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FAST-TRACK TO TORTURE

ABDUCTIONS AND FORCIBLE RETURNS
FROM RUSSIA TO UZBEKISTAN

STOP ~~TORTURE~~

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 7 million people who campaign for a world where human rights are enjoyed by all.

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GLOSSARY

CIS	the Commonwealth of Independent States
FMS	the Russian Federal Migration Service
FSB	the Russian Federal Security Service (from the Russian: **F**ederalnaia **S**luzhba **B**ezopasnosti)
IVS	pre-charge detention facility (from the Russian: **I**zoliator **V**remenogo **S**oderzhania)
SIZO	pre-trial detention facility (from the Russian: **S**ledstvenni **Izo**liator)
SNB	the Uzbekistani National Security Service (from the Russian: **S**luzhba **N**atsionalnoi **B**ezopastnosti)
SUVSIG	A special temporary detention centre for foreign nationals in Russia (from the Russian: **S**petsialnoe **U**chrezhdenie dlia **V**remennogo **S**oderzhania **I**nostrannikh **G**razhdan)
TASHTIURMA	the central pre-trial detention centre under the Ministry of Internal Affairs in the capital Tashkent, Uzbekistan

1. INTRODUCTION

> **“They kicked in almost all of his teeth… He has only tiny splinters sticking out from his gums, but the roots are still inside. They are really damaged, his gums are swollen and he has sores on both sides. He can’t eat, he is only skin and bones and his back is covered in deep dark bruises. They don’t give him any medication… The prison officer in charge beats him all the time, so that they can lock him up in a punishment cell. He spends at least a week every month in there. There’s nothing in the cell, not even a piece of paper to sit on. They take off his shoes and give him nothing but salted water… They are killing him slowly.”**
>
> Relative of an asylum seeker from Uzbekistan who was abducted in 2014 from Russia and forcibly returned to Uzbekistan. He is serving a long sentence in a prison camp in Uzbekistan.

Hundreds of asylum-seekers, refugees and labour migrants have been abducted or forcibly returned from Russia to Uzbekistan since 2014 in blatant violation of Russia’s international human rights obligations. The absolute ban on torture and other ill-treatment includes the prohibition against returning or transferring a person to any country where he or she is at real risk of such abuse. Russia is a state party to several treaties that prohibit such transfers, but has flagrantly and consistently flouted its human rights commitments by sending people back to Uzbekistan where they have subsequently suffered appalling physical and psychological harm at the hands of state authorities and their agents. These practices must stop.

Torture and other ill-treatment have long been defining features of the Uzbekistani criminal justice system. Amnesty International’s April 2015 report *Secrets and lies: Forced confessions under torture in Uzbekistan* concluded that the use of torture was pervasive in Uzbekistan – and central to how the Uzbekistani authorities deal with dissent, combat actual or perceived threats to national security, and repress political opponents.[1] Torture and the threat of torture are used routinely to obtain forced confessions; punish detainees, prisoners and their relatives; incriminate others; or extort money.

As this briefing makes clear, little has changed one year on.

[1] Amnesty International, *Secrets and lies: Forced confessions under torture in Uzbekistan,* Index: EUR 62/1086/2015, 15 April 2015, available at www.amnesty.org/en/documents/eur62/1086/2015/en/.

The Uzbekistani authorities have continued to vigorously reject allegations of torture and other ill-treatment by security forces and prison staff. Yet judges have continued to rely heavily on confessions obtained under torture, hand down convictions based on such forced confessions, and ignore or dismiss as unfounded defendants' complaints of torture or other ill-treatment, even when presented with credible evidence. Local authorities and security forces have also continued to persecute families as a means of exerting pressure on them to disclose an alleged suspect's whereabouts, or to coerce suspects into handing themselves in to the police, signing a "confession", incriminating others, retracting a complaint or paying a bribe.

When such treatment is routinely meted out to persons within the criminal justice and prison systems – that is, when a state's human rights record is so rife with the regular use of such abusive practices – persons outside the country threatened with return often have credible reasons to fear serious harm if sent back. And yet, Uzbekistan has successfully secured the cooperation of numerous post-Soviet states, and Russia in particular, in the return – through extradition proceedings or otherwise – of numerous Uzbekistani citizens they have labelled as opponents or threats to national security. Those vulnerable to such claims include people suspected of having organized or participated in violent attacks in Uzbekistan; political opponents; members or suspected members of Islamist groups and Islamic movements banned in Uzbekistan; government critics; and wealthy individuals who have fallen out of favour with the authorities or who have assets that the authorities would like to seize. Many of these extradition requests are based on fabricated or unreliable evidence.

The Uzbekistani government has, in some cases, offered "diplomatic assurances" to sending states, including the Russian Federation, to secure the returns, pledging not to torture a person who is returned and offering free access to detention centres for independent monitors and diplomats. In practice, however, the authorities have not honoured these assurances. Diplomatic assurances from the Uzbekistani authorities, the same authorities who order or acquiesce in the torture of detainees, are inherently unreliable.

The European Court of Human Rights (European Court) has repeatedly warned the Russian authorities of the dangers of relying on diplomatic assurances when assessing the risk of torture and other ill-treatment to an individual upon return. And yet the Russian authorities have been only too willing to accept diplomatic assurances to justify an extradition. In assessing the risk upon return and in carrying out returns to Uzbekistan, the Russian authorities have prioritized bilateral agreements with Uzbekistan, and regional co-operation and mutual assistance agreements designed to ensure national and regional security and combat terrorism, over their international human rights obligations.

Moreover, Uzbekistani security forces have not hesitated to resort to abducting refugees or asylum-seekers from Russia in the rare instances where the Russian authorities have denied extradition requests or the European Court has issued an "order for interim measures" to stop extraditions to Uzbekistan. Indeed, Russian police and officers from the Russian Federal Security Service (Federalnaia Sluzhba Bezopasnosti, FSB) have often been complicit in such abductions.

Those abducted or otherwise forcibly returned to Uzbekistan have been subjected to incommunicado detention and to torture and other ill-treatment to force them to confess or provide information. They have also faced unfair trials that have led to long prison sentences served in cruel, inhuman and degrading conditions. Lawyers and human rights defenders have often found it very difficult to establish detainees' whereabouts and to follow up on their treatment. In many cases security forces have pressured relatives of those returned not to seek the help of the few domestic human rights activists in Uzbekistan or international human rights organizations, and not to complain about any alleged human rights violations. All arms of the Uzbekistani law enforcement and national security apparatus conspire to ensure that people who are returned to Uzbekistan have no ability to reach out for assistance to avoid harm, and if they are tortured or ill-treated and subjected to an unfair trial, that they have no recourse in Uzbekistan to a remedy for such violations.

For their part, the Russian authorities ensure that there will be no accountability, justice or remedy for Russian state actors' involvement in extraditions of Uzbekistani nationals to Uzbekistan. Lawyers and activists have told Amnesty International that as far as they are aware the Russian authorities have not conducted any effective investigations into any of the cases of abductions that have been raised with them. As long as Russia complies unquestioningly with Uzbekistani extradition requests or is complicit in unlawful

abductions and transfers, people will continue to suffer from the abhorrent torture practices that Uzbekistan employs with impunity.

1.1 METHODOLOGY

This briefing provides updates on key concerns highlighted in Amnesty International's 2013 report, *Return to torture: Extradition, forcible returns and removals to Central Asia*[2], as well as new information and cases of abductions in Russia and practices of returning individuals to torture in Uzbekistan. It also provides updated information about torture practices, unfair criminal trials and other on-going human rights violations in Uzbekistan itself.

To research this briefing Amnesty International conducted a series of interviews between July 2015 and March 2016 with Uzbekistani activists, human rights defenders, survivors of torture and their family members, asylum-seekers, representatives of inter- and non-governmental organizations, lawyers in Russia and Uzbekistan, and journalists. All interviews, with those living outside Uzbekistan as well as those living inside the country and in Russia, were conducted with a strict security protocol to ensure the safety of those interviewed and the security of information. While many individuals agreed to speak on the record, using their full names, others requested confidentiality and are referred to by a randomly selected pseudonym. A few people, due to fear of reprisals against their relatives inside Uzbekistan, requested that none of the information they communicated be included in the briefing.

Amnesty International is grateful to all individuals and organizations who co-operated with us on gathering information for this briefing, including the Association for Human Rights in Central Asia, the Civic Assistance Committee (Moscow), "Erdam" (Help, Moscow), Human Rights Institute (Moscow), Initiative Group of Independent Human Rights Defenders, Memorial and the Uzbek-German Forum for Human Rights. We are especially grateful to those Uzbekistani individuals and human rights defenders who helped us in our research, despite the risks they face in so doing.

