

Universal Periodic Review of Spain

**Misuse and abuse of the pre-trial detention and the FIES system
in Spain & the Kokorevs Case**

MEDIA COVERAGE

Spanish judiciary's abuse of #HumanRights to come under scrutiny before UN and #ECtHR

EU Reporter - [Guest contributor](#) | July 31, 2019



According to several submissions to the UN's Universal Periodic Review, the Spanish legal system allows for violation of human rights, either by directly ignoring EU standards, or through loopholes in existing laws, writes Human Rights Without Frontiers Director Willy Fautré.

An emblematic case in point is the abuse suffered by the Kokorev family (Vladimir Kokorev, his wife and their son), in which the Spanish judge put three family members in a lengthy pre-trial detention, combined with no access to their case file (a regime called “*secreto de sumario*”), and particularly harsh prison conditions reserved for terrorists and violent criminals (called FIES regime under Spanish laws).

According to attorney Scott Crosby, who submitted an application in July on behalf of Vladimir Kokorev to the European Court of Human Rights, a Spanish judge imprisoned all three family members from 2015 to late 2017 on a vaguely worded suspicion of money-laundering. No formal charges were laid, nor “could they be laid because there was no evidence that the Kokorevs had handled illicitly generated money”, Crosby says in his submission. Towards the end of these two years of imprisonment, detention was extended for a further two years, still in the absence of a formal charge and evidence of a predicate crime. On appeal this was commuted to territorial confinement which restricted the family to Gran Canaria and required them to report weekly to the local court.

During their pre-trial detention, the Kokorevs were robbed of their presumption of innocence, being treated in all respects as dangerous prisoners such as terrorists, sexual offenders or war criminals (FIES-5, the highest and harshest level of detention conditions) although they had never used or incited violence and had no prior criminal record, in Spain or elsewhere.

Over the last fifteen years, the **European Parliament** and the **Council of Europe**, in particular the **Committee of Prevention of Torture (CPT)**, have expressed serious concerns and warnings about the FIES system. According to the submission of Human Rights Frontiers, the FIES – 5 status, to which the Kokorev family was subjected resulted in:

“...frequent changes of cell, the use of mechanical restraints when being moved, restricted visits and allowing the prison administration to monitor and record without judicial authorisation all of their communications and visits... [denial of] the benefit of European Prison Rules, such as the right to be detained separately from convicted prisoners...day release...contact between the family...[and the option to post] bail. Alternatives to incarceration were not considered or offered.”

Furthermore, the Kokorevs were subjected to the *secreto de sumario* regime, which meant that neither they nor their lawyers had any access to the Court files, the evidence, or the reasoning being used by the judge to keep them in prison.

As Human Rights Without Frontiers’ [submission to the UPR](#) explains: “Significantly, this case offers a unique corroboration that the Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (which should prevent the *secreto de sumario* from being used in the context of pretrial detention), has not been properly implemented by Spain via the *Ley Orgánica* 5/2015 of 27 April 2015.”

Another joint submission by a number of Spanish law firms that specialise in criminal and penitentiary law, denounces that pretrial imprisonment is used by Spanish judges to “soften” the person under investigation. The submission concludes, after explaining that Spain takes a predominantly inquisitorial approach to the criminal investigation, that: “This tendency towards the abuse of pretrial imprisonment is the result of (a) the features of the Spanish criminal system, in which there is an investigative judge; (b) the opportunities for the investigation derived from pretrial imprisonment, particularly when it is applied simultaneously with other measures that exist in the Spanish legal system, such as the *secreto de sumario* and the FIES, and (c) the fact that the right to compensation for [unlawful] pretrial imprisonment is contingent upon [proof of] innocence (there even existing different kinds of innocence for these purposes).”

Stakeholder submissions called for Spain to be held accountable for these human rights violations. Repeated recommendations from various voices call Spain to abolish the *secreto de sumario* and FIES system, to respect the presumption of innocence, and to reform the practice of lengthy pre-trial detention.

Currently, the Kokorev Case seems to be the only instance in which a Spanish judge used these three measures in combination with each other and therefore will also be the first chance for the European Court of Human Rights to rule on this kind of practice.

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#Kokorev case, miscarriage of justice in Spain spotlighted at the UN in Geneva

EU Reporter - [Guest contributor](#) | June 27, 2019



At the 41st session of the held this week at the UN in Geneva, the judicial miscarriage of the Kokorev case by the Spanish authorities was publicly raised by an NGO, writes Human Rights Without Frontiers Director Willy Fautré.

In September 2015, three members of the Kokorev family were arrested in Central America and extradited to Spain on the basis of an international arrest warrant. The order was related to a vaguely worded suspicion of money laundering allegedly committed in Western Africa more than ten years earlier.

Vladimir Kokorev, his wife, both in their sixties and in bad health, as well as their 33-year old son agreed to their extradition to Spain, where they expected their case to be dismissed, or, at least, that they would be released on bail. Instead, they were first imprisoned in Madrid and then transferred to a detention centre in Las Palmas where they spent over two years in pre-trial detention.

Despite their right to the presumption of innocence, they were subjected to a harsh and controversial system in Spain requiring special surveillance of dangerous detainees and named “Ficheros de Internos de Especial Seguimiento” (FIES). To make matters worse, the Kokorevs were registered in the FIES-5 upper category. This category is for high-risk inmates classified in accordance with their specific criminological profile such as sex offenders, Islamic terrorists, war criminals, etc. The Kokorevs did not match such characteristics; in fact, none of them had a criminal record and none of them had never used or incited violence.

