

# UZBEKISTAN

## Summary of concerns on torture and ill-treatment

### Briefing for the United Nations Committee on Torture

#### Introduction

Uzbekistan acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on 28 September 1995. The Committee against Torture is scheduled to review Uzbekistan's initial report on measures taken to implement its obligations under the Convention against Torture at its 23<sup>rd</sup> session in November 1999.<sup>1</sup>

Amnesty International remains concerned that Uzbekistan has failed to implement its treaty obligations fully despite numerous, wide-ranging and officially endorsed national initiatives in the fields of human rights education and democratization and judicial and legislative reforms aimed at bringing national legislation into line with international standards.

Since December 1997, when several murders of law enforcement officials in the Namangan region sparked a wave of mass detentions and arrests<sup>2</sup>, the organization has received a growing number of reports of ill-treatment and torture by law enforcement officials of people perceived to be members of independent Islamic congregations or followers of independent imams (Islamic leaders). Hundreds of these so-called "Wahhabists" were sentenced to long terms of imprisonment in trials that fell far short of international fair trial standards. The organization's concern was heightened in February 1999 when hundreds of people, men and women, were detained following a reported six bomb explosions in the capital Tashkent. This time the list of those reported to have been arrested, ill-treated and tortured included suspected supporters of the banned political opposition parties and movements *Erk* and *Birlik*, including family members and independent human rights monitors, as well as alleged supporters of banned Islamic opposition parties and movements, such as *Hizb-ut-Tahrir*. In the majority of these cases, if not all, that have come to the attention of Amnesty International, those detained were denied prompt access to a lawyer of their choice, to their families and to medical assistance. The responsible authorities, from procurators to courts at all levels and the parliamentary ombudsman, persistently failed to launch timely, full and independent investigations into widespread allegations of torture and ill-treatment. According to independent and credible sources, self-incriminating evidence reportedly extracted by torture was routinely included in trial proceedings and served in many of the cases reviewed by Amnesty International as the basis for a guilty verdict. Amnesty International was disturbed by public statements by Uzbek officials, including the President of Uzbekistan, in the wake of both the Namangan

---

<sup>1</sup> Although, in accordance with Article 19 of the Convention, the government's initial report was due to be filed on 27 October 1996 it was not submitted until 18 February 1999.

<sup>2</sup> Report of the Special Rapporteur on torture, UN Doc. E/CN.4/1999/61, para. 766

murders and the Tashkent bombings, which, if not directly sanctioning the use of violence by state agents against certain sections of the population, could be perceived at the very least to condone the use of unlawful methods such as torture and ill-treatment. In April 1999, for example, President Karimov, portrayed as the guarantor of democracy and human rights, stated publicly that he was prepared to tear off the heads of two hundred people in order to protect Uzbekistan's freedom and stability (*see Appendix 1 for further details*). Amnesty International is concerned that such statements together with the authorities' persistent failure to initiate impartial and thorough investigations into allegations of torture and ill-treatment, may create an impression that torture and ill-treatment by law enforcement officials is acceptable, and even necessary conduct, and that they can engage in such conduct with impunity.

This briefing does not attempt to be a comprehensive study of torture and ill-treatment in Uzbekistan. Instead it concentrates on those articles of the Convention which are most relevant to Amnesty International's current and most pressing concerns.

#### **Failure to ensure that all acts of torture are offences under the criminal law (Article 4)**

Uzbekistan fails to fully meet the requirements under Article 4 of the Convention to ensure that all acts of torture are offences under its criminal law and that such offences are punishable by appropriate penalties which take into account their grave nature.

Neither the constitution nor the criminal code, although respectively prohibiting and punishing acts of torture, contain a definition of torture as set out in Article 1 of the Convention.<sup>3</sup> Article 26 of the Uzbek Constitution guarantees under point 2 that no one may be subject to torture, force, or other treatment which is cruel or demeaning to the dignity of the person.

Article 235 of the criminal code criminalizes obtaining a confession by coercion. Although explicit in its description of prohibited methods of coercion (beatings, inflicting grievous or less grievous bodily harm, torture) and specific in naming the perpetrators (investigating and interrogating officers, procurators) the article is still far more narrow in its definition of torture than Article 1 of the Convention. The maximum penalty prescribed under this article is five to eight years' imprisonment.

Other articles, including Article 110 of the Uzbek Criminal Code, punish various assaults but do not relate specifically to agents of the state. Article 110 punishes "torture" although the Russian word used to define torture, "istyazaniye", is not one commonly used in this context and is not the one used, for example, in the official Russian translation of the

---

<sup>3</sup> A new constitution was adopted on 8 December 1992 and amended on 28 December 1993. A new criminal code was adopted on 22 September 1994 and has been frequently amended since.

Convention (“pytka”). Article 110 loosely defines torture as systematic beatings or other actions of a similar nature and gives the maximum penalty as from two to three years’ corrective labour or imprisonment for up to five years. This is a much more lenient punishment than that prescribed under Article 104 - intentional grievous bodily harm, and Article 105 - intentional less grievous bodily harm. The maximum penalty under Article 104 is imprisonment for from 10 to 12 years; under Article 105 the maximum is from three to five years. The Uzbek press has reported that law enforcement officers have been prosecuted for using unlawful methods in detaining and interrogating suspects. However, to Amnesty International’s knowledge, in the period under review, none of the law enforcement officials identified as perpetrators of acts of torture by victims of human rights violations whose cases the organization has taken up has been charged under the above articles of the criminal code.

Amnesty International’s recommendation:

- ∞ criminalize torture as defined in the Convention against Torture as a distinct crime with appropriate punishments under national law (in line with Article 4 of the Convention against Torture).

### **Failure to systematically review methods and practices with a view to preventing cases of torture (Article 11)**

One important safeguard against torture is the right to adequate defence guaranteed under Article 26 of the Constitution.<sup>4</sup>

---

<sup>4</sup> Article 26, point 1, of the Uzbek Constitution. *Each person accused of the commission of a crime shall be considered to be innocent so long as his guilt has not been established by a legal procedure, by means of an open judicial examination in which every opportunity is provided for his defence.*

The Code of Criminal Procedure establishes the right of a suspect to have access to a lawyer of his/her own choice, and in a ruling the Plenum of the Supreme Court<sup>5</sup> study of court practice and judicial statistics.

