



Universal Periodic Review: HRW Submission on Uzbekistan - Submitted in October 2012 ^[1]

Updated in April 2013 - All Updates in Bold

April 19, 2013

Introduction

This submission highlights Human Rights Watch's assessment regarding the Uzbek government's compliance with its international obligations and the recommendations made during the Universal Periodic Review (UPR) in 2008.

The Government of Uzbekistan has systematically ignored requests for country visits by special procedures of the Human Rights Council. In November 2013 it will have been 11 years since the then-Special Rapporteur on torture, Theo van Boven, visited Uzbekistan as the first and only special procedure to have been allowed into the country. Since then, the government has denied entry to no fewer than 11 special procedures.

Andijan Massacre and its Aftermath

On May 13, 2005, hundreds of mostly unarmed protesters fleeing a demonstration in the city of Andijan were killed by Uzbek government forces indiscriminately and without warning. More than seven years later, no one has been held accountable. The Uzbek government continues to relentlessly persecute those it suspects of having ties to the protest and refuses to allow an international investigation.

The Uzbek government rejected recommendations made during the previous UPR in 2008 to allow an international and independent investigation into the May 2005 Andijan

massacre and its fallout. Uzbekistan also rejected the recommendation to put a stop to the extradition of citizens who sought asylum in bordering countries after the massacre.[i]

Research by Human Rights Watch reveals that the Uzbek government continues to intimidate and harass the families remaining in Uzbekistan of Andijan survivors who have sought refuge abroad. The police regularly summon them for questioning, subject them to constant surveillance, and threaten to bring criminal charges against them or confiscate their homes. School officials humiliate refugees' children. The sentencing on April 30, 2010, of Diloram Abdukodirova, an Andijan refugee who returned to Uzbekistan in January that year, following assurances by the authorities that she had nothing to fear upon return, to 10 years and two months in prison for anti-constitutional activity and illegal border crossing, shows the lengths to which the government will go to persecute anyone it perceives as in any way linked to the Andijan events. Other refugees told Human Rights Watch that their relatives in Andijan refuse to speak to them by phone, fearful that they will face more harassment, or various forms of retaliation, such as possibly losing their jobs.

Persecution of Human Rights Defenders and Crackdown on Civil Society

Human Rights Defenders

Uzbekistan rejected the recommendations during the previous UPR in 2008 to end persecution of human rights defenders, including in the form of criminal prosecution, for carrying out peaceful activities,[ii] and to release human rights defenders detained for acting in their capacity,[iii] denying the facts on which these recommendations were based.

At the time of writing over a dozen human rights defenders, and numerous independent journalists and opposition activists are in prison in Uzbekistan in retaliation for their work or criticism of the government. Since 2008, the Uzbek government has widened its crackdown on independent civil society, prosecuting rights activists and independent journalists on trumped-up charges, such as fraud or defamation. Authorities have also arbitrarily detained and harassed those at liberty who have attempted peacefully to exercise their right to freedom of assembly.

At this writing, human rights defenders in prison for no reason other than their legitimate human rights work include: Solijon Abdurakhmanov, Azam Formonov, Mehrinisso Hamdamova, Zulhumor Hamdamova, Isroiljon

Holdarov, Nosim Isakov, Gaibullo Jalilov, Abdurasul Khudoinazarov, Erkin Kuziev, Ganihon Mamatkhanov, Zafarjon Rahimov, Yuldash Rasulov, Dilmurod Saidov, and Akzam Turgunov.

Several are in serious ill-health and we have received reports that at least seven have suffered torture or ill-treatment in prison.

In addition to those listed above, Jamshid Karimov, an independent journalist who was reported to have been released in 2011 from a psychiatric ward where he was forcibly confined, has since disappeared, prompting fears that he may have been detained again and held incommunicado.

Other prominent writers, intellectuals, and opposition figures in jail on politically motivated charges include: Isak Abdullaev, Azamat Azimov, Muhammad Bekjanov, Batyrbek Eshkuziev, Ruhiddin Fahriddinov, Khayrullo Hamidov, Bahrom Ibragimov, Murod Juraev, Davron Kabilov, Matluba Karimova, Samandar Kukanov, Mamadali Mahmudov, Gayrat Mehliboev, Yusuf Ruzimuradov, Rustam Usmanov, Ravshanbek Vafoev, and Akram Yuldashev.

