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SUBMISSION TO THE
HUMAN RIGHTS
COMMITTEE

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INTRODUCTION

Amnesty International submits the following information to the Human Rights Committee in advance of its consideration of Uzbekistan's third periodic report on implementation of the International Covenant on Civil and Political Rights (ICCPR) in March 2010.

This document supplements Amnesty International's briefing submitted in April 2009 prior to the Committee's pre-session meeting on Uzbekistan.¹ It highlights recent cases that are illustrative of Amnesty International's concerns about failures of the authorities in Uzbekistan to respect and protect the rights guaranteed in the ICCPR, and should be read together with the organization's April 2009 submission.

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

While the organization welcomes the fact that the authorities have agreed to prison visits by the International Committee of the Red Cross in the second half of 2009, serious concerns remain about the conditions in which detainees and prisoners are held, particularly government opponents and members or suspected members of Islamic groups or Islamist parties banned in Uzbekistan.

Particularly worrying in the light of the state party's stated efforts to address impunity and curtail the use of cruel, inhuman and degrading treatment² have been the continuing persistent allegations of torture or other ill-treatment by law enforcement personnel and prison guards, including reports of the rape of women in detention.

Amnesty International regrets that the Uzbekistani authorities continue to dispute that human rights defenders and journalists are detained and imprisoned in Uzbekistan. In their response to the Committee's List of Issues the state party writes that reports about the persecution of journalists and human rights defenders are unfounded.³ However, Amnesty International is aware that at least four human rights defenders and independent journalists were sentenced to long prison terms in 2009 and others have faced increasing harassment including short-term detention, beatings and accusations of harming the reputation of the country. Amnesty continues to be concerned that they have been targeted in connection with the peaceful exercise of their rights of freedom of expression.

¹ *Uzbekistan: Submission to the Human Rights Committee: 96th session, 16-31 July 2009: Pre-session meeting of the Country Report Task Force on Uzbekistan*, AI Index: EUR 62/002/2009, 28 April 2009, <http://www.amnesty.org/en/library/info/EUR62/002/2009/en>.

² See Replies to the list of issues (CCPR/C/UZB/Q/3) to be taken up in connection with the consideration of the third periodic report of Uzbekistan (CCPR/C/UZB/3), CCPR/C/UZB/Q/3/Add.1, 4 December 2009, http://www2.ohchr.org/english/bodies/hrc/docs/AdvanceDocs/CCPR-C-UZB-Q3-Add1_ru.doc

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

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COUNTER-TERRORISM MEASURES / HUMAN RIGHTS VIOLATIONS IN THE CONTEXT OF PROTECTION OF NATIONAL SECURITY AND THE FIGHT AGAINST TERRORISM (ARTICLES 7, 9, 10 AND 14)

In addition to the concerns highlighted in Amnesty International's submission to the Human Rights Committee in April 2009 (*Uzbekistan: Submission to the Human Rights Committee: 96th session, 16-31 July 2009: Pre-sessional meeting of the Country Report Task Force on Uzbekistan*, AI Index: EUR 62/002/2009 at page 9), Amnesty International is concerned that the authorities' response to attacks which occurred in May and August 2009 has been inconsistent with the obligations to respect the prohibitions against arbitrary detention and torture or other ill-treatment and the right to fair trial guaranteed in the ICCPR.

There were reported attacks in the Ferghana Valley and the capital Tashkent in May and August 2009 respectively, and a pro-government imam and a high-ranking police officer were killed in Tashkent in July 2009. The Islamic Jihad Union (IJU) claimed responsibility for the attacks in the Ferghana valley: attacks on a police station, a border checkpoint and a government office in Khanabad on 26 May 2009, as well as a suicide bombing at a police station in Andizhan the same day. At least three people died in a shoot-out between unidentified armed men and security forces in Tashkent on 29 August 2009.

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

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

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

At least 30 men were arrested in October 2009 in Sirdaria on suspicion of involvement in the July killings in Tashkent and of being members of Hizb-ut-Tahrir. Relatives of some of the accused insisted the men had no connection with Hizb-ut-Tahrir or armed groups, but merely practised their faith outside state-registered mosques. Relatives alleged that some of the accused had been tortured in pre-trial detention in an attempt to force them to confess to

participating in the July killings. The mother of one of the men arrested said that her son's face was swollen and his body covered in bruises, that needles had been inserted in the soles of his feet and electroshocks applied to his anus, and that he had difficulties eating, standing or walking.

PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT, LIBERTY AND SECURITY OF THE PERSON AND TREATMENT OF PRISONERS (ARTICLES 7, 9, 10)

Despite assertions by the state party that the practice of torture has significantly decreased in the period under review⁴, Amnesty International continued to receive reports of widespread torture or other ill-treatment of detainees and prisoners.

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

In addition to the concerns and cases set out in Amnesty International's submission to the Committee in April 2009 (see page 5 et seq of *Uzbekistan: Submission to the Human Rights Committee: 96th session, 16-31 July 2009: Pre-sessional meeting of the Country Report Task Force on Uzbekistan*, AI Index: EUR 62/002/2009, 28 April 2009), some illustrative examples of recent cases of alleged torture and other ill-treatment include the following:

- Poet and government critic, Yusuf Dzhuma, sentenced to five years' imprisonment in April 2008 for allegedly resisting arrest and causing bodily harm, was reported to be emaciated, ill and barely able to walk in November 2009. He was reportedly held in punishment cells for periods of up to 11 days, and on one occasion handcuffed, hung by his hands from the ceiling and repeatedly beaten. He told his family that, during a visit to Yaslik prison camp by delegates of the International Committee of the Red Cross, he had been transferred to a prison in Nukus, denied food and drink, refused access to a toilet and held unclothed in very cold conditions.
- In November 2009, the independent human rights organization *Ezgulik* reported that two sisters, arrested in Tashkent in May 2009 and sentenced to six and seven years in prison on charges of hooliganism and robbery, were repeatedly raped in custody by police officers. Reportedly one of the sisters became pregnant as a result of the rapes and tried to kill herself. In December the General Prosecutor's office undertook to investigate and in January 2010 it opened a criminal investigation into the allegations. The family said the charges against the two sisters had been fabricated.

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

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■ More than 30 women were detained by security forces in counter terrorism operations in the city of Karshi in November 2009. All of them were believed to be pious Muslim believers who may have attended religious classes taught by Zulkhumor Khamdamova in one of the local mosques. The authorities have accused Zulkhumor Khamdamova of organizing an illegal religious group, a charge denied by her supporters. According to human rights defenders the women were ill-treated in custody; police officers reportedly stripped the women naked and threatened them with rape; they did not allow the women to use toilet facilities for 20 hours at a time. At least four of the women were breastfeeding infants at the time of their detention. Human rights defenders reported that police officers deliberately questioned them for several hours without allowing them to breastfeed, which caused the women discomfort and pain in their breasts.

RESTRICTIONS ON THE RIGHT TO FREEDOM OF EXPRESSION AND ASSEMBLY: THE SITUATION OF HUMAN RIGHTS DEFENDERS AND INDEPENDENT JOURNALISTS (ARTICLES 19, 21 AND 22)

Amnesty International remains gravely concerned about continuing reports of human rights defenders and independent journalists being subjected to harassment, beating and detention, although the authorities have repeatedly denied this.

While some human rights defenders were conditionally released in 2008 and 2009, others remained in prison following conviction in previous years.

In addition to those set out in Amnesty International's April 2009 briefing to the Committee (see pages 11-13 of *Uzbekistan: Submission to the Human Rights Committee: 96th session, 16-31 July 2009: Pre-sessional meeting of the Country Report Task Force on Uzbekistan*, AI Index: EUR 62/002/2009, 28 April 2009), cases which illustrate these concerns include the following:

At least five human rights defenders were sentenced to long prison terms in 2009 on allegedly fictitious charges brought to punish them for their work, in particular for defending farmers' rights.

■ The health of 60-year-old Norboi Kholzhigitov, member of the Human Rights Society of Uzbekistan serving a 10-year prison sentence for libel and fraud imposed in 2005, deteriorated so seriously that his family feared for his life. The charges against him were reportedly fabricated to punish him for human rights activities on behalf of farmers. He was denied appropriate medical care for diabetes and high blood pressure in prison in Karshi. He was transferred to a prison hospital near Tashkent in December 2009. Doctors there told his son that he had contracted acute bronchial asthma and that they were going to treat him for this for 21 days, after which he would have to return to the prison in Karshi.

