



Human rights concerns in Central Asia

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Kazakstan

Torture and other ill-treatment

In February 2008, Kazakstan made declarations under the UN Convention against Torture allowing individual complaints to be lodged with the UN Committee against Torture. In June, Kazakstan ratified the Optional Protocol to the Convention against Torture. In November, the Committee against Torture called on the authorities “to apply a zero-tolerance approach to the persistent problem of torture”. The Committee also urged the authorities to “promptly implement effective measures to ensure that a person is not subject in practice to unacknowledged detention and that all detained suspects are afforded, in practice, all fundamental legal safeguards during their detention”. In May 2009 the UN Special Rapporteur on torture visited Kazakstan at the invitation of the authorities. In a statement issued at the end of his nine day visit the Special Rapporteur outlined his initial findings: “I conclude that the use of torture and ill-treatment certainly goes beyond isolated.” He also said that he “received many ‘credible allegations’ of beatings with hands and fists, plastic bottles filled with sand and police truncheons,” and that he “was also told of kicking, asphyxiation through plastic bags and gas masks used to obtain confessions from suspects”. In several cases, these allegations were supported by forensic medical evidence.

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

- *ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that torture or ill-treatment has occurred even if no complaint was made. Among other things, the victim and any witnesses should be interviewed and all relevant material evidence should be obtained;*
- *consider establishing a fully resourced independent agency to investigate all allegations of human rights violations committed by officers of all law enforcement agencies and by persons acting on orders of such agencies or with the knowledge or complicity of such agencies;*
- *ensure that this agency is mandated to carry out detailed reviews of past investigations conducted by law enforcement officers into allegations of torture or other ill-treatment and of judicial proceedings in such cases; and*
- *ensure that this agency be given effective access to remand and court hearings, investigations and other relevant processes.*

Police and security forces

Despite the authorities’ declarations, torture and other ill-treatment remained widespread and such acts are committed with impunity. Beatings by law enforcement officers are routine, especially in temporary pre-charge detention centres, in the street or during transfer to detention centres. Few law enforcement officers are brought to trial and held accountable for violations, including torture, despite scores of people alleging that they have been tortured in custody in order to extract a confession.

Evidence based on such confessions is still routinely admitted in court. The National Security Service (NSS) has been reported to have used counter-terrorism operations to target vulnerable groups and groups perceived as a threat to national and regional security, such as asylum-seekers from Uzbekistan and China and members or suspected members of banned Islamic groups or Islamist parties. The Special Rapporteur on torture stated in May 2009 that “there are some groups that run larger risks of cruel, inhuman and degrading treatment than others”, noting that the likeliness for foreigners to be subjected to such treatment seems to be “higher than average.”

In February 2008 a court in Shimkent sentenced 14 men to long terms of imprisonment – up to 19 years – for planning a terrorist attack on the local NSS department. Most of the accused had been held in NSS detention facilities with very little access to lawyers, relatives or medical assistance. Claims of torture and other ill-treatment to extract confessions were not investigated. Information extracted as a result of these confessions allegedly extracted under torture was admitted as evidence by the trial judge.

Legal developments

A law introducing judicial review of the decision to detain a person entered into legal force in August. Although this is positive, it still does not allow the detainee or their representative to challenge the lawfulness of their detention as required by international standards.

In May 2009 the Special Rapporteur on torture expressed concern at the “almost total absence” of official complaints, which raises doubt about whether there is in fact a meaningful complaint mechanism, stating “It appears that most detainees refrain from filing complaints because they do not trust the system or are afraid of reprisals.”

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

- *ensure that no statements obtained as a result of torture or other ill-treatment are 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.*

Refugees and asylum-seekers

The authorities have continued to co-operate with Uzbekistan, Russia and China in the name of regional security and counter terrorism in ways that breach their obligations under international human rights and refugee law. The situation of refugees and asylum-seekers from the Commonwealth of Independent States (CIS) - in particular religious asylum-seekers from Uzbekistan – has remained difficult. Those afforded UN mandate refugee status were put forward for resettlement to a third country. Those not given mandate refugee status have found themselves with no access to protection and at risk of being forcibly returned to Uzbekistan, or abducted by members of the Uzbekistani security services. Officers of

the Uzbekistani security services are believed to be operating relatively freely on Kazakstani territory. Kazakstani migration police continue to cooperate with their Uzbekistani counterparts and have transmitted information on asylum-seekers and refugees to them, including addresses and contact numbers, finger prints, and photographs. Uzbekistani authorities have then exerted pressure on relatives in Uzbekistan to get those seeking protection to return voluntarily, in some cases even paying for a relatives to travel to Kazakstan to trace the refugees and convince them to return.

