

## *International scrutiny*

---

Four years after the killing of hundreds of people in Andizhan, when security forces fired on mainly peaceful demonstrators, the authorities continued to refuse to allow an independent, international investigation into these events.

Most recently during the Universal Periodic Review (UPR) in December 2008, Uzbekistan categorically rejected calls by several states to allow a thorough, impartial and independent international investigation into the events of May 2005. Of particular dismay was the fact that during the interactive dialogue the government's representatives rejected as unfounded reports that excessive and disproportionate force had been used. The government continues to assert that two rounds of expert talks with representatives of the EU in December 2006 and April 2007 have addressed all the relevant issues. At the UPR the government stated that it considered the issue closed. However, Amnesty International considers that the talks with the EU are not a substitute for and are not sufficient to fulfil the government's obligation to ensure an effective, independent and impartial investigation and should therefore not be accepted by the EU as such.

The failure of the Uzbekistani authorities to allow an international independent investigation into these mass killings was the reason behind the original imposition of sanctions by the EU in 2005 - a visa ban on 12 officials, an arms embargo and a partial suspension of the Partnership and Co-operation Agreement. Following deliberations at the General Affairs and External Relations Council (GAERC) meeting in April, foreign ministers decided to continue the suspension of the visa ban started in November 2007 for another six months, with a review of the human rights situation in three months. Although certain benchmarks were included in the final April GAERC Conclusions, there was no mention of Andizhan or the demand for an international independent investigation.

In October 2008 the EU's General Affairs and External Relations Council (GAERC) decided to lift the visa ban it had imposed on 12 Uzbekistani officials fully. Disappointingly GAERC's final conclusions in October 2008 failed to mention the events at Andizhan or the demand for an international independent investigation of them. The GAERC cited certain positive developments which had influenced its decision, including Uzbekistan's willingness to host an EU-Uzbekistan seminar on media freedom in Tashkent. However, no independent media from Uzbekistan or foreign journalists were allowed to attend the meeting. International NGOs which had participated at the invitation of the EU issued a joint public statement condemning the seminar as "a decoy designed to extract concessions at no cost to the authorities" which "should not be considered as evidence of any improvement in the country's 17-year policy of suppressing freedom of speech".

A sustained campaign against the use of child labour in cotton fields by a coalition of international and Uzbekistani NGOs and activists successfully targeted major international clothing retailers. Several banned the sale of textiles made with Uzbekistani cotton or the use of such in their merchandise. In September, the Prime Minister enacted a National Action Plan to address concerns about the use of child labour after the government ratified the International Labour Organization's Worst Form of Child Labour Convention and its Minimum Age Convention in June and April respectively. Uzbekistan is one of the world's largest raw cotton exporters and income from cotton exports represents around 60 per cent of the state's hard currency earnings. School children had traditionally been used to help 20 farmers meet strict collection quotas during the harvest season. They missed school, worked under harsh conditions and received little remuneration.

*Amnesty International calls on the EU to urge the Uzbekistani authorities to:*

- *initiate a thorough, independent and impartial international investigation into the circumstances of the events in Andizhan on 12-13 May 2005, in accordance with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.*

### ***Human rights defenders***

---

The situation for human rights defenders and independent journalists continues to deteriorate despite assertions by the authorities that freedoms of expression and association were not restricted and that independent NGOs and civil society activists could function freely. The Uzbekistani authorities have long disputed that human rights defenders are detained and imprisoned. At an EU Parliament hearing on Central Asia in 2008 the Uzbekistani Deputy Ambassador to the EU stated that those who called themselves human rights defenders in Uzbekistan and claimed to be persecuted by the authorities were not genuine human rights defenders but individuals out to undermine the image and reputation of the country.

Some of the imprisoned human rights defenders were released under the terms of two separate amnesties; their releases were conditional. Among those released in October was prisoner of conscience Dilmurod Mukhiddinov. However, at least 10 human rights defenders remained in prison in cruel, inhuman and degrading conditions, having been sentenced to long prison terms after unfair trials. They had limited access to relatives and legal representatives, and reportedly they had been tortured or otherwise ill-treated. Some were reported to be gravely ill in prison.

