

UA 181/07

Forcible return/Unfair trial/Torture/Death penalty

RUSSIAN FEDERATION

**Dilshod Umarovich Kurbanov (m)
Mukhammadsolikh Mat'iakubovich Abutov (m)**

Dilshod Umarovich Kurbanov and Mukhamedsolikh Matiakubovich Abutov are in danger of being forcibly returned to Uzbekistan, where they would be at risk of incommunicado detention, torture and unfair trial leading to long prison terms or even the death penalty. They are wanted in connection with allegations that they are members of banned Islamic organizations and planned to overthrow the constitutional order of Uzbekistan. Both deny these allegations, and claim they are being persecuted because of their religious beliefs.

Dilshod Kurbanov, who has lived in the Russian Federation since 2003, was detained on 30 May in the Tula Region of the Russian Federation and was taken to the Police Department for organized crimes. He is now being held in a pre-trial detention centre in the city of Novomoskovskoe 2. He had just recently applied for recognition as a refugee to the United Nations High Commissioner for Refugees (UNHCR), which has not yet reached a decision.

Dilshod Kurbanov claims he was persecuted in Uzbekistan because of his devout religious beliefs. He was questioned by police on several occasions about members of the banned Islamic party Hizb-ut-Tahrir. He says that in 2002 he learned that his name was on a police list of alleged terrorists. When he was told that police had gone to his parents' house, to take him away for questioning, he decided to leave the country.

Mukhamadsolikh Matiakubovich Abutov's house in Uzbekistan was searched in January 2007. The police took away religious literature in order to check it for "extremist content". According to Mukhamadsolikh Abutov, the same literature had been confiscated before and he had a court decision which had found no reason to classify the texts as "extremist". Mukhamadsolikh Abutov had been imprisoned in Uzbekistan in the 1990s on what he claims were fabricated charges. Fearing he would again be denied a fair trial and imprisoned, he left Uzbekistan in February, and in June he sought advice on applying for asylum. Before he could approach the authorities to seek protection as a refugee, he was reportedly detained by what seem to have been members of the Uzbekistani Security Service on 13 June outside his apartment in Krasnogorsk, Moscow Region, and was handed over to the local police department. He applied for refugee status with the UNHCR but the police refused to hand over his application. On 26 June the city court in Krasnogorsk ordered his detention to continue, so that he could be deported to Uzbekistan. On 27 June he was transferred to a pre-trial detention centre in the town of Mozhaisk, in Moscow Region, from where he was able to apply for asylum in the Russian Federation. No decision on his status has yet been taken.

BACKGROUND INFORMATION

The Uzbekistani authorities have been seeking the extradition of dozens of Uzbekistani citizens from various countries since the events in May 2005 when their security forces reportedly fired indiscriminately into crowds of mostly unarmed civilian protesters while they were gathered in the centre of the city of Andizhan, and as they fled, killing hundreds of people, including women and children. Many of the demonstrators fled to neighbouring countries, including the Russian Federation. The Uzbekistani authorities claim the people they are seeking are members of banned Islamic parties or movements such as Hizb-ut-Tahrir and Akramia, which they claim were involved in the events in Andizhan. Most of the men who have been forcibly returned to Uzbekistan have been held incommunicado for lengthy periods, and have received long prison terms after proceedings which fell short of international fair trial standards. Some have alleged that they have been subjected to torture or other ill-treatment. Dilshod Umarovich Kurbanov and Mukhamedsolikh Matiakubovich Abutov claim to have no connection with the events in Andizhan.

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

- expressing concern that the authorities are preparing to forcibly return Dilshod Umarovich Kurbanov and Mukhamadsolikh Matiakubovich Abutov to Uzbekistan, where they would be at risk of serious human rights violations, including torture;
- reminding the authorities that the Russian Federation is obliged under international law, including the UN 1951 Refugee Convention, UN Convention against Torture and the European Convention on Human Rights, to which it is a state party, not to return anyone to a country or territory where they would be at risk of torture or other ill-treatment;
- asking the authorities to ensure that Dilshod Umarovich Kurbanov and Mukhamedsolikh Matiakubovich Abutov have access to full, fair and satisfactory refugee status determination procedures and that they have access to the UNHCR.

APPEALS TO:

Procurator General

103793 Moskva, Ul. Bolshaya Dimitrovka 15a, Generalnomu Prokuroru Rossiyskoy Federatsii, Yurii Chaika,
RUSSIAN FEDERATION

Fax: + 7 495 692 1725 (try during Moscow office hours, GMT+4)

Salutation: Dear Procurator General

COPIES TO:

Ombudsman on Human Rights

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

Fax + 7 495 207 5337

E-mail: press-sl@ropnet.ru

via website: <http://ombudsman.gov.ru>

Gen. Nikolai Patrushev, Director General of the Federal Security Service of the Russian Federation

Federal Security Service of the Russian Federation

101000 Moskva, Liubianskaia pl. d.2, Generalnomu Direktoru Federalnoi Sluzhbi Besopasnosti, Nikolaiu Patrushevu,
RUSSIAN FEDERATION

Fax: + 7 495 625 0578

E-mail: press@fsb.ru

If you speak Russian, via website: <http://www.fsb.ru/>

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 22 August 2007.
