

**REFUGEES FROM UZBEKISTAN IN THE CIS
(2005-2006)**

Memorial Society Human Rights Center

EXECUTIVE SUMMARY

The wide-scale persecution in Uzbekistan on political and religious grounds in the late 1990s spawned a wave of refugees who for the most part settled in the countries of the CIS closest to Uzbekistan. On 13 May 2005, government forces killed hundreds of unarmed people who participated in a massive public protest in the eastern Uzbek city of Andijan. After the events in Andijan, refugees poured into neighboring countries. At the present time, there are large groups of Uzbek refugees who have settled in four countries: Kazakhstan, Kyrgyzstan, the Russian Federation, and Ukraine.

Uzbek refugees traveled to the countries of the CIS, making use of the absence of visa requirements, and as a rule, did not even try to legalize their residence in these countries using available mechanisms to obtain asylum. The majority of them simply were uninformed about such procedures, and many simply did not trust the authorities in the countries where they were staying.

However, starting in 2005, the number of appeals for asylum status increased, especially after the UN High Commissioner for Refugees demonstrated the effectiveness of international protection by helping a significant group of Andijan refugees in July 2005 to leave Kyrgyzstan for third countries. Many refugees, including those who left Uzbekistan long before the Andijan events, began to file appeals for asylum status with both UNHCR and with national migration agencies in countries where they resided.

The increase in the number of applications for asylum revealed an alarming tendency: in many cases, the law-enforcement agencies of the countries where the Uzbeks resided began turning over the Uzbek refugees to the Uzbek security services on various pretexts. One of the reasons for this was increased cooperation with Uzbekistan among security agencies in the CIS countries, in conjunction with a campaign to fight international Islamist terrorism.

Even with the variations in law and law-enforcement practice among the four countries indicated in the CIS, we can identify some basic problems which Uzbek refugees have continued to encounter:

1. The mechanisms for offering asylum to refugees from Uzbekistan at the national level are virtually not functioning. In particular, when reviewing applications for asylum, national migration agencies are not taking into account threats of torture and brutal treatment of prisoners in Uzbekistan and in general, are refusing to take

into consideration the massive violations of human rights and the persecution, including for religious beliefs, in Uzbekistan.

2. In all of these four countries – Kazakhstan, Kyrgyzstan, Russia and Ukraine – there is a threat to extradite to Uzbekistan those persons who apply for asylum status; moreover, these are extrajudicial decisions. The procedural standards for such cases effective in a given country are often violated. Cases are known where decisions are made to extradite people despite their existing status as an asylum applicant, where their case are already under review by UNHCR, or where they have even been granted the status of refugee.

One of the reasons for this is that when reviewing asylum applications, the law-enforcement agencies of these countries are guided by the 1993 Minsk Convention about legal assistance within the countries of the CIS, which in many important details contradicts the international obligations undertaken by these same countries to abide by the 1951 Geneva Convention and also the UN Convention Against Torture.

3. Cases of particular concern involve the forced return of persons seeking asylum back to Uzbekistan, without observance of the procedures established by law for such extradition. In some cases, this is concealed extradition, booked as simply deportation from the country of foreigners who have violated the rules for residency (in fact, the security agencies of Uzbekistan are informed, and wait for those deported right at the border). In other cases, refugees from Uzbekistan are kidnapped by Uzbekistani security agents on the territories of other countries, or unlawfully detained by the law-enforcement agencies of the countries where they are staying, and then turned over to the Uzbekistani security agencies. Moreover, the authorities of these countries are refusing to effectively investigate complaints about kidnappings.

REPORT CHAPTER SUMMARY: UZBEK REFUGEES IN THE CIS

In Ukraine in February 2006, 11 Uzbek refugees were unlawfully deported to Uzbekistan. Their case provoked wide public response and international attention. Human rights activists urged that the case be investigated in full. Although various officials of law-enforcement agencies do admit that some violations of due process occurred, they continue to give contradictory statements about these cases.

In Kazakhstan, authorities refuse to acknowledge and investigate an incident with the secret transfer in November 2006 of a group of Uzbek refugees from Yuzhno-Kazakhstan oblast. However, in other cases, the rights of refugees from Uzbekistan were observed or were restored after appeals to the UNHCR and human rights organizations.