At least two human rights activists were sentenced to long prison terms in October 2008 on charges they claimed were fabricated in order to punish them for their human rights activities. One of them, Akzam Turgunov, a member of the banned secular opposition party Erk, claimed that he was tortured in pre-trial detention. Amnesty International was therefore dismayed that Uzbekistan rejected recommendations by several states during the UPR in December to release all detained human rights defenders; the authorities claimed that such information was factually wrong.

Other human rights activists and journalists continued to be routinely monitored by uniformed or plain-clothes law enforcement officers, including by being summoned for police questioning or placed under house arrest. Human rights defenders and journalists reported being beaten and detained by law enforcement officers, or beaten by people suspected of working for the security forces. Relatives also reported being threatened and harassed by security forces.

#### *Elena Urlaeva and the Human Rights Alliance of Uzbekistan*

In March 2008 human rights activist Elena Urlaeva, one of the leading members of the Human Rights Alliance of Uzbekistan, was detained along with some ten other individuals and members of the Alliance who had been protesting peacefully outside the General Prosecutor's office in Tashkent. The group of demonstrators, who had been meeting regularly since the beginning of 2008 at the same location to protest against human rights violations committed by state officials, were reportedly assaulted by what Elena Urlaeva described as a group of Romani women, some of whom were wielding metal bars. Police officers who were monitoring the protest only intervened to detain the protesters and not the women who had attacked them. In April 2008 Akhtam Shaimardanov and Abdullo Todzhiboi ugli, members of the Alliance, were forced to leave Uzbekistan and seek asylum abroad after they were threatened with arrest by law enforcement officers. In May 2008 Elena Urlaeva

and other human rights activists were reportedly prevented by law enforcement officers to mark the third anniversary of the mass killings in Andizhan. Elena Urlaeva was briefly detained. In May 2009 Elena Urlaeva and other human rights defenders were again prevented from publicly commemorating the fourth anniversary of the Andizhan killings. Several human rights defenders, including Elena Urlaeva, were detained as they were leaving their homes on the morning of 13 May. Seven were kept in detention at police stations for over seven hours. Others were under house arrest. Earlier in April 2009 Elena Urlaeva was assaulted by two unidentified men dressed in black as she was leaving her home with her five-year-old adoptive son early in the morning. She was threatened with a knife and beaten. She told human rights defenders that the men had asked her why she was still in the country. The same week her son was beaten by an unidentified young man in the playground outside Elena Urlaeva's home. He sustained injuries, including bruising and concussion. It was not clear whether the ill-treatment of her son was related to Elena Urlaeva's human rights activities.

#### *Mutabar Tadzhibaeva*

In June 2008, human rights defender Mutabar Tadzhibaeva was unexpectedly released from prison on health grounds. However, her release was conditional; her eight-year sentence imposed in March 2006 was commuted to a three-year suspended sentence. In May 2008, Mutabar Tadzhibaeva was awarded the Martin Ennals Award for human rights defenders. She was granted permission to travel abroad in September and was able to attend the award ceremony in Switzerland in November.

#### *Saidzhakhon Zainabitdinov*

In February 2008 prisoner of conscience Saidzhakhon Zainabitdinov was unexpectedly released under the terms of the December 2007 presidential amnesty. He was quoted in some news reports as saying that he had not expected to be released and that he had been treated well in prison. He later explained that he did not want to discuss his time in prison in order not to jeopardize the potential release under the amnesty of other human rights defenders. Saidzhakhon Zainabitdinov had been sentenced in January 2006 to seven years imprisonment for his alleged participation in the Andizhan events.

