

PUBLIC

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Fear of forcible deportation/torture/unfair trial

RUSSIAN FEDERATION / TAJIKISTAN

Dodojon Atovulloyev (_____),
aged 46, journalist

Journalist Dodojon Atovulloyev, an outspoken critic of the Tajik government, was detained by Russian police on 5 July when in transit in Moscow on his way from Germany to Uzbekistan. He was reportedly arrested at the request of the Tajik authorities, and may be forcibly returned to Tajikistan, where he would be at grave risk of torture.

Dodojon Atovulloyev is the editor-in-chief of the Tajik newspaper *Charogi Ruz* (Light of the Day) which is published abroad. He has frequently accused government officials of corruption, nepotism and involvement in drug trafficking. According to his supporters, the Tajik government wants to silence him.

On 5 July he arrived at Moscow's Sheremetevo-1 airport from Hamburg, Germany, on his way to Tashkent, the capital of Uzbekistan. At around 11.30pm local time Dodojon Atovulloyev was detained by officers of the Russian Federation's Ministry of Transport and Aviation.

The Russian authorities were apparently acting on a search warrant issued by the Tajik authorities, who reportedly accuse Dodojon Atovulloyev of "publicly slandering the president of Tajikistan through the mass media" (article 137.2 of the Tajik criminal code) and "incitement to national, racial, or religious enmity" (article 189.2). His supporters believe these charges are intended to punish him for his writing, in particular for an article published in the Russian newspaper *Nezavisimaya gazeta* (Independent newspaper) on 31 January 2001, entitled "Who Will Prevent the New Troubles? Why Tajik Leaders Don't File Tax Returns" and an article published in June 2001 accusing Makhmadsaid Ubaidulloyev, the mayor of the Tajik capital, Dushanbe and head of the upper house of parliament, of being a drug lord.

Dodojon Atovulloyev's supporters believe that the Tajik Secret Service knew that he was flying via Moscow and were following him. They turned up at the airport shortly after he was detained, and during the night officials of the Tajik embassy reportedly telephoned the Russian officers at the airport urging them to hand him over to them. However, the Russian officers referred his case to the Extraditions Unit at the office of the General Procurator, which is now handling the application for his extradition. Dodojon Atovulloyev's lawyer told Amnesty International: "Dodojon could be extradited any day."

If handed over to the Tajik authorities, Dodojon Atovulloyev would not be granted a fair trial. Tajik law enforcement agencies routinely deny detainees such basic rights as free choice of a lawyer, and are known for systematic ill-treatment or torture of detainees. Constant political pressure on the judiciary from the authorities has severely eroded judicial independence.

The day after he was arrested, Dodojon Atovulloyev began a hunger strike to urge the Russian authorities not to extradite him. He reportedly told the *Moscow Times* in a telephone interview on 9 July: "If they hand me over it would be like handing me to the butcher."

Dodojon Atovulloyev left Tajikistan for Moscow in 1993. Moscow, too, became increasingly unsafe for him, and since May 2001 he has been living in Hamburg with his wife and two children, as a guest of the German section of Reporters sans frontières and the Hamburg-based Foundation for those persecuted for political reasons (*Hamburger Stiftung für politisch Verfolgte*). In April 2001 he was appointed co-chair of the "Forum of democratic forces of Central Asia" at a gathering of opposition politicians, journalists and human rights defenders in London.

BACKGROUND INFORMATION

Amnesty International believes that to forcibly return Dodojon Atovulloyev to Tajikistan would be contrary to the Russian Federation's obligations under international law, in particular Article 3 of the United Nations Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment which prohibits the return of a person to a country or territory where they may face serious human rights violations. It would also violate the norms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Russian parliament ratified both of these in May 1998 as a condition of entry to the Council of Europe.

Under the 1992 Minsk Agreement on Cooperation of the Ministries of Internal Affairs in the Commonwealth of Independent States in the Sphere of Crime, the Russian authorities can refuse to extradite anyone if they believe that to do so would lead to human rights violations.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian, English, Tajik or your own language:

- urging the Russian authorities not to hand over Dodojon Atovulloyev to the Tajik authorities, as Amnesty International believes that he would be in grave danger of torture and cruel and inhuman treatment;
- reminding the authorities that the Russian Federation is a party to the United Nations Convention against Torture, and Other Cruel, Inhuman or Degrading Treatment or Punishment; the European Convention for the Protection of Human Rights and Fundamental Freedoms; and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment;
- noting that agreements between countries of the Commonwealth of Independent States permit Russia to refuse extradition if there are fears that a person whose extradition is requested will face human rights violations.

President of the Russian Federation, Vladimir Vladimirovich PUTIN
g. Moskva; Kreml; Prezidentu Rossiyskoy Federatsii, PUTINU V.V.; RUSSIAN FEDERATION

Fax: + 7 095 206 85 10/206 51 73
e-mail: president@gov.ru
Salutation: Dear President Putin

Procurator General of the Russian Federation, Vladimir USTINOV
103793 g. Moskva K-31, Ul. B. Dimitrovka, d 15a, Prokuratura Rossiyskoy Federatsii, Generalnomu prokuroru USTINOVU V.; RUSSIAN FEDERATION

Telegrams: 103793 g. Moskva, generalnomu prokuroru, Russia
Fax: + 7 095 925 18 79 or + 7 095 292 88 48

Salutation: Dear Procurator General

Head of the extraditions unit of the international legal affairs department at the office of the General Procurator,

103793 g. Moskva K-31,
Ul. B. Dimitrovka, d 15a,
Prokuratura Rossiyskoy Federatsii, Otdel ekstraditsii Mezhdunarodno-pravovogo upravleniya, Nachalniku
RUSSIAN FEDERATION

Telegrams: 103793 g. Moskva, Prokuratura Rossii, Otdel ekstraditsii, Russian Federation
Fax: + 7 095 292 85 62
Salutation: Dear Director

Head of the Federal Migration Service of the Russian Federation,
Aleksandr Viktorovich Blokhin
107078 g. Moskva,
Boyarsky pereulok, 4,
Federalnaya Sluzhba Migratsii, Predsedatelyu BLOKHIN
RUSSIAN FEDERATION

Tel/Fax: + 7 095 923 89 45/925 80 82
Salutation: Dear Mr Kalamanov

COPIES TO:

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Room 320, 4 Zubovsky blv.
Moscow 119021
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email:panfilov@monitoring.ru

and to diplomatic representatives of the Russian Federation and Tajikistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 August 2001.