

**THE PROBLEMATIC PRACTICE OF EXTRADITION  
OF PERSONS FROM GEORGIA TO THE RUSSIAN  
FEDERATION - INTERNATIONAL LEGAL ANALYSIS**

*Legal assessment of Ramzan Akhiadov's case*

2022

## HUMAN RIGHTS CENTER



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## FACTS OF THE CASE

**The current document evaluates the main problematic trends identified in the decision-making process regarding the extradition of Ramzan Akhiadov from Georgia to the Russian Federation as well as the compliance of the practice of extradition with international human rights law and national standards.**

HRC was providing legal assistance to Ramzan Akhiadov, a citizen of the Russian Federation, an ethnic Chechen, living in Georgia. Since 2017, Akhiadov was residing in Kutaisi with his wife and four minor children. In December 2018, he was arrested by patrol police officers, because according to the decision made by the relevant body of the Russian Federation, he was wanted for promoting terrorist activities, participating in an illegal armed group, organizing the activities of a terrorist organization, and participating in similar activities.

According to the Ministry of Justice of Georgia, Ramzan Akhiadov "left for the Syrian Arab Republic in 2013, where he joined the international terrorist organization ISIS (Islamic State) operating in the territory of Syria and participated in its activities until February 2015. He was fighting in military operations against the government forces of the Syrian state. Ramzan Akhiadov, together with other members of the armed formation was guarding the checkpoints on the so-called borders of the territories under the control of the Islamic State. Further, in the period from March 2015 to July 2015, Ramzan Akhiadov, who at that time was still a member of the international terrorist organization Islamic State, was in the Republic of Turkey.<sup>1</sup>

Immediately after the arrest, Ramzan Akhiadov stated that the facts brought by the Russian Federation were false as in 2013-2017, he was living and working in the Republic of Turkey, and he presented the evidence to the court in this regard. Furthermore, the detainee stated that he had been persecuted because of his criticism of the President of the Republic of Chechnya Ramzan Kadyrov due to which he had to move to Turkey. In the protocol of interview, Akhiadov pointed to the facts of harassment and illegal deprivation of liberty by Kadyrov, and to prove the facts, he requested to interview his family members, but the court rejected his request<sup>2</sup>.

The extradition proceedings against Ramzan Akhiadov were initially carried out in Tbilisi City Court, and then, following the cassation appeal of the defense, in the Supreme Court. On August 26, 2019, under the ruling of the Panel for Criminal Matters Investigation, Pre-Trial and Substantive Hearing within Tbilisi City Court, the extradition of Ramzan Akhiadov to the Russian Federation was declared admissible.

On September 12, 2019, by the ruling of the Chamber for Criminal Matters of the Supreme Court of

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<sup>1</sup>Statement of the Ministry of Justice of Georgia from September 20, 2019: <https://bit.ly/3novw74>

<sup>2</sup>Statement of the Center for Social Justice: <https://bit.ly/3yuiiw4>

Georgia, the cassation appeal of the lawyer defending the interests of Ramzan Akhiadov was rejected requesting the Supreme Court to reverse the ruling delivered by the judge at Tbilisi City Court on August 26, 2019, and to declare the extradition inadmissible. Moreover, in parallel with the hearings over the extradition, Ramzan Akhiadov sought asylum in Georgia being refused by the relevant entities of the Ministry of Interior. The refusal of the Ministry was appealed by the defense before the courts of two instances as prescribed by the law with the courts upholding the refusal<sup>3</sup>.

Significantly, the case files and facts concerning Ramzan Akhiadov showed the risks of persecution (due to his religious and political views) and torture to be committed against the person whose extradition was sought, but the Minister of Justice of Georgia still made a decision to grant the extradition referring to the possibility of monitoring the assurances of human rights protection issued by the Russian Federation. In the end, despite the protests on the part of HRC and other human rights organizations, on September 19, 2019, the Ministry of Justice of Georgia surrendered Akhiadov to the Russian Federation<sup>4</sup>.

Because of particular concerns among the public about the extradition of Akhiadov, then Minister of Justice Tea Tsulukiani made a public statement that Akhiadov would be placed in prison under normal conditions and no problems would be created for him. Further, according to the Minister, she would continue to monitor the fulfillment of the assurances in the penitentiary facility of the Russian Federation<sup>5</sup>.