Compounding the problem of wrongful imprisonment of human rights defenders and civil society activists is the widespread and systematic use of torture and ill-treatment throughout the criminal justice system in Uzbekistan, as widely documented by a number of United Nations expert bodies. One recent example concerns human rights activist Gulnaza Yuldasheva, sentenced in April 2012 to 7 years imprisonment on what appear to be politically motivated charges of extortion following her investigations into official Uzbek government involvement in human trafficking. Following her release pursuant to an amnesty in early 2013, Yuldasheva told Human Rights Watch that during her pre-trial detention in an isolation cell of the Chinaz district division of the Ministry of Internal Affairs in April 2012, she was brought to a jail cell where seven police officers surrounded her and were instructed by their superior officer to rape her if she did not sign a false confession. According to Yuldasheva's account, several officers beat her on the legs, stomach, and shoulders with a rubber truncheon for approximately 30 minutes, dragging her around the room by the hair and causing her to lose consciousness.

Civil Society

During the UPR in 2008, several countries recommended Uzbekistan to lift restrictions on civil society activities and giving accreditation to major international human rights organizations.[iv] In response, Uzbekistan stated that it is developing a strong civil society, reporting that 5117 NGOs were operating at that time, including 48 representations and branches of international and foreign NGOs.[v] It also reported that all applications for accreditation are evaluated by the Ministry of Justice or MFA “in accordance with the requirements of the legislative acts” that are “in full compliance with internationals [sic] norms.”[vi]

Yet civil society in Uzbekistan continues to operate under conditions of extreme government repression and no independent domestic human rights organization has been allowed to register since 2003. Uzbek authorities have persistently refused to allow independent domestic and international human rights and civil society organizations to operate in the country, and the few remaining independent civil society activists face constant surveillance, harassment, and abuse, including some of the incidents referenced below.

On May 5, 2012, Gulshan Karaeva, head of the Human Rights Society of Uzbekistan (HRSU) branch in Kashkadarya, known for her reporting on the torture of imprisoned human rights activists and on the use of forced child labor in the Uzbek cotton sector, published a letter on the internet to report that she had refused a demand by Uzbekistan’s National Security Services (SNB) to cooperate with the agency as an informant. Days later, she was the victim of a series of physical attacks and threats on the street.

On April 24, 2011, a Russian television program exploring conditions for ethnic Russians in Central Asia interviewed Elena Urlaeva, Viktoriya Bazhenova, and Tatyana Dovlatova, members of the Human Rights Alliance, an Uzbek human rights group. The next night assailants accosted the activists in their homes, screaming insults and threatening violence. Following the airing of the program, Dovlatova was sued for defamation, a case that appears to have been orchestrated by authorities. Police later raided her home and she lost badly needed disability benefits. In August of that same year, Urlaeva was detained and beaten when she went to investigate a case of three TV journalists whom authorities had charged with extortion in the eastern Uzbek city of Namangan.

In March 2011, the Uzbek government forced Human Rights Watch to close its Tashkent office, and on June 9, the Supreme Court of Uzbekistan granted the Ministry of Justice's

petition to liquidate Human Rights Watch's Tashkent office registration in a hearing that violated due process standards. The legal ruling followed years of Uzbek government obstruction of Human Rights Watch's access to the country, including through denial of visas and accreditation to Human Rights Watch staff.

One of only two independent human rights organizations that the Uzbek government has permitted to register, *Ezgulik* ("Goodness"), has branches throughout Uzbekistan that report on violations of human rights including torture, access to justice, and right to a fair trial. During the weekend of May 22 and 23, 2010, *Ezgulik's* office was broken into and the hard drive from the computer, which contained information about *Ezgulik's* activities and planned projects, was stolen.

On February 22, 2009, Dilmurod Saidov, a member of *Ezgulik*, was arrested on politically motivated charges of extortion. He was sentenced to 12½ years in prison on July 30, 2009.

