

Warsaw, 28.09.2015

Posel na Sejm
Rzeczypospolitej Polskiej

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H.E. Dalia Grybauskaitė,
President of the Republic of Lithuania
S. Daukanto a. 3, LT-01122 Vilnius

Dear Mr. President:

I am writing to raise my concern about the fact that Mr Syrym Shalabayev, Kazakh citizen, asylum-seeker, who was arrested in Lithuania on 28 July 2015 the basis of the INRERPOL's Red Notice, would face risk of severe human rights violations if requested extradition to Kazakhstan or Ukraine is executed. Both countries issued extradition requests to Lithuania and their admissibility is currently under examination of respective authorities. In recent years, authoritarian government of Kazakhstan, for purposes of persecuting political opponents who seek shelter in the EU, have increasingly often used INTERPOL system instrumentally.

I write sensitize Lithuanian authorities that persecution of Mr Syrym Shalabayev must be seen in a context of a wider campaign of repressions against political opposition by the Kazakh authorities, particularly against family and associates of Mukhtar Ablyazov, an exiled dissident and a vocal critic of President Nursultan Nazarbayev's government. Mr Shalabayev is a brother of Alma Shalabayeva, Ablyazov's wife, who was kidnapped from Italy and illegally deported to Kazakhstan in 2013 – an act that caused international scandal. Under strong pressure from the international community, Kazakh authorities were forced to release her and allowed her to return to Europe. Kazakhstan also used Interpol against Alexandr Pavlov, former head of security of Ablyazov, who was arrested in Spain, where he was later granted asylum, despite Kazakh authorities' attempts to extend pressure on judges, and against Muratbek Ketebayev, Ablyazov's political ally, arrested in Poland, where he subsequently obtained a refugee status, and was again arrested in Spain, where he was released after the authorities recognised political motivation behind his persecution.

Request for Mr Shalabayev's extradition is based on doubtful grounds – criminal cases against him in Kazakhstan and Ukraine describing "fraud" scheme bear all the signs of falsification. They were only secondary to prior actions of secret services to shadow his family members, particularly parents in Lithuania: a clear sign he was on a "wanted" list before the proceedings took a formal shape.

Although Ukraine is undergoing democratic transition, its justice system remains largely vulnerable to abuses and illegal pressures. In his recent speech at the Odessa Financial Forum (24.09.2015) the US Ambassador underlined General Prosecutor's office resistance to fight corruption and implement reforms. The documents, which were given

publicity in Europe, confirmed that in the case of Ablyazov and Shalabayev, Kazakhstan produced indictment acts for the Ukrainian investigators, and even provided “instructions” who should be declared wanted. The criminal case against Syrym Shalabayev was the same case in which other Ablyazov’s associate, Tatyana Paraskevich, was involved. The Czech Republic granted her asylum and refused to extradite her to Ukraine.

Having in mind reality of the justice systems not only in Kazakhstan but also in Ukraine, I must state firmly that no guarantees of conduct of a fair trial issued by Astana or Kiev can be given credibility. I strongly support decision to reject Mr Shalabayev’s extradition and to provide him asylum in Lithuania.

Most respectfully,

Marcin Święcicki,
Member of the Parliament,
Republic of Poland