



Human Rights Watch

Concerns and Recommendations on Uzbekistan

Submitted to the UN Human Rights Committee
in advance of its Pre-Sessional Review of Uzbekistan
July 2014

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Uzbekistan, submitted to the United Nations Human Rights Committee ("the Committee") in advance of its pre-sessional review of Uzbekistan in July 2014. We hope it will inform the Committee's preparation for its upcoming review of the Uzbek government's compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant"). For additional information, please see Human Rights Watch Country page on Uzbekistan: <http://www.hrw.org/europecentral-asia/uzbekistan>.

Since the [Committee's last review of Uzbekistan in 2009](#), the government has failed to meaningfully improve its abysmal human rights record, including with respect to [torture, ill-treatment](#), religious persecution, repression of media freedom, and other areas of concern. The country is virtually closed to independent scrutiny. Freedom of expression is severely limited. Authorities continue to crack down on human rights activists, including those living in exile, and persecute religious believers who worship outside strict state controls. [The judiciary lacks independence](#) and the weak parliament does not effectively check executive power. Government-sponsored [forced labor of adults and children in the cotton sector](#) remains a key human rights concern.

Uzbekistan currently holds well over a dozen [human rights activists in prison](#) for no other reason than their peaceful civic activism. It also holds more than a dozen peaceful political opposition activists, journalists, and religious figures. Many of these individuals have been subjected to torture and ill-treatment or are in ill-health. The government has also imprisoned several thousands of mainly Muslim individuals who practice Islam outside strict state controls on vague and overly broad charges of "religious extremism."

On May 13, 2005, hundreds of mostly unarmed protesters fleeing a [demonstration in the city of Andijan](#) were killed by Uzbek government forces indiscriminately and without warning. The Uzbek

government continues to relentlessly persecute those it suspects of having ties to the protest and refuses to allow an international investigation.

The Uzbek government has systematically ignored requests for country visits by special procedures of the Human Rights Council. In March 2015 it will have been 13 years since the then-Special Rapporteur on Torture, Theo van Boven, visited Uzbekistan as the first and only special procedure to have been allowed into the country. Since then, the government has denied entry to no fewer than 11 special procedures. The government has also demonstrated its lack of commitment to cooperation through its continued failure to implement UN expert bodies' recommendations pertaining to torture and arbitrary detention. A more recent reflection of the Uzbek government's intransigence has been its approach to the [Universal Periodic Review process](#) in April 2013, which was characterized by a refusal to accept any real criticism of its human rights record, and even an outright denial of the existence of a number of well-documented problems.

Persecution of Human Rights and Other Peaceful Activists, and Repression of Civil Society Activism (Covenant articles 7, 9, 10, 14, 17, 19, 21, 22)

Human rights defenders and other peaceful civil society activists face the threat of government reprisal, including imprisonment and torture. The few who continue to engage in civic activism and report on abuses in the country face reprisals in the form of harassment, beatings, administrative and forced psychiatric detention, interrogations, threats, travel sanctions, and criminal cases. Some defenders have felt compelled to stop their work or flee the country, fearing persecution.

Uzbekistan has imprisoned more than a dozen human rights defenders and journalists on wrongful charges and has brought charges against others because of their legitimate human rights and journalistic work. Those currently serving prison sentences include: Solijon Abdurakhmanov, Azam Farmonov, Mehriniso Hamdamova, Zulhumor Hamdamova, Nuriddin Jumaniyazov, Isroiljon Kholdorov, Nosim Isakov, Gaybullo Jalilov, Matluba Kamilova, Ganikhon Mamatkhanov, Chuyan Mamatkulov, Zafarjon Rahimov, Yuldash Rasulov, Bobomurod Razzakov, Dilmurod Saidov, Fahriddin Tillaev, and Akzam Turgunov.

Other writers, peaceful opposition activists, religious figures and perceived government critics remain imprisoned on politically motivated charges following unfair trials, including: Muhammad Bekjanov, Botirbek Eshkuziev, Ruhiddin Fahriddinov, Hayrullo Hamidov, Bahrom Ibragimov, Murod Juraev, Davron Kabilov, Samandar Kukanov, Gayrat Mikhliboev, Davron Tojiev, Erkin Musaev, Yusuf Ruzimuradov, Kudratbek Rasulov, Rustam Usmanov, Ravshanbek Vafoev, and Akram Yuldashev.

Worryingly, credible reports that a number of imprisoned activists are suffering severe health problems as a result of poor conditions and ill-treatment in Uzbekistan's notoriously abusive prison system underscore the urgency of securing their immediate and unconditional release.

On January 17, 2013 Khorezm-based activist Valerii Nazarov appeared outside his home heavily drugged and unable to speak. He went missing on December 7, 2012, the day before he was to take part in an opposition rally marking the 20th anniversary of Uzbekistan's Constitution. Before going missing, Nazarov's house was surrounded by security services. Friends believe he was held in a mental hospital.

On February 5, 2013 25 men broke into the home of Fergana-based rights activist Nematjon Siddikov, beating him and his three sons. Days earlier Siddikov had alleged the involvement of officials in a smuggling ring along the Uzbek-Kyrgyz border. Although in the vicinity, police failed to protect Siddikov during the attack but intervened later to arrest him on charges of defamation and assault. In May, Siddikov and one of his sons were sentenced to six years' imprisonment. They were released under an amnesty declaration six months later.

