

UZBEKISTAN

"AND IT WAS HELL ALL OVER AGAIN...": TORTURE IN UZBEKISTAN

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SUMMARY

Widespread torture of detainees is common in criminal investigations in Uzbekistan, and has become an unmistakable feature of the government's crackdown against independent Islam. Uzbekistan's government refuses to hold police and security forces accountable for acts of torture, and even tacitly encourages torture through its broadcasting of political prisoners' public "confessions" as tools of political propaganda. Instituting legal and judicial reform to halt torture, and ending impunity for it, should be a matter of priority for the government of Uzbekistan and for all parties interested in human rights and the security and stability of the region.

Persons detained by police in Uzbekistan are routinely subjected to physical and psychological abuse, often from the initial moments of their arrest. Mounting numbers of deaths in pre- and post-conviction detention facilities over the past two years attest to the brutality of the treatment meted out against detainees and prisoners. Although Uzbek law criminalizes torture, few law enforcement officers are held accountable for it. Uzbek courts routinely rely on evidence extracted under torture, despite rulings barring the admissibility of this evidence.

This report is based on four years of research conducted by Human Rights Watch researchers in different provinces of Uzbekistan. We interviewed scores of former detainees and family members of current and former prisoners, and their lawyers, who gave detailed testimony about gruesome torture practices, despite the pervasive atmosphere of fear generated by Uzbekistan's hardened authoritarian political system. Their accounts, and the proceedings of dozens of trials in which defendants made allegations of torture, all substantiate the pattern of official acceptance of the practice of torture. Most of them testified to abuse in the pre-trial detention facilities of Tashkent's Ministry of Internal Affairs headquarters (MVD), the headquarters of the National Security Service (SNB, formerly the KGB), and Tashkent's Municipal Police Department (GUVD), but victims and their families also testified to torture in police lock-ups in all other provinces of the country and the Autonomous Province of Karakalpakstan.

Torture victims include those arrested in connection with common crimes as well as those accused of political and religious offenses. The mass arrests of those suspected of opposition sentiment based on their religious affiliation, however, has brought to light many instances of torture, often during trials in which defendants have detailed their ill-treatment. Since 1998, the government has arrested thousands of persons in a crackdown against those whose practice of Islam falls outside of state-sanctioned religion, often charging them with ill-defined crimes of "religious extremism."¹

Police routinely torture defendants in these cases not only to obtain confessions but to force them to incriminate others with whom they have prayed or studied Koran. Government officials have publicly announced a policy of holding families accountable for the actions of any of their members suspected of illegal religious activity; consequently, the relatives of those accused or sought are often detained, held as hostages, threatened with torture, or are tortured themselves.

The Uzbek criminal justice system lacks procedural safeguards against police abuse, as it grants the prosecution wide powers concerning pretrial custody, access to lawyers, and access to forensic evidence. Detainees do not have the right to appeal the lawfulness of their detention or to protest ill-treatment before a judge until their case goes to court, an egregious violation of international law governing detainees' rights. Despite a newly-instituted code of criminal procedure containing provisions for release of accused persons on bail during the preliminary investigation phase, custody during investigation and prior to trial is the rule, rather than the exception, and often takes the form of incommunicado detention.

It is during the preliminary investigation phase, before suspects are formally charged, that the most severe abuse takes place. Although Uzbek law provides for access to legal counsel from the moment of detention, police frequently pressure detainees not to seek counsel. When detainees or their families attempt to engage an independent defense lawyer, police and investigators often simply refuse requests from lawyers for access to their clients in lock-ups or remand prisons until they have secured a confession from the accused. Police frequently pressure detainees or their families to accept the services of state-appointed lawyers who do not defend their interests, and who are unlikely to lodge complaints against ill-treatment. Even when lawyers do gain access to clients in lock-ups and remand prisons, they do not have the right to freely arrange independent, objective forensic medical examinations that could provide evidence of torture. Uzbekistan law grants the police or procuracy investigator handling a case the authority to approve

¹Uzbekistan retained the Soviet system of regulating religion through a government agency, the Spiritual Board, which approves all serving clerics, regulates their sermons, produces and distributes the only legal religious literature and licenses Human Rights Watch 1998 and 1999, the government passed stiff criminal penalties for December 2000, Vol. 12, No. 12 (D)

or reject a detainee's or lawyer's request for a forensic medical examination; these requests are often simply denied. Those attorneys who do attempt to request a forensic examination face grave consequences, as do their clients, of retribution by police.

Police corruption abounds. Families are extorted for bribes in order to have their relatives released and to lessen the severity of the charges against them. In addition, judicial corruption is linked with harsh prison sentences, as leniency must be purchased.

Fearful of the consequences of speaking out during the investigation, victims and their lawyers may wait until the case comes to trial to raise a protest against torture. Judges who receive such testimony rarely take it into account when assessing the state's case against the accused, or initiate investigations as called for by Uzbek law. Despite legal prohibitions on the use of evidence obtained under torture, courts routinely admit coerced confessions into evidence and issue convictions on that basis. Judicial refusal to investigate victims' allegations allows those police, prosecutorial, and security service officials who order and carry out acts of torture to do so with impunity. Even in the exceptional cases when initial convictions, issued on the basis of coerced confessions, were overturned, police investigators responsible for torturing the defendants have not been called to account.

Based on the findings of this report, Human Rights Watch issued a series of detailed recommendations to the government of Uzbekistan, to the United Nations and other intergovernmental organizations, Uzbekistan's bilateral partner states, and to international financial institutions, which can be found at the end of this report. They include calls for the government of Uzbekistan to hold torturers criminally accountable for their acts, to guarantee that detainees' right to counsel is upheld, and to amend criminal procedural legislation to include judicial review of arrests. Human Rights Watch calls on the United States and European Union governments to hold Uzbekistan to account for its failure to respect the U.N. Convention against Torture, to which it is a party. We urge them, as well as international financial institutions, to condition certain types of assistance to Uzbekistan on improvements in respect for human rights, including ending the practice of torture.

BACKGROUND

Since independence in 1991, the Republic of Uzbekistan has experienced deep economic contraction, and its population has been subjected to a staggering degree of social hardship.² Uzbekistan's post-independence government, dominated by its president, former Uzbek Communist Party First Secretary Islam Karimov, has avoided implementing political or economic reform, however, fearing that liberalization of either sphere might erode its hold on power. Karimov's government began to attack, jail, and drive into exile leaders of the political opposition in 1992, continuing the Soviet practice of criminalizing dissent. For this, close political control over the judicial system was crucial. Any effort to fundamentally reform the judicial system and restore the rule of law has also remained blocked.³

²Dmitri Trenin, "Central Asia's Stability and Russia's Security," PONARS Memo No. 168 (November 2000).

³U.S. Department of Justice Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT), "Assessment of the Criminal Justice System of the Republic of Uzbekistan," June 18, 1999. IMF analysts have noted the absence of the rule of law and the lack of institutional and legal reform as a barrier to economic transition and foreign investment. Emine Gürgen, "Central Asia: Achievements and Prospects," *Finance and Development, a Quarterly Magazine of the IMF*, September 2000 (<http://www.imf.org/external/pubs/ft/fandd/2000/09/gurgen.htm>). Other IMF analysts concluded with regard to countries in a "stalled transition," including Uzbekistan, that "The imposition of the transparent, evenhanded rule of law and the protection of property rights have also met with opposition, because these reduce the economic value of the privileged position that (often nontransparent) vested interests have nurtured with bureaucrats and policy makers." Oleh Havrylyshyn and John Odling-Smee, "Political Economy of Stalled Reforms," *Finance and Development, a Quarterly Magazine of the IMF*, September 2000. (<http://www.imf.org/external/pubs/ft/fandd/2000/09/havrylyshyn.htm>).

