

UZBEKISTAN

PERSISTENT HUMAN RIGHTS VIOLATIONS AND PROSPECTS FOR IMPROVEMENT

SUMMARY	2
RECOMMENDATIONS	3
BACKGROUND	4
Legal Background	4
Uzbekistan's Recent Human Rights Record	4
Government Gestures Toward Reform Since Independence	5
AN ALARMING NEW TREND: THE CRACKDOWN AGAINST 'INDEPENDENT' MUSLIMS	7
Background	7
VIOLATIONS OF HUMAN RIGHTS	13
Freedom of Speech	13
Freedom of Assembly	14
Freedom of Association	15
Arbitrary Arrests	18
Arbitrary Detentions	20
Cruel, Inhuman or Degrading Treatment or Punishment in Detention	21
Discriminatory Dismissals from Work and Professional Blacklists	25
Harassment by Law Enforcement and Security Services	26
APPENDICES	30
ACKNOWLEDGMENTS	43

SUMMARY

In late 1994, the authoritarian government of Uzbekistan, long stigmatized as a serious human rights abuser, showed the first signs that it desired to change its image. In September of that year, Uzbekistan hosted an international seminar in its capital, Tashkent, sponsored by the Conference for Security and Cooperation in Europe (now the Organization for Security and Cooperation in Europe, or OSCE), at which, in a move unprecedented since early 1992, two local human rights activists were allowed to address the forum, even at the height of a campaign to silence them and all dissidents. Subsequently, the government has taken other steps to project a greater willingness to address human rights problems, such as being cooperative with outside human rights monitors and establishing internal mechanisms which may lead to improvements in compliance with human rights principles. At the same time, fundamental human freedoms are systematically denied to residents of Uzbekistan. Has the government embarked on the difficult and slow road to genuine, sustained reform, or is it merely engaging in a cynical public relations game?

On the basis of first-hand accounts gleaned primarily during an investigative trip to Tashkent, Namangan, and Andijan between November 12 and 23, 1995 (the first allowed since the government of Uzbekistan imposed a travel ban on our representatives in early 1993), Human Rights Watch/Helsinki concludes that the last eighteen months of slow diplomatic "thaw" have dramatically improved the climate in which the government will discuss human rights with outsiders and may, with time, lead to changes in current abusive practices; however, the improved diplomatic climate has as yet resulted in almost no tangible improvements in abusive practices.

For example, during the period under examination (September 1994 to the present) the high-profile abuses that have earned Uzbekistan severe censure in the past — such as the arrests, kidnappings and beatings of well-known dissidents — have decreased somewhat. However, the repression of these same individuals has blended into the less obvious practices suffered by the general population. On the contrary, all forms of wide scale, serious abuse persist, including the total denial of fundamental civil rights, such as freedom of speech, association and assembly. Moreover, the pervasive, repressive tactics used to maintain strict control on all citizens have persisted unabated. And, in the Islamic sector of society, some abuses have escalated dramatically during that same period.

The government of Uzbekistan's "change of heart" toward the human rights dialogue is taking place against a backdrop of its attempts to reassert Uzbekistan's unique place in the constellation of former Soviet republics. It appears to be a pragmatic means of forging an alliance with the West and gaining the access to private foreign investment and developmental assistance that such contact provides. Regardless of motives, it is clear that Uzbekistan stands a better chance of beginning to effect genuine reform now than at any time since the early 1990s. Self-interest thus may lead to the beginning of genuine reform, if the international community insists on it. Without such pressure, however, the persistent patterns of abuse and government attempts to manipulate human rights for propaganda purposes suggest that the chance of reform will remain small.

There has been no progress in striking at the most fundamental and disturbing problems that pervade Uzbekistan society. All media are rigorously censored and some newspapers banned outright and freedom of speech severely curtailed; individuals are punished for even the slightest attempts to express peaceful opposition to the government, or even for a lack of perceived loyalty to the government, through arbitrary arrests, detentions,

“disappearances,” discriminatory dismissals from work, and intimidation through surveillance of homes and telephones; opposition associations are arbitrarily stripped of their legal status; public rallies are banned; law enforcement and the judiciary carry out the will of the authoritarian regime or of corrupt officials, including planting narcotics and weapons on a suspect during arrest; and citizens are functionally unprotected from arbitrary state interference in their family and privacy by law enforcement agents, such as the police (*militia*), who are subordinate to the Ministry of Internal Affairs, and the National Security Service (NSS), formerly known as the KGB, and from cruel, inhuman and degrading treatment or punishment in detention.

Human Rights Watch/Helsinki has monitored the human rights situation in the Republic of Uzbekistan closely since 1992. Despite a two-and-a-half-year period (May 1993 to November 1995) when the government of Uzbekistan denied visas to our representatives, we conducted two full-scale field investigations in Uzbekistan (December 1992 and November 1995), observed political trials, and issued several reports and scores of letters of inquiry, concern and protest relating to specific violations or patterns of abuse. We now maintain an open dialogue with several government bodies that share responsibility for human rights protections.

At the same time, due to the (until recently) limited access Human Rights Watch/Helsinki has had to Uzbekistan and to the government since 1993, this report can hope only to present some of the more egregious cases of abuse in the past year and a flavor for the generally repressive atmosphere that pervades many aspects of life. The organization will continue to monitor the situation.

It is Human Rights Watch/Helsinki’s belief that an honest and informed examination of the human rights situation is the best way to ensure that the promises of improvement are eventually kept. This report will attempt to provide such an account in an effort to help the government of Uzbekistan focus its efforts at reform more effectively, and the international community to be skeptical, vigilant and informed in its efforts to ensure that improvement is real and sustained.

RECOMMENDATIONS

The government of Uzbekistan and its various agencies must take immediate steps to achieve genuine improvements in its human rights records. Because that process demands time, the government must take short-term steps to demonstrate good will that it will strive to reach those goals. Human Rights Watch/Helsinki believes that the international community can and must play a prominent role in encouraging the government of Uzbekistan — a member of the United Nations and the OSCE — to effect reforms and meet its international human rights obligations.

Human Rights Watch/Helsinki calls on the Government of the Republic of Uzbekistan to rigorously uphold international human rights obligations, to ratify at the earliest opportunity the human rights instruments to which it has acceded (listed in the “Legal Background” section of this report), and to no longer require parties and organizations that were once registered to re-register.

We call on the Ministry of Internal Affairs to cease immediately harassment, surveillance, and wire-tapping of peaceful citizens except with the written permission of a

judge and in strict accordance with international standards, to institute internal investigations into allegations of policemen planting drugs and weapons on individuals, discipline those found guilty, and work with the Procuracy General to ensure that they are prosecuted to fullest extent of the law. We also appeal to the National Security Service to cease immediately harassment, surveillance, and wire-tapping of peaceful citizens except with the written permission of a judge and in strict accordance with international standards of civil protections.

We call on the Procuracy General to pursue a rigorous and impartial investigation into the disappearances of Abdulla Utaev, Abduvali Qori Mirzoev, and Ramazanbek Matkarimov. If determined to be illegal detentions, we urge it to prosecute those responsible vigorously.

We urge the Ministry of Justice to adhere strictly to the Law on Social Organizations and the provisions and principles of the Universal Declaration on Human Rights, and other fundamental mechanisms governing freedom of expression and association, and to register all legitimate applicants or issue written rejections by the deadline stipulated by law, and to register the Human Rights Society of Uzbekistan, or provide in writing a legally legitimate reason for rejecting the application.

The International Community should condemn forcefully all persisting violations, monitor closely the government of Uzbekistan's compliance with its international human rights obligations, and encourage its efforts at reform. In offering human rights related assistance programs to Uzbekistan, it should identify publicly the problems that the program targets, set specific goals for improvement, and a timetable for achieving these improvements, and be prepared to withdraw from the program if it becomes apparent that the government is failing to exhibit the necessary good faith efforts.

Human Rights Watch/Helsinki appeals specifically to the U.N. Centre for Human Rights to express concern to Uzbekistan government officials about the ongoing abuse documented in part in this report, and to have the U.N. Working Group on Arbitrary Detention, the Special Rapporteur on the Right to Freedom of Opinion and Expression and the Special Rapporteur on Intolerance and Discrimination Based on Religious Belief conduct investigations in Uzbekistan in the nearest future on relevant forms of abuse.

BACKGROUND

Legal Background

When it accepted membership in the United Nations and the OSCE, the Republic of Uzbekistan obliged itself to uphold the principles of those organizations, including the Universal Declaration on Human Rights. Human rights protections are also enshrined in Part Two of the Uzbekistan Constitution and in various other national legislative acts. In addition, the Republic of Uzbekistan has acceded to the following principle international human rights-related treaties. It is unclear when ratification discussions will take place.

- Geneva Conventions and their Two Additional Protocols (ratified);
- International Covenant on Economic, Social and Cultural Rights;
- International Covenant on Civil and Political Rights;
- Optional Protocol to the International Covenant on Civil and Political Rights;
- International Convention on the Elimination of All Forms of Racial Discrimination;
- International Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment;

- International Convention on the Rights of the Child; and
- International Convention for Elimination of All Forms of Discrimination Against Women.

Uzbekistan's Recent Human Rights Record¹

The independent Republic of Uzbekistan has implemented some improvements from the brutally repressive policies practiced under Soviet rule before glasnost'. Uzbekistan has laid claim to perhaps its most far-reaching reforms in the area of freedom of movement and freedom of religious expression. For example, citizens of Uzbekistan can now readily leave their country — a right denied them under Soviet rule. The government has also returned countless mosques and other houses of worship to active use and permitted unprecedented numbers of individuals to travel outside of Uzbekistan, including to perform the pilgrimage to Mecca required of Muslims. In addition, for a few years between the late 1980s and roughly 1992, the exercise of fundamental freedoms such as the right to free speech, assembly, association and religion flourished on a broad scale in Uzbekistan: public worship was permitted, public rallies filled the streets, opposition political parties and movements sprang up and functioned actively, and an independent human rights group began to take root.

Human rights suffered serious setbacks in the early 1990s, however. Fundamental human freedoms were brought back under brutal state control and began to silence the political opposition, effectively reimposing the abusive practices that had characterized the Soviet period.

Political Repression

From roughly 1992 to the present, during the transition from Soviet rule to today's independent Republic of Uzbekistan, government authorities in Uzbekistan have waged a brutal, relentless and largely effective campaign to wipe out the political opposition. This has taken the form of politically motivated arrests, beatings, harassment, and discriminatory firings from the workplace, primarily targeting leading members of the Popular Movement Birlik (Unity), the Birlik Party, Democratic Party Erk (Freedom/Will), the Islamic Renaissance Party, Adolat (Justice), later renamed Haq Iuul Adolat (The Right Way is Justice), and the Human Rights Society of Uzbekistan. Birlik and Erk were granted registration in 1991 but were stripped of it in 1993. Political repression, which began before the parties lost their registration, resulted in the imprisonment of tens of political prisoners, hospitalization and long-term injuries to several activists, and the flight of dozens of others from Uzbekistan.

The peaceful political opposition within Uzbekistan was virtually liquidated. Today, many of these individuals remain in jail, unjustly serving jail sentences in unsanitary, crowded and otherwise inhumane conditions. Others fled Uzbekistan for asylum abroad. Repression has been so pervasive that today few individuals still residing in Uzbekistan dare openly to identify with the political opposition.

Another element of political control was the practice, particularly in the early years of the republic's independence, of local law enforcement agencies preventing known dissidents from meeting with visiting dignitaries. Peaceful political and human rights activists were placed under de facto house arrest, forcibly transported out of town and held for several days against their will, or arbitrarily thrown in jail for alleged "hooliganism" in order to prevent them from meeting with an OSCE delegation, U.S. senators, and other visiting dignitaries.

¹ For fuller documentation of abuses during this period, see *Human Rights in Uzbekistan*, Helsinki Watch, May 1993, Human Rights Watch/Helsinki 5Vol. 8, No. 5 (D)

The government attempted to prevent such contact by impeding the free movement of outside observers as well as of citizens. In 1993, for example, it imposed a ban on visas for representatives of Human Rights Watch/Helsinki (at the time known as Helsinki Watch). On one occasion in 1993, a representative of our organization who did not require a visa for entry into Uzbekistan and who was attending court trials as an observer was detained, interrogated and expelled from the country.

Government Gestures Toward Reform Since Independence

Below is a non-comprehensive list of concrete measures taken by the government of Uzbekistan since September of 1994 to improve human rights protections or its image as a violator of human rights. Items on this list do not appear in any necessary order of importance:

- Acceding to the International Covenant on Civil and Political Rights and other international human rights instruments (*see* "Legal Background");
- Adopting a series of legislative acts that affect human rights protections, including a Constitution (December 8, 1992) and a new Criminal Code and Administrative Code. Some have strengthened protections; other have weakened them. The international community provided important legal guidance in the revision of these basic laws and codes, however, those recommendations were far from satisfactorily taken into account;
- Releasing seven political prisoners between November 1994 and April 1995: Pulatjon Okhunov, Otanazar Aripov, Inomjon Tursunov, Salavat Umurzakov and Nosir Zokir (November 1994), Ibragim Buriev (prior to sentencing, in April 1995) and Mukhtabar Akhmedova (June 1995). Although all were convicted of criminal activities, they were freed only on the condition that they sign a statement promising to renounce all political activities;
- Instituting the Commission for the Human Rights, a ten-member team attached to the Oliy Majlis (parliament) and headed by a chairman, who is often referred to as the Ombudsman. (The Commission is currently functioning on the basis of a decree, but a law is being drafted);
- Registering more than one political party and movement: In addition to the ruling National Democratic Party, the Ministry of Justice has already registered the Social Democratic Party Adolat (Justice), the Vatan Taraqqietl (Development of the Fatherland) Party (registered in 1992), the Milliy Tiklanish (National Resurrection) Party, and the Khalk Birligi (Unity of the Peoples) Movement. These parties are completely dependent on the government and loyal to it, however, so the increase in the number of parties has not translated into greater political choice;
- Permitting the establishment of a Regional Liaison office of the OSCE in Tashkent in April 1995;
- Lifting of the visa ban on Human Rights Watch representatives, making time to meet and communicate regarding human rights concerns, and offering support for a long-term Human Rights Watch/Helsinki office to open in Tashkent;

- Assisting a local human rights monitor to travel to the U.S. to accept a human rights award in December 1995;
- Decreasing the number of arrests and beatings, and in some cases the surveillance, and harassment, of several high-profile secular political activists.

