

PUBLIC

AI Index: EUR 58/003/2005

10 June 2005

Further Information on UA 141/05 (EUR 58/001/2005, 27 May 2005) and follow-up (EUR 58/002/2005, 06 June 2005) - Fear of forcible return/fear for safety

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

Four Uzbekistani men who were seeking international protection in Kyrgyzstan were forcibly returned to Uzbekistan on 9 June. Their whereabouts are now unknown, and they are at risk of grave human rights violations, including torture, unfair trial and possibly the death penalty.

According to the Office of the United Nations High Commissioner for Refugees (UNHCR) the four men were among a group of 16 people seeking international protection who were removed on 9 June by Kyrgyz National Security Service from the refugee camp at Besh-Kana (previously given as Beshkepa) to a detention centre in the city of Jalalabad. The UNHCR had reportedly agreed to this on condition that its staff would have regular access to the men while they were in custody. However, the Kyrgyz National Security Service denied UNHCR staff access to the men for 24 hours, by which time the four men had been forcibly returned to Uzbekistan. It is believed that they were handed over to the Uzbekistan National Security Service.

Amnesty International has not been able to confirm the names of the 12 men still in custody, but believes them to be Ortikboy Dzhabaralievich Akbarov, Abdushukur Abubakirovich Alimov, Shomsiddin Shukurullaevich Atamatov, Abdurakhmon Abdushutolipovich Bodirov, Odil Akhmadolievich Makhsadaliev, Musazhon Rasulovich Mirzaboev, Bakhtiar Adkhamovich Mukhtarov, Tursun Ibrokhimovich Nazarov, Nushonzhon Ismoilovich Nechmatov, Burkhoniddin Badirdinovich Nuritdinov, Farrukh Farkhadovich Rashidov, Yakub Toshboevich Toshboev, all of whom are seeking international protection in Kyrgyzstan. These Uzbekistani nationals fled the city of Andizhan after government troops reportedly fired on thousands of mainly unarmed and peaceful demonstrators on 13 May. The Prosecutor General of Uzbekistan has been seeking the extradition of these 12 men, who are believed to be former inmates from Andizhan Prison, some of whom may have been among a group of 23 local businessmen who had been on trial for "Islamic extremism".

The Kyrgyz ombudsman, Tursunbay Bakir uulu, has responded to appeals from the UA network, saying that he had met with all the Uzbekistanis who had crossed the border, and tried to prevent them being forcibly returned. He said he had explained to the border guards and other armed forces their obligations under the Refugee Convention and other international law, and undertook to do his best to prevent human rights violations against refugees.

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

- strongly condemning the forcible return of Dilshod Gadzhiev, Tavakal Gadzhiev, Abdubais (Gasan) Shakirov and Muhammad Kadirov;
- calling on the authorities to ensure that the 12 men still in custody, and all others seeking international protection in Kyrgyzstan, are not returned to Uzbekistan, where they would be at risk of grave human rights violations, in line with Kyrgyzstan's obligations under customary international law and the principle of *non-refoulement*, as well as the 1951 Refugee Convention to which Kyrgyzstan is a party, and Article 3 of the Convention against Torture, which prohibits the return of anyone to a country or territory where they would be at risk of serious human rights violations;

- 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.

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)

Head of National Migration Service

Zafar Khokimovich Khokimov, Ministerstvo inostrannikh del, 59, Erkindik blvrd, Bishkek 720040, Kyrgyzstan

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Salutation: Dear Head of the National Migration Service

Acting Minister of National Security

Murat Satalinov, Ministerstvo natsionalnoi bezopasnosti, pr. Erkindik, 70, Bishkek 720000, Kyrgyzstan

Fax: +996 312 66 00 24

Salutation: Dear Acting Minister

Acting Prosecutor General

Azimbek BEKNAZAROV, General Procuracy, 72 Orozbekov k., Bishkek 720632, Kyrgyzstan

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Salutation: Dear Acting Prosecutor General

COPIES TO:

Minister of Foreign Affairs

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Salutation: Dear Minister

Ombudsman

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Salutation: Dear Ombudsman

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 22 July 2005.