In June 2013, authorities deported Kyrgyz rights defender Tolekan Ismailova when she arrived at the Tashkent airport. Also in June, Ergashbai Rahimov, an activist who had advocated for the release of imprisoned journalist Solijon Abdurakhmanov, was detained for over a month in Karakalpakstan on defamation charges.

On July 8, 2013 a court in Karshi fined rights defenders Elena Urlaeva, Malohat Eshonkulova, and others a total of US\$15,500 for staging a peaceful protest over the incommunicado detention of Hasan Choriev, father of the leader of Birdamlik, an opposition movement. Several women attacked Urlaeva and others moments before they began their protest outside the local office of the prosecutor general. Officials in the building did not stop the beating but later arrested the activists.

On August 23, 2013 a court in Jizzakh sentenced 75-year-old activist Turaboi Juraboev to five years in prison. Arrested in May of that year, Juraboev was found guilty of extortion despite the fact that three of the plaintiffs withdrew their complaints. Juraboev is known for his anti-corruption work. He was released under an amnesty proclamation several months later.

In July 2013, a Tashkent court sentenced in absentia France-based activist Nadejda Atayeva, her father, and her brother to six, seven, and nine years' imprisonment, respectively, on trumped-up charges of embezzlement. Prosecutors never informed Atayeva about the trial, which was held in secret.

On September 24, 2013 [Bobomurod Razzakov](#) was sentenced to four years imprisonment by the Bukhara City Criminal Court on fabricated charges of "human trafficking." In the month before his arrest, Razzakov told the media and local human rights groups that he came under increased pressure from the local security services in the Bukhara region over his human rights activities.

Authorities routinely target rights defenders already serving long prison sentences with additional punitive measures, such as accusing them of violating prison regulations to make them ineligible for the government's annual amnesty.

A Fergana-based human rights defender Ganikhon Mamatkhanov, instead of being released in March 2014 as was scheduled following a 5-year prison term, remains in jail as his sentence was extended. Mamatkhanov, along with other imprisoned human rights defenders such as Azam Farmonov and Nosim Isakov, was jailed as a part of the crackdown in the aftermath of Andijan. In another case, Isroiljon Kholdorov, the former chairperson of the Andijan branch of *Ezgulik*, the only registered human rights organization in the country, was imprisoned for six years in February 2007 for speaking to the international media about mass graves of protesters in and around Andijan. In 2012 Kholdorov was sentenced to an additional three years, ostensibly for such infractions as “not getting up when called” and refusing to lift a heavy object when asked to by a prison guard.

The Uzbek government has long obstructed the work of local and international nongovernmental organizations (NGOs) in the country, refusing to register local independent groups. There is only one active registered independent domestic human rights organization, and those operating without registration are even more vulnerable to government harassment. The government also continues to place undue restrictions on the operation of international NGOs, and has refused to allow any of the previously expelled foreign NGOs to return to the country.

In March 2011, the Uzbek government forced [Human Rights Watch to close its Tashkent office](#), and on June 9, the Supreme Court of Uzbekistan granted the Ministry of Justice's petition to liquidate Human Rights Watch's Tashkent office registration in a hearing that violated due process standards. The legal ruling followed years of Uzbek government obstruction of Human Rights Watch's access to the country, including through denial of visas and accreditation to Human Rights Watch staff.

- ***Human Rights Watch encourages the Committee to ask the government about the incidents of harassment, intimidation, arbitrary detention, and imprisonment of rights activists, journalists, peaceful opposition and religious figures, and other perceived government critics highlighted above, and to clarify on what basis authorities keep in custody and arbitrarily extend sentences of individuals whose cases were marred by grave procedural violations and include credible allegations of torture. We further urge the Committee to question the government about the policies it has in place to ensure the freedoms of expression, assembly, and association of civil society activists and about what practical steps it is taking to allow international NGOs and media outlets to return to and operate in Uzbekistan.***

Torture, Ill-Treatment (Covenant articles 2, 7, 10, 14)

[Torture](#) and ill-treatment in Uzbekistan are widespread and systematic in all stages of the criminal justice system, and impunity for such acts is the norm. Police and security agents use torture and ill-treatment to coerce detainees to implicate themselves or others, and confessions obtained under torture are often the sole basis for convictions. Victims include those suspected of committing “ordinary” crimes, those accused of membership in banned political or religious organizations, or those involved in human rights work or independent journalism. Torture and ill-treatment often continues in prison following conviction, especially in the cases of those convicted on charges of

“religious extremism.” Methods commonly used include beatings with truncheons, electric shock, hanging by wrists and ankles, rape and sexual humiliation, asphyxiation with plastic bags and gas masks, and threats of physical harm to relatives. Judges fail to investigate torture allegations, to exclude evidence obtained through torture or in the absence of counsel, and to hold perpetrators accountable.

The government regularly denies the existence of torture and ill-treatment has failed to implement meaningful recommendations made by the UN special rapporteur on torture following his 2002 visit to the country or the recommendations made by the UN Committee against Torture during its 2007 or [2013](#) reviews. Several cases illustrate the ongoing torture and ill-treatment in places of detention:

Ill treatment of Sardorbek Nurmetov

In June 2013, police in Urgench detained Sardorbek Nurmetov, a Protestant Christian, and hit him five times with a book on the head and chest, kicked him in the legs. Authorities refused him medical attention despite his complaints following the beating that he was dizzy and felt like vomiting. Police ignored Nurmetov’s formal complaint of ill-treatment and initiated charges against him for allegedly storing banned religious materials in his home.

