

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

AI Index: EUR 62/003/2013  
10 May 2013

## **Believing the rhetoric: how the international community is failing to hold Uzbekistan to account over its human rights obligations**

13 May 2013 will mark eight years since the killing of several hundred mainly peaceful demonstrators, including women and children, by security forces in the Uzbekistani city of Andizhan. It also marks five years since the European Union (EU) took the decision to stop all calls to conduct an international independent investigation into the violence and to lift its visa ban on Uzbekistani officials despite total impunity for the perpetrators of the mass killings.

Amnesty International is urging the international community to reconsider its commitment to real improvement in Uzbekistan's human rights situation and take all necessary steps to hold the regime to account for its failure to comply fully with its human rights obligations.

The Uzbekistani authorities have continued to insist that the Andizhan events and their aftermath were a strictly internal matter and that no international body or foreign state has the right to call for an international investigation into mass killings.

At the recent public examination of Uzbekistan's human rights record at the UN's Universal Periodic Review (UPR) on 24 April 2013 the Uzbekistani delegation categorically stated that "the issue [of an international investigation into the events] of Andizhan is closed for us!". During the UPR no European states mentioned or called for the investigation into the events and only Chile and Mexico mentioned the Andizhan events during the interactive dialogue in the Working Group.

Amnesty International calls on Uzbekistani authorities to agree to and facilitate a thorough, independent and impartial international investigation into the circumstances of the events in Andizhan on 12-13 May 2005, including in accordance with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

### **Ignoring other human rights concerns in Uzbekistan**

During the UPR hearing in April this year the Uzbekistani delegation denied that there are any political prisoners in the country and said "so called 'journalists' and 'human rights defenders' who are in prison have been sentenced for specific actions and crimes prohibited by the Criminal Code. In our criminal legislation there is no such concept as being sentenced for professional activities". The delegation also refuted all allegations of the continuing routine and pervasive use of torture and other ill-treatment by security forces and prison personnel and argued that there is no concept of the systematic use of torture in international law. However, the Committee against Torture, in its inquiry on *Turkey* in November 1993, provided a definition of what constitutes the systematic practice of torture, which was confirmed in later inquiries, including in the full report on *Mexico* in 2003.

Contrary to the Uzbekistani authorities' rhetoric, the human rights situation in the country has not improved over the last eight years.

Human rights defenders, journalists and other civil society activists have continued to face harassment and pressure from the authorities in Uzbekistan. At least three human rights defenders were released on humanitarian grounds in the past three years. However, at least 10 human rights defenders continue to serve long prison terms in cruel, inhuman and degrading conditions of detention.

Amnesty International's research shows that imprisoned human rights defenders and other categories of prisoners, including prisoners of conscience, government critics and individuals convicted of membership of Islamist parties and groups or Islamic movements banned in Uzbekistan, are often harassed and intimidated in prisons where they serve their sentences; they are often put in punishment cells, which have been described by former prisoners as small rooms (often windowless and made of concrete) with no heating, no natural light or ventilation and no room for a bed. Former prisoner of conscience Khabibulla Akpulatov spent more than a month in a solitary confinement cell in 2012. Isroil Kholdorov spent 20 days locked in a cold cell in solitary confinement without a window at the beginning of 2012. Prisoners are often denied adequate medical care and are forced to work long hours. They often have to do physically demanding manual labour such as building work or making bricks with basic tools, inadequate clothing, and little food and water. Former prisoners report that they were frequently beaten by prison guards and other prisoners.

In addition, those categories of prisoners are often subject to severe punishment regimes in prisons where they serve their sentences, and have their sentences extended for long periods even for alleged minor infractions of the prison rules. The case of Isroil Kholdorov is a clear example of this.

Isroil Kholdorov, a human rights defender and prisoner of conscience, was convicted following an unfair trial on 20 February 2007 and sentenced to six years' imprisonment. Following the Andizhan events, Isroil Kholdorov spoke to international media about mass graves in and around Andizhan, including in Bogishamol district, which according to eyewitnesses the authorities had reportedly secretly organized. On 15 June 2012, the Navoi City Court decided to add an additional three years to the original sentence because he allegedly violated prison rules according to Article 221 of the Criminal Code of the Republic of Uzbekistan ("disobedience to legitimate orders of administration of institution of execution of penalty"). Two of the violations that the court referred to were the fact that Isroil Kholdorov had failed to attend a prison inspection and that he had refused to lift a heavy object when asked to by a prison guard. Isroil Kholdorov said that when the prison inspection took place he and another prisoner were locked inside a prison office and that they did not get any reply when they asked the prison guards why they were being locked in the office. In relation to the second violation Isroil Kholdorov said that he refused to lift a heavy object because of the poor condition of his health and his age (he is now 61-years old).

