



## **EUROPE: THE POINT OF NO RETURN**

EUROPE MUST IMMEDIATELY HALT THE RETURN TO RUSSIA OF PEOPLE FROM THE NORTH CAUCASUS AT RISK OF SERIOUS HUMAN RIGHTS VIOLATIONS

AMNESTY  
INTERNATIONAL



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Those fleeing persecution in the North Caucasus have long faced the risk of serious human rights violations if returned to Russia. These risks have increased following Russia's full-scale invasion of Ukraine, and continuous stigmatization of individuals from the North Caucasus in Europe renders them particularly vulnerable to forcible transfer. European governments must therefore halt transfers of at-risk persons to Russia.

# 1. EXECUTIVE SUMMARY

**“The situation in Chechnya is grave...It’s not only people with military experience that are drafted. People are taken off the streets, and you have two options, either you go to jail for 10 years or you go to fight. Jail in Chechnya...it’s like you no longer exist. But at least you might come out after 10 years. It’s probably better than to be mobilized, to fight, to die. Once I knew I might get mobilized, I had to run.”**

Asylum seeker from Chechnya interviewed by Amnesty International

Authorities in a number of European states have long ignored the dire human rights situation in the North Caucasus and deported or extradited Chechens and others back to Russia. Russian law enforcement agencies, including the authorities in the North Caucasus, have systematically subjected asylum seekers and refugees sent back from Europe to torture and other ill-treatment. The degradation of human rights standards in Russia since the full-scale invasion of Ukraine in 2022, including the new threat of mobilization to the armed forces, has further increased the risk that those returned will be subjected to serious human rights violations of sufficient gravity to trigger the principle of *non-refoulement*. Despite this, European governments continue to threaten those from the North Caucasus region with extradition or deportation.

On 24 February 2022, Russia launched a full-scale invasion of Ukraine. The invasion was an act of aggression, a manifest violation the United Nations charter and a crime under international law. Since then, Russian forces have committed war crimes and other violations of international humanitarian law, including extrajudicial executions, deadly strikes on civilian infrastructure and places of shelter, deportations and forcible transfers of civilians, and unlawful killings committed on a vast scale through shelling of cities. Amnesty International has condemned the invasion in the strongest terms and remains committed to seeking justice and accountability for the suffering and destruction it has caused.

Russia’s aggression has also had consequences domestically, as the human rights situation in Russia itself has deteriorated significantly. Torture and other ill-treatment were widespread in places of detention in Russia, even prior to the invasion. Yet Russia’s withdrawal from international human rights treaties such as the European Convention on Human Rights (ECHR) has dramatically increased the risk of such treatment and deprived victims of almost the only avenue to achieve justice. Serious human rights violations, many amounting to persecution under the 1951 Refugee Convention, are particularly pervasive and systematic in the North Caucasus, where Amnesty International, as well as other international and Russian human rights organizations, have documented cases of unlawful killing, torture, enforced disappearance and arbitrary detention. Victims of these human rights violations include refugees and asylum seekers who had been extradited or deported back to Russia from European states before Russia’s full-scale invasion of Ukraine in 2022. For example, France deported Daoud Muradov, a young Chechen man, to Russia in 2020, despite clear evidence that he would be at real risk of torture or ill-treatment if returned. Russian law enforcement agents met Muradov at the airport, brought him to a remote forest and tortured him until he signed a confession. He died in detention under suspicious circumstances in February 2022. There is emerging evidence that those who refuse or attempt to flee mobilization to the Russian Armed Forces are also at real risk of serious human rights violations.

Broader geopolitical developments have also intervened to heighten the risk of people from the North Caucasus facing return to Russia. On 13 October 2023, in an echo of the killing of school teacher Samuel Paty by a Chechen refugee in 2020, an individual from the North Caucasus stabbed to death a schoolteacher in Arras, France. The killing took place one week after Hamas and other armed groups launched indiscriminate rockets and committed war crimes, such as deliberate mass killings of civilians and hostage taking. Amnesty International has documented extensive evidence of war

crimes by Israeli forces in their intense bombardment of Gaza since that attack, including direct or indiscriminate attacks and collective punishment of the civilian population.

In response to the killing in Arras, the French government put plans in place to deport up to 11 individuals originating from North Caucasus to Russia, even if doing so would violate its international law obligations. France is not the only European government to entertain such a policy. Discrimination against and stigmatization of people from the North Caucasus is prevalent throughout Europe. Due to their religious and ethnic identity, entire communities are brandished as being ‘dangerous extremists’ that pose an existential threat to national security, allegedly justifying their return to a region where their rights are at real risk. A number of states have continued to deny international protection to those at real risk of persecution and other serious human rights violations in the North Caucasus. Despite European states’ claims to have frozen all judicial cooperation with Russia following the February 2022 invasion of Ukraine, authorities in these states continue to threaten or even effect transfers to Russia in violation of the absolute ban on torture and other ill-treatment, and on sending people to any place where they would be at real risk of such serious abuses (the principle of *non-refoulement*).

In Romania, for example, national authorities detained Chechen asylum seeker Amina Gerikhanova in March 2022 on grounds that she posed an alleged threat to national security. She had fled persecution in Chechnya and arrived in Ukraine in 2017. When Russia invaded in February 2022, Gerikhanova fled once more, this time to Romania where she faced a harsh reception. Romanian authorities separated her from her young son, placed her in detention conditions that amounted to ill-treatment, and then ordered her extradition to Russia. It took a massive public outcry and the imposition of interim measures by the European Court of Human Rights (ECtHR) to prevent her extradition.<sup>1</sup> Following eight months in detention, Romania eventually granted Gerikhanova asylum in October 2022.

The underlying justifications for effecting forcible returns to Russia are often opaque or spurious, including by use of secret evidence provided by European security services and allegations emanating from Russia itself, particularly in the form of Interpol “red notices”. For example, Poland refused entry to Magomed Zubagirov, a Dagestani man residing in Ukraine with his family who decided to flee the invasion in 2022, on the basis of such a red notice. Amnesty International and other organizations such as Fair Trials have criticized Russia’s instrumentalization of red notices to target dissidents, political opponents and human rights defenders.

Many states also continue to accept so-called “diplomatic assurances” against torture from Russia to justify such returns. Such assurances are a red flag that a person is at risk and amount to an attempt to circumvent a state’s absolute obligation not to send a person to any place where they would be at real risk of serious human rights violations. European governments must halt all extraditions, deportations or other transfers to Russia of individuals, including people from the North Caucasus, at real risk of torture or other ill-treatment, arbitrary detention or other serious human rights violations. They must provide Russians seeking international protection with access to their territories and jurisdictions so that fair and effective asylum procedures can establish if they would be at real risk of serious human rights violations, many of which amount to persecution, if returned to Russia, including violations of their right to conscientious objection.

## 2. METHODOLOGY

This briefing synthesizes existing evidence of serious human rights violations in the North Caucasus and in Russia at large to demonstrate that people who have fled persecution or other serious human rights violations in the North Caucasus and seek protection in Europe will be at real risk of abuse if returned. Given the heightened tensions in Russia due to its full-scale invasion of Ukraine in February

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<sup>1</sup> Amnesty International, “Romania : Ukrainian refugee faces extradition to Russia: Amina Gerikhanova”, EUR 39/5553/2022, 29 April 2022 <https://www.amnesty.org/en/documents/eur39/5553/2022/en/>

2022, and difficulties in accessing the areas of the North Caucasus on which this briefing focuses, conducting new research on the ground in the region was not feasible. New field research in other European countries - for example in France, Romania and Croatia -- is included in this briefing.

The research builds on previous work carried out by Amnesty International, in particular documentation of torture and other cruel, inhuman or degrading treatment or punishment (“ill-treatment”) and repression in Russia prior to the 2022 invasion, as well as publications from other international and Russian human rights organizations. The briefing examines 19 case studies of residents of the North Caucasus who have been returned or are currently facing deportation or extradition proceedings from European Union or Council of Europe states. Eleven of these cases date from before Russia’s invasion of Ukraine, and illustrate the real risk of death, torture, enforced disappearance or arbitrary detention faced by those who have fled serious human rights violations at the hands of the authorities.

Interviews with asylum seekers and their lawyers in a number of European countries, including Romania and Croatia, were conducted for this briefing. Amnesty International has also been directly involved in several other cases highlighted here, including through submissions of third-party interventions to relevant judicial bodies, submission of case and background analysis for lawyers and families or issuing calls for members to write letters to the authorities on behalf of those facing extradition or deportation.

Additional desk-based research included a survey of existing reporting from other human rights organisations including Memorial Human Rights Centre (dissolved in 2022 by the Russian government under its so-called “foreign agents law”); Vayfond, a Swedish-based Chechen human rights organization; and the Norwegian Helsinki Committee.

The final section of this briefing comprises a legal and policy analysis of current practice concerning the principle of *non-refoulement*, diplomatic assurances and the instrumentalization of Interpol “red notices”.

Amnesty International contacted the governments of Poland, Croatia, and Armenia on 7/12/2023, and the government of France on 8/12/2023 to provide them with a “right of reply” to the findings in this document. No responses were received from any government contacted.

Amnesty International is grateful to all the people who agreed to be interviewed for this briefing and all the organizations working as well to halt any transfers to Russia of people from the North Caucasus and others at real risk of torture and other ill-treatment upon return.

### 3. BACKGROUND

**“Journalists, human rights defenders, LGBTI persons, women refusing to submit to the demands of ‘traditional values’, and anyone who opposes authoritarian rule risk persecution, torture, and even losing their lives for expressing their opinions or just living their lives as they wish. Neither they nor their relatives are safe in the North Caucasus and anywhere in Russia or even abroad.”**

### 3.1 TORTURE AND OTHER ILL-TREATMENT IN RUSSIA

Torture and other ill-treatment have long been pervasive in places of detention in Russia,<sup>3</sup> and Russian authorities often resort to the practice to extract “confessions”.<sup>4</sup> Torture and other ill-treatment are perpetrated using a variety of methods including beatings, being hit with plastic bottles filled with water, rifle butts, truncheons and poles; threats and use of sexual violence, suffocation and electric shock.<sup>5</sup>

The authorities carry out such treatment with near total impunity and there are few effective remedies for victims. Amnesty International has a long history of documenting cases of torture and other ill-treatment in Russia, as well as efforts by the Russian authorities to hinder and frustrate justice for its victims.<sup>6</sup> Since the February 2022 full-scale invasion of Ukraine, Amnesty International has documented several cases of torture, for example that of Artyom Kamardin, who was detained and subjected to torture, including gruesome sexual violence, by Russian law enforcement officers after posting his recital of an anti-war poem online.<sup>7</sup> In March 2023, Irina Danilovich was arbitrarily imprisoned by the Russian authorities in occupied Crimea in retribution for her criticism of the healthcare system and for exposing corruption. She was subjected to torture and other ill-treatment in detention.<sup>8</sup> Moreover, the judicial system has repeatedly fallen short of international human rights law and standards regarding fair trials, and courts commonly admit evidence obtained illegally, including “confessions” extracted under torture or other ill-treatment.<sup>9</sup>

Russian human rights organization Crew Against Torture has argued that, due to the lack of complete statistics surrounding torture in Russia, it is not possible to ascertain the scale of the problem. Nonetheless, based on a survey of over 200 cases, they have argued that only 23% of allegations of torture lead to criminal proceedings, over half of those cases will fail, and 9% will be unlawfully terminated. Cases that do succeed will take over three years, and a significant number of those convicted receive only suspended sentences.<sup>10</sup> While these statistics paint only a partial picture, the evidence suggests a culture of impunity that violates international human rights law.<sup>11</sup>

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<sup>2</sup> Parliamentary Assembly of the Council of Europe (PACE), Committee on Legal Affairs and Human Rights, “The continuing need to restore human rights and the rule of law in the North Caucasus region”, 23 May 2022, <https://assembly.coe.int/LifeRay/JUR/Pdf/TextesProvisoires/2022/20220524-NorthCaucasusHR-EN.pdf> p.1

<sup>3</sup> Amnesty International, “Human Rights in Eastern Europe and Central Asia - Review of 2019” 16 April 2020, <https://www.amnesty.org/en/documents/eur01/1355/2020/en/> p.27

<sup>4</sup> Office of the High Commissioner of Human Rights, “Concluding observations on the sixth periodic report of the Russian Federation”, CAT/C/RUS/CO/6, 28 August 2018, <https://www.ohchr.org/en/documents/concluding-observations/catcrusco6-concluding-observations-sixth-periodic-report-russian>

<sup>5</sup> Amnesty International, “Torture in Russia: ‘Torture is a traditional component of “proof”’, 27 June 2013, <https://www.amnesty.org/en/latest/news/2013/06/torture-russia-torture-traditional-component-proof/>

<sup>6</sup> See, for example: Amnesty International, “Amnesty International Report 2021/22: The state of the world’s human rights”, 29 March 2022, <https://www.amnesty.org/en/wp-content/uploads/2022/03/WEBPOL1048702022ENGLISH.pdf> p.313

<sup>7</sup> Amnesty International, “Russia: Activist allegedly beaten and raped for reciting anti-war poem online” 27 September 2022, <https://www.amnesty.org/en/latest/news/2022/09/russia-activist-allegedly-beaten-and-raped-for-reciting-anti-war-poem-online/>

<sup>8</sup> Amnesty International, “Russian Federation/Ukraine: Imprisoned nurse denied healthcare: Irina Danilovich” 28 March 2023, <https://www.amnesty.org/en/documents/eur46/6611/2023/en/>

<sup>9</sup> For example evidence obtained through illegal searches or warrants. See: Amnesty International, “Russia: No place for protest” EUR 46/4328/2021, 12 August 2021, <https://www.amnesty.org/en/documents/eur46/4328/2021/en/> p. 16

<sup>10</sup> Crew Against Torture, “Статистика МРОО “Комитет против пыток” о практике расследования жалоб на пытки”, 31.08.2021, <https://pytkam.net/wp-content/uploads/2021/08/arifmetika-pytok.pdf>

<sup>11</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, Article 2, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading#:~:text=Article%204-.1.,offences%20under%20its%20criminal%20law.>

Russia's February 2022 invasion of Ukraine has had significant implications for the legal human rights framework that now applies in the country.

