazarbayev increased efforts to have Ablyazov's political asylum in the UK revoked.

On 24 October, 2014, the Court of Appeal in Lyon again issued decisions in favor of Ablyazov's extradition to Russia or Ukraine ([LINK](#)). The same day he petitioned the Cassation Court to review the decisions ([LINK](#)).

On 18 February, 2015, the Cassation Court held a hearing on whether a lower court committed procedural errors when deciding in favor of the extradition. Under the French law, the Cassation Court does not re-hear the case or re-examine evidence. The Cassation Court's role is limited to assessing whether the lower court committed procedural errors serious enough to order an annulment.



On March 4, 2015, the Cassation Court released its decision to not annul the Court of Appeal in Lyon's decisions on Ablyazov's extradition. The Russian and Ukrainian extradition requests were not sent back down to the lower court, to be considered anew.

The Cassation Court did not find procedural errors it considers serious enough to annul the Court of Appeal in Lyon's decisions. The decisions stand and they are taken into account by the French Cabinet of Ministers, which must then decide whether or not to issue an extradition decree.

The list of international supporters in Ablyazov's case may be found [HERE](#).

The first report on Ablyazov's case may be found [HERE](#).

## **2) Muratbek Ketebayev (risk of extradition from Spain)**

In the 1990s, Vice-Minister of Economy of Kazakhstan. Along with Vladimir Kozlov, one of the leaders of the banned Alga! party. Former colleague of Ablyazov with whom he founded an opposition party "Democratic Choice of Kazakhstan" in 2001. Ketebayev sought support for the striking oil workers in Zhanaozen in 2011. He often met with members of the European Parliament, representatives of international organisations, i.a. OSCE and UN, in order to inform the public about the situation in Kazakhstan, including the tragic events in Zhanaozen, human rights violations, corruption and oppression of the political opposition and the independent media. He was accused of preparing terrorist attacks together with Pavlov and Ablyazov in Almaty in 2012. He is wanted by Kazakhstan for his anti-state activities "in an organised criminal group, committing offences against public order and crimes which endanger national security in order to overthrow the constitutional order" (Articles 164, 170 and 235 of the CC of the RK). He faces up to 20 years in prison. His wife is the "Respublika" newspaper editor-in-chief, Irina Petrushova.

### Poland:

He was arrested on 13 June, 2013 in Poland upon the INTERPOL Red Notice. The extradition proceedings against him were taken up by the Prosecutor's Office in Lublin (Poland). However, he was released after interrogation and the Prosecutor declared that he would give his opinion to the court stating that the whole case against him was politically motivated. Since January 2013, he has been awaiting decision on receiving political asylum in Poland. In July 2013, the Kazakh party asked the Lublin Prosecutor's Office to verify the authenticity of his passport, which could have been an attempt to mirror the scenario of Shalabayeva's deportation. On 9 December, 2013 by the final decision of the Office for Foreigners, he was given a refugee status in Poland ([LINK](#)).

Over the last months Ketebayev has been regularly publishing information on the governmental campaign in Kazakhstan, which tends to discredit and to fabricate charges against Kazakh oppositionists and independent media.

The first report on Ketebayev's case may be found [HERE](#).



Spain:

In December 2014, he was in Madrid in relation to Pavlov's case. He has been actively involved in monitoring the case over the last year. On 27 December, 2014, he was arrested again upon the INTERPOL request, issued in Aktau, Kazakhstan ([LINK](#)). The Spanish court did not take into account Ketebayev's refugee status, proven i.a. by his Geneva passport, and kept him in detention, opening the door for the Kazakh authorities to present an extradition request. Following international reaction, Ketebayev was conditionally released with the prohibition of leaving Spain. His passport was withheld by the police and he has to report to a police station weekly ([LINK](#)). The Kazakh side filed the extradition request on 28 January, 2015. Currently the Spanish authorities are deciding on whether to begin the process of extradition or not. Spain was the first EU country to conclude the extradition treaty with Kazakhstan, which entered into force on 1 August, 2013. The list of individuals and organisations that have so far intervened in Ketebayev's case reads as follows: UNHCR (ACNUR), Amnesty International in Spain, the Embassy of the Republic of Poland in Madrid, MEPs with i.a. Elena Valenciano, Chair of the Subcommittee on Human Rights of the European Parliament ([LINK](#) & [LINK](#)), as well as many Polish and Spanish MPs ([LINK](#)).