In May 2008 three Uzbekistani asylum-seekers were detained by Kazakstani police officers after they left the office of the UNHCR in the centre of Almaty. According to the men they were interrogated by Kazakstani and Uzbekistani officers and threatened with forcible return to Uzbekistan.

In April 2008 police detained Rafik Rakhmonov, an Uzbekistani asylum-seeker who had lived and worked as a baker in Kazakstan for three years, on suspicion of belonging to a terrorist group and of involvement in the Andizhan events in Uzbekistan in May 2005. His detention came days after an official visit of Uzbekistani President Karimov to Kazakstan and agreements by the two neighbouring countries to enhance cooperation in security and terrorism matters. A request for his extradition on terrorism charges related to Andizhan was sent to Kazakstan by the Uzbekistani authorities and Kazakstani media reported that his extradition was imminent. Rafik Rakhmonov, who denied the charges and claimed that he had merely been a witness to the Andizhan mass killings and had fled Uzbekistan following threats by security forces, had only recently applied for asylum with the UNHCR in Kazakstan. The UNHCR were negotiating with authorities in Kazakstan to obtain access to Rafik Rakhmonov in detention in order to determine his status. There was grave concern that Rafik Rakhmonov would be at risk of serious human rights violations if returned to Uzbekistan, including incommunicado detention, torture or other ill-treatment and long imprisonment following an unfair trial. Rafik Rakhmonov was released from detention in July 2008 after a court found that the Uzbekistani authorities had provided insufficient evidence as to his direct involvement in terrorist acts.

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

- *respect their obligations under customary international law and the principle of non-refoulement, as well as under the 1951 Refugee Convention, the ICCPR, and Article 3 of the Convention against Torture, which prohibit the return of a person to a country or territory where they may face serious human rights violations and ensure that no one is expelled, returned or extradited to another country, in particular Uzbekistan and China, where they would be at risk of torture or other ill-treatment;*
- *fully respect the right to seek asylum and ensure that all those seeking international protection in Kazakstan, including in particular refugees and asylum-seekers from China and Uzbekistan, are provided protection in accordance with the Refugee Convention and UNHCR's mandate, including access to durable solutions; and*
- *ensure that all persons seeking international protection get access to fair and transparent asylum procedures, with the right of appeal.*

Freedom of religion

In January 2008, President Nazarbaev attacked religious minorities by stating that they were a “threat to national security and values”. He alleged that thousands of missionaries and extremists were threatening the fabric of society. Law enforcement officials, especially the NSS, stepped up their harassment of non-traditional groups such as the Hare Krishna community, Jehovah’s Witnesses, and Evangelist and Protestant churches. In November, the parliament rushed through a controversial draft law on freedom of conscience which would, among other restrictions, ban all unregistered religious activity and require all religious communities to re-register. In January 2009 the President sent the draft law to the Constitutional Council to review it in relation to Kazakstan’s obligations under international human rights law and to check whether it was constitutional. The Constitutional Council found that the draft law was in contravention of the Constitution and breached international standards of freedom of religion.

Amnesty International calls on the EU to urge the Kazakstani 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, imprisonment and other human rights violations*

Kyrgyzstan

Freedom of religion

In November 2008, the Kyrgyzstan parliament approved a restrictive new law on religion. It bans all unregistered religious activity and makes it very difficult for religious minorities to seek official registration. A national programme of action to combat the “spread of religious extremism” was launched in January and appeared to be targeting members of the banned Islamist party Hizb-ut-Tahrir.

In November a court convicted 32 people, including a 17-year-old boy and two women, of “calling for the overthrow of the constitutional order”, and sentenced them to prison terms of between nine and 20 years. Allegations that they were tortured to force them to confess were not taken into consideration by the court. They were accused of being members of Hizb-ut-Tahrir and of participation in violent protests in the town of Nookat on 1 October. Scores of villagers had reportedly clashed with police when traditional Muslim celebrations of Eid-al-fitr were cancelled. Relatives claimed that the 32 were not members of Hizb-ut-Tahrir, and that police officers had used excessive force to disperse villagers, including by beating women and children with batons. Protesters reportedly threw stones and bricks at police officers.

Amnesty International calls on the EU to urge the Kyrgyzstani 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;*
- *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 the initiation of prompt, impartial and comprehensive investigations of the complaints of torture or cruel, inhuman or degrading treatment or punishment of the 32 defendants in the case of the so-called “Nookat events”; and*
- *make public the scope, methods and findings of these investigations, and bring those suspected of involvement in human rights violations to justice;*

Human Rights Defenders

Amnesty International is concerned that Kyrgyzstan may be joining the list of countries that seriously restrict the space for human rights defenders.