Over the last fifteen years, [the European Parliament](#) and the Council of Europe, in particular the [Committee for the Prevention of Torture \(CPT\)](#), have expressed serious concerns and issued several warnings about the FIES system.

Earlier this year, the Brussels-based NGO *Human Rights Without Frontiers* interviewed the Kokorevs in Las Palmas about their detention conditions. According to the family, they were treated worse than convicted criminals.

After their arrest, the proceedings remained secret for eighteen months. During this time, their counsel was denied access to the investigation files and was not given basic information on the reasons for their arrest, including a description of the offence and of the evidence against them.

They were treated as a single entity, the “Kokorev family”, no distinction being made between the three of them, thus suggesting the presumption of guilt by association.

Their defence counsel was unsuccessful in obtaining their release on bail. Their personal circumstances were not taken into consideration by the authorities: Vladimir Kokorev’s health seriously deteriorated, requiring him to undergo heart surgery, and his son was an expectant father who missed the birth of his child while in pre-trial detention.

Even after substantial time behind bars and despite the Spanish authorities’ knowledge that a trial would not be possible for many years (certainly not within the maximum term for pretrial detention under Spanish law), the family’s incarceration continued.

Vladimir Kokorev was not allowed to be housed with his son. When he inquired about the reason why, he was told it was because they were under active investigation. However, many other inmates also under active investigation were housed together.

Kokorev’s wife reported that she felt disoriented from being moved to a different cell every five to nine weeks, a security measure prescribed under the FIES-5 status to which in her module only she was being subjected.

On 1 August 2017, after more than 13 years of investigation by the Spanish authorities, Judge Ana Isabel de Vega Serrano tried to extend the pre-trial detention of the Kokorevs for two further years, claiming that she still had to “determine the facts and identify the persons responsible”.

In the meantime, a number of members of the European Parliament held a round table on the Kokorev issue in Brussels and publicly denounced serious violations of human rights by the Spanish judiciary in the case of Vladimir Kokorev and his family. This event facilitated the work of their lawyer in Las Palmas who, again, requested their release. Within a few months, the three were freed, one at a time, but their freedom of movement was limited to the island and remains so.

It is unlikely that a trial will be held within the next five years, almost 10 years after the arrest of the family and more than 20 years after the start of the investigation. In the meantime, the Courts in Las Palmas have declined to examine allegations supported by forensic reports of mishandling and fabrication of evidence by the police until a trial eventually takes place.

Vladimir Kokorev's attorneys request to dismiss the case against him and accuse Spanish police of fabricating evidence

EU Reporter Correspondent | July 26, 2018

Jose Antonio Choclan, the lawyer of Vladimir Kokorev, Spanish entrepreneur of Russian-Jewish origins, accuses Spanish police of manipulating evidence and requests the Judge of Investigation Court of Las Palmas (Spain), to dismiss the case, on the basis of lack of punishable offences.

“We have denounced and proven, by means of a forensic analysis, that the IT devices that the police agents claim to have contained “evidences” on which the accusation based their reports, have been manipulated by the agents, or at the very least, treated without a minimal chain of custody and destroyed in the process,” states Choclan, a former Magistrate of Madrid’s High Courts.

Kokorev’s family (Vladimir, his wife Yulia and their son Igor) was arrested in Panama in 2015 and extradited to Spain, under a nominal accusation of money laundering, although as of this moment (almost 10 years after the investigation commenced), the prosecution has yet to present any formal charges. Despite the suggestions of some media that the family is accused of laundering money in favor of Teodoro Obiang (President of Equatorial Guinea), the attorneys pointed out not only there is no such accusation, but that the same court established that there was no evidence linking the family to any acquisitions carried out by any members of Guinean government or their relatives.

Notwithstanding the lack of indictment, the family spent over two years in preventive prison in Las Palmas (Spain). As manifested by family members, the only reason for their imprisonment was to coerce a confession, and in particular, to exert pressure on Vladimir Kokorev himself, by imprisoning his elderly wife (67) and their son (36). The three were freed in 2017, after a number of concerned MEPs made a series of inquiries into the irregularity of their detention by Spanish authorities.

Moreover, the Investigative Judge, Ana Isabel de Vega, declared the case secret for 3 years and 10 months, without any possibility for the defense attorneys to access the case file. During most of this time, their clients remained in prison.

A SPECULATIVE AND SECRET INVESTIGATION

“The police agents have confirmed in a court deposition that their sole objective was to “certify” (in words of Canary Islands’ Police Inspector) that Vladimir Kokorev’s company Kalunga received money derived from illegal sources. That is, the police carried out a speculative investigation of my client and his family, which purpose was to associate them with any kind of illegal activity, creating an unsupervised police instruction, lasting already 10 years, and self-perpetuating with the hope of one day being able to justify its very existence,” states the defense.

This 10-year investigation was also unsuccessful, as Kokorev attorney explains, as **the police have failed to obtain any evidence linking the funds obtained by his client with any illegal activity**. There is still no evidence that Kalunga was in any way controlled by any members of Guinean government and not by Vladimir Kokorev himself, nor that any properties acquired by Kokorev were in fact owned by anybody else, nor of any laundering.