**3) Tatiana Paraskevich (18 February, 2015, extended 2-year international protection in the Czech Republic)**

Russian citizen and former head of the financial management board of 'Eurasia Investment and Industrial Group', where she worked with Ablyazov. Accused by Russia and Ukraine of committing financial crimes: embezzlement and misappropriation of funds on a grand scale or as part of an organised criminal group, in collusion with Ablyazov. She was arrested in Karlove Vary, the Czech Republic, on 15 May, 2012, and remanded in prison in Pilsen. On 21 February, 2013, the Supreme Court of the Czech Republic approved her extradition to Ukraine.

On 14 June, 2013, the Russian prosecutor also filed an extradition request to the Czech Ministry of Justice. In Russia, the same prosecutors who had been engaged in the 'Magnitsky case', including Nikolay Budilo, who is subjected to US visa sanctions under the 'Magnitsky Act', are currently involved in the case of Paraskevich and Ablyazov.

Following the arrest, Paraskevich's family members who reside in Moscow were put under pressure in order to force them to provide false testimonies: her 22-year-old-daughter was told she would be expelled from the university if she didn't testify against Ablyazov; also, there were suggestions she could be kidnapped. Provocations and threats of imprisonment were also made against her 80-year-old mother, and 28-year-old son.

On 2 October, 2013, at the OSCE Human Dimension Implementation Meeting in Warsaw, Paraskievich's daughter stated that the only reason for her mother's ordeal is her relationship with Ablyazov. She spoke about the pressure exerted by the special services towards her family members, and called for reform of INTERPOL in order to prevent the persecution of government critics by state authorities.



The court in Pilsen agreed to release her on bail. The decision was appealed by the General Prosecutor on 18 November, 2013. In early December, 2013, the Highest Court in Prague decided to continue to remand her in custody.

On 18 February, 2014, the Ministry of the Interior of the Czech Republic issued a decision granting her international protection for 1 year. This is a special legal status of refugees, stipulated by the legislation of the Czech Republic. An application for international protection can be submitted in cases where there are no legitimate grounds for asylum applications (according to the Czech law on asylum), but there are legitimate concerns that the asylum-seeker may be subjected to persecution in the country whose citizenship he or she holds.

On 19 February, 2014, the Regional Court of Pilsen decided to release her from custody, but another controversial appeal of the prosecutor, she remained in prison – the move caused protests of the Polish parliamentarians ([LINK](#)). On 20 March, 2014, by a decision of the Minister of Justice of the Czech Republic, she left the detention facility after 22 months' incarceration. On 28 March, 2014, the Regional Court in Pilsen held a hearing on the extradition request filed by the Russian Federation. The prosecutor reneged on his previous position, according to which he demanded her extradition and stated that in light of the present state of affairs, rendering her to Russia is unacceptable. In conclusion, he opposed the extradition. After the judicial conference, a judgment was passed, in which the court dismissed the Russian Federation's request to extradite her. The move came soon after rejecting the previous extradition request by Ukraine and marked a significant shift in handling this case by the Czech authorities.

At the end of 2014, after an intervention by Paraskevich's lawyers, her name and the "undesirable alien" status were removed from the Schengen Information System (SIS), where she was put after the Kazakh court's request sent to INTERPOL. Paraskevich is expected to receive requested passport soon.

Additionally, after the intervention of Elmar Brok, Chair of the Committee on Foreign Affairs of the European Parliament, the request to remove her from the INTERPOL wanted list has been transferred to the internal Commission for the Control of INTERPOL's files.

Several Czech MEPs and the Czech branch of Amnesty International have intervened in her case. These signs of support contributed to the Czech authorities' decision from 18 February, 2015, to extend the international protection by two more years. ([LINK](#)).

The reports on Paraskevich's case may be found [HERE](#) and [HERE](#).

According to the most up to date information, a new case against Paraskevich is already being prepared by the Kazakh authorities.