Most dramatic and, in the short term, successful in opening the door to human rights improvements has been the government's efforts, begun most clearly in early 1995, to reach out to other governments and international investors and cultivate an atmosphere of cooperation, in particular through the Ministry of Foreign Affairs. Along with this campaign toward greater openness, the government has become more tolerant of dialogue with the international community about human rights — while, with few exceptions, remaining notably harsh with or indifferent to indigenous activists. This change has already led to improved exchange of information regarding human rights concerns that, with close monitoring, have the potential to lead to genuine reform within the country.

Until this change, there was an almost seamless continuity of resistance to human rights concerns between the Soviet period and the government's position on human rights advocacy today. Until that time, and in some cases to this day, the government fiercely resisted criticism of its human rights practices, dismissing it as interference in the internal affairs of the country. To this end, it barred or expelled outside monitors from entering the country or expelled them, although they were there legally. It also arbitrarily detained and kidnaped peaceful dissidents who tried to make contact with outside monitors.

In the last year, however, officials of the Uzbekistan government have made it clear that they welcome cooperation with nations and international organizations that include human rights among their concerns, and that the government, which is only four years old, has been making a concerted effort to institute sustainable human rights reforms. Some also readily acknowledge that "mistakes" had been made in past years but state that they are confident that they will not be repeated, and note with pride Uzbekistan's ability over those years to maintain its internal stability.

Over the past year, in communication with representatives of the Uzbekistan government, Human Rights Watch/Helsinki representatives have heard frequently that Uzbekistan is a newly independent state and has not yet had enough time to fully reconstruct legal structures inherited from the Soviet period. Many interlocutors have noted that even with proper changes, people's mentality is slow to adapt and abusive practices thus are slow to disappear. Some have asserted that necessary improvements in the human rights field would come only once economic reforms are fully implemented and the standard of living rises. They noted that much abuse by judges, lawyers, policemen, investigators and the NSS results from corruption, which is rampant since civil servants have no other way to adequately supplement their salaries. While noting some validity to these arguments, Human Rights Watch/Helsinki believes that nothing may mitigate full protection of human rights or efforts to achieve such protection.

AN ALARMING NEW TREND: THE CRACKDOWN AGAINST 'INDEPENDENT' MUSLIMS

Despite the government's improved receptivity to human rights concerns since 1994, there may be more prisoners of conscience today than there were at the beginning of the

diplomatic “thaw.” That rise is explained in large part by law enforcement and local authorities’ crackdown on leading members of the independent Islamic community. The crackdown dates roughly from the end of 1994 and is known to have focused on Tashkent and the major cities of the Farghona Valley. The result has been arbitrary arrests and detentions, disappearances, impeding free attendance at some mosques, arbitrary dismissals from work, arbitrary and intimidating interrogations by law enforcement agents, and prohibition of some individuals from teaching Islam and related materials.

These abuses are part of the pattern of violations suffered by Uzbekistan society at large (*see* “Violations of Human Rights”); however, we highlight the crackdown against the Islamic community in particular in this report since it developed on a broad scale only after the publication of our last comprehensive report on the human rights situation in Uzbekistan in 1993.

Local residents have reported to Human Rights Watch/Helsinki that Muslims, overwhelmingly men, are arbitrarily taken in for questioning and intimidated, and often detained for several days without charges by the police and NSS for minor acts of perceived insubordination or independence. Individuals reportedly are detained and harassed for as little as wearing a beard, failing to praise or praise sufficiently the government in their prayers (Islam teachings prohibit praising anyone other than God); showing solidarity with practitioners of conservative Islam; or being independent financially from the Spiritual Directorate, the government’s oversight agency for religious affairs, or even from the voluntary donations of the pious.

The government may be particularly interested in controlling “independent” Islam. First, it is one of the very few unregulated channels of social authority, the other being political opposition. Second, it is believed to be the recipient of financial support from Muslim donor countries, monies which are not immediately controlled by the government.

The effect of the repressions — and possibly their goal — has been to punish practicing Muslims who either worship at, teach at, or contribute to the financial support of independent mosques, *madrasas* (institutions of secondary and higher Islamic learning), or even belong to a state mosque but reportedly fail to demonstrate due loyalty. The crackdown has set a chill on the Muslim community and are apparently stifling the free expression of some forms of Islam.

Background

All religious expression was brutally repressed in the Soviet period, beginning in Uzbekistan in the 1920s. At the time, it affected all faiths equally. In the case of Islam, public manifestations of faith, such as the “five pillars of Islam,” were strictly prohibited and punished.²

² The five pillars are: 1) the declaration of faith (*shahada*); 2) prayer five times per day (*salah*); 3) alms (*zakat*); 4) fasting during the month of Ramadan; and 5) performing the pilgrimage to the holy city of Mecca (Saudi Arabia) (*hajj*).

The Republic of Uzbekistan, which is secular, has instituted dramatic improvements in the exercise of freedom of religion in Uzbekistan. Articles 31 and 61 of the Constitution enshrine the right to freedom of conscience and to the equal treatment of religious organizations under the law, respectively. Mosques and churches have been returned to their congregations, and the number of religious schools and literature has risen. Nine new madrasas reportedly opened during the first year of independence,³ and, according to government figures, the number of mosques had grown one hundred-fold by 1995.⁴ There has been only one report of an individual having been prevented from performing the hajj (Pulatjon Okhunov in 1995); on the contrary, in February 1995 the government announced it would offer assistance for those desiring to make the pilgrimage.⁵

At the same time, there exists a state-organized and state-financed "official" Spiritual Directorate for Muslims, which is controlled by the secular government to serve state interests. For example, official Islam is funded by the state, and the pious are enjoined to pray for the government of Islam Karimov. As one analyst concludes, "For public consumption, the official religious establishment bestows its benediction on the political leadership on one hand and eschews any efforts to introduce religion into politics on the other."⁶ The Spiritual Board of Central Asia and Kazakstan, formed under Soviet times, has been superseded by a muftiate in Uzbekistan.

Islamic communities not affiliated with the state, much like the Sufi orders, formed "parallel" or "shadow" Islam, which is financed solely through private contributions, and followers believe in the primacy of religious authority in all aspects of life.⁷ It is this "independent" Islamic community that has fallen under fire, possibly because, in the perception of the state, it exercises an unacceptable degree of autonomy and its primary allegiance is not to the state.

Part of the Islamic revival seen in recent years has been felt in remote areas of Uzbekistan, such as the Farghona Valley, where approximately one third of the population lives, overwhelmingly Muslim.⁸ An ethnically heterogeneous agricultural area, the Farghona Valley, which straddles Kyrgyzstan, Tajikistan and Uzbekistan, was the site of bloody clashes in recent years: in 1989, between Uzbeks and Meskhetian Turks, which resulted in scores of

³ Christopher R. Kedzie, "Religion and Ethnicity in Central Asia," *Central Asia Monitor*, 3/1992 (May-June), pp. 14-15; cited in Roger D. Kangas, "The Three Faces of Islam in Uzbekistan," *Transition*, vol. 1, no. 24, December 29, 1995, p. 18.

⁴ Statement, Ministry of Foreign Affairs of the Republic of Uzbekistan, received by Amnesty International on December 11, 1995, p. 4. Forwarded courtesy of Ian Gorvin, Amnesty International Secretariat, London.

⁵ Uzbekistan Television, February 19, 1995, as reported by the BBC; cited in Open Media Research Institute (OMRI) Daily Digest, No, 38, Part I, 22 February 1995.

⁶ Lowell Bezanis, "Exploiting the Fear of Militant Islam," *Transition*, vol. 1, no. 24, December 29, 1995, p. 8.

⁷ Alexandre Bennigsen and Chantal Lemercier-Quelquejey, *The Islamic Threat to the Soviet Union* (New York: St. Martin's Press, 1983).

⁸ A 1993 survey revealed that 75 percent of residents of the Farghona Valley consider themselves practicing Muslims, as opposed to only 25 percent in the capital and less than 20 percent in western parts of Uzbekistan. See Roger D. Kangas, "The Three Faces of Islam in Uzbekistan," *Transition*, p. 19.

casualties, and in 1990, when clashes between Uzbeks and Kyrgyz left some 200 dead and hundreds more wounded. The government is thus sensitive to any disturbances there and has singled out "Islamic fundamentalism" as a potential disturbance. The government is concerned about militant influences from Tajikistan and Afghanistan fanning flames in Uzbekistan, and also points with alarm to the "criminal activities" of people in their own country, particularly in the Farghona Valley.⁹

Thus, it appears that what is problematic for the state is not the religious content of Islam but its expression as a social and political catalyst. Islam is not only tolerated, it is an essential part of Uzbekistan's government; at the same time, that which is not under government control is repressed. In an interview with Human Rights Watch/Helsinki, Mufti Mukhtorkhon-khoji Abdullo did not acknowledge any Islam but state Islam.¹⁰

Abuses

The crackdown has included the following violations:

⁹ Human Rights Watch/Helsinki interview with Foreign Minister Abdulazziz Komilov, Tashkent, November 23, 1995.

¹⁰ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

- Three independent Islamic leaders have “disappeared,” sending fear throughout their congregations and the Islamic community at large;¹¹
- Tens of Islamic believers are believed to be in prison on falsified charges to halt their independent activities;
- Numerous individuals reportedly have been detained without charges, interrogated and threatened by law enforcement authorities in Andijan, Qoqand, Namangan and Toshkent;
- Local authorities have closed at least three mosques, reportedly without a court order, since May 1995: the Jo”mi mosque in Qoqand, the Jo”mi mosque in Andijan and the Khoja-Nuriddin mosque in Toshkent; and
- At least two individuals have been stripped of their livelihoods as a teacher of Islam and an imam, respectively.

The government has sent a clear message of intolerance for anything but explicit loyalty to state-run Islam. In part, it has sent this message by targeting leaders of “independent” Islamic communities for punishment. Some examples follow.

The Uzbekistan chapter of the Islamic Renaissance Party was banned in 1992; that same year, in December, its leader, Abdulla Utaev, disappeared, reportedly taken away by security forces. The Ministry of Internal Affairs claimed that it was unaware of the disappearance but would look into it; five months later, Human Rights Watch/Helsinki’s request for information was still unanswered. In an interview with Human Rights Watch/Helsinki, one of the Mufti’s assistants reported that Mr. Utaev was not a religious leader but a businessman, and that he lacked proper religious training, but expressed regret at the disappearance.¹² Khokim Satimov, the leader of the informal Islamic community action group Adolat, was arrested in 1993. Adolat has been labeled lawless and brutal by the government; few independent reports exist to dispute or confirm this charge.

Sheikh Abduvali Qori Mirzoev is a high-profile imam who had worked, reportedly unpaid, with the Jo”mi mosque in Andijan city since 1989. He reportedly disappeared at the Toshkent airport on August 29, 1995, as he prepared to board flight #668 from Toshkent to Moscow to attend an international Islamic conference. Mr. Mirzoev was forty-five at the time of his disappearance and has a wife and seven children.

Ramazanbek Matkarimov, who disappeared with him, was born in 1959, is a train conductor at the Andijan depot, and worked for several years as an unpaid assistant to Sheikh Abduvali Qori Mirzoev. He has a wife and four children.

The sheikh’s brother, Abdulla Mirzoev, told Human Rights Watch/Helsinki.¹³

¹¹ See “Attacks on Leaders” and Appendix C.

¹² Human Rights Watch/Helsinki interview with the Mufti of the Republic of Uzbekistan and his colleagues, Toshkent, November 20, 1995.

¹³ Human Rights Watch/Helsinki interview, Andijan, November 16, 1995.

He was always on the alert, particularly in the last days before his departure. [Security services] had taken religious leaders in Namangan, Qoqand and Toshkent, so Andijan was next. He had been under constant surveillance for the last ten to fifteen years. Every day two or three cars were parked outside his house, taking notes... I don't know how he stood it... He ate every meal at home, for religious reasons but also for safety.

People at the conference in Moscow called us to see why Abduvali hadn't come. That's when we found out... A man we know who was on the same flight [Otabek Shamsutdinov] had looked for Abduvali on board so that they could have evening prayers together, but he couldn't find him.¹⁴ Remember, Abduvali was a very visible person. He has a big beard and was wearing unusual clothing; you could spot him in a stadium of 10,000 people, but this man couldn't find him in the airplane, although he searched in all three sections. Relatives later flew to Moscow and personally saw the declaration forms people fill out upon arrival in Moscow. But there were no declaration forms for them because they never arrived in Moscow. They were detained by NSS agents in Toshkent.

Why am I so sure [he is in the custody of the NSS]? First, my brother had been detained by the KGB in 1983. Second, he had been under surveillance his whole life. Third, there is no one except the NSS that has physical access to the place [at the airport] where they disappeared: after check-in and customs control... Fourth, a witness has told us that when they were arresting our brothers at the airport and took them into a separate room, an airport worker looked into the room and asked why they were keeping the passengers there, but the detaining agents showed him their NSS badges and ordered him not to interfere, that it wasn't his business. Fifth, Abduvali's wife said that he had gone with great reservations. Apparently the surveillance on him had intensified over the previous ten to fifteen days.

