



ALBANIAN HELSINKI COMMITTEE  
KOMITETI SHQIPTAR I HELSINKIT

# MONITORING REPORT

**ON VIOLATIONS ENCOUNTERED IN  
THE PROCEDURE FOR THE  
EXTRADITION OF RUSSIAN CITIZEN  
I.K. FROM THE REPUBLIC OF  
ALBANIA TO THE RUSSIAN  
FEDERATION**

**18th of February  
2025**



# KOMITETI SHQIPTAR I HELSINKIT ALBANIAN HELSINKI COMMITTEE

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## MONITORING REPORT

### ON VIOLATIONS ENCOUNTERED IN THE PROCEDURE FOR THE EXTRADITION OF RUSSIAN CITIZEN I.K. FROM THE REPUBLIC OF ALBANIA TO THE RUSSIAN FEDERATION

#### Introduction

The Albanian Helsinki Committee (AHC), pursuant to its mission, on 10.10.2024 became aware of the complaint submitted by mail, by the lawyer of Russian citizen I.K., with regard to the procedure being pursued by Albanian authorities for his extradition toward the Russian Federation.

Based on data linked with this complaint, it results that upon request of Russian authorities (Interpol NCB Moscow), this citizen had been declared wanted internationally because, the Moscow Court, on 18.02.2022, issued a security measure of arrest in prison for him, as a suspect in committing a criminal act.<sup>1</sup> Russian citizen I.K. appears to have been arrested by the Shkodra Regional Police Directory on 27.08.2023, and by decision of 14.01.2023, the First Instance Court of General Jurisdiction in Shkodra decided for his extradition to the Russian Federation.

This decision was upheld by the Appeals Court of General Jurisdiction in Tirana, on 20.02.2024, as well as by decision of the High Court of 24.09.2024. On 09.10.2024, the defense lawyer of citizen I.K. submitted to the Constitutional Court a petition with the subject: “*Suspension of the decision no. 00-2024-1533 dated 24.09.2024 of the Criminal College of the High Court of the Republic of Albania,*” which allows the extradition of citizen I.K. to the Russian Federation.

On 14.10.2024, the Minister of Justice approved the extradition order for citizen I.K., setting as a deadline for extradition the date 30.10.2024, at 18:20.<sup>2</sup>

Based on the above facts as well as information that citizen I.K., on 03.10.2023, had applied to get asylum in the Republic of Albania,<sup>3</sup> AHC, on 18.10.2024 addressed the Department for Border and Migration at the General Directory of State Police, to obtain information on the phase in which the review of the petition was. Initially, the requested information was not

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<sup>1</sup> “Assuming a higher standing in criminal hierarchy” envisaged by article 201/a of the Criminal Code of the Russian Federation.

<sup>2</sup> An order that AHC does not possess, but it is quoted in the decision of the Constitutional Court no. 15 (1), dated 30.10.2024. Based on the provisions of article 499 of the Criminal Procedure Code that envisages that “The Ministry of Justice communicates to the requesting country the decision and, when this is positive, the location of delivery and the date from the start of which it will be possible to act. The deadline for delivery is fifteen days from the assigned date and, upon a reasoned request by the requesting country, it may be extended for fifteen more days. When there are causes that do not depend on the parties, another delivery date may be assigned, but always implementing the deadlines stipulated in this paragraph.”

<sup>3</sup> According to provisions of article 32 of law no. 10193, dated 3.12.2009 “On jurisdictional relations with foreign authorities in criminal cases,” the extradition of a person may not be allowed when, at the time of the submission of the request for extradition, that citizen has applied or has been granted asylum in Albania against the requesting country.



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made available by this institution. Only through official letter of 11.12.2024, the Department for Border and Migration informed AHC that it did not possess a request for international protection for Russian citizen I. K.<sup>4</sup>

Furthermore, AHC was informed that on 23.10.2024, the petitioner addressed the European Court of Human Rights (ECtHR) with an urgent request on: “Taking temporary measure of non-extradition of I.K. to the Russian Federation until the conclusion of the procedure at the European Court of Human Rights, unless new circumstances are created that require the lifting of the temporary measure.” The ECtHR sought the following information from Albanian authorities by 08.11.2024:

- 1. When does the Constitutional Court plan to decide on the request of the applicant to suspend his extradition to Russia?*
- 2. Will the applicant be notified in advance about his departure to Russia?*

According to official information obtained from the Ministry of Justice, the handover of the citizen to Russian authorities for the purposes of extradition was realized at the Rinas Airport on 30.10.2024, at **16:45**.<sup>5</sup> Immediately upon becoming aware of this happening, AHC reacted publicly through the press statement of 04.11.2024<sup>6</sup>, regarding the procedures that the responsible institutions had pursued on the case in question. The concerns and recommendations expressed in the statement were conveyed officially on 05.11.2024 also to the Constitutional Court, Ministry of Justice, General Directory of State Police, the Department for Border and Migration, the General Prosecution Office, the State Advocacy Office, and Interpol Tirana.

