

The EU Should Request Protection of the Rights of Forcibly Returned Uzbeks

Tashkent, Almaty, Brussels and The Hague, 23 June 2011. On the eve of the this year's EU-Uzbekistan Human Rights Dialogue, which will take place in Tashkent on 24 June¹, a group of NGOs from Central Asia and Western Europe express grave concern about the fate of 28 Uzbeks who earlier this month were extradited from Kazakhstan to Uzbekistan on religious extremism charges. The Initiative Group of Independent Human Rights Defenders of Uzbekistan, Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee call on the EU to request that the Uzbek government grants independent international monitors access to the men. They also call on the EU to request that the investigation and proceedings in the criminal cases against the men safeguard their basic human rights, including the right to have access to legal counsel of their own choosing, the right not to be subject to torture and ill-treatment and the right to a fair and open trial.

On 9 June 2011, the Kazakh government forcibly returned to Uzbekistan 28 people who had fled that country because of a fear of persecution on the grounds of their religious affiliation and practices. The Uzbek authorities have accused the men of involvement in religious "extremist" organizations, "anti-constitutional" activities and other extremist related crimes. Such charges are frequently used against Muslim believers who practice their faith outside strict state controls in Uzbekistan.

The Kazakh government denied the men asylum and extradited them in spite of a well-known risk that they may be subjected to torture and other human rights violations upon return, thus acting in violation of its obligations under international human rights treaties.² The Kazakh authorities argued that the Uzbek authorities had given "written assurances" that they will observe the rights of the men. However, as international human rights bodies have pointed out, such assurances do not offer any adequate guarantee in cases of returns to countries where torture and other abusive human rights practices are endemic.³ Reports by NGOs have also shown that, in practice, diplomatic assurances do not provide effective safeguards against torture.⁴ The United Nations Committee against Torture had asked the Kazakh government not to extradite the men while considering the issue.

While the extradited men are now in custody in Uzbekistan, no details about their current situation are known. However, there are serious reasons to believe that they are in danger of being subjected to similar human rights violations as other individuals who have been accused of being religious "extremists" by Uzbek authorities.

Through many years of monitoring, the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) has [documented](#) a persistent pattern of human rights violations in the fight against religious extremism in Uzbekistan. Muslims believers continue to be arrested and charged with "extremist" crimes because of non-violent religious activities, such as praying in mosques that function outside strict state control, studying religious literature that has not been approved by authorities or meeting and discussing religious ideas with other believers. They are accused of involvement in "extremist" organizations even if there is no evidence that they have participated in the activities of such organizations and/or the organizations do not have any known connection to

violence. Hundreds of individuals have been arrested and convicted on these grounds only in 2010-2011.

Individuals accused of being religious “extremists” are often arbitrarily detained, denied the right to have access to a lawyer, and tortured and ill-treated in detention. They are, for example, beaten, kicked and/or subjected to moral pressure in an attempt to force them to “confess”. They are, as a rule, sentenced in trials that do not meet basic international standards of fairness and often are held behind closed doors. Confessions extracted through torture continue to be admitted as evidence and used as the main basis for guilty sentences against them. The sentences handed down typically amount to lengthy prison terms.

Individuals accused of religious “extremism” are also singled out for discriminatory treatment and abuse while serving prison sentences. The IGIHRDU has received information about numerous cases in the past year when religious prisoners allegedly died as a result of torture. Most cases of ill-treatment and torture, including those resulting in death, are never properly investigated and prosecuted. Family members often relate to the IGIHRDU that they have received no response to complaints filed about ill-treatment and torture, even if they have included the names of the alleged perpetrators.

Against this background, the organizations participating in this statement appeal to the EU to use its leverage to ensure protection of the rights of the 28 recently extradited Uzbek Muslims. The EU should also request concrete measures to put an end to the systematic human rights violations characterizing the campaign against religious extremism in Uzbekistan. It should condemn extraditions to this or any country with a consistent pattern of gross violations of human rights.

Further information:

A briefing note to the EU, which provides more background information about human rights violations perpetrated in the fight against religious extremism in Uzbekistan, is available [here](#). It is based on information from IGIHRDU.

¹ The EU Strategy for Central Asia that was adopted in 2007 foresaw the establishment of Human Rights Dialogues between the EU and each of the Central Asian governments. Four previous rounds of EU-Uzbekistan Human Rights Dialogue have been held in 2007-2010.

² Article 3 of the UN Convention against Torture prohibits states parties from expelling, returning or extraditing anyone to a country “where there are substantial grounds for believing that he would be in danger of being subjected to torture”. This ban is also inherent in article 7 of the International Covenant on Civil and Political Rights, which establishes an absolute ban on torture or to cruel, inhuman or degrading treatment or punishment. Kazakhstan is a party to both of these treaties.

³ See for example European Court of Human Rights. *Chahal v. The U.K* (1996).

⁴ See for example Human Rights Watch, *Cases Involving Diplomatic Assurances against Torture* (2007), at <http://www.hrw.org/en/node/77209/section/1>