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# Central Asia

## Summary of Human Rights Concerns

January 2006 – March 2007

### ***INTRODUCTION***

Amnesty International is concerned that despite professed efforts by the governments in Central Asia to fulfil their human rights obligations and actual efforts by some states to remedy the worst abuses, grave human rights violations routinely continue to be committed with virtual impunity. This summary highlights some of the organization's most pressing human rights concerns in the various republics in Central Asia.

Very few law enforcement officers are ever brought to trial and held accountable for the human rights violations they have committed and yet thousands of people routinely allege that they have been arbitrarily detained and tortured or ill-treated in custody in order to extract a confession. Corruption in law enforcement and the judiciary contributes to a climate of impunity in the region. This climate of impunity leads to a lack of public confidence in the criminal justice system. People do not lodge complaints as they feel that they will not obtain justice, nor get compensation. Many are not willing to testify against police officers out of fear of reprisals against themselves or their relatives and associates.

Beatings by law enforcement officers, especially in temporary pre-charge detention centres and in the streets, are still considered routine. Torture or other ill-treatment in detention continues to be widespread throughout the region and systematic and systemic in Uzbekistan. In 2006 the UN Special Rapporteur on torture reiterated his concerns about the apparent widespread use of torture in Uzbekistan.

The fight against terrorism and national security are frequently quoted by governments as crucial in securing stability, but all too frequently they are used as a pretext to clamp down on dissent, consolidate power and target vulnerable groups or groups perceived as a threat to national or regional security, such as independent Islamic groups and opposition political movements. As part of the "war on terror" and counter-terrorism agreements, asylum-seekers and refugees are extradited to China and Uzbekistan, where they are at grave risk of torture and other serious human rights violations, in blatant contravention of states' obligations under international refugee and human rights law.

Although presumption of innocence is enshrined in law, it is violated on a regular basis, especially in the context of national security and the fight against terrorism, with suspects branded guilty in public before the start of their trials. Most of the trials in Uzbekistan of people charged with terrorism in 2005 and 2006 were closed or even held in secret, with no advance notice of the start date, no access to relatives or lawyers of the defendants' choice, no publication of the verdict after the sentencing, no indication as to where the defendants were being held. Defendants in criminal cases in Uzbekistan and other republics are usually held in a cage during the trial, thereby implying their guilt.

Evidence based on confessions extracted under torture or other ill-treatment is still routinely admitted in court.

Harassment of human rights defenders and measures to limit freedom of expression are reported in various countries. Amnesty International has adopted as prisoners of conscience people who have been convicted for exercising their right to freedom of expression. Repressive actions to silence human rights activists and journalists have been particularly harsh in Turkmenistan and Uzbekistan and show no sign of abating. In Uzbekistan the imprisonment, ill-treatment and harassment of individual human rights defenders have accelerated as a consequence of protests over the killings of hundreds of unarmed men, women and children in Andizhan on 13 May 2005. The authorities have continued to reject calls for an independent, international investigation into the Andizhan killings.

Freedom of expression is also restricted through the criminalizing of libel and slander, with government officials, national and local, using criminal libel suits in order to restrict criticism. Journalists and human rights activists have frequently been charged with libel and some have gone to prison for publishing articles on corruption allegations or reports of torture or ill-treatment by police officers.

In Turkmenistan and Uzbekistan freedom for the independent media, both local and international, remains severely restricted. All domestic media in Turkmenistan are state-controlled and the authorities routinely block websites that publicize “unwanted” information, and have been known to pay intimidating house calls on individuals whom they identified as visiting such sites. Foreign journalists, photographers and human rights monitors have in many cases been refused access to Turkmenistan to prevent them from gathering information about the repressive regime. Turkmenistani civil society activists who cooperate with foreign journalists risk imprisonment after unfair trials and torture and ill-treatment. They also risk being labelled as “traitors” by the authorities. Uzbekistan exercises virtual control over the media and the internet, controlling output by local media organizations as well as transmissions into the country from abroad and limiting access and free movement of foreign correspondents.

Draft legislation to abolish the death penalty in Kyrgyzstan has still not been passed despite the adoption of a new constitution enshrining abolition in November 2006. Kazakstan, Kyrgyzstan and Tajikistan all have moratoria on executions in place although the death penalty remains on the statute books. Uzbekistan has refused to impose a moratorium on executions despite a presidential decree introducing the abolition of the death penalty from 2008. Secrecy remains an issue in all the countries, with relatives not given the body of the executed person or told the burial site and statistics on the death penalty are not published. Amnesty International is campaigning for Central Asia to become a death-penalty-free zone.

Amnesty International urges the governments of Central Asia to take concrete steps to implement and enforce legislative measures that will provide effective and durable guarantees for the protection of the human rights and the dignity of every person under their jurisdiction.

# KAZAKSTAN

## ***Fear of refoulement to China***

Thirty-five-year old Yusuf Kadir Tohti (also known as Erdagan) and 30-year-old Abdukadir Sidik, two Uighur men originally from China's Xinjiang Uighur Autonomous Region (XUAR), were being held in incommunicado detention in China at the end of June 2006, after having been forcibly returned from Kazakstan on 10 May. They were at risk of serious human rights violations, including torture or other ill-treatment, and possibly the death penalty, should their "crimes" be deemed to be "serious". The Kazakstani authorities deported the two men from Almaty, in the south of Kazakstan, to Urumqi, XUAR, following "a decision by the specialized administrative court of Almaty for violation of rules of stay in Kazakstan".

Yusuf Kadir Tohti reportedly fled China for Kazakstan in 1996, where he became a religious teacher. The Chinese authorities reportedly accused him of "separatism" and asked for his extradition. He was detained in Almaty by Kazakstani law enforcement officers on 8 March 2006. Abdukadir Sidik was detained on the same day. He had fled the XUAR in 1999 after he publicly protested against the Chinese authorities' policy on minorities, particularly their enforcement of the family planning policy which limited the number of children that Uighurs could have. He had also protested against harsh working conditions during mandatory state labour which reportedly lasts 45 days for men. He was reportedly detained for two months in connection with his political activities and views. After his release Abdukadir Sidik reportedly filed a complaint against a local official. After he submitted his complaint, the official reportedly came to his house, beat him and threatened him with further punishment. It was after this that Abdukadir Sidik, reportedly fearing for his safety, fled China and was detained by Kazakstani border officials when crossing the border. He was charged by the Kazakstani authorities with illegally crossing the border and sentenced to six months' imprisonment. According to Abdukadir Sidik he actually spent 18 months in detention, and in a letter written from prison before he was forcibly returned, Abdukadir Sidik reported that he was interrogated and threatened by Chinese police officers while in detention in Kazakstan.

In November and again in December 2006, the office of the United Nations High Commissioner for Refugees (UNHCR) expressed serious concern for the safety of an Uighur asylum-seeker, Arkin Sadik, whose fate and whereabouts were unknown since his release from detention in October. A court in Almaty had quashed the criminal charges - reportedly of illegal possession of weapons - on which 38-year-old Arkin Sadik had been detained in June and had ordered his release. Arkin Sadik's relatives and supporters claimed that the weapons were planted by law enforcement officers during an unsanctioned search of his home in Almaty. They maintained that he had no links to armed separatist groups in the XUAR. Arkin Sadik had been recognized by UNHCR as a refugee. The agency feared that he might have been forcibly deported to China where he was at risk of being subjected to serious human rights violations.

### ***Fear of refoulement to Uzbekistan***

In August 2006, the authorities released Uzbekistani national Gabdurafikh Temirbaev into the care of UNHCR and allowed him and his family to be permanently resettled to a third country. Gabdurafikh Temirbaev had reportedly been in Kazakhstan since 1999 when he fled Uzbekistan as a result of persecution for his religious beliefs. He had been detained by officers from the Kazakhstan Committee for National Security (KNS) on 24 June 2006, reportedly following an extradition request received from Uzbekistan. According to some sources, Gabdurafikh Temirbaev was being sought for membership of banned religious groups. His family denied this and insisted that he was a pious Muslim and not a member of a banned religious or terrorist group. Gabdurafikh Temirbaev had been recognized as a refugee by UNHCR in June, after a thorough status determination procedure. This procedure included a confirmation from Kazakstani authorities that no criminal charges or cases had been filed against him.

In a reply to appeals by Amnesty International members in January 2006, the Kazakstani authorities denied that they had detained nine Uzbekistani nationals, including four registered asylum-seekers, and instead claimed that the men had been detained by Uzbekistani law enforcement officers on Uzbekistani territory during an operation conducted between 28 November and 2 December 2005.

However, according to reliable sources, Rukhiddin Fahrudinov, Abdurahman Ibragimov, Tohir Abdusamatov, Sharofuddin Latipov, Nozim Rahmanov, Alisher Mirzaholov, Abdurauf Holmuratov, Shoirmat Shorahmedov and Alizhon Mirganiev were forcibly returned from Kazakhstan to Uzbekistan early in the morning of 29 November 2005, in contravention of Kazakhstan's obligations under international law. They had been detained by KNS officers in the city of Shymkent, in the south of Kazakhstan on 24 and 27 November, and had been held incommunicado until they were returned to Uzbekistan (see the section on Uzbekistan in this summary for further details).

On 19 March 2006, UNHCR office in Kazakhstan resettled independent imam Obidkhon Nazarov and his family to an undisclosed European location. He had been in hiding in Kazakhstan since being forced to flee Uzbekistan in 1998. UNHCR recognized him as a refugee when he applied to their Kazakhstan office for protection in November 2005 after Kazakhstan had forcibly returned the nine Uzbekistani nationals above, accused by Uzbekistan of being members of banned Islamic organizations. Some of the deported men were believed to have been followers of imam Nazarov. He himself had been sought by the Uzbekistani authorities for allegedly wanting to overthrow the constitutional order of Uzbekistan.

### ***Release of Galimzhan Zhakianov***

On 14 January 2006, Galimzhan Zhakianov, one of the leaders of the former opposition Democratic Choice of Kazakhstan party, was given parole by a local court in Pavlodar and released from prison following an appeal hearing. The court had ruled in December 2005 that Galimzhan Zhakianov should be released on parole having served half his sentence. However, the local prosecutor had appealed the court's decision. Galimzhan Zhakianov had been sentenced to seven years' imprisonment in 2002 for "abuse of office" and financial crimes, but the real reason for his imprisonment appeared to be his peaceful opposition activities.

### **Fair trial concerns**

Two bodies were discovered on the outskirts of Almaty on 12 February 2006. They were the bodies of Altinbek Sarsenbaev (a former information minister and ex-ambassador to Russia before resigning to join the opposition party, *Naghiz Ak Jol*, in 2003) and of his bodyguard and driver. Both men had been shot in the back; Altinbek Sarsenbaev had also been shot in the head. Opposition leaders alleged that the murder was politically motivated because Altinbek Sarsenbaev had been very outspoken, particularly on official corruption.

On 29 June, Yerzhan Utembaev, the main defendant on trial for the murder of Altinbek Sarsenbaev, retracted his confession in court. Yerzhan Utembaev, the former head of the Senate's secretariat, claimed that he had been put under severe psychological pressure in pre-trial detention to admit to having ordered and organized the murder of Altinbek Sarsenbaev. In August, Yerzhan Utembaev was found guilty and sentenced to 20 years' imprisonment.

On 28 June, another defendant, Rustam Ibrahimov, a former member of an elite special unit of the KNS, who was accused of having carried out the murder, stated in court that the charges against him had been fabricated and that he had been coerced into signing a confession. His trial started on 14 June in the city of Taldi-Korgan, some 250km north of Almaty. Supporters of Altinbek Sarsenbaev expressed concern that the location of the trial made it difficult for many observers, including Altinbek Sarsenbaev's elderly parents, to attend. In August, he was sentenced to death having been convicted of carrying out the murder, although, due to a moratorium on executions he was not in imminent danger of being executed.

