

PUBLIC

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Further information on UA 276/02 (EUR 62/012/2002, 4 September 2002) - Possible death penalty/torture and ill-treatment New concern: Unfair trial

**UZBEKISTAN Iskandar Khudoberganov (m), aged 28
Bekzod Kasymbekov (m), aged 27
Nosirkhon Khakimov (m), aged 28**

The trial of Iskandar Khudoberganov, Bekzod Kasymbekov and Nosirkhon Khakimov and three others, which was suspended at the beginning of September, resumed on 19 November. The judge is expected to give his verdict in the coming days.

The men were accused of religious extremism and charged with serious anti-state crimes, including "attempting to overthrow the constitutional order" and "setting up an illegal group". Iskandar Khudoberganov is at grave risk of being sentenced to death. At least three defendants were reportedly tortured to force them to 'confess' or incriminate other defendants.

Amnesty International is concerned that the trial of the men does not conform to international standards of fair trials. Iskandar Khudoberganov's lawyers have been denied access to him since the trial was put on hold on 26 September. On 30 October, Iskandar Khudoberganov's sister told Amnesty International: "You can hardly see the difference between the procurator and the judge. The judge makes accusations and he shouts at the defendants. Once he announced the next hearing would be at 2 o'clock the next day, but then they already started in the morning. So no lawyers, independent observers or family members of the accused were there." One of the two lay assessors hearing the case reportedly told Iskandar Khudoberganov's lawyer: "Your efforts are useless. It's clear he is guilty and he'll surely be sentenced to death." On 15 November, Dilobar Khudoberganova told Amnesty International: "The court hasn't even heard his case in full. There are still witnesses that have to be questioned. The lives of the defendants depend on this trial and these two women [the lay assessors] are completely disinterested. They just sit there and sleep."

During the court hearings in September, Iskandar Khudoberganov, Bekzod Kasymbekov and Nosirkhon Khakimov stated that they were not guilty of the charges and were tortured to sign a 'confession'. In a letter passed to his mother and sister on 26 September, Iskandar Khudoberganov wrote: "I hoped for a fair trial and because of that endured all sufferings and torture...In the basement of the Interior Ministry...they tied my hands from behind, hit me with truncheons and chairs and kicked me on the kidneys. They hit my head against the wall until it was bleeding. They didn't let me sleep. For weeks they didn't give me food to force me to confess. They said: 'think of your relatives, your mother, your wife, your sister; think of their honour. We'll bring them here and rape them in front of your eyes.' Only then I gave in and signed what they wanted me to sign." Iskandar Khudoberganov claimed in court that he had written several complaints which included torture allegations to the authorities, but that guards tore them in front of his eyes. The judge allegedly said to Iskandar: "Come on, don't deny it. Confess and you'll feel better."

The court hearing was suspended at the end of September following a request by the procurator that a psychiatric examination of Iskandar Khudoberganov and Bekzod Kasymbekov be conducted. The examination was not aimed at investigating the torture allegations, but to establish whether the defendants were of sound mind at the time of the alleged crime. Iskandar Khudoberganov

spent three weeks in Tashkent Psychiatric Hospital No.1, and Bekzod Kasymbekov was kept for around two weeks in the same hospital.

One of the doctors at the hospital allegedly told Iskandar Khudoberganov's family that he was very weak and needed medical treatment; he was psychologically unstable and showed signs of developing schizophrenia. However, Iskandar Khudoberganov has told his family that he does not want to receive medical treatment in detention, as he fears that the authorities will treat him with inappropriate drugs in order to harm him; a fear that he has previously raised. Another member of staff reportedly told his family that the National Security Service would draw up the examination report and the doctors would have no say in the matter. At the court hearing on 19 November it was announced that Iskandar Khudoberganov and Bekzod Kasymbekov were of sound mind, that they were not psychologically unstable and were in good health.

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

- urging the city procurator not to propose a death penalty sentence to the judge against Iskandar Khudoberganov, who is currently standing trial at Tashkent City Court;
- expressing serious concern that the court hearings failed to meet minimum international standards for a fair trial;
- expressing concern at allegations that Iskandar Khudoberganov, Bekzod Kasymbekov, Nosirkhon Khakimov were tortured, and that some of their family members were ill-treated or subjected to cruel, inhuman and degrading treatment, to force them to confess or incriminate the defendants;
- urging the authorities to open prompt and impartial investigations into these allegations, with the findings made public and those responsible to be brought to justice, and to ensure that no confessions extracted under torture will be used as evidence in the trial.

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)

President of Uzbekistan

Islam Abduganiyevich KARIMOV

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E-mails: presidents_office@press-service.uz (if your e-mail bounces back, please fax it if possible)

Salutation: Dear President Karimov

City Procurator of Tashkent

Mels Inamovich NAIMOV

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Salutation: Dear Procurator

COPIES TO:

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Sayora RASHIDOVA

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Salutation: Dear Ms Rashidova

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Salutation: Dear Minister

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.