In common with other republics of the former Soviet Union, Uzbekistan inherited that state's legal system, policing structure, and accompanying social and official attitudes. The Soviet legal system was always subject to political control by the Communist Party, and it was generally punitive in its treatment of people identified as deviant, whether political or simply criminal.⁴ Because of Party domination, the judicial system offered people little means of redress against official abuses. Political domination of the judiciary, now exercised not by a party but by the executive branch of government, has continued in post-Soviet Uzbekistan. Although Uzbekistan now has most of the formal structures of a Western-style judiciary and policing system, the system is riven with grave defects. These result principally but not solely from a lack of true separation of the judiciary from executive power. Corruption, rife throughout the judicial system as elsewhere in Uzbekistan, is another factor leading to injustice.⁵

Hardening authoritarianism has left few outlets to express popular discontent over growing impoverishment and official corruption. Since late 1998, Uzbek law enforcement bodies have imprisoned increasing numbers of ordinary citizens suspected of opposition to the government on religious grounds.⁶ According to some accounts, the hunt for these supposed members of illegal religious organizations has overwhelmed the criminal justice system.⁷ Because Uzbekistan's police force retains the Soviet practice of setting quotas for the number of crimes to be solved, the flood of new arrestees to be processed, according to lawyers interviewed by Human Rights Watch, has prompted police to rely increasingly on torture to swiftly obtain confessions and thus expedite the investigation process.⁸ One lawyer told Human Rights Watch that "since February 16, 1999, they have stopped enforcing the criminal procedure code."⁹ In February 1999, several explosions rocked the capital, Tashkent, killing fifteen people and setting off a new wave of mass arrests throughout the country.

Since that time, the government has arrested thousands of men, though only a small portion were directly charged with involvement in the bombings. Most were accused either of possessing illegal drugs or weapons (the evidence of which, according to witness testimony, is often planted by police), or of ill-defined crimes of "religious extremism." Arrests continue to target people who pray alone or in groups, or who are alleged to have prayed in mosques affiliated with clerics the government accuses of opposition activity, singling them out for nothing more than the peaceful expression of their religious beliefs. Officials accused some of those they arrested of supporting armed rebel groups based outside of the country, if only through their real or purported religious activity. Several months after the Tashkent explosions and subsequent arrests, reports surfaced that young men were fleeing the country to neighboring Tajikistan. In August 1999, a group of armed men calling themselves the Islamic Movement of Uzbekistan crossed the border from Tajikistan into another neighboring state, Kyrgyzstan, where they clashed with Kyrgyz armed forces and demanded passage into Uzbekistan. The group repeated armed incursions into Kyrgyzstan and Uzbekistan itself in August and September 2000; some of its members are alleged to be based in Afghanistan.¹⁰

TORTURE IN UZBEK LAW

⁴Peter Solomon, *Soviet Criminal Justice Under Stalin* (Cambridge University Press, 1997).

⁵Joseph Fitchett, "Central Asian Regimes Backslide on Democracy; Corruption and Repression Afflict the Region," *International Herald Tribune*, August 10, 2000; Human Rights Watch interview, February 1997, place and name of interviewee withheld.

⁶For events in late 1997-98, see Human Rights Watch, "Republic of Uzbekistan, Crackdown in the Farghona Valley: Arbitrary Arrests and Religious Discrimination," *A Human Rights Watch Report*, vol. 10, no. 4, May 1998. Regarding arrests in 1999-2000, see the report of the Russian human rights group Memorial Human Rights Center's Information Center for Human Rights in Central Asia, *Spisok lits, arestovannykh i osuzhdennykh po politicheskim i religioznym motivam v Uzbekistane (ianvar' 1999 g.-aprel' 2000 g.)* (Moscow 2000), hereinafter "*Spisok lits.*"

⁷Human Rights Watch interview with lawyer, name withheld, June 9, 2000.

⁸On police quotas in the Russian Federation, inherited from Soviet practice, see Human Rights Watch, *Confessions at Any Cost: Police Torture in Russia* (New York: Human Rights Watch, November, 1999), p. 122-3. Uzbek lawyers confirm the use of quotas by police in Uzbekistan. Human Rights Watch interview, lawyer, name withheld, June 2 2000.

⁹Human Rights Watch interview with lawyer, name withheld, Tashkent, May 30 1999. February 16, 1999, is the date that five bombs exploded in the capital Tashkent, which the government claimed was an assassination attempt on the president by unspecified Islamist forces.

¹⁰ See Ahmed Rashid, "Confrontation Brews Among Islamic Militants in Central Asia," *Central Asia-Caucasus Analyst*,

Uzbekistan's international commitments and its domestic law contain numerous protections against torture. Uzbekistan acceded to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment on August 31, 1995. Uzbekistan is also a party to the International Covenant on Civil and Political Rights, article 7 of which prohibits the use of torture and other "cruel, inhuman or degrading treatment or punishment."¹¹ The Constitution of the Republic of Uzbekistan recognizes the supremacy of international legal norms over domestic law.¹² There are also express constitutional guarantees against the use of torture. Article 13 of the constitution pronounces that "the highest value [in Uzbek governance] is placed on the individual, his life, freedom, honor, dignity and other inalienable rights." Article 26 explicitly forbids the torture, or cruel and humiliating treatment of any person, while guaranteeing that all enjoy the presumption of innocence and the right to defense in criminal proceedings. Furthermore, article 44 guarantees that each person enjoys the right to appeal to the courts for redress of any illegal action by state agents.¹³

The new code of criminal procedure which came into force on July 1, 1999, introduced numerous provisions forbidding the use of violent and coercive methods of investigation. In the section outlining the principles of criminal procedure, article 17 is devoted to the "respect for the honor and dignity of the person;" it states that "judges, prosecutors, investigators and interrogators are obliged to respect the honor and dignity of all persons party to a case....None can be subjected to torture, the use of force, or any other cruel or humiliating treatment. Any actions or decisions which assault the honor and dignity of the individual, which lead to the dissemination of information about his personal life, or threaten his health or without any basis cause him physical or moral suffering, are forbidden."¹⁴ Article 22, entitled "Establishment of the truth," states clearly that "Obtain[ing] testimony of a suspect, accused person, defendant, victim, witness or any other party to a case by the use of force, threats, violations of their rights or other illegal means is prohibited."¹⁵ Article 88, on the "Preservation of the rights and legal interests of citizens, enterprises, institutions and organizations during the preliminary investigation process" forbids "(1) actions, presenting a danger to the life and health of persons, or offending their honor and dignity; (2) to force [suspects] to give testimony, explanations, conclusions, to carry out experimental activities, or the preparation of documents or other objects by force, using threats, deceit or other illegal actions."¹⁶

Compulsion to testify, whether through psychological or other pressure on a suspect, accused person, witness, victim, or any other participant in legal proceedings is a criminal offense under Uzbek law. Article 235 of the criminal code specifies that the use of "threats, blows, beatings, torture [*istiazanie*], the infliction of physical suffering [*prichineniie mucheniia*], or the infliction of light or medium injuries by the interrogator, investigator, procurator" is punishable by up to five years of imprisonment. Furthermore, if serious physical harm results from these actions, the penalty may be increased to eight years.¹⁷ Articles 104 through 111 of the criminal code define forms of assault which could be applied in the prosecution of acts of torture; article 110 specifically addresses "torture" [*istiazanie*], and refers to "the systematic infliction of beatings or other actions amounting to torture..."¹⁸

¹¹International Covenant on Civil and Political Rights (ICCPR), adopted and opened for signature, ratification, and accession by United Nations General Assembly resolution 2200 A (XXI) on 16 December, 1966. Entered into force on 23 March 1976.

