Briefing note on civil society development and freedom of expression, association and assembly in Uzbekistan

March 2014

Overview of major concerns

While the authorities of Uzbekistan continue their efforts to promote a state-controlled civil society, repression of independent civil society shows no sign of abating. Independent human rights groups cannot operate freely and independent human rights defenders and journalists continue to face an ever-present risk of persecution.

Under Uzbekistan’s legislation, it is compulsory for NGOs to register with the authorities, and involvement in “illegal” NGO activities is subject to harsh penalties. NGO registration procedures are cumbersome and grant wide discretion to authorities to deny registration or leave applications pending in the case of inconvenient groups. At the UN Human Rights Council session on 19 September 2013, when the outcome report of the second cycle of the Universal Periodic Review of Uzbekistan was adopted, the head of the country’s delegation claimed that the number of NGOs has steadily increased in the country in recent years and now exceeds 6500. However, this figure is misleading as it obviously includes the country’s many government-controlled NGOs (GONGOs) and their divisions and branches, which do not play an independent role in relation to government bodies.

Efforts to extend government control of the NGO sector intensified in particular in the aftermath of the 2005 Andijan events. Following this, dozens of independent NGOs were forced to close down, while others were compelled to join a government-controlled so-called national association of non-governmental non-commercial organizations. Currently only few independent human rights groups currently operate in Uzbekistan and only one of them, Ezgulik, has been registered by the authorities, in a decision that was made ten years ago. Other human rights groups carry out their work without legal

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status, which render them extremely vulnerable e.g. with respect to receiving funds for their work and renting office space.

The authorities intimidate and interfere with the activities of the country’s small community of independent human rights defenders and journalists in different ways, e.g. through surveillance, house arrests, denial of exit visas for travel abroad\(^3\), defamatory articles in regime-loyal media\(^4\), summoning and questioning by police, and dispersal of small-scale peaceful protests\(^5\). Activists and journalists also continue to face trumped-up charges on “hooliganism”, defamation, extortion, sexual harassment, trafficking and other crimes, as well as convictions and imprisonment on such charges following unfair trials.

In some cases, individuals critical of the authorities face charges of administrative offenses such as “hooliganism” or defamation and are fined and placed behind bars for shorter periods of time. For example, journalist Sergey Naumov was detained for 12 days in September 2013 on “hooliganism” charges brought against him for allegedly insulting and manhandling a woman who assaulted him in the street. He was sentenced at a hearing where he had no access to a lawyer and during the first days of his detention police refused to provide any information about his whereabouts to his family and friends. His detention came at the onset of the annual cotton harvest, raising suspicion that it was particularly aimed at obstructing his coverage of the use of forced labour in this harvest, which he had been documenting.\(^6\)

In other cases, critical voices are imprisoned for years on charges of extortion, sexual harassment, trafficking and other crimes. For example, in September 2013, Bobomurod Razzakov, who heads the Bukhara branch of the human rights group Ezgulik, was sentenced to four years in prison for trafficking on the basis of a spurious complaint submitted against him. His colleagues are convinced that his conviction represented retaliation for his human rights activities. Prior to being arrested, Razzakov had reported being subjected to pressure by authorities, including being summoned by a high-ranking regional level official and threatened with “trouble” unless he gives up his work with Ezgulik and stops providing information about developments in the region to foreign media.\(^7\)

The month before Turaboy Djurabaev, a citizen activist who has spoken out about corruption among local authorities was given a five-year sentence on extortion and fraud charges, which are some of the charges most frequently used to punish critics in Uzbekistan. He was arrested after police searched his home without a warrant and confiscated, among others, written complaints he had submitted to different authorities. During the trial, several alleged victims said that they had been pressured into testifying against him.\(^8\) In December 2013, 75-year old Djurabaev was released on account of his old age under an amnesty adopted on the occasion of the 21st anniversary of Uzbekistan’s Constitution. The conviction against him was, however, not overturned.\(^9\)

Currently at least two dozen human rights activists, journalists and opposition figures serve prison sentences handed down on political grounds. (See more below under “individual cases”). There are serious concerns about the well-being of these prisoners, and many of them are known to have been subjected to ill-treatment and torture. Monitors from the International Committee of the Red Cross
(ICRC) have reportedly in several cases not been allowed to meet political prisoners held in facilities they have visited. In April 2013, the ICRC announced that it would terminate all visits to detainees in Uzbekistan because it had been unable to operate in accordance with its standard working procedures in the country.\textsuperscript{10} In a novel development, in January 2014, Uzbek human rights defenders were allowed to visit a few selected political prisoners.\textsuperscript{11} While it was a welcome step that these visits could take place, it is imperative that the Uzbek government is encouraged to allow for more visits to prisons by independent human rights defenders. At the same time, occasional visits such as these are not a replacement for systematic prison monitoring conducted by the ICRC and do not diminish the urgency for continued demands to release individuals held on political grounds.

