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Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan: A Follow-up Report

Hundreds of refugees fled the city of Andizhan in eastern Uzbekistan to neighbouring Kyrgyzstan in the aftermath of 13 May 2005, when government troops reportedly fired on thousands of mainly unarmed and peaceful demonstrators, killing hundreds of people. Around 541 men, women and children, who had crossed into Kyrgyzstan seeking international protection -- most across the bridge in Teshik Tosh, others through the river -- in the early morning of 14 May were settled by the Kyrgyzstani military as one group into a makeshift camp on so-called no-man's land near the border with Uzbekistan. The refugees were subsequently moved to a larger camp at Besh-Kana on 4 June. These events and the asylum-seekers' search for refuge are described in Amnesty International's report *Kyrgyzstan: Refugees in Need of a Safe Haven*, which was published on 30 June 2005.

The report issued by Amnesty International today, entitled *Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan: A Follow-up Report*, updates that account, and is based on information gathered from interviews and documents obtained by an Amnesty International delegate on a visit to Kyrgyzstan from 21 to 30 July 2005. Many of the people who spoke to Amnesty International were in hiding and so asked for their identities to be protected.

Amnesty International received disturbing reports that law enforcement authorities from Uzbekistan have continued to pursue refugees -- who fled Uzbekistan following the 13 May events -- on Kyrgyzstani territory, in some cases with the demonstrable co-operation of the authorities of Kyrgyzstan.

The report also provides information on people who sought international protection inside the refugee camp in Kyrgyzstan, and on refugees who fled Andizhan since 13 May and are now believed to be hiding in various parts of Kyrgyzstan.

In its June report Amnesty International voiced its concern at the lack of adequate access to asylum procedures for people in search of international protection who may have crossed the border from Uzbekistan into Kyrgyzstan in other places than Teshik Tosh and at other times since 13 May. Even in major population centres like the cities of Osh and Jalalabad in the South and the capital Bishkek in the North of Kyrgyzstan, little or no information is readily accessible to explain the rights of an asylum-seeker, let alone how to lodge an asylum claim. Those arriving in smaller places face even greater difficulties in exercising their rights.

Because of the concealed nature of the population movement, it is difficult to gauge the number of people it involves. Reports from human rights activists, news agencies, ombudsman offices, the United Nations High Commissioner for Refugees (UNHCR) and Amnesty International's first-hand interviews as

well as from individuals who have provided refugees with hiding space, suggest that the problem is growing and now concerns both the southern border area and the north of Kyrgyzstan. Some refugees are also believed by local human rights groups to be among summer seasonal labourers and tourists in Kyrgyzstan.

On 13 July the Russian News Agency *Interfax* quoted the Jalalabad-based human rights organization "Justice" as saying that as many as 1,000 refugees from Andizhan could be hiding in Kyrgyzstan. Human rights groups questioned by Amnesty International in Osh at the end of July agreed with this number. The Ombudsman for Human Rights Southern Region representative reported that he knew of cases in the capital, Bishkek.

According to the information that is so far available to Amnesty International, the 'hidden' refugees include people who were wounded in Andizhan on 13 May; people who had otherwise participated in the demonstrations or witnessed them; people who had been pressured in Andizhan because family members were unaccounted for since the 13 May events; people who had reported on the events to the media or human rights groups; people with a history of imprisonment on religious grounds, who were being harassed by association after 13 May; and people with relatives in Kyrgyzstan.

All of those interviewed by Amnesty International had been afraid to approach the authorities in Kyrgyzstan for fear of being detained and returned to Uzbekistan, where they anticipated they would be tortured or otherwise ill-treated. Some said they had experienced violence and threats from Uzbekistani law enforcement officers before they fled. Most were hiding in Kyrgyzstan without any proper registration. This made them vulnerable to random police checks and meant that without registration they could not access adequate housing and healthcare.

On 3 August UNHCR stated that they had registered the asylum applications of three refugees who had been hiding in Kyrgyzstan since they fled Andizhan. On 23 August, the Kyrgyzstan Migration Service (KMS) announced that another three refugees had applied for asylum. They had also been hiding in Kyrgyzstan.

