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Slovakia: Halt the extradition of Chechen asylum seeker to Russian Federation

The Slovak authorities should halt immediately extradition proceedings against Anzor Chentiev, an ethnic Chechen asylum-seeker, to the Russian Federation, said Amnesty International today. According to information received by the organization, the extradition may take place today.

Anzor Chentiev would be at risk of serious human rights abuses, including torture and other ill-treatment and unfair trial, if forcibly returned to Russia, and Amnesty International launched an appeal urging the Slovak Minister of Interior and the Minister of Justice to halt the extradition. (See AI UA: 146/14 Index: EUR 72/002/2014 Slovakia, available at <http://www.amnesty.org/en/library/info/EUR72/002/2014/en>)

Slovakia is under an obligation under international law not to deport, expel, return or extradite any person to a country where he is at risk of serious human rights abuses, including torture and other ill-treatment.

Background information

Anzor Chentiev is an asylum-seeker from the Russian Federation where he is reportedly facing criminal proceedings on terrorism-related charges. He applied for asylum in Slovakia after he arrived in the country several years ago and, according to his lawyer, he was placed in detention in connection with the extradition request from the Russian Federation, and spent almost nine years on remand.

Amnesty International calls on the Slovak authorities to immediately release him pending the resolution of his asylum claim, or at a minimum, make his release subject to the least restrictive non-custodial measures that the government proves are necessary for a legitimate aim.

As the Working Group on Arbitrary Detention has noted, “the use of ‘administrative detention’ under public security legislation [or] migration laws...resulting in a deprivation of liberty for unlimited time or for very long periods without effective judicial oversight, as a means to detain persons suspected of involvement in terrorism or other crimes, is not compatible with international human rights law.”¹

In January 2014, after repeatedly seeking asylum and fighting extradition for those nine years, Anzor Chentiev suddenly dropped his asylum claim and indicated that he wanted to be returned to Russia. He also requested that the European Court of Human Rights (ECHR) lift the interim measures that had been previously issued in his case.

The Slovak authorities have since commenced extradition proceedings. On 29 May 2014, the Slovak Ministry of Justice took the decision to allow the extradition of Anzor Chentiev to Russia, and informed accordingly the National Office of Interpol Bratislava and the Prosecutor

¹ Working Group on Arbitrary Detention, Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law, para. 73.

General. On 5 June, the Russian Ministry of Justice informed Interpol that the Russian authorities had made the necessary arrangements for the extradition of Chentiev.

On 3 June 2014, Anzor Chentiev re-applied for asylum in Slovakia and, through his lawyer, filed a new application for interim measures to the ECHR stating that he had discontinued his initial proceedings after suffering psychological problems as a result of nine years in detention. Reportedly, Anzor Chentiev and members of his family had also received threats which had contributed to his request to discontinue the proceedings.

On 11 June 2014, Anzor Chentiev's lawyer received a letter from the ECHR informing him of the Court's decision not to issue the interim measures under Rule 39 of the Rules of the Court to prevent the applicant's extradition. The letter referred to information received from the Slovak authorities which, according to the letter, had refused to register Anzor Chentiev's new asylum application and which stated that Anzor Chentiev wanted to return to Russia.

However, according to Anzor Chentiev's lawyer, he does not want to be returned to Russia and has in fact submitted yet another application for asylum. Accordingly, an application for asylum from Anzor Chentiev is currently pending. The extradition of Chentiev before the final determination of his claim for asylum in Slovakia would be inconsistent with the procedures recommended by the Executive Committee of the Programme of the UN High Commissioner for Refugees (UNHCR), the body charged by the international community with elaborating protection standards under the Refugee Convention, to which Slovakia is a party.

Slovakia is obliged under international law to respect the fundamental principle of non-refoulement: the absolute and unconditional obligation on states not to deport, expel, return or extradite any person to a country where they risk serious human rights abuses, including torture and other ill-treatment. This principle is enshrined in Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR), Article 3(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 7 of the International Covenant on Civil and Political Rights (ICCPR), as well as Article 33 of the Convention relating to the Status of Refugees (Refugee Convention), to all of which Slovakia is a state party.

There are regular, credible reports of torture and other ill-treatment, as well as unlawful detention, and other human rights violations including extra-judicial execution and enforced disappearances, from across the North Caucasus in the Russian Federation. These are frequently reported in the context of so-called counterterrorism operations conducted by members of law enforcement agencies in Chechnya and across the region. The nature of these activities is highly secretive, and the law enforcement agencies are not publicly accountable for the way in which these activities are conducted. Amnesty International has repeatedly come across allegations from across the North Caucasus that the targeting of certain individuals as suspected members of illegal armed groups has been arbitrary.

The use of torture in particular is widespread in the North Caucasus and across the Russian Federation, and there are no effective legal remedies for its victims. In several reported cases when specific individuals were targeted as suspected members of illegal armed groups, there were 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, in unfair trials, as the basis for convicting people for crimes arising from the activities of armed groups and for other crimes. There are also reports of courts dismissing as defence tactics complaints by defendants about torture and ill-treatment and attempting to retract their earlier statements. For more details see Amnesty International, Russian Federation: Briefing to the UN Committee against Torture (AI Index: EUR46/040/2012), 15 October 2012, <http://www.amnesty.org/en/library/info/EUR46/040/2012/en>.

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