



Briefing on human rights concerns in Uzbekistan for EU-Uzbekistan Human Rights Dialogue, November 2015

Systematic Violations of the Rights to Freedom of Expression and Association

The civil society situation in Uzbekistan shows no signs of improving. While the government claims that there are over 8000 NGOs in the country, an overwhelming majority of these are GONGOs. Most independent human rights NGOs continue to operate on an informal basis due to the lack of opportunities to obtain mandatory registration. Recent regulations reinforce restrictions on NGO activities by setting out a new procedure for informing and obtaining permission from the government for holding seminars, trainings and other events.¹

Independent human rights defenders experience serious difficulties in carrying out their work and are subjected to ongoing intimidation and harassment. When examining the situation in Uzbekistan in July 2015, the UN Human Rights Committee expressed concern about "consistent reports" of harassment of human rights activists, independent journalists and government critics, including through surveillance, arbitrary arrests and detentions, torture and ill-treatment, and prosecutions in retaliation for their work. According to AHRCA statistics, over the past ten years, at least 487 activists have suffered various forms of repression at the hands of the state for criticism and dissemination of alternative information in the media, to international monitoring bodies such as the UN, and for comments about events in the country published on the Internet and social networks.

AHRCA and IPHR are concerned at the increased risks of arrest and other persecution for human rights activists who continue their activities of monitoring and informing the international community about the human rights situation in Uzbekistan. The Uzbekistani authorities are targeting critics of the authorities and confiscating materials and archives detailing human rights violations.

Under the pretext of checking a person's place of residence, police question activists, their neighbors and the employees of the educational institutions where their children study. Phones are tapped and long distance phone calls are often blocked.

In many cases activists are **banned from travelling abroad**. The famous Uzbekistani artist **Vyacheslav Akhunov**, whose works are in the most famous museums across the world, has been subjected to a travel ban for two years. Human rights activists and journalists, **Sergei Naumov**, **Dmitry Tikhonov**, **Shukhrat**

Rustamov, Elena Urlaeva and many others are in a similar situation. When the lawyer **Polina Braunerg** began to represent the interests of well-known political prisoners including Murad Djuraev, Muhammad Bekzhanov, Fakhriddin Tillaev, and Nuraddin Dzhumaniyazov a travel ban was imposed on her. Restrictions are also imposed on the movement of activists inside the country, especially in the cotton harvesting season, when monitoring is carried out to protect against forced labor.

Human rights activist **Dmitry Tikhonov** monitors and disseminates information on forced labour in the cotton sector and as a result was put under surveillance by the Uzbekistani authorities. Three similar statements were lodged by representatives of the local mahalla (district) committees complaining that Dmitry Tikhonov had shouted and taken photos of people who were going off for season work. On the basis of these statements, Dmitry Tikhonov was accused of "Disorderly conduct" (Article 183, Code of Administrative Liability), which is punishable by a fine or detention for up to 15 days. He was forced to go into hiding, but continued to provide information about the monitoring on the internet. On 20 October 2015 his house was set on fire under mysterious circumstances and burned his office, savings and archives were destroyed. There are concerns that this was a **deliberate arson attack** in retaliation for his human rights activity.



Images of Dmitry Tikhonov's house after the fire. October 2015 photo by Umida Akhmedova, Uzbekistan

This is not the first case of suspected arson against human rights defenders in Uzbekistan. In 2008, unknown people tried to set fire to Farhodhon Mukhtarov's apartment, and in 2002 the door of Elena Urlaeva's apartment was set alight.

In Uzbekistan, the practice of **compulsory psychiatric treatment** is actively used against journalists, human rights defenders, and dissidents of the Karakalpakstan region in Uzbekistan.

Human rights defender **Shukhrat Rustamov** remains at risk of being forcibly placed in a psychiatric clinic after he was found "mentally incompetent" by court on 20 July 2015 because of complaints submitted to authorities about human rights violations and the inaction of officials. Shukhrat Rustamov is not allowed to travel abroad and his movement within Uzbekistan is controlled. On 28 October 2015 he was detained in Kashkardiya by officials of the Ministry of the Interior who took him to a police station and searched his belongings. After this he noticed that his computer memory stick and some documents were missing.

