

PUBLIC

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20 June 2003

**Further Information on UA 276/02 (EUR 62/012/2002, 4 September 2002) and follow-ups (EUR 62/016/2002, 20 November 2002; EUR 62/017/2002, 28 November 2002; EUR 62/002/2003, 28 January 2003) - Death Penalty/Torture and ill-treatment/unfair trial New concerns: Fear of imminent execution/intimidation**

**UZBEKISTAN**

**Iskander Khudoberganov (m), aged 29  
Bekzod Kasymbekov (m), aged 27  
Nosirkhon Khakimov (m), aged 28**

**New names:**

**Iskander Khudoberganov's family**

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Iskander Khudoberganov could be executed at any time after his appeal against his death sentence was turned down by the Court of Appeals of the Supreme Court of Uzbekistan on 29 April. He was sentenced to death in November 2002, after a trial which grossly violated human rights standards. Two other defendants in the case, Bekzod Kasymbekov and Nosirkhon Khakimov, were sentenced to prison terms.

The United Nations Human Rights Committee (HRC) has intervened in the case of Iskander Khudoberganov, and has urged the government of Uzbekistan to stay the execution of Iskander Khudoberganov while the HRC considers the case. However, there are strong indications that three other men were executed in May 2003, despite the intervention of the HRC. These executions would be the first since the UN Special Rapporteur on Torture raised concerns about Uzbekistan's handling of interventions from the HRC. In his February 2003 report on Uzbekistan, the Special Rapporteur addressed the authorities' failure to consider communications on individual cases by the HRC and expressed "[serious concern] at what appears to be a lack of appropriate consideration of, and action in relation to requests on behalf of individuals at risk of torture or even execution[...]"

Amnesty International has learned that Iskander Khudoberganov's family is facing continued harassment from members of the Uzbek National Security Service (SNB). His father was told by a member of the SNB that his other two children would end in prison as well if the family did not stop their protest against the death sentence of their son. The SNB has also reportedly followed Iskander Khudoberganov's sister Dilobar Khudoberganova, who is an active member of the human rights organization *Mothers against the death penalty and torture* in Uzbekistan. Members of the SNB have slandered her publicly and attempts to prevent her carrying out her legitimate human rights activities have increased since the annual meeting of the European Bank for Reconstruction and Development in Tashkent in May 2003, at which she spoke about human rights violations in Uzbekistan. Dilobar Khudoberganova told Amnesty International that when she saw her brother for the first time in prison, she could not recognize him at first, as his black hair had turned completely white. She believes this to be caused by the torture he was subjected to in detention.

## **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".

By ratifying the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) Uzbekistan gave authority to the HRC to receive individual complaints and review allegations of violations under provisions of the Covenant. According to rule 86 of the HRC's rules of procedure, a State party to the

Optional Protocol may be asked to take necessary steps to prevent irreparable damage, such as a stay of execution, while the request is being considered by the HRC.

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

- expressing concern at reports that three men were executed in Uzbekistan in May 2003 despite the UN Human Rights Committee (HRC) intervening in their case;
- urging the authorities to ensure a stay of execution for Iskander Khudoberganov while the HRC considers his case;
- calling on the authorities to investigate the allegations of torture and ill-treatment of Iskander Khudoberganov and bring to justice anyone found responsible of such human rights violations;
- expressing concern at reports that the family of Iskander Khudoberganov has been harassed by members of the SNB, and calling for an impartial investigation into these allegations of harassment, with the results made public and those found to be responsible brought to justice;
- calling on the authorities to ensure full cooperation with the HRC, in accordance with the terms of the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

**APPEALS TO:**

President of Uzbekistan

Islam Abduganiyevich KARIMOV

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**Prezidentu RU; KARIMOVU I.A.")**

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

**Salutation: Dear President Karimov**

Minister of Foreign Affairs

Sodiq Solihovich Safoyev

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del RU; Ministru Safoyevu, S.S., UZBEKISTAN

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**Salutation: Dear Minister**

**COPIES TO:**

Parliamentary Commissioner for Human Rights

Sayora RASHIDOVA

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Chairman of the Supreme Court of the Republic of Uzbekistan

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

and to diplomatic representatives of Uzbekistan accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**