¹²"The people of Uzbekistan, in recognizing the priority of the generally accepted norms of international law...through its appointed representatives, adopts this Constitution," Constitution of the Republic of Uzbekistan, adopted December 8, 1992. Preamble.

¹³Ibid.

¹⁴*Ugolovno-protesessual'nyi kodeks Respubliki Uzbekistan* (Code of Criminal Procedure of the Republic of Uzbekistan), hereafter Code of Criminal Procedure, all citations from 1999 edition, translated by Human Rights Watch.

¹⁵Code of Criminal Procedure, p. 274.

¹⁶Code of Criminal Procedure, p. 305.

¹⁷*Ugolovnyi kodeks Respubliki Uzbekistan* (Criminal Code of the Republic of Uzbekistan), hereafter Criminal Code. Entered into force September 22, 1994.

The new criminal procedural code does not explicitly forbid the use of information obtained through torture as evidence in criminal proceedings. The Uzbek Supreme Court, recognizing, perhaps, that police investigators and prosecutors rely most heavily on confessions to secure guilty verdicts, and that this creates an incentive to use torture, has erected a legal barrier against this. The Supreme Court issued a plenary court decision on May 2, 1997, which states that "...any evidence obtained unlawfully shall be devoid of evidential value and cannot form the basis of a judgment." The Uzbek National Human Rights Center, a governmental agency created with support from the United Nations and headed by Akmal Saidov, a member of parliament, has determined that unlawfully obtained evidence can be grounds for an acquittal.¹⁹ But this barrier, as will be shown below, is rarely if ever successful in ruling this evidence inadmissible and has done nothing to discourage or prevent the practice of torture.

TORTURE

Introduction

Detainees' allegations of torture are on the rise in Uzbekistan. Torture victims may be those suspected of committing ordinary crimes, or those accused of such political crimes as membership in banned political or religious organizations, or crimes having to do with the victims's alleged religious beliefs or activities. As the government's arrest campaign against independent Islam has intensified, highly credible accounts of torture have multiplied. Dozens of substantiated accounts describe torture in police custody—as law enforcement agents seek to coerce confessions and testimony against third parties—and in post-conviction facilities, where they seek to punish, humiliate, or merely break the will of those convicted on political or religious grounds, and to obtain testimony against others as well as additional self-incriminating testimony. Police and security officials use techniques of psychological torture, including the threat of physical violence, either against the detainee or against his or her family members, to coerce testimony. In collusion with local government officials, they orchestrate public humiliation sessions for those accused of political crimes as a form of intimidation.

The Uzbek government's own Initial Report to the United Nations Committee against Torture, confirms that citizens' complaints of police abuse, including physical and psychological ill-treatment, are in fact increasing.²⁰ The report states that "in 1996, the internal affairs [sic] authorities received 155,965 written complaints, or 23,147 more than in 1995."²¹ No more current figures are provided, nor is it made clear what sorts of offenses these complaints are in reference to. The same document reports that the parliamentary (Olii Majlis) ombudsman received 231 complaints about police misconduct in 1997 and 533 in 1998, and clarifies that "a study of the complaints shows that the most common grievance is the use of physical or mental violence by investigators during the investigation phase."²²

¹⁹United Nations Committee against Torture "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Initial Reports of States Parties Due in 1996 Addendum: Uzbekistan," 24 August 1999 (hereafter referred to as Uzbek Committee against Torture Report), pp. 16-17.

²⁰The United Nations Committee against Torture (CAT) is the body that monitors states parties adherence to the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

²¹Uzbek Committee against Torture Report, p. 11, paragraph 46.

²²Uzbek Committee against Torture Report, p. 12, paragraph 53.

Many junctures in the criminal justice process facilitate the practice of torture. Despite the recent introduction of bail, accused persons are with near uniformity held in custody pending trial in pre-trial detention facilities administered by the Ministry of Internal Affairs (police). Under Uzbek law, criminal investigations can be carried out by either the police, the National Security Service (SNB), or by the procuracy.²³ The procuracy is also responsible for ensuring the legality of arrest and detention and of the investigative process; however, the prosecutorial functions of the procuracy clearly conflicts with its oversight function. As will be shown below, no effective oversight mechanism exists to check the power of any of these agencies to abuse detainees' basic human rights with impunity.

One of the most chilling pieces of evidence that the use of torture may be increasing is the growing number of reported cases of deaths in pre-trial custody. In 1998-2000, local human rights groups documented at least seven cases of violent deaths in pre-trial detention, the majority of which happened in the first days after the detainee's arrest.²⁴ Although authorities did not cite injuries resulting from physical abuse as the cause of death in any of these cases, physical signs noted by those who viewed the bodies, or in some cases officials' refusal to allow families even to view the bodies, strongly suggest that these persons died from ill-treatment in custody.

Among them was forty-two-year-old Furkhat Usmonov, whom police arrested on June 14, 1999, claiming that he was a suspected member of the Islamic group Hizb ut-Tahrir. Police first held Usmonov, the son of a well-known imam, in the local district police station, before transferring him to the Tashkent provincial police headquarters, where he was held incommunicado. On June 25, police returned Usmonov's body to his family in the Zangiata district of Tashkent province and cited heart failure as the official cause of death. Human Rights Watch representatives who viewed the body as it was being prepared for burial noted apparent signs of torture, including large contusions and cuts on the face, chest, and other areas of the body.²⁵

Torture is not confined to pre-conviction facilities. Abuses and subsequent deaths in post-conviction prisons and labor camps are reported by an increasing number of witnesses. Both those convicted of simple criminal offenses and those sentenced for political crimes may experience torture while serving their sentences. The forms of ill-treatment of political and religious prisoners reported by witnesses to Human Rights Watch seem intended to humiliate, to break the will of prisoners to resist their captors, and to punish them specifically for their religious beliefs.²⁶ Ill-treatment is also used to force these prisoners to incriminate others. Convicted prisoners have increasingly been used in court cases as witnesses for the prosecution. In addition, ill-treatment is used to force already convicted prisoners to further incriminate themselves, with some being brought up on new charges and sentenced to new terms of up to twenty-five years. Abuses are reported with particular frequency by inmates of the special labor colony located outside of the settlement of Jaslyk, in the Karakalpak Autonomous Province.²⁷ The government reportedly ordered the construction of

²³Code of Criminal Procedure, article 345. According to this article, the preliminary investigation of crimes "against peace and security," which include crimes against the state such as terrorism, the incitement of ethnic or religious hatred, or attempted overthrow of the constitutional order, as well as violation of Customs regulations, illegal entry or exit across state borders and contraband (articles 150-163, 182, 223 and 246 of the Criminal Code) are to be investigated by the SNB. Violations of articles 167, 244(1) and 244(2) of the Criminal Code (assuming ownership of another's property, preparing or distributing material which constitute a threat to public order or security, respectively, the latter two of which are often used against accused members of illegal religious groups), may be investigated by the agency that initiated the case.

