

PUBLIC

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Further Information on UA 180/05 (EUR 46/027/2005, 30 June 2005) and follow-up (EUR 46/028/2005, 18 July 2005) - Fear of forcible return/fear of torture

RUSSIAN FEDERATION

14 ethnic Uzbek men

It is now clear that the Uzbekistani authorities have based their request for the extradition from Russia of the 14 men on accusations that they were involved in the events in the eastern Uzbekistani city of Andizhan on 13 May, when hundreds of people were reportedly killed when the security forces opened fire on demonstrators in the city. They have also accused the 14 of involvement in a religious extremist group which they call *Akramia*, and of financing "terrorist" activities. All 14 men reportedly deny these accusations. There is good reason to believe that anyone accused of involvement in the 13 May events in Andizhan is at risk of serious human rights violations, including torture and unfair trials leading to long prison terms or even the death penalty, if returned to Uzbekistan.

One of the men, Russian citizen Khatam Khadzhimatov (who is of Uzbek origin), has been released although he could face re-arrest if his Russian citizenship is revoked. The other 13, one Kyrgyz national and 12 Uzbekistani nationals, are still in custody. All 13 applied for asylum in August; according to the Russian human rights organization *Memorial*, the deadline for consideration by the Russian authorities of the men's asylum claims is 8 November. The office of the procuracy has reportedly stated that extradition will only be considered after this process is completed. Russian human rights activists are extremely concerned that the men could be returned imminently.

The 13 men are: Kyrgyz national Mamirzhon Tashtemirov; Uzbekistani nationals Ilkhomzhon Ismoilov, Obboskhon Makhmudov, Iskanderbek Usmanov, Sardorbek Ulugkhodzhaev, Abdulrrauf Mukhamadsobirov, Izzatullo Mukhamadsobirov, Kabul Kaimkhuzhaev, Makhmud Rusamkhodzhaev, Umarali Alimov, Shukrullo Sabirov, Rustam Naimov and Khurshid Khamzaev.

Khatam Khadzhimatov was released on 11 October, when the Ivanovo regional court overturned a lower court's 15 September decision that, despite being a Russian citizen, he could be detained "to secure the possibility of his transfer to Uzbekistan". The 15 September ruling, almost three months after he was arrested, was the first time that any court had ruled on the legality of Khatam Khadzhimatov's detention, despite the fact that Russian law requires that all detainees be brought before a court within 48 hours of arrest.

Russian law prohibits the extradition of Russian citizens. However, the authorities have begun legal action to strip Khatam Khadzhimatov of his Russian citizenship, allegedly so he can be detained and deported to Uzbekistan. A criminal investigation and a corresponding civil case have been opened against Khatam Khadzhimatov, accusing him of using false identity documents in his application for citizenship. According to his lawyer, the first hearing in the civil case will be on 27 October in Khanti-Mansisk, in the far north of Russia, as that is where he received citizenship. A court ruling in favour of the procurator in this case would be sufficient basis for revocation of his citizenship by the Ministry of Internal Affairs.

BACKGROUND INFORMATION

Amnesty International has documented many cases of people who have been forcibly returned to Uzbekistan as alleged members of banned Islamic groups, who have been tortured or sentenced to death after unfair trials. The Uzbekistani authorities have sought a number of forcible returns since the events of 13 May in Andizhan. The Uzbekistani authorities have denied that the security forces used excessive force, and

have accused alleged members and supporters of *Akramia* of attempting to organize a violent uprising in Andizhan. They have also linked *Akramia* to Hizb-ut-Tahrir, which they consider a "terrorist" organization. They have claimed that the "uprising" was planned abroad and that some of the organizers may be hiding in Kyrgyzstan and the Russian Federation.

The Office of the General Prosecutor of Uzbekistan has brought criminal proceedings against those alleged to have organized or participated in the 13 May events in Andizhan, on charges of attempting to overthrow the constitutional order, organizing mass disturbances, terrorism and murder. The last two charges carry a possible death sentence. The first trial of 15 men charged under this criminal case, including three Kyrgyz nationals, opened on 20 September. Amnesty International is concerned that the trial falls far short of international fair trial standards.

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

- urging the authorities not to deport to Uzbekistan the 14 ethnic Uzbek men, because they would be at risk of serious human rights violations including torture and the death penalty;
- reminding the authorities that the Russian Federation is obliged under international law, including the UN Convention against Torture and the European Convention on Human Rights, to which it is a party, not to return anyone to a country or territory where they would be at risk of serious human rights violations, including torture;
- urging the authorities to ensure that all the detainees are given access to lawyers of their choice and to their relatives;
- urging the authorities to order a prompt and impartial investigation into the allegations that the detainees were tortured.

APPEALS TO:

President of the Russian Federation

Vladimir Vladimirovich PUTIN, g. Moskva, Kreml, Russian Federation

Fax: + 7 095 206 51 73

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Email: president@gov.ru

Salutation: Dear President Putin

Vladimir USTINOV, Procurator General of the Russian Federation

103793 Moskva, Ul. Bolshaya Dimitrovka 15a, Generalnomu Prokuroru Rossiyskoy Federatsii, Vladimiru Ustinovu, RUSSIAN FEDERATION

Fax: + 7 095 921 4186 (if someone answers say "fax please")

Salutation: Dear Procurator General

COPIES TO:

Vladimir Lukin, Ombudsman on Human Rights

107084 Moskva, Ul. Miasnitskaia 47, Upolnomochnomu po pravam cheloveka

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(via website) <http://ombudsman.gov.ru>

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 December 2005.