---

<sup>5</sup> The Plenum of the Supreme Court consists of the Chairman and the Deputy Chairmen, and all judges who are members of the court. There is a quorum when two thirds of the Plenum are present. Voting is by simple majority. The Plenum has a number of distinct tasks, including the hearing of protests against decisions of high-ranking courts and the issuing of general instructions on the basis of the

clarified that the defence lawyer is legally entitled to be present at every stage of the investigation and that the suspect is legally entitled to an unlimited number of meetings with his lawyer. The ruling also states that the investigator, the procurator and the court must, in every case, comply with these obligations.<sup>6</sup> Unfortunately practice shows that suspects are rarely allowed to enjoy their full rights to effective counsel and to prepare for a defence. Time and again Amnesty International has received credible reports that suspects were denied access to a lawyer of their choice. Often the lawyers are only given access by law enforcement officials after the suspect has been held in custody for several days, which is when the risk of torture or ill-treatment is the greatest. In many cases law enforcement officials will only grant access to the lawyer after the suspect has signed a confession. Meetings between lawyers and clients, when they are granted, are generally infrequent, because unlimited access to a client as prescribed by the law is difficult for lawyers to obtain. Defence lawyers are rarely allowed to be present at all stages of the investigation.

For example, in a recent case, almost three years after this ruling by the Plenum of the Supreme Court, five members of the illegal Islamic party *Hizb-ut-Tahrir* alleged that they were held incommunicado for three months and were denied their constitutional right to have access to a lawyer of their own choice. They claimed that during this time they were tortured in order to force them to confess to membership of *Hizb-ut-Tahrir* and participation in the February 1999 bombings. On 18 August 1999 Tashkent Regional Court sentenced Batyr Khalilov, his brother Farikh Khalilov, Ashrafkhodzha Mashradkhodzhayev, Ubaydullo Rakhmatullayev and Shukhrat Sharafuddinov to prison terms ranging from 16 to 18 years on charges including forming an illegal religious organization, inciting religious hatred and attempting to overthrow the constitutional order. In court the five men alleged that while they were held incommunicado in underground cells of the National Security Service and the Ministry of Internal Affairs they were denied access to a lawyer, to their families and to medical aid. They were reportedly tortured in order to force them to “confess” to charges prepared by the procuracy. The methods included suffocation with a plastic bag, being hung upside down, having needles stuck under finger and toe nails, having their hands and feet burned and having electric shocks administered via a device fitted to the head (“electric cap”). After three months they were assigned lawyers by the general procuracy. They claimed that these lawyers were following instructions of the procuracy and failed to provide the defendants with competent and effective counsel. The defence lawyers reportedly lodged no complaints about the torture suffered by the accused. (*for more examples please see Appendix 2*).

Article 17 of the Code of Criminal Procedure explicitly prohibits the use of torture and obliges judges, procurators, investigators and interrogators to respect a person’s honour and dignity at every stage of legal proceedings.<sup>7</sup> Nevertheless,

---

<sup>6</sup> Ruling No.41 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996 *On the application of the laws guaranteeing the right to defence*

<sup>7</sup> Article 17, part 2, of the Code of Criminal Procedure: *Respect of the honour and dignity of the person. Judges, procurators, investigators and interrogators are obliged to respect the honour and dignity of any person participating in a case. No one shall be subjected to torture, force, or other cruel or degrading treatment. It is prohibited to take actions or decisions which are degrading to the honour and dignity of a person, which lead to a disclosure of the circumstances of their private lives, are harmful to their health or cause unfounded physical and moral suffering.*

Amnesty International has received countless reports from different sources - former prisoners, relatives of prisoners, defence lawyers, human rights monitors, international human rights organizations, diplomats, copies of court documents - that law enforcement officials continue to routinely violate legal obligations not to subject any person to torture or cruel, inhuman or degrading treatment.

Amnesty International has been concerned at dozens of reports that women, in particular human rights activists and female relatives of suspected opposition members or supporters, have suffered cruel, inhuman and degrading treatment at the hands of law enforcement officials, including in detention, in order to force them to reveal the whereabouts of or to incriminate male relatives. The case of Shahzoda Ergasheva, the wife of independent imam Tulkin Ergashev, is typical of scores of cases of ill-treatment of female relatives that have been reported to Amnesty International. Shahzoda Ergasheva was detained on 21 February 1999. She was reportedly first kept overnight in the basement of the Ministry of Internal Affairs and questioned about the whereabouts of her husband. She was then taken to the Yunusobod District Department of Internal Affairs and detained for three days in an underground cell and subjected to more questioning. Following that she was taken to Tashkent City Department of Internal Affairs and held for another three days allegedly without food. She was finally transferred to the detention centre where female administrative detainees are held. There she was reportedly beaten by other prisoners. Her physical condition deteriorated; she was no longer able to stand up, had spells of dizziness and fainted on several occasions. On 8 March she was released. Several days later she was admitted to Tashkent City hospital where she was under observation in the neurological ward for a month. Her health is still reported to be very poor. (*For information on other cases please see Appendix 3*)

Amnesty International's recommendations:

- ∞ ensure that all people deprived of their liberty or arrested by law enforcement officials are informed promptly of the charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice;
- ∞ ensure that law enforcement officials know and respect their legal obligations under domestic and international law not to subject any person to torture or cruel, inhuman or degrading treatment;
- ∞ establish an effective system of independent inspection and supervision of all places of detention with a view to preventing any cases of torture.

### **Inadequate investigations of reports of torture and ill-treatment (Articles 12 and 13)**

In its ruling on the powers of the judiciary<sup>8</sup>

---

<sup>8</sup> "On the powers of the judiciary" Ruling No.1 by the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996

the Plenum of the Supreme Court of Uzbekistan confirmed that, following on from Article 44 of the Constitution of Uzbekistan<sup>9</sup>

---

<sup>9</sup> Article 44 of the Uzbek Constitution. *Judicial defence of his rights and freedoms, the right of appeal to a court against the illegal actions of state agencies, officials, and social organizations shall be guaranteed to each individual.*



, courts are competent to examine any complaints about illegal actions carried out by state authorities<sup>10</sup>

---

<sup>10</sup> Point 2 of Ruling No.1 by the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996, "On the powers of the judiciary". *Following on from the spirit of Article 44 of the constitution the courts are competent to take decisions on any questions of a legal dispute, including complaints about the illegal actions of state agencies, officials and social organizations.*

. It also established that it is the courts' duty to protect the constitutional rights of the individual and that consequently in each case courts are obliged to react to any facts of violation of such rights, especially illegal arrest, the use of threats or of physical or psychological force.<sup>11</sup>

In practice most courts, at every level, including the Supreme Court itself, have continued to ignore this directive and have failed to react to allegations of torture or of cruel, inhuman and degrading treatment, regardless of whether a complaint has been lodged with them or whether these allegations were made during trial proceedings. In particular since the waves of detentions and arrests following the events in Namangan in December 1997 and again the bombings in Tashkent in February 1999 Amnesty International has received credible reports that, in hundreds of cases, courts of first instance as well as courts of appeal failed to initiate prompt investigations into allegations that suspected members of the Islamic and the secular political opposition had been routinely tortured or otherwise ill-treated in detention in order to force them to "confess" to membership of an illegal Islamic group or party, such as *Hizb-ut-Tahrir*, or to disclose information about secular and Islamic opposition leaders.

