



## **Central Asia: a briefing on current human rights concerns**

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## KAZAKHSTAN

### International obligations

In September Kazakhstan signed the Optional Protocol to the Convention against Torture (OPCAT), allowing unannounced and independent monitoring of all detention facilities. However, by the end of the period under review no system to conduct regular and ad hoc monitoring had been set in place. In February Kazakhstan made declarations under Articles 21 & 22 of the Convention against Torture allowing for individual complaints to be lodged with the Committee against Torture. Parliament was reportedly due to approve ratification of OPCAT and the first Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) - which would mean abolition of the death penalty. According to a public statement by the Minister of Foreign Affairs in February President Nursultan Nazarbaev had apparently signed the Optional Protocol to the ICCPR in November.

### Refugees and Asylum-seekers

The authorities continued to cooperate with Uzbekistan, Russia and China in the name of regional security and the fight against terrorism, in disregard of their obligations under international human rights and refugee law. Refugees were not effectively protected and continued to be at risk of *refoulement* or abductions. The situation of refugees and asylum-seekers from the Commonwealth of Independent States (CIS) - in particular religious asylum-seekers from Uzbekistan - and that of Uighur asylum-seekers from the Xianjiang Autonomous Republic of China (XUAR) remained very difficult. There was no national state status determination process in place and no system for giving protection to refugees and asylum-seekers. The government did not acknowledge the right of asylum-seekers from the CIS and XUAR to seek international protection in Kazakhstan. The office of the UN High Commissioner for Refugees (UNHCR) in Kazakhstan was tasked with assessing this category of asylum-seekers and determining their status. Those afforded UN mandate refugee status were put forward for resettlement to a third country. Those not given mandate refugee status found themselves with no access to protection and at risk of being forcibly returned to Uzbekistan or China, or abducted by members of the Uzbekistani or Chinese security services. Officers of the Uzbekistani and Chinese security services were believed to be operating relatively freely on Kazakstani territory.

Kazakhstani migration police continued to cooperate with their Uzbekistani counterparts and transmitted information on asylum-seekers and refugees to them, including addresses and contact numbers, finger prints, and photographs. Uzbekistani authorities then exerted pressure on relatives in Uzbekistan to get those seeking protection to return voluntarily, in some cases even paying for relatives to travel to Kazakhstan to trace the refugees and convince them to return.

In August the national security service confirmed that they had detained more than 50 members of banned Islamist parties or Islamic groups and returned them to Uzbekistan.

Amnesty International feared that Khurshid Shamsuddinov, an asylum-seeker from Uzbekistan accused of membership of a banned Islamic movement was forcibly disappeared in November. He went missing after leaving his residence in Almaty. In December the Uzbekistani news agency *Press-uz.info* stated that the asylum-seeker had not been abducted but had gone to Moldova where he was detained and deported to Turkey. However, by the end of the period under review no independent reports of his whereabouts in Turkey had emerged, nor was it clear how he could have gone to Moldova. According to other Uzbekistani refugees and asylum-seekers who shared a flat with him, Khurshid Shamsuddinov did not have the necessary documentation to allow him to travel to Moldova, nor did he have sufficient money to pay for a ticket. When he left the flat on the day he went missing he did not carry any suitcase, or personal items and he did not wear any warm outer clothes. In October he had reportedly received

warnings from relatives in Uzbekistan that the Uzbekistani authorities were seeking his arrest and subsequent extradition.

Amnesty International was also concerned about reports by Ulugbek Khaidarov, an independent journalist and human rights defender from Uzbekistan who had fled to Kazakstan after being released from prison in November 2006, that members of the Uzbekistani security services had tried unsuccessfully to abduct him in October in Shimkent, southern Kazakstan. Ulugbek Khaidarov and his wife had been recognized as refugees by UNHCR and were awaiting resettlement.

### **Death penalty**

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In May the scope of the application of the death penalty permitted by the constitution was reduced from 10 "exceptionally grave" crimes to one – that of terrorism leading to loss of life. A moratorium on executions remained in force and no death sentences were passed during the year. All 31 prisoners on death row had their sentences commuted to life imprisonment.

### **Freedom of religion**

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In January the President attacked religious minorities as a threat to national security and values in a speech to his party. He alleged that thousands of missionaries and extremists were threatening the fabric of society. Law enforcement authorities and especially the National Security Committee were reported by religious minority groups to have taken the speech to heart and to have stepped up their harassment of non-traditional groups such as the Hare Krishna community, Jehovah's Witnesses, Evangelist and Protestant Churches. They conducted raids, threatened congregations and individual members with prosecution, and requested that they fill out questionnaires, which were considered intrusive because of questions asking for detailed personal background information on each congregation member.

### **House Demolitions**

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In June local authorities authorized the destruction of 12 homes belonging to members of the Hare Krishna community of Sri Vrindavan Dham located in the village of Seleksia outside Almaty. The authorities claimed that Hare Krishna members had illegally acquired the 16-acre land on which the community had built or renovated 66 homes when properties were privatized in the 1990s, a charge the Hare Krishna community has denied. The Hare Krishna Community believed that they had been targeted for their religious beliefs. Although some observers believed that economic motives were driving the destruction of the houses, they did not exclude religious discrimination. Only the homes in the village belonging to members of the Hare Krishna Community were targeted and destroyed. In November 2006 the authorities had already destroyed 13 homes belonging to Hare Krishna members in the village despite international protests following a court decision to transfer the land ownership from the Hare Krishna community to the local district authority.

## KYRGYZSTAN

### Refugees from Uzbekistan at Risk

Refugees and asylum-seekers from Uzbekistan continued to be at risk of *refoulement* or abduction by officers of the Uzbekistani security service (SNB), operating sometimes in cooperation with their Kyrgyzstani counterparts. If returned to Uzbekistan they faced incommunicado detention, torture or other-ill-treatment as well as long prison terms following an unfair trial. There were also reports that Kyrgyzstani security officers detained asylum-seekers and sold them to Uzbekistani border guards.

In March 2007 four asylum-seekers who were abducted in Kyrgyzstan by Uzbekistani SNB officers in 2006 were sentenced to prison terms of up to 16 years by a court in Namangan, Uzbekistan. Uzbekistani refused asylum-seeker Otabek Muminov was secretly deported from Kyrgyzstan in June, a month after the authorities received an extradition request from Uzbekistan. Otabek Muminov, accused of being a member of the banned Hizb-ut-Tahrir party, had fled Uzbekistan in 2001. He had been detained in Osh in 2006 and sentenced to three years' imprisonment in April 2007 for inciting religious hatred and illegally crossing the border. His family had reportedly been given guarantees that he would not be extradited.