There was also concern that the defendants had been presumed guilty from the moment of their detention on 22 February 2006. Indeed, in a press conference on 27 February, the Minister of Internal Affairs described Yerzhan Utembaev as having ordered the murder for personal reasons. On 1 March President Nursultan Nazarbaev told a joint session of parliament that Yerzhan Utembaev had already confessed to law enforcement officers and that he had received a personal letter from Yerzhan Utembaev in which the latter admitted his guilt.

In December, the Criminal Chamber of the Supreme Court began a review of the verdicts of the above-mentioned men and eight other defendants who were also sentenced to prison terms in August. It upheld the sentences of the court of first instance.

# KYRGYZSTAN

## ***Fear of refoulement to Uzbekistan***

In August, the authorities extradited four refugees and one asylum-seeker to Uzbekistan. Zhakhongir Maksudov, Odilzhon Rakhimov, Yakub Toshboev and Rasulzhon Pirmatov had been detained in Kyrgyzstan since June 2005. They were part of a group of more than 500 asylum-seekers who fled the city of Andizhan in eastern Uzbekistan on 13 May 2005, after security forces fired on thousands of mainly unarmed demonstrators. The United Nations High Commissioner for Refugees (UNHCR) recognized all four men as refugees, a decision contested through the courts by the Department of Migration Services (DMS). The men lost their appeals against the authorities' decision not to recognize them as refugees in June.

In a statement on 14 June, UNHCR reiterated that the agency had found permanent resettlement places for all four men in different countries and urged the government of Kyrgyzstan to transfer them into the agency's care for immediate resettlement. Kyrgyzstan is obliged under international law, including the 1951 Refugee Convention and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to uphold the principle of *non-refoulement*, which prohibits the forcible return of persons to any country where they would be at risk of serious human rights violations, including torture and other ill-treatment.

Uzbekistani asylum-seeker Faez Tadzhalilov, who fled from Andizhan after the other men, had been held with them in Osh since September 2005. His application for refugee status was still in the process of being reviewed when he was extradited.

UNHCR was not given prior notice of the five men's extradition. The Kyrgyzstani authorities had reportedly been given diplomatic assurances by Uzbekistan that the five men would be treated according to Uzbekistani criminal legislation and that international organizations would be granted access to them. However, the five were reportedly held incommunicado in Uzbekistan. In November, the general prosecutor's office announced that they had been informed by their Uzbekistani counterpart that a criminal investigation into the cases of the five men had been completed and that all five had been charged with the murder of the Andizhan city prosecutor in May 2005.

## ***Arbitrary detentions***

Uzbekistani nationals, who had not been recognized as refugees and had not applied for asylum but were in hiding in Kyrgyzstan, were reportedly among hundreds of people arbitrarily detained, both as part of security operations conducted by Kyrgyzstani security forces and joint counter-terrorism operations with Uzbekistani security forces.

Gulmira Maksudova was detained in July 2006 in Osh and transferred to the pre-trial detention centre. She is the daughter of Akram Yuldashev, the jailed leader of the alleged Islamic movement, Akramia, accused by Uzbekistan of having organized the May 2005 Andizhan events and subsequently banned. Gulmira Maksudova was reportedly charged with



forgery – law enforcement sources said she had been in possession of counterfeit documents – and with terrorism. In September, Osh Regional Court cleared her of all charges and ordered her release after the presiding judge found no evidence to back the terrorism charge. She was subsequently resettled to a third country by UNHCR.

### **“Disappearances”**

In August 2006, UNHCR and human rights organizations expressed concern at the apparent “disappearances” of a number of Uzbekistani refugees and asylum-seekers in the south of Kyrgyzstan. At least two who had “disappeared” in late August were reportedly in pre-trial detention in Andizhan in Uzbekistan. UNHCR said that they had received no replies from Kyrgyzstani officials when they addressed them with their concerns about the “disappearances” of at least five named Uzbekistani refugees, among them a secular opposition activist who was reportedly abducted in July by Uzbekistani security services. Because the safety of the refugees could not be guaranteed in Osh, UNHCR moved all registered refugees to Bishkek, the capital, with a view to resettling them permanently in a third country.

### **The death penalty**

A new constitution, which entered into force in November 2006, abolished the death penalty. However, legislation to replace the death penalty with life imprisonment in the criminal and criminal procedural codes had not been passed by the end of 2006.

In March 2007, the Minister of Justice told the international non-governmental organization (NGO) Norwegian Helsinki Committee that, following on from the abolition of the death penalty in the new constitution, all death sentences would be reviewed and that new sentences would be imposed. However, according to local NGOs, courts continued to pass death sentences. A spokesperson from the NGO Citizens Against Corruption reported that the Leninsky District Court of Bishkek had passed a death sentence on 26 January 2007.

### **Conditions on death row**

In March 2006, a group of 20 prisoners on death row in Bishkek’s pre-trial detention centre No.1 (SIZO 1) wrote an open letter to President Kurmanbek Bakiev asking him to set up a commission to re-examine their criminal cases and review their convictions, which they felt were unsafe. The letter claimed that many prisoners on death row had been tortured in order to confess to fabricated charges and were sentenced to death after unfair trials. Alleged torture methods included putting gas masks on detainees and turning the air supply off, and breaking fingers and toes.

Many prisoners had been waiting on death row since the introduction of a moratorium on executions in 1998, in a state of continued uncertainty as to their ultimate fate, a situation that Amnesty International believed to amount to cruel, inhuman and degrading treatment. The Ombudsman, Kyrgyzstani and international NGOs and some government and prison officials agreed that conditions on death row were harsh: in SIZO 1, 136 death row inmates were housed underground in cells said to be damp and with no window. Because of overcrowding, the cells originally designed to hold two inmates had to accommodate three, with one man sleeping on the floor. The inmates were reportedly allowed only one hour of exercise in a roofless cell on the top of the SIZO building every other day. In a newspaper interview in January 2006, the former head of the prison system said that 73 death row inmates had died since the introduction

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of the moratorium in 1998, the majority of them from tuberculosis (which was said to be rife throughout the prison system), harsh prison conditions and suicide.

At least eight death sentences were passed in 2006. Three men were sentenced to death in August for the murder of a member of parliament during widespread prison riots in October 2005. Three other men were sentenced to death in October for their alleged involvement in an armed raid in May (see below). In July, two men were sentenced to death for the murder of a businessman and member of parliament from Osh.

### **Death sentence upheld**

On 22 June, the Supreme Court turned down the appeal against the death sentence of Uzbekistani national Otabek Akhadov, who, along with three other men, all of Uighur origin, were found guilty of the assassination of the head of the Uighur Society in Kyrgyzstan on 28 March 2000 and of a “terrorist act against the state delegation of Xinjiang Uighur Autonomous Region of China (XUAR) on 25 May 2000”. The case against them was believed by unofficial sources to be politically motivated. The four men were also believed to have been convicted for their ethnic origin and alleged membership of a "separatist" Uighur organization, the Eastern Turkestan Liberation Front. One of the men was already serving a 14-year prison sentence at the time the crimes were committed. The decision by the Supreme Court was final and could not be further appealed. According to Otabek Akhadov’s lawyer, the Supreme Court failed to take into account evidence provided by the defence, including a medical certificate, that he had been tortured in pre-trial detention in order to confess to the murder. Otabek Akhadov’s conviction was reportedly based solely on his written “confession”. The appeal hearing reportedly lasted only 40 minutes.

On 27 March 2006, Husein Dzhelil, also known as Huseyin Celil, a 37-year old Canadian citizen and ethnic Uighur from XUAR, was detained in Uzbekistan for his alleged involvement in these crimes (please see the section on Uzbekistan in this summary for further details).

### **Deaths in suspicious circumstances**

At least two ethnic Uzbek men were killed in suspicious circumstances during security and counter-terrorism operations conducted jointly by Kyrgyzstani and Uzbekistani security forces. In August, independent Kyrgyzstani imam (religious teacher) Muhammadrafik Kamalov from Karasuu was shot and killed by security forces together with two suspected members of the Islamic Movement of Uzbekistan (IMU) members who had been accused of conducting an armed raid on the border with Tajikistan in May, during which at least a dozen people, security forces and armed men, died. In October, three men were sentenced to death for their part in the raid. The National Security Service (SNB) initially accused imam Muhammadrafik Kamalov of being a member of the IMU, and then suggested that he could have been used as a human shield. The death and burial of imam Muhammadrafik Kamalov sparked large demonstrations - all of them peaceful - in Karasuu. In September, an Uzbekistani national, suspected of being an IMU leader, was reportedly killed by SNB officers when he refused to surrender. SNB sources claimed that the wounds he sustained, during the raid on the house where he was hiding, were not fatal and that he had died of heart failure in hospital. The SNB had linked him to the May border incident and to the death of imam Muhammadrafik Kamalov.

### ***Harassment of human rights defenders***

On 12 April 2006, Edil Baisalov, the leader of the independent human rights organization Coalition for Democracy and Civil Society, was attacked by an unidentified assailant as he was leaving the office of his NGO in the centre of Bishkek. Edil Baisalov was crossing the road to get into his car when he was struck in the back of the head with a blunt object, which he thought might have been a rock thrown by a young man. He was hospitalized suffering from concussion and a cut to the back of the head. Supporters claimed that the attack was in retaliation for Edil Baisalov's outspoken public campaign against corruption and alleged collusion between the state and organized crime and was meant to intimidate him and deter him from further protests. On 8 April, he had been amongst the organizers of a 2,000-strong peaceful demonstration against corruption and organized crime in Bishkek. He was preparing another demonstration for 28 April.

The 8 April demonstration took place a day before a by-election saw Rysbek Akmatbaev elected to take up the parliamentary seat of his brother, Tynychbek, the head of the parliamentary legal affairs committee, who was killed during prison riots in September 2005. Edil Baisalov had publicly protested the decision by the Supreme Court to allow Rysbek Akmatbaev to stand as a candidate in the by-election despite having been disbarred by the Central Electoral Commission on 30 March for having a criminal record. Rysbek Akmatbaev denied any involvement in the attack on Edil Baisalov. On 10 May, newly-elected Rysbek Akmatbaev was killed by unknown men who reportedly fired dozens of rounds of gunshots at him from a car when he stepped out of a mosque after evening prayers.

### ***Allegations of deaths, torture and other ill-treatment in detention***

Two detainees died in the temporary detention facility (IVS) on 17 August 2006, reportedly as a result of the conditions of detention. In the first case, the head of the Department of Internal Affairs (GOVD) had reportedly ordered guards to stop food parcels for a 30-year-old male detainee, who was suffering from diabetes, in order to punish him. The detainee reportedly died as a result of not receiving adequate and appropriate food for his medical condition. The second detainee to die had suffered from tuberculosis. He had reportedly not received any medical attention and had not been transferred to a medical ward or a hospital. He died in an overcrowded IVS cell.

On 5 August, special troops were sent in to the IVS of Jalalabad City's GOVD, after riots reportedly broke out following a violent altercation between an inmate and a guard. GOVD officials initially denied that the troops had used excessive force, but later admitted that officers had made detainees come out from the cells one by one and had kicked, punched and beaten them with batons in the corridor. Human rights activists, who were given access to the IVS two weeks later, were told by detainees how some had been beaten by up to seven officers, while their hands had been handcuffed behind their backs. They had also reportedly had gas masks fitted on their heads with the air supply turned off. Human rights activists were able to document evidence of torture and other ill-treatment on some of the detainees interviewed. Detainees claimed that beatings and torture were routine in the IVS. They also complained about cruel, inhuman and degrading conditions of detention with severe overcrowding, no sanitation, no bedding, inadequate ventilation and no exercise.

Detainees also told human rights activists that in July, the head of the GOVD had severely beaten a 20-year-old mentally ill female detainee in the IVS corridor, in order to force her to reveal her husband's whereabouts. Her husband, a suspected IMU member, gave himself up to prevent further ill-treatment of his wife. The woman, who was in the early stages of pregnancy, reportedly had a miscarriage subsequently. After the beatings in the IVS, she was reportedly transferred to a psychiatric hospital where she remained at the end of the year.