Ill treatment of Grigorii Grigoriev

In March 2013, 16-year-old Grigorii Grigoriev, son of rights activist Larisa Grigorieva, testified to a Tashkent court that police had beaten him so badly that he required immediate hospitalization, to him to confess to trumped-up charges of theft. The judge ignored his testimony and convicted him.

Ill -treatment of Religious Believer Gulchehra Abdullayeva

In July 2012, police in western Uzbekistan detained Jehovah's Witness Gulchehra Abdullayeva on suspicion of possessing “banned” literature. Abdullayeva complained that officers made her stand facing a wall for four hours with no food or water in the summer heat. She told Forum 18 that the police then placed a gas mask over her head and subjected her to partial asphyxiation whereby the victim’s air supply is temporarily cut off and they cannot breathe.

Ill -treatment of Human Rights Activist Gulnaza Yuldasheva

Another example concerns human rights activist Gulnaza Yuldasheva, who was sentenced in April 2012 to 7 years imprisonment on what appear to be politically motivated charges of extortion. The charges followed her investigations into official Uzbek government involvement in human trafficking. Following her release, pursuant to an amnesty in early 2013, Yuldasheva told Human Rights Watch that during her pretrial detention in an isolation cell of the Chinaz district division of the Ministry of Internal Affairs in April 2012, she was brought to a jail cell where seven police officers surrounded her and were instructed by their superior officer to rape her if she did not sign a false confession. According to Yuldasheva’s account, several officers beat her on the legs, stomach, and shoulders with a rubber truncheon for approximately 30 minutes, dragging her around the room by the hair and causing her to lose consciousness.

Ill-treatment of Imprisoned Human Rights Activist Azam Farmonov

Azam Farmonov is a well-known rights activist who has been imprisoned at Uzbekistan's notorious Jaslyk prison colony since 2006. Farmonov reports that he was tortured frequently in the first years of his sentence, including being stripped of his overclothing, handcuffed, and left in an unheated punishment cell for 23 days in January 2008, when temperatures reached approximately -20 C. In 2011, he was bound and beaten for refusing to sign a document denying that he'd ever been tortured. Additionally, he was repeatedly transferred back and forth to Nukus prison when prison authorities learned that representatives of the International Committee of the Red Cross (ICRC) were about to visit Jaslyk.

Ill-treatment of Muhammad Bekjanov

Another victim of repeated torture and Jaslyk inmate is prominent opposition leader and journalist Muhammad Bekjanov. Convicted in 1999 on trumped up charges, Bekjanov was tortured and ill-treated repeatedly in pretrial detention and in prison. While interned at Jaslyk, Bekjanov suffered permanent hearing loss and a broken leg during sustained beatings, and contracted tuberculosis. In 2006, his wife Nina Bekjanova visited him and reported that he had lost most of his teeth from repeated beatings. His release would have come in February 2012, but just days before his sentence was set to expire, he was convicted on a new charge of article 221 of the Uzbek Criminal Code ("disobedience to the terms of punishment") and sentenced to a further five years in prison. Authorities often extend sentences of prisoners convicted on politically motivated charges for alleged violations of prison regulations. Such extensions occur without due process and add years to a prisoner's sentence, and appear aimed at keeping religious prisoners incarcerated indefinitely.

Ill-treatment of Kayum Ortikov

In January 2009, Kayum Ortikov, an employee of the British embassy in Tashkent, was convicted on trumped up charges of human trafficking and placed in National Security Services (SNB) custody where security service officers tortured him to confess to charges of espionage. The torture included burning his genitalia with newspapers they had set on fire. According to his wife, Mohira Ortikova, "they threatened my husband that if he did not confess [to espionage] they would put another inmate infected with AIDS into his cell to rape him. Even though he never committed espionage, he broke down and signed." Ortikov was held incommunicado in the basement of the Tashkent city jail and was beaten at length, including on the genitals, and had needles poked underneath his fingernails. Ortikov's suffering was so great that he tried to slit his wrists with his own teeth and later used a razor blade to cut his head and neck. Ortikov was released in May 2011, after which he and his family fled the country.

- ***Human Rights Watch encourages the Committee to ask the government what steps it has taken or is taking to eliminate torture and ill-treatment in pre-trial detention and penal facilities, including by ensuring unhindered access to counsel at all stages of investigations, and re-establishing the independent monitoring of prisons by the International Committee of the Red Cross (ICRC), which terminated its visits to detention facilities in April 2013 due to***

government interference with its standard operating procedures. Human Rights Watch further urges the Committee to inquire about the mechanisms in place to ensure that when a defendant alleges torture or ill-treatment, authorities immediately conduct an effective investigation, that no evidence obtained through prohibited ill-treatment is allowed to be used in court except against those who used torture, and that a defendant who has been subjected to torture or ill-treatment has an effective remedy.

Failure of Due Process Guarantees (Covenant articles 9, 14, 21)

[Judicial reforms, such as the implementation of habeas corpus](#), which Uzbek authorities undertook in 2008 and 2009, are repeatedly highlighted by officials as indicative of normalization in the country, but these new policies are not implemented, fatally flawed, and consistently ignored. Individuals under arrest are regularly denied access to legal counsel of their choice, have their detention period unlawfully extended, are held incommunicado, and are tortured or ill-treated to confess to additional crimes.