#### *Salidzhon Abdurakhmanov*

Salidzhon Abdurakhmanov, a human rights activist and journalist writing for the independent Germany based website [uznews.net](http://uznews.net), was detained in June on suspicion of possessing illegal narcotics. Traffic police who stopped his car reportedly for a routine inspection claimed to have found opium and marijuana hidden in the boot. Salidzhon Abdurakhmanov categorically denied ever being in possession of narcotics or having used illegal substances. His brother, who was also acting as his legal representative, and supporters claimed that the charges were fabricated in order to punish Salidzhon Abdurakhmanov for his human rights and journalistic activities. The police conducted a search of Salidzhon Abdurakhmanov's home and office and confiscated his computer and technical equipment as well as books and papers and written materials. Medical tests ordered by the police investigating his arrest confirmed that Salidzhon Abdurakhmanov was not a user of narcotics. Examination of the journalist's electronic computer and hard copy files yielded no evidence of illegal activities or criminal links. However, in September Salidzhon Abdurakhmanov was sentenced to 10 years' imprisonment for possession of narcotics with intent to sell. An appeal court upheld his sentence in November. A further appeal to the Supreme Court of Uzbekistan was pending.

---

## ***Freedom of expression***

---

Pressure on international media and NGOs continued despite assertions to the contrary by the authorities. In May 2008 the authorities refused to register the work permit of the country director of Human Rights Watch. In July he was banned from the country. In June, a TV station denounced Uzbekistani staff of the international media organization Radio Liberty/Radio Free Europe as traitors to their country. The programme also gave personal details, including names and addresses, of local correspondents.

*Amnesty International calls on the EU to urge the Uzbekistani authorities to:*

- *release immediately and unconditionally all prisoners of conscience;*
- *investigate all reports of assaults on and harassment of human rights defenders and to bring to justice those responsible; and*
- *ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression in conformity with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.*

---

## ***Freedom of religion***

---

Protestant groups and Jehovah's Witnesses were also targeted in similar television programmes and newspaper articles, which depicted them as "destructive sects".

International organizations expressed concern about the government's violations of the right to religious freedom, not only of Christian Evangelical groups but also of Muslims worshipping in mosques outside state control.

The first half of 2009 saw a series of trials of alleged followers of the Turkish Muslim theologian Said Nursi. By May 2009 four trials had taken place and 25 men were sentenced to long prison terms from six to 12 years following unfair trials. Human rights defenders, supporters and international observers claimed that allegations by some of the defendants that they had been tortured in pre-trial detention in order to force them to confess had not been taken into account by the courts of first instance. They also reported that defence witnesses and expert witnesses had not been called, that access to the trials had in some cases been problematic, while in others trials were closed. There was concern that the defendants had not benefited from the presumption of innocence with programmes aired on national television before the start of the trials denouncing the accused as "extremists" and "a threat to the country's stability", for example. More trials were reportedly pending but it was not clear how many more individuals had been detained. The 25 alleged followers of Nursi were convicted of membership or creation of an illegal religious extremist organization and of publishing and/or distributing materials threatening the social order. Appeals against the sentences were in some cases rejected, in others the appeals were still pending in May 2009. The authorities in Uzbekistan have claimed that the "Nursi" movement is a religious extremist movement. However, according to independent religious experts, Nursi is essentially a moderate interpretation of Islam and totally non-violent. It is not banned in Turkey, where his works are freely available. Relatives of some of the accused Nursi followers have said that until recently his works have been freely available in Uzbekistan. Russian translations of Nursi's works have, however, been banned in Russia following controversial claims by the authorities there that they are "extremist". Amnesty International considers the above men to be prisoners of conscience punished solely for the peaceful exercise of their rights to freedom of religion, expression and association.

Amnesty International calls on the EU to urge the Uzbekistani authorities to:

- ensure respect for the human rights of religious believers and ensure that they are able to carry out their peaceful activities free from harassment and without threat of detention and imprisonment and other human rights violations; and
- release immediately and unconditionally all prisoners of conscience.

### ***Torture and other ill-treatment***

---

Persistent allegations of widespread torture or other ill-treatment of detainees and prisoners continued. These reports stemmed not just from people suspected of membership of banned Islamic groups or of having committed terrorist offences but also from other groups, including human rights activists, journalists and former — often high-profile — members of the government and security forces. The failure by the relevant authorities to properly investigate such allegations remained a serious concern.

