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Uzbekistani asylum-seekers at risk of extradition from Ukraine and Kazakhstan

Amnesty International is concerned that Ukraine and Kazakhstan may be stepping up their efforts to forcibly return asylum-seekers to Uzbekistan. This despite a ruling on 10 June 2010 by the European Court of Human Rights that “any criminal suspect held in custody [in Uzbekistan] faces a serious risk of being subjected to torture or inhuman or degrading treatment”. The organization calls on the authorities of both countries not to forcibly return asylum-seekers to Uzbekistan where they face a real risk of torture and other serious human rights violations, and to release them immediately.

Amnesty International has received information that 30 Uzbekistani refugees and asylum-seekers are currently in detention in Kazakhstan awaiting extradition. Three asylum-seekers, originally from Uzbekistan, are in detention in Ukraine and under threat of extradition to Uzbekistan.

All the asylum-seekers and refugees are observant Muslims who have worshipped outside state-approved mosques in Uzbekistan. Amnesty International has repeatedly documented violations of the right to freedom of religion in Uzbekistan. Those most affected were members of unregistered groups such as Christian Evangelical congregations, and Muslims worshipping in mosques outside state control. The Uzbekistani authorities continue to actively seek the extradition from neighbouring countries, in the name of national security and the fight against terrorism, of suspected members of Islamic movements or Islamist parties banned in Uzbekistan. Most of those forcibly returned to Uzbekistan are held in incommunicado detention, thereby increasing their risk of being tortured or otherwise ill-treated.

Both Kazakhstan and Ukraine are state parties to the 1951 Refugee Convention, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment, and the International Covenant on Civil and Political Rights, and as such are obliged not to return anyone to a country or territory where they would be at risk of torture or other forms of cruel, inhuman or degrading treatment or punishment and other serious human rights violations.

Amnesty International is further concerned that 11 of the asylum-seekers detained in Kazakhstan have not been permitted to complete their appeals against the decision not to grant them refugee status. The three asylum-seekers in Ukraine have appealed against the decision not to grant them refugee status in Ukraine, but face the risk of extradition before the appeal is heard. As parties to the Refugee Convention both Kazakhstan and Ukraine are obliged to allow asylum-seekers to remain on their territory until a decision is reached as to his or her refugee status.

Asylum-seekers detained in Kazakhstan

Thirty Uzbekistani refugees and asylum-seekers were detained in June in Kazakhstan and are currently under threat of extradition to Uzbekistan. Twenty-four of the men were detained during early morning raids on their homes in the southern city of Almaty on 9 June. Security forces reportedly failed to produce search warrants when they forced their way into the homes, beating and kicking some of the men, and confiscating mobile phones, computers, books and

other personal items.

All 30 men had fled Uzbekistan due to fear of persecution for their affiliation to religious groups banned in Uzbekistan. The wives of the detainees were told that their husbands face extradition to Uzbekistan on charges of membership of illegal religious or extremist organizations and charges of attempting to overthrow the state. Eleven 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 others 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.

Asylum-seekers at risk in Ukraine

Umid Khamroev, an Uzbekistani citizen from Samarkand, was detained by Ukrainian law enforcement officials on 15 June on the basis that he is wanted in Uzbekistan on four charges including membership of illegal religious or extremist organization, dissemination of materials containing a threat to public security and order and attempts to overthrow the constitutional order. He has been detained on two previous occasions in Uzbekistan, and two members of his family have been sentenced on similar charges. Umid Khamroev applied for asylum in Ukraine in 2009, but his application was turned down. He appealed against this decision and his appeal was dismissed by the Kyiv District Administrative Court on 10 June 2010. He was detained before he could appeal to the Kyiv Administrative Appeal Court against this latest court decision. On 24 June, his detention was extended for 40 days. His lawyer has appealed to the Appeal Court for Kyiv region against his detention.

Kosim Dadakhanov left Uzbekistan for Russia in 1993 and acquired Russian citizenship in 2000. He was detained briefly in Tyumen, where he was living, when it was discovered that Uzbekistan had issued an arrest warrant. He was released after the intervention of the Russian Human Rights Ombudsman. In September 2009 he was asked to testify in court in connection with the allegation that he had given false testimony when he received Russian citizenship. Fearing that his Russian citizenship would be revoked he moved to Ukraine in November 2009 with his two wives and 10 children. He and his family applied for refugee status in Ukraine upon arrival. His application for refugee status was refused by the migration services, and he is currently appealing against this decision to the Kyiv District Administrative Court. He was detained by Ukrainian law enforcement officers on 29 June on the basis that he is wanted in Uzbekistan on charges of producing and disseminating materials containing a threat to public security and order, organizing a criminal group, and violation of fire safety regulations.

Shodilbek Soibjonov was detained on 2 July in Belaya Tserkov, Kyiv Region in Ukraine, because he is wanted in Uzbekistan on charges of belonging to a religious, extremist, separatist or other banned organization. Police initially retained his passport, and released him, but he was detained again on 6 July and his lawyer fears that he faces forcible return to Uzbekistan. Shodilbek Soibjonov had left Uzbekistan in 1998 and had moved to Russia where he gained Russian citizenship. Fearing that he would be returned from Russia he fled to Ukraine in April 2010 and applied for asylum. His application was turned down and he is currently applying to the Kyiv District Administrative Court against the refusal to grant him refugee status.

Background

Amnesty International believes that there has been a serious deterioration in the human rights situation in Uzbekistan since the so-called Andizhan events in May 2005. The organization continues to receive reports of widespread torture or other ill-treatment of detainees and prisoners in Uzbekistan. Among the cases reported to the organization is that of a group of more than 30 women, who were detained by security forces in counter-terrorism operations in the city of Karshi in November 2009. All of them were believed to be observant Muslim believers who may have attended religious classes taught by Zulkhumor Khamdamova, who had been accused of organizing an illegal religious group. Police officers allegedly stripped the women naked and threatened them with rape; they did not allow the women to use toilet facilities for 20 hours at a time. At least four of the women were breastfeeding infants at the

time of their detention, and police officers reportedly questioned them for several hours without allowing them to breastfeed. On 12 April, the Kahskadaria Criminal Court convicted three of the women for attempting to overthrow the constitutional order and representing a threat to public order and sentenced Zulkhumor Khamdamova to six-and-a-half years in prison. Her sister, Mekhriniso Khamdamova, was sentenced to seven years and their relative Shakhlo Pakhmatova to six-and-a-half years in prison.

Reports of torture stem not only from men and women suspected of membership of banned Islamic groups or of having committed terrorist offences, but also from all layers of civil society, including human rights activists, journalists and former - often high-profile - members of the government and security forces. Many of them allege that they have been tortured or otherwise ill-treated in custody in order to extract a confession.

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 be in violation of Article 3 [prohibition of torture] of 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 both in order to extract a confession and as a punishment for being a criminal.”

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