At the end of February 2009, Vitali Ponomarev, a prominent Russian human rights defender was deported from Kyrgyzstan on arrival at the international airport in Bishkek and subsequently banned from re-entering the country for five years. Amnesty International is concerned that the deportation and ban were linked to the human rights work of Vitali Ponomarev, the director of the Central Asia department of the Russian human rights organization Memorial. The five-year entry ban and the subsequent deportation of Vitali Ponomarev is reminiscent of practices by Kyrgyzstan’s neighbour

Uzbekistan where the authorities have banned numerous human rights defenders, independent journalists and international organizations to prevent them from carrying out investigations into serious allegations of persistent human rights violations by security forces. In October 2008 authorities in Kyrgyzstan banned the representative of an international human rights organization for 10 years.

The decision to deport and ban him was reportedly taken by the National Security Committee two days prior to his arrival in Kyrgyzstan. In January 2009 Memorial published a report on the detention, subsequent trial and conviction of the 32 people accused of having organized the so-called “Nookat events”. The Memorial report, researched by Vitali Ponomarev in Kyrgyzstan in December 2008, cast serious doubts on the safety of the convictions of the 32 people and was critical of the official version of events. The report pointed to allegations of torture of the defendants, including women, in pre-trial detention, in order to force confessions. The trial itself and the subsequent appeal hearing were described as falling far short of international fair trial standards. A public commission set up by the Ombudsman of Kyrgyzstan to investigate the events in Nookat largely confirmed the findings of the Memorial report. The commission made of human rights activists and independent experts from Kyrgyzstan presented their report at a press conference on 26 February 2009. Vitali Ponomarev was due to take part in the press conference. Mr. Ponomarev believed that leading members of the security forces were trying to prevent further investigations into “the Nookat events”, in particular, an impartial and independent international investigation called for by the Memorial report. The Ombudsman later presented the commission's report to parliament; the report was also presented to the presidential administration. Amnesty International called on the authorities to reconsider their decision and to reverse the ban on entry to Kyrgyzstan so as to enable Vitali Ponomarev to continue to carry out his legitimate human rights work as guaranteed by international human rights instruments.

Freedom of assembly

In July 2008 the Constitutional Court ruled that restrictions placed on the right to demonstrate in a draft law approved by parliament in June were unconstitutional. Despite this, President Bakiev signed it into law in August. The new legislation gives local authorities the right to refuse permission for a demonstration on an extensive number of grounds. One human rights activist was repeatedly detained during the year for staging peaceful protest actions outside government offices in Bishkek.

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

- *Ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression and assembly in conformity with Kyrgyzstan's obligations under the International Covenant on Civil and Political Rights;*

Refugees and asylum-seekers

Refugees and asylum-seekers from Uzbekistan continue to be at risk of forcible return or abduction by the Uzbekistani security service sometimes operating in co-operation with their Kyrgyzstani counterparts. Those fleeing are faced with serious human rights violations in Uzbekistan. At least one

asylum-seeker is feared to have been abducted. The Migration Service has continued to refuse refugee status to asylum-seekers.

In July the UN Human Rights Committee found that Kyrgyzstan had committed grave breaches of its international obligations under the Optional Protocol to the ICCPR by forcibly returning four asylum-seekers to Uzbekistan in 2006 in disregard of the Committee's request for interim measures of protection for the four men.

Erkin Kholikov, an Uzbekistani asylum-seeker, was extradited to Uzbekistan in May 2008 even though his asylum application was pending before a court. He had been detained in Kyrgyzstan in August 2007 and was sentenced to four years imprisonment in March 2008 for concealing a crime and illegally crossing the border.

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

- *respect their obligations under customary international law and the principle of non-refoulement, as well as under the 1951 Refugee Convention, the ICCPR, and Article 3 of the Convention against Torture, which prohibit the return of a person to a country or territory where they may face serious human rights violations and ensure that no one is expelled, returned or extradited to another country, in particular Uzbekistan, where they would be at risk of torture or other ill-treatment;*
- *fully respect the right to seek and enjoy asylum and ensure that all those seeking international protection in Kyrgyzstan, including in particular refugees and asylum-seekers Uzbekistan, are provided protection in accordance with the Refugee Convention and UNHCR's mandate, including access to durable solutions; and*
- *ensure that all persons seeking international protection get access to fair and transparent asylum procedures, with the right of appeal.*

