

URGENT ACTION

MAN AT RISK OF EXTRADITION TO RUSSIA ON 17 JULY

Aslan Yandiev is at imminent risk of extradition to Russia. The extradition date has been set for 17 July 2018. If extradited to Russia, Aslan Yandiev would be at risk of torture and other ill-treatment.

Amnesty International has learned that the Slovak Ministry of Interior is preparing the extradition of **Aslan Yandiev**, which is expected to happen on 17 July. The extradition would amount to a breach of interim measures issued by the UN Human Rights Committee in June 2018. The Committee had called on the Slovak authorities to refrain from the extradition while it considers the case.

On 2 May, Slovakia's Constitutional Court held that the extradition of Aslan Yandiev to the Russian Federation would not amount to a violation of human rights as there were no substantial grounds "for believing that he would be exposed to a real risk of ill-treatment." It made reference to the 2016 judgment of the European Court of Human Rights, which held that his extradition to Russia was lawful under the Convention based on, among other things, diplomatic assurances given by the Russian Prosecutor General's Office. The Constitutional Court did not address the issue of Aslan Yandiev's asylum application, that has been pending since 2010, and which would render the extradition unlawful. Amnesty International believes that diplomatic assurances against torture and ill-treatment are inherently unreliable and cannot provide an effective safeguard against such abuse.

Amnesty International is deeply concerned about the risk of torture and other ill-treatment should Aslan Yandiev (full name Aslan Akhmetovich Yandiev) be extradited to the Russian Federation. The Minister of Justice decided on 7 February to authorize the extradition but this was temporarily put on hold on 21 March pursuant to interim measures issued by the Constitutional Court of the Slovak Republic. Should Aslan Yandiev be extradited, Slovakia would be in violation of its obligations not to transfer persons within its jurisdiction to a place where they would be at risk of torture and other ill-treatment, according to the principle of non-refoulement, and to guarantee their right to a fair trial.

Please write immediately in Slovak, English or your own language:

- Urging the Minister of Interior and the Minister of Foreign Affairs to take all necessary steps to ensure Aslan Yandiev is not extradited under any circumstances or in any other way be forcibly returned to Russia where he would be at risk of torture and other ill-treatment;
- Calling on the Minister of Interior to ensure an expeditious consideration of the pending asylum application;
- Urging the Minister of Justice to withdraw the extradition decision from 7 February 2018 on the grounds that the extradition would violate Slovakia's obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 17 JULY 2018 TO:

Minister of Interior

Denisa Saková
Pribinova 2,
812 72 Bratislava
Slovak Republic
Email: tlacove@minv.sk
Fax: +421 2 52967746
Salutation: Dear Minister

Minister of Justice

Gábor Gál
Župné námestie 13
813 11 Bratislava, Slovak Republic
FB: @spravodlivostSR
Email: minister@justice.sk
Salutation: Dear Minister

Minister of Foreign Affairs

Miroslav Lajčák
Hlboká cesta 2
833 36 Bratislava 37, Slovak Republic
FB: <https://www.facebook.com/mzv.sk/>
@SlovakiaMFA, @MiroslavLajcak
Email: info@mzv.sk
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR LUBOMÍR REHÁK

Embassy of the Slovak Republic, 25 Kensington Palace Gardens W8 4QY, Tel 020 7313 6470, Fax 020 7313 6481, emb.london@mzv.sk, www.mzv.sk/londyn

Please check with your section office if sending appeals after the above date. This is the second update of UA 41/18. Further information: www.amnesty.org/en/documents/eur72/7923/2018/en/

URGENT ACTION

MAN AT RISK OF EXTRADITION TO RUSSIA ON 17 JULY

ADDITIONAL INFORMATION

According to information available to Amnesty International, Aslan Yandiev fled Ingushetia (a Republic in the North Caucasus, Russian Federation) and applied for asylum in Slovakia on 9 December 2010, on the grounds that he feared persecution by members of the law enforcement agencies in Ingushetia and North Ossetia (also in Russia's North Caucasus region) because he had been accused of several crimes, all of which he maintains he did not commit but was tortured to confess to. In February 2011, the Prosecutor General's Office of the Russian Federation submitted a request for his extradition, stating that he was charged with crimes of participation in the actions of an armed group; illegal possession and transport of firearms and explosives; terrorist act and other crimes. Aslan Yandiev is still expecting a decision on his asylum application.

Amnesty International receives regular reports of torture and other ill-treatment from the North Caucasus, and Ingushetia and North Ossetia in particular, and has documented a number of such cases over the past years. In addition, in the past year, past year, Amnesty International noted a growth in the number of reported incidents of alleged extrajudicial killings and torture. Such human rights violations are frequently reported in the context of so-called counter-terrorism activities conducted by members of law enforcement agencies across the North Caucasus. Amnesty International has repeatedly received information about allegations from across the North Caucasus that the targeting of certain individuals as suspected members of armed groups has been arbitrary, with credible allegations that evidence against them was based mostly or entirely on "confessions" or "testimonies" extracted under torture or duress. Such "confessions" and "testimonies" are reported to be widely used as the basis for convicting people for crimes arising from the activities of armed groups and for other crimes.

On 20 February 2018, the Minister of Justice informed Amnesty International her decision to authorise Aslan Yandiev's extradition was based on a diplomatic assurance given to it by Russia. Amnesty International's research indicates that diplomatic assurances from governments in countries where torture is a persistent problem or where specific categories of people are routinely targeted for torture and other ill-treatment cannot provide an effective safeguard against such abuse. They are inherently unreliable and unenforceable. Diplomatic assurances from certain states did not provide an effective safeguard against the risk of torture and other ill-treatment on return.

Name: Aslan Yandiev

Gender m/f: m

Further information on UA: 41/18 Index: EUR 72/8799/2018 Issue Date: 13 July 2018