While amnesties are regularly proclaimed in Uzbekistan, individuals held on political grounds are rarely released under them. Similarly to earlier amnesty acts, the one adopted in December 2013 contained a provision saying that prisoners who have “systematically violated” the prison regime are ineligible for amnesty, even if they would otherwise meet the conditions for amnesty, such as old age. Accusations of alleged violations of prison rules are frequently used to penalize those imprisoned on political grounds, thus also preventing them from qualifying for amnesty. In addition, such allegations are used to prolong the sentences of political prisoners whose terms are nearing an end. An egregious example of this is that of Murad Djuraev, an opposition member first imprisoned in 1995 whose sentence has been prolonged four times since 2004 on charges of “disobeying the legitimate orders of the prison administration.” One of the grounds cited for the charges against the ailing prisoner is that he “did not properly peel carrots” when working in the prison kitchen.\textsuperscript{12}

Even human rights activists who are based in exile after fleeing persecution in Uzbekistan face intimidation and harassment because of their efforts to draw attention to human rights violations in their native country. Former prisoner of conscience Mutabar Tadjibaeva, who is the head of the France-based International Human Rights Association (IHA) Fiery Hearts Club, was among others the subject of a police investigation initiated by the Uzbek president’s daughter and then UN ambassador Gulnara Karimova in spring 2013.\textsuperscript{13} Tadjibaeva has visibly campaigned against, among others rampant corruption surrounding the ruling elite around President Karimov and in early 2013 she filed a complaint against Uzbekistan with the UN Committee against Torture over ill-treatment and torture she endured while imprisoned in this country before fleeing abroad.\textsuperscript{14} Nadejda Atayeva, who heads the likewise France-based Association for Human Rights in Central Asia, learned in July 2013 that she, her brother and father had been sentenced to prison in absentia in Uzbekistan on embezzlement charges dating back to a criminal case launched against her family in 2000. This case was the reason they fled Uzbekistan.\textsuperscript{15}

\textbf{Individual cases of concern: political prisoners}

Among the human rights activists, journalists and opposition figures who are currently believed to be imprisoned on political grounds in Uzbekistan are: Bobomurod Razzakov, Chuyan Mamatkulov, Murad Djuraev, Azam Farmonov, Abdurasul Khudozinazarov, Dilmurod Sayid, Solidjon Abdurakhmanov,
Mehrinisso Khamdamova, Zul humor Khamdamova, Isroiljon Kholdorov, Nasim Isakov, Gaybullo Djalilov, Ganikhon Mamatkhano v, Zafar Rakhimov, Yuldash Rasulev, Agzam Turgunov, Muhammad Bekjanov, Khayrullo Khamidov, Matluba Karimova, Samandar Kukanov, Gayrat Mekhliboev and Yusuf Ryzimyrodov (this is not an exhaustive list). The situation of all of these is of serious concern. However, below follows the description of the cases of a few of these individuals, about whom the IHA Fiery Hearts Club has recently received information.

Azam Farmonov, chairman of the Syrdarya regional HRSU branch and defender of the rights of local farmers, was arrested in April 2006. Two months later he was convicted of “extortion” (Criminal Code article 165) and sentenced to nine years in prison in an unfair trial. He is serving his sentence in the Jaslyk prison, a high-security prison in northwestern Uzbekistan that is infamous for its harsh conditions and mistreatment of prisoners. There are credible allegations that Farmonov has been subjected to torture while held there. According to information the IHA Fiery Hearts Club has obtained from his family, prison authorities have accused him of “systematically” violating prison rules, thus disqualifying him for release on amnesty. The UN Working Group on Arbitrary Detention has declared his detention unlawful.