The habeas corpus reform, which the Uzbek government claims is indication of an improvement in its rights record, fails to protect detainees from torture. The legal standard is weak and fails to comply with international norms, habeas hearings are closed proceedings, and judges approve requests by prosecutors to arrest defendants in nearly every case. Judges also routinely ignore torture allegations.

On January 1, 2008, following years of external pressure to improve its rights record and implement reforms, the Uzbek government introduced the right of habeas corpus, or judicial review of detention. In January 2009, the government expanded, in law at least, procedural rights for pretrial detainees, including a right of access to counsel and instructing police to administer US-style “Miranda” warnings to suspects in custody. Such measures should have heralded a new and more positive era for Uzbekistan. They have not.

Despite improvements on paper, and the Uzbek government’s claims that it is committed to fighting torture, little has changed in the over seven years since habeas corpus was adopted. The government has used habeas corpus and other reforms as public relations tools, touting them as signs of the ongoing “liberalization” of the criminal justice system. But there is no evidence that the government is committed to ending torture. As shown in more detail here, none of the core features of habeas corpus or key due process protections have been implemented.

Habeas Corpus

Seven years since its enactment, habeas corpus exists in Uzbekistan largely on paper and has done little to protect detainees from torture. Habeas corpus (literally: “you may have the body”) is a writ or legal action which guarantees that a detainee must be brought to court so the court can determine the lawfulness (both the legality and the necessity) of a person’s continued detention after arrest. It

is a core international right meant to prevent arbitrary detention, but in Uzbekistan arbitrary detention remains the rule rather than the exception.

The basic principle of Uzbekistan's habeas corpus mechanism is now found in Article 18.2 of the Uzbek Criminal Procedure Code, which states that "no one shall be subject to arrest or detention other than on the basis of a court decision." Under Article 243, a prosecutor must bring an individual before a court to review the lawfulness of detention within 72 hours of arrest, a period in excess of that deemed compatible with human rights norms.

Uzbek courts approve prosecutors' applications for detention in almost all cases, often adopting government-proposed sentences verbatim, without independent review. The operative legal standard is so narrow that it defeats habeas corpus' fundamental purpose—to ensure a judge reviews the lawfulness of detention. Courts also lack discretion to impose less restrictive alternatives to detention, such as bail or house arrest. Compounding the above problems, authorities often use various methods, including bogus administrative charges, to avoid bringing detainees before a court for significantly longer periods.

Access to counsel and counsel of one's choice are violated at critical stages of the investigation, including interrogation and the habeas corpus hearing itself, which is a closed proceeding.

According to practicing lawyers, habeas corpus hearings are superficial exercises, lacking essential due process guarantees, such as a recusal procedure for judges who will later hear the same criminal case. Although habeas corpus requires authorities to physically produce the detainee before a judge (as per the literal meaning of the term), habeas hearings in Uzbekistan sometimes occur without the detainee present, especially in politically-motivated cases.

In other cases, under the banner of "habeas corpus" proceedings, prosecutors ask judges to rubber stamp the pending detention of an individual who is not yet in custody. Once the individual is arrested the previous hearing is used to justify denying them an opportunity to challenge their continued detention in a proper habeas corpus hearing—what some local lawyers have called "habeas without corpus." Below are several examples of how Uzbekistan's habeas corpus law fails to meet the government's obligations under the Covenant.

Denial of Access to Counsel During Habeas Corpus Hearings

Authorities sometimes prevent independent counsel from participating in habeas corpus hearings when a detainee has been subjected to torture or ill-treatment. One case documented by Human Rights Watch that is illustrative of this occurred in March 2010. A defense lawyer specializing in corruption and extremism cases told Human Rights Watch that his client was savagely beaten by state security officers en route to the station for interrogation, breaking both of his ribs and opening up a gash in his head. The lawyer reported how the prosecutor and police officers went to great lengths to keep him from meeting with his client. Though the torture he sustained left the victim hospitalized, police officers removed him from the hospital when the lawyer arrived and demanded

a meeting. His habeas corpus hearing was held at 10pm in a court in a different jurisdiction, and the lawyer was not notified, denying the victim of his right to representation and due process.

Unlawful Extensions of Detention

Police and investigators also violate Uzbekistan's habeas provision that a detainee must be brought to court within 72 hours. Under article 225 of the Criminal Procedure Code, police must immediately draw up a record of arrest as soon as a suspect is brought into custody, including information on the crime police suspect the detainee of having committed, as well as the date and time of arrest. But police and investigators often purposely avoid registering the time of detention for several hours, or even days, bypassing the 72-hour time limit. Failure to register arrests in a timely fashion allows police more time to coerce a confession while a detainee remains isolated—a practice that subverts the purpose of prompt judicial review of detention. Several lawyers reported that police and investigators routinely forge both the time and date of detention.

State-Appointed Counsel at Habeas Corpus Hearings

Lawyers, detainees, and their relatives have reported that habeas corpus hearings are often conducted without lawyers or a detainee's counsel of choice participating. Detainees are often prevented from exercising their right to counsel of their choice or pressured to refuse the services of counsel altogether. When detainees are represented by counsel, it is often by state-appointed lawyers who either do not or cannot provide an effective defense. State-appointed defense lawyers in Uzbekistan are widely viewed by the public as allied with prosecutors because of their financial and ideological dependence on these structures for continued employment. In most cases, Human Rights Watch found that detainees were pressured to accept the services of a state-appointed defense lawyer. Detainees and their families tend not to trust state-appointed lawyers, who they report are disinterested in the case and often ignore serious procedural violations, including torture and ill-treatment.

