

URGENT ACTION

25 SOON FACE EXTRADITION TO UZBEKISTAN

Twenty-five of the 30 ethnic Uzbek asylum-seekers and refugees detained on 9 June 2010 could be extradited to Uzbekistan in the next few days, where they would be at risk of torture.

The ethnic Uzbek asylum-seekers and refugees had lodged appeals against the Prosecutor General's September 2010 decision to extradite them to Uzbekistan. These were rejected by a district court in the southern city of Almaty on 15 March. Independent observers reported that the hearings were summary, with each defendant given as little as three minutes to present their defence. In one of the hearings the judge told the defendants that the court's only duty was to decide on whether the Prosecutor General's decision to extradite them was correct, and that it was not going to look into their claims that they would face torture in Uzbekistan.

Journalists present in the court reported that during one of the hearings the representative of the Prosecutor General's Office told the court that law-enforcement officials were not aware of allegations of torture in Uzbekistan. The defence lawyer was not given enough time to give an oral presentation of evidence from international NGOs and several UN committees and special rapporteurs on the widespread practice of torture in Uzbekistan, but could only cite the relevant references and ask for the materials to be added to the case files. According to the defence lawyers, the judges rejected their argument that international law took precedence, insisting instead that regional agreements obliged Kazakhstan to extradite the 25 men to Uzbekistan.

Kazakhstan is cooperating with Uzbekistan in the name of regional security and the fight against terrorism, disregarding their obligations under international law, including the 1951 Convention Relating to the Status of Refugees (1951 Refugee Convention) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture), which prohibit the return of anyone to a country or territory where they would be at risk of torture or other serious human rights violations.

PLEASE WRITE IMMEDIATELY in English, Russian or your own language:

- urging the authorities not to extradite the 25 men to Uzbekistan, where they would face torture and other serious human rights violations;
- reminding them that forcibly returning the 25 men to Uzbekistan would violate their obligations under the 1951 Refugee Convention not to forcibly return anyone to a country where they would be at risk of serious human rights violations, including torture;
- reminding them that they are obliged under Article 3 (1) of the Convention against Torture not to expel, return or extradite a person to a State where there are substantial grounds for believing they would be in danger of torture;
- urging them to treat with caution extradition requests from countries where there is a pattern of gross, flagrant or mass violations of human rights, in accordance with Article 3(2) of the Convention against Torture.

PLEASE SEND APPEALS BEFORE 29 APRIL 2011 TO:

President

Nursultan Nazarbaev
Presidential Administration
Levoberezhie Street
Astana 01000
KAZAKHSTAN

Fax: +7 7172 72 05 16

Email: sitePRK@global.kz

Salutation: Dear President

Minister of Foreign Affairs

Kanat Saudabaev
Ministry of Foreign Affairs
35, No 1 Street
Astana 01000
KAZAKHSTAN

Fax: +7 7172 72 05 16

Email: midrk@mid.kz

Salutation: Dear Minister

And copies to:

Prosecutor General

Kairat Mami
Prosecutor General of Kazakhstan
37, Seifullina Street
Astana 01000
KAZAKHSTAN

Fax: +7 7172 72 05 16

Also send copies to diplomatic representatives accredited to your country. Please check with your section office if sending appeals after the above date. This is the second update of UA 129/10. Further information: www.amnesty.org/en/library/info/MDE14/004/2010/en

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NOW 25 SOON FACE EXTRADITION TO UZBEKISTAN

ADDITIONAL INFORMATION

A new law on refugees, which came into force in Kazakhstan on 1 January 2010, excluded certain categories of asylum-seekers from qualifying for refugee status in Kazakhstan. These included people charged in their country of origin with membership of illegal, unregistered or banned political or religious parties or movements. In practice, this exclusion particularly affected Muslims from Uzbekistan who worshipped in mosques which were not under state control or who were members or suspected members of Islamist parties or Islamic movements banned in Uzbekistan, and who had fled the country, fearing persecution for their religious beliefs. The newly-formed State Migration Committee, under the Ministry of Labour, began a review of all cases of those granted refugee status by the UN refugee agency, UNHCR, before the State Migration Committee was set up. It revoked the refugee status of many people from Uzbekistan and China, most of whom were awaiting resettlement to a third country.

Growing numbers of these people, as well as other asylum-seekers from Uzbekistan and China, have been stopped by police or National Security Service (NSS) officers for document checks and arbitrarily detained, either for short periods in pre-charge detention facilities, or indefinitely in NSS detention facilities awaiting forcible return to their countries of origin. Most have had little or no access to lawyers, UNHCR or their families. Many have complained about torture or other ill-treatment in detention.

The European Court of Human Rights ruled on 10 June 2010 in the case *Garayev v. Azerbaijan* that the extradition of Shaig Garayev from Azerbaijan to Uzbekistan would violate the prohibition of torture under the European Convention on Human Rights. The court stated that "any criminal suspect held in custody [in Uzbekistan] faces a serious risk of being subjected to torture or inhuman or degrading treatment."

One ethnic Uzbek asylum-seeker who was forcibly returned to Uzbekistan from Kazakhstan in September 2010 was held incommunicado until January 2011, when a court in Uzbekistan sentenced him to 10 years in prison on a charge of belonging to a banned Islamist organization.

The names of the 25 men now facing extradition are: Isobek Pardaev, Sirozhiddin Talipov, Olimzhon Kholturaev, Akmolzhon Shodiev, Kobilzhon Kurbanov, Bakhtior Nurillaev, Bahriddin Nurillaev, Alisher Khoshimov, Shukhrat Kholbaev, Suhrob Bazarov, Dilbek Karimov, Maruf Yuldoshev, Tursunboi Sulaimanov, Mukhiddin Gulamov, Toirzhon Abdusamatov, Abror Kasimov, Saidakbar Zhalolkhanov, Ulugbek Ostonov, Oibek Pulatov, Akhmad Boltaev, Uktam Rahmatov, Sarvar Khuramov, Otabek Sharipov, Ravshan Turaev and Faiziddin Umarov.

Further information on UA: 129/10 Index: EUR 57/001/2011 Issue Date: 18 March 2011

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