

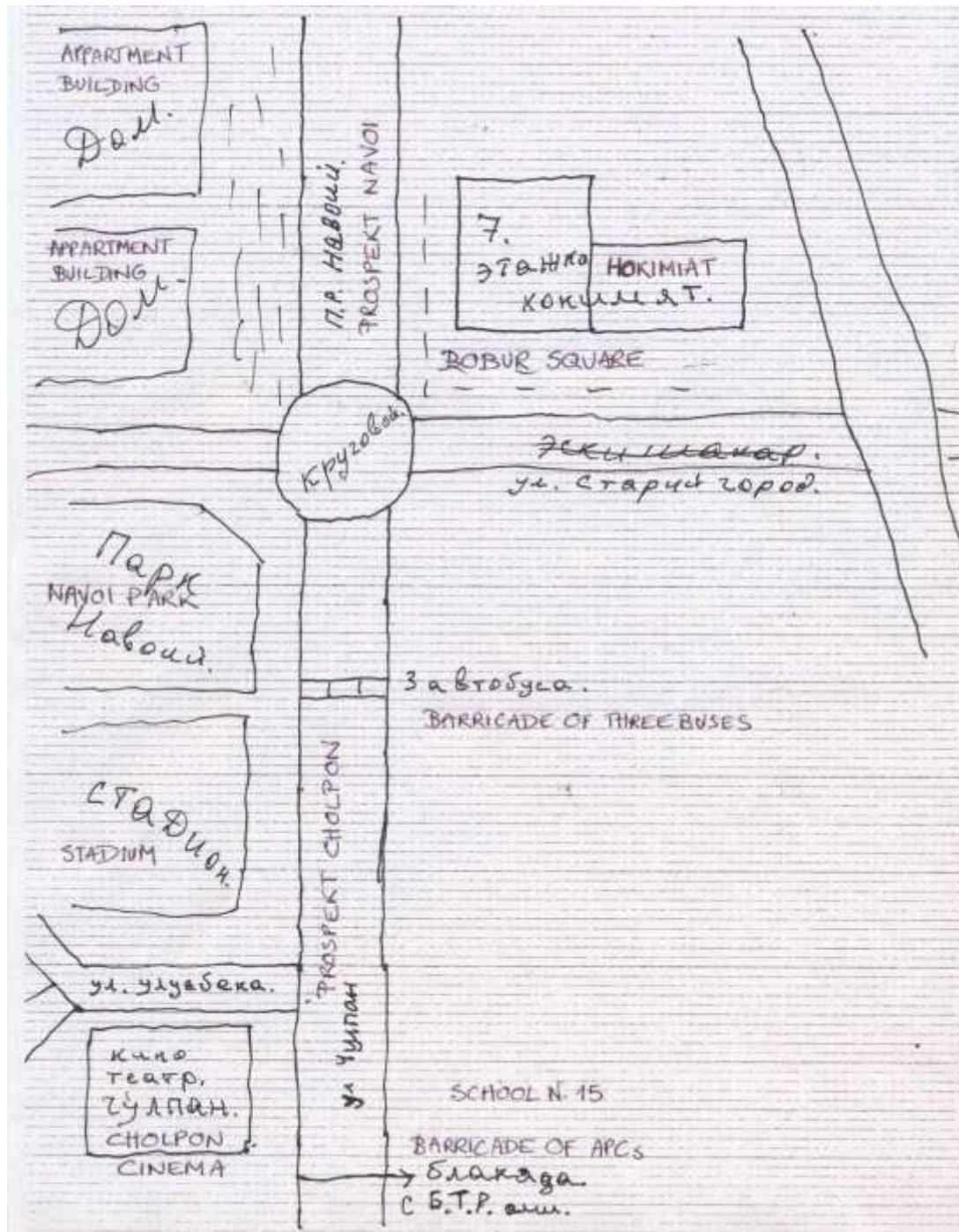
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Map of Uzbekistan



Courtesy of the University of Texas Libraries, The University of Texas at Austin.

Map of the centre of Andizhan on 13 May 2005 – as drawn by an eyewitness



Uzbekistan

Lifting the siege on the truth about Andizhan

Introduction

“We don't shoot at women and children in Uzbekistan.”

(President Karimov, Press Conference, 14 May)

“We could not believe that our own people were shooting at us. We thought they must be robots or zombies.”

(Testimony of an eyewitness interviewed by Amnesty International)

On 12-13 May 2005 armed men attacked a number of military barracks and government buildings in the city of Andizhan. They broke into the city prison, where they freed hundreds of remand and convicted prisoners, and later occupied a regional government building on the main city square and took a number of hostages. From the early hours of 13 May, thousands of civilians -- mostly unarmed and among them some who had escaped from the prison -- gathered in the city square, where many spoke out to demand justice and an end to poverty. According to witnesses, there were sporadic incidents of the security forces firing indiscriminately into the crowds, killing and wounding demonstrators. In the early evening, the security forces surrounded the demonstrators and started to shoot indiscriminately at the crowd. The demonstrators attempted to flee. According to witnesses, hundreds of people -- men, women and children -- were killed.

It has been impossible to date to determine exactly what happened in Andizhan on 12-13 May. The government's version of events differs significantly to the testimonies given by the refugees who fled to Kyrgyzstan in the direct aftermath of the events in Andizhan and to the testimonies of other eye-witnesses. The government maintains that the security forces did not kill any civilians and that all those civilians who lost their lives were killed by armed “terrorists”. President Karimov has been reported as saying, “How could I give the order to shoot at my beloved people?”¹ According to official figures, 187 people were killed in the violence, although as of 5 September 2005 the government had yet to publish the names of those who died. This figure is considerably lower than the estimates put forward by international organizations, based on interviews with the refugees that fled to Kyrgyzstan. The Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) has estimated that between 300 - 500 people were killed as a result of the events in Andizhan. The UN Office of the High Commissioner for Human Rights (OHCHR) has also reported that up to several hundred people may have been killed.

The government has gone to great lengths to prevent information that contradicts the official version of events from reaching the outside world. The measures taken included reportedly destroying relevant records and documents. There have also been unconfirmed reports that the bodies of people were removed from the city and secretly buried in unknown locations. The authorities have intimidated witnesses with the aim of preventing them from speaking about their experiences. The authorities have also prevented international journalists and human rights defenders from accessing the city and harassed local independent journalists

¹ Press conference, 14 May 2005.

and human rights defenders in an effort to prevent them from reporting on the events in Andizhan; some of the human rights defenders have been charged with serious criminal offences.

In these circumstances, Amnesty International considers that only a thorough, independent and impartial international investigation, conducted in a manner consistent with international human rights standards, can determine what happened on 12-13 May. The investigation should seek to establish the number and the identities of people who were killed as a result of the violence. The investigation should also seek to establish the number, identities and whereabouts of people wounded as a result of the violence. The investigation should look into the circumstances in which, and the extent to which, the security forces resorted to the use of force. In particular, it should assess whether the use of force and firearms by members of the security forces was, in each instance, consistent with national law and international human rights law and standards.

The investigation should also seek to establish the circumstances and extent of the use of firearms by armed civilians. It should look into the attacks on the prison and other government buildings during the night of 12-13 May and seek to identify the suspected perpetrators of the attacks and any persons who were wounded or killed as a result. The investigation should also seek to clarify the identity, and conduct, of the armed civilians who occupied the Hokimiat, including investigating the extent to which the armed civilians were involved in hostage-taking and into allegations that hostages were ill-treated or killed.

Amnesty International is concerned for the safety of all those individuals who have been detained in connection with the events in Andizhan. These concerns are based on Uzbekistan's well-documented history of human rights violations in the name of national security. Amnesty International considers all such detained individuals to be at serious risk of being subjected to torture and other ill-treatment. Amnesty International also considers those individuals who have been charged with criminal offences to be at risk of being tried in a manner that violates international fair trial standards. The individuals who have been charged with capital offences are at great risk of suffering a violation of their right to life, as a result of the likely imposition of the death penalty following an unfair trial.

This report is a compilation of information available to Amnesty International about the events of 12-13 May in Andizhan and about the flight of civilians to Kyrgyzstan on 13-14 May. It is by no means a comprehensive or definitive account, rather it is written for the purpose of contributing to efforts to determine the truth of these disputed events and to ensure reparation, including redress, for the victims of the human rights abuses perpetrated. It contains information based on a wide range of testimonies about the actual events on 12-14 May, including from people interviewed by Amnesty International's representatives during two visits to Kyrgyzstan. The first visit took place between 30 May and 9 June and the second visit took place between 21 July and 30 July. Amnesty International conducted interviews with refugees, their relatives, representatives of non-governmental organizations (NGOs), journalists, government officials and representatives of international organizations. The report is also based on official statements by Uzbekistani and Kyrgyzstani authorities, reports by international governmental organizations and NGOs, reports by local and international media, testimonies of witnesses and representatives of NGOs. The events of 12-14 May covered many hours and there were many people present, all of whom had only a partial view of what was happening. Therefore conflicting reports emerge, all of which may have been true at particular times or in particular areas of the demonstration, or in Teshik Tosh.

The report also provides detailed information about the harassment, detention, and criminal prosecution of human rights defenders, independent journalists and members of the political opposition in connection with the Andizhan events, as well as about the crackdown on civil society beyond Andizhan.

1. The events in Andizhan on 12-13 May 2005

The trial of 23 local entrepreneurs

It is believed that the events in Andizhan were triggered in part by the trial of 23 local entrepreneurs who were arrested between June and August 2004.² They were charged under various articles of the Uzbekistani criminal code for their alleged involvement with an organization by the name of Akramia. The government claims that this group is an extremist religious group, which has the ultimate aim of creating an Islamic state in Uzbekistan. They also claim that the group is a branch of Hizb-ut-Tahrir, which is categorized as a terrorist organization in Uzbekistan.³ The 23 men were being tried on a number of criminal charges including organization of a criminal conspiracy, attempt to overthrow the constitutional order, membership of an illegal religious organization and the possession or distribution of literature containing a threat to public safety.⁴

The true nature of the Akramia group, and the extent to which the 23 men were involved in it, if at all, remains somewhat unclear, although they all deny any involvement in religious extremism. The entrepreneurs were successful and reportedly very popular within the local community. Their popularity stemmed from the fact that they had created thousands of jobs in the area and had a reputation for treating their employees well. In particular, they are said to have established a minimum wage that was well above the average monthly wage in Andizhan and to have provided their employees with interest-free credit. The entrepreneurs were also known for regularly donating money to good causes including schools, hospitals and orphanages. They reportedly placed one-fifth of their income in a charitable fund.

The arrest of the 23 entrepreneurs was not an isolated event. In September 2004, the security services arrested 20 employees of a furniture company in Tashkent. The company was a branch of a company owned by one of the 23 entrepreneurs who had previously been arrested in Andizhan. The 20 employees were reportedly forced to sign "confessions" stating that they were the leaders of the Akramia movement in Tashkent. In February 2005, nine of them were charged with serious crimes including an attempt to overthrow the constitutional order and membership of an illegal religious organization. There have been reports that at least six of the men were held in incommunicado detention. The trial of three of these men started on 27 June at Tashkent City court amid tight security, according to human rights defenders. Access to the courtroom was strictly limited and only one human rights activist appeared to get the necessary permission to attend the hearings. On 25 July Akhad Ziiakhodzhaev was sentenced to 16 years in prison and Bakhodir Karimov and Abdubosit Zakirov to 15 and a half years. According to lawyers and relatives of the three men, they did not plead guilty to any of the charges and alleged that they had been tortured in order to force them to "confess". It has also been reported that another group of 13 entrepreneurs were

²The names of the 23 men are Rasulzhon Adzhikhalilov, Abdumazhit Ibragimov, Abdulboki Ibragimov, Tursunbek Nazarov, Makhhammadshokir Artikov, Odil Makhdsaliev, Dadakhon Nodirov, Shamsitdin Atamatov, Ortikboi Akbarov, Rasul Akbarov, Shavkat Shakirov, Abdurauf Khamidov, Muzzafar Kadirov, Mukhammadziz Mamdiev, Nasibillo Maksudov, Adkhamdzhon Babodzhonov, Khakimzhon Zakirov, Gulomzhon Nadirov, Musozhon Mirzaboev, Dilshodbek Mamadiev, Abdulvosid Igamov, Shokurzhon Shakirov and Ravshanbek Mazimdzhonov.

³Hizb-ut-Tahrir (Party of Liberation) is a transnational Islamic organization, with origins in the Middle East, which seeks to establish an Islamic state (caliphate). Hizb-ut-Tahrir claims that it does not advocate violence as a means to achieve the establishment of a caliphate.

⁴Article 242(1), Article 159(4), Article 224(2) and Article 224(1) of the Criminal Code of the Republic of Uzbekistan.

arrested in Andizhan in February 2005.⁵ They were also accused of being members of Akramia and charged with the same offences that had been brought against the original 23 men.

The 23 entrepreneurs arrested in Andizhan were reportedly subjected to a number of serious human rights violations while held in pre-trial detention. It is alleged that they were initially held in incommunicado detention and thereafter did not have regular access to their lawyers or to their relatives. They have said that they were subjected to repeated threats of abuse and actual physical, sexual and mental torture and ill-treatment while they were in pre-trial detention. The men also claimed that in these circumstances they were forced to sign "confessions". The trial itself began on 11 February 2005 and was held at the Altinkul District Court on the outskirts of Andizhan. Local human rights activists believed that the authorities held the trial outside Andizhan in order to limit the number of human rights activists and foreign observers who would try to monitor the trial.

The Prosecutor claimed that the men had joined Akramia in 1994 and that all were acquainted with Akram Yuldashev, the alleged founder of the group. A large number of the men's employees, relatives and acquaintances were summoned as witnesses and were reportedly forced to sign incriminating statements against the accused. However, many of them reportedly retracted their statements in court and informed the court that they had been forced to make the statements under duress. Saidzhakhon Zainabidinov, a local human rights defender and Chairman of the independent human rights group Apelliatsia (Appeal), was acting as a representative⁶ for one of the businessmen. He refused to continue to participate in the proceedings on the basis that he was being prevented from providing his client with an effective defence. According to the Institute for War and Peace Reporting (IWPR), whilst the trial was still ongoing, the Chief Prosecutor, Ulugbek Bakirov, stated that, "They have not committed any crimes - but they might commit them".

Akramia - Some background information

The government claims that Akramia was created by Akram Yuldashev, on the basis of a brochure that he authored in 1992 entitled *Yimonga Yul*, meaning "Path to Faith". Akram Yuldashev is currently in prison after having been convicted of organizing a series of explosions that were carried out in Tashkent in 1999, although it was reported at the time that there was no evidence to support his conviction. He was also convicted of establishing an extremist religious organization. The court verdict coined the name "Akramia" on the basis of Akram Yuldashev's first name. It stated that Akram Yuldashev's writings called for the formation of an Islamic state and for the ousting of legitimately elected state representatives.

In contrast, Akram Yuldashev has always insisted that that he has no interest in politics. He maintains that he has never called for the overthrow of the authorities or for the creation of an Islamic state. Furthermore, Akram Yuldashev and his supporters deny having any links with Hizb-ut-Tahrir. Saidzhakhon Zainabidinov told Forum 18, a web-based news service on religious freedom issues, that the accusation that the brochure calls for the violent overthrow of the authorities was "absurd". The father of one of the 23 men, who does not deny that the men were influenced by the teachings of Akram Yuldashev, maintains that Akram Yuldashev distanced himself from politics and never called for an Islamic state.

The 23 men and their supporters argue that there is no such thing as an organized group known as Akramia. According to IWPR, in his final statement to the court, one of the accused, Abdalboki Ibragimov, stated that, "We are charged with belonging to Akramia. Surely it is clear that Akramia is just a myth." Another accused, Tursunbek Nazarov stated that, "We were good businessmen, we paid our taxes on time and we gave people jobs. It's clear that someone was not pleased about that so we were put in jail." Indeed, their supporters say that the government perceived the men as a threat due to their popularity within the local community and their capacity to become public leaders.

