

PUBLIC

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Further Information on UA 180/05 (EUR 46/027/2005, 30 June 2005) and follow-ups (EUR 46/028/2005, 18 July 2005; EUR 46/040/2005, 24 October 2005) - Fear of forcible return/fear of torture

RUSSIAN FEDERATION

13 ethnic Uzbek men

Amnesty International has learnt that on 31 July, the office of the Procurator General of the Russian Federation informed the Procurator of Russia's Ivanovo region that 13 ethnic Uzbek men detained there since June 2005 are to be extradited.

The Uzbekistani authorities have requested the men's extradition from Russia on the basis of accusations that they were involved in the events in the eastern Uzbekistani city of Andizhan on 13 May 2005, when hundreds of people were reportedly killed when the security forces opened fire on mainly unarmed demonstrators in the city. They have also accused the 13 of involvement in a banned Islamic movement called *Akramia*, and of financing "terrorist" activities. All 13 men reportedly deny these accusations. There is good reason to believe that anyone accused of involvement in the 13 May events in Andizhan is at risk of serious human rights violations, including torture, unfair trials leading to long prison terms or even the death penalty, if returned to Uzbekistan. Following unfair trials, scores of people in Uzbekistan have been convicted and sentenced to between 12 and 22 years' imprisonment for their alleged participation in the unrest. Most detainees are believed to have been held incommunicado before the trial and denied access to lawyers of their choice. Access to the court hearings was either restricted or entirely denied to relatives, international observers and human rights activists.

The men had applied for refugee status in Russia. However, the Federal Migration Service of the Russian Federation issued a decision rejecting the applications for refugee status of the 13 men on 17 January 2006. The 13 men appealed this decision through the courts – but both courts of first and second instance turned down the appeals of all 13 men during hearings in June and July. The return of any person to a country where they would be at risk of torture is prohibited under the UN Convention against Torture and the European Convention on Human Rights, to which Russia is a state party.

The refusals to grant refugee status, and the decision to extradite the 13 men have been taken despite a finding by the United Nations High Commissioner for Refugees (UNHCR), as reported by the Russian human rights organizations *Memorial* and *Civic Assistance Committee*, that the men fall under the competence of UNHCR as 'mandate refugees' and are thus in need of international protection. Under the 1951 Convention relating to the Status of Refugees, to which Russia is a party, the deportation of individuals in need of international protection is prohibited.

The men will appeal against the decision to extradite them. If these appeals are unsuccessful, the men face immediate extradition to Uzbekistan. The men are: Kyrgyzstani national Marmirzhon Tashtemirov, and Uzbekistani nationals Ilkhomzhon Ismoilov, Obboskhon Makhmudov, Iskanderbek Usmanov, Sardobek Ulugkhodzhaev, Abdulrauf Mukhamadsobirov, Izzatullo Mukhamadsobirov, Kabul Kasimkhuzhaev, Makhmud Rustamkhodzhaev, Umarali Alimov, Shukrullo Sabirov, Rustam Naimov and Khurshid Khamzaev.

The 13 men are being held in pre-trial detention centre no. 1 in Ivanovo, east of Moscow. A fourteenth man, Russian citizen Khatam Khadzhimatov, was released in October last year when a court ruled that he could not be detained with a view to extradition, as Russian law prohibits the extradition of Russian citizens. However, he left Russia and subsequently was granted asylum in a third country as the Russian authorities had started legal proceedings in an attempt to revoke his Russian citizenship.

BACKGROUND INFORMATION

Amnesty International has documented many cases of people who have been forcibly returned to Uzbekistan as alleged members of banned Islamic groups, who have been tortured or sentenced to death after unfair trials. The Uzbekistani authorities have sought a number of extraditions since the events of 13 May in Andizhan. The Uzbekistani authorities have denied that the security forces used excessive force, and have accused alleged members and supporters of *Akramia* of attempting to organize a violent uprising in Andizhan. They have also linked *Akramia* to Hizb-ut-Tahrir, which they consider a "terrorist" organization. They have claimed that the "uprising" was planned abroad and that some of the organizers may be hiding in Kyrgyzstan and the Russian Federation.

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

- urging the authorities not to deport to Uzbekistan Mamirzhon Tashtemirov and the other 12 ethnic Uzbek men, because they would be at risk of serious human rights violations including torture and the death penalty;
- reminding the authorities that the Russian Federation is obliged under international law, including the UN Convention against Torture and the European Convention on Human Rights, to which it is a party, not to return anyone to a country or territory where they would be at risk of serious human rights violations, including torture;
- urging the authorities to ensure that all the detainees are given access to lawyers of their choice and to their relatives;
- urging the authorities to order a prompt and impartial investigation into the allegations that many of the detainees were tortured while in detention in Russia.

APPEALS TO:

President of the Russian Federation

Vladimir Vladimirovich PUTIN, g. Moskva, Kreml, Russian Federation

Fax: + 7 095 606 51 73 / + 7 095 230 24 08 /

Email: president@gov.ru

Or via website: http://president.kremlin.ru/eng/articles/send_letter_Eng1a.shtml

Salutation: Dear President Putin

Yuri CHAIKA, Procurator General of the Russian Federation

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

Fax: + 7 095 692 1725 (if someone answers say "fax please")

Salutation: Dear Procurator General

COPIES TO:

Vladimir Lukin, Ombudsman on Human Rights

107084 Moskva, Ul. Miasnitskaia 47, Upolnomochnomu po pravam cheloveka

Vladimiru Lukinu, RUSSIAN FEDERATION

Fax + 7 095 207 3977

E-mail: press-sl@ropnet.ru or via website: <http://ombudsman.gov.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 14 September 2006.