

PUBLIC

AI Index: EUR 58/001/2005

UA 141/05 **Fear of forcible return/ Fear for safety**

27 May 2005

KYRGYZSTAN **541 refugees from Andizhan, Uzbekistan (men, women and children)**

Amnesty International is extremely concerned for the safety of Uzbekistani nationals, including men, women, and children, who have fled the city of Andizhan following recent events and who are seeking protection in Kyrgyzstan.

According to the United Nations High Commissioner for Refugees (UNHCR), as of 23 May, 491 refugees (including 85 women and 21 children) were living in a temporary camp in the Suzak district of Jalalabad region some 150 metres from the border with Uzbekistan on disputed territory. They are part of a group of 541 refugees who arrived in Kyrgyzstan on 14 May, having fled Andizhan the previous night after government troops reportedly opened fire on thousands of mainly unarmed and peaceful demonstrators gathered in the centre of the city. (See UA 130/05, EUR 62/011/2005, 19 May 2005).

These initial 541 refugees were registered by the Kyrgyz authorities as asylum-seekers, given temporary identification cards and provided with blankets, food, water and medical help. There are concerns about the proximity of the camp to the border which has been heavily reinforced by Uzbekistani troops. There are also concerns about poor sanitary conditions and overcrowding as the refugees are reportedly sharing 10 tents. Their movements are also reportedly restricted. It has also been reported that of those 541 initially-registered asylum-seekers, 37 were Kyrgyz citizens of ethnic Uzbek origin who were in Andizhan on business. The latter were reportedly transferred from the camp to the city of Osh where they were questioned by officers from the Kyrgyz security services.

According to reports from unofficial sources, Uzbekistan nationals seeking asylum and protection have either been denied entry to Kyrgyzstan or have been returned to Uzbekistan. At least 15 asylum-seekers were reportedly refused entry to Kyrgyzstan on 18 May and were returned to Uzbekistan, where they were handed over to officers of the National Security Service of Uzbekistan.

According to information received from human rights organizations in Kyrgyzstan, officials from the Border Guards of Kyrgyzstan stated that 86 refugees had been returned to Uzbekistan by 25 May. They had reportedly not been part of the initial group of 541 refugees who crossed into Kyrgyzstan. Instead, they arrived after 14 May and sought to join relatives already given refuge in the camp. Officials cited overcrowding and poor sanitation at the camp as the main reason for refusing entry to more Uzbekistani nationals seeking asylum.

Several Kyrgyz officials have made public statements calling for the immediate return of Uzbek nationals who fled to Kyrgyzstan, refusing to acknowledge them as refugees. Under Kyrgyz law the authorities have six months to determine the status of asylum-seekers. On 19 May, Acting President Kurmanbek Bakiev reportedly gave official guarantees of temporary protection to the UNHCR promising not to return to Uzbekistan the initial group of 541 asylum-seekers who fled Andizhan until their status was determined.

However, there is growing concern that the Kyrgyz authorities are coming under ever increasing pressure from Uzbekistan to return people before their status is determined. The Uzbekistani authorities have publicly accused those who fled Andizhan to be members and supporters of banned Islamic groups, such as *Hizb-ut-Tahrir* and *Akromia*, and to have attempted to organize the violent uprising in Andizhan with a view to establishing an Islamic State in Uzbekistan. There are fears that under this pressure the Kyrgyz authorities may determine that some of those fleeing Andizhan are not recognised as refugees, especially the men, and will forcibly return them to Uzbekistan where they would be at risk of grave human rights violations, including torture and possible death penalty.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Kyrgyz or your own language:

- asking the Kyrgyz authorities to keep open the border with Uzbekistan and admit Uzbekistani nationals seeking asylum in accordance with its obligations under international refugee law;
- urging the government of Kyrgyzstan to do everything in its power to guarantee the safety and protection of those seeking refuge on its territory following the 13 May events in Andizhan;
- calling on the government of Kyrgyzstan to ensure that they are not returned to Uzbekistan in line with Kyrgyzstan's obligations under customary international law and the principle of *non-refoulement*, as well as the 1951 Refugee Convention to which Kyrgyzstan is a party, and obligations under Article 3 of the Convention against Torture, which prohibits the return of a person to a country or territory where they may face serious human rights violations;
- urging them to relocate the temporary camp in the Suzak district of Jalalabad region to a reasonable distance from the border with Uzbekistan in order to ensure the camp does not become militarized and is controlled and administered by civilian authorities;
- urging them to ensure that no Uzbekistani security forces operate inside and around the camp;
- noting that agreements between countries of the Commonwealth of Independent States permit Kyrgyzstan to refuse extradition if there are fears that the person in question will face human rights violations if extradited.

APPEALS TO: (Please note that it can be difficult getting through to fax numbers in Kyrgyzstan. If a voice answers, repeat "fax" until you hear the signal; otherwise leave your fax machine on auto-redial if possible. Fax machines may be switched off outside office hours – 5 hours ahead of GMT)

Prime Minister and Acting President

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Salutation: Dear Acting President

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Salutation: Dear Acting Prosecutor General

Acting Minister of National Security

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Salutation: Dear Acting Minister

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Salutation: Dear Minister

Ombudsman

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Salutation: Dear Ombudsman

and to diplomatic representatives of Kyrgyzstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 July 2005.