

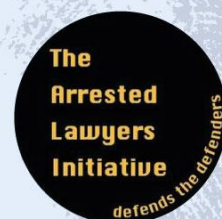
# They've come for you

Misuse of extradition procedures and  
interstate legal assistance, unlawful expulsions  
and kidnappings of victims of politically  
motivated prosecution

(updated)



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**The Open Dialogue Foundation (ODF)** was established in Poland in 2009 on the initiative of Ukrainian student and civic activist Lyudmyla Kozlovskaya (who currently serves as President of the Foundation). Since its founding, statutory objectives of the Foundation include the protection of human rights, democracy and the rule of law in the post-Soviet area. The Foundation originally focused its attention primarily on Kazakhstan, Russia, Ukraine and – since 2016 – Moldova, but this area of interest was expanded in July 2017 due to the rapidly deteriorating situation in Poland and other EU member states affected by illiberal policies implemented by their populist governments. The Foundation also has extensive experience in the field of protection of the rights of political prisoners and refugees. The Foundation has its permanent representative offices in Warsaw and Brussels.

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**The Italian Federation for Human Rights (FIDU)** is active since 6 October 1987 as Italian Helsinki Committee. FIDU promotes the protection of human rights as enshrined in the Universal Declaration of Human Rights of 1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 1966, the Helsinki Final Act of the Conference on Security and Cooperation in Europe of 1975, the Charter of Fundamental Rights of the European Union of 2007 and in other relevant international documents. FIDU therefore intends to work to spread the knowledge of human rights, monitor and report their violations, create greater awareness in public opinion, and exert influence on the States so that they comply with their own commitments on human rights.

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**Kharkiv Institute for Social Research (KHISR)** is a Ukrainian independent think tank (est. 1999) involved in advocating for best human rights standards into the following spheres: access to justice, assessment of police performance, public oversight of the police, preventing torture and ill-treatment, reforming social services at the community level, quality of medical aid in custody and prisons, discrimination of vulnerable groups, security of local communities and community policing, rights of internally displaced persons etc.

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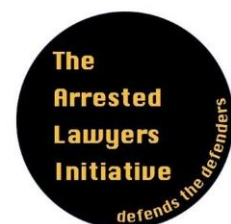
**The Human Rights Defenders e.V. (HRD)** is a nonprofit and nongovernmental organization established under German Law, based in Koln. As an international civil society organisation, HRD is independent of any political ideology, economic interest or religion. It has aim to support people who are exposed to all kinds of human rights violations. HRD works to defend right to life, rule of law, right to privacy, freedom of expression, freedom of thought, conscience and religion, freedom of associations.

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**The Arrested Lawyers Initiative (ALI)** is a human rights group, founded in 2016, consists of lawyers across Europe. The ALI is based in Brussels, makes advocacy for lawyers persecuted due to exercising their profession. The ALI has produced more than 10 reports and factsheets which have been cited by the UN High Commissioner and Special Rapporteurs, the European Parliament, the US State Department and various NGOs.

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## 1. SUMMARY: URGENT PROBLEMS AND POSSIBLE MECHANISMS FOR RESOLVING THEM

On 27 June 2019 the PACE Committee on Legal Affairs and Human Rights has supported a draft report on fighting abuse of Interpol and extradition procedures. The report by rapporteur Aleksander Pocij was initially called *“Extradition requests and the abuse of process”*. In the final version of the report, published on 15 October 2019, the name was changed to *“Interpol reform and extradition proceedings: building trust by fighting abuse”*<sup>1</sup>.

Rapporteur Pocij’s report **sheds broad light on the problem of abuse of Interpol, but at the same time it presents fewer details and recommendations with respect to the violation of extradition procedures.**

The PACE rapporteur once again placed the emphasis on what had been noted in the previous PACE report, *“Abusive use of the INTERPOL system: the need for more stringent legal safeguards”* (April 2017)<sup>2</sup>, as well as bringing attention to the report *“Misuse of Interpol’s Red Notices and impact on human rights”*<sup>3</sup>, prepared at the request of the European Parliament’s Subcommittee on Human Rights<sup>4</sup>. As of today, thanks to the efforts of the international community, reform is underway at Interpol, as the agency has begun to take steps to fight against politically motivated requests. Rapporteur Pocij examined at what stage the implementation of the recommendations of the previous PACE report is at this time.

But **several systemic problems and gross violations of extradition procedures** that undermine international agreements on human rights **are not indicated** in Aleksander Pocij’s report. The report analyses the legislative framework and questions of communication relative to extradition, but at the same time there is **not enough more concrete recommendations for how to resolve the problems that exist.**

Likewise, Aleksander Pocij examined several examples from the practice of the ECHR and the cases of the Catalanian leaders. However, we regret to note that **many well-known cases that are examples of egregious violations ended up outside the scope of the report**, in particular abductions of refugees and corruptional influence on the outcome of extradition cases. There had been a reaction on the part of the ECHR, the UN, and the member states of the Council of Europe with respect to these cases. These described precedents illustrate the ineffectiveness of the existing mechanisms of protection from abuse of extradition procedures and interstate legal assistance.

Of particular concern is the fact that public hearings were not provided for with respect to the PACE report. Some NGO proposals have remained completely without any reaction whatsoever. And even at the final stage, **representatives of civil society were factually deprived of the opportunity to introduce supplements and recommendations.** As of 31 October 2019, a decision has been adopted that the final vote on the report will take place not at a plenary session, but within the framework of a more closed format of discussion at the Standing Committee.

**In the present document, the Open Dialogue Foundation, the Italian Federation for Human Rights, the Arrested Lawyers Initiative, the Human Rights Defenders e.V. and the Kharkiv Institute for Social Research attempt to fill the gaps in the PACE report and propose recommendations with respect to improving cooperation among the member states of the Council of Europe in the sphere of extradition.**

<sup>1</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=28090&lang=EN&search=Kioq>

<sup>2</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=23524&lang=EN>

<sup>3</sup> [http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO\\_STU\(2019\)603472](http://www.europarl.europa.eu/thinktank/en/document.html?reference=EXPO_STU(2019)603472)

<sup>4</sup> Both of these reports make reference to the research and recommendations of the Open Dialogue Foundation, one of the non-governmental organisations that launched an international campaign to support Interpol reform - <https://en.odfoundation.eu/a/8201,the-report-the-reform-of-interpol-don-t-let-it-be-stopped-halfway>

We are using our many years of expertise in matters of observance of human rights in the sphere of justice and the activity of law-enforcement agencies. The majority of the cases that are examined or mentioned in the given document are the subject of expert study by our organisations<sup>5</sup>.

In connection with the pervasiveness and comprehensiveness of the problem of the abuse of Interpol procedures, extraditions and interstate legal assistance, we are calling for a more detailed public discussion within the framework of the work of the PACE, as well for as our cases and recommendations to be taken account of. Likewise, the given topic must be broadly discussed within the framework of the work of the PACE, the European Parliament, the OSCE, and the UN.

### **Ignoring of expert conclusions within the framework of extradition procedures**

It is noted in the PACE report that the guarantees that a state requesting extradition furnishes must be more reliable and specific. We would like to bring attention to yet another important aspect. In many situations, law-enforcement agencies ignore the objective and substantiated expert conclusions of human rights organisations, the UN, the PACE, and EU bodies relative to the political character of the prosecution and the threat of torture.

Governments or courts often do not want to analyse the essence of the matter, even when there are obvious incidents of fabricating evidence and discriminatory actions by the investigative body. In some cases, extraditions were carried out even contrary to a ban by UN bodies (*cases of Farid Yusub, Timur Tumgoyev, Murat Acar, Muhammet Furkan Sökmen*).

#### **Recommendations to member states of the Council of Europe:**

- Implement without delay the decisions and recommendations of UN bodies and the ECHR on the inadmissibility or suspension of extradition.
- As part of the extradition procedure, attach recommendations and conclusions of international organisations as well as documents of the PACE, the European Parliament, and the European Commission about the situation with human rights in the requesting state.
- Involve independent experts on questions of extradition, international law, and human rights in the process of assessing an extradition case, in particular with respect to its political component.

### **Systematic abuses of extraditions and interstate legal assistance**

Another form of abuse is repeated extradition requests. Interpol lifts the search request and the state is denied extradition; despite this, the state sends repeated similar requests for searches and extradition (*cases of William Browder, Tatiana Paraskevich, Muratbek Ketebayev, Victor Topa, Viorel Topa, and Vladimir Morari*). As a result, individuals face arrests and the threat of extradition every time they cross a border.

Persecutions of political opponents and refugees are implemented not only with the help of violation of extradition procedures, but also by way of abuse of interstate mutual legal assistance in criminal cases. According to international law, the member states of the Council of Europe must safeguard refugees from the actions of the country of origin. But this does not happen (*case of Botagoz Jardemalie*).

Using mechanisms of international legal assistance, non-democratic states obtain confidential information about persons being persecuted, and manage to get them interrogated and searched. The information obtained may be used for further political persecutions and even torture in relation to the relatives and accomplices of political opponents.

<sup>5</sup> Human Rights Defenders e.V. focused their contribution on cases of Turkish citizens mentioned in the report.

The victim of the political persecution only finds out about such cooperation between states at the stage of interrogation, search, or blocking of accounts, and is often deprived of the opportunity to submit an appeal.