Abdurasul Khudoinazarov used to head the Ezgulik human rights group branch in the city of Angren and was engaged in efforts to counteract corruption among local officials. He is serving a 9.5 year prison sentence handed down to him on fabricated extortion and fraud charges (Criminal Code articles 165 and 168) in January 2006. According to his wife, prison authorities told her that he was transferred from the prison in the Tashkent region where he had previously been held to a prison in the city of Zarafshan in the Kyzylkum desert in early October 2013. The transfer took place after he was accused of violating prison rules by keeping a razor blade. He has also previously been accused of violating prison rules on several occasions, among others, by refusing to wear special prison footwear. Khudoinazarov’s situation has remained of great concern since he tried to commit suicide five years ago, by hanging himself in his shirt in an apparent attempt to escape verbal and physical abuse that he had described in a written note.

Independent journalist and human rights defender Dilmurod Sayid, who among others wrote for the Voice of Freedom website and took part in the Tashkent branch of Ezgulik prior to his arrest, was sentenced to 12.5 years on extortion and forgery charges (Criminal Code articles 165 and 228) in a flawed process in July 2009. He has suffered from an acute form of tuberculosis while behind bars and has been held in a specialized prison facility for those diagnosed with this disease in the city of Navoi. In October 2013, he was reportedly transferred to a prison in Tashkent. Further adding to the hardships experienced by Sayid, his wife and 6-year-old daughter died tragically in a car accident in November 2009 when they were on their way to visit him in prison. The UN Working Group on Arbitrary Detention has also found Sayid’s detention to be in violation of Uzbekistan’s international human rights obligations.

Independent journalist Solidjon Abdurakhmanov, who worked inter alia for the independent Uznews website and also was involved in human rights activities, was arrested in Karakalkapstan in June 2008 after a package of narcotics allegedly was found in his car. In October 2008, he was sentenced to 10
years in prison on charges of illegal sale of narcotics in trial held in violation of fair trial guarantees. While he’s been in prison, his health has deteriorated considerably due to a worsening gastric ulcer and he has repeatedly been hospitalized. Representatives of the International Committee of the Red Cross were reportedly refused to see him twice before this organization quit its monitoring in the country in 2013 – on one occasion, Abdurakhmanov was placed in solitary confinement during the visit of the monitors, and on another occasion, prison officials tried to portray another prisoner as being him.24

As reported by the IHA Fiery Hearts Club25, human rights defender Ganikhon Mamatkhanov was due to be released 10 March after serving out a 4.5 year sentence on extortion and bribery charges, but has now been placed in punitive solitary confinement. This has given rise to concern that authorities may be seeking to prolong his sentence by accusing him of allegedly failing to comply with the orders of the prison administration, in a well-known practice used against political prisoners whose sentences are about to expire as discussed above. Mamatkhanov, a Ferghana-based defender known for his efforts to counter violations of the rights of farmers and child labour, was arrested in October 2009 after a sum of money was believed to have been planted on him. This happened shortly before a visit by President Karimov to the area. He was initially given a five year sentence, which was reduced to a 4.5 year one on appeal.

The IHA Fiery Hearts Club is also currently seriously concerned26 about the well-being of Mehrinisso Khamdamova, whose health has recently deteriorated badly in the Tashkent prison where she is held due to gynecological issues. After being engaged in women and youth work for a local mosque, Khamdamova was apprehended during mass arrests carried out by law enforcement authorities in the city of Karshi in November 2009 and subsequently sentenced to 7 years in prison on charges of attempting to overthrow the constitutional order and posing a threat to public order. The charges against her are believed to be politically motivated and she was reportedly subjected to ill-treatment in pre-trial detention.

Implementation of Universal Periodic Review Recommendations

During the second cycle of the Universal Periodic Review (UPR) of Uzbekistan in April 2013, many states voiced concerns about violations of freedom of expression, association, assembly and other fundamental rights, as well as the persecution of human rights defenders and journalists in Uzbekistan.27 These concerns were also reflected in the recommendations made to Uzbekistan.28 Unfortunately the Uzbek government declined to endorse a number of important recommendations. Among others, it rejected recommendations to release political prisoners as “factually wrong,” denying the existence of any such prisoners in the county. It also dismissed recommendations to accept pending visit requests from UN special rapporteurs, which include requests from the rapporteurs on human rights defenders and freedom of association and assembly, claiming this is “not part” of its international obligations.