Most recently in August 1999, for example, the court of first instance failed to stop proceedings and order a prompt and impartial investigation into allegations of torture in the trial of six men affiliated to the banned opposition *Erk* party, two of them brothers of the exiled leader of the party, Muhammad Salih. All six men testified in court and later issued a written statement, that they were systematically tortured and ill-treated in pre-trial detention in order to force them to incriminate Muhammad Salih and to "confess" to fabricated charges. Methods of torture described included, among others, being beaten with rubber truncheons and plastic bottles filled with water, suffocated, tortured with electric shocks, being suspended by the hands tied behind the back, having hands and feet burned, being threatened with rape and death and with the rape of their wives and daughters. One of the accused, writer Mamadali Makhmudov, also testified that he was given injections and made to take unknown substances. Mamadali Makhmudov and co-accused Rashid Bekzhon, a brother of Muhammad Salih, were held incommunicado for almost three months. The other four accused, Muhammad Bekzhon, also a brother of Muhammad Salih, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov, were forcibly returned to Uzbekistan from Ukraine on 18 March 1999<sup>12</sup>. They were held incommunicado until the end of April. After the defendants gave testimony the trial judge gave the defence just 40 minutes in which to present their case. The trial was then adjourned for six days after which the verdict was announced. To the best of Amnesty International's knowledge no investigation into

---

<sup>11</sup> Point 14 of Ruling No.1 by the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996, "On the powers of the judiciary". *Judicial power must be based on "human rights" principles in accordance with which the life, freedom, honour and dignity of a person is of the highest value. Consequently the courts are obliged in each case to guarantee the application of the law and the rights of the citizens and to react to each violation of such. All legal procedures must be strictly observed, including everyone's right to defence. Appropriate appraisal shall be given to each case in which a citizen has been groundlessly held criminally responsible, to each case of unlawful arrest and detention, of the use of threats or of physical or psychological force.*

<sup>12</sup> Given the reports of sweeping arrests and widespread beatings and ill-treatment of suspected opposition supporters following the February bombings in Tashkent, Amnesty International was concerned that the men were at risk of torture if returned to Uzbekistan. The organization believes that in forcefully deporting the men without giving them access to legal counsel Ukraine violated its obligations under Article 3 of the Convention on Torture.

any of these allegations of torture has been launched by the court of first instance or any other competent state body. An appeal to the Supreme Court is still pending (**for more details on this case and other examples, please see Appendix 2**).

The above case also illustrates how the procuracy, fails in practice to comply with its legal obligation to investigate any reasonable claim of torture or cruel, inhuman and degrading treatment. Under the Constitution of Uzbekistan the procuracy is given the responsibility for ensuring the proper application of the law.<sup>13</sup> The procuracy has the right, for example, to file a protest with a court, leading to the judicial review of a sentence, if it feels there are reasonable grounds to believe that proper legal procedures were not followed. Evidence obtained as a result of torture or ill-treatment clearly falls under these criteria, given that the constitution as well as the code of criminal procedure prohibit their use. However, in the majority of cases -- criminal as well as political -- that have come to Amnesty International's attention, it appears that the procuracy has either failed to lodge a protest or initiate an investigation, or refused to do so.

---

<sup>13</sup> Article 118 of the Uzbek Constitution. *Supervision over the precise and uniform execution of laws on the territory of the Republic of Uzbekistan shall be effected by the Procurator General of the Republic of Uzbekistan and the procurators subordinate to him.*

The Uzbek authorities have laid particular stress on an individual's right to complain to the competent authorities about any violation by officials of their constitutional rights, including their right not to be subjected to torture or ill-treatment. Article 44 of the Constitution guarantees everyone the right to complain to a court of any unlawful actions of government authorities. A law on citizens' appeals was adopted in 1995. It states that no one should be subjected to harassment or other unlawful actions because they have lodged a complaint. Uzbekistan has also instituted the office of a parliamentary Ombudsman, one of whose main tasks is to deal with citizens' complaints.<sup>14</sup>

In her 1998 Annual Report to the Oliy Majlis (parliament) the Ombudsman, Sayora Rashidova, admitted that the majority of the complaints her office had received were in relation to unlawful actions by law enforcement officials. The report, however, failed to give any details as to what measures had been taken in the relatively small number of complaints successfully resolved, or whether any suspected perpetrators of torture had been identified and brought to justice in the course of disciplinary or criminal procedures. In Amnesty International's experience the Ombudsman's responses to calls by the organization to launch a prompt and impartial investigation into allegations of torture and ill-treatment have been less than satisfactory and have cast doubt on the professed independence of the office of the Ombudsman. The Ombudsman's investigations appear to limit themselves to confirming the articles of the criminal code under which a suspect has been charged and to dismissing as unfounded allegations of misconduct by officials acting in the case. For example, in April 1999 Amnesty International learned that Rashid Bekzhon, a brother of the exiled leader of the banned *Erk* political party, who had been detained incommunicado since 23 February, faced charges of terrorism. His name appeared on a list being circulated by the Uzbek authorities of more than a 100 people imprisoned in connection with the February 1999 explosions. There were fears that Rashid Bekzhon might face the death penalty on what supporters claimed were fabricated charges. Amnesty International had repeatedly expressed its grave concern that Rashid Bekzhon was at risk of torture while in incommunicado detention. In May, a month after news about Rashid Bekzhon's situation emerged, the Ombudsman wrote to the organization stating that Rashid Bekzhon had been detained on 26 February (although the Ministry of Internal Affairs had given the official date of arrest as 23 February) and that he had been charged with forming an illegal public organization (Article 216 of the Uzbek Criminal Code) and illegal possession of weapons (Article 248 of the Uzbek Criminal Code). The Ombudsman's letter concluded by saying that an investigation into this criminal case was being conducted by the Ministry of Internal Affairs. The letter did not address the reports of incommunicado detention and torture (*for an update on Rashid Bekzhon's case, please see Appendix 2*).

---

<sup>14</sup> Article 9 of the Law on the Authorized Person of the Oliy Majlis for Human Rights (Ombudsman), adopted on 24 April 1997. *The Authorized Person considers complaints and applications of citizens of the Republic of Uzbekistan as well as foreign citizens and individuals without citizenship staying on the territory of the Republic of Uzbekistan on actions/absence of action of state agencies, institutions and officials violating their rights and freedoms and has the right to start his own investigation. The Authorized Person accepts applications from third parties, including NGOs, related to the violation of freedoms, liberties and interests of a person or a group of persons provided that they have given their consent.*

Another typical example of the competent authorities' persistent failure to promptly and impartially examine a complaint by an individual who alleges that he has been subjected to beatings and ill-treatment is that of the chairman of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU), Mikhail Ardzinov. Over the last seven years Mikhail Ardzinov has been consistently and routinely harassed by the Uzbek authorities, including being beaten<sup>15</sup> and otherwise ill-treated, being threatened and having his apartment set on fire, because of his human rights monitoring activities. He has exercised his constitutional right to lodge complaints with the relevant procuracies and courts, yet the competent authorities have failed to examine properly any of his claims and, as a result of lodging complaints, he has been subject to intimidation and more ill-treatment. In May 1999 he was repeatedly and severely beaten in the process of being detained and during subsequent interrogations. He sustained serious injuries, including two broken ribs, concussion, contused kidneys, as well as cuts and bruises. Despite numerous complaints, no investigation has to date been initiated nor has his property, which was confiscated, been returned. On 31 August Mikhail Ardzinov was again physically assaulted and verbally threatened in the street outside his home by officers of the National Security Service who had been watching his movements (*for more details on this case please see Appendix 4*).