#### **4) Alexandr Pavlov (17 February, 2015, received political asylum in Spain)**

Abyazov's former head of security. For more than a year he was remanded in Spain, facing extradition. From 1 June, 2013 to 29 July, 2014, he was kept in custody under maximum security despite the fact



that he reported to the police voluntarily. It was the second attempt made by Kazakhstan to bring about his return to the country; the first was rejected by the Spanish court in April 2013. Kazakhstan accuses him of establishing a company with the intention of embezzling 363,620,000 tenge (1,8 mln euros) in 2007 (Art. 28, section 5, Art. 176 section 3, paragraphs b, c). He is also accused of participation in the preparation of a terrorist act along with Ketebayev and Ablyazov, which was to be committed in Almaty on 24 March, 2012 (Art. 24, section 1 and Art. 233, section ... of the CC of the RK). Other people critical to the regime, such as journalist Igor Vinyavskiy, former editor-in-chief of the 'Vzglyad' newspaper, had been previously interrogated on similar charges in Kazakhstan. Pavlov's mobile phone was lost from police deposit following his arrest; as his counsels suspect, information obtained from the phone might have contributed to Ablyazov's arrest in France.

On 5 July, 2013, he was denied asylum in Spain. The decision was made after the intelligence agency CNI had submitted a report stating that Pavlov constituted a risk to the security of Spain and after the Spanish Minister of Defence, Pedro Morenes Eulate, had paid a visit to Kazakhstan, during which questions of the military cooperation and related contracts were discussed. Several procedures were breached in the asylum procedure – UNHCR was not allowed to prepare its report on the case.

On 22 July, 2013, the court of first instance, Audiencia Nacional, approved the extradition of Pavlov. After the appeal was submitted, the court twice postponed the final decision: the first time, it failed to make a judgement on 27 September, 2013, as Spanish Prime Minister Mariano Rajoy was preparing for a visit to Kazakhstan, which raised the interest of the media in Pavlov's case (after he had returned, the court announced it needed more time). Then, on 25 October, 2013, it was again unable to issue a decision, as the votes split equally. On 8 November, 2013, the judges of the Criminal Chamber of the Audiencia Nacional court finally approved Pavlov's extradition, by a vote of 10:7. However, the publication of reasons behind the ruling revealed a deep division among the judges with regard to the legal and moral standpoint of Spain on Pavlov's case.

On 1 October, 2013, Pavlov, while in prison, issued a statement in which he declared that, should the extradition be carried out, he had no intention to testify against Ablyazov, Ketebayev or other opponents of the Kazakh authorities. Should such words be uttered by him, they should be perceived as stated under pressure. He also asked the prison medical service to confirm he didn't suffer from tuberculosis – he expected to be put in a cell together with infected people, as often happens in Kazakhstan, amid claims he was already ill back in Spain. Isabel Santos, the Chair of the Committee on Democracy, Human Rights and Humanitarian Questions of the OSCE Parliamentary Assembly, who is investigating the case independently, visited him in prison on 30 December, 2013. She expressed deep concern over the risk of torture he may face.

On 14 February 2014, Spanish government secretly issued a decree, allowing the extradition of Pavlov to Kazakhstan. The official information of the decision taken by the government was not issued. His lawyer was not informed about the decision and only discovered it on 18 February, 2014, by chance. On 19 February 2014, the judge Alfonso Guevara, who was not formally involved in the case, undertook an attempt to illegally carry out a clandestine extradition of Pavlov, in order to render his defence impossible, hence depriving him of the opportunity to gain asylum - a case widely covered by Spanish press. It was only due to proper behaviour of the low-level court worker who rejected to authorise well-





positioned judge request, and the prompt action of non-governmental organisations and the rallying of the international community that the dark scenario of illegal extradition to Kazakhstan by military airplane, standing ready in Madrid, was avoided. Information received by Open Dialog Foundation indicate that Spanish branch of INTERPOL has been also actively pressuring the High Court Criminal Division into speeding up the procedure.

Spanish, Italian and Polish parliamentarians, as well as Members of the European Parliament sent at least 30 letters to the Spanish and European authorities, raising concerns over the handling of the Pavlov's case in Spain. Amnesty International and the UN's Office of the High Commissioner for Human Rights called on the Spanish government to halt the extradition stressing he would be in danger if returned to Kazakhstan<sup>5</sup>. On 25 March, 2014, Pavlov wrote a letter from prison, in which he appealed to the international community and NGOs to prevent his extradition to Kazakhstan ([LINK](#)).

