

URGENT ACTION

ASYLUM-SEEKER RISKS TORTURE IF EXTRADITED

The Spanish high court approved a Kazakhstani extradition request regarding Aleksandr Pavlov. This was despite credible evidence that he would risk torture upon return. The power to finally decide on his extradition now rests with the Spanish government.

Aleksandr Pavlov, a 37-year-old asylum seeker in Spain and citizen of Kazakhstan, is currently under detention in the capital city of Madrid. On 8 November, a request for his extradition to Kazakhstan was reviewed and authorized by the Audiencia Nacional high court, confirming a decision by its Second Criminal Section on 23 July. The final decision on Aleksandr Pavlov's extradition will now go to the Spanish Council of Ministers, which has the power to disregard the high court's position. No further judicial appeals can be lodged by Aleksandr Pavlov at the domestic level. If returned to Kazakhstan, Aleksandr Pavlov will be at real risk of torture or other ill-treatment and unfair trial.

Amnesty International believes that the Kazakhstani extradition request is connected to Aleksandr Pavlov's links with the Kazakhstani opposition figure Mukhtar Ablyazov, who fled Kazakhstan in 2009 and was recognized as a refugee in the UK in 2011. Aleksandr Pavlov served as Mukhtar Ablyazov's head of security for a number of years. There have been several cases against Kazakhstani political and civil society actors in which criminal prosecution in Kazakhstan has been linked to their connection with Mukhtar Ablyazov and his dissenting views. Reports of torture and other ill-treatment of detainees and prisoners continue in Kazakhstan, despite repeated government claims that it is successfully addressing the problem.

Under international law, Spain is 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. The Spanish government must therefore refrain from extraditing or otherwise transferring Aleksandr Pavlov to Kazakhstan, even if the Kazakhstani government provides diplomatic assurances that he will not be tortured, otherwise ill-treated or given an unfair trial on return.

Please write immediately either in Spanish, English or your own language:

- Calling on the authorities to protect Aleksandr Pavlov from return to Kazakhstan, where he would be at real risk of serious human rights violations including torture, ill-treatment and unfair trial upon return;
- Urging the authorities to ensure that they adhere to their human rights obligation under international law not to return anyone to another country where they would be at real risk of torture or other ill-treatment.

PLEASE SEND APPEALS BEFORE 20 DECEMBER 2013 TO:

Minister of Justice / Ministro de Justicia

Sr. D. Alberto Ruiz-Gallardón

Ministerio de Justicia

Calle Bolsa 8

28012 Madrid, Spain

Fax: +34 (0)91 390 22 77

Email address: ministro@mju.es

Salutation: Dear Minister / Sr. Ministro

And copies to:

Chief Prosecutor / Fiscal Jefe

Sr. D. Javier Zaragoza Aguado

Fiscalía General del Estado

Calle Prim 12

28071 Madrid, Spain

Fax: +34 (0)91 397 32 86

Salutation: Dear Chief Prosecutor / Sr. Fiscal Jefe

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the first update of UA 192/13. Further information: <http://www.amnesty.org/en/library/info/EUR41/002/2013/en>.

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ADDITIONAL INFORMATION

Aleksandr Pavlov's lawyer has stated that Aleksandr Pavlov arrived in Spain on 11 December 2012 and was detained in a train station because his name had been placed on Interpol's wanted list at the request of Kazakhstani authorities. In January 2013, he submitted his application for asylum, which was rejected in the first instance on 5 July 2013. Meanwhile, the Kazakhstani authorities requested Aleksandr Pavlov's extradition. This was initially authorized by the Second Criminal Section (Sección 2ª de la Sala de lo Penal) at the Audiencia Nacional in July 2013, and was confirmed by the court's plenary on 8 November 2013.

In Kazakhstan, Aleksandr Pavlov has been charged with "expropriation or embezzlement of trusted property" and "plotting a terrorist attack". Aleksandr Pavlov and his lawyer claim that these accusations are fabricated, and that Aleksandr Pavlov is wanted in Kazakhstan for his links with Mukhtar Ablyazov, a major opposition figure, for whom Aleksandr Pavlov has worked as a trusted and long-serving security guard beginning in 1995.

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, Aleksandr 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. Please, see Amnesty International's latest report on torture in Kazakhstan, *Old habits: The routine use of torture and other ill-treatment in Kazakhstan* (EUR 57/001/2013), <http://www.amnesty.org/en/library/info/EUR57/001/2013/en>. Amnesty International's recent report, *Return to torture: Extradition, forcible returns and removals to Central Asia* (EUR 04/001/2013) highlights the risk of torture and other ill-treatment of certain groups, including political dissidents and those associated with them, on return to Kazakhstan. The report is available at <http://www.amnesty.org/en/library/info/EUR57/001/2013/en>.

See also: <http://www.amnesty.org/en/news/aleksandr-pavlov-extradition-2013-11-08>

Name: Aleksandr Pavlov
Gender m/f: m

Further information on UA: 192/13 Index: EUR 41/004/2013 Issue Date: 8 November 2013