⁵The names of 10 of these men are Isomiddin Nuriddinov, Burkhoniddin Nuriddinov, Zhaloliddin Ikramov, Abdurakhimon Kadirov, Isakzhon Kadirov, Saidullo Zakirov, Dilshodbek Arifkhodzhaev, Utkirbek Valiakhunov, Toirzhon Kaiumov and Abdurakhmon Kuchkarov.

⁶ In Uzbekistan in addition to being represented by a lawyer defendants may also be represented by a member of the public.

Demonstrations in front of the court building during the trial

During the trial supporters of the 23 men held daily sit-down vigils outside the court building. Those attending the vigils included relatives, acquaintances, employees and other supporters of the accused. They protested the men's innocence and called for justice. They were reportedly quiet, orderly and very well-organized. It has been reported that during the last week of the trial the numbers of those attending grew to about 1,000. The last session of the trial took place on 11 May; those who had gathered outside the court building had expected the verdict to be announced. The judge and assessors reportedly withdrew from the courtroom to consider the verdict and it was feared that the verdict would not be rendered public. On 12 May, the crowd outside the court building were reportedly told that the announcement of the verdict had been postponed indefinitely.

Human Rights Watch has reported that three men were arrested on 11 May in connection with the protests that had been taking place outside of the courthouse. Their names are Murodzhon Zokirzhonov, Abdulaziz Mamadiev, and Alisher Abdulakhad.⁷ On 12 May, three other people were arrested reportedly in connection with their participation in the demonstrations. The decision to delay the verdict, combined with the arrests of some of the protestors, angered many of the supporters of the 23 entrepreneurs.

Occupation of the Hokimiat and attacks on other buildings

A number of armed men attacked the *Hokimiat* (the regional administration building), which is situated on Bobur Square -- the main square in Andizhan -- in the early hours of the morning on 13 May.⁸ They appear to have been able to seize the building with ease. Indeed, one of the men interviewed by Amnesty International said that the building had been deserted when the group arrived there, except for the caretaker. The government has confirmed that the building was not heavily guarded, and that one policeman was killed during the occupation of the building. Armed men who attacked the *Hokimiat* were reportedly supporters of the 23 entrepreneurs. They included Kabulzhon Parpiev, who has publicly identified himself as one of the leaders, and Sharipzhon Shakirov, the brother of one of the 23 entrepreneurs. Armed men continued to occupy the *Hokimiat* throughout the day.

The attack on the *Hokimiat* was reportedly preceded by attacks on the prison and on a number of military barracks and government buildings. The exact order of the attacks, and the number and identity of the attackers, remains unclear. According to the government, there were 260 armed terrorists, divided into 13 groups. Sharipzhon Shakirov told journalists that some of the armed men involved in the attacks preceding the occupation of the *Hokimiat* were supporters of the 23 entrepreneurs. One early attack appears to have been on a military barracks. The government has claimed that the attackers stole a number of automatic rifles and a ZIL-130 truck from the military barracks. The government has said that two military men were killed, and nine others were injured, during this attack. There was reportedly another attack on a regional branch of the Ministry of Internal Affairs (MVD), in which the government says that three police officers were killed and another police officer was taken as a hostage and later killed.

The storming of the prison took place at about 1am on 13 May. The government has

⁷ Human Rights Watch, "*Bullets were falling like rain*", *The Andizhan Massacre, May 13, 2005*, June 2005, p. 9. A refugee interviewed by Amnesty International said that four people were arrested on 11 May.

⁸ Bobur Square is at the centre of a long avenue. The part of the avenue leading from the square and in the direction of the prison is called Prospekt Navoi. The part of the avenue leading from the square and in the direction of School 15 is called Prospekt Cholpon.

stated that the prison gates were breached using the stolen ZIL-130 truck and that three prison guards were killed, and another five injured as a result of the attack. Hundreds of prisoners were released – including the 23 entrepreneurs and other remand prisoners and convicted prisoners. The Prosecutor-General stated on 5 September that 527 prisoners escaped from the prison and that 493 had so far either returned voluntarily or been detained by the authorities, and that six of the escaped prisoners were killed in the Andizhan events.

The prisoners were reportedly released from their cells either by fellow prisoners or by unidentified men. The armed men appear to have been able to enter the prison and release the prisoners with relative ease. One former prisoner told a representative of a Kyrgyzstani NGO that he thought that the attackers had had keys to the prison. The UN OHCHR has not ruled out the possibility that the attackers may have had some kind of internal assistance. Once they had been released, the prisoners gathered in the prison grounds where an unidentified person reportedly told them that a demonstration was being organized at Bobur Square. One eyewitness says that the prisoners were given the choice of going to the demonstration or going home.

An exchange of fire reportedly also took place outside the premises of the regional branch of the Ministry of National Security (MNB) on Prospekt Navoi, where a number of the detainees who had been arrested on 11-12 May were reportedly being held. The government has stated that armed men began to fire at the building in an attempt to seize it, but that the security services successfully managed to repel the attack. An eyewitness reported seeing 20 bodies lying outside the building after the attack and it has been reported that up to 30 people may have been killed as a result of the attack. The government has also stated that a further military barracks was attacked subsequently.

Demonstration at Bobur Square on 13 May

A crowd began to gather on Bobur Square very early in the morning. By all accounts, the vast majority of the people on the square were unarmed civilians who were demonstrating peacefully and had not participated in any violence. The crowd included many women, children and elderly people. In addition, there were reportedly a number of armed men on the square. It is impossible to obtain an exact figure of the number of armed men who were present on the square with estimates varying from between 50 to 200 armed men. According to eyewitnesses, most of the armed men were in and around the *Hokimiat*, although 10 to 30 armed supporters of the 23 entrepreneurs were positioned on the perimeters of the crowd. Another eyewitness reported having seen armed “snipers” on the roof of the *Hokimiat* building. One refugee told Amnesty International that he saw armed men in civilian clothing in the crowd, who may have been members of the security services.

At some point during the morning, a microphone was set up on a podium and a wide variety of people went up to the podium to address the crowd - men, women, young and old. The government has said that the demonstration was organized by international radical forces intent on the overthrow of the government and the creation of an Islamic state in Uzbekistan. However, there was reportedly very little mention of Islam in the speeches. The vast majority of the speakers spoke about the economic hardship in the region and gave examples of their own economic problems. Some of the speakers talked about high taxes and the difficulties for traders. Some people called for justice for the 23 entrepreneurs. A lot of the speakers were calling for the active engagement of the government, although some people did reportedly criticize President Karimov and call for him to resign. One eyewitness told Amnesty International that people were rejoicing that they had “freedom, freedom!”.

Andizhan – A context of economic hardship

The demonstrations in Andizhan occurred against a backdrop of increasing economic hardship. There is a high rate of poverty throughout Uzbekistan and in the Ferghana Valley. According to the World Bank, economic growth and living standards in Uzbekistan are amongst the lowest in the former Soviet Union. The United Nations Development Programme (UNDP) estimates that 19 per cent of the population lives on less than one dollar a day. The government maintains that the rate of unemployment is between 0.4 and 0.5 per cent. However, UNDP considers the actual rate of unemployment to be significantly higher, and points to a high incidence of under-employment in Uzbekistan. Furthermore, employment alone is not enough to guard against poverty in Uzbekistan, as wages are often unpaid or delayed.

This difficult economic environment has led many people to turn to shuttle trading between Kyrgyzstan and Uzbekistan in an effort to make ends meet. However, in an attempt to reduce the amount of imports, the government has introduced a range of measures designed to restrict shuttle trading. It issued Decree 387 in August 2004, which requires all shuttle-traders to register with the tax authorities. It also provides that the sale of imported goods is only to be permitted in cases where the trader has obtained an import-export licence, is in possession of documentation showing that the goods have passed a customs inspection and has deposited all the proceeds in bank accounts. The government has also placed restrictions on border crossings, going so far as to destroy in 2003 a bridge to Kyrgyzstan at Korasuv, which was used by many of the traders.

Public demonstrations against government policy have been rare in Uzbekistan. However, the continuing efforts by the authorities to restrict what is the only source of income for many people, has been met by a number of recent demonstrations in the Ferghana Valley and elsewhere in Uzbekistan.

Hundreds of people reportedly demonstrated in Andizhan in September 2004 when the government began to demolish individual trading booths and ordered the closure of one of the bazaars. A reported 6,000 people demonstrated in Kokand in November 2004 when tax officials tried to implement Decree 387 and confiscated the goods of some traders. In January 2005, 50 women traders reportedly protested in the Andizhan region because they had been displaced by tax officials.

At the beginning of May 2005, law enforcement officers used excessive force to break up a largely peaceful demonstration in Tashkent. At about 11.20pm on 3 May as many as 100 mainly plainclothes law enforcement officers attacked some 70 demonstrators as they were asleep or resting in makeshift tents they had erected on a central square opposite the US embassy. The majority of the demonstrators were women and young children from a small farming community in the Kashkadaria Region, who had come to Tashkent to protest against the reportedly unlawful seizure of their property by the regional authorities. The security forces reportedly tore down the tents and indiscriminately beat their occupants – the women as well as the men and some children – with truncheons. The demonstrators were forcibly put into buses and driven back to their community in Kashkadaria Region. Eleven of the men were reportedly held in incommunicado detention for three days in the regional capital. The authorities later denied that the security forces had used excessive force saying that the demonstrators had attacked plainclothes police officers earlier in the day, beating them and throwing stones at them. However, the demonstrators insisted that they had acted in self-defence when a young man, whom they believed to be a plainclothes police officer, tried to take a nine-month-old baby from one of the tents.

The crowds in Bobur Square continued to grow throughout the day. It is difficult to determine how many people were present on the square during the day, with estimates varying from 10,000 to 30,000 people. The government maintained that only 300 to 400 people were present on the square. Indeed, the government rejected the fact that there was any kind of demonstration on Bobur Square, and maintained that passers-by and people from the local neighbourhoods were forced to go to the square at gunpoint and that others were offered money to go to the square. However, everybody that Amnesty International spoke to said that they had attended the demonstration of their own volition.

The extent to which the demonstration was organized in advance, and the extent to

which the government had prior knowledge of it, remains unclear. A number of the refugees told Amnesty International that the market and the schools were closed on the day of the demonstration. The Mayor was also out of town on that day. The majority of the participants who were interviewed by Amnesty International said that they had had no advance information about the demonstration, and that they first noticed it whilst they were on their way to work or on their way to the market. However, one of the refugees told Amnesty International that on 12 May, some of the people who had been following the trial of the 23 entrepreneurs had decided to demonstrate outside the *Hokimiat* the next day. At least three participants who travelled from Kyrgyzstan to Andizhan had prior knowledge of the demonstration. One refugee told the UN OHCHR that he and several others had received phone calls on 12 May informing them that there would be a meeting on Bobur Square the next day.⁹

Hostage-taking and alleged abuse of hostages

Armed men took a number of people hostage during the course of the day. The hostages reportedly included the Chief Judge of Andizhan City Court, the Head of the City Tax Inspectorate, the City Prosecutor, law enforcement personnel and members of the security service, as well as administrative staff from the *Hokimiat*. Amnesty International opposes the taking, holding and ill-treatment of hostages. Hostage-taking is universally condemned in a number of international legal instruments, including the 1979 UN Convention Against the Taking of Hostages, which qualifies these acts as an “offence of grave concern to the international community”.

The government has not officially released the names of any of the other hostages. Eyewitnesses told Amnesty International that they saw women and children inside the building. The number of hostages that were taken during the day is still the subject of some confusion. The government stated on 5 September that armed men held a total of 70 people hostage and killed 15 of them. Eyewitness estimations provided to Amnesty International varied between 50 and 80 hostages.

People in the crowd, gathered in Bobur Square, reportedly captured members of the security forces and took them hostage, in response to periodic shootings that were being carried out by the security forces. It was reported that people surrounded security force vehicles, pulled the occupants out and then took them to the *Hokimiat*. A refugee interviewed by Amnesty International witnessed one of these incidents. He said that he saw the security forces drive by and shoot into the crowd, killing somebody. The crowd was so angered by the shooting that it surrounded the vehicle and dragged the men, who were armed and wearing masks, out onto the street. He said that the crowd disarmed the men and beat them before taking them to the *Hokimiat*. The crowd also reportedly began to hand over to armed men other people who were on the square and who were suspected to be members of the security services.

Some members of the crowd also went to the apartments of government officials, which were located near the square, and captured some of the officials. They brought them back to the square and handed them over to armed men. At some point during the afternoon, the Head of the City Tax Inspectorate and the City Prosecutor were forced to speak to the crowd from the podium. The City Prosecutor reportedly told the crowd that he knew that the 23 entrepreneurs were innocent and that he was merely a “puppet of the regime”. The Head of the City Tax Inspectorate reportedly told the crowd that the charges against the 23 entrepreneurs were flawed. The Head of the City Tax Inspectorate and the City Prosecutor

⁹*Report of the Mission to Kyrgyzstan by the Office of the High Commissioner for Human Rights (OHCHR) concerning the killings in Andizhan, Uzbekistan of 13 - 14 May 2005*, Geneva, 12 July 2005, p 8.

both reportedly undertook to petition for the release of the 23 entrepreneurs. The Head of the City Tax Inspectorate reportedly acknowledged the difficulties that high taxes were causing for local businesses and undertook to lobby for the reversal of Tax Decree 387.¹⁰

Amnesty International has also received reports that armed men severely beat and ill-treated some of the hostages inside the *Hokimiat*. According to one eyewitness, the male hostages were tied to the radiators and beaten. The Russian Federation NGO, Memorial, has also published an account in which the eyewitness reported seeing one of the hostages being shot by one of the armed men.

Telephone conversations with the government

In a press conference on 14 May, President Karimov said that intensive negotiations had been held throughout the day. He said that the negotiations had been led by Zokir Almatov, the Minister of Internal Affairs, and Saidullo Begaliev, the Andizhan Governor, and that some other officials had also participated in the negotiations later in the process. However, Kabulzhon Parpiev claimed that they had two telephone conversations with Zokir Almatov.

Sharipzhon Shakirov, the brother of one of the 23 businessmen, told journalists that the only demand of those who spoke to the government had been the release of those prisoners, including Akram Yuldashev, who had been wrongly accused of being members of Akramia. The government rejected these demands. In a press conference on 14 May, President Karimov stated that, "To accept their terms would mean that we are setting a precedent that no other country in the world would accept." In the press conference, President Karimov said that the government had instead demanded the release of the hostages and had offered the armed men a safe passage out of Uzbekistan.

However, Kabulzhon Parpiev claimed that during the second conversation Zokir Almatov had seemed unwilling to negotiate and had virtually ordered the group to leave and go to Osh, saying that he had deployed 20,000 troops in Andizhan and that 65,000 were on their way. Kabulzhon Parpiev also told journalists that Zokir Almatov said, "We don't care if 200, 300 or 400 people die. We have force and we will chuck you out of there anyway."

Security forces open fire on the crowds

Security forces periodically shot into the crowd during the course of the day. They drove past the square in armoured personnel carriers (APCs) and military trucks and fired into the crowd from their moving vehicles. The majority of the casualties in these incidents were reportedly amongst those people who were standing on the edges of the crowd, including women and children. One of the refugees told Amnesty International that at some point during the morning he heard shots and initially thought that the security forces were firing warning shots until he saw that one of the children who had been playing on the edge of the crowd had been shot. It has not been possible to ascertain the exact number of people killed as a result of these periodic shootings throughout the day. Human Rights Watch estimates that 12 – 50 people may have been killed.¹¹ One eyewitness told the UN OHCHR that 30 – 50 people had been killed by mid-day, while others gave figures twice as high.¹² One eyewitness reported seeing the demonstrators throwing stones at a military truck before it opened fire on the

¹⁰ For further information on Tax Decree 387, see box on page 11, 'Andizhan – A context of economic hardship'.

