

URGENT ACTION

ETHNIC UZBEKS APPEAL AGAINST EXTRADITION

Two of five asylum-seekers detained in Russia have been freed. However they and three others still detained remain at risk of extradition from Russia to Kyrgyzstan, where they would be at high risk of torture and other ill-treatment.

The Supreme Court of the Russian Republic of Tatarstan cancelled **Vohid Aliev's** extradition to Kyrgyzstan and ordered his release from Kazan pre-trial detention centre on 29 October. The St Petersburg city court cancelled **Murodil Tadzhibayev's** extradition to Kyrgyzstan and ordered his release from St Petersburg pre-trial detention centre on 26 November. The Prosecutor General's Office appealed both decisions at the Russian Federation Supreme Court. The hearings have not taken place yet. On 6 November **Abdilaziz Hamrakulov's** appeal against extradition was turned down by the Russian Federation Supreme Court. His lawyers applied to the European Court of Human Rights and on 5 November it issued an order for interim measures under Rule 39 requiring the Russian authorities to suspend his extradition to Kyrgyzstan pending the Court's full determination of his complaint. He remains in custody at Moscow pre-trial detention centre. On 1 and 6 November the regional courts of Primorskii region and St Petersburg turned down appeals against the extraditions of **Nabid Abdullayev** and **Botir Turgunov** respectively. Their defence teams have appealed to the Supreme Court. The dates of the hearings at the Supreme Court have not yet been scheduled.

Abdilaziz Hamrakulov, Vohid Aliyev, Murodil Tadzhibayev, and Botir Turgunov, all from Osh region in southern Kyrgyzstan, fled to Russia after four days of violent clashes between ethnic Kyrgyz and ethnic Uzbeks in southern Kyrgyzstan in June 2010. Nabid Abdullayev fled to Russia in 2012. All five men are ethnic Uzbeks, and have been charged in Kyrgyzstan in connection with their alleged participation in the June 2010 violence. In all five cases the defence teams have documented many inaccuracies in the documents that the Kyrgyzstani authorities presented to the Russian authorities and they believe the charges are fabricated and ethnically motivated. The Kyrgyzstani authorities have given diplomatic assurances to the Russian authorities that the five men's rights will be respected. Amnesty International believes that these assurances do not provide a reliable safeguard against human rights violations and the men will be at serious risk of torture and other ill-treatment and violation of their right to a fair trial if returned to Kyrgyzstan.

Please write immediately in Russian, English or your own language:

- Calling on the authorities to halt the extradition proceedings of Botir Turgunov, Abdilaziz Hamrakulov, and Nabid Abdullayev to Kyrgyzstan;
- Calling on them to honour and uphold the Russian Federation's obligations under international law, and their own Supreme Court's Decree Number 11 of 14 June 2012, not to forcibly return anyone to a country where they would be at risk of serious human rights violations.

PLEASE SEND APPEALS BEFORE 14 JANUARY 2014 TO:

Prosecutor General

Yuriy Ya. Chaika
Bolshaya Dmitrovka 15 A
125993 Moscow, Russian Federation
Fax: +7 495 692 17 25
Email: prgenproc@gov.ru
Salutation: Dear Prosecutor General

Minister of Foreign Affairs

Sergei Lavrov
Ul. Smolenskaya-Sennaia pl, 32/34
119200 Moscow, Russian Federation
Fax: +7 499 244 34 48
Email: 3dsng@mid.ru
Salutation: Dear Minister

And copies to:

Konstantin Romodanovskiy
Head of the Federal Migration Service
Ul. Verkhniaia Radishevskaja 4-1 kb 107
109240 Moscow Russian Federation
Fax: +7 495 623 66 60
Email: smeov@fms-rf.ru

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA271/13. Further information:

<http://www.amnesty.org/en/library/info/EUR46/045/2013/en>

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ADDITIONAL INFORMATION

The cases of Murodil Tadzhibayev and Abdilaziz Hamrakulov relate to the same violent episode in Osh on 17 June 2010, while the cases of the others are separate but also relate to the inter-ethnic violence in southern Kyrgyzstan. The Russian Federation's Prosecutor General's Office approved requests for the extradition of Botir Turgunov on 24 July 2013, Abdilaziz Hamrakulov and Murodil Tadzhibayev on 13 August, and Nabid Abdullayev and Vohid Aliyev on 16 and 17 September 2013 respectively. The men have appealed against the decisions, which came while Botir Turgunov, Abdilaziz Hamrakulov, Vohid Aliyev and Nabid Abdullayev were appealing against earlier decisions of the Russian migration authorities to deny them refugee status, and Murodil Tadzhibayev was appealing against the decision to deny him temporary asylum.

In June 2010, four days of violence between ethnic Kyrgyz and ethnic Uzbeks in the southern Kyrgyzstani cities of Osh and Jalal-Abad left hundreds dead, thousands injured and hundreds of thousands forced to flee their homes. While serious crimes were committed by members of both ethnic groups, the Kyrgyzstani authorities have failed to investigate these events thoroughly and impartially, and ethnic Uzbeks have been targeted disproportionately for prosecution in connection with the June 2010 events. Relatives of ethnic Uzbek detainees are still reluctant to submit complaints to police and prosecutors about their torture and other ill-treatment for fear of reprisals. Since mid-2011, lawyers defending ethnic Uzbeks accused of participation in the June 2010 events have been threatened and physically attacked, even in the courtroom. Courts of all levels, including the Supreme Court of Kyrgyzstan, have routinely failed to exclude evidence obtained under torture. In May 2011, the International Commission of Inquiry into the June 2010 violence found strong evidence that crimes against humanity had been committed against ethnic Uzbeks in the city of Osh during the violence. This conclusion was rejected by the Kyrgyzstani authorities.

Three years after the violence, human rights monitors are reporting fewer arbitrary arrests in connection with these events, but torture and other ill-treatment by law enforcement officers still appear routine. Torture and other ill-treatment are reported as widely used while individuals are being apprehended in the street, during their transfer to detention centres, while houses are searched, during interrogation, and in pre-charge detention facilities. Police officers appear to have continued to target ethnic Uzbeks, often allegedly threatening to charge them with serious crimes, such as murder, in relation to the June 2010 violence in order to extort money from them. Kyrgyzstan has issued dozens of extradition requests for its ethnic Uzbek citizens who have left the country and whom the authorities accuse of having organized or participated in the June 2010 violence in Osh and Jalal-Abad. Most of these have fled to Russia, while some have sought refuge in Kazakhstan and Ukraine. In 2011, Russia gave temporary asylum to many of those ethnic Uzbeks who applied for it and whose extradition was requested by Kyrgyzstani authorities. The Russian authorities declined extradition requests from Kyrgyzstan back then. However, in May 2012 the Russian Prosecutor General's Office accepted an extradition request for an ethnic Uzbek, Mamir Nematov, and only revoked this decision after the intervention of the European Court of Human Rights which requested that he not be extradited.

On 16 October 2012, in the case *Makhmudzhan Ergashev v. Russia*, the European Court of Human Rights held that if the applicant, an ethnic Uzbek of Kyrgyzstani nationality, were to be extradited to Kyrgyzstan there would be a violation of Article 3 of the European Convention of Human Rights (prohibition of torture or other ill-treatment, including sending people to places where they would face a real risk of treatment in violation of this prohibition). This was the first time the Court had issued a judgment on the risk of torture and other ill-treatment for ethnic Uzbeks threatened with return to Kyrgyzstan.

Name: Abdilaziz Hamrakulov, Vohid Aliyev, Murodil Tadzhibayev, Botir Turgunov, Nabid Abdullayev
Gender m/f: m

Further information on UA: 271/13 Index: EUR 46/053/2013 Issue Date: 3 December 2013