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**STATEMENT BY MR. ALEXANDER LUKASHEVICH,  
PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION,  
AT THE 1095th MEETING OF THE  
OSCE PERMANENT COUNCIL**

7 April 2016

**On the violation by the United States of America of  
OSCE commitments and the norms of international law in relation to the  
Russian citizens Mr. Konstantin Yaroshenko and Mr. Viktor Bout**

Mr. Chairperson,

As you are aware, the United States is continuing the unlawful practice of kidnapping foreign nationals on the territory of third countries or extraditing them to the USA with the assistance of third-country authorities, as a result of which citizens of other States end up in American prison cells, deprived of any manner of procedural safeguards. This fate has befallen a number of Russian citizens too.

On 29 March 2016, the Commissioner for Human Rights, Democracy and the Rule of Law of the Ministry of Foreign Affairs of the Russian Federation, Mr. Konstantin Dolgov, spoke on the telephone to Mr. Konstantin Yaroshenko, a Russian national serving a prison sentence in the United States. He had been kidnapped almost six years ago in Liberia by United States Drug Enforcement Administration (DEA) agents with the aid of the local police and then transferred to the USA, where he had been found guilty of allegedly attempting to smuggle a large consignment of drugs.

Mr. Yaroshenko confirmed that there had been a host of gross violations of his fundamental rights and freedoms in Liberia and subsequently in the USA both from the point of view of United States legislation and under international law. These include specifically his kidnapping by United States agents in Liberia, his extradition to the USA without the Russian Federation being duly notified, the use of torture and inhuman treatment, which had resulted in serious consequences for his health, as he required ongoing qualified medical supervision and treatment which the Russian national continues to be refused.

The United States authorities are failing to fully meet their obligations to ensure appropriate conditions of detention for Mr. Yaroshenko in prison. The Russian national does not have the medicines he needs. He has himself said that he does not receive a number of medicines prescribed by doctors at all. Meanwhile, other health problems for which the United States authorities are to blame have persisted and are becoming even more serious.

Despite Mr. Yaroshenko's written consent provided at the request of the United States, his medical history has still not been passed on to his lawyer and consular representatives of the Russian Federation. This is preventing us from obtaining a more complete picture of our citizen's state of health. We urge the United States to take effective measures to resolve this important humanitarian matter immediately.

Mr. Yaroshenko also reported that he has repeatedly been placed in a punishment cell for patently fabricated reasons, including prior to surgery.

We are outraged that a Russian citizen has been deprived of procedural safeguards, including those provided for by international law. For example, Mr. Yaroshenko was unable to appeal against the decision of the Liberian authorities on his extradition. He was deprived of his legal right to request assistance and consular support from the Russian Federation. He did not understand the reason for his detention and transportation to the United States and was not granted access to a lawyer during the first 48 hours of detention. The Russian Federation was also not duly notified of the detention of a Russian citizen.

The violations of Mr. Yaroshenko's right to due process of law continued even after he had appeared before an American court, which failed to question witnesses and those involved in the torture of the Russian citizen. The defence did not have an opportunity to do so either. In spite of the fact that evidence obtained under torture should not be considered admissible evidence, the American court handed down a guilty verdict to Mr. Yaroshenko and sentenced him to 20 years of deprivation of liberty.

We consider the practice actively employed by the United States authorities of kidnapping foreign nationals from the territory of third countries to be unlawful and extremely injurious to the international system of human rights and freedoms. The fact that the country imposes its jurisdiction and flouts a generally recognized legal mechanism like extradition, as well as other forms of inter-State co-operation which ensure the inevitability of punishment of offenders, is in our eyes unacceptable. We urge the United States to safeguard the rights and legitimate interests of this Russian citizen and to put an end to the unlawful practice of the extraterritorial application of national law.

We trust that the information received from Mr. Yaroshenko, which was also passed on to official representatives of the United States and lawyers, will be taken into account by the court during the upcoming appeal hearing for the defence regarding the need to re-examine the case in the light of newly discovered evidence.

In November 2010, another Russian national, Mr. Viktor Bout, was extradited from Thailand to the United States, despite the absence of the decision required for this on the part of the relevant executive authorities. The Russian embassy was not informed of the extradition date. Considerable pressure was exerted on his lawyer, Mr. Albert Dayan. The prosecutor cited as the main physical evidence against Mr. Bout figures written by him on a scrap of paper during a meeting with undercover DEA agents, which were deemed to be his fee. There was simply no other real material evidence. Testimonies by DEA staff played a major role.

The Russian citizen was kept in complete isolation for 15 months in a single cell without windows and with artificial lighting. He was not allowed out in the open air or contact with relatives. In November 2011, a jury unanimously found Mr. Bout guilty and in

April 2012 he was sentenced to 25 years in prison and fined 15 million dollars. In July 2012, the Ministry of Justice of the Russian Federation sent an official request to the United States authorities for the Russian citizen's transfer under the 1983 Council of Europe Convention on the Transfer of Sentenced Persons. However, the United States refused. In 2015, Mr. Bout's defence attempted to secure a re-examination of his case in the light of newly discovered evidence, but the New York district court refused to take account of the request. The United Nations Security Council resolution of 2 September 2015 (Resolution 2237 (2015)), which lifts the sanctions in force since 2004 with respect to persons involved in the "Liberian" issue, including Mr. Bout, was not taken into consideration.

We call on the United States to discontinue the practices of extrajudicial detention on the territory of third countries and kidnappings of nationals of other States, which are against the norms of international law, and to implement its international commitments, including those undertaken within the OSCE, and ensure the observance of prisoners' rights and freedoms.

Thank you for your attention.