### Journalist shot dead

Alisher Saipov, a 26-year-old independent journalist and editor, was shot dead at point blank range by an unidentified assailant in Osh in October. A Kyrgyzstani national of Uzbek origin, he was the editor of a new Uzbek-language newspaper *Siyosat* (Politics), which covered issues, including human rights, relevant to both Kyrgyzstan and neighbouring Uzbekistan. *Siyosat* was said to have gained widespread popularity quickly, especially in Uzbekistan, where independently-published information was difficult to obtain. Alisher Saipov also worked as a correspondent for *Voice of America* and contributed to independent websites covering Central Asia. He often covered sensitive subjects such as the fallout from the May 2005 killings in Andizhan, Uzbekistan; the treatment of Uzbek refugees in Kyrgyzstan; the activities of Uzbekistani security services on Kyrgyzstani territory; anti-terror cooperation between Uzbekistani and Kyrgyzstani security forces as well as the activities of banned Islamic groups and parties such as the Islamic Movement of Uzbekistan and Hizb-ut-Tahrir. He had reportedly received anonymous threats and parts of the Uzbekistani media had conducted a campaign denouncing his reporting as an attack on the Uzbekistani state. No one had been arrested in connection with his murder by the end of March.

### Torture or other ill-treatment

Human rights defenders expressed concern that torture or other ill-treatment in places of detention continued to be widespread and that very few law enforcement officers were brought to trial or otherwise held accountable for such violations. Two police officers accused of having tortured a detainee to death in 2006 were acquitted in August by a district court in Naryn. The case had reportedly only come to trial because of sustained pressure from human rights defenders. In September the Naryn regional court overturned the original verdict and sent the case for further investigation. Although the police officers appealed the regional court's decision, the Supreme Court rejected their appeal and ordered a fresh investigation into the allegations of torture.

In August Aziza Abdirasulova, the chairwoman of the Kylum Shamy (Torch of the Century) human rights group, reported that at least 10 cases of torture had come to her attention, including three deaths in police custody. While investigating reports that a suspect in pre-trial detention in Naryn died following a severe beating by a police officer in July, she met four young detainees aged 14 and 15 who complained about ill-treatment. They claimed that police officers had kicked and beaten them and had placed gas

masks on their heads and turned the air supply off in order to force them to admit to a crime they had not committed.

### **Freedom of assembly**

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Human rights defenders expressed concern over increasing restrictions being placed on the rights to freedom of assembly and expression by the authorities, including limiting the locations where protest demonstrations could be held in the capital, Bishkek. Several demonstrations organized by human rights defenders, youth and civil society activists and political opposition parties were dispersed by police and Kyrgyzstani security service (SNB) officers. Participants were detained: dozens of protesters were charged with public disorder offences and at least 15 were convicted. For example Tolekan Ismailova, the chairwoman of the independent human rights organization Citizens against Corruption was detained briefly in December, alongside at least 20 other human rights and opposition activists, when they protested against the parliamentary election result.

Feliks Kulov, the former prime minister and leader of an opposition party, was detained for questioning by police in April and again in August. He was charged with instigating mass public disorder in relation to clashes in April between opposition supporters and security forces, which the opposition claimed had been provoked by the authorities. The clashes followed a week-long protest rally in Bishkek organized by opposition parties. Two aides of Feliks Kulov were also detained and charged with causing public unrest. They were sentenced to four years in prison in August. They claimed that the charges were politically-motivated. In July police officers dispersed a demonstration by the non-governmental organization Democracy and confiscated banners and flags from participants. Human rights defender Tursun Islam, who had organized the peaceful rally in defence of human rights, was briefly detained. His son remained in custody for three days.

### **Death Penalty**

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In May President Kurmanbek Bakiev signed a package of laws aimed at humanizing the criminal justice system. Although the death penalty was replaced with life imprisonment for ordinary crimes, it remained unclear whether the new provisions applied to crimes committed in wartime. The cases of all 174 prisoners sentenced to death were to be reviewed by the Supreme Court within six months. However, the outcomes of the reviews were still pending at the end of March 2008.

## TAJKISTAN

### Freedom of religion

Members of religious minorities and human rights defenders were concerned that decisions taken by the authorities restricted freedom of religion and belief. During the second half of 2007 unregistered mosques were closed down or demolished in the capital, Dushanbe. Urban re-development plans in Dushanbe were reportedly also threatening the city's Jewish synagogue and several Christian churches. A proposed new law on religion raised fears that unregistered religious activity would be banned. The draft law proposed stringent registration requirements which would make it very difficult for religious minorities to apply or re-apply for legal status. It also proposed to limit the number of registered places of worship and to ban missionary activity. Pending the adoption of the new law the government was not accepting new applications for legal status from religious groups.

In October the government revoked the legal status of the Jehovah's Witnesses and banned all activities by the religious minority across the country. The Jehovah's Witnesses were first registered in 1994. Officials told representatives that the decision was based on Jehovah's Witnesses' refusal to perform military service and their proselytizing activities. Two Protestant groups were also suspended for three months. All three organizations appealed against the decisions.

In November the UN Special Rapporteur on freedom of religion or belief, Asma Jahangir, published a report on her visit to Tajikistan earlier in the year. The report's conclusions emphasized the "need to devise educational policies aimed at strengthening the promotion and protection of human rights and eradicating prejudices, which are incompatible with the freedom of religion or belief". The conclusions also stressed that registration procedures for religious groups should be straightforward and that "[r]egistration should not be a precondition for practising one's religion". The Special Rapporteur recommended that the Tajikistani authorities ensure that "any measure taken to combat acts of terrorism complies with their obligations under international law, in particular international human rights law, refugee law and humanitarian law." She stressed that "an independent, neutral and impartial judiciary and prompt access to a lawyer [were] vital to safeguarding also the freedom of religion or belief of all individuals and religious communities".

### Freedom of Expression and Association

According to human rights organizations the government further restricted freedom of expression and assembly. Slander remained a criminal offence and insulting the President carried a sentence of up to five years' imprisonment. In August, President Imomali Rahmon signed into law amendments to the criminal code which punished the publication of false information, slander and libel on the internet by up to two years' imprisonment.