“The Police requested a warrant to arrest my client and his family in 2015, after 6 years of secret investigation, which is forbidden under article 118 of Spanish Criminal Procedure Law,” another excerpt from the writ, “Police agents falsified the report of U.S. Subcommittee by adding content that the original report did not have, which have been confirmed during the agents’ court deposition on May 8th 2018.”

A FALSIFIED REPORT OF U.S. SENATE JUSTIFIED KOKOREV’S ARREST WARRANT

According to Choclan, the investigation of Kokorev was justified by a 2004 report of U.S. Senate Subcommittee on money laundering prevention. The report mentioned that Riggs Bank made a number of transfers from the account of Equatorial Guinea to that of Kokorev’s company Kalunga, without a due compliance procedure.

Although the Subcommittee’s report never established or suggested that Kalunga or its owner were involved in any kind of illegal activity, but solely admonished Riggs for not implementing compliance procedures, the police agents used it eleven years later to request Kokorev’s arrest warrant.

The only reason the Subcommittee report was used for such an extreme measure, is that the Las Palmas’ police unit “translated” it to Spanish as stating that Kalunga was owned by the president of Equatorial Guinea or his relatives and was used to launder money. The “mistranslation” was uncovered two years after Kokorev’s arrest, since the case file was secret before; and the police agents admitted in court, that they have not read the Subcommittee report itself, since “it was too long”. The agents admitted to copying excerpts from another report, prepared by a non-profit organization “Asociacion Pro Derechos Humanos” (financed in turn by George Soros’ Foundation Human Rights Watch).

“There was no any factual basis to order the arrest of my client, and the police was fully aware of it at the time,” the attorney concludes.

A DUBIOUS DEPOSITION BY ISMAEL GERLI

The only prosecution witness in the case is Ismael Gerli, a former Panamanian attorney of Vladimir Kokorev.

According to the documents attached to the writ requesting dismissal, there are a number of e-mails that prove that Gerli was motivated by his hatred for the family (seven months before he was arrested, Kokorev fired Gerli). In several e-mails addressed to the police, Gerli describes his former client as “[expletive] Jew”. In another e-mail addressed to the police, Gerli writes that he is “blind with hatred to hurt the [expletive] Russians”.

“Mr. Gerli used the arrests of my client and his family to take over their properties in Panama, for which he has been already indicted and awaiting hearing,” states Choclan.

In Gerli's own words, he had received money from "Spanish justice" in May and June 2015, several months before giving a deposition against Mr. Kokorev. The deposition was taken by the police agents in Spanish Embassy in Panama, without the presence of a court official. Furthermore, the police agents acknowledged that they "negotiated" Gerli's deposition (itself only 5 pages long and largely incoherent) during four days, after the defense presented them with several drafts of the document, uncovered thanks to the IT expertise.

Gerli refused to testify again, and thus to be cross-examined by the defense, after the secrecy was lifted, in his words "following on advice of [my] attorney".

A USB CREATED BY THE POLICE

Another evidence that appeared shortly after Kokorev's arrest in the case file, was a USB, which according to the police, belonged to Vladimir Kokorev's son, Igor, and was "recovered" by Ismael Gerli. According to the police reports drafted in 2015, the USB contained a number of commercial documents, as well as three unsigned contracts for purchase of weapons. These documents were used to justify Igor's arrest and twenty-six months imprisonment, but the police refused to deliver the USB to the defense for examination until compelled by the High Court of Las Palmas in December 2017.

The IT forensic report showed that the device was extensively manipulated by Las Palmas' Police Department, after Kokorev's arrest, to the point where it was impossible to determine when most of the files were created and by whom (in a surprising twist, drafts of "alternative versions" of Gerli's deposition were uncovered precisely on this device). The analysis also concluded that the three weapon purchase agreements were created by the police itself, as the word documents display the abbreviation of Police Department as their creator.

In their depositions, the agents admitted that they have been manipulating the device, since they "never meant to it to be used as a court evidence."

Although the "fabrication" of the USB is the most obvious example of manipulation, Choclan's writ points out that the rest of the IT devices, confiscated by the police during their investigation, suffered similar malpractices.

"The IT expertise determined a total and absolute lack of chain of custody of each and every one of the devices, and a systematic manipulation of these devices by the police," concludes the former magistrate.

The writ is supplemented by a five-page annex enumerating these manipulations.

A CASE FOR ECHR

According to Choclan, the process against Kokorev has repeatedly breached the Human Rights Convention, and that the petition to dismiss it in Spain is a first step to bring the case before the European Court of Human Rights.

Scott Crosby, a Brussels' attorney, have announced that he will defend Kokorev's interests before European Courts, should they fail to obtain fair treatment in Spain.

“I have faith in the system of judicial protection. If the Kokorevs are not given satisfaction by Spain, they will consider applying to the European Human Rights Court,” Crosby stated in an interview given to a Spanish newspaper. “In that case they would be seeking a ruling that a number of rights, protected by the European Human Rights Convention, had been violated by Spain. They might also seek an award of damages.”

The Kokorev Case becomes a EU-wide affair

Tuesday, 03 October 2017; Brussels Times



On 28 September, a roundtable event organized by Fulvio Martusciello, Chairman of the Delegation for EU-Israel relations, was held at the European Parliament in Brussels. The conference titled *Justice and the rule of law in the EU – the case of Vladimir Kokorev* was attended by MEPs of different committees, lawyers, experts and journalists representing media of Spain, Belgium, Great Britain, Israel and other countries.

