



OPEN DIALOG

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26 May 2015, Brussels

**Mr Dimitris Avramopoulos,
European Commissioner for Migration, Home Affairs and Citizenship**

Dear Mr Avramopoulos,

I am addressing you on behalf of the Open Dialog Foundation in order to draw your attention to the important issue of misuse of Interpol and the EU Member States' law enforcement and judicial systems by non-democratic countries. Its implications for the safety of individuals residing in the EU, and risking extraditions to the persecuting regimes are extremely serious. The Open Dialog Foundation has long been denouncing cases of individuals that suffer politically motivated persecution from autocratic governments, while seeking help and safety in the EU Member States.

It is my pleasure to be able to furnish you with a copy of the Foundation's recent report on the above-mentioned issue, entitled: *The INTERPOL system is in need of reform*. The report lists over 44 high-profile political cases originated in the Eastern Europe, Central Asia, Latin America, Northern Africa, Middle East and the Southeast Asia. It points to the systemic weaknesses of the current Interpol system but also provides very concrete conclusions and recommendations on how to improve it.

One of the cases described in the report is that of Mr Mukhtar Ablyazov, Kazakh businessman, opposition politician and co-founder of the Democratic Choice of Kazakhstan political party. When still in Kazakhstan, in 2002-2003, he served a 14-months jail term and suffered from torture while in detention. Fearing for his life and that of his family, Mr Ablyazov fled Kazakhstan, seeking protection in Europe. He received political asylum from the United Kingdom in 2011. On 31 July 2013, he was arrested in France on the basis of an Interpol Red Notice. Mr Ablyazov is now awaiting possible extradition to Russia or Ukraine (extradition request issued during the time of ex-President Mr Viktor Yanukovich), while in reality Kazakhstan is the state leading his international persecution. He is protected from being directly sent to Kazakhstan because of the political asylum status.

Mr Ablyazov, as a vocal critic of the regime of the autocratic Kazakh President, Mr Nursultan Nazarbayev, and thereby one of his main political opponents, along with his family members and ex-



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colleagues have been direct victims of politically motivated misuse of Interpol and the EU Member States' judicial and law enforcement systems. Mr Ablyazov is accused i.a. of 'inciting social discord', 'participation in an organized criminal group in order to overthrow the government' and financial crimes, which along with the allegations of terrorism and hooliganism are the most often used in similar cases by the persecuting regimes.

The case of Mr Ablyazov is additionally worrying due to the irregularities identified in the case of Mrs Alma Shalabayeva and Ms Alua Ablyazova in Italy, respectively a wife of Mr Ablyazov and their 6-year old daughter. The illegal detention and extraordinarily prompt transfer to Kazakhstan, in May 2013, and the close cooperation between the Italian law enforcement bodies and the Kazakh embassy in Rome, caused an international scandal and provoked a government crisis in Italy. Due to the intervention of i.a. human rights organizations, the UN and the European Parliament, on 24 December 2013, Mrs Shalabayeva and her daughter left the territory of Kazakhstan and returned to Italy, where they were subsequently granted political asylum. Similarly, a recent article from French media revealed worrying information on close contacts between French diplomats and Kazakh embassy and lobbyists on the case of Mr Ablyazov.

Another case, we would like to draw your attention to, is the case of Mr Muratbek Ketebayev, Kazakh dissident and member of political opposition who was seeking protection in Poland from politically motivated persecution carried out by Kazakhstan. Following his initial arrest in June 2013, Poland granted him refugee status in December 2013. On 27 December 2014, Mr Ketebayev was again arrested, in Spain, based on the Interpol Red Notice and newly invented accusations, not mentioned in the previous request, which initially caused his detention in Poland. After numerous international statements in his defence, on 15 January 2015, Mr Ketebayev was released and soon afterwards the extradition procedure was closed. His case, however, clearly indicates how non-democratic regimes tailor accusations against their critics, using the ones they think certain countries can be more receptive to.

