HUMAN RIGHTS WATCH

“Saving its Secrets”

Government Repression in Andijan

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Government Repression in Andijan

At the moment, the authorities look for anybody who remained in Andijan or came back from Kyrgyzstan or Kazakhstan. I was always asked [during interrogations] whom do I know related to the events who is still in Andijan … [The refugees] who came back from the US are under strong surveillance, although not directly persecuted. I think this is just for the time being. The government just wants to get everybody back to Uzbekistan to save its secrets.

—"Umar U.," an Uzbek refugee in Kyrgyzstan

Someone from the security service told me, "One day they [the returnees] will pay for it. One day they will make some mistake and we'll imprison them—if not officially for Andijan, then for something else.

—"Rovshan R.," an Uzbek refugee

I. Summary

It has been three years since Uzbek government forces killed hundreds of unarmed protesters in the eastern city of Andijan on May 13, 2005, following an attack by armed men. Yet even today the government continues vigorously to seek out and persecute anyone it deems to have a connection to or information about the Andijan events. This is particularly true for many of the relatives of hundreds of persons who fled to Kyrgyzstan in the immediate aftermath of the massacre and were later resettled in third countries, as well as those who fled but later returned to Andijan. These groups remain under intense government pressure. They have been subjected to interrogations, constant surveillance, ostracism, and in at least one case an overt threat to life. As a result, three years after the massacre, government persecution continues to generate new refugees from Andijan.

The Uzbek government has repeatedly stated that Andijan refugees are welcome to return to the country and that they have no reason to fear persecution or other repercussions. However, government surveillance in Andijan and the difficulties for independent monitors to work there without jeopardizing the safety of interviewees have made it difficult to verify returnees' treatment. In 2007 Human Rights Watch interviews and other research revealed a growing number of Andijan refugees in Kyrgyzstan, including persons who had fled in the aftermath of the massacre, returned, and were fleeing a second time, as well as persons who were only then fleeing in response to growing pressure. Their accounts provide a window into the current level of persecution taking place in Andijan.

Well over five hundred people fled Andijan on May 13 and made their way to Kyrgyzstan. The group received refuge in a camp set up along the Uzbek-Kyrgyz border. The danger of forced return from the refugee camp in Kyrgyzstan was so great that in late July 2005 international agencies evacuated the refugees in Kyrgyzstan to Romania, where they could be better protected. From there, they were gradually resettled mainly to Western Europe, the United States, and Australia.

In the months after the 2005 massacre, the Uzbek government launched a campaign of harassment and coercion against individuals who had participated in or witnessed the demonstration on May 13 but had remained in Andijan after the massacre. These individuals were subjected to arrest, torture, forced confessions, and intense pressure to provide names of others who participated in the demonstration. Some of these individuals were prosecuted and sentenced to long prison terms. Others were held for interrogation and then released, but after their release they continued to be harassed, threatened with prosecution, and put under constant pressure to become informants for the government. The pressure increased during 2006 to the point that some of these individuals felt forced to flee, two or more years after the events.

In the immediate aftermath of the massacre, the government also targeted many of the families of Andijan refugees in an effort to force their relatives to return. A number of refugees did ultimately return from Kyrgyzstan before they could be resettled in a third country. Initially these returnees appear to have been able to resume their lives without significant government harassment. However, beginning in mid-2006, the government launched a new wave of arrests and harassment that targeted returnees in particular. Returnees interviewed by Human Rights Watch report having been subjected to repeated interrogations, and forced to sign false confessions or statements supporting the government's view of what had transpired on May 13. Some were also forced to confess publicly, "admit" their mistakes, and beg for forgiveness.

Some groups returned after having been resettled in the United States. Refugee assistance organizations call the return of several dozen from the US between late 2006 and early 2008 almost unprecedented.

It is not completely clear what motivated refugees' decisions to return. Some may have returned because of the children and parents they had left behind in the haste of fleeing the massacre, or were concerned about their male relatives who were imprisoned after the Andijan events. Some may have found it exceedingly difficult to adapt to life abroad. But the interviews in this report reveal that others went back because they wanted to end the pressure being exerted on their families in Andijan.

This was particularly true for those refugees who had relatives in prison; in some cases, the government promised to reduce the prison terms for their relatives. Unfortunately, their return to Andijan did not bring an end to the harassment.

The large majority of Andijan refugees have not returned. Their families who stayed in Andijan, many of whom had nothing to do with the events on May 13, 2005, remain a target of intimidation and harassment even after the authorities learned that their relatives had been resettled. The vast majority of Andijan refugees were men—at the time of evacuation from Kyrgyzstan to Romania, there were 342 men out of 439 refugees—who left behind their wives and children. The wives of Andijan refugees Human Rights Watch spoke to reported humiliation and harassment by the authorities, being denied social services that would normally be available for single mothers, and being ostracized by the *mahalla* (neighborhood) committees. Similarly, interviewees told Human Rights Watch that some children of Andijan refugees have faced humiliation and the threat of disciplinary measures by the school administration, and in some cases have been prevented from continuing their education. Some report that teachers call the students whose fathers fled the country "children of enemies of the state." Others, especially young men, have faced interrogation, detention, and threats of prosecution for the alleged conduct of their parents.

Andijan refugees continue to be personally at great risk even once they have fled Uzbekistan. Most of those who flee Andijan go first to Kyrgyzstan, where they must register with the Kyrgyz Migration Service and seek a refugee status determination by the United Nations High Commissioner for Refugees (UNHCR). Most Uzbek refugees must wait six to eight months in Kyrgyzstan before being resettled to a third country. They are particularly vulnerable during this period because the Kyrgyz government has already returned a number of Uzbek asylum seekers to Uzbekistan, in violation of its obligations as a party to the 1951 Refugee Convention and its 1967 protocol. There have also been alleged kidnappings with the involvement of Uzbek security service personnel operating in Kyrgyzstan. However, other governments in the region—including Kazakhstan, Ukraine, and Russia—have also forcibly returned dozens of refugees and asylum seekers to Uzbekistan, in violation of international law. As a result, many Uzbek refugees in the region live in fear for their security.

* * *

The government of Uzbekistan extensively investigated the armed uprising and the organization of the mass protest in Andijan. But in the past three years, it has denied responsibility for any of the deaths that occurred on May 13, 2005, despite the overwhelming evidence that government forces indiscriminately shot and killed hundreds of unarmed civilians, and it has rebuffed all calls for an independent, international inquiry. The government has instead sought to rewrite history and silence all within the country who might question its version of what happened in Andijan. It initiated an intense crackdown in Andijan itself, exerting pressure on all who knew the truth about the events—in particular, the participants in the demonstration and witnesses to the massacre. It imprisoned human rights defenders, independent journalists, and political activists for speaking out about the Andijan events and calling for accountability for the May 13 killings. Hundreds of individuals who were convicted and sentenced in closed trials in 2005 and 2006 continue to serve lengthy prison sentences. Those who attacked government buildings, released prisoners, killed officials, and took hostages committed serious crimes. The Uzbek government has a legitimate interest in investigating and prosecuting such crimes and an obligation to do so while upholding the rule of law. However, the Uzbek government also has an obligation to investigate and hold accountable those who used excessive force against unarmed protestors.

It is within this broader context of government efforts to silence independent voices that the government's harassment and coercion of returnees and refugees' families must be understood.

Three years after the massacre, it is crucial not to allow Andijan to become a closed chapter in Uzbekistan's history. Uzbekistan's international partners, in particular the European Union and the United States government, should reverse the gradual shift of emphasis away from Andijan in their discourse on Uzbekistan. This entails, on the one hand, reminding Tashkent about its failure to ensure accountability for the massacre at Andijan and renewing calls for those responsible to be brought to justice, and on the other, recognizing that many of the ongoing abuses, as this report shows, are intrinsically linked to the legacy of Andijan. Ending the ongoing

persecution and other abuses documented in this report should therefore become a core objective of the welcome, ongoing efforts by the EU and the US to advance concrete human rights improvements as part of their engagement with Tashkent.

II. Recommendations

To the Government of Uzbekistan

- Cease all harassment of refugees who returned to Uzbekistan.
- Cease all harassment of those believed to have been involved or to have information about those involved in the Andijan protests.
- Cease coercing families of refugees to convince their relatives to return and allow them to leave the country if they wish to do so.
- Ensure that all those who may wish to return to Andijan can do so in safety and dignity.
- Ensure that all people in Andijan, regardless of their purported involvement in the 2005 Andijan events or their status as returned refugees or as family members of refugees, have equal access to all social benefits.
- Allow independent human rights organizations and media to work unfettered in Andijan.
- Grant diplomatic missions based in Tashkent and nongovernmental organizations access to those individuals who have been forcibly returned to Uzbekistan by the countries where they had sought asylum.
- Immediately release from custody human rights defenders, journalists, and political activists wrongly detained and arrested.

To Uzbekistan's International Partners

- Press the Uzbek government to cease the harassment described in this report. This should be done both in the context of multilateral human rights dialogues and at high-level meetings, bi- and multilateral, with Uzbek government officials.
- Urge the Uzbek government to allow full access to Andijan for independent human rights monitors and organizations and media.
- Continue to emphasize the need for a full and independent inquiry into the Andijan massacre as part of their engagement with Uzbekistan.
- Prioritize for resettlement Uzbek asylum seekers until conditions are in place to guarantee they may return with safety and dignity. Recognize that charges

brought by the Uzbek government against asylum seekers sometimes lack substance and should not be an obstacle to granting asylum or resettling refugees.