Use of Administrative Detention

Authorities also use administrative charges to evade judicial review of detention. Police are known to detain suspects under the Code of Administrative Offenses for misdemeanors such as “petty hooliganism,” or by accusing individuals they have “invited” to the police station of such acts, which amounts to arbitrary detention. They are then summarily tried, convicted, and sentenced up to 15 days of administrative detention—a period of time often used to torture a suspect into further confessions that will become the basis of subsequent criminal charges. According to human rights activist Surat Ikramov, “Hooliganism or charges of resisting arrest are often used to detain a person on administrative charges for 10 to 15 days in SIZOs (investigative isolation cells). They do this to keep them locked up. From the first moment of detention the fabrication of charges and torture of the individual can begin. Close family members are not informed about the whereabouts of their relative. Investigators use these 15 days to unlawfully develop evidence against the person or get him to incriminate himself.”

January 2009 Criminal Procedure Amendments

January 2009 amendments to the criminal procedure code that ostensibly expanded rights for pretrial detainees have turned out to be just as illusory as habeas corpus. On paper, they extend “Miranda” protections to pretrial detainees, and require that detainees be informed of their right to remain silent, the potential use of their testimony against them in court, and their right to speak to an attorney or have one appointed by the state. The amendments also guarantee the right to call one’s lawyer or close family member immediately after arrest, the right to consult with a lawyer from the moment of detention, and abolish the earlier requirement that lawyers receive written permission from the prosecutor before being able to visit clients in detention.

However, our research reveals that none of these reforms have been implemented in any meaningful way and torture and ill-treatment in pretrial detention remains rampant and is practiced with impunity. Lawyers are repeatedly denied access to clients for days after their arrest, police continue to hold suspects in incommunicado detention, refusing them the legal right to contact a lawyer or relatives and denying that they are in detention, and detainees are not informed of their rights.

Access to Counsel During Pretrial Detention

Under article 49 of the Criminal Procedure Code, a lawyer should now be granted immediate access to his client at any stage of the criminal process, including from the moment of their client’s arrest. Instead of written authorization, a lawyer must merely present proof of his representation order, such as a retainer agreement signed by the lawyer and the family, to gain access to a facility where a client is held. Were such a right guaranteed in practice, it would significantly reduce the amount of time detainees are left in incommunicado detention, where they are often interrogated. In nearly every case of torture or ill-treatment in pretrial custody Human Rights Watch documented, however, the victim was either denied access to counsel during critical points of the proceedings or provided with a state-appointed defense lawyer who did not effectively represent them.

Incommunicado Detention

The January 2009 amendments to the Criminal Code also provide for a detainee’s right to contact a lawyer or close family member, but in practice police do not allow detainees to exercise their right to make a phone call, and do not otherwise inform a detainee’s family of their detention. Although article 217 of the Criminal Procedure Code requires police, prosecutors, or courts to inform relatives or other persons named by the detainee of a detention within 24 hours, this provision is often ignored. Family members may search for days before receiving confirmation that their relatives are in custody. In some cases, police may even deny they are holding a suspect in order to throw fearful family members off the trail.

In a case documented by Human Rights Watch in 2010, one individual spent three days after his arrest in incommunicado detention at the district department of internal affairs, followed by another ten after the habeas corpus hearing in an unknown location. During this time, according to his

mother, the authorities would not provide information on his whereabouts to either his lawyer or his family, far less allow them to visit him. “I went to the jail to visit my son but he wasn’t there. Where he was during those days and what was done with him I’ll never know for sure.”

- ***Human Rights Watch urges the Committee to ask the government about steps it is taking to ensure that the right of habeas corpus and other due process guarantees, such as access to counsel, visits with relatives, and the prohibition on the use of incommunicado detention, are fully implemented in line with Covenant.***

Dismantling of the Independent Legal Profession (Covenant articles 14, 19)

An important measure of the Uzbek government’s lack of commitment to implement habeas corpus or combat torture during the reporting period has been its campaign to extend its [full control over the legal profession](#).

In January 2009, a new law, N-ZRU-198 (“law on the institution of changes and additions in several legal acts of the Republic of Uzbekistan in connection with the creation of the Institute of the legal profession”) went into force, restructuring the legal profession and abolishing the previously independent bar associations, while subordinating the replacement body to the government. The new law, which violates guarantees in the Uzbek Constitution and international standards on the independence of lawyers, has resulted in the government’s co-opting the entire profession. It required all lawyers to re-apply for their licenses to practice law, and mandates them to re-take the bar examination every three years. Several lawyers who consistently take on politically sensitive cases or raise allegations of torture have been effectively disbarred through this process, and there has been a chilling effect on those who remain licensed to practice.

Article 12 of the new law on lawyers created the Chamber of Lawyers, an organization that all Uzbek defense and civil lawyers are obligated to join in order to practice law. The Ministry of Justice has the power to appoint and dismiss the chamber’s chairperson, who in turn is responsible for appointing all heads of the regional branches of the Chamber across the country. In May 2009, the UN special rapporteur on the independence of judges and lawyers expressed serious concern after the passage of the Bar Association reforms, saying that this interference of the executive into the establishment and function of the legal profession violates the provisions of the United Nations Basic Principles on the Role of Lawyers.

