

URGENT ACTION

UZBEKS AT RISK OF FORCIBLE RETURN

30 ethnic Uzbek refugees and asylum-seekers were detained by Kazakhstani authorities on 9 June. Kazakhstan has already approved extradition of one of the asylum-seekers and 28 others are at imminent risk of being forcibly returned to Uzbekistan, where they would be at risk of torture or other ill-treatment.

The 30 men were arrested by security forces on 9 June during raids on their homes in Almaty, southern Kazakhstan. On 10 June, the Almaty city prosecutor's office told the wives of the detainees that they face extradition to Uzbekistan on charges of membership of illegal religious or extremist organizations and charges of attempting to overthrow the state. On 8 September, one of the men, Nigmatulla Nabiev, was granted asylum for one year by Kazakhstan. However on 13 September, the Almaty deputy prosecutor announced that the General Prosecutor's Office of Kazakhstan had decided to extradite the remaining 29 asylum-seekers and refugees.

The families deny that the men have been involved in attempts to overthrow the state. They say the men are merely pious Muslims who worship at mosques which have not been state-approved. The men fled to Kazakhstan fearing they would be persecuted in Uzbekistan because of their religious beliefs and affiliation to outlawed religious groups.

11 of the men were due to have their asylum applications examined on 10 June by a newly established State Committee responsible for assessing asylum applications. The rest had been given refugee status by the Office of the UN High Commissioner for Refugees (UNHCR) in Almaty and were awaiting resettlement to a safe third country.

The Uzbekistani authorities routinely seek the extradition from neighbouring countries of members of Islamic movements or parties banned in Uzbekistan, claiming to do so in the interests of national security and the fight against terrorism. Torture is widespread in Uzbekistan and most of those forcibly returned to Uzbekistan are held incommunicado, increasing their risk of being tortured. In 2009 a Kyrgyzstani citizen, Nozim Mamadaliev, died in custody after being extradited to Uzbekistan. His body reportedly showed clear signs of torture.

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

- Urging the Kazakhstani authorities not to forcibly return refugees or asylum-seekers to Uzbekistan, as they are likely to face torture and other serious human rights violations if returned;
- Calling on the Kazakhstani authorities to fulfil their obligations under international law, including the 1951 Convention Relating to the Status of Refugees and the Convention against Torture, prohibiting the return of anyone to a country where they would be at risk of torture or other serious human rights violations;
- Urging the authorities to release detained refugees unless they are promptly charged with a recognizable criminal offence and provide asylum seekers with access to a fair asylum procedure.

PLEASE SEND APPEALS BEFORE 29 OCTOBER 2010 TO:

Minister of Internal Affairs

Serik Baimaganbetov
Ministry of Internal Affairs
ul. Manasa, 4
Astana 01000
KAZAKHSTAN
Fax: +7 7172 37 36 01
Email: usmvd@asdc.kz

Salutation: Dear Minister

Minister of Foreign Affairs

Kanat Saudabayev
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

Mami Kairat
Prosecutor General of Kazakhstan
37, Seifullina Street
Astana 01000
KAZAKHSTAN
Fax: +7 7172 33 39 28

Email: procuror@nursat.kz

Also send copies to diplomatic representatives of Kazakhstan accredited to your country. Please check with your section office if sending appeals after the above date. This is the 1st update of UA 129/10. Further information: www.amnesty.org/en/library/info/EUR57/002/2010/en

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ADDITIONAL INFORMATION

The names of the detained men are:

Muhitdin Gulamov, Abror Kasimov, Otabek Sharipov, Ahmad Boltaev, Kobilzhon Kurbanov, Oibek Kuldashev, Ulugbek Ostonov, Oibek Pulatov, Maruf Juldoshev, Olimzhon Holturaev, Bahtiyor Nurillaev, Bahridin Nurillaev, Shuhrat Botirov, Nigmatulla Nabiev, Toirzhon Abdusamatov, Suhrob Bazarov, Uktam Rahmatov, Sirozhiddin Talipov, Faizullohon Akbarov, Sarvar Hurrarov, Dilbek Karimov, Akmalzhon Shodiev, Tursunbaj Sulaimanov, Hurshid Kamilov, Saidakbar Zhalolkhanov, Isobek Paradaev, Ravshan Turaev, Shukhrat Botirovich, Alisher Khoshimov, Abduazimkhudza Yakubov

The Uzbekistani authorities continue to actively seek the extradition, in the name of national security and the fight against terrorism, of members or suspected members of Islamic movements or Islamist parties banned in Uzbekistan, from neighbouring countries. Most of those forcibly returned to Uzbekistan are held incommunicado, increasing their risk of being tortured or otherwise ill-treated.

In April 2008, the European Court of Human Rights ruled in the case of *Ismoilov and Others VS Russia* that the extradition of 12 refugees from Russia to Uzbekistan “would give rise to a violation of Article 3 [prohibition of torture] as they would face a serious risk of being subjected to torture or inhuman or degrading treatment there.” The Court also stated that it was “not convinced by the Government’s argument that they had an obligation under international law to cooperate in fighting terrorism and had a duty to extradite the applicants who were accused of terrorist activities, irrespective of a threat of ill-treatment in the receiving country” and reiterated that “even in these circumstances, the Convention prohibits in absolute terms torture or inhuman or degrading treatment or punishment, irrespective of the victim’s conduct.” The Court also was “not persuaded that the assurances from the Uzbek authorities offered a reliable guarantee against the risk of ill-treatment” in this case. The 12 refugees were accused by the Uzbekistani authorities of being members of an illegal Islamist group.

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