Freedom of expression

There has been no substantive progress in the investigation into the murder of independent ethnic Uzbek journalist and editor Alisher Saipov in October 2007. In June 2008, Alisher Saipov's family publicly urged President Bakiev to keep his promise to personally supervise the investigation and ensure that the suspected perpetrators were brought to justice without delay. In November the Ministry of Internal Affairs stated that Alisher Saipov's murder was not connected to his journalism. Alisher Saipov had often covered sensitive subjects, including the situation in Uzbekistan, and had reportedly received anonymous threats. Parts of the Uzbekistani media had conducted a campaign denouncing his reporting as an attack on the Uzbekistani state.

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

- *ensure that thorough and impartial investigations continue to be carried out into the death of Alisher Saipov and make public the scope, methods and findings of the investigations, and bring anyone suspected of involvement in human rights violations to justice.*

Tajikistan

Violence against women

Domestic and sexual violence against women remains a serious problem in Tajikistan. In cases of domestic assault the police can only initiate an investigation if they receive a written request by the victim. Many women do not submit complaints because they feared reprisals by their partner or their partner's family. On 23 October 2008, amendments to the draft law on "Social and legal protection from domestic violence" were discussed with civil society activists and government agencies. The draft law, which has been in preparation for several years, has still not been presented to parliament. Poverty and unemployment affects women disproportionately and makes them more vulnerable to human rights abuses. Unregistered marriages, polygamy and forced marriages are increasing according to Tajik women's rights organizations. According to the Bureau of Human Rights and Rule of Law, suicides are on the rise.

The NGO "Advocates for Human Rights" criticized the government for failing to provide statistics about the extent of violence against women, in its 2008 report on *Domestic Violence in Tajikistan*. The State Statistics Committee has not been collecting disaggregated statistics indicating the gender of the perpetrator and the victim in cases of violence. A World Health Organization study survey from 1999 had revealed that of women aged 15 and older, 50 per cent experienced some form of physical, sexual or emotional violence from family members, and 47 per cent of married women reported being forced to have sex against their will by their husband. Another survey by the Tajik NGO "Social Development Group" from 2005 documented that over one third of women reported that their husband had beaten them.

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

- *make the elimination of domestic violence and compliance with Tajikistan's obligations under the UN Convention on the Elimination of All Forms of Discrimination Against Women a government priority in the field of human rights by criminalizing violence against women in the family, including psychological abuse, beating, rape (including marital rape), sexual assault and other gender-based violence. This should be achieved through the adoption of a law on domestic violence, its prevention and the provision of support to victims.*

Religious freedom curtailed

In March 2009 President Emomali Rakhmon signed a new law on religion which was criticized by Tajikistani and international civil society for contradicting the constitution's guarantees on freedom of religion as well as international human rights standards. The registration of a religious group is still a mandatory precondition to practise one's religion. All groups have to re-register by 1 January 2010 or else they become illegal. For applicants to obtain registration the law requires them to prove that they have lived in Tajikistan for not less than five years. Hanafi Islam is singled out in the law's preamble as playing a special role in national culture and ethics. The government exerts tight control over the

exercise of freedom of religion: the law obliges the government to approve all published or imported religious literature. The new law singles out the Muslim community for special restrictions, limiting the number of mosques and imposing state interference in the appointment of imams. Religious organizations must get the permission of the Culture Ministry's Religious Affairs Committee to attend religious conferences abroad or to invite foreign visitors.

In September 2008, a court in Dushanbe upheld the government's October 2007 decision to revoke the legal status of the Jehovah's Witnesses and to ban indefinitely all activities by the religious minority across the country. An appeal to the Supreme Court was still pending in May 2009.

The authorities continue to close and pull down Muslim, Christian and Jewish places of worship in the country. In January 2009, the Supreme Court banned the Salafia school of thought. In June 2008, the capital Dushanbe, the country's only synagogue was demolished. The State did not compensate the Jewish community. A private businessman has donated a building to be used as a new synagogue this year. A Protestant Church was also destroyed in July 2008.

In August 2008, a protestant group, the Grace Sunmin Church, lost its building when the High Economic Court made a decision to nullify the original contract. This decision was appealed by the Grace Sunmin Church in October and December but the court upheld its decisions. Its senior pastor, a US citizen, was threatened by the authorities that his visa would be withdrawn. Two other Protestant communities in Dushanbe have also faced bans by the authorities. The Abundant Life Christian Centre had to close down, whereas the other - Ehyo Church - was officially able to resume its activities in late 2008.

