

URGENT ACTION

MAN AT RISK OF IMMINENT EXTRADITION TO RUSSIA

Aslan Yandiev is once again at risk of imminent extradition to Russia following the decision of the Slovak Constitutional Court which concluded his extradition would not constitute a human rights violation. If extradited to Russia, Aslan Yandiev would be at risk of torture and other ill-treatment.

On 2 May 2018, Slovakia's Constitutional Court held that the extradition of **Aslan Yandiev** to the Russian Federation would not amount to a violation of human rights as there were no substantial grounds "for believing that he would be exposed to a real risk of ill-treatment." It made reference to the 2016 judgment of the European Court of Human Rights, which held that his extradition to Russia was lawful under the Convention based on, among other things, diplomatic assurances given by the Russian Prosecutor General's Office. The Constitutional Court did not address the issue of Aslan Yandiev's asylum application, that has been pending since 2010, and which would render the extradition unlawful. According to Aslan Yandiev's lawyer, the extradition can be carried out any time after the Constitutional Court delivers its decision in writing, which it could do at any moment.

Amnesty International is deeply concerned about the risk of torture and other ill-treatment should Aslan Yandiev (full name Aslan Akhmetovich Yandiev) be extradited to the Russian Federation. The Minister of Justice decided on 7 February 2018 to authorize the extradition but this was temporarily put on hold on 21 March pursuant to interim measures issued by the European Court of Human Rights, which ruled that Aslan Yandiev might be at risk of torture and ill-treatment in Russian Federation.

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.

Please write immediately in Slovak, English or your own language:

- 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;
- Calling on the Minister of Interior to ensure an expeditious consideration of the pending asylum application;
- Urging the Minister of Justice to withdraw the extradition decision from 7 February 2018 on the grounds that the extradition would violate Slovakia's obligations under international human rights law.

PLEASE SEND APPEALS BEFORE 15 JUNE 2018 TO:

Minister of Interior

Denisa Saková
Pribinova 2,
812 72 Bratislava
Slovakia Republic
Email: tlacove@minv.sk
Fax: +421 2 52967746

Salutation: Dear Minister

Minister of Justice

Gábor Gál
Zupne namestie 13
813 11 Bratislava, Slovakia Republic
Facebook: pravodlivostSR
Email: minister@justice.sk

Salutation: Dear Minister

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 first update of UA 41/18. Further information:

www.amnesty.org/en/documents/eur72/7923/2018/en/

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ADDITIONAL INFORMATION

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 9 December 2010, 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 is still expecting a decision on his asylum application.

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 2018, 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. Diplomatic assurances from certain states did not provide an effective safeguard against the risk of torture and other ill-treatment on return.

Name: Aslan Yandiev
Gender m/f: m

Further information on UA: 41/18 Index: EUR 72/8357/2018 Issue Date: 4 May 2018