

Prague, 15 June, 2016

**Mr Wolfgang Brandstetter
Federal Minister of Justice**

Federal Ministry of Justice
Museumstraße 7
1070 Vienna, Austria

Dear Mr Minister,

As a Czech member of the Parliamentary Assembly of the Council of Europe, I would like to raise with you a worrying and urgent case of Mr Nail Malyutin. Mr Malyutin, a residence permit holder in Austria, is a Russian businessman, who in 2008 revealed a huge financial fraud (approx. 250 mln USD) carried out by the cronies of the then Russian President Dmitry Medvedev. As Mr Sergei Magnitsky, a well-known and tragically deceased Russian anti-corruption whistleblower and lawyer, Mr Malyutin became a victim of the Russian authorities' persecution campaign.

Mr Malyutin as a former CEO of the Russian state-owned aircraft 'Finance Leasing Company' JSC, was involved in its financial transactions. After discovering the wrongdoing of his former colleagues and collecting all necessary evidence, he tried to bring the case to the court and have it investigated but, instead, he himself got accused of the huge financial embezzlement, he had discovered. Based on doubtful and partly repulsed economic charges, Mr Malyutin was arrested and then released in Austria. He was then accused additionally of incitement to commit murder, which led to his second arrest in Austria. Both of these allegations seem to be politically motivated and quite bogus. Currently Mr Malyutin faces the risk of extradition from Austria to Russia. I write to you in order to draw your attention to the clear political context of this case and, therefore, to ask you to stop the extradition of Mr Malyutin.

The person behind the persecution of Mr Malyutin is Mr Igor Yusofov, a former Russian Minister of Energy and Member of the Board of Directors of the multinational energy company 'Gazprom'. Moreover, the accusations against Mr Malyutin are based solely on the work of an investigator - Mr Nikolay Budilo, and of Mr Victor Voronin, Deputy Head of Economic Security Department of the FSB, both personally sanctioned under the United States' 'Magnitsky List' and listed on the proposed European Union's 'Magnitsky List'.

Additionally, as I was informed by the human rights non-governmental organizations, these persons have been involved also in other politically motivated cases in Russia – namely these of the Ukrainian pilot and Member of the Parliament and my colleague at the Parliamentary Assembly of the Council of Europe, Ms Nadiya Savchenko; the Bolotnaya Square's protests in Moscow in 2012; the Manezhnaya Square's protests in Moscow in 2010; the YUKOS oil company shareholders: Mr Mikhail Khodorkovsky and Mr Platon Lebedev's case, and cases

related to the Kazakh political opposition, including Mr Mukhtar Ablyazov, and Mr Artur Trofimov, also taking place in Austria.

Moreover what is additionally worrying, is the fact that a court responsible for the case of Mr Malyutin is the North Caucasus Federal District court. The very same that dealt with the cases of Ukrainian political prisoners in Russia - namely Mr Oleg Sentsov, Mr Oleksandr Kolchenko, Mr Mykola Karpyuk and Mr Stanislav Klykh.

In the light of above and due to the serious threat of torture, improper detention conditions and unfair trial, which Mr Malyutin would certainly face in Russia, I call on you to stop the extradition of Mr Malyutin. The Austrian executive and judicial authorities should re-examine the case and its broader political context.

Sincerely yours,

Ing. Kristyna Zelienskova
Chamber of Deputies of the Parliament of the Czech Republic
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Czech Republic



CC:

Ms Johanna Mikl-Leitner, Federal Minister of Interior

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Ms Gertrude Brinek, Mr Peter Fichtenbauer, Mr Günther Kräuter

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