There is serious concern about the situation in Russia, where the plight of Uzbek refugees has considerably worsened in recent years, i.e. with the cases of Uzbeks in Ivanovo. After the Andijan events, the Russian security services have actively launched a major manhunt for “Islamic terrorists” who have left Uzbekistan. Legal standards are frequently violated in this campaign, and requests for extradition receive only cursory review before being honored. There have been unlawful extraditions (under the pretext of deportation for administrative offenses), kidnappings, and coercion to make “voluntary returns” to Uzbekistan. In many cases, only the active position taken by international and human rights organizations has enabled legal mechanisms to be deployed to protect the rights of refugees as stipulated by local and international law.

The situation in Kyrgyzstan is extremely alarming, as the government’s position has been inconsistent, and the statements of top officials are often at great odds with the actions of the security services. The uncontrolled operation of Uzbekistani law-enforcement agencies in Southern Kyrgyzstan constitutes a significant danger for refugees; security agents from Uzbekistan kidnap or intimidate refugees, or unofficially “purchase” them from their Kyrgyz colleagues.

A copy of the full report about the situation of Uzbek refugees in the CIS in the Russian language is available from Memorial Society Human Rights Center. The English excerpt is available from International League for Human Rights (centralasia@ilhr.org). Requests for the full translation, to be released in November 2006, can be sent to centralasia@ilhr.org

REFUGEES FROM UZBEKISTAN

EXCERPT

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Case of Extradition of 14 Uzbeks from Ivanovo

The case of the extradition of 14 ethnic Uzbeks detained in the Russian city of Ivanovo in June 2005 for questioning with the participation of Uzbek security agencies is a vivid example of the fabrication of yet another case of “Islamic terrorism” in the CIS.

It is an example of how the security agencies of both Russia and Uzbekistan grossly ignore the standards of both domestic and international law in handling such cases. The case appeared even more dramatic than others, as all 14 of those detained were accused of taking part in the events in Andijan, Uzbekistan, on May 12-13, 2005, while in fact only one of them was actually on Uzbekistani territory during those days. Among those detained were those who had previously been victims of persecution by the Uzbekistani authorities on the basis of their religious beliefs. The case has drawn the attention of international organizations.

According to the official version of the story, contained in a letter from Nikolai Izyumtsev, Acting Prosecutor of the Ivanovo oblast, addressed to Vladimir Lukin, the Human Rights Ombudsman of the Russian Federation, 12 citizens of Uzbekistan were detained in Ivanovo, along with M. Tashtemirov, a citizen of Kyrgyzstan, and Kh. Khadzhimatov, a citizen of Russia. They are accused of “committing premeditated murder of two or more persons with particular brutality, committed on the basis of religious prejudices,” and also of terrorism and assault on the Constitutional order of the Republic of Uzbekistan; as well as the organization of a criminal association and mass disturbances in Uzbekistan.

“Regarding each one of the indicated persons accused by the prosecutor’s office of the Republic of Uzbekistan, measures of restraint have been selected in the form of imprisonment under guard and a manhunt has been declared,” states the letter. In accordance with Art. 61, point 1 of the Convention on Legal Aid and Legal Relation in Civil, Family, and Criminal Cases of January 22, 1992 (the “Minsk Convention”),

“before receiving a demand for extradition, said person may be held in prison upon the petitioning of the initiator of the search for the purpose of confinement.”

“A petition to take the accused wanted person under guard was received from the Directorate for Fighting Organized Crime of the Interior Affairs Ministry of the Ivanovo oblast (known by its Russian acronym UBOP). “During the course of conducting search and surveillance measures, Organized Crime Directorate agents on June 20, 2005, in the city of Ivanovo, detained the above-mentioned accused who were wanted on an interstate warrant, and put them in detention at the investigation-isolation unit (SIZO-1) in Ivanovo, on the basis of requests for detention received from Uzbek authorities.”¹.

Thus, according to the version of the story from the Russian prosecutor, there was just a routine operation undertaken to detain persons who were wanted by the Uzbekistani authorities as “terrorists”. However, a study of the materials available by Memorial Human Rights Center shows that despite the claims of Russian officials, this is a case of unlawful detention and the fabrication of criminal charges against the detainees.

The author of this report studied the requests for extradition that came from Uzbekistan, and also the requests from authorities to have these cases attached to existing criminal cases as accused persons, as well as the requests to declare searches and the requests for measures of restraint and detention under guard.