### ***Monitoring of individuals deprived of their liberty***

---

Amnesty International welcomed Uzbekistan's stated support of recommendations by several states at the UPR to establish a national independent mechanism to monitor all places of detention and to consider complaints. The organization considers that such a mechanism (the establishment of which had also been recommended repeatedly by UN mechanisms, including the Human Rights Committee in 2001 and 2005) could significantly contribute towards protecting individuals deprived of their liberty from torture or other ill-treatment. The organization also continues to call on the authorities to sign, ratify and implement the Optional Protocol to the Convention against Torture.

In March 2008, a spokesperson for the International Committee of the Red Cross (ICRC) confirmed that an agreement had been reached with the government for the ICRC to resume prison visits under its mandate, for a trial period of six months. The trial period came to an end in September 2008 and since then the ICRC reportedly has been discussing its findings and further access with the government. Negotiations were reportedly ongoing in May 2009. Access by the ICRC to detention facilities in Uzbekistan had been a key demand by the UN bodies, including the General Assembly in its 2005 resolution, and by the EU, including as a benchmark in successive GAERC Conclusions relating to the EU sanctions regime on Uzbekistan. Amnesty International has called on the Uzbekistani authorities to ensure that the ICRC is granted unfettered access to detention facilities and to ensure that ICRC visits continue beyond the trial period.

### ***Judicial supervision of arrest***

---

Legislation introducing judicial supervision of arrest following a Presidential decree of 2005 came into effect in January 2008, transferring the power to sanction arrest from the prosecutor's office to the courts. Amnesty International considers the introduction of judicial supervision of arrest to be a positive development in Uzbekistan. However, the organization remained concerned about various aspects of the legislative changes and their implementation.

The authorities in Uzbekistan called the procedure *habeas corpus*. However, Amnesty International believes this to be a misnomer as the law requires the authorities to bring people deprived of their liberty before a court following detention (similar, in some respects, to a procedure required under

Article 9(3) of the ICCPR); it does not create a procedure whereby the detainee or someone on his or her behalf may bring a petition challenging the lawfulness of their detention before a court for rapid determination as required by Article 9(4) of the ICCPR. Under this procedure, a court rules on whether or not the decision by the competent law enforcement officials to detain a suspect in a pre-charge facility and the application by the prosecutor's office to keep the suspect in pre-trial detention are in conformity with the law and are appropriate. The court does not rule on the lawfulness of the actual deprivation of liberty of an individual as required under Article 9(4) of the ICCPR. Amended legislation specifies that the prosecutor's office must apply to a judge to keep an individual in pre-charge detention no later than 12 hours before the end of their term of detention, which is 72 hours, and that the judge must review the application by the prosecutor's office no later than 12 hours after receiving it. This means that under amended legislation an individual deprived of their liberty must be brought before a judge within 72 hours of their detention, a length of custody considered excessive by the Human Rights Committee in its Concluding Observations in March 2005.

Amnesty International considers that the obligation to bring people deprived of their liberty before a judicial authority promptly after detention is a key safeguard against torture or other ill-treatment and removes the absolute power over the detainee which the detaining law enforcement authorities might otherwise have.

While the law gives the detainee and his lawyer the right to be present during the court hearing, and the right to appeal against the decision taken by the judge, independent experts have raised concern that defence lawyers will not be given the opportunity to familiarize themselves with the materials submitted by the prosecutor's office; and that they will not be permitted to present evidence or call witnesses at the hearing. Furthermore Amnesty International has received reports that detainees have been denied the right to have a lawyer of their choice present at the court hearing.

Amnesty International is also concerned that judges have not been exercising their authority to independently and impartially decide on the legality of the arrest and detention and the necessity for continued detention. It is claimed by lawyers that judges merely "rubber stamp" the prosecutors' requests for detention rather than give due consideration to releasing the person, including on bail. This concern is based on findings by international governmental and research of NGOs, including Amnesty International, indicating that in the past, judges have rarely gone against the decisions taken by the prosecutor's office.

### *The case of Yusuf Dzhuma*

In August the daughter of imprisoned poet and regime critic Yusuf Dzhuma claimed that her father was routinely tortured and ill-treated in Yaslik prison camp.

