



HRW.org

**Submission by Human Rights Watch
to the UN Human Rights Committee
in advance of its review of Uzbekistan
January 2020**

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Uzbekistan, submitted to the United Nations Human Rights Committee ("the Committee") in advance of its review of Uzbekistan in March 2020. We hope it will inform the Committee's preparation for its upcoming review of the Uzbek government's compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant"). For additional information, please see Human Rights Watch Country page on Uzbekistan: <https://www.hrw.org/europe/central-asia/uzbekistan>.

The government of Uzbekistan has taken some steps to address serious human rights abuses in the country since President Shavkat Mirziyoyev came to power in September 2016. Approximately 50 people imprisoned on politically motivated charges have been released and there is an increasingly vibrant media environment. In some cases, local officials were held accountable for abusive or corrupt actions.

However, the government remains largely authoritarian and many promising reforms continue to exist only on paper. Thousands of people remain in detention on politically motivated charges. While the media environment in the country has become more open and competitive, self-censorship driven by credible fear of reprisal for being too critical or reporting on issues deemed politically sensitive is still prevalent. In May 2019, the government said it was unblocking access to several websites that had been blocked for many years, though many sites such as that of the Uzbek service of Radio Free Europe/Radio Liberty remain blocked.

In June 2018, the authorities adopted a new law on NGOs that would relax registration procedures. But the law has yet to be implemented effectively, and local officials have reportedly discouraged the registration of new organizations. They have also yet to remove the barriers to registration and accreditation of staff faced by international human rights organizations who were forced to discontinue their work in Uzbekistan following the 2005 Andijan massacre, including Freedom House, the American Bar Association, and Human Rights Watch.

While there has been significant progress achieved, forced labor in Uzbekistan's cotton sector in 2018 continued despite a public decree prohibiting forced mobilization. The ILO estimates that approximately 170,000 adults were forcibly mobilized to pick cotton in the fields in the 2018 cotton picking season, while the Uzbek-German Forum for Human Rights and the Cotton Campaign believe the numbers of those mobilized could have been significantly higher. At the time of submission, neither the ILO nor the mentioned groups had published an analysis of the 2019 harvest.

Consensual homosexual relations continue to be criminalized under Uzbekistan's criminal law and the country's LGBTI population suffers from deep-seated homophobia, persecution and discrimination.

Prohibition of torture and cruel, inhuman or degrading treatment or punishment (Article 7)

In November 2017, Uzbekistan's President Shavkat Mirziyoyev signed a decree prohibiting the courts from using evidence obtained through torture, and requiring all legal decisions be based only on evidence confirmed during trial. The decree, which came into force in March 2018, states that prosecutors will be required to check whether physical or psychological pressure was exerted on a defendant or their relatives. If enforced, the decree could be an effective tool in helping to prevent torture and other ill-treatment in detention in Uzbekistan.

However, many of the thousands of individuals still detained on politically motivated charges have been subjected to ill-treatment, torture, and terrible conditions of detention. Impunity largely persists and the Uzbek government needs to take credible steps to implement independent and impartial mechanisms to investigate allegations of torture and bring perpetrators to justice. Furthermore, the Uzbek government has not ratified the Optional Protocol to the Convention against Torture (OPCAT) and has not yet allowed the International Committee of the Red Cross (ICRC) to carry out independent monitoring of Uzbekistan's prisons and places of detention since it suspended its monitoring of facilities in 2013.

Some cases include:

- [Kadyr Yusupov](#), 67, who served as the country's head of mission to the Organization for Security and Co-operation in Europe (OSCE), among other positions. On December 10, 2018, Uzbek security services detained Kadyr Yusupov, on charges of treason (Article 157) after he had been admitted to a Tashkent hospital for treatment concerning mental illness and held him in incommunicado detention from December through April. Security service officials denied Yusupov access to his attorney, Allan Pashkovskiy, and his family until rights groups and journalists began to openly raise his case in the media. The basis for the charges against Yusupov is unclear and several credible sources have told Human Rights Watch they believe the case is politically motivated. According to Yusupov's relatives, for

four months following his detention, he was a victim of psychological torture that consisted of multiple daily threats of physical, including sexual violence, against him and his family. Yusupov's trial, which began in Tashkent on June 23, 2019, was closed to the public, including even his family members. On January 9, 2020, an Uzbekistan military court [sentenced](#) Kadyr Yusupov to five years and six months in prison for treason.

