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Uzbekistan: Lifting the siege on the truth about Andizhan Summary

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

President Karimov, Press Conference, 14 May, 2005

These are the words of Islam Karimov, the President of Uzbekistan, spoken at a press conference on 14 May 2005, the day after security forces fired indiscriminately into crowds of people while they were gathered in a central square in the eastern city of Andizhan, and as they fled, reportedly killing hundreds of civilians. To date it has been impossible to determine exactly what happened in Andizhan on 12-13 May 2005. The government has so far rejected the calls from many inter-governmental bodies and international human rights mechanisms for an independent, international investigation into the circumstances surrounding the events of 12-13 May.

With its latest report *Uzbekistan: Lifting the siege on the truth about Andizhan*, Amnesty International seeks to expose the wide range of issues which should be of concern to the international community, and which require action, in particular because the government of Uzbekistan has gone to great lengths to prevent information, including independent reports, on the events -- which differ from the government's version of events -- from reaching the outside world. The measures taken included reportedly destroying relevant records and documents. The authorities have intimidated witnesses with the aim of preventing them from speaking about their experiences. International journalists and human rights defenders have been prevented from accessing the city. Local independent journalists and human rights defenders have been harassed and detained in an effort to prevent them from reporting on the events in Andizhan. Some of them have been severely beaten by individuals or groups of people. Some of the human rights defenders have been charged, including with serious criminal offences, for exercising their right to freedom of expression, and are considered to be prisoners of conscience.

Some people have been unable to find out what happened to their missing relatives, because the list of killed people has not been made public, and because they were unable to find out whether their missing relatives were in hospitals or were being detained. According to unconfirmed reports, the bodies of people killed were removed from the city and secretly buried in unknown locations. The situation of the missing people was compounded by the government's refusal to give immediate access to the International Committee of the Red Cross to hospitals and detention centres.

This report is a compilation of information available to Amnesty International about the events of 12-13 May in Andizhan. 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 reports as well as testimonies about the actual events on 12-13 May in Andizhan, including from people interviewed by Amnesty International's representatives during two visits to Kyrgyzstan; the first between 30 May and 9 June, and the second between 21 July and 30 July. The report also documents the crackdown on civil society, which is not limited to Andizhan, but affects the whole country.

Events in Andizhan

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 the *Hokimiat*, a regional government building on the main city square. 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, throughout the day there were sporadic incidents of the security forces firing indiscriminately into the crowds, killing and wounding demonstrators. A number of people were taken hostage by civilians. Some of the hostages were allegedly ill-treated by civilians and were later used as human shields. In the early evening, the security forces surrounded the demonstrators and started to shoot indiscriminately into the crowd gathered on the square and as they fled. Hundreds of people were killed. In the subsequent days hundreds of men, women and children made their way to Kyrgyzstan where they sought refuge, including a group of refugees who were accommodated on 14 May in a makeshift camp just across the border in Kyrgyzstan.

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.

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. 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?" According to official figures, 187 people were killed as a result of the violence. This figure is considerably lower than the estimates -- put forward by international organizations, based on interviews with the refugees that fled to Kyrgyzstan -- which ranged from 300-500 people killed. As of 5 September 2005 the government had yet to publish the names of those who were killed.

Akramia

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. 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 *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. He was also convicted of establishing an extremist religious organization which the court called "*Akramia*" on the basis of Akram Yuldashev's first name. The 23 men denied any involvement in religious extremism. They believe that they were targeted because as entrepreneurs they were successful and reportedly very popular within the local community because they had created thousands of jobs in the area, had a reputation for treating their employees well and regularly donated funds to good causes.

The 23 entrepreneurs arrested in Andizhan were reportedly subjected to a number of serious human rights violations while held in pre-trial detention, including being held in incommunicado detention, denied regular access to their lawyers or to their relatives and subjected to torture or other ill-treatment to force them to "confess". The trial itself began on 11 February 2005 and continued until 11 May. Throughout the trial their supporters protested outside the courthouse. On 12 May the court announced that it was postponing issuing the verdict, and some of the supporters decided that they would organize a protest the

next day in the main square of Andizhan.

