

Fact Sheet: Human Rights Developments in Uzbekistan from July to October 2003

Monitoring of the EBRD Human Rights Benchmarks

In July 2003, Human Rights Watch published a bulletin on human rights developments in Uzbekistan since the May 2003 annual meeting of the European Bank for Reconstruction and Development (EBRD) in Tashkent. This fact sheet provides an update on developments from July through October, with a forward view to the Bank's review of its Uzbekistan country strategy scheduled for March 2004.

In the past four months, the human rights situation in Uzbekistan has been marked by government persecution aimed at silencing the political opposition and civil activists, and the government's continuing, repressive campaign against independent Muslims. Although in a positive move, four human rights defenders were released from prison, the authorities imprisoned another defender on what appear to be politically motivated charges; his legal representative was kidnapped and severely beaten. The government has brought criminal charges against two other defenders. Below is a more detailed description of these developments, organized according to the three human rights benchmarks set by the EBRD in its March 2003 country strategy for Uzbekistan.

1. Greater political openness and freedom of the media

Opposition parties and movements

The Uzbek government increased persecution of members of the opposition Erk Democratic Party, as they tried to reactivate the party in preparation for parliamentary elections, scheduled for December 2004. Erk eventually managed to hold a party congress on October 22, after being forced to delay it several times due to government pressure. In the lead-up to the meeting, members were beaten, detained, and imprisoned.

On August 18, two masked men broke into the home of Tashpulat Yuldashev, an Erk member responsible for writing the party's platform. They beat Yuldashev, causing a concussion and bruising, including a black eye. Yuldashev told Human Rights Watch that after that incident he and others closely associated with him were summoned for police questioning about his political activities on several occasions and that he was under constant surveillance.

In August, tax police in Bukhara launched an investigation into the business dealings of Nasrullo Saidov, the head of Erk in that city. Launched two weeks before Saidov was to hold a regional Erk conference, the timing of the investigation suggests it was intended to dissuade him from holding the meeting. The conference was cancelled as a result of the investigation and Saidov is now facing criminal charges that have arisen from it.

On October 13, police detained two Erk members, Oigul Mamatova and Abduhashim Gaforov, at a checkpoint as they were traveling in a car. They had several boxes of books and other Erk

materials that were intended for the upcoming congress. Police confiscated the materials and later searched the houses of Mamatova and Gaforov and confiscated more books, a computer, grant money received from international donors, Erk files and other archives on human rights cases. Police took Mamatova and Gaforov to the Sobir Rahimov district police station in Tashkent and held them for approximately sixteen hours. After Mamatova's release, she reported being under constant surveillance until after the October 22 Erk congress.

In the morning on October 15, Erk members held a demonstration outside of the Procurator General's office to protest the confiscation of their materials two days earlier. Fourteen of them then decided to march to the Sobir Rahimov police station to demand the return of their materials. As they were walking on the footpath, police detained the fourteen Erk members and took them to the Mirzo-Ulugbek district police station in Tashkent. Police charged them under the Administrative Code with holding an unsanctioned protest (article 201). Trials were held in the evening and most people were released with an official warning, one member was fined. Tashpulat Yuldashev and Abduhashim Gaforov were additionally charged with resisting the police, and sentenced to five days in prison.

Atanazar Arifov, the General Secretary of Erk, told Human Rights Watch that the police telephoned him on several occasions and warned him not to attend the regional Erk conferences that were held in the lead-up to the congress in Tashkent, and that his house was under constant surveillance. Another Erk member, also from Tashkent, told Human Rights Watch that his son was threatened with criminal charges as a warning to his father to stop his political activity.

Relatives of an Erk member were also harassed in the lead-up to the congress, after making public their concerns about the fate of their family member who appears to have "disappeared" in custody. On March 23, 2003, police in Chirchik arrested Hasan Kambarov, an Erk member who was active in the youth wing of the party, and held him incommunicado until May 14. According to Kambarov's relatives, he was tortured in custody using methods that included electric shock and suffocation. Police questioned him about his political activities and asked him to name other Erk members. Police reportedly detained him again on May 22, but they and other authorities denied he is in their custody. Kambarov's relatives received no news of him until July 15, when a man told them that he had spent several days in a Chirchik police cell with Kambarov in July and that Kambarov appeared to have been beaten. The authorities continued to deny that he was in their custody.

