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# **The Andijan Massacre One Year Later, Still No Justice**

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Introduction.....	1
The Crackdown on Civil Society and International Actors.....	3
The Andijan Trials .....	4
The Supreme Court Trial.....	5
Closed Trials .....	6
Deportations and Ongoing Arrests.....	7
Background: The Andijan Events in Summary .....	8

## Introduction

On May 13, 2005, Uzbek government forces killed hundreds of unarmed protesters as they fled a demonstration in the eastern Uzbek city of Andijan. To date the Uzbek government has denied justice for those who lost their lives that day. Instead of fostering a genuine accountability process for the killings, the Uzbek government has rejected calls for an independent, international commission of inquiry, covered up the truth behind the massacre, presided over a series of show trials of hundreds of people allegedly involved in the uprising and protest, and unleashed a fierce crackdown on human rights defenders, independent journalists, and civil society institutions. The government has also aggressively pursued the forced return of many of those who fled Uzbekistan after the violence.

On the night of May 12-13, 2005, gunmen attacked several government buildings in Andijan, broke into the city prison to release twenty-three local businessmen who were on trial for “religious extremism,” and in the early hours of May 13 began to mobilize people to attend a protest on the city’s Bobur Square. Gradually, thousands of unarmed protesters gathered on the square of their own will to vent grievances about poverty and government repression. As the day went on, Uzbek security forces indiscriminately shot into the crowd from armored personnel carriers (APCs) and sniper positions above the square. Towards the evening, government troops blocked off the square and then, without warning, opened fire, killing and wounding unarmed civilians. People fled the square in several groups, the first group using as a human shield numerous hostages seized earlier in the day. As they tried to escape, hundreds of people were shot by snipers or mowed down by troops firing from APCs. After the peak of the carnage, government forces swept through the area and executed some of the wounded where they lay. Many of those who managed to escape fled to neighboring Kyrgyzstan. (For a more detailed summary, see the final section of this document.)

The events in Andijan initially attracted widespread international condemnation. The United Nations (U.N.), the European Union (E.U.), the United States (U.S.), the Organization for Security and Co-operation in Europe (OSCE), the United Nations High Commissioner for Refugees (UNHCR), and the NATO Council condemned the response by Uzbek security forces, called for an independent international investigation into the events in Andijan, and demanded unhindered access. The Uzbek government adamantly rejected these calls and refused to cooperate with the international community to establish an accountability mechanism. As a result, on October 3, 2005 the E.U. imposed sanctions on Uzbekistan, including a partial suspension of the E.U.-Uzbekistan Partnership and Cooperation Agreement, an E.U.-wide visa ban for high-ranking

officials “directly responsible for the indiscriminate and disproportionate use of force in Andijan,” and an embargo on arms exports to Uzbekistan.

In striking contrast, Russia and China offered strong support to Uzbek President Islam Karimov after the Andijan massacre and accepted his portrayal of the events as an attempt by Islamist terrorists to destabilize the country. At the July 2005 summit of the Shanghai Cooperation Organization, of which Uzbekistan, Russia and China are members, the heads of state framed the Andijan events as part of a wider threat of destabilization, rather than as an excessive government response to a largely peaceful demonstration. Russia and China also announced that they would continue arms sales to Uzbekistan.

Although the E.U. sanctions were an important first step in signaling the organization’s profound concern in the aftermath of the Andijan massacre, the E.U. has not taken the steps necessary to make the sanctions an effective tool for change in Uzbekistan. E.U. member states have failed to sustain pressure on the Uzbek government by proactively calling for concrete steps to address the concerns that have been identified, and have failed to adopt additional measures in light of ongoing Uzbek government intransigence. In addition, the E.U.’s political message has been weakened by inconsistent signals from member states such as Germany, which granted a visa on humanitarian grounds to then Minister of Interior Zokir Almatov, number one on the E.U. visa ban list, in blatant violation of the spirit of the ban. Germany also announced on December 11, 2005, that it had successfully negotiated a renewal of the agreement for use of the Termez base in Uzbekistan, in a statement that notably minimized human rights concerns.

One year after the Andijan massacre, the need for a coordinated and forceful international response is more urgent than ever. It is crucial that pressure be brought on the Uzbek government to end its crackdown on human rights defenders, independent journalists, and members of the political opposition.

There must also be accountability for those responsible for the killings. The international community should deplore the continued lack of accountability for the Andijan massacre, and reinvigorate its calls on the Uzbek government to accept an international inquiry into the events. It should lend support to the OSCE Office of Democratic Institutions and Human Rights’s recommendations issued in its March 2006 trial monitoring report by advancing the call for the trial verdicts to be set aside and a re-trial to be conducted after an independent investigation into the Andijan events has been carried out.

