

URGENT ACTION

TAJIK MAN FACES EXTRADITION, RISKS TORTURE

The Tajikistani authorities have asked the Russian authorities to extradite Ismon Azimov from Russia for "organization of a criminal group", suspecting that he is a member of the banned Islamic Movement of Uzbekistan (IMU). Ismon Azimov would be at serious risk of torture or other ill-treatment if returned to Tajikistan.

In recent years Amnesty International has been told of people who were extradited or otherwise returned to Tajikistan by the authorities of other countries being tortured or ill-treated. Detainees accused of "Islamic extremism" are at particular risk of torture or ill-treatment in Tajikistan.

Ismon Azimov was arrested in Russia on 3 November 2010. On 29 June 2011, his lawyer was informed that the Deputy Prosecutor General had decided to extradite him. Moscow Regional Court is set to review an appeal against this decision on 19 July.

Ismon Azimov has applied for asylum in Russia. At the end of June the Federal Migration Service of Russia turned down his appeal against an earlier decision by the Moscow Region Department of the Federal Migration Service denying him refugee status. His lawyer is preparing to appeal to Moscow's Basmanyi District Court. Ismon Azimov may be at risk of extradition even before his appeal is considered.

His lawyer and the NGO Institute for Human Rights in Moscow, which had invited the lawyer to represent Ismon Azimov and has followed the case closely, maintain that he has no association with the IMU. The accusations outlined in an official document issued in 2009 that the Tajikistani authorities submitted to their counterparts in Russia as part of the extradition request, include a claim that he was involved in military training and propaganda for the IMU in October 2007. His lawyer told Amnesty International that at that time Ismon Azimov was in Moscow, where he had lived since 2002 and traded in dried fruit. He had only visited Tajikistan occasionally during the summer months to work on the harvest.

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

- Urging the authorities not to extradite Ismon Azimov;
- Reminding them that they are obliged under international human rights law not to deport or extradite any person to a country where they would be at risk of torture or other ill-treatment;
- Asking them to consider Ismon Azimov's appeal for refugee status in line with the 1951 Convention relating to the Status of Refugees as well as his need for other forms of international protection if he does not qualify for refugee status

PLEASE SEND APPEALS BEFORE 23 AUGUST 2011 TO:

Prosecutor General

Yurii Ya. Chaika

Prosecutor General of the Russian Federation

Bolshaia Dmitrovka 15 A

Moscow, 125993

Russian Federation

Fax: +7 495 987 58 41

Salutation: Dear Prosecutor General

And copies to:

Moscow Regional Court

123402 Moscow region

Krasnogorsky district

p/o Krasnogorsk 2

Russian Federation

Fax: +7 498 692 6082

And copies to:

Also send copies to diplomatic representatives accredited to your country.

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

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ADDITIONAL INFORMATION

Tajikistan is a landlocked country bordering China to the east, Afghanistan to the south and Uzbekistan and Kyrgyzstan to the north, with an estimated population of 7.2 million. Tajikistan gained its independence from the Soviet Union in 1991. The economic decline of the country after the collapse of the Soviet Union was compounded by a devastating civil war, lasting from 1992 to 1997. President Emomali Rahmon, in power since 1994, has been successful in consolidating Tajikistan after the civil war. He views himself as the indispensable guarantor of stability and peace in the face of possible new unrest, especially with the unstable economic situation in the country and the politically unstable situation in neighbouring Afghanistan.

Amnesty International has criticized human rights violations in the country, including torture and other ill-treatment by law enforcement officers; impunity for torturers; violence against women; and restrictions on freedom of speech. In recent years independent media outlets and journalists have faced prosecution for criticizing the authorities.

Torture practices reported in Tajikistan include the use of electric shocks; attaching plastic bottles filled with water or sand to the detainee's genitals; rape; and burning with cigarettes. Beating with batons, truncheons and sticks, kicking and punching are also believed to be common.

In 2010 the European Court of Human Rights ruled in several cases of Tajik citizens that they must not be extradited to Tajikistan citing the "widespread" nature of torture in the country. In 2011 the Court issued emergency measures to prevent the extradition of another Tajik man, Nizomhon Juraev, to Tajikistan.

On 12 April 2011 the Prosecutor General of Tajikistan, Sherhon Salimzoda, was reported by the Tajik news agency Asia Plus as saying that during the first three months of 2011, requests for the extradition of 35 people had been submitted to Russia.

Amnesty International is concerned that Ismon Azimov might be extradited or deported to Tajikistan despite his having applied for refugee status in the Russian Federation. Over the last few years the Russian Federation has extradited several people to countries such as Tajikistan or Uzbekistan despite existing legal obligations to provide protection for individuals at risk of torture or ill-treatment if extradited. Amnesty International recognizes progress in the Russian Federation in improving the protection of refugees and asylum-seekers. However, the organization is concerned that Ismon Azimov might face extradition to Tajikistan in violation of his rights as guaranteed by the 1951 Convention relating to the Status of Refugees, the European Convention on Human Rights and Fundamental Freedoms (ECHR) and other international treaties, to which Russia is a party.

When considering an appeal against the decision of the Prosecutor General of the Russian Federation in April 2011 to extradite Nizomhon Juraev, to Tajikistan, the Moscow City Court, referring to information from the Federal Migration Service of Russia, found that allegations of torture and unfair trial in Tajikistan were unfounded, as the country had signed and ratified such international treaties as the International Covenant on Civil and Political Rights; had abolished the death penalty; and the Prosecutor General of Tajikistan had confirmed that Nizomhon Juraev would not be tortured upon arrival. The Court also noted that the reference made by Nizomhon Juraev's defence to the UN Committee against Torture's findings on Tajikistan referred to past violations of human rights in detention in Tajikistan. The Court concluded that there was no evidence that torture continues to be used in places of detention in Tajikistan. The Court also noted that the Ministry of Foreign Affairs of the Russian Federation had no information about violations of human rights in places of detention in Tajikistan that would justify the refusal of the extradition request.

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