[2] Amnesty International, *Return to torture: Extradition, forcible returns and removals to Central Asia,* Index: EUR 04/001/2013, 3 July 2013, available at https://www.amnesty.org/en/documents/eur04/001/2013/en/.

2. FORCED RETURNS TO UZBEKISTAN

> **"Once they are returned, they vanish."[3]**
>
> Refugee lawyer in Moscow speaking to Amnesty International in January 2016

The harrowing case of Mirsobir Khamidkariev, below, demonstrates the co-operation between the Uzbekistani and Russian security services and the collusion of FSB officers in his detention and unlawful transfer to Uzbekistan. It is also a typical example of the use of torture and forced "confessions" against individuals accused of anti-state activities when they are returned to Uzbekistan (see section below on torture in Uzbekistan).

However, as the testimonies of former prisoners have shown (see below), no one is necessarily safe or exempt from torture once they are in the hands of the Uzbekistani security forces and prison authorities. What happened to Mirsobir Khamidkariev in detention in Uzbekistan could happen to anyone returned to Uzbekistan, including those on charges of fraud, robbery, assault or murder.

2.1 RENDITION TO TORTURE

MIRSOBIR KHAMIDKARIEV'S STORY[4]

Mirsobir Khamidkariev, an Uzbekistani film producer and businessman, fled to Russia in 2010 after the Uzbekistani authorities charged him with organizing an Islamist terrorist group, Islam Jihadchilari. In June 2014, he was abducted by FSB officers and held incommunicado in an unidentified location in Moscow, handed over to Uzbekistani security agents, and then forcibly returned to Uzbekistan's capital, Tashkent. He was sentenced to eight years' imprisonment on 18 November 2014 on extremism charges following a flagrantly unfair trial. The Tashkent City Court for Criminal Cases found him guilty of "illegal establishment of public associations or religious organizations" and "establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations". Mirsobir Khamidkariev had absolutely no opportunity to challenge his abduction or return in Russia, and the lawyer who dealt with his asylum claim in Russia reported that Mirsobir Khamidkariev was tortured in detention in Tashkent after he was returned.

According to his Russian lawyer, the original charges in 2010 against Mirsobir Khamidkariev for organizing an Islamist terrorist group referred to a conversation he had with acquaintances at an informal gathering in Tashkent during which he allegedly expressed concern about the oppression of Islam and stated his support for women wearing headscarves. At the

[3] Interview with Nadezhda Ermolayeva, senior legal expert, Human Rights Institute (Moscow), January 2016.
[4] This case is based on communications from Mirsobir Khamidkariev's representatives between 2014 and 2016.

time, Mirsobir Khamidkariev accepted that he had participated in two informal religious gatherings but insisted that nothing unlawful took place. Understanding that he could not receive a fair trial or justice in Uzbekistan, he fled to Russia.

In 2011 the Uzbekistani authorities issued an extradition request. In 2013 the Office of the Prosecutor General of the Russian Federation decided that the extradition request from Uzbekistan was not valid. The Prosecutor General's Office also found that Mirsobir Khamidkariev could not have set up Islam Jihadchilari in 2009, as the extradition request maintained, since the armed group had been in existence since 2004. Mirsobir Khamidkariev applied for asylum with the Federal Migration Service in Russia, and lived in hiding in Moscow with his wife and young son, fearing for their safety.

On 9 June 2014, Mirsobir Khamidkariev was abducted by two unidentified men in civilian clothes from a taxi in the centre of Moscow while he waited outside a pharmacy for his wife to return with medication for their young son. According to an eyewitness the two men got into the taxi and forced the driver to speed away. Mirsobir Khamidkariev was held incommunicado in a basement in an unidentified location in Moscow for a day, forced to wear a bag over his head, and subjected to repeated beatings. The same day, the European Court issued interim measures to stop him from being returned to Uzbekistan. Nevertheless Russian FSB handed him over to Uzbekistani security forces on the tarmac at an airport in Moscow. His wife reported his abduction to police in Moscow, and the following day the Russian Federal Migration Service granted Mirsobir Khamidkariev asylum – but it was too late.

Neither Mirsobir Khamidkariev's lawyer or family in Moscow nor his relatives in Tashkent knew his whereabouts for two weeks, by which time he was being held at Tashtiurma pre-trial detention centre in Uzbekistan. At Tashtiurma, Mirsobir Khamidkariev was tortured to force him to confess to charges that he and his lawyer maintains are entirely fabricated. He was tied to a bar attached to the wall of the interrogation room with his head facing down, and beaten repeatedly. The officers knocked out seven of his teeth and broke two of his ribs. It was under this extreme duress that Mirsobir Khamidkariev gave a "confession". The forced confession was used against him at his trial. Mirsobir Khamidkariev is currently serving his sentence in Navoi prison camp where he has spent several weeks in punishment cells. As a result of the torture he endured, he suffers from numerous health problems but has not had access to necessary medical attention. He is due for release in 2022.

Mirsobir Khamidkariev's case makes abundantly clear the lengths to which the Uzbekistani authorities will go to ensure the return of Uzbekistani nationals to face "justice" in Uzbekistan – and the willingness of the Russian authorities to oblige them. His unlawful abduction and incommunicado detention in Moscow, transfer to the hands of Uzbekistani agents, rendition to Tashkent, and torture and unfair trial add up to a veritable catalogue of human rights violations by the Russian and Uzbekistani governments.

The Russian authorities flagrantly violated the well-established international law principle of non-*refoulement,* which prohibits the extradition or other transfer of a person to a place where he or she is at risk of torture. They provided no meaningful way for Mirsobir Khamidkariev to challenge the legality of his abduction or raise the risk of torture he faced if transferred to Uzbekistan. The Russian authorities are also responsible for violating an order by the European Court requiring that Mirsobir Khamidkariev not be transferred to Uzbekistan.[5]

As egregious as the facts of Mirsobir Khamidkariev's case are, it is not unique. Non-governmental organizations (NGOs) and lawyers working on refugee issues in Russia have documented at least 10 cases of refugees or asylum-seekers from Uzbekistan being abducted from Russia and returned to Uzbekistan between 2014 and April 2016.[6]

On 7 March 2016, for example, human rights defender Bahrom Khamroev told media and NGOs[7] that FSB officers had met Uzbekistani asylum-seeker Sarvar Mardiev as he was in the process of being released from prison in Belgorod Region in Russia, and that the officers had driven him away. Sarvar Mardiev had

[5] The European Court indicates interim measures under Rule 39 of the Rules of the Court. In cases of extradition or deportation, the Court can instruct the state concerned to stay the removal of an individual pending the Court's proceedings to avoid irreparable damage.
[6] Interview with Bahrom Khamroev, Director of the NGO Erdam (Help), January 2016. This number reflects only those cases made known to NGOs, lawyers and others. Amnesty International is concerned that the real number is higher since the operations in general are swift, people are held incommunicado before being secretly transferred and there are no procedural or other safeguards that would apply in such secret and unlawful circumstances.
[7] Radio "Ozodlik", Сотрудники ФСБ в «черных масках» похитили из колонии узбекского беженца, [FSB officers in "black masks" abducted an Uzbekistani asylum seeker from a prison colony] available at http://rus.ozodlik.org/content/article/27594902.html.

requested that Bahrom Khamroev meet him at the prison gates because he was afraid that the Uzbekistani National Security Service (Sluzhba Natsionalnoi Bezopastnosti, SNB) might attempt to abduct him. But Russian FSB officers were already waiting for Sarvar Mardiev inside the prison. When questioned about the whereabouts of Sarvar Mardiev the prison officers told Bahrom Khamroev that he had been released and was last seen walking in the direction of the train station. A few days prior to Sarvar Mardiev's scheduled release, SNB officers had searched the home of his parents in Kashkadaria, Uzbekistan, and had questioned relatives and neighbours about his activities. Amnesty International is deeply concerned that Sarvar Mardiev has been the victim of enforced disappearance.