²⁴See Appendix 1.

²⁵See Appendix 4. Human Rights Watch press release, "Uzbek Rights Activist Disappears in Custody," July 11, 1999. Usmonov's death caused deep shock among members of the community, and Uzbek authorities tried to prevent people from attending his funeral. In a pattern that would be repeated after bodies of other victims of police abuse were returned to their families, police attempted to restrict access to the Usmonov family's neighborhood and to the funeral route, setting up roadblocks and posting plainclothes officers outside the family home after the return of the body. Dozens of mourners were arrested at the scene and sentenced to ten to thirty days in police custody.

²⁶This physical abuse of prison inmates falls within the definition of torture outlined by the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: "...severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as...punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason..." Convention against Torture, article 1.

²⁷According to Uzbekistan's Ministry of Internal Affairs (MVD), the Jaslyk camp is a general regime, as opposed to a strict regime or maximum security colony. Nevertheless, reports from families of inmates as well as domestic human rights monitors describe conditions there as the most brutal among all of Uzbekistan's places of detention.

this prison in late 1998, in order to contain the increasing number of independent Muslims convicted on the basis of their religious activities.²⁸

Family members of prisoners who requested anonymity recounted to Human Rights Watch their relatives' accounts of inhumane treatment in the Jaslyk camp. "The first month when we got here, they beat me all the time. They beat people to death. One man died in my arms. Several men have already died. Twenty men beat us with nightsticks," one prisoner recounted to his relatives, who cautioned Human Rights Watch that their relative remained at risk, since "guards warned [him] not to tell anyone or else he would die."²⁹ The Jaslyk facility is not the only one where religious prisoners face particularly harsh abuse: Munnevar Hasanov, a seventy-year old pious Muslim sentenced to three years in prison for anti-state activity, recounted to witnesses the beatings inflicted on him and other religious inmates at Karshi prison.³⁰ One woman who visited her husband in Navoi prison recounted that "He said they will kill you if you pray here—they don't allow it."³¹

This physical abuse of religious prisoners has led to a number of deaths in post-conviction facilities. Azim Khojaev, the father of several men sought by police on religious and political grounds, was arrested on April 4, 1999. He was sentenced to eight years in prison on June 11 on charges of narcotics possession, in a trial that lasted for one-half hour, and transferred to the Jaslyk labor colony to serve his term. On July 13 police returned his body to his family; a death certificate stated the cause of death as "acute failure of the left stomach," and gave the date of death as July 2.³² The secrecy with which police transported the body and the care with which they supervised the burial rites all suggest that Khojaev died from ill-treatment in custody. One source close to the case recounted that when police brought the body to the house, "none of the relatives were shown the body, which was wrapped in a quilt. The police themselves washed the body with one man, a stranger named Ismail. The police refused to let us see the body—they washed it then brought it out immediately for burial."³³ Another witness said that he was stopped in the street and not allowed into the neighborhood when he tried to visit the family and attend the funeral. Khojaev's relative continued: "There were many, many police in civilian clothes during the funeral—women and men. There were as many police as relatives. None would answer our questions. The police refused to speak to us, and the *mahalla* chairman also refused. He [Khojaev] was forty-eight years old."³⁴

Nematjon Karimov died in Navoi prison on March 22. Prison officials provided no death certificate, informing the family orally that he died from kidney, heart, or lung problems. When his family retrieved the body from the town morgue, workers at first refused to let them perform the rite of washing the body for burial, but relented after they were given money. At first, they did not recognize their relative, because the body was covered in blood, but finally identified him from a tattoo on his hand. The top of his head was concave, and there were places where the skull was missing. His face was cut and bruised, and skin was torn off on the right side. To the left of his mouth there was a large scar, while his upper teeth were loose and pointing inwards, and his lower teeth were pointing outwards.³⁵

Forms of Physical Torture

Law enforcement officials in Uzbekistan routinely abuse detainees with physical and psychological torture. Most common are prolonged beatings, involving punching, kicking, or blows with billy clubs or other implements. Other methods include asphyxiation through the use of gas masks or plastic bags, electric shock, burning, cutting, sexual violence, and denial of food or water. Police commonly combine physical ill-treatment with threats—of further abuse, and of abuse of members of the detainee's family to coerce compliance. In political/religious cases, police detain and even torture the relatives of their primary suspects either to force the appearance of the wanted suspect or to coerce testimony.

Beatings

²⁹Human Rights Watch interview, name withheld, May 3, 2000. The HRSU has reported that thirty-eight prisoners died in the Jaslyk facility in 1999, but clear, detailed information on the causes of death is lacking.

³⁰Human Rights Watch press release, "Uzbek police 'disappear' torture victim," July 20, 2000.

³¹Human Rights Watch interview with Darmon Sultanova, Tashkent, June 9, 2000.

³²Death certificate on file with Human Rights Watch.

³³Human Rights Watch interview, name and place withheld, May 9, 2000.

³⁴Ibid.

³⁵Human Rights Watch interview with human rights activist Rustam Iskhakov, Tashkent, April 11, 2000; Human Rights Watch interview with Sabine Freizer, Human Dimension Expert, Central Asia Liaison Office of the Organization on Security and Cooperation in Europe, Tashkent, April 14, 2000.

Uzbek police and security agents use a variety of instruments and techniques in beating detainees. The pattern described by victims usually includes punches and kicks from the initial moments of arrest to frighten and subdue the arrestees' will to resist, and then prolonged beatings to coerce testimony or a confession. The detention of Dmitri Chikunov, twenty nine, illustrates this pattern. Chikunov was arrested and brought to the Tashkent provincial police headquarters on April 17, 1999, and later charged with murder: "Immediately after arrest, even before we arrived at the UVD [police station], one of the *operativniks* (later I learned that his last name is Grigorian) caught my head in the car door and kicked me several times in the abdomen. I didn't do anything, even though, as you know, I am able to defend myself. . . throughout the whole way he beat me with all his might with his fists and elbows..."³⁶ Chikunov, in letters he wrote to his mother from prison, described being tortured for several days until he was coerced into confessing to a murder charge; his abuse, however, continued even after he confessed. He was convicted of the murder and executed in July 2000.

Police beatings may start from the moment a suspect is in the police car on the way to the station. A human rights activist described how police assaulted him on September 3, 1998:

I was walking down the street. Four men stopped me, and one of them was [a police officer, name withheld]. I've known him since 1996, and I wanted to greet him, so I held out my hand, but he grabbed it and immediately twisted my arm and pushed me into a car. As soon as we were in the car, a guy in the front seat grabbed me by the hair and started to punch me in the head, while two guys who sat on either side of me in the back seat were punching me in the sides all the way to the police station.³⁷

Sometimes, police are more circumspect in their actions and try to minimize obvious marks by avoiding blows to the face and arms. One lawyer who worked for fifteen years as a police investigator described other methods that inflict pain without leaving traces visible to the casual observer, such as beating suspects with wet towels on their sides and back or the soles of their feet.³⁸ Victims described being beaten with cloth bags filled with sand, which they say leave fewer bruises. Others spoke of being beaten around the face and head with plastic soda bottles filled with water.³⁹

Other victims said police routinely concentrate on the kidney area in the small of the back when beating and kicking detainees, thus leaving less bruising visible on the face and arms while potentially causing serious physical damage in the longer term. "Rashid Kadyrov" described the aftereffects of his experience of this torture in 1997, saying "I urinated blood for three days. A bump the size of your fist came up where I'd been hit in the groin. Because of this I cannot urinate normally. I need an operation urgently."⁴⁰ Mikhail Ardzinov, chairman of the Independent Human Rights Organization of Uzbekistan, also confirmed police tactics of beating detainees in the kidney area.⁴¹ Witnesses also report beatings on the soles of the feet. The body of Numon Saidaminov, who died in pre-trial detention in October 2000, showed extensive bruising on the soles of the feet.⁴²

In some instances, police do not hesitate to leave visible traces of their abuse by beating detainees on the head and face. Three women arrested on charges of transporting narcotics in 1997 reported being subjected to what they describe as "brutal beatings by police." One of them said she was hit on the head and consequently had bruising on one side of her face. A lawyer who had access to the three women reported seeing facial contusions consistent with their allegations.⁴³

³⁶Letter of Dmitri Chikunov to his mother, 1999. See Appendix 2 to this report. An *operativnik* is a police detective.

