

URGENT ACTION

FOUR ASYLUM-SEEKERS AT RISK OF EXTRADITION

Following decisions by the Russian Federation Supreme Court, four asylum-seekers are still at risk of extradition from Russia to Kyrgyzstan, where they are at a real risk of torture and other ill-treatment.

On 25 February the Russian Federation Supreme Court ruled to overturn the November 2013 decision of St Petersburg City Court to cancel **Murodil Tadzhibayev's** extradition to Kyrgyzstan. Additionally, in an unprecedented move, the Supreme Court ordered his immediate extradition. Murodil Tadzhibayev had been released from detention in November 2013 following the lower court's decision to cancel his extradition to Kyrgyzstan. However, the Prosecutor General's Office had appealed the decision at the Russian Federation Supreme Court. On 27 February his lawyers applied to the European Court of Human Rights (ECtHR). On 28 February it issued an order for interim measures under Rule 39 requiring the Russian authorities not to extradite or otherwise involuntarily remove Murodil Tadzhibayev to Kyrgyzstan pending the Court's full determination of his complaint. On 25 February the Supreme Court upheld the decision of the lower court in the case of **Botir Turgunov** to extradite him. On 20 February his lawyers applied to the ECtHR and it issued an order for interim measures under Rule 39. Botir Turgunov has been detained in a pre-trial detention centre in St Petersburg.

On 6 November 2013 and 30 January 2014 the Russian Federation Supreme Court turned down appeals against extradition of **Abdilaziz Hamrakulov** and **Nabid Abdullayev** respectively. Lawyers for both men applied to the ECtHR and it issued an order for interim measures in both cases. Abdilaziz Hamrakulov and Nabid Abdullayev were released on the basis of Rule 39 on 25 January and 7 March respectively. On 9 December 2013, the Russian Federation Supreme Court upheld the decision of the Supreme Court of the Russian Republic of Tatarstan of 29 October 2013 cancelling **Vohid Aliev's** extradition to Kyrgyzstan. Vohid Aliev was released from Kazan pre-trial detention centre on 29 October.

In all five cases the defence teams believe that the charges are fabricated and ethnically motivated. Amnesty International believes that the men will be at serious risk of being subjected to torture and other ill-treatment and sentenced to long prison terms following unfair trials if returned to Kyrgyzstan.

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

- Calling on the authorities to halt the extradition proceedings of Murodil Tadzhibayev, Botir Turgunov, Abdilaziz Hamrakulov, and Nabid Abdullayev to Kyrgyzstan;
- 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 18 APRIL 2014 TO:

Prosecutor General

Yurii Ya. Chaika
Bolshaia Dmitrovka 15 A
125993 Moscow
Russian Federation
Fax: +7 495 692 17 25

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
Email: 3dsng@mid.ru

Salutation: Dear Minister

And copies to:

Representative of the Russian Federation at the ECtHR

Georgiy Olegovich Matyushkin
Ul Zhitnaya 14
119991 Moscow
Russian Federation

Fax: +7 495 955 57 03

Email: representationpermderrussie@wanadoo.fr

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the second update of UA 271/13. Further information:

<http://www.amnesty.org/en/library/info/EUR46/053/2013/en>

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ADDITIONAL INFORMATION

Abdilaziz Hamrakulov, Vohid Aliyev, Murodil Tadzhibayev, and Botir Turgunov, all from Osh region in southern Kyrgyzstan, fled to Russia after four days of violent clashes between ethnic Kyrgyz and ethnic Uzbeks in southern Kyrgyzstan in June 2010. Nabid Abdullayev fled to Russia in 2012. All five men are ethnic Uzbeks, and have been charged in Kyrgyzstan in connection with their alleged participation in the June 2010 violence. The cases of Murodil Tadzhibayev and Abdilaziz Hamrakulov relate to the same violent episode in Osh on 17 June 2010, while the cases of the others are separate but also relate to the inter-ethnic violence in southern Kyrgyzstan. In all five cases the defence teams have documented many inaccuracies in the documents that the Kyrgyzstani authorities presented to the Russian authorities. The Kyrgyzstani authorities have given diplomatic assurances to the Russian authorities that the five men's rights will be respected. Amnesty International believes that these assurances do not provide a reliable safeguard against human rights violations and the men will be at serious risk of torture and other ill-treatment and violation of their right to a fair trial if returned to Kyrgyzstan.

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, the Kyrgyzstani authorities have failed to investigate these events thoroughly and impartially, and ethnic Uzbeks have been targeted disproportionately for prosecution in connection with the June 2010 events. Relatives of ethnic Uzbek detainees are still reluctant to submit complaints to police and prosecutors about their torture and other ill-treatment 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 of Kyrgyzstan, have routinely failed to exclude evidence obtained under torture.

Three years after the violence, human rights monitors are reporting fewer arbitrary arrests in connection with these events, but torture and other ill-treatment by law enforcement officers still appear routine. Torture and other ill-treatment are reported as widely used while individuals are being apprehended in the street, during their transfer to detention centres, while houses are searched, during interrogation, and in pre-charge detention facilities. Police officers appear to have continued to target ethnic Uzbeks, often allegedly 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 its ethnic Uzbek citizens who have left the country and whom the authorities accuse of having organized or participated in the June 2010 violence in Osh and Jalal-Abad. Most of these have fled to Russia, while some have sought 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. The Russian authorities declined extradition requests from Kyrgyzstan back then. However, in May 2012 the Russian Prosecutor General's Office accepted an extradition request for an ethnic Uzbek, Mamir Nematov, and only revoked this decision after the intervention of the European Court of Human Rights which requested that he not be extradited.

On 16 October 2012, in the case *Makhmudzhan Ergashev v. Russia*, the European Court of Human Rights held 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).

Amnesty International has documented violations of ECtHR interim measures by Russia. Please see Amnesty International's report *Return to torture: Extradition, forcible returns and removals to Central Asia* (Index: EUR 04/001/2013) at <http://www.amnesty.org/en/library/info/EUR04/001/2013/en>

Name: Abdilaziz Hamrakulov, Vohid Aliyev, Murodil Tadzhibayev, Botir Turgunov, Nabid Abdullayev
Gender m/f: m

Further information on UA: 271/13 Index: EUR 46/020/2014 Issue Date: 7 March 2014