Recommendations to member states of the Council of Europe:

- If Interpol has recognised a search request to be politically motivated, while the requested state has denied the extradition request with respect to this case for the reason of its political character, all subsequent requests with respect to this case must be denied.
- When considering requests for extradition and interstate legal assistance, take into account the decisions of other states that have already been adopted with respect to a specific person or other persons named in the same case. As an example, requests for extradition or legal assistance may be denied if persons wanted in connection with the same criminal case have been granted refugee status in various countries or their prosecution has been declared to be politically motivated.
- Create a registry under the aegis of the Council of Europe into which decisions about denial of extradition along with a brief description of the reasoning section or of the part that is not classified will be entered. Access to the registry may be restricted to participants in the extradition process. This will allow for a database of practices in the sphere of extradition to be created, as well as for statistics on abuses of extradition procedures to be kept track of.
- When issuing decisions with respect to a request for extradition and/or international legal cooperation, take account of the history of abuses of these mechanisms on the part of the requesting state.
- Persons with refugee status should not be objects of international legal assistance at the request of the state in relation to which the refugee status has been obtained. Deny the transmitting of confidential information connected with refugees and politically persecuted persons, their relatives and close ones.
- In accordance with Art. 2 of the European Convention on Mutual Assistance in Criminal Matters, refuse to provide assistance in politically motivated cases. In so doing, the relevant expertise of the agencies of the UN, the EU, and human rights organisations relative to the political character of the case must be taken into account.
- Persons who are the object of a request for interstate assistance in criminal matters must in all cases be informed of such a request. They should be given the opportunity to avail themselves of the services of a lawyer, as well as to express their position with respect to the case, including arguments concerning its political motivation.
- In the event of receipt of requests for extradition and interstate legal assistance in relation to lawyers who are being persecuted for their professional activity, the requested state must not only abide by universal guarantees of human rights, but also be guided by the UN's Basic Principles on the Role of Lawyers and national legislation on the protection of lawyers.
- Support PACE Recommendation 2121 on drafting a European convention on the profession of lawyer<sup>6</sup>.

<sup>6</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=24466&lang=en>

## **Forced expulsions or abductions of victims of political persecutions**

When non-democratic states do not succeed in attaining extradition by legitimate methods, extraprocedural forced expulsions (*case of the employees of the Turco-Moldovian lyceum Orizont*) or abductions (*case of Vladimir Yegorov, Aleksandr Frantskevich, Murdali Khalimov*) of the wanted persons often take place. Such actions are implemented on the basis of cooperation between the law-enforcement agencies and special services of both states, in secret, without observing lawful procedures, thus depriving persons of the opportunity to defend their interests in court (*cases of Abdullah Büyük, Aminat Babayeva, Yusuf İnan, Salih Zeki Yiğit, Alma Shalabayeva, Muratbek Tungishbayev, Zhaksylyk Zharimbetov*).

The countries belonging to the Minsk Convention on Legal Assistance often resort to such methods. In so doing, despite military aggression on the part of Russia, Ukrainian law-enforcement agencies and special services continue to actively cooperate with this country in questions of extradition and expulsion.

### **Recommendations to member states of the Council of Europe:**

- Duly probe all instances of abductions and illegal expulsions of refugees and politically persecuted persons and ensure that the culprits are held liable.
- Expand the scope of the Global Magnitsky Human Rights Accountability Act in relation to persons involved in instances of abuse of extraditions and interstate legal assistance that have had serious consequences, such as the torture, politically motivated imprisonment, or death of the person being persecuted. Persons responsible for ignoring the demands of the UN, the Council of Europe, and the OSCE in such cases must also fall under personal sanctions.

## **Insufficient human rights mechanisms in bilateral or regional agreements**

The PACE rapporteur's report indicates in what situations international law prohibits extradition. These include threat of torture, absence of guarantees of a fair trial, and the political character of the prosecution.

It is important to note that in matters of extradition and interstate legal assistance, states often rely primarily on bilateral or regional agreements rather than on international human rights law. These agreements are mostly concerned with legal assistance procedures. Mechanisms for ensuring guarantees of human rights are not clearly spelled out in them.

Such cooperation often goes on at an informal (or a less formal) level. A vivid example is mutual assistance in implementing unlawful extraditions on the part of Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Russia, and Ukraine, who are all members of the Minsk Convention on Legal Assistance.

In such a manner, in order to preserve amicable bilateral relations, the states go for unlawful extraditions and the rendering of legal assistance with respect to politically motivated cases. The provisions of the UN Convention Against Torture, the UN Convention Relating to the Status of Refugees, the European Convention on Human Rights, the European Convention on Extradition, and the European Convention on Mutual Assistance in Criminal Matters, as well as the International Covenant on Civil and Political Rights, are thereby grossly violated.

### **Recommendations to member states of the Council of Europe:**

- The conducting of extradition procedures on the basis of informal or secret understandings is impermissible.

- Examine the possibility of codifying at the legislative level norms that will allow victims of unlawful extraditions to be returned back from the requesting state to a safe country, incl. under the auspices of the UN OHCHR and the UNHCR.
- Clearly defined tight time periods must be stipulated within which a requesting state must send a full package of extradition documents. Upon the expiration of these time periods, the arrestee must be released.
- It is imperative to give preference to other kinds of restrictive measures besides detention. During the time of extradition procedures, violation of reasonable time periods for detention (according to the practice of the ECHR) is impermissible. The time periods for extradition arrest must be clearly restricted.
- If Interpol has recognised a search request to be politically motivated, but this request has become the basis for an extradition arrest, the victim must have the right to material compensation. For this, it would be worthwhile to create a fund under the aegis of the Council of Europe which must be funded at the expense of violator states. One of the mechanisms for the realisation of the given proposal may be the establishing of a fixed amount of compensation (a certain sum for each month of extradition arrest).

### **Violation of the rights of refugees and asylum seekers**

In abusing Interpol, extradition, and interstate legal assistance mechanisms, states are trampling on the rights of refugees and asylum seekers. Representatives of the authorities of the country of origin are allowed to visit refugees or asylum seekers in their place of detention, which is a gross violation (*cases of Yerzhan Kadesov, Alovzat Aliyev*). Refugees and asylum-seekers face surveillance and threats from the security services of the state from which they fled (*cases of Emin Akhmedbekov, Narzullo Okhunzhonov, Yafez Hasanov, Leyla Yunus, Arif Yunusov*).

There are numerous examples of situations when immigration services fully support the position of a state that is carrying out an unlawful prosecution and unreasonably deny the granting of asylum (*cases of Pyotr Lyubchenkov, Sergei Anisiforov, Aleksey Vetrov, Sergey Sakharchuk, Zhanara Akhmetova*). The attempts by non-democratic states to influence the outcome of extradition cases in a corrupt way or to deprive their opponents of refugee status are flagrant (*cases of Mukhtar Ablyazov, Aleksandr Pavlov*).

Besides that, instances when non-democratic states carrying out political persecution of citizens of other states who reside in the EU or the US (*Marek Zmysłowski, Fikrat Huseynov, Nikolai Koblyakov, Aysen Furhoff, Halis Aydoğan, Hamza Yalçın*) are becoming ever more prevalent. These persons cannot be granted asylum or subsidiary protection because formally the country of origin is not the prosecuting party.

### **Recommendations to member states of the Council of Europe:**

- Adhere with no exceptions to the principle of not handing over refugees and asylum seekers to the country of origin.
- Do not allow situations when representatives of the authorities of the country of origin are given access to refugees or asylum seekers who are under extradition arrest.
- Optimise the system of providing asylum or subsidiary protection based on UNHCR recommendations. In particular, it is necessary to involve the office of the ombudsman in resolving the issue of granting asylum or subsidiary protection, and to make use of the expertise of human rights organisations.



- Investigate the corruption impact of non-democratic states on the process of considering whether to grant asylum or subsidiary protection to persecuted persons.

### **Persecution with the help of “intermediary states”**

Besides that, instances have been documented when a non-democratic country, being the one that had ordered the persecution, manages by way of political understandings to get another partner state to open a criminal case and send a request for extradition or interstate legal assistance. Becoming the victims of such persecutions with the use of “intermediary states” are, *inter alia*, opposition activists, lawyers, and human rights advocates (*case of Lyudmyla Kozlovska*).

After the “intermediary state” manages to achieve extradition, it can transfer the person to the beneficiary state that is implementing the political persecution (*case of Artur Trofimov*).

#### **Recommendations to member states of the Council of Europe:**

- States ought to use the expertise of human rights organisations and agencies of the UN, EU, and PACE relative to corruptional cooperation of states in cases with respect to extradition and/or the political component of a case.
- When examining a request for extradition or legal assistance with respect to a criminal case, pay attention to facts of consultations between the requesting state and a third state that is the beneficiary of political persecution, and take into account the risk that the person will be transferred to this third state.

### **Extradition agreements between non-democratic states and members of the Council of Europe**

In some situations, authoritarian states which do not have treaties on extradition and legal assistance with members of the Council of Europe attempt to justify their requests by making reference to UN Conventions, for example to the UN Convention Against Transnational Organised Crime, even though these conventions have a sufficiently general character.

Likewise, non-democratic states sign agreements with organisations and member states of the Council of Europe. However, in many situations, for authoritarian states this is merely a tool for increasing their influence and trust in their extradition requests. This leads to new challenges connected with the high risk of abuses of extradition procedures on the territory of the Council of Europe.

