

PUBLIC

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23 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, EUR 58/003/2005, 10 June 2005 and EUR 58/004/2005, 17 June 2005) - Fear of forcible return/Fear for safety

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

The Kyrgyzstan authorities are preparing to return a further 29 people, who were seeking international protection in Kyrgyzstan, to Uzbekistan in violation of international refugee law. They are at risk of other grave human rights violations, including torture or other ill-treatment, unfair trial and possible death penalty should they be returned.

The 29 were amongst hundreds of people who fled the city of Andizhan in neighbouring Uzbekistan after government troops reportedly fired on thousands of mainly unarmed and peaceful demonstrators on 13 May. They were reportedly removed from the Besh-Kana camp and taken to a detention centre in Osh at the end of last week.

The UN Secretary-General Kofi Annan had been given assurances by the Kyrgyz authorities that they would not forcibly return the 29 until their cases had been examined at highest governmental level. However, it is reported that on 22 June the acting Prosecutor General of Kyrgyzstan, Azimbek Beknazarov, described those, seeking international protection, as "criminals" who broke out of Andizhan prison on 13 May. He was quoted by the BBC and Reuters as saying: "They need to be punished, their place is in prison. These are criminals, they killed people."

On 21 June, the office of UN High Commissioner for Human Rights (UNHCR) was apparently asked by Kyrgyz authorities to conduct Asylum Determination Procedures in order to assess the situation of the 29. According to reports received by Amnesty International, however, the extradition proceedings are in the final stages and the 29 are at imminent risk of forcible return to Uzbekistan, although the UNHCR has not yet completed this process of assessing whether they are in need of international protection of refugees.

In a joint public statement on 22 June the UN High Commissioner for Human Rights, Louise Arbour and the High Commissioner for Refugees, Antonio Guterres, expressed their fears that the 29 persons may be forcibly returned to Uzbekistan irrespective of whether or not they are refugees under international law. In the public statement Louise Arbour expressed fears that "there are well-founded reasons to believe that asylum-seekers in Kyrgyzstan, in particular those currently in detention, may face an imminent risk of grave human rights violations, including torture and extra-judicial and summary executions, if returned to Uzbekistan."

On 16 June, the Uzbekistan Prosecutor General's Office had 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]". Officials in Uzbekistan have publicly called the refugee's camp a "terrorist camp". 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 already been forcibly returned to Uzbekistan. They are feared to be held in incommunicado detention, where the risk of torture is highest.

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

- calling on the authorities to ensure that the 29 people and all others seeking international protection in Kyrgyzstan -- especially the 131 sought for extradition by Uzbekistan -- are not forcibly returned to Uzbekistan, where they would be at risk of grave human rights violations, including torture or other ill-treatment;
- state that such a return would violate Kyrgyzstan's obligations under international law which prohibits the return of anyone to a country or territory where they would be at risk of serious human rights violations, including the 1951 Refugee Convention, and Article 3 of the Convention against Torture to which Kyrgyzstan is a State party;
- 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;
- calling on the authorities to ensure that all persons seeking international protection get access to fair and satisfactory asylum procedures; and to allow UNHCR staff to continue to have access to the 29 people so that they can, at a minimum, complete the asylum determination procedure.

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)

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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 4 August 2005.