The government has also persecuted other human rights organizations and independent political organizations. Members of the independent political movement *Birdamlik*, for example, have been repeatedly subjected to house arrest, detention, and surveillance. Such pressure often intensifies around holidays such as Independence Day or the anniversary of the May 13, 2005 Andijan massacre.

Torture, Ill-Treatment, and Criminal Justice

During the previous UPR in 2008, the Uzbek government was recommended to abolish torture and other cruel, inhuman, and degrading treatment, especially during pre-trial detention and in detention facilities.[vii]Uzbekistan responded that the government condemns torture and degrading treatment and punishment and abides by this condemnation through parliamentary and appeals processes within the Ministry of Justice, Ministry of Internal Affairs, and the General Prosecutor's Office.[viii]It also said that an interdepartmental Working Group established in February 2004 monitors law-enforcement bodies' adherence to human rights.[ix]

Torture and ill-treatment remain endemic to the criminal justice system in Uzbekistan. Notwithstanding the positive steps to abolish the death penalty and introduce habeas corpus (judicial review of detention) —which went into effect in January 2008 and 2009, respectively—torture and ill-treatment remain rampant in Uzbek police stations and prisons. There is no evidence of meaningful government action to address the culture of impunity, highlighted by the UN Committee Against Torture in its November 2007

examination of Uzbekistan as a key obstacle to effectively combating torture. The government has also persisted in its failure to fully implement the 2003 recommendations made by the UN Special Rapporteur on torture. Human Rights Watch has collected evidence of wide-scale torture and ill-treatment of detainees in the period following the 2008 UPR.^[x] Cases documented include ones in which authorities poured boiling water on an activist, hung detainees by their wrists and ankles, subjected them to rape and sexual humiliation, and asphyxiated them with plastic bags and gas masks. Human Rights Watch research further demonstrated that the habeas corpus reform, which the Uzbek government claims is indication of an improvement in its rights record, fails to protect detainees from torture. The legal standard is weak and fails to comply with international norms, habeas hearings are closed proceedings, and judges approve requests by prosecutors to arrest defendants in nearly every case. Judges also routinely ignore torture allegations.

Repression of Media Freedom

In response to the recommendation during the previous UPR in 2008 for Uzbekistan to broaden media freedom, especially to foreign media outlets, the Uzbek government affirmed that international and domestic media outlets enjoy the freedom to represent diverse views.^[xi] The government also denied that journalists are subjected to persecution or intimidation and asserted that they can freely express opinions and beliefs.^[xii] But Human Rights Watch's research demonstrates that in the period following the UPR the Uzbek government has continued to imprison and harass independent journalists, and further tightened its control over the media and internet. The few independent journalists who continue to work in the country do so at great risk to themselves, forced to self-censor due to harassment, beatings, detention, and threats of imprisonment for their critical views of the government. On March 26, 2012, independent journalist Viktor Krymzalov was convicted of defamation for an article that had been published without a byline. The plaintiff "assumed" the article had been written by Krymzalov, though Krymzalov denied that he was the author. The case was taken to the Uzbek Supreme Court, where the sentence of a fine in the amount of \$1,350 was upheld. In its increasing crackdown on activists and journalists, Uzbek authorities in March 2012, deported two well-known international journalists, the BBC's Natalia Antelava and Viktoriya Ivleva of Russia's *Novaya Gazeta*, when they arrived at Tashkent international airport, attempting to visit the country. At the end of January 2012, just days before his 13-year prison sentence was set to expire, Muhammad Bekjanov, former editor of the political opposition newspaper *Erk*, was given an additional five-year sentence for alleged violations of internal prison

