

**PUBLIC**

**AI Index: EUR 62/002/2003**

**28 January 2003**

**Further Information on UA 276/02 (EUR 62/012/2002, 4 September 2002) and follow-ups (EUR 62/016/2002, 20 November 2002 and EUR 62/017/2002, 28 November 2002) Death penalty/Torture and ill-treatment/unfair trial**

**UZBEKISTAN**

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

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The appeal of Iskandar Khudoberganov against his death sentence and the appeals of Bekzod Kasymbekov, Nosirkhon Khakimov and their three co-defendants against their prison sentences were turned down on 28 January 2003 by the Presidium of Tashkent City Court. The men were convicted in November at a trial that grossly violated international human rights standards. They can however, now appeal their sentences at the Supreme Court of Uzbekistan.

On 28 November 2002, Tashkent City Court sentenced Iskandar Khudoberganov to death and passed heavy sentences on the other five men, ranging from six to sixteen years' imprisonment. The men were found guilty of charges including religious extremism and serious anti-state crimes, such as "attempting to overthrow the constitutional order" and "setting up an illegal group". There were strong indications that the convictions were largely based on evidence extracted under torture. Although the three men reported the torture in court, no investigation into the allegations was opened. Iskandar Khudoberganov reportedly signed a confession after he suffered various forms of torture, including beatings, kicking, sleep and food deprivation, as well as the threatened rape of his female relatives. The families of some of the defendants reported they had suffered torture, threats of torture and rape, and harassment to force them to incriminate their relatives.

The UN Human Rights Committee urged the Uzbek authorities at the end of November to put the execution of Iskandar Khudoberganov on hold for six months while they considered the case. Since the beginning of 2002, however, two death row prisoners have reportedly been executed despite similar interventions by the Human Rights Committee.

The six men are currently kept in Tashkent City prison. Iskandar Khudoberganov's sister Dilobar Khudoberganova told Amnesty International on 28 January: "Iskandar is in the basement of Tashkent City prison, in one of the death row cells. We tried to pass on to him food and some clothes because it is extremely cold in that basement, but the prison guards refused."

#### **BACKGROUND INFORMATION**

The UN Special Rapporteur on torture, who visited Uzbekistan in November and December 2002, declared at the end of his visit that torture was "systematic" in Uzbekistan and that "many confessions obtained through torture and other illegal means were then used as evidence in trials, [including] in trials that are leading to the death penalty or to very severe punishment".

In June 2002, after examining Uzbekistan's second periodic report under the UN Convention against Torture, the Committee against Torture expressed serious concerns about the "numerous, ongoing and consistent allegations of particularly brutal acts of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement personnel". It also criticized the heavy reliance on confessions, unacceptable prison conditions, and the inadequate access for detainees to a lawyer, a doctor of their own choice and family members. It regarded the judiciary as insufficiently independent and said the way the procuracy functioned gave rise to serious doubts about its objectivity.

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

- expressing concern that Iskandar Khudoberganov's death sentence was upheld by the Presidium of Tashkent City court on 28 January 2003;
- urging the President to commute Iskandar Khudoberganov's death sentence;
- expressing concern that the trial at Tashkent City court on 28 November that passed the death sentence on Iskandar Khudoberganov and sentences ranging from six to sixteen years' imprisonment on his co-defendants failed to meet international fair trial standards;
- urging that in the light of this the sentences be reviewed;
- expressing concern that allegations made by Iskandar Khudoberganov, Bekzod Kasymbekov and Nosirkhon Khakimov that they were tortured to force them to 'confess' were ignored by the court;
- urging the authorities to open thorough and impartial investigations into the torture allegations, with the findings made public and those responsible for human rights violations to be brought to justice.

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

President of Uzbekistan

Islam Abduganiyevich KARIMOV

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**Telegrams:** Prezidentu Karimovu, 700163 Tashkent, Uzbekistan

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

**E mails:** presidents\_office@press service.uz (if your e mail bounces back, please fax it if possible)

**Salutation:** Dear President Karimov

Minister of Foreign Affairs

Abdulaziz Khafizovich KOMILOV

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakilik, 5; Ministerstvo inostrannykh del RU; Ministru KOMILOVU A.Kh., UZBEKISTAN

**Fax:** + 998 71 139 15 17

**Salutation:** Dear Minister

**COPIES TO:**

Parliamentary Commissioner for Human Rights

Sayora RASHIDOVA

Respublika Uzbekistan; 700035 g. Tashkent; ul. Xalqlar Dostligi, 1; Oliy Majlis RU; Upolnomochennoy po pravam cheloveka pri Oliy Majlis; RASHIDOVY S., UZBEKISTAN

**E mail:** ombudsman@uzpak.uz / office@ombudsman.gov.uz

**Salutation:** Dear Ms Rashidova

Chairman of the Supreme Court of the Republic of Uzbekistan

Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan; Predsedatelyu ISMETOVU I

**Telegrams:** Predsedatelyu Verkhovnogo Suda, Ismetovu; 700183 Tashkent; Uzbekistan

**Salutation:** Dear Chairman

and to diplomatic representatives of Uzbekistan accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 11 March 2003.