The Russian Federation is no longer a member of the Council of Europe, and Russia is no longer bound by the European Convention on Human Rights and other Council of Europe legal instruments such as the European Prison Rules.<sup>12</sup> While the country continues to be bound by other international human rights law instruments and customary provisions, the various Council of Europe committees and bodies that have provided oversight and monitoring of Russia's human rights obligations have lost their ability to engage with Russia.<sup>13</sup>

The President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) stated that Russia continues to be a signatory to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.<sup>14</sup> Yet Russia does not feature among the periodic country visits the CPT has scheduled for 2024. Cooperation with the national authorities is at the heart of the CPT's work,<sup>15</sup> and the chances of subjecting Russian places of detention to CPT scrutiny are therefore vanishingly slim. While Russia remains party to various international conventions, including the International Covenant on Civil and Political Rights and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and bound by customary rules prohibiting torture and ill-treatment, the curtailment of independent oversight will inevitably result in a higher risk of ill-treatment for individuals extradited or deported from Europe to Russia.

Until September 2022, the European Court of Human Rights was the principal recourse to justice available to those failed by the Russian criminal justice system. Russia's withdrawal from the Council of Europe has deprived victims of recourse to justice through this mechanism.<sup>16</sup>

## 3.2 PERSECUTION OF DISSIDENTS IN THE NORTH CAUCASUS

The human rights situation is dire in the North Caucasus republics, particularly in Chechnya. Amnesty International has worked in the region for almost 30 years, regularly documenting enforced disappearances, arbitrary detention, torture and other ill-treatment, as well as the persistent and abject failure of Russian authorities to ensure any kind of accountability.<sup>17</sup> Human rights violations in Chechnya are arguably the most widely documented, however Amnesty International has also reported on the widespread violations of human rights carried out by security forces in many of the other North Caucasus republics, for example extrajudicial executions in Ingushetia,<sup>18</sup> excessive use of force, torture and other ill-treatment in Dagestan and Kabardino-Balkaria,<sup>19</sup> and threats, intimidation and killing of lawyers throughout the region.<sup>20</sup>

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<sup>12</sup> Council of Europe, Committee of Ministers Recommendation Rec(2006)2-rev of the Committee of Ministers to member states on the European Prison Rules, 1 July 2020, <https://rm.coe.int/09000016809ee581?msclid=004f8319c6e311ecacae882e761d37db>

<sup>13</sup> Council of Europe, Committee of Ministers Resolution CM/Res(2022)1 on legal and financial consequences of the suspension of the Russian Federation from its rights of representation in the Council of Europe, 2 March 2022, <https://rm.coe.int/2022-cm-resolution-1/1680a5b463>

<sup>14</sup> Council of Europe, "Statement from the CPT President", 31 March 2022, <https://go.coe.int/Y1LKT>

<sup>15</sup> Council of Europe, "The CPT in brief" <https://rm.coe.int/16806dbbf1>

<sup>16</sup> Amnesty International, "Russia's withdrawal from Council of Europe a tragedy for victims of Kremlin's abuses", 15 March 2022, <https://www.amnesty.org/en/latest/news/2022/03/russias-withdrawal-from-council-of-europe-a-tragedy-for-victims-of-kremlins-abuses/>

<sup>17</sup> Amnesty International, "Russian Federation: Rule without law: Human rights violations in the North Caucasus", EUR/46/012/2009, 30 June 2009, <https://www.amnesty.org/en/documents/EUR46/012/2009/en/>

<sup>18</sup> Amnesty International, "The Circle of Injustice – A summary: Security operations and human rights violations in Ingushetia, Russian Federation", EUR 46/005/2012, 21 June 2012, <https://www.amnesty.org/en/documents/EUR46/005/2012/en/>

<sup>19</sup> Amnesty International, "Russian Federation: Rule without law: Human rights violations in the North Caucasus", EUR/46/012/2009, 30 June 2009, <https://www.amnesty.org/en/documents/EUR46/012/2009/en/>

<sup>20</sup> Amnesty International, "Confronting the circle of injustice: threats and pressure faced by lawyers in the North Caucasus", EUR 46/003/2013, 21 March 2013

International and regional institutions such as United Nations Special Procedures, including Special Rapporteurs, and the Council of Europe have paid particular attention to the region, with the CPT visiting over a dozen times prior to the invasion of Ukraine in 2022.<sup>21</sup> The Organization for Security and Cooperation in Europe (OSCE) published a report in 2018 detailing, among other violations, torture, arbitrary arrest enforced disappearances and extrajudicial executions in Chechnya.<sup>22</sup> Russian human rights defenders, including organizations such as Memorial and Crew Against Torture, and investigative journalists like Elena Milashina, have carried out extensive work in the region, highlighting egregious human rights violations often at great personal risk, as illustrated by the July 2023 attack on Milashina and human rights lawyer Aleksandr Nemov in Grozny.<sup>23</sup> This assault was only the latest in a litany of attacks against human rights defenders in the region.<sup>24</sup>

The human rights situation in the North Caucasus has not improved with time. In a public statement concerning the region issued in 2019, the CPT highlighted “many consistent and credible allegations of recent ill-treatment of detained persons by law enforcement officials.”<sup>25</sup> The same year, Head of the Chechen Republic Ramzan Kadyrov’s regime ramped up its persecution of LGBTI individuals, resulting in the abduction, torture and death of dozens of men.<sup>26</sup> Lawyers, journalists and human rights defenders are commonly targeted,<sup>27</sup> and the atrocities committed by security forces in the region are often couched in the language of combating terrorism.<sup>28</sup> In a March 2022 joint public statement, Amnesty International and the co-signatories emphasized “a dramatic escalation of repression in Chechnya, where Russian law and international human rights obligations have been emptied of meaning.”<sup>29</sup>

The authorities’ determination to eradicate their opponents has led to dogged, systematic persecution of individuals that often does not cease until their death.<sup>30</sup> Moreover, the authorities cast their net wide, targeting those expressing dissenting or critical views, those suspected of human rights activism, or of allegedly being involved with illegal armed groups or those who are members or perceived members of the LGBTI community. This persecution also extends to their families, both young and old, and indeed anyone with a mere passing affiliation with the suspected person is at real risk of abduction, arbitrary detention and torture or other ill-treatment.<sup>31</sup> Once a person comes to the

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<sup>21</sup> Council of Europe, “Council of Europe anti-torture Committee visits the Chechen Republic of the Russian Federation”, 7 December 2017, <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-visits-the-chechen-republic-of-the-russian-federation>.

<sup>22</sup> OSCE, “OSCE Rapporteur’s Report under the Moscow Mechanism on alleged Human Rights Violations and Impunity in the Chechen Republic of the Russian Federation”, 13 December 2018, [https://www.osce.org/files/Moscow%20Mechanism%20Document\\_ENG.pdf](https://www.osce.org/files/Moscow%20Mechanism%20Document_ENG.pdf)

<sup>23</sup> Amnesty International, “Russia: Investigate vicious attack on Elena Milashina and Aleksandr Nemov in Chechnya”, 4 July 2023, <https://www.amnesty.org/en/latest/news/2023/07/russia-investigate-vicious-attack-on-elena-milashina-and-aleksandr-nemov-in-chechnya/>

<sup>24</sup> See, for example: Amnesty International, “European Court’s judgment on Natalia Estemirova’s abduction and killing highlights unabated immunity in Russia”, 31 August 2021, <https://www.amnesty.org/en/latest/news/2021/08/russian-authorities-have-failed-to-properly-investigate-the-murder-of-natalia-estemirova/>

<sup>25</sup> CPT, “Публичное заявление по Российской Федерации относительно Чеченской Республики и других республик Северо-Кавказского региона”, 11 March 2019, <https://rm.coe.int/16809371f0>

<sup>26</sup> Amnesty International, “Russia: Two years after Chechnya’s gay purge victims still seek justice as LGBTI defender receives death threats”, 1 April 2019, <https://www.amnesty.org/en/latest/press-release/2019/04/russia-two-years-after-chechnyas-gay-purge-victims-still-seek-justice-as-lgbti-defender-receives-death-threats/>

<sup>27</sup> Amnesty International, “Unfair game: Persecution of human rights defenders in Russia intensifies”, EUR/46/0950/2019, 17 September 2019, <https://www.amnesty.org/en/documents/eur46/0950/2019/en/>

<sup>28</sup> The New York Times, “Russia shows what happens when terrorists’ families are targeted”, 29 March 2016, <https://www.nytimes.com/2016/03/30/world/europe/russia-chechnya-caucasus-terrorists-families.html>

<sup>29</sup> Amnesty International, “Russian Federation: The Human Rights Council should take urgent action to address the dire human rights situation in Russia. Joint letter to Permanent Representatives of Member and Observer States of the UN Human Rights Council”, 2 March 2022, <https://www.amnesty.org/en/documents/eur46/5335/2022/en/>

<sup>30</sup> Norwegian Helsinki Committee and Natalia Estemirova Documentation Centre documented 260 cases of extrajudicial killings in the North Caucasus between 2010 and 2018: Norwegian Helsinki Committee/Natalia Estemirova Documentation Centre, “Justice Denied in the North Caucasus: Status of investigation and prosecution of emblematic cases of killings, abductions, disappearances and torture”, 2020, <https://www.nedc-nhc.org/wp-content/uploads/2021/02/Justice-denied-in-the-North-Caucasus-1.pdf> p.115

<sup>31</sup> Amnesty International, “Russian Federation: The Human Rights Council should take urgent action to address the dire human rights situation in Russia. Joint letter to Permanent Representatives of Member and Observer States of the UN Human Rights Council”, 2 March 2022, <https://www.amnesty.org/en/documents/eur46/5335/2022/en/>



attention of the Kadyrov regime, even fleeing the region does not guarantee their security.<sup>32</sup> It is to this context that European states have repeatedly returned or threatened to return those fleeing serious human rights violations, including those which amount to persecution and/or torture and other ill-treatment.