No developments were reported in the 1995 "disappearances" of Abduvali Mirzayev, the independent imam of an Andijan mosque, and his assistant Ramazan Matkarimov, the 1997 "disappearance" of another assistant Nematjon Parpiev, or the 1992 "disappearance" of Abdullo Utayev, the leader of the banned Islamic Renaissance Party. Abduvali Mirzayev and Ramazan Matkarimov were reportedly detained in August 1995 by the National Security Service in Tashkent as they were waiting to board an international flight. Abdullo Utayev was allegedly detained in 1992 by men believed to be government agents. The Uzbek government provided information to the Working Group on enforced or involuntary disappearances on these two cases, including the details of investigations carried out by the authorities into the subjects' "disappearance". They reported that the search for the persons concerned was continuing and that the families were being kept informed of the findings.<sup>16</sup> The authorities have consistently denied any official involvement in the "disappearances" of Abduvali Mirzayev, Ramazan Matkarimov and Abdullo Utayev. Amnesty International is not aware of any investigations having been carried out into the "disappearance" of Nematjon Parpiev. In the first half of 1999 Amnesty International submitted to the Working Group on enforced or involuntary disappearances the case of 15 men, who had been sentenced to

---

<sup>15</sup> In September 1998 the Special Rapporteur on torture raised the beating of Mikhail Ardzinov by officers of the National Security Service (SNB) in December 1997 with the Uzbek authorities. Report of the Special Rapporteur on torture, UN Doc. E/CN.4/1999/61, para. 765

<sup>16</sup> Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 391–393)

long terms of imprisonment in December 1998 by the Supreme Court, allegedly for being followers of independent imam Abduvali Mirzayev. The 15 went on trial more than three years after his “disappearance”. They were accused of having participated in the 1997 Namangan murders and were charged with offences including premeditated murder, terrorism and incitement of religious hatred. Human rights monitors at the trial expressed concern that the accused had not been judged for concrete criminal actions but for being followers of Abduvali Mirzayev and for allegedly adhering to the so-called “Wahhabi” ideology. At least one of the accused reportedly denied all accusations in court. As in other trials, there was serious concern that the accused had been beaten or otherwise ill-treated in pre-trial detention and that they may have been forced under duress to “confess” to the charges. Amnesty International is not aware that any investigations were initiated into these allegations of torture.

Amnesty International’s recommendations:

- ∞ ensure that every person deprived of their liberty is informed by the competent authorities of their rights, including the right to complain to the authorities against torture or cruel, inhuman or degrading treatment or punishment;
- ∞ ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the torture or ill-treatment has occurred even if no complaint has been made;
- ∞ enforce existing legislative measures to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his or her complaint or any evidence given;
- ∞ bring those law enforcement officials identified as responsible for torture or ill-treatment to justice in the course of legal proceedings which meet international standards.

**Failure to exclude evidence elicited as a result of torture or ill-treatment (Article 15)**

In Ruling No. 41 the Plenum of the Supreme Court of Uzbekistan emphasized that no sentence shall be based on evidence obtained by unlawful means.<sup>17</sup>

---

<sup>17</sup> Point 2 of Ruling No. 41 of the Plenum of the Supreme Court of 20 December 1996 “On the practice of the application of laws guaranteeing the right to defence”. ... *A guilty verdict shall not be based on supposition, and not on evidence obtained by unlawful means. Any doubts which cannot be dismissed must be in favour of the suspect, the accused or the convicted person.*

The court's Ruling No.1, after having reiterated that torture is not permissible, goes on to clarify that no evidence obtained by unlawful means has legal force.<sup>18</sup>

Nevertheless, courts, including the Supreme Court, have continued to admit evidence reportedly based on coerced confessions and to pass sentence mostly based on such evidence. This practice has been of great concern to Amnesty International in cases where the accused were charged with articles of the criminal code carrying a potential death sentence. Amnesty International received allegations that at least three of the accused in the 7 July 1998 Supreme Court trial concerning the murders in Namangan in 1997 (which sparked the wave of arrests of alleged "Wahhabists" in December 1997) had been tortured and forced under duress to give false statements. While 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, who was also charged, stated during the court hearing that he, too, was tortured. Another co-accused, Isroil Parpiboyev, stated in court that he was tortured with electric shocks, and that in winter he was taken naked to the prison yard 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. International observers at the trial noted that the principal accused, Talib Mamadzhanov, appeared to be ill and lost consciousness during one hearing. He was later sentenced to death. Seven co-accused received prison sentences ranging from three to 10 years. Since the Supreme Court acted as the court of first instance, the accused were deprived of the right to appeal against their sentence to a court of higher jurisdiction. Human rights monitors at the trial expressed concern that the accused had not been judged for concrete criminal actions but for their alleged adherence to the so-called "Wahhabi" ideology. Since the trial the Uzbek authorities have not responded to requests from Amnesty International for more information on the status of Talib Mamadzhanov. It is therefore not clear whether he was executed or whether he is still alive. (*For information on further cases please see Appendix 5*)

Amnesty International's recommendation:

- ∞ ensure that no statement extracted as a result of torture is invoked as evidence in any proceedings (except against a person accused of torture as evidence that the statement was made).

### **Cruel, inhuman or degrading treatment or punishment (Article 16)**

---

<sup>18</sup> Ruling No.1 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996, "On the powers of the judiciary" ...to clarify that any evidence obtained through unlawful means shall not have legal force.