Why would they have wanted to remove him?... I think it's because he was a world famous Islamic scholar who has written eighty-seven articles on the Qur'an. He knew the Qur'an by heart. There has never been anyone like him in Uzbekistan before. That's why he was famous. And this disturbed someone, bothered someone, to the extent that they ultimately kidnaped him.

He was not involved in politics. [But] he was always visible. If he took a step, people captured it on video; if he said a word, they took it down on tape. These videos are documentation of his life and his work. That's why they couldn't arrest him officially and instead committed this barbaric act.

On October 25, 1995, the Andijan district (oblast') Procuracy opened a criminal investigation into these apparent disappearances and created a special working group responsible for the case. The Andijan team reportedly has concluded its work, but the investigation is ongoing in Toshkent and Moscow. The Procuracy, Ministry of Internal

¹⁴ According to a Ministry of Foreign Affairs statement, Mr. Samsutdinov gave testimony to the Procuracy that was recorded on videotape that he did not know Mr. Mirzoev and hadn't looked for anyone during the flight, but that he had been urged by Mr. Mirzoev's brother to say that he had.

Affairs, and the NSS have denied knowledge of the men's whereabouts. The Ministry of Foreign Affairs has called reports that they are in NSS custody "untrue" and "unverified."¹⁵

¹⁵ Statement received December 11, 1995, by the Bermuda chapter of Amnesty International, p. 1. Forwarded courtesy of Ian Gorvin, Amnesty International Secretariat, London.

At the same time, they reportedly have harassed and threatened the relatives of the disappeared men who have brought to light information implicating the security services in the disappearances.¹⁶ Also, supporters of the imam who sought to gather to protest the apparent detentions reportedly were denied a permit by local authorities¹⁷ and prohibited from broadcasting Radio Liberty programs about the investigation at the mosque. In December 1995, local authorities closed the mosque entirely.

In an unsigned, undated statement received by Amnesty International, the Ministry of Foreign Affairs of the Republic of Uzbekistan reported that the Procuracy had concluded that the men “went through check-in, got onto the airplane and flew to Moscow.”¹⁸ In a conversation with Human Rights Watch/Helsinki in November 1995, the first deputy procurator of the Republic of Uzbekistan offered the implausible theory that these men had flown out of Uzbekistan but had not arrived in Moscow.¹⁹

In September 1995, Amnesty International submitted an inquiry to the United Nations Working Group on Enforced or Involuntary Disappearances regarding these disappearances. As of this writing, Amnesty is not aware of the Working Group having received a response from the Uzbekistan authorities.

Human Rights Watch/Helsinki has information that an imam at a Toshkent mosque was called into the Procurator’s office in 1995 and subjected to an inhuman barrage of abuse, foul language and threats. He was summoned, reportedly, because several years previously he had advocated in a speech at the mosque changing the modified Cyrillic alphabet, used to write Uzbek since the 1930s, to the Arabic-Persian alphabet instead of to the Latin alphabet. The government favored a transition to the Latin alphabet and indeed, in the 1990s adopted a law to institute that change, thus the imam’s position contradicted that of the government.

A person familiar with an imam, whose name cannot be revealed here, who has been harassed recounted the following:²⁰

The imam had received several thousand books from Saudi Arabia as a gift to his mosque. Then [law enforcement agents] began building accusations against him: “Why did the Saudis give *you* a present? Who are you — your own state? Why don’t they send them to the Spiritual Directorate? Are you friends with them or something?”

They also accused him of giving financial assistance to the opposition in Tajikistan and alleged that he was teaching our youth in a spirit of opposition to our government — like he wanted to form an Islamic government.²¹ The

¹⁶ See “Harassment.”

¹⁷ ITAR-TASS, 13 October 1995; Reuters, November 29, 1995.

¹⁸ Statement received December 11, 1995, by the Bermuda chapter of Amnesty International, p. 2.

¹⁹ Human Rights Watch/Helsinki interview, Toshkent, November 20, 1995.

²⁰ Human Rights Watch/Helsinki interview, name of interviewee and location and date of interview withheld.

²¹ The neighboring Republic of Tajikistan has been devastated by civil war since 1992, when the democratic opposition and the Islamic leadership joined forces to oppose the communist government.

sheikh [imam] said such thoughts had never even entered his mind, and that he himself never had any money, so how could he finance the Tajik opposition?... They accused him of being a very independent religious figure, that he was not subordinate to the Spiritual Directorate, that he doesn't read the official statements [of the Directorate] that he is supposed to read to people, and that he never attends meetings at the Directorate, disregards its guidance and constantly chooses his own topics for sermons. But in reality he does go to the meetings and consults with the Directorate on all matters. Someone is trying to get the imam in trouble with the NSS.

Even the opposite case — refusal to take money — has been misconstrued as a threat to the unity of the Spiritual Directorate. According to one prayer leader:²²

There is a bad tradition that has developed among the people: to collect money for when a mullah or other religious figure comes to an event, like when someone dies or is born, they must give him money. But that shouldn't be allowed. Moreover, people these days don't have a lot of money. The sheikh understands that and therefore his conscience never allows him to take money. But he was criticized for this in a "talk" with a representative of the Spiritual Directorate. He was told: "You don't take money from people, but how then do you live?" And he right away came to the conclusion: "That means you take money from abroad. You receive huge financial support and live off of it." But in actuality he lives on the salary he receives at the mosque — nothing more. He just lives modestly.

²² Human Rights Watch/Helsinki interview, name of interviewee and location and date of interview withheld.

An imam reportedly was called in to the Office of the President in Tashkent and warned that he was not acting correctly when he would ask in his sermons how it was that a famous scholar could disappear in the center of town.²³

They told him that he was disturbing the political process with his speeches and that he should not do this. After every summons he would appear before the public and say, "I was summoned to such-and-such a government office," so that people wouldn't worry about him. But he was later warned not to speak of these meetings in public, that they should remain secret.

Although no study of Uzbekistan prisons has yet been conducted, a man who has been incarcerated several times at Tashkent prison reported to Human Rights Watch/Helsinki that approximately 30 percent of the roughly 15,000 detainees were "believers," and that he noticed they often received worse treatment by guards, such as being denied food or being fed late.²⁴

VIOLATIONS OF HUMAN RIGHTS

Freedom of Speech

Article 29 of the Constitution of Uzbekistan guarantees the right to freedom of "thought, speech and convictions." At the same time, it expressly forbids some types of free expression, such as the right to "seek, obtain and disseminate information except that which is directed against the existing constitutional system and in some other instances specified by law. Freedom of opinion and its expression may be restricted by law if any state or other secret is involved."

Article 67 of the Constitution states that "censorship is impermissible." Although formally illegal, censorship is extremely heavy in Uzbekistan. Teams of censors are reported to work on the premises of all media sources and to have the last word in what is printed or aired. Some newspapers, such as *Erk*, the newspaper of the outlawed Erk Democratic Party, and *Mustaqil Haftalik* (Independent Weekly) have been banned, and individuals have been sent to prison for possessing copies of them. Indeed, possession this act is considered such a serious breach of the law that police are believed to have planted newspapers on dissidents to form the basis for an arrest (*see* below). The government jammed or otherwise prohibited some foreign radio and television broadcasts from reaching Uzbekistan, more heavily before 1995.

²³ Human Rights Watch/Helsinki interview, name of interviewee and location and date of interview withheld.

²⁴ Human Rights Watch/Helsinki interview with Ibragim Buriev, Tashkent, November 13, 1995.

The head of State Television and Radio, Shahnoza Ghanieva, who is responsible for editing all reports, told Human Rights Watch/Helsinki representatives that there is no censorship in Uzbekistan. She reports, however, that all of her correspondents must be "patriotic" and that she sees as her role to "give people hope for tomorrow. The perestroika period [in the USSR] shattered people's hopes."²⁵

This propagandistic editing results in serious distortions of information. One egregious example is the interview Ms. Ghanieva personally conducted with Jonathan F. Fanton, the chairman of Human Rights Watch/Helsinki's Advisory Board. The broadcast was aired on November 23, 1995, on "Orbit" in Tashkent, rebroadcast from "Novosti" of Russian television. Human Rights Watch/Helsinki has obtained a copy of the broadcast. In it, Ms. Ghanieva replaced Mr. Fanton's actual statements, which expressed profound concern about ongoing human rights violations, with a voice-over stating that our representatives found that the "tendentious" reports of abuse we had gathered prior to our visit proved to be "not entirely objective." The coverage also omitted the concerns actually raised during the interview. (See Appendix F.)

Even President Islam Karimov is responsible for exploiting the investigative visit of our delegation to artificially set a stamp of approval on the current human rights situation. In a December 1995 speech to diplomats and journalists, President Karimov stated:²⁶

Uzbekistan is opening up more to the world, and subjectivity in reporting is decreasing. To support my words, I will cite the opinion of the delegation of Human Rights Watch, which visited us recently, headed by its very high-profile representative Mr. Fanton. After a series of meetings with representatives of political parties, nongovernmental organizations and groups, centers of national cultural and religious faiths, the experts acknowledged that "the information which reaches us about human rights violations is unfounded" (*ne sootvetstvet deiistvitel'nosti*).

Human Rights Watch/Helsinki protested this blatant manipulation in a letter to the president on February 22, 1996.

At least five individuals are known to be currently incarcerated for alleged possession of banned newspapers in Uzbekistan, although the formal charges do not reflect that. Abdulla Abdurazzoqov, an Erk party activist and lecturer at Tashkent Pedagogical University, was sentenced on September 14, 1994, to three and a half years of imprisonment on slander charges. Rashid Bekjon, brother of Erk Party leader Mohammad Solih, was arrested in November 1994, and sentenced in August 1995 to five years of imprisonment on charges of, in part, violating Article 68, part 1 of the Criminal Code ("contraband"), in connection with his alleged possession of the *Erk* newspaper. On February 16, 1996, Kholiknazar Ghaniev and Bakhtiar Nabii-oghli, both professors at Samarqand State University, and their colleague, Nosim Bobev, a PhD in economics currently working at the Samarqand oblast tax inspection, reportedly were arrested. It is reported that they are under investigation for illegal possession of narcotics, a charge often lodged against critics of the government when there is no evidence to justify an arrest. In actuality, it is reported that these men are being punished for possession

²⁵ Human Rights Watch/Helsinki interview, Tashkent, November 22, 1995.

²⁶ *Pravda Vostoka* (Truth of the East), Uzbekistan, December 30, 1995, p. 2.

and distribution of the banned opposition newspapers *Erk*, *Forum* and *Birlik*. (See Appendices A and G.)

Freedom of Assembly

Article 33 of the Constitution of Uzbekistan guarantees the right to engage in public rallies, meetings and demonstrations, as does Article 21 of the ICCPR.

On February 21, 1990, before Uzbekistan became independent, the Presidium of the Supreme Soviet of the Uzbek SSR outlawed "temporarily, until the socio-political situation in the republic stabilizes,... street marches and demonstrations" and ordered that sanctioned rallies and gatherings be held "in the requisite procedures" in "closed premises." That ban has persisted for the past six years, despite its being in flagrant violation of the Constitution. No rallies are known to have been held in Uzbekistan since January 1992, when several students were shot to death, reportedly by police, during a rally protesting economic conditions. All known attempts have been forcibly dispersed by the police and participants punished.

On June 19, 1995, some 300 women from the Azamat state farm (*kolkhoz*) in the agricultural area of Ishtekhan region (*raion*), Samarqand district (*oblast'*), staged a sit-in on a nearby highway leading to Bukhara to demand payment of their salaries, which had been withheld for six months. One of them, forty-one-year-old Tulvanoï Butaeva, reportedly was held for six days for disorderly conduct and issued a warning under the Administrative Code.²⁷ In a written statement, Ms. Bataeva recounts the following:²⁸

Apparently they didn't beat us because cars from Turkey and Iran and other drivers had stopped and were watching us. Also, there was the likelihood that all of the women of the raion would join the demonstration. They took down all our names and, to calm us down, gave out cotton oil and wheat. After that, they called the participants in to the investigator one at a time.

After the demonstration, on June 20, policemen under the leadership of deputy head of the regional department of internal affairs Orzy insulted me with swear words and forcibly put me in a car and took me to the regional procuracy. There they forced me to sign a statement promising not to participate in rallies anymore.

September 1 was a national holiday, and all the well-off, sated officials had gathered on the square to celebrate it. I went there too, with my two children [aged four and six]. I wanted to communicate my woes to the people there... Unfortunately, they didn't allow me to speak. My children started crying. People around me grabbed me and started dragging me off the square. In answer to the question from some onlookers, "What is the woman accused of?" they answered, "This woman was trying to steal something, so we've detained her." It was hard for me to bear such humiliation and the three of us — my children and I — started crying. At noon, they took me and my children to the police lock-up and tried to separate us. They cried loudly and went into hysterics... and they put two armed guards on us. They held us

²⁷ Human Rights Watch/Helsinki interview with Vasila Inoiatova, Moscow, February 14 and 16, 1996.

²⁸ Open letter from T. Butaeva, October 28, 1995.

there, hungry, until 11:00 p.m. and wouldn't even give the children some water when we asked. When my children fell asleep, they took me away to the pre-trial detention center, and I demanded that they return me my children. But they didn't, so at that moment I began a hunger strike.

The investigator explained that I was being brought up on criminal charges. "You are a political criminal. You spoke out against a government holiday." They filled out various forms... and finally made me sign a statement. On September 6 they took me to one of my relatives and left me there, but they took away my children's birth certificates.

On Monday, September 9, 1995, policemen came to the house without any warrant and said that I am a criminal and should not be at liberty. My children started crying loudly... and I convinced them that today it was too late, but that I would leave my children with relatives and come myself in the morning. I understood that my safety and that of my children was in danger and was forced to flee my house and the town in which I was raised.