### **Human rights organizations harassed for taking up cases of custodial violence against women**

In June, two human rights NGOs from Jalalabad Region, Spravedlivost (Justice) and Vozdukh (Breath of Air), both part of the Jalalabad Regional Human Rights Network, complained that their members were threatened by regional law enforcement officers after they publicized allegations of torture and other ill-treatment of women in two separate cases. The two NGOs also assisted the women in raising their allegations with the relevant authorities.

Following an article in the February 2006 issue of Spravedlivost's human rights bulletin, which detailed the alleged ill-treatment of a pregnant woman in January by an officer of the Jalalabad Department of Internal Affairs (UVD), the officer accused the woman and Spravedlivost of slander and filed a criminal suit against both for defamation. The woman, who had been summoned to the UVD on 14 January to be questioned as a witness in a case of theft, told human rights defenders that she was accused by the officer who conducted the interview of being a thief. He also reportedly called her a prostitute, grabbed her arm and pushed and threatened her. When she questioned his behaviour he allegedly hit her in the chest. The woman, who was pregnant, started bleeding and told the officer that she was afraid of losing her baby. According to her, he did not offer any assistance but continued to threaten her. She eventually managed to summon help. She was taken to the maternity hospital and kept under observation for 10 days. The woman reported the ill-treatment to the regional prosecutor's office, but no action against the UVD officer was taken. On 20 June, the trial of the woman and human rights activists of Spravedlivost on charges of slander started in Jalalabad town court. During a break in court proceedings, supporters of the UVD officer reportedly insulted the defendant, now eight months pregnant, and threatened her. Police officers, present at court, reportedly did not interfere to stop the abuse. When trial proceedings resumed the judge allowed her to leave the courtroom, after supporters of the officer continued to verbally threaten and insult her. On 21 June, the judge postponed the trial indefinitely after the pregnant woman was taken ill. She was reportedly hospitalized the same day.

On 16 June, law enforcement officers detained a 26-year-old woman at her home in Bazarkurgan and took her to a pre-trial detention centre in the city of Nookan. The officers reportedly did not present an arrest warrant and beat the woman. Her family were denied access to her and claimed that they were threatened by guards at the detention centre. In July, she was convicted of theft and sentenced to five years in prison by a court in Jalalabad. An appeal court upheld the conviction but suspended her sentence and released her from detention. An appeal with the Supreme Court was pending at the end of the year.

Vozdukh, a human rights NGO from Jalalabad Region, which had taken up the young woman's case, reported that the woman and her family complained that officers from the Jalalabad Regional Internal Affairs Department (UVD) were putting pressure on them to withdraw torture allegations against one of their fellow officers. The allegations dated back to

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previous incidents, when the woman, who had a prior conviction, was detained for eight months in 2003 and for several days in 2005. On both occasions she had raised serious allegations of torture or other ill-treatment in detention including repeated rape in custody. Azimzhan Askarov, a human rights defender from the NGO Vozdukh, who had taken up the case of the woman after she was first released from detention in 2003, agreed after her latest detention to be appointed as her legal representative, as she had not been given access to a lawyer. He was reportedly personally threatened by a UVD officer, whom the woman had accused of having beaten her and having inserted needles under her fingernails in 2005. Azimzhan Askarov was also called to the district prosecutor's office to discuss his human rights activities and was ordered to submit all the articles on human rights issues he had published to the district prosecutor's office for investigation. He was warned by the district prosecutor that the articles incited social, racial or ethnic hatred and that in future he had to clear all articles with the prosecutor's office prior to publication.

Vozdukh was also threatened with criminal prosecution for slander by the same officer for having widely publicized the torture allegations of the woman and had helped her to lodge complaints.

# **TAJIKISTAN**

## ***Torture and ill-treatment***

There were continuing reports of widespread and routine torture or other ill-treatment by law enforcement officers. Several law enforcement officers were sentenced to prison terms for unlawful arrests, beatings and other ill-treatment.

In May, relatives wrote public appeals to the government and international organizations and held a press conference in which they detailed instances of torture or ill-treatment routinely suffered by inmates from Kurgan-Tiube prison. In August 2005, some 100 prisoners had reportedly slashed their wrists in protest at cruel, inhuman and degrading conditions of detention and routine ill-treatment. The authorities claimed it was a riot and 12 inmates went on trial in May 2006 for their alleged part in it. Relatives claimed that some of the men had broken limbs and head injuries, but had the plaster casts and bandages removed for their court appearances. The judge reportedly refused to look at the prisoners' injuries and dismissed their allegations of torture.

In November, the UN Committee against Torture, after considering Tajikistan's first periodic report to the Committee, raised concern about the "numerous allegations concerning widespread routine use of torture and ill-treatment by investigative personnel, particularly to extract confessions to be used in criminal proceedings." It also reported on "the failure of judges to dismiss or return cases for further investigation in instances where confessions were obtained as a result of torture" and was further concerned with the "very small number of convicted [officials]" for acts of torture or other ill-treatment.

## ***Death in custody***

Sadullo Marufov, a member of the opposition Islamic Revival Party (IRP), died in police custody in May 2006, after he was detained for questioning by law enforcement officers in Isfara. Initially the officers claimed that he had committed suicide by jumping from a third floor window. The IRP, however, claimed that an autopsy report indicated that he had been beaten and ill-treated and alleged that he had been pushed from the window. The general prosecutor's office subsequently announced that following an investigation three officers had been detained in connection with his death.

## ***Detentions and unfair trials***

In June 2006, the opposition Democratic Party of Tajikistan (DPT) expressed concern that its leader, Mamadruzi Iskandarov, continued to be held in incommunicado detention in the Ministry of National Security. In 2005, Mamadruzi Iskandarov was abducted from Moscow, Russia, where he lived in exile, after the Russian authorities refused to extradite him to Tajikistan. He was sentenced to 23 years' imprisonment by the Supreme Court in October 2005 on charges of terrorism and corruption, which he denied. He should have been moved to a prison camp shortly after the verdict but this did not happen. Supporters claimed that he was

not allowed to receive parcels or newspapers and that visits of relatives and his lawyers had been obstructed. An appeal against his sentence had been turned down in a closed hearing in January 2006. At the beginning of February 2007, Mamadruzi Iskandarov was finally moved to a high security prison camp to serve the remainder of his sentence.

Relations with neighbouring Uzbekistan continued to be tense and at least four ethnic Uzbek men were sentenced to long prison terms on charges of espionage after reportedly unfair trials. In October, a senior government official accused Uzbekistan of misrepresenting the banned armed Islamic Movement of Uzbekistan (IMU) as an international terrorist group threatening regional security in order to internationalize Uzbekistan's internal problems with the IMU. Nevertheless, at least 30 alleged IMU members were detained in Tajikistan and several were sentenced to long prison terms on terrorism charges after reportedly unfair trials.

More than 50 alleged members of the banned Islamic opposition party Hizb-ut-Tahrir, including at least 20 women, were detained and many were sentenced to long prison terms after unfair trials.

In July, a court in Khujand sentenced nine women to prison terms of between five and 11 years for their membership of Hizb-ut-Tahrir. They had been charged with distributing proscribed literature which called for the establishment of an Islamic state. The alleged leader of the group was sentenced to 11 years because she had reportedly been particularly active in recruiting new female members.

# **TURKMENISTAN**

## ***Death in custody of prisoner of conscience Ogulsapar Muradova and imprisonment of two co-defendants***

Between 16 and 19 June 2006, four human rights defenders – Annakurban Amanklychev, Sapardurdy Khadzhiyev, Ogulsapar Muradova and Elena Ovezova – were taken into custody; in addition, Ogulsapar Muradova's three adult children were detained. On 1 July Elena Ovezova and Ogulsapar Muradova's children were released. There were allegations that Annakurban Amanklychev, Sapardurdy Khadzhiyev and Ogulsapar Muradova, members of the human rights group Turkmenistan Helsinki Foundation (THF), were ill-treated in detention, and that Annakurban Amanklychev and Ogulsapar Muradova were given psychotropic drugs in an attempt to extract "confessions" and to force them to incriminate each other.

On 25 August, Azatlyk district court in Ashgabat sentenced Ogulsapar Muradova to six years' imprisonment and both Annakurban Amanklychev and Sapardurdy Khadzhiyev to seven years' imprisonment, in a trial that reportedly lasted less than two hours. The three were charged with "illegal acquisition, possession or sale of ammunition or firearms" (Article 287, part 2 of the Criminal Code of Turkmenistan). Their lawyers were reportedly not given the indictment before the trial commenced. International observers and relatives of the defendants were barred from the trial. Officers from the Ministry of National Security who were sitting in a car near the court building filmed everybody who came close to the building and other officers who were standing on the street recorded the names of anybody they could identify. The defendants' relatives were unable to obtain a copy of the verdict.

AI adopted the three as prisoners of conscience, believing the charges against them to have been fabricated and not proven in a fair trial. On 19 June, the Minister of National Security of Turkmenistan had publicly stated that Annakurban Amanklychev had been engaged in "subversive activities" and planned a revolution in Turkmenistan. The accusations mainly related to attendance of human rights courses in Poland and Ukraine; the gathering and passing on of human rights-related information to the director of the THF in Bulgaria; and cooperation with foreign journalists.

According to a 28 August press release issued by Miklos Haraszti, the Representative on Freedom of the Media of the Organization for Security and Co-operation in Europe (OSCE), Turkmenistani government sources had informed him earlier that Annakurban Amanklychev had been "apprehended during 'illegal collection of information in order to encourage public dissatisfaction' and for 'transmitting materials to foreign citizens'". He and Ogulsapar Muradova were "involved in criminal activities related to organiz[ing] subversive acts and collect[ing] defamatory information in Turkmenistan in order to create public dissatisfaction".

In September, Ogulsapar Muradova died in custody in disputed circumstances. When her children were shown her body in the morgue in Ashgabat they reported to have seen "a huge wound on her forehead and marks on her neck". The authorities failed to open a prompt, thorough and impartial investigation into her death.



## ***Psychiatric hospitals as a tool in the clampdown on dissent***

### **Case of Kakabay Tedzhenov**

On 4 January 2006, Kakabay Tedzhenov was reportedly taken to a psychiatric hospital in the city of Turkmenabad (formerly Chardzhou) in the eastern Lebap region by law enforcement officers. Later he was transferred to the psychiatric hospital in Garashsyzlyk district (formerly Boyunuzyn district) in the same region. When Kakabay Tedzhenov arrived at the psychiatric hospital in Garashsyzlyk district, he was reportedly placed in a cell together with people convicted of serious crimes, including murder, for a week. At the end of February or the beginning of March 2006, he was transferred to a special section of the hospital for patients without relatives to care for them or whose relatives have disowned them. Later in March Kakabay Tedzhenov was reportedly transferred to the urology department of Lebap regional hospital for medical treatment. Shortly afterwards he was returned to the psychiatric hospital.

Following public appeals by non-governmental organizations on behalf of Kakabay Tedzhenov, the delegation of Turkmenistan to the Organization for Security and Co-operation in Europe (OSCE) claimed in a statement sent to all OSCE participating states on 24 February that Kakabay Tedzhenov “has never been detained and he is not confined in any medical institution”. This statement was not in accord with the information received by AI.

In recent years, Kakabay Tedzhenov had sent several complaints to the authorities of Turkmenistan, including to the administration of his home town and of Lebap region, regarding concerns about communal services in his district. On 7 June 2005, he sent telegrams to the President and the Procurator General of Turkmenistan protesting government policies. In September 2005, he sent to contacts abroad his *Statement about human rights violations in Turkmenistan* which included calls on the authorities of Turkmenistan to allow freedom of expression, and on the international community to impose sanctions against Turkmenistan. In the statement he criticized President Saparmurat Niyazov for his neglect of issues of vital interest to the citizens of Turkmenistan such as “mass unemployment and the low standard of living [noting that] heads of city and regional administrations build monuments in honour of the President in huge quantities while in Dzheykhun district people have lived in unheated apartments for twenty years.”