Indiscriminate and disproportionate use of force by the Uzbekistani security forces

Amnesty International is concerned that the intentional lethal use of firearms by members of the security forces 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). Such indiscriminate, disproportionate use of lethal force also contravened international human rights standards including 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. Amnesty International is also concerned by allegations that the security forces carried out extra-judicial executions by intentionally killing wounded people, and that the security forces drove their armoured personnel carriers over bodies of dead and wounded people lying in the streets.

Attacks on human rights defenders, independent journalists and political opposition activists

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.

A number of Uzbekistani journalists, human rights defenders and members of political opposition groups 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, or to prevent them from engaging in protest activity. In some cases, human rights defenders have even been accused of serious criminal offences in connection with the events in Andizhan, including "terrorism", 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 group Apelliatsia (Appeal). Saidzhakhon Zainabitdinov 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. According to reports he was arbitrarily detained by law enforcement officers on 21 May and was held in police custody in Andizhan. He was transferred to Tashkent sometime in July, where he has been held in incommunicado detention and is at serious risk of torture and ill-treatment. He is said to have been charged with "spreading information with the aim of causing panic" and "terrorism", the latter being a capital offence.

The authorities blocked access within Uzbekistan to websites that provided a differing account of the events to the official version, as well as to websites affiliated to the Uzbekistani opposition in exile and those presumed to carry information critical of the authorities.

Human rights violations in the name of national security

Several thousand people have reportedly been detained 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 for the safety of all the people 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 people to be at serious risk of being subjected to torture and other ill-treatment.

Torture is absolutely prohibited under international law, including under Article 7 of the ICCPR. Following a mission to the country in 2002, the UN Special Rapporteur on torture described the use of torture and ill-treatment in Uzbekistan as "systematic".

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. In April 2005, the UN Human Rights 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.

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 it 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. The organization considers that these people 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 what would likely be an unfair trial. The death penalty has played an important role in the clampdown on "religious extremism" in Uzbekistan; dozens of alleged "Islamists" have been sentenced to death and executed without being granted the right to effective legal assistance.

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.

The urgent need for an independent international investigation

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. It 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 government buildings, including investigating the circumstances and extent to which civilians were involved in hostage-taking and in alleged ill-treatment or killing of hostages.

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.

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.

Recommendations

In the report, Amnesty International urges the authorities of Uzbekistan to establish a thorough, independent and impartial international investigation into the events in Andizhan; to make public the identities and the whereabouts of those who were killed and those injured in the events of 12-13 May 2005; to ensure that the ICRC is given unhindered access to all those in hospitals and in detention as a result of the events in Andizhan; to ensure that all trials scrupulously observe all the international standards protecting the right to a fair trial.

Amnesty International also makes a series of specific recommendations to the member states of the UN, the UN Commission on Human Rights or its successor body, to the European Union and its member states, and to the Organization for Security and Cooperation in Europe institutions and its participating states to continue to call for the establishment of a thorough, independent and impartial international investigation into the events in Andizhan on 12-13 May and to express concern to the government of Uzbekistan about the human rights situation in the country.

See: *Uzbekistan: Lifting the siege on the truth about Andizhan* (AI Index: EUR 62/021/2005)

<http://web.amnesty.org/library/index/engneur620212005>

Uzbekistan: Truth under siege (AI Index: EUR 62/022/2005)

<http://web.amnesty.org/library/index/engneur620222005>

Kyrgyzstan: Uzbekistan in Pursuit of Refugees in Kyrgyzstan: A Follow-up Report (AI Index: EUR 58/016/2005) <http://web.amnesty.org/library/index/engneur580162005>

Kyrgyzstan: Refugees in need of a safe haven (AI Index: EUR 58/008/2005)

<http://web.amnesty.org/library/index/engneur580082005>

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For more information please call Amnesty International's press office in London, UK, on +44 20 7413 5566
Amnesty International, 1 Easton St., London WC1X 0DW. web: <http://www.amnesty.org>

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