¹¹ HRW, "Bullets were falling like rain", p. 24.

¹² Report of the Mission to Kyrgyzstan by OHCHR, p. 11.

crowd.

Despite the shootings, the crowds continued to remain in the square. Amnesty International was told that the main reason for this appears to have been the rumours that the Governor of Andizhan and then President Karimov were coming to speak to the crowd and listen to their problems. People, who were largely dissatisfied with the actions of the local government officials, hoped that if they could speak to President Karimov and tell him what was happening in Andizhan, he would be able to improve their situation. Other people stayed on the square because they were too frightened to leave. There were rumours that people who were returning to their homes were being arrested. Furthermore, the majority of the casualties were occurring on the edge of the crowd, so people thought that they would be better protected in the middle of the crowd.

According to the report of OSCE/ODIHR, those wounded were initially taken to the local hospital. However, rumours developed during the course of day that the wounded at the hospital were being summarily executed by the security forces. On the basis of these rumours, the wounded people were kept inside the *Hokimiat* and not sent to the hospital.¹³

At some point during the day, an ambulance came under fire, killing the driver, the medical assistant and the doctor. As a result of the attack, the ambulance was reportedly riddled with bullets. It is unclear who fired upon the ambulance but according to the government, the ambulance was fired upon by "terrorists". According to relatives of one man who was killed, the ambulance came under fire about 30 metres from a checkpoint that had been set up on a street that runs parallel to Prospekt Cholpon. A number of eyewitnesses told Amnesty International that the Akhunbabaev Theatre and the Bakirov Cinema were set on fire. The government says the fires were started by armed men, although this has not been confirmed by any other sources.

The shooting intensified at some time between 5pm and 6pm. A column of APCs and a military truck drove past the square, without opening fire. A second column of APCs then arrived at the square. This time the security forces opened fire indiscriminately into the crowd. They reportedly fired round after round into the crowd from their moving vehicles. One of the refugees told Amnesty International that at first he thought they were firing warning shots but then he saw people falling down and realized that the security forces were firing at the crowd. At least nine people were reportedly killed in this incident.

APCs and a military truck returned to the square about three or four times and continued to shoot indiscriminately into the crowd. There were a lot of children and youngsters present, and many of them were reportedly amongst the first to be hit. The casualties were heavy and panic broke out. People started running in different directions to try to escape the bullets. However, one of the refugees told Amnesty International that the people on the edges of the crowd were particularly vulnerable and the ones that tried to run away were being picked off by the security forces. One eyewitness said that somebody from the podium told the crowd to stick together for safety. The women and children began to huddle in the centre of crowd and the men encircled them in an attempt to protect them.

By this time security forces had blocked off all streets surrounding the square except for Prospekt Cholpon. A significant part of the crowd decided to try to escape down Prospekt Cholpon and reportedly separated into two groups. The first group was reportedly made up mostly of men. The second group was larger and contained more women and children. Armed civilians reportedly brought the hostages out of the *Hokimiat* and placed them at the front of the two groups with the apparent aim of using them as human shields as the groups exited the square and made their way along Prospekt Cholpon. According to an eyewitness account published by Memorial, the hostages were topless and had their hands tied behind their backs with belts. The government has said that armed men forced the civilian crowd to act as a human shield as they attempted to escape from the square. However, all the civilians

¹³ODIHR, *Preliminary findings on the events in Andizhan, Uzbekistan, 13 May 2005*, Warsaw, 20 June 2005, p. 16.

who spoke to Amnesty International said that they had acted of their own volition.

Ambush on Prospekt Cholpon

As the two groups made their way along Prospekt Cholpon, at the junction with ulitsa Parnovaia, there was reportedly a barricade made up of parked buses. The crowd managed to move one of the buses out of the way and continue along Prospekt Cholpon. At that point the crowd reportedly came under intense fire from a number of different directions. The hostages, who were at the front of the first group, were reportedly amongst the first to be killed. Amnesty International has received conflicting reports as to who initiated the shooting. Some eyewitnesses have reported that armed men present did not fire at all, whilst others have reported that armed men returned fire in response to shooting by the security forces.

The crowd was reportedly being shot at from both sides of the street. One refugee told the OSCE/ODIHR that the security forces followed them as they ran away from the square and shot at them from behind.¹⁴ The UN OHCHR has reported that eyewitnesses consistently told them that they realized they had been caught in an ambush.¹⁵ It is not known what happened to people who tried to flee in other directions. A policeman, who spoke anonymously to IWPR, said that a similar ambush was waiting for the people who tried to flee along Bukhara Street. One man told Amnesty International that he fled in a different direction and not down Prospekt Cholpon, and that he managed to get home safely.

The crowds were forced to lie down from time to time in an attempt to avoid the bullets. The security forces were also shooting at people who were lying on the ground or who had already been wounded. Relatives of people who were killed have stated that a large number of people had been killed by shots in the head and in the chest. Furthermore, the security forces reportedly made no attempt to avoid shooting the hostages who were being used as human shields. One refugee told Amnesty International representatives that she saw the City Prosecutor being shot down as she ran along Prospekt Cholpon. There are conflicting reports as to whether he was killed by the security forces or by armed civilians.

The people began to reach Cholpon Cinema and School 15, which are located at the end of Prospekt Cholpon. There were two APCs and security forces waiting for them. The security forces, who were positioned on the ground behind sandbags, opened fire on the crowd. There were also shots coming from other directions, including the apartment blocks located opposite the cinema. Members of the crowd held white headscarves above their heads. One refugee told Amnesty International, "When the shooting started we lay down in the street. The street was running with blood and rain. We were soaked in blood and rain. We were in shock." Another refugee told Amnesty International that a child and a pregnant woman were shot down next to him. He also saw two people aged about 20 lying dead with bullet holes in their foreheads. Another eyewitness who was clearly traumatized by what she saw on Prospekt Cholpon told Amnesty International that her most vivid memory was of a heavily pregnant woman whose expression suddenly changed as a cloud of blood started near her shoulder, and she fell down dead.

A number of eyewitnesses told Amnesty International that the casualties were particularly heavy at this point. One eyewitness told Amnesty International, "We could not believe that our own people were shooting at us. We thought they must be robots or zombies." It has been reported that soldiers subsequently walked down Prospekt Cholpon and killed more of the wounded. The APCs reportedly drove over the corpses and wounded people who were lying on the ground.

¹⁴OSCE/ODIHR, *Preliminary findings on the events in Andizhan*, p. 19.

¹⁵OHCHR, *Report of the Mission to Kyrgyzstan*, p. 12.

Hundreds of people reportedly managed to escape from Prospekt Cholpon and get into the *Mahalla*, a residential area. There have been reports that the security forces were also present in the *Mahalla*, shooting at people who were outdoors. A number of people who had not even attended the demonstration were reportedly killed at this point. One man told *www.ferghana.ru*, a Russian Federation-based news website on Uzbekistan set up by a private individual, that his neighbour was shot in the leg whilst he was returning home after visiting a relative. One eyewitness told Amnesty International that he saw a child shot dead in a courtyard, and that when the mother came out to protest, she was also shot dead.

Attempt to cross the border - The events at Teshik Tosh¹⁶

The people who had managed to reach the *Mahalla* then walked all night to the border in order to cross over into Kyrgyzstan. They walked in several large groups, leaving wounded people at houses along the way. The government has stated that the majority of those who went to Kyrgyzstan did not do so of their own accord but were used as human shields by armed men. However, the refugees interviewed by Amnesty International insisted that they had decided to go to Kyrgyzstan of their own volition and had not been coerced.

Groups of people arrived in Teshik Tosh, a small village in Uzbekistan close to the border, in the early hours of the morning of 14 May. One refugee told Amnesty International that they were unsure of the way and a local man and a young boy offered to guide them to the border. Soldiers in APCs and military trucks were waiting for the group and opened fire once again. The people fell to the ground and the women in the group held up their white shawls. It is thought that eight people, including the two local guides and a pregnant woman, were killed at this point. Many others were wounded, including some of the villagers. A lot of women were reportedly wounded in the attack.

The group fled back to the *Mahalla* in Teshik Tosh. Some of them were allowed to hide in the homes of local residents, where they tried to tend to the wounded. There were reportedly ambulances in Teshik Tosh and some of the injured people agreed to leave in the ambulances. It is not known what happened to those people. At some point the group decided to make another attempt to cross the border. Again, they found APCs waiting for them on the Uzbekistan side of the bridge. One refugee told Amnesty International that they decided to risk trying to cross the bridge. They made white flags out of headscarves and pieces of clothing and held them in the air as they crossed the bridge to show that they were peaceful.

The media in Uzbekistan has reported that the military in Kyrgyzstan confiscated 73 automatic rifles from the refugees as they crossed the border. However, Akilbek Sharipov, the Head of Suzak District National Security Service in Kyrgyzstan, informed Amnesty International that none of the refugees had been armed at the point of crossing. He said that the authorities in Uzbekistan had notified them on 13 May that 500 armed convicts had broken out of jail and were heading for the border with Kyrgyzstan. The border guards made preparations but when they saw the crowd arrive they realized that the people were not armed prisoners. Akilbek Sharipov informed Amnesty International that they did not find any weapons on the refugees.

In total, a group of 545 men, women and children – who managed to cross the border at this point, most across the bridge, and some others through the river – were then placed in a makeshift refugee camp in Kyrgyzstan.

¹⁶ For information on what happened to the many hundreds of refugees who crossed the border into Kyrgyzstan, see Amnesty International's earlier reports *Kyrgyzstan: Refugees in Need of a Safe Haven*, AI Index: EUR 58/008/2005, 30 June 2005, and *Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan. A Follow-Up Report*, AI Index: EUR 58/016/2005, 2 September 2005.

Mass killing of civilians – The indiscriminate and disproportionate use of force

Based on the information currently available to the organization, Amnesty International is concerned that, in many instances, the intentional resort to the lethal use of firearms and the indiscriminate and disproportionate use of force and firearms by members of the Uzbekistani security forces on 13 May in Andizhan violated Uzbekistan's obligations to protect and respect the right to life and to prevent arbitrary deprivation of the right to life under Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Amnesty International is also concerned by allegations that the security forces carried out extra-judicial executions by intentionally killing wounded people, including as they lay on the ground, in violation of Article 6 of the ICCPR. Such use of lethal force contravened international human rights standards including the UN Code of Conduct for Law Enforcement Officials (Code of Conduct)¹⁷ and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (UN Basic Principles)¹⁸.

The international standards adopted by the international community relating to the use of force and firearms make clear that law enforcement officials may only lawfully resort to force "when strictly necessary and only to the extent required for the performance of their duty" (Article 3, Code of Conduct). Under these standards, which are applicable even during times of internal political instability and public emergencies (Principle 8 of the Basic Principles), the use of firearms by law enforcement officials is considered an extreme measure and is strictly limited. Principle 9 of the UN Basic Principles prohibits the use of firearms except in a number of strictly limited circumstances. These include in self-defence or the defence of others against the imminent threat of death or serious injury; to prevent the perpetration of particularly serious crimes; or to arrest a person resisting authority only when less extreme means are insufficient to achieve these objectives. This principle states that, "in any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life".

These international standards clearly state that when lawful resort to firearms is unavoidable, law enforcement officials shall: "exercise restraint; act in proportion to the seriousness of the offence and the legitimate objective to be achieved; minimize damage and injury; and respect and preserve human life."

It is clear that armed civilian men had committed a number of serious crimes, including holding a number of people hostage. While it may have been legitimate for the security forces to resort to the proportionate use of firearms to arrest the armed men and to protect the hostages, the security forces were firing indiscriminately into the crowd on the square and when people were fleeing down Prospekt Cholpon. Furthermore, there was no evidence that security forces took action to assist the hostages who were being used as human shields. Indeed, the hostages were also reportedly shot at by the security forces.

Principle 4 provides that the use of force and firearms should only be used as a matter of last resort. However, Amnesty International has not received any information to suggest that the security forces used any non-lethal means before resorting to the use of force. In addition, the security forces reportedly did not ask the crowd to disperse. The UN Basic Principles also require law enforcement officials to give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would be clearly inappropriate or pointless in the circumstances of the

¹⁷The UN Code of Conduct for Law Enforcement Officials was adopted by the UN General Assembly in Resolution 34/169 of 17 December 1979.

¹⁸The Basic Principles on the use of force and firearms were adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in Havana, Cuba, 27 August to 7 September 1990.

incident.¹⁹ However, Amnesty International was consistently told that no warning was given before the security forces began to fire into the crowd. This was the case on the square itself, on Prospekt Cholpon and in Teshik Tosh.

Principle 5 provides that whenever the use of force and firearms is unavoidable, law enforcement officials must exercise restraint and act in a proportionate manner to the threat posed. The Basic Principles also provide that the intentional lethal use of firearms may only be used when strictly unavoidable in order to protect life.²⁰ Amnesty International has received reports that some of the armed men were returning fire during the day as the security forces fired into the crowd gathered in Bobur Square and during the flight down Prospekt Cholpon. However, the response of the security forces, which reportedly involved the indiscriminate shooting of hundreds of unarmed civilians -- some of whom were holding white scarves above their heads and some of whom were already wounded -- appears to have been disproportionate to the threat posed by the armed men.

Principle 5 also requires law enforcement officials to minimize damage and injury, and respect and preserve human life. Yet the eyewitness accounts make it clear that far from minimizing injury and preserving human life, the security forces were deliberately shooting at civilians, some of whom were shot in the forehead and in the chest. Furthermore, the security forces reportedly shot and drove APCs over people who were wounded and had fallen to the ground.

UN Basic Principles on the Use of Force and Firearms by Law Officials – Some Extracts

Principle 4: Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Principle 5: Whenever the use of force and firearms is unavoidable law enforcement officials shall,

- (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate object to be achieved;
- (b) Minimize damage and injury, and respect and preserve human life;
- (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment;
- (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Principle 9: Law enforcement officials shall not use firearms against persons except in self-defence or defence of others against the imminent threat of death or serious injury, to prevent the perpetration of a particularly serious crime involving grave threat to life, to arrest a person presenting such a danger and resisting their authority, or to prevent his/her escape, and only when less extreme means are insufficient to achieve these objectives. In any event, intentional lethal use of firearms may only be used when strictly unavoidable in order to protect life.

Principle 10: In the circumstances provided for under principle 9, law enforcement officials shall identify themselves as such and give a clear warning of their intent to use firearms, with sufficient time for the warning to be observed, unless to do so would unduly place the law enforcement officials at risk or would create a risk of death or serious harm to other persons, or would clearly be inappropriate or pointless in the circumstances of the incident.

Principle 12: As everyone is allowed to participate in lawful and peaceful assemblies, in accordance with the principles embodied in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, Governments and law enforcement agencies and officials shall recognize that force and firearms may be used only in accordance with principles 13 and 14.

Principle 13: In the dispersal of assemblies that are unlawful but non-violent, law enforcement officials shall avoid the use of force or, where that is not practicable, shall restrict such force to the minimum extent necessary.

Principle 14: In the dispersal of violent assemblies, law enforcement officials may use firearms only when less dangerous means are not practicable and only to the minimum extent necessary. Law enforcement officials shall not use firearms in such cases, except under the conditions stipulated in principle 9.

¹⁹Principle 10

²⁰Principle 4

The subsequent events in Korasuv on 14 - 18 May 2005

On 14 May there was a demonstration in Korasuv, a town in eastern Uzbekistan, which straddles the border between Uzbekistan and Kyrgyzstan. Several thousand demonstrators reportedly stormed the *Hokimiat* (the town administration building) and held the Mayor hostage. He was reportedly forced to stand on the roof of the *Hokimiat* and publicly criticize President Karimov. There have also been reports that the Mayor along with a number of local government employees were beaten by the demonstrators. The demonstrators also reportedly torched a number of cars and set a number of government buildings on fire including the police department, the Office of the Prosecutor, the tax inspectorate and buildings housing the customs service and the border guards.