The findings and conclusions of this report are based on official documentation that has been made available to AHC by the case defense lawyer as well as through the correspondence exchanged by AHC with several institutions, which will be analyzed further in this report. As a result, from a methodological standpoint, AHC is limited in its conclusions regarding this case, based on these official data.

### - **Procedure pursued for the extradition**

After AHC reacted publicly through its press statement, it also shared this statement with the responsible institutions<sup>7</sup> and, at the same time, sought official information from them, on the way in which the extradition process had been conducted, emphasizing the importance of respect for human rights and the execution of the decision of the Constitutional Court for the temporary suspension of the extradition.

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<sup>4</sup> Meanwhile, the defense lawyer of citizen I.K. has made available to us the request for asylum submitted by the mail service on 03.10.2023.

<sup>5</sup> This information is also confirmed by the position taken by the General Directory of Prisons in its press statement.

<sup>6</sup><https://ahc.org.al/deklarate-per-shtyp-veprime-te-nxituara-ose-te-vonuara-ne-shkelje-te-rende-te-standarteve-per-ekstradimin-e-shtetasit-rus-i-k/>

<sup>7</sup> The Ministry of Justice, General Directory of Prisons, Constitutional Court, General Prosecutor, Interpol Directory at the State Police, General Directory for Border and Migration.



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AHC has been informed that on, at **17:15**, the Constitutional Court summoned urgently a Meeting of Judges and, by decision no. 15 (1),<sup>8</sup> ruled for the temporary suspension of the extradition procedure for this citizen, presenting as arguments the non-publication of the High Court ruling that leaves extradition in force and the fact that the Russian Federation is no longer part of the Council of Europe, based on his claims linked with the protection of convention rights (ECHR), as well as the fact that the Strasbourg Court (ECtHR) in 2022 found for this citizen the violation of articles 3 and 5 of the ECHR.

The Constitutional Court, taking into account the time of extradition assigned in the Order of the Minister of Justice (18:20), made the decision for the temporary suspension of the execution of extradition procedures of the said citizen only 1 hour and 5 minutes ahead of the extradition time, ordered by the Minister of Justice. In the statement of the General Directory of Prisons quoted earlier, and the letter from the Ministry of Justice, AHC was informed that the Constitutional Court decision of 30.10.2024 for the temporary suspension of the extradition was sent to the electronic address of the Directory for Jurisdictional Relations with Abroad at 17:53, outside the official working hours. The Ministry of Justice insists that the extradition was carried out in accordance with all legal procedures and international rights.

Meanwhile, according to the position of the General Directory of State Police, immediately upon receiving notice of the above decision of the Constitutional Court by Interpol Tirana, the Ministry of Justice and the General Prosecution Office were asked whether the extradition procedure should continue. In the absence of a response on this, the plane where citizen I.K. was on left at 18:20, although he had been taken over by the Russian side at 16:45.

AHC considers that the lack of coordination of the above actions and the delays in the procedures that were followed have been accompanied by harmful consequences. While procedures for extradition are suspended by a binding decision of the Constitutional Court, citizen I.K. was extradited. Failure to execute the temporary decision of the Constitutional Court has violated not only the right to due legal process, but also the process of protection that the Albanian State should provide to foreign citizens who are extradited, when they claim that they will be subjected to torture and inhuman treatment in their countries of origin (requesting countries). This is in contravention with procedural guarantees of article 3 of the European Convention of Human Rights, which prohibits in absolute terms torture and inhuman treatment.

The Constitutional Court should have made every effort that this decision not only be sent by e-mail, but also be communicated in other official channels to the authorities that it was addressed to, namely the Ministry of Justice, Directory of Interpol, Ministry of Justice, Directory of Interpol at the State Police, General Prosecution Office, and the State Advocacy Office (even by official telephone). Further on, the entire chain of state apparatus institutions should have been set into immediate motion in order for the extradition of the Russian citizen to not take place.

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<sup>8</sup> The defense lawyer of citizen I.K. had submitted the request for the suspension of the execution of the High Court decision on 09.10.2024.



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The lack of cooperation and communication in real time between the involved institutions is highlighted also by the official stance maintained by the General Directory of State Police, upon becoming aware of the decision of the Constitutional Court, that it was awaiting instructions from the Ministry of Justice and the General Prosecution Office until the time that coincides with the takeoff of the plane from the “Mother Teresa” Airport. Thus, it results that the State Police received notice in real time about the decision of the Meeting of Judges (although it was issued outside business hours), while the Ministry of Justice and the General Directory of Prisons did not maintain any communication with the institutions involved in the extradition procedure, although they were aware of the process initiated both before the Constitutional Court and at the European Court of Human Rights about its suspension.