Like Mirsobir Khamidkariev, others abducted or otherwise forcibly returned to Uzbekistan have also faced incommunicado detention and torture and other ill-treatment to force them to confess. They have also faced unfair trials that have led to long prison sentences served in cruel, inhuman and degrading conditions. However, in most cases lawyers and human rights defenders have found it very difficult to establish individuals' whereabouts and to follow up on developments. In many cases, security forces have pressured relatives of those returned not to seek the help of human rights organizations and not to complain about any alleged human rights violation, or risk making the situation worse for their detained relative. As a consequence many families have become increasingly reluctant for the lawyers who had represented the detainee in the Russian Federation to take any further action on behalf of their client or to publicize information about the case. Lawyers and human rights defenders report that in recent months relatives have increasingly refused even to talk to them over the telephone. One family asked their Russian lawyer never to contact them again.[8]

DAVRON KOMOLIDDINOV'S STORY

Uzbekistani labour migrant Davron Komoliddinov disappeared in Russia in March 2015. He was detained by Russian police on 4 March in Krasnoyarsk after the Uzbekistani authorities requested his extradition. The last time a relative saw him was on 27 March during a court hearing in Russia. On 2 August, Davron Komoliddinov called his relative to inform him that he was being transferred to Uzbekistan, but his family were unable to locate him in Uzbekistan. Finally, on 18 September 2015, his relatives were informed by the Uzbekistani authorities that he was held in Tashtiurma.

According to the Association for Human Rights in Central Asia (AHRCA) Davron Komoliddinov was represented by a state-appointed lawyer during the criminal investigations in Uzbekistan. He apparently gave self-incriminating evidence and signed the minutes of his interrogation. He was charged with incitement to ethnic, racial or religious hatred (Article 156 of the Uzbekistani Criminal Code), attempt on the constitutional order (Article 159) and participation in a religious extremist or banned organization (Article 244-2). AHRCA believes that he was tortured in order to force him to confess. Davron Komoliddinov claimed that he had accessed information on Islam over the internet in Russia in 2012, including sermons by independent Uzbekistani imams. He had also reposted photos of the imams on his Odnoklassniki social media page. Russian police had confiscated his computer when they detained him in Krasnoyarsk, but had not found any of the materials on his computer to be illegal in Russia. His family was not given permission to visit him in detention.

According to AHRCA, Davron Komoliddinov's state appointed lawyer told his family that he believed him to be innocent of the charges but that two Uzbekistani citizens whom he had been in contact with in Russia had testified against him in 2012 when they were detained upon returning to Uzbekistan. Over the course of 2013 police regularly visited Davron Komoliddinov's home in Uzbekistan and put pressure on his relatives to provide information on his whereabouts.

The Ferghana Regional Court sentenced him to seven years in prison on 10 November 2015. The sentence was upheld on appeal on 19 February 2016. Davron Komoliddinov is serving his sentence in prison camp 64/61 Karshi.

[8] Interview with Nadezhda Ermolayeva, senior legal expert, Human Rights Institute (Moscow), January 2016.

2.2 INVESTIGATIONS INTO ABDUCTIONS AND FORCIBLE RETURNS

Lawyers representing disappeared and returned Uzbekistani citizens told Amnesty International that the Russian authorities had not conducted any effective investigations into any of the cases of abductions that had been raised with them. Where investigations have been carried out, prosecutors and investigators – and the Ministry of Foreign Affairs – have been willing to accept at face value official explanations from their Uzbekistani counterparts as to the circumstances of the return of an individual sought for extradition. This acceptance is perhaps unsurprising given the frequently alleged collusion of Russian agents in returns to Uzbekistan.

In January 2016 the Russian authorities wrote to the Committee of Ministers of the Council of Europe about the outcome of their investigations into the enforced disappearance of Ikromzhon Mamazhonov, an applicant to the European Court (see below), who had been abducted on his release from detention in Orenburg, Russia, in June 2013. They explained that as part of their preliminary investigation they approached the Uzbekistani authorities to obtain a statement from Ikromzhon Mamazhonov to confirm the circumstances of his return to Uzbekistan. According to this statement, given by Ikromzhon Mamazhonov to an SNB officer while in prison in Uzbekistan, he had hired a taxi in Orenburg in the morning immediately after his release from detention in Russia and had made his way overland to Shimkent in southern Kazakhstan on the border with Uzbekistan. He then crossed the border and was driven to Tashkent region, where he was eventually detained by Uzbekistani police some 12 hours after leaving Orenburg, which is 2,000km away in Russia. Ikromzhon Mamazhonov did not have a valid passport or any other travel documents. Based solely on this doubtful evidence the Russian authorities decided to close their criminal investigation "due to the absence of a criminal event".[9] Ikromzhon Mamazhonov's lawyer in Russia has appealed the decision to close the investigation. The Russian authorities did not challenge the fact that it is physically impossible to complete a 2,000km journey overland within 12 hours, especially one that involves crossing two state borders without official identification and travel documents. Nor did they question – based on all the information available to them about the use of forced confessions in Uzbekistan – whether the statement which Ikromzhon Mamazhonov gave to an SNB officer in prison without a lawyer present was coerced.

In the case of Mirsobir Khamidkariev the Russian authorities also accepted the official version provided by their Uzbekistani counterparts that he had travelled voluntarily to Uzbekistan to visit his mother who was ill, but that he had not wanted to tell anyone because of the criminal charges outstanding against him. That this version was based on a confession from Mirsobir Khamidkariev obtained after his return to Tashkent did not appear to raise any concerns with the Russian authorities, nor apparently did the fact that his abduction had been officially registered with police in Moscow and that his Russian lawyer reported that Mirsobir Khamidkariev was tortured to force him to confess.[10]

2.3 HUMAN RIGHTS VIOLATIONS IN THE NAME OF SECURITY

National and regional security concerns have dominated the political agenda in Uzbekistan for the last two decades.

During this time the Uzbekistani authorities have routinely invoked the "fight against terrorism", and combating "anti-state" activity to justify repressive measures, including the use of torture and other ill-treatment, against political opponents, government critics, "independent" Muslims (those worshipping in mosques outside of state control) and actual or suspected members of outlawed Islamist groups and parties.

[9] Communication to the Committee of Ministers of the Council of Europe, 19 January 2016, point 9.1, pp. 5-6, available at https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2877085&SecMode=1&DocId=2348768&Usage=2.

[10] Interview with Illarion Vasiliev, January 2016.

The authorities in Uzbekistan have become increasingly concerned about a resurgence of armed groups including the Islamic Movement of Uzbekistan (IMU) since the start of the withdrawal of US troops from Afghanistan in 2014. They have also raised concerns due to territorial gains in Syria and Iraq since 2013 by the armed group calling itself Islamic State (IS) and reports of people from Central Asia travelling to Syria as volunteers for IS and other armed groups.

Recently the Uzbekistani authorities claimed that the country was more vulnerable to attacks amid reports of a tactical alliance between the IMU in Afghanistan and IS – concerns shared by the Russian Federation.[11]

In October 2015 the Russian FSB director, Aleksandr Bortnikov, told a meeting of CIS heads (CIS - the Commonwealth of Independent States) of security services that it was imperative for countries in Central Asia to strengthen their borders with Afghanistan because of the significant threat that IS posed to Central Asian countries. He went on to urge his colleagues to use the experience of Uzbekistan in countering terrorism:

"I would like to point out that our Uzbekistani colleagues have accumulated a wealth of positive expertise in the [fight against terrorist and extremist propaganda and ideology], worthy of implementing and sharing widely."[12]

Governments have an obligation to protect the rights and lives of their populations against violence and to take appropriate measures to bring to justice the perpetrators of attacks that target the civilian population. However, any measures taken by the government in this regard must be in accordance with international human rights law and standards. In any event, the ban on torture and other ill-treatment – including the return of people to places where they may be tortured – is absolute and permits no exceptions, even in situations of public emergency or national security.

The Uzbekistani authorities have become increasingly suspicious of labour migrants returning from abroad whom they believe may have had greater access to a wide range of information on Islam which is censored or banned in Uzbekistan, resulting in an increased number of arrests and prosecutions for "extremism". The authorities have also claimed that migrant workers have been targeted in Russia for recruitment by the IMU, IS or other groups characterized as extremist and that many have either travelled to Syria or were planning on travelling to Syria to join militant groups. More than 2 million Uzbekistani labour migrants are working in Russia.

In November 2015, security forces detained dozens of labour migrants who had returned from Russia and Turkey, in raids in the capital Tashkent and several regions of the country, amid disputed claims that they were members of the banned Islamist party Hizb-ut-Tahrir and had links to IS members in Syria. Human rights defenders reported that security forces used torture to extract confessions from them.