#### **Recommendations to member states of the Council of Europe:**

- Relations between states in questions of extradition and international legal assistance must be regulated by agreements in which the procedures for such cooperation and the mechanisms for observance of human rights are detailed.
- When signing agreements with organisations or members of the Council of Europe, non-democratic states must publicly affirm adherence to the values of the Council of Europe. The Council of Europe must ensure effective monitoring of the carrying out by such states of their obligations and ratified agreements.

#### **Recommendations for the Council of Europe:**

- Establish a dedicated committee within the Council of Europe to monitor the abuse of extradition procedures, the Interpol system and interstate legal assistance.

- Initiate the creation of a working group to develop practical recommendations regarding the general criteria for assessing the risks to which an individual may be exposed in the event of his or her extradition, as well as mechanisms to protect individuals from politically motivated requests for interstate mutual legal assistance.
- Establish an international fund to pay compensation to persons who have been victims of abuse of Interpol mechanisms, as well as illegal extradition and interstate mutual legal assistance.
- Support the participation of civil society in projects aimed at informing law-enforcement and judicial authorities of politically motivated prosecutions and abuse of extradition or interstate legal assistance procedures.
- Support reforms of law-enforcement and justice sector institutions in Council of Europe member states. Funds for justice reform projects should be allocated in relation to specific improvements in accordance with international standards of fair investigation and trial.

This document is an updated version of an earlier report by the Open Dialogue Foundation on this topic<sup>7</sup>.

We have examined more than **50 cases**. We studied materials with respect to criminal cases, as well as receiving information from persecution victims and their lawyers. Examined were **violations on the part of the member states of the Council of Europe** that had sent politically motivated requests for extradition or international assistance with respect to criminal cases and/or were responding to such requests. These states include Azerbaijan, Bulgaria, Hungary, Moldova, Russia, Turkey, and Ukraine. Likewise, we pointed out situations when **non-members of the Council of Europe** (Kazakhstan, Kyrgyzstan, China) are abusing these procedures in their relations with members of the Council of Europe.

Kazakhstan and Kyrgyzstan are members of the Venice Commission and have partner relations with the Council of Europe. Besides that, on 15 October 2019, Kazakhstan signed an agreement on accession to the Group of States Against Corruption (GRECO).

## 2. INDIVIDUAL CASES: GROSS VIOLATIONS OF HUMAN RIGHTS WITHIN THE FRAMEWORK OF EXTRADITION PROCEDURES AND LEGAL ASSISTANCE IN CRIMINAL CASES

### 2.1. COOPERATION BETWEEN SPECIAL SERVICES WITH THE AIM OF KIDNAPPING, EXPELLING AND PERSECUTING REFUGEES AND ASYLUM SEEKERS

#### The case of the employees of the Orizont lyceum

Seven members of the Moldovan-Turkish Lyceum network Orizont were forcibly expelled from Moldova, which in fact can be regarded as kidnapping. Turkish authorities believe that Orizont Lyceums are linked to Fethullah Gülen, who is accused of “attempting a coup d’état” in Turkey in July 2016. The teachers and members of the lyceum administration who were expelled from Moldova, include: Sarkis Ayri, Hüseyin Bayraktar, Rıza Doğan, Feridun Tüfekçi, Hasan Karacaoğlu, Yasin Özdil, Müjdat Çelebi (of which the last five were asylum seekers in Moldova).

<sup>7</sup> <https://en.odfoundation.eu/a/9105,they-ve-come-for-you-misuse-of-extradition-procedures-unlawful-expulsions-and-kidnappings-of-victims-politically-motivated-prosecution>

On 6 September 2018, they were detained with the use of force by officers of the Information and Security Service of Moldova. On 7 September 2018, it became known that these persons were already in Turkish jails. The day before their expulsion, “on the recommendation” of the Information and Security Service, the Moldovan Migration Service refused to grant them asylum<sup>8</sup>. The Lyceum employees were not notified of the refusal of asylum. They were not given the opportunity to defend their rights in court.

In October 2018, a representative of the Moldovan government, Oleg Rotari, told the ECHR that the expelled persons “did not state that they would be tortured in Turkey”. In June of 2019, the ECHR ruled that Moldova had violated the rights of the expelled citizens of Turkey and obligated the Moldovan authorities to pay them a monetary compensation. In Turkey, they all were convicted and sentenced to prison terms from 6 to 12 years.

### **The case of Abdullah Büyük**

Abdullah Büyük was arrested in Bulgaria at the request of Turkey. A Bulgarian court ruled on the impermissibility of Büyük’s extradition. Still, in August 2016, the Bulgarian law-enforcement authorities detained him and immediately transferred him to the Turkish authorities. The available facts allow this event to be evaluated as a special operation by the Bulgarian and Turkish special services. The ECHR requested that Bulgaria provide documents and detailed information regarding this case.

### **The case of Yusuf İnan and Salih Zeki Yiğit**

In July 2018, the Turkish secret services carried out operations to actually kidnap two citizens of Turkey: opposition journalist Yusuf İnan and businessman Salih Zeki Yiğit from the territory of Ukraine. It is not excluded that the operations were carried out with the assistance of the Ukrainian special services. On 12 July 2018, Yusuf was detained in Mykolaiv. On 13 July 2018, unidentified persons pushed Salih Zeki Yiğit into a car and transferred him to the territory of the Turkish consulate. Both abductees were taken to Turkey. The Mykolaiv police reported that Yusuf İnan was detained by SBU officers<sup>9</sup>.

### **The case of Aminat Babayeva**

In September 2016, Russian citizen Aminat Babayeva filed an application to be granted refugee status in Ukraine. However, the migration service refused to process her documents. Immediately after this, officers of the Security Service of Ukraine entered the premises of the migration service and forced Babayeva into a car. She tried to contact her counsel, but the kidnappers threw her phone out the car window. Babayeva was forcibly sent to Russia<sup>10</sup>.

### **The case of Vladimir Yegorov**

Russian activist Vladimir Yegorov applied for asylum in Ukraine. While his application was being considered, he got a job and rented a house. In July 2017, several people came to his apartment; introduced themselves as officers of the Security Service of Ukraine (SBU) and told him to “take his things”. Yegorov was taken to the border with Russia and Belarus and told that he was denied entry to Ukraine. As a result, he ended up in the hands of Russian law-enforcement. SBU claims not to have been

<sup>8</sup> <http://newsmaker.md/rus/novosti/oni-ne-govorili-chto-ih-budut-pytat-v-turtsii-kak-moldavskie-vlasti-objyasnili-esp-39883>

<sup>9</sup> <https://ru.hromadske.ua/posts/turetskoho-oppozitsionera-o-vyvoze-kotoroho-soobshchaly-smu-zaderzhala-sbu-polytsiya>

<sup>10</sup> <http://khpg.org/index.php?id=1521884939>

involved in the case<sup>11</sup>. In Russia, Yegorov was convicted and received a suspended sentence of 2 years of deprivation of liberty for a post in the “VKontakte” social network<sup>12</sup>.

### **The case of Aleksandr Frantskevich**

Former Belorussian political prisoner Aleksandr Frantskevich was residing in Ukraine since 2015. In June of 2019, he was deported to Belarus. Frantskevich was detained presumably by SBU employees upon exiting the migrational service, where he had come in order to extend a permit for residence in Ukraine. Frantskevich was driven to the border with Belarus and told to go into Belarus. Earlier, he had reported that the SBU was implementing pressure on him<sup>13</sup>.

### **The case of Murodali Khalimov**

In 2017, the General Prosecutor’s Office adopted a decision on the extradition of Murodali Khalimov to Tajikistan, where a criminal case had been initiated against him on a charge of participation in ISIS. Khalimov had asked for asylum in Ukraine; however, a Ukrainian court denied his request. Khalimov was intending to submit yet another request for asylum under new circumstances, but did not manage to do this. In May of 2018, unknown persons abducted him in Kyiv and sent him to Tajikistan. Khalimov’s lawyer appealed to the ECHR in expedited procedure and asked it to stop the extradition. However, the corresponding response from the ECHR came in two days, when Khalimov was already in Tajikistan<sup>14</sup>.

### **The case of Narzullo Okhunzhonov**

In September 2017, journalist Narzullo Okhunzhonov was arrested in Ukraine at the request of Uzbekistan. Due to the wide publicity of the case, a month later Okhunzhonov was released from custody. He reported that while in Ukraine, he had felt a threat from the Uzbek special services<sup>15</sup>. In November 2018, Ukraine granted asylum to Okhunzhonov and refused to extradite him.

### **The case of Muratbek Tungishbayev**

Muratbek Tungishbayev is a well-known Kazakhstani blogger who used to create videos about human rights violations in his country. Kazakhstan’s authorities charged him with “rendering information services” to the opposition movement “Democratic Choice of Kazakhstan” (DCK). In March 2018, at the request of the Prosecutor’s Office, a Kazakhstani court recognised the DCK as an “extremist” organisation. The peaceful character of the DCK’s activity is noted in a European Parliament resolution<sup>16</sup>. On the basis of the decision outlawing the DCK, more than 6,000 people were arbitrarily detained for participating in peaceful rallies in Kazakhstan in 2018-2019, while several dozen were held criminally liable<sup>17</sup>.