Amnesty International calls on the EU to urge the Tajikistani 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.*

Freedom of expression and assembly

April 2008 saw a rare small-scale peaceful demonstration by residents of a district in Dushanbe targeted for demolition. Police officers used force to disperse the demonstrators and detained 20 women protestors. They were released after giving assurances never again to participate in demonstrations. Authorities continued with forced evictions and displacement of people living in areas designated for urban regeneration. Affected residents claimed that they were offered no or inadequate financial compensation, nor suitable alternatives for resettlement.

In October 2008, the Tajikistan National Association of Independent Media (NANSMIT) called for a repeal of the legislation that allows for criminal prosecution of libel and slander. Slander remained a criminal offence, carrying a sentence of up to two years imprisonment, and insulting the President carried a sentence of up to five years imprisonment. The law treats online news outlets in equal measure as print and broadcast media.

Such legislation has curbed freedom of expression. It has led to prosecution of journalists who criticized the authorities. Such prosecutions have had a chilling effect on the independence of the media, leading to increased self-censorship by journalists, and strengthening the government's control over the media.

Tursunali Aliev

In November 2008, criminal investigations against journalist Tursunali Aliev were closed for the second time. In August, the prosecutor of Jabbarrasoul district (Soghd province) reopened a criminal case based on Article 135 of the Criminal Code (slander) against Tursunali Aliev. The journalist had investigated the involvement of the Jabbarrasoul's district chairman in illegal privatization of public property and published his findings in an article in the weekly paper *Tong* in September 2007. As a result of the publication the chairman of Jabbarrasoul district was removed from his post. The prosecutor had already attempted to bring Tursunali Aliev to criminal responsibility shortly after the publication of the article in *Tong*, but the initial investigations were closed because the authorities could not find any criminal involvement of Tursunali Aliev.

Dodojon Atovulloev

On 23 September the Prosecutor General's Office opened criminal proceedings against Dodojon Atovulloev (or Atovulloyev in previous Amnesty International publications), the exiled editor-in-chief of a Moscow-based Tajikistani online political opposition newspaper Charoghi Rouz (Day of Light) and the leader of the opposition Vatandor (Patriot) movement. On the same day they issued an arrest warrant. Criminal proceedings against Dodojon Atovulloev were instituted under the provisions of several articles of Tajikistan's Criminal Code, including Article 307 (public calls for overthrowing the constitutional order) and Article 137 (public defamation of the president) following a press conference in Moscow at which he publicly criticized the government of Tajikistan. Dodojon Atovulloev had fled Tajikistan during the civil war in 1992 when the authorities sought to prosecute him for his alleged liaison with the opposition coalition, has lived in exile in Russia and Germany since.

On 5 July 2001, Dodojon Atovulloev was arrested in Moscow at Sheremetova Airport on his way to Tashkent. Bowing to international pressure, including by Amnesty International, he was released a few days later by the Russian authorities despite an extradition request by Tajikistan. In September 2008, in an interview with the news agency fergana.ru he indicated that this time the Russian authorities might be willing to extradite him to Tajikistan. He said that "they [Tajikistani authorities] have probably reached an agreement with high ranking Russian officials, that's why I am convinced they will succeed [in arresting me]. The Prosecutor General [of Tajikistan] has said recently [...] that this time we will not let Atovulloev go [escape us]". Thus at the end of September Dodojon Atovulloev left Moscow for Paris.

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

- *respect and protect the human rights of independent civil society activists and journalists, ensuring 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.*

Turkmenistan

International scrutiny

On 9 December 2008 the UPR Working Group of the UN Human Rights Council reviewed the human rights situation in Turkmenistan. The outcome of the review was adopted by the Working Group on 11 December. In advance of the review, Amnesty International had submitted its concerns in Turkmenistan to the UPR process (see Turkmenistan: Submission to the UN Universal Periodic Review: Third session of the UPR Working Group of the UN Human Rights Council, December 2008, AI Index: EUR 61/05/2008). In terms of the outcome of the review, Amnesty International was concerned that a number of recommendations made in the Working Group did not enjoy the support of Turkmenistan. These included: a review of all politically motivated trials; to account for those who were subjected to enforced disappearance; the release of all human rights defenders; an independent inquiry into the death in prison of Ogulsapar Muradova; the abolition of the system of NGO registration; the revocation of any existing travel bans on human rights defenders; and the abolition of the “propiska” system. As a follow up to the UPR review of Turkmenistan, Amnesty International launched a report on cases of human rights violations in Turkmenistan and an action circular in February 2009. The outcome of the UPR on Turkmenistan was formally adopted during the Human Rights Council’s March 2009 session.