The United States has yet to undertake concrete measures to respond to the Uzbek government's failure to cooperate with the international community. It should adopt a visa ban and thus support the E.U. position as a matter of priority. Furthermore, the joint visa ban list should be expanded to include President Karimov, the prosecutor general and the minister of justice, as well as other key officials in the Ministries of Internal Affairs and Justice, the general prosecutor's office and National Security Service who led and coordinated the Andijan investigations, prosecutions and trials, or otherwise participated in the cover up of the truth behind the massacre.

The international community should also freeze the assets of all who are subject to the visa ban by making it impossible for these officials to access or in any way use the banking system abroad.

In addition to the above-listed steps, the international community should request the Uzbek government to provide information about the whereabouts and fate of those forcibly returned to Uzbekistan from other countries in the region and to allow urgent access to them by international monitors. It should call on the governments of Kazakhstan, Kyrgyzstan, Russia, and Ukraine, and any other country hosting Uzbek nationals, not to forcibly return anyone to Uzbekistan who is at risk of being persecuted or tortured upon return and reminding the government that any such returns are in violation of international non-refoulement obligations.

### **The Crackdown on Civil Society and International Actors**

The crackdown on civil society following the Andijan events focused particularly on human rights defenders and independent journalists. During the last year, human rights defenders have faced increased harassment, surveillance, house arrest, interrogation, arbitrary arrest, criminal charges, and interference with their work. Some human rights defenders have faced public Soviet-style denunciations and hate rallies, and others have been evicted from their homes. Currently eight human rights defenders are serving prison terms of between five and ten years. An additional twelve human rights activists were detained and had criminal charges brought against them during the year, but are not currently in detention.

Independent journalists have also been targeted. Several journalists were harassed and accused by the government of "spreading false information." The indictment of those tried in the Supreme Court leveled accusations against thirteen local and foreign journalists. At least one journalist, Nosir Zokirov, who worked for Radio Free

Europe/Radio Liberty, was convicted of insulting a security officer and sentenced to six months' imprisonment. Many other journalists and human rights defenders fled the country fearing persecution.

In late February 2006, the Cabinet of Ministers issued a new law further restricting the work of independent journalists. On May 3, 2006, the Committee to Protect Journalist concluded that Uzbekistan is one of the ten "most censored" countries in the world.

Those courageous Uzbek human rights defenders and independent journalists who remain in Uzbekistan continue to face severe repression and the threat of imprisonment. Their families are also at risk of persecution. On March 16, 2006, the husband of a human rights defender was beaten up by an unknown assailant while he waited for his wife to return from monitoring a trial. On April 29, 2006, the pregnant wife of another human rights defender was beaten up by a police officer during a house search. During the first quarter of 2006, at least three human rights defenders and one journalist were denied an exit visa, which is required for travel abroad.

In addition to this unprecedented wave of harassment, detentions, and arrests of local civil society activists, the Uzbek authorities have also targeted international nongovernmental organizations and media outlets. During the past year, courts in Tashkent, the capital, ordered the liquidation of Internews, IREX, Freedom House, ABA CEELI, and Counterpart International. On December 13, 2005, Radio Free Europe/Radio Liberty closed its office after its staff members were denied re-accreditation. On March 6, 2006, the Eurasia Foundation announced it was closing its Tashkent office after it was charged with having registered improperly and having held unauthorized workshops. On April 21, 2006, a staff member of Human Rights Watch was denied re-accreditation.

On March 17, 2006, the Uzbek Ministry of Foreign Affairs ordered UNHCR to close its office in Uzbekistan. The decision appears to have been in retaliation for UNHCR's efforts to protect Uzbek refugees who had fled Uzbekistan after the Andijan massacre.

### **The Andijan Trials**

In the fall of 2005, the Uzbek authorities began a series of trials related to the Andijan events. The trials were portrayed by the government as a means of clarifying what happened in Andijan on May 12-13. In fact, they did nothing to answer the outstanding questions about the scale of and responsibility for the massacre. Instead, the trials appear

largely to have been staged to support the government's version of events and to provide a justification for the government's crackdown. As such, the trials provided no justice whatsoever for the victims of the Andijan massacre.

### ***The Supreme Court Trial***

The first trial, in the Supreme Court (September 20-November 14), involved fifteen defendants charged with more than thirty crimes primarily relating to the prison break and the hostage-taking in the local government building that occurred on May 12-13 in Andijan.

The trial fell far short of international standards and gave rise to concerns that the defendants could have been subjected to torture or other coercion. All of the defendants "confessed" to the charges—including membership in an extremist organization, murder, and terrorism—and several even requested that they be given the death penalty. Their testimony, which police obtained from them in detention, was largely consistent with the prosecutors' indictment—in fact some recited verbatim long passages from the indictment in their confessions—as well as with the government's previous description of the events as reflected in the Uzbek media.