A new law on public associations approved by parliament in May stipulated that all new non-governmental organizations (NGOs), including media associations, must register with the Ministry of Justice. NGOs complained that the new regulations were excessively complicated and time-consuming. A decree signed by the President also required all existing NGOs to re-register with the Ministry of Justice by the end of the year. Human rights defenders reported that NGOs who received some funding from Western donors and those engaged in democracy-building or human rights activities faced difficulties with their re-registration.

### **Detentions and convictions of alleged members of banned Islamist groups**

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The Supreme Court banned 10 organizations as terrorist, including the Islamic Party of Turkestan, also known as the Islamic Movement of Uzbekistan (IMU), and Tojikistoni Ozod (Free Tajikistan), an Uzbekistan-based political party which the authorities considered a threat to Tajikistan's national security.

Dozens of members and suspected members of banned Islamic groups, including the IMU, were detained in the context of national security. Detainees alleged that they were tortured or otherwise ill-treated. At least 20 alleged IMU members were sentenced to long prison terms after unfair trials. There was no presumption of innocence with suspects branded guilty in public before the start of trials.

### **Returned Guantanamo detainees imprisoned**

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In August two men, who had been transferred to Tajikistan in March after spending six years in US custody at Guantanamo Bay, were sentenced to 17 years in prison by a court in Dushanbe. They were convicted of illegally crossing the border into Afghanistan in 2001 and fighting against the US and Allied Forces in the ranks of the IMU. Earlier in March, a court in southern Tajikistan had sentenced another former Guantanamo detainee to 23 years in prison for his part in a bomb attack in Tajikistan in 2000. He had reportedly been captured by US forces in Afghanistan.

## TURKMENISTAN

There was no fundamental improvement in human rights, although, as in previous years, some prisoners were released after intervention by the international community. Amnesty International continued to receive credible reports of systematic and widespread human rights violations in Turkmenistan, in particular in relation to the suppression of political dissent, violations of the rights to freedom of expression, unfair trials and the right to freedom of religion and belief. Conscientious objectors risked imprisonment. The authorities targeted relatives of exiled opposition politicians and human rights defenders in an attempt to stop those in exile from criticizing government policies and speaking out about human rights abuses in Turkmenistan. Impunity for current and past human rights violations by police, security services and other government officials remained pervasive.

### **Lack of transparency of the Citizens' Complaint Commission**

On 19 February, shortly after he assumed office, President Gurbanguly Berdymukhamedov established the State commission to review citizens' complaints regarding the activities of law enforcement agencies (Citizens' Complaint Commission) and became its chairman. According to the pro-government internet newspaper *turkmenistan.ru*, one of the aims of setting up the commission was to ensure that individual rights and freedoms be defended.

Amnesty International was concerned about the lack of transparency in establishing the commission, in publishing its rules and procedures, and in reporting on its work.

Amnesty International learnt of some cases where the Citizens' Complaint Commission passed on the complaints to those government agencies that the citizens had complained about; the replies stated that the complaints were unfounded and no details were given as to how the authorities had investigated the complaint.

Ruslan Tukhbatullin, for example, the brother of Farid Tukhbatullin, who is the director of the non-governmental organization Turkmenistan Initiative for Human Rights (TIHR) and has lived in exile since 2003, complained to the Citizens' Complaint Commission about the dismissal from his job in the army in 2005. Ruslan Tukhbatullin was believed to have been dismissed in order to put pressure on Farid Tukhbatullin. On 24 March 2007 Ruslan Tukhbatullin received a reply from the Ministry of Defence, the very agency that had dismissed him. The Ministry stated that his dismissal had not been a violation of his rights. No details were given as to how his complaint had been investigated and he was given no possibility to appeal the Ministry's decision.

### **Interdepartmental Commission of Human Rights set up**

On 24 August President Berdymukhamedov established the Interdepartmental Commission of Human Rights. It was tasked with preparing reports (several of which were long overdue) to UN treaty bodies, drafting a National Human Rights Programme and reviewing the compatibility of domestic legislation with international human rights standards. The Commission consists of government officials, the head of the Committee on Human Rights and Freedoms of the *Medzhlis* (Parliament), the Director of the National Institute for Democracy and Human Rights, and other organizations believed to be closely affiliated with the government. As of 20 March 2008 the authorities had not responded to requests by Amnesty International to share with the organization the draft National Human Rights Programme and no information about the content of the programme had been made public. With regard to the review of domestic legislation the *State News Agency of Turkmenistan* (TDH) reported on 5 January that the Commission believed it was necessary "to adopt new Family, Civil-Procedure, Housing, Criminal-Execution Codes, and develop other draft legislation, including those regulating and stimulating economic activities". No further details were given.

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**Release of prisoners and lifting of suspended sentences (update to AI Indexes: EUR 61/004/2007, EUR 01/010/2007, EUR 61/012/2007)**

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As in previous years several prisoners whose cases had been raised by the international community were released or had their suspended sentences cancelled in presidential pardons. They included the following cases:

- Former Mufti Nasrullah ibn Ibadullah was sentenced to 22 years' imprisonment on treason charges in a secret trial in March 2004, accused of involvement in the alleged assassination attempt on the late President Saparmurad Niyazov in November 2002. There were allegations that the charges against Nasrullah ibn Ibadullah were fabricated and that he was targeted for expressing dissent. On 9 August the state media published a presidential pardon ordering the release of Nasrullah ibn Ibadullah along with 10 other prisoners, following recommendations by the Citizens' Complaint Commission.
- Environmental activist Andrei Zatoka was detained by local police at the airport at his home town of Dashoguz, near the border with Uzbekistan, for an alleged breach of public order in December 2006. Subsequently he faced four charges, including unlawful acquisition or possession of weapons or explosives, and unlawful circulation of potent or poisonous substances. There were allegations that he was targeted to punish him for his peaceful work as an environmental activist. In January 2007, Dashoguz City Court convicted Andrei Zatoka and handed down a suspended sentence of three years' imprisonment. In October his suspended sentence was lifted as a result of a presidential pardon that included some 9,000 prisoners. However, as of March 2008 Andrei Zatoka remained barred from leaving the country.
- Former director of the Government Association *Turkmenatlary* (Turkmen Horses) Geldy Kyarizov was sentenced to six years' imprisonment in an unfair trial in April 2002 on charges of abuse of office and negligence. The charges were allegedly brought because he had fallen out of favour with the former President and was caught up in a clampdown that saw scores of officials imprisoned. Geldy Kyarizov was included in the October pardon and released from prison.
- Baptist pastor Vyacheslav Kalataevsky was released in the context of the October pardon (see below).
- Conscientious objectors Nuryagdy Gairov, Suleiman Udaev and Aleksandr Zuev had their suspended sentences cancelled in the October pardon (see below).