Demonstrators managed to oust the local government officials and retained control of the town for five days. One of the leaders of the popular uprising, Bakhtior Rakhimov, told journalists that it was his intention to start building an Islamic state, although he denied belonging to any organized religious or political group. However, the main aim of the demonstrators appears to have been the re-establishment of trade links with Kyrgyzstan. Indeed, as soon as the residents had taken control of the town, they set about repairing a footbridge over the Shahrikhansai river, which links the Uzbekistan and Kyrgyzstan sides of the town. The bridge had been destroyed by the authorities two years previously in an attempt to prevent shuttle traders from importing goods into Uzbekistan.

The Uzbekistani authorities took control of the town again during the night of 18-19 May. According to residents of the town, about 200 troops took part in the operation, which did not result in any violent clashes. A number of people were arrested, including Bakhtior Rakhimov and his 13-year-old son, in the early hours of the morning of 19 May. Bakhtior Rakhimov was reportedly arrested at his home by 30 armed men where he was reportedly severely beaten. His sister, who was present at the time, told *Radio Free Europe/Radio Liberty (RFE/RL)* that Bakhtior Rakhimov was handcuffed and hit in the head with the butt of a machine gun.

Amnesty International has also received reports that Bakhtior Rakhimov has been subjected to torture and ill-treatment since he was arrested. According to IWPR, the people who were arrested in Korasuv were taken to Andizhan jail and were beaten on the way with pistols on their heads, backs, chests and stomachs. Since the authorities re-established their authority over the town there has reportedly been a high presence of soldiers and armed police officers in Korasuv. The local residents told journalists that there have also been large numbers of plain-clothed officials from the MNB stationed in the town. On 21 May, the residents held a peaceful demonstration calling for the release of Bakhtior Rakhimov and the other people who were arrested on 19 May.

2. Blocking access to independent information

The government has taken a number of measures in what appears to be an attempt to prevent information or evidence that contradicts its official version of the events of 12-13 May from emerging. These measures reportedly included destroying records and documents. There have also been unconfirmed reports that the bodies of some of those people who were killed on 13 May were removed from the city centre and secretly buried in unknown locations. The authorities also took a number of measures that violated the human rights, including on freedom of expression, of witnesses, journalists and human rights defenders. These ranged from blocking access to the city, to intimidation and harassment, to arbitrary detention and, in some instances, to criminal charges. The authorities have also taken steps to limit the access of Uzbekistani citizens to information other than the official version of the events.

The government's version of events

The government denies the reports that security forces periodically shot at the crowd during the course of the day. President Karimov has said that he specifically ordered the security forces to hold fire in order to create favourable conditions for the ongoing negotiations. According to the government, the security forces did not approach the square until the negotiations broke down at 6pm. The government claimed that the armed men realized that they were being surrounded and tried to leave the building in three groups. They said that the security forces pursued the armed men and admitted to using firearms at this point, although during the press conference on 14 May, President Karimov suggested that the security forces only opened fire in response to shots from the armed men.

The government has been quick to characterize the events as an attempt by terrorists and religious extremists to overthrow the government and replace it with an Islamic state in Uzbekistan. The government has repeatedly said that the Akramia group, which it describes as a branch of Hizb-ut-Tahrir, was responsible for the events. The government says that the attacks were meticulously planned and that the group received external financing and assistance and has linked the events to other groups including the banned Islamic Movement of Uzbekistan (IMU)²¹, the Taliban and al-Qa'ida. Kabulzhon Parpiev has denied having links with terrorist organizations. Hizb-ut-Tahrir has denied any involvement in the events in Andizhan.

The disputed numbers of deaths and injuries

There are contradictory accounts of how many people died as a result of the violence on 12-13 May. On 18 July the Prosecutor of Andizhan Region stated that 187 people were killed as a result of the events in Andizhan. As of 5 September, the government had not released the names of the people who were killed. The government figures, as of 5 September, for those killed were as follows: 94 "terrorists", 60 civilians (of whom one was a woman and two were children), 20 law enforcement officers and 11 military personnel. These figures are significantly lower than the estimates put forward by international organizations. The

²¹ The Islamic Movement of Uzbekistan (IMU), also known as the Islamic Movement of Turkestan, is a banned Islamic armed opposition group which advocates the forceful overthrow of President Karimov's government and the establishment of an Islamic state or caliphate.

OSCE/ODIHR has estimated that between 300 - 500 people lost their lives as a result of the events in Andizhan. The UN OHCHR has also reported that up to several hundred people may have been killed. Both estimates were made on the basis of interviews with the refugees who fled to Kyrgyzstan.

Other eyewitness accounts also suggested that the number of people killed may be much higher than the official figure given by the Uzbekistani authorities. A doctor told journalists that she had seen about 500 bodies in School 15, which had been turned into a temporary morgue. Numbered morgue tags were attached to some of the bodies that were collected by relatives in the direct aftermath of the events on 13 May. One morgue tag bore a number as high as 303. It is not clear what the numbers on the morgue tags stand for, although it is possible that the numbers may indicate how many bodies were taken to the morgue on 13 May.

The government has said that 287 people were wounded. According to the government on 5 September, the wounded included 73 “terrorists”, 91 civilians, 49 law enforcement officers, 59 military personnel. As of 5 September, however, the government had not released the names of the people that were wounded. A doctor, who spoke to journalists, estimated that around 2,000 people were wounded as a result of the events in Andizhan.

Missing persons and the alleged concealment of bodies by security forces

In the direct aftermath of the events in Andizhan, some people found the bodies of their relatives on the streets, at the city morgue and at the school, which was turned into a temporary morgue. However, it has been reported that some people in Andizhan have been unable to find their relatives and Amnesty International is concerned by reports that the authorities may have concealed the bodies of some of the victims, particularly those of women and children.

A number of eyewitnesses have reported seeing the security forces loading bodies onto trucks and buses on the night of 13 May, saying that the bodies were removed from Andizhan. The majority of the bodies that were left on the streets and taken to the morgues were reportedly the bodies of young men. One man told journalists, “Last night, they took away all the corpses of the women and children because they couldn't say they were terrorists. Only male bodies are left. They are all over the city.”²² The whereabouts of the bodies that were loaded onto trucks by the security forces is unknown. One resident of Andizhan told Amnesty International that the bodies may have been flown to other locations in Uzbekistan. A policeman, who spoke anonymously to IWPR, said that the bodies were secretly buried in a number of different locations over a period of several nights.²³

One man told *www.ferghana.ru* that his mother had been missing since 13 May. She had gone out to look for him on the day of the demonstrations and had not returned. He said that the family had visited all the hospitals and morgues and had been unable to find her. Another man told journalists that he was still looking for his son two months after the events

²²Foreign observers visit Andizhan, *RFE/RL*, 18 May 2005.

²³He claims that some of the bodies were buried in mass graves at Boghishamol, an area outside Andizhan, and that some were sent to the neighbouring provinces of Ferghana and Namangan. He claims that the first bodies to be buried were those that had been killed by the 14.5mm bullets fired by the APCs, because the injuries were proof that they had died at the hands of the authorities. According to the police officer, the next bodies to be buried were those of the women and children. One resident of Andizhan told an Amnesty International representative that there was a mass grave at Soguzar, an area outside Andizhan near a car factory.

saying, “He is not in the refugee camp and he is not in the detention centre either, I checked. Where can I go to ask? I don’t know. We hope that he is still alive.”²⁴

A number of relatives of Kyrgyzstani citizens who died as a result of the violence in Andizhan went to Uzbekistan to collect the bodies. They told an Amnesty International representative that they had to pay to get the bodies back. The mother of one citizen of Kyrgyzstan told Amnesty International that her son had been exhumed from a grave that contained two other bodies.



Small numbered plaques allegedly mark anonymous graves in a cemetery on the outskirts of Andizhan. © Misha Japaridze/AP/EMPICS

Amnesty International has also received reports that the efforts of the authorities to prevent potential evidence about the extent of the killings from reaching the outside world has led them to confiscate documents and records. The MNB has reportedly confiscated medical records from the morgues and hospitals. The authorities also reportedly confiscated the passports of some of the people who were killed on 13 May. The authorities also reportedly confiscated the numbered morgue tags on the bodies that were taken to the morgue; in some instances the local neighbourhood committees have reportedly offered social assistance to relatives in return for such tags.

Amnesty International is also concerned about reports that the hospitals denied information to families about injured relatives, as well as permission to visit. It was reported that the hospitals initially released lists of the people who were admitted on 13 May. However, one man, who told *www.ferghana.ru* that his father had been hospitalized with bullets in his arm and leg, said that the family had not been permitted to see his father and that

²⁴Andizhan – A city under arrest, 14 July 2005, *www.ferghana.ru*.

his name had subsequently disappeared from the list of patients. The hospital refused to give the family any information about where he had been taken and why his name had been removed from the list.

ICRC visits blocked

The continuing confusion as to the whereabouts of missing people has been exacerbated by the refusal of the authorities to provide the ICRC with access to the morgues, hospitals and places of detention in Andizhan. On 7 June, the ICRC took the unusual step of issuing a press release indicating that they had still not been provided with access, despite their repeated requests.²⁵ The Delegate-General for Asia and the Pacific, Reto Meister, made it clear that the intention of the ICRC was not to carry out an investigation into the events in Andizhan but rather to begin to try to restore family links. According to the ICRC, many people at that time still did not know whether their missing relatives were dead, injured or in detention or whether they had fled the violence to another part of the country.

Intimidating the citizens of Andizhan

The authorities have also been placing witnesses and relatives of people killed under significant pressure in order to prevent them from speaking about their experiences. In the immediate aftermath of the tragedy, people were reportedly still willing to speak about what had happened. However, as a result of the increasing intimidation brought to bear by the authorities, many people are now too scared to talk to journalists and human rights defenders. There is reportedly a large security presence in the city and Amnesty International has learnt that law enforcement officers have been threatening people with violence and detention if they spoke to journalists. The neighbourhood committees have also reportedly informed on people who were seen speaking to strangers. Some families are reportedly too scared to search for the bodies of their missing relatives.

Amnesty International has received reports of continuing house to house searches and sweeping detentions²⁶ in Andizhan after 13 May. The detentions were not limited to people suspected of participating in the demonstration. The security forces have been reportedly detaining people as witnesses and pressuring them to testify at upcoming trials.²⁷ They have also detained people who spoke to journalists or who were searching for their missing relatives. Amnesty International has received an unconfirmed report that one woman was detained the day after she approached the ICRC to request help in finding her missing relatives. Amnesty International has also received a report that a doctor was detained for questioning after she spoke to international journalists about the number of bodies she had seen at the temporary morgue.

The doctor alleges that she was initially questioned over a period of three days, in the absence of a lawyer, at the Office of the Prosecutor. After the initial questioning she hired a lawyer from the American Association of Lawyers. However, she claims that after the lawyer agreed to take up her case, he was detained and intimidated by representatives of the regional MVD department. He was released later the same day, but indicated that he would no longer

²⁵ Uzbekistan: ICRC still waiting for access to injured and arrested, press release, ICRC, 7 June 2005.

²⁶ Under the Uzbekistan Code of Criminal Procedure a person may be detained for questioning before being charged. A person is only considered to be "arrested" once formal charges are brought against them.

²⁷ On 31 August President Karimov announced during a press conference that the first trial related to the Andizhan events would start on 20 September.

be able to defend her. The authorities have reportedly charged the doctor with the theft and destruction of state documents,²⁸ and have also confiscated her passport.

Controlling the flow of information in Uzbekistan

Uzbekistan is obliged under Article 19 of the ICCPR to ensure respect for the right to freedom of expression. Everyone has the right to seek, receive and distribute information, including information on alleged human rights violations.²⁹ The government can only lawfully restrict freedom of expression in a number of strictly prescribed circumstances, including in the interests of national security. According to Principle Seven of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, the types of expression that do not constitute a threat to national security and as such, cannot be restricted, include expression that constitutes criticism of the government or expression that is directed at communicating information about alleged violations of international human rights standards.³⁰

However, in contravention of these standards, the authorities blocked access within Uzbekistan to websites that provided a differing account of the events to the official version. Access to websites affiliated to the Uzbekistani opposition in exile and those presumed to carry information critical of the authorities of Uzbekistan was also blocked. Several Russian Federation television stations, perceived to be independent or biased against Uzbekistan, were unable to broadcast in Uzbekistan. In Andizhan itself, local newspapers were stopped from publishing and a popular local radio station, *Didor*, was reportedly closed down on 13 May. Internet cafes reportedly introduced a fine of 10,000 Uzbekistan sums (\$10) for logging on to independent websites. The OSCE Representative on Freedom of the Media reported that, according to legal experts, the blocking of websites and TV programmes was in direct violation of the Constitution of Uzbekistan.³¹

As a result of the blackout on foreign and independent media, national media was the sole source of information for the vast majority of Uzbekistani citizens. The state-run media devoted its coverage to the official version of events, as set out by President Karimov in a press conference on 14 May. It also ran a number of state-sponsored television programmes to try to convince people of the government version of events. The rest of the media, whilst not being formally controlled by the state, also practised self-censorship and limited its coverage to the official version of events. According to *www.ferghana.ru*, the Deputy Prime Minister, Rustam Azimov, sent a letter to local media outlets in the aftermath of the events telling them that coverage should be based solely on the official statements made by President Karimov.

A programme called "Temptation Leading Toward The Abyss" was broadcast on a state-run television station on 30 July. In it, Akram Yuldashev, the alleged leader of Akramia, was shown admitting his responsibility for the violence in Andizhan, despite the fact that he has been in prison since 1999. Another broadcast called "The Night That Shook the Golden Valley" accused foreign journalists of being sympathetic towards "terrorists" and turning a blind eye to their crimes. Another programme, called "The Flame of Ignorance", focussed on the Andizhan City Prosecutor, who was killed as a result of the violence, and

²⁸Article 227 of the Criminal Code of Uzbekistan.

²⁹See Article 19(2) of the ICCPR, Principle 1(b) of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information and Article 6(a) and Article 6(b) of the UN Declaration on the Rights and Responsibilities of Human Rights Defenders.

³⁰The Johannesburg Principles on National Security, Freedom of Expression and Access to Information, U.N. Doc. E/CN.4/1996/39 (1996).

³¹*Coverage of the events and government handling of the press during the Andizhan crisis in Uzbekistan, Observations and Recommendations*, 15 June 2005. p. 4.

claimed that he was killed by armed men. It did not address the claims, made by a number of sources, that the City Prosecutor was killed by the security forces.

Denigration of independent journalists

Journalists and media outlets which continued to publish information about the events which varied from the official version were targeted by the government-controlled media, and journalists were subjected to public personal attack. According to the NGO Reporters Without Borders (RSF), the MNB instructed newspapers to carry ready prepared, unsigned, articles criticizing independent journalists who covered the events calling them “traitors to the country” and “liars”. For example, on 3 June, Aleksei Volosevich, correspondent for the website *www.ferghana.ru*, was targeted in an article published by the weekly *Mokhiat* (Meaning), portraying him as a “hooligan”. On 9 June, the newspaper *Zerkalo XXI* (21st Century Mirror) carried an article against independent *Radio Ozodlik* (Radio Liberty), giving details about the personal life of journalist Khamrokul Karshiev.

On 25 May 2005 an article was published in the main national, government newspaper *Pravda Vostoka* (Truth of the East), under the title "In defence of the sovereignty of the Uzbekistani people". The article accused Galima Bukharbaeva, the Uzbekistan country director of IWPR, who was one of the few journalists present in Andizhan on 13 May, of taking an active role in provoking the Andizhan events. The article called IWPR the "Institute for Triggering War" and accused IWPR staff of conducting an informational war against the state. The article recommended that IWPR staff should be sent out of the country and that their pictures and names should be shown on national TV to warn citizens against them. Galima Bukharbaeva was subsequently forced to flee the country.