The role of DG Migration and Home Affairs, as well as relevant EU specialized agencies and bodies, such as European Police Office (Europol), European Police College (CEPOL), European Asylum Support Office (EASO) and European Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), in keeping the discussion on the misuse of Interpol and



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the EU Member States law enforcement and judicial systems by non-democratic countries high on the agenda is essential. Mounting international interest is needed in order to engage in a multilateral dialogue with Interpol, other EU institutions, specialized agencies and bodies, as well as the EU Member States' authorities, and jointly look for a holistic solution. In this regard, DG HOME can be of particular importance. A number of aspects central to the problem are highly pertinent to the work of your body. We believe that an exchange of information and requests for explanation between you and these actors, on the above-mentioned issue and cases, would help in raising general awareness both on an international level but also within the EU Member States and Interpol itself.

With the present letter, we would like to kindly ask you to address the issues directly with the Interpol's authorities, as well as with the EU Member States and, particularly, the French authorities, which should be further sensitized to the risks that politically motivated Interpol notices and other misused national instruments can bring about. In our opinion, DG HOME's intervention and support in the case would be highly motivated as the essential interest in providing such assistance is clearly demonstrated, both with regard to the general problem, as well as the concrete cases of Mr Ablyazov, Mrs Shalabayeva and Mr Ketebayev. Both EU citizens, as well as individuals coming from third countries, seeking in the EU protection from politically motivated and, often ruthless, persecution are affected, their lives often being put at risk.

Moreover, we would like to ask you to address Europol, CEPOL, EASO and eu-LISA, in order to draw their attention to the worrying cases of Mr Ablyazov, Mrs Shalabayeva and Mr Ketebayev, as clear examples of misuse of the Interpol system and the law enforcement and judicial systems of the sovereign EU Member States: France, Italy and Spain. Such improper use of the above-mentioned instruments has been aimed at facilitating the Kazakh authorities in political persecution of Mr Ablyazov, Mrs Shalabayeva and Mr Ketebayev. We believe that the irregularities in the cases of Mr Ablyazov and Mrs Shalabayeva and the lack of recognition of refugee status in the case of Mr Ketebayev require further investigations from the side of DG HOME, Europol and EASO, in order to prevent such situations in the future and with regard to other similar cases of opposition politicians, civil society activists and journalists persecuted for the political reasons.

So far, the issue of misuse of Interpol and the EU Member States' law enforcement and judicial systems, and the need for stronger legal safeguards has been addressed by Members of the European Parliament and such international organizations as the Parliamentary Assembly of the Council of Europe (PACE), which will produce a report on this topic, as well as the Organization for Security and Co-operation in Europe (OSCE). The voice and actions of the EU institutions and its specialized agencies would add a strong message of support to the battle that many individuals and NGOs, including the Open Dialog Foundation, carry on in raising the general awareness and pushing for a comprehensive reform of Interpol aimed at stopping abuse of the EU Member States legal structures, and thereby providing more respect for human rights.

Yours Sincerely,



Anna Koj

Head of the EU Office
Open Dialog Foundation

Attachments:

1. The Open Dialog Foundation report: *The INTERPOL system is in need of reform* – published in February 2015
2. The Open Dialog Foundation article: *Legal analysis of the directions of recommended INTERPOL reform aimed at preventing the abuse of Red Notice mechanisms* – published in March 2015
3. The Open Dialog Foundation report: *Report on misuse of the INTERPOL system* – published in October 2013
4. The Open Dialog Foundation report: *The case of Mukhtar Ablyazov. Evidence of the fabrication of the extradition request with regard to the opposition politician* – published in March 2015
5. The Open Dialog Foundation report: *The case of Mukhtar Ablyazov in Ukraine* – published in March 2015
6. The Open Dialog Foundation infographic: *Kazakhstan's illegal activities, aimed at extraditing Mukhtar Ablyazov*