The case has received extensive attention from European media and its key points are the following: Vladimir Kokorev (66 y.o.), a Spanish citizen of Russian and Jewish origin; his wife Yulia (68 y.o.) and their son Igor, who have been kept at a Las Palmas prison (Canary Islands, Spain) for two years now.

They were detained in Panama in autumn 2015, based on an international warrant issued by Ana Isabel de Vega Serrano of Las Palmas Court No 5, on suspicion of having laundered money on behalf of Obiang Nguema Mbasogo, the President of Equatorial Guinea.

During the classified investigation however, no proof of Kokorevs’ guilt has been found or presented, which was discovered by the defense who were given access to the case file after it had been declassified in February 2017.

The declassification occurred after Georgios Epitideios and Jean-Luc Shaffhauser, members of the European Parliament, filed an official letter to *Consejo General del Poder Judicial* with the request to clarify the situation around Vladimir Kokorev's case.

Alvaro Campanario, a Kokorev family attorney at law, believes the case may have a political bias or be orchestrated by someone due to the fact that Judge Ana Isabel de Vega Serrano persists in blenching the proof of innocence provided by the defense.

During the roundtable event in the European Parliament in Brussels, the speakers emphasized that the defense provided the investigative bodies with all possible documents that prove complete transparency of Kokorev's companies. However, and despite this, Judge Vega Serrano recently extended their detention on remand for 2 more years instead of terminating the case or releasing them on bail.

The reasons for Ana Isabel de Vega Serrano's persistence to indict them for tax dodging and other offenses remains unclear and especially after failure to provide any evidence to support the allegations. The Kokorevs were extradited from Panama initially to Spain as they were suspected of money laundering but now they are charged with entirely different crimes.

"We in no way want to condemn the entire judicial system of Spain. Spain is a rule-of-law state with an established system of justice, acting within the framework of European values. And the disregard for the rule of law that we have found out can inflict harm to the Spanish and European justice in total. So we intend to seek the unbiased investigation of the Kokorev case and we believe that the transfer of the case from Las Palmas to Madrid would become the first step in this regard," said MEP Georgios.

"2 years in pre-trial detention without specific charges, with the prospect of a further two years for no good reason is an affront to all that we Europeans believe in. For his wife and son to also be imprisoned without charge for no good reason is totally unacceptable. It is a fundamental right for a citizen to be able to answer the charges against him and defend himself in a court of law. I will be taking a special interest in the case and propose to raise it as a question on the floor of the chamber of the European Parliament, calling for an independent investigation", added MEP Martusciello.

Members of European Parliament condemn Las Palmas high court, judge, for mishandling of ‘Kokorev Case’



“It is not for us to decide if Mr. Kokorev is guilty or innocent of the charges against him. But what should concern us all is the fact that he, his wife and son are being denied justice and due process of law,” stated MEP Fulvio Martusciello.

On September 28, the European Parliament’s EPP Group held a roundtable to discuss the arrest and detention of Spanish citizen **Vladimir Kokorev**, who has been imprisoned in Las Palmas in the Canary Islands (Spain) since 2015 – without an indictment and therefore without a trial.

MEPs and reporters from Spain, Belgium, the UK and Israel, were briefed on the details of the case, which has received extensive media attention across Europe.

Lawyers representing Kokorev appealed to the European Union to intervene in what was described as “blatant contravention” of European standards.

Speakers presented the following facts: Kokorev, 66, is a Spanish citizen of Russian and Jewish origin. He and his wife Yulia, 68, and their son Igor, have been detained at Las Palmas prison for over 25 months on “preventive detention”. They were detained in Panama in 2015, based on an international warrant issued by judge **Ana Isabel de Vega Serrano** of Las

Palmas Court No 5, on suspicion of having laundered money on behalf of **Obiang Nguema Mbasogo**, the President of Equatorial Guinea.

According to Kokorev's lawyers, the judge extended the family's detention for another two years, despite the defence presenting evidence proving absolute transparency of Kokorev-owned companies, and alleging numerous irregularities of the investigation.

Several MEPs expressed their alarm at the arrest and imprisonment of an entire family for such an excessive period of time without a trial. In particular, taking into account that there are no ties to organised crime, or even as much as an investigation of the crime preceding to that of the alleged money laundering, no investigation into the suspected corruption in Equatorial Guinea where the funds were obtained, nor any investigations or indictment of any public officials of Equatorial Guinea who would have supposedly misplaced those funds.

Carmelo Nvovo Nca, the Ambassador of Equatorial Guinea to Belgium and the EU, confirmed that his country does not have any claims against Kokorev, and that his company carried out government contracts. He expressed his hopes for an independent investigation closely supervised by European judicial organs.

Likewise, Judge De Vega Serrano's decision to establish yet another two-year term for an investigation launched in 2004 – that's 14 years ago – prompts reasonable suspicion about the judge's motives.

At this point, it appears that Judge De Vega Serrano would be content with "investigating" the Kokorev family indefinitely, since this delays her need to justify her controversial methods and unreasonable precautionary measures used during this extremely contentious "investigation".

"It is not for us to decide if Mr. Kokorev is guilty or innocent of the charges against him. But what should concern us all is the fact that he, his wife and son are being denied justice and due process of law," stated MEP **Fulvio Martusciello**. "Two years in detention without specific charges with the prospect of a further two years for no good reason is an affront to all that we Europeans believe in."

Meanwhile, the Spanish Court released Kokorev's wife shortly after plans to hold the roundtable were announced in the media.