AI adopted Kakabay Tedzhenov as a prisoner of conscience, targeted solely to punish him for exercising his right to freedom of expression, in particular for protesting against government policies.

In October, Kakabay Tedzhenov was released following international pressure. Upon his release he reportedly had to sign an undertaking stating that he would refrain from political statements in the future.

### **Case of Gurbandurdy Durdykuliev (update to AI Index: EUR 61/006/2005)**

Gurbandurdy Durdykuliev was discharged from a psychiatric hospital on 12 April 2006, a week after sustained lobbying by Amnesty International members in the USA had led to 54 members of the US Senate and House of Representatives sending a petition to President Saparmurat Niyazov urging his release. Gurbandurdy Durdykuliev had been forcibly confined in psychiatric hospitals for over two years, to punish him for peacefully exercising his right to freedom of expression.

### **Journalists Dzhumadurdy Ovezov and Meretmuhammet Khommadov arbitrarily detained**

Prisoners of conscience, Dzhumadurdy Ovezov and Meretmuhammet Khommadov from the Mary region of southeastern Turkmenistan, who worked as correspondents of the US-funded *Radio Liberty*, were held in incommunicado detention from 7 to 17 March 2006. Meret Khommadov told the Turkmen Service of *Radio Liberty* on 22 March, that on the day of their arrest they were taken to the administration of the city of Mary. He reported: “There were a lot of [village elders] there who talked to us. They were shouting, calling us traitors. They were very aggressive toward us. They promised to evict us from the village and not let us live there. Then [the village elders] made accusations against us, using harsh language and sentenced us to 15 days of community service.”

AI believed that the two were detained as a punishment for peacefully exercising their right to freedom of expression, and in order to prevent them from passing on information about Turkmenistan to other countries. Before they were released, security officers reportedly forced Dzhumadurdy Ovezov and Meretmuhammet Khommadov to sign papers “confessing” their guilt. In addition, they were threatened that if they continued to cooperate with *Radio Liberty* the authorities would also target the two men’s family members. Following their release they were placed under close surveillance by security officers.

*Radio Liberty* journalists have on many occasions been deliberately targeted by the authorities in the past for their reporting. Methods to silence them have included arbitrary detention, torture or other ill-treatment, and dismissal of family members from their workplaces (for further information, see AI Index: EUR 61/003/2005).

### **Hare Krishna devotee, Cheper Annaniyazova, freed under Presidential amnesty**

Hare Krishna devotee, Cheper Annaniyazova, was freed under a Presidential amnesty on 19 October 2006. She was released from the women’s prison colony in Dashoguz near the border with Uzbekistan and returned to her family in Ashgabat. She was released under the condition that she had to report to the police on a daily basis. It was reportedly unlikely that she would be allowed to travel abroad for at least four years, as has been the case with other amnestied prisoners.

Cheper Annaniyazova had been sentenced to seven years’ imprisonment on 17 November 2005 by Ashgabat city court. There were allegations that she was targeted to punish her for peacefully exercising her right to freedom of religion and belief.

### **Environmental activist Andrei Zatoka detained**

On 17 December 2006, Andrei Zatoka was detained by local police at the airport at his home town of Dashoguz, near the border with Uzbekistan. He had been preparing to fly to the capital, Ashgabat, and then on to Moscow the following day, to meet with members of the non-governmental International Social and Ecological Union and to spend his holidays with his family in Russia. Reportedly, he was initially arrested for an alleged breach of public order and remained in detention in the facilities of Dashoguz city police at the end of the period under review. There were allegations that he was targeted to punish him for his peaceful work as an environmental activist.

### **Speaker of Parliament allegedly imprisoned for political reasons**

The Turkmenistan-based internet newspaper *turkmenistan.ru* reported that on 22 December 2006 Ovezgeldy Ataev was dismissed from his post as Speaker of Parliament at an extraordinary session of Parliament. It continued that Parliament had agreed that charges be brought against him following a request by the Prosecutor General of Turkmenistan that Parliament “agree to open the criminal case against [Ovezgeldy Ataev] and arrest him”. The Prosecutor General was reported as stating that Ovezgeldy Ataev had “abused office and flagrantly violated constitutional rights of citizens and even [incited] discord between clans”. The Prosecutor General stated the latter charge related to Ovezgeldy Ataev’s objection to a marriage between his stepson and a young woman earlier that year. As a result, the young woman reportedly attempted to commit suicide.

According to a 27 February 2007 report by the news agency *Ferghana.ru*, Ovezgeldy Ataev was sentenced to five years’ imprisonment by the Supreme Court of Turkmenistan in a closed session. However, another unconfirmed report stated that two weeks after his arrest he was put under house arrest.

There were credible allegations that Ovezgeldy Ataev was targeted as part of a power struggle following Saparmurad Niyazov’s death. Ovezgeldy Ataev was dismissed and charged one day after the authorities announced President Niyazov’s death on 21 December. According to the Constitution, the Speaker of Parliament was the constitutionally designated successor to the President.

### **Former leader of opposition group, Nurberdi Nurmamedov, reportedly detained by Ministry of National Security officers**

According to reports issued by exiled opposition politicians, Nurberdi Nurmamedov, a former leader of the opposition group *Agzybirlik*, was detained by officers of the Ministry of National Security on 23 December 2006 and released on 28 December. The sources alleged that he was targeted in connection with a recent interview he had given to the US-funded *Radio Liberty* where he commented on the future of Turkmenistan following President Niyazov’s death.

### **Prisoner Geldy Kyarizov in urgent need of medical help (update to AI Index: EUR 61/003/2005)**

Geldy Kyarizov, former director of the Government Association *Turkmenatlary* (Turkmen Horses) and an internationally renowned breeder of Akhalteke horses, has been detained since 30 January 2002. Ashgabat city court sentenced him to six years’ imprisonment on 4 April 2002 on charges including “abuse of office” and “negligence”. It is alleged that the charges against him were fabricated, and that he may have been charged arbitrarily after falling out of favour with the late President, Saparmurad Niyazov. It is believed that Geldy Kyarizov was caught up in the politically motivated clampdown on senior government officials carried out by the Niyazov regime. As part of the clampdown numerous officials were demoted or dismissed from their workplaces, and scores were imprisoned.

On 2 September 2006, Yulia Serebryannik, Geldy Kyarizov’s wife, had permission to visit him in the prison in Turkmenabad (formerly Chardzhou) in the eastern Lebap region but when she arrived she was told that her husband had been transferred to another place. The prison director reportedly said that he did not know his whereabouts. Before his

“disappearance” Geldy Kyarizov had been in poor health and relied on medication that his wife, a doctor, brought to him in detention. Geldy Kyarizov had two heart attacks and a stroke and suffered from pneumonia while in pre-trial detention. The authorities had not provided him with appropriate medical treatment for these conditions, which left him weak and debilitated.

On 18 September, an official of the Ministry of Internal Affairs reportedly informed Yulia Serebryannik that Geldy Kyarizov was not registered as an inmate in any detention facility run by his Ministry. On 13 December, Geldy Kyarizov’s family was visited by a man who introduced himself as an official of the Ministry of National Security but did not present any identification. He reportedly told them that Geldy Kyarizov had been tortured to death. At that time, repeated attempts by the family to receive information about his fate from the authorities were unsuccessful.

However, on 29 January 2007, Geldy Kyarizov’s wife Yulia Serebryannik visited him in Turkmenabad prison. After the visit, she told a relative, “He is a skeleton with skin. His weight now [is] 45-50 kilograms. You will never recognize him. He is like a walking dead body.”

### ***Continued incommunicado imprisonment of alleged coup plotters (update to AI Index: EUR 61/003/2005)***

Dozens of prisoners sentenced following unfair trials, in connection with the November 2002 alleged assassination attempt of President Niyazov, continued to be held incommunicado, denied all access to families, lawyers and independent bodies including the International Committee of the Red Cross. There were allegations that many had been tortured and ill-treated following their arrests, and that some had died as a result of torture, ill-treatment and harsh prison conditions. The authorities failed to conduct thorough or impartial investigations into the allegations, or to let families or lawyers know whether the prisoners were alive or dead.

In October 2006, President Niyazov announced that eight prisoners serving sentences in connection with the alleged assassination attempt would be released in a forthcoming amnesty. The eight had repented that they “were not involved much and did not use arms”, he said. None of those prisoners known to have been convicted of involvement in the alleged coup attempt was included in the published amnesty list.

### ***Relatives of dissidents barred from leaving Turkmenistan***

The Turkmenistani authorities continued to prevent many dissidents and their relatives from leaving the country on the basis of an unpublished “black list” that reportedly included thousands of names. Restrictions on the freedom of movement were part of the government’s policy to silence any kind of dissent and put pressure on dissidents and potential dissidents.

A typical case was that of Ovez Annaev, who was prevented from leaving the country for medical treatment. On 2 May 2006, Ovez Annaev, the brother-in-law of Khudayberdy Orazov, leader of the exiled opposition movement Watan (Fatherland), boarded a plane to Moscow from Ashgabat. He had been advised by doctors to go to Moscow for specialist medical treatment of a gastric ulcer. However, shortly before departure, officers of the Ministry of National Security (MNS) forced him to leave the plane. They reportedly threatened him that if he complained to international organizations or embassies, “we will put you in prison”. Ovez Annaev and his wife Svetlana Orazova had previously been barred from travel abroad and taken

off a plane at least once. Khudayberdy Orazov told Amnesty International on 26 June: “This time it was different. Before Ovez Annaev bought tickets for the flight he sent letters to the relevant authorities and actually received permission to fly to Moscow for his medical treatment. Also, this was the first time that he was threatened with imprisonment.”

AI believes that Ovez Annaev was targeted by the authorities because of his family relationship with Khudayberdy Orazov whom the authorities have labelled a “traitor” and accused of having played a key role in the alleged assassination attempt on President Niyazov in November 2002.

### ***International scrutiny***

#### **UN Secretary General report to the UN General Assembly**

The UN Secretary General, reporting to the UN General Assembly in October 2006, concluded that “gross and systematic violations of human rights continued in [Turkmenistan], notwithstanding gestures by the government”. He highlighted the plight of human rights defenders and minorities, restrictions on freedom of expression and religion, the use of torture, the absence of an independent judiciary, and the limited access to health care and education. He reiterated calls made in recent years by the UN General Assembly and the UN Commission on Human Rights that Turkmenistan invite the special mechanisms of the UN Human Rights Council to visit the country.

#### **UN Committee on the Elimination of Discrimination against Women**

On 17 May 2006, the Committee on the Elimination of Discrimination against Women (CEDAW) considered Turkmenistan’s combined initial and second state report on its obligations under the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW raised concern about Turkmenistan’s lack of awareness of the urgent need to stem violence against women, to pass specific legislation, including on domestic violence, and to introduce measures to address trafficking in women.

In order to comply with its obligations as a state party to the Convention on the Elimination of All Forms of Discrimination against Women, CEDAW recommended that Turkmenistan “put in place expeditiously a comprehensive system of data collection in all areas covered by the Convention so as to assess the actual situation of women and to track trends over time” and to include in its next report to CEDAW “statistical data and analysis, disaggregated by sex and by rural and urban areas, in regard to the provisions of the Convention, indicating the impact of measures taken and of results achieved in the practical realization of women’s de facto equality”. It also urged Turkmenistan to promptly take measures to “eliminate discrimination against women and ensure de jure (formal) and de facto (substantive) equality between women and men” and that the authorities “provide an enabling environment for the establishment and active involvement of women’s and human rights organizations to promote implementation of the Convention”.

