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Written statement* submitted by Coordination des Associations et des Particuliers pour la Liberté de Conscience, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Montenegro double standards in extradition cases: Georgii Rossi's case

CAP Liberté de Conscience is deeply concerned about the discriminatory double standards used by Montenegro in extradition cases as the Brussels-based NGO Human Rights Without Frontiers has exposed it in a report published a few months ago in an EU media outlet covering EU-related issues(1).

For many years, Montenegro has expressed its firm intention to become part of the European Union. To become an EU member state, Montenegro will have to implement multiple reforms, fight against corruption, respect human rights and eradicate double standards in the application of legal norms, including in extradition cases.

Thus, according to the official statement of the first Secretary of the Ministry of Justice in the Government of Montenegro, eleven people were detained on the territory of Montenegro at the request of the Russian Federation in the first nine months of 2021. The decision to extradite from Montenegro to the Russian Federation related to all of them (11 people). At the moment, ten of them are awaiting a decision regarding receiving political asylum(2).

While citing the national statistics of extradition cases, Secretary of the Ministry of Justice failed to talk about the recent high-profile case of the Russian billionaire Talman Ismailov, the former owner and director of the Cherkizovsky market, who was detained in Montenegro at the request of Interpol on 1 October 2021. The Russian Federation requested Ismailov's extradition from Montenegro on charges of organizing the murder of two businessmen. Strange though it may be, only three weeks after his arrest, on 22 October last, Ismailov was quickly granted political asylum in Montenegro. Some mass media outlets also revealed that before his arrest Ismailov had been living in Montenegro for several years and applied for asylum before he was detained.

Legal and alternate details of the Ismailov case are unknown to us, unlike the facts of Georgii Rossi case, who, in contrast to Ismailov, is not an oligarch and is not accused of organizing contract murders. However, Montenegro is preparing to extradite him (Georgii Rossi) to the Russian Federation despite these facts.

In 2013, Georgii Rossi, as a result of running from political persecution in the Russian Federation, moved to Ukraine and obtained Ukrainian citizenship. While residing and working in the Russian Federation until 2013, Georgii Rossi frequently made public statements against Russian state policy in oppressing businesses, against the laws that subsequently led to a lack of freedom on the Internet and de facto censorship in the Russian Federation.

Eight years after these events, on August 12, 2021, Georgii Rossi was detained in Montenegro. It turned out that in May 2021, the Russian Federation sent a request to Interpol, which resulted in Georgii Rossi being on the international wanted list. Rossi is accused of illegal banking activities in conspiracy with others. At the same time, two of these persons have officially stated that the law enforcement authorities of the Russian Federation put pressure on them and forced them to give false testimony against Georgii Rossi. In fact, to incriminate him, to indicate that Georgii Rossi is a criminal. Law enforcement did this to illegally prosecute Georgii Rossi for his political stance.

After several months spent in the Montenegrin prison under extradition arrest, the Supreme Court of Podgorica and later the Court of Appeal satisfied the demand of the Russian authorities to extradite Georgii Rossi. Currently, Georgii Rossi is awaiting the decision of the Minister of Justice of Montenegro, who will approve or cancel the court decisions on extradition.

In any extradition matter, one of the conditions of extradition at the request of the requesting state is that the requesting state must deliver facts and evidence of reasonable suspicion, that the person whose extradition is requested has committed a crime. In other words, it is the country's responsibility, that request the person's extradition, to prove the validity of the charge. The decision of the Russian court has only a reference to three rulings of the investigative authorities of the Russian Federation, related to the presentation of the suspicion towards Georgii Rossi, and that he is wanted. The decision of the court of the Russian

Federation on the arrest in absentia of Georgii Rossi duplicates the information in the documents mentioned above. These documents cause bemusement for the reason that any legal document where a person is formally accused of committing a crime has to include the location, time and way of committing the crime. It is also a requirement of the European Convention on Extradition of offenders. It is the basics of criminal law and international law related to extradition. However, in this case, the Russian side probably did not consider it necessary to spend their time on such trivialities, and the Supreme Court of Podgorica and appeal court had probably studied the case superficially.

The non-responsiveness of Montenegrin courts to such flagrant violations could indicate that the state deals with extradition cases as a matter of formality. Probably, it also relates to the requests from the Russian Federation. The Montenegrin courts might presume that the requesting party, Russian Federation in the given case, would not make unreasonable requests. The First Secretary of the Ministry of Justice asserted that the Montenegrin official bodies count on the professionalism of their colleagues while handling extradition cases. However, this formal approach and such unprecedented legal trust in the law enforcement bodies of another state contradicts the essence of decision-making in extradition cases. If the request is not substantiated, extradition is denied, regardless of the requesting state.

Corruption cases in Montenegro⁽³⁾ have been widely reported over the years, including by EU institutions⁽⁴⁾ and officials in Montenegro do not deny this problem. They promise the European Union to combat mercilessly corrupt practices in the country, nepotism, and mafia groups. And it is possible that Montenegro guarantees a certain "protection" to people wanted by the Russian Federation but certainly not for free. There are several official ways of getting this sort of "protection": by acquiring Montenegrin citizenship, accepting requests for political asylum and rejecting extradition.

In such cases, it can be assumed that a person wanted by the Russian Federation, who is already on the territory of Montenegro, has no other choice but to "pay" and become a "cash cow." If such an individual is not willing or unable to "pay", then he will be extradited to the Russian Federation, where he may be tortured in prison⁽⁵⁾.

This presupposes the existence of an organized mafia scheme in Montenegro and people who serve it at various levels. However, perhaps the situation is even more severe if there is some "tacit agreement" between Montenegro and the Russian Federation on such cases. If so, then this is a bad sign for Montenegro which wants to adhere to the European Union.

On the one hand, this looks like a policy of double standards. On the other hand, this may indicate the presence of an organized corrupt (mafia) scheme in Montenegro, through which individuals wanted by the Russian Federation are lured to the territory of Montenegro by deception (a promise of certain "guarantees"). And under the threat of extradition to the Russian Federation, those people are willing to give everything. This is already a problem, and if there is a problem, definitely there are people who serve it. However, perhaps the situation is even more severe if there is some "tacit agreement" between Montenegro and the Russian Federation on such cases.

In conclusion, it is in the interest of Montenegro not to use double standards in extradition cases but to abide by international standards.

Human Rights Without Frontiers, NGO(s) without consultative status, also share the views expressed in this statement.

(1)<https://www.europeantimes.news/2021/12/is-montenegro-really-abiding-by-eu-standards-in-extradition-cases/>

(2)<https://www.europeantimes.news/2021/12/is-montenegro-really-abiding-by-eu-standards-in-extradition-cases/>

(3)<https://www.dw.com/en/sweeping-up-corruption-in-montenegro/av-60016358>

(4)<https://europeanwesternbalkans.com/2021/07/23/fight-against-high-level-corruption-in-montenegro/>

(5)<https://europeanwesternbalkans.com/2021/07/23/fight-against-high-level-corruption-in-montenegro/>