It is worth specifying that the ECtHR sought information from Albanian authorities ahead of the extradition process, asking when the Constitutional Court would decide on the request of the applicant to suspend his extradition to Russia? So, how is it possible that the institution that ordered the extradition and supervises the State Advocacy Office, the Ministry of Justice that is, does not take into consideration expected developments from our Constitutional Court, which may have a potential impact on the suspension of the extradition procedure? In this situation, no legal cause has been presented about the urgency of this extradition by the Ministry of Justice and the need to respect strictly the deadlines established in the Extradition Order, as long as authorities were adjudicating a request for the suspension of the enforcement of this order.

AHC has found delayed actions also by the Constitutional Court, in the circumstances when the request for the suspension of the extradition procedure was submitted by this Court since 09.10.2024. During the 21 days (from the moment of submission of the request by applicant I.K. until the making of the decision), it results that the Constitutional Court has not undertaken any step for the review of the application, thus leading to its review at the very limit of the deadline in the Order of the Minister of Justice that had approved the extradition. In the circumstances when citizen I.K. has already been extradited to the Russian Federation, the decision of the Constitutional Court only has declarative value and did not serve the protection of and respect for national and international legal standards in the context of article 2 (right to life) and article 3 (prohibition of torture) of the European Convention of Human Rights (ECHR).

Similar situations, where the extradition procedures were conducted by Albanian authorities in the absence of the provision of guarantees by requesting states, and without waiting for the decisions of domestic courts, have also been encountered before in our country. In the case *Rrapo vs. Albania*, the applicant was extradited to the U.S. in the absence of a final decision on him, without waiting for the decision of the High Court. Only after the conclusion of the procedure, the High Court reversed the decisions of lower courts, because the procedure for his extradition had been approved without receiving necessary guarantees on his right to life. This case served lawmakers as a push to amend legal provisions in the Criminal Procedure Code in 2017.<sup>9</sup>

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<sup>9</sup> Already it is envisaged that in cases of extradition or of transfer of convicted individuals the decision of the High Court shall be considered a final decision.



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Responsible institutions did not respect the provisions of article 32 of law no. 10193, dated 3.12.2009 “On jurisdictional relations with foreign authorities in criminal cases,” which envisages that the extradition of an individual may not be allowed when, at the time of submission of the request for extradition, that individual has applied for or has been granted asylum in Albania against the requesting country. The representative of citizen I.K. proved through complete documentation that the request for getting asylum was filed on 03.10.2023, making aware the General Directory of Development for Migration and Asylum, the Regional Directory for Border and Migration, the Ministry of Interior, as well as the Prosecution Office at the First Instance Court of General Jurisdiction in Shkodra. AHC considers that the response of the Department for Border and Migration that it did not possess a request for international protection by Russian citizen I.K., raises reasonable suspicions about respect for legal procedures in force and does not serve the principle of transparency of state bodies.

It is notable that Albanian courts allowed the extradition of citizen I.K. to the Russian Federation although it is known what situation this country is in, considering the Russian aggression on Ukraine, but also the special circumstances linked with this citizen, for whom the European Court of Human Rights earlier found in one of its decisions that he was subjected to inhuman and degrading treatment in the prison system of this country.

### - **Conclusions and recommendations**

1. AHC considers that as a result of delays in its review and the lack of coordination between the relevant state bodies, it was not possible to execute the decision of the Constitutional Court, which decided to suspend the procedure for extradition.
2. The Ministry of Justice, although aware of the process initiated both in front of the Constitutional Court, and at the European Court of Human Rights, about its suspension, did not maintain any follow-up communication with institutions involved in the extradition procedure, to prevent being in conditions of failure to execute the decision of the Constitutional Court, which represents a violation of the principles of the rule of law.
3. The decision-making of the Constitutional Court at the very limit of the deadline of the Order of the Minister of Justice that had approved the extradition also had an impact on the restriction of real possibilities of other institutions that were carrying out the extradition procedure to react in a timely manner.
4. AHC considers that there are serious suspicions that Albanian authorities did not respect international standards and those envisaged in domestic legislation that the extradition of an individual may not be carried out when, at the time of submission of a request for extradition, that individual has applied for asylum in Albania.
5. AHC considers that this case should be of use to Albanian institutions to create the necessary mechanisms that strengthen interagency communication and cooperation, in cases of the pursuit of urgent procedures that impact fundamental human rights and freedoms. The passing of responsibilities from one institution to another or avoiding them by abiding strictly to formal arguments, has harmful consequences for



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the rule of law, bringing about flagrant violations of human rights and freedoms, as took place in the case in question.