To States receiving asylum seekers from Andijan

- Comply with the 1951 Refugee Convention and its 1967 Protocol and the Convention Against Torture. Specifically, protect and guarantee the rights of refugees from Uzbekistan who have fled to your country seeking safety.
- Refrain from returning refugees, asylum seekers, or any other individuals to Uzbekistan if they have a well-founded fear of persecution or if there are substantial grounds for believing that they would be in danger of being subjected to torture or other ill-treatment upon return.

III. Methodology

Research for this report was based on interviews conducted in July 2007 and March 2008 with Uzbek refugees and asylum seekers in Kyrgyzstan. Two interviews were conducted in countries we cannot name, for the interviewees' safety. The interviewees fled Andijan throughout 2007 and in the first months of 2008. Some of the interviewees were first-time refugees, while others left Uzbekistan for the second time—they had initially fled Andijan after the May 2005 massacre and then returned to Uzbekistan.

Human Rights Watch interviewed 27 persons who fled Andijan in 2007 and 2008: 14 men and 13 women, between the ages of 19 and approximately 60. In addition, Human Rights Watch interviewed eight refugees from other regions of Uzbekistan, among them journalists, lawyers, and human rights defenders who had worked on Andijan or had information regarding the situation or treatment of Andijan refugees. Wherever possible, interviews were conducted one-on-one with Human Rights Watch researchers.

Some interviews were conducted in Russian by Human Rights Watch researchers who are native speakers of Russian or are fluent in Russian; others were conducted in Uzbek and translated into Russian. The names of the persons interviewed for this report have been changed and the exact dates of their arrival in Kyrgyzstan withheld to protect their security and the security of their relatives.[1]

[1] The interviewees have been assigned a pseudonym consisting of a randomly chosen first name and a last initial that is the same as the first letter of the first name, for example, "Umar U." There is no continuity of pseudonyms with other Human Rights Watch reports on Uzbekistan; hence an "Umar U." cited in the present report is not the same person as "Umar U." cited in any previous Human Rights Watch report.

IV. Background[2]

On May 13, 2005, Uzbek government forces killed hundreds of unarmed people who participated in a demonstration in Andijan, in eastern Uzbekistan.

The Uprising and Massacre

In the early hours of May 13, gunmen attacked government buildings, killed security officials, broke into the city prison, took over the local government building (*hokimiat*), and took hostages. The trigger for the attacks was the trial of 23 respected local businessmen for religious extremism--charges against them were widely perceived as unfair and in previous weeks had provoked sporadic protests.

Toward dawn, the instigators, many of them armed, began to prepare for a large protest in a public square, in front of the regional government building, and mobilized people to attend. By mid-morning, as word spread, the protest grew into the thousands, as people came of their own will and vented their grievances about poverty and government repression. When government forces sealed off the square and started shooting indiscriminately, the protesters fled; with them were some of the instigators. Hundreds of them were ambushed by government forces and were gunned down without warning. While a small number of those fleeing were armed, government forces made no apparent effort to spare the lives of the overwhelming majority who were not. This stunning use of excessive force was documented by the United Nations and other intergovernmental organizations.

Pressure on Refugees to Return to Uzbekistan

Roughly five hundred people fled Andijan on May 13 and made their way to neighboring Kyrgyzstan. The group received refuge in tent camps set up along the

[2] This background section is based on several Human Rights Watch publications, including Bullets Were Falling Like Rain: The Andijan Massacre, May 13, 2005, vol. 17, no. 5(D), June 2005, http://hrw.org/reports/2005/uzbekistan0605/; Burying the Truth: Uzbekistan Rewrite the Story of the Andijan Massacre, vol. 17, no. 6(D), September 2005, http://hrw.org/reports/2005/uzbekistan0905/uzbekistan0905.pdf; World Report 2006: Events of 2005 (chapter on Uzbekistan), January 18, 2006, http://hrw.org/english/docs/2006/01/18/uzbeki12288.htm.

Uzbek-Kyrgyz border by the United Nations High Commissioner for Refugees (UNHCR) and administered by the Kyrgyz Department of Migration Services.

The Uzbek authorities aggressively pursued the return of refugees who had fled the country following May 13. Beginning in early June 2005, it used threats, coercion, promises of fair treatment, and unscrupulous propaganda to pressure families of refugees who had sought refuge in Kyrgyzstan to bring their relatives back to Andijan. Officials often threatened serious repercussions for family members if they failed to convince their relatives in Kyrgyzstan to return. In some cases, Uzbek government proxies themselves entered the camp and attempted to remove refugees or interfered with family meetings.[3]

The danger of forced return from Kyrgyzstan was so great that in late July 2005 the UNHCR evacuated the refugees from Kyrgyzstan to Romania, where they could be better protected.

The Uzbek government has worked jointly with the security forces of neighboring countries to secure the forcible return refugees and asylum seekers, often in blatant disregard of international law prohibiting such action; in several other cases, asylum seekers have simply vanished and later been found in custody in Uzbekistan. In the past three years, several dozen individuals have been forcibly returned[4] and scores of others live in constant fear of being returned to Uzbekistan, where they face a serious risk of torture and other abuse.

No Accountability for Killings of Unarmed People

To this day, and despite overwhelming evidence to the contrary, government authorities deny responsibility for the killings of unarmed protesters in Andijan, blaming them instead on Islamic extremists who were intent on overthrowing the government and creating an Islamic state in the Fergana valley. The government

[3] See Human Rights Watch, *Burying the Truth*, pp. 25-28.

[4] For a thorough analysis of forced returns of Uzbek nationals to Uzbekistan, including those suspected of involvement with the Andijan events, see Memorial Human Rights Center and Civic Assistance, "Refugees from Uzbekistan in CIS countries: Threats of Extradition (May 2005-August 2007)," September 2007, http://www.memo.ru/2007/09/26/2609071.htm (accessed April 28, 2008), passim. See also Civic Assistance, "Removal of Refugees as a Would-be Counter-Terrorism Measure" (current through April 2008), April 2008.

characterized the killings in Andijan as "terrorist acts" and put the death toll at 187, the majority of them "bandits," "terrorists," and the government agents they supposedly killed. It acknowledges approximately 60 civilian deaths, and attributes all of them to the gunmen and not to fire by government forces.[5] The government has specifically stated that the gunmen were the ones responsible for the slaughter of civilians retreating from the main square where the protest had been held.[6]

Three years later, no one has been held accountable for these killings. The government of Uzbekistan has extensively investigated and convicted hundreds of people in connection with the armed uprising and the mass protest.[7] But it has made no attempt to clarify the circumstances surrounding the massacre or to provide information regarding the specific units responsible for the killings or who gave the orders to fire. It has adamantly rejected repeated calls for an independent international inquiry into the Andijan events. Instead, in late 2006 and early 2007 the Uzbek government agreed to engage with the EU in "Andijan experts meetings" that examined the armed uprising that preceded the massacre, but not the killings themselves.[8] At these meetings the Uzbek government deflected any further criticism for its refusal to agree to an independent inquiry. The EU, for its part, made a public statement that the experts' meeting was an important opportunity for dialogue but not a substitute for such an inquiry.

In the immediate aftermath of the massacre, the Uzbek government also made unprecedented efforts to suppress and manipulate the truth about the May 13 events.

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[5] General Prosecutor's Report, Uzbekistan Embassy to Israel, http://www.embuzisr.mfa.uz/modules.php?op=modload&name=Sections&file=index&req=viewarticle&artid=186&page=1 (accessed May 5, 2008).

[6] See, for example, "Information about the Andijan Events and their Investigation," General Consulate of the Republic of Uzbekistan in New York, Press release, June 20, 2005.

[7] The Uzbek government detailed the criminal charges and trials related to Andijan in its Report by the Prosecutor General of the Republic of Uzbekistan on the Results of the Investigation into Acts of Terrorism in the city of Andijan (12-13 May 2005), submitted to the Organization for Security and Cooperation in Europe, SEC.DEL/235/06, October 2006. On file with Human Rights Watch.

[8] In December 2007 and April 2008, the government held meetings with EU experts to discuss the Andijan events, at which it presented, de novo, its version of the uprising and massacre. While a dialogue about the Andijan events is welcome, these expert meetings in no way resembled the independent, international commission of inquiry called for by international organizations and foreign governments (see below).

Foreign journalists were forcibly ejected from Andijan, and had their notes and equipment confiscated. Local law enforcement and *mahalla* (neighborhood) committee members went door to door warning residents not to speak with journalists or foreigners or to discuss the events of May 13.

The authorities detained and tortured or otherwise ill-treated hundreds of participants in and witnesses to the demonstration. In autumn 2005 the Uzbek authorities began a series of trials related to the Andijan events. Between September 2005 and July 2006 at least 303 people were convicted and sentenced to lengthy prison terms in 22 trials—including one trial of Andijan Interior Ministry employees and another involving Andijan prison staff and soldiers. Some of the people tried were convicted of terrorism, the courts finding that the defendants had been plotting to set up an Islamic caliphate in Uzbekistan. With the exception of the first trial, held in the Supreme Court between September and November 2005, all trials were closed to the public.

The government portrayed the trials as a means of holding accountable those responsible for the uprising and protests in Andijan, but, as noted above, did nothing to answer the outstanding questions about the scale of—and responsibility for—the excessive use of lethal force by law enforcement.