Prisoners sentenced on politically-motivated grounds

Large numbers of people have been sentenced to prison for serious criminal offenses on trumped-up charges in retaliation for their opposition or criticism of the authorities. AHRCA has closely examined the court documentation from cases of politically motivated convictions which reveal a lack of any serious examination of the evidence or facts. Usually, such convictions rely on confessions obtained through torture. Allegations of torture are routinely ignored by courts when raised by defendants in trials. Appeals against such false convictions are rarely lodged as families of prisoners often lack funds to hire a defense lawyer and sometimes prisoners themselves refuse the services of a lawyer after being threatened with reprisals against their relatives. State-funded lawyers are provided during the investigation and trial stages of a criminal procedure, but not at the appeal stage.

An obstacle for prisoners trying to appeal unjust criminal sentences is that they often only receive a copy of the court sentence the day before the deadline for submission of an appeal. AHRCA has received reports from prisoners saying that the 30-70 page court sentences given to them are badly printed and in small type making them difficult to read in the dim light of a prison cell. Many prisoners do not have any legal knowledge or experience in preparing an appeal. Even if an appeal against a sentence is lodged, it can take years to be reviewed. Too often over the years, the Supreme Court unreasonably delays responses to appeals thus preventing political prisoners from filing individual complaints to the UN Committee on Human Rights.

The exact number of prisoners serving sentences on politically-motivated grounds is impossible to determine. Official statistics underestimate the number. Alternative information based on interviews with former detainees, human rights activists, lawyers, leads experts from human rights organizations estimate that in Uzbekistan there are some 10-12 thousand political prisoners, including civil society activists and leaders of religious organizations and communities. While the names of civil society activists and leaders of religious organizations and communities are better known, access to information about other people imprisoned on politically-motivated grounds is extremely limited and difficult to access as the relatives of such prisoners are afraid of reprisals should they turn to human rights organizations for assistance.

Arbitrary Extensions of Prison Sentences in Uzbekistan on politically motivated grounds

IPHR and AHRCA are deeply concerned at ongoing reports of serious human rights abuses in Uzbekistan. These include reports that indicate that torture and other ill-treatment have become the main methods by which the Uzbekistani authorities deal with dissent, combat actual or perceived security threats and repress political opponents and those who practice their faith outside state approved mosques or who are members or suspected members of banned Islamist groups.

Another method used by the Uzbekistani authorities in relation this group of people in prisons is that of arbitrarily extending prison terms based on unsubstantiated allegations of disobedience of prison rules under Article 221 of the Criminal Code. This leads to many prisoners serving *de facto* life sentences in cruel, inhuman and degrading conditions, often amounting to torture.

Article 221 of the Criminal Code punishes prisoners for committing infractions of the prison rules by further prison terms of up to five years. The violations of prison rules which serve as grounds for the extension of prison sentences include: for smoking in non-smoking areas, for speaking to fellow in-mates or prison guards impolitely, not making one's bed properly etc. Such rules are open to subjective interpretation and arbitrary implementation. AHRCA and IPHR have found that in many cases the application of Article 221 in

practice is often clearly politically-motivated, targeting particularly imprisoned human rights defenders, journalists, political opponents and people convicted of crimes related to religious extremism.

Extensions of sentences under Article 221 are reportedly handed down in unfair closed trials which violate principles of justice and objectivity and international fair trial guarantees. If defense lawyers are informed about an upcoming trial, they are often told when it is already too late for them to make arrangements to attend the hearing. The extension of prison sentences in this way results in many cases in *de facto* life imprisonment. It is believed that thousands of people are currently imprisoned in Uzbekistan on politically motivated grounds, and who have been convicted of crimes such as: public insult or defamation of the president (Article 158.3); attempt on the constitutional order of Uzbekistan (Article 159); illegal organization of a public association or religious organization (Article 216); Violation of the laws on religious organizations (Article 216.2); Production or distribution of materials threatening public order or security (Article 244.1); Creation or participation in a religious, extremist, separatist, fundamentalist or other banned organization (Article 244.2), and illegal entry or exit into Uzbekistan (Article 223).

