

UA 276/02 Possible death penalty/
torture and ill-treatment

4 September 2002

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

Amnesty International (AI) believes that Iskandar Khudoberganov is at grave risk of being sentenced to death at a trial that recently opened in the capital, Tashkent. He and two other defendants in the same case, Bekzod Kasymbekov and Nosirkhon Khakimov, have reportedly been tortured to force them to confess to charges that may have been fabricated.

The trial opened in Tashkent City Court on 26 August. The three men named above and three further co-defendants have been accused of religious extremism and charged with serious anti-state crimes, including "attempting to overthrow the constitutional order" and "setting up an illegal group". Iskandar Khudoberganov has in addition been charged with "terrorism" and "premeditated, aggravated murder", and has been accused of having been trained in military camps in Chechnya and Tajikistan with the aim of overthrowing the Uzbek government by violent means. These additional charges carry the death penalty. It is not clear whether the charges faced by Iskandar Khudoberganov, Bekzod Kasymbekov and Nosirkhon Khakimov are supported by compelling evidence not based on confessions that may have been extracted under torture.

Nosirkhon Khakimov and Bekzod Kasymbekov have been serving prison terms of eight years each since April 2000, when they were convicted on anti-state charges. Both men maintained their innocence in court at the time and stated that they had been tortured in order to force them to confess. Although the official court protocol of the trial in Chirchik Town Court in Tashkent region documents these statements, no comprehensive and impartial investigations have apparently been carried out into the torture allegations.

Iskandar Khudoberganov went into hiding in February 1999 when he found out that he was wanted by police on accusations of "terrorism" and "religious extremism". In an attempt to force his family to disclose his whereabouts, police subsequently detained his father Erkin Khudoberganov and his brother Sanzhar several times. On one occasion, at the end of February 1999, the men were reportedly beaten by police to such an extent that they had to be hospitalized. On another occasion, in August 1999, Erkin and Sanzhar Khudoberganov and Iskandar's wife Fazilat Khudoberganova were summoned to Tashkent City police department where they were forced to watch how Bekzod Kasymbekov and Nosirkhon Khakimov were beaten by police. The police threatened the family that they would do the same to Sanzhar Khudoberganov. Fazilat Khudoberganova told AI: "Bekzod's body was full of blood. I was pregnant then and dropped unconscious when I saw this."

According to Iskandar Khudoberganov's confession as documented in the official accusation, he was arrested in Tajikistan and handed over to Uzbek law enforcement officers on 5 February 2002. His family states that they were only notified of his detention in the building of the National Security Service (SNB) in Tashkent on 5 April 2002. His mother Matlyuba Khudoberganova told AI that when she saw her son for the first time in the SNB he told her: "They tortured me to force me to confess to all the charges they have come up with. If I hadn't signed the confession in the end, I wouldn't be alive anymore. Everything inside me feels smashed." According to reports, Nosirkhon Khakimov and Bekzod Kasymbekov also

told their relatives that they were tortured before the current trial opened.

BACKGROUND INFORMATION

Uzbekistan has detained and imprisoned thousands of people on accusations of religious extremism. AI has received persistent allegations that many of those arrested were tortured by police, and that many in fact had weapons and narcotics planted on them to fabricate cases. In the course of a particularly severe clampdown following the February 1999 bomb explosions in Tashkent that the authorities claimed were assassination attempts on President Islam Karimov, a number of death sentences were imposed in unfair trials. In April 1999 President Karimov was said to have publicly stated: "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."

In September 2001 President Karimov publicly stated that around 100 people were executed in Uzbekistan each year. Since the beginning of 2002 two death row prisoners were reportedly executed despite interventions by the United Nations Human Rights Committee urging the Uzbek authorities to put their executions on hold. To AI's knowledge, all death sentences that were commuted in recent years had been handed down for offences without a political background.

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

- urging the city procurator not to suggest to the judge to hand down the death sentence against Iskandar Khudoberganov, currently standing trial at Tashkent City Court;
- stating that the death penalty is a violation of the most fundamental human right - the right to life - and that it has never been shown to deter crime more effectively than other punishments;
- expressing concern at allegations that Iskandar Khudoberganov, Bekzod Kasymbekov and Nosirkhon Khakimov were tortured, and that some of their family members were ill-treated or subjected to cruel, inhuman and degrading treatment;
- urging the authorities to open prompt and impartial investigations into these allegations, with the findings made public and those responsible to be brought to justice, and to ensure that no confessions extracted under torture will be used as evidence in the trial.

APPEALS TO:

Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat 'fax' until connected; fax machines may be switched off outside office hours - five hours ahead of GMT

President, Islam Abduganiyevich KARIMOV

Respublika Uzbekistan; 700163 g. Tashkent; ul. Uzbekistanskaya, 43; Rezidentsia prezidenta; Prezidentu RU; KARIMOVU I.A., UZBEKISTAN

Faxes: + 998 71 - 2 89 00 46 (Write on the top of your fax: "Tel.: 139 53 75; 139 82 60; 139 59 29; Prezidentu RU; KARIMOVU I.A.")

Telegrams: Prezidentu Karimovu, 700163 Tashkent, Uzbekistan

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

Salutation: Dear President Karimov

City Procurator, Mels Inamovich NAIMOV

Respublika Uzbekistan; g. Tashkent; Gorodskaya Prokuratura; Prokuroru NAIMOVU

M.I.

**Faxes: + 998 71 - 2 89 00 46 (Write on the top of your fax: "Tel.: 77 68 68;
77 68 14; Gorodskomu Prokuroru; NAIMOVU M.I.")**

Salutation: Dear Procurator

COPIES TO:

Parliamentary Commissioner for Human Rights, Sayora RASHIDOVA (Ms)
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Minister of Foreign Affairs, Abdulaziz Khafizovich KOMILOV
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and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 16 October 2002.