³⁷Human Rights Watch interview with Muidin Kurbanov, Jizzakh, June 12, 1999.

³⁸Human Rights Watch interview, name withheld, May 10, 2000.

³⁹Human Rights Watch interview with Hashimbek Irisbaev, human rights activist, May 24, 1999.

⁴⁰Testimony written and signed by the person referred to here as Rashid Karimov, February 1997. Rashid Karimov is a pseudonym, used to protect the man's identity.

⁴¹Human Rights Watch Press Release, "UZBEKISTAN POLICE SAVAGELY BEAT HUMAN RIGHTS ACTIVIST," June 28, 1999.

⁴²Human Rights Watch interview with a witness who viewed the body of Saidaminov, name withheld, November 2000.

⁴³Written testimony signed by the three women, February 1997, provided to Human Rights Watch by lawyer/activist Polina Braunerg; names withheld.

Victims consistently said that they were beaten by more than four police or other security officials at a time, although the numbers ranged to as many as twenty. Rashid Karimov tells the following story about how police came to his home in 1995 to detain him on suspicion of burglary. "About twenty police began kicking me in the presence of my small children, one born in 1985, and my six-year-old daughter. I fell down and started calling for help. One of them stomped on my head. They resumed kicking me. My face was all smashed up and bleeding..."⁴⁴

⁴⁴Human Rights Watch, name withheld, submitted to Human Rights Watch, February 1997, name withheld, December 2000, Vol. 12, No. 12 (D)

Maqsudjon Mehmonov, a man in his thirties, was first summoned to his local police station for interrogation about a murder case in 1995. He was held overnight and the following day was beaten and threatened. He was later taken to a detention center in a nearby town, where he continued to maintain his innocence. When the interrogating officer there told his subordinates "If he's hungry, feed him," Mehmonov was taken into a room with nine people in it, where he was beaten and ordered to confess. Later that day, another policeman beat him up in the presence of the police chief, saying "His eyes still haven't been opened yet." Mr. Mehmonov said, "I never imagined anyone could beat someone up or humiliate them so cruelly. They don't beat animals as cruelly as that."⁴⁵

Several victims reported being hit with wooden poles or bats covered with protruding nails, producing myriad bleeding wounds all over the body.⁴⁶ One victim described being "punctured with sharp instruments all over my body."⁴⁷ Most commonly, police use blunt instruments, such as wooden poles, metal pipes, the butt ends of automatic weapons or rifles, or often billy clubs or police truncheons. The standard billy club now used by police in Uzbekistan is approximately fifty centimeters long and made of a stiff rubberized plastic.

"Sergei Fedorov" was detained by police in 1995 and eventually received a seven-and-a-half-year sentence for burglary. It was unclear whether he confessed under coercion, but his mother reported seeing the marks of beatings a few days after his detention, while Fedorov was still being held at a police station. She told Human Rights Watch that her son had told her the marks were caused by metal bars.

In the [name of town omitted] police station he was beaten all over his body with metal bars. I personally saw the marks of these blows on his arms and rib cage. My son and I were afraid to complain to the police as nothing would have been done and my son would have been beaten even more severely.⁴⁸

While being beaten, detainees may be handcuffed or otherwise immobilized in postures that give torturers maximum access to sensitive areas of the body, such as the kidneys, genitals, or soles of the feet. One common posture features the victim seated on a stool with wrists handcuffed together under the legs, and knees bent so that the tops of the feet are resting on the floor, exposing the soles.⁴⁹

Detainees are commonly cuffed to radiators in interrogation rooms, or may have one arm cuffed to a high bar or fixture so that they are unable to sit, bend, or otherwise shield themselves from blows or kicks. Police suspend some victims by their wrists, handcuffed behind their backs, at a height at which their toes may just reach the ground, but victims are unable to put their full weight on their feet.⁵⁰ Victims are also sometimes suspended by their ankles for extended periods of time while being beaten. According to relatives, in late 1999 district police in Tashkent hung up Ismail Hasanov by the ankles and beat him until he confessed to anti-state crimes.⁵¹

SNB officers in Asaka, Andijan, arrested Tavakkaljon Akhmedov on May 15, 1999. His wife recounted that "for five hours that day they questioned him...He refused to confess. After that, the investigator [name withheld] began to beat him. When he began to bleed, the investigator laughed and said, 'you must have high blood pressure,' and then beat him some more with his fists, and kicked him..." Akhmedov was then brought to the provincial SNB headquarters, where officers tortured him further. According to his wife, "They hung him by the wrists and bound his legs..."⁵²

⁴⁵ Written appeal to President Karimov from Maqsudjon Mehmonov, obtained through the courtesy of the HRSU.

⁴⁶ Written testimony to the HRSU, on file with Human Rights Watch, August 2000.

⁴⁷ Ibid.

⁴⁸ Human Rights Watch interview with "Zinaida Fedorova," December 1996. Zinaida Federovna is a pseudonym, used to protect the woman's safety. Written testimony from her son, "Sergei."

⁴⁹ Human Rights Watch interview, name withheld, May 13, 1999.

⁵⁰ Human Rights Watch interview with Hashimbek Irisbaev, May 24, 1999. Irisbaev recounted the testimony of several of ten men sentenced to prison on May 14, 1999 by the Supreme Court for anti-state activity who were subjected to this treatment.

⁵¹ Human Rights Watch interview, name withheld, July 17, 2000. Ismail Hasanov was sentenced in May 2000 to twenty years in prison, which was added to an earlier sentence of five years, condemning him to twenty-five years in all.

⁵² Human Rights Watch interview, Asaka, Andijan, May 18, 2000.

Witnesses also recounted police smashing their heads against walls or floors during beatings.⁵³ Groups of officers may pick victims up on a desk or chair at shoulder height and then drop them on the floor, or, as recounted here by Dmitri Chikunov, throw them up and drop them:

[They] fastened my hands behind my back with handcuffs. Then they all took me by my shoulders and legs and started to heave me up and down, until they threw me up towards the ceiling and stepped back. I fell on my back on the floor, and after that I don't remember what happened from the pain. I couldn't speak—it's as if I was paralyzed. They did that four times.

