

## 2012 OSCE Human Dimension Implementation Meeting

### *Written Interventions by the Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands Helsinki Committee*

#### **Working Session 1 (Fundamental Freedoms I), Monday 24 September 2012:**

##### **Intolerance of freedom of expression in Uzbekistan**

Freedom of expression continues to be seriously restricted in Uzbekistan.

State TV and radio, as well as state newspapers praise the achievements of the head of the state and the government and paint rosy pictures of the well-being and standard of living of the population. Programs that present world news are censored and provide only selective coverage.

Internet use is monitored and restricted. Online material on controversial issues, such as corruption, human rights violations and religion is filtered and websites featuring criticism of the authorities are fully or partially blocked.<sup>1</sup>

Independent journalists and human rights defenders who criticize authorities continue to be subjected to persecution. Since the beginning of this year, among others, the following cases have been reported:

- On 25 July, human rights defender Akromkhodzha Mukhitdinov, known in particular for his defense of the rights of farmers and entrepreneurs, died of stab wounds in the Yangiyulsky district of the Tashkent region. It was reported that a number of men provoked a fight with him in the center of the settlement where he lived. A while later, as he was entering a local store, the same men re-appeared and attacked him, including by repeatedly stabbing him, as a result of which he died on the way to hospital. Four suspects were soon arrested, but three of them were later released.<sup>2</sup>

Mukhitdinov's colleagues suspect that the attack on him was related to his human rights activities. They have also expressed concern about the investigation of the attack, which they feel is not being conducted adequately.

- On 10 July, member of the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) Gul'naza Juldashaeva was convicted of extortion (under article 165 of the Criminal Code) in a case that appeared to have been initiated in retaliation for her efforts to bring attention to suspected human trafficking cases involving local officials. She was first sentenced to two years in prison, but later the sentence was changed to a seven-year prison term. Juldashaeva had previously reported facing threats because of her efforts to assist trafficking victims. The trial against her was characterized by serious irregularities.<sup>3</sup>

- On 30 June independent journalists Sid Janushev and Pavel Kravets were arrested in Tashkent as they were making pictures of a local bazaar to illustrate an article about the preparations for Uzbekistan's Independence Day, which is celebrated on 1 September. After five hours they were released due to the "lack of a criminal element" in their actions.
- In March-April independent journalists Viktor Krymzalov and Elena Bondar were both fined on questionable administrative charges. He was found guilty of "slander" and "insult" (under articles 40 and 41 of the Administrative Code) because of an online article that he had not even authored. She was fined for "inciting national hatred" (under article 184-3 of the Administrative Code) in relation to her efforts to investigate allegations surrounding a company serving as intermediary between a Russian university and Uzbek students enrolled for distance studies. She had not written a single article on this issue.
- In March, BBC correspondent Nataliya Antelava and Russian photo journalist Viktoria Ivleva were both deported from Tashkent airport immediately upon arrival. They were not given any explanations.

A considerable number of journalists and independent human rights defenders remain imprisoned on politically motivated charges.<sup>4</sup> There are serious concerns about the health and well-being of these prisoners due to reports of harsh prison conditions, ill-treatment and torture facing them. In January 2012 independent journalist and human rights defender Jamshid Karimov, who is a nephew of the Uzbek president, mysteriously disappeared shortly after he was released from a psychiatric hospital where he had been forcibly detained for five years.

A number of foreign media outlets, as well as foreign journalists accredited in Uzbekistan were forced to leave the country after the 2005 Andijan events, when authorities grew increasingly concerned about criticism of official policies. Among others the office of Radio *Ozodlik* (Radio Free Europe/Radio Liberty), BBC and Voice of America were closed. International organizations promoting human rights were also kicked out. Freedom House's office was liquidated in 2006, while the Uzbek Supreme Court made a final decision to liquidate Human Rights Watch office in Tashkent in 2011.

Foreign journalists and representatives of international human rights organizations are frequently denied visas to visit Uzbekistan or are only granted one-entry tourist visas, which are not renewed.

#### **Recommendations to the authorities of Uzbekistan:**

- Put an end to censorship in state media and respect the right of citizens to seek, obtain and disseminate information and ideas of all kinds.
- Stop persecuting independent journalists and human rights defenders and immediately and unconditionally release all journalists and human rights defenders who have been imprisoned on politically motivated grounds.

## **Working Session 2 (Fundamental Freedoms II), Tuesday 25 September 2012:**

### **Repression of peaceful protests in Uzbekistan**

The authorities of Uzbekistan seriously restrict freedom of assembly, even if article 33 of the Constitution of Uzbekistan protects the right to hold rallies, assemblies and demonstrations and states that authorities may suspend or ban such events “exclusively on the grounds of security”.