Human Rights Watch/Helsinki learned in March that Ms. Butaeva was convicted of "malicious hooliganism" and given a three-year suspended sentence.

Freedom of Association

Articles 34, 57 and 58 of the Constitution of Uzbekistan, and the Law on Public Organizations, enshrine the right of citizens to form political parties and associations, as does Article 22 of the ICCPR. Article 34 of the Constitution states that "no one may infringe on the rights, freedoms and dignity of the individuals constituting the minority opposition in political parties, public associations and mass movements."

At the same time, Article 58 of that same document states that "interference by state bodies and officials in the activity of public associations, as well as interference by public associations in the activity of state bodies and officials, is impermissible." Human Rights Watch/Helsinki is concerned by this restriction since it inherently limits the probing of government activities that is a normal part of human rights work.

We are further alarmed by the stipulation in Article 57 that "all secret societies and associations shall be banned," since "secrecy" is clearly an illegitimate basis for prohibition of this fundamental right.

In practice, opposition members have been brutally punished because of their affiliation with certain social or political groups, and several opposition parties have been banned or effectively stripped of the registration they once enjoyed. The latter include the Popular Movement Birlik, the Birlik Party, the Erk Democratic Party, and two religious groups: "Adolat" and the Islamic Renaissance Party of Uzbekistan. Some nongovernmental organizations dealing with human rights have met the same resistance.

Political Parties

In response to an inquiry by Human Rights Watch/Helsinki in November 1995, the Minister of Justice said he had encouraged Erk and Birlik leaders to resubmit paperwork during a meeting with them in January 1995, but that ten months later they had not received anything.²⁹

²⁹ Human Rights Watch/Helsinki interview, Toshkent, November 20, 1995.

Birlik Popular Movement

Birlik was registered with the Ministry of Justice of the Uzbek SSR on November 11, 1991. In 1992, the government illegally required it and other organizations to re-register, and failed to approve its application, effectively stripping it of its registration arbitrarily.

In an interview with the weekly Russian magazine *Novoe Vremia* (New Time) in October 1995, President Karimov said, "I stated categorically that no one will object if this movement wanted to renew its activity and, in conformity with legal procedure, submits its founding documents for registration."³⁰

Birlik member Vasila Inoiatova asserts that the Ministry of Justice is stonewalling:³¹

After the CSCE conference [in Tashkent in September 1994], I sent a letter three times to the Minister of Justice [regarding re-registration of Birlik]. At the conference [he] stated that the ministry has no petition for registering Birlik. But we had a certified document that we had submitted these documents to them... A month later I received a response that the documents were not there. A week after that, [I got a response] that they were there but they had expired... So I wrote again to the Ministry of Justice, saying that I had submitted the paperwork on time. I have a certified receipt of it with [the Ministry's] stamp on it, and I attached a copy of it with my letter. But I still haven't received a response. So I went to see the person I had originally appealed to and he said that it was out of his hands, and that I understood that myself.

Birlik Party

Despite several appeals during 1991-92, the government refused to register the Birlik Party. In July 1992, party chairman Abdurakhim Pulatov suffered a broken skull and numerous serious contusions when he and his colleague, Mirolim Odylov, were attacked by a band of men wielding metal rods as government officials, with whom the men had been meeting, looked on. The other Birlik party co-chairman, Shukhrat Ismatullaev, was hospitalized after an almost identical attack in 1993. No investigation is known to have been pursued in either case, and the government has never denied involvement in the attacks.

Erk Democratic Party

³⁰ Arkadii Dubnov, "Sil'naya ispolnitel'naya vlast' sdelaet lyudei zakonoposlushnymi" (Strong Executive Power Will Make People Law-Abiding), *Novoe Vremia*, No. 41, October 1995, p.16.

³¹ Human Rights Watch/Helsinki interview with Vasila Inoiatova, Tashkent, November 20, 1995.

Erk was also stripped of registration by the re-registration requirement introduced in 1993. Officials of the Foreign Ministry have indicated to Human Rights Watch/Helsinki that Erk was not a legitimate political party since it was headed by terrorists³² — a reference to the conviction in March 1995 of six individuals affiliated with Erk on charges of terrorism and related charges (Criminal Case No. 300).

Nongovernmental Organizations (NGOs)

Numerous NGOs have been registered in Uzbekistan in recent years, even as some have been banned. Some groups have been refused registration arbitrarily, uniformly those that delve into human rights issues or are composed of individuals not hand-picked by the government.

As with political parties, the government has registered government-created organizations to fulfil the formal function of a nongovernmental organization (often referred to facetiously as GONGOs, or "Government-Organized Nongovernmental Organizations"). Thus, for example, the GONGO National Committee for Human Rights has been registered since September 30, 1993, but is all but non-functional.

At the same time, the independent Human Rights Society of Uzbekistan (formed February 2, 1992) has been denied registration for the past four years. In a letter of February 15, 1996, the Ministry of Justice stated merely that the application "did not meet the requirements of the law on social organizations." In a June 1995 meeting with Human Rights Watch representatives, then Minister of Justice Mardiev indicated that the paperwork had been incorrectly filled out, complaining, for example, that it had been filed "on half a piece of paper."³³ In November 1995, however, Mr. Mardiev and his staff responded that the application was unacceptable because some of the proposed members of the board were not citizens of Uzbekistan.³⁴ However, there is no such stipulation in the corresponding laws, and in any case all of the individuals on the list are citizens.

Human Rights Watch/Helsinki is profoundly concerned by ongoing harassment of some members of the Human Rights Society. Polina Braunerg, an attorney from Almalyk and member of the board of the nongovernmental and as yet unregistered Human Rights Society of Uzbekistan, and her son have been subjected to interrogations, searches, detention, and other forms of intimidation and harassment from investigative bodies. In addition, a criminal case is being prepared against her by the Military Procuracy, although as of this writing it is unclear what if any charges have been brought against her. Local observers report that the harassment is punishment for her human rights activities and for possession of banned newspapers (*see* Appendix H).

³² Human Rights Watch/Helsinki interview, Tashkent, November 13, 1995.

³³ Human Rights Watch/Helsinki interview, Washington, D.C., June 1995.

³⁴ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

Human Rights Watch/Helsinki welcomes the Ministry of Justice's pledge of March 1996 to register the Society as soon as it submits an application which conforms to the law. Human Rights Watch/Helsinki understands that the Society is currently preparing a new application.³⁵

Likewise, the Foundation for Support of Political Prisoners and their Families, formed in the spring of 1995, has not been given a legitimate reason for the Ministry of Justice's refusal to register their original applications. Founder Vasila Inoiatova states that she submitted the necessary paperwork to process her application for registration to the office of the president and the Ministry of Justice. She continued:³⁶

That was in April 1995... After three months, I went in person to the Ministry of Justice and demanded a response to the letter. They told me that a letter had been sent in response, yet I hadn't received it. They showed me the correspondence registration book and, indeed, a letter had been sent. But I live at number 3, and they had written number 33. I think this was done deliberately: it looks like they did their duty, yet I don't get anything.

Several women's groups, which are funded by the government, are beginning to work actively. At the same time, the independent women's group Tumaris, an adjunct to the now banned Birlik Popular Movement, has been unable to function since approximately 1993 because of unrelenting government harassment, including the beating of one leading member (Mamura Usmanova and her husband in December 1993) and repeated forcible dispersals of their meetings by security forces.

Like Birlik and Erk, the "Samarqand" Social-Cultural Organization of Tajiks and Tajik-Speaking Peoples, based in Samarqand, was stripped of its registered status when it was forced to re-register. According to leading member, Jamol Mirsaidov:³⁷

[The government] created a puppet Social-Cultural Organization at the same time as we had, although we had submitted our application for registration slightly before they had. But they didn't register us, but did register the puppet organization. We sued, and the district court ruled in our favor, forcing the Justice Department to register us within one month, but the Collegium on Civil Matters of the Supreme Soviet of Uzbekistan, which reviewed the appeal of the Ministry of Justice, has failed to satisfy our petition.

On June 2, 1995, I received two phone calls from staff members of the American Embassy in Tashkent... They notified me that the next day an American delegation from the State Department was arriving and wanted to meet with me... I decided to greet them at the airport, having notified my friends that people were coming from America who were interested in our

³⁵ Amb. Audrey F. Glover received these assurances from the Minister of Justice during a personal meeting in Tashkent in March 1996. Human Rights Watch/Helsinki telephone interview with Amb. Glover, March 11, 1996.

³⁶ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

³⁷ Human Rights Watch/Helsinki interview, Tashkent, November 21, 1995.

problems and if they want, they can take part in our talks, as well. But it turned out our phone conversations had been tapped. The meeting took place, but I learned later that at that time my friends were being detained by the NSS. They were told that they wouldn't be let out until the Americans left, and made them sign incriminating statements against me.

They detained co-chairman [of the organization], Vafakul Ishankulov, who had refused to sign a statement against me, and Zakhid Khasan-zade, a journalist. They detained Khasan-zade at his home together with two of his children. They told him that until he gave testimony against me they wouldn't let him go and would throw him and the children into the basement cell at the NSS.

On the eve of the arrival of the American delegation and even after they had already left, they began rounding people up. They made the detainees sign statements about why they had signed a letter... asking why the group still hadn't been registered. Someone made a photocopy of the letter and took it to the NSS, and they called in everyone who had signed. They detained thirty-six people... Our people are frightened and some have temporarily distanced themselves from our work.

That's how they're turning NGOs into government secret services. It's laughable, but that's how it is for the nongovernmental movement.

Arbitrary Arrests

Article 25 of the Constitution of Uzbekistan guarantees that "no one may be arrested or taken into custody except on lawful grounds." However, since 1992 the government is known to have imprisoned tens of individuals to silence and punish their independent political or religious activities (*see* Appendices A and B.)

Between 1992-94, many were charged with having committed purely "political" crimes, such as treason and slandering the president. Leaders of what is perceived as the "independent" Islamic community have also been arrested and arbitrarily detained (*see* Appendix B). In an apparent attempt to lessen censure of its actions, political detainees have been increasingly charged with common crimes, often illegal possession of drugs and weapons, which reportedly are planted on suspects during the arrest. The plausibility of the charges is belied by the fact that some of the dissidents imprisoned on these charges have been released before the end of their sentences on unrelated — and clearly political — conditions: that they sign statements promising to cease their political activities.

The two clearest cases of politically motivated arrest carried out in the period under investigation here are of Mukhtabar Akhmedova and Ibragim Buriev. Both were released under pressure from the international community within weeks of their arrests.

Mukhtabar Akhmedova

Ms. Akhmedova, a retired geological-mineralogical scientist, was arrested in her Tashkent home on January 22, 1995, charged with violating Article 112-G of the criminal code: slander against the *khokim* (mayor) of Tashkent city, and of a deputy *khokim*, Kozim Tyliaganov. Law enforcement was first involved when Ms. Akhmedova wrote a letter to the Tashkent City Council, which she also disseminated among international organizations, protesting their decision to raze homes in Saghban, the old part of town where she lived. On

January 30, her house was searched and documents taken, including the manuscript of a document, which she claims she had edited but not written, reportedly calling the president a “murderer” for being responsible for the deaths of several Toshkent students by policemen during a protest rally in 1992. Her trial began on June 7 and ended in her being sentenced to four years of imprisonment. She was released under a Victory Day (VE-Day) amnesty and was freed on June 14, 1995. Ms. Akhmedova told Human Rights Watch/Helsinki that state agents began to visit her relatives during her incarceration.³⁸

They visited my relatives to pressure them into signing a statement that I was psychologically ill. They promised that if they got four such statements, they would free me... But [my acquaintance, opposition leader Shukhrullo] Mirsaidov raised a stink and told them, “Don’t do that. They will isolate her completely. This is for the rest of her life. If she doesn’t die [in jail], she will become a cripple and will never see the light of day again.” [Mr. Mirsaidov] searched for my relatives until midnight and were barely able to convince them not to sign. They were supposed to have brought the statements in at 10:00 a.m. that next morning.

Human Rights Watch/Helsinki considered Ms. Akhmedova a prison of conscience during her incarceration since she was punished for the peaceful expression of her views. Human Rights Watch/Helsinki also notes serious violations of her right to due process, primarily that her trial was closed.

Ibragim Buriev

Mr. Buriev, a former high-ranking civil servant in Uzbekistan's Communist Party structure, is a member of the Board of the Birlik Popular Movement and of the unregistered “Haq Iuul — Adolat” Party. In the early months of 1995, on the eve of the presidential referendum on the extension of the rule of the president, he had broadcast several statements over Radio Liberty that were highly critical of President Karimov. On March 31, 1995, he was arrested at 3:00 a.m. and taken to Toshkent Prison. He was charged with illegal possession of narcotics and weapons, which Mr. Buriev claims were planted on him by arresting officers.

³⁸ Human Rights Watch/Helsinki interview, Toshkent, November 22, 1995.

Mr. Buriev described his arrest:³⁹

I had left the house to pick up a friend... Two men came up, one on either side, and asked my name. I said, "Buriev." "He's the one," one said... They walked me over to the car. They twisted me down onto the hood of the car and began to dig around in my pockets as if they were looking for a weapon.

But it was they who put it there. Of course I felt it. They do it so crudely you couldn't help but feel it. Two were holding me down, and two were looking through my pockets — one from one side, one from the other. They put handcuffs on me right away so that I couldn't get into my pockets or throw anything out of them. I understood at once what they were doing.

