

PUBLIC

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27 July 2005

Further Information on UA 141/05 (EUR 58/001/2005, 27 May 2005) and follow-ups (EUR 58/002/2005, 6 June 2005; EUR 58/003/2005, 10 June 2005; EUR 58/004/2005, 17 June 2005 and EUR 58/0006/2005, 23 June 2005) - Fear of forcible return/fear for safety

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

Uzbekistani military forces reportedly moved into the Kyrgyz city of Osh on 27 July, in order to remove at least 12 refugees from the city's pre-trial detention centre (SIZO) and forcibly return them to Uzbekistan. This group are among 29 Uzbekistani men, in detention at the Osh SIZO since June, on an extradition request from the General Prosecutor of Uzbekistan. One man already forcibly returned to Uzbekistan has reportedly died as a result of torture, while another is gravely ill in hospital.

The 29 were among hundreds of people who fled the Uzbek city of Andizhan after government troops reportedly fired on thousands of mainly unarmed and peaceful demonstrators on 13 May. The Kyrgyz authorities settled more than 400 refugees in a temporary camp at Besh-Kana in the Suzak District of Jalalabad Region.

On 27 July the office of the United Nations High Commissioner for Refugees (UNHCR) confirmed that its legal experts had determined that 452 of the people who had fled to Kyrgyzstan qualified as refugees under the 1951 Refugee Convention, including 26 of the men in detention, and that three were asylum-seekers (meaning that the UNHCR had not yet determined whether they qualified as refugees). All are in need of international protection.

The authorities in Kyrgyzstan had reportedly agreed not to return the 423 refugees staying at Besh-Kana camp to Uzbekistan. The UNHCR confirmed on 27 July that they were planning a "humanitarian airlift" of all 452 recognized refugees and the three asylum-seekers and that the agency had started transferring the refugees from Besh-Kana to the international airport of Manas, near the capital, Bishkek.

An Amnesty International researcher witnessed the men among the Besh-Kana refugees being driven in buses under armed guard to the airport at the nearby city of Jalalabad early in the morning of 27 July. The women and children were due to be transferred to Bishkek on 28 July. All refugees were due to be flown to a third country, where they would stay until they could be permanently resettled in other countries.

However, the President of Kyrgyzstan was quoted on 23 July as saying that at least 12 refugees could be returned to Uzbekistan, if it was determined that they had committed the crimes the Uzbekistani authorities have accused them of. The 12 refugees concerned are believed to be former inmates of Andizhan Prison, some of whom were among 23 local entrepreneurs accused of "Islamic extremism" whose trial in Andizhan is thought to have triggered mass demonstrations on 13 May. During the trial the prosecution is alleged to have stated that the defendants had not committed any crime, but that they should be convicted because they could commit a crime in the future.

The General Prosecutor of Uzbekistan formally requested the extradition of 12 men at the beginning of June, and they were transferred from the Besh-Kana refugee camp to Osh SIZO on 9 June. Four other men who were transferred from the camp at the same time were forcibly returned to Uzbekistan the same day. One of these four men, Hasan Shakirov, has reportedly since died in custody in Uzbekistan as a result of torture. According to this information another man, Tavakal Gadzhiev, is critically ill in hospital as a result of being tortured.

On 16 June the Prosecutor General's Office of Uzbekistan stated that it was seeking the extradition of 131 of the refugees whom it had reportedly "identified as direct participants of the acts of terrorism [in Andizhan]". Later that day, 17 other refugees were removed from the camp by officers from the Kyrgyz Security Services and taken to the Osh SIZO.

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, had expressed their fears that the 29 people in detention at Osh SIZO might be forcibly returned to Uzbekistan irrespective of whether they were refugees under international law. In the public statement Louise Arbour had 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 extrajudicial and summary executions, if returned to Uzbekistan."

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

To the authorities in Kyrgyzstan:

- calling on the authorities to ensure that none of the 29 people in detention are forcibly returned to Uzbekistan, especially those sought for immediate extradition by the Uzbekistani authorities, as they would be at risk of grave human rights violations, including torture, or the imposition of the death penalty after an unfair trial;
- pointing out that Kyrgyzstan is prohibited under international law, including the 1951 Refugee Convention, the International Covenant on Civil and Political Rights and Article 3 of the Convention against Torture, from forcibly returning anyone to a country or territory where they would be at risk of serious human rights violations, including torture or other ill-treatment.

APPEALS TO:

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Salutation: Dear Acting Prosecutor General

President

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Salutation: Dear Acting President

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 7 September 2005.