

EXTRA 81/98 Fear of forcible repatriation / Fear for safety 12 November 1998RUSSIAN FEDERATION/UZBEKISTAN Aliboy Yuliakhshiyev, aged 61

Aliboy Yuliakhshiyev, former head of the faculty of mathematics at Samarkand University in Uzbekistan and a prominent member of the Uzbek opposition movement *Birlik*, could face imminent and forcible repatriation to Uzbekistan.

If returned to Uzbekistan, Aliboy Yuliakhshiyev could be at risk of grave human rights violations, such as imprisonment, torture or ill-treatment, simply for the non-violent expression of his political beliefs.

Aliboy Yuliakhshiyev was reportedly arrested by the Russian police on 3 November 1998 in Moscow, where he has lived since September. News about his arrest only emerged on 11 November. He was allegedly detained at the request of the Uzbek authorities, who, according to reliable sources, issued a search warrant for him in 1995 accusing him under Article 159 of the Uzbek Criminal Code of attempting to overthrow the constitutional order of Uzbekistan.

The charge allegedly related to Aliboy Yuliakhshiyev's part in distributing the banned opposition newspaper *Erk*. He could face up to 10 years' imprisonment if found guilty.

Aliboy Yuliakhshiyev is one of *Birlik*'s most prominent and senior members. He was chairman of the movement's Samarkand regional branch and a member of its Central Committee. Following a clamp-down on the political opposition in Uzbekistan he was forced to leave the country in 1994 to escape arrest. He continued his opposition political activities in exile and helped organize the clandestine distribution in Uzbekistan of *Erk*, which is printed abroad.

Aliboy Yuliakhshiyev is currently held in the "temporary detention isolator" (IVS) at the central Moscow police station Petrovka 38. His relatives have reportedly been denied access to him.

Amnesty International believes that the forcible repatriation of Aliboy Yuliakhshiyev to Uzbekistan by the Russian authorities would be contrary to the Russian Federation's obligations under international law, in particular the principle of *non-refoulement*. One fundamental principle of customary international law states that: "No one shall be returned to a country where his life and freedom might be endangered." This principle is enshrined in Article 33 of the 1951 Geneva Convention relating to the Status of Refugees, to which the Russian Federation acceded in March 1993.

Refoulement where there are substantial grounds for believing the person(s) may be in danger of torture is also in clear violation of Article 3 of the Convention against Torture, and of the norms enshrined in the European Convention on the Protection of Human Rights and Fundamental Freedoms, which was recently ratified by the Russian parliament as part of Russia's obligations on entering the Council of Europe.

BACKGROUND INFORMATION

Birlik ("Unity") was Uzbekistan's first main opposition party following independence in 1991. It advocated a secular democratic system and liberal economic reform and was granted official registration as a movement in 1991. *Birlik* was, however, denied registration as a political party. Following a clamp-down against government opponents in 1992, scores of opposition activists were detained on charges of calling for the state to be overthrown, prosecuted for slandering the President, or convicted on apparently fabricated charges. Like other opposition parties and movements, many

Birlik members, especially senior figures, were targeted for arrest by the Uzbek authorities on account of their peaceful political activities. Former prisoners of conscience and political prisoners have testified that they were beaten, ill-treated and tortured during their time in detention in Uzbekistan.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian, English or your own language:

- asking the Russian authorities to abide by the principle of *non-refoulement* and thereby to refrain from forcibly returning Aliboy Yuliakhshiyev to Uzbekistan, where he may be at risk of serious human rights violations for the non violent expression of his political beliefs;
- noting that agreements between countries of the Commonwealth of Independent States permit Russia to refuse extradition if there are fears that the person in question will face human rights violations if extradited;
- reminding the Russian authorities of their obligations under international law;
- reminding the government of Russia of its commitment to the Universal Declaration of Human Rights, in particular Article 19: "*Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.*"

APPEALS TO:

Procurator General of the Russian Federation, Yury Skuratov, Rossiyskaya Federatsiya, 103793 g. Moskva K-31, Ul. B. Dimitrovka, d 15a, Prokuratura Rossiyskoy Federatsii, Generalnomu prokuroru SKURATOVU Yu., RUSSIAN FEDERATION

Telegrams: Rossiya, 103793 g. Moskva, generalnomu prokuroru Skuratovu

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 general procuracy, Leonid Ermolaev, Rossiyskaya Federatsiya, 103793 g. Moskva K-31, Ul. B. Dimitrovka, d 15a, Prokuratura Rossiyskoy Federatsii, Otdel ekstraditsii Mezhdunarodno-pravovogo upravleniya, Nachalniku ERMOLAEVU L., RUSSIAN FEDERATION

Telegrams: Rossiya, 103793 g. Moskva, Prokuratura Rossii, Otdel ekstraditsii

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Salutation: Dear Director

COPIES TO:

Russian Federation Minister of Foreign Affairs, Igor IVANOV, Rossiyskaya Federatsiya, 121200 g. Moskva, Smolenskaya-Sennaya pl., 32/34, Ministerstvo inostrannykh del Rossiyskoy Federatsii, Ministru IVANOVU I.

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Head of the Federal Migration Service of the Russian Federation, Tatyana REGENT, Rossiyskaya Federatsiya, 107078 g. Moskva, Boyarsky pereulok, 4 Federalnaya Sluzhba Migratsii, Predsedatelyu REGENT T. RUSSIAN FEDERATION

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President of the Russian Federation, Boris YELTSIN, Rossiyskaya Federatsiya, g. Moskva, Kreml, Prezidentu Rossiyskoy Federatsii YELTSINU B.N. RUSSIAN FEDERATION

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and to diplomatic representatives of Russian Federation/Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 9 December 1998.

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article

19, Universal Declaration of Human Rights

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