Crackdown on Civil Society

The Uzbek government also engaged in a fierce crackdown on individuals and organizations who sought to establish and expose the truth about the Andijan events. Dozens of human rights defenders, political activists, and independent journalists were either detained by the authorities or were forced to flee the country because they feared for their security. The authorities also blocked the activities of local and international nongovernmental organizations (NGOs). Between May 2007 and February 2008, eight human rights activists were released from prison or amnestied. But at this writing, the Uzbek government continues to hold at least 12 human rights defenders in prison on politically motivated charges. All of the currently imprisoned defenders were arrested and prosecuted during the post-Andijan crackdown.

International Response

With the notable exception of Russia and China, the initial response by international organizations and third-party governments to the Andijan massacre was strong and unified condemnation. The United Nations, the European Union, the United States government, the Organization for Security and Co-operation in Europe (OSCE), and the NATO Council all called for an independent international inquiry into the events and for accountability for those government officials found responsible. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and the Office of the UN High Commissioner for Human Rights issued strongly critical reports based on extensive interviews in Kyrgyzstan with eyewitnesses to the massacre.[9] These reports corroborated the findings of Human Rights Watch and other NGOs that there was overwhelming evidence of Uzbek government responsibility for the killings.

After this initial show of unity, however, it soon became evident that key actors, in particular the United States and the European Union, lacked a common strategy toward Uzbekistan, resulting in a failure to ensure that the Uzbek government's persistent defiance of the international community's calls were met by an effective, coordinated response. Thus the hard-hitting reports by the OSCE/ODIHR and the UN High Commissioner for Human Rights never received the political backing and sustained follow up they so clearly warranted. The UN's highest human rights body, the Human Rights Council, considered the situation in Uzbekistan on two separate occasions in 2006, only to decide to lift its scrutiny of the country altogether.

Only the European Union, six months after the massacre, mustered the political courage to impose concrete political consequences in the form of targeted sanctions, which were adopted by EU foreign ministers in October 2005. The sanctions consisted of an EU-wide visa ban on 12 high-ranking Uzbek officials the European Union considered "directly responsible for the indiscriminate and disproportionate use of force in Andijan," an embargo on arms exports to Uzbekistan, and partial

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[9] U.N. Office of the High Commissioner for Human Rights, *Report of the Mission to Kyrgyzstan by the Office of the High Commissioner for Human Rights (OHCHR) Concerning the Killings in Andijan, Uzbekistan, of 13-14 May 2005*, July 12, 2005 [online], http://www.ohchr.org/english/press/docs/andijan12072005.pdf (retrieved April 30, 2008); and Organization for Security and Cooperation in Europe, *Preliminary Findings on the Events in Andijan, Uzbeksitan, 13 May 2005*, released by the Office for Democratic Institutions and Human Rights, June 20, 2005 [online], http://www1.osce.org/documents/odihr/2005/06/15233_en.pdf (retrieved May 1, 2008).

suspension of the Partnership and Cooperation Agreement (PCA), the framework that regulates the EU's relationship with Uzbekistan—marking the first time in the institution's history that it had partially suspended a PCA with another country over human rights concerns.

Since their initial instatement, however, the European Union has incrementally weakened the sanctions despite the Uzbek government's failure to heed EU human rights demands, first by lifting the partial suspension of the PCA in November 2006, and then again in May 2007, when it took the names of four officials off the visa ban list even though the Uzbek government had not conducted impartial and credible investigations into the Andijan massacre or held the perpetrators to account. In October 2007, while extending the sanctions for another 12 months, the EU suspended the bulk of the sanctions regime—the visa ban—for a period of six months and listed a set of concrete benchmarks that the Uzbek government had to undertake, including the release of imprisoned human rights defenders. The EU justified the move as a constructive gesture aimed at encouraging the Uzbek government to undertake the necessary human rights reforms. On April 29, 2008, the EU suspended the visa ban for another six months, until October 2008, when the sanctions regime is scheduled to expire unless it is again extended. While the EU announced that it would conduct a mid-term evaluation of Uzbekistan's human rights record in three months, it squandered significant leverage by failing to ensure that the further suspension was accompanied by an automatic reinstatement clause should the Uzbek government continue to defy EU calls for human rights progress.

This shifting EU policy reflects a deep split among EU member states as to whether to maintain sanctions against Uzbekistan, with some arguing that the sanctions have not proved effective and should therefore be dropped, and others adopting a more principled position that the sanctions should be maintained until the Uzbek government has met the EU's benchmarks.

Another factor contributing to a weaker EU commitment to the sanctions has been its parallel pursuit of a comprehensive strategy for Central Asia, encompassing all five Central Asian states, including Uzbekistan. The strategy, adopted in June 2007, envisages a range of ambitious goals for deepening EU engagement in energy,

security, and other policy areas in Central Asia. It also seeks to promote human rights and the rule of law, chiefly through technical assistance and structured human rights dialogues the EU wants to establish with each of the Central Asian states.

Against the backdrop of this broader EU agenda, the sanctions on Uzbekistan have come to be perceived as a "thorn" in the relationship and an impediment to constructive engagement. Thus, while acknowledging that the human rights situation in Uzbekistan remains atrocious, EU officials increasingly refer to the human rights dialogue as the appropriate forum through which these concerns can be addressed, ignoring years of accumulated experience showing that some of the most important human rights steps the Uzbek government has taken were in response to international pressure.

Despite the shifts in its approach, the EU nevertheless stands out as a leader in the international arena when it comes to promoting human rights improvements in Uzbekistan. By contrast, the United States' performance in this respect has been particularly disappointing. Not only did it fail to adopt sanctions similar to those imposed by the EU, but it also stopped short of articulating any clear policy more broadly vis-a-vis the Uzbek government.[10]

A significant opportunity for reversing this disappointing record was created by the adoption in the US Congress in December 2007 of legislation setting out specific human rights benchmarks the Uzbek government would have to fulfill, or risk facing sanctions. The sanctions, which mirror those of the EU, would take the form of a visa ban, to be imposed after six months should Tashkent fail to deliver on the benchmarks. The significance of this legislation should be seen in the process it creates for ensuring that the Uzbek government's rights record at long last comes up for close, public scrutiny in Washington, DC.

[10] The welcome, long-awaited move by the State Department in November 2006 to designate Uzbekistan a "country of particular concern" for its severe violations of religious freedom remained an isolated step with no practical consequences due to the absence of policy implications that should logically have followed such a designation.

V. Continued Repression in Andijan

Repression against Those Who Stayed in Uzbekistan

In previous publications, Human Rights Watch described the wave of repression against the participants in the Andijan events in the summer of 2005, including massive arrests and detentions, and widespread use of torture to coerce confessions from participants in and witnesses to the events.[11]

Many of the people subjected to the "filtration" process (detention, torture, and other ill-treatment that usually led to the signing of coerced confessions) faced criminal charges in summer 2005. Later, they were either convicted in closed trials or turned into National Security Service (SNB) informants meant to help the security service identify other Andijan participants and witnesses.

However, even after people were released from detention, they were never left in peace—the authorities continued to summon them for questioning on a regular basis, threatening them with criminal prosecution, and forcing them to collect information implicating other witnesses or participants in the events. Human Rights Watch interviewed at least nine individuals who finally fled Andijan during 2007and early 2008, exhausted by constant harassment and fearing for their lives and freedom.

In an illustrative case, "Salim S.," a witness to the Andijan events, said that the police subjected him to harsh questioning immediately after the May 13 events, and then continued to summon him sporadically for questioning in the months thereafter. The pressure intensified in spring 2006. The authorities then accused him of being the source of information "that continued to leak from Andijan to the West."[12] The questioning continued on a weekly basis through autumn 2006, and the authorities repeatedly threatened him with criminal prosecution. He described one of his interactions with the prosecutor's office to Human Rights Watch:

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[11] Human Rights Watch, *Burying the Truth*.

[12] Human Rights Watch interview with "Salim S." (not his real name), Kyrgyzstan, March 10, 2008.

> The prosecutor slammed his fist on the table, and started screaming at me. He said, "You! First, I'll charge you with some financial fraud, or tax violation. Then, I'll arrest you for larceny, and even if this doesn't land you in prison, you would have to pay such a fine that you would have to sell your house, sell everything you've got. And finally, I'll turn you into a recidivist or a Wahabi, and you'll spend 20 years in prison."[13]

At the end of 2006, when Salim S. was not home, police conducted a search of his house, and forced his wife to sign a document that they did not allow her to read. After that, Salim left Andijan and lived in other places in Uzbekistan for a year. When he returned to Andijan, however, a contact in the anti-terrorism department of the Interior Ministry informed him that the police had collected evidence about his "anti-state" activities and contacts with foreign journalists. Salim S. then fled the country with his family.[14]

Another interviewee, "Gulnara G.," also described to Human Rights Watch the never-ending ordeal she had to go through as a result of the fact that she had participated in the May 13 demonstration.[15]

Gulnara G. went to the demonstration with her husband. After government forces opened fire on the crowd, she fled with others, and almost made it to Kyrgyzstan. However, when Uzbek border guards fired at the people trying to prevent them from crossing over to Kyrgyzstan, Gulnara G. was seriously wounded by a gunshot to the arm. She was unconscious, and her husband, who believed she had been shot dead, decided to leave her behind, along with several others who were killed or seriously wounded. Her brother-in-law also fled to Kyrgyzstan.