On October 8, 2019, HRC applied to the Minister of Justice of Georgia to provide public information on whether the Ministry of Justice of Georgia has implemented the monitoring as promised by the Minister, and to what extent the assurances issued by the Russian Federation have been fulfilled against Ramzan Akhiadov. After the Ministry failed to provide the requested public information within 10 days as laid down by the law, on October 22, 2019, HRC once again applied to the Minister of Justice with a request to provide public information. HRC was seeking to have answers to some of the important questions: Whether the Ministry of Justice of Georgia has requested information from the Russian Federation about the conditions Ramzan Akhiadov is currently in the prison of the Republic of Chechnya, and to what extent the assurances issued by the Russian Federation are fulfilled. Also in the latter case, the Ministry of Justice violated the ten-day deadline for providing public information. The Ministry of Justice provided general information only three years later at the advance first hearing scheduled for April 27, 2022, after a joint claim was filed with the court by HRC and the Center for Social Justice.

**After the extradition, information about the situation of Ramzan Akhiadov in the Russian penitentiary institution is unenviable up to this date.**

Akhiadov's case had caused public outcry from the very beginning considering the Chechen origin of

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<sup>3</sup>The Statement by Human Rights Center: <https://bit.ly/3ywzhrb>

<sup>4</sup>More information: <https://bit.ly/3nqedm1>

<sup>5</sup>The statement of then Minister of Justice, Tea Tsulukiani: <https://bit.ly/3NUD3KK>

the person subject to extradition. The Georgian society has repeatedly expressed concerns over the acts of retaliation executed by the Kadyrov regime in Chechnya and the gross violations of human rights there. Ramzan Akhiev denied all the allegations while emphasizing the political persecution carried out against him, due to open criticism of the President of Chechnya Ramzan Kadyrov.

The general situation of human rights protection in the Russian Federation, especially harsh conditions in the federal prisons, is a subject of constant criticism in the reports and studies by some reputable international human rights organizations. Nevertheless, the Georgian authorities, without having properly studied the extremely harsh conditions in the prisons and penitentiary medical facilities in the Russian Federation, carry out the extradition of persons based on 'one size fits all' diplomatic assurances received from the Russian Federation.

Against this backdrop, HRC is particularly concerned about the fact that despite the numerous promises of the former Minister of Justice that she would personally monitor the high-profile cases of extradition, the Ministry still does not release public information about the monitoring process of the situation of the extradited persons and the outcomes of monitoring. This raises even more questions in society regarding the process and the enforcement of international obligations of human rights protection by the Georgian authorities.

## **EXTRADITION PROCEDURES PROVIDED FOR BY NATIONAL LEGISLATION AND GROUNDS FOR INADMISSIBILITY OF EXTRADITION**

Extradition is a formal process involving the surrender of a person by one State (the “requested State”) to the authorities of another State (the “requesting State”) for the purpose of criminal prosecution or the enforcement of a sentence<sup>6</sup>. Earlier bilateral extradition treaties and national Extradition laws usually contained lists of crimes considered to be extraditable offenses; moreover, States have long accepted that extradition may be refused on certain grounds, and extradition treaties, as well as national extradition laws, regularly contain provisions to this effect (refusal grounds). The extradition will proceed pursuant to the laws of the requested State<sup>7</sup>.

Not every crime under the criminal law proves to be a reason to surrender a person to another state. Extradition procedures are carried out only in cases where the committed act is also considered a crime in the requested state and the type and duration of the punishment provided for its commission in the requested and requesting states corresponds to the minimum standard established by the European Convention on Extradition and/or national legislation<sup>8</sup>.

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<sup>6</sup>GUIDANCE NOTE ON EXTRADITION AND INTERNATIONAL REFUGEE PROTECTION, UNHCR, 2008, p. 4.

<https://bit.ly/3oecshf>

<sup>7</sup>LEGAL AND PROTECTION POLICY RESEARCH SERIES The Interface between Extradition and Asylum, UNHCR, PPLA/2003/05, November 2003. <https://bit.ly/3atfssz>

<sup>8</sup>Jareborg, N.: (ed.) Double Criminality: Studies in International Criminal Law, Uppsala, 1989, pp. 84-134; Williams, SA: The

In accordance with Article 18 of the Law of Georgia on International Cooperation in Criminal Matters, extradition of a person to a foreign state shall be carried out in cases where the committed is punishable by at least a year of imprisonment. Furthermore, extradition detention or other measures of restraint may be applied against the person before the extradition is carried out<sup>9</sup>.