Another witness testified to the same technique. On December 26, 1996, Svetlana Avakian witnessed her son being tortured in the Tashkent police headquarters:

Some young men walked out of the police station, and they said to me "your son Zhorik is being beaten in there." I ran inside, I flew into the investigator's office shouting, "You don't have the right to beat him!" I saw four guys, big brutes, huge, tall Uzbek guys. They were beating him so savagely! They flung him up and he smashed down on the floor. At that moment I ran in and cried that they had no right to beat him. "We have the right to kill him!" And then four men with machine guns threw me out of the police station.⁵⁴

Asphyxiation

Police and security officials place gas masks on suspects and close off the breathing tube valve in order to suffocate detainees. Victims may be brought to the verge of unconsciousness; some have reported losing consciousness. The mother of one victim, seventeen-year-old Alijon Hasanov, learned during a meeting with her son that police used a gas mask to torture him, forcing him to confess to narcotics possession.⁵⁵

Some witnesses have reported that police may sprinkle chemical substances, such as powdered chlorine, in the gas mask tubes to increase the pain inflicted on the victim and accelerate the process of suffocation. Others described police inserting pieces of burning paper into one of the tubes of the gas mask, while closing off the breathing tube, and so being suffocated by the smoke. "I had enough breath for about ten seconds, but then I passed out," one victim recounted.⁵⁶

In the absence of gas masks, simple plastic shopping bags, dubbed "the bag of death" by some former detainees, are used for the same purpose. When Zinaida Orlova, forty-one, returned from a holiday in the mountains to her home on July 9, 1998, police from Tashkent's Mirzo Ulugbek district arrested her on suspicion of murder. She was brought to the district police station, to the second municipal police department, and to Tashkent police headquarters (GUV D); she recounted how police tortured her in all three places. At one point during her ordeal at the GUV D she told police that due to the lack of air in the cell and her chronic bronchitis, she had trouble breathing. "Then they artificially suffocated me. They put a bag over my head. It happened unexpectedly. I don't know what it was made out of, I didn't see it. Someone came up from behind me and put it over my head. They held it there until I passed out." Police brought her back to consciousness by throwing water on her, and then used the bag again to suffocate her repeatedly, bringing her to by slapping her face.⁵⁷

Electric shock

⁵³Human Rights Watch interview with Svetlana Avakian, Tashkent, December 22, 1998.

⁵⁴Ibid.

⁵⁵Human Rights Watch interview, Tashkent, April 10, 2000.

⁵⁶Written testimony provided to HRSU, November 1999, on file with Human Rights Watch.

⁵⁷Human Rights Watch interview with Zinaida Orlova, Tashkent, May 2, 2000. GUV D is the Russian acronym for this

Witnesses report the use of electricity to torture detainees during interrogation sessions, particularly by officials of the National Security Service (SNB). Investigators there sometimes utilize an apparatus that generates an electric current and transmits it through electrodes strapped to victims' bodies, usually their heads or fingers.⁵⁸ Alternatively, they use the main form of commercially available torture equipment, the electric baton, or cattle prod. "Ivan Silaev," a man in his late twenties, described the device SNB officials used during his 1996 interrogation on charges of theft of strategic state property.

Because I hadn't done anything they humiliated me, made threats to get me to talk, and beat me up. They punched me and threatened me. Then one of them, Colonel [name omitted], said if I didn't say what they needed he would use an electric-shock baton on me. I got scared, of course, and started trembling. He pulled it out. It looked like a flashlight, though a bit bigger, in the form of a baton. On one side there were two points and a button.

He put it against my leg and said "will you or won't you talk?" I said "I haven't got anything to say." Then he took it, pressed the button once and gave me an electric shock. It felt like the current was 220 volts or even more... [even] my eyes were jolted. Then they applied it to me a few more times. I said I couldn't say anything specific. They let me go [from the interrogation] until they summoned me the next time. After that my leg hurt a bit in the place where they used the baton. My hands shook for a long time.

Asked to describe the torture in further detail, Silaev said: "Of course it was an unpleasant sensation. Everything shook, and my eyes clouded over. I saw stars, the same as when you get a hard knock to your head; it was the same feeling."⁵⁹

Another witness attested to the lingering effects of electric shock. Aziza A. was granted permission for a short visit with her son in the first week of October 1998 in the Ministry of Internal Affairs headquarters in Tashkent.

He had a very strange expression on his face...he was very jumpy. I've never seen my son like that before, he was always so relaxed and joyful, he was always smiling. First of all he came in the room, and it was as though he were afraid to come in. He was walking down the corridor and he glanced in, and then he jerked back. I was very surprised, but then I learned in December, when I met him in the Tashkent prison, that he was being tortured with electricity during that week and he couldn't even walk normally.⁶⁰

Rape and Other Sexual Violence

Police investigators and prisoners working with them commit and threaten to commit acts of sexual violence, including rape and severe beatings to the genital area; this is practiced against both male and female detainees.

Police at the Tashkent GUVB beat Zinaida Orlova in the genital area and constantly threatened her with further sexual violence and gang rape. On the second day after she was detained in July 1998, "They said, 'We'll rape you, we'll let everyone have a turn'...They kicked me between my legs. They forced me to sit and spread my legs. While one held me by the hair, the other kicked me between the legs. I remember, he was wearing shoes...I had bruises all over, they were violet."⁶¹

Police use sexual violence to degrade and humiliate the detainee in addition to inflicting physical harm. Several interviewees said torturers threatened to use photography to record their abuse and to use degrading photographs to cause further injury to them. Orlova described in detail how police threatened to photograph her while being sexually assaulted:

Then they said they would take a picture of me in a certain way, with one bottle inserted in the front, the other in the back. They said they would send me to prison with this picture as my

⁵⁸ Human Rights Watch interview with relatives of Murodjon and Kamoliddin Sattarov, Andijan, May 17, 2000.

⁵⁹ Testimony supplied to Human Rights Watch by Ivan Silaev, which is a pseudonym used to protect the man's safety.

⁶⁰ Human Rights Watch interview, name withheld, May 14, 1999.

⁶¹ Human Rights Watch interview, May 2, 2000. Orlova was a suspect in a murder December 2000, Vol. 12, No. 12 (D)

passport...One man said, "We'll force you to kiss another woman between her legs, we'll grab you by the hair and force you to kiss her between the legs."

All this was accompanied by constant slurs of "bitch," "whore," and other sexually degrading insults.

Similarly, in 1999 police threatened to rape Dmitri Chikunov with a stone implement; they also threatened to send photographs of the violence to prison to incite inmates to further sexual violence against him. Police, directed by investigator Makhamatkulov, went so far as to photograph Chikunov as they attempted to strip him:

Makhamatkulov yelled at everyone, "Beat him, the pederast!" They again began to beat me and kick me with their feet, fists, with truncheons, and I couldn't even resist, because my hands were tied behind my back.

Makhamatkulov was screaming that since I am not married, I must be a pederast, and now they're going to finish (as he put it) the "press conference" and give me what I want, since I am a homosexual (in other words, they would rape me). At the same time he was beating me on the back of the head with a stick in the form of a male sex organ, carved out of stone. They called in a photographer and, while beating me all the while, tried to pull off my pants. I tried to resist in whatever way I could. Then they threw me down on the floor and someone sat on my neck, someone on my arms and someone on my back, shouting: "Now we'll shove this prick up your ass and take a picture, and send it with you to prison. They love guys like you in there!" Then the one who was sitting on my back jumped up and with all his might jumped with both his feet on my spine. The breath was knocked out of me from the pain, and then they dragged off my pants and broke the zipper. But they didn't rape me, just started to beat my legs and feet with their truncheons.⁶²

Detainees are systematically beaten and kicked in the genitals. Dilshod Iskhakov, Mukhammadjon Ibodullaev, and Muzaffar Saitniiyazov, who were charged with membership in an illegal religious group, wrote to Human Rights Watch that in August 2000, shortly after their arrest, police beat them in the genitals. Their month-long ordeal took place in the basement of the main Ministry of Internal Affairs building in Tashkent. Saitniiyazov added that "as a result of blows below the belt I received numerous traumas and even now I cannot stand up evenly."⁶³

⁶²Letter of Dmitri Chikunov to his mother, 1999.

