



ЕВРОПЕЙСКИ ПАРЛАМЕНТ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT ΕΥΡΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT
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EIROPAS PARLAMENTS EUROPOS PARLAMENTAS EURÓPAI PARLAMENT IL-PARLAMENT EWROPEW
EUROPEES PARLEMENT PARLAMENT EUROPEJSKI PARLAMENTO EUROPEU PARLAMENTUL EUROPEAN
EURÓPSKY PARLAMENT EVROPSKI PARLAMENT EUROOPAN PARLAMENTTI EUROPAPARLAMENTET

TUNNE KELAM

Committee on Foreign Affairs
Subcommittee on Security and Defence
Delegation for relations with the United States

Mr Wolfgang Brandstetter
Federal Minister of Justice

Federal Ministry of Justice
Museumstraße 7
1070 Vienna, Austria

Dear Mr Minister,

We are addressing you in order to raise with you the worrying case of Mr Nail Malyutin, A Russian citizen, whose extradition from Austria is sought by the Russian law enforcement authorities. The criminal prosecution against Nail Malyutin bears signs of a political put-up job and fabrication, and requires special examination before the final decision on his extradition to Russia is made.

It would appear that just as Mr Sergei Magnitsky, a well-known Russian lawyer and whistle-blower who died tragically beaten to death in a cell of a Russian prison a few years ago, now Mr Malyutin has become the victim of a politicised persecution campaign orchestrated by the Russian authorities after he had brought to the public attention the revealed acts of corruption. The similarities of the two cases are striking and let us think of a well-functioning scheme within the Russian justice system.

In fact, Mr Malyutin's case is being managed in Russia by Mr Nikolay Budilo, an investigator of a dubious fame, and by Mr Victor Voronin, Deputy Head of the Economic Security Department of the FSB.

As reported by the international civil society, both Mr Budilo and Mr Voronin are on the US 'Magnitsky List' and, as a result, face personal sanctions. They have also been included in the proposed EU 'Magnitsky List'. They have also been involved in other politically motivated cases in Russia. Most recently in the case of Ms Nadiya Savchenko, Ukrainian pilot and Member of the Verkhovna Rada. The other cases include the cases of the Bolotnaya Square protests in Moscow of 2012; the Manezhnaya Square protests in Moscow of 2010; the YUKOS oil company shareholders: Mr Mikhail Khodorkovsky and Mr Platon Lebedev's case, Mr Mukhtar Ablyazov's case and the case of Mr Artur Trofimov, which also took place in Austria.

Mr Malyutin, who has a permit to reside within the territory of Austria, is a former CEO of the Russian state-owned aircraft 'Finance Leasing Company' JSC. In 2008, he revealed an act of huge financial fraud (approx. 250 mln USD) carried out by members of the inner circle of the then Russian President Dmitry Medvedev. After ordering an audit in the company and



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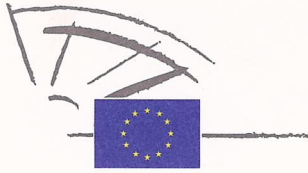
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Mr Mukhtar Ablyazov's case and the case of Mr Artur Trofimov, which also took place in Austria.

Mr Malyutin, who has a permit to reside within the territory of Austria, is a former CEO of the Russian state-owned aircraft 'Finance Leasing Company' JSC. In 2008, he revealed an act of huge financial fraud (approx. 250 mln USD) carried out by members of the inner circle of the then Russian President Dmitry Medvedev. After ordering an audit in the company and discovering the financial fraud of his former colleagues, he gathered all the relevant evidence and went public with it, trying to have the case officially investigated. As a result, no criminal case was opened against those responsible, while Mr Malyutin was accused of carrying out the fraud that he uncovered and denounced. In late 2015, Mr Malyutin was arrested on economic charges before being released in Austria. Trying to blacken reputation of Nail Malyutin and to advance the possibility of his extradition from Austria, the Russian law enforcement authorities initiated an additional criminal case against Mr Malyutin – on a charge of incitement to commit murder, prompting his second arrest. The allegations made against him with respect to both criminal cases would appear to be politically motivated and somewhat spurious.

On 8 June 2016, the High Regional Court in Vienna ordered that the case on the extradition of Nail Malyutin be appointed for fresh consideration. The High Regional Court considered the evidence relating to the charges of incitement to commit murder to be questionable. Moreover, the court decided that Russian guarantees could only be partially trusted and that the Russian prosecutor's office should therefore provide additional guarantees. The High Regional Court in Vienna also presented citations from reports produced by human rights NGOs about the grave situation with respect to human rights in the Caucasus region of Russia, where Nail Malyutin would be detained should he be extradited. It is therefore imperative that the court of first instance reviews the extradition case taking into account the new circumstances.

Finally, it should be underlined that the case would be considered by the court in the Caucasus region of Russia. This region is well known for systemic violations of the rights of the detainees, while it is basically impossible to monitor the procedures as human rights observers are often attacked and threatened.



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Taking the above into consideration, we would like to draw your attention to the serious threat of unfair trial, torture and ill-treatment, resulting in a clear danger to life and health should Mr Malyutin be extradited to Russia. The guarantees made by the Russian authorities are merely formal and will not be observed in practice. We call on you to consider these facts and ensure that Mr Malyutin received protection in Austria and is not sent to Russia.

Sincerely yours,

CC:

Mr Wolfgang Sobotka, Federal Minister of Interior

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

The Austrian Ombudsman Board