

Uzbekistan

Uzbekistan's disastrous human rights record is long-standing and changed little in 2004, with major violations of the rights to freedom of religion, expression, association, and assembly. Uzbekistan has no independent judiciary and torture is widespread in its pre-trial and post-conviction facilities. In response to international pressure the government has introduced, but not implemented, incremental reform, resulting in no fundamental improvement. The government continues its practice of controlling, intimidating, and arbitrarily suspending or interfering with the work of civil society groups, the media, human rights activists and opposition political parties.

In 2004 Uzbekistan was shaken by two episodes of violence—bombings, and shootings in Tashkent and Bukhara in late March and early April, and bombings of the U.S. and Israeli embassies and the General Prosecutor's office in Tashkent on July 30.

Uzbekistan is a key ally of the United States in the global campaign against terrorism, but undermines that campaign by using it to justify gross human rights abuses. Unfair trials of terror suspects in Uzbekistan that result from gross abuses further undermine counterterrorism efforts by producing unreliable convictions which damage rather than promote the rule of law.

Religious Persecution

For years, the government has imprisoned on “fundamentalism” charges individuals whose peaceful Islamic beliefs, practices, and affiliations fell outside of strict government controls. An accumulated total of about 7,000 people are believed to have been imprisoned since the government's campaign against independent Islam began in the mid-1990s. The government justifies this campaign by referring to the “war on terror,” failing to distinguish between those who advocate violence and those who peacefully express their religious beliefs; it used the March-April attacks to give new validation to the campaign.

By November 1, 2004, Human Rights Watch documented 241 convictions; the true numbers are believed to be much higher. Police use torture and other illegal means to coerce statements and confessions from these detainees. Courts fail to investigate torture allegations made by defendants at trial, despite an instruction by the Supreme Court to judges to exclude any evidence obtained under illegal means, and routinely sentence defendants to long prison terms based solely or predominantly on such testimony.

Conditions in Uzbekistan's prisons are poor, and religious and political prisoners suffer particularly harsh treatment. According to testimony by relatives, prisoners are forced to sign statements begging President

Islam Karimov for forgiveness, renouncing their faith, and incriminating themselves as terrorists. Prisoners who refuse are punished with beatings, time in punishment cells, and even new criminal prosecutions.

Terrorism Trials

Approximately one hundred people were tried on terrorism, murder, and other charges relating to the March-April 2004 violence. Trials monitored by Human Rights Watch and other observers failed to meet international fair trial standards. Many defendants denied any knowledge of or involvement in the violence and alleged that police had held them incommunicado and used torture, threats, and other pressure to coerce confessions during the investigation. Bakhtior Muminov, tried in October along with four others for alleged participation in the March-April violence and alleged membership Hizb ut-Tahrir (a non-violent religious organization that is banned in Uzbekistan) had been held incommunicado from his arrest in late March to August. At trial he testified that he had been tortured with beatings and electric shocks to coerce a confession. The judge failed to launch any inquiry into Muminov's or other defendants' torture allegations and sentenced him to sixteen years' imprisonment.

Torture

The government has made no visible progress on ending the use of torture in practice and only minimal progress on implementing the recommendations made by the United Nations (U.N.) Special Rapporteur on Torture after his visit to Uzbekistan in 2002. The Supreme Court issued an instruction to judges to exclude defendants' testimony and confessions extracted under torture. In practice, however, judges do not implement this instruction. Although the government states that it has prosecuted law enforcement officers for torture and other illegal methods, Human Rights Watch has received no response to its request for further information about these cases. Judges routinely accept as evidence testimony and confessions in cases where torture is alleged as well as base convictions solely on confessions made by defendants during the investigation. Human Rights Watch continued to receive credible allegations of torture in investigations and pre-trial custody as well as in prisons.