On 26 June 2018, Muratbek Tungishbayev was extradited from Kyrgyzstan to Kazakhstan with gross violation of the law. The authorities of Kyrgyzstan did not wait for his appeal and for the end of the

<sup>11</sup> <https://hromadske.ua/posts/istoriia-nevdaloi-vtechi-z-rosii>

<sup>12</sup> <https://meduza.io/news/2018/06/05/zhitelja-tverskov-oblasti-prigovorili-k-dvum-godam-uslovno-za-post-vkontakte-protiv-putina>

<sup>13</sup> <https://zmina.info/news/siloviki-deportovali-do-bilorusi-jekspolitzeka-franckevicha/?fbclid=IwAR2yrMvbhe2EBE1igFiTuVLavUZHkH3Q-2eHho9gUZgez2zRmUDk8cvUyM>

<sup>14</sup> <https://www.radiosvoboda.org/a/29968923.html>

<sup>15</sup> <https://www.radiosvoboda.org/a/29252200.html>

<sup>16</sup> [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0203\\_EN.html](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html)

<sup>17</sup> <https://en.odfoundation.eu/a/9494,list-of-kazakhstani-political-prisoners-and-other-politically-prosecuted-persons>



procedure for the consideration of Tungishbayev's application for asylum. The inadmissibility of the extradition was voiced by the Ombudsman of Kyrgyzstan<sup>18</sup> and human rights organisations<sup>19</sup>.

Previously, before his arrest, Tungishbayev had undergone eye surgery. In the Kazakhstani detention centre, due to the lack of proper medical care, he risked completely losing his sight. Muratbek Tungishbayev and his spouse subsequently recorded a video interview with "repentances", where they repeated the theses of Kazakhstani propaganda, and called "not to believe" the opposition. Tungishbayev was released. The facts indicate that this video was a condition by the authorities in exchange for his release. Most likely they gave him a suspended sentence.

### **The case of Zhaksylyk Zharimbetov**

In January 2017, the Kazakhstani authorities transferred Zhaksylyk Zharimbetov, accused in the case of Kazakh oppositionist Mukhtar Ablyazov, from Turkey on a charter plane. Zharimbetov had been granted refugee status in Great Britain. Therefore, both Turkey and Kazakhstan violated one of the basic norms of international law: the principle of non-refoulement.

In Kazakhstan, they locked Zharimbetov up in a pre-trial detention center, after which he completely changed his position and "admitted guilt", declared that he had "voluntarily returned to Kazakhstan", and likewise gave testimony against Ablyazov. He began spreading slanderous information in relation to human rights advocates, including the Open Dialogue Foundation, who had come out in his defence.

### **The case of Alma Shalabayeva**

In May of 2013, Kazakhstani oppositionist Mukhtar Ablyazov's spouse Alma Shalabayeva, along with her six-year-old daughter, was kidnapped in Italy and taken to Kazakhstan (they were detained at the request of Kazakhstani authorities). The illegal deportation of the family caused an international scandal. Due to the intervention of human rights organisations, the UN, and the European Parliament, in December 2013 the Kazakhstani authorities allowed Shalabayeva and her daughter to return to the EU. Italy granted them refugee status.

### **The case of Zheng Ning**

China is secretly sending employees of the law enforcement agencies and special services to other countries in order to meet with persons being persecuted. With the help of threats, they convince them to voluntarily come back to China. In 2017, it became known to the authorities of France that representatives of Chinese law-enforcement agencies had secretly arrived in France in order to meet with Zheng Ning, against whom charges of fraud had been brought in China. Zheng Ning was on Interpol's wanted list; however, China's authorities were not turning to France with respect to his case. After meeting with the representatives of the Chinese law enforcement agencies, Zheng Ning "voluntarily" returned to China.

In 2015, China published a list of the 100 most wanted corrupt officials. As of the beginning of 2019, 56 of them had been returned to China<sup>20</sup>. Of those who had been successfully returned to China, a minimum of 35 had done so "voluntarily"<sup>21</sup>.

<sup>18</sup> [http://www.ombudsman.kg/index.php?option=com\\_content&view=article&id=539&catid=18&lang=ru&Itemid=330](http://www.ombudsman.kg/index.php?option=com_content&view=article&id=539&catid=18&lang=ru&Itemid=330)

<sup>19</sup> <https://www.hrw.org/news/2018/06/25/kyrgyzstan-activist-faces-extradition-risk-torture> ;

<https://www.amnesty.org/en/documents/eur57/8987/2018/es/>

<sup>20</sup> <https://www.chinadailyhk.com/articles/145/49/63/1548397990101.html>

<sup>21</sup> <https://www.hrw.org/news/2018/01/31/china-families-interpol-targets-harassed>

## The case of the Causeway bookstore employees

In 2015, the incident of the disappearance of 5 employees of the Causeway Bay Books bookstore, who were citizens of Hong Kong, came into the spotlight. One of them had been abducted from the territory of Thailand, yet another in Hong Kong. Soon, the Chinese authorities confirmed that they had detained all five Causeway Bay Books employees. The store traded in books that China's authorities consider "sensitive"<sup>22</sup>. After the case had received international publicity, two of the detained citizens of Hong Kong reported that they had "voluntarily" turned themselves in to the Chinese law-enforcement agencies.

## 2.2. ABUSES OF INTERSTATE ASSISTANCE IN CRIMINAL CASES

### The case of Botagoz Jardemalie

Botagoz Jardemalie - a human rights lawyer from Kazakhstan, a member of the New York Bar Association. She was providing legal advice to the opposition politician Mukhtar Ablyazov and victims of political persecutions in Kazakhstan. Kazakhstan accused Jardemalie within the framework of the Ablyazov case and made attempts to bring about her extradition. In 2013, Belgium's authorities granted her political asylum. In 2016, Interpol removed her from their wanted list.

Attempts were made to abduct Jardemalie in Belgium<sup>23</sup>. The trial of the suspects began in October 2019. The Belgian prosecutor declared that Jardemalie's life was possibly in danger, and that the perpetrators of the crime were probably connected with the Kazakhstani authorities.

In November-December 2017 and January 2018, Iskander Yerimbetov, the brother of Botagoz Jardemalie, was subjected to repeated brutal torture at a Kazakhstani detention centre. Employees of the special services demanded that he testify against Ablyazov and convince his sister to return to Kazakhstan to "cooperate with the investigation" in the Ablyazov case.

On 22 October 2018, Iskander Yerimbetov was sentenced to 7 years in prison in a fabricated case<sup>24</sup>. On 20 November 2018, the UN Working Group on Arbitrary Detention demanded the immediate release of Iskander Yerimbetov (Opinion No. 67/2018), but the authorities did not fulfil this requirement<sup>25</sup>. Likewise, Kazakhstan's authorities ignored the demands of the international public to conduct a probe into Yerimbetov's torture. Yerimbetov's case was mentioned in the written declarations of PACE deputies<sup>26</sup> and a European Parliament resolution<sup>27</sup>, as well as in the declarations of the US Mission to the OSCE<sup>28</sup>, US senators<sup>29</sup> and human-rights organisations<sup>30</sup>.

Having thrown her brother in jail, Kazakhstan's authorities activated the pursuit of Jardemalie herself in Belgium by abuse of the mechanisms of interstate assistance in criminal cases.

On 1 October 2019 in Brussels, the Belgian police conducted a search in Jardemalie's flat. The search was conducted at the request of the Kazakhstani authorities. Jardemalie notes that the Belgian police

<sup>22</sup> <https://foreignpolicy.com/2017/04/21/interpol-is-helping-enforce-chinas-political-purges/>

<sup>23</sup> <https://www.levif.be/actualite/belgique/comment-le-kazakhstan-traque-les-dissidents-politiques-en-exil-aussi-en-belgique/article-normal-781657.html>

<sup>24</sup> <https://en.odfoundation.eu/a/9026,the-iskander-yerimbetov-case-the-trial-of-the-kazakhstan-regime-s-hostage>

<sup>25</sup> [https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A\\_HRC\\_WGAD\\_2018\\_67.pdf](https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session83/A_HRC_WGAD_2018_67.pdf)

<sup>26</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24722&Lang=EN>

<sup>27</sup> [http://www.europarl.europa.eu/doceo/document/TA-8-2019-0203\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/TA-8-2019-0203_EN.html?redirect)

<sup>28</sup> [https://osce.usmission.gov/on-the-treatment-of-iskander-yerimbetov-in-](https://osce.usmission.gov/on-the-treatment-of-iskander-yerimbetov-in-kazakhstan/?fbclid=IwAR2xBVBZlHCTBschRWr2nDgpek2hGof43lFuwa52sQK2H8oZ7mP-TfOVQ)

[kazakhstan/?fbclid=IwAR2xBVBZlHCTBschRWr2nDgpek2hGof43lFuwa52sQK2H8oZ7mP-TfOVQ](https://osce.usmission.gov/on-the-treatment-of-iskander-yerimbetov-in-kazakhstan/?fbclid=IwAR2xBVBZlHCTBschRWr2nDgpek2hGof43lFuwa52sQK2H8oZ7mP-TfOVQ)

<sup>29</sup> [https://www.rubio.senate.gov/public/\\_cache/files/9b633465-8854-445f-a677-69a7f628505f/7DC6415F07E32C5C0BF1D3273EBB827F.07-29-19-bipartisan-letter-on-kazakhstan-political-prisoner.pdf](https://www.rubio.senate.gov/public/_cache/files/9b633465-8854-445f-a677-69a7f628505f/7DC6415F07E32C5C0BF1D3273EBB827F.07-29-19-bipartisan-letter-on-kazakhstan-political-prisoner.pdf)

<sup>30</sup> <https://www.hrw.org/news/2018/02/16/kazakhstan-businessman-alleges-torture>

did not produce a search warrant. Present during the time of the search were two unknown Kazakhstani officials, who were allowed to remain without supervision by the police and were photographing the seized documents. Jardemalie had computers, mobile telephones, and information storage media seized, as well as documents containing confidential and privileged attorney-client information.