[During the first interrogation, at the pre-trial detention center of the Ministry of Internal Affairs] they said, "Take out everything in your pockets." I said, "No. The one who planted it is the one who should take it out." They looked at each other, obviously taken aback. That said it all. They started going through my pockets. One took out a box of matches, the other a pistol, or rather the bolt of the gun (*zatvor*)... They opened the match box and there was opium. They said, "Oh, opium. In powder form, all ready for the needle." I said, "Since you can determine what it is without any tests, that means you're the one who put it there."

I didn't know people were protesting my arrest. The authorities got frightened. The Minister of Internal Affairs invited me into his office and said, "They didn't hurt you? Didn't beat you? Just please don't tell anyone that they planted drugs or narcotics on you." This was the minister who said this!

Mr. Buriev was released on April 29, 1995, ostensibly for health reasons but, it is believed, as a concession to protests from the international community. The Procuracy has confirmed for Human Rights Watch/Helsinki that the case against Mr. Buriev is suspended, not dismissed, and that "the case may be reopened as soon as he is feeling better."⁴⁰

Arbitrary Detentions

Several Muslim men have been detained on suspicion of the destruction in early November 1995 of several Islamic cemeteries outside Tashkent. Some 265 graves were said to have been desecrated at the Vakkos-ota cemetery and at least another thirty at the Kukcha cemetery. Unconfirmed eyewitness reports indicate that the cemeteries were destroyed by two busloads of soldiers from the elite "Alpha" troops of the Ministry of Internal Affairs. The fact that some ten cemeteries were desecrated in a single night lends credence to the assertion that it was carried out by a large and well-organized group of people. There is also no obvious explanation for why the pious would destroy their own cemeteries, an act that is anathema under Islamic law.

The vandalism was apparently a government provocation against the Islamic religious community; it has led to some thirty detentions and served as the pretext for numerous summonses to the NSS and police for questioning and intimidation of the local Islamic

³⁹ Human Rights Watch/Helsinki interview, Tashkent, November 13, 1995.

⁴⁰ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

community. Among those reportedly detained are the following men, all of whom are believed to have been active at the mosques that supervised the cemeteries:

1. Khairulla Erkin-oghli
2. Ubaidulla Faizullaev
3. Ikrom Iuldashev
4. Muhammad-samy Sadykov
5. Ibragim Sharipov
6. Khabibulla Suleimanov

Reportedly, all of these men were held without food for approximately two days and then released. It is unclear whether charges were brought against any of them.

Cruel, Inhuman or Degrading Treatment or Punishment in Detention

Under Article 7 of the ICCPR and Article 26 of the Uzbekistan Constitution and the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Uzbekistan is obliged to protect all individuals from torture and from cruel, inhuman or degrading treatment or punishment. These laws also stipulate that no one may be subject to any medical or scientific experiments without his consent.

Human Rights Watch/Helsinki is aware of numerous reports of state-sponsored physical and psychological mistreatment of criminal suspects in Uzbekistan. Most often, the abuse is carried out by police in order to elicit incriminating evidence against the suspect, or against another person, often a relative or friend. According to victims and individuals who have spoken with them, police or NSS agents typically will threaten the suspect, ordering him or her to sign a statement of confession or give incriminating testimony. This is often accompanied by threats to harm family members and beatings.

There are no known independent investigations of prisons and pre-trial detention facilities in post-independence Uzbekistan. Given the general state of penitentiary facilities in the Soviet Union⁴¹ and the fact that no reform of the penal system has yet been implemented in Uzbekistan since the Soviet period, and judging from the independent testimonies of recently released detainees, it is likely that state-sponsored mistreatment continues to be chronic in Uzbekistan's pre-trial detention facilities and prisons.

⁴¹ See, for example, *Prison Conditions in the Soviet Union: A Report of Facilities in Russia and Azerbaijan*, Helsinki Watch, December 1991.

One notable improvement in current practices is a marked decrease in the absolute number of reported cases of violent attacks on dissidents allegedly by security forces since the peak of such violence in 1992-94. The Ministry of Internal Affairs (MVD) informed Human Rights Watch/Helsinki that as of November 1995, it had received 186 reports of violations committed by MVD officers (the Procuracy reported “more than one hundred”)⁴², and that fifty-three of those individuals had been convicted. Of those, in the first ten months of 1995, fifteen agents were charged with criminal misconduct for abuse of power (*zloupotreblenie sluzhebnyim polozheniem*), and another fifty-one for “exceeding their authority” (*prevyshenie vlasti*) for various crimes, including negligence (*khalatnost*), hooliganism and theft. The Procuracy informed Human Rights Watch/Helsinki that it had issued 1,000 notices (*predstavlenie*) to law-enforcement agents which call either for their firing or for their being brought up on criminal charges.⁴³

The MVD did not confirm how many of these reports were lodged in relation to arrests of dissidents, and declined to say whether agents had been charged with physical abuse of detainees and prisoners.⁴⁴ The Procuracy reported being unaware of any cases brought involving allegations of police planting of narcotics or weapons.

Human Rights Watch/Helsinki believes that actual violations are even more widespread than these figures indicate. The Procuracy initiates criminal charges solely on the basis of appeals from citizens.⁴⁵ However, individual victims are often too frightened or cynical to report abuse regularly. Moreover, the government has failed to apprehend a suspect in any of the reported cases involving dissidents.

Sadly, the practice has not disappeared even during the ostensible “thaw” period covered by this study. In the case of opposition leader Shukhrullo Mirsaidov, this appalling practice persists; Human Rights Watch/Helsinki has received additional reports of beatings of individuals perceived to be dissidents which it has been requested not to disclose.

Shukhrullo Mirsaidov

Shukhrullo Mirsaidov, the former prime minister, chairman of the Council of Ministers, and vice president of Uzbekistan, had a falling out with the leadership that culminated in his leaving government in January 1992 and in criminal charges being lodged against him. An Uzbekistan court convicted him of exceeding his authority in June 1993 and required him to pay a heavy fine. Although he was later cleared by an international tribunal, the government reportedly continues to pressure him and his relatives to pay. Pressure has even taken the form of an unsanctioned, intimidating raid by Special Forces (OMON) on the home of a female relative to demand that she give up her property in order to pay part of the fine.⁴⁶ Today, Mr. Mirsaidov is head of the Coordination Council, an informal group aimed at organizing the political opposition, and chairman of the nascent “Haq Iuul — Adolat” Party.

⁴² Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

⁴³ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

⁴⁴ Human Rights Watch/Helsinki interview with the Ministry of Internal Affairs, Tashkent, November 20, 1995.

⁴⁵ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

⁴⁶ Human Rights Watch/Helsinki interview, Tashkent, November 14, 1995.

Mr. Mirsaidov reports that he has been subjected to five physical attacks since leaving government. He stated⁴⁷ that on April 18, 1995, his son, twenty-seven-year-old Hasan, was driving him to work when two cars full of men stopped them on a Toshkent street and dragged them out of their car. He reports that four men put bags over their heads, bound their hands, shoved them into separate cars, and took them to a destination it took some thirty minutes to reach.

Mr. Mirsaidov recounted the following: He was led into a cellar, stripped naked, beaten, and tied to a chair, and that injections that gave him a warm and heavy feeling were administered in both of his shoulders. He pretended to lose consciousness. His captors then removed the bag covering his head and untied his hands, he reported, and he saw three men in masks and a naked woman. His captors reportedly photographed him with the woman in compromising poses with a video camera, then put the bag back on his head, bound him again and drove him to a field, where they abandoned him, naked. There, he reports, they threatened to kill him and his family if he did not give them U.S. \$10,000, then drove away, saying they would return. Mr. Mirsaidov found people nearby, borrowed clothes from them, and found his way home.

Citing his son, he reports that the abductors put a bag over Hasan's head and threw him to the floor of a car, where they beat him in his kidneys and elsewhere and subdued him with a gaseous spray. His captors reportedly threatened to cut him with a knife and kill him. He was ultimately released and abandoned.

The MVD has not responded to Human Rights Watch/Helsinki's request for information about whether or not any suspects have been apprehended in this case. Mr. Mirsaidov has reported that he is unaware of any charges having been brought in this case or any of the previous attacks.

Ibragim Buriev

⁴⁷ Human Rights Watch/Helsinki telephone interview, Toshkent, April 1995. *See also* Human Rights Watch/Helsinki letter of protest to President Karimov of April 25, 1995.

Ibragim Buriev (*see* “Arbitrary Arrests”) recounted the following about his incarceration in the pre-trial detention center of the Ministry of Internal Affairs:⁴⁸

For the next two weeks or so they interrogated me eighteen hours a day: “Just tell us where the ammunition is, the rifles, the automatic weapons, where is your band, you and [Shukhrullo] Mirsaidov.”⁴⁹ They wanted me to sign a statement incriminating Mirsaidov. This always took place without a lawyer. They threaten you: “We’ll send you to a labor camp, and they’ll rape you there.”... They keep changing officers [during interrogations], but they’re all young guys, twenty-five to twenty-eight years old. One of them hit me. He got angry about something. The kids were almost all high. You could tell from their faces. Also by the fact that a young Uzbek would never hit someone older than he is — never. Only if he were high.

Defendants in Criminal Case No. 300

On March 30, 1995, a Tashkent court convicted six individuals, all members of or otherwise affiliated with the banned Erk Democratic Party, on a variety of criminal charges including attempting to overthrow the constitutional structure of the government. It sentenced them to between six and twelve years of imprisonment. According to independent testimony from two eyewitnesses, all but one of them — the only woman among them — were severely mistreated during arrest and investigation.

Murad Dzhuraev

Forty-four-year-old Murad Dzhuraev was arrested on June 17, 1994, in Almaty, the capital of neighboring Kazakhstan, and on March 31, 1995, was sentenced to twelve years of imprisonment (later reduced to nine) on charges of terrorism and related acts in Criminal Case No. 300. According to co-defendant Dilarom Iskhaqova, who sat with him during the trial:⁵⁰

They broke one of his ribs. And when they were taking him from Almaty, they tied him up and put him in an old truck, in which the motor is exposed inside the car. They made them lie down — they were taken away in their underwear — on top of the motor and got burns all over their body from it.. As they were driving they hit a car. The car got crushed and Murad Dzhuraev flew out. That’s how he broke his rib. And when they got to the prison, they beat them savagely.

Erkin Ashurov

Ms. Iskhaqova recounted mistreatment of another co-defendant, fifty-seven-year-old Erkin Ashurov:

He has sugar diabetes and rheumatism. During the arrest they knocked out several of his teeth; he lost the others while he was already in jail. He literally has no teeth left. He can’t chew his food or swallow, and that in turn causes stomach problems.

⁴⁸ Human Rights Watch/Helsinki interview, Tashkent, November 13, 1995.

⁴⁹ Shukhrullo Mirsaidov is a close associate of Mr. Buriev. *See* “Cruel, Inhuman or Degrading Treatment or Punishment” and “Harassment.”

⁵⁰ Human Rights Watch/Helsinki interview, Tashkent, November 21, 1995.

They beat all of [the defendants]. But by far the worse off was Erkin Ashurov. First, his age — he's about sixty. Second, they beat him every day. He stood up during the whole trial [which lasted, sporadically, for some six months] because he couldn't sit down. His leg was grossly bloated because of the diabetes and because of the damp where they held him.

Nadira Khidoiatova and Asiya Turiniyazova

On July 11, 1995, two pregnant Uzbek women, Asiya Turiniyazova and Nadira Khidoiatova, were arrested in Toshkent and Nukus, respectively, on charges of illegal transportation of animal skins.⁵¹ Through humiliation, intimidation, physical deprivation and direct threats to them and their relatives, prison officials coerced them into having abortions, which were carried out almost simultaneously, on July 19 (according to Ms. Turiniyazova) or 20, 1995 (according to the Ministry of Foreign Affairs). Ministry officials acknowledge that the abortions were performed but deny there was coercion involved, citing the fact that both women had signed consent forms for the procedure.⁵²

According to an attorney involved in the case, Article 533 of the Criminal Procedural Code of the Republic of Uzbekistan reportedly stipulates that pregnant women be released automatically pending trial. The women were denied this right, however; instead, they were told they would be released pending trial only if they signed a consent form for the abortion and a statement confessing their guilt. It is believed that this appalling treatment was ordered because terminating the pregnancies would allow the detaining officials to keep the women in custody legally until they signed confessions.

According to both women, the officials had them undergo medical examinations. Both were diagnosed as having dead fetuses, and were told the pregnancies should be terminated, although both reported feeling well and had been given a clean bill of health by independent gynecologists prior to their incarceration. The women were told that if they did not give their consent to having the abortions performed at the prison hospital, the prison would perform them anyway and “in worse conditions.”

Nadira Khidoiatova recounted the following:⁵³

I had been summoned to the NSS ostensibly to answer questions regarding the charges against me. I was called in at 10:00 a.m. and held until 8:00 p.m. I told the head of the department, Investigator Abdullaev, that I was pregnant, that I needed to rest and that I wanted to eat. (I didn't know then that they were planning to arrest me.) I started feeling really ill and needed an ambulance. He brought me the arrest warrant and said, “Here is your ambulance. Here is your doctor.” I tore the paper up and threw it at him. I

⁵¹ Ms. Khidoiatova identified the charges as violations of Article 182-Ia, and the Ministry of Foreign Affairs reported it was Article 15-68, of the criminal code.

⁵² Letter from the Ministry of Foreign Affairs of the Republic of Uzbekistan, October 3, 1995, provided courtesy of the OSCE Liaison Office in Toshkent.

⁵³ Human Rights Watch/Helsinki interview, Toshkent, November 13, 1995.

said, "You have been tormenting me for ten hours. Could you not have told me that you were going to arrest me?" Then he ordered me taken to the basement cell, where they didn't feed me for two days.