As can be seen from these documents, 12 of the 14 Uzbeks detained in Ivanovo are accused under Art. 97 (murder); 155 (terrorism); 159 (assault on the Constitutional order); 242 (organization of a criminal association); 244 (mass unrest) of the Criminal Code of the Republic of Uzbekistan, and also under Art. 161 (subversion); 244-1 (dissemination of materials containing a threat to public safety); 244-2 (participation in prohibited organizations); and 247 (unlawful possession of weapons) of the Uzbekistani Criminal Code.

Almost all of these charges are related to their alleged relationship to those detained in the Andijan events, which are described in general phrases as the “criminal conspiracy” or the “group of armed persons” or as three radical Islamic organizations – the Islamic Movement of Uzbekistan, Hizb-ut-Tahir and Akromiy².

In the majority of cases, the warrants do not contain specific descriptions of the offenses with which the detainees are incriminated, including the place, time and other relevant circumstances, which contradict the requirements of the code of criminal procedures. Only in the materials for Umarali Aimov and Obboskhon Makhmudov, who

¹ Letter from the Prosecutor of the Ivanovo oblast, №15-590-05 of 10.08.2005.

² In reality, the organizations Akromiy or Akromilar did not exist. In official Uzbekistani documents, these terms are used to signify followers of the teaching of Akram Yuldahsev of Andijan, who wrote a brochure in 1991 called “Path to Fate.” Yuldahsev’s followers called their informal association a “birodarlar” or “brotherhood”. Practically speaking, the group was united by the idea of cooperation among Muslim businessmen and pooling of some of the financial resources “for achieving the general good.” Despite the claims of the Uzbek authorities, the “brotherhood” was not a terrorist group or organized extremist movement, with a goal of overthrowing the government..

were managers of businesses in Uzbekistan, is there contained an accusation of transferring from 2001-2005, 36,734 sums (about \$36,000) to the fund of the terrorist organization Akromiy. (In reality, this is a reference to a fund created from donations from the profits, which was used for charitable purposes.)

Moreover, they claimed that the events in Andijan took place supposedly “as a result” of these transfers of funds! In the other cases, the accusations of providing support to the Andijan instigators “through financial or other support” are purely declarative in nature.

There are clear contradictions in the documents provided by Uzbekistan.

In particular, in the requests for extradition, all those detained are characterized as members of the extreme religious movement Akromiy, although only five of them are charged with participation in a banned organizations (U. Alimov, O. Makhmudov, R. Naimov, Sh. Sabirov, and S. Ulugkhodzheyev).

Investigator T. Umurov of the Prosecutor General’s office refers to K. Kasimkhudzhayev in one of the warrants as an “exposed” member of Hizb-ut-Tahir, and in other documents as a supporter of the organization Akromiy; although in the charges themselves, no affiliation with any banned organization is not made against Kasimkhudzhayev. In some of the documents, Kasimkhudzhayev is accused of attacking a prison and military facilities in Andijan; in others, all the “crimes” he has committed take place during the time he was located in Ivanovo. We should note that although Kasimkhudzhayev was clearly located in Andijan during the period of the May 2005 events, in connection with the need to change his passport upon reaching 45 years, his name is not mentioned in the list of persons identified by law-enforcement agencies of Uzbekistan as direct participants in the armed attacks on various facilities in the city.³

The request for extradition of S. Ulukhodzhev claims that he “took an active part in terrorist acts which took place in Andijan. However, in the notices attached to the request, there is only a statement about support of “a group of armed persons” though “monetary means or purchase of firearms and other weapons.” Meanwhile, the marks in the passport state that Ulugkhodzhev left Uzbekistan on March 19, 2005, at a time when there was no indication in the documents of any “group of armed persons” in Andijan,” or any indications of any transfer of funds from abroad.

Analogous contradictions are contained in the warrants for the search of Kh. Khamzayev.

Attorney Irina Sokolova noted that the warrants for arrest of persons accused in a criminal case, and declaring 9 persons as wanted were not issued with the property authority. These warrants were issued by investigators O. Odilov, T. T. Umurov and K. Kh. Urupov, and not the director of the investigative group, as stipulated by Art. 335 of

³ Indictment In the case of M. Sobriov and others, 31 August 2005, pp. 28-33..

the Code of Criminal Procedures of the Republic of Uzbekistan.⁴

Separate charges were made regarding Rustam Naimov, who, according to Uzbekistani authorities, was declared wanted on February 2, 2005 on charges under Art. 159, 242, 244-1, 244-2 of the Criminal Code of Uzbekistan for creation of a criminal association, based on the ideas and teachings of the organization called Akromiylar. In the warrant for the search to arrest Naimov, the measure of restraint was “in the form of a signature about proper behavior.” Only on May 25, 2005 (after the Andijan events) were the measures of restraint changed to detention in prison.

