



Rete Lenford
AVVOCATURA PER I DIRITTI LGBTI

Mr Thorbjørn Jagland
The Secretary General of the Council of Europe
Avenue de l'Europe
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Francia

The European Committee for the Prevention of
Torture and Inhuman or Degrading Treatment or
Punishment
Council of Europe
Avenue de l'Europe
F-67075 Strasbourg Cedex
Francia

Bergamo, August 8, 2017

Dear Secretary General Jagland,

Dear European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

I write in my capacity as President of “Avvocatura per i Diritti LGBTI – Rete Lenford” an association of lawyers and legal trainees that has been fighting since 2007 for the legal protection of homosexual, bisexual, trans and intersex persons.

You will undoubtedly know, given the emphasis that the media put on his case, that Khudoberdi Nurmatov, a journalist and human rights activist, collaborator of the Russian independent newspaper *Novaya Gazeta*, where he writes under the pen name Ali Feruz, recently attempted suicide in Russia after a ruling issued on August 1, 2017 by a Moscow court that his deportation to Uzbekistan for violating Russian immigration laws; in attempting suicide Nurmatov said that he would prefer to die rather than being deported to Uzbekistan.

Nurmatov, born and raised in Russia together with his family until the age of graduation, moved to Uzbekistan at the age of 17, where he later took citizenship.

Nevertheless, after being imprisoned and tortured for two days in 2008 for his deny to collaborate with the secret services, Nurmatov went back to Russia and in 2014 applied for asylum according to the 1951 Refugee Convention, ratified by the Russian Federation, on the grounds that if he returned to Uzbekistan he would risk jail and torture.

Nurmatov is openly gay and this, together with his activity of human rights defender and journalist for the independent newspaper *Novaya Gazeta*, is <<*a nearly lethal combination in Uzbekistan where sodomy is considered a crime and torture is endemic*>> said Denis Krikocheev, Amnesty International's Deputy Director for Europe and Central Asia.

Novaya Gazeta's editor-in-chief, Dmitry Muratov claims that Nurmatov's deportation is illegal since Russia is the journalist's birthplace: the Russian Journalists Union also stated on August 2,

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2017 that the ruling issued by the Russian court should be reformed as the court didn't take into account the fact that Nurmatov was born and raised in Russia.

Furthermore, as a result of the Russian authorities' failure to accept the asylum application, Nurmatov filed an appeal and, according to the 1951 Convention on Refugees, should not be deported until the termination of the asylum procedure.

If he were forced to return to Uzbekistan he would be at extremely high risk of being tortured or being subject to inhuman and degrading treatments.

In order to give positive effect to article 3 of the European Convention on Human Rights and to prevent the risk of violation of Nurmatov's fundamental rights and in compliance with the 1951 Convention on Refugees, the Council of Europe Member States, including the Russian Federation, should implement the procedures for granting Nurmatov the status of refugee.

In recent years more and more worrying news about LGBTI people in the Russian Federation have arisen, culminating in complaints about systematic persecution of homosexual and transgender people in Chechnya. Recently a number of LGBTI rights activists were prevented from handing over to the General Prosecutor's Office of the Russian Federation of Moscow a petition from the association *All Out* signed by two million people, which asked the authorities of the Russian Federation to carry out <<*an immediate investigation into these atrocious crimes, aiming at ensuring justice to those who did the arrest, torture and killing of homosexuals in Chechnya*>>. Russia has also been recently convicted by the European Court of Human Rights for violating the freedom of expression of homosexual people (*Case Bayev and Others v. Russia*) because of the introduction of laws to counter the so-called gay propaganda. This kind of news shows evidence that the Russian Federation deliberately hinders the exercise of the rights of LGBTI people, which makes us have strong doubts about the respect for Nurmatov's rights.

We learned with great joy from Kirill Koroteev, the attorney representing Nurmatov, that on August 4, 2017 the European Court of Human Rights issued a preliminary ruling order which forbids the Russian Federation to deport Nurmatov to Uzbekistan until the Court will not be able to review his case. The ECHR's intervention confirms the existence of the imminent danger that Nurmatov is running.

Avvocatura per i diritti LGBTI – Rete Lenford, in the light of the foregoing, expresses great concern about the failure to respect Nurmatov's freedom and asks you to take initiatives with the Russian authorities in order to investigate whether in Nurmatov's case the principles enshrined in the international conventions on the protection of human rights and asylum seekers have been respected. We also ask you keep watch that the Russian Federation respects the measures taken by the ECHR to protect Nurmatov.

A public statement released by the Secretary General and by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, which clarifies and confirms that the Russian Federation is bound to comply with the principles of the European Convention on Human Rights, the Convention on Refugees and the United Nation Convention against Torture could allow Nurmatov to avoid unjustified deportation from Russia to Uzbekistan where he is likely to suffer severe psycho-physical violence and abuse because of its sexual orientation and opinions.

Avv.ta Maria Grazia Sangalli
Presidente di Avvocatura per i diritti LGBTI – Rete Lenford