In the lead-up to the Erk congress relatives made public their concerns about Kambarov's fate; subsequently the family became the target of further police harassment. On October 1, police came four times to the family home asking for Kambarov's brother. On that day the family received numerous anonymous telephone calls, threatening to arrest Kambarov's brother and wife. On October 16, a group of unidentified men forcefully took Kambarov's wife from her home to a flat in Chirchik, where they beat her and questioned her about her husband. She suffered leg injuries and bruising.

The other major opposition group, Birlik, submitted an application for registration on September 22, 2003. On October 28 the Ministry of Justice informed the group that their application had been rejected, but did not provide Birlik with the grounds for the rejection.

Media

There was no significant change in the functioning of the media during this period, which continued to be subjected to heavy state control.

On September 29, Uzbek Television first channel broadcast a news item about improvements in prison conditions and how the Uzbek prison system complies with international human rights norms. An international expert was quoted in support of these claims. When Human Rights Watch checked with the expert, she denied having made the statement, and said that she had been misquoted.

In October, a local journalist for a national television station attempted to compile critical material to look at the issue of mahalla (neighborhood) committees and their failure to protect citizen's rights. She included a reference to a Human Rights Watch report on mahalla committees' involvement in human rights abuses and an interview with a local who was critical of the mahalla committee system. The editors cut this critical material from the program before broadcasting it.

2. Registration and free functioning of independent civil society groups

Registration of NGOs

No independent local human rights organizations were registered during this period.

The group Mothers Against the Death Penalty and Torture unsuccessfully applied for registration in 2002. Officials from the Ministry of Justice, the body responsible for reviewing such applications, told the head of the organization that they would not register a group with that name. At the end of January 2003, the group again applied for registration, but under a different name, Mothers against Crimes against the Individual. The Ministry of Justice is obliged by law to inform an applicant of its decision within two months of the date of the application. But as of October 23, the group had received no answer from the Ministry of Justice.

Another nongovernmental group, Mazlum, applied for registration on August 2, 2003. However, by October 2 the Ministry had not informed the members of the group about its decision. The group then filed a new application and called the Ministry in mid-October to inquire about its status. The Ministry replied that the applicants must wait a further two months for a response.

Imprisoned human rights defenders

In a positive development, four human rights activists, all from the Human Rights Society of Uzbekistan, were released from prison. But persecution of this group continued during this period, indicating that the government has not changed its hostile policy towards human rights defenders in Uzbekistan.

On July 22, the authorities released Norpulat Rajabov and Musurmonkul Khamraev, both members of the HRSU, from a prison in Karshi. On August 26, the authorities released Jura Muradov, also a member of the HRSU, from the same prison. They had been in custody since September 16, 2002. According to the HRSU, prior to their release, a high-level official from the

prison authority had come from Tashkent and forced all three to sign a statement alleging that the head of the HRSU, Tolib Yakubov, had asked their families for money to organize protests in support of the release of the three HRSU members. HRSU had carried out a series of such protests, most notably in the lead-up to and during the May 2003 EBRD annual meeting in Tashkent.

On October 4, Tursunbai Utamuratov, head of the Karakalpakstan section of HRSU, was released from a prison in Tavaksai. He spent thirteen months in custody on what HRSU believes to be politically motivated charges.

On August 13 at a closed trial, the Mirzo-Ulugbek District Court in Tashkent convicted Ruslan Sharipov, a human rights activist and independent journalist, on charges of consensual homosexual acts, involving minors in anti-social activity and sex with a minor. After steadfastly protesting his innocence, days before the verdict Sharipov fired his lawyers and asked for his mother-- the only observer from the defense side allowed to witness the proceedings--to be excluded from the court. He pleaded guilty to all charges against him, offered to publicly beg for forgiveness of President Islam Karimov, the minister of interior, and local police, and retracted all Internet news articles critical of the government that he had written from 2001 to 2003. The court sentenced him to five and a half years in prison.

