

URGENT ACTION

JOURNALIST'S DEPORTATION HALTED BUT RISK REMAINS

On 8 August, the Moscow City Court suspended the deportation of Uzbekistani national Khudoberdi Nurmatov pending review of his case by the European Court of Human Rights, but he continues to be held in detention. He should be immediately released.

On 8 August 2017, the Moscow City Court judge ruled that the deportation of *Novaya Gazeta* newspaper correspondent and activist **Khudoberdi Turgunaliyevich Nurmatov** (better known under his journalist alias **Ali Feruz**) must be suspended pending review of his case by the European Court of Human Rights (ECtHR). The judge referred to the ECtHR's decision on 4 August 2017 to grant Khudoberdi Nurmatov urgent interim measures under Rule 39 of the Rules of the Court, prohibiting his deportation to Uzbekistan. The judge, however, also ruled that the journalist must stay in the Special Facility for Temporary Detention of Foreign Citizens (SUVSIG) while his case is being considered by the ECtHR, which could take several months or even years. He remains at risk of forcible return, including abduction, to Uzbekistan while in detention.

Amnesty International has documented numerous instances of forcible return of individuals from Russia to Uzbekistan, including the abduction and secret rendition of asylum seekers and refugees by security forces. If deported to Uzbekistan, Khudoberdi Nurmatov is at risk of serious human rights violations, including torture, and prosecution, including for his sexual orientation. Consensual sexual relations between men is a crime in Uzbekistan punishable by imprisonment. Immigration-related detention should be used only as a last resort, for the shortest time possible and only when necessary and proportionate to the objective of preventing absconding, to verify identity or ensure compliance with a deportation order, none of which applies in Khudoberdi Nurmatov's case. He should be immediately released.

In the courtroom on 8 August, Khudoberdi Nurmatov showed bruises he said resulted from a beating by one of the security guards during his transfer to the detention centre after his previous court hearing on 2 August 2017. There has been no investigation into his allegation of ill-treatment.

Please write immediately in Russian or your own language urging the Russian authorities to:

- Immediately release Khudoberdi Turgunaliyevich Nurmatov;
- Promptly and effectively investigate Khudoberdi Nurmatov's allegations of ill-treatment in custody and, pending his release, ensure he is protected from torture and ill treatment;
- Take all necessary steps to ensure Khudoberdi Nurmatov is not abducted and subjected to secret rendition, or in any other way forcibly returned to Uzbekistan, where he is at risk of prosecution, torture and other ill-treatment, and imprisonment, including for his sexual orientation.

PLEASE SEND APPEALS BEFORE 2 NOVEMBER 2017 TO:

Prosecutor General
Yuriy Yakovlevich Chaika
Prosecutor General's Office
ul. B. Dmitrovka, d.15a
125993 Moscow GSP- 3
Russian Federation
Fax: +7 495 987 58 41/ +7 495 692 17 25

Online submissions (accepted only in Russian): <http://priem.genproc.gov.ru/contacts/jpriem/send/>

Salutation: Dear Prosecutor General

Minister of the Interior
Vladimir Aleksandrovich Kolokoltsev
Ul. Zhitnaya d. 16
119049 Moscow, Russian Federation
Fax: +7 495 667 05 98 (wait for signal)
Or use online form in Russian: https://xn--b1aew.xn--p1ai/request_main
Salutation: Dear Minister

And copies to:
Human Rights Ombudsman of the Russian Federation
Tatiana Nikolaevna Moskalkova
ul. Miasnitskaia, 47
107084, Moscow
Russian Federation
Fax: +7 495 607 7470 / +7 495 607 3977
(to check if fax received: +7 495 607 1854)

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

Please check with your section office if sending appeals after the above date. This is the second update of UA 61/17. Further information:

www.amnesty.org/en/documents/eur46/6865/2017/en/

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ADDITIONAL INFORMATION

Khudoberdi Turgunaliyevich Nurmatov, born February 1986, writes for the independent newspaper Novaya Gazeta under the pseudonym Ali Feruz, covering issues that include disability rights, and the rights of refugees and migrants from Central Asia. He was born in Uzbekistan and spent his childhood in both Uzbekistan and Russia. According to Khudoberdi Nurmatov, he was forced to flee Uzbekistan in 2008 after he was detained and tortured by officers of the Uzbekistani National Security Service for refusing to be their secret informant.

Khudoberdi Nurmatov was arrested and detained on 1 August 2017 in Moscow and accused, under part 3.1 of Article 18.8 of the Russian Code of Administrative Violations, of "violation of the rules of entry or stay in the Russian Federation by a foreign citizen". On the same day, he was taken to Basmannyi Court in Moscow. The judge issued Khudoberdi Nurmatov a 5,000 rouble (USD 80) fine and ruled that he must be forcibly returned to Uzbekistan. The journalist was taken from the court room to a deportation centre in Moscow where he is currently detained.

On 16 March 2017, Khudoberdi Nurmatov was detained by police and wrongly accused of violating Russia's immigration regulations. At that time, Khudoberdi Nurmatov's application for temporary asylum in Russia was still under consideration. He was released as he had the right to be in Russia until a decision was taken on his status and all appeal options exhausted. Later, the journalist learnt that his asylum application had been refused. He filed an appeal against the decision before the Zamoskvoretsky district court in Moscow. The court refused to consider the appeal, but failed to notify Khudoberdi Nurmatov. Khudoberdi Nurmatov only learnt the court's dismissal of his appeal from the police at his hearing on 1 August.

Amnesty International's research has found that hundreds of asylum-seekers, refugees and migrants have been abducted or forcibly returned from Russia to Uzbekistan since 2014 in what constitutes a blatant violation of Russia's international human rights obligations. Short of resorting to complicity in the abduction of individuals, the Russian authorities have sought other ways to circumvent their international obligations and have used administrative means, such as deportations for administrative offences, to return individuals to Uzbekistan where they face a real risk of torture. Many of those forcibly returned to Uzbekistan have tried unsuccessfully to apply for asylum with the Russian authorities prior to their deportation.

Asylum-seekers should not be detained apart from in the most exceptional circumstances as prescribed by international law and standards and where the authorities can demonstrate that it is necessary and proportionate to the objective to be achieved. Anyone held in detention must have an effective opportunity to challenge the lawfulness of the decision to detain them.

The Russian authorities have continued to accept at face value assurances from their Uzbekistani counterparts that individuals will not be tortured upon return to Uzbekistan, and have failed to conduct effective investigations into any of the cases of abductions of Uzbekistan nationals in Russia that have been raised with them. For additional information see the report *Uzbekistan: Fast-track to torture: abductions and forcible returns from Russia to Uzbekistan* (<https://www.amnesty.org/en/documents/eur62/3740/2016/en/>) and *Uzbekistan: Amnesty International's Submission to the Council of Europe Committee of Ministers: Garabayev V. Russian Federation (No.38411/02) Group of Cases* (<https://www.amnesty.org/en/documents/eur62/5839/2017/en/>).

If returned to Uzbekistan, Khudoberdi Nurmatov will, like many before him, be at real risk of incommunicado detention, torture or other ill-treatment, and unfair trial. If prosecuted and convicted in Uzbekistan, he would face a long prison term in cruel, inhuman and degrading conditions.

Name: Khudoberdi Turgunaliyevich Nurmatov (also known as Ali Feruz)

Gender m/f: m

Further information on UA: 61/17 Index: EUR 46/6905/2017 EUR Issue Date: 10 August 2017