It should be noted, that in the documents presented by the Uzbekistani authorities there is no reference to any acts that declare the religious movement or organization Akromiy to be banned. The organization is not banned in Russia, either. Thus, affiliation of any person to this movement, even from a formal point of view cannot serve as grounds for criminal prosecution or extradition.⁵

The warrant for the search for the 9 detained subsequently states that the crimes of a terrorist nature were committed during the time they were located in Ivanovo. In reply to the inquiry from attorney Irina Sokolov, the FSB [Federal State Security] Directorate in Ivanovo oblast reported that regarding the detainees, search and surveillance was carried out under an investigative assignment which came from the prosecutor’s office in Ivanovo oblast, and an international assignment coming from the Prosecutor General’s Office of the Russian Federation.⁶

Despite the claim of the Uzbekistani security services of the presence of the existence of a terrorist conspiracy with organizations banned in Russia called the Islamic Movement of Uzbekistan and Hizb ut Tahir, whose participants supposedly used the territory of Russia, the Russian authorities did not consider the materials they did have enough evidence for opening up a criminal case.

It is important to review the question of the circumstances of detention of the Ivanovo Uzbeks. According to the version of the case from the Russian prosecutor’s office, the detention of 13 people was made by the UBOP authorities on 20 June 2005, after they received the relevant request from Tashkent (except for M. Tashtemirov, detained 18 June 2005). However, the detention of the 13 was made on 18 June, and one was detained on 19 June. The operation was conducted by UBOP of the Interior Ministry

⁴ An investigative group to investigate a criminal case “for the fact of commission of terrorist acts on the territory of Andijan oblast) was created 13 May 2005, and the chief appointed was B.G. Nurmukhamedov, Deputy Prosecutor General.

⁵ This is likely the reason why the petition of the prosecutor of the Sovietsky District of Ivanovo concerning the arrest of Sh. Sobirov, sent to the court in June 2005, claimed that the detainee was allegedly being charged in Uzbekistan under criminal case No. 22/05-292, “on the fact of commission of terrorist acts on the territory of Andijan oblast under Art. 222 par. 2, part 1 of the Criminal Code of Uzbekistan, although the case for the Andijan events has another number, and charges under Art. 244, par. 2, part 1 of the Criminal Code (participation in an illegal organization) was brought against Sh. Sobirov exclusively due to his participation, according to the authorities, since 1996, in the organization Akromiy (see arrest warrant for 17 June 2005).

⁶ Letter from V. V. Pronin, Deputy Head of FSB Directorate for Ivanovo oblast, no. 13880, December 2005.

of the Ivanovo oblast with the assistance of agents from the Interior Ministry and the SNB [National Security Service] of Uzbekistan.

The target of the security agencies at that time was a non-governmental organization called the Association of Uzbeks, registered by the Department of Justice of the Ivanovo oblast in March 2005. The chairman of the organization was Kabul Kasimukhdzhayev, a businessman, and his deputy, Khatam Khadzhimatov (besides their civic work, the two were business partners in a company called Russian Textil Union (Rosteks) specializing in the sale of textiles from Uzbekistan). The leaders of the Association of Uzbeks provided assistance in finding jobs to emigrants from Uzbekistan who came to Russia, including those who left their homeland fearing persecution for political and religious reasons.⁷

“The security services began to take an interest in us in late April,” recalls Khatam Kadzhimatov. “After the Andijan events, FSB agents came to the Rosteks office on various pretexts, posing as agents of the city branch of the Interior Ministry... Employees reported to me that our office was under surveillance as well as the furniture factory, the building on Uritsky Street, where unidentified ‘policemen’ were coming to the company’s warehouses. I reassured everyone, telling that we were not doing anything illegal, and that we had nothing to be afraid of. Later, I realized that I was deeply mistaken.”⁸

In June 2005, the Rosteks office at Engels Street, no. 94, room 122, was placed under surveillance for a week.⁹

