



United States Mission to the OSCE

Extradition of Uzbek Refugees and Asylum Seekers by Government of Kyrgyzstan

As delivered by Ambassador Julie Finley
to the Permanent Council, Vienna
September 7, 2006

Thank you, Mr. Chairman.

The United States is very disappointed that on August 9 the Government of Kyrgyzstan forcibly returned to Uzbekistan five Uzbek asylum seekers, four of whom were recognized as "mandate" refugees by the United Nations High Commissioner for Refugees (UNHCR). We note with particular concern that the refoulement was carried out despite the fact UNHCR had already identified resettlement countries for the four individuals they recognized as refugees, and had communicated that fact on multiple occasions to the Kyrgyz authorities.

This action has damaged severely the good will and credibility Kyrgyzstan gained in the summer of 2005 when it transferred 450 Uzbek asylum seekers to UNHCR for third-country resettlement. This action has called into question Kyrgyzstan's regard for its OSCE commitments reaffirming the importance of international standards and instruments on the protection of refugees, as well as Kyrgyzstan's respect for its international legal obligations under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

We have read carefully the press release the Kyrgyzstan delegation distributed on August 22. We understand that the provisions of the 1951 UN Refugee Convention do not apply to any person with respect to whom there are serious reasons for considering that he or she has committed a serious non-political crime outside of the country of refuge prior to his admission to that country as a refugee, and the Government of Kyrgyzstan says it made its decision only after examination of "incontrovertible evidence" submitted by Uzbekistan. UNHCR, however, has stated repeatedly that it has seen no evidence indicating these men committed such crimes, and independently determined that the four were both eligible for, and deserving of, refugee status in accordance with its internationally-recognized mandate under the 1951 Convention and its 1967 Protocol, to which Kyrgyzstan is a party.

In addition, the Government of Kyrgyzstan has international legal obligations as a party to the UN Convention Against Torture, which affirms that no state signatory can expel, return or extradite a person to a country where there are substantial grounds to believe he or she would be subjected to torture, regardless of whether that individual has been accused of a crime in the requesting country. Serious human rights violations including systematic torture in Uzbekistan have been well-documented, and asylum seekers repatriated to Uzbekistan against their will are at grave risk.

On a related note, the United States is deeply concerned about the welfare and whereabouts of five Uzbek asylum seekers who were reportedly seized from their homes in Osh, last

month, and based on reports are currently incarcerated in Uzbekistan. We urge the Government of Kyrgyzstan to provide in the coming weeks a complete account of the circumstances surrounding the abductions of these individuals.

We again call on the Kyrgyz government to take immediate steps to ensure the safety and rights of all refugees and asylum seekers in Kyrgyzstan, and to uphold Kyrgyzstan's international commitments as a party to the 1951 Refugee Convention and its 1967 Protocol, as well as to the UN Convention Against Torture. We also call on the Government of Uzbekistan to grant humanitarian access by international observers to the five returned asylum seekers, as well as others who have returned, to ensure their basic human rights are being respected.

Thank you, Mr. Chairman.