SHELTER FROM THE STORM?
THE ASYLUM, REFUGE AND EXTRADITION SITUATION FACING ACTIVISTS FROM THE FORMER SOVIET UNION IN THE CIS AND EUROPE

Edited by Adam Hug
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The asylum, refuge and extradition situation facing activists from the former Soviet Union in the CIS and Europe

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Exporting repression: Extraterritorial practices and Central Asian authoritarianism
Dr David Lewis

Post-Soviet authoritarian states view diaspora communities and political exiles as dangerous threats to their political dominance at home. Faced with political activism among their citizens abroad, they seek to expand their domestic modes of repression beyond their own borders. Central Asian states, such as Uzbekistan, have been particularly active in this regard, using a wide range of mechanisms to maintain political influence over citizens who have moved abroad. These activities pose a serious threat to the security of dissidents in exile, but also serve to export the dynamics of political repression around the world. EU states should resist unwarranted extradition requests and Interpol ‘Red Notices’ against political exiles, ensure that those seeking political asylum are fully protected and constrain foreign intelligence activities targeting activists, journalists and dissidents under their jurisdiction.

Central Asia’s authoritarian states
Western attempts to support the emergence of liberal-democratic political systems in the post-Soviet world have largely failed. Nowhere is this more obvious than among the five states of Central Asia, where authoritarian rule has become the default political order. Uzbekistan and Turkmenistan have become two of the most repressive states in the world, scoring the lowest possible scores on Freedom House’s annual rankings of political and civic freedoms. Tajikistan and Kazakhstan offer slightly more liberal environments, allowing some limited space for NGOs and independent media to operate. Only Kyrgyzstan has held recent competitive elections, but its relatively pluralistic system has been marred by instability and an outbreak of inter-ethnic violence in 2010 that claimed hundreds of lives.

Authoritarian regimes in Central Asia rely on a complex mixture of formal and informal mechanisms of control, but a major role is played by repressive security and law enforcement agencies. Inside the borders of Uzbekistan, Tajikistan and Turkmenistan, security forces have clamped down on any popular protest or political opposition. But repression at home has forced many political opponents and religious activists to flee abroad. Some have reached relative safety in Russia or other former Soviet republics, but others have sought political asylum much further afield, including in the US and in EU member states.

At the same time, the lack of economic opportunities has stimulated mass labour migration to Russia and Kazakhstan from the poorer states in the region. Millions of Uzbek, Tajik and Kyrgyz citizens now live and work abroad. Their home governments welcome the money they send home, but they also view these communities as posing potential political challenges to regimes at home.

To counter these perceived threats from abroad, Central Asian governments have expanded their activities outside state borders. They mount extensive propaganda exercises to discredit political exiles, creating a discourse in which diasporas and citizens based abroad are seen as potential security threats. Intelligence agencies conduct widespread surveillance and intelligence-gathering activities, and extradite or forcibly return individuals to face prosecution at home. There have even been physical attacks and assassination attempts against political exiles.

These authoritarian regimes have been successful at exporting their domestic mechanisms of repression, not just within the former Soviet republics, but more widely to EU states and further afield. Other non-democratic regimes, such as China and Iran, have also been accused of similar activities against dissidents abroad, posing a growing challenge to traditional principles of political asylum and protection. Understanding the extent and nature of these extraterritorial repressive mechanisms is therefore becoming increasingly important.
Surveillance and intelligence activities
At the heart of this wide range of extraterritorial controls is a network of intelligence and security activities that crosses borders and targets activists, journalists and political opponents of authoritarian states in foreign jurisdictions. Reliable information on the extent of these operations is understandably limited, but there is sufficient evidence to suggest a growing problem of ‘refugee espionage’ against dissidents abroad by a number of states, including Uzbekistan. In Sweden, for example, asylum seekers have claimed that they are under surveillance by Uzbek intelligence or informers. 35 An Uzbek refugee in Sweden claimed in a media interview to have acted as a spy on his fellow exiles, under pressure from Uzbek intelligence officials. 36 Sweden has responded to these and similar allegations by tightening legislation against such cases of refugee espionage. 37 Similar allegations have been reported in other EU states by human rights activists.