### 3.3 THE THREAT OF MOBILIZATION

On 21 September 2022, President of the Russian Federation Vladimir Putin signed the presidential order on “partial mobilization in the Russian Federation” calling up military reservists to fight in Ukraine. Russia claims its military reserve numbers 25 million people,<sup>33</sup> however the mobilization was described as “partial” as it was reportedly to apply only to those who had acquired particular military experience.<sup>34</sup> Nonetheless, it quickly became apparent that the mobilization process was riddled with irregularities, with many people supposedly exempt from service handed draft orders, such as older people or people with disabilities or even those who had no military experience.<sup>35</sup>

In addition to administrative irregularities, there have been reports of Russia’s ethnic minority populations being called up in disproportionate number.<sup>36</sup> Those from Russia’s poorest regions have reportedly been called up in greater numbers than those from the more affluent regions such as Moscow or St. Petersburg.<sup>37</sup> This may be explained by the fact that, with some exceptions, regions with the highest proportion of ethnic minorities in Russia also tend to be the poorest. The comparatively high wages offered by the military may encourage higher participation in the Russian Armed Forces and therefore result in higher rates of mobilization. However, the mobilization was accompanied by reports of people being forcibly rounded up in areas such as Buryatia in Siberia, as well as Dagestan, in the North Caucasus.<sup>38</sup>

In Chechnya, Ramzan Kadyrov stated that Putin’s mobilization order would not apply in Chechnya, as Chechnya had already contributed more than its share of fighters.<sup>39</sup> Prior to the mobilization, in June 2022, Kadyrov had announced the creation of four volunteer battalions that would participate in the war, exclusively made up of Chechens.<sup>40</sup> Yet the voluntary nature of participation in these battalions has been called into question, as evidence emerges of forced mobilization to the front lines.<sup>41</sup> Human rights organizations have accused Kadyrov of making Chechen men choose between being sent to the front or being held in incommunicado detention.<sup>42</sup> Kavkaz.Realii has reported that dozens of Chechens were being held in these prisons.<sup>43</sup> One human rights organization has also claimed that

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<sup>32</sup> The Guardian, “‘We can find you anywhere’: the Chechen death squads stalking Europe”, 21 September 2019, <https://www.theguardian.com/world/2019/sep/21/chechnya-death-squads-europe-ramzan-kadyrov>

<sup>33</sup> BBC News, “Ukraine war: Putin orders partial mobilisation after facing setbacks”, 21 September 2022, <https://www.bbc.co.uk/news/world-europe-62984985>

<sup>34</sup> European Union Agency for Asylum, “The Russian Federation – Military Service”, 16 December 2022, <https://euaa.europa.eu/publications/russian-federation-military-service> p.26

<sup>35</sup> European Union Agency for Asylum, “The Russian Federation – Military Service”, 16 December 2022, <https://euaa.europa.eu/publications/russian-federation-military-service> p.33

<sup>36</sup> The Guardian, “‘It’s a 100% mobilisation’: day one of Russia’s drive to build its army”, 22 September 2022, <https://www.theguardian.com/world/2022/sep/22/russia-mobilisation-ukraine-war-army-drive>

<sup>37</sup> The Economist, “Where are Russia’s newest soldiers coming from?”, 21 October 2022, <https://www.economist.com/graphic-detail/2022/10/21/where-are-russias-newest-soldiers-coming-from>

<sup>38</sup> The Guardian, “‘It’s a 100% mobilisation’: day one of Russia’s drive to build its army”, 22 September 2022, <https://www.theguardian.com/world/2022/sep/22/russia-mobilisation-ukraine-war-army-drive>

<sup>39</sup> The Moscow Times, “Chechnya exempts itself from Russia’s draft”, 23 September 2022, <https://www.themoscowtimes.com/2022/09/23/chechnya-exempts-itself-from-russias-draft-a78874>

<sup>40</sup> Business Insider, “Putin’s Chechen warlord ally plans to bolster Russia’s forces in Ukraine with 4 new battalions”, 28 June 2022, <https://www.businessinsider.com/ramzan-kadyrov-is-sending-battalions-to-ukraine-to-aid-putin-2022-6?r=US&IR=T>

<sup>41</sup> Caucasian Knot, “Rights defenders receive signals about forced sending of residents of Chechnya to the front”, 14 May 2022, <https://www.eng.kavkaz-uzel.eu/articles/59116/>

<sup>42</sup> International Business Times, “How Kadyrov Hires Fighters For Russia: ‘Sign The Contract Or Go To Secret Prison’”, 25 May 2022, <https://www.ibtimes.com/how-kadyrov-hires-fighters-russia-sign-contract-or-go-secret-prison-3523524>

<sup>43</sup> Kavkaz Реалии, “Жителей Чечни массово задерживают для отправки ‘добровольцами’ в Украину – правозащитники”, 17 May 2022, <https://www.kavkazr.com/a/zhitelley-chedni-massovo-zaderzhivayut-dlya-otpravki-dobrovolsami-v-ukrainu-pravozaschitniki/31854345.html>

Chechens are kidnapped *en masse* and are threatened with fabrication of criminal cases if they refuse to fight, and those that are sent to fight are used as “cannon fodder”.<sup>44</sup>

Russia’s announcement of a “partial mobilization” led to an exodus from the country of military age men and their families.<sup>45</sup> Yet asylum claims from those fleeing mobilization are often rejected or delayed,<sup>46</sup> leaving them with no legal option for remaining in Europe, and at risk of deportation to Russia. There is precedent in the North Caucasus for those who refuse to fight being mistreated by the authorities. For example, in 2018 Amnesty International reported on the enforced disappearance of Artur Aydamirov, a former policeman from Chechnya who attempted to flee military service in Syria.<sup>47</sup>

In July 2023, the French National Court of Asylum (CNDA) recognized that fleeing mobilization constituted grounds for international protection under EU Directive 2011/95/EU.<sup>48</sup> The court relied on the extensive documentation of war crimes committed by Russian forces in Ukraine carried out by organizations including Amnesty International to conclude that it was “highly probable” that those mobilized would be forced to directly or indirectly participate in the commission of such crimes.<sup>49</sup> This, combined with the likelihood of prosecution for refusing the draft, qualified those fleeing mobilization under Article 9(2)(e) of the Directive.<sup>50</sup>

The risk of torture and other ill-treatment for those fleeing mobilization, as well as other returnees to the North Caucasus is extremely high. Those responsible for such treatment may continue to subject their victims to human rights violations even after they have fled the region. Where they are out of reach, the authorities will often punish their relatives who remain or use them as bargaining chips to secure the return of those who fled. Should victims of these serious human rights violations be returned to the region, they are undoubtedly at real risk of further ill-treatment. The following section will illustrate this through an examination of case studies that demonstrate the real consequences of decisions that violate the principle of *non-refoulement*.

## 4. A LEGACY OF DEATH, DISAPPEARANCE AND TORTURE

Amnesty International has identified 11 cases of forcible returns to the Russian Federation which have resulted in death, torture or other ill-treatment, arbitrary detention or enforced disappearance. This is not an exhaustive summary of all such cases, but is intended rather to illustrate the dangers faced by those forcibly returned to Russia, and how European states are complicit in their fate.

### 4.1 DEATHS OF RETURNEES TO THE NORTH CAUCASUS

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<sup>44</sup> IADAT, 16 May 2022, <https://t.me/IADAT/12913>

<sup>45</sup> Radio Sloboda Evropa, “Why is Bosnia and Herzegovina a stop for Chechens fleeing mobilization?”, 30 December 2022, <https://www.slobodnaevropa.org/a/cecenija-rusija-bih-evropska-unija/32201177.html>

<sup>46</sup> European Parliament, Parliamentary Question “European asylum procedure for Russian opposition figures”, 15 June 2023, [https://www.europarl.europa.eu/doceo/document/P-9-2023-001949\\_EN.html](https://www.europarl.europa.eu/doceo/document/P-9-2023-001949_EN.html)

<sup>47</sup> Amnesty International, “Fate and whereabouts of policeman unknown”, 16 July 2018, <https://www.amnestyusa.org/wp-content/uploads/2018/07/uaa13018-2.pdf>

<sup>48</sup> Directive 2011/95/EU is a piece of EU legislation that, inter alia, sets the standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection

<sup>49</sup> Cour National du Droit D’Asile, Grande formation, no. 21068674, 20 July 2023, <http://www.cnda.fr/content/download/214741/2038717/version/1/file/21068674GF.pdf> paras. 11, 20

<sup>50</sup> Cour National du Droit D’Asile, Grande formation, no. 21068674, 20 July 2023, <http://www.cnda.fr/content/download/214741/2038717/version/1/file/21068674GF.pdf> para. 20

## Daoud Muradov

In 2017, Chechen security forces reportedly arrested and subjected fifteen-year-old Daoud Muradov to torture or other ill-treatment.<sup>51</sup> He and his family then fled to Poland and then France, where they sought asylum. Muradov's asylum claim was rejected, but Memorial Human Rights Centre reported that his lawyer filed an appeal with the French National Court of Asylum and the ECtHR under Rule 39, seeking to prevent his deportation.<sup>52</sup> In 2020, three years after his arrival, Muradov was called to a seemingly routine interview in Colmar prefecture in eastern France where he was arrested, due to his alleged affiliation with the Islamic State of Iraq and the Levant (ISIL).<sup>53</sup> Despite being aware of Daoud's history with the Chechen authorities, the French authorities decided to deport him on the basis of the allegation that he was associated with ISIL and on 11 December 2020, he was forcibly returned to Moscow.

Memorial wrote that, according to Muradov himself, he was met on arrival at Moscow's Sheremetyevo airport by agents of Russia's Federal Security Service (FSB). They took him to a remote forest, where they stripped him naked, electrocuted him and threatened to kill him and bury him in a grave they had already dug. Under extreme duress, he signed a confession stating that he had been recruiting Chechens into illegal armed groups.<sup>54</sup>

The Russian authorities brought a criminal case against him, and he retracted his confession. Following lengthy proceedings, the authorities sent Muradov to a pre-trial detention centre (SIZO) in Grozny, the Chechen capital in November 2021. Three months later, he was dead.<sup>55</sup>

Muradov's relatives have not received his body, and authorities' explanations for his death range from "sudden cardiac arrest" to kidney failure.<sup>56</sup> His family and others suspect poisoning, but with no body, no medical report, and no idea where he is buried, they are unlikely ever to know the real cause of death.<sup>57</sup>

Despite the clear evidence that Muradov was at real risk of torture or other ill-treatment, the French authorities not only deported him to Russia but they also handed over to Russian authorities details of his asylum application containing the personal information of those who had helped him flee, as well as of members of his family.<sup>58</sup>

Oyub Titiev, an employee of Memorial previously jailed for his human rights work, commented on Muradov's case:

**"It is scandalous that France not only extradited a man to a country where his health and even his life were seriously threatened, in violation of international standards, but also transmitted data that significantly worsened his situation... I think the French authorities have a share of responsibility for Daoud's death."**

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<sup>51</sup> Kholod Magazine, "18-летнего чеченского беженца насильно депортировали из Франции. Он умер в российской тюрьме", 10 November 2022, [https://kholod.media/2022/11/10/daud\\_muradov?ysclid=lgqcrp7zfe188456095](https://kholod.media/2022/11/10/daud_muradov?ysclid=lgqcrp7zfe188456095)

<sup>52</sup> Мемориал, « Выдворенный из Франции чеченский беженец скончался в СИЗО Грозного », 4 April 2022, [https://vorka-vremeni.memohrc.org/ru/news\\_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo](https://vorka-vremeni.memohrc.org/ru/news_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo)

<sup>53</sup> Мемориал, « Выдворенный из Франции чеченский беженец скончался в СИЗО Грозного », 4 April 2022, [https://vorka-vremeni.memohrc.org/ru/news\\_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo](https://vorka-vremeni.memohrc.org/ru/news_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo)

<sup>54</sup> Мемориал, « Выдворенный из Франции чеченский беженец скончался в СИЗО Грозного » 4 April 2022 [https://vorka-vremeni.memohrc.org/ru/news\\_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo](https://vorka-vremeni.memohrc.org/ru/news_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo)

<sup>55</sup> Kholod Magazine, "18-летнего чеченского беженца насильно депортировали из Франции. Он умер в российской тюрьме" (previously cited)

<sup>56</sup> Memorial France, «Un Demandeur d'asile Tchétchène expulsé de France est mort à La maison d'arrêt de Grozny », 23 April 2022, <https://memorial-france.org/un-refugie-tchetchene-expulse-de-france-est-mort-a-la-maison-darret-de-grozny/>

<sup>57</sup> Kholod Magazine, "18-летнего чеченского беженца насильно депортировали из Франции. Он умер в российской тюрьме" (previously cited)

<sup>58</sup> Мемориал, « Выдворенный из Франции чеченский беженец скончался в СИЗО Грозного » [https://vorka-vremeni.memohrc.org/ru/news\\_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo](https://vorka-vremeni.memohrc.org/ru/news_old/vydvorennyy-iz-francii-chechenskiy-bezhenec-skonchalsya-v-sizo-groznogo)

## Khusen Gadamauri

In 2017, Germany extradited Chechen asylum seeker Khusen Gadamauri to Russia despite reportedly being warned by human rights defenders that extradition would put his life at risk.<sup>60</sup> An Interpol “red notice” (see section 6.3 below) concerning Gadamauri had been issued on the basis of information provided by the Russian authorities.<sup>61</sup> He was subsequently arrested in Germany, which extradited him to Russia, relying on diplomatic assurances from the Russian authorities (see section 6.2 below) that allegedly guaranteed his safety.<sup>62</sup>

Following his extradition, the Russian authorities arrested and imprisoned Gadamauri and then released him after he allegedly agreed to cooperate with them. On 26 August 2020, it was reported that Russian security forces launched a supposed “counterterrorism operation” in the North Caucasian Republic of Ingushetia, in which Gadamauri and one other person were killed.<sup>63</sup> While there is no conclusive, publicly available information as to the actual fate of Gadamauri, Amnesty International has previously highlighted how there is a strong suspicion of extrajudicial execution when the deceased is reported as killed by security forces, but is known to have been in official custody prior to this.<sup>64</sup> Novaya Gazeta has also reported that these so-called “counterterrorism” operations in the North Caucasus are often a euphemism for extrajudicial executions.<sup>65</sup>