**Prisoners**

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**Annakurban Amanklychev and Sapardurdy Khadzhiev continued to be imprisoned (update to AI Index: EUR 61/004/2007)**

A non-governmental source reported that Annakurban Amanklychev and Sapardurdy Khadzhiev were serving their prison sentences in the Caspian port town of Turkmenbashi (formerly Krasnovodsk). Reportedly, the two men's relatives were for the first time allowed to pass on food parcels to them in December. For over a year after their trial in August 2006 the authorities had reportedly refused to respond to repeated requests by relatives of Annakurban Amanklychev and Sapardurdy Khadzhiev to inform them of the men's whereabouts, allow them to pass on parcels with food and medicine and visit them. The source reported that "only after months-long efforts, approaches of [numerous government agencies], refusals [and] silence of government officials, the relatives were eventually granted the right to [pass on] a parcel, and then also to a visit".

The men had been convicted of illegal acquisition, possession or sale of ammunition or firearms and sentenced to seven years' imprisonment after an unfair trial in August 2006. The charges appeared to be fabricated and related to their activities as human rights defenders. To Amnesty International's knowledge, the authorities have to date refused to give the two men's relatives a copy of the verdict and, according to a non-governmental report, "the lawyers also have not been able to get access to the full case materials". Reportedly, since they were imprisoned Annakurban Amanklychev and Sapardurdy Khadzhiyev have sent several letters to the authorities stating that they were innocent and petitioning for their release. However, to Amnesty International's knowledge they have received no reply from the authorities. Amnesty International regards the two men as prisoners of conscience and calls for their prompt and unconditional release.

There were allegations that they and Ogulsapar Muradova, their co-defendant, were ill-treated in detention. Ogulsapar Muradova, also a human rights defender and a journalist with the US-funded *Radio Liberty*, died in custody in disputed circumstances in September 2006.

In its report entitled *Human Rights Defenders in the OSCE Region: Our Collective Conscience* the Organization for Security and Co-operation in Europe (OSCE) published comments by the government of Turkmenistan on the cases of Annakurban Amanklychev, Sapardurdy Khadzhiyev and Ogulsapar Muradova. The authorities reportedly referred to their previous statement in the Permanent Council of the OSCE stating that "Ms. Muradova was provided with legal representation at all times and had been advised of her right to appeal, that her relatives had been notified of her death, that it had been announced that an autopsy would be carried out, and that she had been in poor health. The Government maintains she was neither a journalist nor a human rights defender, and rejects any suggestion that her death was other than as a result of natural causes." The authorities reportedly also disputed that Annakurban Amanklychev was a human rights defender and that he and Sapardurdy Khadzhiyev did not have regular access to counsel.

### **Former Speaker of Parliament and his wife continue to be imprisoned (update to AI Index: EUR 01/010/2007)**

According to *turkmenistan.ru* on 22 December 2006 Ovezgeldy Ataev was dismissed from his post as Speaker of Parliament at an extraordinary session of Parliament, one day after the authorities announced former President Niyazov's death. Parliament also agreed that a criminal investigation be opened against him following a request by the Prosecutor General. The Prosecutor General was reported as stating that Ovezgeldy Ataev had "abused [his] office and flagrantly violated constitutional rights of citizens and even [incited] discord between clans". The Prosecutor General stated the latter charge related to Ovezgeldy Ataev's objection to a marriage between his stepson and a young woman earlier that year. As a result, the young woman reportedly attempted to commit suicide.

According to a 27 February 2007 report by the news agency *Ferghana.ru*, Ovezgeldy Ataev was sentenced to five years' imprisonment by the Supreme Court of Turkmenistan in a closed hearing. According to the Turkmenistan Initiative for Human Rights, Ovezgeldy Ataev was sentenced to four years' imprisonment.

A non-governmental source reported that, at least until November, Ovezgeldy Ataev was serving his sentence in Ovadan-depe prison, which is located not far from the capital Ashgabat and known for its particularly harsh conditions. Amnesty International was able to ascertain that his wife was being detained in the women's labour colony in the town of Dashoguz at the end of December.

Non-governmental sources believe that Ovezgeldy Ataev was targeted as part of a power struggle following the former President's death. According to the Constitution, the Speaker of Parliament was the constitutionally designated successor to the President.

### **Closed trial of Akmurad Redzhepov and his son Nurmurad Redzhepov**

The state *Turkmen TV* reported on 15 May that Akmurad Redzhepov, believed to have been one of the most influential officials in President Niyazov's government, had been relieved of his duties "in connection with his transfer to another post". Émigré sources and independent Russian media reported that on 27 July Akmurad Redzhepov, who used to be the head of the Presidential Security Service and until April 2007 the head of the State Security Council, and his son Nurmurad Redzhepov were sentenced to 20 and 13 years' imprisonment respectively on charges of corruption and abuse of office at a closed court hearing. The trial took place at the Supreme Court of Turkmenistan. State media published no information about their arrest or trial. Nurmurad Redzhepov was included in the Presidential pardon in October.

Amnesty International was concerned that their trial was held behind closed doors. According to Article 14(1) of the International Covenant on Civil and Political Rights, to which Turkmenistan is a party, "everyone shall be entitled to a fair and public hearing". Court hearings may only be closed to the press and the public in exceptional circumstances such as for reasons of morals, public order or national security in a democratic society. The Article also states that "any judgment rendered in a criminal case [...] shall be made public with rare exceptions, such as to protect the interests of juveniles".

### **"Enemies of the people" held incommunicado**

Dozens of prisoners labelled as "enemies of the people" by the authorities continued to be denied any access to families, lawyers and independent bodies including the International Committee of the Red Cross. They were sentenced following unfair trials in connection with an alleged assassination attempt on the late President Niyazov in 2002. Many were reportedly tortured following their arrests. According to non-governmental sources, most were held in Ovadan-depe prison.

As in previous years their relatives were not allowed to pass food parcels to them or to exchange letters. Reportedly the relatives of several prisoners asked the new government for permission to send parcels and letters at least once a year, and for the names of those who had died in prison. They received no written reply but government officials reportedly told them that their requests were denied.

Reportedly, since 2002 at least eight prisoners had died as a result of torture, other ill-treatment, harsh prison conditions or lack of appropriate medical treatment.

Another report received in the period under review stated that all prisoners sentenced in connection with the November 2002 events had undergone a medical examination. Several prisoners who were reportedly very ill were subsequently released.

