

**PUBLIC**

**AI Index: EUR 62/010/2003**

**13 August 2003**

**Further Information on UA 180/03 (EUR 62/005/2003, 20 June 2003) Fear for safety/Fear of torture and ill-treatment new concern: Unfair trial**

**UZBEKISTAN**

**Ruslan Sharipov (m), journalist, 25 years old**

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Journalist and human rights activist Ruslan Sharipov was found guilty today (13 August) of all the charges against him, including homosexuality and sexual relations with minors, following an unfair trial. He had reportedly confessed to the charges against him under duress. He has been sentenced to five and a half years in prison, where he is at risk of being tortured or ill-treated by both law enforcement officers and other prisoners.

On 8 August, Ruslan Sharipov issued a statement in court pleading guilty to all charges, including Article 128 (having sexual relations with minors). He also renounced all his critical articles published between 2001 and May 2003 and asked the President of Uzbekistan as well as the officers of two district departments of internal affairs for forgiveness.

Although the trial at the Mirzo Ulugbek district court had been declared closed to the public because of the sexual nature of the case, the presiding judge had granted Ruslan Sharipov's earlier request to allow access to his mother and to his defence lawyer and his legal representative. Following his confession however, Ruslan Sharipov dismissed his lawyer and his legal representative and asked for his mother not to be given further access to the trial. He was therefore left with no legal defence and had no support during his trial.

According to Ruslan Sharipov's defence team, he had maintained his innocence from the start of his trial on 23 July, up until he reappeared in court on 8 August, following a three day recess. Ruslan Sharipov reportedly told his defence team that he was forced to make the incriminatory statement for the sake of his own safety and that of his mother and of his legal defence team. Although the defence team reported no visual signs of torture or ill-treatment, there are grave concerns that during the three-day recess, law enforcement officers subjected Ruslan Sharipov to psychological pressure and possibly also exerted physical pressure in order to force him to confess and to dismiss his legal defence team.

Previously however, in an appeal to the Supreme Court of Uzbekistan written by Ruslan Sharipov in prison on 16 July and published on 12 August, he had insisted that he had not had sexual relations with the alleged victims. He also insisted that the case had been fabricated by the Mirzo Ulugbek district department of internal affairs in order to punish him for his critical reporting as correspondent of the Russian news agency PRIMA and for his activities as chairman of the unregistered human rights organization "Grazhdanskoe Sodeystvye" (Civic Assistance). He alleged that the prosecution had chosen to ignore the findings of forensic medical tests conducted after his arrest which exonerated him and the alleged victims.

#### **BACKGROUND INFORMATION**

Ruslan Sharipov was detained by police on 26 May and charged with homosexuality (Article 120 of the Uzbek Criminal Code). He was later also charged under Article 127 (encouraging minors to commit antisocial behaviour) and Article 128 (having sexual relations with minors). Ruslan Sharipov has published a number of articles about torture and ill-treatment as well as the harassment of human rights activists by Uzbek law enforcement agencies. He has worked alongside several international human rights organizations. He has previously been detained and questioned about his journalistic and human rights activities. He has been openly bisexual for a number of years, but has denied having had homosexual relations on the territory of Uzbekistan.

According to Article 120 of the 1995 Uzbek Criminal Code “the satisfaction of a sexual urge by a man with a man without violence” is punishable by up to three years’ imprisonment. This article has apparently not been used in the last years.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian or Uzbek or your own language:**

- expressing concern for the safety of journalist and human rights activist Ruslan Sharipov following his conviction on 13 August, on charges, including sexual relations with minors, which may have been fabricated in order to punish him for his journalistic and human rights activities;
- urging the authorities to conduct a prompt and impartial investigation into allegations that Ruslan Sharipov was forced to confess to the charges, possibly as a result of being coerced;
- urging the authorities to ensure that he is not tortured or ill-treated, either by law enforcement officials or by other prisoners;
- expressing concern that his trial was not conducted according to international fair trial standards.

**APPEALS TO: (Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat “fax” until connected; fax machines may be switched off outside office hours five hours ahead of GMT)**

General Procurator of Uzbekistan

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**Salutation: Dear Procurator General**

Minister of Internal Affairs of the Republic of Uzbekistan

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**Salutation: Dear Minister**

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and to diplomatic representatives of UZBEKISTAN accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 24 September 2003.