

Uzbekistan

Andizhan - Impunity Must Not Prevail

Introduction

“Do not interfere in our affairs, not 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”

(President Karimov addressing Western countries, whom he accused of trying to discredit Uzbekistan, at a joint press conference during the state visit of President Nursultan Nazarbaev of Kazakhstan on 20 March 2006, Reuters)

In September 2005 Amnesty International published a 48-page report entitled: *Uzbekistan: Lifting the siege on the truth about Andizhan* (AI Index: EUR 62/021/2005) outlining its concerns about the tragic events in the eastern city of Andizhan in May that year when security forces fired indiscriminately into crowds of mostly unarmed civilian protesters while they were gathered in the centre of the city, and as they fled, killing hundreds of people, including women and children, and calling for an independent international investigation. This report summarizes Amnesty International’s continuing concerns in relation to the aftermath of the Andizhan events since the publication of the September report.

On the first anniversary of the Andizhan killings it has become increasingly clear that the siege on the truth about Andizhan has not been lifted. Indeed, as the words of President Karimov show, positions have become more entrenched in what the authorities and the official media in Uzbekistan have described as “an information war”. The authorities in Uzbekistan have 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. As the authorities have been consolidating their defences over the last year, fewer and fewer independent or dissenting voices have been able to find an outlet to express their opinion without fear of reprisal. With the introduction of tougher regulations for foreign media outlets, and the closure of several independent foreign media and international non-governmental organizations in Uzbekistan, it is becoming ever more difficult to get access to independent sources of information.

Human rights activists and local independent journalists have continued to face threats and harassment. Dozens were named in the indictments and verdicts in the first trial related to the Andizhan events, accused of conspiring with terrorists to overthrow the constitutional order of Uzbekistan. Several prominent human rights defenders, including Mutabar Tadzhibaeva and Saidzhakhon Zainabidinov, have been sentenced to long prison sentences for their alleged involvement in the Andizhan events after trials that fell far short of international fair trial standards. Amnesty International considers them prisoners of conscience.

Scores of people suspected of involvement in the Andizhan events have been sentenced to long prison terms, the vast majority in closed or secret trials, in violation of international fair trial standards. Most had been held incommunicado for several months in pre-trial detention. Only the names of the first 15 defendants to be put on trial were made public before the start of the trial. Amnesty International is concerned that the Uzbekistani authorities used this first trial to consolidate and validate their official version of the Andizhan events.

The Uzbekistani authorities have also continued to actively – and often successfully - seek the extradition of members or suspected members of banned Islamic parties or movements, such as Hizb-ut-Tahrir and Akramia, whom they accuse of participation in the Andizhan events, from neighbouring countries as well as Russia and Ukraine. Most of the men forcibly returned to Uzbekistan continue to be held in incommunicado detention, thus increasing fears that they are at risk of being tortured or otherwise ill-treated.

Although in December 2005 the trial began of 36 law enforcement officers and military personnel charged with negligence in connection with the Andizhan events, no members of the security forces responsible for human rights abuses have been brought to justice.

A year on from the tragic events in Andizhan Amnesty International believes that the need for an impartial, thorough and independent international investigation into the circumstances surrounding the events on 12-13 May 2005 remains as pertinent and pressing as ever in order to determine the truth of these disputed events and to ensure reparation, including redress, for all the victims of the human rights abuses perpetrated on those days. They must not be forgotten. Impunity must not prevail. The siege on the truth must be lifted.

Unfair trials of 13 May suspects

Hundreds of people suspected of involvement in the 13 May events were detained, and many were allegedly ill-treated or tortured. In June 2005, the Prosecutor General said that 102 detainees had been charged. The charges included “terrorism” and premeditated, aggravated murder – capital offences – as well as attempting to overthrow the constitutional order and organizing mass disturbances. Following unfair trials, at least 78 people were convicted of “terrorist” offences and sentenced to between 12 and 22 years’ imprisonment for their alleged participation in the unrest as of December 2005.

The first trial, of 15 defendants -- including Tavakkal Gadzhiev, who had been forcibly returned from Kyrgyzstan on 9 June -- opened on 20 September 2005 before the Supreme Court in Tashkent. Access to the court was restricted and most relatives of the defendants, without notice of the trial, were not able to apply to attend. Only one local independent human rights organization was allowed to observe the trial – others were refused