### **Baptist leader Vyacheslav Kalataevsky targeted**

Vyacheslav Kalataevsky, a leader of a Baptist congregation in the Caspian port city of Turkmenbashi, was detained by officers of the Ministry of National Security (MNS) on 12 March. When questioning him, MNS officers reportedly focused on his religious activities. On 17 March he was charged with illegal border crossing (Article 214, part 2 of the Criminal Code of Turkmenistan).

The charge reportedly related to an incident back in June 2001 when he was caught up in a wave of deportations affecting members of religious minorities who did not hold a Turkmenistani passport. Vyacheslav Kalataevsky was born in Krasnovodsk (now: Turkmenbashi) but holds a Ukrainian passport. In 2001 his residence permit was reportedly cancelled without explanation and shortly afterwards MNB officers took him across the border with Kazakhstan, separating him from his wife and seven children. As he had neither money nor foreign travel documents he, together with another Baptist who had also been deported to Kazakhstan, made his way back to Turkmenistan, where Vyacheslav Kalataevsky then lived without residence documents.

After Vyacheslav Kalataevsky's detention in March, his wife Valentina Kalataevskaya was refused permission to visit him for at least five weeks. She told *Forum 18*, the web-based news service working on religious freedom issues, that her request to send a letter to her husband was also turned down.

On 14 May Turkmenbashi City Court sentenced Vyacheslav Kalataevsky to three years' imprisonment for illegal border crossing. There were allegations that the court acted on the orders of the MNS. Vyacheslav Kalataevsky's lawyer was reportedly summoned to the MNS during the trial in order to put pressure on her. During the trial Vyacheslav Kalataevsky was reportedly asked several questions about his congregation that were unrelated to the charge of illegal border crossing. The court of Balkanabad region turned down his appeal on 19 June.

There are strong indications that Vyacheslav Kalataevsky was targeted – both back in June 2001 and in the first half of 2007 – for peacefully exercising his internationally recognized right to freedom of religion.

In October he was pardoned but subsequently the Migration Service of Turkmenistan denied him a residence permit. Vyacheslav Kalataevsky was born in the Turkmen Soviet Socialist Republic but obtained Ukrainian citizenship while in Ukraine when the Soviet Union broke up. He had to leave Turkmenistan in December, leaving behind his parents, wife and children.

### **Conscientious objectors**

Between July and December 2007 at least six Jehovah's Witnesses stood trial for refusing to serve in the army on conscientious grounds. They were: Bayram Ashirgeldiev, Nuryagdy Gairov, Begench Shakhmuradov, Ashirgeldy Taganov, Suleiman Udaev and Aleksandr Zuev. The courts handed down sentences ranging from 18 months' suspended to 18 months' imprisonment for "evasion of call-up to military service" under Article 219, part 1, of the Criminal Code of Turkmenistan. The Article carries a maximum penalty of two years' imprisonment. In Turkmenistan there is no civilian alternative for young men whose conscientiously-held beliefs preclude them from carrying out compulsory military service.

On appeal the courts commuted the prison sentences to suspended sentences. Three of the men were pardoned in October but conscientious objectors continued to be punished for their conscientious objection to serve in the army. For example, on 18 December Niyazov District Court in Ashgabat gave Ashirgeldy Taganov a suspended sentence of 18 months and the suspended sentences of Bayram Ashirgeldiev and Begench Shakhmuradov, who had stood trial in July and September respectively, were upheld. Bayram Ashirgeldiev and Begench Shakhmuradov were subjected to restrictions imposed on their movements and the authorities refused to issue them with a document necessary to find employment. Amnesty International believes that the same restrictions applied to Ashirgeldy Taganov who was benefitted from a presidential pardon issued on 13 February 2008.

At least three of the six men had previously served prison sentences to punish them for their conscientious objection to military service.

For example, Nuryagdy Gairov had been detained in December 1999 and sentenced in January 2000 to one year's imprisonment. Although he was included in a prisoners' amnesty in April 2000 which made him eligible for early release, he was not released because he refused -- for religious reasons -- to swear an oath of allegiance to the President, which was required from all prisoners who were included in this and other prisoners' amnesties. To punish him for refusing to swear the oath he was reportedly put in an isolation cell and beaten so severely that he fell unconscious. He was released in November 2000.

In another case, Begench Shakhmuradov had been sentenced to one year's imprisonment on 10 February 2005. Along with three other conscientious objectors he was released on 16 April 2005. Their release was believed to be part of a government move to avoid being classified as a "country of particular concern"

under the USA's International Religious Freedom Act, which can lead to the USA taking measures ranging from diplomatic protest to targeted trade sanctions. Begench Shakhmuradov reportedly contracted tuberculosis while serving the prison sentence.

Some conscientious objectors who stood trial in 2007 were reportedly told by the judge or officials of the military commission that they would be called up again and likely receive more severe sentences if they refused to serve in the army again.

Amnesty International does not question the right of governments to conscript individuals into the armed forces, nor does it agree or disagree with the motives of individual conscientious objectors, but it urges governments that all those liable to conscription are given the opportunity to perform an alternative civilian service to armed service on the grounds of their conscience or profound conviction. Whenever a person is detained or imprisoned solely because they have been refused their right to register a conscientious objection or to perform a genuinely alternative service, Amnesty International will adopt that person as a prisoner of conscience and call for their immediate and unconditional release.

### **"Black list" of those barred from travel abroad remains in place (update to AI Index: EUR 01/017/2006)**

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There were reports that the number of people included in a "black list" barring them from travelling abroad was reduced under the government of President Berdymukhamedov, in particular with regard to relatives of people formerly and currently imprisoned for financial crimes. However, scores of people remained on the list -- including those perceived to be critical of the authorities, members of religious minorities, their relatives, relatives of people convicted in connection with the 2002 alleged assassination attempt on President Niyazov, and relatives and friends of government officials imprisoned in recent years -- and there were reports that new names had also been added since the new government came to power.

On 24 November, at Ashgabat airport, Svetlana Orazova and her three-year old daughter Alisa were prevented from boarding a plane to Moscow, by officers of the State Service of Turkmenistan on the Registration of Foreign Citizens. Reportedly, they were not given any explanation or compensation for the missed flight. Svetlana Orazova, a dual citizen of Turkmenistan and Russia, is the sister of Khudayberdy Orazov, an exiled opposition figure, who, in his absence, was given a sentence of life imprisonment on charges relating to the alleged assassination attempt on President Niyazov. On 26 November an official at the MNS in Ashgabat reportedly told Svetlana Orazova that she would not be allowed to leave the country as long as her husband was outside Turkmenistan. After the authorities had repeatedly refused to let her husband Ovez Annaev travel abroad he has eventually been given permission to fly to Moscow for medical treatment for heart disease on 28 May.