On March 9, 2009, the Cabinet of Ministers passed a resolution requiring all Uzbek lawyers to retake the bar exam and receive new licenses in order to practice, drawing widespread outcry from lawyers, who considered the policy unconstitutional and illegal. Lawyers who worked on politically sensitive cases or who had publicly protested the new law failed the exam. These lawyers included those who had raised issues of torture or defended individuals on trial for politically motivated charges such as human rights activists Mutabar Tajibaeva, Dilmurod Saidov, Akzam Turgunov, Ruhiddin Fahriddinov, Solijon Abdurakhmanov, and purported members of the Andijan-based *Akromiya* organization.

As a result, there are now many fewer lawyers able or willing to take on politically-sensitive cases. Those that continue to practice since the reforms operate in an increasingly restrictive atmosphere, where taking the “wrong case,” defending a client effectively, speaking publicly about due process violations, or even participating in events organized by foreign embassies risks effective disbarment.

- ***We ask the Committee to ask the government what steps it has taken to ensure full independence and self-governance of the Chamber of Lawyers to allow the defense lawyers to adequately represent the interests of their clients. We further urge the Committee to question the government about the measures undertaken to reinstate law licenses for the defense lawyers whose licenses were revoked as a result of their previous human rights work.***

Accountability for the Andijan Massacre (Covenant articles 2, 6, 7, 17)

On May 13, 2005, hundreds of largely peaceful protesters were killed by Uzbek government forces indiscriminately and without warning. To date, however, no one has been held accountable for the victims' deaths, nor have the circumstances surrounding the massacre been clarified.

For close to ten years, the Uzbek government has adamantly rejected numerous and repeated calls for an independent international inquiry into the Andijan events. Uzbekistan also rejected the recommendation to put a stop to the extradition of citizens who sought asylum in CIS countries after the massacre.

Furthermore, the authorities persist in persecuting anyone they suspect of having witnessed the atrocities. The Uzbek government unleashed a fierce crackdown on human rights defenders, independent journalists, political activists, and civil society groups. Dozens of activists were imprisoned and others fled the country, fearing persecution. Local authorities [intimidate and harass families](#) remaining in Uzbekistan of Andijan survivors who have sought refuge abroad. Police subject them to constant surveillance, call them for questioning, and have threatened them with criminal charges or home confiscation.

Human Rights Watch has recently confirmed the extension of a prison sentence for Dilorom Abdukodirova, a witness to the massacre who fled to Australia but was imprisoned on her return to Uzbekistan in 2010 following an unfair trial closed to the public. Her 10-year sentence was arbitrarily extended in a closed trial by another eight years for unspecified “violations of prison rules.”

- ***Human Rights Watch encourages the Committee to ask the government to clarify what steps it has taken to address the lack of accountability for the Andijan massacre and to hold perpetrators accountable, including by allowing for the conduct of an independent, international investigation. We also urge the Committee to question the government about ongoing persecution, harassment and other abuses of returned refugees and families of refugees who remain abroad.***

Repression of Media Freedoms (Covenant article 19)

Despite legislation ensuring [freedom of speech](#), in practice, censorship is the norm and freedom of expression in Uzbekistan is severely limited. Foreign correspondents and Uzbek citizens working for independent or foreign media are not allowed to operate without accreditation, which since the Andijan massacre in 2005, has been impossible to obtain in practice. The few independent journalists who continue to work in the country do so at great risk and are forced to self-censor due to harassment, detention, and threats of imprisonment for their work. Restrictive laws allow the authorities to prosecute any journalist whose work the government considers hostile to Uzbekistan.

Websites providing critical information are blocked, including [fergananews.com](#), [uznews.net](#), [muslimuzbekistan.org](#), and HRW's website, [hrw.org](#). News agencies such as the New York Times, BBC, Radio Free Europe/Radio Liberty, Voice of America, and Deutsche Welle are unable or forbidden to operate in Uzbekistan.

At least eleven journalists are currently in prison in retaliation for their independent reporting or on other grounds that appear politically-motivated. These include: Solijon Abdurakhmanov, Muhammad Bekjanov, Botirbek Eshkuziev, Hayrullo Hamidov, Bahrom Ibragimov, Davron Kabilov, Gayrat Mikhliboev, Yusuf Ruzimuradov, Dilmurod Saidov, Davron Tojiev, and Ravshanbek Vafoev. A number of these wrongfully imprisoned journalists have been subjected to torture and are in ill-health.

On 28 June 2014, a Tashkent court convicted well-known independent journalist Said Abdurakhimov, 42, who writes under pseudonym of “Sid Yanyshv” for *FerganaNews*, a site banned in Uzbekistan, on charges of “preparing or distributing materials that threaten public security and order” and “engaging in activities without a license and other permits.” The court fined Abdurakhimov 100 times the minimum wage (approximately \$3,200 at the black market exchange rate) and also confiscated his video camera.

In September 2013, authorities arrested [Sergei Naumov](#), a journalist known for his independent reporting on politically sensitive issues such as forced labor and ethnic discrimination. On the day of his arrest he had been taking photographs of forced laborers picking cotton, when police detained him on fabricated charges of having sexually harassed and assaulted a woman unknown to him. Naumov was held in incommunicado detention for 12 days after a hearing marred by procedural violations and without access to independent counsel.