There is no specific law regulating the conduct of assemblies and existing regulations (such as a government decree from 2003 establishing rules for holding mass events) are not implemented in a clear and consistent way. Typically there is no response from authorities to letters from citizens announcing plans to hold assemblies. Small-scale peaceful pickets, which are staged by civil society activists and other citizens to demand respect for fundamental rights and freedoms are broken up by police and participants are subjected to intimidation, detentions and administrative sanctions in the form of fines or arrests of 10-15 days for “violating the order of organizing and conducting assemblies” (under article 201 of the Administrative Code).

- On numerous occasions in 2012, representatives of the Human Rights Alliance of Uzbekistan, as well as the Human Rights Society of Uzbekistan have been detained and fined or given administrative arrests for holding pickets in the cities of Tashkent and Karshi.
- In June 2012 members of the human rights NGO *Ezgulik* were subjected to house arrest when they were planning to hold a picket outside the Kyrgyz embassy in Tashkent in connection with the two-year anniversary of the inter-ethnic violence in southern Kyrgyzstan. Activists from the opposition movement *Birdamlik* were arrested outside the Kyrgyz embassy immediately after arriving there to carry out a protest action related to the anniversary. They were brought to a district police station, where they were held for about 10 hours before they were released. Later three of the activists were fined under article 201 of the Administrative Code.
- On 28 February 2012, human rights defender Abdillo Tozhiboi–ugli was detained as soon as he began picketing outside the office of the Tashkent city administration to protest against the policies of local authorities with respect to electricity and gas supply. He was brought to a district police station, where he was held for about 12 hours. According to the activist, he was placed in a cage that is normally used for police dogs and his cell phone was confiscated. Later the same day he was brought to the Mirobadskoe district criminal court, where he was fined some 4.5 million soms (about 1200 EUR according to the unofficial rate).

#### **Recommendation to the authorities of Uzbekistan:**

- Respect the right to freedom of assembly and allow peaceful protests to take place without participants facing dispersals, detentions, administrative sanctions and other forms of interference and punishment by authorities.

## **Working Session 5 (Rule of Law II), Wednesday 26 September 2012:**

### **Human rights abuses in the fight against “religious extremism” in Uzbekistan**

The Uzbek authorities continue their repressive campaign against Muslim believers who practice their faith outside strict state controls. During many years of monitoring IGIHRDU has documented a persistent pattern of violations of fundamental rights in the fight against “religious extremism.” These violations include:

- Mass arrests of believers. Only in the last two years IGIHRDU has documented more than 250 arrests in the Tashkent, Kashkadarya, Dzhizak and Fergana regions of Uzbekistan. In an increasingly common practice, law enforcement authorities first fabricate minor administrative cases against those detained, e.g. on charges of “minor hooliganism” or “failure to comply with the lawful orders of a police officer” to get courts to sanction administrative arrests of 10-15 days. The period the detainees are held under administrative arrest is used to build criminal cases on “religious extremism” charges against them.
- Restrictions of the contacts of detainees with lawyers and family members. Lawyers are often not even allowed to be present in court, in particular when decisions on administrative arrests are made. Relatives are often not informed where their close ones are held and are not provided any copy of the court decisions on administrative arrests.
- The use of torture and other ill-treatment to force detainees to “confess” or testify against others. Courts continue to accept statements made under pressure as evidence against defendants in “religious extremist” trials.
- Trials that are held behind closed doors and characterized by serious procedural violations. Defendants are sentenced to lengthy prison sentences without evidence on the basis of vaguely worded Criminal Code articles, such as articles that ban the participation in “illegal” religious groups (article 216), the involvement in “religious extremist” and other “prohibited” groups (article 244-2), the production and distribution of materials considered to create a threat to public order and security (article 244-1), as well as “anti-constitutional” activities (article 159).
- Torture and ill-treatment against prisoners who are serving sentences on “religious extremism” charges. Every year IGIHRDU receives information about cases where religious prisoners allegedly have died as a result of abusive treatment. In a typical pattern, the bodies of these prisoners are secretly brought to their relatives for quick burial.
- New punishments against religious prisoners whose prison sentences are nearing an end. Such prisoners are convicted of failing to comply with the “legal requests” of the prison administration (under article 221 of the Criminal Code) and given new prison terms in unfair trials that frequently are held behind closed doors inside of the prison territory.

The Uzbek authorities also continue to seek the extradition of purported “religious extremists” who have sought protection in other countries. In June 2012, the UN Committee against Torture found that the Kazakhstani government violated its obligations under the Convention against Torture when it extradited 29 individuals accused of “religious extremism” to Uzbekistan in 2011.

- The Committee concluded that it had been “sufficiently demonstrated” that these individuals faced a “foreseeable, real and personal risk of torture” upon return to Uzbekistan given the known pattern of “gross, flagrant or mass violations of human rights” and “the significant risk of torture” in this country, “in particular for individuals practising their faith outside the official framework.” With respect to the Kazakhstani government’s argument that it had requested diplomatic assurances for the protection of the extradited individuals, the Committee pointed out that such assurances “cannot be used as an instrument to avoid the application of the principle of non-refoulement.”<sup>5</sup> IGIHRDU has received information that three of the extradited individuals subsequently were convicted of various religious “extremism” offences and sentenced to prison in trials held behind closed doors.<sup>6</sup> Currently it has no information about the fate of the others.