access. The government refused a request by the UN High Commissioner for Human Rights to send observers; however, some diplomats and members of international organizations as well as journalists were allowed in. They were not allowed into the actual courtroom but were accommodated in two separate rooms with closed-circuit television links adjacent to the court room and were restricted to monitoring via the TV screen, which, according to some observers, often focused only on the face of the person talking. Observers from the OSCE managed to negotiate the right to be present in the main court room. The defendants pleaded guilty to charges of “terrorism” and asked for forgiveness, but there were concerns that their confessions, which closely followed the wording of the charges, had been extracted under duress. All were presumed guilty before the trial. Most had been held incommunicado and none was granted adequate access to a lawyer of his choice in pre-trial detention. There was no cross-examination of defendants or witnesses, and contradictions in the testimonies were not addressed. No witnesses for the defence were called to testify. The only witness for the prosecution among the 103 summoned, Markhuba Zokirova, who told the court she had seen the security forces firing indiscriminately at mostly unarmed civilians, including women and children, even as they ran for safety, asked the prosecutor whether she would be arrested for telling the truth. National newspapers subsequently denounced her as a traitor and accomplice to terrorists. On 14 November the 15 defendants were sentenced to terms of imprisonment ranging from 14 to 20 years. The UN High Commissioner for Human Rights together with UN special rapporteurs and the EU expressed serious concerns about the conduct of the trial.

At least four more trials started in November; they were not held in accordance with international fair trial standards. Most detainees were believed to have been held incommunicado before the trial and denied access to lawyers of their choice, relatives or medical assistance. The identity of the defendants, the charges against them, and the dates and locations of their trials were not disclosed to their relatives. International observers, human rights activists and families were denied access to all four trials, which were closed and held in different locations outside Tashkent. In early December 63 defendants were sentenced to terms of imprisonment from 12 to 22 years.

Extradition requests and forcible returns

The Uzbekistani authorities have 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 accuse of participation in the Andizhan events, from neighbouring countries as well as Russia and Ukraine. Most of the men forcibly returned to Uzbekistan continue to be held in incommunicado detention, thus increasing their risk of being tortured or otherwise ill-treated. Over the years Amnesty International has documented many cases of people forcibly returned or extradited to Uzbekistan at the request of the Uzbekistani authorities who were tortured to extract “confessions”, sentenced to death after unfair trials and executed. The organization is concerned that the governments mentioned below are cooperating with

Uzbekistan in the name of regional security and the “war on terror” in disregard of their obligations under international law, including the UN 1951 Refugee Convention, the UN Convention against Torture and the European Convention for the Protection of Human Rights and Fundamental Freedoms which prohibit the return of anyone to a country or territory where they would be at risk of serious human rights violations, including torture.

Russian Federation

Russian law enforcement officers detained 14 ethnic Uzbek men in Ivanovo in the Russian Federation on 18 June 2005, allegedly for swearing and refusing to show their identity documents. The Uzbekistani authorities requested their extradition for involvement in the 13 May events, supporting Akramia, and financing “terrorist” activities. All the men 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. He subsequently left the Russian Federation, out of fear of being abducted by Uzbekistani security services, for Ukraine where he applied to the UNHCR for protection and refugee status. The other 13, a Kyrgyzstani national and 12 Uzbekistani nationals, applied for asylum in the Russian Federation in August 2005 but were still in custody as of March 2006.

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 the Federal Security Service (FSB) of the Russian Federation 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.

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 have been held in incommunicado detention since their forcible return.

The Uzbekistani authorities reportedly issued extradition warrants for the 11 men on the grounds that they allegedly participated in the Andizhan events. On 7 February the Security Service of Ukraine (SBU) 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 has relatives in Ukraine.

Nine of the 11 men were registered asylum-seekers while the remaining two had not applied for asylum in Ukraine but had expressed their intention to do so. Between 7-14 February, the United Nations High Commissioner for Refugees (UNHCR) contacted the Ukrainian authorities “requesting official guarantees that no asylum-seeker would be forcibly returned unless they had been determined not to be a refugee, after going through full and fair asylum procedures, including the right to appeal”. However, the Migration Service of Crimea rejected their asylum applications on the basis that they were considered to be “manifestly unfounded”. They were not given the right to appeal and faced immediate forcible return. The remaining one was returned without being given the opportunity to apply for asylum.

Kazakstan

Nine Uzbekistani nationals, including four registered asylum-seekers, were forcibly returned from Kazakstan to Uzbekistan early in the morning of 29 November 2005, in contravention of Kazakstan's obligations under international law.

The men were detained by the National Security Committee of Kazakstan, the security services, in the city of Shymkent, Kazakstan on 24 and 27 November, and were held incommunicado until they were returned to Uzbekistan. The Kazakstani authorities denied that they had detained the men and instead claimed that they had been detained by Uzbekistani law enforcement officers on Uzbekistani territory across the border during an operation conducted between 28 November and 2 December. Four were allegedly wanted by the Uzbekistani authorities for “participation in a banned religious organization”.