One day, Abdullaev called me in. He told me I was caught: that Asiya and [Asiya's husband] Ergash [both of whom were also in pre-trial detention at the time] had given signed statements against me. He said, "Listen, all we're talking about is a couple of skins. This is nickle-and-dime stuff for the NSS. [If you sign a confession,] we will let you go home to your children." I told him I didn't believe him... He said, "By the way, we haven't arrested your sister [yet]." I said, "My sister? Are you planning to arrest my whole family? Over the skins you say you have no interest in? If you think this is such an insignificant matter, why have you held me here?" He said, "For being stubborn. You are very stubborn, and that makes us crazy. First of all, you are stubborn. Second, you don't speak with us the way you should. You made us angry, so we decided to keep you locked up."

[When I kept refusing to sign,] the head of the pre-trial detention facility called me in. He had treated me OK. He said, "Nadira, they're going to do the abortion anyway, and if you don't do it yourself, they will take you in handcuffs to Toshkent prison and they'll do it there under bad conditions. And I will take the heat for it. Do it for me — I haven't done anything bad to you. For my sake, write the statement that you are doing this voluntarily." And frankly, I fell for it and signed. He had brought me books and treated me OK, so he just bought my consent with that.

When asked why she thought officials had coerced her into having the abortion, Ms. Turiniyazova said, "Because they don't beat women."⁵⁴

Prison officials released both women pending trial on October 5, 1995, under pressure from the international community.

Discriminatory Dismissals from Work and Professional Blacklists

One of the most effective forms of punishment of outspoken critics in these difficult economic times has been pressuring institutions and other places of work to fire or not to hire dissidents.⁵⁵ Since by far most jobs continue to be government jobs, the state is in charge of most hiring decisions. It is in a position to influence hiring practices in the private sector, as well. People remain on blacklists for years, unable to support themselves and their families. Eventually, relatives and dependents in many cases pressure them to forswear their opposition activities.

Former leading political activist Shukhrullo Ismatullaev, under severe personal and economic strain (and following a brutal beating, allegedly by secret service agents that hospitalized him with a broken skull and brain damage for an extended period in 1993), signed a statement in May 1994 that he would renounce his dissident political activities.

⁵⁴ Human Rights Watch/Helsinki telephone interview, Toshkent, October 18, 1995.

⁵⁵ See "'Straightening Out the Brains of 100': Discriminatory Political Dismissals in Uzbekistan," Helsinki Watch, April 1993, Vol. 5, Issue 7.

Within some six months, he was reinstated at the university from which he had been fired, and promoted him to a position created for him.

Leading opposition figure Shukhrullo Mirsaidov (*see* “Cruel or Inhuman Treatment or Punishment” and “Harassment”) has been unable to work for several years, even in the private sector. According to Mr. Mirsaidov, when a friend hired him as a consultant in his private company, the government ordered the entire enterprise liquidated for alleged tax violations.⁵⁶ If true, the forced closure will undoubtedly make Mr. Mirsaidov an employee most companies would not want to hire.

Nosir Zokir, a former political prisoner (November 27, 1993, to November 2, 1994), is a singer and poet, and a member of the Birlik Popular Movement and the nascent “Haq Iul — Adolat” Party. Mr. Zokir was convicted on classically “political” charges for Uzbekistan: “organized activities aimed against the government in a particularly dangerous form” (ultimately dropped for lack of evidence) and illegal possession of drugs and weapons (Articles 62, 216-6 and 210 of the Criminal Code, respectively). His premature release under public pressure was conditioned on the requirement that he sign a statement promising to reject all political activities, further revealing the political nature of his arrest.

Mr. Zokir reported that he had been dismissed from his job at a local theater in 1990 when he became involved in opposition politics. Since his release from prison, Mr. Zokir has found that he, like so many others, is on an employment blacklist. He recounted the following:⁵⁷

In the year since I was released, the [security services] call me, observe me, but don't touch me. But they don't allow me to work, either. I have already received three rejections. Recently, I was offered a job at the Culture Palace. I knew it was too good to be true. I guess she didn't know I was “a political.” But within a few days she called me and said, “I'm sorry, Nosir-jon. We are undergoing lay-offs.” Obviously, [the security services] had gotten to her. She had no choice.

This illegal practice has also been used to punish members of “independent” Islam (*see* “An Alarming New Trend: The Crackdown Against ‘Independent’ Muslims”). Imams believed to have been arbitrarily dismissed during the period covered by this study include:

1. Rukhiddin Fakhriddinov (Khoja-Nuriddin mosque, Toshkent)
2. Kobylkori Mukhamedov (Kukaldosh mosque, Toshkent)
3. Tulkin [last name unconfirmed]⁵⁸ (Chukursoi mosque, Toshkent)
4. Abdukaïum Khikmatov (Urykzor mosque, Toshkent)
5. Khalimkhan [last name unconfirmed] (Alaoka mosque, Toshkent)
6. Abdulla [last name unconfirmed] (Langar mosque, Toshkent)
7. Obitkhon Qori Sobitkhon-oghli Nazarov (Tokhtaboi-vachcha mosque, Toshkent)

⁵⁶ Human Rights Watch/Helsinki interview, Toshkent, November 14, 1995.

⁵⁷ Human Rights Watch/Helsinki interview, November 17, 1995, Namangan.

⁵⁸ In Uzbek culture, it is common for individuals to be known broadly only by their first name.

In addition, in November 1995, Fatima Suleimanova, an Islamic specialist, professor, and sister of Khabibulla Suleimanov, who was detained following the desecrations of Toshkent cemeteries (*see* “Crackdown Against ‘Independent’ Muslims”), was effectively stripped of her profession because of government threats. An acquaintance of hers told Human Rights Watch/Helsinki:⁵⁹

She is the only female professor who teaches religion. They would call her in and threaten her, and ultimately made her sign a statement that she would stop teaching. They forbade her from teaching in all of the madrasas where she taught. She also taught at home, but they forbade her from even that.

Harassment by Law Enforcement and Security Services

By far, one of the most common reports of state-sponsored abuse involves harassment by the police or security services. These include arbitrary summonses for questioning, although no charges are filed, threats, intimidation, and sometimes physical abuse or lengthier detention. In most cases, these encounters occur frequently enough to keep targeted individuals and their families, friends and neighbors in a state of perpetual intimidation and fear. Some relatives are also dismissed from work (*see* “Discriminatory Dismissals”) or are arrested (*see* below).

In Uzbek culture, extended families and clans form the basis of society, and traditionally every member is held responsible for the reputation of the family as a whole. Thus, one of the most insidious — and effective — means of punishing a dissident is to harass and intimidate that person’s relatives. Incidents of harassment are too commonplace to enumerate here; a few recent examples may help convey the nature of the abuse.

⁵⁹ Human Rights Watch/Helsinki interview, Toshkent, November 22, 1995.

According to one Toshkent cleric, whose name cannot be disclosed:⁶⁰

Every time [security agents] call me or come to my house when I'm not there and leave a note, asking me to call them at work or at home. I call and ask them what they want. They say, "We have a few questions for you. We have to meet." When they ask me to go to their office I say no because I'm afraid they won't let me go afterwards. That's why I arrange to meet somewhere where there are people around to answer their questions... Do they cite articles of the Constitution or the criminal code that I am supposed to have violated? No, it's just general conversations.

Abdulla Mirzoev, a brother Abduvali Mirzoev, a missing imam from Andijan, has been conducting an intensive advocacy effort to inform Uzbekistan authorities about his brother's disappearance and urge them to resolve it. Speaking of the constant surveillance his brother had suffered prior to his disappearance, he reported the following to Human Rights Watch/Helsinki:⁶¹

I have experienced it myself in Toshkent, when I was looking for my brother. I was under heavy surveillance for five or six days... [Finally,] I just stopped the [agents] and shamed them: "You should be ashamed, tailing the relatives of the disappeared. I haven't stolen anything, I haven't killed anyone. Why are you following me?" They didn't say anything, but turned around and walked off.

I am followed constantly now. They do everything to keep me from going to the Jo'mi mosque for Friday prayers. People [who gather there] want to know where Abduvali Qori is, and it's awkward to not let them know. People are sympathetic to us, for which we are very grateful, and I am simply obliged to tell them the whole truth.

But the police call me in. Last Friday I barely made it out of there, and today [a Friday] I literally had to flee. This is how they do it: They summon me to the police station in the morning. First the khokim [city official] speaks, then the deputy khokim, they drag things out and then after 1:00 p.m. they don't need me anymore [because prayers are over by then]. I believe that if anything were to happen to me, it would be the second thing done by their hand.

Another brother, Abdubori Mirzoev, reportedly was kept in the Andijan municipal pre-trial detention center for ten days under administrative arrest after he returned from Moscow, where he had participated in a press conference regarding his brother's disappearance.

⁶⁰ Human Rights Watch/Helsinki interview, Toshkent, name of interviewee and date of interview withheld.

⁶¹ Human Rights Watch/Helsinki interview with Abdulla Mirzoev, Andijan, November 16, 1995.

Opposition leader Shukhrullo Mirsaidov told Human Rights Watch/Helsinki representatives that security agents had so badly intimidated and frightened his relatives that for the two days prior to our meeting, they had come to him with personal pleas that he not meet with us, that it was too risky. He also stated.⁶²

It's the old method. The same thing happened when [then U.S. Deputy Assistant Secretary of State] Nancy Ely-Raphel visited Uzbekistan in June [1995]. This time, however, they directly threatened the life of my son, Hasan,⁶³ and my other son's wife, who was sick at the time and incapacitated. They told my relatives, "If you value your life, don't go to the meeting." My family begged me not to go, so ultimately I did not.

Following his April 1995 attack, allegedly by security services, Shukhrullo Mirsaidov held a press conference for journalists and diplomats. Vasila Inoiatova, a close associate of Mr. Mirsaidov who helped organize the press conference, reports that afterwards she was called into the NSS.⁶⁴

They tried to persuade me to abandon my work and threatened me: "Be careful that nothing like what happened to Mirsaidov happens to you. You know the kind of policemen we have; they work brutally. We are warning you."

Surveillance, Wiretapping, and Violation of the Right to Privacy

Article 27 of the Uzbekistan Constitution provides that "everyone shall be entitled to protection against... interference in his private life, and shall be guaranteed inviolability of the home. No one may enter a home, carry out a search or an examination, or violate the privacy of correspondence and telephone conversations, except on lawful grounds." Article 17 of the ICCPR also guarantees protection from "unlawful interference with... privacy, family, home or correspondence."

First Deputy of the General Procurator, U. Khudaikulov, stated that according to subsection 3, chapter 21 of the Uzbekistan Criminal Procedural Code, wire tapping may occur only with the sanction of the procurator. He asserted that "wire-tapping occurs only in exceptional cases, in the interests of [investigating] a criminal case," and that the Procuracy was unaware of cases in which unsanctioned wiretapping had taken place.⁶⁵

However, Human Rights Watch/Helsinki is aware of countless reports of people who believe their phone calls and, less often, their mail are monitored by the NSS. Many, for example, cite cases in which harassment they later encounter — such as being detained during the visit of a foreign delegation or being arrested in Uzbekistan after having been abroad — coincided with dates they had mentioned only over the telephone. Some, in fact, are so

⁶² Human Rights Watch/Helsinki interview, Tashkent, November 19, 1995.

⁶³ Hasan reportedly had been beaten, kidnaped and terrorized during the April 18, 1995, attack on his father. *See* "Cruel, Inhuman or Degrading Treatment or Punishment."

⁶⁴ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

⁶⁵ Human Rights Watch/Helsinki interview, Tashkent, November 20, 1995.

accustomed to the wiretaps that they count on it to outwit the secret service. One well-known dissident told Human Rights Watch/Helsinki that he regularly gives incorrect information about his whereabouts or his plans to his wife over the phone in order to throw them off his trail.

Human Rights Watch/Helsinki representatives arriving at the home of dissident Nosir Zokir in Namangan were met by security agents who had been placed at the entrance to his building. The meeting had been arranged over the telephone between Human Rights Watch/Helsinki and Mr. Zokir only.

Many also report surveillance of their homes and of them personally as they move about on personal business. They identify cars, often with no license plates, that are stationed around their homes, most often with men in them who appear to have nothing to do. Some of the individuals whom Human Rights Watch/Helsinki knows to have been under surveillance in the past have reported that the detectable surveillance has decreased since approximately 1995.

During a several-week absence from Toshkent of Mikhail Ardzinov, co-deputy chairman of the independent Human Rights Society of Uzbekistan, his neighbors reportedly told him that special agents repeatedly came to see them to ask questions about Mr. Ardzinov.

On December 20, 1995, during his absence, his apartment was broken into and his telephone and camera were stolen. Mr. Ardzinov believes that government agents committed the robbery since a police seal, with the name of the police officer Khaidarov, was affixed to the door and since only his communication devices, not any other valuables, were taken.⁶⁶

Human Rights Watch/Helsinki representatives were put under non-harassing surveillance during their two-week stay in November 1995.

⁶⁶ Written communiqué from Mikhail Ardzinov, Toshkent, January 22, 1996.

