

URGENT ACTION

TAJIKISTANI ASLYUM SEEKER FACES EXTRADITION

Moscow City Court has upheld the order of the Prosecutor General to extradite Nizomhon Juraev to Tajikistan, despite Nizomhon Juraev having applied for asylum in the Russian Federation. If returned to Tajikistan, Nizomhon Juraev is at risk of torture and ill-treatment.

On 12 April, Moscow City Court upheld the order of the Prosecutor General of the Russian Federation to extradite **Nizomhon Juraev** to Tajikistan. Nizomhon Juraev's lawyer told Amnesty International that the judge had ignored written statements made by co-defendants of Nizomhon Juraev, who alleged that they had been tortured in detention. At the Moscow City Court, the brother of Mukhamad Akhadov, who had been extradited from Russia to Tajikistan on 30 September 2008, told how his brother had been tortured upon arrival in Dushanbe, the capital of Tajikistan. Reportedly, Mukhamad Akhadov incriminated Nizomhon Juraev in a crime under duress.

The Moscow City Court found that allegations of torture and unfair trial in Tajikistan were unfounded, as the country had signed and ratified such international treaties as the International Covenant on Civil and Political Rights, had abolished the death penalty and the Prosecutor General of Tajikistan had confirmed that Nizomhon Juraev would not be tortured upon arrival. The Court noted that the reference made by Nizomhon Juraev's defence to the UN Committee against Torture's findings on Tajikistan referred to past violations of human rights in detention in Tajikistan. The UN report, published in 2006, had noted improvements already then and the Court concluded that there was no evidence that torture continues to be used in places of detention in Tajikistan. The Court also noted that the Ministry of Foreign Affairs of the Russian Federation had no information about violations of human rights in places of detention in Tajikistan.

Nizomhon Juraev has applied for asylum in Russia. His first appeal was turned down and he is currently appealing against this decision. He also filed an appeal against the extradition order with the Supreme Court of the Russian Federation. There is a real danger that he might be extradited to Tajikistan while his appeal is pending.

PLEASE WRITE IMMEDIATELY in Russian or your own language:

- Express concern about allegations that Tajikistan has tortured people who were extradited from Russia, despite so-called "diplomatic assurances";
- Urge the Russian authorities not to extradite Nizomhon Juraev to Tajikistan;
- Remind the Russian authorities of their obligation under international human rights law not to deport or extradite any person to a country where they are at risk of torture and/or other ill-treatment;
- Ask the Russian authorities to consider Nizomhon Juraev's appeal for refugee status in line with the 1951 Convention relating to the Status of Refugees as well as his need for other forms of international protection if he does not qualify for refugee status

PLEASE SEND APPEALS BEFORE 9 June 2011 TO:

Yurii Ya. Chaika

Prosecutor General of the Russian

Federation

Bolshaia Dmitrovka 15 A

Moscow

125993

Russian Federation

Fax: +7 495 987 58 41

Salutation: Dear Prosecutor General

And copies to:

Ministry of Foreign Affairs of the

Russian Federation

Third department on CIS countries

M. A. Peshkov

Director

Fax: +7 499 241 21 75

E-mail: 3dsng@mid.ru

Salutation: Dear Minister

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the first update of UA84/11. Further information: www.amnesty.org/en/library/info/EUR46/013/2011/en

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ADDITIONAL INFORMATION

Amnesty International has researched and campaigned against human rights violations in Tajikistan, such as torture and ill-treatment of detainees, and other persons, by law enforcement officers; impunity for torturers; restrictions on freedom of speech; and violence against women. In most cases victims of torture or other ill-treatment are reluctant to issue complaints about abuse by law enforcement officers as this would make them more vulnerable to further abuse, including trumped up charges against them in criminal cases.

In 2007, a criminal case was opened in Tajikistan against **Nizomhon Juraev**, a former local parliamentarian and businessman from the Soghd region in Tajikistan. He and 33 other people were charged with having committed violent organized crimes, economic crimes and unlawful possession of weapons. Some of them were also accused of killing the former Deputy Prosecutor General in 1999. At the time when the criminal case was brought, Nizomhon Juraev was in Russia.

Amnesty International is concerned that Nizomhon Juraev might be extradited or deported to Tajikistan despite him having applied for refugee status in the Russian Federation. Over the last years the Russian Federation has extradited several people to countries such as Tajikistan or Uzbekistan despite existing legal obligations to provide protection for these people. Amnesty International recognizes progress in the Russian Federation in improving the protection of refugees and asylum seekers. However, the organization is not convinced yet that the existing legal mechanisms for the protection of refugees and asylum seekers are always fully implemented. Therefore, the organization is concerned that Nizomhon Juraev might face extradition to Tajikistan in violation of his rights as guaranteed by the 1951 Convention relating to the Status of Refugees, the European Convention on Human Rights and Fundamental Freedoms (ECHR) and other international treaties, to which Russia is a party.

In 2010 the European Court for Human Rights ruled in four cases that extraditions from Russia to Tajikistan would be or were in breach of Russia's obligations as a party to the ECHR, citing, among others, Article 3 of the Convention (prohibition of inhuman or degrading treatment). In the case of *Gaforov vs. Russia*, for example, the Court noted that "evidence from objective sources had indicated that torture in police custody in Tajikistan had been systematic and widespread".

Further information on UA: 84/11 Index: EUR 46/020/2011 Issue Date: 28 April 2011

