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KYRGYZSTAN: Will international law protect Uzbek imam from extradition?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The wife of Uzbek former imam Khabibullo Sulaimanov has spoken of her concern for her husband, detained since October 2012 by Kyrgyzstan's NSC secret police. "I'm very worried that they could extradite him back to Uzbekistan," Albina Karankina told Forum 18 News Service. "We want him freed. It is very hard for the children to live without their father." She observed that "they [Kyrgyz authorities] keep delaying the case" in court. Sulaimanov's next appeal hearing against his deportation is due at Bishkek City Court on 1 March. Karankina has been denied access to her husband in detention, and called for the "fight for justice" for him to continue. "We're grateful to all who have shown concern for us," she told Forum 18. Sulaimanov's only "crime" in Uzbekistan was to lead religious communities. The Bishkek office of the United Nations High Commissioner for Refugees (UNHCR) told Forum 18 that Sulaimanov is protected under international human rights law against refoulement, or being sent back to his home country.

The wife of Uzbek former imam Khabibullo Sulaimanov has spoken of her concern for her husband, detained since October 2012 by Kyrgyzstan's National Security Committee (NSC) secret police. "I'm very worried that they could extradite him back to Uzbekistan," Albina Karankina told Forum 18 News Service from the Kyrgyz capital Bishkek on 25 February. "We want him freed. It is very hard for the children to live without their father." Nearly five months after her husband's detention on an Uzbek extradition warrant, she observes that "they [Kyrgyz authorities] keep delaying the case" in court. Sulaimanov's next appeal hearing against his deportation is due at Bishkek City Court on 1 March.

Karankina call for the "fight for justice" for her husband to continue. "We're grateful to all who have shown concern for us," she told Forum 18.

The 56-year-old Sulaimanov's only "crime" in Uzbekistan, before he and his immediate family had to flee the country for Kyrgyzstan, was to lead religious communities. Uzbekistan has accused Sulaimanov of being an Islamic fundamentalist and terrorist. The same claims were made when Uzbekistan attempted to extradite Protestant Pastor Makset Djabbarbergenov from Kazakhstan (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799).

The United Nations (UN) Committee Against Torture has found that people face a high risk of torture in Uzbekistan, and so the extradition of Sulaimanov would violate Kyrgyzstan's international human rights obligations (see F18News 28 January 2013 http://www.forum18.org/Archive.php?article_id=1795).

"Protected from refoulement"

The Bishkek office of the United Nations High Commissioner for Refugees (UNHCR) points out that Sulaimanov is protected under international human rights law against refoulement, or being sent back to his home country. "Mr. Sulaimanov is an asylum-seeker under UNHCR Mandate and is protected from refoulement in accordance with Article 33 of the 1951 Convention Relating to the Status of Refugees which the Kyrgyz Republic acceded to," the UNHCR Bishkek Office told Forum 18 on 26 February (see F18News 28 January 2013 http://www.forum18.org/Archive.php?article_id=1795).

The UNHCR said it will make its determination on Sulaimanov's case "as soon as possible". "The assessment of Mr. Sulaimanov's refugee claim will be made officially to the authorities as of tomorrow (27 February). We have, however, requested the opportunity to conduct a second interview with Mr. Sulaimanov with a view to reviewing and confirming our analysis of Mr. Sulaimanov's claim."

Since his arrest by Kyrgyzstan's NSC secret police on 6 October 2012, Sulaimanov has been held at the NSC Investigation Prison in Bishkek. Only his lawyer Toktogul Abdyev has been able to visit him regularly. A five-minute visit by representatives of the UNHCR on 9 January 2013, not long enough for them to conduct a full asylum interview, was also allowed (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799).

The UNHCR was finally allowed access to Sulaimanov in the NSC Investigation Prison on 8 February to conduct an asylum

assessment interview, the UNHCR told Forum 18. "However, before finalising our preliminary conclusion on the case, we requested an opportunity for another interview."

