

5 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) - fear for safety/incommunicado detention and new concern: unfair trial

UZBEKISTAN Rashid Bekzhon

Amnesty International is concerned that Rashid Bekzhon faces an unfair trial on charges including "threatening the constitutional order" and "organizing a criminal conspiracy". People tried recently on related charges have received sentences ranging from 10 years' imprisonment to death. Amnesty International believes he may have been charged solely because he is a brother of Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*.

Rashid Bekzhon went on trial with five others on 3 August, in Yangiyul district court, outside the capital, Tashkent. The start of the trial was reportedly delayed for over an hour while local human rights activists, representatives of foreign embassies and journalists argued for the right to be allowed access to the courtroom. Forty minutes into the hearing, the lawyer representing Rashid Bekzhon and three others protested that his clients had not had the opportunity to acquaint themselves with the materials in their case, and the judge adjourned the trial for three days. Rashid Bekzhon faces serious charges under the Criminal Code of Uzbekistan, articles 158 (threatening the president), 159.3 (threatening the constitutional order), 216 (organization of an illegal body), 242 (organizing a criminal conspiracy) and 248 (illegal possession of arms).

Rashid Bekzhon had been detained by police in Tashkent on 23 February 1999, one week after a series of explosions. He was held incommunicado for almost three months. For much of this time his family reportedly did not know why or where he was held. In April his name appeared on a list circulated by the Uzbek authorities of more than 100 people imprisoned in connection with the explosions. In a letter of 4 May the investigative department of the Ministry of Interior told Amnesty International that Rashid Bekzhon had been arrested on 23 February, and that a criminal case had opened against him in relation to written material found on his person characterised as "insulting to the president of Uzbekistan, Islam Karimov" and to explosives found during a search of his temporary apartment. In a letter of 19 May the Uzbek Ombudsman stated that Rashid Bekzhon had been arrested on 26 February and charged under articles 216 and 248 of the Uzbek Criminal Code. Towards the end of May Rashid Bekzhon's family engaged a lawyer on his behalf, but the lawyer was refused access to him for a further two weeks. Since then the lawyer is believed to have been able to meet him only twice.

On 30 June and 1 July Uzbek TV showed a "documentary" about the trial, which had just ended, of 22 men charged in connection with the February explosions. Six had been sentenced to death, and 16 to prison sentences of 10 to 20 years. There were reports that the defendants had been beaten or otherwise ill-treated in pre-trial detention and forced to give false evidence. Human rights monitors expressed concern that fair trial standards had not been respected, in particular that the defendants were denied the right to presumption of innocence and that the prosecution had failed to present any solid evidence of their guilt.

According to a transcript produced by the BBC, the Uzbek TV programme purported to show "those who hatched the plot, the aim the perpetrators had pursued,

and admissions by witnesses and participants." Rashid Bekzhon's co-defendants Muhammad Bekzhon and Mamadali Makhmudov were both shown in a way which implied their involvement in conspiratorial meetings with Muhammad Salih.

On 14 July the trial of a further group of suspects in the February bombings started in the Supreme Court in Tashkent. This trial was to be held behind closed doors. It is believed that Rashid Bekzhon and his five co-defendants were initially included in this trial but, perhaps because of the reaction of international bodies and organizations to the conduct and outcome of the trial featured in the "documentary", their case was removed to the court some way outside the capital where it is now due to be heard.

Rashid Bekzhon is a brother of Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*. Muhammad Salih has been depicted as the leader of an international conspiracy uniting the former democratic opposition with extremist Islamic groups with the aim of overthrowing the existing authorities in Uzbekistan. On trial with Rashid Bekzhon are his brother Muhammad Bekzhon, a technical editor on the *Erk* party newspaper; Yusif Ruzimuradov, a prominent member of the party; Mamadali Makhmudov, a well-known writer and former associate of Muhammad Salih; Kobil Diyarov, a former member of the banned opposition movement *Birlik*; and Kobil Diyarov's nephew, Negmat Sharipov. All were held incommunicado following their arrest. Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov were all forcibly returned to Uzbekistan from Ukraine on 18 March 1999. Mamadali Makhmudov was arrested on 19 February in Tashkent.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in Russian or in your own language:

-expressing concern at violations of fair trial rights in the case of Rashid Bekzhon and his five co-defendants, in particular at the fact 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.

APPEALS TO: President of Uzbekistan, Islam Abduganievich KARIMOV
700000 g. Tashkent, pr. Uzbekistansky, Rezidentsiya Prezidenta, Prezidentu Karimovu I.A., UZBEKISTAN

Telegrams: Prezidentu Karimovu, 700000 Tashkent, Uzbekistan

Faxes: + 998 71 139 5315

E-mail: uzinfo@uzinfo.gov.uz

Salutation: Dear President Karimov

The Oliy Majlis (Parliamentary) Commissioner for Human Rights, Ms Sayora Rashidova

700008 g. Tashkent, pl. Mustakillik, 2, Oliy Majlis Respubliki Uzbekistan
Upolnomochenoy po pravam cheloveka pri Oliy Majlis Rashidovoy S., UZBEKISTAN

Faxes: + 998 71 139 8555

E-mail: mtillaboev@oliymajlis.gov.uz

Salutation: Dear Ms Rashidova

Minister of Internal Affairs of the Republic of Uzbekistan, Zakirzhan Almatovich ALMATOV

700029 g. Tashkent, ul. Novruz,1, Ministerstvo vnutrennikh del, Ministru vnutrennikh del Almatovu Z.A., UZBEKISTAN

Faxes: + 998 71 133 89 34

Salutation: Dear Minister

COPIES TO:

General Procurator of the Republic of Uzbekistan, Buritosh MUSTAFOYEV
700000 g. Tashkent, ul. Gogolya, 66, Prokuratura Respubliki Uzbekistan,
Generalnomu prokuroru MUSTAFOYEVU B., MUSTAFOYEV, UZBEKISTAN

Salutation: Dear Procurator General

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 September 1999.