

URGENT ACTION

MAN AT RISK OF TORTURE IF EXTRADITED TO RUSSIA

Aslan Yandiev was detained by the Slovakian authorities on 20 January 2011, shortly before the Prosecutor General's office of the Russian Federation submitted a request for his extradition. He is now at risk of imminent extradition to Russia following the Minister of Justice's decision on 7 February to authorise it. If extradited to Russia, Aslan Yandiev would be at risk of torture and other ill-treatment.

Amnesty International is concerned about the risk of torture and other ill-treatment should **Aslan Yandiev** (full name Aslan Akhmetovich Yandiev) be extradited from Slovakia to the Russian Federation. The risk arises following the decision of the Minister of Justice on 7 February 2018 to authorize the extradition. The decision of the Minister of Justice followed previous decisions by the Slovakian courts, which in 2016 rejected his appeal against the extradition decisions. Pursuant to the Minister of Justice's decision, Aslan Yandiev can be extradited at any moment. 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 (principle of *non-refoulement*), and to guarantee their right to a fair trial.

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 14 May 2008, 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 was arrested by the Slovakian authorities on 20 January 2011 and has been in administrative detention since.

While Aslan Yandiev is still expecting a decision on his asylum application, there are concerns that the Slovak authorities may extradite him at any moment. In June 2013, the European Court of Human Rights (ECtHR) issued interim measures against Aslan Yandiev's extradition to the Russian Federation, on the basis that it would expose him to the risk of torture. The Slovak authorities are obligated under international law not to extradite a person who enjoys the protection of interim measures issued by the ECtHR.

Please write immediately in Slovak, English or your own language urging the authorities to:

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

PLEASE SEND APPEALS BEFORE 4 APRIL 2018 TO:

Minister of Interior
Robert Kaliňák
Pribinova 2, 812 72 Bratislava
Slovakia Republic
Facebook: @rkalinak
Email: tlacove@minv.sk
Fax: +421 2 5296 7746
Salutation: Dear Minister

Minister of Justice
Lucia Žitňanská
Zupne namestie 13
813 11 Bratislava, Slovakia Republic
Facebook:
www.facebook.com/spravodlivostSR/
Email: minister@justice.sk
Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Aslan Yandiev alleges that in September 2005, before fleeing to Slovakia, he was detained by the Russian police in the Republic of Ingushetia, in the North Caucasus region, and tortured and ill-treated for three days in order to make him “confess” to crimes he maintains he has not committed. The beatings stopped only on the fourth day, when his health condition deteriorated significantly. Only when his condition became critical, did the police officers call for an ambulance and release him on the grounds that they lacked evidence against him. Aslan Yandiev has alleged that he was held incommunicado throughout his detention except for on one occasion when a lawyer was allowed to see him.

Considering the ongoing tensions between North Ossetia and Ingushetia, Aslan Yandiev’s Ingush ethnicity would be an additional risk factor since he is likely to be detained and put on trial in North Ossetia, where he allegedly committed the crimes he is accused of.

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. 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 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. The ECtHR has ruled against states for failing to adequately assess diplomatic assurances for, among other things, reliability and sufficiency¹. Diplomatic assurances from certain states did not provide an effective safeguard against the risk of torture and other ill-treatment on return.

Name: Aslan Akhmetovich Yandiev

Gender m/f: m

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¹ See, for example, *Klein v Russia*, Application no. 24268/08, 1 April 2010.