

HUMAN RIGHTS WATCH

350 Fifth Avenue, 34th Floor
New York, NY 10118
Phone: 212-290-4700
Fax: 212-736-1300
hrwnyc@hrw.org
Website: <http://www.hrw.org>

Update on the Human Rights Situation in Uzbekistan and a Short-List of Benchmarks for Progress that the EBRD Can Achieve before the May 2003 Annual Meeting

September 2002

Uzbekistan's human rights record has remained largely unchanged since May. In a significant move, the government finally extended a long overdue invitation to the United Nations Special Rapporteur on torture to visit the country, but in nearly all other respects, the last few months have been marked by a series of serious setbacks to human rights and democracy. This note intends to provide a summary update of the status of human rights in Uzbekistan, followed by a short-list of benchmarks for progress that the Bank could realistically expect to see the Uzbek government fulfill before the 2003 annual meeting.

Torture and prison conditions

Torture and other abuses in Uzbek prisons and police precincts remain commonplace. Since the Bucharest meeting alone, we have documented three deaths arising from highly suspicious circumstances in custody, bringing the total number of such deaths documented by Human Rights Watch to eleven in the past sixteen months. The enclosed press release on two recent cases, both concerning religious prisoners whose apparently tortured bodies were delivered to their families for burial in August, provide more details about the horrific treatment suffered by many prisoners in Uzbekistan. A doctor who saw one of the bodies, that of Muzafar Avazov, concluded that it bore burns that could only have been caused by immersing him in boiling water. His hands reportedly had no fingernails. A preliminary government investigation reached the improbable conclusion that the deaths were the result of a quarrel with fellow-prisoners: according to a two-page statement by the Ministry of Foreign Affairs, hot water which they claim was available in the prisoners' cell was splashed on Avazov, which caused the burns. The statement did not address the point about Avazov's fingernails.

The convictions in January and June of seven police officers and security agents for two deaths in custody are welcome developments, but have not translated into more systemic change towards increased accountability for law enforcement officials who abuse their power; many other deaths and countless reports of torture remain without remedy and no legal safeguards against torture have been introduced, despite persistent recommendations to that effect by international monitoring bodies, such as the United Nations Committee against Torture. Uzbek courts, meanwhile, continue to accept as evidence confessions extracted under torture.

Prison conditions overall continue to be appalling, and the ICRC has still not announced the resumption of visits, which it had suspended due to continued lack of satisfactory arrangements with the Uzbek authorities; this summer, we received a letter that a prisoner serving time in a facility in Kashkadaria province in southern Uzbekistan managed to have smuggled out that listed, among many other descriptions of abuse, eighteen independent Muslim prisoners who had been raped or sexually assaulted by officials in that facility this year.

Religious persecution of independent Muslims

The government's violent crackdown against independent Muslims continues unabated, with no sign of progress on the sorely-needed legal reforms that would improve the climate for religious freedom or provide protection from torture of those detained for their religious beliefs, practices and affiliations. Thousands of people remain imprisoned on account of their peaceful religious activities and our Tashkent office has continued to document religious arrests and trials at an unrelenting pace. Among those arrested are people released under last year's widely-hailed amnesty. We enclose for your reference a recent Human Rights Watch briefing paper detailing aspects of the religious persecution of independent Muslims in Uzbekistan, prepared to affect the US administration's annual reports on international religious freedom, to be released this month.

Human rights defenders

The months since the Bucharest annual meeting have seen a worrisome trend of intensified crackdown against human rights defenders in Uzbekistan. Just after the meeting, on May 24, police arrested Yuldash Rasulov, whose work for the Human Rights Society of Uzbekistan (HRSU) focused on the government's crackdown against independent Muslims. Law enforcement agents kept him incommunicado for a month before allowing any family members or others to visit him in detention. For forty days, he was held in the notorious basement cell of the Ministry of Interior, where torture is a routine method to extract confessions. Rasulov remains in detention to date, and is currently on trial, on charges of "religious extremism."

Earlier this month, on September 4, a human rights defender was sentenced to fifteen days in custody on trumped-up charges of inciting a riot. The defender, Jakhangir Shosalimov of the Independent Human Rights Organization of Uzbekistan, had in fact been helping a journalist arrange an interview with a victim of police violence. That same week, another defender, Tursunbai Utamuratov of the Human Rights Society of Uzbekistan, was detained at his home, which was surrounded and searched by approximately thirty police officers. According to family members who witnessed Utamuratov's arrest, police did not show a search warrant and neither his family, nor his lawyer, had been granted access to him in custody as of September 8.

In another recent case, a court ordered human rights defender Elena Urlaeva to undergo forced psychiatric treatment, reminiscent of Soviet-style silencing of dissent. This order was executed on August 27, when Urlaeva was arrested and placed in a locked ward in the main psychiatric institution in Tashkent, where she has been subjected to forced medication and has been denied visits even from her family. Enclosed press releases provide more details about these cases.

It is important to note in discussions of human rights defenders that no one has been brought to justice for the death of Shovrik Ruzimuradov of the Human Rights Society of Uzbekistan, who died in police custody over a year ago, in July 2001, apparently as a result of torture.