■ In July 2009, Dilmurod Saidov, a journalist and human rights defender, was sentenced to 12 years and six months in prison for fraud and bribery after an unfair trial. During his trial, all the witnesses for the prosecution withdrew their accusations, saying they had been forced to make false statements by the prosecuting authorities. An appeals court upheld the

sentence in October 2009. Dilmurod Saidov was believed to have been targeted for defending the rights of farmers in the Samarkand region and for exposing corruption by local authorities. He was said to be gravely ill in prison with tuberculosis.

- In October 2009, Farkhad Mukhtarov, a longstanding member of the Human Rights Alliance of Uzbekistan, was sentenced to five years in prison for bribery and fraud relating to property deals after a reportedly unfair trial. The charges were believed to have been politically motivated to punish him for his human rights activities. An appeal court upheld the sentence in December 2009.

Human rights activists and journalists were summoned for police questioning, placed under house arrest or routinely monitored by uniformed or plain-clothes officers. Others reported being beaten by police officers or by people suspected of working for the security forces. Relatives also alleged being threatened and harassed.

- In April 2009, Elena Urlaeva, a leading member of the Human Rights Alliance, was assaulted by two unidentified men as she was leaving her home with her five-year-old son early in the morning. She said they threatened her with a knife, beat her and asked why she was still in the country. The same week her son sustained concussion and bruising after being beaten by an unidentified young man at a playground. She was among a group of human rights defenders who were prevented from publicly commemorating the fourth anniversary of the Andizhan killings by police and detained as they left their homes on the morning of 13 May. Seven were detained at police stations for over seven hours; others were held under house arrest.

- Bakhtior Khamroev and Mamir Azimov, members of the Human Rights Society of Uzbekistan were briefly detained in Dzhizzakh in November 2009 to prevent them from meeting Bakhodir Choriev, a recently returned exile and leader of the unregistered political opposition movement Birdamlik. Bakhtior Khamroev was reportedly punched in the face by a plain-clothes police officer and dragged from the car in which he was sitting with Bakhodir Choriev, who was also assaulted when he got out of the car. The same day Mamir Azimov was taken to a district police station for questioning about the intended meeting. He said officers punched him in the kidneys and slapped his head, made him stand with his legs apart holding a chair above his head for over an hour, and threatened that his legs and arms would be broken if he sought medical help on release or reported the ill-treatment. Bakhodir Choriev was forced to leave the country in December 2009.

- In December 2009 a researcher with the international NGO Human Rights Watch was assaulted in the town of Karshi by an unidentified female attacker, then detained by police and deported from Uzbekistan. At least three human rights activists she had intended to meet in Karshi and Margilan were briefly detained for questioning by police.

In January 2010 a prominent Uzbekistani documentary photographer and video producer was charged with defamation and damaging the country's image because of the contents of some of her photographic and video projects. Umida Ahmedova, took a series of photographs and video footage in villages throughout Uzbekistan that she used for two documentaries in a project sponsored by the Swiss Embassy in Tashkent. Umida Ahmedova told journalists and Amnesty International that Uzbekistani officials disapprove of the video documentary "The

Burden Of Virginity" and of photographs she used in the photographic album "Women And Men – from Dawn to Dusk" which focus on poverty and gender inequality in Uzbekistan. The album and documentary were made in 2007 and 2008. An expert commission tasked by the Prosecutor-General's Office to evaluate the photographs and video footage reportedly found them to be defamatory and insulting to the dignity of Uzbekistani citizens. If found guilty, Umida Ahmedova could face up to three years in prison.

FREEDOM OF RELIGION (ARTICLE 18)

The government continued its strict control over religious communities, compromising the enjoyment of their rights to freedom of religion. Those most affected were members of unregistered groups such as Christian Evangelical congregations and Muslims worshipping in mosques outside state control.

- Suspected followers of the Turkish Muslim theologian, Said Nursi, were convicted in a series of trials during 2009. The charges against them included membership or creation of an illegal religious extremist organization and publishing or distributing materials threatening the social order. According to independent religious experts, Said Nursi represented a moderate and non-violent interpretation of Islam. By October 2009, at least 68 men had been sentenced to prison terms of between six and 12 years following seven unfair trials. Appeals against the sentences were rejected.

More trials were reportedly pending at the end of 2009, but it was not clear how many more individuals had been detained. Reportedly, some of the verdicts were based on confessions gained under torture in pre-trial detention; defence and expert witnesses were not called; access to the trials was in some cases obstructed while other trials were closed. Before the start of the trials national television denounced the accused as "extremists" and "a threat to the country's stability", compromising their right to be presumed innocent before trial.

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