There are credible reports from Uzbekistan that the prison files of prisoners convicted under these articles are marked with a dot on the cover, whilst a red stripe on the file indicates prisoners of special interest to the prison authorities (GUIN) and the National Security Service.

Since 2004, Article 221 of the criminal code has been used in increasing numbers of cases and has now become one of the main tools for repression of prisoners who are perceived as critical of the authorities. At the time of writing, preparations for a new prisoner amnesty are underway, and it is feared that more sentences will be extended under Article 221.

Former Member of Parliament Murad Djuraev was released from prison on 12 November 2015 after serving 21 years in prison, during which his prison sentence was arbitrarily extended four times.

63-year-old Murad Djuraev was imprisoned on 18 September 1994 on charges of conspiring with the opposition political party "Erk" to overthrow the government. On 31 May 1995, after an unfair trial, Murad Djuraev was sentenced to 12 years of imprisonment in a high security prison. Although his sentence was later reduced by three years by an act of amnesty, his sentence was subsequently arbitrarily extended four times.

Before the first trial, Murad Djuraev was reportedly tortured by police to force him to confess to crimes under charges he and many human rights defenders considered were groundless, and that he was being punished solely for distributing a banned opposition newspaper.

Murad Djuraev's latest prison sentence is now due to expire on 13 November 2015. The maximum prison sentence in Uzbekistan under the law is 25 years, we are concerned that the Uzbekistani authorities might again extend Murad Djuraev's sentence in order to ensure he serves the maximum term of punishment. Murad Djuraev is being held in Prison Colony 64/6 in the eastern city of Chirchik. He is reported to be in a very poor state of health and in need of urgent medical and dental care – he has lost all of his teeth. He suffers constant headaches and exhaustion. He has had no access to medical care he requires since he was detained, in 1994. The prison authorities are trying to isolate him, by threatening every prisoner who

speaks with him that their prison sentences will be extended. **Murad Djuraev** was finally released from detention on 12 November 2015.

Muhammad Bekzhanov, the former editor-in-chief of the banned Erk political opposition party newspaper has spent 16 years in prison and has had his sentence extended twice. He was sentenced after an unfair trial by Tashkent City Court in August 1999 to 15 years in prison for allegedly participating in bombings in Tashkent in February 1999. During his trial, Muhammad Bekzhanov alleged that he and his co-defendants had been tortured in order to force them to confess to the charges, but this was not taken into account by the judge. Despite several complaints lodged by Muhammad Bekzhanov and his family, no investigation has taken place into the torture allegations. In February 2012 Muhammad Bekzhanov was due to be released but in January 2012 a court in Kasan sentenced him to an additional four years and eight months for allegedly breaking prison rules, which reportedly included the unauthorized possession of nail clippers. His family report that his health is now very poor, he is suffering from tuberculosis, torture and ill-treatment has left him deaf in one ear and one of his legs was broken. He has also lost most of his teeth. Lawyer Polina Braunerg who represents Muhammad Bekzhanov believes that he is at risk of his sentence being extended again under Article 221 on politically-motivated grounds. Journalist **Yusuf Ruzimurodov**, who was arrested and tried with Muhammad Bekzhanov, also received an additional sentence in May 2014. It is not known for how long his sentence was extended.

