

PUBLIC

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Fear of forcible deportation/Fear of torture

**RUSSIAN FEDERATION
/UZBEKISTAN**

Mannopzhon Rakhmatullayev, aged 52

Uzbek citizen Mannopzhon Rakhmatullayev, an imam (Islamic leader) at the mosque of the Russian town of Marx, is believed to be in danger of imminent, forcible deportation to Uzbekistan, where he risks being tortured or ill-treated in incommunicado detention. He is also at risk of being sentenced to a long term imprisonment following an unfair trial.

On 2 October, officers from the procuracy of Saratov region detained Mannopzhon Rakhmatullayev following a request by Uzbekistan to hand him over to the Uzbek authorities. They accused him of illegally leaving Uzbekistan when he travelled to Saudi Arabia in 1992. According to Mannopzhon Rakhmatullayev, his travel to Saudi Arabia for *hadj* (pilgrimage to Mecca), was legal as he had received a visa and passed the border controls at Tashkent airport.

On 16 October 2002, the Procurator General of the Russian Federation reportedly sanctioned Mannopzhon Rakhmatullayev's handover to the Uzbek authorities. However, his lawyer protested against the decision and lodged a complaint with the Saratov Regional Court, which was considered on 25 and 26 October. Although the judge ordered the release of Mannopzhon Rakhmatullayev, he was re-arrested when leaving the courtroom and taken to investigation-isolation prison No. 1 in Saratov, where he is currently believed to be held. His lawyer was told that the reason for the new arrest was another request by the Uzbek authorities to hand him over. Uzbekistan is now accusing him of "religious extremism" on charges of "attempting to overthrow the constitutional order of Uzbekistan" and "possession of firearms". Mannopzhon Rakhmatullayev's lawyer told Amnesty International: "The accusations are ridiculous. He is clearly not guilty of these accusations; it is a political case."

The General Procurator of the Russian Federation is believed to make a decision very soon concerning Mannopzhon Rakhmatullayev's deportation. Vitaly Ponomarev from the Moscow-based human rights group Memorial told Amnesty International: "We know of other cases where people were deported without giving them the possibility to appeal the decision of the procuracy, although this is granted by law." It is therefore important that international pressure is brought immediately.

BACKGROUND INFORMATION

Amnesty International has documented many cases of persons that were forcibly deported to Uzbekistan upon request of the Uzbek authorities and were subsequently tortured or sentenced to death and executed. The organization believes that the forcible return of Mannopzhon Rakhmatullayev to Uzbekistan by the Russian authorities would be contrary to the Russian Federation's obligations under international law. In particular, Russia's obligation under Article 3 of the United Nation Convention against Torture, prohibits the return of a person to a country or territory where they may face serious human rights violations. It also violates the norms enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the European Convention for the Prevention of Torture and Inhuman or

Degrading Treatment or Punishment. Both were ratified by the Russian parliament in May 1998 as part of Russia's obligations on entering the Council of Europe.

Uzbekistan has detained and imprisoned thousands of people on accusations of “religious extremism”. The detainees and prisoners have included members and presumed members of independent Islamic congregations, members of banned Islamist and secular opposition parties and movements, and their relatives. Amnesty International has received persistent allegations that many of those arrested were tortured by police to extract ‘confessions’, and that many in fact had weapons and narcotics planted on them in order to fabricate cases. Heavy sentences, including death sentences, were imposed after trials which were conducted in circumstances giving serious cause for concern. In the majority of cases known to Amnesty International, those detained were denied prompt access to a lawyer of their choice, to their families and to medical assistance.

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

- urging the Russian authorities to refrain from forcibly returning Mannapzhon Rakhmatullayev to Uzbekistan, where he is at risk of serious human rights violations such as torture or ill-treatment;
- noting that agreements between countries of the Commonwealth of Independent States permit Russia to refuse extradition based on fears that the person in question will face human rights violations if handed over;
- reminding the Russian authorities of their similar obligations under international law.

APPEALS TO *(please note that it may be difficult to send faxes. If a voice answers, repeat: 'fax' until connected. If transmission fails, please send by airmail.):*

Procurator General of the Russian Federation, Vladimir Ustinov
Rossiyskaya Federatsiya,
103793 g. Moskva K-31,
Ul. B. Dimitrovka, d 15a,
Prokuratura Rossiyskoy Federatsii, Generalnomu prokuroru Ustinovu V.
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Telegrams: Rossiya, 103793 g. Moskva, generalnomu prokuroru

Fax: + 7 095 292 88 48

Salutation: Dear Procurator General

Head of the Extraditions Unit of the International Legal Affairs department at the office of the General
Procurator, Leonid Ermolaev
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103793 g. Moskva K-31,
Ul. B. Dimitrovka, d 15a,
Prokuratura Rossiyskoy Federatsii, Otdel ekstraditsii Mezhdunarodno-pravovogo upravleniya, Nachalniku
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Salutation: Dear Director

COPIES TO:

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RUSSIAN FEDERATION
Rossiyskaya Federatsiya,
410002 g. Saratov
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Gorodskaya prokuratura,

Prokuroru

Chairwoman of the Presidential Human Rights Commission of the Russian Federation,
Ella Pamfilova,
Rossiyskaya Federatsiya,
103132 g. Moskva,
Staraya ploshchad, d 8/5, pod 3,
Predsedatele Komissii po pravam cheloveka pri Prezidente, Pamfilove, Elle.
RUSSIAN FEDERATION
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and to diplomatic representatives of Russian Federation and Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 January 2003.