Experts estimate that several hundred men and women from Uzbekistan have joined the ranks of IS and other militant groups in Syria and Iraq. Many of them are believed to make their way to Syria from Russia and Turkey. Some armed groups are also targeting Uzbek-language speakers for recruitment.[13]

The Russian FSB has been conducting joint anti-terrorism operations with Uzbekistani SNB officers in Russia to target labour migrants whom they allege have become radicalized by IS and other armed groups and who were planning terrorist attacks in Russia.[14]

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[11] Many experts and academics monitoring the situation in Afghanistan, including Russian experts, have cast doubt over these assertions and have said that there is no convincing evidence that IS and other armed groups in Afghanistan are planning attacks on Central Asia. See, for example, Sputnik, ***Эксперты: проникновение ИГ в Афганистан пока не угрожает странам ЦА*** ['Experts: IS penetration in Afghanistan does not represent a threat to Central Asian countries'], 29 January 2016, available at http://ru.sputniknews-uz.com/analytics/20160129/1663671.html and the Institute for War & Peace Reporting, *Uzbekistan's Evolving Response to Afghan, Islamic State Risks* by Fabio Indeo, 18 November 2015, available at https://iwpr.net/global-voices/uzbekistans-evolving-response-afghan-islamic.

[12] Sputnik, ***ФСБ РФ: СНГ нужно использовать опыт Узбекистана в борьбе с терроризмом*** ['FSB RF: CIS needs to follow Uzbekistan's experience in the fight against terrorism'], 28 October 2015, available at http://ru.sputniknews-uz.com/politics/20151028/879679.html.

[13] See Joana Paraszczuk, RFE/RL, Uzbeks arrested for allegedly trying to join Al-Qaeda Group in Syria, 6 November 2015, available at http://www.rferl.org/content/uzbekistan-al-qaeda-group-syria-jannat-oshliqari/27349840.html.

[14] National TV report on joint operation in Ekaterinburg, Russia, in 2016. First Channel, ***Спецслужбы России, Таджикистана и Узбекистана провели совместную операцию по выявлению агентов ИГИЛ*** [Secret services of Russia, Tajikistan and Uzbekistan conducted a joint operation to identify IS agents] 14 February 2016, available at http://www.1tv.ru/news/crime/302019.

2.3.1 REGIONAL SECURITY CO-OPERATION VERSUS HUMAN RIGHTS OBLIGATIONS

The European Court issued at least 17 judgments from 2013 to March 2016 condemning the forcible transfer of individuals to Uzbekistan – especially those persons suspected of membership of an Islamist party or a group banned in the country – due to the real risk of torture on return. For example, the European Court ruled in October 2014, in the case of *Mamazhonov v Russia*, that the transfer of Ikromzhon Mamazhonov from Russia to Uzbekistan violated Article 3 (prohibition of torture) of the European Convention on Human Rights. The Court noted "in recent years there has been no improvement in either the criminal justice system of Uzbekistan in general, nor in the specific treatment of those prosecuted for religiously and politically motivated crimes… It appears that the use of torture, forced confessions and the denial of access to lawyers remain commonplace".[15]

The Russian authorities tasked with assessing the real risk of torture faced by an individual upon return to Uzbekistan – including the prosecution service, the courts and the migration service – cannot pretend to be unaware of their international obligations not to return anyone to a real risk of torture, nor can they claim to be ignorant of the many reports by international bodies, such as the UN, regarding the endemic use of torture in Uzbekistan, and relevant judgments by the European Court. As the Russian Federation itself reiterated in their January 2016 communication to the Committee of Ministers of the Council of Europe, the relevant judgments have been circulated regularly to the competent authorities for action since 2012.

Additionally, the Russian Supreme Court issued decree no. 11 of 14 June 2012 instructing judges to carefully evaluate the arguments of persons wanted for extradition "taking into account all the evidence available" including reports by UN structures on the situation in the requesting state. This authoritative decree had raised hopes that Russian courts might begin to properly assess the risk of torture or other ill-treatment in extradition hearings. However, in practice the courts have often failed to comply with these instructions, including the Supreme Court itself. The European Court found in its 2015 judgment of *Eshonkulov v Russia* [16] that "the Supreme Court refused to consider, in the extradition proceedings, a wide range of references to the Court's case law, UN agencies' and nongovernmental organisations'… reports on the situation in Uzbekistan… The Court finds it difficult to reconcile the authoritative directions given by the Supreme Court to the lower courts in its Ruling no. 11 of 14 June 2012 to engage in a thorough and comprehensive review of the serious claims of ill-treatment and the restricted scope of enquiry it had adopted in the present case."

In assessing the risk upon return and in carrying out returns to Uzbekistan the authorities in the Russian Federation appear to prioritize bilateral agreements with Uzbekistan and regional co-operation and mutual assistance agreements designed to ensure national and regional security and combat terrorism over their international human rights obligations. Treaties such as the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism, and regional treaties, such as the 1993 CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters (Minsk Convention) to which the Russian Federation is a state party, contain virtually no human rights provisions and safeguards for individuals facing extradition. In particular, these instruments do not provide for the absolute prohibition of torture under international law.[17] However, compliance with such treaties cannot be used as an excuse for ignoring the Russian Federation's obligations under international and regional human rights treaties.

A 2015 letter from Russia's Federal Migration Service (FMS) to an Uzbekistani asylum-seeker spells out the role that good relations and mutual interests play when Russian authorities are faced with assessing the risk

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[15] European Court of Human Rights, *Mamazhonov v the Russian Federation* (Application No. 17239/13) Judgment of 23 October 214, para. 162, available at http://hudoc.echr.coe.int/eng#{"fulltext":["mamazhonov"],"documentcollectionid2":["GRANDCHAMBER","CHAMBER"],"itemid":["001-147333"]}. The Court found that by failing to adequately assess Ikromzhon Mamazhonov's claim that he would face a real risk of torture and other ill-treatment if returned to Uzbekistan, and failing to investigate his disappearance and possible forcible transfer to Uzbekistan effectively, the Russian Federation violated Article 3 of the European Convention on Human Rights (prohibiting torture and other ill-treatment).

[16] European Couth of Human Rights, *Eshonkulov v. Russia*, (Application no. 68900/13), 15 January 2015, available at http://hudoc.echr.coe.int/eng?i=001-150713.

[17] Amnesty International, *Return to torture: Extradition, forcible returns and removals to Central Asia,* Index: EUR 04/001/2013, 3 July 2013, available at https://www.amnesty.org/en/documents/eur04/001/2013/en/.

of torture upon return to Uzbekistan. In the section on the human rights situation in Uzbekistan, the FMS explained that "specialized international NGOs and independent experts generally conclude that Uzbekistan is a state where human rights are not respected. Taking into account the character of the relations between Russia and Uzbekistan as allies and partners the Russian Ministry of Foreign Affairs abstains from criticizing the human rights situation in this country." The FMS goes on to conclude that in Uzbekistan: "as a matter of fact the authorities and the people have reached an unspoken consensus by which the repression of civil and political rights is seen as the necessary price to pay for the provision of internal political stability, national security and a minimum of socio-economic benefits."[18]

2.4 DIPLOMATIC ASSURANCES

The Uzbekistani authorities have relentlessly pursued the extradition or otherwise involuntary return of hundreds of people they have suspected of having organized or participated in violent attacks in Uzbekistan.[19] The government has also requested the extradition of political opponents, members or suspected members of Islamist groups and Islamic movements banned in Uzbekistan, government critics, and wealthy individuals who have fallen out of favour with the authorities. Many of these extradition requests are based on fabricated or unreliable evidence. The government has offered "diplomatic assurances" to sending states, including the Russian Federation, to secure the returns, pledging free access to detention centres for independent monitors and diplomats. In practice, they have not honoured these assurances. Once a person is returned to Uzbekistan, where torture is endemic and no independent monitoring mechanisms are in place, his or her safety cannot be ensured. Diplomatic assurances from the Uzbekistani authorities, the same authorities that order or acquiesce in the torture of detainees, are inherently unreliable.[20]

Information received from diplomatic sources suggests that in practice the Uzbekistani authorities are reluctant to grant diplomats –including from countries such as Russia, Kazakhstan and South Korea with which Uzbekistan enjoys close and friendly relations – access to detention centres to visit jailed foreign nationals or individuals who have been returned to Uzbekistan.[21] In some cases, it can take up to a year for diplomats to be given access to a detainee or prisoner and they are generally accompanied by prison or law enforcement officials during their visits, contrary to the official pledges of free and confidential access. In 2015 the Ukrainian embassy in Tashkent wrote to a lawyer in Russia working on the extradition case of a Ukrainian national from Russia to Uzbekistan. In his letter the consul explained that it had taken the embassy numerous official communications to the relevant Uzbekistani authorities before a representative was granted a prison visit with a Ukrainian prisoner six months after he had been given a long sentence based on torture-tainted evidence. Because the meeting was not confidential – prison officials were present at all times – the prisoner was unable to speak freely about his conditions of detention to the diplomatic representative.[22]