Several hours after the search, unknown persons obtained access to four of Jardemalie's email accounts, which contained information connected with her law and human rights activities. Most likely, the access to her accounts was obtained by representatives of the Kazakhstani authorities.

On 4 October 2019, Jardemalie was summoned for interrogation by the Belgian police, having been threatened with arrest in the event of her refusal. At the police office, she was asked questions that the Kazakhstani authorities had sent in their letter of instruction within the framework of interstate criminal cooperation. The questions concerned, *inter alia*, Jardemalie's activity as a lawyer and information about her parents, as well as about opposition activists whom she is defending. The Belgian police ignored the fact that such actions violate Jardemalie's rights as a lawyer and as a person with refugee status.

In the course of the interrogation, it became known to Jardemalie that the Belgian police had already passed on some information about her banking activities and personal life to Kazakhstan. The further transfer to Kazakhstan's authorities of the seized computers and documents, which contain confidential and privileged attorney-client information, will subject victims of political persecutions who are in Kazakhstan and whom Jardemalie is defending to serious danger. Among them - activists, lawyers, journalists.

Kazakhstan's authorities may begin to once again seek Jardemalie's extradition.

Earlier, the International Observatory for Lawyers in Danger<sup>31</sup> and the Council of Bars and Law Societies of Europe<sup>32</sup> had come out in defence of Botagoz Jardemalie.

### **The case of Artur Trofimov**

Artur Trofimov - accused in the case of the Kazakhstani oppositionist Mukhtar Ablyazov. In January 2014, Austria refused Russia's request to extradite Trofimov. In 2016 Interpol removed him from their wanted list. However, Russia has achieved a second extradition arrest.

In October 2018, the government of Uzbekistan invited Trofimov to Tashkent for the International Investment Forum. According to Trofimov, the Consul of Uzbekistan provided him with security assurances. In November 2018, Trofimov was arrested in Tashkent at the request of Russia. However, as a result, he was extradited to Kazakhstan. This was reported on 28 January 2019 by the General Prosecutor's Office of Kazakhstan. Thus, the authorities of Uzbekistan, Kazakhstan and Russia, being close allies, jointly carried out the illegal extradition of a person accused in a politically motivated case.

The extradition was carried out with the aim of holding Trofimov criminally liable in the case of Mukhtar Ablyazov in Kazakhstan. However, earlier, Trofimov, Russian citizen, was accused only in the Russian criminal case against Ablyazov. In Russia, the case against him is being conducted by investigators included on the "Magnitsky List". In June 2017, Austria had provided Trofimov with international protection (asylum) against Russia, which means that his extradition to Russia is expressly prohibited by international law.

<sup>31</sup> <http://www.protect-lawyers.com/oiad-content/uploads/2018/05/17-05-2018-appeal-iol-jardemalie-case-en.pdf>

<sup>32</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/HUMAN\\_RIGHTS\\_LETTERS/Kazakhstan\\_-\\_Kazakhstan/2018/EN\\_HRL\\_20180423\\_Kazakhstan\\_Concerns-over-lawyer-Botagoz-Jardemalie.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/HUMAN_RIGHTS_LETTERS/Kazakhstan_-_Kazakhstan/2018/EN_HRL_20180423_Kazakhstan_Concerns-over-lawyer-Botagoz-Jardemalie.pdf)

Most likely, in order to avoid another scandal, it was decided to extradite Trofimov to Kazakhstan. There is every reason to believe that for this purpose, the Kazakhstani authorities “organised” a criminal case against Trofimov and submitted an extradition request in such a short time.

In September 2019, the Kazakhstani authorities announced that Trofimov had “voluntarily returned” to Kazakhstan “with a written declaration of will”, after which he “fully cooperated with the investigation” and “sincerely repented”<sup>33</sup>.

### The case of Lyudmyla Kozlovskaya

Lyudmyla Kozlovskaya - a human rights defender and President of the Open Dialogue Foundation.

In October 2018, representatives of the then-ruling Democratic party (led by oligarch Vladimir Plahotniuc) initiated the creation of a parliamentary commission to investigate the “*interference of the Open Dialogue Foundation in the internal affairs of Moldova*”. The commission has prepared a report<sup>34</sup> in which **the Foundation is charged, among others, with the following “crimes”**: “subversive activities” and “slander” of the Republic of Moldova in Europe; lobbying for a European Parliament resolution in which facts of political persecution are noted and Moldova is described as a state captured by oligarchic interests; lobbying for a European Commission decision to suspend financial assistance to Moldova; lobbying for personal sanctions against representatives of the Moldovan authorities; and “Illegal financing” of Moldovan opposition parties, which consisted of the fact that, in May 2017, the Open Dialogue Foundation paid for airline tickets for opposition politicians Maia Sandu and Andrei Năstase to participate in a conference and meetings at the European Parliament and the European Commission.

The report of the Moldovan Parliament is a compilation of fake information which at various times had appeared in pro-government and dubious media as well as on social media pages. The defamatory information attacks against the Open Dialogue Foundation in Moldova were a continuation of similar attacks in Kazakhstan and Poland<sup>35</sup>. The attacks are revenge for the Foundation's human rights activity. This report is an undisguised attack against civil society and discredits the Moldovan government. But despite the change of power in Moldova, the report has still not been reconsidered as of yet.

Based on the report of the parliamentary commission, the Moldovan Prosecutor's Office opened a criminal case against Lyudmyla Kozlovskaya on charges of “money laundering” (Art. 243), “espionage” (Art. 338) and “illegal party financing” (Art. 181).

On 29 January 2019, the Moldovan authorities, through the Belgian police, served Lyudmyla Kozlovskaya with a summons for interrogation by the Moldovan Prosecutor's Office. The summons states that Lyudmyla Kozlovskaya is a suspect in a criminal case. At the same time, the Moldovan Prosecutor's Office refuses to provide Kozlovskaya with the case file. As of 31 October 2019, the lawyer has not received documents about the current status of the case or Kozlovskaya's status.

Political persecution of the Open Dialogue Foundation and Lyudmyla Kozlovskaya received widespread international criticism, which was expressed, in particular, by President of the ALDE in the European Parliament Guy Verhofstadt<sup>36</sup>, US Deputy Assistant Secretary of State George Kent<sup>37</sup>, and 26 PACE deputies<sup>38</sup>.

<sup>33</sup> [http://anticorruption.gov.kz/ru/news/vynesen-obvinitelnyy-prigovor-7-mi-soobshchnikam-ablyazova-dobrovolno-vozvrativshimsya-iz-https://tengrinews.kz/kazakhstan\\_news/delo-o-soobshchnikah-ablyazova-peredali-v-prokuraturu-372447/](http://anticorruption.gov.kz/ru/news/vynesen-obvinitelnyy-prigovor-7-mi-soobshchnikam-ablyazova-dobrovolno-vozvrativshimsya-iz-https://tengrinews.kz/kazakhstan_news/delo-o-soobshchnikah-ablyazova-peredali-v-prokuraturu-372447/)

<sup>34</sup> <http://www.parlament.md/LinkClick.aspx?fileticket=8RaDVRzX%2fBY%3d&tabid=86&mid=488&language=ro-RO>

<sup>35</sup> <https://en.odfoundation.eu/a/8473,a-smear-campaign-against-the-open-dialog-foundation-has-reached-the-walls-of-the-european-parliament-updated>

<sup>36</sup> <https://twitter.com/guyverhofstadt/status/1091298704634642432>

<sup>37</sup> <http://newsmaker.md/rus/novosti/rassledovanie-vokrug-fonda-otkrytyy-dialog-eto-forma-politicheskogo-davleniya-inte-40537?fbclid=IwAR3bhX8lbw1uFRVVS8ty6Vsx43vFhAWaskFBos2jrjoMOnG54hiNyxrzl4c>

<sup>38</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=25421&Lang=EN>



### The case of Emin Ahmedbekov

Emin Ahmedbekov - former law-enforcement officer of Azerbaijan, an opposition journalist. In order to protect his rights, he filed a complaint with the ECHR, after which the authorities of Azerbaijan began to pursue him. Akhmedbekov spent three years in an Azerbaijani prison. In December 2012, he and his family filed an application for political asylum in Ukraine. Azerbaijan's special services began threatening them, demanding of Emin Ahmedbekov that he withdraw his complaints to the ECHR. Shortly afterwards, the Migration Service of Ukraine refused to grant asylum to Ahmedbekov.

In January 2014, the Ahmedbekovs moved to Bulgaria, where they also requested political asylum. According to Emin Ahmedbekov, at the Bulgarian Agency for Refugees he was directly told that he and his family would not be granted asylum in Bulgaria, as the Bulgarian authorities would not like to start a conflict with Azerbaijan.

