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Shocking Mass Extradition of Uzbeks to Risk of Torture

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(Astana) - The Kazakh government has violated international law by forcibly returning at least 28 Uzbeks to Uzbekistan, putting their lives and well-being at risk, Human Rights Watch said today.

The forced returns on June 9, 2011, signal Kazakhstan's disturbing willingness to flout its international commitments not to return any individual to a country where he or she faces credible risk of torture and to protect individuals who have come into its territory fleeing persecution.

"The Kazakh government has deliberately and forcibly sent individuals back to Uzbekistan, where they face likely torture and persecution," said Rachel Denber, Human Rights Watch's Europe and Central Asia deputy director. "This appalling move sets a terrible precedent throughout the region. Members of the international community should waste no time in condemning this in the strongest terms."

The wives and children of the men who were extradited - and at least four men who are still detained in Kazakhstan - are also at great risk should they be returned to Uzbekistan, Human Rights Watch said. The 28 Uzbeks had been in custody in Kazakhstan since last year after Uzbekistan filed a request for their extradition. Human Rights Watch called on the international community to redouble efforts to prevent further forced returns by the Kazakh government and to secure access to the extradited men in Uzbekistan.

The 28 Uzbeks, two of whom are believed to be Tajik nationals, are Muslims who fled Uzbekistan fearing religious persecution and were 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.

Uzbekistan's record of torture and ill-treatment of pretrial detainees and prisoners has been documented by many United Nations bodies. In December 2010, the UN Committee against Torture even issued interim measures to the Kazakh government directing it to refrain from extraditing the men to Uzbekistan based on the credible risk they could face torture there. Only last month, on May 6, the committee reiterated the warning to Kazakhstan.

Theo van Boven, then the UN Special Rapporteur on Torture, in 2003 found torture in Uzbekistan to be "systematic." The UN Committee against Torture, 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.

Kazakhstan currently chairs the Shanghai Cooperation Organization and was the 2010 chair of the Organization for Security and Co-operation in Europe.

"With yesterday's mass extradition, Kazakhstan has shown its utter disregard for its binding international commitments," said Denber. "As a leader of regional groups Kazakhstan has an even greater duty to promote the protection of human rights, but right now, it needs to make a drastic shift in course."

The extradition of the 28 men follows another recent violation of Kazakhstan's nonrefoulement obligations, its duty not to return refugees back to harm. On May 30, Kazakh authorities extradited to China Ershidin Israil, a Uighur refugee who had fled to Kazakhstan after the July 2009 Urumqi riots, in which more than 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.

The return of the 28 men violates the International Covenant on Civil and Political Rights, which bans the return of people to countries where they face persecution (refoulement). Kazakhstan ratified the convention in 2006. Because the men are likely to face torture in Uzbekistan, returning them also violates the absolute prohibition on the return of people to places where they risk torture, contained in the Convention against Torture, which Kazakhstan ratified in 1998.

In a [joint letter](#) to Kazakhstan's prosecutor general this week, ACAT-France, Amnesty International, the Association "Human Rights in Central Asia," Human Rights Watch, and the International Federation for Human Rights (FIDH) urged the Kazakh 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.

A spokesperson with Kazakhstan's Ministry of Foreign Affairs independently confirmed to Human Rights Watch that the 28 Uzbeks were handed over to Uzbek authorities today, citing "diplomatic assurances" allegedly given by the Uzbek government that the men would not be tortured. Diplomatic assurances are inherently unreliable from governments in states where torture and ill-treatment are systematic or widespread or where particular groups are routinely targeted for such abuse, and do not lessen a person's risk of abuse on return, Human Rights Watch said.

Given Uzbekistan's abysmal record on torture, the UN Special Rapporteur on Torture and the European Court of Human Rights have both found that diplomatic assurances from the Uzbek government do not release states from their obligation not to return an individual to a risk of torture.

Human Rights Watch also called upon the United States and European Union to demand that the Uzbek government grant international monitors, such as the International Committee of the Red Cross, immediate access to the men.

"These men are at grave risk of torture in Uzbekistan and no amount of diplomatic assurances nor reliance on bilateral arrangements can alleviate Kazakhstan of its responsibility under international law," said Denber. "Kazakhstan's international partners should condemn this unconscionable act and prevail on the Kazakh government not to make any more forced returns."

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