At the end of January 2012, just days before his 13-year prison sentence was set to expire, Muhammad Bekjanov, former editor of the political opposition newspaper *Erk*, was given an additional five-year sentence for alleged “violations of prison rules.” Bekjanov has been jailed since 1999, and along with another jailed journalist, Yusuf Ruzimuradov, has been imprisoned longer than any other reporter worldwide, according to the Committee to Protect Journalists.

On August 22, 2011, independent journalist Elena Bondar was detained at Tashkent airport after returning from a journalism course abroad. Security agents confiscated her flash drives, interrogated her, and sent the confiscated items for “analysis” to the Center for Monitoring of the Uzbek Information Agency, which has been involved in trumping up cases against journalists. She has since fled the country.

On October 15, 2010 the independent journalist and Voice of America correspondent [Abdumalik Boboev](#) was convicted by the Mirzo-Ulugbek district criminal court on charges of criminal defamation, insult, and preparing or distributing materials that threaten public security and order. Boboev was fined 400 times the minimum wage (approximately \$11,000 USD), and due to continuing threats, was also forced to flee Uzbekistan.

On February 10, 2010 a photographer and videographer, Umida Akhmedova, was convicted by the Mirobod district criminal court on charges of defamation and “insulting the Uzbek people.” The charges were brought a month earlier on the basis of an “expert analysis” by the State Press and Information Agency of a book of photographs published in 2007 and a documentary film released in 2008. These works reflect everyday life and traditions in Uzbekistan, with a focus on gender inequality, but were found by the court to “discredit the foundations and customs of the people of Uzbekistan” and “offend [their] traditions.”

In 2012 and 2013, the Uzbek government took further steps to close the country off to independent scrutiny, by deporting two well-known international journalists, the BBC’s Natalia Antelava and Viktoriya Ivleva of Russia’s *Novaya Gazeta*, when they arrived at Tashkent international airport, attempting to visit the country.

- ***Human Rights Watch urges the Committee to ask the government about the continued imprisonment and torture of journalists, in addition to the incidents of harassment and detention of journalists highlighted above, and to question the government about the measures taken to protect journalists and investigate attacks against them. We further urge the Committee to ask the government what practical steps it is taking, if any, to remove criminal libel and defamation (articles 139 and 140 of the Criminal Code) and to revise other laws on “insult to the people of Uzbekistan,” or “dissemination of materials of an extremist nature,” that unduly restrict the freedom of speech and expression. Finally, we urge the Committee to ask the government on what basis it continues to deny international media outlets the ability to operate in Uzbekistan, and what steps it will take to end this practice.***

Freedom of Religion and Religious Persecution (Covenant article 7, 10, 18)

The most numerically significant category of politically-motivated arrests and convictions in Uzbekistan is among the country’s independent Muslims - who practice their faith outside strict state controls or belong to unregistered religious organizations. The government continues to wage

an unrelenting, multi-year campaign of arbitrary detention, ill-treatment, and torture against them. Since 1999, thousands of independent Muslims have been incarcerated for non-violent offenses, incarcerations which continue through the present time.

Many independent Muslims have been sentenced under Uzbekistan's Criminal Code statutes for "anti-constitutional activity" (art. 159), participation in "banned religious, extremist" groups, or possession of "banned literature" (arts. 216, 242, 244). These statutes contain provisions which are so vague and overbroad that they are wholly incompatible with Uzbekistan's obligations under the Covenant and other human rights norms. In particular, any religious activity not sanctioned by the government is criminalized. Strict punishment is set out (up to 15 years imprisonment) for "extremism" and participation in "forbidden organizations," in spite of these two terms having no basis or definition in national legislation and the absence of any official list of "forbidden organizations."

In addition to imprisoning thousands on such charges, the government mobilizes its significant security apparatus to prevent any potential contest for influence between President Karimov and independent-minded Muslim leaders. Since the mid-1990s the government has imprisoned or driven into exile nearly every independent Muslim leader in the country, a group which includes clerics, imams, commentators and philosophers representing diverse schools of Islamic thought.

While authorities had earlier primarily targeted adherents of the nonviolent organization *Hizb ut-Tahrir* ("Party of Liberation"), whose teachings in favor of an Islamic state the government labels "extremist," the government's campaign against independent Muslims has expanded to other groups such as the followers of the late Turkish Muslim theologian Said Nursi.

Authorities also continue to impose short-term prison sentences and fines on Christian and members of other minority religions conducting peaceful religious activities for administrative offenses, such as illegal religious teaching. For example, on February 4, 2011, the Supreme Court again dismissed an appeal by Tohar Haydarov, a Baptist sentenced to 10 years on allegedly fabricated drug-related charges. In July of that same year, a Protestant couple in Fergana, Muradijon Umurzakov and Dilorom Mamasadikova, were physically abused and threatened with charges after police raided their home and found a Bible.

In November 2011, relatives of Muslim religious prisoners serving sentences at Jaslyk colony, Uzbekistan's most notorious prison, told Human Rights Watch that following a hunger strike, prison authorities tortured several inmates, including by undressing them naked in front of other inmates, beating, and subjecting them to sexual humiliation.

Authorities continue to arbitrarily extend sentences of religious prisoners for alleged violations of prison regulations. Such extensions occur without due process and can add years to a prisoner's sentence, raising concern that the practice appears designed to keep religious prisoners behind bars indefinitely.