No family visits while detained by NSC secret police

Although Sulaimanov's lawyer Abdyev has been allowed access to him regularly, no family member has been allowed to visit him in prison. "I have asked so many times to be allowed to visit him, but they won't let me," Karankina lamented to Forum 18. The only time she has been able to see him have been the regularly monthly hearings where his detention is extended. Sulaimanov has not been allowed to attend hearings in his appeal against the extradition order.

Karankina told Forum 18 she takes a parcel of clothing, food and medicine to the Investigation Prison for him each Saturday. "It seems the parcels reach him, but they won't let me pass on letters to him."

NSC secret police detention extended

Bishkek's Pervomaisky District Court approved Sulaimanov's detention in NSC secret police custody for yet another month on 14 February. The hearing should have taken place on 13 February. Officials brought Sulaimanov from the NSC Investigation Prison for the hearing, Mihra Rittmann, Central Asia researcher for Human Rights Watch who was present at court, told Forum 18 from Bishkek.

"Khabibullo looked in fair health, and he did not raise any complaints about his treatment in custody," Rittmann told Forum 18. "Officials allowed him to talk to his family and to those who had come as observers while he waited for the hearing to start."

Sulaimanov's wife Karankina told Forum 18 that she had been able to talk to her husband for a few minutes at court. "He looks OK, and he told me he has not been beaten at the Investigation Prison," she told Forum 18. "He was only beaten on the day of his arrest before he was taken to the Investigation Prison."

However, the continuation of Sulaimanov's appeal at Bishkek City Court against the 13 November 2012 General Prosecutor's Office order to extradite him back to Uzbekistan has twice been postponed. The appeal is due to resume at Bishkek City Court on 1 March.

"Very short" hearing on appeal against extradition

The 12 February appeal hearing against extradition was "very short", Ivar Dale, Regional Representative Central Asia of the Norwegian Helsinki Committee, who attended the hearing, told Forum 18 from Bishkek the same day. "Sulaimanov wasn't present today either, but the fact that he has now applied for refugee status to the UNHCR was presented in writing, and the judge said he should be present at the next hearing."

The 18 February planned hearing was apparently postponed because only two of the three judges were present, Rittmann of Human Rights Watch, who tried to attend the hearing, told Forum 18.

Sulaimanov's wife Karankina and teenage son were present at the court both on 12 and 18 February, as were observers from the Organisation for Security and Co-operation in Europe (OSCE), the UNHCR and the non-governmental organisation Adilet (Justice).

Sulaimanov's next appeal hearing against his deportation is due at Bishkek City Court on 1 March. The Bishkek office of the UNHCR, which has registered his asylum application (see above), told Forum 18 on 26 February it intends to be present for this appeal hearing in Bishkek City Court.

The Organisation for Security and Co-operation in Europe (OSCE) Centre in Bishkek told Forum 18 on 25 February that it also intends to observe the 1 March hearing.

No comment by official who signed extradition order

Forum 18 was unable to reach the official who signed the 13 November 2012 extradition order, Investigator Kanabek Uzakbayev of the International Legal Co-operation Department at the General Prosecutor's Office in Bishkek. His telephone went unanswered on 22 and 26 February 2013. The head of the Department, Tologon Mamyrkaliyev, told Forum 18 he was busy on 26 February and asked for it to call back in five minutes. Subsequent calls went unanswered.

Asked by Forum 18 on 25 January about breaking international law by sending an individual back to Uzbekistan where they might face torture, Uzakbayev responded: "Let them [the Uzbek authorities] do it. It doesn't bother me at all" (see F18News 28 January 2013 http://www.forum18.org/Archive.php?article_id=1795).

No response to Kyrgyz asylum application

In addition to his application for refugee status from the UNHCR, Sulaimanov in November 2012 also applied for asylum in Kyrgyzstan. However, as his lawyer Abdyev complained in a letter to the President (see below), the Youth, Employment and Labour Ministry has refused to register the appeal (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799).