Alongside intelligence-gathering, exiles face harassment and attempts to persuade them to give up political or journalistic activity or to inform on other dissidents. An informal but highly effective mechanism to limit political activities abroad involves pressurising individuals through their families and relatives. Many members of the family of exiled Turkmen dissident Annadurdy Khajiev have been harassed, sent into internal exile or imprisoned. 38 There have also been cases in Uzbekistan where family members of dissidents in exile have faced either criminal charges or other types of persecution or harassment in business or everyday life. 39 In 2013 Hasan Choriyev, the father of Bahodir Choriyev, a US-based leader of the opposition party Birdamlik, was arrested on charges of rape, which were widely viewed as politically-motivated. 40

Intelligence and security activities in EU states are largely covert, but in Russia and some other CIS states, there is both official and unofficial cooperation between Central Asian and Russian law enforcement agencies. Joint detentions and interrogations are commonplace, and Uzbek and Tajik security forces seem to have particular freedom of activity in Russia. 41 A typical incident of interrogation ended in tragedy in November 2012, when three Uzbek SNB officers interrogated a group of Uzbek migrant workers, detained at Vnukovo airport, near Moscow. The officers reportedly showed them photographs portraying the results of beatings and torture on some of their neighbours back in Uzbekistan, who had been arrested. Apparently fearing a return to such abuse, one of the detainees, Abdusamat Fazletdinov, hanged himself in detention. 42

Political activists who flee abroad are often charged – usually on flimsy evidence – with economic crimes or a vague connection to ‘terrorist activity’ or ‘extremism’. Such charges enable states to seek their detention through international policing mechanisms, such as Interpol. In principle, Interpol does not permit politically-motivated cases to be listed, but many cases where there is a clear political motivation nevertheless remain in its database. 43 National police forces are often able to

35 European Court of Human Rights (ECtHR), ‘Case of F.N. and others v Sweden’ (Application No. 28774/09), Strasbourg, 18 December 2012, §26, 27
39 Three brothers of Uzbek opposition leader Mohammed Solih have been imprisoned. Merhat Sharipzhonov, ‘Uzbek Opposition Leader’s Brother Sentenced to Five More Years’, RFE/RL, 26 January 2012, http://www.rferl.org/content/uzbek_opposition_leaders_brother_sentenced_to_five_more_years/22464415.html
circumvent even these limitations, by uploading their own draft Red Notices. Moreover, a more informal system of emails – termed 'Diffusions' – is largely unfiltered by the Interpol General Secretariat, but reportedly results in high numbers of international detentions. Uzbekistan is known to have issued such Diffusions in relation to refugees from Andijan granted resettlement in the Czech Republic in 2005; US diplomats argued that these 'Diffusions' were politically motivated.

For many exiles, these Interpol Notices effectively constrain their ability to travel internationally; for others, it has affected their ability to gain employment or to open a bank account. While EU states will not normally act on a Red Notice which targets somebody who has been granted political asylum, political and religious activists in exile are nervous about travelling to many non-EU countries, for fear of being detained and possibly extradited. In February 2013 former Tajik prime minister Abdumalik Abdullojonov was arrested when he arrived in Ukraine, on the basis of a longstanding Red Notice issued by the Tajik authorities, although he had lived in the US for more than a decade after receiving political asylum there. Ultimately, international pressure contributed to his release in April 2013, but in such cases political refugees often become pawns in high-level negotiations over commercial and geopolitical issues.

Extradition and forced returns

Bringing exiles back home to face prosecution is a powerful mechanism not only to target particular individuals but to spread fear among other political activists and dissidents abroad. In theory, international law – notably the principle of non-refoulement – prohibits the return of refugees and asylum-seekers to jurisdictions where they are likely to face torture or other persecution. However, conventions that govern extradition among CIS states, such as the Minsk Convention, offer little protection for refugees and asylum seekers against abuse of the non-refoulement principle. Authoritarian states in Central Asia are thus able to ensure that most former Soviet republics are spaces of severe vulnerability for their citizens. However, these initiatives have also spread beyond the CIS, targeting exiles in EU and other states.

