

PUBLIC

AI Index: EUR 58/004/2005

17 June 2005

Further Information on UA 141/05 (EUR 58/001/2005, 27 May 2005) and follow-ups (EUR 58/002/2005, 06 June 2005, and EUR 58/003/2005, 10 June 2005) - Fear of forcible return/fear for safety

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

Armed people have reportedly threatened to attack Uzbekistani refugees in the Besh-Kana camp if they do not return to Uzbekistan. The refugees, who are seeking international protection in Kyrgyzstan, have told Amnesty International that they fear they will be tortured if they are forced to return. They fled the city of Andizhan in neighbouring Uzbekistan after government troops reportedly fired on thousands of mainly unarmed and peaceful demonstrators on 13 May.

According to Kyrgyz human rights organizations, on 15 June around 70 inhabitants of the area around Besh-Kana went into the camp and threatened to eject the refugees from the camp by force and personally take them back to Uzbekistan if they did not return voluntarily. The group reportedly accused those at the camp of being “terrorists” and “criminals”, and threatened that they would come back to the camp unless the refugees returned to Uzbekistan within three days. On the same day, the Office of the UN High Commissioner for Human Rights (OHCHR) issued a public statement expressing concern for the safety of the refugees following the incident.

The pressure on the refugees to return to Uzbekistan has been mounting since the Kyrgyz authorities moved them to the new camp at Besh-Kana on 4 June (see UA follow-up EUR 58/002/2005, 6 June 2005). Representatives of Amnesty International (AI) witnessed five buses with Uzbekistani registration plates arriving at Besh-Kana on 5 June, each carrying around 30 relatives of the refugees in Uzbek national dress. The relatives were accompanied by officers of the Uzbekistan National Security Service (SNB) who watched them as they tried to persuade the refugees to return with them to Uzbekistan. The relatives had reportedly been told that they faced arrest and detention if they did not bring their passports and 50,000 soms (approximately \$50) to their local residents' committees in Andizhan in preparation for the trip to persuade their family members to come home. Disturbingly, the local residents' committees are said to possess a confidential list of all those seeking international protection in the camp. According to staff of the United Nations High Commissioner for Refugees (UNHCR), two SNB officers from Uzbekistan found to have infiltrated the camp were ejected from the camp on 6 June.

On 16 June the Uzbekistan Prosecutor General's Office stated that it is seeking the extradition of 131 of the refugees whom it had reportedly “identified as direct participants of the acts of terrorism [in Andizhan].” Sixteen men were removed from the camp on 9 June by officers of the Kyrgyz National Security Service and taken for interrogation to a detention centre in the city of Jalalabad. When UNHCR staff were given access to the detention centre 24 hours later, four men had been forcibly returned to Uzbekistan.

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

- urging the government of Kyrgyzstan to do everything in its power to guarantee the safety and protection of those seeking international protection on its territory, and in particular those currently located in the Besh-Kana camp;
- calling on the authorities to ensure that all those seeking international protection in Kyrgyzstan – especially the 131 sought for extradition by Uzbekistan - are not returned to Uzbekistan, where they would be at risk of grave human rights violations, 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

Article 3 of the Convention against Torture, which prohibits the return of anyone to a country or territory where they would be at risk of serious human rights violations;
- expressing concern that the principle of confidentiality in registration and asylum proceedings has not been respected, and that the identities of those seeking protection are known to authorities in Uzbekistan, thus endangering the safety of those in the camp and their family members in Uzbekistan;
- urging the Kyrgyz authorities to take effective measures to maintain the civilian and humanitarian character of the refugee camps, and prevent the infiltration of security elements from Uzbekistan in these camps.

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 – GMT+5)

Director of National Migration Service

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Fax: +996 312 660501

Salutation: Dear Director of the National Migration Service

Acting Minister of National Security

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Salutation: Dear Acting Minister

Acting Prosecutor General

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Salutation: Dear Acting Prosecutor General

COPIES TO:

Minister of Foreign Affairs

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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 29 July 2005.