However, according to Kokorev's attorneys, even if Kokorev and his family are finally released from jail, their situation will not be better than an indefinite house arrest. Kokorev's wife is forbidden to leave Las Palmas, and there is still no horizon for an eventual hearing.

In an official statement on the results of the round table, MEP Fulvio Martusciello, stated:

“In the view of the numerous apparent violations of human rights and rules of due procedure that have taken place during the investigation of Mr. Kokorev and his family by the Criminal Court N5 of Las Palmas and its Judge Ana Isabel de Vega Serrano, violations that has been for most part ignored or condoned by the High Court of Las Palmas and the Spanish Judiciary Supervising Organs, we are deeply concerned both with the current and clearly inhumane treatment of Kokorev family under the jurisdiction of the courts of Las Palmas, as well as with the fact that fair trial of this family seems to be highly unlikely in the future.

It is our recommendation to Spanish Central Judiciary Supervising Organ (Consejo General de Poder Judicial), the High Courts of Madrid (Audiencia Nacional) and the General Prosecutor Office of Spain, to remove “The Kokorev Case” from the jurisdiction of Las Palmas and place it in the High Courts of Madrid (Audiencia Nacional), in order to guarantee the rights of the defendants, the right to a due procedure and a fair trial.

Furthermore, we encourage and give our full support to Kokorev family’s defence attorneys in order to bring any relevant actions in this matter against Spain before the European Court of Human Rights for violation of human rights suffered by their clients.”

European deputies criticise Las Palmas judiciary in its handling of the ‘Kokorev case’

The European Parliament on September 28 heard the case of Vladimir Kokorev, a Spanish citizen of Russian and Jewish origin who has been imprisoned, together with his family, on the Canary Islands (a territory of Spain on the west coast of Africa, but still a part of European Community) since 2015

By: EBR - Posted: Monday, October 2, 2017



“Two years in detention without specific charges with the prospect of a further two years for no good reason is an affront to all that we Europeans believe in,”stated MEP Fulvio Martusciello...

By **Antonio W. Romero**

The roundtable event, which was held at the European Parliament in Brussels, was organised by Fulvio Martusciello, a member of the EPP Group in the European Parliament and chairman of the Delegation for EU-Israel relations.

Titled “Justice and the rule of law in the EU – the case of Vladimir Kokorev”, the discussion was attended by MEPs of various committees, as well as lawyers, experts and journalists from Spain, Belgium, the UK, Israel and other countries.

As explained during the roundtable, 66-year-old Kokorev, together with his wife Yulia, 68, and their son Igor, were arrested in Panama in 2015. This was based on an international arrest warrant, issued by Ana Isabel de Vega Serrano of Las Palmas Court, on suspicion of having laundered money on behalf of Obiang Nguema Mbasogo, the president of Equatorial Guinea.

During the roundtable, speakers discussed the unusually long detention without a trial. The fact that Kokorev has not yet been formally indicted, nor presented with evidence of any wrongdoing, was also raised.

Speakers representing Kokorev alleged there are “obscure private and political agendas behind” the case, and that it is becoming increasingly hard to understand the blatant disregard for basic human rights and due procedure of the law in EU member state Spain.

Their attorneys and judicial experts criticised the judge’s decision to extend the family’s “preventive imprisonment” for another two years, despite evidence presented by the defence attesting to absolute transparency of Kokorev’s companies.

“It is not for us to decide if Mr. Kokorev is guilty or innocent of the charges against him. But what should concern us all is the fact that he, his wife and son are being denied justice and due process of law,” stated MEP Fulvio Martusciello. “Two years in detention without specific charges with the prospect of a further two years for no good reason is an affront to all that we Europeans believe in.”

Meanwhile, a conditional release of Kokorev’s wife Yulia was announced shortly after the European Parliament’s round table was announced by the media.

Nevertheless, the European Parliament has called on the Spanish Central Judiciary Supervising Organ (Consejo General de Poder Judicial), the High Courts of Madrid (Audiencia Nacional) and the General Prosecutor Office of Spain, to remove the ‘Kokorev Case’ from the jurisdiction of Las Palmas and place it in the High Courts of Madrid (Audiencia Nacional) to guarantee the rights of the defendants to due process and a fair trial.

La familia Kokorev lleva su caso a la ONU



Canarias7 (08.10.2019) - Su representación legal ha denunciado ante el Consejo de Derechos Humanos de la ONU un presunto «abuso de la prisión preventiva» ordenada en su día contra estos investigados por ser presuntos testaferros de Teodoro Obiang en España.

Este caso Kokorev, que desde 2009 se investiga en el Juzgado de Instrucción número 5 de Las Palmas de Gran Canaria, ha cometido «presuntos errores y atropellos», según los letrados de su defensa y los mismos han sido comunicados ya al Parlamento Europeo y al Consejo de Europa.

La Caplc pidió que España acabara con la prisión provisional, con el secreto de sumario y revisara el sistema FIES

El expediente ya fue analizado por la mesa de la Organización de las Naciones Unidas el pasado 18 de septiembre, en la 42ª sesión de este organismo celebrada en Ginebra. En dicho acto, la organización Coordination des Associations & Particuliers pour la Liberté de Conscience (Caplc), tras analizar el caso con la particularidad denunciada de la prisión preventiva de la familia Kokorev, pidió que España acabara con esta medida de larga duración, con el régimen de secreto de sumario y revisara la aplicación del sistema FIES (Fichero de Internos de Especial Seguimiento) a internos no violentos y sin antecedentes, que fue aplicado a los Kokorev en la prisión de Juan Grande sin que aún hoy «haya sido motivado ese excepcional tratamiento», denuncia su defensa.