In a case that attracted much attention earlier this year, a well-known exiled Uzbek imam, who has been accused of “religious extremism” by Uzbek authorities, was subject to an attempt on his life. His followers suspect that Uzbek secret services may be behind the attack:

- In February 2012, Obid Quori Nazarov was shot in his head several times outside of his home in a northern town of Sweden, where he has lived as a refugee since 2006. He remains in coma as a result of the injuries he sustained. The individual suspected of carrying out the attack is wanted by Swedish authorities. A former Tashkent imam, Nazarov fell out of favor with the Uzbek authorities in the mid-1990s after criticizing official religious policies<sup>7</sup>. After he was charged with “religious extremism” and fled Uzbekistan out of fear of persecution, Nazarov has continued to criticize the current Uzbek regime and recently he has openly supported the Uzbek political opposition in exile. He has categorically denied the accusations of Uzbek authorities that he has connections to violence.

#### **Recommendations to the authorities of Uzbekistan:**

- Stop using repressive measures against Muslim believers who practice their faith peacefully, albeit outside strict state control, including unlawful arrests, fabricated administrative and criminal cases, closed and unfair trials and torture and other illegal treatment.
- Adopt effective measures to implement recommendations made by international human rights bodies with respect to ensuring respect for the rights of detainees, the right to a fair trial and the right not to be subjected to torture and ill-treatment.

#### **Recommendations to other OSCE participating States:**

- Do not extradite individuals accused of “religious extremism” by Uzbek authorities to Uzbekistan given the evident risk that these individuals may be subject to torture and other gross human rights violations upon return to that country. When relevant, take adequate and effective measures to provide physical protection to Uzbek refugees living in their countries who have fled Uzbekistan for fear of persecution on the basis of their religious beliefs and practices and/or their criticism of Uzbek authorities.

## Recommendation to the authorities of Sweden:

- Make all efforts to bring to justice those responsible for the attempt on the life of Obid Quori Nazarov, including those who possibly ordered it.

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<sup>1</sup> For more information, see the chapter on Uzbekistan in International Partnership for Human Rights (IPHR), Netherlands Helsinki Committee (NHC). Kazakhstan International Bureau for Human Rights and Rule of Law, Turkmen Initiative for Human Rights and Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU), *Central Asia: Censorship and Control of the Internet and other New Media*, November 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/ca\\_internet\\_20111128\\_e.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/ca_internet_20111128_e.pdf)

<sup>2</sup> «Подозреваемые в убийстве правозащитника уже на свободе», 13.8.2012,

[http://www.uznews.net/news\\_single.php?lng=ru&sub=&cid=3&nid=20547](http://www.uznews.net/news_single.php?lng=ru&sub=&cid=3&nid=20547)

<sup>3</sup> IPHR and NHC, "Uzbek activist seeking justice for trafficking victims sentenced to prison," 17 July 2012,

[http://www.iphronline.org/uzbekistan\\_20120717\\_e.html](http://www.iphronline.org/uzbekistan_20120717_e.html); statement by IGIHRDU from 11 July 2012, «По сфабрикованному делу на 2 года осуждена правозащитница Гульназа Юлдашева».

<sup>4</sup> Among these are: Khayrullo Khamidov, Dilmurad Sayid, Salizhon Abdurakhmanov, Gayrat Meliboyev, Bahron Ibragimov, Davron Kabilov, Ravshanbek Vafojev, Abdulaziz Dadakhonov, Botirbek Eshkuziyev, Yousaf Ruzimuradov, Mahomed Bekzhan, Azam Farmonov, Nosim Isakov, Gaybullo Zhalilov, Rasoul Hudaynazarov, Ganikhon Mamatkhanov, Habibulla Okpulatov, Yuldash Rasulov and Akzam Turgunov.

<sup>5</sup> Decision adopted by the Committee against Torture on communication 444/2012 at its forty-eighth session, 7 May-1 June 2012, [http://www2.ohchr.org/english/bodies/cat/docs/jurisprudence/CAT-C-48-D-444-2010\\_en.pdf](http://www2.ohchr.org/english/bodies/cat/docs/jurisprudence/CAT-C-48-D-444-2010_en.pdf)

<sup>6</sup> See IGIHRDU statement from 30 September 2011, «Результаты судебных процессов по 28-ми экстрагированных беженцев из Алматы».

<sup>7</sup> "The Karimov Regime is Accused of Terrorist Activities: An Attempt on the Life of Political Émigré Obidkhon Nazarov," 29 February 2012, at <http://nadejda-atayeva.blogspot.com/>