⁶³ Saitniiyazov was arrested in February 2000. Written testimony on file with Human Rights Watch, August 2000. The "Akmal Ikramov 15" including Dilshod Iskhakov were tried by the Tashkent Municipal Court, Judge Rakhmanov, in the building of the Akmal Ikramov District Court. They were sentenced on September 6, 2000, to terms ranging from twelve to sixteen years

Eyewitnesses described interrogators stripping suspects or forcing them to partially disrobe, and then either stubbing out cigarettes on their exposed flesh, or using cigarette lighters to burn various parts of their bodies, including the genitals. One of the defendants in the trial of fourteen accused “terrorists” claimed at trial that his cellmate was tortured in this fashion: “The women will please pardon me, but they burned his penis during the investigation. He returned to the cell with these marks.”⁶⁴ Mamura Khojimukhamedova gave identical testimony regarding her husband, Okoidin, stating in an open letter that police “burned his groin with a cigarette lighter” in order to compel him to incriminate himself.⁶⁵

Police commonly threaten male detainees with rape, usually by fellow inmates who act at the behest of law enforcement officials. One lawyer described the abuse his client faced, noting that it fit a general pattern: “They take them and lead them through the detention center to confinement cells, where they open the viewing window [*volchok*] and show them ten recidivists waiting there in the cell. You know that you will be raped, so what do you do?”⁶⁶ “Kadir D.” (not his real name), who served a fifteen-day sentence for purported membership in an illegal Islamic organization, confirmed this tactic, relaying that an investigator told him, “You’ll be sent to prison and they’ll do everything to you there!”⁶⁷ When police threatened him with rape while in custody, Okoidin Khajimukhamedov attempted suicide by gnawing through the veins on his wrists, according to his own statements to his lawyer, who told Human Rights Watch that she saw his bandaged wrists, as well as signs of extensive beatings.⁶⁸ Saidjahon Zainabuddinov told of a visit to his youngest son, Mumin, in a prison hospital, where he was confined after a suicide attempt in June 1999. After his arrest on charges of hooliganism, he had been kept in an isolation cell, where he was threatened with rape by other prisoners brought by police into the cell. Mumin Zainabuddinov then tried to commit suicide by swallowing a jagged piece of metal.⁶⁹

Several persons interviewed by Human Rights Watch witnessed the torture method known as “sitting on a bottle”—the forcible insertion of a glass bottle into the victim’s anal passage. Many of the victims interviewed had heard of this method of torture being used, or had been threatened with it; “the bottle” was described with particular anxiety by interviewees, and thus seems to provoke intense psychological suffering. An ethnic Uzbek aged about thirty, “Mahmud Pahlavanov,” was beaten on several occasions in 1995 during an investigation on murder and other charges. On one occasion he was being questioned in the investigator’s office when police brought in another detainee. They ordered this second man to testify against Pahlavanov. When he refused, “they started beating him up and sat him on the bottle.” The man eventually gave the testimony.⁷⁰

Both women and men displayed extreme reluctance to describe actual instances of rape. Cultural norms of modesty preclude discussion of sexual relations. Standards for female purity render any sexual act outside of marriage, whether voluntary or coerced, an insurmountable blight on a woman’s honor; even in cases where assaults on women have taken place, victims and their relatives will most likely not discuss them. Even so, several women whom police detained in order to obtain information on the whereabouts of relatives, to force those relatives to appear, or simply to punish them for the actions of their relatives, indicated that they had been threatened with sexual assault by police.⁷¹

Nafisa Aboskhojaeva was arrested in September 1999, as she tried to flee the country one month after her husband, Dilmurad Husanov, was convicted of anti-state crimes and sentenced to twenty years of imprisonment. Before the conviction, police had summoned Aboskhojaeva for questioning several times and threatened her with rape, according to sources close to the family. “They threatened to arrest Nafisa and also to rape her. That was when she decided to run away. They threatened to rape her the first and second time they questioned her. This was officers at the

⁶⁴Human Rights Watch unofficial transcript, May 11, 2000. A Human Rights Watch researcher attended the trial at the Tashkent Province Court.

⁶⁵Open letter of Mamura Khojimukhamedova, May 18, 2000.

⁶⁶Human Rights Watch interview with lawyer C, name withheld, May 10, 2000.

⁶⁷Human Rights Watch interview with “Kadir D.,” May 17, 1999.

⁶⁸Human Rights Watch interview with Irina Mikulina, May 30, 1999. Khajimukhamedov was sentenced to death by the Tashkent Provincial Court in August 1999, and was executed in December 1999.

⁶⁹Human Rights Watch interview with Saidjahon Zainabuddinov, Tashkent, May 9, 2000.

⁷⁰Human Rights Watch interview with Mahmud Pahlavanov, April 1997. Mahmud Pahlavanov is a pseudonym, used to protect the man’s safety. For the same reason, Human Rights Watch is not disclosing the place where the interview took place.

⁷¹Human Rights Watch interview with activist Vaslia Inoiatova, June 10, 2000.

MVD. She herself told us this.”⁷² After Aboskhojaeva’s arrest, her lawyer was allowed access to his client only fourteen days after he made his original request, by which time Aboshojaeva herself had already confessed to “anti-state activity.” Aboskhojaeva was convicted of anti-state crimes in May 2000.

⁷²Human Rights Watch interview, name withheld, August 2, 1999, and November 20, 1999; Human Rights Watch, *Aboskhojaeva*, December 2000, Vol. 12, No. 12 (D).

In the face of intense humiliation and fear, male detainees have provided information about cases of rape in detention. In one instance, Bahodir Musaev recounted during his trial in Tashkent's Iunusabad District Court that he was raped in his cell by police operatives. His wife and other relatives were present in the courtroom at the time.⁷³ Several defendants convicted in September 2000 on charges of religious extremism described being raped: Ma'rukhjoja Umarov stated that "they stripped me naked, and raped me several times. Then they sat me on the bottle, as a result of which I received several injuries."⁷⁴ Five of his co-defendants also stated in court that they were raped during interrogation, including Dilshod Sadykov, who testified in court that when he refused to sign a confession written for him by police, *operativniks* in the MVD headquarters put a bucket on his head after which he was raped by several men.⁷⁵

Deprivation of Sleep, Food, and Water

Suspects may be denied food, water, and sleep until they agree to cooperate with investigators. Ilkhom Zainabuddinov said he was denied water for two days straight after his arrest on suspicion of theft in July 1997 in Andijan, where summer temperatures are commonly as high as 40 degrees celsius. His father, Saidjahon Zainabuddinov, was present at his son's trial in the city of Andijan, when the latter testified that the second department of the Andijan Municipal Administration for Internal Affairs (GUVd) kept him without water. Ilkhom described to his father repeatedly asking guards for water while in detention only to be laughed at or ignored.⁷⁶ On April 27, 1998, police in Tashkent's Hamza district detained eighteen-year-old Ruslan Mamin and accused him of murder. He recounted that although his mother had brought him food from home, for six days, until he confessed to the crime, "they gave me no food, they didn't even give me the food my mother brought. I was in the investigator's office all day without food."⁷⁷