Expected date of release for Muhammad Bekzhanov: May 2016

Azam Farmonov, the former Chairman of the Syrdarya regional branch of the independent Human Rights Society of Uzbekistan was arrested in 2006. He was subjected to torture and ill-treatment while in detention and was later found guilty of extortion during an unfair trial at which neither a lawyer of choice nor a public defence lawyer were present. He was sentenced to a nine year's in prison on charges of extortion. He has consistently denied the charges. He was held in Jaslyk prison 64/71 in Karakalpakistan. He was reportedly often kept in isolation, subjected to repeated torture and ill-treatment in prison and was not allowed family visits. Azam Farmonov was due to be released at the end of April 2015 when he had served his full prison term in Jaslyk prison in Karakalpakistan. However, on 21 May 2015 his wife was told by a former detainee that her husband had been sentenced to an additional five years' imprisonment by Kungrad Regional Criminal Court for violating prison rules, in a trial that took place without any independent observers or a defence lawyer present. Azam Farmonov was reportedly told that he could represent himself at the trial. He has come under pressure to give incriminating evidence against his father-in-law, human rights defender and former head of the Human Rights Society of Uzbekistan, **Talib Yakubov** and also to divorce his wife.

Reportedly, shortly before the closed trial, Azam Farmonov was tortured by suffocation until he lost consciousness. He was held in a cell from where he could hear the cries of people being tortured as a form of psychological torture.

Azam Farmonov's current whereabouts and state of health are not known.

Expected date of release: May 2020

In early 2010 refugee **Dilorom Abdukadirova** who fled from Andijan immediately after the 2005 events and sought asylum in Australia, returned to Uzbekistan to see her children. Despite having received guarantees from the Uzbekistani authorities that she would not face reprisals on return, she was arrested at the airport and accused of illegally crossing the state border. In March 2010 after an unfair trial she was found guilty of illegally crossing the border and of attempting to overthrow the constitutional order of Uzbekistan and sentenced to ten years and two months in prison. In 2012 Dilorom Abdukadirova's sentence was extended by eight years under Article 221.

Expected date of release: 2020

In early 2010, **Khurshid Kamilov**, a citizen of Kyrgyzstan travelled from Kyrgyzstan to Kazakhstan and applied for refugee status. On 8 September 2010 he was extradited from Kazakhstan after a request by the Uzbekistani authorities. On 31 May 2011, Khurshid Kamilov was sentenced to five years' imprisonment after being found guilty of participating in a religious or extremist group (Article 244.2). His relatives were not informed of the date of the court hearing and only six months later did they learn of his whereabouts when Khurshid wrote to them from prison in the city of Novoi. On 15 July 2015 the Novoi special prosecutor's office instituted criminal proceedings against him for "systematic disciplinary violations" under Article 221. He was moved to pre-trial detention in UY 64 / TX-1 (Tashkent prison), and as investigations are ongoing his family cannot currently meet with him nor give him food parcels.

Shukrat Haidarov was sentenced to 10 years in prison for inciting hatred (Article 156) and distributing materials which threatened public order (Article 244-1) in 1999. Shukrat Haidarov was reportedly tortured to force him to confess to participation of a banned religious group. In 2009 he was sentenced to a further 6 years in prison although he was reportedly not informed under which article.

Expected date of release: 2015 but no information currently available

Fakhriddin Umarov was sentenced to 8 years in prison in under articles 159 and 244-1. In October 2003, he was released early under an amnesty, and in April 2004 he was again sentenced to 8 years in prison after being found in possession of bullets, which he claims had been planted by law enforcement authorities. In 2012, his sentence was extended by 3 years and 6 months under Article 221.

Expected date of release: 2015 but no information currently available

The relatives of prisoners imprisoned under Articles 159 and 244 experience discrimination and come under pressure from the Uzbekistani authorities when they contact human rights organizations or hire a defence lawyer.

In a series of cases known to AHRCA where prisoners are not well-known to the international community or the outside world, prisoners initially sentenced for relatively short periods have subsequently been charged and tried whilst still in prison for offences under Article 159 – attempts on the constitutional order of Uzbekistan. AHRCA and IPHR are concerned that in these cases, neither the defence lawyers nor the families were informed of the new charges and terms of imprisonment.

For example:

Ahmadjon Yigitaliev was sentenced in 1995 to five years in prison for extortion (Article 165), but in 1999 while still in prison, he was sentenced under Article 159 and 244-1. Since 1999 he has been regularly put in a punishment cell for violating prison rules. No information is available about how long he was sentenced for.