“On 16 June, an UBOP agent came to the office,” recalls Khatam Khadzhimatov. “He was interested for some reason in the activity of the Association. I showed him the documents I had. On Friday, 17 June, he requested that I made a set of copies of the founding documents of the Association for UBOP. When I brought him the documents, he began questioning me about our organization. He did not explain the reason for the interests in it on the part of UBOP agents. The next day I was called by UBOP twice and asked to wait for their agents at the office, and said that some ‘guests from Moscow’ had arrived with whom I had to ‘have a talk’. I waited until evening. About 8:00 pm, armed people in masks burst into the office. I thought they were robbers at first. They put a sack over my head and began beating me. I was very frightened, and I said, ‘There’s no money here.’ I was taken out of the building and put in a black Jeep. While they drove around, they threatened to take me to the woods and shoot me if I did not show the location of the association members. Only after I was taken out of the car in the courtyard of the UBOP office did I realize that it was the police who had detained me.”¹⁰

⁷ According to Kh. Khadzhimatov, the society helped Uzbek dissidents from Andijan, Fergana, and Tashkent. After the events in Andijan, about 40 people from this region appealed to the association for help (Kommersant, 22 November 2005).

⁸ Letter from Kh. Khadzhimatov dated 3 August 2006.

⁹ Appeal to the press from Sergei Valkov, deputy of the Legislative Assembly of Ivanovo oblast, dated 19 September 2005.

¹⁰ Interview by Memorial Human Rights Center with Kh. Khadzhimatov, dated 28 September 2005.

Kabul Kasimkhudzhayev also recalls the visit of 16 June 2005. According to his story, UBOP agents warned that “tomorrow or the day after an official from Uzbekistan will be coming,” who would want to talk to them about the events in Andijan, and asked them not to go out of town during those days.¹¹

During the day of 18 June, Kasimkhudzhayev was detained while driving along Zharova Street with Makhmud Rustamkhodzhayev. Without any explanation, police put them in handcuffs, lay them down on the pavement, beat them, and then took them to the UBOP building.¹²

Kasim Khudzhayev’s house on Uritsky St. was surrounded by men with machine guns in masks and two brothers who resided there, Abdurrauf Mukhamadsobirov and Izatullo Mukhametsobirov were detained.

According to information from attorney Irina Sokolova, Ilkhomzhon Ismailov, Obborkhon Makhmudov, Shurkryllo Sabirov, Sarorbek Ulugkhodzhayev and Iskandarbek Usmanov were detained in a rented apartment on Basisnaya St.; Rustam Naimov in a rented apartment on Karavalkovaya St. and Mamirzhon Tashtemirov soon after, as he left the Rosteks office. All of the detainees were taken to the Ivanovo UBOP. On the morning of 19 June, Cherished Khamzayev was taken; he had lived in the same apartment as Naimov and Alimov.

Despite legal requirements, a police report of the detention was not made, nor were the detainees informed of the reasons for their arrest. They were not permitted access to a lawyer.

Khartam Khadzhimatov described what happened inside the UBOP building in Ivanovo oblast on the evening of 18 June 2005:

“I saw a lot of Uzbeks I knew in the UBOP building – those who had visited our office. One by one, we were taken into offices and interrogated. We were beaten, kicked, and boxed around the ears. I fell down several times from the blows. The police shouted, ‘Why did you come to Russia? They threatened to stick an electric prod into my rear end. They demanded that I sign a blank sheet of paper. Among those doing the interrogations were not only the local UBOP agents but agents of the Uzbek security services named Sanzhar and Boris.”

“They did not do the beating, but were present as it was going on. Boris said to me, ‘If you were in Tashkent now, I’d tear your fingernails out, boy would you talk for me then!’ And then he would say to the UBOP guys, ‘You don’t know how to do the job right!’”

“This went on for several hours. They would beat us, take us out into the hallway,

¹¹ Videotape of the meeting of K. Kasimkhuzhaev with Sergei Valkov, deputy of the Legislative Assembly of Ivanovo oblast, at the investigation-isolation cell SIZO-1 in Ivanovo, 28 September 2005.

¹² Ibid.

and then beat us again. I heard the cries of those who were being beaten in other offices. The Uzbeks from the security services would make an offer to me, “Tell us nice now, we’ll take the rest back to Uzbekistan and leave you here. Who is your leader? Confess.”

“I would say, ‘What is there to confess?’ They would say, ‘Where is so-and-so? Ruslan or Rustam – I don’t recall exactly. ‘I don’t know that name,’ I would say, and they would say ‘You should know.’”