In 2017, with the support of the human rights organisation Reporters without Borders, the Ahmedbekov family was able to go to France, where, in 2018, they were granted asylum. In connection with Ahmedbekov's journalistic activities, he may face persecution on the part of Azerbaijan, so it has been recommended that the family not to leave the EU.

### The case of Maksym Demidov

Maksym Demidov – a Ukrainian journalist and anti-corruption activist from the city of Kryvyi Rih. Because of his anti-corruption activity, he was subjected to persecution on the part of local criminal elements and representatives of the law-enforcement agencies. Demidov was beaten up several times, and attempt was made to abduct his children. In 2015, as a result of a raider seizure, Demidov had a small business (a coffee shop) taken from him.

Fearing persecution, in 2018 Maksym Demidov moved to Poland, where he was detained under an Interpol "red notice". As it turned out, charges had been brought against Demidov in Ukraine, that he had supposedly appropriated for himself the equipment of his own coffee shop that the raiders had taken from him<sup>39</sup>. A Polish court sided with Demidov's and adopted a decision on the impermissibility of his extradition to Ukraine<sup>40</sup>.

In Poland, Demidov continued his journalistic activity. In 2018 he was given an award at the Grand Press ceremony for resolve in journalistic and civic activity<sup>41</sup>.

## 2.3. ACCESS FOR REPRESENTATIVES OF A REQUESTING STATE TO ARRESTED REFUGEES OR ASYLUM SEEKERS

### The case of Yerzhan Kadesov

Yerzhan Kadesov, accused in the case of Kazakhstani oppositionist Mukhtar Ablyazov, was arrested in Hungary at the request of Kazakhstan. In November 2016, the Hungarian authorities allowed a Kazakhstani prosecutor and diplomat to visit Kadesov in prison; both of them threatened him. They should not have been allowed to visit Kadesov, who at that time had the status of an asylum seeker.

<sup>39</sup> <https://en.odfoundation.eu/a/9320,observation-mission-human-rights-in-ukraine-the-situation-with-anti-corruption-activists-in-kryvyi-rih>

<sup>40</sup> <https://wiadomosci.onet.pl/swiat/maksym-demidow-zostaje-w-polsce/dgz4dq8>

<sup>41</sup> <https://www.press.pl/tresc/55563,bertold-kittel-dziennikarzem-roku-2018>

In June of 2017 Zhaksylyk Zharimbetov, yet another accused in this case, whose unlawful extradition Kazakhstan had succeeded in obtaining, rang Kadesov in the prison. Such a phone call to prison could be organised only with the cooperation of the Hungarian and Kazakhstani authorities. Zharimbetov promised Kadesov “guarantees of protection” if he would come to Kazakhstan and give incriminating testimony. Following this phone call, Kadesov abruptly changed his position and requested that he be “voluntarily extradited” to Kazakhstan.

After implementation of the extradition, Kadesov, as in the case with Zharimbetov, began to “aid the investigation”: he gave testimony against Ablyazov and began disseminating the theses of Kazakhstani state propaganda aimed against human rights advocates.

### **The case of Alovsat Aliyev**

In April 2016, in Ukraine, at the request of Azerbaijan, human rights activist Alovsat Aliyev was arrested. He spent 20 days in a detention facility. Germany granted Aliyev refugee status, recognising the political nature of his persecution by the Azerbaijani authorities. Despite this, the Ukrainian prosecutor's office allowed a representative of Azerbaijan to visit him in the detention facility, and he threatened Aliyev. The intervention of German diplomats and wide publicity saved Aliyev from extradition to Azerbaijan.

## **2.4. BASELESS DENIALS OF ASYLUM**

### **The cases of Pyotr Lyubchenkov, Sergei Anisiforov, Aleksey Vetrov and Sergey Sakharchuk**

Contrary to the statements of the authorities, Ukraine’s prosecutor's office, the police, the migration service, and the courts remain unreformed and use the old illegal methods in their work. Refugees from the post-Soviet states often choose Ukraine, whose authorities declare adherence to democratic values. However, in reality, the Ukrainian Migration Service systematically denies asylum or subsidiary protection to those persecuted.

For example, asylum was not granted to Russian activists who are being persecuted for supporting EuroMaydan (Pyotr Lyubchenkov, Sergei Anisiforov, Aleksey Vetrov, and Sergey Sakharchuk). The Migration Service of Ukraine explained that according to Russian legislation, Russia is a “democratic state of law”, where “there is no torture”. Later, Lyubchenkov managed to achieve temporary subsidiary protection. All of these activists remain at risk of extradition or expulsion.

### **The case of Zhanara Akhmetova**

Zhanara Akhmetova is a journalist and activist in Kazakhstan’s DCK opposition movement. In 2009, a Kazakhstani court sentenced her to 7 years’ imprisonment on charges of fraud. The execution of the court sentence was deferred until her child turns 14 years old (*i.e.* until 2021). Zhanara Akhmetova began to actively engage in journalism and opposition activities, after which the Kazakhstani authorities began shadowing her and exerting pressure on her. In June 2017, with no legal grounds, the authorities cancelled the deferment of the execution of the court sentence.

In October 2017, Akhmetova was arrested in Ukraine based on an extradition request from Kazakhstan. In November 2017, the court released her from custody, which was made possible thanks to the efforts of human rights organisations, lawyers, MEPs, and the international community. The trial revealed facts

that could indicate cooperation between the Ukrainian and Kazakhstani special services for the purpose of extraditing Akhmetova.

In July 2018, Akhmetova reported that unidentified persons had attempted to kidnap her in Kyiv. The journalist believes that the Kazakhstani security services are involved in this.

The Migration Service of Ukraine refused to grant her refugee status. However, on 31 July 2018, the Kyiv Appellate Court ordered that the migration service reconsider Akhmetova's application and take data about her opposition and journalistic activity into consideration. On 17 September 2018, the Supreme Court of Ukraine confirmed this decision. However, the Migration Service repeatedly continued to deny Akhmetova's application for asylum.

Akhmetova again appealed to the court, but on 19 September 2019, the Kyiv Administrative Court rejected her complaint. The court reckoned that Akhmetova is being prosecuted on non-political charges of fraud, thereby ignoring that the real reason for the prosecution is her activity as a journalist and as one of the leaders of the DCK opposition movement, recognised in Kazakhstan as "extremist". Akhmetova intends to appeal to higher courts in order to obtain refugee status.

Akhmetova is at risk of extradition.

There is a high probability that Kazakhstan's authorities will resort to abuse of extradition procedures in the case of yet another opposition activist who has asked for asylum in Ukraine - **Ardak Ashim**. She became a victim of punitive psychiatry in Kazakhstan. **Aynura Ashimova**, Ardak Ashim's daughter, an activist with the DCK opposition movement, may likewise be subjected to unlawful extradition or expulsion to Kazakhstan.

### The case of Mustafo Khayetov

Mustafo Khayetov – a member of the Tajik opposition movement « the Group 24», which in Tajikistan is recognised as "extremist". The majority of the movement's active members reside beyond the confines of Tajikistan.

In 2016, Mustafo Khayetov moved to Poland and asked for asylum; however, he received a denial. Poland's authorities forced him to leave the territory of the Schengen zone. Khayetov went to Germany and likewise submitted an application for asylum. In connection with his having violated the prohibition on sojourn in the Schengen zone, he was deported from Germany back to Poland. Khayetov tried anew to obtain asylum in Poland; however, he received another denial. In September 2019, Mustafo Khayetov was forcibly sent to Tajikistan. According to available information, this is the first instance when an opposition activist was deported from the EU to Tajikistan<sup>42</sup>.

In Tajikistan, charges of terrorism and extremism are brought against opposition movements in order to prohibit their activity. In 2015 in Tajikistan, the activity of one of the country's very oldest political parties – the Islamic Renaissance Party – was prohibited. It was declared to be a "terrorist organisation". Many members of the party and their families were subjected to repressions. Since 2015, 1,639 Tajiks have submitted claims for international protection in Poland. According to the data of the Polish authorities, only 71 of them have received any form of protection.

<sup>42</sup><https://www.rmfm24.pl/fakty/swiat/news-media-polska-deportowala-tadzyskiego-opozycjoniste,nld,3226186>

## 2.5. IMPLEMENTATION OF EXTRADITION CONTRARY TO A PROHIBITION ON THE PART OF THE UN

### The case of Farid Yusub

In 2013, the UNHCR granted Azerbaijani citizen Farid Yusub refugee status. In May 2015, Yusub was detained in Russia because he was wanted by Interpol at the request of Azerbaijan. He spent a year in custody. The General Prosecutor's Office of Russia decided to extradite Yusub. In September 2016, the Russian court upheld this decision. The court stated that the arguments of the UNHCR "do not apply to Yusub". In January 2017, Interpol removed his name from their wanted list.

Despite this, and despite the UNHCR decision, Russia extradited Yusub to Azerbaijan in August 2018. In Azerbaijan, a court acquitted Yusub. The attention to the case on the part of human rights organisations<sup>43</sup> and wide coverage in the mass information media<sup>44</sup> may have had an influence on this positive outcome.

