

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Abide by European Court Rulings Prohibiting Returns to Torture

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(Moscow) Russias Supreme Court should uphold international law and stop the extradition of an Uzbek national to [Uzbekistan](#), where he would be at serious risk of torture, Human Rights Watch said today. The Supreme Court is scheduled to hear an appeal on July 18, 2012, by Yusup Kasymakhunov of the prosecutor generals decision to extradite him, in response to a request by the Uzbek government.

The ban on torture is absolute, said [Hugh Williamson](#), Europe and Central Asia director at Human Rights Watch. Russia is prohibited under international law from sending Kasymakhunov to a place where he is almost certain to face torture.

Between 2008 and 2011, the European Court of Human Rights told Russia on eight occasions that to send an individual back to Uzbekistan would be a violation of article 3 of the European Convention on Human Rights, which places an absolute prohibition on torture and inhuman or degrading treatment.

Human Rights Watchs December 2011 report, [No One Left to Witness: Torture, the Failure of Habeas Corpus, and the Silencing of Lawyers in Uzbekistan](#), documented the continuing, widespread use of torture and ill-treatment in pre-trial detention in Uzbekistan. Human Rights Watch documented cases in which authorities poured boiling water on an activist, hung detainees by their wrists and ankles, subjected them to rape and sexual humiliation, and asphyxiated them with plastic bags and gas masks.

In November 2004, a Russian court sentenced Kasymakhunov to eight years in prison for membership of Hizb ut-Tahrir al-Islami (The Party of Islamic Liberation). His sentence was later reduced to seven years and four months.

Hizb ut-Tahrir is an international Islamic organization with branches in many parts of the world, including Russia. It is banned in a number of countries, including Russia. Central Asian governments have taken particularly harsh stances with respect to this group, with Uzbekistan leading the way by arresting and sentencing thousands of alleged members to long prison terms.

The Uzbek government justifies this practice by referring to the war on terror, failing to distinguish between those who advocate violence and those who peacefully express their religious beliefs, Human Rights Watch said.

While Kasymakhunov was serving his sentence, the Uzbek authorities asked Russia to keep him in custody after his sentence was served so that he could be extradited to Uzbekistan to face existing criminal charges against him there. According to Uzbek prosecution documents, Kasymakhunov was charged with membership in Hizb ut-Tahrir, for the period of 1994 to 1999, although he has been living in Russia since 1995. He has not been charged with a violent offense, either in [Russia](#) or Uzbekistan.

In June 2011, after completing his sentence and serving almost seven and a half years in prison, Kasymakhunov was immediately detained as per an Uzbek government extradition request. In April the Russian Prosecutor Generals office decided to extradite Kasymakhunov.

In one of the European Court cases concerning extradition to Uzbekistan, on November 4, 2010, in *Sultanov v. Russia*, the European Court affirmed its findings that ill-treatment of detainees persisted in Uzbekistan and said: No concrete evidence has been produced to demonstrate any fundamental improvement in this area in this country for several years. Given these circumstances, the Court considers that ill-treatment of detainees is a pervasive and enduring problem in Uzbekistan.

The court ruled that since an arrest warrant was pending against the applicant, Nabi Sultanov, it was likely he would be placed in custody directly after his extradition and would therefore run a serious risk of ill-treatment. It barred his extradition from Russia to Uzbekistan as a violation of article 3 (prohibition of torture) of the European Convention on Human Rights.

On July 8, 2010, in *Isakov v. Russia*, another extradition case from Russia to Uzbekistan, the court had also found that the ill-treatment of detainees remains a pervasive and enduring problem in Uzbekistan and said that since both men involved in the case had been charged with politically motivated crimes and that arrest warrants had been issued for them, they would be placed in custody directly after extradition and would run a serious risk of ill-treatment.

Russias Supreme Court should act in accordance with the binding legal obligations under international law and treaties to which Russia is a party, including the Convention Against Torture and the International Covenant on Civil and Political Rights, not to return an individual to a country where he faces a serious risk of torture, Human Rights Watch said. It should also comply with the extensive body of European Court of Human Rights jurisprudence previously finding that Russia should not extradite individuals to Uzbekistan, as it would be a violation of the European Convention.

With eight European Court rulings and an absolute ban on torture, Russias obligations in this case could not be clearer, Williamson said.

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