Blocking international journalists and international human rights monitors

Principle 19 of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information provides that governments cannot prevent journalists or representatives of intergovernmental or non-governmental organizations, with a mandate to monitor adherence to human rights, from entering areas where there are reasonable grounds to believe that violations of human rights are being, or have been, committed. However, in the direct aftermath of the events, the authorities took steps to prevent international journalists from gaining access to Andizhan.

On 14 May, for instance, police reportedly detained a crew from the Russian Federation TV channel NTV on the outskirts of Andizhan, confiscated their papers and told them to leave the city. Their identity documents were returned once they arrived back in Tashkent. Dmitri Yasminov and cameraman Viktor Muzalevski from the Russian Federation TV channel *RENTV* were detained as they tried to enter Andizhan on 14 May. Their documents were confiscated and they were taken to a local police station. They were reportedly not given any reasons for their detention and were subsequently forced to leave the country. According to the OSCE Representative on Freedom of the Media, several international journalists complained of having visa accreditation problems.

The authorities have also taken steps to prevent representatives of international organizations and international human rights NGOs from entering Andizhan. For example, on 3 June the Uzbekistani authorities reportedly refused to issue an entry visa to Michael Matthiessen, the Personal Representative for Human Rights of the Secretary General of the Council of the European Union. The police also forced a four-person delegation from the

Vienna-based human rights NGO, the International Helsinki Federation, and their driver, to leave the region on 15 June. The delegation, which was made up of citizens from Uzbekistan, Russia, Azerbaijan and Belarus, was stopped by the police, taken to a local police station, and subsequently required to return to Tashkent.

Harassment of local journalists and human rights defenders³²

A number of Uzbekistani journalists and human rights defenders have tried, at great personal risk, to document and publicize the events that occurred in Andizhan. Their reports contradicted the official version of events and pointed to the indiscriminate use of force against civilians. Amnesty International is concerned by reports that human rights defenders, independent journalists and members of the political opposition have been targeted, intimidated and detained in an effort to prevent their reports from reaching the outside world.

Amnesty International has received reports that the security forces in Andizhan have been searching the houses of dozens of human rights defenders and members of the secular political opposition, confiscating documents and computers. There have also been reports that human rights defenders and members of the opposition have had their passports confiscated and have been arbitrarily detained and interrogated about the events in Andizhan. Some have been charged with criminal offences and Amnesty International considers as prisoners of conscience those people who have been detained solely for exercising their rights to freedom of expression by reporting human rights violations.

On 28 May the authorities in Andizhan arrested Dilmurod Muhiddinov and Musozhon Bobozhonov, two members of the Markhamat district branch of the independent human rights NGO, Ezgulik (Goodness). They also arrested Muhammadkodir Otakhonov of the Andizhan regional branch of the Frankfurt-based International Human Rights Society (IHRS). Police seized human rights materials and copies of a statement on the Andizhan events, published by the secular opposition party, Birlik (Unity), on 15 May, from their homes. The men have been charged with “infringement of the constitutional order”, “forming a criminal group” and “preparation and distribution of materials containing a threat to public order and security”. They were reportedly questioned without a lawyer and have been remanded in custody. They were still in custody as of the beginning of September.

On 2 June police reportedly arrested Nurmukhammad Azizov, Chairman of the Andizhan regional branch of the independent Human Rights Society of Uzbekistan (HRSU), and Akbar Oripov, Chairman of the Andizhan regional branch of Birlik. Police searched their homes and confiscated human rights publications and computers containing a copy of the 15 May Birlik statement about the Andizhan events. They have also been charged with infringement of the constitutional order, forming a criminal group and preparation and distribution of materials containing a threat to public order and security; their cases have been linked to those of Dilmurod Muhiddinov, Musozhon Bobozhonov and Muhammadkodir Otakhonov. As of early September, they reportedly remained in custody. On 7 June Andizhan police detained Hamdam Sulaimanov, Deputy Chairman of the Ferghana regional branch of Birlik. They searched his home and seized his computer. He was interrogated about the distribution of the 15 May Birlik statement by the Birlik Party Chairman, Abdurakhim Polat, during a briefing of the U.S. Helsinki Commission in Washington, USA, on 19 May. He was released on bail but was subsequently summoned for additional questioning. His case has also been linked to those of the five activists above.

Independent journalists have also been detained. On 26 June Gafur Yuldoshev, a correspondent for *RFE/RL*, was briefly detained along with two members of the banned

³² For detailed information see Amnesty International’s briefing *Uzbekistan: Human Rights Defenders and Freedom of Expression at Risk*, AI Index: EUR 62/013/2005, 23 June 2005

opposition party Erk (Freedom), Isroil Holdorov and Sadirohun Sufiev. Gafur Yuldoshev was interviewing Isroil Holdorov and Sadirohun Sufiev in a teahouse in Andizhan when they were reportedly searched and detained. Reportedly the three were taken to the MVD Department in Andizhan, where they were questioned several times over a four-hour period and had documents and equipment confiscated.

In some cases, human rights defenders have even been accused of serious criminal offences in connection with the events in Andizhan, including “terrorism”³³, which is currently a capital crime in Uzbekistan.

Amnesty International is particularly concerned for the safety of Saidzhakhon Zainabitdinov, the chairperson of the Andizhan independent human rights NGO Apelliatsia (Appeal). Saidzhakhon Zainabitdinov attended the trial of the 23 entrepreneurs that preceded the violence, and acted as a representative for one of the accused men. He was present in Andizhan on 13 May and gave the international media an account of the events, providing a stark contrast to the official version of events. His account was widely cited by the international media in the days following the violence. He was arbitrarily detained by law enforcement officers on 21 May and was held in police custody in Andizhan. However, he was reportedly transferred to Tashkent sometime in July and held in incommunicado detention. Amnesty International has raised concerns that he was at serious risk of being subjected to torture and other ill-treatment. Neither his family nor his lawyer were able to obtain any information as to his whereabouts in Tashkent. His lawyer last saw him in police custody in Andizhan in the middle of July.

According to information received from Memorial, Saidzhakhon Zainabitdinov had been allowed to call his family on 23, 29 and 30 May. During these telephone conversations he said that he had been charged with “slander” under Article 139 of the Criminal Code, a charge which was reportedly related to an open letter about the case of the 23 entrepreneurs, published on the internet in April 2005. Saidzhakhon Zainabitdinov reportedly told his son over the telephone that he would be released on bail soon. However, as of 5 September he remained in detention. It was reported that he was charged with spreading information with the aim of causing panic and with terrorism, a capital offence, at the beginning of July.³⁴



Saidzhahon Zainabitdinov in Andizhan, April 2005. © 2005 Private

³³ In April 2005 the UN Human Rights Committee expressed concern about the lack of information on acts that fall within the definition of “terrorism” in Uzbekistani law. The Committee called on the government to define what acts constitute “terrorist acts” and to ensure that its legislation on this matter be brought into compliance with the provisions of the ICCPR.

³⁴ In a press release on UzReport.com of 7 July the MNB informed that the Andizhan Regional Office of the MVD had instituted a criminal case against Saidzhakhon Zainabitdinov and Lutfullo Shamsuddinov under Articles 155(3), Clauses a) and b) and 244-1 Part 2, Clauses a) and b) of the Criminal Code of Uzbekistan.

Lutfullo Shamsuddinov, another prominent human rights defender, fled Uzbekistan with his wife and five children following the events of 13 May. He is a member of an independent NGO, the Independent Human Rights Organization of Uzbekistan, and was an eyewitness to the events in Andizhan. He fled to Kazakhstan and was recognized as a mandate refugee by the UN High Commissioner for Refugees (UNHCR) on 27 May. The Kazakstani police arrested him on 4 July at the request of the Uzbekistani authorities, who were seeking his extradition on grounds that he took part in the events in Andizhan. He was charged with spreading information with the aim of causing panic and with terrorism. Despite enormous pressure from the Uzbekistani authorities, the Kazakstani authorities handed Lutfullo Shamsuddinov over to UNHCR on 4 July. He was flown, along with his family, to a European country, where they remained until they were permanently resettled to the USA.

A broader crackdown in Uzbekistan against journalists, human rights defenders and members of the opposition

The crackdown in the aftermath of 13 May has not been limited to independent journalists, human rights defenders and members of the opposition in Andizhan. Amnesty International has also documented such a crackdown throughout the country. They have been subjected to physical assaults, threats and arbitrary arrests by law enforcement officials. A number of individuals have been detained and charged with administrative or criminal offences. They have also been forcibly confined to their homes, had their telephone lines disconnected, and have been kept under surveillance. Of particular concern was the emerging pattern of activists or journalists being subjected to threats of violence, harassment and actual physical assaults by private individuals or by groups of civilians, some of whom were allegedly state-sponsored. Frequently such actions have resulted in the activists themselves being charged with an administrative offence and being detained for 10 to 15 days.

The detention of Tulkin Karaev, who is a regular contributor to IWPR and a human rights activist with the HRSU, is a case in point. Tulkin Karaev was repeatedly detained for questioning by law enforcement officers in Karshi following 13 May and was reportedly sentenced to administrative detention for 10 days on 4 June for hooliganism under Article 183 of the Uzbekistan Criminal Code. Tulkin Karaev claimed that the charge was fabricated against him after he complained to police that he had been assaulted by an unknown woman at a bus stop in Karshi. He was released on 14 June but was again briefly detained on 16 June. This time his passport was confiscated and he was placed under house arrest. His passport was subsequently returned to him following appeals from several international organizations and he fled Uzbekistan.

Tulkin Karaev was one of the few independent journalists in Karshi, in southern Uzbekistan. He had reportedly not been in Andizhan and did not report on the events of 13 May. In an interview with Forum 18, Tulkin Karaev said that whilst he was in detention, he was questioned about his human rights activity on behalf of religious believers. He said he had been warned that he would be charged with a criminal offence if he did not stop his human rights activity. He reportedly did not have access to his lawyer whilst he was in detention. Local television programmes reportedly accused Tulkin Karaev of being a “traitor” and called for his expulsion from the country.

Ulugbek Khaidarov, an independent journalist from Dzhizzakh, who contributes to two opposition websites, www.ferghana.ru and www.centrasia.ru, was attacked on the evening of 26 June in Karshi, some 200 metres from the home of Tulkin Karaev, whom he was going to meet. According to RSF, two unidentified men accosted him, hit and beat him about the head. After he fell to the ground, they reportedly kicked him, saying: “What are you doing in Karshi? Get back where you came from!” Passers-by, who were alerted by the noise, drove off the attackers. Ulugbek Khaidarov returned to his home in Dzhizzakh the following

day.

On 26 May around 70 people forcibly entered the Dzhizzakh home of Bakhtior Kamroev, Chairman of the regional branch of the HRSU. The crowd, which was reportedly made up of state employees and law enforcement officers, accused him of being a traitor for passing information to western organizations including human rights groups, and of being a “Wahhabist” and a terrorist. They put pressure on him to leave Dzhizzakh and made threats against his life and against his family. The crowd reportedly beat him, swore at him and threatened him. At least two other activists were attacked by crowds on the same day in Dzhizzakh. The next day, the crowd returned to Bakhtior Kamroev's home but later dispersed, reportedly due to the presence of foreign diplomats.

On 2 June a pro-government demonstration took place outside the mayor's office in Dzhizzakh, where, according to a BBC report, “many protesters waved portraits of President Karimov and shouted slogans against those who oppose him or question the government line”. Reportedly, the protesters carried banners that read “Traitors – out!”, “Human rights activists – out of Uzbekistan!”. They also reportedly “travelled round the city, attacking human rights activists with sticks and vilifying them as traitors.” The Dzhizzakh governor and Member of Parliament Ubaidulla Yamankulov said during the demonstration that all local human rights activists and “Internet-journalists” were “enemies of the Motherland” and that soon they would have to leave the country.

Kholiknazar Ganiev, Chairperson of the Samarkand regional branch of Ezgulik and Birlik, was detained on 28 May. A group of unknown women had come to his house on 27 May and started insulting him and his family for his opposition and human rights activities; he later filed a complaint with the district police. He was accused of disorderly conduct and sentenced to 15 days' administrative detention. He was reportedly held in a basement cell in Samarkand city police station without his family being notified about the court decision. His family were not allowed access to him.

On 30 May, two unknown armed men in civilian clothing beat HRSU activist Sotvoldi Abdullaev outside his house in Tashkent. The assailants had been monitoring the house from a parked car for several days in an attempt to prevent him from leaving his house. He suffered severe concussion as a result of the beating and was hospitalized.

Numerous other human rights defenders, journalists and political opposition activists have complained of being detained for short periods of time or confined to their homes, often to prevent them from attending demonstrations. On 22 May Sobitkhon Ustabaev of the Namangan human rights NGO Zashchita (Protection) was arrested and sentenced to 15 days' administrative detention after taking part in a peaceful demonstration against the events in Andizhan. He was released on 6 June.

Abduzhalil Boimatov, a HRSU human rights activist from Tashkent, was reportedly ordered to remain in his home for two weeks. He claimed that police threatened him with the use of force when he tried to leave his house on 25 May. Surat Ikramov, the chairman of the unregistered Initiative Group of Independent Human Rights Activists of Uzbekistan (IGNPU) and Rahmatulla Aliboev, an IGNU activist, were both ordered to remain in the home of Rahmatulla Aliboev in Tashkent for nine days. On 30 May Vasila Inoiatova, Chairwoman of Ezgulik and Secretary-General of Birlik, was reportedly detained for several hours in order to prevent Ezgulik activists from staging a protest near the Ministry of Justice in Tashkent. Twelve members of Ezgulik and 26 members of Birlik were reportedly also detained and threatened with being accused of assisting Islamic terrorists if they attended the protest demonstration.

On 21 June, a demonstration in memory of the victims of the events in Andizhan took place in Tashkent. Some security forces tried to confiscate placards. They also prevented HRSU activists Sotivoldi Abdullaev and Abdudzhalin Vaimatov from leaving their apartments and going to the demonstration. About 20 people were arrested and detained at a police station until 6 pm.



People at the “Monument to Courage” in Tashkent commemorating 40 days since the Andizhan killings.

© Tamara Chikunova

Rahmatulla Aliboev was reportedly detained in the early morning of 27 June in Tashkent in the apartment of Elena Urlaeva, a fellow human rights activist and member of the unregistered secular opposition political party, Ozod Dekhonlar (Free Peasants), as they were preparing posters for a demonstration to be held that day outside the National Television Centre. According to Elena Urlaeva, three police officers broke into her apartment and reportedly ill-treated Rahmatulla Aliboev and detained him. They ordered Elena Urlaeva not to leave her apartment for the rest of the day. She was reportedly ill-treated and detained on 28 June as she was protesting the detention of Rahmatulla Aliboev outside the building of the MVD in Tashkent. She was summarily sentenced to a fine for disseminating harmful/false information and for disobeying orders; the judge reportedly disregarded her request for a lawyer and an interpreter, to interpret from Uzbek to Russian, to be present at the hearing. On 27 August Elena Urlaeva was detained by police officers as she was putting up leaflets of Ozod Dekhonlar in Tashkent. She was charged with desecrating state symbols, under Article 215 of the Criminal Code. Although the Article does not envisage a psychiatric evaluation of the accused, Elena Urlaeva was nevertheless taken by police to the Psychiatric Hospital in Tashkent for a psychiatric evaluation. She was due to remain confined in the hospital for two weeks.

Amnesty International has received a number of reports of severe beatings of independent journalists since the events on 13 May. Lobar Kainarova, a journalist with the Tashkent Bureau of RFE/RL, was reportedly severely beaten by two women and a man near

her home in Gulistan, Syrdarya region on 1 July. Lobar Kaynarova was three months' pregnant at the time of the attack, during which she was beaten unconscious. According to RFE/RL, she had previously been warned to "stay away from politics". She had recently been interviewing human rights campaigners and opposition activists. Her interviewing materials were reportedly stolen.

