

## **Kyrgyzstan: Refugees Between a Rock and a Hard Place**

**Author:** [IWPR Central Asia](#)

Uzbek refugees in Kyrgyzstan have been left in a legal twilight zone by contradictory legislation and political pressure.

To the outside world, it might seem curious that a country as poor as Kyrgyzstan should have become a magnet for refugees and asylum-seekers.

But since May 2005, when the Uzbek authorities put down a revolt in the eastern Andijan region with much bloodshed, Kyrgyzstan has faced the dilemma of what to do with hundreds of refugees from its neighbour.

Although some of the refugees are registered as such - and over 400 left Kyrgyzstan for third countries in 2005 - many are still believed to be living in the shadows in southern Kyrgyzstan, which has a substantial ethnic Uzbek population and the newcomers can blend in.

Kyrgyzstan is a signatory to international conventions on refugees, but its handling of the Andijan refugee issue proved a severe test of its commitments in practice because of the political sensitivities involved.

So far, it is hard to say whether Kyrgyzstan has passed the test. While some protections have been afforded to the Uzbek refugees, political considerations have gained the upper hand over human rights in some instances, and the situation is not helped by a lack of clarity on applicable legislation.

### WHICH LAWS TO APPLY?

The first dilemma faced by the Kyrgyz authorities after Andijan was precisely which international agreements should apply to the incomers.

On the one hand, there are several universal conventions that Kyrgyzstan has signed, starting with the 1951 convention on the status of refugees, the 1954 convention on stateless persons and - if the Kyrgyz authorities are considering sending people back to Uzbekistan - the 1984 convention against torture.

In addition, Kyrgyzstan is bound by the 1993 Minsk agreements of the Commonwealth of Independent States, CIS, which commits it to guarantee the rights of CIS nationals and stateless persons in line with international conventions, and in particular not to send an individual to a country where he or she might be tortured.

At the same time, however, CIS members are bound to deliver up individuals whose extradition is sought by a fellow-member, under the terms of a 1995 agreement. Uzbekistan has invoked this on a number of occasions, and at least five people have been sent back whom Tashkent accuses of committing criminal offences at the time of the Andijan protests.

Vitaly Ponomarev, from the Moscow-based Memorial Fund human rights centre, says one of the problems with these extraditions is the lack of transparency.

“No lawyer defending the refugees’ rights ever saw the records of a decision to extradite, so it’s been impossible to appeal against, criticise or contest such decisions,” he told IWPR.

Within Uzbekistan, one of the main provisions that dissidents are charged with is Article 159 of the criminal code – “violating the constitutional order”, which appears to encompass many kinds of opposition activity as well as actually planning a coup, and which can carry a prison term of up to 20 years.

Ponomarev noted that that many of the refugees in Kyrgyzstan are listed as wanted by Tashkent on this worrying article.

The fact that neither Kyrgyz nor Russian law acknowledges such a crime should be an instant obstacle to extradition, as the Minsk agreement requires there to be a legal equivalent. But instead of prosecutors in those countries blocking deportation, there are cases where they have fudged the charges in order to keep Tashkent – an important regional player – happy.

Ponomarev recalls the high-profile instance from August 2006 when the Kyrgyz authorities sent back five Uzbek refugees, the prosecutor general’s office in Bishkek gave an assurance that they would be tried only on criminal charges, not for political or religious offences.

Although this appeared to amount to a condition for extradition, Ponomarev noted that “it became clear within a matter of days that besides other charges, they were being charged under Article 159. That means Kyrgyzstan effectively sanctioned prosecution of these people... on charges of a political nature.”

To complicate matters, Ponomarev says the Uzbek authorities have engaged in “manipulating information” about the cases involved, changing the specific offences people were accused of along the way.

## NO FORMAL STATUS

Many of the Uzbek citizens in Kyrgyzstan are believed to lack refugee status, granted either by the government or by the office of the United Nations High Commissioner for Refugees.

Mirlan Nurmatov, from the prosecutor general’s office, explains that the Bishkek tries to apply CIS agreements on the rights of refugees, but in the case of the people who fled the Andijan violence, many have not obtained official status so these rules do not apply, and they can be extradited back to Uzbekistan.

According to political analyst Toktogul Kakchekeev, “These people are not refugees and are not protected by international documents on the protection of refugees,” he said.

Sanjar Tajimatov, an Osh-based expert on the Fergana valley, argues that the status of these Uzbek nationals needs to be clarified.

“Because they lack refugee status, they are not secure,” he said. “Proximity to Uzbekistan makes them feel somewhat uncomfortable in the south [of Kyrgyzstan], even though they have a lot of relatives there.”

## REFUGEES LIVE IN FEAR OF ABDUCTION

One of the things that makes such people worried is the level of cooperation between Kyrgyzstan’s security services and those of Uzbekistan in tracking down wanted persons among the refugees.

There have been several cases where individuals have disappeared from the Kyrgyz south only to turn up in custody in Uzbekistan. According to Ponomarev, these people were simply abducted – and like many other observers he suspects agents sent in by the Uzbek National Security Service, SNB, were quietly helped by their Kyrgyz colleagues.

This is where the political sensitivities come in. The Uzbek leader Islam Karimov looked on with horror at the March 2005 “tulip revolution” which saw his Kyrgyz counterpart Askar Akaev ousted, and he may have seen events in Andijan a month and a half later as a direct spill-over of the mood of protest.

So when the refugees fled from across the border from Andijan, Kurmanbek Bakiev – then still only acting president of Kyrgyzstan - had to tread a careful line between his government’s international human rights obligations and Tashkent’s concern about the state of his country, and specifically its demand that he should not shelter people it regarded as ringleaders of the Andijan revolt.

It is believed that in order to placate Karimov, the Bakiev administration quietly gave its assent for SNB officers to enter southern Kyrgyzstan to snatch individuals.

“Kyrgyzstan shares a border with Uzbekistan, and their [Uzbek] secret services operate freely in the south of Kyrgyzstan,” said Tajimatov,

Although this is a widely-held view, Alikbek Jekshenkulov, a former Kyrgyz foreign minister, insists there is no firm evidence to show the SNB has a free hand in southern Kyrgyzstan.

According to Tajimatov, Kyrgyzstan is likely to remain constrained in fulfilling its international obligations on refugees because of more pressing factors such as its need to show its immediate neighbours it is cooperative on security matters

As governments and human rights groups argue about which of the various conventions take precedence, hundreds of Uzbek refugees remain trapped in a legal limbo. Terrified of returning to their own country, they have yet to find security in Kyrgyzstan.

According to Tajimatov, a solution may be a long way off because as far as the governments involved are concerned, “the interests of the state take precedence, not international conventions”.

Tolkun Namatbaeva is an independent journalist in Bishkek. Jalil Saparov is an IWPR contributor in Jalalabad.

**Location:** Uzbekistan  
Kyrgyzstan  
**Topic:** Special Report  
**Focus:** Central Asia

---

**Source URL:** <https://iwpr.net/global-voices/kyrgyzstan-refugees-between-rock-and-hard-place>