

URGENT ACTION

RUSSIAN AUTHORITIES BLOCK ACTIVIST'S RELEASE

The Russian authorities continue to block activist and journalist Ali Feruz's release from detention. On 21 November the Basmannyi District court in Moscow issued Ali Feruz with a 5,000 rouble (USD\$ 85) fine for working illegally and upheld the decision to deport the activist to Uzbekistan, where he would be at risk of human rights violations.

According to international law, as well as the terms of an agreement negotiated with the authorities, Uzbekistani activist and Novaya Gazeta correspondent Khudoberdi Nurmatov (better known as Ali Feruz) should be immediately released and free to leave Russia for a third country. The authorities however continue to block his release. According to Russian newspaper, Novaya Gazeta, Ali Feruz came close to being released in November, to the extent that the activist was booked on a flight out of Russia, following an agreement brokered by his lawyers with the authorities. However on 16 November, officers from the Migration Department conducted an unexpected search on Novaya Gazeta's Moscow office. On 21 November Ali Feruz was brought before Basmannyi District court in Moscow and issued a 5,000 rouble (US\$ 85) fine for purportedly working illegally for Novaya Gazeta. The judge also upheld the decision to deport Ali Feruz to Uzbekistan, pending the decision of the ECtHR.

Ali Feruz alleges he was forced to flee Uzbekistan in 2008 after being tortured by officers of the Uzbekistani National Security Service. He was arrested and detained on 1 August and accused of violating "the rules of entry or stay in the Russian Federation by a foreign citizen". Moscow's Basmannyi Court issued Ali Feruz with a 5,000 rouble (USD\$ 80) fine and ruled that he must be forcibly returned to Uzbekistan. On 8 August, the Moscow City Court judge ruled that Ali Feruz's deportation must be suspended pending review of his case by the ECtHR, which granted Ali Feruz urgent interim measures on 4 August, prohibiting his return to Uzbekistan.

It is believed that Uzbekistan's National Security Service's request to extradite Ali Feruz is in connection to an article he penned about Uzbekistan's 2016 presidential elections. He remains held in the Special Facility for Temporary Detention of Foreign Citizens, at risk of forcible return, including abduction, to Uzbekistan. If deported to Uzbekistan, Ali Feruz is at risk of human rights violations, including torture and other ill-treatment, and unfair trial.

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

- Immediately release Khudoberdi Nurmatov (also known as Ali Feruz) and ensure he can travel to a third country without any restriction;
- 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;
- Promptly and effectively investigate Khudoberdi Nurmatov's allegations of torture and other ill-treatment in custody and, pending his release, ensure he is protected from torture and other ill treatment.

PLEASE SEND APPEALS BEFORE 19 JANUARY 2017 TO:

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

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/ 495 692 17 25
Online submissions (accepted only in Russian): <http://ipriem.genproc.gov.ru/contacts/ipriem/send/>
Salutation: Dear Prosecutor General

And copies to:
Human Rights Ombudsman of the Russian Federation
Tatiana Nikolaevna Mosalkova
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 third update of UA 61/17. Further information:

www.amnesty.org/en/documents/eur46/6905/2017/en/

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ADDITIONAL INFORMATION

Khudoberdi Nurmatov, born in February 1986, wrote 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 Ali Feruz, he was forced to flee Uzbekistan in 2008 after he was detained and tortured and otherwise ill-treated by officers of the Uzbekistani National Security Service for refusing to be their secret informant.

Ali Feruz 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 Ali Feruz with a 5,000 rouble (US\$ 80) fine and ruled that he must be forcibly returned to Uzbekistan. The journalist was taken from the court room to a Special Facility for Temporary Detention of Foreign Citizens (SUVSIG) in Moscow. On 8 August 2017, the Moscow City Court ruled that the deportation of Ali Feruz must be suspended pending review of his case by the ECtHR. The judge referred to the ECtHR's decision on 4 August 2017 to grant Ali Feruz 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 deportation centre while his case is being considered by the ECtHR, which could take several months or even years.

This is not the first time the Novaya Gazeta correspondent was detained. On 16 March 2017, Ali Feruz was detained by police and wrongly accused of violating Russia's immigration regulations. At that time, Ali Feruz'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 did not notify Ali Feruz of its decision. Ali Feruz only learnt of 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 and other ill-treatment. 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.

Name: Khudoberdi Nurmatov (Ali Feruz)

Gender m/f: m

Further information on UA: 61/17 Index: EUR 46/7567/2017 Issue Date: 11 December 2017