



Kazakhstan

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## Don't Extradite Uzbeks to Torture Respect International Obligations

**Kazakh authorities should not extradite 32 detainees to Uzbekistan, where they face a real risk of torture, ACAT-France, Amnesty International, the Association "Human Rights in Central Asia," Human Rights Watch, and the International Federation for Human Rights (FIDH) said today. The 32 men, who came to Kazakhstan seeking asylum from religious persecution in Uzbekistan, are at risk of torture and ill-treatment if they are forcibly returned to Uzbekistan, the groups said.**

In a joint letter to Kazakhstan's prosecutor general on June 7, 2011, the five human rights groups urged the government to respect its binding international obligation not to return any person to a country where he or she faces a risk of torture or other ill-treatment. Kazakhstan should comply with the United Nations Committee Against Torture's (CAT) interim measures directing the government to refrain from extraditing 29 of the asylum-seekers, pending the committee's review of the case. Since CAT imposed interim measures, Kazakh authorities have detained three others.

Returning a person to a country where there is a real risk that the person will be tortured is a serious breach of international law, the groups said.

*"It's no secret that torture is systematic in Uzbekistan,"* said Steve Swerdlow, Uzbekistan researcher at Human Rights Watch. *"Given the criminal charges on which Uzbek authorities are seeking their extradition, the Kazakh government has an absolute duty not to send these men back to torture."*

According to interviews conducted by FIDH with some of the men prior to their arrest, and information received from relatives and fellow asylum-seekers, the 32 Uzbeks, two of whom are Tajik nationals, are Muslims who fled Uzbekistan fearing religious persecution. They are wanted by Uzbek authorities on various anti-state and religion-related charges.

In a December 2010 letter to the prosecutor general of Kazakhstan, Human Rights Watch described how Uzbeks charged with religion-related offenses have routinely been tortured. Since the detention of the majority of the 32 men in June 2010, ACAT-France, Amnesty International, the Association "Human Rights in Central Asia," and the International Federation for Human Rights (FIDH) have also called upon the Kazakh government to uphold its obligation not to return individuals to a risk of torture.

For well over a decade, Uzbek authorities have waged an unrelenting campaign of persecution against independent Muslims whose practices, beliefs, and affiliations fall outside government restrictions. Human rights organizations

have documented especially harsh police treatment, often including torture and other mistreatment of people accused of religion-related crimes.

Uzbekistan's record of torture and ill-treatment of pre-trial detainees and prisoners has been documented by UN bodies. Theo van Boven, then the UN special rapporteur on torture, in 2003 found torture in Uzbekistan to be "systematic." The UN CAT, after its periodic review of Uzbekistan in 2007, found that torture in detention in Uzbekistan is "routine" and occurs "with impunity."

Methods of torture and other ill-treatment have included electric shock, beatings with truncheons, rape and other sexual abuse, asphyxiation, and psychological abuse, including threats to harm a detainee's relatives.

*"It is crystal clear: if any of these men are forcibly returned to Uzbekistan, they will face a grave risk of torture and ill-treatment,"* said Christine Laroque, Asia programs manager at ACAT-France. *"Kazakhstan should respect the UN interim measures and prevent their forced return at all costs."*

Forcibly returning any of the 32 detained men to Uzbekistan would violate the absolute prohibition on the return of persons to places where they risk torture, as stated in the Convention against Torture and the International Covenant on Civil and Political Rights, which Kazakhstan ratified in 1998 and 2006, respectively.

*"International human rights treaties to which Kazakhstan is party trump any bilateral or regional agreements between Kazakhstan and Uzbekistan,"* said Maisy Weicherding, Amnesty International's expert on Central Asia. *"No individual, regardless of his status, may be returned to a country where he or she faces a risk of torture."*

Kazakhstan has previously violated the principle of non-refoulement, or forced returns of refugees. On May 30, 2011, Kazakh authorities extradited to China Ershidin Israil, a Uighur refugee who had fled to Kazakhstan after the July 2009 Urumqi riots, in which over 200 people were killed. Hundreds of Uighurs were detained after the violence in Urumqi, and several people have been executed for involvement in the rioting. Israil was denied refugee status by Kazakh authorities, despite the clear risk of torture he would face if returned to China. In the past, Kazakh authorities have repeatedly forcibly returned Uighurs to China, where they are at risk of torture and the death penalty.

Kazakhstan has similarly violated the principle of non-refoulement with respect to Uzbekistan. From September to November 2010, Kazakh authorities unlawfully extradited to Uzbekistan four asylum-seekers: Khurshid Kamilov, Saidakhmad Kholmatov, Umarali Abdurakhmanov, and Rasul Rakhmanov. Abdurakhmanov was subsequently sentenced to 10 years in prison by an Uzbek court.

In 2006, Kazakh authorities forcibly returned Gabdurafih Temirbaev, who had fled religious persecution in Uzbekistan, and at least nine other Uzbek nationals. In 2008, Kazakh authorities unlawfully extradited Rafik Rakhmonov, who sought asylum in Kazakhstan after the Andijan massacre.

*"Kazakhstan has repeatedly failed to respect the non-refoulement principle but that must end,"* said Amandine Regamey, member of the FIDH International Board. *"As the most recent chair of the OSCE Kazakhstan should be setting an example for other states to respect international treaties they have joined."*

One asylum-seeker who arrived in Kazakhstan under similar circumstances was eventually released and received provisional refugee status under the new Kazakh Law on Refugees, which entered into force in January 2010. But the 32 who remain in detention were all refused refugee status under the new law. The law itself has been criticized by human rights groups as failing to conform to international human rights and refugee law.

The decision to deny refugee status to the men has been upheld repeatedly on appeal by Almaty courts. These hearings have been marred by serious due process violations, raising concern about the overall fairness of the appellate process, the groups said.

The organizations also called on Kazakh authorities to provide each detainee and his family members a careful, thorough, and individualized asylum determination consistent with international standards.

*"The fact that some judges summarily refused even to consider Uzbekistan's well-documented record of torture raises serious concerns about the overall fairness of the appellate process for these asylum-seekers,"* said Nadejda Atayeva, president of the Association for Human Rights in Central Asia.

**Background** Most of the 32 people in detention were taken into custody during raids in early June 2010, by Kazakh migration police and plain-clothes agents believed to be from the Committee for National Security (KNB). Authorities later detained others in Almaty, Taraz, and Satpaev. Three have been detained since January.

About half the asylum-seekers are being held in National Security Agency (KNB) custody in Almaty, and others are in the custody of the Almaty City Jail of the Penitentiary System Committee (KUIZ).

Seventeen of them had been granted refugee status by the United Nations High Commissioner for Refugees (UNHCR), but it withdrew their refugee status following their arrest and detention.

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