

PUBLIC

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Fear of forcible return/fear of torture

30 June 2005

RUSSIAN FEDERATION

14 or 15 ethnic Uzbek men

At least 13, possibly 14 ethnic Uzbek men are believed to be in imminent danger of deportation from Russia to Uzbekistan, where they would be at risk of incommunicado detention, torture and unfair trials leading to long prison terms or even the death penalty. Another ethnic Uzbek man, detained with them, reportedly has Russian citizenship but could also be in danger of deportation to Uzbekistan, if the Russian authorities contest his citizenship.

The men were detained by Russian law enforcement officers on 18 June, according to the Moscow-based human rights group *Memorial*, in the city of Ivanovo. The circumstances remain unclear, but it is feared that the Uzbek authorities have accused the men of taking part in a major demonstration in the eastern Uzbekistani city of Andizhan on 13 May. The demonstration was broken up by security forces who allegedly fired indiscriminately and without warning on the crowd of mostly unarmed and peaceful demonstrators, killing hundreds and wounding many more. The Uzbekistani authorities claimed the demonstration was orchestrated by the illegal Islamic movement *Akramia*, and have reportedly accused several of the detained men of being *Akramia* members.

Some of the men are said to be originally from Andizhan Region, but many are believed to have lived in the Russian Federation for some time: Kabul Kasimkhudzhaev, who runs a trading company, has reportedly lived in Ivanovo for more than seven years; his deputy, Khatam Khadzhimatov, reportedly has Russian citizenship. The two men were reportedly detained in their office by armed law enforcement officers wearing masks.

A former employee, Makhmud Rustamkhodzhaev, who was visiting the office at the time, was also detained and is currently held in the Ivanovo pre-trial detention centre. He was reportedly initially detained for petty hooliganism. However, the Russian authorities reportedly later gave him a document to sign that cited two articles of the Criminal Code of Uzbekistan. His lawyer says that his client was in such a state of shock that he did not remember what exactly he had signed. The lawyer says he was told by the Ivanovo Regional Prosecutor's Office that the Prosecutor General's Office was currently examining materials submitted in support of an extradition request.

There is good reason to believe that anyone who fled from Andizhan following the 13 May events, or is accused of involvement in them, is at risk of serious human rights violations, including torture, and unfair trial, if returned to Uzbekistan. Amnesty International believes that deporting the detained men to Uzbekistan would be contrary to the Russian Federation's obligations under international law, in particular under the United Nations Convention against Torture, and the European Convention for the Protection of Human Rights and Fundamental Freedoms. These prohibit the return of any person to a country or territory where they would be at risk of serious human rights violations.

BACKGROUND INFORMATION

Scores of men, women and children reportedly died after the Uzbekistani security forces fired on thousands of mainly unarmed and peaceful demonstrators in the city of Andizhan, on 13 May. The Uzbekistani authorities have denied that the security forces used excessive force, and have accused members and supporters of *Akramia* of attempting to organize a violent uprising in Andizhan with a view to turning Uzbekistan into an Islamic state. They have also linked this movement to the banned Hizb-ut-Tahrir opposition Islamic party, which they consider a terrorist organization. They have claimed that the "uprising" was planned abroad and that some of the organizers may now be hiding in Kyrgyzstan and the Russian Federation. The Office of the General Prosecutor of Uzbekistan has opened a criminal case 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.

Amnesty International has documented many cases of people forcibly returned to Uzbekistan at the request of the Uzbekistani authorities who have been tortured or sentenced to death and executed after unfair trials. On 9 June four refugees were forcibly returned from Kyrgyzstan. Despite concerted efforts by United Nations and other international agencies it has not been possible to establish their whereabouts since. At least one source has claimed that one of the refugees was badly tortured after he was returned to Uzbekistan.

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 Kabul Kasimkhodzhaev, Makhmud Rustamkhodzhaev, Obboskhon Makhmudov, Iskandarbek Usmonov, Sardorbek Ulugkhodzhaev, Ilkhomzhon Ismoilov and at least seven other ethnic Uzbek men now in custody in Ivanovo, 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 for the Protection of Human Rights and Fundamental Freedoms, 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 detainees are given access to lawyers of their choice and to their relatives;
- pointing out that under the Constitution of the Russian Federation (Article 61) as well as other legislation including the Criminal Procedure Code (Article 464.1), Khatam Yakubovich Khadzhimatov, as a Russian citizen, cannot be extradited to Uzbekistan.

APPEALS TO:

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

Head of the Extraditions Unit, International Legal Affairs department, office of the General Procurator

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

Fax: + 7 095 692 85 62

Salutation: Dear Sir

COPIES TO:

Vladimir Lukin, Ombudsman on Human Rights

107084 Moskva, Ul. Miasnitskaia 47, Upolnomochnomu po pravam cheloveka Vladimiru Lukinu, RUSSIAN FEDERATION

Fax + 7 095 207 3977

**E-mail: press-sl@ropnet.ru
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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 12 August 2005.