



EUROPEAN PARLIAMENT

Member of the European Parliament

Wolfgang Brandstetter
Minister of Justice

Federal Ministry of Justice
Museumstraße 7
1070 Vienna, Austria

7. 7. 2016

Mr Minister,

I am addressing you in my capacity of a Member of the European Parliament to draw your attention to certain particular aspects of the case of Mr Nail Malyutin, a Russian businessman who is currently in detention in Austria, risking extradition to Russia in what seems to be a politically motivated case based on trumped-up charges.

To my knowledge, Mr Malyutin, who for a number of years had been a CEO of a Russian state-owned company FLC - 'Finance Leasing Company' JSC, in 2008 uncovered a large-scale fraud carried out by some of his colleagues, coming from close circles of Mr Dmitry Medvedev, at the time President of the Russian Federation. Following these revelations, based on an audit Mr Malyutin had ordered, he tried more than once to have a proper investigation launched into the misdeeds. His attempts in Russia and Germany were unsuccessful. Instead, after having spoken about the case to local and international media, Mr Malyutin has become himself a victim of a politically motivated criminal case, which seems to have been orchestrated ad-hoc. Mr Malyutin, who has a legal residence permit to stay in Austria, was first detained and soon after released at the end of 2015. Following his release, the Russian side sent in additional accusations, which prompted Mr Malyutin's second arrest. He is currently still in detention.

While it appears that in a recent decision, in June 2016, the the High Regional Court in Vienna sent the case of extradition of Nail Malyutin back for new consideration, I remain concern about his case should the extradition be approved. Especially as the court appointed to deal with his case in Russia would be one in the Caucasus region, a part of Russia known for systemic violations of prisoners' rights and the use of ill-treatment in detention.

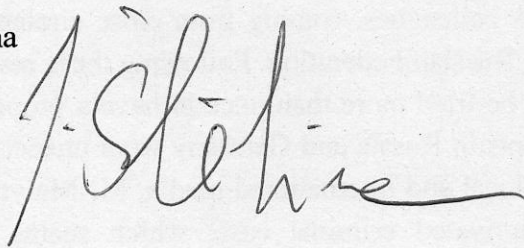
It now seems that Mr Malyutin's case is developing along similar schemes and with the use of the same modus operandi as in the case of Mr Magnitsky, which started more or less at the same time. It is important to note that, in fact, the people responsible for handling Mr Malyutin's case in Russia have also been implicated in many other highly politicised cases, in particular a very similar one – that of Mr Sergey Magnitsky, and are sanctioned by the US, based on the Magnitsky Act. They have also been included in the proposed EU version of the Magnitsky List.

I am mentioning this in order to underline the strong political context to the case, which seems to be evident. This, on the other hand, should prompt extreme cautiousness in trusting any proof, information or assurances provided by the Russian side. As we have seen on many occasions in the recent history, including in the case of Nadiya Savchenko and other Ukrainian citizens, unlawfully detained and tried in Russia amid the Russian aggression in Ukraine, one cannot expect a fair and transparent trial in Russia. Any such assurances by the Russian authorities are simply a formality and cannot be trusted. Numerous international NGOs have denounced ill-treatment, use of torture and violations of fair trial being a norm in Russia, while a recent decision by the Russian authorities to disregard the ECHR rulings as suits them only reconfirm grounds for strong concern.

Let me, therefore, kindly ask you to ensure that all aspects of the case are studied in detail before any decision on Mr Malyutin's potential extradition to Russia is enacted. I believe he should be protected from being sent back to Russia, while his attempts to uncover a large-scale fraud should be supported.

Sincerely yours,

Jaromír Štětina

A handwritten signature in black ink, appearing to read 'J. Štětina', with a long horizontal flourish extending to the right.

Jaromír Štětina

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