An ambulance took her to a hospital, where her arm was bandaged but she received no other treatment for her wound. As soon as she regained consciousness, security

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[13] Ibid.

[14] Ibid.

[15] Human Rights Watch interview with "Gulnara G." (not her real name), Kyrgyzstan, July 6, 2007.

officials started interrogating her. The same night they took her to the prosecutor's office in the nearby town, and continued the interrogations. Gulnara G. said that the interrogators wanted her to confess that she and her husband were members of "Akramia," the Islamic grouping the government blamed for the uprising. According to Gulnara G., they held her at gunpoint, threatened to rape her, and refused to provide her any medical assistance, although she was bleeding and feeling sick at the time. Security officials reportedly tried to handcuff her but were unable to because of the bandage on her arm. As a result of the wound, she remains unable to use two fingers.[16]

Gulnara G. was released around midnight on May 14. On May 15 Gulnara G. returned to Andijan.

Several days later, the police came to Gulnara G.'s house, confiscated the passports of her husband and brother–in law who also fled on the day of massacre, and took her and her mother-in-law to the local department of the Ministry of Internal Affairs; her father-in-law was already there. The police then took her to a local hospital and made her identify other participants in the Andijan events from among patients in the wards. Gulnara told the police that she did not recognize anyone in the hospital, but reported that the investigators nevertheless forced her to point at people randomly, and write down names that were given to her by the police. If she did not, they threatened to "rape her in the cellar" and then press criminal charges against her.[17] Gulnara and her mother-in-law were released the same day, but her father-in-law spent 10 days in detention.

After her release, her life never returned to normal, Gulnara G. said,

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[16] Ibid.

[17] Information gathered by the Memorial Human Rights Center lends credibility to Gulnara G.'s account that she was threatened with rape. In 2008 Memorial interviewed a woman who, together with her husband, participated in the Andijan demonstration. The woman told Memorial that her husband was arrested soon after May 13, and that he was tortured and sentenced. In June 2005 the woman was was held for three days in an Andijan police station, where, she said, she was questioned by an investigator from Tashkent and later raped by a procuracy official from Andijan. The procuracy official said he was getting revenge for the violence done by the insurgents at the *hokimiat*. The woman subsequently fled Uzbekistan. We do not disclose the location of Memorial's interview to protect her safety. Email communication from Vitalii Ponomarev, Central Asia program director for the Memorial Human Rights Center, to Human Rights Watch, May 4, 2008.

> Until September 2006, the police used to come to our house once or twice every week. They came in their cars, and every time we shuddered and took pills to calm down. They would take me and other family members away in the afternoon and interrogate us for many hours [in a police station] and then bring us back at 2 or 3 in the morning. I couldn't get in touch with my husband because the phone was tapped.... But worst of all, people stopped coming to our home. They were afraid—whoever visited us then got arrested and sometimes detained for a long time; one of our relatives spent 25 days in detention after he visited us.[18]

In April 2007 Gulnara G. and her daughter fled to Kyrgyzstan along with other families.

Returnees from Kyrgyzstan

Some refugees who fled to Kyrgyzstan on the night of May 13, 2005, eventually gave in to the incessant pressure and went back to Uzbekistan before they could be resettled. Uzbek authorities promised these returnees that they would be "forgiven" if they returned and would not face persecution. Some of these "returnees" described to Human Rights Watch experiences upon return to Andijan that eventually forced them to flee Uzbekistan again—two or more years after the massacre.

The police and the National Security Service repeatedly interrogated these returnees and subjected them to constant surveillance, trying to identify other participants in the demonstration. They forced them, under coercion, to sign witness statements and confessions that supported the government's version of events. Some told Human Rights Watch they were forced to confess publicly and to admit to the "mistakes" they had made by participating in the demonstration and fleeing the country.

An illustrative case is "Zulfia Z.," who participated in the May 2005 demonstration, and then found refuge in Kyrgyzstan along with others who fled the massacre. In June

[18] Human Rights Watch interview with "Gulnara G."

2005, however, her husband, who had stayed in Andijan, went to Kyrgyzstan and brought her back to Uzbekistan. Zulfia Z. said that after their return, she, her husband, and teenage son, as well as other members of their extended family, were repeatedly interrogated and forced to sign various incriminating statements.[19] Zulfia Z. said that the security forces threatened her husband with criminal prosecution and forced him to confess that he supported Akramia. Zulfia Z. herself was forced to say that gunmen used her and other civilians as human shields on May 13.[20]

In October 2005 the police took Zulfia Z. and her son, along with about 50 other Andijan residents, to Tashkent to testify at the trials. According to Zulfia Z., they were kept in a hotel for several days and guarded by men in military uniforms. During this time, the prosecutors instructed them what to say in the courtroom. Zulfia Z. said she was appalled that the prosecutors expected them to tell lies about what happened in Andijan, and that they kept threatening those who tried to refuse.

Zulfia Z. told Human Rights Watch that until March 2006 the police had regularly summoned her and other family members for interrogation and that she had felt she was under constant surveillance. Then, interrogations stopped, but local policemen continued to visit their house regularly, before public holidays or "when the gas was turned off," to warn them to keep quiet and not go to any "demonstrations."[21] The government appeared particularly concerned that there would be new protests as a result of such economic hardship.

In February 2007 a friendly contact in the local police told the family that they should leave the country; otherwise they might be arrested. In April 2007, after they learned of an unexpected visit from the police while the family was not at home, Zulfia Z. and her husband fled to Kyrgyzstan along with several other families from Andijan.

Men who participated in the Andijan events have faced even more serious consequences. The statements of refugees who fled to Kyrgyzstan throughout 2007

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[19] Human Rights Watch interview with "Zulfia Z." (not her real name), Kyrgyzstan, July 6, 2007..

[20] Human Rights Watch interview with "Aslanbek A." (not his real name), husband of "Zulfia Z.," and Human Rights Watch interview with "Zulfia Z.," Kyrgyzstan, July 6, 2007.

[21] Human Rights Watch interview with "Zulfia Z."

and in the beginning of 2008, as well as the information that Human Rights Watch has received from Andijan over the past three years suggest that approximately a year after the massacre, in summer 2006, the Uzbek authorities had apparently processed all who had been arrested in the immediate aftermath of the massacre. They then launched a new hunt for those they believed had participated in the Andijan events but had managed to escape the earlier persecution.

Judging from the statements collected by Human Rights Watch, many of those targeted were people who had fled to neighboring countries, including Kyrgyzstan, after the May 2005 events, but then returned to Andijan. As already mentioned, these returnees had been promised that they would be "forgiven" and would not face persecution. Indeed, at least in some of these cases, the authorities did not go after the returnees during the first wave of repression, but targeted them more than a year after the massacre.

Their accounts paint a grim picture of torture and other ill-treatment, threats, fabricated criminal cases, coerced confessions, and convictions in closed trials that took place in the second half of 2006 and the first half of 2007.

For example, "Umar U." told Human Rights Watch that he returned to Andijan in mid-2005, after being guaranteed by the Uzbek authorities that he would not face problems. A year later, however, local police in Andijan arrested him.

Umar U. was held in the Andijan pretrial detention facility (SIZO) where interrogators subjected him to regular beatings and other forms of ill-treatment and torture. According to Umar U., they wanted him to confess that he carried a gun during the May 13 events in Andijan, and to provide names and contact information for people who fled to Kyrgyzstan, Kazakhstan, and Russia. He told Human Rights Watch,

> They didn't care whether I had committed anything or not. They beat me because I had applied for refugee status in Kyrgyzstan, and because my brother fled the country.

> They beat me with clubs in the kidney area and forced me to stand straight and keep my hands behind my neck during these beatings. They said, "If you move your hands, it is considered an assault. If you say anything, it is considered an insult." They beat me every second day. They also put a gas mask on me and cut off the air, and beat me on my feet with a wooden stick....
>
> By September I couldn't take it anymore. I gave in after they said they would treat my parents as "enemies of the state." They also said, "You have a wife. You know that we can do whatever we want with your wife, right?" After that, I was ready to sign anything. I was ready to confess that I was in the tank, that I fired a gun, or that I am Bin Laden's best friend.[22]

Umar U. spent seven months in pretrial detention, first in Andijan and later in Tashkent prisons, and was eventually tried, convicted, and ultimately released.

Umar U. also reported that he had met many detainees while in detention who were accused of participation in the Andijan events, and all of them reported having been subjected to torture in both the SIZO and the prison. At least two of them, according to Umar U., were also people who returned to Uzbekistan after being promised an "amnesty," and both were facing long prison sentences.

Umar U. said that he had been released on condition that he would communicate to everybody, especially the refugees who fled abroad, that everything was going "great" in Uzbekistan, and that he had been "treated really well, never beaten, and released from prison."[23] According to Umar U., he was required to report to the local police three times a week, which he did. However, on one of his visits in spring 2007, the police told him that he was supposed to have come the day before and that if it

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[22] Human Rights Watch interview with "Umar U." (not his real name), Kyrgyzstan, July 3, 2007. Umar U. told Human Rights Watch about other brutal methods of torture he had been subjected to, but asked not to publicize this information, fearing that some details may allow the authorities to identify him.

[23] Human Rights Watch interview with "Umar U."

happened again, he would be rearrested. Umar U. then decided not to tempt fate, and fled to Kyrgyzstan shortly thereafter.

