

URGENT ACTION

RISK OF TORTURE FOR MAN EXTRADITED TO RUSSIA

On 17 July, Aslan Yandiev was extradited to Russia. He is suffering from a long-term illness and is at grave risk of torture and other ill-treatment and an unfair trial in Russia.

On the evening of 17 July, Slovakia's Ministry of Interior extradited **Aslan Yandiev** to Russia. The extradition was carried out in breach of interim measures issued by the UN Human Rights Committee (UNHRC) in June 2018 which called on the Slovak authorities to refrain from the extradition while the UNHRC considers the case. Slovakia has violated its obligation not to transfer persons within its jurisdiction to a place where they are at risk of torture and ill-treatment (principle of non-refoulement), and where the right to a fair trial is not guaranteed. The extradition request was issued by a prosecutor in Vladikavkaz, North Ossetia, in the Russian North Caucasus. It states that Aslan Yandiev is charged with crimes including participation in terrorist activity and the activities of armed groups, charges which Aslan Yandiev maintains he did not commit. He asserts that some of the incriminating statements made against him were obtained during torture of three of his acquaintances. These three acquaintances subsequently submitted a complaint about their torture and other human rights violations to the European Court of Human Rights (ECtHR). In 2011 the case was communicated to the Russian authorities, and the decision is still pending.

Amnesty International is deeply concerned that Aslan Yandiev is now at grave risk of torture or other inhuman or degrading treatment or punishment in Russia. This risk is heightened if Aslan Yandiev is held in the Vladikavkaz pre-trial detention centre where Amnesty International's research has documented frequent use of torture to extract "confessions". Following the 1992 ethnic conflict between Ossetians and Ingush people in Russia's North Caucasus, persons of Ingush ethnicity, such as Aslan Yandiev, are often treated in a discriminatory way in North Ossetia.

Furthermore, according to one of his lawyers, Aslan Yandiev's health has significantly deteriorated during his seven-year detention in Slovakia. In addition to concerns about torture and other ill-treatment, there are serious fears that if his health condition deteriorates further he will not be granted timely access to essential health care. It is also highly likely that Aslan Yandiev will not receive a fair trial as courts in Russia routinely fail to exclude from criminal trials evidence obtained under torture.

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

- Urging the Prosecutor General and the Head of the Penitentiary Service of the North Ossetia to take all necessary steps to ensure Aslan Yandiev is not subjected to torture or other inhuman or degrading treatment or punishment and that he has timely and effective access to any necessary healthcare;
- Calling on the authorities to ensure that Aslan Yandiev's fair trial rights are protected, including by ensuring he has access to legal representation at all stages of the proceedings against him and that evidence obtained under torture is excluded at trial.

PLEASE SEND APPEALS BEFORE 30 AUGUST 2018 TO:

Prosecutor General of the Russian Federation

Yuriy Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7495 987 58 41/ +7495 692 17 25
Salutation: Dear Prosecutor General

Head of UFSIN for North Ossetia-Alania

Colonel Yuri Gennadievich Yemelyanov
Ul.Tamaeva, 48
Vladikavkaz, North Ossetia-Alania
362027 Russian Federation
Email: ufsin@15.fsin.su
Salutation: Dear Head of UFSIN

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

Please check with your section office if sending appeals after the above date. This is the third 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. At the time of his extradition on 17 July 2018, Aslan Yandiev was 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. In addition, in the past year, Amnesty International noted a growth in the number of reported incidents of alleged extrajudicial killings and torture. 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 7 February 2018, the Minister of Justice informed authorized the extradition of Aslan Yandiev's to Russian Federation, mainly on the basis of 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. On 21 March the Constitutional Court of the Slovak Republic temporarily put on hold the extradition authorization issued by the Minister of Justice.

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. Amnesty International believes that diplomatic assurances against torture and ill-treatment are inherently unreliable and cannot provide an effective safeguard against such abuse.

Name: Aslan Yandiev
Gender m/f: m

Further information on UA: 41/18 Index: EUR 46/8814/2018 Issue Date: 19 July 2018