Although defense lawyers were present at the trial, they did not mount an active defense of their clients. Not a single defense lawyer argued that his or her client was innocent, none contested the evidence presented during the trial, and instead all highlighted that their clients had confessed immediately and had asked for forgiveness from the president of Uzbekistan. Six of the defense lawyers even began their remarks by begging the citizens of Andijan for forgiveness for defending such "guilty persons."

During the trial, the prosecutor presented a long parade of witnesses and victims, whose testimony generally corroborated the government version of the May 13 events. However, it did little to paint a clear, detailed picture of what happened on that day and almost nothing to establish the individual criminal liability of any of the fifteen men on trial. Only one witness, Mahbuba Zokirova, dared to contradict the official version of the events. She surprised the court by offering a harrowing picture of government violence in Andijan on May 13.

At the close of evidence, the case rested entirely on testimony from the defendants, witnesses, and victims, as well as some confidential information from the government's criminal investigation. The prosecution did not introduce any forensic, ballistic, or medical reports, nor did it present any exhibits or call expert witnesses. The trial did

nothing to clarify which government forces actually shot at unarmed protesters in Bobur Square and the nearby streets and did not attempt to identify who gave the orders for the massacre.

### ***Closed Trials***

Between November 2005 and January 2006 at least another 230 people were convicted and sentenced to lengthy prison terms in seventeen trials—including one trial of Andijan Interior Ministry employees and another involving Andijan prison staff and soldiers—that were closed to the public. Their relatives and the international community were not informed about the place or the starting date of the trials, and those international observers who sought access were denied it.

The seventeen closed trials as well as the Supreme Court trial tried to portray the Andijan events as linked to religious extremism in Uzbekistan. The indictments presented a history of Islamic terrorism from the Soviet era up to the establishment of the organization *Akramia* (see Background, below) in the recent past. The Uzbek government appears to have tried to use the trials to justify their decade-long campaign of harassment of independent Muslims, as well as to divert attention from government responsibility for the massacre.

In the one trial of personnel from the Andijan department of the Interior Ministry, the twelve defendants were charged only with crimes related to their alleged failure to prevent terrorism during the night of May 12-13. They were also charged with failing to “conduct radical and necessary measures” to control the situation during the trial of the twenty-three businessmen. All twelve were found guilty of the charges. One was granted parole; the others were sentenced to between two and eleven years’ imprisonment. The verdict did not mention the massacre on May 13.

As of this writing, more than two hundred men who were convicted during these trials were still being held in pre-trial detention facilities and few had access to their families. Only a few of the relatives who tried to see their husbands, brothers, or sons were granted permission. As of this writing, it remained unclear when the men would be transferred to a regular prison and their relatives would be granted normal prison visits.

At least another dozen men who participated in the demonstration on Bobur Square have been charged with “terrorism,” “infringement of the constitutional order of Uzbekistan,” and “preparation or distribution of information threatening to public security and the public order,” and are currently awaiting trial.

## Deportations and Ongoing Arrests

The Andijan massacre and its aftermath drove untold numbers of people to flee persecution or the fear of persecution in Uzbekistan and seek refuge in other countries in the region, including Kazakhstan, Kyrgyzstan, Ukraine, and Russia. The Uzbek government's aggressive drive to have many of these individuals forcibly returned to Uzbekistan has created a spillover human rights crisis, with a number of individuals already forcibly returned to Uzbekistan and scores of others facing an immediate danger of such return to near-certain torture and other human rights abuses. Details about the whereabouts and fate of those returned are scarce but there is every reason to be concerned about their safety and well-being. The Uzbek government has steadfastly denied access to them by international monitors.

**Returns from Kyrgyzstan:** On June 9, 2005, the government of Kyrgyzstan forcibly returned four asylum seekers to Uzbekistan pursuant to an extradition request from the Uzbek authorities. As a party to the 1951 Convention relating to the Status of Refugees, Kyrgyzstan had an obligation not to return people whose asylum claims had not yet been examined or who would face threats to their lives or risk of persecution, including torture, upon return. The returns may also have violated the U.N. Convention against Torture, which imposes a similar prohibition. The "forced returns" were widely condemned by the international community. The Kyrgyz government later acknowledged that the returns had been a mistake and promised to investigate the matter. However, Human Rights Watch has no information that such an investigation was ever conducted. Three of the returnees were later tried in Uzbekistan and sentenced to prison terms ranging from thirteen to seventeen years; the fate of the fourth returnee is not known to Human Rights Watch.

**Returns from Kazakhstan:** In late November 2005, Kazakh authorities forcibly returned seventeen persons who had fled persecution in Uzbekistan. At least eight of the returnees are accused of membership in *Akramia* and participation in the May 13 demonstration in Andijan. The men are currently awaiting trial in Tashkent.