Gulom Sarimsokov was initially convicted for hooliganism (Article 277) in 1993 and sentenced to 5 years' imprisonment. In 1999 he was further sentenced to 18 years' imprisonment under Article 159.

Expected date of release: 2017

Toshtemir Nurmatov was sentenced to five years for fraud in 1995. In 2000 he was sentenced to a further 12 years in prison, but he does not know under which article the sentence was passed. In 2012 his sentence was extended by an additional 5 years under Article 221.

Expected date of release: 2017

Additional human rights concerns

Enforced disappearances

24-year-old Uzbekistani citizen **Davron Kamoliddinov** disappeared in Russia in April, 2015. On 3rd April he was arrested in Krasnoyarsk, after an extradition request from Uzbekistan. His whereabouts were not known until 17 September 2015 when his relatives were informed that he was being held in a prison in Tashkent. He was charged with incitement to ethnic, racial or religious hatred (Article 156); attempt on the constitutional order of Uzbekistan (Article 159) and establishment or participation in a religious extremist or banned organization (Article 244-2). If found guilty, Davron Kamoliddinov could face 15 years in prison.

Davron Kamoliddinov was represented by a state-appointed lawyer during the criminal investigations. There is reliable information that Davron Kamoliddinov has given self-incriminating evidence and that he signed the minutes of his interrogations without reading them. There is concern that he was subjected to torture or other ill-treatment in order to force him to confess.

It is believed that Davron Kamoliddinov was arrested in Krasnoyarsk after two Uzbekistani citizens, who he was in contact with in Russia, testified against him when they were arrested when they returned to Uzbekistan in October 2012. Over the course of 2013, Uzbekistani law enforcement officials regularly visited Davron Kamoliddinov's family home in Uzbekistan and pressurized his family to provide information about his whereabouts. The court hearing was due to begin in October 2015 but no information is currently available. Davron Kamoliddinov's family has not been given permission to visit him in pre-trial detention.

Right to legal representation

Providing legal representation for political prisoners or those accused in politically motivated cases is difficult and dangerous in Uzbekistan. Lawyers are threatened with having their license to practice law withdrawn, and their right to travel abroad is restricted. Lawyers are subjected to surveillance and their phone calls are monitored.

Prison conditions amounting torture and other cruel, inhuman or degrading treatment

Prisoners whose sentences are extended are kept in appalling prison conditions. Based on our research our organizations have concluded that prison conditions are often so substandard that they amount to torture and other cruel, inhuman and degrading treatment or punishment. There are numerous credible reports of severe overcrowding in cells in prisons and pre-trial detention centres (SIZOs) and that prisoners in some SIZOs have to take turns to lie down on bunks to sleep. There are consistent reports about prisons where there is inadequate drinking water, food, medication, sanitation and ventilation. Former political prisoners have reported that sick prisoners are not exempt from heavy manual work.

In a positive development, new regulations² passed on 5 August 2013 provide more lenient rules governing the provision of food and hygiene essentials, work regimes and information for relatives etc.³ However, despite this legislation prison conditions remain dire.

From 2011 to October 2015 AHRCA received over 27 letters from prisoners and 154 other sources of allegations of torture and ill-treatment during investigation and detention. The most common reports concern sexual violence, including rape with objects such as truncheons. Reportedly, prisoners are often deprived of food and water, and some reports received by AHRCA indicated that prison officials deprive prisoners of access to toilets as a punishment and that prisoners who are imprisoned on political or religious grounds are particularly targeted.

Since October 2014, no news about the whereabouts or state of health of human rights defender **Nuraddin Dzhumaniyazov** has been received. It is unclear whether or not he is still alive. Nuraddin Dzhumaniyazov suffers from severe diabetes. He is a founding member of Mazlum Human Rights Centre, and in 2012 he played an active part in founding the Union of Free Trade Unions to support labour migrants. In January 2014 he and fellow human rights defender **Fakhriddin Tillaev** were accused of human trafficking under Article 135.3 of the criminal code and he was sentenced to 8 years and 9 months in prison on 6 March 2014. He was transferred to Sangorod- 64/18, a prison medical facility in Tashkent.

