

URGENT ACTION

KAZAKHSTANI MAN RISKS TORTURE IF EXTRADITED

The Spanish Council of Ministers is due to take a decision on the extradition request by Kazakhstan regarding asylum-seeker Aleksandr Pavlov. Credible evidence indicates that Aleksandr Pavlov, an associate of Kazakhstani opposition figure Mukhtar Ablyazov, would risk torture if returned to Kazakhstan. The Spanish Council of Ministers has the power to stop the extradition and should do so.

Authorities in Spain are still holding **Aleksandr Pavlov**, a 37-year-old asylum seeker, with a view to extraditing him to his home country of Kazakhstan. Spain has a duty to not return anyone to a country where he or she would be at real risk of persecution or other serious human rights violations or abuses. However, the extradition was approved at first instance by a section of the Audiencia Nacional high court, and then upheld on appeal on 8 November by its divided plenary (with 11 judges in favour and 7 against). The Spanish Council of Ministers is currently due to take a final decision on Aleksandr Pavlov's extradition.

As no further judicial appeals can be lodged by Aleksandr Pavlov before national courts, it is now down to the Spanish government, who have the power to disregard the position taken by the Audiencia Nacional high court, to prevent Aleksandr Pavlov from being extradited or otherwise transferred to Kazakhstan. It is crucial that all extradition plans are halted, even if the Kazakhstani government provides diplomatic assurances that he will not be tortured, otherwise ill-treated or given an unfair trial on return. 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.

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 29 JANUARY 2014 TO:

Prime Minister / Presidente del Gobierno

Mariano Rajoy Brey Palacio de la

Moncloa

Avda Puerta de Hierro s/n

Fax: + 34 913 900 429

Email address:

secretaria.presidente@presidencia.gob.e

s OR <https://portal->

[scc.presidencia.gob.es/ciudadan@s/cont](https://portal-scc.presidencia.gob.es/ciudadan@s/cont)

acto.jsp

Salutation: Dear Prime Minister / Sr.

Presidente del Gobierno

And copies to:

Minister of Justice / Ministro de Justicia

Sr. D. Alberto Ruiz-Gallardón

Ministerio de Justicia

Calle Bolsa 8

28012 Madrid, Spain

Fax: +34 91 390 22 77

Email address: ministro@mju.es

Salutation: Dear Minister / Sr. Ministro

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

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 192/13. Further information: <http://www.amnesty.org/en/library/info/EUR41/004/2013/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. Aleksandr Pavlov later appealed this decision and is currently waiting for a second instance verdict. Meanwhile, the Kazakhstani authorities requested Aleksandr Pavlov's extradition. This was initially denied by the Audiencia Nacional on formal grounds in April 2013, but then authorized by the same court in July 2013, and finally 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 Mukhtabar 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.

The Kazakhstani banker Mukhtar Ablyazov, Aleksandr Pavlov's former employer, fled Kazakhstan in 2009 and was recognized as a refugee in the UK in 2011. In February 2012, Mukhtar Ablyazov was sentenced to 22 months imprisonment by a judge in Britain for contempt of court, relating to alleged non-disclosure of financial information. He was arrested in France in August 2013, where he remains detained while 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 would also 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 41/005/2013 Issue Date: 18 December 2013