

PUBLIC

AI Index: EUR 62/030/2005

31 October 2005

Further Information on UA 276/05 (EUR 62/029/2005, 21 October 2005) "Disappearance"/ Fear of torture

UZBEKISTAN/
RUSSIAN FEDERATION

Marsel Isaev (m), aged 19, student

Student Marsel Isaev, who was forcibly deported from Russia to Uzbekistan on 12 October, was detained by Uzbekistani security forces on arrival in Uzbekistan before being released from police detention on the evening of 21 October. He may be at risk of re-arrest, and possible torture or other ill-treatment in detention.

Marsel Isaev has reportedly been asked to sign an undertaking not to leave the country, although he has reportedly not been informed of any charges brought against him. Amnesty International remains concerned for the safety of Marsel Isaev while he remains in Uzbekistan. While the organization has no information about his treatment in detention, detainees in Uzbekistan are reportedly routinely tortured. The UN Special Rapporteur on Torture has said that torture in Uzbekistan is "systematic and widespread". As Marsel Isaev was accused of belonging to the banned Islamic organization, Hizb-ut-Tahrir, he is at increased risk of arbitrary detention and torture.

Marsel Isaev, an Uzbekistani national, had been studying in Tatarstan in the Russian Federation since 2004. According to reports, in September 2005 he was stopped on the street by officers from the Organized Crime Squad (UBOP), who detained him and tried to force him to give false evidence as a witness in a trial against an acquaintance accused of membership of Hizb-ut-Tahrir. Marsel Isaev was told that he would not be able to re-register his residence permit, up for renewal, and would be sent back to Uzbekistan as a suspected member of Hizb-ut-Tahrir if he refused to comply with the demands of the officers. At the trial he revealed the attempts to extract a false statement from him. Following this his residence permit was not renewed and he was detained on 23 September for overstaying his residence permit. Fearing that he would be tortured if he was returned to Uzbekistan, Marsel Isaev applied for asylum in the Russian Federation. On 11 October he was interviewed by officials from the migration department and on 12 October he was informed by the Department for Migration in Tatarstan that his application for asylum had been received and was being processed. Despite his application being under consideration he was deported to Uzbekistan on 12 October.

Marsel Isaev has since told his parents that on arrival at the airport, he was taken to the premises of the Department of Internal Affairs of Tashkent (GUVD) where he was detained. While in detention in Tashkent he was reportedly questioned about his alleged membership of Hizb-ut-Tahrir and about contacts with other suspected members. Marsel Isaev has denied having any connection at all with the organization.

Many thanks to all who sent appeals. Amnesty International will continue to monitor Marsel Isaev's case, and will take further action as necessary. Please send a final round of appeals to arrive as quickly as possible, in English, Russian or your own language:

To the Uzbekistani authorities:

- calling for a guarantee that the human rights of Marsel Isaev will not be violated in Uzbekistan, including the right not to be subjected to arbitrary detention, torture or other ill-treatment in detention;

To the Russian authorities:

- expressing serious alarm at the deportation of Marsel Isaev on 12 October, in contravention of the principle of *non-refoulement*, which prohibits the return in any manner whatsoever of any person to a situation where they would be at risk of torture, persecution or other forms of ill-treatment or punishment;
- expressing concern that Marsel Isaev's deportation order reportedly prevents him from entering Russian territory for five years and possibly prohibits him from pursuing an asylum claim;
- urging the Russian authorities to investigate the failings of their refugee protection system, including the lack of co-ordination between different government authorities, and in particular the denial of Marsel Isaev's right to continue his claim for asylum until its conclusion;
- calling on the authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses in accordance with Russia's international obligations, under the 1951 Refugee Convention, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and under customary international law.

APPEALS TO:

Uzbekistani authorities

General Procurator of the Republic of Uzbekistan

Rashidzhon KODIROV

Prokuratura Respubliki Uzbekistan, ul. Gulyamova, 66, 700047 g. Tashkent, UZBEKISTAN

Fax: + 998 71 133 39 17/ 133 73 68

E-mail: prokuratura@lawyer.com

Salutation: Dear Procurator General

Russian authorities

Procurator General of the Russian Federation

Vladimir USTINOV

General Procuracy of the Russian Federation

Ul. B. Dimitrovka 15a

103793 Moscow K-31, Russian Federation

Fax: + 7 095 692 8848 (if someone answers say "fax please")

Salutation: Dear Procurator General

Minister of Internal Affairs

Rashid NURGALIYEV

Ul. Zhitnaia, 16

117049 Moscow, Russian Federation

Fax: +7 095 237 49 25 or +7 095 230 25 80

Salutation: Dear Minister

COPIES TO:

Uzbekistani authorities

Minister of Internal Affairs

Zakirzhan ALMATOV

Ministerstvo vnutrennikh del RU, ul. Novruz, 1, Tashkent 700029; UZBEKISTAN

Fax: + 998 71 133 89 34

and to diplomatic representatives of the 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 12 December 2005.