Both Nuraddin Dzhumaniyazov and Fakhriddin Tillaev deny the charges against them and maintain that they were punished for their human rights activities.

Failure to protect the lives of those in detention

The Uzbekistani authorities fail to protect the lives of prisoners and detainees. The number of reports of deaths in custody of detainees and prisoners has increased over the last 4 years (89 deaths reported, 36

of which AHRCA has been able to verify). In not one of these 36 cases, was an effective investigation carried out into the circumstances of the death and lawyers acting for families of the deceased were pressured by law enforcement officials into not asking for forensic examinations.

Lack of independent detention monitoring

Uzbekistan has no independent monitoring mechanisms in place to inspect all places of detention. Due to government-imposed restrictions, no independent NGO or other monitoring body - domestic or international - carries out any form of regular, unannounced and unsupervised prison monitoring. In April 2013, the International Committee of the Red Cross (ICRC) terminated all visits to detainees in Uzbekistan due to restrictions on their standard working procedures and as a result, according to the ICRC, those visits were “pointless”. Foreign diplomats, while granted access to some detention facilities, are usually accompanied by prison or law enforcement officials during their visits. The same applies to human rights defenders who have on rare occasions been allowed to visit imprisoned colleagues. The Uzbekistani authorities refuse to ratify the Optional Protocol to CAT (OPCAT), which requires states to accept a system of regular visits to all places of detention by independent “national preventive mechanisms” and by an international expert body.

It is imperative that the Uzbekistani authorities agree to establish systems of effective and independent monitoring as a priority. Currently, there are 13 pending requests for country visits by the Special Procedures of the Human Rights Council, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Recommendations

We request you to raise the above issues with the authorities of Uzbekistan and urge them to:

- Allow for the registration of independent NGOs and ensure that everyone can peacefully exercise their rights to freedom of expression, assembly and association in conformity with Uzbekistan’s obligations under international human rights law.
- Immediately and unconditionally release and ensure the rehabilitation of all those who are detained solely for peacefully exercising their right to freedom of expression, association and assembly, including **Muhammad Bekzhanov, Azam Farmonov** as well as other prisoners whose sentences have been extended on politically motivated grounds under Article 221 of the criminal code;
- Stop the practice of holding closed trials inside prisons and prison camps of convicted prisoners charged with allegedly breaking prison rules and conduct an independent review of all sentences of those convicted and sentenced to additional years in prison under Article 221 of the criminal code;
- Ensure that all trials meet the requirements of due process;
- Provide information on the current whereabouts and state of health of **Nuraddin Djumaniyazov**;

- Issue a standing invitation to the Special Procedures of the UN Human Rights Council, and facilitate a country visit in particular by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment;
- Invite international experts to advise on the concrete steps to be taken in order to establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies.
- Initiate prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the torture or ill-treatment has occurred even if no complaint has been made.

¹ In June 2015, the Minister of Justice approved new Regulations [<http://ngo.uz/ru/ministerstvo-yusticii-uporyadochilo-soglasovanie-meropriyatij.html>] (No. 2679 of 4 June 2015) on the coordination of activities of NGOs which provide for a system of obtaining permission for holding or even attending an event (meropriyatiye) rather than one of simple notification. In the context of Uzbekistan and the restrictive attitude of the authorities towards civil society, this effectively violates the constitutional provision for freedom of assembly. Further, it means that civil society activists who wish to attend training events abroad are now obliged to ask for permission from the authorities.

² http://www.lex.uz/pages/GetAct.aspx?lact_id=2216121

³ These regulations, which are only available in Uzbekistani also cover: the organization of religious ceremonies, civil and family relations; parcels visits and telephone calls; the work duties of prisoners; passing of power of attorney to family members; rights to marry and divorce; and stipulate that relatives of prisoners are entitled to be informed about the health of their loved ones, as well as any disciplinary measures. In open prisons prisoners are allowed to wear civilian clothes and shoes, and use mobile phones without cameras.