

# URGENT ACTION

## JOURNALIST'S DEPORTATION HALTED BUT RISK REMAINS

**On 8 August, the Moscow City Court suspended the deportation of Uzbekistani national Khudoberdi Nurmatov pending review of his case by the European Court of Human Rights, but he continues to be held in detention. He should be immediately released.**

On 8 August 2017, the Moscow City Court judge ruled that the deportation of *Novaya Gazeta* newspaper correspondent and activist **Khudoberdi Turgunaliyevich Nurmatov** (better known under his journalist alias **Ali Feruz**) must be suspended pending review of his case by the European Court of Human Rights (ECtHR). The judge referred to the ECtHR's decision on 4 August 2017 to grant Khudoberdi Nurmatov urgent interim measures under Rule 39 of the Rules of the Court, prohibiting his deportation to Uzbekistan. The judge, however, also ruled that the journalist must stay in the Special Facility for Temporary Detention of Foreign Citizens (SUVSIG) while his case is being considered by the ECtHR, which could take several months or even years. He remains at risk of forcible return, including abduction, to Uzbekistan while in detention.

Amnesty International has documented numerous instances of forcible return of individuals from Russia to Uzbekistan, including the abduction and secret rendition of asylum seekers and refugees by security forces. If deported to Uzbekistan, Khudoberdi Nurmatov is at risk of serious human rights violations, including torture, and prosecution, including for his sexual orientation. Consensual sexual relations between men is a crime in Uzbekistan punishable by imprisonment. Immigration-related detention should be used only as a last resort, for the shortest time possible and only when necessary and proportionate to the objective of preventing absconding, to verify identity or ensure compliance with a deportation order, none of which applies in Khudoberdi Nurmatov's case. He should be immediately released.

In the courtroom on 8 August, Khudoberdi Nurmatov showed bruises he said resulted from a beating by one of the security guards during his transfer to the detention centre after his previous court hearing on 2 August 2017. There has been no investigation into his allegation of ill-treatment.

### 1) TAKE ACTION

**Write a letter, send an email, call, fax or tweet:**

- Immediately release Khudoberdi Turgunaliyevich Nurmatov;
- Promptly and effectively investigate Khudoberdi Nurmatov's allegations of ill-treatment in custody and, pending his release, ensure he is protected from torture and ill treatment;
- Take all necessary steps to ensure Khudoberdi Nurmatov is not abducted and subjected to secret rendition, or in any other way forcibly returned to Uzbekistan, where he is at risk of prosecution, torture and other ill-treatment, and imprisonment, including for his sexual orientation.

**Contact these two officials by 21 September, 2017:**

#### Prosecutor General

Yuriy Yakovlevich Chaika  
Prosecutor General's Office  
ul. B. Dmitrovka, d.15a  
125993 Moscow GSP- 3, Russian Federation  
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Online submissions (accepted only in Russian):  
<http://ipriem.genproc.gov.ru/contacts/ipriem/send/>  
**Salutation: Dear Prosecutor General**

#### Ambassador Denis V. Gonchar, Embassy of the Russian Federation

2650 Wisconsin Ave. NW,  
Washington DC 20007  
Phone: 1 202 298 5700  
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**Salutation: Dear Ambassador**

### 2) LET US KNOW YOU TOOK ACTION

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INTERNATIONAL**



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### ADDITIONAL INFORMATION

Khudoberdi Turgunaliyevich Nurmatov, born February 1986, writes for the independent newspaper Novaya Gazeta under the pseudonym Ali Feruz, covering issues that include disability rights, and the rights of refugees and migrants from Central Asia. He was born in Uzbekistan and spent his childhood in both Uzbekistan and Russia. According to Khudoberdi Nurmatov, he was forced to flee Uzbekistan in 2008 after he was detained and tortured by officers of the Uzbekistani National Security Service for refusing to be their secret informant.

Khudoberdi Nurmatov was arrested and detained on 1 August 2017 in Moscow and accused, under part 3.1 of Article 18.8 of the Russian Code of Administrative Violations, of "violation of the rules of entry or stay in the Russian Federation by a foreign citizen". On the same day, he was taken to Basmannyi Court in Moscow. The judge issued Khudoberdi Nurmatov a 5,000 rouble (USD 80) fine and ruled that he must be forcibly returned to Uzbekistan. The journalist was taken from the court room to a deportation centre in Moscow where he is currently detained.

On 16 March 2017, Khudoberdi Nurmatov was detained by police and wrongly accused of violating Russia's immigration regulations. At that time, Khudoberdi Nurmatov's application for temporary asylum in Russia was still under consideration. He was released as he had the right to be in Russia until a decision was taken on his status and all appeal options exhausted. Later, the journalist learnt that his asylum application had been refused. He filed an appeal against the decision issued before the Zamoskvoretsky district court in Moscow. The court refused to consider the appeal, but failed to notify Khudoberdi Nurmatov. Khudoberdi Nurmatov only learnt the court's dismissal of his appeal from the police at his hearing on 1 August.

Amnesty International's research has found that hundreds of asylum-seekers, refugees and migrants have been abducted or forcibly returned from Russia to Uzbekistan since 2014 in what constitutes a blatant violation of Russia's international human rights obligations. Short of resorting to complicity in the abduction of individuals, the Russian authorities have sought other ways to circumvent their international obligations and have used administrative means, such as deportations for administrative offences, to return individuals to Uzbekistan where they face a real risk of torture. Many of those forcibly returned to Uzbekistan have tried unsuccessfully to apply for asylum with the Russian authorities prior to their deportation.

Asylum-seekers should not be detained apart from in the most exceptional circumstances as prescribed by international law and standards and where the authorities can demonstrate that it is necessary and proportionate to the objective to be achieved. Anyone held in detention must have an effective opportunity to challenge the lawfulness of the decision to detain them.

The Russian authorities have continued to accept at face value assurances from their Uzbekistani counterparts that individuals will not be tortured upon return to Uzbekistan, and have failed to conduct effective investigations into any of the cases of abductions of Uzbekistan nationals in Russia that have been raised with them. For additional information see the report *Uzbekistan: Fast-track to torture: abductions and forcible returns from Russia to Uzbekistan* (<https://www.amnesty.org/en/documents/eur62/3740/2016/en/>) and *Uzbekistan: Amnesty International's Submission to the Council of Europe Committee of Ministers: Garabayev V. Russian Federation (No.38411/02) Group of Cases* (<https://www.amnesty.org/en/documents/eur62/5839/2017/en/>).

If returned to Uzbekistan, Khudoberdi Nurmatov will, like many before him, be at real risk of incommunicado detention, torture or other ill-treatment, and unfair trial. If prosecuted and convicted in Uzbekistan, he would face a long prison term in cruel, inhuman and degrading conditions.

Name: Khudoberdi Turgunaliyevich Nurmatov (also known as Ali Feruz)  
Gender m/f: m