Another participant in the Andijan events, "Rovshan R.," also described to Human Rights Watch the ordeal, including torture, he went through after being convinced to return to Andijan in mid-2006. Despite the authorities' assurances, the SNB detained Rovshan R. two months after his return, and held him first at the local SNB department in Andijan, and then in Tashkent. In both places, he was tortured to force him to confess that he had possessed arms during the Andijan demonstration and to implicate other participants. He told Human Rights Watch,

> In [date withheld] I was called in to the SNB in Tashkent. I went and they took everything away—my belt, even my shoelaces. The same day they beat me on the feet and legs with a stick so badly that my legs were all one big bruise. They were four huge masked guys, I couldn't see their faces. They would throw me to the floor, and beat me, and trample me down. When they beat me on the feet, the pain was so bad—I couldn't tell one slash from the other. When they brought me to the cell, my legs were so swollen that I couldn't put my shoes on.[24]

When Rovshan still refused to confess, the interrogators started bringing his friends whom they had detained earlier into the interrogation room to incriminate him. He said,

> They brought in a witness, a friend of mine. He used to be a big guy, but that day he was very skinny, it was scary to look at him. He was limping. They were shouting, "Tell us, has he been there?" My friend just said, "I am sorry [Rovshan—real name withheld], I could not stand it." They continued shouting "Was he there?!" and my friend said, "Yes."

[24] Human Rights Watch interview with "Rovshan R." (not his real name), [place and date of interview withheld].

> I could hear the voice of my other friend behind the door. He was one of my best friends; we always helped each other in our lives. He was refusing to enter the room. I heard him saying "I will say 'Yes,' but I cannot look at him." I heard the cops call him "Sharik [name changed]," a dog's name. "Sharik, come here! Down! Enter." He entered on hands and knees, the cop continued to have fun, "Sharik, come to me...." The cop put his leg on my friend's back; the friend was all the time staying on his hands and knees. The cop asked, "Was it him?" pointing at me. My friend answered, "It was dark, I couldn't see, I don't know." They started beating him in front of me and then dragged him out of the room.[25]

Rovshan said that by the time he was released, he was ready to do whatever the SNB officials told him to. They forced him to work as an informant. However, after a while the SNB started pressuring him again, claiming he was not working hard enough and was not providing any valuable information. He knew there was a criminal file against him, and the SNB kept threatening that they would take it up again unless he "produces something big." Fearing for his life and freedom, Rovshan R. decided to flee Andijan again in autumn 2007.[26]

Returnees from the United States

Several dozen refugees who initially fled to Kyrgyzstan and were later resettled in the United States have returned to Andijan since 2006.

While at least some of these individuals may have chosen to return home voluntarily for the reasons noted above, information collected from Uzbek refugee communities in Europe and the United States, as well as from agencies that assisted with their integration abroad, strongly suggests that the Uzbek government used a combination of threats and promises to lure resettled refugees back.

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[25] Ibid.

[26] Ibid.

Information about the fate of these returnees is scarce. Andijan remains essentially off-limits for independent observers who are intent on conducting research, making it difficult to assess the current situation of returnees. Many independent voices in Andijan, including human rights activists, journalists, and political activists, have either fled or been intimidated into silence. What is more, the returnees themselves try to keep a low profile and avoid speaking about their experiences even with their neighbors and friends. A number of persons who were in touch with the returnees told Human Rights Watch that the returnees did not interact with former friends and neighbors, and that they looked scared and dispirited.

One interviewee (name withheld) told Human Rights Watch that some of the first people returning from the US had been encouraged to do so by several people who had been imprisoned after the Andijan events and then released on the condition that they would cooperate with the authorities. These men had relatives sentenced to long prison terms, and the authorities promised to reduce the relatives' time in prison if they managed to convince the refugees to return. The Uzbek authorities started a major propaganda campaign, convincing the refugees that they were welcome to return to Uzbekistan and that their lives would be carefree once they returned. They managed to bring the first group of 11 people back. The interviewee, himself forced to be an informant before fleeing the country, told Human Rights Watch,

> [The authorities] first threatened them when they came back. Some of them came to me and they were crying. Friends who came back told me that they were promised everything would be great. "And now, I am a snitch, I report to the prosecutor's office, I betray my friends, I have to name those who had arms and others," a friend of mine said. "We were told by the Americans that we should not go back to Uzbekistan, but we did not listen. Now I cannot go back [to the US,] because I signed a paper there that I went back to Uzbekistan voluntarily despite the warnings."

> I know about 10 men who came back from the US. All of them are depressed. They know that they made a big mistake. They are angry at their friends and relatives who told them that they should come back.
>
> There are also women who came back, but I could not talk to the women. In general, just think about it—if her husband is in prison, and her children remain in Andijan, nobody would let her stay abroad. Relatives would lie to her that everything is fine until she comes back.
>
> Men who came back from the US do small jobs in the bazaar, or some construction work. They are not generally allowed to hire more than one of them [returnees]. If two of them work at the same place, the owner is immediately called to the police, or the SNB. They are not allowed to work together; they are not even allowed to interact with each other. They only interact secretly.[27]

One resident of Andijan, "Kamila K.," who has visited some of the returnees in her neighborhood, also reported that they have been under constant surveillance, and people in the neighborhood advised her not to maintain contact with them. She knew at least two of the men already before they fled Uzbekistan, and she was shocked by the change in their behavior and views when they returned. She said,

> One of them, [name withheld], became a completely different person; everything changed in his behavior. He just keeps praising [President] Islam Karimov over and over again. I felt like he was keeping it all back, too scared to tell the truth.
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> Another one, [name withheld], also acts strange. He would not say anything, would not share any details, just that things were fine. He said, though, that up until now he is being called in twice a week by the police or the SNB.[28]

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[27] Human Rights Watch interview, name and location withheld, March 7, 2008.

[28] Human Rights Watch interview with "Kamila K." (not her real name), Kyrgyzstan, August 10, 2007.

Another interviewee, "Umida U.," said that when she spoke to the wife of one of the returnees, the woman said that her husband has not been able to find a job since his return to Andijan, and that their life is very difficult. She would not go into any details about her husband's experience, yet kept pressing Umida to flee Uzbekistan.[29]

Judging by the information that Human Rights Watch has been able to obtain, the returnees from the United States are subjected to intense pressure and intimidation, but not to ill-treatment or physical torture. This is possibly due to the fact that the government has been persistently trying to convince more refugees to return, and the mistreatment of those who have gone back would significantly undermine these efforts. As one of the interviewees who was in contact with the returnees put it:

> [The refugees] who came back from the US are under strong surveillance, but not directly persecuted. I think this is just for the time being. The government just wants to get everybody back to Uzbekistan to save its secrets. They will start the real pressure after they get more or less everybody back.[30]

Rovshan R. said that after the refugees returned from the US he was asked by the SNB to write accusatory statements against them, alleging that they had possessed weapons and organized the violence. He knew that the SNB then summoned many, if not all, of the returnees. According to Rovshan R., a person from the SNB told him, "One day they [the returnees] will pay for it. One day they will make some mistake and we'll imprison them—if not officially for Andijan, then for something else."[31] Rovshan told Human Rights Watch how SNB instructed him to spy on the returnees:

> [The SNB officer told me], "You should know everything: where they go, with whom they spend time." As there were mostly women who came back, I was told to send my wife to be friends with them. "Your wife should talk to these women, and also should listen to what people say

[29] Human Rights Watch interview with "Umida U." (not her real name), Kyrgyzstan, March 13, 2008.

[30] Human Rights Watch interview with "Umar U."

[31] Human Rights Watch interview with "Rovshan R."

> in the mahalla. Ask them what those who are still abroad say about Uzbekistan. And report everything."[32]

Umar U. reported that during his detention in Andijan and Tashkent he met at least three detainees whose wives had been resettled in the United States. The government apparently promised the men that they would receive better treatment in prison and that the torture would stop, if their wives returned. According to Umar U., the men's situation indeed seemed to improve after the wives returned, and the wives were allowed to visit them in prison.[33]

The Uzbek authorities continue their efforts to obtain the return of other Andijan refugees, using a combination of propaganda, promises, and pressure on the refugees' families still in Uzbekistan. The state-controlled media has published eulogistic statements by returnees, describing their happy life and complete lack of pressure. The authorities have also tried to ensure that the message gets directly from Andijan to refugees resettled abroad, by asking the returnees to contact the refugees and assure them that they had faced no problem upon return.

Despite the government's assurances, however, most refugees we interviewed continue to have very serious concerns about the risk they would face if they returned to Uzbekistan. Their fears are only exacerbated by ongoing reports of government persecution of anyone it considers to have been associated with the Andijan events, including some returnees, as well as the inability of independent monitors to assess current conditions in Andijan.

Kamila K., whose son had been resettled abroad, told Human Rights Watch,

> Just recently, an SNB officer came and asked for my son's phone number—so that he could get the other returnees to call him. They would then convince him to come back and explain that nothing would happen to him. But I don't believe him! … I've met several people who came back. One of them didn't say much about himself and what his

[32] Ibid.

[33] Human Rights Watch interview with "Umar U."

> life has been like upon return, but he made it very clear that my son should not come back, should never ever think of returning![34]

In a situation where fear and intimidation are so pervasive that there is little chance of speaking freely to returnees in Andijan about their treatment, and the government continues to suppress the flow of information from the region, it is extremely difficult to assess the well-being and safety of these individuals.