- Said-Abdulaziz Yusupov, director of the public foundation for the support and development of print media and information agencies. On May 10, 2019, Uzbek authorities arrested him on fraud charges. His wife Dilduza Yusupova said that her husband suffers from deep-vein thrombosis and urgently requires medical care. Yusupov's brother [released a video of Yusupov](#) where he declares that the current case against him is retaliation for his peaceful journalistic work and support for the reform agenda of President Mirziyoyev. Yusupov's trial, closed to the public, began on September 9, 2019.
- [Rashitjon Kadirov and Co-Defendants](#). Human Rights Watch and other organisations raised serious concerns in May 2019 over allegations that Rashitjon Kadirov, former Prosecutor General of Uzbekistan, and twelve co-defendants may have been tortured and suffered other forms of ill-treatment in custody. The trial of Kadirov and his co-defendants began behind closed doors on 7 January 2019 in Yunusabad District Criminal Court. Kadirov has been charged under 12 articles of the Criminal Code for offenses including fraud, bribery and embezzlement. Credible reports indicate that he was subjected to psychological abuse including death threats, sleep deprivation and threats against his relatives, to force him to incriminate himself. In April 2019, a judge ruled that all co-defendants should undergo a medical examination to ascertain whether they had been tortured, but rights groups remain concerned about statements by the Prosecutor General's Office asserting that forensic-medical examinations conducted in the course of investigations had not discovered any evidence of bodily harm. The statements did not provide any further detail. Such a response cannot be regarded as an independent and impartial investigation of the relevant allegations. On June 26, 2019, Kadirov was sentenced to 10 years in prison.
- [Death in Custody of Ilhom Ibodov and Ill-Treatment of Rahim Ibodov](#). Ilhom and Rahim Ibodov, two brothers who used to run a business in Bukhara, were arrested in August 2015 by the State Security Service (SGB) after they refused to pay bribes to officials and threatened to file official complaints about extortion and racketeering. The surviving brother Rahim told relatives that during that time they were severely beaten repeatedly by four other cell mates on the encouragement of law enforcement officials. Two days after

their conviction, Rahim Ibodov witnessed his brother being beaten to death by three officers he knew because they had for several years extorted bribes from them. When the family received Ilhom Ibodov's body from the authorities, the authorities urged the family to bury it the next day; the death certificate they received indicated a heart attack as cause of death.

- [Bobomurod Abdullaev](#). In May 2018, following a trial observed by journalists and human rights monitors, a court conditionally released but still fined independent journalist Bobomurod Abdullaev who had been detained in September 2017 and then allegedly tortured in pre-trial detention on charges of attempting to overthrow the government. While the trial set a precedent for its degree of openness and transparency, authorities have not investigated Abdullaev's credible allegations of severe torture. He has also reported being subjected to surveillance by security services on several occasions since the trial and his release.

The Human Rights Committee should urge the government of Uzbekistan to:

- Provide information on any measures taken to ensure prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment in all the above-listed cases and others examined by the Committee;
- Inform about measures taken to implement the recommendations of the UN special rapporteur on torture based on his visits to the country in 2002 and the [recommendations](#) of the Committee Against Torture in December 2019;
- Publicly acknowledge the scope and gravity of the problem of torture in Uzbekistan and meaningfully investigate all allegations of torture;
- Ratify the Optional Protocol to the Convention against Torture (OPCAT);
- Allow prison visits by the International Committee of the Red Cross (ICRC), discontinued since 2013.

Forced or compulsory labour (Article 8)

[Forced labour persists in Uzbekistan's cotton sector in 2018](#), despite the government taking measures to enforce a public decree prohibiting the forced mobilization of public sector workers, including teachers, medical personnel. At the time of this submission, no detailed analysis of the 2019 harvest had been published.

In October 2018, the President dismissed the deputy prime minister Zoyir Mirzayev after an image appeared on social media of local officials and farmers apparently being forced to stand knee-deep in the cold water of an irrigation ditch. Mirzayev was present when an official punished the

men for poor harvest results, prompting online anger at their humiliation. An eyewitness told Radio Free Europe's Uzbek service that the official had "berated the men, saying 'if you can't water the wheat, then I'll water you!' - then forced them into the ditch, where they remained for half an hour for failing to water the wheat fields on time." At the same time, a social media campaign began where Facebook users posted photographs of themselves standing in irrigation ditches in order to raise awareness of the abuse. Mirzayev was reappointed to a lesser position of the head of a district in the Jizzakh region several weeks later.

Various authorities continued to mobilize some public sector workers, students and employees of private businesses to pick cotton on threat of punishment or loss of employment. In various regions such as Khorezm, public sector workers were forced to sign forms that they would pick a minimum amount of cotton.

The International Labour Organization, which found that over 170,000 persons had picked cotton involuntarily during the 2018 harvest, continued to conduct monitoring in the country's cotton fields.¹ It excluded from its monitoring teams officials from Uzbekistan's state-aligned Federation of Trade Unions, whose participation in previous monitoring led to concerns that the monitoring may have not been genuinely independent.