Registration of human rights groups and other civil society organizations

Not a single human rights group has been legalized since the March registration of the Independent Human Rights Organization of Uzbekistan (IHROU). The registration of this group was a welcome development that we recognized in a press release and in our documentation prepared for the annual meeting in Bucharest. Rather than turning this initial positive step into a more systemic change, however, the authorities have refused any additional groups to register.

IHROU remains to date the only legalized independent national human rights organization in the country. In May, the long-pending application of another human rights group, the Human Rights Society of Uzbekistan “Ezgulik,” was turned down.

Freedom of Expression and the Media

Violations of press freedoms continue despite recent changes in censorship policy. In May, presumably in response to outside pressure, the government removed the head of the Committee for the Protection of State Secrets, and announced that newspapers no longer had to submit their copy for prepublication clearance. Authorities, however, appear to have simply transferred the role of censor to newspaper editors. While Uzbek newspapers have since run several articles that previously would not have been published, the editor of at least one newspaper has been summoned by the presidential administration and pressured to stop publishing such material. The overall media content has otherwise not changed.

Journalists in Uzbekistan also continue to risk arbitrary detention. According to the Committee to Protect Journalists, at least three journalists are currently in prison for their professional work.

Operation of political opposition parties

Political opposition groups continue to be denied registration, and face harassment and arbitrary detention for gathering informally or discussing political issues. In May, police prevented the Erk Democratic Party – one of the leading secular opposition groups – from meeting by detaining one of its leaders and saying they would hold him until it was clear that the meeting would not take place. Citizens who have tried to organize protests on economic, social, and political issues have been harassed, threatened, and detained.

Looking Ahead

Human Rights Watch and its partners look forward to continuing our dialogue with the Bank on the human rights situation in Uzbekistan. In particular, we welcome further discussion on specific benchmarks for progress in Uzbekistan, which may be derived from a more general set of benchmarks that we proposed to the Bank in May. We believe the Bank could realistically ask the Uzbek government to meet these short-term requirements, detailed below, in advance of the annual meeting in Tashkent. We are also interested in discussing a number of specific steps that the Bank might wish to consider undertaking at the annual meeting itself. Such steps include specific events – in the form of a roundtable or panel with participation of senior level Bank officials, government representatives, and non-governmental organizations – and public statements, to highlight the Bank’s concerns about the human rights situation in Uzbekistan, as well as the Bank’s commitment and approach to Article 1 overall.

It will also be important for the Bank to consider more practical measures in advance of the meeting, to ensure that interested media and civil society representatives, especially those from the region, are invited and have full access to the meeting, and enjoy protection if they speak out about problems related to governance, democracy and human rights in the country. In addition to broad outreach and invitations to non-governmental groups, the Bank and its shareholder governments might also consider providing assistance, including financial support, to civil society representatives to attend the meeting, and be prepared to monitor and intervene in any cases of arbitrary visa denials. We will be interested in discussing ways in which the Bank, in its

ongoing discussions with the government of Uzbekistan, is communicating its expectations for successful civil society involvement in the meeting and in Bank operations overall in the future.

Short-term benchmarks to be achieved before the annual meeting

Several important benchmarks for progress flow from each of the areas of concern identified above. Our May document laid out a broad list of requirements that we put forward to the Bank to make use of in its dialogue with the Uzbek authorities. While recognizing that meaningful progress has not yet been achieved with respect to any of these requirements, this updating note attempts to create a more selective short-list of a handful of targeted, concrete benchmarks that we believe the Bank could realistically push and expect to see fulfilled before the May 2003 meeting:

- **Introduction of judicial review of detention (habeas corpus):** As one of the most important safeguards against torture, the Bank should require that independent judicial review of detention within a reasonable time be introduced in the Uzbek Penal Procedure Code.
- **Genuine and sustained cooperation with international monitoring mechanisms:** The Bank should require that the Uzbek authorities genuinely cooperate with the ICRC and promptly meet its requirements so that visits to places of detention can resume without further delay. The Bank should further make clear to the Uzbek authorities that it expects them to sustain the conditions necessary for ICRC criteria for such visits to be met. In its dialogue with the Uzbek authorities, the Bank should also express its support for the work that the U.N. Special Rapporteur on torture intends to undertake in Uzbekistan, and follow closely the Uzbek authorities' degree of cooperation, including unfettered access necessary to investigate the August deaths at Jaslyk, with this important monitoring mechanism.
- **Decriminalization of Legitimate Religious Activities:** As a first step toward improving the legal climate for religious freedom, the Bank should ask the Uzbek authorities to reform Article 5 of the Law on Freedom of Conscience and Religious Organizations, and its corresponding Article 216-2 of the Criminal Code, with the view toward decriminalizing proselytism and other missionary activities.
- **The release of arbitrarily detained human rights defenders :** The Bank should raise concern about the government's intensified pressure on human rights defenders, and require that arbitrarily detained human rights defenders, such as Yuldash Rasulov, Elena Urlaeva, and Tursunbai Utamuratov, be released immediately pending an independent review of any charges against them.
- **Registration of civil society groups :** The Bank should require the lifting of restrictions on the operation of civil society groups and push for the registration of key civil society organizations, such as the Human Rights Society of Uzbekistan, Ezgulik, Mazlum, and the Committee of Legal Assistance to Prisoners.