## Apti Nazjujev

According to Norwegian newspaper Ny Tid, the Norwegian authorities rejected an asylum application from Chechen Apti Nazjujev, who was likely to have been tortured and killed on his return to Russia.<sup>66</sup> Nazjujev fought against Russian government forces in the Second Chechen conflict and fled to Norway in 2008. The Norwegian Immigration Board concluded that his testimony was not “credible” and that he would not be at risk in Chechnya. In 2011, Nazjujev left Norway with assistance from the International Organization of Migration (IOM). The Norwegian authorities maintain that Nazjujev left voluntarily, yet his sister claimed that he only opted for “voluntary return” to benefit from financial assistance, which he would not have received if he had waited to be deported from the country.<sup>67</sup> Amnesty International has expressed concern in other contexts about whether “voluntary return” under the auspices of IOM or state authorities is truly voluntary given the extreme duress people at risk of return may be under and the fact that return is, in many cases, the only option available to them.<sup>68</sup> In 2013, Nazjujev’s body was found dumped in a river in Itum-Kali municipality, Chechnya. He had been brutally beaten before his death, as his body was found with pulled teeth, a fractured skull, broken kneecaps, and multiple stab wounds. Human Rights Centre Memorial, as well as the

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<sup>59</sup> Memorial France, «Un Demandeur d’asile Tchétchène expulsé de France est mort à La maison d’arrêt de Grozny », 23 April 2022, <https://memorial-france.org/un-refugie-tchetchene-expulse-de-france-est-mort-a-la-maison-darret-de-grozny/>

<sup>60</sup> OC Media, “Chechen asylum-seeker extradited from Germany reported killed”, 26 August 2020, <https://oc-media.org/chechen-asylum-seeker-extradited-from-germany-reported-killed/>

<sup>61</sup> Lenta.ru, “Воевавшего в Сирии россиянина экстрадировали в Москву из Германии”, 23 March 2017, <https://lenta.ru/news/2017/03/23/interpol/>

<sup>62</sup> Novaya Gazeta, “Russia, explained. Putin’s austerity – Kadyrov vs EU – 9 months of Covid battle”, 11 November 2020, <https://novayagazeta.ru/articles/2020/11/11/87916-russia-explained>

<sup>63</sup> Caucasian Knot, “After Gadamauri’s murder, European rights defenders worry about extradited Chechens”, 27 August 2020, <https://eng.kavkaz-uzel.eu/articles/51945/>

<sup>64</sup> Amnesty International, “The Circle of Injustice – A summary: Security operations and human rights violations in Ingushetia, Russian Federation”, EUR 46/005/2012, 21 June 2012, <https://www.amnesty.org/en/documents/EUR46/005/2012/en/>

<sup>65</sup> Novaya Gazeta, “Execution after death”, 15 February 2021, <https://novayagazeta.ru/articles/2021/02/15/89211-kazn-posle-smerti>

<sup>66</sup> Ny Tid, “Tortured and killed after being denied asylum in Norway”, 17 December 2015, <https://en.nytid.no/torturer-og-drept-etter-a-ha-blitt-nektet-asyl-i-norge/>

<sup>67</sup> Ny Tid, “Tortured and killed after being denied asylum in Norway”, 17 December 2015, <https://en.nytid.no/torturer-og-drept-etter-a-ha-blitt-nektet-asyl-i-norge/>

<sup>68</sup> Amnesty International, “Latvia: Return home or never leave the woods: Refugees and migrants arbitrarily detained, beaten and coerced into ‘voluntary’ returns”, EUR 52/5913/2022, 21 October 2022, <https://www.amnesty.org/en/documents/eur52/5913/2022/en/>

Norwegian Helsinki Committee told the newspaper Ny Tid that they believed the killing was a political assassination. The Norwegian authorities maintain that they took the correct decision in denying him asylum.<sup>69</sup>

## 4.2 ARBITRARY DETENTION, ENFORCED DISAPPEARANCE, AND TORTURE OR OTHER ILL-TREATMENT OF RETURNEES

### Magomed Gadaev

Magomed Gadaev was a high-profile witness in a 2011 domestic investigation into torture conducted by the Chechen authorities in places of detention.<sup>70</sup> Gadaev himself had been arbitrarily detained for five months in the basement of the riot police (OMON) compound in Chechnya, and claimed to have witnessed the repeated torture and extrajudicial execution of other detainees between November 2009 and April 2010. Upon his release he provided testimony about his treatment and that of others at the hands of the authorities. Gadaev received death threats, including by the officers who had allegedly subjected him to torture or other ill-treatment, and was put under immense pressure to withdraw his testimony. He fled to Poland, where he was granted asylum yet continued to receive threatening phone calls and messages.<sup>71</sup>

Fearing for his life, Gadaev travelled to France where his asylum claim and subsequent appeals were rejected, primarily because he already had refugee status in Poland. In 2019, the French authorities tried to deport him to Poland, but the Polish authorities had already revoked his status. France then demanded he go to Russia, and he was placed on a Moscow-bound flight on 8 April 2021, despite a decision of the French National Court of Asylum which claimed such a move would put his life and physical security at risk. Gadaev himself resorted to desperate measures to avoid a deportation, cutting himself in the stomach in an attempt to force a halt to proceedings.<sup>72</sup>

Despite his desperate efforts, and the warnings sounded by the Court of Asylum, the French authorities deported Gadaev to Russia. He was detained on arrival at Moscow's Sheremetyevo airport, where Russian border guards held him for 12 hours. Gadaev's lawyer, Semyon Tsvetkov, attempted to visit his client at the airport, but was prevented from doing so by the border guards, who hinted to Tsvetkov that there was an "agreement" to send Gadaev to Grozny. The border guards would not clarify the content of or parties to this "agreement", but after hours of negotiations with Tsvetkov, allowed Gadaev to fly to the city of Novyi Urengoy, in the Khanty-Mansi Autonomous Region, where some of his relatives resided.

Soon after arrival in Novyi Urengoy and settling in a flat provided for by his relative, Gadaev and Tsvetkov discovered that the flat was under surveillance by unidentified men in civilian clothes. They decided to ask for protection from the local police and were assured that they were under state protection. The next day, on their way to a hearing at the Investigative Committee, men with a North Caucasus appearance in plain clothes stopped Gadaev and put him into an unmarked car. The assailants prevented Gadaev's lawyer from joining him, telling him instead to go to the police station for information. Local uniformed police officers were present at the scene and failed to intervene, and

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<sup>69</sup> Ny Tid, "Tortured and killed after being denied asylum in Norway", 17 December 2015, <https://en.nytid.no/torturert-og-drept-etter-a-ha-blitt-nektet-asyl-i-norge/>

<sup>70</sup> Amnesty International has been heavily involved in Gadaev's case, see, Amnesty International, "Russia: France's deportation of Chechen asylum seeker Magamed Gadaev to Russia despite risk of torture" 16 April 2021, <https://www.amnesty.org/en/documents/eur46/3999/2021/en/> For further information on the particular case he was a witness to, see: Human Rights Watch, "Russia: Complete Torture Case Investigation", 4 March 2011, <https://www.hrw.org/news/2011/03/04/russia-complete-torture-case-investigation>

<sup>71</sup> Amnesty International, "Russia: France's deportation of Chechen asylum seeker Magamed Gadaev to Russia despite risk of torture" 16 April 2021, <https://www.amnesty.org/en/documents/eur46/3999/2021/en/>

<sup>72</sup> Amnesty International, "Russia: France's deportation of Chechen asylum seeker Magamed Gadaev to Russia despite risk of torture" 16 April 2021, <https://www.amnesty.org/en/documents/eur46/3999/2021/en/>

officers at the Novyi Urengoy police station denied all knowledge of his whereabouts. When the lawyer travelled to Grozny the next day seeking information on his client, the police and the prosecutor's office again claimed they were not aware of the case. On 14 April, Tsvetkov finally saw Gadaev in Chechnya, at the Urus-Martan police department. Gadaev told him that he no longer needed his services and already had another lawyer representing him. He was sentenced to 1.5 years for alleged illegal possession of weapons. These charges have been criticized by human rights defenders as entirely fabricated.<sup>73</sup>

Magomed Gadaev was released in August 2022. In April 2023, it was reported that according to Gadaev's wife, he was under close state surveillance and banned from leaving Russia.<sup>74</sup>

### **Umar Bilemkhanov**

In 2011, the Norwegian authorities denied the asylum application of Umar Bilemkhanov, the brother of a well-known participant in the armed opposition to Kadyrov. Bilemkhanov's brother and father were allegedly murdered by the Kadyrov regime,<sup>75</sup> and although the Norwegian authorities reportedly believed he would be in danger in Chechnya, they argued he would be safe in other areas of Russia.<sup>76</sup> The problematic nature of this argument, known as the "internal flight alternative", is explained in section 6.3. At the time, the human rights group Memorial had submitted evidence to the Norwegian Immigration Board that such an internal flight alternative would not protect Bilemkhanov.<sup>77</sup>

Nonetheless, in November 2011, Norway deported Bilemkhanov and his family to Moscow and the Russian Federal Security Service (FSB) were at Moscow's Sheremetyevo airport when the family arrived. Bilemkhanov reported to Memorial that he was then taken to Tsentoroi, in Chechnya, where he was reportedly tortured with electricity for one month, and threatened that he should not leave Chechnya or change his phone number. One year later, Bilemkhanov died in unclear circumstances. The authorities claim that he was involved in a fatal traffic collision, but human rights organizations have disputed this account, claiming that the car he was allegedly travelling in was undamaged, and the body was never handed over to his family.<sup>78</sup>

### **Azamat Bayduev**

Azamat Bayduev, whose father was one of the key figures in the Chechen independence movement, fled to Poland in 2007, and Polish authorities granted his family subsidiary protection in 2008. Due to ongoing concerns over his security, Bayduev then moved to Belgium. In 2017, Belgian authorities deported Bayduev to Poland.<sup>79</sup> There, Polish authorities placed him in a detention centre, where he allegedly attempted suicide on learning of plans to return him to Russia.<sup>80</sup>

Despite the clear risks to his safety, he was deported to Russia on 31 August 2018 on the basis of classified information that he posed a threat to the national security of Poland. The content of this information is unknown, but Bayduev was not charged with any crime in Poland.<sup>81</sup> At approximately

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<sup>73</sup> OC Media, "French Minister of Interior under investigation over deportation of Chechen refugee", 10 April 2023, <https://oc-media.org/french-interior-minister-under-investigation-over-deportation-of-chechen-refugee/>

<sup>74</sup> Кавказский Узел, "Расследование по жалобе на депортацию Магомеда Гадаева начато в Париже", 7 April 2023, <https://www.caucasianknot.com/articles/387540/>

<sup>75</sup> Report of Civic Assistance Committee and Human Rights Centre Memorial (published on Caucasian Knot) "Чеченцы в России", 22 January 2015, <https://www.kavkaz-uzel.eu/articles/255974/>

<sup>76</sup> Ny Tid, "Tortured and killed after being denied asylum in Norway", 17 December 2015, <https://en.nytid.no/torturert-og-drept-etter-a-ha-blitt-nektet-asyl-i-norge/>

<sup>77</sup> Report of Civic Assistance Committee and Human Rights Centre Memorial (published on Caucasian Knot) "Чеченцы в России", 22 January 2015, <https://www.kavkaz-uzel.eu/articles/255974/>

<sup>78</sup> Report of Civic Assistance Committee and Human Rights Centre Memorial (published on Caucasian Knot) "Чеченцы в России", 22 January 2015, <https://www.kavkaz-uzel.eu/articles/255974/>

<sup>79</sup> Amnesty International, "Russia: Chechen refugee forcibly disappeared after being unlawfully deported from Poland", 3 September 2018, <https://www.amnesty.org/en/latest/press-release/2018/09/russi-chechen-refugee-forcibly-disappeared-after-being-unlawfully-deported-from-poland/>

<sup>80</sup> Open Democracy, "Poland vs. Azamat Baiduev: how an EU member state deported a Chechen refugee back to face the Kadyrov regime", 21 September 2018, <https://www.opendemocracy.net/en/odr/poland-azamat-baiduev-deportation-kadyrov/>

<sup>81</sup> Кавказский Узел, "Польский суд признал незаконной высылку Азамата Байдуева в Россию", 6 November 2019, <https://www.kavkaz-uzel.eu/articles/342073>

midnight the next day, he was allegedly arrested in his uncle's house in Shalazhi, Chechnya.<sup>82</sup> Authorities held him in incommunicado detention for several days, then confirmed his detention and claimed he had been lawfully detained and “confessed” to participation in an illegal armed group under Article 208(2) of the Russian Criminal Code. In June 2019, he was convicted and sentenced to six years in a penal colony. In October 2023, Bayduev was transferred from the penal colony in Kalmykia, where he was serving his sentence, to a pre-trial detention facility, raising concerns that the authorities may open a new criminal case against him. Amnesty International continues to have significant concerns about his treatment in detention.

