

UZBEKISTAN
A BRIEFING ON
CURRENT
HUMAN RIGHTS
CONCERNS

MAY 2010

AMNESTY
INTERNATIONAL



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INTRODUCTION

In light of the upcoming fifth anniversary of the so-called Andizhan events in May 2010, Amnesty International would like to provide background information on key human rights concerns currently persisting in Uzbekistan.

This document supplements and updates Amnesty International's briefings to the UN Human Rights Committee prior to its examination of Uzbekistan's implementation of its human rights obligations under the International Covenant on Civil and Political Rights (ICCPR).¹ Amnesty International believes that the highlighted concerns are rooted in a deep-seated culture of impunity for human rights violations and a failure by the Uzbekistani authorities to fully guarantee genuine freedom of expression and association as stipulated by the ICCPR. The briefing is not comprehensive but highlights recent cases that are illustrative of Amnesty International's concerns.

Amnesty International believes that there has been a serious deterioration in the human rights situation in Uzbekistan since the so-called Andizhan events in May 2005.

On 13 May 2005, hundreds of individuals, including women and children, were killed when security forces opened fire on mostly unarmed demonstrators gathered in the centre of Andizhan, and as they fled. 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.¹ The authorities in Uzbekistan have actively sought the extradition of members or suspected members of Islamist parties or Islamic movements, unregistered or banned in Uzbekistan, which it blames for the Andizhan events. The government has also failed to release all imprisoned human rights defenders.

Amnesty International is dismayed in particular at the authorities' continued refusal to allow an independent, international investigation into the killings in Andizhan in 2005.² Five years after the killing of hundreds of mainly peaceful demonstrators by the security forces, the

¹ *Uzbekistan: Submission to the Human Rights Committee: 96th session, 16-31 July 2009: Pre-sessional meeting of the Country Report Task Force on Uzbekistan*, AI Index: EUR 62/002/2009

² For more detailed information see *Uzbekistan: Lifting the siege on the truth about Andizhan*, September 2005, AI Index: EUR 62/021/2005 (*Uzbekistan: Lifting the siege*), <http://web.amnesty.org/library/index/engEUR620212005>; *Uzbekistan: Andizhan one year on - the victims must not be forgotten*, 11 May 2006, AI Index: EUR 62/011/2006, <http://www.amnesty.org/en/library/info/EUR62/011/2006/en>

authorities continue not to initiate or allow an independent, international investigation into the events of that day, asserting instead that two rounds of expert talks held with representatives of the European Union (EU) in December 2006 and April 2007 have addressed all the relevant issues. The Uzbekistani government considers the matter closed, as it informed a UN Universal Periodic Review of human rights in December 2008 where its representatives once more denied the use of excessive or disproportionate force. Similarly, at the examination of the country's third periodic report by the UN Human Rights Committee in March 2010, the Uzbekistani state delegation asserted that the fact that the EU had lifted the visa ban and the arms embargo was proof that the EU was satisfied with Uzbekistan's investigations into the Andizhan events and also considered this matter closed. The delegation insisted that the Andizhan events were a strictly internal matter and that no international body or foreign state had the right to call for an international investigation into mass killings.

Amnesty International continues to be concerned that human rights defenders and journalists are targeted in connection with the peaceful exercise of their right to freedom of expression. Amnesty International is aware that at least four human rights defenders and independent journalists have been sentenced to long prison terms in 2009, and at least one of them in 2010. Reports persist about others facing increasing harassment including short-term detention, beatings and accusations of harming the reputation of the country, including as recently as April 2010 during the visit of the UN Secretary General to Uzbekistan.

However, the Uzbekistani authorities continue to dispute that human rights defenders and journalists are detained and imprisoned in Uzbekistan. In its response to the UN Human Rights Committee's List of Issues the state party states that reports about the persecution of journalists and human rights defenders are unfounded.³ Similarly, at the Human Rights Committee's examination in New York in March 2010, the state delegation denied that human rights defenders were detained and persecuted. Instead the delegation insisted that Uzbekistan's 'enemies' were waging an 'information war' against the country and that international NGOs were paid to spread defamation and disinformation.

