

URGENT ACTION

THREE MEN FACE EXTRADITION, RISK TORTURE

Three ethnic Uzbeks are at risk of being extradited from Russia to Kyrgyzstan, where they would be at serious risk of torture and other ill-treatment. Their defence teams believe the charges against them have no basis and are ethnically motivated.

Ethnic Uzbeks **Gairatbek Saliev**, aged 24, **Bahtijor Mamashev**, aged 28 and **Mahamadillo Kadirzhanov**, aged 42, from southern Kyrgyzstan's Jalal-Abad region, fled to Russia in July 2010, the month after four days of violent clashes between ethnic Kyrgyz and ethnic Uzbeks in southern Kyrgyzstan. In Kyrgyzstan the three men have been accused of murder, mass riots, robbery, intentional destruction of property and illegal possession of firearms and ammunition, under the Kyrgyz Republic's Criminal Code. The charges relate to the incident in June 2010, where 16 people were killed, including ethnic Kyrgyz civilians and law enforcement officers, in the SANPA case, when violence broke out near the SANPA cotton processing plant in the southern region of Suzak. Nineteen people were convicted in November 2010, all of them ethnic Uzbeks: 18 of them were sentenced to life imprisonment in a trial that fell short of international standards and did not investigate allegations of torture. The three men maintain they had no part in the June 2010 violence.

The Russian Federation's General Prosecutor's Office approved requests for extradition of Gairatbek Saliev and Bahtijor Mamashev on 27 February 2013 and Mahamadillo Kadirzhanov on 18 March. In April the regional courts in Russia turned down appeals by the men's defence teams against the extradition orders. Gairatbek Saliev's final appeal hearing is scheduled for 19 June at the Russian Federation Supreme Court; the date of the other two men's hearings is still unknown. Their defence teams believe that the charges against them are fabricated and ethnically motivated. In all three cases the defence teams have documented many inaccuracies in the documents that the Kyrgyzstani authorities presented to the Russian Federation's General Prosecutor's Office.

The Kyrgyzstani authorities have given diplomatic assurances to the Russian authorities, but Amnesty International believes that Mahamadillo Kadirzhanov, Gairatbek Saliev and Bahtijor Mamashev would be at serious risk of grave human rights violations if returned to Kyrgyzstan, in particular incommunicado detention, torture and other ill-treatment and imprisonment in cruel, inhuman and degrading conditions following an unfair trial.

Please write immediately in Russian, English or your own language:

- Calling on the authorities to halt the extradition of Mahamadillo Kadirzhanov, Gairatbek Saliev and Bahtijor Mamashev;
- Calling on them to honour and uphold the Russian Federation's obligations under international law, and their own Supreme Court's Decree Number 11 of 14 June 2012, not to forcibly return anyone to a country where they would be at risk of serious human rights violations.

PLEASE SEND APPEALS BEFORE 22 JULY 2013 TO:

Prosecutor General
Yurii Ya. Chaika
Bolshaia Dmitrovka 15 A
125993 Moscow
Russian Federation
Fax: +7 495 692 17 25
Email: prgenproc@gov.ru
Salutation: Dear Prosecutor-General

Minister of Foreign Affairs
Sergei Lavrov
Ul. Smolenskaya-Sennaia pl, 32/34
119200 Moscow
Russian Federation
Fax: +7 499 244 34 48 (if voice answers, ask for "Fax")
Email: 3dsng@mid.ru
Salutation: Dear Minister

And copies to:
Chair of the Supreme Court
Vyachslav Mikhailovich Lebedev
Povarskaya ul. 15
121260 Moscow
Russian Federation
Fax: +7 495 695 51 72
Email: nikibor@vsrf.ru

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

THREE MEN FACE EXTRADITION, RISK TORTURE

ADDITIONAL INFORMATION

In October 2010 during the trial the families of the “SANPA” victims are reported to have assaulted some of the relatives of the defendants and one of the lawyers provided by the independent human rights NGO *Spravedlivost* (Justice) during the court hearing. According to the lawyers provided by *Spravedlivost* their clients had been tortured in police custody to make them confess to the killings. However, the presiding judge refused to take these allegations into consideration or order an investigation. Again, witnesses for the defence could not be called out of fear for their safety. Before the trial defence lawyers were not given regular and private access to their clients in police custody.

In June 2010, four days of violence between ethnic Kyrgyz and ethnic Uzbeks in the southern Kyrgyzstani cities of Osh and Jalal-Abad left hundreds dead, thousands injured and hundreds of thousands forced to flee their homes. While serious crimes were committed by members of both ethnic groups, most of the damage, injuries and deaths were suffered by ethnic Uzbeks. Despite the fact that serious crimes were committed by members of both ethnic groups, human rights monitors are concerned that ethnic Uzbeks have been disproportionately targeted for prosecution for mass disorder in connection with the June 2010 events for as long as it remains legally possible for the authorities to do so. Relatives are still reluctant to submit complaints to police and prosecutors about the torture and other ill-treatment of ethnic Uzbek detainees, or intimidation and extortion, for fear of reprisals. Since mid-2011, lawyers defending ethnic Uzbeks accused of participation in the June 2010 events have been threatened and physically attacked, even in the courtroom. Courts of all levels, including the Supreme Court, have routinely failed to exclude evidence obtained under torture. In May 2011 the International Commission of Inquiry into the June 2010 violence found strong evidence that crimes against humanity had been committed against ethnic Uzbeks in the city of Osh during the violence. This conclusion was rejected by the Kyrgyzstani authorities.

Three years after the violence, human rights monitors are reporting fewer arbitrary arrests, but torture and other ill-treatment by law enforcement officers still appear routine: while people are being apprehended in the street, or on their way to detention centres, while their houses are searched, during interrogation, and in pre-charge detention facilities. Police officers appear to have continued to target ethnic Uzbeks, threatening to charge them with serious crimes, such as murder, in relation to the June 2010 violence, in order to extort money from them.

Kyrgyzstan has issued dozens of extradition requests for ethnic Uzbeks whom the authorities accuse of having organized or participated in the June 2010 violence in Osh and Jalal-Abad. Most of those sought have fled to Russia, with lesser numbers seeking refuge in Kazakhstan and Ukraine. In 2011 Russia gave temporary asylum to many of those ethnic Uzbeks who applied for it and whose extradition was requested by Kyrgyzstani authorities and the Russian authorities refused to comply with extradition requests from Kyrgyzstan. However in May 2012 the Russian General Prosecutor's Office accepted an extradition request for an ethnic Uzbek, Mamir Nematov, only revoking its decision after the intervention of the European Court of Human Rights which instructed Russia not to extradite him.

On 16 October 2012, the European Court of Human Rights held in the case of Makhmudzhan Ergashev v. Russia, that, if the applicant, an ethnic Uzbek of Kyrgyzstani nationality, were to be extradited to Kyrgyzstan there would be a violation of Article 3 of the European Convention of Human Rights (prohibition of torture or other ill-treatment, including sending people to places where they would face a real risk of treatment in violation of this prohibition). This was the first time the Court had issued a judgment on the risk of torture and other ill-treatment for ethnic Uzbeks threatened with return to Kyrgyzstan.

Names: Mahamadillo Kadirzhanov , Gairatbek Saliev, Bahtijor Mamashev
Gender m/f: M

UA: 150/13 Index: EUR 46/017/2013 Issue Date: 10 June 2013