**Returns from Ukraine:** On the night of February 14-15, 2006, Ukraine forcibly returned to Uzbekistan ten Uzbek men wanted by the Uzbek government in relation to the Andijan uprising. Nine of the ten had registered as asylum seekers with the UNHCR office in Kiev; the tenth reportedly had wanted to lodge an asylum request, but had not been able to do so. UNHCR issued a statement deploring the forced return of the entire



group. Currently the men are awaiting trial. They are charged with terrorism, membership in an extremist religious organization, and anti-constitutional activities.

**Risk of Return from Russia:** On June 18, 2005, fourteen Uzbeks were detained in the Russian town of Ivanovo pursuant to an arrest warrant issued by the Uzbek government. On August 8, they applied for refugee status with the Russian Federal Migration Service. The Ivanovo Regional Immigration Department denied them refugee status on the territory of the Russian Federation. The Frunzenskii District Court was scheduled to hear their appeal on February 13, 2006, but did not decide the case, which is still pending.

In addition to the above mentioned cases, Human Rights Watch has information that at least another dozen men were forcibly returned from Kyrgyzstan, Kazakhstan and Russia in the first quarter of 2006.

### **Background: The Andijan Events in Summary**

The Andijan protests were triggered by the arrest and trial of twenty-three successful local businessmen on charges of “religious extremism,” of being members of an underground Islamic group called *Akramia*—which refers to the religious teachings of Akram Yuldashev, a former mathematics teacher from Andijan—and of preparing to overthrow the government. They had been arrested in June 2004 and went on trial on February 11, 2005, in the Altinkul District Court.

Throughout the trial, relatives and supporters of the defendants gathered daily outside the courthouse to protest the trial. The demonstrations were orderly and quiet and grew to include several hundred people. On May 12, 2005, the last day of the proceedings, over 2,000 people gathered. The court was scheduled to announce the sentence that day, but instead postponed the hearings indefinitely. That same day, the protestors learned that several young men who had participated in the demonstrations had been arrested.

The long-simmering tensions and protests over the case of the twenty-three businessmen finally boiled over into open violence on the night of May 12. Around midnight on May 12-13, a group of between fifty and one hundred men attacked a local police station and then stormed the Ministry of Defense’s barracks no. 34, seizing weapons and a military vehicle. The armed group then broke through the gates of the Andijan prison, where the twenty-three businessmen were held. They freed the businessmen and hundreds of inmates. The men then moved to take control of the

*bokimiat* (provincial administration building) and took some law enforcement and government officials hostage. These men committed serious crimes, punishable under the Uzbek criminal code. But neither their crimes nor the peaceful protest that ensued can justify the government's response.

Throughout the morning of May 13, the armed group mobilized its supporters using mobile phones, urging people to gather for a protest rally in Bobur Square, in front of the *bokimiat*. The crowd attracted other Andijan residents who hoped to voice their anger about depressed economic conditions and growing government repression. By noon the crowd numbered up to thousands of people, the overwhelming majority of whom were unarmed protesters.

At various points during the day, troops in APCs and military trucks periodically drove by, firing randomly into the edge of the largely unarmed crowd. The government had also deployed snipers above the square, but neither the snipers nor the drive-by shooters appeared to be directing fire at persons who were posing any threat. Protesters and observers interviewed by Human Rights Watch all stated that there were almost no armed men on the square itself, and there is no evidence to suggest that the security forces made any attempts to focus their fire on legitimate targets such as the few gunmen in the square. Means of restoring order or dispersing the crowd short of lethal force do not appear to have been used.

Towards the evening, government troops blocked off the square and, without warning, opened fire, killing and wounding unarmed civilians. People fled the square in several groups, the first group using as a human shield numerous hostages seized earlier in the day. As they tried to escape, hundreds of people were shot by snipers or mowed down by troops firing from APCs. The scale of the killing was so extensive, and its nature was so indiscriminate and disproportionate, that it can best be described as a massacre.

A group of more than six hundred survivors fled to the Kyrgyz border in a ten-hour march during which they were also fired on by Uzbek soldiers or border troops. Several people were killed during this further ambush. Ultimately, after negotiating safe passage into Kyrgyzstan, the group managed to cross the border safely. A camp was set up for the refugees directly on the border, just inside the Kyrgyz province of Jalal-Abad; in early June it was moved deeper into Kyrgyzstan. In late July all but fifteen of the asylum seekers were evacuated to Romania. Another eleven were evacuated to the United Kingdom in mid-September.

Separate investigations conducted by Human Rights Watch, the United Nations Office of the High Commissioner for Human Rights (OHCHR), and the OSCE found that

Uzbek government forces were responsible for the majority of civilian deaths. Contrary to accounts provided by the Uzbek government, these reports also found that the large-scale demonstration that took place in Andijan on May 13 was not related to Islamic extremism, but to the expression of people's grievances regarding the economy, poverty, and abuses of the judicial system.