In a letter smuggled out of prison on September 5, Sharipov described how the police had tortured him to force him to plead guilty, through the use of torture. He stated that police officers placed a gas mask over his head, sprayed an unknown substance into his throat, and injected an unknown substance into his veins. He also said that police had threatened to inject him with the HIV/AIDS virus, and forced him to write his own suicide note. He further stated that other officials threatened physical harassment of his lawyers if he did not dismiss them, and demanded that he ask pardon of the government for spreading "disinformation" about it.

At a closed hearing on September 25, Sharipov's appeal was heard at the Tashkent City Court and his sentence was reduced to four years. The court dropped the charge of involving minors in anti-social behavior, but upheld the other charges. Sharipov arrived at the courthouse with a swollen eye, an injury above the eye, and broken glasses. The authorities claimed that the vehicle he was traveling in was involved in a minor accident on the way to court. He was the only person injured. Sharipov is now serving his term in Tavaksai prison.

Incidents of violence and harassment against human rights defenders

On August 28, shortly after Ruslan Sharipov consented to have Surat Ikramov of the Independent Group for Human Rights Defenders as his public defender to prepare an appeal, Ikramov was kidnapped and beaten. At about 10.30 a.m. Ikramov was driving his car, when a man flagged him down and asked for a lift. When he pulled over, four men in black masks and camouflaged uniforms opened the doors of Ikramov's car, placed a plastic bag on his head, tied his arms and legs, and put him in their car. The men beat Ikramov in the back of the car and repeatedly restricted his air supply by tightening a belt around his neck to close the plastic bag over his head. The men drove Ikramov to the outskirts of Tashkent, where they demanded money from him, continued the beating, and then left him by the Chirchik River. Ikramov lost

consciousness and only in the early evening was able to get help. Medical staff who later examined him confirmed that Ikramov had two broken ribs and a concussion.

Ikramov had been receiving anonymous threatening telephone calls every few days prior to the attack. Ikramov and Sharipov both believe that the attack was in response to Ikramov's vigorous defense in Sharipov's case.

Uzbek authorities continued to pursue an attempt through the courts to have Elena Urlaeva, a member of the HRSU, declared "legally incompetent." Medical evidence presented in court in September and October claimed that she was "mentally unbalanced" because she made too many complaints to the authorities, some of which were unfounded. At the time of writing the case was on-going.

On August 28, the Andijan Province Court pressed criminal defamation charges against a human rights defender, Saidjahon Zainabidinov, in relation to an article that he wrote on police corruption. At the time of writing no trial date had been set.

Although a few small groups were able to carry out some peaceful protests, there were still serious violations of the right to freedom of association.

In one case, documented by Human Rights Watch in July, the wife of a religious prisoner came to Tashkent from another region of Uzbekistan at the end of May to request permission from the central prison authorities to visit with her husband. When she arrived at the government office during their reception hours, she found other relatives of religious prisoners protesting the conditions in which the prisoners were held. She became involved in the protest and was detained along with the other women. The police released her later that day. About three days later in the early morning, two police officers came to her house and demanded that she go with them. They took her to the office of the deputy head of the regional police station. He began to shout at her for having attended the protest in Tashkent. He pulled off her headscarf, began to strangle her with his hands and then beat her with a baton. He threatened to send police officers to her house to rape her at night, and then, pulling off his trousers threatened to rape her in the office. He then put her in the mid-day summer sun, where he made her stand for approximately thirteen hours with nothing to drink or eat. He warned her to stay at home, not to go to Tashkent or attend protests, and then released her. Witnesses reported that she was bruised, had severe neck injuries and was unable to talk for several days after the attack.