Diplomatic assurances are a dangerous and unreliable mechanism that allows a sending government to circumvent the absolute prohibition on sending a person to a place where he or she risks torture or other ill-treatment. Simple promises from a requesting state that it will not torture or otherwise mistreat a person upon return cannot substitute for a state's absolute obligation not to transfer a person to a place where he or she is at risk of such abuse. All states must maintain respect for the existing, legally-binding international machinery of human rights protection; diplomatic assurances allow governments to circumvent that machinery, and thus represent erosion – not an advance – in human rights protection. Moreover, the particular dynamics of torture and other ill-treatment lead to inherent deficiencies in assurances that prevent them from effectively and reliably mitigating against such abuse. In particular, governments that practice torture and

[18] Letter on file with Amnesty International. The FMS rejected the asylum-seeker's request for temporary asylum despite convincing evidence that he was at risk of torture if returned to Uzbekistan.
[19] The acts that those extradited or forcibly returned have been accused of included bomb explosions in Tashkent in 1999 and 2004, the Andizhan protests in 2005 when security forces fired on thousands of mostly unarmed demonstrators, including women and children, and bombings and shootings by armed groups in Tashkent and the Ferghana Valley in 2009.
[20] See J. Hall and M. Weicherding '"The Broken Word": Central Asia's unreliable diplomatic assurances', in A. Hug (ed), *Shelter from the Storm, The Asylum, Refuge and Extradition Situation Facing Activists From the Former Soviet Union in the CIS and Europe*, 2014, p. 23, available at http://fpc.org.uk/fsblob/1630.pdf
[21] Based on communications with refugee lawyers who dealt with cases of forcible returns from Russia, Kazakhstan and South Korea.
[22] Letter on file with Amnesty International.

similar abuse routinely deny it; create administrative structures to support plausible deniability; develop techniques of abuse designed to avoid detection; and conceal evidence of it.

Torture is usually practiced in secret, with the collusion of law enforcement and other government personnel, and often in an environment of impunity, as states, particularly where torture is widespread, routinely fail to investigate allegations of torture and bring those responsible to account. Those subject to torture and other ill-treatment are also often afraid to recount their abuse to their lawyers, family members and any person attempting to conduct post-return monitoring for fear of reprisals against themselves or their families.

Nothing in any post-return monitoring mechanism, no matter how rigorous, can possibly change the irreparable nature of the harm caused by torture. Further, monitoring mechanisms that are not part of an established framework with a proven track record not only in detecting cases of abuse, but also consistently bringing all perpetrators fully to justice and immediately stopping all further abuse, and in actually reducing the incidence of torture, cannot seriously be considered as having any significant preventive or deterrent effect. Thus, "post-return monitoring" of any kind simply fails to address the fundamental incompatibility of diplomatic assurances against torture and other ill-treatment with international human rights obligations.

The above factors have led Amnesty International together with many other international human rights organizations and independent experts[23] to oppose in principle and practice any reliance on diplomatic assurances against torture or other cruel, inhuman or degrading treatment or punishment.

The European Court has repeatedly warned the Russian authorities of the dangers of relying on diplomatic assurances when assessing the risk of torture and ill-treatment to an individual upon return. In January 2015 the Court stated in the case of *Eshonkulov v Russia* that "the Prosecutor General's unqualified reliance on the assurances provided by the Uzbek authorities was at variance with the Court's established position that in themselves these assurances are not sufficient and that the national authorities need to treat with caution the assurances given by a State where torture is endemic or persistent". The Court further underlined that "[no] evidence has been presented by the Government to demonstrate that the Prosecutor General's Office made any effort to evaluate the risks of extradition to the country where, according to reputable international sources, the use of torture is commonplace and defence rights are routinely circumvented".[24]

2.5 RUSSIA'S COMPULSORY DEPORTATION OF "UNDESIRABLE ALIENS" FOR ADMINISTRATIVE OFFENCES

Short of resorting to complicity in the abduction of individuals, the Russian authorities have sought other ways to circumvent their international obligations and have used administrative means, such as deportations for administrative offences, to return individuals to Uzbekistan.

Since 2012, lawyers and human rights defenders working with asylum-seekers have reported an increasing number of cases in which the authorities have charged individuals whose extradition has been refused with administrative offences relating to their irregular stay in Russia. On the basis of these charges, the authorities have initiated deportation proceedings against these individuals as a means of securing their return to Uzbekistan. In many cases Uzbekistani asylum-seekers who were detained pending extradition proceedings found that their visa or residence permit had expired while they were in detention and that upon their release they were immediately charged with overstaying their visa or not being in possession of the correct residence documents. Under the Russian Administrative Code, such offences committed by a foreign national are

[23] For further information see Amnesty International reports: *Left in the dark: The use of secret evidence in the United Kingdom,* Index: EUR 45/014/2012, 15 October 2012, available at https://www.amnesty.org/en/documents/EUR45/014/2012/en/ and *Dangerous deals: Europe's reliance on 'diplomatic assurances' against torture*, Index: EUR 01/012/2010, 12 April 2010, available at https://www.amnesty.org/en/documents/EUR01/012/2010/en/.
[24] European Couth of Human Rights, *Eshonkulov v. Russia*, (Application no. 68900/13), para. 39, 15 January 2015, available at http://hudoc.echr.coe.int/eng?i=001-150713.

punishable by a fine and automatic administrative deportation. The Administrative Code makes no provisions for the court to take into account the seriousness of the offence committed, the circumstances of the individual and any potential consequences for the individual if expelled from Russia. It offers no alternative methods of punishment to automatic deportation and thereby violates Russia's international obligations not to return anyone to torture.[25]

Lawyers have told Amnesty International that since 2014 the Russian authorities have additionally resorted to declaring migrants and asylum-seekers "undesirable aliens",[26] especially if they had previously been convicted of a crime under Russian law or were suspected of membership of banned Islamist groups and were therefore be considered a threat to national security, public order or public health. In such cases, an "exclusion order" can be issued against the individual and the courts can order their automatic and immediate deportation. As is the case with administrative offenses, courts of first instance do not, as a rule, consider Russia's international obligations when deciding on the expulsion of an "undesirable alien"; they can only be deported to their country of origin. Typically they are transferred from the detention centre in which they served their sentence or were detained pending extradition proceedings to a special temporary detention centre for foreign nationals (Spetsialnoe Uchrezhdenie dlia Vremennogo Soderzhania Inostrannikh Grazhdan, SUVSIG).

Administrative deportation cases are considered by courts of first instance, such as district and city courts, usually within 24 hours of the police having charged an asylum-seeker or a labour migrant with an infraction of the visa regime or the FMS or FSB having declared them "undesirable aliens". This short timeframe makes it difficult for those charged to find a lawyer. Judges will often consider several administrative cases during the same session and deal with groups of defendants, allocating only the briefest time for individual questioning. Often such hearings take place without lawyers or interpreters and defendants are therefore not given an effective opportunity to raise concerns about torture in their country of origin.

The case of **Farodzhon Naraliev** illustrates how deportation without proper process undermines the human rights of foreign nationals in Russia. On 26 October 2015, Farodzhon Naraliev was released from pre-trial detention in Moscow after the expiration of his detention pending extradition. The prosecutor told him that he would be taken to the local police station to finalize his release papers. However, at the police station Farodzhon Naraliev was told that he was being charged with administrative offences for violating registration regulations and detained on these charges. The police refused to call his lawyer and threatened him with immediate deportation to Uzbekistan if he did not sign the charge sheet. The following morning he was taken to court for a hearing on administrative deportation, which lasted only a few minutes. The court refused to call his lawyer and when he told the judge that he would be killed if he was returned to Uzbekistan, the judge replied that he should submit his concerns in writing. Farodzhon Naraliev asked for pen and paper but was told that there was no time to do this. He was sentenced to administrative deportation and transferred to a SUVSIG. His lawyer is currently appealing his deportation, and has applied to the European Court, which issued an order for interim measures to stop Farodzhon Naraliev being forcibly returned to Uzbekistan.

