
RI BULLETIN

A POWERFUL VOICE FOR HUMANITARIAN ACTION

May 18, 2005

Contact: Maureen Lynch
ri@refugeesinternational.org or 202.828.0110

Ferghana Valley: Uzbekistan Refugees Right to Non-Refoulement in Jeopardy

Refugees trying to escape political violence in Uzbekistan by seeking international protection in Kyrgyzstan are at risk of being forcibly returned to their country. All people have the right not to be returned to a country where they face threats to life or freedom. Kyrgyzstan, the region's first signatory to the 1951 Convention Relating to the Status of Refugees, has responded quickly and is cooperating with the United Nations to assist the new arrivals, but there are troubling indicators of vulnerability for refugees and others seeking to flee: increased Uzbek security activities that include shootings of unarmed people near border crossings; additional border patrols to stem movement; individuals trying to flee who have been turned back or detained; the proximity of the refugee camp's to the border, making it vulnerable to incursions from Uzbekistan; varying reports that individuals who crossed the border legally have been prevented by Kyrgyz border troops from joining the camp; and the possibility that Kyrgyzstan could bow to Uzbekistan's pressure to return the refugees.

The right of refugees from Uzbekistan to *non-refoulement*, asylum, and humanitarian assistance must be protected. The 1951 Convention and the 1967 Protocol make *non-refoulement*, or protection from forced return, a fundamental right of refugees fleeing the threat of persecution.

Violence erupted in the eastern Uzbekistan city of Andijan on May 13 after several weeks of demonstrations and an overnight storming of a local prison. Protesters took to the streets again over the weekend, and authorities responded with live ammunition. The death toll from the brutal suppression is unknown. More than 500 people, including some wounded, have fled their country to safety in the Jalalabad Oblast region of neighboring Kyrgyzstan. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), "The new arrivals have been registered as asylum seekers by the Kyrgyzstan Department of Migration Service and have been issued temporary cards valid for 10 days." The agency also says unknown numbers of others have taken refuge with friends and families in Kyrgyzstan and are not registering with local authorities.

There is serious concern by international agencies that Uzbekistan will squeeze Kyrgyzstan to return the refugees. The concern, according to one Refugees International source, is that Kyrgyzstan "will not be able to resist and send the refugees back." Forcibly returned individuals almost certainly face severe reprisals, including torture and summary execution, if and when they go back. Local non-governmental organizations have urged the Kyrgyzstan government not to return the refugees to Uzbekistan.

Individuals have the fundamental right to leave their country, to seek asylum in other countries, and to be granted a hearing and fair consideration of their eligibility for asylum, all without fear of being returned to a territory where life and rights are threatened. Political asylum and refugee status protect individuals who are unable or unwilling to return to their home country due to well-founded fear of persecution. Theoretically, few principles meet with as widespread agreement as the need for the protection of asylum seekers and refugees. In practice, refugees often are barred entry and returned to countries where their lives are at risk and where human rights cannot be guaranteed.

The United Nations is to be commended for responding promptly to this emergency. UNHCR immediately dispatched staff to the border region, called on Kyrgyzstan and Uzbekistan to keep their borders open and made a request to move the refugees further inland. The agency is providing emergency relief in the form of food, water, tents, blankets, and clothes and has sent additional personnel to the region in the event of additional forced displacement from Uzbekistan. A

spokesperson for the agency told RI that “the immediate flow of refugees has stopped, but there is the potential of major outflow if Uzbekistan uses force to regain control.” The International Committee of the Red Cross is also actively working on both sides of the border.

Britain and the UN have urged Tashkent to show restraint and allow humanitarian groups to access the areas. Amnesty International earlier this week strongly condemned the use of excessive force against civilians in Andijan and called for Uzbekistan authorities to allow prompt and independent investigation into the events. In addition to Kyrgyzstan, neighboring countries of Afghanistan, Kazakhstan, Tajikistan, and Turkmenistan may be called upon to help.

Tensions remain high in the Ferghana Valley. Governmental authoritarianism, accompanied by widespread human rights abuses, has checked popular discontent until now. The Karimov regime has also benefitted from its close relationship with Washington, serving as a military ally in the war on terrorism in Central Asia. But since 2001, when a series of economic "reforms" was initiated, the socio-economic situation has worsened dramatically. The potential for further violence and displacement is ripe.

Refugees International therefore recommends that:

The Government of Kyrgyzstan

- Refrain from preventing movement of refugees across its borders or forcibly expelling asylum seekers.
- Work with the United Nations to process all new asylum applications.
- Keep borders open in a regular manner.
- Facilitate relocation of the refugee camp away from the disputed border territory.

The Government of Uzbekistan

- Avoid preventing free movement of individuals seeking international protection.
- Cease use of violent means to curb peaceful protests.

The Governments of Afghanistan, Kazakhstan, Tajikistan, and Turkmenistan

- Respect humanitarian treaties in the event of additional refugee outflow and keep borders open to individuals seeking asylum.

International Agencies and Donor Governments

- Buttress Kyrgyzstan's limited economic capacity to provide assistance to the refugees.

Maureen Lynch is Director of Research with Refugees International.