“They took down my name. They called Tashkent, and dictated my name, a fax some from there, the name isn’t correctively spelled. They call again and dictate the name... They took me to another office, and videotaped the interrogation and then again began beating me again. From their conversation, I realized they wanted to take us away that same day, as if we voluntarily returning to Uzbekistan. They didn’t expect to detain 14 people...”

“At about 4:00-5:00 a.m., I and three others were taken away to the Oktyabrsky District Interior Ministry office, and placed into a cell for administrative detainees. The rest of the detainees were taken to other Interior Ministry [police] departments.”

According to information from attorney Irina Sokolova, during the detentions at the UBOP, the security agents from Uzbekistan demanded from Rustamkhodzhayev, Ulugkhodzhayev, and other citizens of Uzbekistan that they sign a document about their voluntary return from Russia to their homeland.

They threatened them that if they refused, they wouldn’t get the treatment they were getting in Russia, and could be imprisoned for up to 25 years or executed.

According to a statement from Ilkhomzhon Ismoilov, during questioning at the UBOP, a law-enforcement agent from Uzbekistan, “demanded written consent for voluntary return to Uzbekistan, informing me that brutal torture awaited me there, and I would simply confess to something I didn’t do. After refusing to give such consent, I was beaten on all sides by UBOP agents with the participation of the agents from Uzbekistan.”¹³

The only detainee who was taken to UBOP after the rest and questioned without the participation of the Uzbekistani agents was the businessman Kurshid Khamzayev. According to his statement, the questions asked only concerned his personal identification and the purpose of his stay in Ivanovo. Prior to his detention, the UBOP agents discussed whether it was worth detaining him or not.

After human rights groups appealed to the Russian Prosecutor General, an official review was made which „did not confirm” the use of torture.¹⁴

¹³ The Uzbekistajni agents interrogated Ismailov three Times: 18, 20, 27th June 2005. Furthermore, his request to show him his own warrant for arrest, and statement of charges, was ignored. His demand to the Uzbekistani security forces to acquaint him with the search or with proof, has been ignored.

¹⁴ Letter to the Prosecutor General of 22 August 2005, no. 5/1-99-05.

However, upon examination of the statement of the investigator about the decision not to open a criminal case, it is clear that the Oktyabr District prosecutor's Office in Ivanovo reviewed not the question about the use of force in detaining and questioning suspects At the UBOP building 18-19 June 2005, but the treatment of the detained during the period they were kept in SIZO-1 (beginning 20 June), when torture was really not applied.

According to the Prosecutor's statement, none of those detained complained of physical force and did not request medical help, and when they were brought to the SIZO for Visual inspection no „obvious bodily harm” was visible. This statement contradicts the statement of Kh. Khadzihmatov that as a result of torture, his body was covered with bruises and He went deaf in one ear. After persistent requests, the SIZO administration permitted a medical exam to be done to document the bodily injuries, but this was done only 10 days after the beating.

We should note that that Kh. Khadzihmatov, who had Russian citizenship, acted with more resolve, whereas all most all the detained citizens of Uzbekistan feared that their complaint about unlawful actions of the UBOP agents could hasten their extradition or unleash persecution against their families.

In order to evaluate the lawfulness of the detentions made in Ivanovo on 18-19 June 2005, it is significant to note where the „man wanted” persons were, and the appropriate material was turned over to the Russian law-enforcement agencies.

As can be seen from the documents available, the request to declare a search and the jailing of 9 detainees dated 18 June and three dated 19 June (and one, Sh. Sabirov, 17 June). R. Naimov, as indicated, was declared wanted in February 2005). A copy of these documents was faxed to the Ivanovo oblast UBOP 18-20 June 2005. On 18 June, Copies of the warrants regarding Sh. Sabirov were received (14:24); K. Kasimkhuzhayev (15:19), R. Naimova (16:04); 19 June, S. Ulugkhodzhayev (16:38); U. Alimov (At 16:41)). O. Makhmudov (16:35), I. Usmanova (17:57), Kh. Khadzihmatova (18:08); 20 June, Kh Khamzayev (20:40). All of these documents were sent in response to a faxed request to UBOP.

Although we do not have complete information about the time the copies of the relevant documents were received; however, clearly the notices of the manhunts and requests for detention were produced and transmitted to UBOP for some of the detainees after they were arrested.

