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Spain set to extradite man to Kazakhstan despite torture risk

The decision by Spain's high court to extradite an asylum-seeker to Kazakhstan, despite compelling evidence that it would place him at risk of torture, violates international law and must be reversed immediately, Amnesty International said.

Spain's high court (Audiencia Nacional) today approved the extradition request for Aleksandr Pavlov, 37, the former head of security for the Kazakhstani opposition figure Mukhtar Ablyazov, who fled the Central Asian country in 2009.

"Kazakhstan's record of torture and ill-treatment has been well documented. Aleksandr Pavlov is at real risk of such abuse if he is sent back there. Spain has an absolute obligation under international law to stop this from happening," said Julia Hall, Amnesty International's expert on counter-terrorism and human rights.

"If Spain extradites Aleksandr Pavlov, it will be in the full knowledge that he is likely to come to harm. Anything that happens to him in Kazakhstan will be the result of their actions."

The final decision over Aleksandr Pavlov's extradition will now go to the Spanish Council of Ministers, which has the power to disregard the court's position.

"The Spanish government should not transfer Aleksandr Pavlov to Kazakhstan, even if the Kazakhstani government provides diplomatic assurances that Pavlov will not be tortured, otherwise ill-treated or given an unfair trial on return. The Kazakhstani authorities' track record shows that such pledges are hollow," said Julia Hall .

Pavlov was arrested in Spain in December 2012 after his name was placed on Interpol's wanted list at the request of Kazakhstani authorities. Kazakhstan then requested his extradition. The extradition was initially authorized by the Second Criminal Section at the Audiencia Nacional on 23 July, and was confirmed by the court's plenary today.

In Kazakhstan, Aleksandr Pavlov was charged with "expropriation or embezzlement of trusted property" and "plotting a terrorist attack". He and his lawyer claim these accusations are fabricated.

Amnesty International has monitored a number of cases against Kazakhstani political and civil society activists in which criminal prosecution was linked to their dissenting views and their links to Mukhtar Ablyazov. These cases have been marred by fair trial violations, and it is widely believed that political influence has played a role in reaching final judgments resulting in convictions.

Mukhtar Ablyazov, Pavlov's former employer, fled Kazakhstan in 2009 and was recognized as a refugee in the UK in 2011. He is currently detained in France awaiting a decision on his own extradition to Ukraine or Russia. If sent to either country, he would be in danger of onward transfer to Kazakhstan, where he, too, would be at risk of torture and other ill-treatment.

On 31 May 2013, Mukhtar Ablyazov's wife and daughter were illegally expelled from Italy and forcibly transferred to Kazakhstan in violation of Italian and international law.

Tatiana Paraskevich, another associate of Mukhtar Ablyazov, is detained in the Czech Republic and is also in imminent danger of extradition to Ukraine or Russia – where she would be at risk of onward transfer to Kazakhstan and serious human rights violations.

Torture and ill-treatment are routine interrogation methods in Kazakhstan and are also used to discipline convicted prisoners.

Under international law, all states are under an absolute obligation not to return anyone to a country where he or she would be at real risk of persecution or other serious human rights violations or abuses.