Freedom of expression

Before the parliamentary elections in December 2008, the authorities launched a new wave of repression against independent civil society activists and journalists. The authorities claimed they wished to identify contributors (some of whom wrote under pseudonyms) to reports of foreign media outlets and NGOs based outside the country. The authorities took steps to more effectively block websites featuring articles about human rights violations and criticizing government policies. Furthermore, all mobile telephones of journalists writing critical articles about the pre-election period were blocked for at least one month before the parliamentary elections took place.

In the period under review Amnesty International learned of many cases where journalists who cooperated with foreign media outlets that published information critical of the authorities were subjected to harassment and intimidation. Many journalists requested their cases not to be published for fear of repercussions. The cases below all concern correspondents of the Turkmen Service of the US Congress-funded Radio Free Europe/ Radio Liberty (RFE/RL). However, the human rights violations faced by them illustrated a much broader pattern of intimidation and harassment of journalists in Turkmenistan.

Sazak Durdymuradov

Bowing to international pressure, the authorities released journalist Sazak Durdymuradov on 4 July after he had reportedly signed a statement that he would stop working as a journalist for RFE/RL. On 20 June Sazak Durdymuradov, a school history teacher, was detained by law enforcement officers in his home in Bakharden town, around 200km west of Ashgabad. He was reportedly taken to the psychiatric hospital in Bezmein town near Ashgabad and then moved to a detention facility of the Bakharden security service. According to Sazak Durdymuradov’s wife who was able to visit him on 24 June, he had been ill-treated and subjected to electric shocks after refusing to give a written commitment to stop working

with RFE/RL and was in a bad state of health at the time of her visit. Subsequently, the authorities confined Sazak Durdymuradov in a psychiatric hospital in eastern Lebap region where he remained until 4 July. In December 2008 his candidature for the parliamentary elections was rejected for unclear reasons. He reported to RFE/RL that he received death threats from local governmental officials targeting himself and his family.

Osman Hallyev

While covering the parliamentary elections in December 2008 Osman Hallyev, a correspondent of RFE/RL in Turkmenistan's Lebap region, was subjected to harassment; with his phone line and his internet connection cut off. According to Reporters without Borders several of his close relatives were fired from their jobs. Osman Hallyev had already faced harassment by the authorities in June. He was placed under house arrest and his mobile phone was cut off. Apparently, his son Umyt Hallyev had been also targeted in connection with his work. Umyt Hallyev was expelled from the Turkmen state University of World Languages on 20 June. Reportedly, the university administration had told him on several occasions in the past that he and his father must stop collaborating with RFE/RL.

Dovletmurat Yazguliev

Dovletmurat Yazguliev, another RFE/RL correspondent who covered the parliamentary elections, stated that he was summoned in late December 2008 together with his wife and threatened by local authorities in his native Ahal Province.

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

- *respect and protect the human rights of independent civil society activists and journalists, ensuring 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.*

Possible prisoners of conscience

Valeri Pal

Social activist and possible prisoner of conscience Valeri Pal was released on 7 December 2008 from prison in the city of Mary under the amnesty decree of the President for the public holiday of the Day of Neutrality. Valeri Pal had been sentenced to 12 years in prison in February for stealing property from his workplace. His supporters believed the case against him was fabricated to punish him for his contacts with human rights defenders abroad and that the trial was unfair. He had a stroke in 2004 and was partially paralysed, and had other serious health concerns. In September 2008, he had a heart attack in prison and when his wife was allowed to talk to him on the phone she reported that he had great difficulty speaking. At the time there was serious concern over his health and access to appropriate medical treatment.

Mukhametkuli Aymuradov

Possible prisoner of conscience Mukhametkuli Aymuradov was released after serving more than 13 years in prison on 2 May 2009. The death in custody of his co-defendant *Khoshali Garayev* in 1999 remains unexplained and uninvestigated. Both men had been sentenced to 15 years' imprisonment following conviction for alleged anti-state crimes in an unfair trial in 1995. In December 1998 they had received an additional sentence of 18 years imprisonment on charges in connection with an alleged escape attempt. Amnesty International remains seriously concerned about reports that Mukhametkuli Aymuradov's health has seriously deteriorated. A manager of a building conglomerate at the time of his arrest, and a family man with children and grandchildren, he was reportedly imprisoned solely because of his association with exiled opponents of the government.