The summary nature of court proceedings results in many defendants not being aware that they have the right to appeal the court's decision and most are not in fact informed that they must do so within 10 days (or three months in the case of an "undesirable alien"). An appeal court may be more likely to take into account the real risk of torture upon return and stop administrative deportation or expulsion. However, according to NGOs and lawyers, the majority of labour migrants and asylum-seekers declared "undesirable aliens" are unable to submit written appeals if they are not represented by a lawyer. Even in those rare cases when they do submit an appeal their deportation is not automatically stopped and bailiffs may carry out a deportation or expulsion order at any time if no appeal court has reversed it. [27]

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[25] For further information on administrative deportations in Russia, see the comprehensive 2015 report by Civic Assistance Committee (Grazhdanskoe Sodeistvie) *«Россия как страна убежища»* [Russia as a country of asylum], Komitet Grazhdanskoe Sodeistvie, Moskva 2015, pp.238-257, available at http://refugee.ru/documents/rossiya-kak-strana-ubezhishha/.

[26] Entry and Exit Procedures Act (no. 114-FZ of 15 August 1996): A competent authority may issue a decision that a foreign national's presence on Russian territory is undesirable (the "exclusion order"). Such a decision may be issued if a foreign national is unlawfully residing on Russian territory or if his or her residence is lawful but creates a real threat to, in particular, public order or health. If such a decision has been taken, the foreign national has to leave Russia or will otherwise be deported. That decision also forms the legal basis for subsequent refusal of re-entry into Russia (section 25.10).
Among those competent authorities are the Federal Migration Service and the FSB.

[27] In March 2016, the European Court ruled that Abdukhafiz Kholmurodov, an asylum seeker from Uzbekistan, would face a real risk of torture under Article 3 of the European Convention if returned to Uzbekistan. The Court also found that the Russian authorities had failed to effectively examine his claims and risk of torture under administrative deportation procedures, and had not offered any effective safeguards as required under Article 13 of the European Convention.

On 25 March 2015, the appeal court in Kostroma, Russia, upheld the sentence of the court of first instance, allowing for the administrative deportation of Abdukhafiz Kholmurodov who had been declared an "undesirable alien" and issued with an "exclusion order". The appeal court stated that under Russian law courts were not obliged to take into consideration judgments by the European Court on a real risk of torture upon return to Uzbekistan or reports by international organizations on the human rights situation in Uzbekistan when deciding on an administrative deportation case. Abdukhafiz Kholmurodov's expulsion was only stopped by the European Court issuing interim measures. See *Kholmurodov v Russia* (Application No 58923/14), European Court of Human Rights (2016) available at http://hudoc.echr.coe.int/eng#{"itemid":["001-161405"]}

3. REAL RISK OF TORTURE IN UZBEKISTAN: UPDATE

3.1 TORTURE AND OTHER ILL-TREATMENT IN DETENTION

> **"When you find yourself in the basement of a pre-trial detention centre, in that situation anyone is particularly vulnerable. No one needs you any more, your life isn't worth a kopeck. No one is going to respect your legal rights."**
>
> Human rights defender Uktam Pardaev describing the experience of being in pre-trial detention in Uzbekistan following his release in January 2016.[28]

Amnesty International has spent more than two decades documenting torture and other ill-treatment in Uzbekistan, and a number of international bodies have admonished Uzbekistan for such abuses. The result of Amnesty International's investigations in 2014 and early 2015 was published in the report *Secrets and lies: Forced confessions under torture in Uzbekistan* in April 2015.[29]

The following section contains recent evidence of torture in Uzbekistan and demonstrates how the Uzbekistani government's denials and obfuscations have resulted in a near-total lack of accountability for perpetrators and justice and remedy for victims. This information augments that contained in our previous reports and further supports the fact that many people outside the country threatened with return are at risk of torture and other ill-treatment in Uzbekistan.

At the UN Human Rights Committee's examination of Uzbekistan's fourth periodic report in July 2015,[30] the Uzbekistani authorities rejected all allegations of the continued routine and pervasive use of torture and other ill-treatment by security forces and prison staff. In September 2015 the head of the Uzbekistani delegation to the Organization for Co-operation and Security in Europe (OSCE) dismissed reports of endemic torture as deliberate disinformation designed to tarnish the international image of Uzbekistan.[31]

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[28] Interview with German-Uzbek Human Rights Society on 30 January 2016.
[29] Amnesty International, *Secrets and lies: Forced confessions under torture in Uzbekistan*, Index: EUR 62/1086/2015, 15 April 2015, available at www.amnesty.org/en/documents/eur62/1086/2015/en/.
[30] Human Rights Committee, 114 Session, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=899&Lang=en.
[31] The head of the Uzbekistani delegation made these comments at the OSCE annual Human Dimension Implementation Meeting in Warsaw, Poland, where Amnesty International delegates were present.

Despite these vigorous denials, Amnesty International has continued to receive credible information that police and SNB officers routinely use torture and other ill-treatment in pre-charge detention (Izoliator Vremenogo Soderzhania, IVS) and pre-trial detention (Sledstvenni Izoliator, SIZO) to coerce suspects and detainees, including women and men charged with criminal offences such as theft, fraud or murder, into confessing to a crime or incriminating others. Individuals charged with or convicted of anti-state and terrorism-related offences, including those forcibly returned to Uzbekistan, have continued to be particularly vulnerable to torture both in pre-trial detention and in prison following conviction.

UKTAM PARDAEV'S STORY

Human rights defender Uktam Pardaev was convicted of fraud, bribery and defamation on 11 January 2016 by the Dustlik district court in Dzhizakh, northeastern Uzbekistan, and received a three-year suspended sentence following an unfair trial. Amnesty International considers his prosecution and conviction to be politically motivated and part of an ongoing campaign by the authorities against human rights defenders. After his release he talked to other human rights defenders about the conditions of detention and the torture and other ill-treatment he had experienced and witnessed during the eight weeks he had spent in pre-trial detention.

In Dustlik SIZO, Uktam Pardaev was kept in a damp and cold two-person cell in the basement with only a dirty mat to sleep on and was fed half a portion of soup and half a bread roll once a day. He described how his cellmates would change every 10 days and how each new cellmate had already been severely beaten when police officers brought him to the cell. These cellmates told Uktam Pardaev how police officers had tortured them to confess to charges of theft: they beat them on the heels of their feet with batons, they placed gas masks on their heads and turned off the air supply, and handcuffed them to a pipe, poured cold water over them and left them overnight.

When Uktam Pardaev was transferred to Khavast prison towards the end of his detention on 26 December, police officers pulled him by his hair across the room and repeatedly beat him on the head, abdomen and chest with batons for failing to undress quickly enough. This was described as a routine procedure for processing new arrivals at the prison. When prison officials discovered that he was a human rights defender with international support, his conditions of detention improved and he was no longer ill-treated. However, he said that at night he could hear the screams of other detainees who were tortured to force them to confess to additional charges. His cellmates in Khavast prison told him that detainees charged under Article 244 of the Criminal Code with membership of religious extremist, separatist, fundamentalist or other banned organizations were particularly vulnerable to torture, that they were considered "enemies of the motherland", and were singled out for particularly harsh treatment in prison camps following conviction.

Speaking before the UN Human Rights Committee in July 2015, the Uzbekistani authorities insisted that prison conditions within the country complied with internationally minimum standards, that prison officers did not use illegal methods to punish those prisoners who had breached prison rules, and that they did not single out certain categories of prisoners, such as those convicted of anti-state offences, for particularly harsh treatment.[32]

In stark contrast to these official assertions, relatives of prisoners, human rights defenders and former prisoners have described how prisoners continue to be punished arbitrarily for minor alleged infractions of prison rules. In a letter written in July 2015, a few months after his release, A.D.,[33] a former prisoner from Ukraine who had served his sentence in Navoi prison camp, explained that prisoners were punished for a minor infraction – often a fabricated one – with a "soldering" ("paiki" in Russian), a beating with a baton on the heels of the feet, and up to two weeks in solitary confinement in a punishment cell (Shtrafnoi Izoliator, SHIZO). Allegations of a more serious breach of the prison rules were punished by four or five prison officers kicking the alleged offender and beating him with batons, hands and fists. The prisoner was then locked for up to 40 hours in a special punishment cell, smaller than a SHIZO, with no bed or mattress and no

[32] Human Rights Committee, 114 Session, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=899&Lang=en. The government also explained that only those prisoners who systematically break prison rules are charged with article 221 of the Criminal Code, which punishes prisoners for violations of prison rules by imposing further terms of imprisonment of up to five years. There are, however, no publicly available official publications of prison rules.

[33] Letter to a lawyer working on an extradition case of A.D., a Ukrainian national, to Uzbekistan, on file with Amnesty International. Amnesty International interviewed A.D. in December 2015.

sanitation, and was forced to crouch and lie on the bare floor. A.D. had been subjected to this treatment repeatedly.