On 12 April 2013 the International Committee of the Red Cross (ICRC) made a public statement that it had taken the very difficult decision to terminate all visits to detainees in Uzbekistan because the ICRC was unable to conduct visits of detainees according to their standard working procedures and that those visits were "pointless".<sup>1</sup> The visits were suspended for several months before the termination.

For the past eight years the Uzbekistani authorities have relentlessly continued to seek the extradition of individuals suspected of involvement in the May 2005 Andizhan unrest and suspected members of Islamic movements and Islamist groups and parties banned in Uzbekistan in the name of security and the fight against terrorism. Those forcibly returned to Uzbekistan face incommunicado detention, torture and long prison sentences following unfair trials. The European Court of Human Rights has issued at least 15 judgments in the past four years prohibiting the return of criminal suspects to Uzbekistan on the basis of a risk of torture, especially those charged with membership of Islamist parties or groups that are banned in the country.

There is strong circumstantial evidence to indicate that Azamatzhon Ermakov, an Uzbekistani national, was abducted following his release from detention in Russia and put on a plane to Uzbekistan in November 2012, where he had been charged with allegedly being involved with

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<sup>1</sup> <http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm>

extremist religious groups, inciting religious and other hatred, and attempting to overthrow the constitutional order. There is no evidence to believe that Azamatzhon Ermakov would have voluntarily returned to Uzbekistan as he was aware of the serious and real risk of grave human rights violations he would face on return – in particular incommunicado detention, torture and other ill-treatment and imprisonment in cruel, inhuman and degrading conditions following an unfair trial. Additionally when Azamatzhon Ermakov was released from detention on 2 November 2012 in Nizhnii Novgorod, Russia, he did not have any money on him, and the only document in his possession was his passport. He also had no warm clothes to protect him from the sub-zero temperatures.

### **Background information**

On 13 May 2005, hundreds of individuals, including women and children, were killed when security forces opened fire on mostly unarmed demonstrators, mostly unarmed, gathered in the centre of Andizhan, Uzbekistan. The authorities claimed the protest was an armed uprising organized by members of banned Islamist groups inside and outside Uzbekistan. Security forces opened fire on the demonstrators at the protest and as they fled; hundreds of them, including women and children were killed. Some 500 demonstrators, including women and children and dozens of the men accused by the authorities of having organised the violent uprising, managed to escape across the border to neighbouring Kyrgyzstan from where they were evacuated by UN Refugee Agency to safety in Romania in late August 2005. In the aftermath of the events the government severely clamped down on expression and manifestation of dissent and tried to suppress independent reporting on the killings. Hundreds of demonstrators were detained and reportedly ill treated; witnesses were intimidated. Journalists and human rights defenders were harassed, beaten and detained; some were held on serious criminal charges. Following unfair trials, the majority of which were closed or secret, hundreds of people were convicted of “terrorism” offences and were sentenced to long prison terms for their alleged participation in the unrest.

Within six months the EU had condemned the killings, called for an independent international investigation into the Andizhan events and imposed limited sanctions on Uzbekistan. Unfortunately, since taking that firm stand, the EU seems to have toned down its demands that Uzbekistan comply with its international human rights obligations, eventually lifting all sanctions and dropping the call for an independent international investigation into the Andizhan killings with three years from the mass killings. This is despite Uzbekistan openly flouting its obligations and failing to respect the benchmarks set at the EU-Uzbekistan Human Rights Dialogue.

The Uzbekistani government continues to assert that two rounds of expert talks with representatives of the EU in December 2006 and April 2007 have addressed all the relevant issues. In October 2008 the EU's General Affairs and External Relations Council (GAERC) decided to fully lift the visa ban it had imposed on 12 Uzbekistani officials. Disappointingly the GAERC's final conclusions in October 2008 failed to mention the events at Andizhan or the demand for an international independent investigation of them. In October 2010 the GAERC also decided to lift the arms embargo it had imposed on Uzbekistan.