On 6 July freelance journalist Razhabboi Raupov was reportedly seriously beaten by two unknown assailants near his home in the Sharifkan district of Bukhara region. Razhabboi Raupov, who works for a number of media outlets, including RFE/RL, was reportedly beaten with an iron bar. He suffered severe head injuries, and was taken to Sharifkan District Hospital where he was operated on immediately. He believed that the attack was directly linked to his journalistic activities.

3. The urgent need for an independent, international investigation

The circumstances in which the security forces resorted to the use of lethal force and the numbers, and conduct, of the people who were killed on 12–13 May in Andizhan are a matter of dispute, as is the conduct of armed civilians. The government's version of events differs significantly to the testimonies given by the refugees who fled to Kyrgyzstan in the direct aftermath of the events in Andizhan and to the testimonies of other eyewitnesses. In these circumstances, Amnesty International considers that only a thorough, independent and impartial international investigation, conducted in a manner consistent with international human rights standards, can begin to determine what happened on 12-13 May. The creation of an international, independent investigation is particularly important in light of the reported efforts of the authorities in Uzbekistan to control the flow of independent information about the events, to intimidate witnesses and to destroy physical evidence and documentation.³⁵

The obligation to carry out a prompt, independent and thorough investigation

As a party to the ICCPR, Uzbekistan is required to ensure that allegations of human rights violations are promptly, independently and thoroughly investigated. The UN Human Rights Committee has made it clear that the failure to effectively investigate an alleged human rights violation could, in and of itself, give rise to a breach of the right to an effective remedy.³⁶ The UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions provide that in all suspected cases of extra-legal, arbitrary and summary executions, the purpose of the investigation should be to determine the cause and manner of death, the person responsible, and any pattern or practice which may have brought about that death.

The elements of an effective, independent and impartial investigation

International standards, including the UN Principles on the Effective Prevention and Investigation of Extra-legal Arbitrary and Summary Executions, set out the necessary elements of an effective, independent and impartial investigation. The investigation should comprise an analysis of all physical and documentary evidence and statements from witnesses and be carried out by persons of recognized impartiality, competence and independence. It is of particular importance that they should be independent of any institution, agency or person that may be the subject of the inquiry. The panel should include experts in forensic pathology, ballistics, crowd control and crime scene investigation.

The investigation should seek to establish the number of people that were killed as a

³⁵ Amnesty International has called for an independent, international investigation into the Andizhan events: *Uzbekistan: Independent, international investigation needed into Andizhan events*, AI Index: EUR 62/0015/2005, 24 June 2005.

³⁶ Article 2(3) of the ICCPR. Human Rights Committee General Comment 31, on Article 2 of the ICCPR, adopted on 29 March 2004, at paragraph 15 (UN Document: CCPR/C/21/Rev.1/Add.13)

result of the violence, as well as their identities. Autopsies on the bodies of each person should be carried out by independent and expert forensic pathologists and should, at a minimum, attempt to establish the identity of each deceased person, and the cause and manner of death. Every reasonable effort should be made to determine the time and place of death of each person. A full autopsy report, including photographs and describing all injuries, should be made, and a copy given to the relatives of the deceased. The body of each deceased person should be returned to their family upon completion of the investigation.³⁷ The investigation should also seek to establish the number, identities and whereabouts of people wounded as a result of the violence. It should also seek to ascertain the fate and whereabouts of the individuals who remain missing, including those who were last known to have been in hospitals in Andizhan.

The investigation should look into the circumstances in which, and the extent to which, the security forces resorted to the use of force. In particular, the investigation should assess whether the use of force and firearms by members of the security forces was, in each instance, consistent with national law and international human rights law and standards, including the ICCPR, the UN Code of Conduct for Law Enforcement Officials and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. In particular, the investigation should examine the rules of engagement and orders given to the members of the security forces involved. The investigation should also seek to clarify exactly which security forces were involved in the operation in Andizhan on 13 May, and to establish the chain of command under which the security forces were operating. The investigation should also seek to establish circumstances surrounding, and the extent of, the use of firearms by the armed civilians.

The investigation should look into the attacks on the prison and other government buildings during the night of 12-13 May and identify the suspected perpetrators of the attacks and any persons who were wounded or killed as a result. The investigation should also seek to clarify the identity, and conduct, of the people who occupied the *Hokimiat*, including investigating the circumstances and extent to which civilians were involved in hostage-taking and in alleged ill-treatment or killing of hostages.

The investigation would require the full co-operation of the Uzbekistani government. In particular, the government should guarantee to the investigators, freedom of movement and free access to all relevant places. International standards also demand that those conducting the investigation should have the necessary powers to obtain all information necessary to the inquiry, including the authority to summons and oblige officials and other individuals to appear before them, to provide information and to produce evidence including documents. The wounded, families of the deceased and their respective legal representatives should be informed of and have access to information relevant to the investigation, and should be entitled to present evidence.³⁸

Authorities must ensure that participants in the investigation, all witnesses and complainants, and their respective families, are protected from any reprisals, including violence, threats, arbitrary detention and other forms of intimidation. Officials suspected of responsibility for extrajudicial executions and torture and ill-treatment should be suspended from active duty during the investigation, to ensure the integrity of the investigation. They should be removed from any position of control or power over relatives, witnesses and others involved in the investigation while the investigation is in process. These measures should be without prejudice to the outcome of the investigation, to the careers of the officers concerned or to any eventual judgment regarding their suspected involvement.³⁹

³⁷Principles 12, 13, 14 and 16 of the UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.

³⁸Principle 16 of the UN Basic Principles.

³⁹Principle 15 of the UN Basic Principles. See also Principle 6 of the UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the UN General Assembly in resolution 40/34 of 29 November 1985.

A written report describing in detail the specific events that were found to have occurred and the scope and methods of the investigation, as well as recommendations based on these findings should be made public within a reasonable time. The relevant Uzbekistani authorities should reply to the report, indicating the steps they will take in response to it.⁴⁰ The authorities should ensure that the report, along with their response, is disseminated as widely as possible within Uzbekistan.

As a result of the investigation, those people who are reasonably suspected of criminal actions, including members of the security forces, where there is sufficient credible admissible evidence, should be prosecuted in the course of full and fair proceedings that comply with international law and fair trial standards, and do not result in the imposition of the death penalty. Superior officers or other public officials may be held criminally responsible for crimes committed by subordinate officials under their effective authority and control, when they knew or should have known that the subordinates had committed, were committing or were about to commit these crimes and the superiors failed to take all necessary and reasonable measures within their power either to prevent or repress these crimes or to report the crimes to competent authorities for investigation and prosecution.

The government should ensure reparation for the victims and the families of the deceased and for those whose property was destroyed or damaged during the events.

Parliamentary commission of inquiry – No substitute for an international investigation

The Prosecutor-General initiated a criminal investigation into the events of Andizhan. In addition, on 23 May the Oliy Majlis (Parliament) established a Parliamentary Commission of Inquiry to investigate the events in Andizhan on 12-13 May, after the government rejected the calls for an international investigation. The Commission has been mandated to investigate all the circumstances of the events in Andizhan including an analysis of the actions of the government and the law enforcement agencies.⁴¹ In view of the close affiliation of the Parliamentary Commission with the executive, and reports that in fact the Parliamentary Commission is not in fact carrying out its own investigation, but reviewing the findings presented by the Prosecutor-General, Amnesty International does not consider this investigation to meet the necessary standards of actual and perceived independence and impartiality. Furthermore, the fact that the government has invited the diplomatic representatives of a number of countries including China, Iran, India, Kazakhstan, Kyrgyzstan, Pakistan, the Russian Federation, Turkmenistan and Tajikistan to monitor the work of the Commission is no substitute for a fully independent, international investigation carried out by persons with relevant technical expertise. France and the United States were also invited to observe the work of the Commission, but declined the invitation.

Amnesty International supports the numerous calls among the international community for an international investigation into the events in Andizhan. These calls have been made by the UN High Commissioner for Human Rights, along with a number of special procedures of the Commission on Human Rights. These include the Special Rapporteur on torture, the Chairperson-Rapporteur of the Working Group on Arbitrary Detention, the Special Representative of the Secretary-General on Human Rights Defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions. The European Parliament, the Council of the European Union, the OSCE Chairman-in-Office, NATO and the US State Department have also called for an international investigation.

⁴⁰Principle 17 of the UN Basic Principles.

⁴¹“The Formation of an Independent Commission to Investigate the Events in Andizhan,” Resolution of the Legislative Chamber of the Oily Majlis [parliament] of Uzbekistan, 23 May 2005.

The authorities have adamantly rejected the repeated calls for an international investigation, citing reasons of national sovereignty. According to a statement released by the Foreign Ministry on 10 June, “There are no grounds for creating an international commission to investigate the events in Andizhan in view of the fact that Uzbekistan, like all other sovereign states, has all of the legal bases and capabilities to conduct its own investigation of the tragic event that took place in Andizhan.” Indeed, President Karimov reportedly told journalists on 25 May that, “Our view, my view, and our government's view is that we think that the idea of setting up an international commission to investigate the Andijon events is groundless, and we will never agree to this.”⁴² The governments of Russia and China do not support the calls for an international investigation.

The Uzbekistani authorities attempted to quell the consistent calls for an international investigation by allowing a group of foreign diplomats and selected journalists to visit Andizhan. The visit, which took place on 18 May and was led by Zokir Almatov, the Minister of Internal Affairs, did little to dispel the concerns of the international community. The visit only lasted for approximately one hour and was strictly controlled by the Uzbekistani authorities. According to the OSCE Representative on Freedom of the Media, the diplomats and journalists were not allowed to visit important sites, including School 15, where some of the most intensive shooting reportedly took place. The diplomats and journalists were reportedly also prevented from talking to any of the local residents, except for the parents of a policeman who had been killed.

⁴²Uzbekistan – falling out with the west, *RFE/RL*, 6 June 2005.

4. Human rights violations in the name of national security

Concern for the individuals detained in connection with the Andizhan events

The violence in Andizhan was followed by widespread detentions throughout the city. On 18 July the Prosecutor of Andizhan Region announced that 155 men and women had been charged with criminal offences in connection with the events in Andizhan. On 5 September the Prosecutor-General announced that the criminal investigation files on 15 people had been completed and given to the courts. He also said that the criminal investigations into a further 106 people charged were reaching the final stages. The charges against them include terrorism, murder, forming a criminal group, attempt to overthrow the constitutional order, organization of mass disturbances, hostage-taking and illegal possession of firearms.⁴³ Terrorism and premeditated, aggravated murder are both offences punishable by the death penalty in Uzbekistan.

Based on reports received and the organization's monitoring of the human rights situation in Uzbekistan over the years, including in relation to persons charged in the name of national security or fighting terrorism, Amnesty International considers all those individuals who have been detained in connection with the events in Andizhan are at serious risk of being subjected to torture and other ill-treatment. Amnesty International also considers those individuals who have been charged with criminal offences are at serious risk of being tried in a manner that violates international fair trial standards. The individuals who have been charged with capital offences are at great risk of suffering a violation of their right to life, as a result of the likely imposition of the death penalty following an unfair trial. These concerns are based on the well-documented history of human rights violations in Uzbekistan in the name of national security.

Human rights violations in the name of national security – A brief history

There is a pattern of widespread human rights violations in the name of national security, and, since September 2001, in the name of the “war on terror”, in Uzbekistan. This pattern has been documented by many human rights organizations, including Amnesty International. It has also been a subject of concern for international human rights mechanisms and intergovernmental bodies. Amnesty International has documented a range of human rights violations committed in the context of national security since Uzbekistan became independent in 1991. These violations include arbitrary detention, torture and ill-treatment, “disappearances”, violations of international fair trial standards and the imposition of the death penalty after an unfair trial.

A wave of mass arrests and detentions was sparked by the murders of several law enforcement officials in the Namangan Region in December 1997. The authorities suspected the murders to have been carried out by members of banned Islamic opposition groups, and

⁴³ Articles 155, 97, 242, 159, 244, 245 and 247 of the Criminal Code.

used them as a pretext for indiscriminately targeting “independent” Muslims.⁴⁴ The police reportedly began arbitrarily detaining young men with beards in the streets of Namangan, threatening to cut off their beards and take their money. Reports of the arbitrary detention, verbal abuse, torture and ill treatment of “independent” Muslims increased.

In February 1999 a series of explosions killed 16 people in Tashkent. The bombings triggered another wave of arbitrary arrests. The authorities blamed the bombings on violent foreign-trained Islamic groups – including the IMU – which the authorities claimed were operating in concert with the exiled, secular, democratic opposition. Hundreds of men and women were detained following the bombings. This time the list of individuals reportedly arrested, tortured and ill-treated included independent human rights monitors and suspected supporters of the banned political opposition parties and movements, Erk and Birlilik. They also included alleged supporters of banned Islamic opposition parties and movements, such as Hizb-ut-Tahrir, along with their relatives. The majority of those men who were sentenced to death, after unfair trials, in connection with the bombings have reportedly been executed.

The clampdown on suspected sympathizers of banned Islamic opposition parties intensified following armed incursions by the IMU whose units crossed Kyrgyzstani territory from neighbouring Tajikistan on their way to Uzbekistan in August 1999. They took several hostages in Kyrgyzstan, including four Japanese nationals, and declared a jihad (holy war) on Uzbekistan. After two months of a military stand-off between the IMU and the Kyrgyzstani security forces, the hostages were released and the IMU withdrew from Kyrgyzstani territory.

Amnesty International was concerned by public statements by Uzbekistani officials, in the wake of the Namangan murders, the Tashkent bombings and the incursions by the IMU, which criminalized members and presumed members of independent Islamic congregations, their families and political opposition figures. On several occasions, senior officials, including the President of Uzbekistan, the Minister of Internal Affairs and the Prosecutor-General, called upon people involved in “non-traditional” Islamic groups and activities to come forward and “admit their guilt”, threatening those who did not, and their families, with punishment. On 2 April 1999 President Karimov was reported as saying that he would issue a decree allowing for the arrest of a suspect's father if the man's sons, who were involved in “religious extremism”, could not be found. “If my child chose such a path, I myself would rip off his head,” he was quoted as saying in the press.

In August 2000 violent clashes broke out between the Uzbekistani armed forces and armed units of the IMU in border areas when they tried to enter southeastern Uzbekistan from neighbouring Afghanistan, Tajikistan and Kyrgyzstan. The detentions of alleged sympathizers with the IMU and Hizb-ut-Tahrir continued at an alarming rate. Thousands of devout Muslims, convicted after unfair trials of membership of an illegal party, distribution of illegal religious literature and anti-state activities, are currently serving long prison sentences.

Amnesty International received thousands of reports that law enforcement officers routinely planted evidence, such as narcotics, weapons or illegal Islamic literature, on suspects in order to create grounds for detaining “independent” Muslims. Hundreds of these individuals have been accused of being “Wahhabists”, a term of abuse used throughout the former Soviet Union to describe independent Muslims. It bears no direct relation to Wahhabism which is the dominant form of Islam in Saudi Arabia. They have been sentenced to long terms of imprisonment, in trials falling far short of international fair trial standards, on charges including illegal possession of weapons, narcotics or banned religious materials, membership of banned religious organizations or criminal groups and attempt to overthrow the constitutional order.

⁴⁴“Independent” Muslims are members of independent Islamic congregations or followers of independent imams (Islamic leaders). Independent congregations and Imams are those that are not under the direct control of the Muslim Board of Uzbekistan. Although the Constitution guarantees the separation of state and religion, the activities of the Muslim Board of Uzbekistan, which regulates the religious life of the country, are effectively controlled by the government. The authorities are opposed to all but this official, controlled form of Islam.