## **The death penalty**

Amnesty International regards the death penalty as the ultimate cruel, inhuman and degrading punishment. In 1998 the Oliy Majlis (parliament) removed the death penalty from the criminal code as a punishment for five criminal offences. The penalty remained in force for aggravated murder, terrorism and six other crimes.<sup>19</sup> The authorities described the decision as part of a policy of abolishing the death penalty by stages, citing "the international obligations which the Republic of Uzbekistan has taken upon itself in the human rights sphere". The Uzbek authorities have, however, to date failed to publish any statistics on the use of the death penalty and have refused to give any information on executions. Amnesty International remains seriously concerned that executions continue to be carried out. The fact that a substantial number of men sentenced to death have alleged that they were tortured in pre-trial detention greatly heightens this concern. Conditions on death row have been described by former prisoners as particularly cruel. Some cells are reportedly so small that there is no room for a bed, only for a chair. This is allegedly because prisoners sentenced to death spend only a limited time in the cell -- from three days up to a maximum of three months -- before being executed. Such allegations are very difficult to verify given that the Uzbek authorities generally do not allow independent monitoring of their prisons.<sup>20</sup>

## **Prison conditions**

---

<sup>19</sup> The death penalty was removed for Article 119, Part IV, "unnatural sex" with a person under 14 years of age, accompanied by the use of force; Article 152, "contravening the rules and customs of war"; Article 158, Part I, "attempt on the life of the President"; Article 160, Part I, "Espionage"; Article 246, Part II, smuggling weapons of mass destruction and narcotics. The death penalty remains in force for eight crimes: aggravated murder (Article 97, Part II.); rape of a female under 14 years of age (Article 118, Part IV); waging a war of aggression (Article 151, Part II); genocide (Article 153); terrorism involving death or serious injury (Article 155, Part III); treason (Article 157, Part I); organizing a criminal conspiracy (Article 242, Part I); illegal sale of a large quantity of narcotics (Article 272, Part II).

<sup>20</sup> According to the 1998 US State Department Report on Human Rights the International Committee of the Red Cross (ICRC) has not been granted visiting rights. Only diplomats have occasionally been allowed to visit specific detention facilities.

Conditions under which detainees are held pre-trial are reportedly so poor as to amount to cruel, inhuman and degrading treatment. In 1997 the Uzbek authorities admitted that conditions of detention fall far short of the UN basic minimum standards for the treatment of prisoners.<sup>21</sup>

Overcrowding is the norm, with at least two inmates to a bunk bed, sleeping in turns. Inadequate sanitation, shortages of food and basic medication exacerbate the risk of disease, such as tuberculosis. Former prisoners have described punishment cells as underground “holes”, one square metre with standing room only near the door. The rest of the cell is said to be only 1.5 metres in height, allowing the prisoner only to crouch or sit. Cells are also said to be overrun with vermin. As with the conditions on death row, these allegations are difficult to verify independently given the Uzbek authorities’ refusal to allow access to independent monitors.

### **Unofficial prison camps**

Reports received recently by Amnesty International indicate that the authorities are running prison camps in remote areas of Uzbekistan where the overwhelming majority of prisoners are reported to be members of independent Islamic congregations accused of supporting the banned Islamic opposition. The existence of two camps has been independently confirmed. They are located in former Soviet army barracks in the Republic of Karakalpakstan in the desert south-west of the Aral Sea. Conditions of confinement are alleged to be cruel, inhuman and degrading with prisoners being denied adequate rations of drinking water while doing forced labour. There is concern that they are situated in chemically or possibly biologically contaminated areas.

Amnesty International’s recommendations:

- ∞ commute all pending death sentences and declare an immediate moratorium on further death sentences and executions pending a comprehensive review of the death penalty;
- ∞ pending the above, at least ensure that all legal proceedings in which a death penalty could be imposed conform to international minimum standards including those set forth in the International Covenant on Civil and Political Rights (ICCPR), the UN Economic and Social Council (ECOSOC) Safeguards guaranteeing protection of the rights of those facing the death penalty, annexed to Resolution 1984/50 of 25 May 1984, and ECOSOC Resolution 1989/64 of 24 May 1989 implementing those Safeguards;

---

<sup>21</sup> National report on human rights for 1997 in relation to the implementation of obligations undertaken by the Republic of Uzbekistan when it joined the Vienna Declaration and Program of Action at the Second World Conference on Human Rights.

- ∞ publish comprehensive statistics for the application of the death penalty, in accordance with ECOSOC Resolution 1989/64, the requirements of the five-yearly studies on the use of the death penalty by the ECOSOC Commission on Crime Prevention and Criminal Justice, and Uzbekistan's commitments as a member of the OSCE;
- ∞ As requested by the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders (Cairo, May 1995), provide answers to the questionnaire on the UN Minimum Rules for the Treatment of Prisoners;
- ∞ exchange views with other states on improving prison conditions and strengthen cooperation in that area;
- ∞ share information regarding practical conditions in penal institutions with the general public, professional organizations, scientific institutions and relevant non-governmental organizations and enhance transparency in prison systems and their functioning by providing ways and means of monitoring them by independent national and competent international bodies, such as duly authorized independent complaint commissions and the International Committee of the Red Cross.

## **APPENDIX 1**

News Service: 065/99  
AI INDEX: EUR 62/08/99  
8 April 1999

# **PUBLIC STATEMENT**

## **UZBEKISTAN**

### **PRESUMED GUILTY: COMMITMENT TO HUMAN RIGHTS PROTECTION CALLED INTO QUESTION**

Amnesty International is calling on the Uzbek authorities to live up to their obligations to protect fundamental fair trial rights, including the presumption of innocence and the right not to be compelled to testify or confess guilt.

The organization is also urging the authorities to repudiate recent statements ascribed to them which criminalize members and presumed members of independent Islamic congregations, their families and political opposition figures.

On several recent occasions the Uzbek authorities -- including the President, Interior Minister and Prosecutor General -- have called on people involved in "non-traditional" Islamic groups and activities to come forward and "admit their guilt", threatening those who do not -- and their families -- with punishment.

These statements follow bombings in Tashkent on 16 February, in which at least 13 people died and more than a hundred were injured, and a shoot-out in Tashkent on 29 March which left eight dead.

The authorities have blamed the incidents on violent, foreign-trained Islamic groups operating in concert with Muhammad Salih, exiled leader of the banned democratic opposition party *Erk*. At a news conference in March President Karimov is reported to have described Muhammad Salih as "a collaborator in this terror act and sabotage" who should "come and admit his crimes".

Since the February bombings hundreds of supposed conspirators -- including relatives of both Muhammad Salih and independent Islamic leader Obidkhon Nazarov -- have been detained.

Among those believed to be currently detained are Muhammad Salih's brothers, Muhammad, Rashid and Komil Bekzhon. To Amnesty International's knowledge, all are held in incommunicado detention. Muhammad Bekzhon has not been seen since being forcibly returned to Uzbekistan by the Ukrainian authorities on 18 March.

Also believed to be held in incommunicado detention are Imam Obidkhon Nazarov's brother, uncle and brother-in-law, Umarkhon Nazarov, Akhmadali Salomov and Abdurashid Nasriddinov. Obidkhon Nazarov's wife was held in administrative detention for ten days between 21 February and 3 March, during which time she was reportedly questioned about the whereabouts of her husband.

Amnesty International is gravely concerned at the circumstances of these detentions, at the prejudicial statements ascribed to public authorities and at the apparent failure of the authorities to investigate persistent allegations of ill-treatment and other unfair trial practices surrounding previous trials of alleged Islamic extremists during 1998.

