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Ukraine: Authorities should not extradite refugees back to torture in Uzbekistan

Amnesty International calls on the Ukrainian authorities not to extradite Ruslan Suleymanov to Uzbekistan where he would be at risk of torture and other grave human rights violations. In accordance with its international obligations Ukraine should not extradite refugees or asylum-seekers to any country where they would face a serious risk of the death penalty, torture or other grave human rights abuses.

Amnesty International urges the Ukrainian authorities to immediately release Ruslan Suleymanov so that he can take up the offer of resettlement in a third country.

Ruslan Suleymanov was working as a manager in a very successful private construction company "Karavan Bazar", in Uzbekistan. Starting in 2008, the company was reportedly raided by influential individuals. When the company refused to hand over shares in the company, many managers in the company faced charges related to economic crimes.

Fearing that he too would face prosecution and an unfair trial, Ruslan Suleymanov moved first to Kyrgyzstan where he applied for and gained citizenship and then in November 2010 he moved to Ukraine. On 25 February 2011, he was detained in Chernigov when he went to the Ministry of Interior branch there to apply for a work permit. In violation of Ukrainian law and international standards, he did not have access to lawyer until 18 May 2011. On 12 May 2011 the General prosecutor's Office approved his extradition to Uzbekistan to stand trial for economic crimes. On 20 May 2011, Ruslan Suleymanov applied for asylum in Ukraine. His application was rejected on appeal on 2 July 2012, and is currently being considered by the Higher Administrative Court. Ruslan Suleymanov also applied for complementary protection in Ukraine, and that application is under consideration. His appeals against the extradition order have also been unsuccessful. The UN refugee agency (UNHCR) recognized him as a refugee under the UNHCR mandate on 18 May 2012 and proceeded to seek his resettlement. Under Ukrainian law a person may be detained for extradition no longer than 18 months after which they must be released. The 18 month period is due to expire on 25 September. He was moved from Chernigov detention facility to a detention facility in Kyiv on 7 September in preparation for extradition. As there are direct flights to Tashkent from Kyiv on Tuesdays and Thursdays from Kyiv it is feared that he will be extradited on Thursday night.

Despite repeated assertions by Uzbekistan that the practice of torture has significantly decreased over the last years, Amnesty International has continued to receive reports of widespread torture and other ill-treatment of detainees and prisoners. According to these reports, in most cases the authorities failed to conduct prompt and impartial investigations into the allegations of torture and other ill-treatment. Amnesty International is concerned that impunity prevails as prosecution of individuals suspected of being responsible for torture or other ill-treatment remains the exception rather than the rule. Reports of torture or other ill-treatment stem not only from men and women suspected of membership of banned Islamic groups or Islamist parties or of having committed terrorist offences, but from all layers of civil society, including human rights activists, journalists, businessmen and former - often high-profile - members of the government and security forces. Amnesty International's research has found that most of those forcibly returned to Uzbekistan are held in incommunicado detention, thereby increasing their risk of being tortured or otherwise ill-treated. The European Court of Human Rights (ECtHR) has issued multiple rulings prohibiting states from returning persons to Uzbekistan on the basis of a risk of torture. For example, the ECtHR

ruled on 10 June 2010 in the case *Garayev v. Azerbaijan* that the extradition of Shaig Garayev from Azerbaijan to Uzbekistan would be in violation of Article 3 [prohibition of torture] of the European Convention on Human Rights. The court stated that “any criminal suspect held in custody [in Uzbekistan] faces a serious risk of being subjected to torture or inhuman or degrading treatment both in order to extract a confession and as a punishment for being a criminal.” The ECtHR has issued at least 10 more rulings prohibiting the return of criminal suspects to Uzbekistan on the basis of a risk of torture.

As a state party to the 1951 Geneva Convention relating to the Status of Refugees, the Ukrainian authorities must not forcefully return refugees or asylum-seekers to any country where they would face a serious risk of the death penalty, torture or other grave human rights abuses. Furthermore, the authorities must ensure that Ruslan Suleymanov has access to fair asylum procedures, including a thorough review of his asylum claim on appeal.

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