#### **UN Committee on the Rights of the Child**

In May 2006, the Committee on the Rights of the Child (CRC) considered Turkmenistan’s initial report on the country’s obligations under the Convention on the Rights of the Child, submitted with a delay of almost 10 years. On 2 June, the CRC issued its concluding

observations raising concern about “the absence of data in the State party’s report on most of the issues covered by the Convention”. In addition, it deplored the lack of “a specialized body responsible for the independent monitoring of the implementation of the Convention” considering the “ineffectiveness and lack of independence” of the National Institute for Democracy and Human Rights. Among other issues, the CRC also voiced concern that children of dissidents “are often victims of discriminatory and punitive practices”; that torture and ill-treatment of detainees, including children, is widespread; that severe limitations to the rights to freedom of expression and religion also affected children; and that children of ethnic minorities were often subject to discrimination. The CRC also deplored the “serious obstacles” facing civil society organizations in carrying out their work.

The CRC underlined the crucial role of civil society in contributing to the full implementation of Turkmenistan’s obligations under the Convention on the Rights of the Child and recommended Turkmenistan to remove “restrictions to the functioning of independent civil society organizations”. It also recommended the authorities to “investigate thoroughly all allegations of torture and ill-treatment committed in particular within the juvenile justice administration by public officials [...] and [to] ensure that perpetrators are rapidly brought to justice”; “to ensure the right of the child to access to information and material from a diversity of national and international sources”; and to “respect the right of the child to freedom of religion”.

# UZBEKISTAN

## ***The anniversary of the May 2005 Andizhan events***

In May 2006, on the eve of the first anniversary of the Andizhan events, Amnesty International published a report entitled: *Uzbekistan: Andizhan – Impunity must not prevail* (AI Index: EUR 62/010/2006), summarizing the organization's continuing concerns in relation to the aftermath of the Andizhan events since the publication of its September 2005 report *Uzbekistan: Lifting the siege on the truth about Andizhan* (AI Index: EUR 62/021/2005).

As the first anniversary of the Andizhan killings approached, it became increasingly clear that the siege on the truth about Andizhan had not been lifted. On the contrary, positions appeared to have become more entrenched in what the authorities and the official media in Uzbekistan described as an "information war". In the build-up to the Andizhan anniversary, parliamentarians called on journalists and politicians to start a media campaign to "repel information attacks" by "foreign political forces and media outlets". On 15 March 2006, the World Bank announced that it was suspending new lending to Uzbekistan. This announcement provoked an angry reaction and strong words from President Islam Karimov who accused the bank of taking part in a "shameless information war" against Uzbekistan. The authorities continued to reject calls from many inter-governmental bodies and international human rights mechanisms for an independent, international investigation into the circumstances surrounding the events of 12-13 May 2005. On 20 March 2006, at a joint press conference during the state visit of President Nursultan Nazarbaev of Kazakhstan, President Karimov accused Western countries of trying to discredit Uzbekistan and, according to *Reuters* news agency, warned them not to interfere in the affairs of the country, "under the pretext of furthering freedom, democracy, and do not create precedents of telling us what to do, whom to befriend and how to orient ourselves".

However, the authorities appeared to be willing to address some of the concerns of the European Union (EU) in bilateral discussions in the second half of the year. In September, for example, a delegation from the EU Commission visited Uzbekistan and held talks at ministerial level - the delegation was to assess improvements in Uzbekistan's observance of their human rights commitments and obligations. The EU delegation described the talks as constructive. In November, the EU reviewed the 2005 visa and arms bans imposed on Uzbekistan and decided to extend them by six and 12 months' respectively. The EU also resumed bilateral meetings with Uzbekistan under the Partnership and Cooperation Agreement and held an expert meeting on the Andizhan killings in Uzbekistan in December. No findings of the expert meeting had been made public by March 2007.

In October, President Karimov conceded publicly that socio-economic reasons, in particular the failure of local and regional authorities in Andizhan to address the concerns of citizens and businesses and corrupt practices by these authorities, might have contributed to the

Andizhan events. He dismissed the regional governor of Andizhan over his failure to stop the Andizhan unrest.

In its September session the UN Human Rights Council reviewed Uzbekistan under the confidential 1503 procedure and decided to keep Uzbekistan under review. An earlier “riposte” by the Uzbekistani authorities to the UN General Assembly December 2005 Resolution on Uzbekistan, published in August, denied any grave and systematic human rights violations and rejected claims by the UN Special Rapporteur on torture that torture was still systematic and ongoing. In its 2005 Resolution on Uzbekistan the UN General Assembly had expressed concerns at grave human rights violations in Uzbekistan.

### **Government Crackdown on Human Rights Defenders**

#### **Harassment of Human Rights Defenders**

The situation for human rights defenders continued to deteriorate. In September 2006, only five out of 11 human rights defenders invited to meet the new German ambassador reportedly managed to get to the meeting in Tashkent. The others were prevented from attending by being either threatened, put under house arrest or, in the case of Elena Urlaeva, detained in the street, forced into a car and driven around for four hours while questioned and reportedly threatened by police officers. In November, human rights defenders were detained and placed under house arrest when they demonstrated outside the Ministry of Foreign Affairs calling for dialogue with the authorities. Earlier human rights activists had been questioned and reportedly threatened by members of the security services after attending a meeting with Richard Boucher of the US State Department in August.

Tolib Yakubov, the head of the independent non-registered Human Rights Society of Uzbekistan (HRSU), and Abduzhalil Boimatov, his deputy, left the country in August 2006, out of concerns for their safety after receiving repeated threats. They crossed the border into Kazakhstan and asked for protection at UNHCR office in Almaty. Both of them were recognized as mandate refugees. They subsequently left for Western Europe.

In August 2006, Bakhtior Khamroev, the head of the HRSU Dzhizzakh section, was attacked by a group of some 20 women, who reportedly burst into his apartment, accused him of being a traitor to his homeland and beat him up. At the time of the attack Bakhtior Khamroev was meeting with two representatives of the UK embassy. Police officers called to the apartment apparently only intervened to stop the women when Bakhtior Khamroev was hit over the head with a blunt object. Bakhtior Khamroev was reportedly refused medical assistance at the local hospital. A UK embassy spokesperson was quoted as saying that it looked like the attack was timed to coincide with the visit of the diplomats. Bakhtior Khamroev’s 21-year-old son, Ikhtior, was detained at the beginning of August 2006 on a reportedly fabricated charge of hooliganism (Article 277, part two, of the criminal code). It was believed that he was detained as a result of his father’s human rights activities. On 25 September, Ikhtior Khamroev was sentenced to three years in prison by Dzhizzakh City Court. He was transferred to a prison camp in the village of Chikurgan in Dzhizzakh Region. On 24 November an appeal against his sentence was turned down by Dzhizzakh Regional Court. At the end of December he reportedly complained about stomach problems and asked to see a doctor. According to reports by the HRSU he received no medical treatment and the following day he was handcuffed by prison guards and ill-treated, including by being kicked in the



stomach. He was then transferred to a solitary confinement/ punishment cell, but when his stomach pains did not subside the prison director ordered him to be taken to the district hospital to be examined by a doctor. He reportedly received no treatment at the hospital and was sent back to the prison camp. However, at the beginning of January 2007, his condition deteriorated again and he was transferred to Dzhizzakh regional hospital, where he reportedly was diagnosed as suffering from a stomach ulcer. This diagnosis was reportedly changed to gastritis on the following day. A representative of the German embassy in Uzbekistan was able to visit him while he was in Dzhizzakh hospital.

On 23 February 2007, Akrom Khodzha Mukhitdinov, a human rights activist and member of the Human Rights Alliance of Uzbekistan, was sentenced to 10 days' administrative detention for organizing a small protest demonstration outside the Ministry of Foreign Affairs in Tashkent two days earlier. Akrom Khodzha Mukhitdinov and fellow activist Ibrogim al Hoshimi had arrived at the Ministry of Foreign Affairs with posters calling for the resignation of Foreign Minister Vladimir Norov when plain clothes law enforcement officers approached them, threatened and insulted them and tore up their posters. Ibrogim al Hoshimi reported that three unknown women then appeared and assaulted the two human rights activists, beating them and shouting: "We want peace". Law enforcement officers detained the human rights activists and took them to the Mirabad District Department of Internal Affairs where they were charged with assaulting the three women.

Earlier at the beginning of January 2007, human rights activist Elena Urlaeva had also been assaulted by four unknown women who beat her and took her bag outside the Mirzo-Ulugbek District Court for Civil Cases in Tashkent. The human rights activist claimed that the four women were plainclothes law enforcement officers and that the assault was meant to intimidate her and force her to stop investigating human rights violations by law enforcement officers. An official investigation into the assault alleged that Elena Urlaeva was attacked by relatives of convicted prisoners who were reportedly disgruntled that she had accepted money from them to defend their relatives, but had not acted on their cases. Elena Urlaeva denied that she had accepted money from relatives of prisoners in exchange for obtaining their release.

On 9 March 2007, Elena Urlaeva wrote an open letter to Hina Jilani, the United Nations Special Representative on Human Rights Defenders describing how the authorities had prevented human rights activists from organizing a nationwide peaceful protest action for International Women's Day on 8 March. Human rights and women's rights activists had planned to hold demonstrations in several cities throughout Uzbekistan calling for the release of fellow women human rights activists Mutabar Tadzhibaeva, Umida Niazova and Gulbahor Turaeva. Participants in the meetings were asked to wear white or at least one white garment. Local authorities had been informed of the planned demonstrations in advance. However, law enforcement officers prevented all but one of the human rights activists from making their way to the designated meeting place in the centre of Tashkent. Most were either detained in the street and taken to local police stations or put under house arrest for the duration of 8 March. Elena Urlaeva, who managed to get to the designated meeting place in Tashkent, was reportedly assaulted by officers from the Tashkent City Department of Internal Affairs (GUVD) and beaten with a truncheon by one officer while another one reportedly tore off the white scarf she was wearing. Representatives of international organizations and media who had gathered to monitor the planned demonstration came to the help of Elena Urlaeva and reportedly prevented the officers from detaining her.

## **Convictions and detentions of human rights defenders**

### **Case of Dilmurod Muhiddinov**

On 12 January 2006, Dilmurod Muhiddinov, a human rights activist from the Ezgulik (Goodness) group in Andizhan, was sentenced to five years in prison on charges of "attempting to overthrow the constitutional order". He had been detained the previous year for being in possession of a statement on the Andizhan events published by the secular opposition party Birlik.

### **Case of Saidzhakhon Zainabitdinov**

Prominent human rights defender, Saidzhakhon Zainabitdinov, was sentenced to seven years in prison by a court in Tashkent on 5 January 2006, after a closed trial. His whereabouts remained unknown. Saidzhakhon Zainabitdinov, the chairperson of the independent human rights group Appelliatsia (Appeal), based in the city of Andizhan, was detained on 21 May 2005. A closed hearing on his case, at which relatives and a lawyer hired by his family were not present, reportedly began in Tashkent on 4 January. His 75-year-old mother was told that she could attend the hearing, but was unable to do so as she was not told where it would take place. Saidzhakhon Zainabitdinov was convicted on several charges, including "slander" and "spreading information with the aim of causing panic". The court verdict and sentence were not officially disclosed until February 2006. According to some reports, Saidzhakhon Zainabitdinov was moved to Tashkent prison (Tashturma) in the second half of 2006.

Saidzhakon Zainabitdinov's son, Ilhom, was detained in May 2006, reportedly for having forged official documents. Supporters of the family and human rights activists claimed that his detention was the result of Ilhom Zainabitdinov's meetings with contacts of his father, mainly human rights activists and independent journalists, following his father's detention. He was allegedly also beaten following one of these meetings. He was believed to remain in custody; at the end of 2006 his whereabouts remained unknown.

### **Case of Mutabar Tadzhibaeva**

On 6 March 2006, Mutabar Tadzhibaeva, chairwoman of the human rights organization Utiuraklar (Fiery Hearts Club), based in Ferghana City, and one of the founders of the national civil society movement Za Pravovoe Obchshestvo (For a Just Society), was sentenced to eight years in prison on economic and political charges by a court in Tashkent. Mutabar Tadzhibaeva had been detained on 7 October 2005, on the eve of an international conference on human rights defenders in Dublin, Ireland, which she was due to attend. She had come under increasing pressure from the authorities for her human rights activities. She was convicted on 13 charges including membership of an illegal organization and using fund from foreign governments to threaten public order. She had insufficient time to prepare her defence, and consultations with her lawyer were in the presence of armed guards. In court, she was seated inside a cage. Her appeal against the verdict was turned down on 30 May.