### The case of Timur Tumgoyev

In June 2016, Timur Tumgoyev was detained in Ukraine on the basis of an extradition request from Russia. He spent approximately two years in custody. The Migration Service refused to grant him asylum. He sought a review of the asylum case through legal action, but he did not get a court decision in time. In September 2018, by decision of the Ukrainian prosecutor's office, he was extradited to Russia. In addition, Ukraine ignored a decision of the UN Human Rights Committee, which had demanded that the extradition of Tumgoyev be stayed<sup>45</sup>.

In Russia, Tumgoyev was convicted and sentenced to 18 years in prison on a charge of participation in the activity of a terrorist organisation.

### The case of Murat Acar and Muhammet Furkan Sökmen

The Turkish authorities have managed to lay their hands on their political opponents abroad despite a UN ban on their extradition. In 2016, Turkey brought about the extradition of Murat Acar, who was residing in Bahrain under the humanitarian protection of the United Nations. Human rights activists reported that, following his extradition, he was subjected to torture. In 2017, despite a protest by the UNHCR, Muhammet Furkan Sökmen was extradited from Thailand to Turkey<sup>46</sup>.

## 2.6. ABUSE VIA REPEATED EXTRADITION REQUESTS OR REQUESTS TO INTERPOL

### The case of William Browder

Interpol seven times rejected Russia's request for a search of William Browder, a British citizen and the leader of the Magnitsky Justice Campaign. However, each time, Russia sent another request. In November 2018, Russia brought additional charges against Browder for "organising a criminal

<sup>43</sup> <https://www.amnesty.org/en/documents/eur55/8996/2018/en/>

<sup>44</sup> <https://www.youtube.com/watch?v=z40XmrU-G3I>

<sup>45</sup> <https://helsinki.org.ua/appeals/zayava-hph-ta-uhspil-schodo-ekstradytsiji-bizhentsya-z-rf-tymura-tumhojeva-do-rosiji/>

<sup>46</sup> <https://stockholmcf.org/abuse-of-the-interpol-system-by-turkey/>



association". Moreover, representatives of the Prosecutor General's Office of Russia stated that Browder had poisoned Magnitsky and was the person "most interested in Magnitsky's death"<sup>47</sup>.

### **The case of Victor Țopa, Viorel Țopa and Vladimir Morari**

Moldova has twice filed requests for the search for businessmen Victor Țopa, Viorel Țopa and Vladimir Morari, but Interpol has rejected them twice (in 2013 and 2015). The businessmen said that Moldovan oligarch Vladimir Plahotniuc had carried out a raider seizure of their company. In Moldova, they were sentenced in absentia to prison terms. In 2015, Germany refused to extradite Victor Țopa and Viorel Țopa to Moldova.

Another case where the Moldovan authorities may abuse the Interpol system and extradition procedures is the prosecution of lawyer **Anna Ursachi**. She participates in high-profile cases, in particular in defending the opponents of Moldovan oligarch Vladimir Plahotniuc<sup>48</sup>.

### **The case of Tatiana Paraskevich**

Tatiana Paraskevich – accused in the case of the Kazakhstan oppositionist Mukhtar Ablyazov. She resides in the Czech Republic. In 2014, the Czech Republic refused to extradite Paraskevich to Russia and Ukraine. However, Russia and Ukraine have expressed their disagreement with this decision. In 2016, the countries almost simultaneously sent repeated requests for the extradition of Paraskevich, but in December 2017 they received a second refusal from the Czech Republic.

In 2014 and 2015, the Czech Republic provided Paraskevich with subsidiary protection. Lawyers for the nationalised Kazakhstani BTA Bank repeatedly appealed to the Czech law-enforcement agencies to not grant international protection to Paraskevich. In April 2017, Interpol removed Paraskevich's name from their wanted list. In September 2018 the Czech Republic provided Paraskevich with international protection (asylum) due to the political nature of the case.

### **The case of Muratbek Ketebayev**

In 2013, Poland granted asylum to Muratbek Ketebayev, a Kazakhstani opposition politician. However, Kazakhstan continued to seek his extradition. He was later detained in Spain on an Interpol Red Notice. In 2015, Spain refused to extradite him.

### **The case of Leyla Yunus and Arif Yunusov**

In 2016, the Netherlands granted asylum to human rights defenders Leyla Yunus and Arif Yunusov, who were persecuted and ill-treated in Azerbaijan. After that, according to human rights advocates, the Azerbaijani authorities were preparing to put them on the Interpol wanted list, but Interpol, under pressure from the international community, refused to do so<sup>49</sup>.

### **The case of Yafez Hasanov**

In 2016, Germany provided asylum to Yafez Hasanov, a former journalist for Radio Liberty, who had covered human rights violations in the Nakhchivan Autonomous Republic of Azerbaijan. After that, in

<sup>47</sup> <https://www.currenttime.tv/a/browder-magnitsky-russia/29608339.html>

<sup>48</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=23437&lang=en> ; <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24224&Lang=EN> ; <http://www.assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?FileID=24308&Lang=EN>

<sup>49</sup> <https://www.meydan.tv/ru/site/news/23530/>

2017, Azerbaijan initiated a criminal case against Hasanov. Germany refused to extradite him. Hasanov has received numerous threats, including death threats, if he does not stop his journalistic investigations.

### **The case of Dolkun Isa**

Dolkun Isa - president of the international organisation World Uyghur Congress. China considers this organisation terroristic and has placed many of its leaders on the international wanted list. Dolkun Isa is known for his activity in defence of the rights of Uyghurs. In the middle of the 1990s he was forced to flee China because of his human-rights activity. Since 2006, he is a citizen of Germany, where he had earlier received asylum.

Over a span of many years Isa was on Interpol's wanted list at China's request, in connection with which he was detained several times in different countries. In 2018, Interpol removed him from their wanted list.

### **Abuse of Interpol's Stolen and Lost Documents database**

Another abuse of the Interpol system is to file cases claiming missing, lost or revoked passports and travel documents. According to the information obtained by the Arrested Lawyers Initiative and Human Rights Defenders, immediately after the coup attempt of 2016, the Turkish Government registered 60 000 passports as stolen or lost into the Interpol's Stolen and Lost Documents (SLTD) database. According to a report published by the Turkish main opposition Republican People's Party (CHP) in May 2017, at least 140,000 passports had been cancelled under the state of emergency. Holders of some of the said passports were consequently extradited to Turkey where they were tragically detained subjected to ill-treatment and even torture at the hands of Turkish security officers.

Journalist **Sevgi Akarcesme**, NBA player **Enes Kanter**, businessman **Soner Cesur** are three of hundreds of victims of Turkey's persistent abuse of SLTD. Turkish citizens residing in other countries learned during the border control that their passports were invalid. In order to solve the problem, they were advised to contact the Turkish Embassy for a temporary travel document and return to Turkey.

## **2.7. CORRUPTIONAL INFLUENCE ON THE LAW-ENFORCEMENT AGENCIES OF THE MEMBER STATES OF THE COUNCIL OF EUROPE WITH THE AIM OF ACHIEVING EXTRADITION**

### **The case of Mukhtar Ablyazov**

Mukhtar Ablyazov - a Kazakhstani opposition politician, leader of the "Democratic Choice of Kazakhstan" opposition movement, whom Kazakhstan's authorities have been pursuing over a span of many years. The reason for this is the long-standing conflict between Ablyazov and Nazarbayev, connected with the fact that in 2001 Ablyazov went over into opposition and founded the "Democratic Choice of Kazakhstan" movement. Ablyazov, being the majority shareholder and head of the private BTA Bank, was supporting the opposition. In 2009, the Kazakhstani authorities accused Ablyazov of embezzlement of BTA Bank's funds. For 10 years now, Kazakhstan has been abusing the Interpol system and seeking the extradition of Ablyazov and his associates from the EU.

Not having extradition treaties with most EU countries, Kazakhstan turned to Ukraine and Russia for assistance (BTA Bank had representative offices in these countries). Ukraine and Russia also placed

Ablyazov, his colleagues, and family members on Interpol's wanted list. Documents published on kazaword.wordpress.com have confirmed that representatives of the Kazakhstani authorities prepared draft charges for the Ukrainian and Russian investigations and gave them direct instructions on the case of Mukhtar Ablyazov. These documents have been widely publicised among the media<sup>50</sup> and human rights organisations.<sup>51</sup>

On 9 December 2016, the French Council of State overturned Ablyazov's extradition order and stressed the political nature of the case against him. The Council of State noted that Kazakhstan had illegally influenced the Ukrainian and Russian investigations in this case<sup>52</sup>. Interpol removed Ablyazov from their wanted list.

### **The case of Viktor Khrapunov, Leila Khrapunova and Ilyas Khrapunov**

It has been widely reported in the European media that the Kazakhstani authorities tried to bribe some Swiss parliamentarians and former officials to lobby for the extradition of the Khrapunov family<sup>53</sup>. Kazakhstan is pursuing the former mayor of Almaty, Viktor Khrapunov, businesswoman Leila Khrapunova, and Ilyas Khrapunov, son-in-law of Mukhtar Ablyazov. The Khrapunovs report that between 2008 and 2011, the Kazakhstani authorities demanded that they sever relations with Ablyazov and testify against him<sup>54</sup>. They refused to do so, after which they became victims of criminal prosecution. The authorities of Kazakhstan opened 21 criminal cases against Viktor Khrapunov and members of his family. According to the Kazakhstani authorities, Ilyas Khrapunov "was a member of a criminal group" at the age of 14.