On 17 December Svetlana Orazova sent a letter to the State Service of Turkmenistan on the Registration of Foreign Citizens requesting information about the reasons for denying permission for her to travel to Moscow and the time frame of this measure and demanded that the authorities promptly grant her permission to travel abroad. In January 2008 Svetlana Orazova complained to Kopetdag District Court in Ashgabat about the lack of a response. She urged the court to either oblige the State Service of Turkmenistan on the Registration of Foreign Citizens to lift the travel restrictions or to inform her in writing of the reasons for barring her from leaving the country and of the time frame of this measure. In February the court turned down Svetlana Orazova's request.

In December 2007 she also sent complaints to the President and the Citizens' Complaint Commission but, as of March 2008, had not received a reply.

## UZBEKISTAN

### **International scrutiny**

The authorities continued to refuse to hold an independent, international investigation into the May 2005 mass killings in Andizhan, asserting instead that two rounds of expert talks held with representatives of the European Union (EU) in December 2006 and April 2007 had addressed all the relevant issues. However, Amnesty International believed that these rounds of expert talks did not meet the international standards for an effective, independent and impartial investigation and could therefore not substitute the latter.

Negotiations between the International Committee of the Red Cross (ICRC) and the Uzbekistani authorities continued throughout the period under review and in March a spokesperson for the ICRC confirmed that an agreement had been reached for the ICRC to resume prison visits. Amnesty International hoped that they had been able to gain unfettered access to detention facilities as requested.

At the beginning of May the first formal EU-Uzbekistan Human Rights Dialogue was held in Tashkent ahead of the EU's General Affairs and External Relations Council (GAERC) session. GAERC decided to extend sanctions aimed at Uzbekistan; a visa ban imposed on 12 Uzbekistani officials in November 2005 was extended for six months for eight officials and an ongoing arms embargo was left unchanged. In a departure from previous Conclusions, the GAERC called for the release of jailed human rights defender Gulbahor Turaeva and asked for restrictions on the free movement of released human rights defender Umida Niazova (see below) to be removed. The Council also said that it remained seriously concerned about the human rights situation in Uzbekistan and linked the lifting of sanctions to Uzbekistan's implementation of international human rights standards. The Uzbekistani Ministry of Foreign Affairs responded to the Conclusions in a public statement calling the EU decision "unfounded and biased" and an "instrument of systematic pressure on Uzbekistan dressed up in human rights rhetoric."

In a reversal of its May position and despite opposition from some member states the GAERC voted in October to suspend a visa ban on eight officials for six months. In its October Conclusions the GAERC called for the release of all jailed human rights defenders but failed to mention specifically the need for an independent, international investigation into the Andizhan events.

In March 2007 the UN Human Rights Council (HRC) voted to accept the recommendations of its Working Group on Situations to discontinue consideration of Uzbekistan under the HRC's confidential 1503 Procedure. This meant that the mandate of the UN Independent Expert on Uzbekistan appointed under the confidential 1503 procedure was also terminated and that Uzbekistan's human rights record would no longer be under special scrutiny by the HRC.

### **Freedom of expression and association: the situation of human rights defenders and independent journalists**

The situation for human rights defenders and independent journalists continued to deteriorate and the authorities further restricted their freedom of speech, assembly and movement in the run-up to the December 2007 Presidential elections. At the beginning of February 2008 the authorities unexpectedly released several human rights defenders who had previously not been expected to have qualified for release under a December amnesty, including some high-profile human rights defenders like Saidzhakhon Zainabidinov. Despite these releases at least a dozen human rights defenders continued to serve long prison terms in cruel, inhuman and degrading conditions having been convicted after unfair trials. Several of them were reportedly tortured or otherwise ill-treated in detention. Those human rights activists and journalists not forced into exile and not in detention were routinely monitored by uniformed or plain-clothes law enforcement officers; human rights defenders were called in for questioning to their

local police stations, placed under house arrest or otherwise prevented from attending meetings with foreign diplomats or delegations or from taking part in peaceful demonstrations. Human rights defenders and journalists continued to report being threatened by members of the security services for carrying out legitimate activities. Several reported being assaulted and beaten and detained by law enforcement officers or people they suspected were working for the security services. Relatives reported being threatened and harassed by security forces; some were detained and jailed in order to put pressure on human rights defenders.

In October Sid Yanishev, an independent journalist, was assaulted in a street in Tashkent by two men, who reportedly told him they were officers from the National Security Service (NSS). He was beaten in the face with a baton and kicked when he fell to the floor. The attack happened after he returned from Chirchik where he had reported on public demonstrations protesting bread shortages for the independent web-based *Ferghana.ru* news agency. Sid Yanishev believed that the attack was a direct result of his reporting.

Pressure on international media and non-governmental organizations (NGOs) continued in the period under review. In July the authorities refused to extend the visa and work permit of the country director of Human Rights Watch (HRW) thereby effectively preventing this international NGO from continuing its operations in Uzbekistan. Criminal prosecutions for tax evasion were brought against three local correspondents for the German international radio and television station *Deutsche Welle* who had been critical in their reporting on the situation in Uzbekistan. Faced with a possible prison sentence one of the correspondents fled the country.

In the run-up to the December Presidential elections, won by incumbent Islam Karimov, access to independent information became increasingly difficult with independent or opposition-affiliated websites virtually blocked.

### **The case of Bakhtior Khamroev and his son Ikhtior**

In November prison sources told Bakhtior Khamroev, the head of the Dzhizzakh section of the independent non-registered Human Rights Society of Uzbekistan (HRSU), that his 22-year-old son Ikhtior had been severely beaten in the prison colony where he was serving a three-year sentence for hooliganism after being convicted in an unfair trial in 2006. The same sources said that Ikhtior Khamroev had also received stab wounds to the abdomen, and that he was held in a punishment cell. They claimed that he stabbed himself in the abdomen in protest at the beating. The prison director refused to allow his parents to visit him, and gave them no details of his situation. He spent 10 days in the punishment cell. Ikhtior Khamroev was believed to have been detained in 2006 because of the human rights activities of his father and may have been beaten to punish his father for anti-government statements made at an international conference on human rights defenders in Dublin, Ireland. Bakhtior Khamroev told human rights activists that the authorities had stepped up their surveillance of him and his family. Ikhtior Khamroev was unexpectedly released at the beginning of February under the December Presidential amnesty.