After the extradition request is received and processed, under Article 34(4) of the Law of Georgia on International Cooperation in Criminal Matters, the Ministry of Justice shall immediately send the documents submitted by the requesting state to the Chief Prosecutor's Office of Georgia, after which the extradition documents shall be made available to the person whose extradition is sought,<sup>10</sup> meanwhile, in accordance with paragraph 6 of the same Article, the prosecutor specifically authorized for this purpose shall apply to the court to hear the case of admissibility of the extradition. At the court hearing, the admissibility of extradition shall be assessed, and the judge make a decision on whether extradition is admissible or not<sup>11</sup>. After the court allows the extradition, following Article 34(14) of the Law, the Minister of Justice shall issue an appropriate order to approve or refuse the extradition<sup>12</sup>.

According to Article 34(11) of the Law of Georgia on International Cooperation in Criminal Matters, the decision of the court of first instance may be appealed to the Supreme Court of Georgia within 7 days (with the first hearing of the court must be held within 5 days of the appeal)<sup>13</sup>, whereas according to the procedure laid down by paragraph 13 of the same Article, after the final decision of the court rules the extradition inadmissible, the Minister of Justice shall issue an order refusing the extradition<sup>14</sup>.

The law provides for specific circumstances under which extradition shall not be allowed. Among such exceptional circumstances, Articles 19 and 20 of the Law of Georgia on International Cooperation in Criminal Matters mention the cases where the committed crime is considered a political crime or a politically motivated war crime<sup>15</sup>. Under Article 28 of the same Law, one of the circumstances preventing extradition shall be the cases where the crime for which extradition is requested is committed in full or in part on the territory of Georgia<sup>16</sup>. Moreover, the first paragraph of Article 29 of the Law stipulates that extradition may not be carried out when there is a reasonable assumption that extradition of a person is requested for the purpose of further prosecution or punishment because of his/her race, nationality, ethnic affiliation, religious or political beliefs or other grounds<sup>17</sup>. Moreover, according to the third

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Double Criminality Rule and Extradition: A Comparative Analysis, *Nova L. Rev.*, 1991, pp. 581-623; Also, Vermeulen, G., De Bondt, W., Ryckman, C.: (eds.) *Rethinking International Cooperation in Criminal Matters in the EU*, 2012, p. 110.

<sup>9</sup>Paragraph 1 of Article 18 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>10</sup>Paragraph 4 of Article 34 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>11</sup>Paragraph 6 of Article 34 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>12</sup>Paragraph 14 of Article 34 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>13</sup>Paragraph 11 of Article 34 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>14</sup> Paragraph 13 of Article 34 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>15</sup>Articles 19 and 20 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3p8ihcy>

<sup>16</sup>Article 28 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3ipj52t>

<sup>17</sup>Paragraph 1 of Article 29 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3ipj52t>

paragraph of the same Article, extradition shall be prohibited where a person would be subject to torture, cruel, inhuman, or degrading treatment or to punishment leading to torture, cruel, inhuman, or degrading treatment of the person in the requesting state<sup>18</sup>.

## EXTRADITION PROCEDURES UNDER INTERNATIONAL HUMAN RIGHTS LAW

The obligations of the requested state in terms of the non-refoulement principle under international human rights law impose mandatory restrictions on extradition if a particular person could be at risk of torture or other serious human rights violations when extradited to a certain country. According to Article 3 of the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, "no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture." The prohibition of refoulement to a risk of torture is also part of customary international law and has attained the rank of a peremptory norm of international law, or *jus cogens*. It imposes an absolute ban on any form of forcible return to a danger of torture which is binding on all States, including those which have not become party to the relevant instruments<sup>19</sup>.

Articles 6 and 7 of the 1966 International Covenant on Civil and Political Rights provide that no one shall be arbitrarily deprived of his/her life. Further, no one shall be subjected to torture or cruel, inhuman, or degrading treatment or punishment. The above articles also imply non-refoulement where a person could be subjected to such threats<sup>20</sup>. The prohibition of refoulement to a country where the person concerned would face a real risk of irreparable harm extends to all persons who may be within a State's territory or subject to its jurisdiction<sup>21</sup>. The same obligation applies with regard to the country to which removal is to be effected or any other country to which the person may subsequently be removed<sup>22</sup>. The obligation is non-derogable and applies in all circumstances, regardless of the nature of activities the person concerned may have been engaged in<sup>23</sup>.