Some of the documents received contained inaccurate information about the personal information of the persons being sought or did not meet the requirements established by national law. For example, in the copy of the request to change the measures of restraint for R. Naimov sent 25 May 2005, the signature is missing from Bakhridin Baliev, prosecutor of the city of Tashkent, sanctioning the request, and on the

warrant for arrest of Sh. Sabirov, the signature of Baliev substantially differs from his signature on other documents (it was likely forged).

According to a report from an UBOP agent dated 20 June 2005, R. Naimov was detained supposedly for „committing crimes,” under case number 24/05-2134 (the Andijan events), although such charge were not made in the documents received from Tashkent.

Human rights organizations managed to get a copy of the letter from 20 June 2005, sent to the deputy chief of one of the main departments of the Russian Interior Minister in the name of the chief of the Directorate for Crimes Investigation, Russian Prosecutor General Mukhamedov. In this notable document, it is said, „In the course of conducting surveillance work on 19 June 2005 under Case No. 24/05-2134, 11 citizens of the republic of Uzbekistan were detained by agents of the Interior Ministry and the National Security Service of Uzbekistan, one citizen of the Republic of Kyrgyzstan and also a citizen of the Russian Federation... These persons are members of the REO („religious extremist organization) Akromiy and are suspected in the armed attack on the building of the oblast khokimiyat and law-enforcement agencies in Andijan oblast, which took place 13 May 2005. At the present time, the persons detained are being held At the Department to Combat Organized Crime UBOP of the Interior Ministry of Ivanovo oblast of the Russian Federation. In regard to this matter, I urge you to take action to extradite these persons to the Republic of Uzbekistan, in conformity with the Minsk convention.”

In listing those persons, personal information is indicated only for four of them (R. Naimov, O. Makhmudov, Sh. Sobirov, and K. Kasimkhuzhayev) are shown as the subjects of a manhunt „for anti-Constitutional behaviour.”

Moreover, as can be seen from the text of the letter, the initiator of the request to extradite the detainees to Uzbekistan is not the chief or the member of the investigative group of the Prosecutor’s Office of Uzbekistan, which was created to investigate the Andijan events, but the Interior Ministry and National Security Service; moreover, it was not made within the framework of the surveillance and search assignments from the chief of the investigatory group or its members.

All of the above enables us to conclude that the charges regarding the Uzbek detainees in Ivanovo have been fabricated. There was no legal basis for detaining the majority of them 18-19 June 2005; a search went out for them as accused only after the fact, that is, after their personal identificatoin information was faxed to Tashkent.

It is entirely symptomatic of the situation that none of them have been released. All 14 of the detainees, even those who never had a conflict with law-enforcement agencies, suddenly became “dangerous terrorists”. Moreover, none of these supposed “terrorists” ever tried to conceal their place of residence, all of them officially registered their stay in Ivanovo oblast.

The UBOP agents in Ivanovo oblast who detained the Uzbeks on 18-19 June 2005 likely understood the unlawful nature of their actions. That is why after the interrogation and the unsuccessful attempt to obtain “voluntary return” to Uzbekistan from the detainees, the prisoners were taken 19 June 2005 to the Department of Interior in the Oktyabrsky, Frunzensky, and Leninsky districts of the city of Ivanovo, where police reports were falsified to charge them with administrative charges for “petty hooliganism.”¹⁵.

For example, in Police report no. 4525 from 19 June 2005, regarding M. Tashtemirov, citizen of Kyrgyzstan, it was stated that „18:06:05 about 20:00 hours M. Tashtemirov, citizen of Kyrgyzstan, At no. 1 Boyevikov St of the city of Ivanovo, during the course of checking identity documents...M. Kh. Tashtemirov used obscene language with Police, behaved provocatively, and thus violated public order,” for which on 20 June 2005 he was fined 500 rubles under Art. 20, part. 1, of the Code of Administrative Offenses of the Russian Federation..

As can be seen from all available materials not all the materials and Police reports related to the detained Uzbeks for alleged offenses were registered with the proper procedures. In fact, later, upon inquiry from attorney Irina Sokolova, the Leninsky District Police even denied the fact that they had detained and held five people for more than 24 hours.

[EXCERPTED FROM ENGLISH TRANSLATION OF RUSSIAN REPORT ON
UZBEK REFUGEES IN THE CIS 2005-2006. FOR COMPLETE COPIES CONTACT
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