



**PARLAMENT ČESKÉ REPUBLIKY**  
**POSLANECKÁ SNĚMOVNA**

**Ing. Kristýna Zeliňková**  
Member of the Parliament of the Czech Republic  
Vice-President of the Committee for European Affairs

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20 December, 2016, Prague

Kristýna Zeliňková

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Mr Wolfgang Brandstetter  
Federal Minister of Justice

Federal Ministry of Justice  
Museumstraße 7  
1070 Vienna, Austria

Dear Mr Brandstetter,

I write to you to express my concern about fate of Mr Nail Malyutin, a Russian citizen currently detained in Austria, whose case I follow, and who faces risk of undergoing severe human rights abuses in case of being extradited.

As I have learned, even though on December 7th, 2016, the Higher Regional Court of Vienna (Oberlandesgericht Wien), revoked the decision from July 29, 2015 which approved Malyutin's extradition to Russia deriving from charges of incitement to a murder, it

remained valid in relation to other, financial charges. It is therefore critically important that the District Court in Vienna (Landesgericht) and the Austrian government, when re-examining the case, treat financial accusations as standing as justification for politically motivated extradition, equally to the murder-related charges. I would like to draw your attention that Russia initiated a criminal case, accusing Malyutin of misappropriating funds after he initiated himself independent audit and announced publicly about revealed illegal money transfers. The case against Malyutin was initiated illegally, based on the testimony of an employee of the 'K' Department of the Economic Security Service of the FSB, similarly to the manner, in which the case of Sergey Magnitsky had been initiated.

Furthermore, I take note that there are currently no grounds for keeping Nail Malyutin imprisoned in Austria. As the decision on extradition was dismissed, he has a permanent address of residence in Austria, all the conditions for ruling his release on bail are fulfilled. There are reasons to believe, Russia's accusations embodied in the extradition request, were meant to keep him imprisoned for as long period as possible.

In the event of eventual extradition, there is high risk that once rendered to the Investigative Committee of the North Caucasian Federal District, Malyutin would be killed, as Mr Yusufov (a former energy minister and a member of the [Gazprom](#) Board of Directors) against whom Malyutin testifies, effectively influences the investigative structures in North Ossetia. In the past, Russian human rights defenders and journalists informed about multiple examples of suspicious deaths of detainees in this region. Well documented cases of tortures, in Russian detention facilities, applied to extract a particular confession, include those examined by the European Court for Human Rights, such as *Zayev v. Russia* (no. 36552/05), *Turbylev v. Russia* (no. 4722/09). Arbitrarily prolonged pre-trial detention is routinely applied, even in the absence of the relevant grounds, as in the case of *Tsarenko v. Russia*, no. 5235/09. Human Rights Watch report from 2015 indicate that even those prisoners whose cases are closely followed by the international community and the media are being mistreated when criticising authorities (<https://www.hrw.org/ru/news/2015/08/25/280482>).

Austria should not rely on diplomatic assurances from Russia, as they are not credible in Malyutin case because of the involving top-officials closed to Dmitry Medvedev, ex-President of the Russian Federation and who stands behind Malyutin's prosecution.

I appeal to the Austrian justice system to take those circumstances under consideration and rule out extradition due to political background of the case and because assurances that Russia would carry out the judicial proceedings properly cannot be trusted.

Sincerely,

Kristýna Zelenková