According to Article 13(4) of the 1985 Inter-American Convention to Prevent and Punish Torture: "Extradition shall not be granted nor shall the person sought be returned when there are grounds to believe that his life is in danger, that he will be subjected to torture or cruel, inhuman or degrading

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<sup>18</sup>The third paragraph of Article 29 of the Law of Georgia on International Cooperation in Criminal Matters. <https://bit.ly/3ipj52t>

<sup>19</sup>CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency, UN: CCPR/C/21/Rev.1/Add.11, August 31, 2001, para: №11. <https://bit.ly/3abv0pv>

<sup>20</sup>General Comment No. 20, Human Rights Committee: Article 7 (Prohibition of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), March 10, 1992, UN. Doc. HRI/GEN/1/Rev.7, para 9. <https://bit.ly/3NW3Ndy>

<sup>21</sup>General Comment No. 31, Human Rights Committee, paragraph 10.

<sup>22</sup>General Comment No. 31, Human Rights Committee, paragraph 12.

<sup>23</sup>UNHCR Note on Diplomatic Assurances and International Refugee Protection of Refugees, August 10, 2006, paras 16-19. <https://bit.ly/3c5dzrk>



treatment, or that he will be tried by special or ad hoc courts in the requesting State."<sup>24</sup>

## THE PRACTICE OF THE EUROPEAN COURT OF HUMAN RIGHTS

According to judgments by the European Court of Human Rights, the obligation of non-refoulement is part of the obligation under Article 3 of the 1950 European Convention on Human Rights and Fundamental Freedoms prohibiting torture, inhuman or degrading treatment, or punishment. In the Court's view, this inherent obligation not to extradite also extends to cases in which the fugitive would be faced in the receiving State with a real risk of exposure to inhuman or degrading treatment or punishment<sup>25</sup>.

In one of the most recent cases, *Saadi v. Italy*, the ECtHR reiterated that torture and inhuman or degrading treatment are not acceptable under Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to the above judgment, as the prohibition of torture and of inhuman or degrading treatment or punishment is absolute, irrespective of the victim's conduct, the nature of the offense allegedly committed by the applicant is therefore irrelevant for the purposes of Article 3. The court, therefore, reaffirmed the principle that it is not possible to weigh the risk of ill-treatment against the reasons put forward for the expulsion in order to determine whether the responsibility of a State is engaged under Article 3<sup>26</sup>.

The Court held that the authorities of the respondent State conducted any meaningful assessment of the available evidence and, if necessary, request additional evidence from the requesting state<sup>27</sup>, as well as rely on all objective and relevant materials related to the issue<sup>28</sup>. Further, the European Court of Human Rights requires that the responding state does not impose an entire burden of proof on the applicant to prove a violation of Article 3 of the Convention<sup>29</sup>.

As a rule, the ECtHR establishes the violation of Article 3 of the Convention when extraditing a person and holds the contracting state liable where there are substantial grounds for believing that he/she would be in danger of being subjected to torture or inhuman or degrading treatment or punishment in the requesting state<sup>30</sup> and nevertheless leaving the person unprotected<sup>31</sup>. Therefore, the contracting state shall

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<sup>24</sup>INTER-AMERICAN CONVENTION TO PREVENT AND PUNISH TORTURE (Adopted at Cartagena de Indias, Colombia, on December 9, 1985, at the fifteenth regular session of the General Assembly), Article 13(4).

<sup>25</sup>CASE OF SOERING v. THE UNITED KINGDOM, Application No. 14038/88, July 7, 1989. Para 88. <https://bit.ly/3Rl2yYl> Cruz Varas and Others v. Sweden, Application No. 15567/89, March 20, 1991. <https://bit.ly/3rrk6xw>.

<sup>26</sup>Saadi v. Italy (Application No. 37201/06, February 28, 2008. Para 138. <https://bit.ly/3ite62z>

<sup>27</sup>Jabari v. Turkey, App. No 40035/98, (11 July 2000); Singh and Others v. Belgium, App. No. 33210/11, (2 October 2012), para. 104. <https://bit.ly/3nxckbo>

<sup>28</sup>Salah Sheekh v. The Netherlands, App. No. 1948/04 (11 January 2007) para. 136. <https://bit.ly/2bingwj>

<sup>29</sup>M.S.S. v. Belgium and Greece, GC, App. No. 30696/09 (21 January 2011) paras. 344-359. <https://bit.ly/3nxhwky>

<sup>30</sup>Soering v. The United Kingdom [14038/88], para 100, July 7, 1989.

<sup>31</sup>Mamatkulov and Askarov v. Turkey [46827/99 and 46951/99], paragraph 69; February 4, 2005.

assess the chances of the dignity of the person to be protected in the requesting state.