### **Elena Urlaeva**

In March 2007 human rights activist Elena Urlaeva wrote an open letter to Hina Jilani, the United Nations Special Representative on Human Rights Defenders, describing how the authorities had prevented human rights activists from organizing a nationwide peaceful protest action for International Women's Day on 8 March. Participants in the meetings were asked to wear white or at least one white garment. Local authorities had been informed of the planned demonstrations in advance. However, law enforcement officers prevented all but one of the human rights activists from making their way to the designated meeting place in the centre of Tashkent. Most were either detained in the street and taken to local police stations or put under house arrest for the duration of 8 March 2007.

Elena Urlaeva, who managed to get to the designated meeting place in Tashkent, was reportedly assaulted by police officers and beaten with a truncheon by one officer while another one reportedly tore off the white scarf she was wearing. Representatives of international organizations and media who had gathered to monitor the planned demonstration came to the help of Elena Urlaeva and reportedly prevented the officers from detaining her.

### **Umida Niazova**

In May Umida Niazova, a human rights activist and independent journalist, was sentenced to seven years' imprisonment by a district court in Tashkent on charges of illegally crossing the border, smuggling and distributing material causing public disorder after a two-day trial which fell far short of international fair trial standards. On 8 May Umida Niazova was released from the court-room after an appeal court changed her seven-year sentence to a three-year suspended one. Umida Niazova pleaded guilty to all three charges during the appeal hearing and accused international organizations of having misled her.

Umida Niazova had been charged in January 2007 with illegally crossing the Uzbekistani border and with smuggling literature of a "subversive" and "extremist" nature into the country (Article 246 of the Criminal Code). Among this "subversive" material were reports by HRW, namely its published report on the Andizhan mass killings in May 2005. Umida Niazova was working for the NGO as a translator at the time. She had previously worked for the international freedom of expression NGOs, Internews and Freedom House.

In February 2008 the conditions attached to Umida Niazova's suspended sentence were removed, which meant that in theory her freedom of movement was no longer restricted.

### **Gulbahor Turaeva**

Gulbahor Turaeva, a 40-year-old pathologist and human rights activist from Andizhan, was detained in January 2007 at the border on her way back from Kyrgyzstan, reportedly carrying around 120 publications in her bags, including books by the exiled leader of the banned secular opposition Erk party. In 2005 Gulbahor Turaeva had spoken out to foreign media questioning the official version of the Andizhan events of May that year. Charged with attempting to overthrow the constitutional order, and distributing subversive materials, she was sentenced to six years in prison in April. She was also charged with defamation. Following a second trial in May she was found guilty and fined. In June her prison term was commuted on appeal to a six-year suspended sentence and she was released from detention. Gulbahor Turaeva pleaded guilty to all charges at the appeal hearing and denounced her work as a human rights defender as well as the activities of other human rights activists. In February 2008 the conditions attached to her suspended sentence were lifted as part of the December amnesty.

### **Saidzhakhon Zainabidinov**

In April 2007 diplomats were granted a first visit with prominent human rights defender Saidzhakhon Zainabidinov in Tashturma following repeated requests by the EU to be given access to him. He was reportedly very thin but appeared to be in reasonable health. It was not clear whether he had been brought to Tashturma from another place of detention for the visit or whether he continued to be detained in Tashturma. At the beginning of February Saidzhakhon Zainabidinov was unexpectedly released under the terms of a December 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. A couple of other released human rights activists were also quoted as saying that they had been treated well in prison. Observers and human rights defenders expressed scepticism at these statements. Saidzhakhon Zainabidinov had been sentenced to seven years in prison for his alleged participation in the Andizhan events by a court in Tashkent in January 2006, after a closed trial.

**Mutabar Tadzhibaeva**

Makhlio, the only daughter of Mutabar Tadzhibaeva, the imprisoned chairwoman of the human rights organization Utiuraklar (Fiery Hearts Club) was finally able to visit her mother in prison for the first time in November. She had repeatedly complained that she had been threatened by the authorities not to travel to Tashkent to visit her mother. She said that her mother had lost a lot of weight and that her health had deteriorated. The authorities, however, denied that Mutabar Tadzhibaeva was ill and insisted that she was receiving regular medical check-ups. In November the Ministry of Internal Affairs published a list of the medical checks she had reportedly received in prison, including the nature of any health complaints and the treatments she had received. Foreign diplomatic sources confirmed that she had received medical treatment in August.

In March 2007 Mutabar's brother Rasul Tadzhibaev was detained in order to prevent him from attending a demonstration in Tashkent calling for the release of Mutabar Tadzhibaeva and other detained female human rights activists. He had also been evicted from his apartment and reportedly been warned that if he continued to campaign on behalf of his sister he would be forcibly expelled from Tashkent.

Mutabar Tadzhibaeva was sentenced to eight years in prison on economic and political charges in March 2006. Her appeal against the verdict was turned down in May 2006. She continued to maintain her innocence. She was not released under the December amnesty.

**Dzhamshid Karimov**

In March 2007 the compulsory psychiatric treatment of independent journalist Dzhamshid Karimov was reportedly extended for another six months. He was forcibly confined to a psychiatric hospital in Samarkand in September 2006. In August the international press freedom organization Reporters Sans Frontieres reported that he had managed to smuggle information out of the hospital claiming that his eyesight was deteriorating and that he suffered from memory loss. Although hospital staff apparently treated him well and tried to make him as comfortable as possible, he felt that he was effectively being kept imprisoned. He was also reported to have said that medical staff in the hospital had described his condition as "balanced and stable". Nevertheless he was not released in September and it was not clear whether his compulsory treatment had again been extended and if so, by how long. By the end of March 2008 he was still believed to remain confined in Samarkand psychiatric hospital. Access to Dzhamshid Karimov has been very limited.

**Azam Farmonov and Alisher Karamatov**

Prisoners of conscience, Azam Farmonov and Alisher Karamatov, both members of the independent Human Rights Society of Uzbekistan (HRSU) continued to serve long sentences having been convicted after an unfair trial in June 2006 to nine years' imprisonment.