Among the recommendations that the Uzbek government formally accepted are a number of recommendations relating to concerns in the areas covered by this submission29, such as
recommendations to: take effective and appropriate measures to guarantee freedom of expression and freedom of association and assembly for all, and prevent any harassment or intimidation of those exercising these rights; ensure that independent media, journalists, human rights defenders and civil society groups can freely operate, and promote the role of independent NGOs; review its Criminal Code provisions on defamation and insult; ensure that all trials correspond to international standards for a fair, independent and impartial trial; put an end to torture and other ill-treatment by applying the recommendations of the Committee against Torture, the Human Rights Committee and the Special Rapporteur on Torture; ensure that detention conditions correspond to international standards in law and practice, and allow the ICRC unrestricted access to penitentiary facilities and provide it with appropriate working conditions; and cooperate fully and effectively with independent human rights monitoring bodies.

At the September 2013 session, where the UPR outcome report was adopted by the Human Rights Council, the head of the Uzbek delegation stated that a draft national action plan on the implementation of the UPR recommendations is being prepared. According to him, this plan will set out specific measures to be taken to give effect to recommendations, the timing of such interventions and those responsible for overseeing them.

In order to promote adequate implementation of the UPR recommendations by Uzbekistan, our organizations believe that it will be essential that the EU and other international actors follow up on these recommendations and challenge the Uzbek authorities to demonstrate meaningful progress on their realization. They EU should also continue to bring up for discussion issues relating to recommendations that the Uzbek government failed to endorse, making clear its concerns and insisting on concrete measures to address these. (See more below).

**Recommendations to the EU**

On the basis of the issues addressed in this contribution, our organizations urge the EU to use the upcoming EU-Uzbekistan Human Rights Dialogue, as well as other engagement with the authorities of this country to insist that they:

- Abolish the prohibition on unregistered NGO activities and ensure that independent NGOs that so wish may obtain legal status in an uncomplicated, fair and transparent process and that they may carry out their activities without undue interference by authorities.
- Put an end to intimidation and harassment of human rights defenders and independent journalists, including those in exile and their relatives who remain in Uzbekistan. Investigate cases of harassment targeting defenders and journalists and bring to justice those responsible.
- Stop bringing criminal or administrative charges against human rights activists, independent journalists and opposition figures in retaliation for their peaceful exercise of freedom of expression, freedom of association and assembly and other fundamental rights and immediately
and unconditionally release all who have been arrested or imprisoned on such grounds. As long as such individuals remain behind bars, ensure their safety and well-being; promptly investigate any allegations of ill-treatment and torture against them, as well as of the imposition of disciplinary sanctions without any weighty reason and hold accountable prison officials responsible for violations; grant them access to necessary and adequate medical assistance; refrain from restricting their contacts with family members and lawyers; and allow ICRC and other independent monitors to visit them and speak to them privately.

- Take concrete and effective measures to implement the recommendations made in the context of the UPR with respect to safeguarding freedom of expression, freedom of association and assembly and other fundamental rights (including those listed in the third section of this document) and provide timely reports on the progress made on these recommendations. Also, reconsider their stance on the UPR recommendations they failed to endorse.

- Involve and consult with independent national and international human rights organizations in the preparation and realization of the national action plan for the implementation of the UPR recommendations.


3 In a recent example, Surat Ikramov, the head of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, was not given an exit visa to travel to a consultation event on the protection of human rights defenders organized by the OSCE Office of Democratic Institutions and Human Rights in Istanbul in October 2013. See press release by the Initiative Group from 23 October 2013, at https://www.facebook.com/permalink.php?story_fbid=595628997165699&id=235156359879633


5 For an example, see press release by the Human Rights Alliance from 25 June 2013, http://zamondosh.blogspot.com/2013/06/blog-post_7711.html


10 “The International Committee of the Red Cross (ICRC) has decided to terminate all visits to detainees in Uzbekistan, after suspending them for several months,” 12 April 2013, http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm


See “Uzbekistan’s partners should push for implementation of UN recommendations,” 29 April 2013, at http://www.iphronline.org/uzbekistan_20130429.html

The outcome report of the UPR on Uzbekistan is available at http://www.upr-info.org/IMG/pdf/a_hrc_24_7_e.pdf

Note: 14 recommendations that Uzbekistan initially said it would “examine” were also subsequently accepted, meaning that it accepted a total of 115 recommendations out of 203.