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Further Information on UA 10/06 (EUR 58/001/2006, 11 January 2006) and follow-up (EUR 58/002/2006, 15 June 2006) - Fear of Forcible Return/Fear of Torture

KYRGYZSTAN/UZBEKISTAN Zhakhongir Maksudov (m)

Odilzhon Rakhimov (m) Yakub Toshboev (m) Rasulzhon Pirmatov (m)

New name: Faez Tadzhikhalilov (m)

On 9 August, the authorities in Kyrgyzstan extradited four refugees and one asylum-seeker to Uzbekistan, in contravention of their international obligations. Amnesty International is gravely concerned that the five men are now at imminent risk of serious human rights violations, including incommunicado detention, torture and other ill-treatment, a flagrantly unfair trial followed by either long prison sentences or even the death penalty.

The four refugees from Uzbekistan, Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev and Rasulzhon Pirmatov, had been detained in Kyrgyzstan since 2005. They were part of a group of more than 500 asylum-seekers who fled the city of Andizhan in eastern Uzbekistan on 13 May 2005 after security forces fired on thousands of mainly unarmed demonstrators. The asylum-seekers sought international protection and safety in neighbouring Kyrgyzstan. Most were subsequently recognized as refugees by the office of the UN High Commissioner for Refugees (UNHCR) and, eventually, by the Kyrgyzstani authorities. However, following an extradition request from Uzbekistan, Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev and Rasulzhon Pirmatov were transferred from Besh Kana refugee camp to a prison in the Kyrgyzstani city of Osh in June 2005, before UNHCR could determine their refugee status. UNHCR eventually recognized all four men as refugees, a decision contested through the courts by Kyrgyzstan's Department of Migration Services. The Uzbekistani authorities claimed that one of the men had been convicted of narcotics offences and that the other three were being sought in connection with the violent death of the city prosecutor in Andizhan on 13 May 2005. The four have denied these charges. They lost their appeals against the authorities' decision not to recognize them as refugees in June 2006, Uzbekistani asylum-seeker Faez Tadzhikalilov, who fled from Andizhan after the other men, had been held with them in Osh since September 2005. His application for refugee status was still in the process of being reviewed by the UNHCR and Kyrgyzstani authorities when he was extradited.

In a statement on 14 June, UNHCR had reiterated that the agency had found permanent resettlement places for the four refugees in different countries and urged the government of Kyrgyzstan to transfer them into the agency's care for immediate resettlement. At a press conference on 31 July, Kyrgyzstan's General Prosecutor reportedly questioned the validity of UNHCR's decision to recognize the four men as refugees. UNHCR was not given prior notice of the five men's extradition. They have reportedly been held incommunicado since their return to Uzbekistan.

Kyrgyzstan is obliged under international law, including the 1951 Refugee Convention and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to uphold the principle of *non-refoulement*, which prohibits the forcible return of persons to any country where they would be at risk of serious human rights violations, including torture and other ill-treatment. Amnesty International has documented many cases of people who have been tortured or sentenced to death following an unfair trial after they have been forcibly returned to Uzbekistan.

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

- expressing alarm at the forcible return of Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev, Rasulzhon Pirmatov and Faez Tadzhikhalilov on 9 August, in contravention of the principle of *non-refoulement*, which prohibits the return in any manner whatsoever of any person to a situation where they would be at risk of torture, persecution or other forms of ill-treatment or punishment;
- calling on the authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses, in accordance with Kyrgyzstan's international obligations:
- urging the Kyrgyzstani authorities to request from the Uzbekistani authorities information about the men's whereabouts and their wellbeing, and to make this information public.

President

Kurmanbek BAKIEV

Dom Pravitelstva, Bishkek 720003, Kyrgyzstan

Fax: +996 312 21 86 27 (fax may be switched off outside office hours: GMT + 5)

Email: Office@mail.gov.kg Salutation: Dear President

General Prosecutor

Kambaraly KONGANTIEV

General Procuracy, 72 Orozbekov k., Bishkek 720632, Kyrgyzstan

Fax: +996 312 66 54 11 (fax may be switched off outside office hours: GMT + 5)

Email: genproc@bishkek.gov.kg Salutation: Dear Prosecutor General

Please send appeals to to Uzbekistani authorities, to arrive as quickly as possible, in Uzbek, Russian, English or your own language:

- expressing concern for the safety of Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev, Rasulzhon Pirmatov and Faez Tadzhikhalilov, who are being held incommunicado;
- calling for their whereabouts to be made public;
- calling on the Uzbekistani authorities to guarantee the safety of the five men and to give them access to lawyers of their choice and to members of their family;
- calling for guarantees that they will be treated humanely in detention, and will not be tortured or ill-treated.

APPEALS TO:

President

Islam A. KARIMOV,

Rezidentsia prezidenta; ul. Uzbekistanskaia, 43; Tashkent 700163; UZBEKISTAN Fax: +998 71 139 53 25 (fax may be switched off outside office hours: GMT + 5)

Email: presidents office@press-service.uz

Salutation: Dear President Karimov

General Prosecutor

Rashidjon KODIROV.

Prokuratura Respubliki Uzbekistan, ul. Gulyamova, 66; Tashkent; 700047; UZBEKISTAN

Email: prokuratura@lawyer.com

Fax: + 998 71 133 39 17/ 133 73 68 (fax may be switched off outside office hours: GMT + 5)

Salutation: Dear Procurator General

COPIES TO: diplomatic representatives of Kyrgyzstan and Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 21 September 2006.