

PUBLIC

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20 December 2005

Further Information on UA 300/05 (EUR 57/003/2005, 1 December 2005) - Fear of forcible return/"disappearance"

KAZAKSTAN	Abdurahman Ibragimov (m), aged 45]
/UZBEKISTAN	Tohir Abdusamatov (m), aged 35]
	Sharofuddin Latipov (m), aged 26]
	Nozim Rahmanov (m), aged 30] Forcibly returned
	Alisher Mirzaholov (m), aged 29]
	Abdurauf Holmuratov (m), aged 47]
	Ruhiddin Fahrudinov (m), aged 38]
	Alizhon Mirganiev (m), aged 35]
	Shoirmat Shorahmedov (m), aged 45	
	Farhod Islamov (m), aged 33	

Amnesty International has learned that eight of the Uzbekistan nationals named above have been forcibly returned from Kazakstan to Uzbekistan, in contravention of Kazakstan's obligations under international law.

Ruhiddin Fahrudinov, Abdurahman Ibragimov, Tohir Abdusamatov, Sharofuddin Latipov, Nozim Rahmanov, Alisher Mirzaholov, Abdurauf Holmuratov and Alizhon Mirganiev were returned to Uzbekistan early in the morning of 29 November. They are being held at various places of detention, where they are at risk of torture or other ill-treatment. According to reports, only two of the eight men have been given access to lawyers. These two are Alizhon Mirganiev, who is being held at the Ministry of Internal Affairs pre-trial detention centre in the capital, Tashkent, and Sharofuddin Latipov, who is being held at the National Security Service building in Tashkent. It is not known where the other detainees are being held.

The men were detained by the National Security Committee of Kazakstan, the security services, in the city of Shymkent, Kazakstan on 24 and 27 November, and were held incommunicado until they were returned. Reportedly, four of them were holding asylum-seeker certificates issued by the UNHCR office in Kazakstan; the Moscow-based human rights organization "Memorial" identified two of them as Abdurahman Ibragimov and Tohir Abdusamatov.

Abdurahman Ibragimov, Alisher Mirzaholov, Abdurauf Holmuratov and Alizhon Mirganiev are allegedly wanted by the Uzbekistani authorities for "participation in a banned religious organization". Ruhiddin Fahrudinov is a former independent imam (religious leader) at a mosque in Tashkent and, together with Tohir Abdusamatov, was wanted for "attempting to overthrow the constitutional order". The reason for the arrest of the other men is not known. Amnesty International is unaware of whether any of the eight men have been charged to date. It is believed that they fled Uzbekistan to escape arrest and possible torture by the Uzbekistani authorities; at least four of them had applied for asylum in Kazakstan.

It is now known that Farhod Islamov managed to escape arrest and is in hiding in Kazakstan. Amnesty International is trying to establish the whereabouts of Shoirmat Shorahmedov.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible:

To the authorities in Kazakstan, in English, Russian or your own language:

- expressing alarm at the forcible return of Ruhiddin Fahrudinov, Abdurahman Ibragimov, Tohir Abdusamatov, Sharofuddin Latipov, Nozim Rahmanov, Alisher Mirzaholov, Abdurauf Holmuratov and Alizhon Mirganiev on 29 November, in contravention of the principle of *non-refoulement*, which prohibits the

return in any manner whatsoever of any person to a situation where they would be at risk of torture, persecution or other forms of ill-treatment or punishment;

- calling on the authorities to ensure that Farhod Islamov is not forcibly returned to Uzbekistan where he would be at risk of torture, persecution or other forms of ill-treatment or punishment;
- calling on the authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses or where they are in the process of applying for asylum, in accordance with Kazakstan's international obligations under the 1951 Refugee Convention, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, or under customary international law;
- calling for the whereabouts of Shoirmat Shorahmedov to be clarified as a matter of urgency.

To the authorities in Uzbekistan, in English, Russian or your own language:

- expressing concern for safety of the above-mentioned eight men forcibly returned from Kazakstan;
- calling on the authorities to reveal the whereabouts of Ruhiddin Fahrudinov, Abdurahman Ibragimov, Tohir Abdusamatov, Nozim Rahmanov, Alisher Mirzaholov and Abdurauf Holmuratov immediately;
- urging the authorities to ensure that all eight men have access to relatives, lawyers and any medical treatment that they may require;
- calling for guarantees that the men will be treated humanely in detention, and will not be tortured or ill-treated;
- urging the authorities to either charge the men with a recognizable criminal offence, or to release them immediately.

APPEALS TO:

In Kazakstan:

President of the Republic of Kazakstan

Kazakstan, 473000 Astana, ul. Beybitshilik 11, Prezidentu NAZARBAEVU N.

Fax: +7 3172 32 40 89

Email: via the President's website: http://www.akorda.kz/page.php?page_id=185&lang=2

Salutation: Dear President

In Uzbekistan:

General Procurator of the Republic of Uzbekistan

Rashidzhon KODIROV, Glavnaia Prokuratura, ul. Gulyamova, 66, 700047 g. Tashkent, UZBEKISTAN

Fax: + 998 71 133 39 17/ 133 73 68

E-mail: prokuratura@lawyer.com

Salutation: Dear Procurator General

COPIES TO:

In Kazakstan

Chairman of the Kazakstan National Security Committee

Kazakstan, Astana, ul. Kenesary 97/98, Komitet natsionalnoi bezopasnosti, Predsedatelyu

Fax: +7 3172 32 80 50

In Uzbekistan

Minister of Internal Affairs in Uzbekistan

Zokirzhon Almatov, Ministerstvo vnutrennikh del RU, ul. Novruz, 1, Tashkent 700029; UZBEKISTAN

Fax: + 998 71 133 89 34

and to diplomatic representatives of Uzbekistan and Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 January 2005.