Particularly worrying in the light of Uzbekistan's stated efforts to address impunity and curtail the use of cruel, inhuman and degrading treatment⁴ have been the continuing persistent allegations of torture or other ill-treatment by law enforcement officials and prison guards, including reports of the rape of women in detention.

In this context, Amnesty International welcomes the fact that the authorities have agreed to prison visits by the International Committee of the Red Cross (ICRC) in the second half of 2009, which constituted a key demand by UN bodies, including the General Assembly in its 2005 resolution, and by the EU, including as a benchmark in successive General Affairs and

³ See Replies to the list of issues (CCPR/C/UZB/Q/3) to be taken up in connection with the consideration of the third periodic report of Uzbekistan (CCPR/C/UZB/3), CCPR/C/UZB/Q/3/Add.1, 4 December 2009, http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR-C-UZB-Q3-Add1_ru.doc.

⁴ See Replies to the list of issues (CCPR/C/UZB/Q/3) to be taken up in connection with the consideration of the third periodic report of Uzbekistan (CCPR/C/UZB/3), CCPR/C/UZB/Q/3/Add.1, 4 December 2009, http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR-C-UZB-Q3-Add1_ru.doc.

External Relations Council Conclusions relating to the EU sanctions regime on Uzbekistan. However, serious concerns remain about the conditions in which detainees and prisoners are held, particularly government opponents and members or suspected members of Islamic groups or Islamist parties banned in Uzbekistan.

Furthermore, Amnesty International is concerned about reports of human rights violations carried out in the context of the stated aim of protecting national security and the fight against terrorism, following a number of reported attacks and killings throughout the country in 2009.

Positive developments are the introduction of further legislative and judicial reforms in the last five years, aimed at bringing national legislation into line with international standards. Uzbekistan abolished the death penalty in January 2008 and ratified the Second Optional Protocol to the ICCPR in December 2008. Judicial supervision of detention was introduced in 2008 and several imprisoned human rights defenders were released – although conditionally - during 2008 and 2009. The authorities have also continued with numerous, wide-ranging and officially endorsed, national initiatives in the fields of human rights education and reform. The government has increased dialogue on human rights with the international community, in particular the EU, following sanctions imposed by the EU in November 2005.

Amnesty International regrets, however, that all the above developments have failed to lead to necessary, genuine and wide-reaching systemic reforms.

Amnesty International remains concerned that in October 2009, the EU unconditionally lifted the arms embargo, imposed in 2005 following the Andizhan killings, despite the failure of the Uzbekistani government to meet the human rights benchmarks set out in the GAERC Conclusions thereby sending a signal to the Uzbekistani government that the EU was satisfied with Uzbekistan's investigations into the Andizhan events and also considered this matter closed.

COUNTER-TERRORISM MEASURES / HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF PROTECTION OF NATIONAL SECURITY AND THE FIGHT AGAINST TERRORISM

Amnesty International is concerned that the authorities' response to attacks which occurred in May and August 2009 has been inconsistent with the obligations to respect the prohibitions against arbitrary detention and torture or other ill-treatment and the right to fair trial as enshrined in the ICCPR.

There were reported attacks in the Ferghana Valley and the capital Tashkent in May and August 2009 respectively; and a pro-government imam and a high-ranking police officer were killed in Tashkent in July 2009. The Islamic Jihad Union (IJU) claimed responsibility for the attacks in the Ferghana valley: attacks on a police station, a border checkpoint and a government office in Khanabad on 26 May 2009, as well as a suicide bombing at a police station in Andizhan the same day. At least three people died in a shoot-out between

unidentified armed men and security forces in Tashkent on 29 August 2009.

While Amnesty International condemns violent attacks such as the ones described above and calls for those responsible to be brought to justice, the organization also reiterates that apprehensions, detentions and trials against suspects must be strictly in line with international human rights standards

Authorities blamed the Islamic Movement of Uzbekistan (IMU), the Islamic Jihad Union (IJU) and the unregistered Islamist *Hizb-ut-Tahrir* party, banned in Uzbekistan, for the attacks and killings.