The Human Rights Committee should urge the government of Uzbekistan to:

- Fully abolish the practice of forced labour, and to provide information on the plans and the timeline for the full abolition of any form of forced or compulsory labour in the country's cotton fields;
- Provide information on how it intends to hold accountable local authorities that mobilize public sector workers and students on threat of punishment, as part of measures to fully abolish the practice of forced labour in cotton fields.

Right to liberty and continued use of politically motivated imprisonment (Article 9)

Authorities have released approximately 50 persons imprisoned on politically motivated charges since September 2016, including human rights activists Akzam Turgunov, Mehriniso and Zulhumor Hamdamova, Isroiljon Kholdorov, Gaybullo Jalilov, Chuyan Mamatkulov, Fahriddin Tillaev, journalists Gayrat Mikhliboev, Yusuf Ruzimuradov, Dilmurod Saidov, and scholar Andrei Kubatin.

While the releases raised hopes that the Uzbek government was making efforts to reform, authorities did not provide persons released on politically motivated charges with avenues for legal redress, including overturning unlawful convictions, nor access to adequate medical

¹ "Activists welcome progress towards eradication of forced labour, child labour in Uzbekistan," International Labour Organization, April 3, 2019, https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_681780/lang-en/index.htm (accessed January 24, 2020).

treatment. Rights activists also urged the government to amend its criminal code provisions relating to extremism that are commonly used to criminalize dissent (articles 159, 216, 244-1, and 244-2 of the Criminal Code), and bring them into compliance with Uzbekistan's international human rights obligations.

In March 2018, authorities told Human Rights Watch that they had stopped using Article 221 of Uzbekistan's Criminal Code regarding "violations of prison rules" to arbitrarily extend the sentences of political prisoners. They have also reportedly released from prison hundreds of "independent" Muslims—individuals who practice Islam outside strict state controls—but did not provide access to a list of all persons serving sentences on charges of extremism to verify who had been released or not.

Thousands of individuals imprisoned on politically motivated charges remain behind bars. Among them are Akrom Malikov and Rustam Abdumannapov, scholars; Mirsobir Hamidkariev, a film producer; Aramais Avakyan, a fisherman; Vladimir Kaloshin, a journalist; Ruhiddin Fahriddinov (Fahrutdinov), an independent religious cleric; Ravshan Kosimov, Viktor Shin, and Alisher Achildiev, soldiers; Kadyr Yusupov, a retired diplomat.

Some cases include:

- **Ruhiddin Fahriddinov** (also spelled Fahrutdinov in some documents), is an independent religious believer and former cleric. Born in 1967. Kidnapped from southern Kazakhstan on November 24, 2005. Charged with 22 various crimes, among them terrorism, sabotage, organization of illegal religious groups, activity against the constitution, and the dissemination of materials that threaten state security. Sentenced: September 15, 2007; 17 years (but possibly extended for "violations of prison regime").

More information: ["Until the Very End" – Politically Motivation Imprisonment in Uzbekistan](#), Human Rights Watch, 2014 (page 67).

- **Ravshan Kosimov**, is a former soldier, was sentenced unjustly to treason charges in 2008. Kosimov had been a promising young army cadet when he was sent to the United States for a prestigious exchange program. His brief association with the West cost him dearly when he returned to Uzbekistan. He was promptly arrested, tortured, and accused of and sentenced for treason for no other reason than having spent time in the United States. Human Rights Watch has documented torture in Kosimov's case and has verified claims that his case is politically motivated.

More information: ["Beyond Samarkand: Can Uzbekistan Turn Its Nascent Reform Efforts into a Clear Break with Its Brutal Past?"](#) Los Angeles Review of Books, March 2019.

The Human Rights Committee should urge the government of Uzbekistan to:

- Release all individuals detained on politically motivated charges, among them
 - Ruhiddin Fahiriddinoy, former cleric, sentenced to 17 years in prison in 2007, subjected to torture, transferred to lesser strict prison colony in spring 2019;
 - Ravshan Kosimov, a soldier, sentenced in 2008 on politically motivated charges of treason and subjected to torture;
 - Kadyr Yusupov, a retired Uzbek diplomat, sentenced in January 2020 on charges of treason, subjected to psychological torture during his detention commencing in December 2018.
- Provide those recently released with legal rehabilitation, overturn unsound convictions, and ensure access to adequate medical treatment;
- Provide a list of detainees sentenced under the extremism provision of the criminal code and what measures it plans to take to ensure the release of everyone still imprisoned on politically motivated charges
- Provide a detailed timeline on plans to amend the criminal code provisions on extremism to prevent arbitrary and abusive prosecutions, and repeal provisions allowing for arbitrary extension of sentences of political prisoners.