A series of explosions and attacks on police checkpoints in Tashkent and the city of Bukhara took place between 28 March and 1 April 2004. The authorities blamed the violence, which left more than 40 people dead, on “Islamic extremists” including the IMU and Hizb-ut-Tahrir, which they accused of intending to destabilize the country. Hizb-ut-Tahrir denied involvement in the violence. On 9 April 2004 the Prosecutor-General announced that over 700 people had been questioned in connection with the violence and that 54 suspects had been arrested, of whom 45 had been charged with “terrorism”, including 15 women. He also blamed the bombings on a previously unknown Islamist group, Zhamoat (Society). Local human rights organizations reported sweeping arbitrary detentions across the country of men and women said to be either devout Muslims or their relatives.

On 30 July 2004 suicide bombings in Tashkent of the US and Israeli embassies and the Prosecutor-General’s office killed six people and injured at least nine others. The authorities linked the attacks to Uzbekistan’s participation in the US-led “war on terror”. The day after the bombings, President Karimov denounced the perpetrators although no group had at that point claimed responsibility for the attacks. In a televised speech he said, “Some international human rights organizations who take Hizb-ut-Tahrir under their wing and protect them say they are innocent lambs, [...] But if this group wanted to create a caliphate (Islamic state) and overthrow the government, how can they do it peacefully, and without bloodshed?... The same group carried out the March explosions as yesterday’s explosions and they base their ideas on Hizb-ut-Tahrir’s teaching... Hizb-ut-Tahrir made the biggest contribution to that terror.” The trial of some of the people accused of the March - April 2004 violence had started just five days prior to the President’s speech.

Civil society activists reported an increase in harassment by security forces since the beginning of 2005. Many believe that the authorities are trying to pre-empt a so-called “colour revolution” after the “colour revolutions” toppled existing governments in Georgia, Ukraine and Kyrgyzstan.

In March 2005 freelance journalist Radzhaboi Raupov launched a newspaper *Zerkalo Sharifkana* (Sharifkan Mirror). In the first issue he published critical articles about the head of the Sharifkan district administration and the district prosecutor. The authorities subsequently refused to register the newspaper.

Sabirzhon Yakubov, a 22-year-old journalist at the independent weekly newspaper *Hurriyat* (Freedom), was detained in Tashkent on 11 April on charges of attempting to overthrow the constitutional order and being a member of an illegal “fundamentalist” or “extremist” religious organization. He was detained at Tashkent Prison and there were fears that he was at risk of being ill-treated or tortured. Supporters denied that Sabirzhon Yakubov had any connection to banned Islamic groups or parties, such as Hizb-ut-Tahrir, for example, and claimed that the real reason for his detention was his journalism, and in particular an article he wrote on the murder of the Ukrainian journalist Georgi Gongadze in 2000 and which was published in *Hurriyat* on 16 March. In the article Sabirzhon Yakubov reportedly alluded to claims that the alleged participation of senior officials in the murder of Georgi Gongadze was one of the causes which contributed to the success of Ukraine’s “orange revolution” in November 2004. He also blamed the USA for reportedly being less critical of Uzbekistan’s human rights record since September 2001 when US troops were stationed at Karshi airbase. According to colleagues the journalist, writing for *Hurriyat* since 2001, had previously written numerous articles warning against the dangers of Islamic “fundamentalism” and was considered moderate in his views on Islam.

Independent journalist Ulugbek Khaidorov was severely beaten by an unidentified assailant overnight on 23-24 April 2005 in Dzhizzakh and taken to hospital with a broken collarbone and two broken ribs. The regional governor, Ubaidulla Yamankulov, had reportedly called him on the phone on 20 April telling him to stop writing his articles and threatening to “settle scores with him”.

Sabirzhon Yakubov’s detention, the beating of Ulugbek Khaidorov and the closure of Ulugbek Raupov’s newspaper occurred just weeks after letters from a source, claiming to

have insider knowledge of secret action plans by the MVD to eliminate dissent within the next two years, were posted on opposition websites based in Russia. The source disclosed that the MVD had allegedly drawn up so-called blacklists of dissidents perceived to be unduly critical of the authorities in Uzbekistan and gave the names of scores of well-known independent journalists, political opposition and human rights activists, who were reportedly to be silenced. Although the MVD denied the existence of any such plans, the lists nevertheless heightened the concerns of many civil society activists.

Arbitrary detentions in the aftermath of the events in Andizhan

Amnesty International is extremely concerned that the people who have been charged in connection with the events in Andizhan are being, and will be, subjected to the same pattern of human rights violations that followed the Namangan murders in 1997, the Tashkent bombings in 1999, the armed incursions by the IMU in 2000 and the explosions and suicide bombings in Tashkent and Bukhara in 2004. The authorities have not consistently notified or allowed the detainees to notify their relatives about their arrest or whereabouts.

Several thousand people have reportedly been detained⁴⁵ in connection with the Andizhan events. Amnesty International has received reports that law enforcement officials have not only detained those people, reasonably suspected of having carried out criminal offences, but also witnesses, individuals suspected of speaking to journalists, relatives of missing people, and relatives of refugees who fled to Kyrgyzstan.

Amnesty International is concerned that, contrary to Article 9 of the ICCPR, many individuals may have been arbitrarily detained in that they were detained without reasonable suspicion that they had committed a recognizable criminal offence and there was no procedure in place whereby the legality of their detention could be challenged before a court. At least some were being held in prolonged incommunicado detention. Many detainees have been denied prompt access to a lawyer, to their relatives or to medical assistance. There have also been reports that those suspects who were hospitalized in the direct aftermath of the events in Andizhan did not have access to legal advice and that their relatives were prevented from visiting them. In April 2005 the UN Human Rights Committee called on the government to ensure that the legality of all detentions are reviewed by a judge and to ensure that all those arrested have access to a lawyer from the time of arrest.

Amnesty International has also received reports that many individuals were detained on the pretext of suspected involvement in hooliganism or fighting, unconnected with the events in Andizhan, and were tried and sentenced to short periods of administrative detention. However, whilst in detention, they were reportedly questioned about the events in Andizhan. One resident of Andizhan told Amnesty International that he was detained for 10 days in June. On the third day of his detention he was tried by an administrative court, along with 10 other individuals. The local prisons were reportedly so full of detainees, that many individuals were being sent to serve their administrative detention in other regions including the Fergana and Namangan regions.

⁴⁵ Under the Uzbekistan Code of Criminal Procedure a person may be detained for questioning before being charged. A person is only considered to be “arrested” once formal charges are brought against them.

Extradition requests and forcible returns⁴⁶

Many hundreds of people – women, men and children – fled Andizhan following the 13 May events. Most crossed the Uzbekistan border into Kyrgyzstan seeking international protection. Many of those who fled to Kyrgyzstan were initially accommodated on 14 May in a makeshift refugee camp across the border from Teshik Tosh. The first census of the refugee camp inhabitants completed by the Southern Region Department of the Migration Service of Kyrgyzstan (KMS) at the start of June 2005 listed 477 people. Another 11 refugees were receiving treatment in the Suzak District Hospital. These refugees were subsequently moved to another camp at Besh-Kana on 4 June.

On 30 June, when Amnesty International published its report *Kyrgyzstan: Refugees in Need of a Safe Haven*, there were 461 people in the refugee camp at Besh-Kana. Amnesty International's report described the Uzbekistani government's systematic efforts to secure the return of the refugees to Uzbekistan through informal and formal pressure. The informal pressure included threats and financial inducements to people in Andizhan to go and plead with their relatives to return⁴⁷; organized excursions for relatives to the Besh-Kana camp in the presence of Uzbekistani MNB officers; and clandestine visits by Uzbekistani MNB officers to individual refugees in the camp. Using formal inter-governmental channels, the Prosecutor-General issued warrants for refugees to appear as witnesses to crimes, or as suspects in criminal activities and, in direct violation of the terms of an agreement with the UNHCR⁴⁸ negotiated four cases of forcible return of asylum-seekers directly with the National Security Service (SNB) in Kyrgyzstan.

Dilshod Gadzhiev, Tavakkal Gadzhiev, Muhammad Kadirov and Abdubais (Gasani) Shakirov were reportedly held in incommunicado in Andizhan prison following their forcible return from Kyrgyzstan on 9 June. On 27 June the UN Assistant High Commissioner for Refugees, Kamel Morjane, stated that no international entities had been allowed access to the four. In late July a well-informed source inside Andizhan told Amnesty International that, following alleged torture, Tavakkal Gadzhiev had been transferred from prison to intensive care in an Andizhan hospital. On 12 August UNHCR spokeswoman Jennifer Pagonis said during a press conference that neither UNHCR, nor any other organization or individual, had had access to the men since they were forcibly returned to Uzbekistan. The Uzbekistani authorities had refuted claims that the four men were refugees and told UNHCR in a letter, received in the week of 8 August, that the four men were "self-reported criminals" who had returned "voluntarily" and were now being held in a detention facility in Tashkent. UNHCR, however, had not been able to visit or talk to the detainees and as a result said that they remained extremely concerned about their well-being.

The Prosecutor-General of Uzbekistan formally requested, under the terms of the 1994 Minsk Agreement, on 9 June the extradition of 12 refugees, who are believed to be former detainees of Andizhan Prison, some of whom were among the 23 local entrepreneurs accused of Islamic extremism on trial in Andizhan. These 12 refugees were transferred from the camp into detention in Jalalabad.

On 16 June the Prosecutor-General's Office of Uzbekistan stated that it was seeking the extradition of 131 of the refugees whom it had reportedly "identified as direct participants of the acts of terrorism [in Andizhan]". Shortly afterwards on the same day, 17 other refugees

⁴⁶ For more details on what happened to the refugees who fled to Kyrgyzstan, see Amnesty International's reports *Kyrgyzstan: Refugees in Need of a Safe Haven*, AI Index: EUR 58/008/2005, 30 June 2005, and *Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan. A Follow-Up Report*, AI Index: EUR 58/016/2005, 2 September 2005.

⁴⁷ An independent source inside Andizhan says that families were each offered \$100 by the Uzbek MNB to bring their relatives back from the camp

⁴⁸ *Kyrgyzstan: Forcible return of four Uzbeks violates government agreement*, UNHCR Briefing Notes, 10 June 2005.

were reportedly removed from the camp by Kyrgyz SNB officers and taken to a detention centre in Osh. The group of 12 former detainees was reportedly also moved to the same detention centre in Osh.

On 21 June the UNHCR was apparently asked by the authorities of Kyrgyzstan to conduct refugee determination procedures for the 29 detained people. At the end of July the process of determining the possible refugee status of the 29 men was continuing, despite Uzbekistan's outstanding requests to extradite them. On 29 July, 14 of the 29 Uzbekistani detainees were among the 439 refugees whom UNHCR airlifted out of Kyrgyzstan to Romania.⁴⁹

In late July 15 asylum-seekers remained in detention. Of these the KMS had determined that 11 were refugees and UNHCR submitted these individuals to third countries for resettlement. However, they remained in detention as of 6 September, because UNHCR believed that they should not be moved until the fate of all 15 detainees was determined.

The status of the other four men remained disputed as of 5 September. The Uzbekistani authorities claim that one of them has been convicted of narcotics offences and that the other three were sought in connection with the violent death of the city prosecutor in Andizhan on 13 May. UNHCR recognized one of the four as a refugee and was in the process of determining the refugee status of the other three men, whom the refugee agency considers asylum-seekers. The KMS contested UNHCR's decision to recognize one as a refugee and initially excluded the other three men from seeking asylum. The men's appeal against the KMS' decision was upheld by a court in Kyrgyzstan, which referred the cases back for reconsideration.

Detainees at serious risk of torture and other ill-treatment

Amnesty International is concerned by reports of alleged torture and other ill-treatment by law enforcement officials in the aftermath of the events in Andizhan. Individuals, who have been detained and subsequently released, claimed that the detainees were being subjected to various forms of torture and other ill-treatment including beatings, beating of the heels with rubber truncheons and the insertion of needles into gums and under fingernails. Torture and other ill-treatment have reportedly been used to force detainees to "confess" to being involved in religious extremism. A senior policeman who spoke anonymously to IWPR claimed to have witnessed law enforcement officials threatening to rape a detainee's female relative if he did not confess to being involved in the events in Andizhan. Amnesty International has also received reports that detainees have been sexually assaulted with truncheons.

Torture is absolutely prohibited under international law, including under Article 7 of the ICCPR. However, there is a long history of detainees being subjected to torture and ill-treatment in places of detention in Uzbekistan. At least three of the individuals who were tried and convicted for the Namangan murders alleged that they had been subjected to torture and ill-treatment to force them to "confess". Whilst in pre-trial detention Nosir Yusupov was said to have had a plastic bag placed over his head to cut off his air supply and to have been tortured by electric shocks. His 16-year-old son, Dzhamaliddin Yusupov, who was a co-defendant, stated during the trial that he had been tortured. Another co-defendant, Isroil Parpiboyev, stated in court that he had been taken naked into the prison yard in winter after having cold water poured over him. He also alleged that a bottle was inserted into his anus and that vodka was poured onto his wounds.

⁴⁹ On 29 July 439 refugees were airlifted to Romania and settled at an EU Centre outside Timisoara. It was reported that they would be re-settled in other countries within the next six months. At the last minute in Bishkek, one refugee decided not to leave.

In another case in August 1999, five men were sentenced to prison terms ranging from 16 to 18 years by Tashkent Regional Court. They were convicted of charges including forming an illegal religious organization, inciting religious hatred and attempting to overthrow the constitutional order. In court, the five men alleged that they were held incommunicado in underground cells of the MNB and the MVD, and denied access to medical aid. They were reportedly tortured in order to force them to “confess”. The methods reportedly included suffocation with a plastic bag, being hung upside down, having needles stuck under fingernails and toenails, having their hands and feet burned and having electric shocks administered by a device fitted to the head. The accused claimed that their state-appointed lawyers failed to provide them with an effective or competent defence; and in particular, that their lawyers failed to lodge any complaints about the allegations of torture.

Following a mission to Uzbekistan in 2002, the UN Special Rapporteur on torture described the use of torture and ill-treatment in Uzbekistan as “systematic”. The Special Rapporteur drew up a list of 22 recommendations to be implemented by the government in its efforts to prevent and prohibit torture and ill-treatment. After his visit the authorities declared their intention to remedy the problem of torture and ill-treatment. The implementation of the recommendations was reviewed in a report submitted to the 61st session of the UN Commission on Human Rights.⁵⁰ Information from NGOs, including Amnesty International, indicated that many of the recommendations had not been implemented at all, and some had only been given partial effect. The first recommendation on the list urged the highest authorities to publicly condemn the use of torture. President Karimov reportedly promised to condemn torture in his speech to the annual general meeting of the European Bank for Reconstruction and Development (EBRD), which was held in Tashkent at the beginning of May 2003. He failed to do so and to date, President Karimov has still not publicly condemned the use of torture and ill-treatment.

Moreover, Amnesty International continued to receive regular reports of torture and other ill-treatment from different sources including former prisoners, relatives of prisoners, defence lawyers and human rights defenders. In April 2005 the UN Human Rights Committee also expressed its concern about allegations of widespread torture and ill-treatment in Uzbekistan. Amnesty International's concerns for the safety of the individuals who have been detained in connection with the events on 12-13 May are exacerbated by the fact that the ICRC has been denied access to the detainees. The failure to allow the ICRC access to the prisons and hospitals has also contributed to the continuing uncertainty about the whereabouts of missing individuals last seen in Andizhan.

Fair trial concerns

President Karimov has stated that the trials of the people charged in connection with the events in Andizhan will be open to interested parties and to representatives from the OSCE.⁵¹ However, Amnesty International considers these individuals to be at serious risk of being tried in a manner that violates even the most basic international fair trial standards. In April 2005 the UN Human Rights Committee expressed its concern about continuing violations of the right to a fair trial in Uzbekistan under Article 14 of the ICCPR. In particular, the Committee expressed concern that the judiciary is not fully independent and pointed to the high number of convictions based on “confessions” made in pre-trial detention that were allegedly obtained by torture or other ill-treatment. The Committee also expressed concern that the right of access to a lawyer from the time of arrest is often not respected in practice.