### **Movsar Eskerhanov**

In 2011, unknown individuals coerced Movsar Eskerhanov into making a video “confessing” his alleged homosexuality in Chechnya. Eskerhanov found himself in extreme financial difficulties, and therefore posted an advertisement online offering to sell one of his own kidneys. He then began to communicate online with someone who offered sympathy, they exchanged pictures and agreed to meet in August that year. At the meeting in 2011, a group of men threw Movsar into a vehicle, and forced him to “confess” his homosexuality on camera. The men then demanded 200,000 rubles to keep the film a secret. Movsar could not pay, and his assailants posted the video online.<sup>83</sup>

Fearing for his life, Movsar fled Chechnya, first to Moscow and then to Germany, where he sought asylum. Despite the well documented discrimination and violence against LGBTI individuals (and individuals perceived to be LGBTI) in Chechnya,<sup>84</sup> his asylum claim was rejected in 2016. During this time, he had been attacked and threatened by the Chechen diaspora in Germany.<sup>85</sup>

The German authorities forcibly returned Movsar to Russia, where he seemed to have disappeared for several months before reappearing on a public television video apologizing for “disgracing” Chechnya. He retracted his coming out, claiming that it was done under duress and the effect of epilepsy medication. Televised apologies are common in Chechnya, and there are reports of LGBTI individuals (or individuals perceived to be LGBTI) being tortured until they agree to record them.<sup>86</sup>

### **Nurmagomed Mamuev**

Germany deported Nurmagomed Mamuev back to Russia after nine years of living in the country with his family. German police allegedly came to his home on 24 March 2021 and took him to the police station. When his wife tried to find him there the following day, the authorities reportedly informed her that he had already been deported to Russia.<sup>87</sup>

According to Memorial, Chechen authorities arrested Mamuev, before releasing him to his mother's house and then re-arrested him the next day, 26 March. The authorities did not disclose the location where Mamuev was being held. Mamuev's neighbours and Memorial managed to identify the registration plates on the vehicles in which Mamuev was taken away as belonging to the Urus-Martan police department in Chechnya. Following almost a month of incommunicado detention, police officers from Urus-Martan department returned Mamuev to his home in April 2021.<sup>88</sup>

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<sup>82</sup> Amnesty International, “Russia: Chechen refugee forcibly disappeared after being unlawfully deported from Poland”, 3 September 2018, <https://www.amnesty.org/en/latest/press-release/2018/09/russi-chechen-refugee-forcibly-disappeared-after-being-unlawfully-deported-from-poland/>

<sup>83</sup> TIME, “They tell me a demon lives inside me: a young man targeted in Chechnya for being gay discovers Europe offers no safe haven from his tormentors”, <https://time.com/chechnya-movsar/>

<sup>84</sup> See, for example: Human Rights Watch, “Russia: New anti-gay crackdown in Chechnya”, 8 May 2019, <https://www.hrw.org/news/2019/05/08/russia-new-anti-gay-crackdown-chechnya>

<sup>85</sup> TIME, “They tell me a demon lives inside me: a young man targeted in Chechnya for being gay discovers Europe offers no safe haven from his tormentors”, <https://time.com/chechnya-movsar/>

<sup>86</sup> BBC, “Chechnya: Escaped gay men sent back by Russian police” 6 February 2021, <https://www.bbc.co.uk/news/world-europe-55963898>

<sup>87</sup> Human Rights Centre Memorial, “В Чечне исчез депортированный из Германии Нурмагомед Мамуев”, 2 April 2021, [https://memohrc.org/ru/news\\_old/v-chechne-ischez-deportirovanny-iz-germanii-nurmagomed-mamuev](https://memohrc.org/ru/news_old/v-chechne-ischez-deportirovanny-iz-germanii-nurmagomed-mamuev)

<sup>88</sup> Кавказ Реалии, “Исчезнувшего после депортации из Германии Нурмагомеда Мамуева освободили”, 21 April 2021, <https://www.kavkazr.com/a/31215419.html>

## Zaurbek Zhamaldaev

Zaurbek Zhamaldaev was convicted of “participating in an illegal armed group” in Chechnya in 2007, allegedly for bringing food to members of an armed group in the forest near his village.<sup>89</sup> He was sentenced to a year in prison and was released on parole less than halfway through it, due to concerns over his ill health. In April 2010, following his release, he felt his security was at risk and fled Chechnya to Poland, where his asylum claim was rejected on the basis that he was released on parole, and therefore unlikely to be in any danger.<sup>90</sup>

Polish authorities deported Zhamaldaev to Russia in March 2013. He found a job in Moscow, before travelling to Chechnya in 2014 for a month, where he got married before returning to the capital. The following year, Chechen authorities reportedly detained his wife and demanded to know why he did not return to Chechnya. Zaurbek began to suspect he was being followed and was in touch with the Civic Assistance Committee, a Russian NGO which provides assistance to migrants and refugees. On 8 July, he left his house with his flatmate and, on noticing they were being followed, they decided to split up. When his flatmate went to meet him at a prearranged place, there was no sign of Zaurbek. His phone was dead.<sup>91</sup> He has not been seen since, raising concerns that he could potentially have been subjected to enforced disappearance.

## Lezi Artsuev and Ilyas Saduev

France deported Lezi Artsuev and Ilyas Saduev back to Russia within a few weeks of each other in 2021. They were both detained and held incommunicado by Chechen law enforcement agencies shortly after their arrival in Russia.<sup>92</sup> News outlet Caucasian Knot reported that Lezi Artsuev was detained in the police station in the Chechen city of Gudermes, and following petitions from his family, he was allegedly released two weeks after his arrest.<sup>93</sup>

Ilyas Saduev had been living in France with his wife and seven young children since 2015. He had been granted refugee status which was allegedly revoked on the basis of his application for a Russian passport.<sup>94</sup> French authorities deported him to Russia on 12 March 2021, reportedly without informing his family.<sup>95</sup> His current exact whereabouts are unknown.

# 5. BUSINESS AS USUAL? EUROPE’S CONTINUED ATTEMPTS TO RETURN NORTH CAUCASIANS TO RUSSIA

Since Russia’s full-scale invasion of Ukraine in February 2022, EU member states have declared that they will no longer respond to requests from Russia or Belarus for judicial cooperation in criminal matters, for example for assistance in matters related to extradition.<sup>96</sup> However, a number of European governments have been threatening to return some people from the North Caucasus to the region by denying them international protection and, in some cases, effecting or attempting to effect forcible

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<sup>89</sup> Snob, “Missing. How and when Russians disappear.” 20 July 2016, <https://snob.ru/selected/entry/111063/>

<sup>90</sup> Civic Assistance Committee, “В Москве исчез уроженец Чечни, депортированный из Польши”, 22 July 2015, <https://refugee.ru/news/v-moskve-ischez-urozhenets-chechni-deportirovannyj-iz-polshi/>

<sup>91</sup> Сноб, “Пропавшие. Как и куда исчезают россияне”, 20 July 2016, <https://snob.ru/selected/entry/111063/>

<sup>92</sup> Amnesty International, “Russia: France’s deportation of Chechen asylum seeker Magamed Gadaev to Russia despite risk of torture” 16 April 2021, <https://www.amnesty.org/en/documents/eur46/3999/2021/en/> p. 2

<sup>93</sup> Caucasian Knot, “Адвокат связал отказ родственников Арцуева от помощи с опасением депортации”, 13 April 2021, <https://www.kavkaz-uzel.media/articles/362816>

<sup>94</sup> Кавказ Реалии, “Франция депортировала уроженца Чечни – из-за получения им российского паспорта” 15 March 2021 <https://www.kavkazr.com/a/31151594.html>

<sup>95</sup> Кавказский Узел, “Родные сообщили о депортации из Франции в Россию уроженца Чечни”, 14 March 2021, <https://www.kavkaz-uzel.eu/articles/361758/>

<sup>96</sup> EU Council Newsroom, Justice and Home Affairs Council Press Conference Part 1, 4 March 2022, <https://newsroom.consilium.europa.eu/events/20220303-justice-and-home-affairs-council-march-2022/133968-1-press-conference-part-1-20220304> minute 1:55



transfers, despite the real risk of human rights violations upon return. Justifications for transfers are almost always couched in the language of national security and counter-terrorism, portraying an entire community as a “radicalized” threat to European values that therefore merits less protection.

## FRANCE

In the town of Arras in northern France in October 2023, a man stabbed schoolteacher Dominique Bernard to death in the carpark of a school. Three others were injured in the attack, which came five days after Hamas’ deadly attacks in southern Israel on 7 October which was followed by the Israeli government’s cataclysmic assault on the occupied Gaza Strip.<sup>97</sup> The suspected perpetrator of the Arras attack, Mohammed Moguchkov, was a Russian national of Ingush descent, who had allegedly pledged allegiance to ISIL before carrying out the attack.<sup>98</sup> The killing took place almost exactly three years after another schoolteacher, Samuel Paty, was killed in a suburb of Paris for showing cartoons that depicted the Prophet Mohammed during a class on freedom of expression. The assailant, Abdoullakh Anzorov, a Russian national of Chechen descent, beheaded Paty with a cleaver on a street near the school where Paty taught. The abhorrent killing of Paty triggered a political reaction in France that targeted Chechen and Muslim individuals and groups. The resultant dissolution of civil society groups such as the Collective against Islamophobia in France (CCIF) and the immediate deportation order for 231 people stoked fears among the Chechen diaspora there that they would face increasing stigmatization, or even expulsion.<sup>99</sup>

Prior to the 2023 attack in Arras, the French government had already planned an overhaul of the rules surrounding immigration and deportation. An immigration reform bill was passed on 19 December 2023 which facilitates the removal of individuals from France by diluting legal protections related to personal or family situations, such as for those with a French spouse or child, or those who arrived in France before the age of 13.<sup>100</sup> French Interior Minister Gérald Darmanin claimed that earlier adoption of the bill would have allowed France to expel Moguchkov before the Arras attack took place.<sup>101</sup> The killing of Bernard has thereby further catalysed debate around the issues of security and migration in France, particularly in relation to individuals from the North Caucasus. In the days following the Arras attack, President Emmanuel Macron called for a “ruthless” approach to extremism, with a “special approach to young men between the ages of 16 and 25 from the Caucasus”.<sup>102</sup> Interior Minister Darmanin, in a televised interview in the aftermath of the attack, stated that the European Court of Human Rights had criticized France for the return of individuals to Russia, but that “it is sometimes better to be condemned by the ECtHR and ensure the protection of French citizens”.<sup>103</sup>

Moreover, despite the alleged freeze on judicial cooperation between EU member states and Russia, President Macron has given Darmanin permission to engage the Russian authorities on potential transfers, and Darmanin has sent a list of those he wants to see transferred to Russia to the authorities there. The Ministry of Interior is targeting up to 60 people from the North Caucasus, of whom 11

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<sup>97</sup> Amnesty International, “Damning evidence of war crimes as Israeli attacks wipe out entire families in Gaza”, 20 October 2023, <https://www.amnesty.org/en/latest/news/2023/10/damning-evidence-of-war-crimes-as-israeli-attacks-wipe-out-entire-families-in-gaza/>

<sup>98</sup> New York Post, “Stabbing suspect swore allegiance to ISIS before killing teacher in France on ‘day of jihad’: prosecutor”, 17 October 2023, <https://nypost.com/2023/10/17/suspect-declared-loyalty-to-isis-before-killing-french-teacher-prosecutor/>

<sup>99</sup> The Moscow Times, “Shock and Fear Grips Chechens in France After Teacher’s Beheading by ‘One of Our Own’”, 9 April 2021, <https://www.themoscowtimes.com/2020/11/04/shock-and-fear-grips-chechens-in-france-after-teachers-beheading-by-one-of-our-own-a71948>

<sup>100</sup> Human Rights Watch, “France : Immigration bill threatens rights”, 6 November 2023, <https://www.hrw.org/news/2023/11/06/france-immigration-bill-threatens-rights>; Human Rights Watch, “French lawmakers adopt regressive immigration bill”, 20 December 2023, <https://www.hrw.org/news/2023/12/20/french-lawmakers-adopt-regressive-immigration-bill>

<sup>101</sup> Politico, “Killing of French teacher inflames tensions over security, immigration”, 16 October 2023, <https://www.politico.eu/article/killing-french-teacher-dominique-bertrand-surge-tensions-over-immigration-bill/>

<sup>102</sup> The Guardian, “Macron calls for ‘ruthless’ approach to extremism in wake of Arras attack”, 16 October 2023, <https://www.theguardian.com/world/2023/oct/16/macron-calls-for-ruthless-approach-to-extremism-in-wake-of-arras-attack>

<sup>103</sup> BFMTV, « La France condamnée par le CEDH pour la reprise des expulsions de Tchétchènes fichés S vers la Russie : « J’assume », affirme Gérald Darmanin », 14 October 2023, [https://www.bfmtv.com/politique/gouvernement/la-france-condamnee-par-la-cedh-pour-la-reprise-des-expulsions-de-tchetchenes-vers-la-russie-j-assume-affirme-gerald-darmanin\\_VN-202310140392.html](https://www.bfmtv.com/politique/gouvernement/la-france-condamnee-par-la-cedh-pour-la-reprise-des-expulsions-de-tchetchenes-vers-la-russie-j-assume-affirme-gerald-darmanin_VN-202310140392.html)

possibly faced imminent deportation at the time of writing.<sup>104</sup> It is therefore clear that, despite the real risk of torture or other ill-treatment or other serious human rights violations should they be returned, Chechens and others from the North Caucasus are at significantly increased risk of expulsion and deportation from France, particularly under the provisions of the new immigration bill.