APPENDIX A: POLITICAL PRISONERS⁶⁷

- 1. Abdulla ABDURAZZOQOV:** Member of “Erk” Party. Arrested for a second time on August 14, 1994, and sentenced to three and a half years of imprisonment for alleged violation of Article 112G of the Criminal Code, for his reported possession of an issue of the “Erk” newspaper, which was illegally banned in January 1993. It contained an article allegedly slandering a relative of President Karimov, Abdurauf Maqsudi.
- 2. Safar BEKJON:** Member of “Erk” Party. Arrested on July 27, 1993, on charges of violating Article 129 of the old Criminal Code (“fraud”) for the alleged theft of a valuable coin. Sentenced to three years of imprisonment on February 16, 1994. It is believed that Mr. Bekjon was charged in order to force him to give testimony against Muhammad Solih, the exiled leader of the “Erk” Party.
- 3. Rashid BEKJON:** Political affiliation unclear, brother of Muhammad Solih, the exiled leader of the “Erk” Party. Arrested in November of 1994, sentenced in August of 1995 to five years of imprisonment on charges of violating Article 60, part 1, of the Criminal Code (“anti-governmental appeals”) and Article 68, part 1 (“contraband”). Reportedly, arresting agents planted an incriminating newspaper on Mr. Bekjon, forming the ostensible basis for the Article 60, part 1, charges. In August 1995, Mr. Bekjon is believed to be held in Urgench.
- 4. Nosim BOBEV:** PhD in economics, employee at the Samarqand oblast tax inspection. Arrested on February 16, 1996, along with colleagues Bakhtiar Nabii-oghli and Kholiknazar Ghaniev, reportedly in connection with possession of banned newspapers.
- 5. Kholiknazar GHANIEV:** Professor at Samarqand State University. Arrested on February 16, 1996, along with colleagues Bakhtiar Nabii-oghli and Nosim Bobev, reportedly in connection with possession of banned newspapers.
- 6. Abdurashid KUTBIDDINOV:** Member of “Birlik” Democratic Movement. Arrested around April 1995, and currently believed to be held in Toshkent Prison.
- 7. Makhmadali MAKHMUDOV:** Arrested on March 3, 1993, sentenced on December 30, 1994, to four years of imprisonment on charges of violating Article 120 (“appropriation and embezzlement”) — approximately \$20 U.S. — and Article 149 (“abuse of power or official position”). All charges are believed to have been falsified and evidence planted.
- 8. Shavqat MAMATOV:** Arrested on June 6, 1994, on charges of attempted terrorist acts and related charges, currently serving a three-and-a-half-year (originally five-year) prison term. *See* also Appendix C.
- 9. Bakhtiar NABII-OGHLI:** Professor at Samarqand State University. Arrested on February 16, 1996, along with colleagues Nosim Bobev and Bakhtiar Nabii-oghli, reportedly in connection with possession of banned newspapers.

⁶⁷ Human Rights Watch/Helsinki has compiled this list from available information and has determined to the best of our ability that the people on this list did not commit the crime for which they were convicted, but rather were imprisoned for the free and internationally protected expression of their views.

10. Abdughani OCHILOV: Deputy Chairman of the Cultural Foundation, member of “Erk” Party. Arrested April 2, 1993, sentenced on August 23, 1994, to three years of imprisonment. Charged with violating Article 216 (6), part 1 (illegal drug possession) and Article 129, part 1 (fraud), of the Criminal Code. The narcotics were alleged to have been planted on him by arresting agents.

11. Khoshim SUVANOV: Arrested on June 6, 1994, in connection with charges of attempted terrorism against the government of Uzbekistan, currently serving three and a half years of an original five-year sentence. He reported that the guards who beat him demanded that he give incriminating testimony against his fellow defendants and against leading political dissident Muhammad Solih, who was living in exile at the time.

APPENDIX B: RELIGIOUS PRISONERS⁶⁸

- 1. Akhmad ABDURASULOV:** Arrested in August 1993 along with four other individuals (listed here: Abdulla Baratov, Karim Islamov, Khusnutdin Kubutdinov and Madamin Mirzaiaqubov). The men, who reportedly were intending to attend an institution of higher Islamic learning in Afghanistan and from there make a pilgrimage to Mecca, were charged with “betrayal of the motherland” (Articles 54 and 60 of the Criminal Code) and illegally crossing a border (Article 73). The men were convicted and sentenced to prison terms ranging from five to ten years.
- 2. Tolibjon ARTYKOV:** Arrested in early November 1995, in Andijan. Charges unclear.
- 3. Abdulla BARATOV:** *See* Akhmad Abdurasulov.
- 4. Abduvali EGAMBERDIEV:** Arrested in 1995, reportedly on charges of illegal possession of illegal weapons and drugs.
- 5. Abdurauf GHAFUROV:** Arrested November 9, 1994, sentenced on May 5, 1994, to three years of imprisonment.
- 6. Rafikjon GHAFUROV:** Imam of the Ok-Tepe mosque in Iaipan, near Qoqand. Arrested August 17, 1994, and sentenced in 1995 to one and a half years in prison.
- 7. Karim ISLAMOV:** *See* Akhmad Abdurasulov. Mr. Islamov faced additional charges: violence, illegal deprivation of freedom (Article 111); use of religious superstition [and] inciting religious superstition among mass populations and material gain from such actions (Article 147); and threat or violence directed against an official authority (Article 194, parts 1 and 2).
- 8. Mullo JALOLIDDIN:** Imam from Sukhandarinskaia oblast'. Taught children Islam. Arrested August 1994.
- 9. Makhmud KENJAEV:** Arrested in August 1994, and sentenced to ten years of imprisonment.
- 10. Khusnutdin KUBUTDINOV:** *See* Akhmad Abdurasulov.
- 11. Abdulla MAKHMUDOV:** Arrested on February 6, 1995, sentenced to four years of imprisonment, reportedly on charges of illegal possession of weapons and narcotics.
- 12. Ghulomqodir MAMUTOV:** Arrested in 1995 in Andijan, reportedly on charges of illegal possession of illegal weapons and drugs.
- 13. Mukhammad RAJABOV:** Imam of Jo”mi mosque in Qoqand. Arrested August 24, 1994, sentenced on June 30, 1995, severe regime. On October 2, 1995, a review by the Supreme Court decreased the sentence to four years; however, his family (seven children and a wife) stand to lose all of the family property through confiscation.

⁶⁸ Human Rights Watch/Helsinki has compiled this list from available information and has determined to the best of our ability that the people on this list did not commit the crime for which they were convicted, but rather were imprisoned for the free and internationally protected expression of their beliefs.

APPENDIX C: PROBABLE STATE-SPONSORED DISAPPEARANCES

1. Sheikh Abduvali Qori MIRZOEV: Leading imam at the nongovernmental Jo"mi mosque in the city of Andijan. He had a wide following, and it is believed that the governmental Spiritual Directorate of Uzbekistan, which oversees religious activities in the republic, perceived him and his congregation to be a threat to centralized religion. According to witnesses, on August 29, 1995, he and his assistant, Ramazanbek Matkarimov (*see below*), were seized by agents of the National Security Service (the former KGB) and taken away in a car as they were checking in for a flight to Moscow from Toshkent airport. Sheikh Mirzoev was traveling to speak at a conference of Muslims in Russia.

The Ministry of Internal Affairs has initiated an investigation into his unexplained disappearance, but as of this writing reportedly has uncovered no leads. It is believed that Sheikh Mirzoev and Mr. Matkarimov are in police custody.

2. Ramazanbek MATKARIMOV: Sheikh Mirzoev's assistant (*see above*). Mr. Matkarimov reportedly was taken away with the Sheikh and under the same circumstances. He is also believed to be in police custody.

3. Abdulla UTAEV: Leader, banned "Islamic Renaissance Party of Uzbekistan." Mr. Utaev, who also reportedly was an informal religious leader, disappeared on December 15, 1992, in Toshkent.

APPENDIX D: RECENT VICTIMS OF CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN DETENTION

1. Erkin ASHUROV: Arrested on June 17, 1994, on charges of attempted terrorist acts and related charges, he is currently serving a seven-and-a-half (originally ten-year) sentence. During his arrest (he was kidnaped by security agents in neighboring Kazakstan and forcibly taken to Uzbekistan to stand trial), he reportedly was severely beaten, suffering numerous contusions, bruises that lasted some three weeks, and the loss of several teeth. Mr. Ashurov reportedly suffers from diabetes and it is feared that the severe conditions of prison are having an irreversibly damaging effect on his health.

2. Murad DZHURAEV: Arrested on June 17 or 18, 1994, currently serving a nine-year (originally twelve-year) sentence. During his arrest (he was kidnaped by security agents in neighboring Kazakstan and forcibly taken to Uzbekistan to stand trial), he reportedly was severely beaten, suffering numerous contusions. It is also reported that his rib was broken during arrest, although it is not clear whether it was from physical abuse or from the car accident he was in as he was being taken from Kazakstan to prison in Uzbekistan.

3. Nadira KHIDOIATOVA: Arrested on July 11, 1995, in Toshkent on charges of violating Article 15-68 of the Criminal Code of Uzbekistan (seizing contraband property). Under pressure from the prison administration, she was coerced into having an abortion in custody. (Uzbekistan prison practice is to release pregnant criminal suspects on their own recognizance pending trial.) After public outcry, Ms. Khidoiatova was released from detention on October 5, 1995.

4. Shavqat MAMATOV: Arrested on June 6, 1994, on charges of attempted terrorist acts and related charges, currently serving a three-and-a-half-year (originally five-year) prison term. Reportedly, he was severely and repeatedly beaten during interrogations at the time of his arrest and during the investigation. In one instance, when he was being transported from one detention center to another, his guards reportedly pulled off the road and began beating him, put a gun to his temple and said they would shoot him if he did not write a statement saying he had been involved in organizing a plot against the government. Mr. Mamatov has maintained his innocence.

5. Khoshim SUVANOV: Arrested on June 6, 1994, in connection with charges of attempted terrorism against the government of Uzbekistan, currently serving three and a half years of an original five-year sentence. In testimony to a human rights activist who attended his trial, he stated that he was constantly viciously beaten during interrogations. Guards would beat him with clubs, particularly on his kidneys when he begged them not to (he has chronic hepatitis). He reports suffering internal bleeding.

6. Asia TURINIYAZOVA: Arrested on July 11, 1995, on the day of her wedding in her home in Nukus on charges of illegally transporting contraband property, connected with charges against Nadira Khidoiatova (*see above*). Under pressure from the prison administration, she was coerced into having an abortion in custody. After public outcry, Ms. Khidoiatova was released from detention on October 5, 1995.

APPENDIX E: HUMAN RIGHTS WATCH/HELSINKI LETTER TO
PRESIDENT KARIMOV, SEPTEMBER 19, 1995

HUMAN RIGHTS WATCH/HELSINKI

- 485 Fifth Avenue., New York, NY 10017 TEL (212) 972-8400 FAX (212) 972-0905
- 1522 K. Street, NW #910, Washington, DC 20005-1202 TEL (202) 371-6592 FAX (202) 371-0124
- 33 Islington High Street, N1 9LH London, UK TEL (44171) 713-1995 FAX (4471) 713-1800
- 15 rue Van Campenhout, 1040 Brussels, Belgium TEL (322) 732-2009 FAX (322) 732-0471
- Moscow, Russian Federation, TEL and FAX (7095) 265-4448

September 19, 1995

President Islam Karimov
Office of the President
Toshkent
Republic of Uzbekistan
By fax: (7) (3712) 39.55.25

Dear President Karimov,

As you may know, Human Rights Watch is an independent, nonpartisan human rights group — the largest based in the United States and the second largest in the world. Since 1993 the organization has also enjoyed consultative status with the United Nations. Our representatives had the honor to travel to your country and to meet with Foreign Minister Komilov and Justice Minister Mardiev this June in Washington, D.C. I take this opportunity to express my thanks to them for taking the time to meet with us. We are gratified by their expressions of readiness to cooperation in promoting human rights protections in Uzbekistan and look forward to future opportunities to be of assistance in this critical venture.

I write to you today to express profound concern about a case of serious abuse in the capital that has recently come to our attention. Reportedly, twenty-seven-year-old Nadira Khidoiatova, the niece of Uzbekistan's former Ambassador to the U.S. Bobur Malik-oghli (who was granted political asylum in the United States in 1993), was arrested on or around July 11, 1995. Her co-worker, Asia Turaniyazova, who is also in her twenties and is a Rockefeller Fund grant recipient working on ecological issues in her native Karakalpakistan, was also reportedly taken into custody that same day. Soon after, it is reported, the two women were moved to a cell at the National Security Service (former KGB). According to their lawyers, they are being charged with violating Article 182, part A, of the Customs Code, which restricts the export of animal skins from the Republic of Uzbekistan.

It is reported that these women — both of whom were pregnant at the time of their arrest (Ms. Khidoiatova approximately three-months pregnant and Ms. Turaniyazova reportedly already in her fifth or sixth month) — were forced by prison officials to undergo abortions. According to two relatives who have seen Ms. Khidoiatova, law enforcement

officials responsible for the case threatened that if she and they did not give formal consent to the abortion they would take her out of the hospital and perform it anyway and “in worse conditions — someplace you won’t find her.” Moreover, NSS investigator Bakhtior Abdullaev reportedly threatened them that if anyone brought the arrest and abortions to the public attention “it will be worse for her.”

According to their lawyers, whom Human Rights Watch/Helsinki interviewed in separate conversations, both women had been told independently by medical personnel arranged by the prison that the fetus was immature (probably meaning malformed) or, according to one report, dead, and that an abortion was therefore required for medical reasons. However, an American gynecologist has testified that a dead or deformed fetus can be detected only through an examination administered by sonogram, and no earlier than in the fifth month of gestation. No sonogram was believed to have been used in either examination. Moreover, according to the American gynecologist, in the fifth month a mother can counter assertions that her fetus is dead by detecting movement in the uterus. Independently, both lawyers have stated that their clients told them that they had no physical complaints prior to the abortion and did not want to terminate their pregnancies voluntarily.

Individuals familiar with the case believe that this appalling treatment was ordered because Uzbekistan law requires that pregnant women be released pending trial; terminating the pregnancies would allow detaining officials to keep the women in custody legally. Both women would have had to have been coerced into admitting guilt since at the time the abortions were carried out they had protested their innocence of the charges lodged against them. Ms. Turaniyazova's attorney reported in September that she had been informed that her client had admitted guilt following her abortion. Since her chosen lawyer was not present at the time of her alleged confession, and since the alleged admission followed intimidation and extreme physical and psychological abuse, her apparent change of position is highly suspect and lends credence to the theory that the abortions were carried out in order to elicit an admission of guilt.