The nine men were detained at various places in Uzbekistan and considered to be at risk of torture or other ill-treatment. According to reports, only two of the nine men were initially given access to lawyers. They were Alizhon Mirganiev, who was being held at the Ministry of Internal Affairs (MVD) pre-trial detention centre in Tashkent, and Sharofuddin Latipov, who was being held at the National Security Service (SNB) building in Tashkent. It was not known where the other detainees were being held. On 12 April Sharafuddin Latipov and Nozim Rakhmonov were sentenced to six years in prison by a court in Tashkent after a closed trial.

UNHCR

On 20 March 2006 the Uzbekistani authorities gave the office of the UN High Commissioner for Refugees (UNHCR) in Uzbekistan four weeks to leave the country, noting that the UNHCR had “fully implemented its tasks and there are no evident reasons for its further presence in Uzbekistan”. In April the 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 the 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.

Silencing independent voices

The May events in Andizhan continued to be used as a pretext for tightening restrictions on freedom of expression in the name of national security and the “war on terror”. Civil society activists, including human rights activists and journalists who had tried to publicize the 13 May events continued to be threatened, assaulted, detained and forcibly confined to their homes. Some human rights defenders were convicted on serious criminal charges after unfair trials and sentenced to long prison terms. The authorities and the official media stepped up their campaign of denouncing as traitors and hypocrites those who questioned the official version of events and increasingly targeted foreign news outlets. 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”.

Prisoners of conscience

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 current whereabouts are unknown. Saidzhakhon Zainabitdinov, the chairperson of the independent human rights group Appelliatsia (Appeal), based in the city of Andizhan was arrested on 21 May and detained as a prisoner of conscience. 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. Amnesty International continues to call for his immediate and unconditional release.

In August, Nosir Zokirov, a correspondent for *RFE/RL's Uzbek Service* based in Namangan, was sentenced to six months' imprisonment for allegedly insulting a security officer. Nosir Zokirov was summoned to court in Namangan on 26 August. Reportedly, Nosir Zokirov was tried without the presence of a defence counsel or the examination of witnesses and was sent directly to prison following his conviction under Article 140 of the criminal code for insulting a member of the security forces. He was released in February 2006.

Mutabar Tadzhibaeva, chairwoman of the human rights organization Fiery Hearts Club, based in Ferghana City, and one of the founders of the national movement Civil Society, was detained on 7 October. She was due to attend an international conference on human rights defenders in Dublin on 8 October. She was scheduled to fly to Tashkent on the evening of her arrest to catch a flight to Ireland. Mutabar Tadzhibaeva had come under increasing pressure from the authorities for her human rights activities. On 22 September, she gave an interview to *Radio Ozodlik* in which she spoke out about the government's crackdown on human rights activities since the Andizhan events and the above-mentioned trial of 15 defendants. Several of the 15 defendants had accused her of being involved in the uprising. She was also mentioned by name in the indictments of the 15 defendants. The authorities also reportedly spread a rumour that a criminal case had been filed against her for supporting members of Akramia.

She was sentenced to eight years in prison on economic and political charges by a court in Tashkent on 6 March 2006. Amnesty International continues to call for her immediate and unconditional release.

On 12 January 2006 Dilmurod Muhiddinov, a human rights activist from 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.

Harassment of human rights activists and independent journalists

Independent journalist, Aleksei Volosevich, was in Andizhan on 13 May and reported the events on the main independent Russian language website *www.ferghana.ru*. He also reported on the above-mentioned trial of the 15 men charged with organizing the Andizhan events.

Aleksei Volosevich was reportedly named and accused of treason against the state in an article which was published on 25 May in the main national, governmental newspaper *Pravda Vostoka*, under the title "In defence of the sovereignty of the Uzbekistani people". On 9 November, he was attacked by five unknown men who knocked him to the ground and poured several buckets of green indelible paint on him. The entrance and the door to his apartment were also splashed with paint, and derogatory words directed at Aleksei Volosevich were written on them.

On 27 August Elena Urlaeva, a human rights activist and member of the unregistered secular opposition political party, Free Peasants (Ozod Dekhonlar), was detained by police officers as she was putting up leaflets with a political cartoon in Tashkent. She was charged with desecrating state symbols, under Article 215 of the Criminal Code. Although the Article does not envisage a psychiatric evaluation of the accused, Elena Urlaeva was nevertheless taken by police to the Psychiatric Hospital in Tashkent for a psychiatric evaluation which on 20 September established her state as "healthy, sane, and adequate". On 23 September, Elena Urlaeva was transferred to the Republican Psychiatric Hospital for a second examination that established her mentally ill and in need of medical treatment. She was released at the end of October.