Families of Refugees Resettled Abroad

Human Rights Watch interviewed approximately two dozen individuals who were the family members of resettled Andijan refugees. Although many of these individuals had nothing to do with the May 13 events, they became the targets of intimidation and harassment by the authorities because their relatives had escaped to Kyrgyzstan and had been resettled abroad. As a result, they were compelled to leave Uzbekistan and seek temporary refuge in Kyrgyzstan in the hope that they would eventually be reunited with their family members abroad. Most of these individuals fled Uzbekistan in 2007 and early 2008.

Interviewees reported that after the news about their relatives' resettlement reached the authorities, the police and other security services started tapping their phones, following them in the streets to monitor their contacts, and regularly summoning them for questioning. Some of the male relatives were also arbitrarily detained and beaten in custody.

Wives

While hundreds of women, many of them with children, attended the demonstration in Andijan on May 13, 2005, the majority of those who managed to escape to Kyrgyzstan after the government crackdown were men.[35] Many of these men left behind their wives and children.

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[34] Human Rights Watch interview with "Kamila K."

[35] Some of the women had to leave the demonstration earlier in the day to attend to their responsibilities at home; many others were killed or injured when the government troops opened fire at the crowd. Many could not manage a night-long journey on foot to Kyrgyzstan. Of the 439 people evacuated from Kyrgyzstan, there were 74 women, 23 children, and 342 men.

For women who stayed in Andijan after their husbands' escape, life turned into a nightmare. It was very difficult for them to support themselves and their families financially, and they had to rely on their husbands' relatives or return to their parental homes. The community—their neighbors, and especially the mahalla committees (neighborhood councils), turned them into outcasts, often humiliating them and depriving them of assistance that under different circumstances single mothers with children could expect. Worst of all, the authorities—the police and the SNB—subjected them to incessant harassment and persecution, apparently in the hope that such pressure would impel their husbands' return.

For example, "Farida F.," whose husband and brother-in-law were resettled abroad, reported that the local police, prosecutor's office, SNB, and the mahalla committee subjected her to constant harassment after her husband fled to Kyrgyzstan, and especially after he was evacuated to Romania in August 2005. She said that the authorities requested copies of documents, such as passports and birth certificates of all family members, and repeatedly summoned her for questioning.

She also reported that her husband's youngest brother—who remained in Andijan—had been detained for 10 days and severely beaten during his detention. Interrogators reportedly told him that he "would pay for his two brothers" who had escaped.[36]

Farida F. also told Human Rights Watch that the repressive measures used by the government had turned her and other families into outcasts in their communities. They said male members of the households were often unable to find employment or receive medical assistance. Their own lives had become difficult because people treated them as "lepers," fearing that any contact with these families might trigger persecution.[37]

Ultimately, as a result of this harassment by the authorities and the social ostracism by the community, Farida F. fled to Kyrgyzstan with her children in November 2006.

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[36] Human Rights Watch interview with "Farida F." (not her real name), Kyrgyzstan, July 9, 2007.

[37] Ibid.

Another woman, "Mahmuda M.," told Human Rights Watch that since her husband's resettlement abroad in 2005, she and her mother-in-law had been summoned to the police at least once a month and questioned about her husband's whereabouts, his contacts, and his role in the Andijan events. She also reported that her husband's teenage brother had been terribly frightened when a bus of police and military personnel came to the house three days in a row when he was home alone.[38]

According to Mahmuda M., the pressure on the family was so great that at some point her husband considered returning to Uzbekistan, but then decided against it. In April 2007, shortly after yet another visit by the local police to her house, Mahmuda fled with her two children to Kyrgyzstan. At the time of our interview with her, she was in hiding, waiting to reunite with her husband (see Chapter VI, below).

"Aziza A." said that after her husband fled Andijan a second time in fall 2007, she was repeatedly summoned by the SNB, the local police, and the mahalla committee. All of them were inquiring about her husband's whereabouts. She said that in most cases the interrogators made sure to torment her:

> Usually, the interrogations started at 10 a.m. and lasted for two hours. I am pregnant; it was hard for me to endure this. One day they summoned me in the morning, and I had to stay till 11 p.m., while they just kept saying that the person who should talk to me wasn't there yet. My father-in-law then got very angry; he called our local policeman and told him, "Don't you see there are only women and children left here?! If you come again, I will just lock the door and put the house on fire." We fled soon afterwards.[39]

At least half a dozen other women provided very similar accounts of harassment they faced following the resettlement of their husbands abroad.

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[38] Human Rights Watch interview with "Mahmuda M." (not her real name), Kyrgyzstan, July 9, 2007.

[39] Human Rights Watch interview with "Aziza A." (not her real name), Kyrgyzstan, March 7, 2008.

Sons and daughters

Uzbek authorities have also targeted the sons and daughters of Andijan refugees, especially young men. Because their parents' had fled abroad, some of these individuals faced a range of measures from harassment and disciplinary measures at schools and universities, to detention, coercive interrogations, and threats of criminal prosecution.

One of the interviewees, 28-year-old "Saidjon S.," told Human Rights Watch that after his father fled to Kyrgyzstan, he and his brother were regularly summoned by the local police, but their mother would always go instead. The officers kept insisting that she should bring her husband back; otherwise they would turn to her sons. "They threatened to summon her daily," Saidjon said. "They said they would open a criminal case against me and my brother. They told our mother, "We'll arrest them and you'll have no choice but to bring your husband."[40]

After Saidjon's mother left Andijan to reunite with her husband abroad, the pressure intensified. The mahalla committee kept questioning him and his brother about their parents' whereabouts. Saidjon believed that the authorities did not arrest them because they hoped to use the brothers to get their parents back.

However, the SNB first confiscated the car that Saidjon's brother owned and operated as a taxi—claiming it was illegal to operate a car with tinted windows. Then, in July 2007, Saidjon was forced by the local police to close the internet cafe that he ran. Shortly thereafter, Saidjon and his brother fled Uzbekistan.[41]

"Sharpuddi Sh.," a university student, told Human Rights Watch that after his mother had fled Uzbekistan and been resettled abroad, he was repeatedly summoned to the dean's office where university officials ordered him to testify against his mother.[42]

Another young man, 19-year-old "Nurali N.," told Human Rights Watch that after his father fled Andijan, he was repeatedly summoned and questioned by the police.

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[40] Human Rights Watch interview with "Saidjon S." (not his real name), Kyrgyzstan, March 10, 2008.

[41] Ibid.

[42] Human Rights Watch interview with "Sharpuddi Sh." (not his real name), Kyrgyzstan, March 6, 2008.

When he tried to recommence his studies in his high school after an interruption caused by the need to be a breadwinner for the family, the school requested a letter of reference from the mahalla committee. In the letter the committee included the information on his father, and Nurali was not readmitted into the school, nor was he given his high school diploma.[43]

Several women told Human Rights Watch about harassment and humiliation their young children suffered in school because their fathers had fled the country. "Malika M.," who has three school-age children, said,

> Teachers at school called my kids "children of an enemy of the state." Teachers were saying, "Why should I help you study if your father is an enemy of the state?" Some children in class were also repeating such things. After such words, I stopped sending my kids to school. They have not been to school since September 2006.[44]

Another woman, "Zarina Z.," said that her son was singled-out in his karate class, and while other children were learning their techniques, he was made to clean the floors. He kept coming home, crying, and after several months he quit the class. In addition, when the school was distributing clothes for low-income families, Zarina's son came home from school with girls' clothes. He said he didn't want to take them, but the teacher forced him to. Zarina said it did not come as a surprise as the teacher has been making fun of her because her husband was a refugee.[45]

Parents

Similar to the experiences of the sons and daughters of Andijan refugees who remained behind, the parents of individuals who fled Andijan also suffered persecution from the authorities. A number of inteviewees, men and women in their late 50s and 60s, described to Human Rights Watch the harassment that eventually turned them into refugees as well.

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[43] Human Rights Watch interview with "Nurali N." (not his real name), Kyrgyzstan, March 7, 2008.

[44] Human Rights Watch interview with "Malika M." (not her real name), Kyrgyzstan, March 7, 2008.

[45] Human Rights Watch interview with "Zarina Z." (not her real name), Kyrgyzstan, March 14, 2008.

"Abdullah A." said that he was summoned by the SNB for the first time in September 2006, after his son, persecuted by the authorities for his efforts to collect information about Andijan, had fled the town. He said that the interrogation lasted for more than seven hours, during which the interrogators beat him, asking for his son's whereabouts. Abdullah A. said,

> They asked me where my son was, but I responded that he was not a criminal and I wouldn't have told them even if I knew. One of them then punched me in the face so hard I fell on the floor. The other two came over and started beating me all over with their fists and feet. They pulled me up, handcuffed me, and put a plastic bag on my head, and then started punching me in the chest. At that, I lost consciousness.[46]

Abdullah A. was held for approximately 13 hours in detention and then released, but was forced to sign an undertaking not to leave Andijan. Over the next year, the SNB summoned him for questioning seven or eight times, and beat him during most of those interrogations. He eventually fled Andijan in December 2007, after the interrogators informed him that they had learned the whereabouts of his son and requested that Abdullah bring him in or else face criminal prosecution himself.[47]

At least one of the people interviewed by Human Rights Watch reported that he left Uzbekistan after receiving a direct threat to his life. "Islam I." said that he had been subjected to constant harassment and regular questioning because one of his sons was arrested and convicted for participation in the Andijan events and another had fled and was resettled abroad. However, Islam I. could not leave the country because he was responsible for taking care of his sons' families. It was not until he realized that his life might be at risk that he decided to flee to Kyrgyzstan. He described his interactions with the authorities:

> I was constantly called to the police, to the prosecutor's office, and to the SNB; they always asked the same questions, and never explained

[46] Human Rights Watch interview with "Abdullah A." (not his real name), Kyrgyzstan, March 6, 2008.