rules. Bekjanov has been jailed since 1999, and along with another jailed journalist, Yusuf Ruzimuradov, has been imprisoned longer than any other reporter worldwide, according to the Committee to Protect Journalists. On August 22, 2011, journalist Elena Bondar was detained at Tashkent airport after returning from a journalism course abroad. Security agents confiscated her flash drives, interrogated her, and sent the confiscated items for “analysis” to the Center for Monitoring of the Uzbek Information Agency, which has been involved in trumping up cases against journalists. In October 2010, Vladimir Berezovskii, a veteran journalist and editor of the Vesti.uz website, was convicted of defamation based on conclusions issued by the State Press and Information Agency stating that articles on the website were defamatory and “could incite inter-ethnic and inter-state hostility and create panic among the population. Also in October of that same year, Voice of America correspondent Abdumalik Boboev was convicted of defamation, insult, and preparation or dissemination of materials that threaten public security. A substantial fine was imposed. On February 10, 2010, photographer and videographer Umida Akhmedova was convicted of defamation and insulting the Uzbek people for publishing a book of photographs in 2007 and producing a documentary film in 2008 that reflect everyday life and traditions in Uzbekistan, with a focus on gender inequality. Akhmedova was later amnestied in the courtroom.

Religious Persecution

During the previous UPR in 2008, Uzbekistan was recommended to respect freedom of religion, take adequate measures to ensure that this freedom is protected, and make clear distinctions between terrorist activities and the activities of peaceful religious groups.[xiii] In its response, the Uzbek government said that it “does not interfere in activities of religious associations,”[xiv] stating that current legislation allows for differentiation between terrorism and freedom of religion.[xv]

Despite the Uzbek government’s assurances, authorities continue to unlawfully arrest, torture, and imprison Muslims who practice their faith outside state controls or who belong to unregistered religious organizations. Peaceful religious believers are often branded as “religious extremists.” In 2011 alone over 100 were arrested or convicted on charges related to religious extremism.

Continuing a trend that began in 2008, followers of the late Turkish Muslim theologian Said Nursi continued to be prosecuted for religious extremism. Hundreds of Nursi followers were arrested or imprisoned during the period since the 2008 UPR.

In November 2011, relatives of Muslim religious prisoners serving sentences at Jaslyk colony, Uzbekistan's most notorious prison, told Human Rights Watch that following a hunger strike, prison authorities tortured several inmates, including by undressing them naked in front of other inmates, beating, and subjecting them to sexual humiliation.

Authorities also continue to impose short-term prison sentences and fines on Christian and members of other minority religions conducting peaceful religious activities for administrative offenses, such as illegal religious teaching. For example, on February 4, 2011, the Supreme Court again dismissed an appeal by Tohar Haydarov, a Baptist sentenced to 10 years on allegedly fabricated drug-related charges. In July of that same year, a Protestant couple in Fergana, Muradijon Umurzakov and Dilorom Mamasadikova, were physically abused and threatened with charges after police raided their home and found a Bible.

Authorities continue to arbitrarily extend sentences of religious prisoners for alleged violations of prison regulations. Such extensions occur without due process and can add years to a prisoner's sentence, raising concern that the practice appears designed to keep religious prisoners behind bars indefinitely.

Forced Child Labor in the Cotton Sector

During the previous UPR in 2008, Uzbekistan was recommended to implement International Labor Organization Conventions on the Elimination of the Worst Forms of Child Labor (Convention No. 182) or on the Minimum Age of Employment (Convention No. 138) and end the practice of forcing school-age children and adults to participate in cotton harvesting.[xvi] The Uzbek government responded in citing its signing of the UN Millennium Goal "A World Fit for Children," and its efforts to implement this initiative by adopting a national action program that began in 2007 and lasted until 2011.[xvii]

Yet widespread use of government-sponsored forced labor, including child labor, to collect the annual cotton harvest is a pervasive human rights concern in Uzbekistan. The government continues to force 1.5-2 million schoolchildren as young as nine to help with the cotton harvest for two months a year. They live in filthy conditions, contract illnesses, miss school, and work daily from early morning until evening for little or no pay. Hunger, exhaustion, and heat stroke are common.

There is no evidence that the government has taken any meaningful steps to implement Conventions Nos. 182 or 138, which it ratified in March 2008, though it adopted a

National Action Plan in 2008 and introduced legislative amendments in December 2009. The Uzbek government has repeatedly rebuffed ILO requests to gain access for its independent monitors to visit Uzbekistan to assess the extent of its compliance with the international obligations it has undertaken.