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

- *review the allegations of unfair trial in the case of Mukhametkuli Aymuradov and ensure that he receives reparation, including compensation, for the violation of his right to fair trial if allegations that his trial was not in line with the international standards of fairness would be confirmed; and*
- *ensure that thorough and impartial investigations are carried out into the death of Khoshali Garayev and making public the scope, methods and findings of the investigations, and bring anyone suspected of involvement in human rights violations to justice.*

Prisoners of conscience

Amnesty International received the information from Turkmen non-governmental sources that human rights defenders Annakurban Amanklychev and Sapardurdy Khadzhev continued to write letters in the period under review to the authorities petitioning for their release from prison. Following an unfair trial, they were sentenced to seven years imprisonment for "illegal acquisition, possession or sale of ammunition or firearms" in August 2006 following an unfair trial. They were both associated with the NGO Turkmenistan Helsinki Foundation. The OSCE had reported in August 2006 that government sources had told the organization that Annakurban Amanklychev was detained during "illegal collection of information in order to encourage public dissatisfaction" and for "transmitting materials to foreign citizens". Annakurban Amanklychev and Sapardurdy Khadzhev were tried with Ogulsapar Muradova, a correspondent of RFE/RL, who died in custody in disputed circumstances in September 2006.

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

- *immediately and unconditionally release all prisoners of conscience, including Annakurban Amanklychev and Sapardurdy Khadzhev;*
- *ensure that thorough and impartial investigations are carried out into the death in custody of Ogulsapar Muradova and into allegations that Annakurban Amanklychev, Sapardurdy Khadzhev and Ogulsapar Muradova were tortured or ill-treated; and*
- *make public the scope, methods and findings of these investigations, and bring those suspected of involvement in human rights violations to justice.*

Other prisoners

Ovezgeldy Ataev, Guzel Ataeva and Akmurad Redzhepov

Amnesty International was told that towards the end of the year Guzel Ataeva, the imprisoned wife of former parliament speaker Ovezgeldy Ataev, attempted suicide in prison. Guzel Ataeva was being held in the women's colony in Dashoguz where she was kept in a special closed unit, known as a "prison within the prison". After the incident her prison conditions were tightened. Ovezgeldy Ataev and Akmurad Redzhepov, former head of the State Security Council, reportedly continue to be imprisoned following their convictions in unfair closed trials in February 2007. Amnesty International was concerned at allegations that Ovezgeldy Ataev and Akmurad Redzhepov may have been targeted as potential political rivals. A non-governmental source from Turkmenistan reported that Ovezgeldy Ataev and Akmurad Redzhepov were being held in the prison Ovadan-depe, a detention facility known for its especially harsh conditions. Reportedly, no relatives have been granted access to them. Amnesty International is also concerned that trials of political figures reportedly continued to be held behind closed doors in Turkmenistan.

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

- *respond to allegations that the trials of Ovezgeldy Ataev, his wife Guzel Ataeva and Akmurad Redzhepov were not in line with international fair trial standards, in particular that they were tried in closed hearings; and*
- *ensure that, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, they are able to exercise their right to be visited by and to correspond with members of their families and their legal counsel.*

Gulgeldy Annaniyazov

On 7 October 2008 former political dissident Gulgeldy Annaniyazov was reportedly sentenced to 11 years' imprisonment by an Ashgabad court on unknown charges. The Norwegian Helsinki Committee expressed concerns about him having been held incommunicado since his arrest. His daughter was prevented from leaving the country on 29 September 2008. Law enforcement officers had detained Gulgeldy Annaniyazov, who returned to Turkmenistan after having lived in exile, on 24 June 2008, the same day as EU and Turkmenistani representatives conducted talks in Ashgabad as part of their Human Rights Dialogue. According to eye-witness reports, the officers did not show their identity documents and did not specify reasons for arresting Gulgeldy Annaniyazov.

In 1995, in connection with an anti-government demonstration in Ashgabad -Gulgeldy Annaniyazov was sentenced to 15 years of imprisonment in a closed trial. According to unofficial reports Gulgeldy Annaniyazov had been released in January 1999 to coincide with a fact-finding visit of Human Rights Watch, after which Gulgeldy Annaniyazov went to Norway where he received refugee status.