[47] Ibid.

why. However, the interrogations got harsher after I sent the family of my older son to reunite with him abroad. The interrogator told me, "Are you a normal person or not? We told you to get your son back, and instead you sent his family away. Do you take us for fools? Do you scoff at us? It looks like you don't want to live quietly, you are looking for problems."

I was forced to sign an agreement not to leave [Andijan]. I was obliged to report to the police every week. A district police officer came to our house almost daily.

In May 2007, a week after I got negative answers [from the authorities] to my inquiry about the amnesty for my younger son, I was called to Andijan SNB and to the police. At the police, there was a man in civilian clothes. He told me, "You, old man, you just can't stay quiet. We put up with you for a long time; we took into account that you are old. But you just get on our nerves. We give you three days. In these three days you have to call back your son and his family; otherwise, you only have yourself to blame." I answered, "What can you do to me? I am old. Put me in prison, I will stay there together with my son." And they laughed, "Who will send you to prison? Your son works there, he produces alabaster, white lime, cement. And you are old, you can't work. You will simply disappear."[48]

When Islam I. went to work the next day and was informed in confidence that "very big people" had come looking for him, he decided to leave for safety.

Surveillance and pressure not to leave the country

People interviewed by Human Rights Watch stated that they were told to report any contact they had with their relatives abroad, and to try to convince them to return to Uzbekistan.

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[48] Human Rights Watch interview with "Islam I." (not his real name), Kyrgyzstan, July 2, 2007.

"Nuria N.," whose husband fled to Kyrgyzstan and was later resettled in Europe, described how her life had become a nightmare after the authorities found out that her husband had been resettled abroad:

> While he was still in Kyrgyzstan, they used to come to our house to do searches; police and the prosecutor's office kept interrogating me and my husband's relatives. But then, after he called from [country withheld], they called me in again, and started asking where he was. They have been tapping the phones, and knew everything, but they wanted a confirmation from me. They told me I should come and report every time he calls. Then four policemen came to my house—fortunately, I was at the market, my neighbors told me later. And in the market I kept seeing the same men following me around. I just could not stand it anymore, and decided to leave with my four kids.[49]

Relatives of Andijan refugees also told Human Rights Watch that the authorities, often through mahalla committees, tried to prevent them from reuniting with their family members abroad by keeping them under close surveillance and overtly threatening them not to leave.

One of the interviewees, "Nigora N.," whose husband was resettled in 2006, said that she and many other family members of the refugees faced a difficult choice. She told Human Rights Watch,

> The city department of the Interior Ministry forced me to sign an undertaking not to leave Andijan and not to participate in any demonstrations. The mahalla committee regularly came to our house and told us not to leave Uzbekistan, otherwise our relatives, including those in prison, would suffer. I know at least 10 other families whose husbands are abroad or in prison, and they all receive threats that their relatives will suffer if they flee.

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[49] Human Rights Watch interview with "Nuria N." (not her real name), Kyrgyzstan, July 6, 2007.

> Those abroad call their wives to join them, but many are afraid. Women who have husbands abroad also have their own families—their fathers, brothers, and mothers. If they were to leave Andijan, their relatives would suffer. If someone is released from prison, he is warned that he will be personally responsible if anyone [from his family] leaves Andijan.[50]

Ultimately, Nigora N. decided to leave Andijan in early 2008, because she was most afraid for her 19-year-old son, whom the authorities had threatened to imprison.[51]

The threats usually came after the families received phone calls from their relatives resettled abroad or were visited by the ICRC representatives who brought them news about their relatives.

For example, Saidjon S. told Human Rights Watch that the ICRC visited him and his mother in autumn 2006 to inform them that his father had been resettled, and organized for them to speak to him on the phone. Immediately afterwards, the police summoned the family, and when Saidjon's mother came, they started questioning her about the purpose of the ICRC's visit, and threatened her, suggesting that the ICRC had offered her money.[52]

Another interviewee, "Leila L.," also said that after the ICRC delivered a letter from her husband who was then in Romania, the mahalla committee summoned her and instructed her to ask her husband to return. After her husband called her, the mahalla committee repeated the request, and forced her mother-in-law to sign an undertaking not to leave the country. Leila refused to sign such an undertaking, despite the pressure from the mahalla committee.[53]

The mahalla committee and the local police continued to summon both women every month to report any communication they had with Leila's husband. After her

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[50] Human Rights Watch interview with "Nigora N." (not her real name), Kyrgyzstan, March 7, 2008.

[51] Ibid.

[52] Human Rights Watch interview with "Saidjon S.".

[53] Human Rights Watch interview with "Leila L." (not her real name), Kyrgyzstan, March 13, 2008.

husband was resettled in the US, he started to call more frequently, and Leila was called in for questioning after each of these phone calls. She said that she and her husband knew they were being listened to, and thus only spoke about his return to Uzbekistan.[54]

Zarina Z., who had a similar experience with the authorities, told Human Rights Watch,

> A week after we received a letter from my husband through ICRC, the police came to our house to read the letter. They wanted to confiscate it, but my mother-in-law wouldn't let them. After May 2006, when my husband relocated to the US and started calling from there, a policeman visited me every time after his phone calls. He said that my husband was in the US and if he asks me to join him I must refuse. He made me sign an undertaking not to leave and told me that if I do, I'll become a refugee and a criminal myself.[55]

In other cases, family members are monitored at work or at the school where they are studying to ensure that they do not leave the country. Umida U., whose husband was resettled abroad said that she had to give a written undertaking at her children's school that the family would not leave the country.[56] Zarina Z., quoted immediately above, also said that after she fled to Kyrgyzstan with her children, the teachers from her children's school came to her parents looking for her. They were angry and said they [the teachers] would be in trouble for failing to "notice and notify" the authorities that the family had left.[57]

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[54] Ibid.

[55] Human Rights Watch interview with "Zarina Z."

[56] Human Rights Watch interview with "Umida U."

[57] Human Rights Watch interview with "Zarina Z."

VI. Vulnerability of Uzbek Refugees and Asylum Seekers in Kyrgyzstan

Most of the refugees interviewed by Human Rights Watch described how they continue to live in fear even after arriving to Kyrgyzstan. While they are usually able to obtain registration from the Kyrgyz migration authorities and are generally granted refugee status by UNHCR, they believe that neither provides them sufficient protection.

These fears are well-founded, as the Kyrgyz government has repeatedly failed to adhere to its obligations under the 1951 Refugee Convention, which bars the return of refugees to countries where they face persecution, as well as its obligations under the Convention Against Torture, which absolutely prohibits the return of persons to places where they risk torture. The Kyrgyz government returned more than a dozen refugees and asylum seekers to Uzbekistan between 2005 and 2007, and at least five Uzbek asylum seekers have disappeared from Kyrgyzstan, at least two of them allegedly kidnapped by Uzbek security services.[58]

Kyrgyz law enforcement agencies also conducted so-called counterterrorism sweeps, reportedly in consultation with their Uzbek counterparts, which resulted in the detention of a number of asylum seekers. One asylum seeker who had been detained in Kyrgyzstan afterwards told Human Rights Watch that the police had threatened to send him back to Uzbekistan, but released him after UNHCR intervened. Other detainees were also released.[59]

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[58] "Kyrgyzstan: Uzbeks Disappear While Seeking Asylum," Human Rights Watch news release, August 25, 2006, http://hrw.org/english/docs/2006/08/25/kyrgyz14071.htm; "Kyrgyzstan: Return of Uzbek Refugees Illegal," Human Rights Watch news release, August 9, 2006, http://hrw.org/english/docs/2006/08/09/kyrgyz13950.htm; Kyrgyzstan: Do Not Return Refugees to Kyrgyzstan," Human Rights Watch news release, June 16, 2006, http://hrw.org/english/docs/2006/06/16/kyrgyz13572.htm; Human Rights Watch, *World Report 2008: Events of 2007 (chapter on Kyrgyzstan)*, January 31, 2008, http://hrw.org/englishwr2k8/docs/2008/01/31/kyrgyz17745.htm.

[59] "Kyrgyzstan: Uzbeks Disappear While Seeking Asylum," Human Rights Watch news release, August 25, 2006, http://hrw.org/english/docs/2006/08/25/kyrgyz14071.htm.

The refugees feel particularly vulnerable in areas close to the Uzbek border, such as the cities of Osh and Jalalabat. Local organizations, as well as UNHCR, have repeatedly raised serious concerns about the safety of the Uzbek refugees and asylum seekers in Kyrgyzstan. UNHCR published a number of statements protesting the extradition of refugees to Uzbekistan where they face serious risks of torture,[60] as well as the "disappearances" of asylum seekers allegedly kidnapped by the Uzbek security forces.[61] Whenever possible, UNHCR officials try to relocate newly-arrived Uzbeks from Osh and other regions bordering Uzbekistan, to Bishkek (Kyrgyzstan's capital), where they are at less risk of being kidnapped by Uzbek security services.