Amnesty International is aware of several cases of asylum seekers from the North Caucasus in France currently at risk of deportation. The case of Djokhar Oisaev is emblematic of the difficulties they face. Oisaev, whose father fought in the Second Chechen conflict, arrived in France at the age of seven. When he was 22 years old, the French authorities placed him under a ministerial expulsion order due to his alleged “radicalization”. He was never accused of a crime, and he would have been at real risk of serious human rights violations should he have been sent back to Russia. The French National Court of Asylum – relying on sources that included reports submitted by Amnesty International – agreed.<sup>105</sup> A second decision in 2023 from the Paris Administrative Court confirmed that Oisaev could not be sent back to Russia due to concerns that he would be at risk of torture and other ill-treatment on return. This decision is currently subject to appeal at the Paris Court of Appeal, and given the rhetoric emanating from the highest echelons of the French government, Oisaev and others in his position may be at renewed risk of deportation despite the protections afforded them under international human rights law.<sup>106</sup>

## ROMANIA

Amina Gerikhanova is a Chechen woman who had been living in Ukraine for over five years prior to Russia’s February 2022 invasion. She fled to Ukraine in 2016 with her young son after facing persistent political persecution in Chechnya, where she had been abducted, arbitrarily detained, and subjected to torture or other ill-treatment by Chechen authorities.<sup>107</sup> The Chechen authorities began their persecution of Gerikhanova after her husband travelled to Syria in January 2015. Both federal and local Chechen government agents repeatedly interrogated her due to her association with her husband, a tactic commonly employed to intimidate women and other family members of suspected members of armed groups and regime opponents. When Russia’s full-scale invasion of Ukraine began, Gerikhanova made the decision to flee once more. On 11 March 2022, she attempted to cross the Romanian border with her young son, along with tens of thousands of other refugees. She was promptly detained by Romanian authorities at the border on the basis of a “red notice” issued by Interpol on behalf of Russia (see section 6.3 for more information on Interpol red notices). The authorities took her son from her and placed him in an orphanage until a distant relative was able to collect him and bring him to Austria.

Gerikhanova was transferred to a detention facility in Sucaeva, where she was detained in conditions that amounted to ill-treatment and denied bail on multiple occasions.<sup>108</sup> The allegations underpinning the Interpol warrant included having travelled to Syria, where her husband was allegedly killed in 2019.<sup>109</sup> Gerikhanova was present in Ukraine for at least part of the time that the Russian authorities alleged she was in Syria, and the Ukrainian authorities did not act on Russia’s initial extradition request for Gerikhanova while she resided there. Despite the apparently spurious basis of the

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<sup>104</sup> Le Monde, « Les expulsions de Tchétchènes « dangereux » voulues par Gérald Darmanin, le retour d’une ligne déjà ancienne », [https://www.lemonde.fr/societe/article/2023/10/25/les-expulsions-de-tchetchenes-voulues-par-darmanin-le-retour-d-une-ligne-deja-ancienne\\_6196360\\_3224.html](https://www.lemonde.fr/societe/article/2023/10/25/les-expulsions-de-tchetchenes-voulues-par-darmanin-le-retour-d-une-ligne-deja-ancienne_6196360_3224.html)

<sup>105</sup> Amnesty International, “Djakhar Oisaev, jeune réfugié tchétchène, échappe à un renvoi vers la Russie !”, 16 February 2022, <https://www.amnesty.fr/refugies-et-migrants/actualites/djakhar-oisaev-refugie-tchetchene-echappe-au-renvoi>

<sup>106</sup> The ECtHR issued interim measures on 28 November 2023 suspending the expulsion of another Russian national of Chechen origin: ECtHR, “*I.A v France* – interim measure”, 29 November 2023, <https://hudoc.echr.coe.int/eng-press?i=003-7813431-10841089>

<sup>107</sup> Amnesty International, “Romania: Ukrainian refugee faces extradition to Russia: Amina Gerikhanova”, EUR 39/5553/2022, 29 April 2022 <https://www.amnesty.org/en/documents/eur39/5553/2022/en/>

<sup>108</sup> Conditions in the facility were dirty and unhygienic, photos show the toilet and bathroom in a poor state of repair. Temperatures dropped so low at night that detainees had difficulty falling asleep, with mattresses stained and without linens. Verified photos on file with Amnesty International also show bedbugs in the beds. Detainees were only allowed outside into the yard for two hours per day.

<sup>109</sup> Кавказ Реалии, “Это всё из-за её мужа”. Родственник чеченки из Украины Амины Герихановой – о её экстрадиции в Россию”, 19 May 2022, <https://www.kavkazr.com/a/eto-vsyo-iz-za-eyo-muzha-rodstvennik-chechenki-iz-ukrainy-aminy-gerihanovoy-o-eyo-ekstraditsii-v-rossiyu/31858209.html>

extradition request, and the fact that she had been subject to torture or other ill-treatment in Chechnya, the Romanian High Court of Cassation and Justice authorized her extradition to Russia on 19 April 2022. One week later, her request for asylum was rejected.

In this case, the ECtHR issued an order for interim measures under Rule 39 of the ECHR which temporarily prevented Romania from extraditing Gerikhanova to Russia. Amnesty International issued a public appeal to pressure the Romanian authorities to rescind the decision to extradite her.<sup>110</sup> On 30 October 2022, after eight months languishing in a pretrial detention centre, Gerikhanova was granted asylum.

While her case was eventually resolved, Gerikhanova suffered severe mental and physical anguish due to being separated from her son and being detained in substandard conditions for months, as well as due to the threat of being returned to Russia. Her ordeal is indicative of the enduring power of spurious Russian extradition requests and European governments' willingness to consider extradition despite the risk of torture or other ill-treatment or other serious human rights violations on return.

## THE WESTERN BALKANS

Bosnia and Herzegovina is one of the few places in Europe with a visa-free travel regime with Russia. As such, it has become a common staging point for Russian nationals fleeing mobilization in the context of the current war in Ukraine and attempting to enter the EU.<sup>111</sup> There are several credible reports of residents of the North Caucasus, particularly Chechens, taking this route.<sup>112</sup> In December 2022, a group of around 50 Chechens, including children, gathered near the Maljevac border crossing between Bosnia and Croatia, hoping to gain entry to the EU, but for the most part were turned back by border guards.<sup>113</sup> It is not clear if any attempt to register requests for asylum was made, and Caucasian Knot reported several cases of Croatian law enforcement agents physically abusing members of the group.<sup>114</sup>

Amnesty International interviewed in-person three Chechen asylum seekers in Croatia in August 2023 who had fled mobilization and wished to remain anonymous. One of these asylum seekers, "Zelimkhan", reported that he was stopped in the street by the police in Chechnya who told him to come with them. He did not argue and got into their van. The police took him to a police station in Grozny, where he was put in a room with around 40 other young men. There, they were forced to listen to propaganda about the invasion of Ukraine, they heard that all Ukrainians were fascists and Nazis, and that they as young men should be there fighting. They were told that if they went to the front and returned, they would have respect and money and be heroes. If they died, they would be martyrs. "Zelimkhan" was not forcibly conscripted, but following this incident, he decided the safest option would be to leave Chechnya.

**"Anyone can be mobilized, they sent people with military experience in the first wave but since then if you are, for example, caught drinking alcohol, you can be sent to the front."**

<sup>110</sup> Amnesty International, "Romania: Ukrainian refugee faces extradition to Russia: Amina Gerikhanova", EUR 39/5553/2022, 29 April 2022, <https://www.amnesty.org/en/documents/eur39/5553/2022/en/>

<sup>111</sup> NI, "Russians in BiH: Fleeing mobilization and trying to get asylum in EU countries", 23 January 2023, <https://n1info.ba/english/news/russians-in-bih-fleeing-mobilization-and-trying-to-get-asylum-in-eu-countries/>

<sup>112</sup> The Times, "Chechens join the Russian tide fleeing Putin's call-up for Ukraine war", 29 December 2022, <https://www.thetimes.co.uk/article/chechens-join-the-russian-tide-fleeing-putins-call-up-for-ukraine-war-dmj20jmh5>

<sup>113</sup> The Independent, "Chechens in Bosnia seek to dodge Russian draft, reach EU", 28 December 2023, <https://www.independent.co.uk/news/bosnia-ap-croatia-europe-sarajevo-b2252419.html>

<sup>114</sup> Caucasian Knot, "Natives of Chechnya report details of fellow countrymen's detentions in Balkans", 17 January 2023, <https://eng.kavkaz-uzel.eu/articles/61995/>

People arriving to Croatia from Bosnia or Serbia are placed in an open “reception centre”, where they can wait years for a decision on their asylum case. Croatia had almost 13,000 applications for political asylum in 2022, but accepted only 21, rejecting a further 82.<sup>115</sup> Those applying for international protection may therefore have a long wait for a decision.

The other two Chechen asylum seekers interviewed by Amnesty International had been detained in a closed facility for between seven and nine months while Croatian intelligence investigated their cases, despite the fact that Croatian law permits a maximum term of six months in a closed centre. The Croatian Ministry of Interior extended the two men’s term numerous times in order to facilitate their deportation, in all likelihood to Bosnia and Herzegovina, following an initial negative decision on their asylum claim. This decision was based on an opinion issued by the Croatian intelligence agency (SOA) that they would pose a threat to national security, but neither the SOA nor the Ministry of Interior provided any evidence to support this claim. In protest at their treatment, the men went on hunger strike and mounted a successful legal challenge to the negative decision. The administrative court overturned the first decision and granted their asylum claims on the basis that they were fleeing mobilization to the Russian Armed Forces. Both were immediately released from detention, and state is currently appealing the case.

However, dozens of asylum seekers from Russia, and in particular the North Caucasus, continue to await a decision from the Croatian Ministry of Interior. Due to a bilateral agreement between Croatia and Bosnia, and a readmission agreement between the European Union and Serbia, those who pass through either Bosnia or Serbia on their way to Croatia may be returned to either of those countries. The international obligation of *non-refoulement* prohibits any transfer, including deportations or extraditions, to a state where the individual would face a real risk of serious human rights violations – including onward transfer without a proper assessment of their protection needs (indirect or chain *refoulement*).<sup>116</sup> While it appears that Croatia would not currently return individuals to Russia directly, it must also refrain from sending them to any third country where they would not be protected against future unlawful transfers. Some evidence is emerging that Serbia has indeed been a transit country for transfers to Russia originating in European Union member states, as a way of circumventing current logistical difficulties due to the lack of flights between the EU and Russia.<sup>117</sup>

## POLAND

On 7 March 2022, Magomed Zubagirov, from Dagestan in the North Caucasus, and his Ukrainian wife Diana, attempted to flee Ukraine into Poland via the border crossing point at Medyka.<sup>118</sup> Magomed had fled to Ukraine in 2017 from his native Dagestan, and believed he and his wife would be welcomed in Poland after Russia’s full-scale invasion. However, at the border crossing, officials refused him entry due to an existing Interpol “red notice” emanating from Russia. According to his wife, Magomed was refused entry to Poland despite asking for asylum, and was deported to Russia.<sup>119</sup> Shortly after his arrival, the Russian authorities arrested Zubagirov and placed him in detention.<sup>120</sup>

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<sup>115</sup> Asylum Information Database, “Statistics: Croatia”, 26 June 2023, <https://asylumineurope.org/reports/country/croatia/statistics/>

<sup>116</sup> European Court of Human Rights, *M.S.S. v Belgium and Greece*, (App no 30696/09), 21 January 2011, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-103050%22%5D%7D>

<sup>117</sup> ZDF, “Erste Länder schieben wieder nach Russland ab”, 31 May 2023, <https://www.zdf.de/nachrichten/politik/abschiebungen-russland-bayern-brandenburg-straftaeter-ukraine-krieg-100.html>

<sup>118</sup> Onet Wiadomosci, “Uciekł z żoną z ostrzeliwanego Kijowa do Polski. Nasze służby oddały go Rosjanom”, 16 April 2022, <https://wiadomosci.onet.pl/swiat/polska-wydalila-do-rosji-uciekiniera-z-kijowa-teraz-siedzi-w-rosyjskim-areszcie/3tmnssl>

