



*Congreso de los Diputados*

Madrid, 6 June, 2016

**Ms Gertrude Brinek,  
Mr Peter Fichtenbauer,  
Mr Günther Kräuter,**

Austrian Ombudsman Board  
Singerstrasse 17, P.O. Box 20  
1015 Vienna, Austria

Dear Mr Minister,

As a member of the OSCE Parliamentary Assembly, I hereby call for the prevention of Mr Nail Malyutin's extradition from the Republic of Austria to the Russian Federation due to questionability of criminal charges and the threat of torture, improper detention conditions and unfair trial which he would certainly face in Russia.

Mr Nail Malyutin is a former general director of the stated-owned Russian "Financial Leasing Company". Russia charged Mr Malyutin with economic crimes and involvement in the contract killing. Both charges bear signs of a political campaign.

Criminal proceedings on charges of economic crimes were initiated at the very moment that Mr Nail Malyutin informed the international community about the details relating to a large-scale financial embezzlement in "Financial Leasing Company" (approx. 250 mln USD). Most likely, this criminal operation was orchestrated by other members of the management board on the request of Mr Igor Yusufov, former Ministry of Energy, and a close associate to the Russian Prime Minister Dmitriy Medvedev, also renowned for his contacts with Russian high-profile criminal circles. In the attempt to avoid punitive justice, following a series of threats and a kidnapping, Mr Malyutin fled Russia with his family.

The criminal case (charges of economic crimes) was opened against Mr Nail Malyutin on the basis of a testimony, given by an employee of the special 'K' Department of the Economic Security Service of the FSB. It is worth noting that Russian anti-corruption whistle-blower Sergei Magnitsky's prosecution was initiated in the very same manner (what is more, Mr Magnitsky was prosecuted for disclosing corruption in a very similar manner). The same department was also responsible for many other politically motivated cases (e.g. against Kazakh dissident Mr Mukhtar Ablyazov, and his associates and family member including Mr Artur Trofimov in Austria). This suggests that Russia has a well-established scheme of prosecution for those inconvenient to the regime, involving trumped-up charges of economic and criminal crimes, which were also used to prosecute Mr Malyutin.

Additionally, Mr Nail Malyutin was accused of contract killing which was committed 8 years ago; it was only when Russia needed additional arguments for Mr Malyutin's extradition from Austria that the charges of killing were brought against him. This criminal case has obvious signs of tampering. The evidence is built on testimonies of a single witness who suffers from mental disorder and had been recognized as unfit to face trial and unaccountable. These charges constitute a means of



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discrediting Mr Malyutin. This method was used in the YUKOS case: Mr Leonid Nevzlin faced economic accusations as well as accusations of murder. INTERPOL deleted Mr Nevzlin from the public wanted list.

The analysis of criminal accusations, brought against Mr Malyutin by Russia casts doubt over the impartiality and independence of the investigation. There is reason to believe that the criminal charges were fabricated and that the accusation of economic crimes resulted from the fact that, by reporting the financial fraud in the Russian company, Mr Malyutin showed a very close link between top-officials of Russia and the committed crimes.

I hereby call on the government of the Republic of Austria to apply all possible political and legal instruments in order to stop the process of Mr Nail Malyutin's extradition to the Russian Federation and revise the extradition request more attentively in order to prevent potential tragic consequences of this decision.

Sincerely yours,

CC:

**Ms Johanna Mikl-Leitner, Federal Minister of Interior**

Federal Ministry of Interior

Herrengasse 7

1010 Vienna, Austria

**Mr Wolfgang Brandstetter, Federal Minister of Justice**

**Federal Ministry of Justice**

Museumstraße 7

1070 Vienna, Austria

**Mr Sebastian Kurz, Federal Minister of Europe, Integration and Foreign Affairs**

Federal Ministry of Europe, Integration and Foreign Affairs

Minoritenplatz 8

1010 Vienna, Austria