⁵⁰UN doc. E/CN.4/2005/62/Add.2, 21 February 2005.

⁵¹OSCE Secretary General visits Tashkent, calls for stronger ties with Uzbekistan, Press Release, 29 July 2005.

In the aftermath of the bombings in 1999 and the explosions in 2004, hundreds of people who were accused of being religious extremists were tried in a manner that violated minimum fair trial standards. Amnesty International is particularly concerned by evidence that, contrary to international norms, convictions have been regularly based upon “confessions” allegedly obtained by torture and other ill-treatment.

In July 2000, the presiding judge at Tashkent Regional Court reportedly dismissed allegations of torture by 15 members of Hizb-ut-Tahrir charged with distributing leaflets and calling for the overthrow of the constitutional order, even after one of the accused took off his shirt to show the court the injuries and bruises he had suffered. He was also said to have shown an injury on his foot, which he alleged was the result of being beaten with a nail fixed to a plank of wood. Other defendants claimed to have been raped, subjected to electric shocks, violently beaten and threatened with murder by officers of the MVD in order to force them to confess. In September 2000, the court found the men guilty and sentenced them to prison terms ranging from 12 to 16 years. The convictions were based on their “confessions”.

President Karimov pledged that the trials, that followed the series of explosions and attacks on police checkpoints in March and April 2004, would be open and would conform to international fair trial standards. However, a number of serious human rights violations of fair trial rights were documented. The majority of the accused were not granted adequate access to a lawyer in pre-trial detention and several had been held incommunicado, sometimes for several months. Most of the accused were reportedly not offered adequate time or facilities to prepare a defence. The Prosecutor-General published a letter before the trial of the first group of 15 defendants declaring them all guilty as charged, thereby violating their rights to the presumption of innocence. The first 15 defendants did not allege that their confessions had been extracted as a result of torture, and pleaded guilty. However, in most of the subsequent trials the accused pleaded not guilty and alleged that their confessions had been extracted as a result of torture. Nilufar Khaidarova, one of the women who went on trial as part of the second group of 15 people, stated in court that the MVD had threatened her with violence if she disclosed that she had been beaten and ill-treated in detention. The court did not investigate any of the allegations of ill-treatment and, after admitting the “confessions” alleged to have been adduced as a result of torture or other ill-treatment, found all of the accused guilty.

Violating the right to life – The death penalty following unfair trials

On 1 August 2005 the government announced that it would abolish the death penalty as of 1 January 2008. Amnesty International welcomes this development but is concerned that unless fundamental changes are introduced immediately then scores of people are likely to be sentenced to death and executed before January 2008. In previous reports Amnesty International has documented that Uzbekistan's flawed criminal justice system provides fertile ground for miscarriages of justice and executions due to judicial error or grossly unfair trials. Amnesty International is also concerned that the August 2005 announcement may come too late to protect those people who have been charged with capital crimes – premeditated aggravated murder and terrorism -- in connection with the events in Andizhan.⁵² Amnesty International considers that these individuals are at great risk of suffering a violation of their right to life, guaranteed by Article 6(2) of the ICCPR, as a result of the likely imposition of the death penalty following what would likely be an unfair trial. The death penalty has played an important role in the clampdown on “religious extremism” in Uzbekistan and dozens of alleged “Islamists” have been sentenced to death and executed without being granted the

⁵² *Uzbekistan: Questions of life and death cannot wait until 2008. A briefing on the death penalty*, AI Index: EUR 62/020/2005, September 2005

rights to effective assistance of counsel and to prepare a defence.

Iskander Khudoberganov was sentenced to death in November 2002, following a trial which violated the most basic fair trial standards. Iskander Khudoberganov was detained in Tajikistan and was handed over to Uzbekistani law enforcement officers on 5 February 2002 on suspicion of involvement in the bombings in Tashkent in 1999. His family was first notified of his detention by a state appointed lawyer on 18 March 2002. In a letter subsequently smuggled to his family, he said that he had been tortured to force him to “confess” to all the charges against him. Iskander Khudoberganov and five other accused were brought to trial in August 2002 in Tashkent City Court. They were charged with attempting to overthrow the constitutional order and setting up an illegal group. Iskander Khudoberganov was additionally charged with aggravated murder and terrorism, both of which are capital offences.

During the trial, Iskander Khudoberganov and two of his co-defendants told the court that they had been tortured and ill-treated. The judge reportedly dismissed all the allegations of torture and ill-treatment, accusing the defendants of “making up” the allegations to “evade criminal responsibility”. The lack of impartiality of the judiciary and the limited role of the defence were particularly apparent in this case. A diplomat who monitored the trial told Amnesty International, “It was so blatant. They didn't even try to pretend the trial was fair.” Iskander Khudoberganov's sister, Dilobar Khudoberganov, said in October 2002: “You can hardly see the difference between the prosecutor and the judge. The judge makes accusations and he shouts at the defendants. Once he announced the next hearing would be at two 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.”

The judge reportedly said to Iskander Khudoberganov during one hearing, “Come on, do not deny it. Confess and you will feel better.” One of the lay assessors reportedly told his lawyer: “Your efforts are useless. It is clear he is guilty and he will surely be sentenced to death.” The six men were convicted on 28 November 2002, primarily on the basis of their “confessions” which they had alleged had been extracted by torture. Iskander Khudoberganov was sentenced to death. Appeals against the sentences were turned down by the Presidium of Tashkent City Court and the Supreme Court of Uzbekistan. In November 2002 the UN Human Rights Committee urged the Uzbekistani authorities to put the execution on hold while they considered his allegations that his rights guaranteed under the ICCPR had been violated. The UN Special Rapporteur on torture also raised the case during his visit to Uzbekistan.

In another case, Azizbek Karimov was executed in secret in August 2004 despite an intervention by the UN Human Rights Committee on 3 June urging the Uzbekistani authorities to stay his execution while the Committee considered allegations that his arrest and sentencing violated his rights guaranteed under the ICCPR. His execution was a serious breach of Uzbekistan's treaty obligations. However, Tukhtapulat Riskiev, the Ambassador of Uzbekistan to the United Kingdom, informed Amnesty International in a letter of 5 November 2004 that “taking into account very seriousness of crimes the Court decided implement death penalty to Azizbek Karimov”. Azizbek Karimov had been sentenced to death by the Supreme Court of Uzbekistan in February 2004 on charges including terrorism and setting up or participating in a religious extremist organization. His family was reportedly not permitted to see him for several months after his arrest. It was also alleged that he was tortured and ill-treated while kept in the detention facilities of the MNB in Tashkent.

In April 2005 the Human Rights Committee deplored the fact that at least 15 individuals have been executed by the Uzbekistani authorities, while their cases were pending before the Human Rights Committee.

Amnesty International has urged the Uzbekistan authorities to promptly commute all pending death sentences to terms of imprisonment, and introduce a moratorium on death sentences with immediate effect until the death penalty is abolished in January 2008.

5. Recommendations

In light of the above concerns, Amnesty International makes the following recommendations:

To the authorities of Uzbekistan:

In relation to the events of Andizhan and the administration of justice in Uzbekistan:

- Initiate a thorough, independent and impartial international investigation into the full circumstances of the events in Andizhan on 12-13 May 2005; the scope and the conduct of the investigation should include the elements set out in section 3 of this report;
- Ensure that all authorities cooperate with the investigation and that those conducting the investigation enjoy freedom of movement and have access to all materials, information and persons whom they consider to be relevant;
- Ensure that those involved in the investigation and those who provide information to it and their families are not subjected to any form of harassment or reprisal;
- Immediately make public the identities and the whereabouts of those who were killed and those injured in the events of 12-13 May 2005;
- Ensure that up-to-date registers of all detainees and prisoners are kept and maintained in every place of detention and centrally, and that this information is made available to all those who have a legitimate interest. No one should be secretly detained;
- Immediately notify the families of the whereabouts of each person who has been detained in connection with the events of 12-13 May 2005;
- Ensure that the ICRC is given unhindered access to all those in hospitals and in detention as a result of the events in Andizhan; ensure that the UNHCR is given access to the four people who are currently in detention, following their forcible return from Kyrgyzstan on 9 June;
- Ensure that all people deprived of their liberty are informed promptly of the reasons for their detention, any charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to their relatives and an independent medical practitioner;
- Ensure that all trials, including those of people charged in connection with the events of 12-13 May 2005, scrupulously observe international standards protecting the right to a fair trial;
- Ensure full public access to the trials of people charged in connection with the Andizhan events, including to relatives and human rights monitors, and representatives of intergovernmental bodies, including experts from OSCE/ODIHR;
- Ensure that officials at all levels refrain from making public statements that violate defendants' right to the presumption of innocence;
- Ensure that no statements adduced as a result of torture or other ill-treatment are proffered as evidence in any proceedings, except against a person accused of such torture or other ill-treatment as evidence that the statement was made;

- Ensure that rulings by the Plenum of the Supreme Court of Uzbekistan outlawing the use of evidence obtained by unlawful means in a court of law are applied in practice;
- Ensure the full implementation of all of the recommendations which have been made by the UN Special Rapporteur on torture;
- Establish an effective system of independent, unannounced inspection and supervision of all places where any person is deprived of their liberty by competent, independent and impartial bodies with a view to preventing any cases of torture. The findings of the investigations and visits of these bodies should be published in full. Ratify, without delay, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- Ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment of any person, as well as when there are reasonable grounds to believe that the torture or other ill-treatment has occurred, even if no complaint has been made; ensure as part of such investigations, prompt, impartial and independent medical examinations of persons alleged to have been tortured or ill-treatment by persons qualified in identifying physical and psychological indications of such treatment;
- Ensure that those law enforcement officials suspected of being responsible for torture or other ill-treatment are suspended from their duties pending the outcome of any investigation and trial; and ensure that those responsible for torture or ill-treatment are brought to justice in the course of legal proceedings which meet international standards;
- Ensure that every victim of torture receives adequate reparation, including access to the means of obtaining redress and an enforceable right to fair and adequate compensation, and the means for as full a rehabilitation as possible;
- Introduce legislative measures to ensure that the establishment, without delay, of a procedure in which the lawfulness of a person's detention may be challenged before a court, so that the court can determine, without delay, the lawfulness of their detention and order their release if it is unlawful;
- Issue, without delay, a standing invitation to the Special Procedures of the UN Commission on Human Rights to visit Uzbekistan, and respond positively, without further delay, to the request issued on 20 May 2005 by the UN Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Uzbekistan on an urgent basis so that he might support efforts to end impunity for human rights violations;
- Ensure the implementation of the recommendations set out in the Concluding observations of the Human Rights Committee following consideration of the government's periodic report in April 2005.

In relation to the guarantee of Freedom of Expression:

- Ensure the protection of the human rights of journalists, human rights defenders and opposition activists;
- Ensure that human rights defenders are able to carry out their legitimate activities without fear or threat of reprisal and ensure full respect for the provisions of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms;
- Release Prisoner of Conscience Saidzhakhon Zainabitdinov and others who have

been charged with criminal offences solely for reporting human rights violations.

In relation to the Death Penalty:

- Ensure that no one charged in connection with the events in Andizhan is sentenced to death and if so sentenced, that the death penalty is not carried out;
- Promptly commute all pending death sentences to terms of imprisonment and introduce a moratorium on death sentences until the death penalty is fully abolished in January 2008, as stipulated in the 1 August 2005 Presidential decree;
- Abide by requests from the Human Rights Committee for interim measures when considering cases under the Optional Protocol to the International Covenant on Civil and Political Rights.

To the international community:

Amnesty International calls on the member states of the United Nations to address the situation of human rights in Uzbekistan at the earliest occasion in a public procedure leading to the adoption of a resolution which:

- Expresses serious concern about human rights violations reported to have been committed on 13 May 2005 in Andizhan by the security forces, in particular the indiscriminate and disproportionate use of lethal force against civilians.
- Calls for the establishment of a thorough, independent and impartial international investigation, conducted in a manner consistent with international standards, into the events of 12-13 May as a matter of urgency and calls for the government of Uzbekistan to cooperate fully in the establishment and conduct of the investigation.
- Calls on the government to end all human rights violations connected with the events of 12-13 May 2005, including arbitrary detention, prolonged incommunicado detention, harassment of human rights defenders, violations of the right to freedom of expression and to ensure immediate access of the ICRC to those detained, imprisoned or hospitalized following the events of 13 May;
- Expresses serious concern about the on-going situation of human rights in Uzbekistan, in particular, application of the death penalty following unfair trials, widespread and systematic torture and other ill-treatment, arbitrary detention, and violations of the right to freedom of expression and opinion;
- Calls on the government to respond positively, without further delay, to the request issued on 20 May 2005 by the UN Commission on Human Rights Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Uzbekistan on an urgent basis so that he might support efforts to end impunity for human rights violations;
- Calls on the government to implement the recommendations of the Special Rapporteur on torture arising from his mission to Uzbekistan in 2002 as contained in UN document E/CN.4/2003/68/Add.2, as well as the concluding observations of the Human Rights Committee following consideration of the government's periodic report in April 2005, and to follow-up on the concluding observations identified by the Human Rights Committee as priority recommendations by April 2006. The resolution should also call on the government to abide by requests from the Human Rights Committee for interim measures when considering cases under the Optional Protocol to the International Covenant on Civil and Political Rights.

Amnesty International also calls on the Commission on Human Rights or its successor body to:

- Establish a Special Rapporteur on Uzbekistan who is mandated to receive and investigate allegations of human rights violations and to submit public biannual reports on such human rights violations.

Amnesty International also calls on all member states of the United Nations to:

- Ensure that no person suspected of involvement in the events in Andizhan is forcibly returned to Uzbekistan and, for those who are reasonable suspected of having committed a criminal offence, ensure that they are brought to justice in proceedings that meet international standards of fairness, without resort to the imposition of the death penalty.

Amnesty International calls on the European Union and its Member States to:

- Urge Uzbekistan to ensure that a thorough, independent and impartial international investigation into the Andizhan events is initiated and carried out, including through demarches;
- Keep the EU Partnership and Co-operation Agreement with Uzbekistan under continuous review, pending the initiation of a thorough, independent and impartial international investigation into the events in Andizhan;
- Urge the Uzbekistani government to ratify the Optional Protocol to the Convention against Torture (OPCAT), in line with the proposed programme of action under the EU Guidelines on torture, adopted by the Council in April 2001;
- Insist that the Uzbekistani National Plan on Torture contains practical and effective measures to stop torture and other ill-treatment and that the authorities ensure that these measures are implemented in practice, allowing independent national and international scrutiny of the process of implementation;
- Propose to the 60th session of the UN General Assembly and the following session of the UN Commission on Human Rights, or its successor body, a resolution on the human rights situation in Uzbekistan, as outlined above;
- Acknowledge the important role and valuable work of individuals, groups and associations in contributing to monitoring, reporting, preventing and ending violations of human right and fundamental freedoms, and take measures to support the legitimate work of human rights defenders and activists, in view of the EU's commitment to protect human rights defenders, as expressed in the EU Guidelines on Human Rights Defenders adopted by the Council in June 2004;
- When appropriate, take immediate measures to protect individual human rights defenders at risk of human rights violations.

Amnesty International calls on the OSCE institutions and Participating States to:

- Use best efforts to negotiate an Agreement with the Uzbekistani authorities for the OSCE Centre in Tashkent to take on a (human dimension) monitoring role with the support of the OSCE Office for Democratic Institutions and Human Rights, and to open a field office in the Ferghana Valley;
- Invoke the Moscow Mechanism with respect to the events in Andizhan and their

aftermath;

- Remind the Uzbekistani government that human dimension commitments are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal affairs of the State concerned (Moscow Document, 1991);
- Continue to call for a thorough, independent and impartial international investigation into the events in Andizhan.