After the scandal with the extradition attempt, the asylum case was renewed, as irregularities were observed in the previous proceedings. On 17 July, 2014 the judges voted 3:2 in favour of returning the asylum case to the Office for Asylum and Refugees (OAR). The judges stated that earlier information regarding Pavlov allegedly "posing a danger" to public order had been incredulous from the start. It was that very controversial assessment of the intelligence service (CNI), included in their much questioned report, which served as the basis for granting the extradition request by the court and later by the Council of Ministers.

On Tuesday, 29 July, 2014, the Spanish court sanctioned the release of Pavlov subject to bail conditions. It was the first significant improvement in his circumstances. Still, he was obliged to report to the police weekly, couldn't travel abroad, and was unable to obtain resident status in Spain ([LINK](#)).

On 17 February 2015, the Spanish Supreme Court overturned the decision to bring back the asylum case to OAR and granted him political asylum ([LINK](#) & [LINK](#) in Polish).

The first report on Pavlov's case may be found [HERE](#).

### **5) Alma Shalabayeva and Alua Ablyazova (deported from Italy to Kazakhstan, received political asylum in Italy)**

The wife and six-year-old daughter of the dissident, Ablyazov. The Kazakh branch of INTERPOL addressed Italy with a request that Shalabayeva be arrested and deported to Kazakhstan should there be any suspicion she didn't hold valid documents of residence. The act of including Shalabayeva in the INTERPOL communication was absolutely illegal as she was not named on the INTERPOL wanted list nor has she ever been presented any charges or convicted. Kazakhstan, therefore, misused the INTERPOL system in order to achieve its political goals and gain credibility in their pursuit of Ablyazov and his family members, legally residing in Europe.

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<sup>5</sup> [http://www.un.org/apps/news/story.asp?NewsID=46899&Cr=kazakh&Cr1#.UvN8cPsaq\\_c](http://www.un.org/apps/news/story.asp?NewsID=46899&Cr=kazakh&Cr1#.UvN8cPsaq_c)



Seized on 28 May, 2013, from her home in Casalpalocco, near Rome, by more than 30 special police unit agents, she was *de facto* deported with a 6-year-old daughter, within 72 hours, on 31 May, 2013, in breach of Italian and international procedures, from Italy to Kazakhstan on a private jet, rented by the Embassy of the Republic of Kazakhstan in Rome. She was denied the right to apply for asylum in Italy and was refused the right to consult an interpreter and her lawyer immediately. The case ended in a huge media and political scandal in Italy, which resulted in an attempt to dismiss the Minister of Interior, Angelino Alfano, and the subsequent actual resignation of the head of his office. Despite the cancellation of the deportation order by the Italian government, Shalabayeva and her daughter were kept in Kazakhstan under limited freedom of movement restricted to the city of Almaty. Upon arrival to Kazakhstan, Shalabayeva was accused by the court in Atyrau of forgery and deliberate use of falsified documents (Art. 325, section 2 and 3 of the CC of the RK). Her house was under constant police supervision. Furthermore, Shalabayeva was told that if she was sentenced to imprisonment, her daughter could be taken to an orphanage. All these tactics were used in order to exert highly increased psychological pressure on the dissident's family. At least 12 official requests to leave Kazakhstan, which Shalabayeva had filed to the relevant authorities, were denied. The Kazakh authorities requested that she provided information on the whereabouts of her family members in Europe, which she refused to do.

On 27 December, 2013, as a result of Italy's intense diplomatic efforts, she was finally permitted to leave Kazakhstan and return to Rome. Her release, however, was also considered a step towards boosting the image of the Kazakh justice system in order to create a favourable environment for the extradition of Ablyazov and Pavlov.

On 30 July, 2014, Italy's supreme Cassation Court ruled that Shalabayeva's expulsion was indeed illegal. In its ruling, the Court criticised the circumstances, under which Shalabayeva had been detained and indicated that proper verification of the validity of her documents, as a typically standard procedure, should not have been a difficult task for police officers. Commenting on the Court's decision, Italian media noted that there must have been strong political will behind Shalabayeva's detention and subsequent expulsion. The ruling of the court also opens the way for Shalabayeva's lawyers to request compensation for moral and financial damages incurred as a result of her *de facto* deportation. Shalabayeva's lawyers have confirmed they will file such a request, demanding proper compensation from the Italian Ministry of Interior.

The report on Shalabayeva's case may be found [HERE](#).

#### **6) Artur Trofimov (awaiting political asylum in Austria)**

The report on Trofimov's case may be found [HERE](#).

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