Azam Farmonov was serving his sentence in Yaslik prison camp and Alisher Karamatov in Karshi prison camp. In February Azam Farmonov reportedly told his relatives that conditions of detention in Yaslik had improved and that there were fewer routine beatings and less ill-treatment and torture, including of prisoners convicted of being members of banned Islamic organizations or movements. However, when his wife visited him in prison at the beginning of November, he reportedly told her that over the last six months he had been tortured, beaten and humiliated by prison guards. He had twice been put in punitive solitary confinement: from 23 May to 19 June and from 10 to 20 October. He added that when he was in the punishment cell in May he was beaten every day on his feet and his back with a club. As a result he was not able to move for 10 days. He described how he was handcuffed to the radiator for two days and severely beaten by five guards until he lost consciousness during his second time in the punishment cell. As a result, he had trouble walking and had discharge from his ears. His relatives believed that he was

subjected to torture in order to make him give up his human rights activities, denounce Talib Yakubov, the Chairman of the HRSU, and to divorce his wife, the daughter of Talib Yakubov.

Alisher Karamatov's wife who visited her husband in Karshi prison camp towards the end of 2007 reported that she barely recognized him as he had lost nearly half of his weight: before his arrest he was a tall and athletic person weighing more than 90 kg, compared to 54 kg in detention. Alisher Karamatov complained of endless torture and humiliation that he had been subjected to. He also told her that sanitary and hygiene conditions were very poor. Alisher Karamatov's wife could clearly see that he had lice.

### **Yadgar Turlibekov**

Yadgar Turlibekov, a 70-year-old independent journalist and head of the HRSU Kashkadaria Regional branch was forced to leave Uzbekistan in September and seek international protection in neighbouring Kyrgyzstan. Yadgar Turlibekov had been sentenced for bribery under Article 165 of the Criminal Code to three-and-a-half years in prison in October 2006 after an unfair trial. He was released from prison under a presidential amnesty in December 2006. He lost 20 kg during the six months he spent in detention and his health deteriorated. Following his release Yadgar Turlibekov had described the conditions of detention he had witnessed in the temporary, pre-trial and post-conviction detention facilities he had been kept in, including any ill-treatment he suffered and or other ill-treatment torture other inmates were subjected to. He came under increasing pressure from local authorities in Karshi where he and his family lived when he started resuming some of his human rights activities. He alleged that police officers started threatening him after he took up the case of a young woman who had been allegedly raped by the head of her local neighbourhood committee whom she had approached for help. Fearing for his safety Yadgar Turlibekov secretly left the country.

### **Torture or other ill-treatment**

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In November the UN Committee against Torture (CAT) published its concluding observations and recommendations after examining Uzbekistan's third periodic report setting out the country's compliance with the UN Convention against Torture. CAT welcomed the introduction of habeas corpus and urged Uzbekistan to "apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity". The Committee urged the authorities to "publicly and unambiguously condemn practices of torture in all its forms" and reiterated its concern at the "numerous ongoing and consistent allegations concerning routine torture and other cruel, inhuman or degrading treatment or punishment." It regretted the "failure to conduct prompt and impartial investigations into such allegations." The Committee urgently recommended that the authorities "take effective measures to [...] institute a full, effective, impartial inquiry into the May 2005 events" and that "[in] accordance with the recommendations of the High Commissioner for Human Rights and others, [...] credible, independent experts conduct this inquiry".

### **Forcible returns of terrorism suspects**

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The Uzbekistani authorities continued to actively seek the extradition in the name of national security and the fight against terrorism of members or suspected members of banned Islamic movements or Islamist parties, such as Hizb-ut-Tahrir, from neighbouring countries as well as the Russian Federation. Most of the men forcibly returned to Uzbekistan were held in incommunicado detention, thus increasing their risk of being tortured or otherwise ill-treated. Authorities in the Russian Federation ignored 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 just days after having been detained in the Russian Federation. Disturbingly, Amnesty International received information from Abdugani Kamaliev's relatives in February, alleging that, upon his return to Uzbekistan

he was subjected to torture or other ill-treatment in the Namangan regional pre-trial detention facility. In March the organization learned that he had been sentenced to 11 years' imprisonment.

Russian officials also confirmed that officers of the Uzbekistani security forces had been operating on the territory of the Russian Federation. In December, for example, Russian human rights organizations received official confirmation that officers of the Uzbekistani security forces had detained asylum-seeker Mukhammadsalikh Abutov in the Russian Federation in July and handed him over to their Russian counterparts. An interstate warrant for his arrest was only issued after his detention and reportedly backdated by the Uzbekistani authorities. Mukhammadsalikh Abutov was still in detention in the Russian Federation at the end of the year. In October he described in a letter from prison how he had been tortured while previously imprisoned in Uzbekistan to force him to confess to a crime he did not commit and to punish him for his membership of a banned Islamic movement.

### **Death penalty**

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A new law adopted by the Senate at the end of June amended the criminal, criminal procedural and criminal executive codes by replacing the death penalty with life or long-term imprisonment. The law came into effect on 1 January 2008, marking the formal abolition of the death penalty in Uzbekistan. However, by the end of March authorities had still not published statistics on the death penalty for previous years, including the number of sentences, executions and commutations. The total number of those men on death row who had their sentences automatically commuted to life imprisonment upon abolition was also not published.

By the end of March there was no progress on allowing relatives access to information on burial sites of executed prisoners. Also, there had been no news of reinvestigating old cases where the accused or his relatives had alleged the use of torture in order to force a confession, nor had there been any mention of possible compensation.

The authorities had failed to introduce moratoria on executions and death sentences pending full abolition. Some local NGOs claimed there could have been hundreds of prisoners under sentence of death held in conditions which amounted to cruel, inhuman and degrading treatment. According to the NGO Mothers Against the Death Penalty and Torture, 20 of at least 38 prisoners on death row in Tashkent prison (six of whom were sentenced to death in the first half of 2007), were reported to be infected with tuberculosis (TB) and were not receiving adequate medical treatment. There was no clarity as to how individual cases would be reviewed in light of the abolition of the death penalty, or about ongoing detention arrangements.

Iskandar Khudaiberganov, held on death row in Tashkent prison since November 2002, was diagnosed with TB in 2004. At no stage had he received adequate medical treatment for the disease. His family were able to provide him with some anti-TB drugs, but it was feared that he risked developing drug resistant strains of the disease. Iskandar Khudaiberganov's sister said that he was feeling depressed and had grown very thin. He had also expressed concern that he would be transferred to a newly-built prison in Yaslyk, where he believed conditions could be worse than those in Tashkent prison. The UN Special Rapporteur on torture as well as human rights organizations, including Amnesty International, had previously expressed serious concern about the conditions of detention in the existing prison camp in Yaslik, as well as the location of the camp in remote, chemically or biologically contaminated areas of the country.

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