No es la primera vez que el caso llega a la ONU. A finales de junio, esta organización junto con Human Rights Without Frontiers, registró un comunicado ante el Consejo de Derechos Humanos denunciando que España estaba cometiendo un error judicial en el caso Kokorev que arrastra una investigación que se ha alargado durante más de una década. Para ello, el director de Human Rights Without Frontiers, Willy Fautré, que lleva 25 años realizando investigaciones sobre detenciones en muchos lugares del mundo, incluyendo Corea del Norte, visitó Gran Canaria junto con una delegación de la organización para conocer el caso de primera mano. Hay que recordar que la familia Kokorev sigue en la isla con la prohibición de abandonarla salvo Vladimir, el principal investigado y de avanzada edad, que debe de tratarse de sus enfermedades coronarias y otras más en Madrid.

Fruto de esas investigaciones, este organismo ha denunciado ante el Consejo de Derechos Humanos que la familia Kokorev, que pasó más de dos años en prisión preventiva antes de ser puestos en libertad sin fianza, padeció «muchas vulneraciones de derechos humanos». Cita, entre otras cuestiones, que el secreto de sumario se prolongó durante 18 meses después del arresto, el deterioro de la salud de Vladimir Kokorev durante su permanencia en prisión preventiva que ha continuado agravándose hasta la actualidad, así como que aún cuando ya se sabía que no se iba a celebrar un juicio en muchos años, se prorrogara la prisión preventiva.

Denuncia ante Exteriores.

En el comunicado, tramitado por el Secretario General del Consejo de Derechos Humanos de la ONU, también se denuncia que los Kokorev «fueron privados de la presunción de inocencia» y que «se les trató como una sola entidad, «la familia Kokorev», sin distinguir entre las tres personas, sugiriendo culpabilidad por asociación». La denuncia ya ha llegado al Ministerio de Asuntos Exteriores y Cooperación. Recientemente, Vladimir Kokorev tuvo que ser hospitalizado de urgencia con síntomas de un ictus, un desenlace que, de acuerdo a informes médicos, hay riesgo de que vuelva a repetirse.

Igor Kokorev, hijo de Yulia Maaleva y Vladimir Kokorev, nació en Moscú, en 1982. Está a punto de cumplir 37 años. Vivió en Canarias y en Guinea, y estudió Derecho en Madrid. Desde entonces hasta ahora no había vuelto a vivir en la Isla. Casado con Taehee Kim, cantante y actriz de teatro y musicales en Corea del Sur, tiene dos

hijas, Ellie de 3,5 años y Naomi de 15 meses. Sin pasaporte por orden judicial, ha permanecido más dos años en prisión preventiva acusado de ser testaferro de Teodoro Obiang. Su padre Vladimir Kokorev está en libertad bajo fianza de 600.000 euros, que no ha podido pagar al estar sus cuentas embargadas.

Igor Kokorev Maaleva

Abogado, hijo del empresario acusado de blanqueo de capitales de Guinea Ecuatorial

“Quieren que declare contra mi padre y diga que es testaferro de Obiang”

F. Canellada

LAS PALMAS DE GRAN CANARIA

Los Kokorev fueron detenidos en septiembre de 2015 y se les imputa el delito de blanqueo de 26 millones de euros procedentes supuestamente de una cuenta del presidente y Jefe de Estado de Guinea Teodoro Obiang. El Banco de España sostiene que la familia Kokorev movía dinero de la cuenta del Petróleo de Guinea Ecuatorial abierta en el Banco Riggs de Nueva York. Fueron detenidos en Panamá y extraditados a España, donde ingresaron en la cárcel. Hoy viven en Las Palmas de Gran Canaria tras dos años de prisión preventiva. Igor Kokorev, en libertad provisional sin fianza, responde a esta entrevista con un cuestionario por correo electrónico.

¿Qué significa para usted haber pasado estos años investigado, bajo sospecha?

No era consciente de que estaba bajo sospecha hasta que hace cuatro años me detuvieron y me tuvieron dos años y pico en prisión. Otra cosa es que en la prensa española me llamaran testaferro de Obiang ya en septiembre de 2009. Pero era tan ridículo que jamás pensé que un juez o un fiscal podría llegar a creer semejante invención. Esas informaciones acabaron con mi vida profesional y social en España. ¿Qué repercusión tienen para un abogado de 20 y pocos años, una quincena de artículos en la prensa nacional? Es lo que en tantas ocasiones se llama la muerte civil de una persona.

¿Qué sensación se tiene después de haber pasado dos años entre rejas y ahora con la prohibición de salir de la isla?

De que mi vida no es mía para vivirla sino de los jueces en Canarias para hacer con ella, a su gusto, todo lo que les haga falta, para no tener que reconocer un error judicial de libro. Es un auténtico calvario del que espero algún día poder recuperarme.

¿Cómo es un día en su vida en Las Palmas de Gran Canaria?

Pues cuando no me encuentro a los agentes de la UDYCO rondando por los alrededores de nuestra casa, haciendo vigilancia indiscreta por cuenta propia, o lo que sea que hagan, o el día que



Igor Kokorev, el pasado jueves en el paseo de Las Canteras. | JOSÉ PÉREZ CURBELO

tengo que ir a firmar en el Juzgado, mi día a día es como el de una persona a la que le han cancelado el vuelo para volver a casa y le dicen que ya le avisarán mañana para coger otro. Y así desde hace cuatro años. Como es natural, aprovecho mi formación y profesión de abogado para defenderme de una agresión más propia de otra clase de regímenes distintos al democrático e impropia de un Estado de Derecho.