On August 20, a group of women beat Mutabar Tajibaeva, the organizer of a protest in Fergana City, and the other participants in the protest. Tajibaeva was hospitalized for a week. She had neck injuries from attempted strangulation, a concussion, and bruising. She had been demanding the resignation of a regional prosecutor and other officials, and believes that the authorities arranged for her beating. One of the other participants in the protest, Mavjuda Atakulova, was arrested on October 9, and is now facing charges including hooliganism (article 277) and exceeding her authority as a government official (article 206). Atakulova is the head of a local mahalla (neighborhood) committee. She worked closely with Tajibaeva and was active in fighting against local police corruption in her mahalla. She remains in custody awaiting trial.

Local activists in Tashkent were completely blocked from carrying out protests prior to the September 1, Independence Day celebrations. Early in the morning of August 29, police came to the homes of several people intending to attend a protest that day against rights abuses, and effectively put them under house arrest by preventing them from leaving their homes for the day. Others who managed to get to the area near the parliament, where the protest was to be held, were detained, driven away in buses, and later released. One activist, Elena Urlaeva, was on her way to the protest when people who later said they were from the National Security Service stopped her car and forcefully dragged her from it, kicking her. They detained her for several hours and later released her.

After facing increasing government harassment, an Uzbek citizen, Azizulla Gaziev, the researcher for the International Crisis Group, decided to leave Uzbekistan. On August 27 the National Security Service had interrogated Gaziev for four hours and then released him, promising to continue with further interrogations the next day. He left the country on August 28.

3. Implementation of the recommendations of the U.N. Special Rapporteur on Torture

The Action Plan

On September 2, the Uzbek authorities met with members of the international community and some local NGOs to discuss a first draft of a National Action Plan to implement the recommendations of the U.N. Special Rapporteur on Torture. The government solicited written comments on the content of the plan, as a part of a process to improve the draft. There was a general consensus among international interlocutors involved in this process that the plan included too many seminars and conferences and not enough concrete action, and that the schedule allowed for unjustifiable delays for many of the recommendations. Many governments and organizations, including Human Rights Watch, submitted their written comments on the plan.

A second draft distributed to the international community in mid-October again emphasized seminars and conferences, proposed little concrete action, and had an overly delayed schedule. Some organizations that had submitted concrete suggestions, including Human Rights Watch, found that most of their substantive contributions were not reflected in the second draft.

A second meeting was convened on October 30 at which members of the international community expressed the hope that a final version of the Plan would be ready by November 15. Thus far, the government has not distributed the final version.

The process of drafting the National Action Plan to implement the Special Rapporteur's recommendations has been slow, and together with the weak content of the Plan at this stage, raises doubts about the government's will to make the necessary reforms.¹

¹ The National Action Plan includes promises to publicize widely the Plan and activities scheduled in the plan in a range of local media. Thus far the authorities have failed to carry out this promise, and in fact a series of recent reports that have appeared in the local media have denied that torture exists or is a problem in Uzbekistan (See, *Zerkalo* newspaper, Tashkent, October 9, 2003, p. 3, *Zerkalo*, Tashkent, October 30, 2003, and Uzbek Television first channel, Tashkent, 1430 gmt, September 29, 2003).

Recent cases of torture

Thus far, Human Rights Watch has found that the National Action Plan process has had no impact on the ground and that torture remains systematic and widespread. Following are just a few of the cases documented by Human Rights Watch during this period.