- ***Human Rights Watch urges the Committee to question the government about authorities' persecution of independent Muslims, including the use of politically-motivated arbitrary detention, arrests, imprisonment, torture, and the arbitrary lengthening of prison sentences. We further urge the Committee to ask the government about what steps it is taking to clarify and bring into line with international standards vague and overbroad criminal articles such as article 158 "threatening the president," article 159 "threatening the constitutional order," and article 244 "forming, leading, or membership in an extremist, fundamentalist, or otherwise banned organization," which are manipulated to target people expressing their legitimate right to freedom of expression, speech, or religion.***

Forced Labor of Adults and Children in the Cotton Sector (Covenant article 8)

State-sponsored [forced labor of children and adults in the cotton sector](#) continues on a massive scale. Authorities forcibly mobilize over a million adults and schoolchildren, mainly ages 15-17 but some as young as nine, to pick cotton for up to two months each autumn. Living in the fields for weeks at a time, workers live in filthy conditions without access to safe drinking water. They contract illnesses, miss work or school, and pick cotton daily in line with quotas for which they receive little to no pay.

In response to international pressure, authorities reduced the numbers of young children picking cotton but compensated by shifting the burden to older children and adults. The forced labor of adults disrupts the availability of essential services, as authorities draw heavily on public sector workers—doctors, nurses, teachers, and other civil servants—to fulfill quotas.

After years of refusing the International Labour Organization (ILO) access to monitor the harvest, Tashkent agreed to a limited monitoring mission in 2013. However, it insisted that the mission's mandate be limited to child labor and that monitoring teams include Uzbek officials, raising serious concerns about the mission's ability to credibly investigate abuses and to ensure the safety of those being interviewed. While finding that child labor was not "systematic," the ILO's monitoring mission report noted the use of child labor, emphasized concerns about the use of forced labor for the cotton harvest, and recommended that the government take action to implement ILO Convention No. 105. Uzbek civil society groups, including the [Uzbek-German Forum for Human Rights](#), reported that the ILO's monitoring mission was not able to undertake a comprehensive assessment of the use of forced labor in Uzbekistan's cotton sector for a number of reasons.

The mission's scope did not include the use of forced adult labor, nor were monitors present during any pre-harvest stages of work such as preparing the fields, planting, and weeding the cotton. The ILO did not ensure the participation of the International Trade Union Confederation, the International Organization of Employers, and Uzbek civil society. The monitoring teams all included Uzbek government representatives or representatives of quasi-governmental or government-controlled organizations whose independence and impartiality was far from guaranteed. According to the ILO report, the local Coordination Council, which was composed entirely of representatives of

government agencies, appointed 40 Uzbek local monitors from the Ministry of Labor and Social Protection, the Trade Union Federation including the Women's committees, the Chamber of Commerce and Industries, and the Farmers' Association, all of which are government agencies or government-controlled.

Given pervasive, widespread, serious violations of human rights in Uzbekistan, there is a deeply rooted fear of government and government officials. People interviewed by the monitoring teams may not have felt secure in communicating violations that implicate the government out of fear of repercussions. The ILO's report is silent on whether it recognized this as a possibility and attempted to take any steps to assure respondents or ameliorate issues related to the possibility of bias. The ILO's mission was also weakened by efforts of the Uzbek government to undermine monitoring, including transferring students, in particular first-year students, back and forth between their classrooms and the cotton fields to evade discovery by ILO monitors and instructing people to lie to monitors. These practices indicate that the Uzbek government did not participate in the ILO mission as a good faith partner and, in fact, actively attempted to undermine the ILO's monitoring.

- ***Human Rights Watch encourages the Committee to ask the government about what measures it is taking to end the forced labor of adults and children in the cotton sector, and to permit international and local independent non-governmental organizations and activists to conduct their own monitoring without harassment.***

Forced Sterilization of Women (Covenant article 7, 9, 17)

Women in Uzbekistan face serious violations of their [reproductive rights](#). Between in 2012-2014, Human Rights Watch received credible reports from gynecologists, other doctors, and women in Uzbekistan that some women who have given birth to two or more children have been targeted for involuntary sterilization, especially in rural regions. In some areas of the country, doctors are pressured to perform sterilizations. Lack of access to information and safe medical facilities resulted in many unsafe surgical sterilizations sometimes performed without consent of the women.

- ***Human Rights Watch encourages the Committee to question the government about the occurrence of forced sterilization in the country and what steps it is prepared to take to end such procedures and protect the reproductive rights of women. We also urge the Committee to ask the government what policies are in place to ensure access to adequate information about the procedures and the right to withhold consent to such a procedure.***

Discrimination on the Basis of Sexual Orientation and Gender Identity (Covenant articles 2, 6, 7, 17, 19, 26)

Consensual sexual relations between men are [criminalized](#) with a maximum prison sentence of three years. According to several local non-governmental organizations and interviews Human Rights Watch has conducted with members of the LGBT community in Tashkent, police sometimes

use blackmail and extortion against gay men due to their sexual orientation, threatening them with imprisonment or to out their identities.

- *Human Rights Watch encourages the Committee to ask the government to provide information on concrete measures it has taken to address discrimination on the basis of sexual orientation and gender identity, and to detail remedies available to lesbian, gay, bisexual and transgender people who face violence and discrimination by their families, friends, police officers and/or street gangs.*