These crimes were followed by reports of new waves of arbitrary detentions. Among the scores detained as suspected members or sympathizers of the three above-named organizations were men and women who attended unregistered mosques, studied under independent imams, had travelled or studied abroad, or had relatives who lived abroad or were suspected of affiliation to banned Islamist groups. Many are believed to have been detained without charge or trial for lengthy periods, allegedly subjected to torture and/ or sentenced after unfair trials.

In September 2009, at the start of the first trial of individuals charged in connection with the May attacks in the Ferghana Valley, human rights activists reported that the proceedings were closed to the public, despite earlier assurances by the President and the Prosecutor General that the trial would be both open and fair. However, independent observers were not given access to the court room. Relatives of some of the defendants told human rights activists that defence lawyers retained by them were not given access to the case materials and were denied access to the court room.

At least 30 men were arrested in October 2009 in Sirdaria on suspicion of involvement in the July killings in Tashkent and of being members of *Hizb-ut-Tahrir*. Relatives of some of the accused insisted the men had no connection with *Hizb-ut-Tahrir* or armed groups, but merely practised their faith outside state-registered mosques. Relatives alleged that some of the accused had been tortured in pre-trial detention in an attempt to force them to confess to participating in the July killings. The mother of one of the men arrested said that her son's face was swollen and his body covered in bruises, that needles had been inserted in the soles of his feet and electroshocks applied to his anus, and that he had difficulties eating, standing or walking.

In April 2010 a court in Dzhizakh sentenced 25 men to terms of imprisonment from between two to 10 years in connection with the July and August 2009 attacks. All were convicted of attempting to overthrow the constitutional order and of religious extremism. At least 12 of the men had alleged in court in March 2010 that their confessions had been obtained under torture and the trial judge had ordered an investigation into these allegations, but ultimately found their allegations of torture to be unfounded. Independent observers reported that the men had admitted to having participated in prayer meetings and having practiced sports together, but had denied that they were part of a group intent on overthrowing the constitutional order.

Furthermore, Amnesty International is concerned by the risk of refoulement within extradition

procedures. The Uzbekistani authorities continue to actively seek the extradition, in the name of national security and the fight against terrorism, of members or suspected members of banned Islamic movements or Islamist parties, such as *Hizb-ut-Tahrir*, or people suspected of involvement in the May 2005 Andizhan events, from neighbouring countries as well as the Russian Federation

Russian officials have also confirmed that Uzbekistani security forces have operated in the territory of the Russian Federation. In December 2007, Russian human rights organizations received official confirmation that Uzbekistani security forces had detained an asylum-seeker in the Russian Federation and handed him over to their Russian counterparts. An interstate arrest warrant was only issued after his detention and reportedly backdated by the Uzbekistani authorities. Amnesty International has also received information that Uzbekistani security forces have operated in the territories of Kazakhstan and Kyrgyzstan and have detained or abducted asylum-seekers. There are also reports that Uzbekistani security forces have exerted pressure on the families of people seeking asylum in neighbouring countries, sometimes paying for relatives to travel to Kazakhstan or Kyrgyzstan to convince the person in question to return 'voluntarily'.

PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT, LIBERTY AND SECURITY OF THE PERSON AND TREATMENT OF PRISONERS

Despite assertions by Uzbekistan that the practice of torture has significantly decreased⁵, Amnesty International continues to receive reports of widespread torture or other ill-treatment of detainees and prisoners.

According to these reports, in most cases the authorities failed to conduct prompt, thorough and impartial investigations into the allegations of torture or other ill-treatment. Amnesty International is concerned that impunity prevails as prosecution of individuals suspected of being responsible for torture or other ill-treatment remains the exception rather than the rule.

