

Austrian Presidency of the Council of the European Union

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EU response to the statement of Kyrgyzstan

1. The EU would like to return to the statement delivered by the Permanent Representative of Kyrgyzstan in the Permanent Council on 2 February concerning four refugees from Uzbekistan who have been granted temporary refuge in Kyrgyzstan.
2. The EU is strongly committed to supporting the human rights of asylum seekers and the rights of refugees under the 1951 Convention relating to the Status of Refugees. The EU therefore appreciates the humanitarian efforts already undertaken by Kyrgyzstan in favour of the group of refugees from Uzbekistan under difficult circumstances. The EU commends the continued Kyrgyz commitment to cooperate with the UNHCR.
3. However, the EU continues to monitor closely developments linked to the Uzbek refugee issue and remains extremely concerned about the fate of the remaining four individuals recognized as refugees by the UNHCR, whose cases are currently under examination by Kyrgyz judicial authorities. We would consider a forcible repatriation of these refugees to Uzbekistan to be not in conformity with relevant OSCE Commitments and in violation of the principle of *non-refoulement*, such as expressed in Article 33 (1) of the 1951 Refugee Convention and in Article 3 of the 1984 Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment.

4. Article 3 of the 1984 Convention against Torture prohibits the repatriation of recognized refugees “where there are substantial grounds for believing that they would be in danger of being subjected to torture”. We would like to recall that the UN Special Rapporteur on Torture affirmed after a visit to Uzbekistan in December 2002 that “torture or similar ill-treatment is systematic” in this country. We have reports from international human rights organisations that, sadly, these practices have continued, also in the case of other Uzbek asylum seekers.

5. The EU would like to reiterate that the United Nations Conventions, to which Kyrgyzstan is a party, prevail over treaties of a regional character, such as the 1993 Minsk convention. Therefore, while commending the government of Kyrgyzstan for its past efforts and its commitment to international humanitarian standards so far ,we call on Kyrgyzstan to proceed in conformity with international law by facilitating the resettling of the four refugees in a third country in cooperation with UNHCR.

The Acceding Countries Bulgaria and Romania, the Candidate Countries Turkey, Croatia* and the former Yugoslav Republic of Macedonia*, the Countries of the Stabilisation and Association Process and potential candidates Albania, Bosnia and Herzegovina, Serbia and Montenegro, the EFTA country Iceland, a member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this declaration.

*Croatia and the former Yugoslav Republic of Macedonia continues to be part of the Stabilisation and Association Process