The organization fears that these concerns call into question the genuineness of Uzbekistan's commitment to uphold the rights enshrined in such international instruments as the International Covenant on Civil and Political Rights and the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, both of which Uzbekistan ratified in 1995.

### **Background**

Speaking on 4 April on state television, Interior Minister Zakirdzhon Almatov called on young men studying "non-traditional" Islam abroad to return and "admit their guilt". He reportedly stated that, in accordance with an order from President Islam Karimov, people who responded to the appeal would not be punished, but any who failed to do so would be held accountable, as would their fathers.

Prosecutor General Usmon Khudoykulov is reported to have added "Everyone who admits his involvement in extremist religious groups will be pardoned. We have lists of members of such organizations. If they do not surrender, we will find them. Not only they, but also their fathers, who could not restrain their children, will be punished."

The President announced the initiative on 1 April, reportedly telling journalists "I am prepared to rip off the heads of 200 people, to sacrifice their lives, in order to save peace and calm in the republic".

*Source: Amnesty International, International Secretariat,  
1 Easton Street, WC1X 8DJ, London, United Kingdom*

## **APPENDIX 2**

### **AMNESTY INTERNATIONAL URGENT ACTION PUBLIC**

**AI Index: EUR 62/19/99**

**20 August 1999**

**Further information on UA 43/99 (EUR 62/05/99, 9 March 1999) and follow-ups (EUR 62/06/99, 12 March 1999; EUR 62/09/99, 9 April 1999; EUR 62/15/99, 5 August 1999) - fear for safety/incommunicado detention and new concern: unfair trial**

## **UZBEKISTAN**

### **Rashid Bekzhon**

Rashid Bekzhon has been sentenced to 12 years imprisonment. The verdict, which had been expected on 16 August, was finally announced on 18 August.

Of the five others who went on trial with him, Muhammad Bekzhon and Yusif Ruzimuradov were sentenced to 15 years, Mamadali Makhmudov to 14 years, Kobil Diyarov to 12 years and Negmat Sharipov to eight years (see UA 34/99, EUR 62/02/99, 25 February 1999, and follow-ups; and UA 48/99, EUR 50/01/99, 16 March 1999 and follow-ups). All six are to serve their sentences in a strict regime prison camp and will have their property confiscated.

Amnesty International has received a written statement signed by all six defendants on 18 August, which reiterates earlier allegations that they were tortured and ill-treated in pre-trial detention in order to force them to incriminate Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*, and to confess to fabricated charges. They allege among other things that they were beaten with rubber truncheons and plastic bottles filled with water, suffocated, tortured with electric shocks and threatened with the rape of their wives.

Following an adjournment on 3 August, the trial had been moved to a higher court and reopened on 9 August in Tashkent Regional Court without notice to the defence or relatives of the accused.

Representatives of the Organisation for Cooperation and Security in Europe (OSCE), the British and US embassies, foreign news agencies and local human rights observers were denied entry to the courtroom despite lodging official protests.

During the hearing the prosecution reportedly demanded long prison sentences for all six defendants. It called for Mamadali Makhmudov to be sentenced to 12 years' imprisonment, Negmat Sharipov to 16 years, Kobil Diyarov and Rashid Bekzhon to 18 years, Muhammad Bekzhon to 19 years and Yusif Ruzimuradov to 20 years. All of them reportedly pleaded not guilty and alleged in court that during the investigation they were forced to confess to fabricated charges. Amnesty International received a written statement by Mamadali Makhmudov in which he described being systematically tortured in pre-trial detention. This included being constantly beaten, having his hands and feet burned, being suspended by his hands tied behind his back, having a gas mask put over his face with the air supply turned off and being threatened with rape and death. In addition he was told that his wife and two daughters had been taken into detention and that they would be raped in front of his eyes if he did not confess and admit his guilt in front of a television camera. He was also given injections and made to drink unknown substances.

On 12 August, the last day of the trial, six relatives were allowed into the courtroom after a petition to the presiding trial judge. Others were refused entry on the grounds that there were no more seats in the courtroom. It appeared later that most of the available seats had been taken up by members of the Ministry of Internal Affairs special forces. The defence was given just 40 minutes on the last day of the trial in which to present their case.

Only five relatives were allowed into the courtroom to hear the verdict. Foreign observers, including representatives of the OSCE and the US embassy, were again denied entry.

**FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/e-mails/express/airmail letters in Russian, English or your own language:**

- expressing grave concern at violations of fair trial rights in the case of Rashid Bekzhon and his five co-defendants, in particular that the court did not take into account allegations that all of them were tortured in pre-trial detention to force them to confess;
- calling for a prompt and impartial investigation into the allegations of torture, with the results made public.

**AMNESTY INTERNATIONAL URGENT ACTION  
PUBLIC**

**AI Index: EUR 62/17/99**

**13 August 1999**

**Further information on UA 34/99 (EUR 62/02/99, 25 February 1999) and follow-ups (EUR 62/03/99, 9 March 1999 and EUR 62/16/99, 6 August 1999) - Fear for safety / Alleged ill-treatment in detention / Incommunicado detention**

## **UZBEKISTAN**

**Mamadali Makhmudov, writer**

Amnesty International has learned that the verdict in the trial of Mamadali Makhmudov and his five co-defendants will be announced on 16 August 1999.

The prosecution has reportedly demanded long prison sentences for all six defendants. It wants Mamadali Makhmudov to be sentenced to 12 years' imprisonment, Negmat Sharipov to 16 years, Kobil Diyarov and Rashid Bekzhon to 18 years, Muhammad Bekzhon to 19 years and Yusif Ruzimuradov to 20 years. All of them have reportedly pleaded not guilty and have alleged in court that during the investigation they were forced to confess to fabricated charges. Amnesty International has received a written statement by Mamadali Makhmudov in which he describes being systematically tortured in pre-trial detention. This included being constantly beaten, having his hands and feet burned, being suspended by his hands tied behind his back, having a gas mask put over his face with the air supply turned off and being threatened with rape and death. In addition he was told that his wife and two daughters had been taken into detention and that they would be raped in front of his eyes if he did not confess and admit his guilt in front of a television camera. He was also given injections and made to drink unknown substances.

Some of the other defendants have reportedly made similar allegations of torture. These include being given electric shocks and having needles stuck under their finger and toenails.

Their trial began on 3 August in Yangiyul district court, outside Tashkent, but was adjourned for three days after protests by the defence that their clients had not had the opportunity to acquaint themselves with the materials in their case. The trial was subsequently moved to a higher court and reopened on 9 August in Tashkent Regional Court without notice to the defence or relatives of the accused.



Representatives of the Organisation for Cooperation and Security in Europe (OSCE), the British and US embassies, foreign news agencies and local human rights observers were denied entry to the courtroom despite lodging official protests. On 12 August, the last day of the trial, six relatives were allowed into the courtroom after a petition to the presiding trial judge. Others were refused entry on the grounds that there were no more seats in the courtroom. It appeared later that most of the available seats had been taken up by members of the Ministry of Internal Affairs special forces.