Case examples illustrative of alleged torture and other ill-treatment include the following:

- Poet and government critic, Yusuf Dzhuma, sentenced to five years' imprisonment in April 2008 for allegedly resisting arrest and causing bodily harm, was reported to be emaciated, ill and barely able to walk in November 2009. He was reportedly held in punishment cells for periods of up to 11 days, and on one occasion handcuffed, hung by his hands from the ceiling and repeatedly beaten. He told his family that, during a visit to Yaslik prison camp by delegates of the International Committee of the Red Cross, he had been transferred to a prison in Nukus, denied food and drink, refused access to a toilet and held unclothed in very cold conditions.

⁵ See Replies to the list of issues (CCPR/C/UZB/Q/3) to be taken up in connection with the consideration of the third periodic report of Uzbekistan (CCPR/C/UZB/3), CCPR/C/UZB/Q/3/Add.1, 4 December 2009, http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR-C-UZB-Q3-Add1_ru.doc The Uzbekistani delegation reiterated this at the Human Rights Committee's examination in New York in March 2010.

■ In November 2009, the independent human rights organization *Ezgulik* reported that two sisters, Raikhon Soatova and Khosiat Soatova, arrested in Tashkent in May 2009 and sentenced to six and seven years in prison on charges of hooliganism and robbery, had repeatedly been raped in custody by police officers. Reportedly one of the sisters became pregnant as a result of the rapes and tried to kill herself. In December the General Prosecutor's office undertook to investigate and in January 2010 opened a criminal investigation into the allegations..

■ More than 30 women were detained by security forces in counter-terrorism operations in the city of Karshi in November 2009. All of them were believed to be pious Muslim believers who may have attended religious classes taught by Zulkhumor Khamdamova in one of the local mosques. The authorities have accused Zulkhumor Khamdamova of organizing an illegal religious group, a charge denied by her supporters. Human rights defenders reported that the women were ill-treated in custody; police officers allegedly stripped the women naked and threatened them with rape; they did not allow the women to use toilet facilities for 20 hours at a time. At least four of the women were breastfeeding infants at the time of their detention. Human rights defenders also reported that police officers deliberately questioned them for several hours without allowing them to breastfeed. On 12 April, Kahskadaria Criminal Court convicted three of the women of attempting to overthrow the constitutional order and representing a threat to public order and sentenced Zulkhumor Khamdamova to six-and-a-half years in prison. Her sister Mekhriniso Khamdamova was sentenced to seven years and their relative Shakhlo Pakhmatova to six-and-a-half years in prison. Allegations that the women were ill-treated in detention and that their confession were extracted under torture were not taken into consideration by the court.

Allegations have also been made that individuals returned to Uzbekistan from other countries pursuant to extradition requests have been held in incommunicado detention, thereby increasing their risk of being tortured or otherwise ill-treated and have been subjected to unfair trial. In one case in 2008, for example, a man who was returned to Uzbekistan from Russia was sentenced to 11 years' imprisonment after an unfair trial. His relatives reported that, upon his return to Uzbekistan, he was held incommunicado for three months during which time he was subjected to torture and other ill-treatment in pre-trial detention. He did not have access to a lawyer of his own choice and the trial judge ruled evidence reportedly adduced as a result of torture admissible.

The European Court of Human Rights, in a ruling in April 2008, confirmed concerns of torture and ill-treatment upon extradition to Uzbekistan, stating that given "the serious risk of being subjected to torture or inhuman or degrading treatment" in Uzbekistan, removal of 12 Uzbekistani nationals would violate Russia's obligations under the European Convention for Human Rights. In its ruling, the Court stated that it was "not persuaded that the assurances from the Uzbekistani authorities offered a reliable guarantee against the risk of ill-treatment".⁶

⁶ *Ismoilov and Others VS Russia* (Application no. 2947/06), European Court of Human Rights Judgment, Strasbourg, 24 April 2008. These Uzbekistani nationals and others, who have sought asylum in the Russian Federation, were returned by Russian authorities to Uzbekistan despite Interim Measures ordered by the European Court of Human Rights

The UN Special Rapporteur on torture, on his first visit to Uzbekistan in 2002, had found that torture was widespread and systematic. The government of Uzbekistan has taken issue with this finding.