<sup>119</sup> Onet Wiadomosci, “Uciekł z żoną z ostrzeliwanego Kijowa do Polski. Nasze służby oddały go Rosjanom”, 16 April 2022, <https://wiadomosci.onet.pl/swiat/polska-wydalila-do-rosji-uciekiniera-z-kijowa-teraz-siedzi-w-rosyjskim-areszcie/3tmnssl>

<sup>120</sup> Кавказ Реалии, “Депортированного из Польши дагестанца оштрафовали за недоносительство о знакомом боевике”, 5 April 2023, <https://www.kavkazr.com/a/deportirovannogo-iz-poljsi-dagestansa-oshtrafovali-za-nedonositelstvo-o-znakomom-boevike/32350480.html>

Amnesty International has documented illegal pushbacks of refugees and asylum seekers occurring on the Polish-Belarusian border since the introduction of a spurious “state of emergency” by the Polish government in August 2021.<sup>121</sup> While the investigation did not explicitly reveal the presence of people from the North Caucasus among those pushed back on the border, it did highlight practices of the Polish government leading to unlawful forced return of other groups.<sup>122</sup>

However, the problem does not exist solely at Poland’s borders. Emran Navruzbekov, also from Dagestan, first came to Poland in 2017, where his original asylum claim was rejected, but he was given leave to remain in the country.<sup>123</sup> Emran claims to be a former member of the Russian Federal Security Service or FSB, and did an interview in which he allegedly exposed the illegal activities of the FSB, including torture and extrajudicial killings.<sup>124</sup> The Polish authorities claimed that his “story is not very credible” and that his further presence in Poland posed threats to the Republic of Poland.<sup>125</sup> Regardless, the real risk of ill-treatment if Emran were to be returned to Russia should have precluded his return. The Polish authorities, however, deported him before his domestic appeal process had been exhausted, and after his lawyers had lodged a request for interim measures to the European Court of Human Rights under Rule 39 of the ECHR.<sup>126</sup>

Like in the case of Azamat Bayduev, the Polish government continues to rely on secret evidence, and violate the principle of *non-refoulement* on the basis of alleged national security concerns.

## ARMENIA

In January 2020, Chechen security forces reportedly detained Salman Mukayev for a period of seven days, choking him, electrocuting him and forcing him to “confess” his alleged homosexuality.<sup>127</sup> The detaining authorities coerced him into agreeing to try to meet gay Chechen men online and bring them to an apartment monitored by the security services.<sup>128</sup> On his release, Mukayev refused to carry out this activity and tried to flee to Europe through Armenia. Mukayev now faces potential extradition to Russia due to a criminal case opened against him there for alleged possession of weapons.<sup>129</sup>

Given his previous treatment at the hands of Chechen authorities, Mukayev is at real risk of serious human rights violations should he be returned to Russia.

# 6. LEGAL AND POLICY ANALYSIS

## 6.1 THE INTERNATIONAL OBLIGATION OF *NON-REFOULEMENT*

The international obligation of *non-refoulement* prohibits states from sending anyone to a place where they would be at real risk of serious human rights violations such as torture or other ill-treatment, or

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<sup>121</sup> Amnesty International, “Poland: Digital investigation proves Poland violated refugees’ rights”, 30 September 2021, <https://www.amnesty.org/en/latest/news/2021/09/poland-digital-investigation-proves-poland-violated-refugees-rights/>

<sup>122</sup> Amnesty International, “Poland: Cruelty not compassion, at Europe’s other borders”, EUR 37/5460/2022, 11 April 2022, <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>

<sup>123</sup> Financial Times, “Poland deports Russian defector who claimed to be former spycatcher”, 8 June 2023, <https://www.ft.com/content/a40c7ce4-2aac-4540-8942-9828f6e43be0>

<sup>124</sup> Gulagu-net, “Контрразведчик ФСБ Эмран Наврузбеков запросил полит.убежище в Европе и разоблачает преступления ФСБ”, 29 December 2022, <https://www.youtube.com/watch?v=htDlnr7V10Q&t=277s>

<sup>125</sup> Website of the Republic of Poland, “Russian Citizen expelled”, 7 June 2023, <https://www.gov.pl/web/special-services/russian-citizen-expelled>

<sup>126</sup> The Guardian, “Poland deports Russian man who claimed to have been FSB officer”, 8 June 2023, <https://www.theguardian.com/world/2023/jun/08/poland-deports-russian-asylum-seeker-who-claimed-to-have-fled-fsb>

<sup>127</sup> Pink News, “‘Nobody is safe in Chechnya’: Life of torture survivor accused of being gay at risk, activists say”, 10 September 2023, <https://www.thepinknews.com/2023/09/10/chechnya-russia-torture-salman-mukaev-extradite-armenia/>

<sup>128</sup> Radio Svoboda “Суд в Армении рассмотрит запрос об экстрадиции чеченца Салмана Мукаева”, 23 May 2023, <https://www.svoboda.org/a/sud-v-armenii-rassmotrit-zapros-ob-ekstraditsii-chechentsa-salmana-mukaeva/32424690.html>

<sup>129</sup> Novaya Gazeta, “«Надиктовали текст про добровольное сотрудничество. Присвоили псевдоним Хачик»”, 24 October 2021, <https://novayagazeta.ru/articles/2021/10/24/nadiktovali-tekst-pro-dobrovolnoe-sotrudnichestvo-prisvoili-psevdonom-khachik>

enforced disappearance. This principle is enshrined in numerous international human rights instruments and forms part of customary international law.<sup>130</sup>

International human rights law and standards establish an absolute ban on torture and other ill-treatment. Indeed, this is a *jus cogens* norm of international law, which means it is binding on all states and cannot be subject to derogation.<sup>131</sup> If the prohibition of torture and other ill-treatment is absolute, so must be the principle of *non-refoulement*. The landmark case of *Chahal v the United Kingdom*<sup>132</sup> unambiguously held that national security concerns are no justification for violating the obligation of *non-refoulement* which is absolute and cannot be qualified in the interests of national security, public safety or the protection of the rights and freedoms of others. Indeed, the ECtHR has categorically concluded that balancing the risk of harm to the person if removed from the country against the danger a person presents to the community if not sent back is misconceived.<sup>133</sup>

In its 2017 General Comment on *non-refoulement*, the UN Committee Against Torture stated that its practice has been to determine that the obligation will be triggered where the risk of torture is “foreseeable, personal, present and real”.<sup>134</sup>

The ECtHR itself has acknowledged that “the North Caucasus...continues to be...marked by violence and insecurity, and by serious violations of fundamental human rights, such as extrajudicial executions, forced disappearances, torture and other inhuman or degrading treatment as well as the collective punishment of certain groups of the local population”.<sup>135</sup> The Court has given significant weight to considerations surrounding membership of particularly vulnerable groups. If the applicant was, for example, a member or a relative of a member of the armed opposition, or was perceived to be so by the Chechen authorities, the Court considered them at higher risk of ill-treatment.<sup>136</sup> Yet in the case of *R v France*, the Court held that groups such as members of armed groups, those perceived to be members of armed groups by the authorities, their relatives, those who have assisted them, civilians forced by the authorities to collaborate with them and those condemned or suspected for terrorism-related offences are not “systematically exposed to treatment contrary to Article 3 of the Convention”.<sup>137</sup>

The evidence presented in this briefing directly contradicts this conclusion. In the cases outlined in section 4, returnees and potential returnees have time and time again demonstrated a personal risk of serious human rights violations upon return due to their previous ill-treatment at the hands of the authorities, opposition to the Kadyrov regime, family ties to regime opponents or their sexual orientation, real or perceived. Time and time again, European governments and institutions have ignored or downplayed these risks, leading to the deaths, torture or disappearance of those sent back. Governments of European countries must recognize that individuals with such profiles are at particularly high risk of torture or other ill-treatment if returned to Russia. Amnesty International therefore calls on European governments to halt all returns to Russia of individuals at real risk of

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<sup>130</sup> UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, Art. 33(1); Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, Art. 3(1); Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, Arts. 2, 3; UNHCR, The Principle of Non-Refoulement as a Norm of Customary International Law: Response to the Questions Posed to UNHCR by the Federal Constitutional Court of the Federal Republic of Germany in Cases 2 BvR 1938/93, 2 BvR 1953/93, 2 BvR 1954/93, 31 January 1994

<sup>131</sup> International Court of Justice, Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal), Judgment of 20 July 2012, §99; UN General Assembly resolution 66/150, third preambular paragraph; Prosecutor v Furundzija (IT-95-17/1), ICTY, (1998) §§153-157.

<sup>132</sup> ECtHR, *Chahal v the United Kingdom*, Application 22414/93, Grand Chamber Judgement, 15 November 1996, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-58004%22%7D>

<sup>133</sup> ECtHR. *Saadi v Italy*, Application 37201/06, Grand Chamber, 28 February 2008, para. 139, <http://hudoc.echr.coe.int/eng?i=001-85276>

<sup>134</sup> Committee against Torture, *General comment No. 4 (2017) on the implementation of article 3 of the Convention in the context of article 22*, CAT/C/GC/4, 4 September 2018, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/268/21/PDF/G1826821.pdf?OpenElement>

<sup>135</sup> ECtHR, *M.G. v Bulgaria*, Application 59297/12, Fourth section, 25 March 2014 <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-142125%22%7D> para. 87

<sup>136</sup> ECtHR, *K.I. v France*, Application 5560/19, Fifth section, 15 April 2021, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-209520%22%7D> para. 127

<sup>137</sup> ECtHR, *R v. France*, Application 49857/20, Fifth section, 30 August 2022, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-218932%22%7D>, para. 122

torture or other ill-treatment, arbitrary detention or enforced disappearance, unfair trial or other serious human rights violations. Such individuals include but are not limited to those who are, or whose relatives or associates are, or are perceived to be:

- Affiliated to the Islamic State of Iraq and the Levant, or other proscribed organizations in Russia, including armed groups in the North Caucasus and elsewhere;
- At risk of prosecution, investigation, arrest or detention by Russian federal or local authorities, as well as any extrajudicial harassment by law enforcement agents, or have faced such action in the past;
- Dissidents or political opponents of the Russian federal authorities or local authorities in the North Caucasus;
- Members of the LGBTI community;
- Those fleeing mobilization or conscription into the Russian Armed Forces, or any other military or paramilitary organization involved in Russia's war of aggression in Ukraine.

Given the absolute nature of the prohibition against *refoulement*, European governments must not seek to balance the rights of such individuals against alleged national security concerns. The continued underplaying and underestimation of the risks faced by refugees and asylum seekers from the North Caucasus has resulted in serious human rights violations, including of the right to life and of the absolute prohibition against torture and other ill-treatment.

## 6.2 DIPLOMATIC ASSURANCES

Diplomatic assurances are political agreements between states with no force in law that have been used by European states as justification to deport or extradite an individual at risk of torture or other ill-treatment and other serious human rights violations.<sup>138</sup> While the ECtHR has not always given sufficient weight to the considerable evidence of systematic ill-treatment of particular individuals and groups in the North Caucasus, it has relied in some cases on Russian diplomatic assurances as well as the fact that Russia was, until September 2022, a member of the Council of Europe and a signatory to the ECHR.<sup>139</sup> Amnesty International's long-standing position is that diplomatic assurances are not only inherently unreliable, but are in fact themselves indicative of a risk of torture or other ill-treatment.<sup>140</sup>

Their inherent unreliability stems from the lack of any meaningful incentive or mechanism for follow up and accountability. Governments have an interest in ensuring that no breach of an assurance comes to light even when a breach can be detected, and a sending government has little sway over a receiving government to investigate, let alone to effectively prevent or remedy, possible abuse. Sending governments seek to use diplomatic assurances to circumvent the absolute prohibition on transferring a person to a place where he or she risks torture or other ill-treatment. Promises from a receiving state that it will not torture or otherwise ill-treat a person upon return cannot satisfy a state's absolute legal obligation not to transfer a person to a place where he or she is at risk of such abuse.

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<sup>138</sup> Amnesty International, "Dangerous deals: Europe's reliance on 'diplomatic assurances' against torture", EUR 01/012/2010, 12 April 2010, <https://www.amnesty.org/en/documents/EUR01/012/2010/en/>

<sup>139</sup> ECtHR, *M.I. v. Bosnia and Herzegovina*, Application 47679/44, Fourth section, 29 January 2019, [https://hudoc.echr.coe.int/eng#\(f%22itemid%22:%22001-191531%22\)](https://hudoc.echr.coe.int/eng#(f%22itemid%22:%22001-191531%22)); ECtHR, *Baj Sultanov v. Austria*, Application 54131/10, 12 June 2012, [https://hudoc.echr.coe.int/fre#\(f%22itemid%22:%22001-111429%22\)](https://hudoc.echr.coe.int/fre#(f%22itemid%22:%22001-111429%22))

<sup>140</sup> Amnesty International, "Diplomatic assurances against torture – inherently wrong, inherently unreliable", IOR 40/6145/2017, 28 April 2017, <https://www.amnesty.org/en/documents/ior40/6145/2017/en/>

Indeed, the need for an assurance against torture is in itself a red flag that a person would be at risk on return.