In recent years, legal extradition to countries such as Uzbekistan and Turkmenistan, even from countries such as Russia, has become much more difficult in Europe, because of constraints imposed by the European Court of Human Rights (ECHR). The ECHR has become a lifeline for many asylum-seekers within the jurisdiction of Council of Europe members, and the Strasbourg court has played a critical role in influencing domestic court decisions, not only in the EU but also in Ukraine and Russia. The ECHR has the right to demand a suspension of extradition proceedings under Court Rule 39, which is often invoked in such proceedings in Russia. In an important case, in December 2010 the Supreme Court of Tatarstan annulled an extradition order given against Shokirjon Soliyev, an Uzbek citizen, specifically citing the possibility of ill-treatment of the defendant if he were to be returned to Uzbekistan. In a separate case challenging an extradition order against an Uzbek citizen, a court in Irkutsk concluded in 2011 ‘that a general problem of ill-treatment of detainees in Uzbekistan still persisted in the country and diplomatic assurances could not offer a reliable guarantee against it.’

This ruling was upheld by the Russian Supreme Court in July 2012.

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45 In this case, the US diplomat noted that ‘UNHCR, PRM, and U.S. law enforcement authorities believe the issuance of the notices was politically motivated (possibly to disrupt resettlement of the refugees), and therefore these authorities view the notices as invalid and unenforceable’. See US Dept of State, ‘Notwithstanding INTERPOL notices, Uzbek refugees arrive in Czech Republic’, 12 December 2005, published by Wikileaks, at: http://www.cablestaxsearch.net/cable.php?id=05PRAGUE1732
48 ECHR, ‘Soliyev v Russia’, Application no. 62400/10, 5 June 2012, §27.
49 ECHR, ‘Niyezov v Russia’, Application no. 27843/11, 16 October 2012, §34.
Often these legal victories in Russian courts are short-lived. In cases where migrants at risk of extradition have won court cases, they have subsequently been abducted in Russia and returned to their home country by force. In August 2011 Murodzhon Abdulkhakov was abducted in central Moscow in the middle of the day by men in plain clothes, and taken to Tajikistan. He was finally released after three months' detention. Tajik citizen Savriddin Juraev was abducted in Moscow in October 2011, despite receiving temporary asylum in Russia. He was subsequently sentenced to 26 years in prison back in Tajikistan.50 Abdulvosdi Latipov, a former member of the United Tajik Opposition (UTO) during the Tajik civil war in the 1990s, was reportedly abducted in October 2012 in Russia, although the ECHR had requested a suspension of his extradition until the case was considered in full by the court in Strasbourg.51

For the most part, EU states have resisted attempts to extradite political opponents of Central Asian regimes. This has largely held for Uzbek, Tajik and Turkmen citizens. In relation to Kazakhstan, however, EU states have sometimes agreed to the extradition of individuals, who have asserted that their cases are politically-motivated.

Most notably, the Kazakh government has conducted a concerted campaign for the extradition of Kazakh oligarch Mukhtar Ablyazov and his associates. Ablyazov received political asylum in the UK in 2011, and has supported democratic initiatives and independent media inside Kazakhstan, but has been accused of a multi-billion dollar fraud stemming from his period as chairman of BTA bank before 2009.52 Ablyazov was finally arrested in France in July 2013, and he awaits the outcome of court hearings on extradition requests by Russia and Ukraine.53 The Kazakh authorities have also sought to extradite a number of Ablyazov’s associates, including Alexander Pavlov, a former bodyguard of Ablyazov, who was arrested in Spain in 2011. A Spanish court agreed to his extradition to Kazakhstan in November 2013, but the decision remains suspended, and has faced criticism by international human rights groups.54

In June 2013 the Italian authorities deported Ablyazov’s wife, Alma Shalabaeva, and the couple’s 6-year-old daughter, to Kazakhstan, in a particularly egregious abuse of due process. They were given no chance to appeal, and were deported on a private jet two days after being detained. The Italian government subsequently overturned the extradition, after admitting that it involved serious violations.55 The case demonstrates how even in EU member states, the extraterritorial activities of Central Asian states have contributed to undermining the rule of law.

Assassinations and physical attacks
Most of these extraterritorial controls exerted on diaspora communities take place without the use of direct violence. On occasion, however, the security services of Uzbekistan in particular, have been accused of involvement in physical attacks and even assassination attempts on opponents outside their borders.