## OVERVIEW OF THE GENERAL SITUATION OF HUMAN RIGHTS IN THE RUSSIAN FEDERATION

The practice of violating human rights in the Russian Federation is highlighted in the annual reports of several international organizations. The US State Department in its 2021 report emphasizes overcrowding, poor ventilation and sanitation standards, and abuse by guards and inmates in the prison facilities. Access to medical care and food shortage is a big problem. The report mentions that many inmates relied on food provided by family or NGOs<sup>32</sup>. Further, the report notes that for years the prison administration of the Russian Federation prevented observers from hearing the complaints of the inmates. Although members of the Committee for the Prevention of Torture (CPT) of the Council of Europe were given the opportunity to visit some of the prisons, the Russian Federation did not allow the publication of the final report<sup>33</sup>.

According to a 2021 report by Human Rights Watch<sup>34</sup>, the situation of human rights in the Russian Federation is deteriorating. According to their assessment, the state still reacts to the existing challenges by banning civil activities, adopting repressive laws, and prosecuting citizens for everyone to see. There are frequent cases of politically motivated prosecution and detentions.

According to the report of Amnesty International, the rights of persons in the penitentiary facilities of the Russian Federation are often violated, among which the manner of transportation of prisoners is a particular problem<sup>35</sup>, and lack of access to medical services<sup>36</sup>.

## CONCLUSIONS

According to international human rights law, the sending State acts in keeping with its human rights obligations only if such assurances effectively remove the risk that the individual concerned will be subjected to violations of the rights guaranteed therein. Thus, diplomatic assurances may be relied upon only if they are *1) a suitable means to eliminate the danger to the individual concerned, and 2) if the sending State may, in good faith, consider them reliable*<sup>37</sup>.

According to the report of the Special Rapporteur on torture and other cruel, inhuman, or degrading treatment or punishment, it is relatively easy to verify the reliability of diplomatic assurances when a particular person faces the death penalty in the event of extradition, but the verification of such

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<sup>32</sup>RUSSIA 2019 HUMAN RIGHTS REPORT, 2019, p. 9-10. <https://bit.ly/3uxb2gd>

<sup>33</sup>RUSSIA 2019 HUMAN RIGHTS REPORT, 2019, p. 12. <https://bit.ly/3uboxqj>

<sup>34</sup>Human Rights Watch 2021 report. <https://bit.ly/3iqivdm>

<sup>35</sup>Prison transportation in Russia - Amnesty International, 2017, p. 18-19. <https://bit.ly/3yxekmx>

<sup>36</sup>Prison transportation in Russia - Amnesty International, 2017, p. 23. <https://bit.ly/3nwf4k>

<sup>37</sup>UNHCR Note on Diplomatic Assurances and International Refugee Protection, paras 20-26.

diplomatic assurances is quite problematic when the person, in the event of extradition, torture or other forms of cruel treatment may be threatened<sup>38</sup>.

The Report of the Special Rapporteur on Torture and other Cruel and Inhuman and Degrading Treatment and Punishment concerning inter alia the issue of diplomatic assurances states “that the assurances are unreliable and ineffective in the protection against torture and ill-treatment: such assurances are sought usually from States where the practice of torture is systematic; post-return monitoring mechanisms have proven to be no guarantee against torture; diplomatic assurances are not legally binding, therefore they carry no legal effect and no accountability if breached; and the person whom the assurances aim to protect has no recourse if the assurances are violated.

The Special Rapporteur is therefore of the opinion that States cannot resort to diplomatic assurances as a safeguard against torture and ill-treatment where there are substantial grounds for believing that a person would be in danger of being subjected to torture or ill-treatment upon return.”<sup>39</sup>

Ramzan Akhiadov and his attorneys have constantly pointed out and argued that in case of extradition Ramzan Akhiadov would be at high risk of torture and inhuman treatment, which is why his surrender to the Russian authorities was inadmissible. However, the court still found the extradition admissible. According to the court, in the case of Ramzan Akhiadov, no evidence was presented that would convince the court that he would be a victim of the violation of Articles 2 and 3 of the European Convention. At the same time, the court pointed out that there was no risk of violation of rights against Ramzan Akhiadov, as long as the Russian Prosecutor General’s Office provided the assurances.