Crackdown on Civil Society

The government tightened its grip on civil society in 2004 by extending to international nongovernmental organizations (NGOs) many of the repressive tactics it has used against local NGOs. In 2004 it introduced burdensome new registration and reporting procedures requiring international NGOs to obtain "agreement" from the Ministry of Justice (MOJ) on the content, agenda, timing and place of any activity, and to invite MOJ officials to attend. The government closed the Open Society Institute, which provided vital support for civil society groups, and suspended the activities of the local affiliate of the media-support organization Internews for six-months for alleged minor administrative violations. It also forced all women's NGOs to undergo re-registration procedures.

The government refused to register any independent human rights organizations in 2004. Throughout the year, the government harassed, threatened, and detained human rights defenders in an attempt to

restrict information on human rights abuses. At least two activists were severely beaten by unknown assailants after receiving threats from the government to stop their activities. On February 16, authorities arrested defender Muidinjon Kurbanov and held him incommunicado for three days, during which they threatened and forced him to sign a dictated confession. He was tried and sentenced to three years' imprisonment on fabricated charges of weapons possession in an unfair trial that focused on his human rights work. The sentence was reduced to a fine on appeal and after international outcry.

Uzbek authorities continue to harass, detain, and hold under effective house arrest activists who attempted to stage demonstrations. For example, in June authorities prevented Bahodir Choriev, a farmer trying to prevent government confiscation of his farm, from holding a demonstration by holding him and his relatives in their apartment. Police forced Choriev and eighteen of his relatives onto a bus and drove them outside Tashkent where they interrogated them and confiscated their passports.

Elections

There are no genuine opposition parties registered in Uzbekistan. The government refused to register opposition political parties in advance of the December 26 parliamentary elections. The Birlik (Unity) party applied for registration several times, each time denied by the MOJ, most recently in January 2004, when the MOJ claimed that the party's signature lists were flawed. On appeal, the Supreme Court ruled that the court had no jurisdiction to review registration decisions. Although the law allows unaffiliated candidates to run through initiative groups, in practice, independent candidates faced intimidation, harassment, and other serious obstacles obtaining registration and few ultimately ran. The government also refused to allow independent observers to observe at polling stations. Citing serious flaws in Uzbekistan's election laws, the lack of registered opposition parties and restrictions on freedom of the press, the Office of Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Cooperation in Europe (OSCE) refused to send a full election observation mission to Uzbekistan.

Key International Actors

In July, the U.S. State Department determined that Uzbekistan had failed to make sufficient progress on its human rights commitments as outlined in the U.S.-Uzbek Bilateral Agreement and therefore did not qualify for direct government assistance, cutting U.S. \$18 million in aid. However, in August, the Department of Defense undermined the principled message this decision sent by pledging U.S. \$21 million in new military aid. The U.S. continues to regard Uzbekistan as an important partner in the war on terror.

The E.U.-Uzbekistan Partnership and Cooperation Council met in January 2004 to discuss implementation of the Partnership and Cooperation Agreement (PCA). The PCA requires that partner states guarantee basic civil and political rights. The E.U. missed the opportunity to obtain a commitment from the Uzbek government to implement specific reforms and prematurely gave the Uzbek

government credit for progress on torture and civil society liberalization, when such progress had not been made.

In March 2004, following the expiration of the one-year deadline it had set for the Uzbek government to meet specific human rights benchmarks as a condition for further engagement, the Board of Directors of the European Bank for Reconstruction and Development (EBRD) took the unprecedented decision to suspend direct assistance to the government of Uzbekistan, citing the government's failure to make progress on the benchmarks. It decided to limit investment to the private sector and stay involved in public sector projects only to the extent that they directly affect the well-being of the general population, or involve neighboring countries.

The benchmarks had been set in the bank's March 2003 country strategy for Uzbekistan, issued less than two months before it held its annual meeting in Tashkent. They pertain specifically to human rights: greater political openness and freedom of the media; registration and free functioning of independent civil society groups; and implementation of the recommendations issued by the U.N. Special Rapporteur on torture.

The U.N. Human Rights Commission voted to impose a confidential monitoring mechanism on Uzbekistan due to persistent lack of improvement in its human rights record. In October 2004, an independent expert appointed by the Commission visited Uzbekistan to conduct a human rights assessment. He will present his findings in a confidential report at the next meeting of the Commission.