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## **Spain: Halt extradition to Russia!**

As the Spanish authorities prepare to extradite Murad Gasayev to the Russian Federation Amnesty International called for these proceedings to be halted immediately as he would be at great risk of torture if returned.

“We hold the Spanish authorities responsible for the wellbeing of Murad Gasayev and urge them not to send him to a country where he is at a high risk of being tortured, and indeed claims he has already been tortured,” said Nicola Duckworth, Europe and Central Asia Programme Director at Amnesty International.

“Nobody, no matter the seriousness of the crime which they have been accused of, may be forcibly removed to a country here there is a real risk that they would face flagrant violations of their human rights.”

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 said he was detained and tortured for three days by law enforcement officials in Ingushetia in August 2004. He was released without charge. Murad Gasayev fled to Spain in 2005 where he claimed asylum, but his claim was rejected on the basis of confidential information provided by the Spanish authorities that neither he nor his lawyer were ever given access to.

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 Council of Europe Committee for the Prevention of Torture (CPT) while he was detained. The Spanish government must now approve the extradition in order for it to go ahead.

However, as far as Amnesty International is aware the CPT was not consulted about the promises made on its behalf until the court had already approved the extradition. The CPT has repeatedly and publicly expressed grave concerns regarding torture, other 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 and that the Russian authorities have failed to react adequately to the concerns raised.

“States that torture or engage in other forms of ill-treatment of detainees also deny that they carry out such practices. They torture in secret and in violation of their international legal obligations,” Nicola Duckworth said.

“The ‘assurances’ provided by the Russian Federation are unreliable, and Spain would be violating its obligations under international human rights law if the government gives the green light for this extradition.”

### **Background**

The Russian non-governmental organization 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 suspects were tortured and ill-treated, and were denied a fair trial. Amnesty International has interviewed several people whose statements support Memorial’s findings.

In recent years the CPT has used special powers three times to make public damning reports on the problem of torture in Chechnya. This is unprecedented as it is the first time that the CPT has issued public statements of this nature three times in respect of one country. The CPT works on the basis of confidentiality between itself and state parties, and is only authorized to make public statements when a country “fails to co-operate or refuses to improve the situation in the light of the Committee's recommendations.” The fact the CPT has felt obliged to resort to a public statement on three occasions, additionally releasing with it detailed excerpts of its report and the Russian authorities’ comments, indicates that the CPT considers Russia is failing to effectively tackle torture in Chechnya.

At the end of February and beginning of March this year the Commissioner for Human Rights of the Council of Europe Thomas Hammerberg visited Chechnya and reported that he had “got the impression that torture and ill-treatment are widespread in Chechnya”.