¿Cómo se encuentra su familia?

La salud de mi padre es lo que más me preocupa. Para poder estar conmigo, mi esposa ha tenido que aceptar un exilio voluntario, dejar atrás a su familia, sus amigos, una brillante carrera en el ámbito de la cultura. Dejarlo todo atrás para estar en un lugar en el que ni habla el idioma. Lo toma con mucha filosofía, y hacemos lo que podemos para que nuestras hijas sean felices aquí,

pero se merecen poder estar con sus abuelos, tíos y primos, sin tener que renunciar a estar con su padre. Es terrible.

¿Cuál es su relación con el presunto blanqueo de capitales de Teodoro Obiang del que se acusa a su padre?

Primero tienen que acusar a mi padre de algo, para lo cual sigue sin haber horizonte judicial, en palabras de la Audiencia Provincial. Cuando tenía 15 años mi padre tuvo un infarto mientras estaba en África. Coincidió que por la misma época operaron a mi madre. Mi padre me apoderó en la cuenta de su empresa por si acaso le pasaba algo. Nunca llegué a utilizar el poder y me había olvidado por completo hasta que aparecí en la prensa nacional junto a mis padres con acusaciones no solo desproporcionadas sino total y absolutamente infundadas.

¿Usted ha hecho operaciones

mercantiles con la considerada empresa fantasma, Kalunga, en Guinea Ecuatorial?

Kalunga dio trabajo a más de 350 marineros, capitanes e ingenieros. Así que menuda empresa fantasma. Todo está acreditado documentalmente. En los tiempos de Kalunga yo era menor de edad, y después era estudiante de Derecho en Madrid. No he estado en Guinea Ecuatorial desde que era un niño. Estoy muy orgulloso de las cosas que ha hecho mi padre por la población de ese país, más aún, porque habiendo vivido allí de pequeño tengo alguna idea de las dificultades a las que se tuvo que enfrentar, pero no he participado de ninguna manera en sus negocios o proyectos allí. Jamás.

¿Usted ha podido desarrollarse profesionalmente como abogado?

Sí, durante los tres años después de terminar la carrera y has-

ta que salieron las noticias de la vinculación con Obiang. Era abogado en uno de los mejores despachos nacionales en Madrid. Trabajaba una media de 16 horas diarias, contando fines de semana, pero no me importaba porque me gustaba lo que hacía y mis compañeros eran mi otra familia. Una vez aparecen en la prensa nacional relacionado con un blanqueo de capitales, tu carrera como abogado mercantil de primera línea está acabada. No tiene nada que ver con las medidas cautelares. Es mucho anterior. Es una destrucción instantánea, fulminante, de tu reputación y tu imagen. Irreparable. Como jurista, en estos momentos me interesan más los derechos fundamentales. Espero que a raíz de nuestro caso y su proyección internacional algo cambie a mejor en la justicia canaria y en la española.

¿Qué es lo que más le duele, desde el punto de vista humano, de este proceso dilatado en el tiempo?

Que mi padre no llegará a ver su final, que no estará en condiciones físicas ni mentales para defenderse después de esta barbarie, que, en vez de disfrutar de un merecido descanso tras una vida de mucho trabajo y dificultades, de que se celebren sus logros, es el perenne y supuesto testaferro de Obiang.

Crean ustedes que la Justicia está “tirando de la manta” en un proceso sin límites, casi infinito. ¿Por qué piensan así?

Porque después de 15 años de investigación no hay acusación. Cuesta creerlo, pero es la realidad desde el punto de vista jurídico. Porque todo empezó con una mentira; que Kalunga, la empresa de mi padre, fue investigada en los EEUU y que se determinó que era una tapadera de Obiang. Ahora es cuestión de construir un caso nuevo y dilatar el procedimiento para que se olvide como empezó todo. ¿Hasta cuándo?

¿En qué condiciones de salud se encuentra su padre? ¿Puede hacer vida normal?

Mal. No, no puede hacer vida normal, sea lo que sea vida normal con este procedimiento. Tiene problemas de corazón, hipertensión no controlada, diabetes. Tiene dificultades para moverse, y para concentrarse. Estos cuatro años de encarcelamiento y de reclusión forzada, de estrés constante, sobre todo de preocupación por su familia, han destruido su salud. Lo peor es que lo advertíamos una y otra vez, ojo, que en España a los 65 años se es joven, pero esta es una persona que nació en la URSS y trabajó casi toda su vida en África, que ya ha tenido un infarto, miren como está ya, no va a aguantar mucho más en la prisión. Pero no nos hacían ni caso. Mi padre es la persona investigada por un delito de blanqueo que más tiempo ha estado en la historia de España en prisión preventiva, dos años y medio. Y los de la acusación popular, que van de defensores de derechos humanos (pe-

ro aquí, no en Guinea Ecuatorial) insistiendo en que estuviera cuatro años.

¿Se encontrará su padre en condiciones de ser juzgado?

