

URGENT ACTION

TORTURE SURVIVOR SENTENCED IN UNFAIR TRIAL

On 18 November Mirsobir Khamidkariev, a producer and businessman from Uzbekistan, was sentenced to eight years' imprisonment on extremism charges following an unfair trial. There are credible allegations that he was tortured in detention in Tashkent, Uzbekistan.

The Tashkent City Court for Criminal Cases found **Mirsobir Khamidkariev** guilty under Articles 216 ("Illegal establishment of public associations or religious organizations") and 244-2 ("Establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations") of the Criminal Code of the Republic of Uzbekistan. According to Mirsobir Khamidkariev's Russian lawyer, who represented him prior to his abduction from Russia by security services, the court hearing was scheduled for 13 November, however it was then rescheduled for 20 November. His Russian lawyer was informed of the fact and planned to attend the hearing. On the morning of 18 November Mirsobir Khamidkariev was unexpectedly transferred from the pre-trial detention centre to the courtroom. During the hearing, Mirsobir Khamidkariev requested an additional day to prepare his defence, which was refused by the judge. He has 10 days to appeal the sentence.

Mirsobir Khamidkariev had fled to Russia in 2010 and requested asylum, after the Uzbekistani authorities charged him with organizing an Islamist terrorist group, Islam Jihadchilari, charges he strongly denies. On 9 June he was reportedly abducted by officers of the Russian Federal Security Service (FSB) from a street in central Moscow, Russian Federation, and forcibly returned to Uzbekistan the following day. In Uzbekistan, Mirsobir Khamidkariev was allegedly subjected to torture and other ill-treatment by law enforcement officers for two months to force him to confess to charges, which his lawyer claims are fabricated. He was tied to a bar attached to the wall with his head facing down and beaten repeatedly. The officers knocked out seven of his teeth and broke two of his ribs.

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

- Expressing concern that the hearing that took place on 18 November was conducted in violation of the international fair trial standards, as specified by the International Covenant on Civil and Political Rights, including Article 14(3), to which Uzbekistan is a state party;
- Calling on the authorities to initiate a prompt, impartial and effective investigation into the allegations that Mirsobir Khamidkariev was tortured and ill-treated in custody;
- Urging them to bring to justice any police officer or state actor found responsible for torturing and ill-treating Mirsobir Khamidkariev.

PLEASE SEND APPEALS BEFORE 31 DECEMBER 2014 TO:

Prosecutor General of Uzbekistan

Rashidzhon Kodirov
Prosecutor General's Office
ul. Gulyamova 66
Tashkent 100047, Uzbekistan
Email: prokuratura@lawyer.uz

Salutation: Dear Prosecutor General

Minister of Internal Affairs of Uzbekistan

Adham Ahmedbaev
Ministry of Internal Affairs
ul. Junus Rajabiy 1
Tashkent 100029, Uzbekistan
Fax: + 998 71 233 89 34
Email: info@mvd.uz

Salutation: Dear Minister

And copies to:

Ombudswoman
Sayora Rashidova
Uzbekistan Avenue 16A
Tashkent 100027, Uzbekistan
Fax: + 998 71 239 81 36
E-mail: info@ombudsman.uz

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 first update of UA 277/14. Further information:
<http://www.amnesty.org/en/library/info/EUR62/008/2014/en>

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ADDITIONAL INFORMATION

Mirsobir Khamidkariev fled to Russia in 2010 after the Uzbekistani authorities charged him with organizing an Islamist terrorist group, Islam Jihadchilari. According to his Russian lawyer, the charges against Mirsobir Khamidkariev referred to a conversation he had had with acquaintances at an informal gathering in Tashkent during which he allegedly expressed concern about the oppression of Islam and stated his support for women wearing headscarves. Mirsobir Khamidkariev accepted that he had participated in two informal religious gatherings in Tashkent, however, he has insisted that nothing unlawful had taken place during these meetings. In 2011 the Uzbekistani authorities put him on an international wanted list and issued an extradition request. In July 2013 he was detained by the Russian authorities and kept in administrative detention while the extradition request was processed. In 2013 the Office of the Prosecutor General of the Russian Federation decided that the extradition request from Uzbekistan was not valid and requested Mirsobir Khamidkariev's release. Mirsobir Khamidkariev was released on 9 August 2013. The Prosecutor General's Office found that he could not have set up Islam Jihadchilari in 2009. Immediately after his release Mirsobir Khamidkariev applied for asylum with the Federal Migration Service in Russia. He lived in hiding in Moscow with his wife and young son, fearing for their safety. On 9 June 2014, Mirsobir Khamidkariev was kidnapped by two unidentified men in civilian clothes from a street in the centre of Moscow. At the time he was sitting in a taxi outside a pharmacy waiting for his wife to return with medication for their young child. According to an eyewitness the two men got into the taxi and made the driver speed away. He was held incommunicado in a basement in an unidentified location in Moscow for a day, forced to wear a bag over his head, and subjected to repeated beatings. He was then handed over to Uzbekistani law enforcement officers at an airport in Moscow. Mirsobir Khamidkariev's lawyer in Moscow was unable to establish contact with him and did not know his whereabouts until it became known that he was at a detention facility run by the Ministry of Internal Affairs (MVD) in Tashkent two weeks later.

Mirsobir Khamidkariev's lawyer, who had been handling his asylum claim in the Russian Federation, immediately applied to the European Court of Human Rights for interim measures to prevent his forcible return to Uzbekistan, but the Russian authorities failed to act promptly and did not launch an investigation into Mirsobir Khamidkariev's disappearance until several days later. A court in Moscow granted Mirsobir Khamidkariev political asylum in Russia on 12 June, three days after his abduction.

Amnesty International is concerned that individuals forcibly returned to Uzbekistan in the name of security and the 'fight against terrorism' have been held incommunicado, increasing the risk of torture or ill-treatment. Amnesty International's research has found that the Uzbekistani authorities have relentlessly pursued the return of individuals they have suspected of involvement in bombings in Tashkent in 1999 and 2004, protests in Andizhan in 2005 (hundreds of people were killed when the security forces fired on thousands of mostly peaceful protesters), and various other violent events. They have also sought the extradition of political opponents, government critics and wealthy individuals who have fallen out of favour with the authorities in Tashkent. The European Court of Human Rights (ECtHR) has issued at least 30 judgments from 2010 to 2014 prohibiting the forcible return of criminal suspects to Uzbekistan on the basis of a risk of torture, especially those charged with membership of Islamist parties or groups that are banned in the country. For example, the ECtHR held on 23 October 2014, in the case *Mamazhonov v. Russia* (application no. 17239/13), that the transfer of Ikromzhon Mamazhonov from Russia to Uzbekistan would violate Article 3 (prohibition of torture) of the European Convention on Human Rights. The Court noted "that there had been no improvement in the criminal justice system of Uzbekistan in recent years, in particular concerning prosecution for religiously and politically motivated crimes and that there was certain evidence that persons accused of such crimes were at risk of ill-treatment."

For more details please see Amnesty International's report *Return to Torture: Extradition, forcible returns and removals to Central Asia* (Index EUR 04/001/2013) available at <http://www.amnesty.org/en/library/info/EUR04/001/2013/en>.

Name: Mirsobir Khamidkariev

Gender m/f: m

Further information on UA: 277/14 Index: EUR 62/009/2014 Issue Date: 19 November 2014