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51 Amnesty International, ‘Tajikistan urged to disclose whereabouts of suspect held Incommunicado’, Public Statement, 5 November 2012
55 ‘How far will Nazarbayev go to take down Muhtar Ablyazov?’, RFE/RL, 10 June 2013 http://www.rferl.org/content/kazakhstan-nazarbaev-ablyazov/25010488.html; Reuters, ‘Kazakhstan won’t let oligarch’s wife return to Italy’, 13 July 2013, http://www.reuters.com/article/2013/07/13/kazakhstan-italy-ablyazov-idUSL6N0F20AM20130713
In October 2007 an unknown gunman shot dead 26-year-old journalist Alisher Saipov in Osh, in southern Kyrgyzstan. Saipov was a well-known journalist who had written extensively and critically about Uzbek politics. He published a regular blog and newspaper, Siyosat, which reported political news about Uzbekistan that was censored inside the country. The Uzbek authorities denied any involvement in Saipov’s murder, but independent reports have suggested that the Uzbek security services were most likely involved in the killing.

There were also allegations that security agents were involved in the killing of opposition activist and part-time imam Fuad Rustamkhajoev in September 2011 in Russia. Rustamkhajoev was a leading member of the People's Movement of Uzbekistan, an umbrella opposition group, founded in Berlin in May 2011. According to media reports, Uzbek SNB officers had visited his family home in Andizhan and threatened reprisals if he continued his opposition activity.

The most widely publicised attack was an assassination attempt against Obid-khon Nazarov, a well-known Uzbek cleric who had received political asylum in Sweden, and lived in the remote northern town of Strömsund. On 22 February 2012 a gunman shot him in the doorway to his block of flats. He survived the shooting, but has remained in a coma ever since. Human rights activists claimed that the shooting was the work of the Uzbek security services, and linked it to the Saipov and Rustamkhajoev killings. Swedish prosecutors suspected that the assassination attempt was an attempted contract killing, probably ordered by the Uzbek security services.

**Conclusion**

EU states face an increasing challenge to maintain traditions of political asylum in the face of concerted efforts by many post-Soviet states – and other authoritarian regimes – to expand their political controls beyond their borders. Political exiles need to feel secure and to be able to continue political activism and journalism in exile without suffering reprisals. Silencing voices abroad further deepens authoritarian consolidation at home and makes political reform and modernisation more difficult to achieve.

Extraterritorial repression also has an impact on the rule of law in other states. In Russia, the actions of Uzbek and Tajik security forces in abducting activists have threatened to undermine some limited progress on legal protections against extradition. In Europe, concerted campaigns by Central Asian governments for the extradition of political opponents have undermined due process and legal defence of asylum-seekers. The persecution of many political opponents by these regimes has led to the misuse of the Interpol system and other international policing and extradition mechanisms. Inevitably, some of these cases pose real challenges. Many political opponents of authoritarian regimes are enmeshed in endemic systems of corruption. Charges related to economic crimes may therefore have a strong evidential basis, but can also be viewed as politically-motivated. Religious

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57 International Crisis Group, ‘Political Murder’, p. 3.
59 Prominent Uzbek Cleric In Critical Condition After Sweden Shooting, 22 February 2012, RFE/RL, [http://www.rferl.org/content/exiled_uzbek_cleric_survives_attack/24493065.html](http://www.rferl.org/content/exiled_uzbek_cleric_survives_attack/24493065.html)
activists may challenge the secular constitutions of these states or pose a more profound political or social challenge. Yet in each case, the threat of possible mistreatment of such individuals seeking protection should remain paramount. A gradual decline in the protections afforded to asylum-seekers is likely to result in a negative impact on a wider range of civil liberties in the long run. EU states need to reassert their commitment to the principles of protection for political refugees and the norms of refugee protection, notably that of non-refoulement. They should also consider adopting tighter legislation to tackle espionage and intelligence activities that target activists from authoritarian states. International policing mechanisms such as Interpol need to be reformed to limit the number of politically-inspired Red Notices being issued against regime opponents. Council of Europe states should resist populist criticism of the ECHR and instead support its efforts to protect migrants and asylum-seekers seeking to avoid torture and imprisonment in countries such as Uzbekistan and Turkmenistan.

Above all, authoritarian states in the former Soviet Union need to find ways to accommodate political opposition and religious dissent within their own borders. A reliance on repressive security mechanisms at home will only produce further waves of political and religious dissidents who seek to flee abroad, prompting increased efforts to develop these damaging extraterritorial mechanisms to police and control these exile communities. In the long term such transnational networks of repressive practices are not sustainable, and Central Asian states need to allow ideological differences to be expressed freely and peacefully within their own domestic political systems.