No. Es ya tristemente evidente. Hay dos cuestiones. Los eventos catastróficos que una persona en su estado puede sufrir, y, el deterioro general. En los últimos cuatro años he visto a mi padre a punto de morir en una prisión panameña, y temí que no saldría vivo de la prisión de Juan Grande, porque necesitaba ser tratado en condiciones y de urgencia. Pero lo peor es el deterioro paulatino. Ver a una persona brillante intelectualmente apagarse poco a poco, sin ninguna posibilidad de revertir la tendencia.

¿Teme que puedan aparecer nuevas cuentas bancarias que aún permanecen ocultas? ¿Están ustedes colaborando con la justicia?

Aceptamos ser extraditados a España con una orden que jamás habría sido aceptada por las autoridades panameñas o de ningún otro país si la hubiéramos peleado. Cuando llegué aquí hace cuatro años declaré ante la juez y el fiscal con secreto de sumario, sin saber nada del caso, respondiendo a todas sus preguntas, y me encerraron durante dos años y querían hacerlo por otros dos. Ya me han dejado muy claro que la colaboración que quieren de mí es que declare contra mi padre, pero eso no lo acepté ni cuando estaba en prisión y quería

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“Agotaré todas las instancias hasta que se reconozca que se nos ha hecho un daño tan brutal como injusto”

“Se ha detallado paso a paso como se manipuló el informe del Senado americano sobre Riggs Bank”

“Todo empezó con una mentira que Kalunga, la empresa de mi padre, investigada en EE UU, es tapadera de Obiang”

“Mi vida no es mía sino de los jueces de Canarias para hacer lo que les haga falta por no reconocer un error”

conocer a mi hija de año y medio, que no pude ver ni nacer y que la conocí ya con esa edad.

¿Hasta dónde piensan llevar su lucha en los tribunales? Han desarrollado acciones en la Unión Europea, en el Consejo de Europa, en Naciones Unidas...

Hemos presentado una demanda contra España en el Tribunal Europeo de Derechos Humanos, la Corte acaba de tramitarla. En su momento nuestros abogados se quejaron a la UE y les dirigieron al Consejo de Europa. Es cierto que el caso llegó también al Parlamento Europeo, y recientemente al Consejo de Derechos Humanos de la ONU y también a la Organización para la Seguridad y la Cooperación en Europa. Hay muchas personas a las que les ha preocupado nuestro caso, muy en especial que esto pueda suceder en un país de la UE. Es simplemente aberrante. Los errores judiciales y las vulneraciones de derechos fundamentales o humanos ocurren en todas partes. Lo insólito es que aquí se sabe que ha pasado - se ha tenido a una familia entera más de dos años en prisión preventiva, la mayor parte de este tiempo con absoluto secreto de sumario y cuatro años después sigue sin haber acusación formal o juicio a la vista y no se ha hecho nada al respecto.

Ha denunciado su abogado una cadena de manipulaciones y errores, ¿no lo han podido demostrar hasta ahora?

Está más que demostrado, se han aportado informes periciales, se ha detallado paso a paso cómo se manipuló el contenido del informe del Senado americano sobre Riggs Bank; que se leyó no torticera sino falsamente como si fuese la descripción del descubrimiento de la pólvora. Y hay una 'prueba' donde la manipulación es tan evidente que basta con hacer click en propiedades de los documentos para ver que fueron creados en el dispositivo por los investigadores un mes después de la detención. El problema es que hay nula supervisión de la juez y la Audiencia Provincial se lava las manos argumentando que es solo la fase de instrucción. Ya se verá todo cuando llegue a juicio. Parece que no importan los derechos que se pisen por el camino, por años que dure.

¿Se considera cabeza de turco? ¿De quién? ¿Por qué?

Que este caso lo inicia y lo promueve alguien con un plan que nada tiene que ver con la justicia, y menos con la justicia española. Es evidente, y hay rastros de ello por todas partes. Pero, sinceramente, a mí estos juegos me importan poco. Y lo digo, rotundamente, sabiendo que somos víctimas de uno de ellos.

¿Considera usted que hay responsables, con nombres y apellidos, de instigar este proceso contra los Kokorev?

Seguro que sí, pero quién y cómo utiliza a la justicia canaria pa-

ra sus intereses particulares debería preocupar a los jueces y a los fiscales. A mí lo que me preocupa es lo que hace la justicia con mi familia y conmigo.

¿A qué se refiere al hablar de error judicial?

A qué, partiendo del convencimiento de culpabilidad, primero se exageran, cuando no se inventan, los indicios contra una persona. Después todo lo que contradiga esos indicios se minimiza, se ignora, o se reintegra en una tesis acusatoria más compleja. Y al final, creo, se acaba directamente por fabricar pruebas. Y hay que decir que lo habitual es que ese convencimiento de culpabilidad tenga su origen en prejuicios raciales, étnicos, religiosos, o de otro tipo, y en una cobertura mediática irresponsable que anticipa la condena. Es el caso Dreyfuss en Francia de finales del siglo XIX, el de Amanda Knox en Italia, o el del asesinato de Rodolfo Wanninkhof en España.

¿Espera usted ser absuelto. ¿O ya no cree en la justicia?

Antes de absolverme, los jueces me tendrán que acusar de algo, ¿no? Y eso, ¿cuándo? ¿El año que viene? ¿En el 2021? ¿Antes del 2023? Me perdonará si digo que no. En esta justicia que no es capaz de reconocer sus propios errores, cuando están a la vista de todos, no tengo mucha confianza. Y agotaré todas las instancias hasta que se reconozca que se nos ha hecho un daño tan brutal como injusto.



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