According to the prison authorities, she was transferred to the psychiatric wing of the prison in July 2006 for 10 days because she was suffering from severe stress following the appeal hearing. Her family and supporters, however, alleged that this transfer was to punish her for speaking out from prison. Her family and lawyers also complained of their visits being obstructed by prison officials and of their parcels not being passed on.

In August 2006, her family was finally granted a three-day visit after she was transferred back to the ordinary prison wing. Mutabar Tadzhibaeva reportedly told them that after she was transferred back from the psychiatric wing, scissors were placed under her mattress, as a result of which she was put in a punishment cell for 10 days for breaking prison rules. She also complained about not receiving enough drink and food while in the punishment cell. One of her lawyers said that she had decided not to represent Mutabar Tadzhibaeva anymore after repeated threats against herself and her family.

In October, Mutabar Tadzhibaeva's family expressed concern that her health appeared to be deteriorating. According to information they had received, Mutabar Tadzhibaeva had been transferred to an intensive care unit in the medical wing of the prison. However, they had not been granted a visit and could therefore not confirm the extent of her health problems. In December, law enforcement officers broke up a small demonstration by members of her family in front of the presidential administration building in Tashkent. Her relatives were asking to be granted access to Mutabar Tadzhibaeva and calling for her release. The officers reportedly threatened and insulted the demonstrators, pushed them and tore up their posters.

In January 2007, Mutabar Tadzhibaeva's brother was finally granted a visit with her. The family had not been able to see her for five months. According to her brother, Mutabar Tadzhibaeva was concerned that her health continued to deteriorate and that she was not receiving appropriate medical attention. She also requested meetings with her lawyer. Such meetings, however, have not been granted since Mutabar Tadzhibaeva's sister took over her defence in the summer of 2006. Mutabar Tadzhibaeva's brother also claimed that she continued to be put in solitary confinement to punish her for alleged infringements of prison rules. She had reportedly been put in solitary confinement following one of his visits. On 5 March 2007, her family had reportedly been promised a three-day visit with her in prison, however, according to her daughter she was put in solitary confinement on 4 March and the family visit was cancelled. On 8 March, her brother was detained in order to prevent him from attending a demonstration in Tashkent calling for the release of Mutabar Tadzhibaeva and other detained female human rights activists.

### **Case of Azam Farmonov and Alisher Karamatov**

On 29 April 2006, Azam Farmonov and Alisher Karamatov, two members of the unregistered independent Human Rights Society of Uzbekistan (HRSU) from Sirdaria region, were arbitrarily detained in the city of Gulistan. Azam Farmonov is the head of the HRSU Sirdaria regional branch and the son-in-law of Tolib Yakubov, the head of HRSU. Alisher Karamatov is the head of the HRSU Mirzaabad district branch. Both men had been defending the rights of local farmers who had accused some district farming officials of malpractice, extortion and corruption. Azam Farmonov and Alisher Karamatov alleged that after they started investigating the farmers' allegations and confronted local officials with their findings pressure, including physical pressure, was put on some of the farmers to withdraw their allegations against the officials and instead to accuse the human rights activists of exerting pressure on the farmers to implicate local officials in malpractice. The HRSU activists were charged with extortion under Article 165 of the criminal code.

According to Tolib Yakubov, law enforcement officers carried out several raids on his son-in-law's house on 29 April without proper search warrants. Some 30 plain-clothes and uniformed law enforcement officers confiscated computer equipment and publications and

roughly handled Azam Farmonov's heavily pregnant wife, who reportedly needed to be hospitalized after the officers left.

Azam Farmonov and Alisher Karamatov were detained in different locations in Gulistan and taken to the pre-trial detention centre in the town of Khavast. They were kept incommunicado for at least a week and alleged that they had been beaten and tortured during that time, including by having a gas mask put over their head and the air supply turned off and being beaten on their legs and heels with truncheons, in order to force them sign confessions. They were charged with extortion on 16 May.

According to Tolib Yakubov, who registered as legal representative of the two defendants with Yangier city court on 7 June, no prior notice of the start of the men's trial was given. On 12 June, just four days after he had started looking into the case materials, Tolib Yakubov was asked to present the men's defence in court. His request for more time to acquaint himself with the materials was declined. Consequently Azam Farmonov and Alisher Karamatov were sentenced on 15 June to nine years in prison in the absence of a defence lawyer or a legal representative. Azam Farmonov was serving his sentence in the Yaslik prison camp and Alisher Karamatov in Karshi prison camp. In February 2007 Azam Farmonov reportedly told his relatives that conditions of detention in Yaslik had improved and that there were fewer routine beatings and less ill-treatment and torture, including of prisoners convicted of being members of banned Islamic organizations or movements.

### **Case of Yadgar Turlibekov**

On 16 June 2006, Yadgar Turlibekov, a 69-year-old independent journalist and head of the HRSU Kashkadaria Regional branch, was detained at his home in Karshi by police officers and members of the security service. Some 30 officers, some of whom were armed, reportedly conducted a search of Yadgar Turlibekov's house and confiscated computer equipment, hard disks, case files and human rights literature. Yadgar Turlibekov was taken to the Karshi City Department of Internal Affairs for questioning. His family and supporters were not allowed access. Human rights activists believed that his arbitrary detention was linked to his human rights activities; Yadgar Turlibekov had been monitoring the rights of farmers and traders in Kashkadaria region, as well as taking up the cases and attending the trials of independent Muslims and suspected members of banned Islamic groups or parties, such as Hizb-ut-Tahrir.

A spokeswoman for the General Prosecutor's office told *RFE/RL's* Uzbek Service on 20 June that Yadgar Turlibekov had not been detained but had been "invited for a conversation". She explained that the "invitation" might have been proffered as a result of him having spoken out publicly. At the end of June, Yadgar Turlibekov was transferred to the pre-trial detention centre in the city of Bukhara, 170km from Karshi, a move some human rights activists believed to be an attempt to isolate him from popular support in Karshi.

His family was only allowed to visit him two months after his detention. He was initially charged under four articles of the criminal code including insulting the honour and dignity of the president of Uzbekistan, slander and distribution of materials constituting a threat to national security. However, according to human rights activists, during the criminal investigation these charges were dropped for lack of evidence and the new charge of bribery was brought against him. Reportedly, the main reason for his detention and the criminal

investigation was a five-page printed tract in Uzbek, critical of the socio-political situation in Uzbekistan, written by Yadgar Turlibekov and distributed at a local market in Karshi.

In October, Yadgar Turlibekov was sentenced for bribery under Article 165 of the Criminal Code to three-and-a-half years in prison after an unfair trial. According to human rights activists who monitored his case, his lawyer was not notified in advance of the start date of the trial and the trial went ahead without the lawyer, legal representatives, human rights activists and independent monitors being present. In November, Kashkadaria Regional Court turned down his appeal against his prison sentence. Yadgar Turlibekov's lawyer and relatives reportedly were again not informed of the appeal hearing and were therefore unable to attend. He was released from prison under a presidential amnesty in December. He lost 20 kg during the six months he spent in detention and his health reportedly deteriorated.

### **Case of Umida Niazova**

On 28 January 2007, Umida Niazova, a member of the Veritas human rights group and a journalist, was charged under Article 223 of the Uzbekistani Criminal Code with illegally crossing the Uzbekistani border and under Article 246 with smuggling literature of a "subversive" and "extremist" nature into the country. Both articles carry possible prison terms of up to 10 years. Umida Niazova was detained on 22 January 2007 in the south-east of the country, near the border with Kyrgyzstan and later transferred to the pre-trial detention facility in Tashkent prison. She was due to meet her lawyer that day, in Tashkent, in order to collect her laptop and passport which had been confiscated from her in December 2006 by police who detained her for nine hours as she returned from a human rights seminar in Kyrgyzstan. At that time, no criminal charges were brought but she had to sign an undertaking not to leave the country and to cooperate with prosecutors in their investigation into possible offences committed by her, namely possession of anti-state materials on her laptop computer. Her laptop was sent for expert examination to establish whether any materials stored on it were of a "subversive or extremist" nature. Some of the materials contained on the laptop were reportedly reports by the international non-governmental organization (NGO) Human Rights Watch (HRW), namely its published report on the Andizhan mass killings in May 2005. Umida Niazova was working for HRW's office in Tashkent as a translator. She had previously worked for the international freedom of expression NGOs, Internews and Freedom House.

### **Case of Gulbahor Turaeva**

On 14 January 2007, Gulbahor Turaeva, a human rights activist and member of the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) from Andizhan, was detained by customs officers on the Uzbekistan-Kyrgyzstan border as she was returning from a visit to Kyrgyzstan. According to the authorities, customs officers reportedly found literature openly calling for the violent overthrow of the constitutional system, the seizure of power, removal of those in positions of authority and calls for changing territorial integrity of republic in her luggage. As a result, a criminal case under Art 159 part 1 of the Criminal Code (attempt to overthrow constitutional order) was opened against Gulbahor Turaeva and she was remanded in custody. According to human rights activists, Gulbahor Turaeva was carrying some 120 publications in her bags, including copies of books by the banned Erk opposition party leader Muhammad Salih. At the time of her detention she was accompanied by her nine-year-old son, who reportedly spent one night in detention with her. Gulbahor Turaeva's supporters claimed that the literature she was carrying did not contain calls for the violent overthrow of the

constitutional system. They also claimed that it was difficult to know which materials were banned in Uzbekistan since there was no official published list of banned publications.

Gulbahor Turaeva was reportedly transferred to the detention centre of the National Security Service Department in Andizhan on 16 January. According to IGIHRDU, the lawyer which the NGO appointed for Gulbahor Turaeva has not been able to gain access to her and her family have reportedly also had problems gaining access to her. According to the authorities, an additional criminal case under Article 139 (slander) was opened against Gulbahor Turaeva at the request of a teacher from Andizhan, who accuses her of defamation. Gulbahor Turaeva worked as a forensic pathologist in Andizhan. During the Andizhan events, she reported to human rights organizations and foreign media that she had seen hundreds of dead bodies in makeshift morgues – figures repudiated by the authorities. Gulbahor Turaeva is 40 years old and has four children, the youngest one only six months old.

### **Case of Isroil Kholdorov**

On 20 February 2007, Andizhan Regional Court sentenced 57-year-old Isroil Kholdorov, the chairperson of the Andizhan Regional Department of the Erk party, to six years' imprisonment. He had been charged with attempting to overthrow the constitutional order under Article 159 of the Criminal Code, distributing materials constituting a security threat under Article 244, organizing and leading a banned organization under Article 216 and illegally crossing the border under Article 233. According to his lawyer, all the charges, apart from illegally crossing the border, had been fabricated by the authorities in order to punish him for his peaceful political opposition activities.

Isroil Kholdorov left Uzbekistan for Kyrgyzstan following the May 2005 Andizhan events. He had spoken to international media about mass graves in and around Andizhan, including in Bogishamol district, which the authorities had reportedly been secretly organizing. The authorities denied that there were any mass graves following the Andizhan killings. While in Kyrgyzstan, Isroil Kholdorov organized an unsanctioned demonstration in the border town of Kara-Suu on the anniversary of the Andizhan events. In July 2006, human rights organizations in Kyrgyzstan as well as United Nations High Commissioner for Refugees (UNHCR) expressed concern that Isroil Kholdorov had “disappeared” and that he might have been abducted by members of the Uzbekistani security services and forcibly returned to Uzbekistan. Other reports, however, claimed that Isroil Kholdorov had decided to return “voluntarily” to Uzbekistan and that he had informed the Uzbekistani authorities in writing of his decision. According to these reports, he was detained by law enforcement officers in September 2006 as he crossed the border.