Pressure on international media and non-governmental organizations

In October 2005, the *BBC* decided to close its Uzbekistan office, located in Tashkent, and withdraw its local staff for at least six months due to security concerns, following increased harassment of its staff by the authorities. Individual members of staff, including international staff, had been accused by the authorities of complicity in the Andizhan events. They were named as accessories to a crime in the indictments of the first 15 defendants to go on trial. In December 2005, the Ministry of Foreign Affairs refused to renew the accreditation of *Radio Free Europe/Radio Liberty's (RFE/RL) Uzbek Service*, also based in Tashkent. 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 make it illegal for Uzbekistani citizens to work for or contribute to publications by foreign media outlets unless they are accredited journalists. Foreign journalists will have their accreditation withdrawn if their reporting is found to be "interfering in domestic affairs" and "insulting the honour and dignity of citizens of Uzbekistan". On 16 March the Ministry of Foreign Affairs revoked the accreditation of a local correspondent of *Deutsche Welle* for allegedly filing a false report about a fatal bus accident in Bukhara region.

In February 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).

Failure to heed international calls for an independent international investigation

In response to Uzbekistan's continued refusal to allow an independent international investigation into the May killings in Andizhan, in November 2005 the European Union (EU) announced an embargo on EU arms sales and military transfers to Uzbekistan, and a one-year visa ban on 12 senior government ministers and officials. However the Minister of Internal Affairs, Zokir Almatov, was granted an exception on humanitarian grounds to receive medical treatment in Germany. Zokir Almatov left Germany in December, following calls from the UN Special Rapporteur on torture, human rights organizations and relatives of the victims for Germany to prosecute him. On 5 December, the German section of Amnesty International had called on the German Federal Prosecutor to investigate allegations of the involvement of Zokir Almatov in "systematic torture of prisoners in Uzbekistan" as well as his involvement in the "mass killings in Andizhan in May 2005" and, if necessary, issue a warrant for his arrest while he was in Germany. Zokir Almatov, however, left Germany before a decision by the Federal Prosecution Service had been taken. Following his return to Uzbekistan, the latter resigned from his post as Minister of Internal Affairs on grounds of ill-health. In March 2006 the Federal Prosecutor decided not to open a criminal case against Zokir Almatov.

In December 2005 the UN General Assembly adopted a resolution put forward by the EU expressing deep regret over Uzbekistan's refusal to allow an international investigation and urging the authorities to stop their "harassment and detention of eyewitnesses".

The authorities in Uzbekistan in turn banned European members of the North Atlantic Treaty Organization (NATO) from using Uzbekistan's airspace and requested that all countries withdraw their troops from Termez airbase, apart from Germany. In November 2005 the US military completed its withdrawal from Khanabad airbase, as also requested by the Uzbekistani authorities. The airbase had been leased since October 2001 as part of the US-led "war on terror".

On 14 November the government signed a mutual defence agreement with the Russian Federation that would allow Russian use of military facilities in Uzbekistan. Russia and China have continued to give full support to Uzbekistan in the face of international criticism of the Uzbekistani authorities' refusal to allow and cooperate with an independent international investigation.

On 15 March the World Bank announced that it was suspending new lending to Uzbekistan. This announcement provoked an angry reaction and strong words from President Karimov who accused the Bank of taking part in a "shameless information war" against Uzbekistan.

Recommendations

To the authorities in Uzbekistan:

Amnesty International calls upon the authorities of Uzbekistan to:

- allow a thorough, independent and impartial international investigation into the full circumstances of events in Andizhan on 12-13 May 2005;
- to ensure that all trials, including those of people charged in connection with the events of 12-13 May, scrupulously observe international standards protecting the right to a fair trial;
- to ensure that no statements obtained as a result of torture or other ill-treatment are proffered as evidence in any trial proceedings, except against a person accused of such torture or other ill-treatment as evidence that the statement was made;
- ensure that all people deprived of their liberty are informed promptly of the reasons for their detention, any charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to their relatives and an independent medical practitioner;
- release prisoners of conscience Saidzhakhon Zainabidinov, Mutabar Tadzhibaeva, Dilmurod Muhiddinov and others who have been charged with criminal offences solely for reporting human rights violations;
- condemn the use of torture and other ill-treatment and ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment.

To the international community:

Amnesty International calls on the member states of the United Nations, the European Union and its Member States and the OSCE institutions and Participating States to:

- continue to call for a thorough, independent and impartial international investigation into the events in Andizhan;

Amnesty International calls on the Human Rights Council, the successor body of the UN Commission on Human Rights, to:

- establish a Special Rapporteur on Uzbekistan who is mandated to receive and investigate allegations of human rights violations and to submit public biannual reports on such human rights violations;

Amnesty International also calls on all member states of the United Nations to:

- ensure that no person suspected of involvement in the events in Andizhan is forcibly returned to Uzbekistan.