In the case of *Othman v United Kingdom*, the ECtHR established principles of assessing the practical application of assurances and determining what weight is to be given to them.<sup>141</sup> Amnesty International criticized this decision at the time, stating that “diplomatic assurances are no substitute for respect for the legal obligation not to send a person to a place where he is at real risk of torture.”<sup>142</sup> Nonetheless, even taking the test set out in *Othman* into consideration, it is abundantly clear the Russian government does not satisfy its requirements, particularly given Russia’s withdrawal from European human rights mechanisms and current openly hostile relationships with many European countries.<sup>143</sup>

The UN Committee Against Torture has echoed Amnesty International’s position on diplomatic assurances, stating that “they should not be used as a loophole to undermine [the principle of non-refoulement]”, even where the country issuing the assurance is a party to the Convention Against Torture.<sup>144</sup> While Russia remains a party to the Convention Against Torture, Amnesty International has highlighted the near total breakdown of human rights protections in the country since its full-scale invasion of Ukraine. The ECtHR has relied on Russia’s membership of the Council of Europe as a justification for ruling as lawful the returns of those at real risk of ill-treatment, and in the wake of Russia’s withdrawal from its jurisdiction, there must be a consistent and clear acknowledgement that the risks of ill-treatment have significantly increased throughout the country, as individuals from the North Caucasus throughout Europe continue to undergo traumatic, Damoclean legal procedures that may well result in their eventual extradition and deportation.

## 6.3 INTERNAL FLIGHT ALTERNATIVE

Article 8 of the European Union directive 2011/95/EU on qualification of third country nationals or stateless persons as beneficiaries of international protection holds that “Member States may determine that an applicant is not in need of international protection if in a part of the country of origin, he or she: (a) has no well-founded fear of being persecuted or is not at real risk of suffering serious harm; or (b) has access to protection against persecution or serious harm.”<sup>145</sup>

This provision, referred to as the “internal flight alternative” or “internal protection alternative”, or its equivalent in national legislations, has reportedly been used to deny people from the North Caucasus access to international protection in Germany, the Netherlands, Norway, Poland and other European Union member states.<sup>146</sup> The cases previously cited in this briefing clearly show that residing outside of the Caucasus offers no protection from the retribution of the state.

The UN Refugee Agency, UNHCR, has stated that “The need for an analysis of internal relocation only arises where the fear of being persecuted is limited to a specific part of the country, outside of

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<sup>141</sup> ECtHR, *Othman (Abu Qatada) v. the United Kingdom*, Application 8139/09, Fourth Section, 17 January 2012, <https://hudoc.echr.coe.int/eng?i=001-108629>

<sup>142</sup> Amnesty International, “European Court ruling on Abu Qatada deportation is ‘tarnished’”, <https://www.amnesty.org/en/latest/news/2012/01/european-court-ruling-abu-qatada-deportation-tarnished>

<sup>143</sup> Government of the Russian Federation, “Распоряжение от 20 июля 2022 года №1998-р”, 20 July 2022, <http://Government.ru/news/46080/>

<sup>144</sup> Committee against Torture, *General comment No. 1 (2017) on the implementation of article 3 of the Convention in the context of article 22*, CAT/C/GC/1, 2 February 2017, <https://www.ohchr.org/sites/default/files/Documents/HRBodies/CAT/GCArticle3/CAT-C-GC-1.pdf>

<sup>145</sup> Article 8, Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted, 13 December 2011, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011L0095>

<sup>146</sup> European Council on Refugees and Exiles, “Revised guidelines on the treatment of Chechen internally displaced persons, asylum seekers and refugees in Europe”, March 2011, [https://ecre.org/wp-content/uploads/2016/07/ECRE-Revised-Guidelines-on-the-treatment-of-Chechen-IDPs-asylum-seekers-and-refugees-in-Europe\\_March-2011.pdf](https://ecre.org/wp-content/uploads/2016/07/ECRE-Revised-Guidelines-on-the-treatment-of-Chechen-IDPs-asylum-seekers-and-refugees-in-Europe_March-2011.pdf)



which the feared harm cannot materialise. In practical terms, this normally excludes cases where the feared persecution emanates from or is condoned or tolerated by State agents, including the official party in one-party States, as these are presumed to exercise authority in all parts of the country.”<sup>147</sup>

Amnesty International firmly rejects the idea of any internal flight alternative for those at real risk of persecution or other serious human rights violations in the North Caucasus. There is no alternative to international protection for those people as the risk of torture or other ill-treatment emanates from federal authorities, as well as local authorities whose members operate across the Russian Federation and are known to have exercised surveillance, arrests and abduction, as well as torture and other ill-treatment of those they apprehend in other parts of the country. Federal authorities have repeatedly intercepted returnees at Moscow’s Sheremetyevo airport, for example in the aforementioned case of Daoud Muradov. Law enforcement agencies are deeply interconnected throughout the country, meaning those returnees not arrested at the airport may well be tracked down regardless of where in Russia they choose to settle.

The lack of an internal flight alternative is particularly relevant for those fleeing Russia due to fears over mobilization. There is no part of the country that has been immune to mobilization, and those who refuse to fight must go abroad to escape it, or risk forced mobilization and imprisonment.

There is no safe place for returnees from the North Caucasus anywhere in Russia.

## 6.4 INSTRUMENTALIZATION OF INTERPOL “RED NOTICES”

Interpol red notices are “a request to law enforcement worldwide to locate and provisionally arrest a person pending extradition, surrender, or similar legal action” emanating from individual states and disseminated by Interpol.<sup>148</sup> As of January 2024, out of 6,843 public red notices in circulation, 47% originated from Russia.<sup>149</sup> Persons from the North Caucasus appear to be overrepresented in relation to their relative population size. Read together with the evidence presented in this briefing, these wildly disproportionate figures may suggest a flagrant misuse of red notices designed to impede the movements of those that have escaped Russia’s jurisdiction.

Article 3 of Interpol’s constitution expressly precludes it from undertaking activities of a “political, military, religious or racial character.” However, the red notice system has been shown to be extremely vulnerable to abuse by repressive states acting in bad faith. In 2013, human rights organization Fair Trials published a report detailing these abuses, which contained examples of cases of Russia’s instrumentalization of red notices targeting individuals such as Bill Browder.<sup>150</sup> Fair Trials recognized in 2018 that Interpol had made some progress toward addressing these concerns, including by committing to increased scrutiny of red notices ahead of publication, as well as introducing a policy in 2015 that immunized those with refugee status from being subject to red notices.<sup>151</sup>

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<sup>147</sup> UN High Commissioner for Refugees (UNHCR), Guidelines on International Protection No. 4: “Internal Flight or Relocation Alternative” Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees, 23 July 2003, HCR/GIP/03/04, available at: <https://www.refworld.org/docid/3f2791a44.html> [accessed 18 December 2023].

<sup>148</sup> Interpol, “View and search public Red Notices for wanted persons” <https://www.interpol.int/en/How-we-work/Notices/View-Red-Notices#>

<sup>149</sup> Interpol, “View and search public Red Notices for wanted persons” <https://www.interpol.int/en/How-we-work/Notices/View-Red-Notices#>

<sup>150</sup> Fair Trials International, “Strengthening respect for human rights, strengthening INTERPOL”, 18 November 2023, <https://www.fairtrials.org/app/uploads/2022/01/Strengthening-respect-for-human-rights-strengthening-INTERPOL4.pdf>

<sup>151</sup> Fair Trials International, “Dismantling the tools of oppression”, 4 October 2018, <https://www.fairtrials.org/app/uploads/2022/01/Dismantling-the-tools-of-oppression.pdf> Additionally, Interpol released a statement in March 2022 that, effective immediately, “diffusions” issued by Russia would need to be checked for compliance by the General Secretariat before being disseminated to other member countries. “Diffusions” while similar in effect to “notices”, are a separate mechanism from the latter. While increased scrutiny of such mechanisms emanating from Russia is certainly welcome, this statement will have no effect on Russia’s instrumentalization of red notices.

However, the issuance of red notices for numerous refugees and asylum seekers detailed in this briefing, including Khusen Gadamauri, Amina Gerikhanova and Magomed Zubagirov, was enough to ensure their arrest and even deportation even after the introduction of the 2015 Interpol policy. It is therefore clear that much more work remains to be done.

Despite the clear, long-standing evidence of Russia's abuse of the Interpol system, many countries only called for fundamental change after the full-scale invasion of Ukraine in 2022. For example, Ukraine, U.S., Australia, Britain, Canada, and New Zealand called for Russia's Interpol membership suspension.<sup>152</sup>

In June 2022, the Parliamentary Assembly of the Council of Europe called on Interpol "to be particularly vigilant when dealing with requests for red notices from the Russian National Central Bureau that may be politically motivated."<sup>153</sup> On 5 July 2022, the European Parliament adopted a recommendation that expressed its concern that "monitoring alone will not fully mitigate the risks of Russian abuse" and that recommended Interpol's Executive Committee and General Secretariat to "take immediate and firm measures to revoke the access rights of the Russian Federation and Belarus to Interpol's systems, as their actions are a direct threat to international law enforcement cooperation."<sup>154</sup>

Amnesty International supports calls to suspend Russian access to Interpol systems on the basis of its flagrant and repeated use of the system to perpetrate human rights violations, which long predate the full-scale invasion of Ukraine and violate Interpol's own constitution.

## RECOMMENDATIONS

Amnesty International urges European states to:

- Halt all extraditions, deportations or other forcible transfers to Russia of individuals, including people from the North Caucasus, at real risk of torture or other ill-treatment, arbitrary detention or other serious human rights violations upon return. Such individuals include, *but are not limited to*, those who are, or whose relatives or associates are, or are perceived to be:
  - Affiliated with the Islamic State of Iraq and the Levant, or other proscribed organizations in Russia, including armed groups in the North Caucasus and elsewhere;
  - At risk of prosecution, investigation, arrest or detention by Russian federal or local authorities, as well as any extrajudicial harassment by law enforcement agents, or have faced such action in the past;
  - Dissidents or political opponents of the Russian federal authorities or local authorities in the North Caucasus;
  - Members of the LGBTI community;
  - Those fleeing mobilization or conscription into the Russian Armed Forces, or any other military or paramilitary organization involved in Russia's war of aggression in Ukraine.

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<sup>152</sup> UPI, "Intel alliance asks Interpol to suspend Russia as Kyiv wants Moscow isolated", 7 March 2022, [https://www.upi.com/Top\\_News/World-News/2022/03/07/ukraine-Five-Eyes-Interpol-Russia-membership/2571646640660/](https://www.upi.com/Top_News/World-News/2022/03/07/ukraine-Five-Eyes-Interpol-Russia-membership/2571646640660/)

<sup>153</sup> Parliamentary Assembly of the European Union, Resolution 2446 (2022) "Reported cases of political prisoners in the Russian Federation", 21 June 2022, <https://pace.coe.int/pdf/8bf7c8ddf5c1d587d839019ddd2dcf45ffff40c1935d12cbb49a67c8755660c7/resolution%202446.pdf>, para. 23

<sup>154</sup> European Parliament, "European Parliament recommendation of 5 July 2022 to the Council and the Commission on the negotiations for a cooperation agreement between the European Union and the International Criminal Police Organization (ICPO-INTERPOL)", P9-TA(2022) 0275, [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0275\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0275_EN.pdf), para 39

- Provide nationals of Russia seeking asylum in Europe with access to their territories and jurisdictions so that their international protection needs can be assessed fully, fairly and effectively.
- Grant international protection to any person who has fled Russia based on their conscientious objection to military service in the context of Russia's illegal aggression in Ukraine.
- Refrain from relying on diplomatic assurances against torture and other ill-treatment from the Russian authorities or any third state that may engage in onward *refoulement* to Russia.
- Cease the practice of returning, transferring, arresting, detaining or denying access to international protection based on Interpol red notices originating from Russia.
- Refrain from holding in immigration or other detention any Russian national with international protection needs unless their detention is lawful, necessary and proportionate.
- Ensure that in assessing any alleged risk that a person may present, all relevant information is made available to that person and their legal representative so that they can mount an effective challenge.

**Amnesty International urges Interpol to:**

- Suspend Russia's access to Interpol systems and investigate allegations of abuse of red notices and of fair trial rights by Russia, until such abuses have ended.
- Cancel red and diffusion notices requesting extradition to Russia of individuals already benefiting from any form of international protection or awaiting a decision on international protection being granted.

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