Right to freedom of expression (Article 19)

Freedom of speech and of the press have improved under Mirziyoyev but remain restricted. With 56 percent of the population under 30 years old and increasing numbers of mobile internet users, both Uzbek and Russian-language online media are experiencing a period of growth and change. The president has urged the media not to hold back in addressing urgent social issues. Some journalists are now covering sensitive issues such as forced labour and corruption that were previously taboo, helping bring to the fore cases of injustice or wrongdoing by officials.

Yet much of the media remains under state control, and self-censorship is common. Journalists [acknowledged](#) to Human Rights Watch a tendency to self-censor, unclear where the “red lines” are. In May 2019, the government said it was unblocking access to several critical websites that had been blocked for many years, including the websites of Voice of America, Amnesty International, Eurasianet, and Human Rights Watch but access to a lot of the internet remains blocked, including most notably Ozodlik, the Uzbek service of Radio Free Europe and Eltuz.com, an independent media outlet. In June and July 2018, several pioneering local online outlets such as *kun.uz*, *xabar.uz*, and *qalampir.uz*, were unavailable for a period and then came back online. In December 2019, the websites of human rights groups, including The Association for Human Rights in Central Asia, International Partnership for Human Rights, Norwegian Helsinki Committee were also inaccessible for short periods. Facebook and YouTube were blocked for periods in August through November 2018.

Correspondents from the Voice of America, BBC Uzbek and *Eurasianet* have received accreditation to report inside Uzbekistan. But Radio Free Europe remained unable to operate in Uzbekistan. In September 2018, authorities detained at least eight conservative bloggers, allegedly for their views advocating a greater role for Islam in Uzbek society. Authorities denied several of them access to lawyers and sentenced some up to 15 days of administrative detention.

The Human Rights Committee should urge the government of Uzbekistan to:

- Remove all undue restrictions on the right of people in Uzbekistan to freely receive and disseminate information and express critical views, including online;
- Lift all measures directed at shutting down public debate and ensure that any restrictions on free speech can only be imposed by an independent judicial body as provided for in law on a case-by-case basis following an assessment that the speech constitutes a genuine and imminent threat to public or individual safety; any restrictions should be strictly necessary, proportionate, and non-discriminatory;
- Stop blocking access to national and international news and other websites;
- End the blocking of access to all independent websites such as an independent media outlet Eltuz.com, and www.ozodlik.org, the Uzbek service of Radio Free Europe.

Rights to freedom of association and peaceful assembly (Articles 21, 22)

Authorities have slightly relaxed restrictions on the holding of modest peaceful demonstrations. But several participants in small-scale demonstrations held near the president's residence or the Prosecutor-General's office were detained. For example, in July 2018, a group of 30 women were detained outside the president's residence during a peaceful protest. Six of the 30 were charged with "hooliganism" and held for ten days.

In June 2018, the Justice Ministry announced a new law on NGOs that would relax procedures for registration, including by eliminating the requirement that NGOs receive and hold funds in only two state-approved banks. The NGO law also purported to overturn the June 2015 law that severely restricted NGO activities by requiring organizations to receive advance permission from authorities when holding virtually any activity or meeting. However, even under the amendments registered NGOs are still required to provide advanced notice before holding events or meetings and civil society activists reported that the law has not been effectively implemented. They reported that local Justice Ministry officials have discouraged the registration of new organizations that focus on politically sensitive issues.

In August 2018, the Justice Ministry registered the American educational exchanges NGO ACCELS—the first American NGO to receive registration in 15 years.

Human Rights Watch renewed its on-the-ground research in Uzbekistan in August 2017, after years of being prevented from operating in the country. While able to freely visit the country and conduct research, Human Rights Watch remained unable to register due to a 2011 Supreme Court decision which remained in effect.

In June 2019, former Human Rights Watch senior researcher Steve Swerdlow was the target of an aggressive verbal attack by a video blogger and four other people while on a visit to Uzbekistan to investigate human rights abuses. The attack appears to be part of a wider smear campaign against Human Rights Watch, other human rights activists, and journalists in Uzbekistan. Human Rights Watch is very concerned at the signal this incident sends to civil society, including human rights defenders and journalists.

The Human Rights Committee should urge the government of Uzbekistan to:

- Update the Committee on the registration of independent human rights organisations in the country and the registration of international human rights groups;
- Fully implement the 2018 law on NGOs that relaxes registration and other procedures and eases the registration and accreditation for international NGOs, including Human Rights Watch;
- Protect free speech while also taking steps to protect the right of independent human rights groups to operate in a safe environment, free of intimidation, on-and-offline.