

UA 38/22

AI Index EUR 39/5553/2022 of 29 April 2022

ROMANIA UKRAINIAN REFUGEE FACES EXTRADITION TO RUSSIA

On 4 May, the High Court of Cassation and Justice in Romania will make a final decision on the extradition to Russia of a Chechen woman, Amina Gerikhanova. In 2016, she left Chechnya for Ukraine taking her toddler son to flee from political persecution. They lived in Ukraine until early March 2022, when they were forced to flee Russia's invasion. Amina Gerikhanova was detained at the Romanian border based on Russia's extradition request and separated from her eight-year-old son. On 18 April, the Suceava Court of Appeal authorized Amina Gerikhanova's extradition to Russia. Her appeal on that decision is pending. If extradited, Amina Gerikhanova will face a real risk of torture or other ill-treatment. The Romanian authorities must reject the extradition request and grant her international protection.

On 13 March, Amina crossed the Romanian border fleeing from the violence resulting from the Russian invasion, along with millions of other refugees. She was arrested at the Romanian border based on a Russian extradition request, and her eight-year-old son was temporarily placed in an orphanage. On 18 April, the Suceava Court of Appeal authorized her extradition to Russia, subject to the impending final decision by the High Court of Cassation and Justice. Instead of finding safety and protection, Amina Gerikhanova has been detained in prison in Suceava for over a month and separated from her son for whom she is the sole caregiver.

Russian authorities have accused Amina Gerikhanova of participating in military operations in Syria, however these charges appear to be baseless. During the time when she allegedly was in Syria, she was peacefully living in Ukraine for over five years without any criminal charges brought against her.

Even prior to the Russia-Ukraine war, Amnesty International received regular reports of enforced disappearances, torture and other ill-treatment from Chechnya, and has documented a number of such cases over the past years.

Write to the Minister of Internal Affairs urging him to:

- comply with your obligations under international human rights law and standards, including Article 3 of the European Convention on Human Rights and halt the extradition of Amina Gerikhanova to Russia where she would be at real risk of torture or other ill-treatment, and release her so she can pursue her right to seek refuge and reconnect with her son.

Write to:

Lucian Nicolae Bode
Minister of Internal Affairs
Ministry of Internal Affairs
Piața Revoluției nr.1 A, sector 1,
București
Romania

Contact person: General Directorate for European Affairs, Schengen and International Relations

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Salutation: Dear Minister Bode:

And Copy:

His Excellency Bogdan Manoiu
Ambassador
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Marian Cătălin Predoiu
Minister of Justice
Ministry of Justice
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Additional information

Amina Gerikhanova is a Chechen woman who has been living in Ukraine since 2016, where she fled with her young son after facing political persecution in Chechnya. Amina Gerikhanova grew up without her mother who was shot by Russian soldiers in the Novye Aldy massacre in 2000. She is a single mother who has been raising her son alone. Russian authorities have accused her of participating in military operations in Syria as part of ISIS from 2016–2018, even though she was living in Ukraine during this time and did not leave Ukrainian territory. Upon her arrival in Ukraine, the Ukrainian Prosecution Office received an extradition request from Russia, investigated it, and denied Amina Gerikhanova's extradition. On 13 March, she crossed the Romanian border fleeing from the Russian invasion along with millions of other refugees. She was arrested at the Romanian border based on Russia's extradition request, and her eight-year-old son was temporarily placed into an orphanage. Subsequently, her son was retrieved from the orphanage by a wheelchair-bound great uncle. On 5 April, the Prosecutor General's Office of the Russian Federation sent to Romania an official extradition request. On 18 April, a Romanian court authorised Amina Gerikhanova's extradition to Russia, subject

to appeal. To date, she has been detained in prison in Suceava. She is at imminent threat of extradition to Russia where she would be at real risk of torture and other ill-treatment.

In similar cases, Chechen refugees who have been returned to Russia were subjected to enforced disappearance, confirming the risk of torture and other ill-treatment. After the start of the Russia–Ukraine war and expulsion of Russia from the Council of Europe, Russia is no longer bound by the European Convention on Human Rights and ethnic Chechens forcibly returned to Russia are at even greater risk. After the Russian invasion of Ukraine, the human rights situation in Russia has sharply deteriorated and there are even fewer guarantees that the rights of those who are extradited or deported will be respected.

Amnesty International regularly addresses cases of forcible returns or planned forcible returns to the Russian Federation of ethnic Chechens and others who have fled from the North Caucasus. These cases include forcible returns from member states of the Council of Europe, including France, Hungary and Poland. An internal flight alternative elsewhere in the territory of the Russian Federation is not available to former asylum seekers from Chechnya. The internal flight alternative is not a viable alternative to international protection for those people because the real risk of persecution or other forms of serious harm they face emanates from the federal state authorities and therefore applies in Chechnya and across the territory of the Russian Federation.

Returning Amina Gerikhanova to a country where her life and safety are at risk would be a clear breach of Romania's obligations under international human rights law and standards which enshrine the absolute ban on torture and other ill-treatment. This includes a prohibition on sending anyone to a place where they would be at risk of such abuse, regardless of their alleged offence (the principle of non-refoulement). The principle of non-refoulement applies to everyone including persons who are excluded from refugee protection and persons who are suspected of having committed a crime. The European Court of Human Rights has categorically concluded that balancing the risk of harm to the person if removed from the country against the danger a person allegedly presents to the community if not sent back is misconceived and unlawful.