Human Rights Watch is also aware of several cases of authorities harassing activists who tried to document forced child labor. For example, in September 2011, authorities detained activists Gulshan Karaeva and Nodir Akhatov while they photographed children forced to pick cotton in the Kashkadarya region.

Recommendations for steps the Government of Uzbekistan should be urged to take:

- **Immediately and unconditionally release all wrongfully imprisoned human rights defenders, journalists, members of the political opposition, and other activists held on politically motivated charges;**
- **End the crackdown on civil society and allow domestic and international human rights organizations to operate without government interference, including by promptly re-registering those that have been liquidated or otherwise forced to cease operating in Uzbekistan, and issuing visas and accreditation for staff of international nongovernmental organizations, including Human Rights Watch;**
- **Take meaningful measures to end torture and ill-treatment and the accompanying culture of impunity, including by implementing in full the recommendations of the United Nations Special Rapporteur on torture, the Committee Against Torture, and the Human Rights Committee;**
- **Ensure genuine media freedom, stop harassment of journalists and allow domestic and international media outlets, including those that have been forced to stop operating in Uzbekistan, to register and grant accreditation to foreign journalists;**
- **Ensure accountability for the Andijan massacre and cease harassment and other abuses of returned refugees and families of refugees who remain abroad;**
- **Allow unhindered access for independent human rights monitors, including the eleven UN special procedures who remain unable to visit due to the government's longstanding refusal to issue the required invitations, and**

- implement in full recommendations by independent monitoring bodies, including UN treaty bodies and special procedures;**
- **End forced labor of children and adults in the cotton sector, allow independent monitoring by the International Labour Organization (ILO), and involve independent nongovernmental organizations and activists to conduct their own monitoring without harassment;**
 - **End religious persecution, including by decriminalizing peaceful religious activity, and ending the imprisonment of thousands of people for their nonviolent religious expression.**

[i]Para 33(b) and Para 107, “Report of the Working Group on the Universal Periodic Review: Uzbekistan,” *Universal Periodic Review*, March 11, 2009, A/HRC/10/83.

[ii]Para 43(a) and Para 107, Ibid.

[iii]Para 65(d), 87(a) and Para 107, Ibid.

[iv]Para. 105.3, 106.16, 106.18 and 107, “Report of the Working Group on the Universal Periodic Review: Uzbekistan,” *Universal Periodic Review*, March 11, 2009, A/HRC/10/83.

[v]Para. 4, “Report of the Working Group on the Universal Periodic Review: Uzbekistan: Addendum,” *Universal Periodic Review*, March 13, 2009, A/HRC/10/83.
A/HRC/10/83/Add. 1.

[vi]Ibid, Para. 5.

[vii]Para. 106(4), “Report of the Working Group on the Universal Periodic Review: Uzbekistan,” *Universal Periodic Review*, March 11, 2009, A/HRC/10/83.

[viii]Para. 21, “Report of the Working Group on the Universal Periodic Review: Uzbekistan: Addendum,” *Universal Periodic Review*, March 13, 2009, A/HRC/10/83.
A/HRC/10/83/Add. 1.

[ix]Ibid, para. 22.

[x]“No One Left to Witness’: Torture, the Failure of Habeas Corpus, and the Silencing of Lawyers in Uzbekistan”, December 2011: <http://www.hrw.org/reports/2011/12/13/no-one-left-witness-o> [2]

[xi]Para. 44, “Report of the Working Group on the Universal Periodic Review: Uzbekistan: Addendum,” *Universal Periodic Review*, March 13, 2009, A/HRC/10/83. A/HRC/10/83/Add. 1.

[xii]Ibid, para. 70.

[xiii]Para. 106(14)(15)(17), “Report of the Working Group on the Universal Periodic Review: Uzbekistan,” *Universal Periodic Review*, March 11, 2009, A/HRC/10/83.

[xiv]Ibid, para.106(54).

[xv]Ibid, para.106(60).

[xvi]Ibid, para. 106(24)(27)

[xvii]Para. 77, “Report of the Working Group on the Universal Periodic Review: Uzbekistan: Addendum,” *Universal Periodic Review*, March 13, 2009, A/HRC/10/83. A/HRC/10/83/Add. 1.

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