Sulaimanov's parents were born in the Kyrgyz town of Uzgen near Osh, but he himself was born across the border in Uzbekistan and lived much of his life in Tashkent.

Despite repeated calls on 21, 22 and 26 February, Forum 18 was unable to reach the Head of the Ministry's Refugee Department, Bazarkul Kerimbayeva. On 26 February, her assistant took down Sulaimanov's details and promised to find out if and when his application had been registered. Each time Forum 18 called back later in the day to get the information the telephone went unanswered.

Lawyer appeals to President

Sulaimanov's lawyer Abdyev submitted a letter on 20 February both to President Almazbek Atambayev and to Kyrgyzstan's Ombudsperson for Human Rights, Tursunbek Akun. In the letter, seen by Forum 18, Abdyev argues that the Uzbek authorities have "launched persecution against Sulaimanov and other citizens of Uzbekistan on religious grounds".

Uzbekistan routinely violates freedom of religion and belief and related human rights (see eg. <http://www.forum18.org/Archive.php?query=&religion=all&country=33>).

Abdyev accuses Kyrgyzstan's General Prosecutor's Office of "knowing full well of the crudest violations of human rights in Uzbekistan, the use of torture and the criminal conviction of innocent people, and seeing the obviousness of the violation of Sulaimanov's rights", is ready to hand him over to Uzbekistan in violation of Kyrgyzstan's own laws.

Sulaimanov, Abdyev pointed out, has categorically denied that he was ever involved with terrorist organisations. As an imam, "his flock consisted not only of ordinary people. Officials from the [Uzbek] police, the Prosecutor's Office and the courts came to hear his sermons, who never made any complaints."

Abdyev repeated his earlier insistence that the Uzbek authorities have given no specific instances when any alleged crimes have been attested (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799). He also points out that had Sulaimanov been a member of an illegal group, the Kyrgyz authorities would have detected this over the 13 years he has lived in Kyrgyzstan.

The General Prosecutor's Office leadership, Abdyev notes, allowed a junior official to sign the extradition order. This is a violation of the law (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799).

Abdyev also castigates the Youth, Employment and Labour Ministry, which also handles asylum issues, for failing to register Sulaimanov's November 2012 application for asylum in Kyrgyzstan, "which would halt handing him back to Uzbekistan".

The continued detention of his client is criticised by Abdyev as illegal. He points out that Article 435, Part 3 of the Criminal Procedure Code declares: "If in the course of 30 days the extradition does not take place, the individual being held in detention is subject to release on decision of the prosecutor. Renewed detention is allowed only after the consideration of a new demand for extradition in accordance with the first part of this Article."

"The worst thing.."

Abdyev maintains that the General Prosecutor's Office is exerting pressure on the supposedly independent courts.

"The worst thing," Abdyev states, "[is that] to achieve the illegal goals of the Prosecutor's Office and the special services [the NSC secret police] all kinds of rumours of bribery are being spread via the internet, and [saying] that the defence, with the help of non-governmental organisations, is trying to free a terrorist."

The Presidential Administration press office told Forum 18 on 26 February that it had not seen the letter and had no comment on it. It referred Forum 18 to the letters department of the Presidential Administration. Reached the same day, an official there said no letter from Abdyev had been registered.

No responses

Human Rights Watch wrote on 1 February to the General Prosecutor's Office, calling for the withdrawal of the extradition order against Sulaimanov, as "torture is widespread and systematic in every part of Uzbekistan's criminal judicial system". As of the end of the working day in Bishkek on 25 February, the General Prosecutor's Office had still not replied to Human Rights Watch's letter, Rittmann of Human Rights Watch told Forum 18. Forum 18 has also not received a response to its 6 February enquiry about Human

Rights Watch's letter (see F18News 6 February 2013 http://www.forum18.org/Archive.php?article_id=1799). (END)

For background information see Forum 18's Kyrgyzstan religious freedom surveys at <http://www.forum18.org/Analyses.php?region=30>.

More reports on freedom of thought, conscience and belief in Kyrgyzstan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=30>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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