“By letter dated 17 December 2007, the Government replied that in accordance with the information received from the Special Rapporteur, currently no international instrument provides a definition of the scale of torture such as widespread or systematic, which means that certain conclusions and findings of the previous United Nations Special Rapporteur on Torture, Theo van Boven, after his visit to Uzbekistan in 2002 have no basis in international law whatsoever and are unfounded and arbitrary. In this connection it must be noted that in Uzbekistan all necessary legal and practical steps have been taken to prevent the use of torture and cruel, inhuman and other humiliating treatment and punishment.”⁷

Uzbekistan has not extended an invitation to the Special Rapporteur on torture to visit the country again, despite renewed requests made. The state delegation reiterated their objections to torture being described as systematic and widespread during the Human Rights Committee session in March 2010.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION AND ASSEMBLY: THE SITUATION OF HUMAN RIGHTS DEFENDERS AND INDEPENDENT JOURNALISTS

Amnesty International remains gravely concerned about continuing reports of human rights defenders and independent journalists being subjected to harassment, beating and detention, although the authorities have repeatedly denied this, including most recently at the Human Rights Committee's examination of Uzbekistan's third periodic report in New York in March 2010.

While some human rights defenders were conditionally released in 2008 and 2009, others remained in prison following conviction in previous years. At least five human rights defenders were sentenced to long prison terms in 2009 on allegedly fictitious charges brought to punish them for their work, in particular for defending farmers' rights.

Human rights activists and journalists were summoned for police questioning, placed under

requesting removals to be stayed pending the examination of the individual's applications by the European Court of Human Rights.

The rulings of the Court are also consistent with the conclusion of the UN Human Rights Committee that the forcible return to Uzbekistan in 2006 by Kyrgyzstan of four Uzbekistani nationals who were asylum seekers was inconsistent with Kyrgyzstan's obligations under the ICCPR, owing to the risk of torture faced by the individuals upon return. They had been returned in disregard of the Committee's request for interim measures of protection for the four men. See *Maksudov et al. v. Kyrgyzstan*, report of the UN Human Rights Committee, Volume II, A/63/40 (Vol. II).

⁷ From the Report of the Special Rapporteur on torture to the General Assembly in February 2008, A/HRC/7/3/Add.2, para 745.

house arrest or routinely monitored by uniformed or plain-clothes officers. Others reported being beaten by police officers or by people suspected of working for the security forces. Relatives also alleged being threatened and harassed. Most recently, such harassment was reported during the visit in April 2010 to Uzbekistan of the UN Secretary General Ban Ki Moon.

Cases which illustrate these concerns include the following:

- In January 2010, Umida Ahmedova, a prominent Uzbekistani documentary photographer and video producer was charged with defamation and damaging the country's image because of the contents of some of her photographic and video projects. Umida Ahmedova had taken a series of photographs and video footage in villages throughout Uzbekistan that she used for two documentaries in a project sponsored by the Swiss Embassy in Tashkent. Umida Ahmedova told journalists and Amnesty International that Uzbekistani officials disapprove of the video documentary "The Burden Of Virginity" and of photographs she used in the photographic album "Women And Men – from Dawn to Dusk", made in 2007 and 2008, which focus on poverty and gender inequality in Uzbekistan. An expert commission tasked by the Prosecutor General's Office to evaluate the photographs and video footage reportedly found them to be defamatory and insulting to the dignity of Uzbekistani citizens. Umida Ahmedova was found guilty of all charges by a district court in Tashkent and sentenced to three years in prison. However, the presiding judge applied an amnesty and released her from the court-room. Amnesty International is concerned that the charges against Umida Akhmedova were not quashed resulting in her having a criminal record for exercising her freedom of expression.
- In December 2009 a researcher with the international NGO Human Rights Watch was assaulted in the town of Karshi by an unidentified female attacker, then detained by police and deported from Uzbekistan. At least three human rights activists she had intended to meet in Karshi and Margilan were briefly detained for questioning by police.
- The health of 60-year-old Norboi Kholzhigitov, member of the Human Rights Society of Uzbekistan serving a 10-year prison sentence for libel and fraud imposed in 2005, deteriorated so seriously that his family feared for his life. The charges against him were reportedly fabricated to punish him for human rights activities on behalf of farmers. He was denied appropriate medical care for diabetes and high blood pressure in prison in Karshi. He was transferred to a prison hospital near Tashkent in December 2009. Doctors there told his son that he had contracted acute bronchial asthma and that they were going to treat him for this for 21 days, after which he would have to return to the prison in Karshi.
- Bakhtior Khamroev and Mamir Azimov, members of the Human Rights Society of Uzbekistan were briefly detained in Dzhizzakh in November 2009 to prevent them from meeting Bakhodir Choriev, a leader of the unregistered political opposition movement *Birdamlilik* who had recently returned to Uzbekistan. Bakhtior Khamroev was reportedly punched in the face by a plain-clothes police officer and dragged from the car in which he was sitting with Bakhodir Choriev, who was also assaulted when he got out of the car. The same day Mamir Azimov was taken to a district police station for questioning about the intended meeting. He said officers punched him in the kidneys and slapped his head, made him stand with his legs apart holding a chair above his head for over an hour, and threatened

that his legs and arms would be broken if he sought medical help on release or reported the ill-treatment. Bakhodir Choriev was forced to leave the country in December 2009.

- In October 2009, Farkhad Mukhtarov, a longstanding member of the Human Rights Alliance of Uzbekistan, was sentenced to five years in prison for bribery and fraud relating to property deals after a reportedly unfair trial. The charges were believed to have been politically motivated to punish him for his human rights activities. An appeal court upheld the sentence in December 2009.
- In July 2009, Dilmurod Saidov, a journalist and human rights defender, was sentenced to 12 years and six months in prison for fraud and bribery after an unfair trial. During his trial, all witnesses for the prosecution withdrew their accusations, saying they had been coerced to make false statements by the prosecuting authorities. An appeals court upheld the sentence in October 2009. Dilmurod Saidov was believed to have been targeted for defending the rights of farmers in the Samarkand region and for exposing corruption by local authorities. He was said to be gravely ill in prison with tuberculosis.
- In April 2009, Elena Urlaeva, a leading member of the Human Rights Alliance, was assaulted by two unidentified men as she was leaving her home with her five-year-old son early in the morning. She said they threatened her with a knife, beat her and asked why she was still in the country. The same week her son sustained concussion and bruising after being beaten by an unidentified young man at a playground. She was among a group of human rights defenders who were prevented from publicly commemorating the fourth anniversary of the Andizhan killings by police and detained as they left their homes on the morning of 13 May. Seven persons were detained at police stations for over seven hours; others were held under house arrest.

When the EU decided in October 2008 to lift the visa ban on officials linked to the Andizhan killings, the General Affairs and External Relations Council cited certain positive developments which had influenced its decision, including Uzbekistan's willingness to host an EU-Uzbekistan seminar on media freedom in Tashkent. It should be noted however, that no independent media from Uzbekistan or foreign journalists were allowed to attend the seminar which took place on 2 - 3 October 2008. International NGOs which had participated at the invitation of the EU, including Amnesty International, issued a joint public statement condemning the seminar as "a decoy designed to extract concessions [from the EU] at no cost to the authorities" which "should not be considered as evidence of any improvement in the country's 17-year policy of suppressing freedom of speech".⁸

FREEDOM OF RELIGION

The government continued its strict control over religious communities, compromising the enjoyment of their right to freedom of religion. Those most affected were members of

⁸ *Uzbekistan: Media Freedom Needs Action As Well As Dialogue*, 6 October 2008, Brussels. <http://www.crisisgroup.org/home/index.cfm?id=5710&l=1&m=1>.

unregistered groups such as Christian Evangelical congregations and Muslims worshipping in mosques outside state control.