### **Restrictions on freedom of expression**

Under Uzbekistani law, to work without accreditation is an offence punishable by a fine or imprisonment. New regulations, adopted at the end of February 2006, made it illegal for Uzbekistani citizens to work for or contribute to publications by foreign media outlets unless they were accredited journalists. Foreign journalists would have their accreditation withdrawn if their reporting was found to be “interfering in domestic affairs” and “insulting the honour and dignity of citizens of Uzbekistan”. On 16 March 2006, the Ministry of Foreign Affairs revoked the accreditation of a local correspondent of the German radio and television station *Deutsche Welle* for allegedly filing a false report about a fatal bus accident in Bukhara region.

### **Pressure on international media and non-governmental organizations (NGOs)**

In February 2006, Freedom House and the Eurasia Foundation were ordered to close their operations in Uzbekistan by a court in Tashkent. Freedom House apparently fell foul of Uzbekistani legislation by allowing unregistered local human rights NGOs free access to computers and the internet. On 27 April a court in Tashkent ordered the closure of the office of the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI). The Justice Ministry had filed a motion with the court citing numerous alleged infringements by ABA/CEELI of Uzbekistani legislation, such as providing legal services to unregistered NGOs. ABA/CEELI had been running very successful training programmes for lawyers throughout Uzbekistan for a number of years. Other mostly US-based or US-funded international humanitarian or development aid organizations or charities also had their accreditation withdrawn and were forced to close their operations in Uzbekistan, among them Counterpart International, which had been providing medical aid to large sections of the population for 10 years and the Eurasia Foundation, which had promoted free media and democratic institutions.

### **Detentions and convictions of independent journalists and artists: cases of Ulugbek Khaidarov, Dzhamsid Karimov and Dadakhon Khasanov**

On 14 September 2006, Ulugbek Khaidarov, an independent journalist, was detained at a bus stop in Dzhizzakh as he was returning from a meeting with HRSU Dzhizzakh chairperson Bakhtior Khamroev. While he waited at the bus stop a woman brushed past him and reportedly put US\$400 into his pocket. Aware that this might be a set up, Ulugbek Khaidarov immediately retrieved the money and dropped it on the ground. Thereafter, however, law enforcement officers suddenly appeared at the bus stop and detained him. Ulugbek Khaidarov was charged with extortion and blackmail under Article 165 of the Criminal Code. His wife, who was able to visit him briefly in the pre-trial detention centre in the Dzhizzakh Region on 23 September, said that he looked ill and emaciated and appeared in very low spirits. It was reported that one side of his face was apparently paralyzed and lower than the other side. He reportedly found it difficult to speak, leading to concerns that he had been ill-treated. He was transferred to the pre-trial detention centre in Khavaz in Syrdaria Region, some 70km from Dzhizzakh.

On 4 October, two weeks after his arrest, trial proceedings began against Ulugbek Khaidarov. Human rights observers and members of his family who went to the court reported that he refused the services of an independent defence lawyer and asked human rights observers to leave the courtroom. They believed that he had been coerced into doing so. On 5 October, he was found guilty and sentenced to six years' imprisonment.

On 1 November, he was taken to the general-security prison number UYa 64/29 in Navoi. On 4 November, Ulugbek Khaidarov and 14 other prisoners, all of whom had been transferred to that prison on 1 November, reportedly were taken out of their cells by prison guards and led to the prison courtyard. Once in the courtyard they were reportedly made to kneel with their hands held behind their necks and were forced to keep this position for half an hour. After that, guards armed with clubs appeared and ordered the prisoners to take off their shoes; the guards then reportedly beat the prisoners on their heels. It was reported that Ulugbek Khaidarov was hit at least 10 times on his heels; upon his release it was determined that he had sustained a hairline fracture to one of his heel bones, as a result of the beatings. Ulugbek Khaidarov and the other prisoners were also forced to bob up and down with their eyes closed and arms outstretched while a group of other prisoners chosen to mete out punishments struck

them with one-and-a-half litre plastic bottles of water. According to Ulugbek Khaidarov, the chosen prisoners also kicked them on their buttocks. The 15 prisoners were also forced to crouch down on their haunches and climb up and down three flights of stairs while maintaining the crouched position, after having been beaten on their heels. Any prisoner who fell or was unable to climb the steps was severely beaten and kicked. None of the prisoners received any medical attention after the beating. It was reported that Ulugbek Khaidarov himself was in so much pain that he found it difficult to walk for at least two weeks after the beating took place.

On 7 November, Ulugbek Khaidarov was released after his conviction was quashed. Just two days before Ulugbek Khaidarov's detention, his colleague, independent journalist Dzhamsheed Karimov, "disappeared" also in Dzhizzakh after visiting his mother in hospital. His family believed that his "disappearance" was linked to his journalistic activities. In October, sources reported that he had been forcibly confined to a psychiatric hospital. Local authorities continued to deny any knowledge of his whereabouts, stating merely that he had undergone psychiatric treatment in the past. He was believed to be in a maximum security ward at Samarkand city psychiatric hospital. His family were intimidated by local authorities and their phone was cut off after they alerted international organizations. Dzhamsheed Karimov is the nephew of President Islam Karimov. Both Dzhamsheed Karimov and Ulugbek Khaidarov had worked for the Institute of War and Peace Reporting and as stringers for other independent websites. They had been harassed in the past and Ulugbek Khaidarov was badly beaten up in 2005 by unknown assailants. Both men had expressed fears for their safety in letters to a Swedish journalist in August and were preparing to leave the country.

On 8 September 2006, Dadakhon Khasanov, a well-known singer and song-writer, was given a suspended three-year prison sentence for writing and performing a song about the May 2005 Andizhan events. He had been charged with insulting the honour and dignity of the President of Uzbekistan, attempting to overthrow the constitutional order and producing and distributing materials containing a threat to national security. The trial, although announced as open to the public, was in fact closed. According to human rights defenders, Dadakhon Khasanov was pressured by the authorities to request a closed trial. He reportedly voluntarily refused the services of his defence team on the first day of the resumption of the trial. The trial had started on 9 August but had been deferred to 5 September. Dadakhon Khasanov was released on bail, which is rather unusual in Uzbekistan. Earlier in the year, two men who had listened to recordings of Dadakhon Khasanov's songs received long prison sentences for being in possession of "subversive materials".

### ***Fair trial and health concerns: the case of the leader of the political opposition coalition Sunshine Uzbekistan***

On 6 March 2006, a court in Tashkent sentenced Sanzhar Umarov, the leader of the secular opposition political coalition Sunshine Uzbekistan, to ten-and-a-half years in prison on charges of fraud, embezzlement, money laundering, and tax evasion. He had been detained in October 2005 upon his return from a trip to the USA. He was accused of setting up a criminal group with the intention of committing economic and financial crimes and defrauding the Uzbekistani state. Sanzhar Umarov, a reportedly successful and wealthy businessman with assets abroad, especially in the USA as well as Uzbekistan, denied the charges. According to his lawyer, he testified in court that he believed that the case against him had been fabricated by business rivals who wanted to discredit him and his brother and control their assets. Supporters and coalition



activists claimed that the charges were politically motivated because the Sunshine Coalition, a moderate secular opposition grouping with a reformist economic agenda set up in April 2005, had become more openly critical of the Uzbekistani authorities following the Andizhan events, joining calls for an independent international investigation into the killings in Andizhan. Sanzhar Umarov was reportedly also seen as a potential rival to President Islam Karimov in the 2007 presidential elections.

Although open to independent observers, security around the trial was reportedly very tight with armed soldiers surrounding the court building. Sanzhar Umarov himself was detained in a metal cage in the court room. His lawyer and human rights observers claimed that the prosecution failed to prove the charges against him and did not provide convincing evidence.

On 13 April, an appeal court in Tashkent reduced his sentence to seven-and-a-half years. Human rights activists who were at the appeal hearing expressed concern for the health of Sanzhar Umarov, who appeared listless, confused and distressed, in marked contrast to earlier court appearances. His lawyer complained that although his health had been deteriorating, he had not received appropriate medical treatment. In May, he was transferred to a prison colony in Bukhara. On 8 June, his sister was told by prison guards in Bukhara that Sanzhar Umarov had been sentenced to 16 days' solitary confinement in a punishment cell on 1 June. They refused to accept the food parcel she had brought and she was not allowed to see him. An appeal against Sanzhar Umarov's sentence was pending with the Supreme Court.

On 23 May, the coordinator of Sunshine Uzbekistan, Nodira Khidoiatova, was released from the court-room after an appeal hearing commuted her 10-year prison sentence to a seven-year suspended one. Friends and relatives had reportedly paid 120 million soms (approximately US\$ 100,000) in compensation to the Uzbekistani state to secure her release. However, under the terms of her suspended sentence Nodira Khidoiatova still owed another 150 million soms to the state and was confined to Tashkent for the duration of the sentence. Nodira Khidoiatova had been sentenced on 1 March after being convicted of tax fraud, embezzlement and participation in a criminal group. She denied all charges which her supporters claimed were politically motivated.

### ***Extradition requests by the Uzbekistani authorities***

The Uzbekistani authorities continued to actively – and often successfully – seek the extradition in the name of national security and the “war on terror” of members or suspected members of banned Islamic parties or movements, such as Hizb-ut-Tahrir and Akramia, whom they accused of participation in the Andizhan events, from neighbouring countries as well as the Russian Federation and Ukraine. Most of the men forcibly returned to Uzbekistan continued to be held in incommunicado detention, thus increasing their risk of being tortured or otherwise ill-treated. Amnesty International was concerned that the governments of the Russia, Ukraine, Kazakstan and Kyrgyzstan were cooperating with Uzbekistan in the name of regional security and the “war on terror” in disregard of their obligations under international human rights and refugee law not to return anyone to a country or territory where they would be at risk of serious human rights violations, including torture.

Uzbekistan confirmed that 41 refugees who had fled the country after the Andizhan events and had been evacuated by UNHCR first to Romania and then resettled to the United States (US) returned home in August 2006. A group of 12 Andizhan refugees had returned from

the US in mid-July, reportedly with safety guarantees from Uzbekistani officials, although human rights groups expressed doubts about the circumstances of their return. According to reliable sources the Uzbekistani Embassy in the US arranged for the return journeys of the refugees and even paid half of the air fare. A third group of refugees resettled to the US state of Idaho were reportedly preparing to return in September. Two refugees resettled to Idaho died in August and September under mysterious circumstances. There were reports that some of the refugees were pressured into “voluntarily” returning to Uzbekistan. A group of the July returnees were apparently shown on Uzbekistani television saying that they had been forced against their will to leave Kyrgyzstan by international organizations and international actors intent on harming Uzbekistan and that they were very grateful to the Uzbekistani authorities for assisting them in returning to their homeland. Ten women out of the third group of refugees returned at the beginning of March 2007.

### **Russian Federation**

In August the Office of the General Prosecutor of the Russian Federation suspended the extradition order of 13 Uzbeks detained in Ivanovo pending a review of the men’s appeals by the European Court of Human Rights. Earlier the Uzbekistani authorities had welcomed the decision by the Russian authorities to proceed with the extraditions after the asylum-seekers had exhausted the appeals process. In November, the Federal Migration Service of the Russian Federation (FMS) denied the men temporary asylum. In December 2006 a district court in Ivanovo ruled that the FMS had violated a number of laws and regulations in denying the men temporary asylum. The court found that the FMS had failed to demonstrate that forcibly returning the men to Uzbekistan would not put them at risk of torture and ill-treatment. The court also noted that the FMS had failed to note that the Office of the UNHCR had recognized the men as refugees. Most of the men were released from detention on 5 March 2007, after court rulings on 2 March that they should be released in order to comply with the maximum period of detention in a pre-trial detention centre. A court ruled separately on Kyrgyzstani national Mamirzhon Tashtemirov, who was then released on 6 March. After being released, all 13 men were registered as individuals seeking temporary asylum in Russia.