The defence was given just 40 minutes on the last day of the trial in which to present their case.

The arrests of Mamadali Makhmudov and five others (see UA 48/99, EUR 50/01/99, 16 March 1999 and follow ups and UA 43/99, EUR 62/05/99, 9 March 1999 and follow ups) on trial with him are believed to be part of a clampdown on perceived opponents of the President of Uzbekistan, and their families and associates, following a series of bomb explosions in the capital, Tashkent, on 16 February.

**FURTHER RECOMMENDED ACTION: Please send e-mails/telegrams/faxes in Russian or your own language:**

- expressing concern at violations of fair trial rights in the case of Mamadali Makhmudov and his five co-defendants, in particular at allegations that he was tortured in pre-trial detention in order to force him to confess; that he has been held incommunicado, apparently denied adequate time and facilities to prepare a defence and has been publicly depicted as guilty before this can be proven in law;
- calling for the trial to be halted and for the investigation into their case to be conducted in a manner consistent with international standards for a fair trial, including a prompt and impartial investigation into all allegations of torture.

## **APPENDIX 3**

**Extract from AI Concerns in Europe: January - June 1999, AI Index: EUR 01/02/99  
August 1999**

### **WOMEN IN EUROPE**

#### **A selection of Amnesty International's concerns**

#### **UZBEKISTAN**

##### *Human rights defenders*

According to the authorities 60-year old veteran social and political activist Muhtabar Akhmedova was detained on 4 March during a routine passport check, allegedly for refusing to cooperate with the law enforcement officers and for insulting them. She was charged with "mild hooliganism" and received a court warning. According to unofficial reports Muhtabar Akhmedova was accused of exchanging information with "terrorist" organizations abroad. She had been monitoring the arrests and ill-treatment of alleged "Wahhabis" and had been sharing this information with other human rights organizations.

On 12 May a group of police officers raided the apartment of Makhbuba Kasymova, a human rights activist and member of the independent human rights organization of Uzbekistan (NOPCHU). During the unsanctioned search the police officers reportedly discovered a small quantity of drugs on Ravshan Hamidov, a relative of Makhbuba Kasymova from Kokand who was staying with her family in Tashkent. In his bag they also reportedly found a hand grenade. When Ravshan Hamidov protested his innocence, the officers hit him in the face. Ravshan Hamidov was arrested and charged with illegal possession of narcotics and weapons. Makhbuba Kasymova was repeatedly questioned over several days at the City department of Internal Affairs (GUV D) for long periods of time, on 17 May, for example she was questioned for 10 hours. On 18 May she was escorted by officers from the GUV D to her local mahala where some 200 people had reportedly gathered to hold a public meeting to denounce Makhbuba Kasymova. There were claims that the national television news program "Ahborot" showed excerpts of the public meeting and described her and NOPCHU as supporting terrorism. Makhbuba Kasymova was charged with concealing a crime and a criminal investigation was still ongoing at the end of June.

#### **Update on Makhbuba Kasymova:**

At the beginning of June, while the criminal investigation was still under way, an additional charge was brought against Makhbuba Kasymova, of alleged misappropriation of money. It is not clear from the court documents whether this is supposed to relate to a loan arrangement between Makhbuba Kasymova and one of her neighbours, or to a sum of money handed over by the same neighbour for the legal defence of an imprisoned relative.

*AI Index: EUR 62/27/99 Amnesty International October 1999*

On 13 July Makhbuba Kasymova was asked to attend Yunusobod District Court. She supposed that this was in order to formally acquaint herself with the documents in her case, as is required before the trial can take place. As there was no indication that the trial was imminent, she had not yet engaged a lawyer. At the last minute she decided to bring with her to the court building the Human Rights Watch representative in Uzbekistan. What ensued was described by the Human Rights Watch representative as "a farce" designed to silence independent human rights activists. The trial of Makhbuba Kasymova began, without prior notice, in the absence of defence witnesses and with a lawyer assigned by the court. Three hours later the proceedings concluded with the handing down of a five-year prison sentence for concealing a crime and misappropriation of funds (four years under Article 241 and three years under Article 168 of the Uzbek Criminal Code), and the removal of Makhbuba Kasymova straight from court to Tashkent City Prison.

On 17 August Tashkent City Court heard Makhbuba Kasymova's appeal against her conviction and sentence. The grounds for appeal presented by her lawyer were -- absence of proof that any crime had taken place. Makhbuba Kasymova was not present in court. After a hearing lasting 14 minutes, the appeal was turned down.

Makhbuba Kasymova's lawyer is at the time of writing preparing an appeal to the Supreme Court. Both he and Makhbuba Kasymova's relatives have visited her in Tashkent City Prison. She is reported to be suffering from heart problems.

The case of Ravshan Khamidov was, as of 17 September, still under investigation.

Amnesty International believes that Makhbuba Kasymova is a prisoner of conscience, and that the real reason for her conviction is her peaceful, legitimate activity as a member of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU), and her links with the democratic opposition. Amnesty International is calling for Makhbuba Kasymova's immediate and unconditional release.

### ***Administrative detention of the wives of independent imams Obidkhon Nazarov and Tulkin Ergashev***

On 21 February Munira Nasriddinova, the wife of Obidkhon Nazarov, and her mother-in-law were reportedly taken from their home in Tashkent to a local police station, where both were allegedly beaten. Her mother-in-law was reportedly released eight hours later, but Munira Nasriddinova was tried and sentenced to 10 days' administrative detention for "hooliganism". She was released on 3 March. Apparently the authorities deliberately concealed from her lawyer and family the fact that she was being held in the basement of the Tashkent GUVB. On 3 March at 10pm, she was taken in a police car from there to the detention centre where administrative detainees are usually held, and was forced to sign a statement that she had spent her whole sentence there. She was also forced to sign a release document stating that she had no grounds for complaint. Only after this did police take her home. While in detention, she was reportedly questioned about her husband and imam Tulkin Ergashev. A warrant for the arrest of imams Obidkhon Nazarov and Tulkin Ergashev, for promoting "Wahhabism", preaching illegally and trying to set up an Islamist state, was reportedly issued in March 1998.

Shahzoda Ergasheva, the wife of Tulkin Ergashev, was also detained on 21 February. She was reportedly first kept overnight in the cellar of the Ministry of Internal Affairs and questioned about the whereabouts of her husband. She was then taken to the Yunusobod District department of internal affairs and detained for three days in an underground cell and subjected to more questioning. Following that she was taken to the GUVD and held for another three days allegedly without food. She was finally transferred to the detention centre where female administrative detainees are held. There she was reportedly beaten by other prisoners. Her physical condition deteriorated and she was no longer able to stand up, she had spells of dizziness and fainted on several occasions. On 8 March she was released. She was admitted to Tashkent City hospital several days later and was still under observation a month later.