- Suspected followers of the Turkish Muslim theologian, Said Nursi, were convicted in a series of trials during 2009. The charges against them included membership or creation of an illegal religious extremist organization and publishing or distributing materials threatening the social order. According to independent religious experts, Said Nursi represented a moderate and non-violent interpretation of Islam. By October 2009, at least 68 men had been sentenced to prison terms of between six and 12 years following seven unfair trials. Appeals against the sentences were rejected.
- More trials were reportedly pending by April 2010, but it was not clear how many more individuals had been detained. At least 25 military personnel were reported to have been detained on charges of being followers of Said Nursi in March 2010. Reportedly, some of the verdicts were based on confessions gained under torture in pre-trial detention; defence and expert witnesses were not called; access to the trials was in some cases obstructed while other trials were closed. Before the start of the trials national television denounced the accused as “extremists” and “a threat to the country’s stability”, compromising their right to be presumed innocent before trial.

CONCERNS ABOUT THE LIBERTY OF MOVEMENT – THE RIGHT TO ENTER ONE’S OWN COUNTRY

The rights to liberty of movement and freedom of residence as provided for in Article 12 of ICCPR are not guaranteed in Uzbekistani law.

Amnesty International has been particularly concerned about the requirement that Uzbekistani nationals apply for and obtain permission to travel abroad before leaving the country and that Article 223 of the Criminal Code punishes illegal exit and entry of the country, including return to the country after the expiry of the permission to travel abroad.

According to the procedures in place, an individual submits their passport and a completed questionnaire to the local Department of Internal Affairs⁹ which, within 15 days, returns it with a sticker, valid for two years, authorizing travel. Citizens who do not have a passport (authorizing foreign travel) are entitled to receive a passport and enabling sticker from their local Department of Internal Affairs, also within a period of 15 days. Throughout the two years of their authorized travel, bearers of such passports may freely leave and enter Uzbekistan. Amnesty International is concerned that human rights defenders and independent journalists have been refused permission to travel abroad or have suffered long delays in being issued with permission to travel.

⁹ Article 1, II Procedure for Citizens of the Republic of Uzbekistan to Cross the Border, as amended in 2002.

Illegal exit abroad or illegal entry into Uzbekistan, including by overstaying the permission to travel abroad or failing to renew it, are punishable under Article 223 of the Criminal Code with fines or with imprisonment from three to five years or, in aggravated circumstances, by up to 10 years' imprisonment. Returned asylum-seekers are particularly vulnerable to being charged under Article 223, as many will not have renewed their permission to travel abroad. Other Uzbekistani nationals have reportedly also fallen increasingly foul of the travel regulations while they were abroad, as new regulations, in some instances, have not allowed nationals to renew their permission or exit visas in their nearest Uzbekistani consulate, but rather have required them to do so in Uzbekistan at the local Department of Internal Affairs which gave them their original documentation.

- Amnesty International has learned of at least one Uzbekistani national who was prosecuted under Article 223 of the Criminal Code for failure to renew his permission in 2007, two years after the Human Rights Committee recommended that Uzbekistan “abolish the requirement of an exit visa for its nationals”.¹⁰ This individual was charged with illegal exit abroad upon return to Uzbekistan and sentenced to five years' imprisonment. Although later released from prison under an amnesty, the individual remains under arrest and under a permanent foreign travel ban.

- By law, Uzbekistani citizens do not require an exit visa if they are travelling to another country in the Commonwealth of Independent States (CIS). In at least three recent cases, however, Uzbekistani human rights defenders who went to Kyrgyzstan, a member of the CIS, were reportedly prosecuted under Article 223 of the Criminal Code.

¹⁰ In its consideration of Uzbekistan's second Periodic Report in 2005, in para. 19, the Human Rights Committee concluded that “Uzbekistan must abolish the law on illegal exit”. <http://daccessdds.un.org/doc/UNDOC/GEN/G05/413/69/PDF/G0541369.pdf?OpenElement>.

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