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### **Misuse of the Interpol system by the countries of the former USSR**

Pressure is mounting for the reform of Interpol, which is celebrating 100 years of international judicial police cooperation this year<sup>1</sup>. Interpol is accused of undermining justice by facilitating authoritarian countries' tracking and extradition of their opponents who seek shelter abroad<sup>2</sup>. Countries such as Russia, Ukraine, Kazakhstan, Belarus and others take advantage of the automatism of procedures and Western countries' attitude to take for granted the "criminal nature" of Interpol cases. Even though the organisation itself discusses new safeguards against political abuse of its system of Red Notices, the present-day reality is far from achieving these goals.

As an NGO dealing daily with the cases of attempts aimed at the extradition of persons related to the political opposition via Interpol, we note that the authoritarian countries of the former USSR find this way of acting both *effective* and *free of political cost*. They find Interpol to be a useful means of skipping the Western principles of transparency and fair trials and extending their low standards in this regard to the EU.

This is possible thanks to the automatisms of launching extradition procedures, and the principle of non-investigation with regard to the merits of the cases by the courts of the country in which a person is arrested, may it be Italy or Spain. Countries such as Russia or Kazakhstan take advantage of these circumstances to effectively deprive a political refugee of the right to a defence<sup>3</sup>. Also, thanks to close cooperation between Kazakhstan, Russia and Ukraine, based on the provisions of the Minsk agreement, they use another tool to mask the real, *political* nature of the international arrest warrants taking the form of Interpol Red Notices. For example when a Kazakh dissident is being arrested in France, it is Russia and Ukraine who issue extradition requests. Through these means the image of the *criminal*, and not *political* nature of the case is being boosted, and the informal political pressures from, say Kazakhstan may pass by unnoticed, especially as the general public and the media in Western Europe are not familiar with this part of the world. Also, a host country, like France is given an excuse to extradite a person to a third country (may it be Ukraine), no matter that in fact, after all, he or she would be transferred to his motherland, say Kazakhstan, where he would be subjected to an unfair trial, torture and all the consequences of being a captured fugitive and *enemy of the regime*.

This mechanism is being taken advantage of more and more frequently, and the authoritarian countries of the former USSR seem to employ their know-how of the

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<sup>1</sup> Strengthening respect for human rights, strengthening INTERPOL, Fair Trials International, London, November 2013

<sup>2</sup> T.R.Bromund, D.B.Kopel, Necessary Reforms Can Keep Interpol Working in the U.S. Interest, The Heritage Foundation, No. 2861, 11.12.2013

<sup>3</sup> Report on the Misuse of the Interpol System, Kazakh authorities are exploiting the legal mechanisms of the International Criminal Police Organisation in order to persecute opponents of the régime, Open Dialog Foundation, September 2013

scheme as a means of achieving their political goals. In recent years the number of red notices published by Interpol has increased dramatically, while the European Union ceased to be a safe haven for political refugees – it is a very dangerous trend, especially as the Schengen Information System (SIS) is also becoming a tool for persecuting political refugees. The cases of Kazakh dissidents and their family members and colleagues persecuted with the use of Interpol is described in detail by the Open Dialog Foundation in their report made available to the participants of the OSCE HDIM 2014<sup>4</sup>. Only after one and a half years of legal struggle with massive engagement of the media and the international community, did Spanish authorities show some understanding of the political nature of the case of Alexandr Pavlov, recently released on bail but still under pressure from Kazakhstan and with an asylum case still pending. Tatiana Paraskevich in the Czech Republic is in a similar situation but it was Russia and Ukraine who asked Prague to extradite her on behalf of Kazakhstan. Mukhtar Ablyazov, whose next hearing in France is scheduled to take place during the OSCE HDIM 2014, is also wanted by Russia and Ukraine. His wife Alma Shalabayeva was abducted in Italy and deported to Kazakhstan in 2013 – a move that was later deemed to be illegal, but was made possible thanks to the smart use of Interpol and covert political pressure. Also Muratbek Ketebayev was the subject of a similar extradition request whilst residing in Poland.

#### Recommendations:

- Interpol needs to reform its procedures in order to allow arrested persons effective tools to prove they are not guilty, or demonstrate that their cases are politically motivated prior to their extradition to countries where they have no hope of a fair trial;
- The EU needs to rethink its asylum policies and legal cooperation mechanisms in order to return to being a safe haven for political refugees;
- Ukraine should abandon the deplorable practices developed by the Yanukovych team, withdraw extradition requests for Kazakh dissidents and refuse to respond to calls for cooperation from Kazakhstan and other countries in this regard.

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<sup>4</sup> The list of Kazakh dissidents, their families and colleagues persecuted with the use of Interpol in the European Union in 2012-14, Open Dialog Foundation, 25.09.2014