

PUBLIC

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Fear of forcible return/Fear of torture or ill-treatment

SPAIN

Murad Gasayev (m), Russian national

The Spanish authorities are preparing to extradite Murad Gasayev to the Russian Federation where he would be at risk of an unfair trial, torture and other ill-treatment. If the extradition goes ahead, it will violate Spain's obligations under international human rights law, including the UN Convention against Torture. The Spanish government must now approve the extradition in order for it to go ahead.

The Spanish national criminal court (*Audiencia Nacional*) approved the extradition request based on assurances from the Russian public prosecutor's office that Murad Gasayev would not be sentenced to death or to life imprisonment without parole, and would be able to receive visits from the UN Committee against Torture while he was detained.

The UN General Assembly and the UN's Special Rapporteur on torture have pointed out that such "diplomatic assurances" do not relieve states of their obligations under international law not to send any person to a place where they would face serious human rights violations. Furthermore, the Committee Against Torture does not undertake regular visits to detention facilities, and Russia is not party to the international law which would enable regular visits to be conducted. The "assurances" provided by the Russian Federation are unreliable, and do not, in any case, relieve Spain of its obligations not to extradite Murad Gasayev to a country where he would risk torture or other ill-treatment.

Murad Gasayev, an ethnic Chechen, is wanted in the Russian Federation on suspicion of involvement in an attack by an armed group on government buildings in the Republic of Ingushetia in June 2004. He has alleged that he was detained in Ingushetia in August 2004 by five masked law enforcement officials, who took him to the central office of the Federal Security Service in Ingushetia, where he was tortured and questioned about the attack. He was not charged, and after three days of torture he was taken in a van and released in an open field.

The Russian human rights organisation *Memorial* has researched and documented the cases of several people convicted in connection with the June 2004 attack. *Memorial* has found evidence that during the investigations into the attack, carried out by the investigation unit of the Directorate of the General Procuracy in the Southern Federal District, that suspects were tortured and ill-treated, and were denied a fair trial. Amnesty International has interviewed several people whose statements support *Memorial's* findings.

Amnesty International and other human rights organizations have researched many cases over recent years where ethnic Chechen and Ingush men have been charged with and convicted of terrorism-related offences, based on "confessions" and testimony extracted under torture.

BACKGROUND INFORMATION

Many Ingush and Chechen men have allegedly been tortured and otherwise ill-treated by the security forces to extract "confessions". The Chechen Ombudsperson for Human Rights, Nurdi Nukhazhiev, reported in March 2007 that his office receives many complaints about "illegal methods of investigation". So far there have been very few investigations leading to prosecutions of law enforcement officials for torture, which has created a climate of impunity in the region.

The Council of Europe Committee for the Prevention of Torture (CPT) has repeatedly and publicly expressed grave concerns regarding torture, ill-treatment and unlawful detention by state officials in Chechnya. The CPT has stated that investigations into cases involving allegations of ill-treatment or unlawful detention are rarely carried out in an effective manner, contributing to a climate of impunity, and that the Russian authorities have failed to react adequately to the concerns raised.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish, English or your own language:

- urging the authorities not to extradite Murad Gasayev to the Russian Federation, regardless of any "diplomatic assurances" from the Russian authorities, as he would be at risk of torture or other ill-treatment;
- urging the Spanish authorities not to send Murad Gasayev to any third country where he would be at risk of extradition to the Russian Federation;
- pointing out that the forcible return of Murad Gasayev to the Russian Federation would be a breach of Spain's obligations under the European Convention on Human Rights, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

APPEALS TO:

Minister of Justice

Mariano Fernández Bermejo

Ministerio de Justicia

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Salutation: Dear Minister

Vice President

María Teresa Fernández de la Vega

Complejo de la Moncloa

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Salutation: Dear Vice President

and to diplomatic representatives of Spain accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 4 April 2008.