He said he was being singled out for beatings and ill-treatment because he was considered an enemy of the President by prison staff, and that he had been locked up in quarantined cells with prisoners suffering from tuberculosis. In May 2008 Bobur Dzhuma, one of the sons of Yusuf Dzhuma, described in an open letter to President Karimov how he and his father had been tortured in pre-trial detention reportedly to punish them for organizing anti-presidential protests. Among other forms of torture, Bobur described how police officers would make him watch as they beat up his father and vice-versa. Yusuf Dzhuma and his son Bobur had been detained in December 2007 in Tashkent after they evaded arrest in Bukhara following a protest demonstration by members of their family outside the local government offices. When police broke up the demonstration Yusuf Dzhuma and his son Bobur reportedly failed to stop their car and injured two police officers. In April Yusuf Dzhuma was sentenced

to five years in an open-type prison facility for resisting arrest and causing bodily harm. His son Bobur received a suspended sentence and was released from detention.

*Amnesty International calls on the EU to urge the Uzbekistani authorities to:*

- *ensure that all trials, including those of people charged in connection with the Andizhan events or terrorism, scrupulously uphold international standards for fair trial;*
- *ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;*
- *ensure that all people deprived of their liberty are informed promptly of the reasons for their detention, any charges against them, and allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner; and*
- *condemn the use of torture and other ill-treatment and ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment.*

### ***Counter-terrorism and security***

---

In the name of national security and the fight against terrorism, the Uzbekistani authorities continued to actively seek the extradition of members or suspected members of banned Islamic movements or Islamist parties, such as Hizb-ut-Tahrir and Akramia, from neighbouring countries as well as the Russian Federation. Most of the men forcibly returned to Uzbekistan were held incommunicado, thus increasing their risk of being tortured or otherwise ill-treated.

Authorities in the Russian Federation continued to ignore decisions by the European Court of Human Rights to halt deportations of Uzbekistani asylum-seekers pending examinations of their applications to the Court. In one such case, Abdugani Kamaliev was forcibly deported to Uzbekistan in November 2007 just days after being detained in the Russian Federation. In February 2008, Abdugani Kamaliev's relatives reported that upon his return to Uzbekistan he was subjected to torture or other ill-treatment in the Namangan regional pre-trial detention facility. By March 2008, he had been sentenced to 11 years' imprisonment.

In April 2008 the European Court of Human Rights ruled that the extradition of 12 refugees from Russia to Uzbekistan "would give rise to a violation of Article 3 [prohibition of torture] as they would face a serious risk of being subjected to torture or inhuman or degrading treatment there." The Court also stated that it was "not convinced by the Government's argument that they had an obligation under international law to co-operate in fighting terrorism and had a duty to extradite the applicants who were accused of terrorist activities, irrespective of a threat of ill-treatment in the receiving country." The Court also was "not persuaded that the assurances from the Uzbek authorities offered a reliable guarantee against the risk of ill-treatment" in this case. The 12 Uzbek men had been sought for their alleged participation in the Andizhan events.

*Amnesty International calls on the EU to urge the Uzbekistani authorities to:*

- *ensure that all trials, including of people forcibly returned to Uzbekistan, scrupulously observe international standards for fair trial; and*
- *ensure that the whereabouts of those returned are promptly disclosed and that they are allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner.*

## ***Death penalty***

---

A presidential decree replacing the death penalty with life imprisonment came into effect on 1 January 2008, marking the formal abolition of the death penalty. On 23 December 2008 Uzbekistan acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

However, by the end of April 2009 the authorities had still not published statistics on the death penalty for previous years, including the number of sentences, executions and commutations. There was no progress on allowing relatives access to information on burial sites of executed prisoners.

By May 2009 no list had yet been published of the total number of men on death row who had their sentences automatically commuted to life imprisonment, after the introduction of the law. The Supreme Court started reviewing death sentences pending at the point of abolition, and by the end of 2008 it had commuted at least 17 death sentences to long prison terms, of either 20 or 25 years. Also, there was no indication that old cases would be investigated where the accused or his relatives had alleged the use of torture in order to force a confession, nor was there any mention of possible compensation.

*Amnesty International calls on the EU to urge the Uzbekistani authorities to:*

- *reveal the burial site of executed prisoners to relatives; and*
- *publish statistics on the past use of the death penalty.*