

PUBLIC

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Further Information on UA 180/05 (EUR 46/027/2005, 30 June 2005) Fear of forcible return/fear of torture

RUSSIAN FEDERATION

14 ethnic Uzbek men

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The Moscow-based human rights group Memorial has received reports that at least three of the 14 ethnic Uzbek men currently detained in Ivanovo, Russian Federation, have been tortured. Kabul Kasimkhudzaev, Makhmud Rustamkhodzhaev and Khatam Khadzhimatov have allegedly been beaten and tortured using electric shocks while being questioned at the offices of the Ivanovo Organized Crime Squad. Reportedly, investigators from Uzbekistan were present while the men were being questioned, and threatened the men that they will face reprisals if they are deported to Uzbekistan.

According to Memorial, the 14 men had been detained in Ivanovo by Russian law enforcement officers on 18 June, allegedly for refusing to show the police identity documents and swearing at police officers. The Uzbekistani authorities initially requested the extradition of only one of the men. However, when the Russian authorities sent the Uzbekistani authorities the names of all 14 men that they had detained, the authorities in Uzbekistan allegedly then claimed that the whole group were "dangerous criminals wanted by the law enforcement agencies of Uzbekistan". The Uzbekistani authorities have apparently accused the men of involvement with events in the eastern Uzbekistani city of Andizhan on 13 May, involvement in the Islamic movement *Akramia*, which is banned in Uzbekistan, and of financing "terrorist" activities. All 14 men reportedly deny these accusations. Only one of the men, Kabul Kasimkhudzaev, is thought to have been in Andizhan in May. He told his lawyer that he had visited Uzbekistan between 10 and 25 May in order to renew his Uzbekistani passport.

The men are still 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.

One of the 14 men reportedly has Russian citizenship but nevertheless could be in danger of deportation to Uzbekistan if the Russian authorities contest his citizenship. Another of the men is reportedly a citizen of Kyrgyzstan. The other 12 men are believed to be citizens of Uzbekistan. All 14 reportedly had official permission to live in the Russian Federation.

#### **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 then been tortured or sentenced to death and executed after unfair trials.

Ethnic minorities, especially from the Caucasus and Central Asia and Roma, are disproportionately targeted for identity checks by police in the Russian Federation. Ethnic minorities can be particularly vulnerable to violations such as extortion, arbitrary arrest, and torture and ill-treatment at the hands of the police.

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

- urging the Russian authorities to order a prompt and impartial investigation into the allegations of torture of Kabul Kasimkhudzhaev, Makhmud Rustamkhodzhaev and Khatam Khadzhimatov;
- calling on the authorities to ensure that all 14 men are protected from torture and ill-treatment while they are in custody, in line with Russia's obligations under international human rights law;
- calling for all detainees to be given access to lawyers of their choice, to an independent medical examination, and to their relatives;
- 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 deport to Uzbekistan Kabul Kasimkhudzhaev, Makhmud Rustamkhodzhaev, Khatam Khadzhimatov, Obboskhon Makhmudov, Iskandarbek Usmonov, Sardorbek Ulugkhodzhaev, Ilkhomzhon Ismoilov, Mamirzhon Tashtemirov and 6 other ethnic Uzbek men now in custody in Ivanovo, where they would be at risk of serious human rights violations including torture and the death penalty after an unfair trial;
- 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 Khadzhimatov, as a Russian citizen, cannot be deported to Uzbekistan.

**APPEALS TO: (Please note faxes may be switched off out of office hours; Moscow is +4 hours GMT)**

Vladimir USTINOV, Procurator General of the Russian Federation

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**Salutation: Dear Procurator General**

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

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**Salutation: Dear Sir**

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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 29 August 2005.