According to the assessments by HRC, by acting so the Georgian authorities condemn many individuals to be subjected to torture and cruel treatment, especially when the independence of the judiciary in Georgia, which controls the legality of the extradition process and the protection of human rights, is the subject of severe criticism, both at the local and international levels. The above consideration has been proved by monitoring the proceedings of hearing the cases of extradition in Georgian courts when the assessment of possible risks concerning the persons whose extradition is sought is conducted in a “one size fits all” approach and as a rule, the “promises” provided by the Russian Federation suffice for the court likewise the authorities to be assured to exclude the risks of violating the fundamental rights of the persons. Therefore, the numerous cases of extradition of sentenced persons to the Russian Federation based on political loyalty during recent years, according to the assessment of HRC, creates the worst practice of fundamental human rights violations

Moreover, it should be considered the fact that the European Court of Human Rights has passed many decisions against the Russian Federation due to improper treatment of detainees and violation of Article

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<sup>38</sup>In *Suresh v. Canada*, [2002] 1 SCR 3, 2002, SCC 1, para 124. <https://bit.ly/3cgzaod>

<sup>39</sup>Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: Interim Report to the General Assembly, UN Doc. A/60/316, 30 August 2005, para 51.

3 of the European Convention on Human Rights. Among them, in relation to extradited persons. The judgment by the ECtHR on the case *Shamaev and 12 others versus Georgia and Russia* is a clear example of such a case. Furthermore, several international human rights organizations constantly speak about the unbearable conditions in the prisons and penal facilities of the Russian Federation, the high risk of political justice, the practices of torture and inhuman treatment, etc. This issue has become even more acute after the fact that the Russian Federation is no longer a member state of the Council of Europe, by all means negatively affecting the situation in terms of human rights.

As mentioned, according to the case law of the ECtHR, "the country from which a person is extradited is obliged to ensure that the extradited person will not be subjected to an act prohibited by Article 3 of the Convention."<sup>40</sup> Moreover, the Court has consistently and repeatedly stated that "there is an obligation on Contracting States not to extradite or expel an alien, including an asylum-seeker, to another country where substantial grounds had been shown for believing that he or she if expelled, faced a real risk of being subjected to treatment contrary to Article 3 of the Convention." According to the European Court of Justice, "in determining whether such a risk exists, the assessment must be made primarily with reference to those circumstances which were known or ought to have been known to the extraditing State at the time of the extradition."<sup>41</sup>

Thus, HRC believes that when deciding on extradition, the State must take into account the assessments made by international organizations and other reputable agencies about the human rights situation in a specific country. The ECtHR holds the above issue in the following manner: "*In determining whether such a risk exists, the assessment must be made primarily with reference to those circumstances which were known to the extraditing State at the time of the extradition. In so far as any liability under the Convention is or may be incurred, it is liability incurred by the extraditing Contracting State by reason of its having taken action which has as a direct consequence the exposure of an individual to proscribed ill-treatment.*"<sup>42</sup> Against this backdrop, HRC is particularly concerned about the fact that despite the numerous promises of the former Minister of Justice that she would personally monitor the high-profile cases of extradition, the Ministry still does not release public information about the monitoring process of the state of the extradited persons and the outcomes of the monitoring. This raises even more questions in society regarding the process and the enforcement of international obligations of human rights protection by the Georgian authorities.

**Considering all the above, we call on the Georgian authorities to:**

*To acknowledge the complexity and problem of the issue of extradition, and taking into consideration the objective facts and circumstances to ensure in all other similar cases the strict adherence to principles of*

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<sup>40</sup>Case of Shamaev and 12 others v. Georgia and Russia, Application number 36378/02. Para 337. <https://bit.ly/3nlirkv>

<sup>41</sup>Ibid.

<sup>42</sup>Case of Shamaev and 12 others v. Georgia and Russia, Application number 36378/02. Para 337. <https://bit.ly/3nlirkv>

*international or national laws;*

*To examine the statistics of extradited persons from Georgia to the Russian Federation and provide information to the public about the evident trends;*

*To publish methodology used to monitor the fundamental rights of extradited persons from Georgia. Further, to publish the results of the monitoring;*

*To inform immediately the public about the health condition of Ramzan Akhiadov and the conditions he is in the prison;*

*Taking into account the withdrawal of the Russian Federation from the Council of Europe, the hostilities on the territory of Ukraine, and the massive violation of human rights both outside and within the borders of the Russian Federation, the emerged discussion among the Russian political groups about the possible resumption of the practice of capital punishment and other relevant risks, to suspend with an indefinite time the extradition of any person to the Russian Federation.*