Given the political dynamics of the situation, ensuring the security of the Uzbekistani refugees in Kyrgyzstan remains a high priority and needs to be addressed. UNHCR officials in Osh told Amnesty International that the protection they could offer extended only as far as registering claims for asylum and arranging for limited medical assistance. The authorities in Kyrgyzstan are effectively not in a position to provide refugees physical protection from the Uzbekistani government forces they were fleeing, including protection from forcible return to Uzbekistan. This was also the widely-held belief of refugees in hiding with whom Amnesty International spoke.

On 29 July, 439 of the refugees who had been at the Besh-Kana refugee camp were airlifted out of Kyrgyzstan to a holding centre in Romania. Over the next six months they will be resettled in countries that have offered them permanent protection. On 26 August, the Uzbekistan General Prosecutor's office issued a press statement accusing UNHCR of protecting "criminals and terrorists", alleging that among those refugees flown to Romania were terrorists who had resorted to force and that the airlift was against the 1951 UN Convention relating to the Status of Refugees.

Fifteen Uzbekistani refugees still remain in detention in Kyrgyzstan after the Uzbekistani authorities issued extradition warrants requesting their arrest and return to Uzbekistan on the basis of crimes the 15 are alleged to have committed in Uzbekistan. The authorities in Kyrgyzstan have refused to transfer them into the care of the UNHCR, and they continue to be in danger of being forcibly returned to Uzbekistan, where they would be at risk of serious human rights violations, including torture.

The KMS and UNHCR have recognized 11 of the 15 men as refugees and they have already been accepted for resettlement by three European countries. The status of the remaining four men remains disputed: UNHCR has recognized one of the four as a refugee; however, the KMS has contested

this decision. UNHCR is also in the process of determining the status of the other three men, whom the refugee agency considers as asylum-seekers. The KMS initially excluded them from seeking asylum but on 18 August a Kyrgyz court overruled the KMS and upheld the four men's appeals, which entitles them to re-apply for asylum. The KMS was given four weeks to appeal against the court's decision. UNHCR have stressed that the 11 refugees should not be resettled until the fate of the remaining four has been resolved.

Amnesty International is also deeply concerned for the safety of four Uzbekistani refugees who were forcibly returned to Uzbekistan on 9 June. They were initially reported to have been held incommunicado in Andizhan prison. On 27 June, the UN Assistant High Commissioner for Refugees, Kamel Morjane, stated that no international entities had been allowed access to the four. In late July, a well-informed source inside Andizhan told Amnesty International that, following alleged torture, one of the four had been transferred from prison to intensive care in an Andizhan hospital. There were also unconfirmed reports that one of the four men may have died as a result of his treatment in prison, a claim the Uzbekistani General Prosecutor's office dismissed as "fabrication" in a press statement on 23 August.

On 12 August, a UNHCR spokeswoman, Jennifer Pagonis, said that neither UNHCR nor any other organization or individual had been given access to the men after they were forcibly returned to Uzbekistan. The Uzbekistani authorities had dismissed claims that the four men were refugees and told UNHCR in a letter, received in the week of 8 August, that the four men were "self-reported criminals" who had returned voluntarily and were now being held in a detention facility in the capital Tashkent. UNHCR remains extremely concerned about their well-being.

Amnesty International is urging the government of Kyrgyzstan to ensure that no one, including Kyrgyzstani citizens and Uzbekistani refugees and asylum-seekers, is extradited or forcibly returned to Uzbekistan, where they are at risk of torture and other serious human rights violations as required by Kyrgyzstan's obligations under international human rights and refugee law. The organization is also calling on the authorities in Kyrgyzstan to regularize the position of all asylum-seekers and refugees currently hiding and to ensure that all refugees have access to an adequate standard of living, including healthcare and adequate housing.

See: *Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan: A Follow-up Report* (AI Index: EUR 58/016/2005) <http://web.amnesty.org/library/index/engneur580162005>
Kyrgyzstan: Refugees in Need of a Safe Haven (AI Index: EUR 58/008/2005) <http://web.amnesty.org/library/index/engneur580082005>