#### **APPENDIX 4**

**Extract from AI Concerns in Europe: July - December 1997, AI Index: EUR 01/01/98  
February 98** *EXISTS IN FRENCH - NO NEED TO TRANSLATE*

#### **UZBEKISTAN**

##### ***Official attitude to human rights groups***

In August the Independent Human Rights Organization of Uzbekistan submitted a second application for registration with the Ministry of Justice (the organization's first application had been rejected in May, see AI Index: EUR 01/06/97 for details). In December the Ministry of Justice rejected the application once again on the grounds that the organization's address on the application form was incomplete. Prior to this members of the Independent Human Rights Organization had reportedly been summoned to their local justice departments and questioned about their human rights activities.

On 21 December Mikhail Ardzinov, the chairman of the Independent Human Rights Organization, was detained by police in Samarkand for 20 hours, severely beaten and forcefully returned to Tashkent. He had travelled to Samarkand with Jomol Mirsaidov, a member of the Independent Human Rights Organization and leader of the Tajik minority in Uzbekistan, to attend a constituent meeting of the National Cultural Centre of ethnic Tajiks in Uzbekistan. They were detained by police in the street on their way to the meeting for a document check and taken to the Bogibomolyarsky station of the Samarkand Regional Directorate of Internal Affairs (RUVD). They were asked to sign an official warning for having organized an unsanctioned meeting, which they refused. Mikhail Ardzinov was first beaten by five police officers inside the station and again later outside the station by 10 police officers as they were trying to get him into a police car. The beatings were said to have lasted around 15 minutes; he was thrown to the ground and his clothes were torn. Mikhail Ardzinov was driven to Tashkent, the capital, by plainclothes officers of the Uzbek Committee for National Security and released with the warning "never to return to Samarkand". Jomol Mirsaidov was sentenced to 10 days' administrative arrest which he reportedly spent in solitary confinement. It was alleged that Mikhail Ardzinov and Jomol Mirsaidov were detained to prevent the constituent meeting of the National Cultural Centre of ethnic Tajiks from taking place.

**Extract from AI Concerns in Europe: January - June 1999, AI Index: EUR 01/02/99  
August 1999**  
**UZBEKISTAN**

*Amnesty International October 1999 AI Index: EUR 62/27/99*

## ***Human rights defenders***

### **Ill-treatment in custody**

Mikhail Ardzinov, the chairman of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) was seriously injured during a search of his apartment by officers from the Tashkent City Department of Internal Affairs (GUV D) on 25 June. His injuries, which were detailed in a medical certificate issued by the medical officer of the United States Embassy in Tashkent, included two broken ribs, concussion and contused kidneys, as well as cuts and bruises. According to unofficial reports, Mikhail Ardzinov sustained these injuries after plainclothes police officers from the GUV D detained him in the street on 25 June at 9.30am, reportedly beating him as they forced him into a car and took him to his apartment. There a uniformed investigator was waiting with a search warrant relating to a criminal case against Mikhail Ardzinov for "hooliganism". This was apparently the first he had heard of the case. Officers searched his apartment, confiscating computer and other equipment, and both personal and other documents, including the archives of NOPCHU. After the search Mikhail Ardzinov was taken by car to the GUV D. On arrival he was beaten again, in the lift and corridors. He was questioned until 11pm, when he was driven back to his apartment. Throughout his detention and interrogation he was denied access to a lawyer, medical assistance and telephone contact. Amnesty International was concerned that Mikhail Ardzinov's detention and subsequent ill-treatment were related to his outspoken and public criticism of the measures taken by the authorities in reaction to a series of bomb attacks in Tashkent on 16 February, in particular, the sweeping arrests of individuals and groups perceived as a threat to the stability and authority of the government and the conduct of several high-profile trials of members of unregistered Islamic organizations and suspects in the February bombings. Mikhail Ardzinov had been detained twice before and taken for questioning to the GUV D, on 18 May and 9 June. On both occasions he reported having been threatened with further repercussions if he did not stop his human rights monitoring activities. On 10 June he was assaulted in the street near his home by two men he believed to be officers of the Ministry of Internal Affairs. He sustained light injuries to his right hand and forehead.

## **APPENDIX 5**

### **Extract from AI Concerns in Europe: January - June 1999, AI Index: EUR 01/02/99 August 1999 UZBEKISTAN**

#### ***Political Prisoners***

On 14 May Tashkent City Court sentenced 12 men to six- to 19-year prison terms for attempting to overthrow the constitutional order of Uzbekistan under Article 159 of the Uzbek Criminal Code. The men were also charged with illegal possession of narcotics and weapons, as well as participation in an illegal religious organization. The men were accused of being members of the illegal Islamic organization *Hizb-ut-Tahrir* whose goal was reported to be to establish an Islamist state in Uzbekistan. They all reportedly admitted to being members of *Hizb-ut-Tahrir*, but denied other charges. There were serious concerns that the defendants had been beaten or otherwise ill-treated in detention and had allegedly been forced under duress to confess to the charges. There was also concern that these men were punished for their religious affiliation rather than any concrete criminal actions.

At least three more separate trials of alleged members of *Hizb-ut-Tahrir* took place in May and June in Namangan and Fergana.

On 12 May Namangan City Court sentenced three men to 13- to -16 years in prison for their alleged participation in the February bombings. Amnesty International was gravely concerned that the outcomes of all these trials might have been influenced by public statements against Islamic and opposition activists by the authorities. Both the Interior Minister and General Prosecutor stated on national television in April that, in accordance with an order from the President, those involved in extremist religious groups whose names appear on lists of suspects must turn themselves in and "admit their guilt". Any who fail to do so will be held accountable and punished, as will their fathers who could not restrain them.

#### ***The death penalty***

On 28 June the Supreme Court sentenced six men to death for their part in the February bombings in the first of a series of trials related to criminal case 6383. Sixteen co-defendants received prison sentences ranging from ten to 20 years. All 22 defendants also had their property confiscated. The defendants were accused of being members of extremist religious organizations who advocated a jihad (holy war) to overthrow the constitutional order in Uzbekistan and the assassination of President Karimov, charges to which most of the defendants reportedly pleaded guilty. There were reports that the defendants had been beaten or otherwise ill-treated in pre-trial detention and forced under duress to give false evidence. Human rights monitors  
*Amnesty International October 1999 AI Index: EUR 62/27/99*

expressed concern that fair trial standards, although promised by the authorities, had not been respected. Six of the defendants were already in detention at the time of the bombings, some serving long prison sentences for their alleged participation in the 1997 Namangan murders which sparked the wave of arrests of alleged "Wahhabis" in December 1997. The defendants were reportedly denied the right to a lawyer of their own choice and there were allegations that the defence lawyers did not represent the defendants' interests. According to a trial observer from Human Rights Watch there was no presumption of innocence and the prosecution failed to present any solid evidence to prove the defendants guilty.