Switzerland refused to extradite Viktor Khrapunov to Kazakhstan twice (in 2011 and 2014). The Khrapunovs report that Switzerland also refused to extradite Leyla Khrapunova to Kazakhstan.

### **The case of Aleksandr Pavlov**

On 17 February 2015, the Supreme Court of Spain granted asylum to Aleksandr Pavlov, who was accused in Mukhtar Ablyazov's case. Kazakhstan was denied Pavlov's extradition. The documents published in the media raised suspicions that the Kazakhstani authorities may have influenced previous decisions of the Spanish justice system in the case (lawyers working in Kazakhstan knew about the positions of the judges).

The case of judge Alfonso Guevara, who tried to extradite Pavlov while his asylum application was not yet completed, was also publicised. Judge Guevara was trying to speed up Pavlov's extradition, making contact with the Kazakhstani ambassador, who reported that a plane was already waiting for Pavlov<sup>55</sup>. It proved possible to stop the extradition thanks to the fact that an administrative worker of the court put the judge's query on hold, and likewise thanks to the fast reaction of the international public.

<sup>50</sup> <https://www.letemps.ch/suisse/opposants-kazakhs-piste-lenlevement-passait-vevey>; <https://www.mediapart.fr/journal/international/140216/loligarque-kazakh-ablyazov-denonce-une-justice-francaise-lecouite-de-moscou>

<sup>51</sup> <https://en.odfoundation.eu/a/7508,prominent-russian-human-rights-activists-salled-for-preventing-the-extradition-of-mukhtar-ablyazov>

<sup>52</sup> <https://www.conseil-etat.fr/ressources/decisions-contentieuses/dernieres-decisions-importantes/ce-9-decembre-2016-m-o>

<sup>53</sup> <https://www.nzz.ch/schweiz/der-lange-arm-der-lobbyisten-ins-bundeshaus-1.18536437>; <https://www.letemps.ch/suisse/parlementaires-plus-plus-vulnerables-face-aux-lobbyistes>; <https://www.derbund.ch/bern/kanton/Markwalder-Kiener-Nellen-und-die-BorerKasachstanConnection-----/story/28295992>; <https://www.srf.ch/news/schweiz/borer-wehrt-sich-gegen-vorwurfe-der-nzz>

<sup>54</sup> <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=24151&lang=EN&search=dHlwZV9zdHJfZW46IldyaXR0ZW4gZGVjbGFyYXRpb24i>

<sup>55</sup> [https://elpais.com/politica/2014/04/05/actualidad/1396716473\\_968897.html](https://elpais.com/politica/2014/04/05/actualidad/1396716473_968897.html)

## **2.8. CITIZENS OF THE EU AND THE US WHO BECAME VICTIMS OF ABUSES OF EXTRADITION PROCEDURES**

### **The case of Marek Zmysłowski**

Marek Zmysłowski, a Polish entrepreneur, was detained at the airport in Warsaw in January 2018. The Nigerian authorities had put him on the Interpol wanted list on charges of “fraud”. The case was initiated on the basis of an application filed by his former business partners, who demanded that Zmysłowski, as one of founders of their company, return their investment funds. In fact, this case is a corporate conflict and has a commercial nature. The Interpol system cannot be used in such cases. Zmysłowski stresses that no one has notified him of a criminal prosecution or summoned him for questioning.

In April 2018, the Nigerian Court of Appeal established the illegality of Zmysłowski’s prosecution. Nigeria did not send Poland the proper package of documents in Zmysłowski’s case. In May 2019, Interpol removed Zmysłowski from their wanted list, while Poland denied his extradition.

### **The case of Fikrat Huseynov**

Fikrat Huseynov is an Azerbaijani journalist who received refugee status and citizenship in the Netherlands. In October 2017, he was arrested in Ukraine at the request of Azerbaijan. He was held in a pre-trial detention facility for over two weeks. For several months the issue of Huseynov's extradition to Azerbaijan was considered in Ukraine. During that time, he was nearly kidnapped.

Interpol removed Huseynov from their search list, but the Ukrainian Prosecutor's Office continued the extradition procedure. During the trial, the Prosecutor's Office took away Huseynov's passport. The ombudsman's office described these actions as illegal. In April 2018, during a court hearing, Huseynov managed to retrieve his passport, after which he travelled to the Netherlands.

### **The case of Nikolai Koblyakov**

Nikolai Koblyakov is a Russian businessman and opposition activist with French citizenship. In 2014, he spent three months behind bars in Bulgaria. However, the Bulgarian court refused to extradite him to Russia.

### **The case of Leonard Homeniuk**

Leonard Homeniuk is a citizen of the United States and Canada, who used to head a gold mining company in Kyrgyzstan. In June 2014, after a change of government in Kyrgyzstan, local law-enforcement agencies put Homeniuk on Interpol's wanted list on charges of corruption. Homeniuk calls the charges politically motivated. In October 2015, Bulgaria refused to extradite him.

### **The case of Aysen Furhoff and Halis Aydoğan**

Aysen Furhoff and Halis Aydoğan are former Turkish citizens wanted by Turkish law-enforcement agencies. After escaping from Turkey, Furhoff and Aydoğan received citizenship of, respectively, Sweden and France. These states have also recognised the political nature of their prosecution and the impermissibility of extradition. In 2015, based on an Interpol Red Notice, Furhoff and Aydoğan were separately detained in Georgia. They were held in detention for several months while the issue of extradition was being resolved. Ultimately, they were able to return to Europe.



## The case of Hamza Yalçın

Hamza Yalçın is a writer and activist of Turkish origin, who received asylum, and later citizenship, in Sweden. In August 2017, he was detained in Spain based on a Turkish request to Interpol. He spent two months under arrest. The Swedish authorities spoke out in his defence. In September 2017, Spain refused to extradite him.

## 2.9. EXTRADITION AGREEMENTS BETWEEN AUTHORITARIAN REGIMES AND DEMOCRATIC COUNTRIES

Non-democratic states sign agreements on extradition and legal assistance with organisations and member states of the Council of Europe. Within the framework of the agreements, they declare adherence to the principles of observing human rights and the supremacy of law; however, in actuality, they continue to abuse the tools of international legal cooperation for the implementation of politically motivated persecutions. By concluding new agreements, authoritarian states are trying to increase trust in their extradition requests.

Representatives of **Kazakhstan's** authorities declare their desire to sign agreements on legal assistance with the states of the EU (in particular Austria and France), as well as to accede to the Council of Europe's conventions in the sphere of criminal judicial proceedings. On 15 October 2019, Kazakhstan signed an agreement with the Group of States Against Corruption (GRECO) created by the Council of Europe. The signing of the agreement will open up even more opportunities for Kazakhstan to abuse extradition procedures under the pretext of fighting corruption and "the laundering of dirty money".

**China** has ratified agreements on extradition with 39 countries of the world, including with six EU countries: France, Spain, Italy, Portugal, Romania, and Bulgaria. The agreements with China were entered into despite society's protests. In 2017, a case was documented when the Chinese side secretly conducted a special operation on the territory of France for the return of a wanted person to China (the case of the Zheng Ning Case). Such special operations can be conducted likewise on the territory of other countries.

The governments of many states put off the process of ratification of an extradition agreement with China in connection with public protests. In 2019, many-thousand-strong protest actions began in Hong Kong in connection with the intention of Hong Kong's authorities to adopt a law that would allow wanted persons to be handed over to China. Hong Kong does not have a treaty on extradition with China. China is one of the leaders in abuse of the Interpol system. As of the given moment, Interpol has removed around 100 "red notices" that had been issued at China's request<sup>56</sup>. According to official data from 2014 through 2018, 5,201 persons were returned to China from more than 100 countries<sup>57</sup>.

Along with China, **Russia** is one of the leaders in abuse of Interpol mechanisms. In the past two years, several persons whom Russia had put on a wanted list were removed from Interpol's list, in particular: the opposition politician Yan Andreyev<sup>58</sup>; the activist Nikita Kulachenkov; and Pavel Zabelin, Leonid Nevzlin, Pavel Ivlev, Ivan Kolesnikov, charged in the YUKOS case. Russia was denied their extradition.

In December 2015, legislative changes were adopted in Russia allowing for the decisions of the ECHR and other international judicial instances that "contradict the Constitution of the RF" to not be executed. These changes were harshly criticised by the Venice Commission. Factually, Russia had repealed the priority of international law for itself<sup>59</sup>. Despite this, in 2019, the work of Russia's delegation at the PACE was resumed.

<sup>56</sup> [https://www.thepohtimes.com/interpol-headed-by-chinas-police-vice-minister-abuses-red-notice-to-track-down-dissidents-overseas\\_2526995.html](https://www.thepohtimes.com/interpol-headed-by-chinas-police-vice-minister-abuses-red-notice-to-track-down-dissidents-overseas_2526995.html)

<sup>57</sup> <https://www.chinadailyhk.com/articles/145/49/63/1548397990101.html>

<sup>58</sup> <https://en.odfoundation.eu/a/8607.interpol-removes-the-name-of-russian-political-refugee-yan-andreyev-from-its-wanted-list>

<sup>59</sup> <https://en.odfoundation.eu/a/7280.russia-s-ignoring-of-european-court-of-human-rights-decisions>