In a conversation with a Human Rights Watch/Helsinki representative, Inspector Abdullaev would neither confirm nor deny that the women were in his custody. He also refused to answer any other questions, but declined to give an explanation for his refusal to do so. His only response to questions was to ask who had provided Human Rights Watch/Helsinki with the information about the women. This question raises great alarm that he may wish to carry out his threat, reportedly expressed to Ms. Khidoiatova's relatives, that there would be negative repercussions against the suspect if information were revealed to an international monitor.

Clearly, it is irrelevant whether or not these two women are innocent or guilty of a crime. The fact of their grossly inhuman treatment alone demands the strongest form of condemnation and immediate intervention. There is an urgent humanitarian need for Ms. Khidoiatova and Ms. Turaniyazova to be examined by independent medical experts and, if necessary, to be treated for physical and psychological trauma. We urge you to use your good offices to secure the immediate release of these two women into the custody of relatives or other individuals acceptable to the defendants and the court; initiate an investigation into their inhuman treatment by law enforcement agents; and prosecute and punish their abuse to the fullest extent of the law.

We welcome your government's increased attention to the human rights concerns of international observers and believe that this case provides an ideal opportunity to back those sentiments through concrete action toward protecting human rights.

Do not hesitate to contact me if I can be of any assistance. Thank you in advance for your attention to these profoundly disturbing reports.

Respectfully,

/s/

Holly Cartner

Executive Director

Human Rights Watch/Helsinki

cc: Procurator General of Uzbekistan
Director, National Security Service
Minister of Internal Affairs
Minister of Foreign Affairs

Nigel Rodley, U.N. Special Rapporteur on Torture
Secretary General Wilhelm Höynck, OSCE
Amb. Audrey F. Glover, ODIHR, OSCE
Amb. Sadik Safajew, Mission of Uzbekistan to the OSCE
Amb. Sam W. Brown, Jr., Mission of the U.S. to the OSCE

U.S. Assistant Secretary of State John Shattuck
Deputy Assistant Secretary of State Nancy Ely-Raphel
Amb. Stanley T. Escudero, Embassy of the United States to Uzbekistan

International mass media

APPENDIX F: HUMAN RIGHTS WATCH/HELSINKI LETTER TO
SHAHNOZA GHANIEVA, JANUARY 30, 1996

HUMAN RIGHTS WATCH/HELSINKI

- 485 Fifth Avenue., New York, NY 10017 TEL (212) 972-8400 FAX (212) 972-0905
- 1522 K. Street, NW #910, Washington, DC 20005-1202 TEL (202) 371-6592 FAX (202) 371-0124
- 33 Islington High Street, N1 9LH London, UK TEL (44171) 713-1995 FAX (4471) 713-1800
- 15 rue Van Campenhout, 1040 Brussels, Belgium TEL (322) 732-2009 FAX (322) 732-0471
- Moscow, Russian Federation, TEL and FAX (7095) 265-4448

January 30, 1996

Ms. Shahnoza Ghanieva
State Television and Radio
Toshkent
Republic of Uzbekistan
By fax, c/o Ministry of Foreign Affairs: (7) (3712) 33.68.12

Dear Ms. Ghanieva:

On behalf of Human Rights Watch/Helsinki, allow us to express our thanks to you for taking the time to meet with our representatives during our recent trip to Uzbekistan. We greatly value the open dialogue with you.

It is in the interests of such openness that we write to express our shock and outrage at the distorted presentation of the interview with Jonathan Fanton that you aired last month over "Orbita" via "Novosti" Russian Television. We have obtained a copy of that broadcast and cannot but be appalled at the willful disregard for accuracy that it displayed. Our concerns about serious human rights violations in Uzbekistan were edited out and replaced by an entirely false statement that we had found the reports of abuse that we had before our visit to be "tendentious" and "not entirely objective." In fact, we found them to be entirely accurate.

The distortion is disappointing not only because it violated the personal promise you made to broadcast accurately, but because it is further evidence of the censorship and propaganda that continues in Uzbekistan, despite government pledges to reform.

We ask you for an immediate written apology and public correction of the record.

You have done a grave disservice to our organization, to the cause of human rights, and to the image of the government of Uzbekistan as anything but a flagrant violator of human rights. We are currently circulating information about the distorted broadcast to the international community and hold you, as director and chief editor, personally accountable.

Sincerely,
/s/
Holly Cartner
Executive Director

/s/
Jonathan F. Fanton
Chairman, Advisory Board

cc: President Islam Karimov
Ministry of Foreign Affairs

U.N. Resident Coordinator Khalid Malik
O.S.C.E. Ambassador Alois Reznik
U.S. Ambassador Stanley T. Escudero
U.K. Ambassador Barbara Hay

**APPENDIX G: HUMAN RIGHTS WATCH/HELSINKI LETTER TO
PRESIDENT KARIMOV, MARCH 19, 1996**

HUMAN RIGHTS WATCH/HELSINKI

- 485 Fifth Avenue., New York, NY 10017 TEL (212) 972-8400 FAX (212) 972-0905
- 1522 K. Street, NW #910, Washington, DC 20005-1202 TEL (202) 371-6592 FAX (202) 371-0124
- 33 Islington High Street, N1 9LH London, UK TEL (44171) 713-1995 FAX (4471) 713-1800
- 15 rue Van Campenhout, 1040 Brussels, Belgium TEL (322) 732-2009 FAX (322) 732-0471
- Moscow, Russian Federation, TEL and FAX (7095) 265-4448

March 19, 1996

President Islam Karimov
Office of the President
Toshkent
Republic of Uzbekistan
By fax: (7) (3712) 39.55.25

Dear President Karimov,

Human Rights Watch/Helsinki writes to express its profound concern over the welfare of three men who reportedly were arrested on February 16, 1996, and currently are being held in the Samarqand regional (oblast') pre-trial detention facility. Kholiknazar Ghaniev and Bakhtiar Nabii-oghli are professors at Samarqand State University, and Nosim Bobev is a PhD in Economics and their colleague who works at the Samarqand oblast Tax Inspection. All three are believed to be in their forties.

It is reported that they are under investigation for illegal possession of narcotics, a charge often lodged against critics of the government when there is no evidence to justify an arrest. In actuality, it is reported that these men are being punished for possession and distribution of banned opposition newspapers: "Erk," "Forum" and "Birlik." At least two other individuals are known to be currently incarcerated for similar "offenses" in Uzbekistan: Abdulla Abdurazzoqov and Rashid Begjon.

As you know, censorship is strictly prohibited by Article 29 of the constitution of Uzbekistan, which states that "Everyone... shall have the right to seek, obtain and disseminate any information." Nonetheless, censorship and control of the media are widely practiced, with the result that newspapers are banned and individuals allegedly affiliated with them or in possession of them are punished.

Human Rights Watch/Helsinki condemns these arrests as part of a continuing effort to suppress peaceful free speech. We respectfully call on you to use your good offices to release these individuals immediately.

Thank you for your attention to the serious concerns raised in this letter.

Respectfully,

/s/

Holly Cartner

Executive Director

Human Rights Watch/Helsinki

/s/

Jonathan F. Fanton

Chairman, Advisory Board

Human Rights Watch/Helsinki

**APPENDIX H: HUMAN RIGHTS WATCH/HELSINKI LETTER TO
PRESIDENT KARIMOV, APRIL 2, 1996**

HUMAN RIGHTS WATCH/HELSINKI

- 485 Fifth Avenue., New York, NY 10017 TEL (212) 972-8400 FAX (212) 972-0905
- 1522 K. Street, NW #910, Washington, DC 20005-1202 TEL (202) 371-6592 FAX (202) 371-0124
- 33 Islington High Street, N1 9LH London, UK TEL (44171) 713-1995 FAX (4471) 713-1800
- 15 rue Van Campenhout, 1040 Brussels, Belgium TEL (322) 732-2009 FAX (322) 732-0471
- Moscow, Russian Federation, TEL and FAX (7095) 265-4448

April 2, 1996

President Islam Karimov
Presidential Palace
Toshkent
Republic of Uzbekistan
and by fax: (7) (3712) 39.55.25

Dear President Karimov,

As you know, Human Rights Watch/Helsinki monitors compliance with the human rights provisions of the Helsinki Accords in signatory countries. We welcome the dialogue with you and your government.

We write you today to express our profound concern about reports that Polina Braunerg, an attorney from Almalyk and member of the Board of the nongovernmental and as yet unregistered Human Rights Society of Uzbekistan, and her son have been subjected to intimidation and harassment from investigative bodies and that a criminal case is being prepared against her.

According to several sources, on March 14, two individuals who refused to identify themselves detained her and brought her to the State Security Service (SNB) offices in Almalyk, claiming that her sixteen-year-old son Nikita had been arrested. At the SNB, Ms. Braunerg reportedly was questioned by a Mr. Khikmatov, a special investigator for the Military Procuracy for Especially Important Matters. During the interrogation, Mr. Khikmatov reportedly told Ms. Braunerg that he had obtained testimony by a Mr. Milov concerning her alleged involvement in the illegal precious metals trade.

That same day, a search was made of Miss Braunerg's home, lasting from 8:00 p.m. to 12:30 a.m., led by Counterintelligence Colonel Polatov. The search was conducted on the basis of a warrant from the Military Procurator of Uzbekistan, signed by the Procurator's deputy, whose name was not indicated. Law enforcement officials reportedly found nothing relating to the trade of precious metals; however, they confiscated copies of the Russian

newspapers *Forum* and *Izvestia*. (Ms. Braunerg had brought them from Moscow and Almaty, where she had participated in international human rights conferences.) As you know, these newspapers are banned in Uzbekistan despite constitutional guarantees of the right to freely seek, obtain and disseminate information (Article 29 of the Constitution of the Republic of Uzbekistan) and the prohibition on censorship (Article 67).

During this time, Ms. Braunerg's son was detained along with two acquaintances. Both mother and son were released at 2:00 a.m., with instructions for both to appear at the SNB offices at 10:00 the following morning, March 15. They spent the entire day March 15, until 10:00 p.m., in separate SNB cells, without being interrogated or being involved in any other investigative operations. They were released without receiving a written statement concerning their detention.

On March 16, SNB Major Shavkat Rakhimov interrogated Ms. Braunerg for four hours, during which time he reportedly threatened to keep her in the SNB prison and demanded that she reveal whom she was spying for, who financed her trips to Moscow and Almaty, and that she provide information about her contacts with human rights activists and organizations. In addition, the SNB confiscated Ms. Braunerg's internal passport and that of her son.

We are concerned that legal activities such as possessing newspapers continues to be a basis for illegal punishment in Uzbekistan. Punishing persons for their peaceful expression or for the acquisition of information violates Uzbekistan's domestic and international obligations to protect fundamental civil liberties. The harassment of Ms. Braunerg and her son also directly contradicts assurances made to Jonathan F. Fanton, chairman of Human Rights Watch/Helsinki's Advisory Board, by high-level officials of your government during meetings in Tashkent in November 1995 that citizens will no longer suffer retribution for peaceful involvement in politics or human rights activities.

We respectfully urge you to use your good offices to insure that harassment of Ms. Braunerg and her son ceases immediately, and that their passports are returned to them without delay. We also take this opportunity to reiterate our support for the work of the Human Rights Society of Uzbekistan and for their application for registration as a social organization.

Thank you for your attention to this urgent matter.

Sincerely yours,

/s/

Holly Cartner

Executive Director

Human Rights Watch/Helsinki

cc: Mr. Abdulazziz Komilov, Minister of Foreign Affairs
Ms. Sayora Rashidova, Human Rights Ombudsman
Amb. Fatikh Teshabaev, Uzbekistan Ambassador to the United States

Amb. Audrey F. Glover, ODIHR-OSCE
Amb. Alois Reznik, OSCE Regional Liaison Office in Tashkent
U.N. Centre for Human Rights
U.N. Development Agency

European Commission
Amb. John Shattuck, U.S. Department of State
Amb. Stanley T. Escudero, U.S. Embassy in Toshkent

ACKNOWLEDGMENTS

Human Rights Watch/Helsinki is grateful to the Ministry of Foreign Affairs, the Ministry of Justice, the Procuracy General, the Ministry of Internal Affairs, and the Mission of the Republic of Uzbekistan to the United Nations for their cooperation in fact-finding and in facilitating our work in Uzbekistan.

The organization also acknowledges with profound gratitude the help of several individuals in researching and writing this report, among them (in alphabetical order) Mikhail Ardzinov, Khazratkul Khudoiberdiev, Albert Musin, Makhmadamin Narzikulov, Pulatjon Okhunov, and Abdumannob Polat. Many other individuals, whose names must be withheld, cannot be mentioned here, but deserve our public thanks.

We gratefully acknowledge the Carnegie Corporation, the Henry M. Jackson Foundation, the Moriah Fund and the John Merck Fund for generous support of the Human Rights Watch/Helsinki's work on Russia and of its Moscow office, which contributed to this report.

* * *

Human Rights Watch/Helsinki

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. The staff includes Kenneth Roth, executive director; Cynthia Brown, program director; Holly J. Burkhalter, advocacy director; Barbara Guglielmo, finance and administration director; Robert Kimzey, publications director; Jeri Laber, special advisor; Gara LaMarche, associate director; Lotte Leicht, Brussels office director; Juan Méndez, general counsel; Susan Osnos, communications director; Jemera Rone, counsel; and Joanna Weschler, United Nations representative. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Holly Cartner is the executive director; Erika Dailey, Rachel Denber, Christopher Panico, and Diane Paul are research associates; Ivan Lupis and Maxine Marcus are research assistants; Anne Kuper, Alexander Petrov, and Shira Robinson are associates. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

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Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).