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

- *respond to allegations that the trial of Gulgeldy Annaniyazov was not in line with international fair trial standards, in particular that he was tried in a closed hearing;*
- *make public information regarding his trial, including details of charges and sentence and his current whereabouts;*
- *ensure that, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, he is able to exercise his right to be visited by and to correspond with members of his family and his legal counsel; and*
- *ensure that thorough and impartial investigations are carried out into the death in custody of Charymurat Gurov and to make public the scope, methods and findings of the investigation, and bring anyone suspected of involvement in human rights violations to justice.*

Enforced disappearances

Boris Shikhmuradov, a Minister of Foreign Affairs under former President Niyazov, was sentenced to 25 years' imprisonment in a closed trial in December 2002. The People's Council increased his sentence the following day to life imprisonment. His televised confession was broadcast at the end of December 2002, but his family has had no contact with him since then. In September 2007, on a visit to Columbia University USA, President Berdymukhamedov was quoted as saying he was "positive" that he was alive. This continued to be the only confirmation that Boris Shikhmuradov was still alive.

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

- *publicly condemn enforced disappearance under any circumstances, and commit to ending the practice - including by immediately revealing the fate and whereabouts of all persons who have been subjected to enforced disappearance, including Boris and Konstantin Shikhmuradov;*
- *investigate all cases of enforced disappearance and ensure that the perpetrators are brought to justice, in fair trials;*
- *ensure Boris Shikhmuradov and Konstantin Shikhmuradov, as well as other people who had been sentenced to long term imprisonments following the November 2002 events, are retried in proceedings which meet international standards of fairness and to which international trial observers have access; and*
- *ensure that victims of enforced disappearance and their families are given full reparation for their suffering.*

Barred from leaving the country

Svetlana Orazova and Ovez Annaev

Travel bans on Svetlana Orazova, the sister of Khudayberdy Orazov, an exiled opposition figure, and her husband Ovez Annaev have not been lifted. Ovez Annaev told Amnesty International in December 2008 that he was in a poor state of health and needed urgently to continue medical treatment for his heart disease in Moscow. He lodged a complaint with the UN Human Rights Committee in October 2008. Ovez Annaev had flown to Ashgabad on 7 June 2008 from Moscow where he had been receiving medical treatment, planning to stay for a week. However, when he went to Ashgabad Airport on 15 June 2008 to fly back to Moscow, officers of the Migration Service did not allow him to board the plane. They reportedly told him that he was not permitted to leave Turkmenistan.

The case of Andrei Zatoka

Environmental activist Andrei Zatoka continues to be barred from leaving the country. He has sought an explanation from the Prosecutor General about why he was prevented from flying to Moscow. Amnesty International has received information from a non-governmental source in Turkmenistan that the Prosecutor General told Andrei Zatoka that his sentence did not formally expire after the pardon. In January 2007 Andrei Zatoka had been given a suspended sentence of three years' imprisonment. He was included in the September/October 2007 pardon and his suspended sentence was lifted. However, the activist remained barred from leaving the country and, as a result, has been unable to attend meetings and conferences abroad related to his work as an environmentalist.

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

- *stop the intimidation and harassment of civil society activists, journalists and lift travel restrictions imposed on them; and*
- *lift the travel restrictions imposed on Svetlana Orazova, Ovez Annaev and their daughter Alisa as well as other relatives targeted because of their family relationship with dissidents or opponents of the regime.*

Harassment of religious minorities

Harassment and intimidation of members both of registered as well as unregistered religious groups continue to be reported. Religious gatherings in homes have been raided in many cases; often the participants were temporarily detained, given large fines and dismissed from their work places.

Communities have been warned that their religious activities could lead to them losing their registration. In some cases police have beaten religious believers or threatened them with violence. In early 2008 a religious gathering of a Baptist congregation in the district of Khalach in the eastern Lebap region was reportedly raided by representatives of the local administration, the Ministry of National Security and the police. All participants of the gathering were reportedly taken to the local police station. They were pressured to commit in writing not to attend religious gatherings anymore. Some of the believers were reportedly dismissed from their work places.

According to the web-based news service on religious freedom issues Forum 18, Bilbil Kulyyeva, a mother of four children from Ashgabad, filed a complaint to various government agencies on 24 October 2008 regarding the harassment of her and her family on the grounds of being Jehovah's Witnesses. As a result the authorities threatened to forcibly confine her to a psychiatric hospital and take away her four children.

On 19 June 2008 three young male Jehovah's Witnesses were stopped and searched by local police in Ashgabad. The police claimed they resembled suspects in a criminal case. After the officers found Bibles they took the three men to a building of the Ministry of National Security where they were questioned by 10 officers. They were put under pressure to sign statements but refused. Forum 18 was told that one of the three, Timur Bazarov, was taken to another room and beaten. The National Security officers reportedly filmed the three on video and released them afterwards.

Amnesty International calls on the EU to urge the Turkmenistani 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.*

Uzbekistan

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

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, 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, 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.*