- On July 31, an appeal court confirmed the conviction of a sixteen-year-old-boy, failing to take into account torture allegations raised in the case. The judge rejected the defense lawyer's request that the boy be allowed to be present for the hearing and did not grant the lawyer access to full information about the case. In May, police officers arrested the boy, who wishes to remain anonymous, on charges of theft. While in custody, police and prison authorities beat him on the head and with rubber batons. At the first instance trial in June, the judge replied to the boy's testimony about the torture by merely saying that police do not beat detainees. After the trial, he was sent back to the same police station where the torture occurred, and police again beat him as punishment for having raised the torture allegations in court. He was convicted and sentenced to five years in prison. The appeal court upheld the original decision. He is now in a juvenile detention center, where he continues to be beaten and mistreated.
- In July, police in Tashkent arrested a young man accused of theft. Relatives who saw him shortly after his arrest said he had a black eye and complained that he was not feeling well. He later told his lawyer that police beat him in custody. In court he testified that police officers had tortured him with electric shocks and gas mask suffocation. The judge ignored his allegations of torture and found him guilty on all charges, sentencing him to six and a half years in prison.
- Torture allegations were raised by defendants and witnesses in seven trials that Human Rights Watch monitored, which involved forty-one men and women charged with non-violent offences connected to their practice of Islam outside of government controls. In one of the hearings, held in July, all eight witnesses against the defendant were themselves religious prisoners. They retracted their statements in court, stating that they were forced to write the incriminating testimony. One testified that he had been subjected to electric shocks, and another that he had been beaten. Two of the witnesses stated in court that they did not even know the defendant. The judge went on to convict the defendant and sentence him to seven years in jail. An appeal court upheld this decision.
- In another religious case in July in Tashkent, three defendants and one witness testified in court that they had been tortured. One of the defendants stated:

“...when I was coming back from work, police detained me and brought me to the [police station]. They started beating me. I couldn't handle the beating so I wrote the testimony. Everything I wrote was a lie... After all the beating and torture I didn't know what I wrote.”²

² Human Rights Watch unofficial transcript of the trial. Details of the trial and defendants are withheld to protect their security.

The judge ignored the allegation and sentenced the men to between nine and eleven years in jail.

Torture in prisons has also continued during this period:

- At the end of September 2003, guards at Navoi prison 64/29 beat “Sherzod S.” (a pseudonym) on the soles of his feet until he lost consciousness as a punishment for praying. When he regained consciousness, the authorities sent him to a punishment cell, warned him not to make a complaint, and tried to force him to bow in prayer to the deputy head of the prison. In a separate incident in the same prison, on September 19, guards beat four prisoners in front of many observers on the way out of the dining hall because they had spoken to religious prisoners there.
- On April 26, a guard at Karshi prison 64/49 put “Bakhrom B.” (a pseudonym) into a punishment cell and savagely beat him as punishment for praying. Bakhrom’s father told Human Rights Watch that he later complained to the United Nations Special Rapporteur on Torture about the incident. Apparently in response to this complaint, on September 12, prison authorities called Bakhrom to meet with the deputy head of the prison and a procurator. They forced him to sign a statement saying that he had not been beaten. Since then he has been subjected to further violent treatment.
- On October 14, religious prisoners in the notorious Jaslyk prison went on a hunger strike, demanding that law enforcement authorities stop harassing their families. Relatives of these prisoners reported to Human Rights Watch that men in black masks and with batons were flown into Jaslyk and beat at least twenty prisoners. Shortly thereafter, prison authorities told relatives that visits had been suspended and that Jaslyk prison was under quarantine for a month.
- At the end of October 2003, a group of religious prisoners at Karshi prison, 64/61, went on a hunger strike to protest the authorities’ refusal to allow them to fast for Ramadan. Prison guards placed forty of these prisoners in punishment cells and beat them.

Uzbek authorities also consistently refuse to investigate previous egregious cases of torture. For example, although there has been coordinated and sustained international pressure to allow an independent forensic expert to re-examine the body of Orif Eshanov, who died in May in pre-trial custody apparently from torture, the authorities continue to refuse permission. Similarly, there has been no further progress in investigating the circumstances surrounding the death in custody of Otamazar Gaforov, also in May 2003.

Finally, Human Rights Watch is concerned about the detention of the elderly mother of a torture victim who died in custody in August 2002, after apparently being submerged in boiling water. Fatima Mukadirova, the mother of Muzafar Avazov, was detained on October 19, 2003, after the police searched her house and allegedly discovered religious extremist materials that they claim belong to her. According to people close to the case, Mukadirova says that the materials are not hers. After her son’s death, prosecutors warned her not to give interviews. She ignored the threat and spoke to people about her son. Mukadirova had been detained briefly on previous occasions

on accusations related to Hizb ut-Tahrir. She remains in Tashkent prison, facing charges of anti-constitutional activities.