However, even in Bishkek refugees have little protection if the Uzbek authorities decide to pursue them through official channels.

One of the refugees interviewed by Human Rights Watch, "Karim K.," said that he moved from Osh to Bishkek in late 2005 after local police threatened to hand him over to Uzbekistan. However, Uzbek authorities issued a warrant for his arrest and submitted his name to the Interpol list of wanted criminals. In April 2007 a high-ranking Uzbek police officer went to Kyrgyzstan and visited the migration department of the Ministry of Interior and the prosecutor's office. According to Karim K., the Uzbek officer then contacted one of Karim K.'s friends in Kyrgyzstan:

> They told my friend to warn me not to even try to escape. They said, "We reached an agreement with the Kyrgyz side. They will catch him within the next couple of weeks and extradite him." Shortly thereafter police came to the address where I was registered, but I had already moved to another place and was hiding. I continue to hide to this day, and never go outside alone.[62]

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[60] "UNHCR shocked by extradition of Uzbeks from Kyrgyzstan," press release by the Office of the United Nations High Commissioner for Refugees, August 9, 2006, http://www.unhcr.org/news/NEWS/44d9fd4b4.html (accessed November 30, 2007).

[61] "Kyrgyzstan: concerns over disappearances of Uzbek asylum seekers," briefing notes by the Office of the United Nations High Commissioner for Refugees, August 25, 2006, http://www.unhcr.org/news/NEWS/44eec9782.html (accessed November 30, 2007).

[62] Human Rights Watch interview with "Karim K." (not his real name), Kyrgyzstan, July 3, 2007.

Meanwhile, families that for various reasons had to remain in Osh, live in constant fear of being kidnapped by the Uzbek security services or otherwise forced to return. For example, at the time that Farida F. spoke to Human Rights Watch, she had been living in Osh for nine months after her escape from Uzbekistan, and during that time she had hardly ever left the apartment, and none of her four children attended school or daycare. She said,

> I am too scared to let my children go anywhere. You know Uzbek security service [officials] are all over the place, and Kyrgyz authorities also have handed some refugees over. I know that back home the [authorities] are now pressuring my parents and my brother to find out where I am.[63]

Mahmuda M. told Human Rights Watch that she had not told even her closest relatives in Andijan that she had fled to Kyrgyzstan to seek asylum there. She told her family that she had left to study and was living with relatives, so that they would tell this to the authorities in the likely situation of being questioned about her whereabouts.[64]

The situation for refugees in Osh may further deteriorate after an August 2007 agreement between the Uzbek and Kyrgyz Ministries of Interior to extend their cooperation and to create "branches" in Osh and Andijan. The ministries explained that Uzbek law enforcement officers will be working on the territory of Osh, while their Kyrgyz colleagues will work in Andijan to "consolidate the two countries' efforts against criminals, terrorists, and religious extremists."[65] Human Rights Watch has not yet been able to assess the impact that this cooperation may have on the security of Uzbek refugees in the border region.

Given the continued efforts of the Uzbek authorities to return refugees, and the apparent eagerness of the Kyrgyz government to assist in the process despite its

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[63] Human Rights Watch interview with "Farida F."

[64] Human Rights Watch interview with "Mahmuda M."

[65] "Branch of Uzbekistan MVD to be in Osh" (В Оше появится филиал МВД Узбекистана), *Uznews.net*, August 22, 2007, http://uznews.net/news_single.php?lng=ru&cid=9&nid=656 (accessed December 18, 2007).

international obligations, this move raises serious concerns regarding the safety of refugees on Kyrgyz territory.

Risk of Forced Return from Other CIS Countries

While it is beyond the scope of this report to examine in depth the treatment of Uzbek refugees in other countries in the Central Eurasia region, the risk they face of forced return from Russia, Ukraine, and Kazakhstan has been widely documented.[66]

From 2005 through May 2008 each of these countries has forcibly returned—or attempted to do so—dozens of Uzbek refugees and asylum seekers, chiefly through extradition, expulsion, and deportation. The majority of the returnees stood accused of involvement in Hizb ut-Tahrir, an Islamic organization that is banned in Uzbekistan, or other groups deemed "fundamentalist" by the Uzbek government. About two dozen were accused of involvement in the Andijan events.

A prominent example in Russia was the arrest in May 2005 of 14 men in Ivanovo, a city approximately 250 kilometers northeast of Moscow, upon an Uzbek government extradition request; 12 of the men are Uzbek nationals. In documents submitted to the Russian government the Uzbek government accused the 14 of involvement in the Andijan uprising.[67] Even after UNHCR granted the men refugee status, and after they were accepted for resettlement by a European country, the Russian government made clear its intention to extradite them. On March 5, 2007, the men were released from custody, and in August 2007 the European Court of Human Rights (ECtHR) issued an injunction to stay the extradition. On April 24, 2008, the ECtHR ruled that extraditing the refugees to Uzbekistan would constitute a violation of Russia's obligation under article 3 of the European Convention on Human Rights not to return individuals to countries where they face a risk of torture.

Other Uzbek asylum seekers in Russia were less fortunate. According to Civic Assistance, a well-respected Russian NGO working with refugees, IDPs, and asylum

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[66] Memorial Human Rights Center and Civic Assistance, "Refugees from Uzbekistan in CIS countries: Threats of Extradition ; Civic Assistance, "Removal of Refugees as a Would-be Counter-Terrorism Measure."

[67] Memorial Human Rights Center and Civic Assistance, "Refugees from Uzbekistan in CIS countries: Threats of Extradition. See also, Case of Ismoilov and Others v. Russia (Application no. 2947/06) Judgment, STRASBOURG, April 24, 2008.

seekers, from 2003 to 2008 Russian authorities unlawfully returned seven Uzbek nationals suspected of involvement in Islamic "fundamentalist" organizations to Uzbekistan. A prominent case was that of Rustam Muminov, whom Moscow authorities detained on October 17, 2006 and deported on October 24, minutes after the ECtHR had issued an injunction against the deportation. In January 2007 an Uzbek court sentenced Muminov to five-and-a-half-years' imprisonment on charges of involvement in a "fundamentalist" organization and anti-state activities.[68]

Following the Andijan events dozens of Uzbeks fled to Ukraine, where there was already a small but growing community of Uzbek asylum seekers. Their vulnerability to detention and forced return became pronounced when Ukrainian authorities in February 2006 deported to Uzbekistan 10 asylum seekers, all of whom the Uzbek government alleged were involved in the Andijan events.[69] Three of the men were convicted on charges related to their alleged involvement in the Andijan events, and all were convicted on charges related to their alleged involvement in the Akramia movement.[70]

Since the late 1990s dozens of Uzbeks have fled to Kazakhstan to escape religious persecution. By August 2007 more than 250 had applied for asylum with UNHCR. Their vulnerability has been highlighted by several instances since 2005 when Kazakh authorities detained refugees and asylum seekers. In some cases the Kazakh government authorities alleged the individuals were violating residence rules, and in other cases they were acting in response to Uzbek government extradition requests. To date, no asylum seekers have been extradited, thanks in large measure to UNCHR's interventions.

Kazakh authorities have resorted to extra-legal measures to return individuals to Uzbekistan. In late November 2005 Kazakh authorities forcibly returned at least nine Uzbek men who had fled persecution in Uzbekistan, four of whom were registered

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[68] Civic Assistance, "Removal of Refugees as a Would-be Counter-Terrorism Measure."

[69] Human Rights Watch, Ukraine: Uzbek Asylum Seekers Sent Back to Face Abuse, letter to President Yushchenko, February 22, 2006, http://hrw.org/english/docs/2006/02/22/ukrain12737.htm. "Ukraine: UNHCR deplores action of authorities, seeks information on deported Uzbeks, UNHCR press release, February 17, 2006, http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=43f5b0c62&page=news (accessed May 1, 2008).

[70] Two of the men were sentenced to 13 and 9 years in prison respectively; the rest to three years in a corrective labor camp.

with UNHCR. They were kidnapped, presumably by Kazakh agents, and taken in secret to Uzbekistan. Upon their return almost all of the men were tried and sentenced on various charges related to "religious extremism." In addition, a large group of Uzbeks are believed to have been forcibly returned in a similar manner from Kazakhstan in December 2005.[71] The men had not registered as asylum seekers and it is not known whether they had the intention of doing so. They were all wanted on religious extremism charges for their alleged affiliation with Akramia and in connection with the Andijan uprising. They were all convicted and given prison sentences ranging from four to 20 years.

[71] The Memorial-Civic Assistance report states that 47 Uzbeks were secretly returned during this period. None of them are known to have made formal statements requesting asylum. Among them was Kabul Parpiev, the leader of the Andijan uprising. Their sentences ranged from 4-20 years of imprisonment. The Uzbek government has claimed that Parpiev and the others were detained in Uzbekistan, not Kazakhstan. Memorial Human Rights Center and Civic Assistance, "Refugees from Uzbekistan in CIS countries: Threats of Extradition http://www.memo.ru/2007/09/26/2609071.htm (accessed April 28, 2008). Kazakh government officials have acknowledged that they, and also the nine men referenced above, were seized in Kazakhstan. "Kazakhstan: Secret Service Admit their Responsibility for Extrajudicial Return of Ten Islamists", Memorial Human Rights Center, Press Release, August 19, 2007, on file with Human Rights Watch.

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