



M. Emmanuel MACRON

Président de la République française
Palais de l'Elysée
55 Rue du Faubourg Saint-Honoré
75008 Paris

For the attention of President of the French Republic, Emmanuel Macron

Paris, Brussels
5 October 2018

Dear President Macron,

International Partnership for Human Rights based in Belgium and Association for Human Rights in Central Asia an organization set up by political émigrés in France, appeal to you to use the occasion of the first state visit to France of President Shavkat Mirziyoyev of Uzbekistan on 8 October 2018 to call for concrete improvements in the area of fundamental rights to build on the process of opening witnessed in Uzbekistan over the past two years.

Since coming to power in 2016, President Mirziyoyev has taken some steps to address Uzbekistan's dismal human rights record. For example, at least 29 civil society activists, independent journalists and political opposition activists were released from prison; at least ten perpetrators of torture have been brought to justice; and several international human rights groups have been invited to the country in a demonstration of Uzbekistan's new openness to discuss human rights concerns.

However, more is needed to ensure that these initial steps are sustainable, that human rights are truly protected in Uzbekistan, and that the principles of the rule of law are respected and implemented. The authorities continue to persecute actual and perceived government critics for peacefully exercising their right to freedom of expression and torture and ill-treatment continue to be reported. President Mirziyoyev's government should implement the following recommendations as a matter of urgency:

1. Ensure justice for those convicted in unfair trials, and ensure accountability for past abuses

Thousands of prisoners are serving prison sentences imposed under the previous and the current regime after being convicted in unfair trials for "violating the constitutional order" (Article 159 of the Criminal Code), "producing or distributing materials that threaten public security and order" (Article 244-1) or "establishing, leading or participating in religious extremist, separatist, fundamentalist or other prohibited organizations" (Article 244-2). These articles allow for vague interpretation by the authorities and have in many cases been misused against critics or perceived government critics and religious believers who worship outside state-sanctioned places of worship. Many people have been targeted for peacefully exercising their right to freedom of expression.

To date no effective investigation has been carried out into the tragic events in Andijan in 2005, when security forces killed hundreds of largely peaceful demonstrators, including women and children.

Under the new President, over two dozen civil society activists and political dissidents have been released from unjust imprisonment, but they remain under close surveillance. Not one of them has been fully rehabilitated and those responsible for their persecution have not been brought to justice. Many suffered torture and other ill-treatment in detention to force them to provide false confessions, but the perpetrators of torture have escaped justice and the victims have not received compensation and full redress. Many lawyers are afraid to take up their cases for fear of reprisals.

The Uzbekistani authorities under President Mirziyoyev continue to restrict freedom of movement preventing people from travelling abroad, specifically targeting government critics. Space for civil society and human rights groups and activists in Uzbekistan remains severely limited. In addition, political émigrés have had their Uzbekistani citizenship withdrawn and their property in the country confiscated.

2. Endow the judiciary with full independence and ensure transparent court proceedings

Judicial reform announced by President Mirziyoyev in February 2017 will only be effective if the judiciary becomes fully independent, if fair trial standards are scrupulously observed and reforms are transparent and accompanied by open public discussion.

Under the rule of President Mirziyoyev many state officials accused of serious crimes have been held behind closed doors. Some officials have been accused of torture or ill-treatment, but little information is publicly available. The Uzbekistani authorities have also blocked information about the detention and criminal investigation ongoing against the eldest daughter of former President Islam Karimov, Gulnara Karimova. Although in 2017 the Prosecutor General finally clarified the charges against her they process has been kept out of the public eye. In these cases, it is believed that the authorities have refrained from ensuring transparency in order to prevent information from emerging that would incriminate members of the current government.

3. End widespread torture and other ill-treatment

President Mirziyoyev's government has taken steps to address widespread torture including. At least ten police officers implicated in torture as well as a number of prisoners who were found guilty of torturing detainees on behalf of police officers have been brought to justice; legislation has been adopted that prohibits the use in court of evidence obtained through torture and of using torture against relatives of detainees and suspects; the Criminal Code has been amended to strengthen punishments for torture; and Uzbekistan accepted recommendations issued during the United Nations Periodic Review to ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

However, human rights groups continue to receive credible allegations of torture and other ill-treatment indicating that the practice continues and that systematic reforms are necessary. Perpetrators are punished only in exceptional cases. There is no system for confidential complaints and no independent investigatory mechanisms for allegations of torture; and there are no known cases where victims have received compensation for moral damages. It is also important that officials found guilty of torture and ill-treatment receive punishments which are commensurate with the gravity of the crime.

4. Improve prison conditions and give independent experts access to detention facilities for human rights monitoring

In Uzbekistan independent monitors do not have access to detention facilities and prisons for the purpose of monitoring. According to former prisoners and prisoners' relatives, living conditions in detention facilities and prisons continue to be extremely poor and access to medical care is restricted. Statistics on the number of prisoners in Uzbekistan are classified as confidential and no details are published about the high mortality rate among the prison population.

5. De-criminalize homosexuality

Article 120 of the Criminal Code punishes consensual sex between adults and legalizes discrimination against LGBTI people. The article has also frequently been used to discredit and punish government critics.

We ask you to raise these issues during your discussions with President Mirziyoyev.

Yours faithfully



Brigitte Dufour
Directrice
International Partnership for Human Rights



Nadejda Atayeva
Directrice
Association pour les droits de l'homme
en Asie centrale