Azam Farmonov, a prisoner of conscience and human rights defender who was convicted in 2006 largely on the basis of coerced witness testimony, was due to be released at the end of April 2015 after serving a nine-year sentence at Jaslyk Prison. However, in May 2015, following a grossly unfair and closed trial without legal representation, a court extended his sentence by another five years for breaking prison rules, in particular for verbally mocking other prisoners and not wearing appropriate identification tags. He told his wife during a prison visit in July that the prison authorities had kept him in a punishment cell for 10 days in March. They had handcuffed him and repeatedly tied a bag over his head to suffocate him. He was forced to listen to the screams of prisoners being tortured in adjoining cells.

TORTURE BY PROXY

"*At the preliminary investigation stage all suspects are passed through the cells with* the lokhmachi. T*hese are criminals who co-operate with the police and SNB*. The lokhmachi *beat, torture and rape [suspects] to obtain confessions. This way the police don't get their hands dirty.*" - Former prisoner A.D. describing torture methods in a letter to a lawyer in July 2015.[34]

Article 235 of the Criminal Code criminalizes torture and other ill-treatment. However, only law enforcement officials can be held responsible for torture under Article 235; others, such as prisoners or detainees acting on behalf of or at the instigation of security forces, can only be held responsible for aiding and abetting the use of torture.

Police and SNB officers have regularly used convicted prisoners to commit torture and other ill-treatment against persons held in pre-trial detention.

In July 2015, former prisoner A.D. described what happened to him and other suspects and detainees at the hands of the 'lokhmachi':

"*The torture methods in the SIZO, such as when they beat you with metal bars on the heels of the feet (so as not to leave any physical evidence of torture)… or send an electrical current through your body… or insert needles under your nails, were nothing in comparison to what happened in the cells with* the lokhmachi. *There they didn't just beat you brutally, but they also sexually assaulted you… Before they raped you they handed you a lighter and ordered you to burn all hairs below the waist…*

"*Often they would suspend a person obliquely between two beds, tying for example their left arm [to one bed] and their right leg [to the other bed]… When a person is suspended for a long time in this position their bones start to twist and it is excruciatingly painful, but doesn't leave any marks.*"

[34] Letter on file with Amnesty International.

3.2 FORCED CONFESSIONS

> **"Why did we have to be subjected to such degrading treatment?... If they want to kill me, let them kill me – I am not guilty of anything! I don't admit anything! My friends [co-defendants] are not guilty either. They made us incriminate one another."**
>
> Furkat Dzhuraev speaking during an appeal hearing at Dzhizakh Criminal Court on 22 March 2016 about the torture he suffered in detention.

In July 2015 the UN Human Rights Committee urged the Uzbekistani authorities to ensure "that the prohibition of forced confessions and the inadmissibility of torture-tainted evidence are effectively enforced in practice by law enforcement officers and judges".[35]

Just a few days earlier the Uzbekistani authorities had vigorously denied that torture and other ill-treatment continued to be used to extract confessions or information from those in the custody of the police and SNB.

However, recent cases confirm that the authorities have made little effort to curb these unlawful practices. Courts also continue to rely heavily on these torture-tainted "confessions" to hand down convictions. In all of the recent cases reviewed by Amnesty International, judges ignored or dismissed as unfounded allegations of torture or other ill-treatment, even when presented with credible evidence.

For example, on 19 February 2016, the Dzhizakh Regional Criminal Court convicted a fish farmer, Aramais Avakian, and four of his friends and associates of plotting anti-constitutional activities, sabotage, and membership of a religious extremist organization. The five men were sentenced to between five and 12 years in prison.[36] The final hearing took little more than an hour and Aramais Avakian's wife was not allowed to enter the courtroom. His lawyer was disbarred three days before the final hearing.

Aramais Avakian consistently denied the charges and told the court during earlier hearings in January that SNB officers had tortured him to force him to confess to being an IS sympathizer and plotting terrorist actions in Dzhizakh. On 6 January he was brought to the court on a stretcher. His family, who had not seen him for four months, said that he had suffered significant weight loss and was barely able to stand. His hands were also badly bruised. SNB officers had broken several of his ribs and given him electric shocks. Several of the prosecution witnesses said in court that SNB officers had detained and tortured them in order to incriminate Aramais Avakian and his associates. However, the judge ignored all allegations of torture and admitted the forced confessions of the accused as evidence. The final verdict stated that all of the accused had confessed to the charges, even though Aramais Avakian had not.

On 22 March 2016, during the appeal hearing at Dzhizakh Regional Criminal Court, Aramais Avakian again told the judge that he had been tortured with electric shocks to force him to confess. He showed the judge and others in the courtroom the marks of torture on his body. His co-defendant Furkat Dzhuraev, who was sentenced to 12 years in prison, told the judge that he, too, had been tortured and lifted his trousers to show that his legs were covered in deep dark bruises. He went on to say:

"*Why did we have to be subjected to such degrading treatment? We would never have dreamt of such things as killing someone, destroying SNB officers, blowing up the government! The SNB officers came up with it all and attributed it to us. They presented us like jihadists about to go to Syria! I don't care anymore! I am not*

[35] Concluding observations of the Human Rights Committee, Uzbekistan, UN Doc. CCPR/C/UZB/CO/4, para 14, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUZB%2fCO%2f4&Lang=en

[36] Information on Aramais Avakian's case was provided by Initiative Group of Human Rights Defenders, Association for Human Rights in Central Asia, AsiaTerra, Eltuz.com and communications with the family of Aramais Avakian.

afraid of the SNB! If they want to kill me, let them kill me – I am not guilty of anything! I don't admit anything! My friends [co-defendants] are not guilty either. They made us incriminate one another."

Furkat Dzhuraev's mother told a human rights defender[37] that those watching in the courtroom cried when her son and his co-defendants described how they had been tortured. The judge, however, did not ask the prosecutor to investigate the allegations of torture and turned down the appeals.

Before his arrest, Aramais Avakian owned a fish farm in Dzhizakh. His family and friends believe the reason for his prosecution is that the local authorities are interested in taking over his fish farm, which he had turned into a successful business.

3.3 FAMILY PERSECUTION

It is a common and widespread practice in Uzbekistan for local authorities, police and SNB officers to harass and threaten families as a means of exerting pressure on them to disclose a suspect's whereabouts, or to make suspects hand themselves in to the police or the SNB, sign a "confession", incriminate others, retract a complaint or pay a bribe.

Security forces frequently beat male and female relatives of suspects, threaten them with rape or the murder of their children, sexually humiliate them, call them in for repeated questioning or force *mahalla* (local neighbourhood) committees to expel them from their homes and employers to dismiss them from their jobs. They do not hesitate to resort to other physical and psychological abuse amounting to torture or other ill-treatment in order to trace and secure the conviction of a suspect.

In February 2016, Aramais Avakian's mother Flora Sakunts, told the head of the Initiative Group of Independent Human Rights Defenders in Uzbekistan[38], that police had also detained her younger son, Artur Avakian, after he was summoned to the Ministry of Internal Affairs in Tashkent on 28 September 2015. During the four weeks of his detention, police and SNB officers tortured Artur Avakian to force him to incriminate his older brother. Flora Sakunts described how police and SNB officers had tied up his hands and legs and released an electrical current through electrodes attached to his earlobes. The current was so strong that his tongue stuck to his gums. He was also subjected to sustained beatings.

The Uzbekistani authorities routinely target relatives of detainees charged with or convicted of anti-state offences. They also target families of individuals suspected of membership of banned Islamic movements and Islamist groups, including those seeking asylum abroad or working as labour migrants in the Russian Federation, Turkey, the United Arab Emirates and elsewhere. While the above groups have been the focus of an increasingly aggressive campaign over recent years – portraying them as "enemies of the state" – this practice of intimidating families of suspects has always had a wider reach and extends to "ordinary" criminal suspects and other groups, including lesbian, gay, bisexual, transgender and intersex people; sex workers; and business people (foreign as well as Uzbekistani nationals) who have assets that the security forces or the authorities find desirable.

The authorities are increasingly using these methods, and the particularly powerful threat of bringing anti-state charges, such as membership of a banned Islamist group, against a relative detained on an unrelated charge of fraud, for example, to prevent families from speaking out about human rights violations and from seeking help from human rights organizations at home and abroad. Local *mahalla* neighbourhood committees have collaborated with security forces and local and national authorities in closely monitoring residents of their *mahallas* for any signs of behaviour or activities considered improper, suspect or illegal, publicly exposing those residents and their families and taking punitive action against them.