Russian law enforcement officers had detained 14 ethnic Uzbek men in Ivanovo in Russia on 18 June 2005 after the Uzbekistani authorities had requested their extradition for alleged involvement in the Andizhan events, supporting Akramia, and financing "terrorist" activities. All the men had denied the accusations. A Russian citizen among them said he had visited Uzbekistan in May only to renew his Uzbekistani passport, and was released on 11 October 2005. He subsequently left Russia for Ukraine, out of fear of being abducted by Uzbekistani security services, where he applied to the office of the UNHCR for protection and refugee status. The other 13 - a Kyrgyzstani national and 12 Uzbekistani nationals - had applied for asylum in the Russia in August 2005. However, the Russian FMS issued a decision rejecting the applications for refugee status of the 13 men on 17 January 2006. The 13 men appealed this decision through the courts but courts of both first and second instance turned down the appeals.

Bairamali Yusupov, an Uzbekistani national who had applied for asylum in Russia, was facing extradition to Uzbekistan at the end of April 2006. On 20 April a regional court in the Siberian town of Tiumen rejected his appeal against the Russian General Prosecutor’s decision to extradite him. The court’s rejection was based on a statement by Russia’s Federal Security Service (FSB) that Bairamali Yusupov’s civil rights would be protected in Uzbekistan. A letter

by the FSB claimed that Uzbekistan had abolished the death penalty and had ended the practice of political persecution; therefore threats to his life if returned did not exist. Bairamali Yusupov, who had lived and worked in Russia since 2003, was wanted by the Uzbekistani authorities for "attempting to overthrow the constitutional order". Bairamali Yusupov had reportedly been expelled from university in Samarkand for his independent Muslim religious convictions in 2000. He had been questioned several times by law enforcement officers about his alleged involvement in extremist Islamic organizations and had decided to leave Uzbekistan after he was allegedly beaten by security service agents who tried to force him to confess that he planned to set up a theocratic state. On 6 October, Bairamali Yusupov was released in court as a result of the Tiumen regional court deciding in favour of his complaint against the extradition order. On 21 July, the Supreme Court of the Russian Federation had sent the case back to the regional court in Tiumen for review. Representatives from Amnesty International and from the Russian human rights centre Memorial were present at the Supreme Court hearing. Bairamali Yusupov's lawyer referred to reports by international human rights groups which stated that torture and ill-treatment were used systematically in Uzbekistan and that people may be sentenced to death after an unfair trial. The lawyer also cited Russia's obligations under international human rights and refugee law.

### **Ukraine**

Ten asylum-seekers from Uzbekistan, who had been seeking international protection in Ukraine, were forcibly returned to Uzbekistan by Ukrainian authorities during the night of 14-15 February 2006. They were believed to be still held in incommunicado detention at the end of June. Despite considerable efforts it was not possible to establish their whereabouts in Uzbekistan. The Uzbekistani authorities had reportedly issued extradition warrants for 11 men on the grounds that they allegedly participated in the Andizhan events. On 7 February the Security Service of Ukraine allegedly detained the 11 men in two different locations in Crimea based on the extradition warrants. They were reportedly transferred to a Ministry of Interior detention facility in Simferopol, Ukraine, and 10 of them were forcibly returned to Uzbekistan on the night of 14-15 February. The remaining man was reportedly allowed to stay as he had relatives in Ukraine.

### **Kazakstan**

Nine Uzbekistani nationals, including four registered asylum-seekers, were forcibly returned from Kazakstan to Uzbekistan on 29 November 2005 after they were detained by officers of the Committee for National Security (KNS) four days earlier. According to reports only two of the returned men were initially given access to lawyers while the others were held incommunicado. They were Alizhon Mirganiev, who was being held at the Ministry of Internal Affairs pre-trial detention centre in the capital, Tashkent, and Sharofuddin Latipov, who was being held at the National Security Service building in Tashkent.

One of the men, Rukhiddin Fakhruddinov, the former independent imam (religious leader) of the Khodzha Nuriddin mosque in Tashkent, who had been in hiding since 1998, was reportedly transferred into the custody of the Uzbekistani National Security Service in November 2005 and held incommunicado until March 2006. Rukhiddin Fakhruddinov's indictment reportedly stated that a criminal investigation had been opened into his case on 7 March and completed on 12 May. He was charged with 10 articles of the criminal code, including terrorism (Article 155), attempt to overthrow the constitutional order (Article 159),  
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illegal exit from the country (Article 223), distribution of materials containing a threat to national security (Article 244-1) and formation of or participation in religious, “extremist”, “separatist”, “fundamentalist” or other banned organizations (Article 244-2). His lawyer, who was eventually given access to her client, said that he pleaded not guilty to the charges of terrorism, “extremism” and attempting to overthrow the constitutional order. According to his father he admitted that he had taught the Koran to children while he was an imam at the mosque and that he had illegally crossed the border with forged papers when he was forced to leave Uzbekistan. Rukhiddin Fakhruddinov was sentenced to 17 years in prison on September following a closed trial in Tashkent.

On 12 April, two others, Sharofuddin Latipov and Nozim Rakhmanov were sentenced to six years in prison by a court in Tashkent after a closed trial. It was not clear whether any of the remaining six men had been put on trial. Some of the men were believed to have been followers of independent imam Obidkhon Nazarov, in hiding since 1998 (see Kazakstan entry for further information on Obidkhon Nazarov).

### **Kyrgyzstan**

In August 2006, four Uzbekistani refugees and one asylum-seeker forcibly returned by Kyrgyzstan were detained in Andizhan pre-trial detention centre, according to the Uzbekistani authorities. A criminal investigation had reportedly been launched into the men’s participation in the Andizhan events. Although the authorities reportedly had given diplomatic assurances to their Kyrgyzstani counterparts that international organizations, including representatives of the UN, would have access to the men after their return, this had not been granted by March 2007 (see Kyrgyzstan entry for more information).

### **UNHCR**

On 20 March 2006, the Uzbekistani authorities gave the office of UNHCR in Uzbekistan four weeks to leave the country, noting that UNHCR had “fully implemented its tasks and there are no evident reasons for its further presence in Uzbekistan”. In April, UNHCR complied with the request expressing serious concern about the fate of around 2,000 refugees from Afghanistan whom the organization had been assisting. The Uzbekistani authorities had criticized UNHCR in August 2005 for evacuating 439 Uzbekistani refugees from Kyrgyzstan to Romania and had accused the agency of violating the 1951 Refugee Convention. Uzbekistan is not a signatory to the Refugee Convention.

### **Extradition requests to the Uzbekistani authorities**

Husein Dzhelil, also known as Huseyin Celil, a 37-year old Canadian citizen and ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) in northwest China, was detained in March 2006 in Uzbekistan when he was visiting his relatives and handed over to the Chinese authorities at the end of June 2006. In China he has been held incommunicado, and the Chinese authorities have refused to recognize his Canadian citizenship. Husein Dzhelil fled China to Central Asia in the mid-1990s after being detained in connection with his political activities, which included advocating the rights of Uighurs, and sought asylum through the office of UNHCR in Turkey in 1999. He was recognized as a refugee and resettled to Canada, where he obtained Canadian citizenship in November 2005.

Husein Dzhelil was visiting his wife's family in Uzbekistan when he was arrested on 27 March 2006. He was detained in Tashkent when he tried to get an extension to his visa. The authorities did not tell his family, who are also Canadian citizens, why they had detained him. Representatives of the Canadian government were allowed to meet him for the first time on 14 April for 20 minutes. They were reportedly only granted a further two visits, with the last meeting taking place on 8 May. His lawyer was reportedly denied access to him as were his relatives who were only allowed to pass on food, clothes and money. Amnesty International learned that he was held in Kuiluk detention facility near Tashkent from the end of April or beginning of May. When his father-in-law went to deliver a food parcel on 9 June, the prison guards reportedly told him that officers from the National Security Service had taken Husein Dzhelil to an unknown location. It later emerged that he had been forcibly returned to China.

In February 2007 trial proceedings against Husein Dzhelil started before a court in Urumqi, the capital of the XUAR. In court Husein Dzhelil claimed that his earlier confession had been extracted through torture. According to those close to him, he claimed that he was tortured after his extradition to China in June 2006, including by being starved and deprived of sleep during the first 15 days of his imprisonment. He also claimed that Chinese authorities threatened that he would "disappear" and "be buried alive" unless he signed a document. This document was later held up as a confession, although Husein Dzhelil reportedly later claimed he did not know what he had signed. Husein Dzhelil's trial was attended by his family members in XUAR, and by Chinese officials. The authorities had previously indicated that he was being investigated for activities related to "terrorism", but it appears that no charges were read out at his trial. Instead, he was reportedly questioned in court about his activities and those of others from the Uighur ethnic group, in Canada and in Central Asia.

### ***Death penalty***

There were reports of the construction of new prison facilities for life imprisonment near the detention camp of Yaslik in the Karakalpakstan desert. The UN Special Rapporteur on torture as well as human rights organizations, including AI, had previously expressed serious concern about the conditions of detention in the Yaslik camp.

### **Tuberculosis on death row**

On 1 March 2006, Aleksei Buriachek, a prisoner on death row in Tashkent prison, died from tuberculosis (TB). The prison authorities released his body to his mother for burial on 4 March.

Aleksei Buriachek, born 1976, was sentenced to death by Tashkent city court in January 2003. He was convicted of the July 2002 murder of a woman and her daughter. He was reportedly beaten by police after his detention to force him to "confess" to the murders. He lost his eyesight in prison and had been blind since October 2003. The appeal board of Tashkent city court endorsed the death sentence in March 2004. The (UN) Human Rights Committee requested the authorities of Uzbekistan to stay his execution while the Committee was considering allegation of violations of the International Covenant on Civil and Political Rights. Amnesty International had called as a matter of urgency for Aleksei Buriachek's death sentence to be commuted and for allegations of torture to be investigated.

In the light of Aleksei Buriachek's death from TB, Amnesty International was concerned for the health of Iskandar Khudaiberganov, who continued to be held on death row in Tashkent prison, as well as that of fellow inmates and prison staff at risk of TB, and called for

appropriate medical treatment and improved prison conditions. Iskandar Khudaiberganov was diagnosed with TB in 2004 and reportedly was receiving inadequate treatment.

According to the NGO Mothers Against the Death Penalty and Torture, at least 25 people were being held on death row in Tashkent, of whom 20 were reportedly suffering from TB, in April 2006. A doctor was employed in the prison but reportedly few medicines, including appropriate treatment for TB, were available. Prisoners get a chest X-ray once a year. Cells on death row are reportedly located in the basement and consist of either four or six square metres, occupied by one or usually two death row prisoners. Wooden bunks can be lowered for sleeping. There is a pipe with drinking water and a pan or a hole under one of the bunks that serves as a toilet. The ventilation system does not work. Reportedly, there is little to no natural light. Starting from 2005 and largely in response to international pressure, the authorities allowed prisoners indoor walks of 20-30 minutes daily in summer and twice or three times a week in winter. Families are allowed to meet with prisoners once a month. The food is said to be of low quality and families are not allowed to deliver food to death row prisoners. The morning meal reportedly consists of bread and boiled water, lunch consists of soup or cabbage and the evening meal of porridge. Those suffering from TB may receive some additional food. Poor prison conditions including poor diet may lower the immune system, which in turn may contribute to making a prisoner more susceptible to developing active TB.

#### **Decree to establish working group on abolition**

On 29 June 2006, President Islam Karimov signed a decree establishing a working group on the abolition of the death penalty. The working group was tasked among other things with preparing draft legislation on amendments to the criminal and criminal procedural codes - replacing the death penalty with life imprisonment - and a schedule for submission of these amendments to parliament. The presidential decree of 1 August 2005 on abolition of the death penalty was due to enter into force on 1 January 2008. However, parliament would need to approve legislation on the abolition of the death penalty before that date.