On 20 February 2016, one day after Aramais Avakian was convicted of terrorism and other anti-state charges and sentenced to seven years in prison after a blatantly unfair trial, his wife Shirin Tursinova was informed that residents of her *mahalla* had taken the decision to expel her and her children from their home.

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[37] Interview given to Ulugbek Ashur of eltuz.com after the appeal hearing on 22 March 2016. Eltuz.com, ***Арамаис Авакян: Нас пытали электрическим током*** [Aramais Avakian: We were tortured with electroshock], 24 March 2016, available at http://www.eltuz.com/ru/?p=711.

[38] Initiative Group of Independent Human Rights Defenders in Uzbekistan, *Soobshenie 19022016* [Message 19022016], 19 February 2016.

Members of the *mahalla* committee, who had called a meeting of residents at short notice, told Shirin Tursinova that those present had taken the decision because of the "actions of her terrorist husband" and because she had given interviews to foreign journalists and had slandered local officials and brought Uzbekistan into disrepute.

Mahalla committees have taken part in national campaigns to warn of the dangers of young men and women being recruited by armed groups such as IS. In a programme broadcast on national television in January 2016 members of *mahalla* committees and *mahalla* residents were shown publicly denouncing parents whom they accused of failing to prevent their children from joining IS and other armed groups fighting in Syria and Afghanistan. Women and men, many elderly, were shown weeping as fellow residents and committee officials rounded them up, pointing fingers and berating them in loud voices for "bringing up traitors".[39]

Human rights defenders, lawyers, former prisoners and relatives of detainees and prisoners report that the authorities also threaten to bring additional charges against prisoners already serving a sentence – thereby denying them early release and potentially extending their sentence if convicted of violating prison rules – if families continue to complain about conditions of detention or torture to local and international human rights organizations.

The family of one man, who is serving a long prison sentence on fabricated anti-state charges, told Amnesty International in 2015 that they did not want any help from the human rights community or the international community. The family requested that no further activities should be carried out on his or their behalf and requested that they no longer be contacted.

In some other cases taken up by Amnesty International, family members who had previously been happy to communicate with the organization and other NGOs stopped answering their telephones or replying to emails.

[39] *Qiyomatga Qolgan Qarz* (Debt Left For Judgment Day) broadcast 26 January 2016 on Uzbekistani Television First Channel, available at www.rferl.org/content/qishloq-ovozi-the-first-40-days-uzbekistan/27587417.html.

4. CONCLUSION AND RECOMMENDATIONS

4.1 CONCLUSION

Despite overwhelming evidence that torture continues unabated in Uzbekistan, the Russian authorities have preferred to prioritize good relations and mutual interests over their international human rights obligations when faced with requests, formal or otherwise, for assistance in returning individuals wanted by the Uzbekistani government. The Russian authorities are comfortable extolling the virtues of the Uzbekistani security model despite all its obvious and well-documented violations of international human rights law, and also appear willing to collude in some of their most egregious manifestations, including abductions and forced returns. Meanwhile, interim orders issued by the European Court of Human Rights to stay returns are treated as obstacles to be clandestinely circumvented.

Once back in Uzbekistan, those returned are outside the realms of all possible protection. There is no accountability for torture in Uzbekistan. The use of torture continues to be pervasive – and central to how the Uzbekistani authorities deal with dissent, combat actual or perceived threats to national security, and repress political opponents. Those returned are subjected to incommunicado detention, torture and other ill-treatment to force them to confess or provide information. They face unfair trials that result in long prison sentences served in cruel, inhuman and degrading conditions. Security forces pressure relatives and lawyers not to seek the help of human rights organizations or to complain about any alleged human rights violations, and succeed, often, in frightening them into silence.

Russia and Uzbekistan have become partners in crime. The international community should be forthright in condemning this, and cautious indeed in its own security co-operation with these two countries.

4.2 RECOMMENDATIONS

TO THE RUSSIAN FEDERATION:

- Ensure that no one within the Russian Federation's jurisdiction is returned, by means of extradition or other forcible transfer, to any country, including Uzbekistan, where they would be at real risk of torture or other ill-treatment as well as manifestly unfair trials or any other serious human rights violations.
- Refrain from the use of and reliance on diplomatic assurances to circumvent this obligation and extradite or otherwise return persons to places, including Uzbekistan, where they are at risk of torture and other ill-treatment.
- Ensure that safeguards in Russian legislation and instructions by the Russian Supreme Court, such as those contained in the Russian Supreme Court decree No. 11 of 14 June 2012 and the Russian Supreme Court Resolution approved on 27 June 2013, are systematically and rigorously implemented in practice by prosecutors, migration services and courts at all levels, including the Russian Supreme Court, when tasked with assessing the risk of torture or other ill-treatment upon return in extradition and other proceedings where such a risk analysis is required.
- Stop the practice of automatically detaining and deporting individuals, including asylum-seekers, who have been declared "undesirable aliens" to their country of origin, including Uzbekistan, without assessing the risk of torture upon return, and establish an effective mechanism whereby an individual declared an "undesirable alien" is granted the right to appeal the decision to deport (*administrativnoe vidvorenie*).
- Ensure that individuals have an effective opportunity and adequate notice of such opportunity to challenge in court or before an independent arbiter a decision to extradite or to effect any other type of forcible transfer.
- Fully comply with all Rule 39 interim measures and judgments of the European Court of Human Rights in relation to cases of return and extradition.
- Adopt a set of measures to ensure prompt, effective, impartial and independent investigations into disappearances and forced transfers.

TO THE INTERNATIONAL COMMUNITY:

- Include human rights, in particular the absolute prohibition on sending a person to a place where he or she risks torture or other ill-treatment, on the agenda of all bilateral and multilateral meetings with the government of Russia and urge the Russian authorities to bring their practices into full compliance with their international human rights obligations.

TO THE UZBEKISTANI AUTHORITIES:

- The President and other highly placed government officials, including the Prime Minister, the General Prosecutor, the Minister of Internal Affairs and the Chairman of the National Security Service, must immediately and publicly condemn the use of torture and other ill-treatment.
- The President should issue a decree requiring the Criminal Procedure Code to be amended to include an absolute and explicit prohibition of the use of torture to obtain testimony or confessions and the admission of torture-tainted evidence in court.
- Ensure that all trials, including those of people forcibly returned to Uzbekistan, are conducted in proceedings that fully meet international fair trial standards, including Uzbekistan's obligations under the International Covenant on Civil and Political Rights.
- Ensure that all detainees and prisoners, including those who have been extradited or otherwise returned from other countries including the Russian Federation, are able, from the outset of detention, to exercise their rights to contact their family or another third party, and to consult in private and in confidence with a lawyer of their choice and with an independent medical practitioner.

- Establish an effective system of independent, unannounced and unrestricted inspection and supervision of all places of detention by competent, independent and impartial bodies with a view to preventing torture. Inspectors should be given the opportunity to speak privately and confidentially with individual detainees and prisoners. The findings of the investigations and visits of these bodies should be published in full.
- Ensure the initiation of prompt, impartial independent and effective 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 other ill-treatment has occurred even if no complaint has been made.
- Bring those law enforcement officials against whom sufficient and admissible evidence is found of responsibility for torture or other ill-treatment, including those with command responsibility irrespective of rank or status, to justice in proceedings which meet international standards of fairness.

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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FAST-TRACK TO TORTURE

ABDUCTIONS AND FORCIBLE RETURNS FROM RUSSIA TO UZBEKISTAN

The Uzbekistani authorities have relentlessly pursued the extradition or otherwise involuntary return from Russia of hundreds of people they suspect of criminal activity or whom they label as opponents or threats to national security.

Where extradition has been denied or obstructed, Uzbekistani security forces have abducted asylum-seekers from Russia. The Russian authorities regularly circumvent or ignore their international human rights obligations by colluding in abductions or deporting "undesirable aliens" back to Uzbekistan to face torture.

This briefing shows that torture continues to be pervasive in Uzbekistani prisons and detention centres as a means to obtain forced confessions, punish prisoners and their families, and to incriminate others and extort money. It is routinely used to combat dissent, political opposition and alleged threats to national security.

As the cases in this briefing show, those abducted or otherwise forcibly returned to Uzbekistan have been subjected to incommunicado detention, torture and other ill-treatment to force them to confess or provide information. They have also faced unfair trials that have led to long prison sentences served in cruel, inhuman and degrading conditions.

The Russian authorities accept at face value assurances from their Uzbekistani counterparts that individuals will not be tortured on return to Uzbekistan, and have failed to conduct effective investigations into any of the cases of abductions that have been raised with them.

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