One young man accused of membership in a banned religious organization recounted his ordeal of sleep deprivation to his mother, who spoke to Human Rights Watch: "He told me that no one should be in that position. For ten days they didn't allow him to sleep. He was in the investigator's office all day. At night when he was taken back to his cell, two or more guys were put in there and they didn't allow him to sleep."⁷⁸

Other Abuses

Several victims attested to being confined to tiny punishment cells, the size of which allowed them neither to sit, stand, or lie down, forcing them to crouch in strained positions for hours or even days at a time as they awaited interrogation. Mukhammadjon Ibodullaev, one of fifteen young men tried in Tashkent Provincial Court in August 2000, wrote "...then they locked me into the cell called the 'little glass' [*stakanchik*], which was seventy centimeters by one meter. It was impossible even to sit down there."⁷⁹

Several witnesses recounted instances in which police used knives to cut and slash the skin of detainees during the course of interrogation. This technique not only inflicts pain and the fear of death, but is implicitly life threatening. One witness recounted seeing slash marks on her brother's throat during a meeting with him in Tashkent prison, one month after his arrest in December 1998.⁸⁰ Other victims reported that police officials shoved the blades of scissors under their fingernails; bodies of victims who died in detention have been seen by witnesses with missing fingernails, suggesting that they were torn out during torture.⁸¹ Victims report having cigarettes stubbed out on various parts of their bodies, or being burned, often on the genitals (see *Rape and Sexual Violence*, above), by cigarette lighters.

⁷³Human Rights Watch unofficial court transcript, May 1999.

⁷⁴Written testimony on file with Human Rights Watch, August 2000.

⁷⁵Unofficial court transcript, August 2, 2000, provided by human rights activist Vasila Inoyatova, who monitored this Tashkent Municipal Court trial, held in the courtroom of the Akmal Ikramov District Court, Tashkent.

⁷⁶Human Rights Watch interview with Saidjahon Zainabuddinov, Tashkent, May 9, 2000.

⁷⁷Human Rights Watch interview with Ruslan Mamin, Tashkent, April 26, 2000.

⁷⁸Human Rights Watch interview, name withheld, May 14, 1999.

⁷⁹Written testimony on file with Human Rights Watch, August 2000.

⁸⁰Human Rights Watch interview, name withheld, May 14, 1999.

⁸¹Human Rights Watch interview of Abror Iadgorov submitted to Human Rights Watch, July 2000, Vol. 12, No. 12 (D)

Two women interviewed by Human Rights Watch described separate instances in which police in Tashkent held them in closed rooms filled with cold water up to their knees. The relatives of both women were wanted by police, who used the women as hostages to coerce the wanted men to appear. Both women were held overnight, unable to sit or lie down.⁸² Another method described by one witness consists of wrapping the victim tightly in a rubber sheet or suit and dousing him alternately with cold and then with hot water.⁸³

In one case, police officials forced two female detainees to undergo abortions, partially as a means to elicit confessions. In July 1995, police arrested twenty-seven-year-old Nadira Khidoiatova, the niece of Uzbekistan's former ambassador to the United States, Babur Malik-oghli (who was granted political asylum in the United States in 1993). Her co-worker, Asia Turaniyazova, was also reportedly taken into custody that same day. Soon after, it is reported, the two women were moved to the cells of the National Security Service.

There, prison officials forced both women to undergo abortions. Khidoiatova was approximately three months pregnant and Turaniyazova already in her fifth or sixth month. According to two relatives who saw Nadira 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, one SNB investigator reportedly warned them that if anyone brought the arrest and abortions to the public attention "it will be worse for her."⁸⁴ According to their lawyers, the women were charged with violating article 182 part A of the Customs Code, which forbids the export of animal skins from the Republic of Uzbekistan.

According to their lawyers, whom Human Rights Watch interviewed in separate conversations, both women had been told independently by prison medical personnel that abortions were required for medical reasons—something later disputed. The two women told their lawyers that they had no physical complaints prior to the abortions 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 allows detaining officials to keep the women in custody legally, facilitating efforts to secure confessions. Turaniyazova's attorney reported in September 1995 that she had been informed that her client had admitted guilt following her abortion.⁸⁵

Psychological Pressure and Cruel and Degrading Treatment

The most prevalent forms of torture in Uzbekistan may be the use of various methods of psychological pressure, intimidation, and threats. Victims widely report the use of threats of physical violence against themselves and members of their families, threats which are often carried out in one form or another. Victims may be made to watch the torture of friends and family members, or of persons unknown to them.

In some cases, police need only detail the methods of torture which may be used against a suspect, in order to induce fear and to obtain a confession or evidence against a third party. Human Rights Watch has gathered testimony from witnesses who, while in detention, were forced to watch police torture other suspects, as a form of psychological pressure against them, and from those who were threatened with death. Also, threats that a detainee's family members will themselves be arrested and tortured constitutes one of the most common forms of psychological torture.⁸⁶

Police and local government officials are also, with increasing frequency, mobilizing whole communities in order to stigmatize, humiliate, and ostracize those accused of political crimes and their family members.

Threats

⁸²Human Rights Watch interview, May 29, 1999.

⁸³Human Rights Watch interview, name withheld, May 17, 1999. This former prisoner related that this method had been used against his cellmate in Tashkent's administrative detention center. This torture was alleged to have taken place in the basement of the city's police headquarters, the GUVU.

⁸⁴Human Rights Watch interview, name withheld, August 1995.

⁸⁵After an international outcry, in early October 1995, both women were released pending trial. See Human Rights Watch, *World Report 1996* (New York: Human Rights Watch, 1995), p.249.

⁸⁶Convention against Torture, article 1, defines torture as "any act by which severe pain or suffering, *whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing or coercing him or a third person.*" *Emphasis added.* December 2000, Vol. 12, No. 12 (D)

The case of Mahmud Pahlavanov, described above (see *Rape and Other Sexual Violence*), is typical of those where detainees are first threatened with torture to elicit confessions or cooperation: "During my conversation with [the colonel] he warned me what tortures could be used on me at the city police department: beatings, hanging by the neck, putting on a gas mask [charged with] ammonium chloride, suffocation with a plastic bag, and sitting down with one's anus on a bottle. I knew from convicts that these tortures would be real ones, and I had no choice but to give false testimony."⁸⁷ SNB officers in Andijan tortured Tavakkaljon Akhmedov for over two weeks before he confessed to religious extremism charges. According to family members, an SNB investigator asked him "Will you confess or shall we continue with worse torture?" and threatened to cut off his tongue.⁸⁸

Explicit or implicit threats of torture are an effective means of coercing testimony against another person. One man, interviewed on condition of anonymity, recounted that in March 1999 he went to the police after state officials claimed on television that those who came voluntarily with information about illegal religious activities would not be arrested. SNB officials held him for five days, and then called him back repeatedly to give testimony. During one of his appearances police brought him to a Tashkent prison for the purpose of giving testimony in a confrontational interrogation [*ochnaia stavka*]:

They showed me two of my friends. They had both been tortured, and looked terrible. They described being beaten. K. said that in the basement of the GUVD he had been beaten until he couldn't stand it...To get information, they [police] use the services of other prisoners working for the GUVD...I already knew that they violated peoples' rights, but I was very afraid for my family after that.⁸⁹

In 1993, police reportedly beat "Ziyoda Ravshanova" to force her to testify against three men in a rape case. She wrote that in 1995, she was summoned for further questioning by the procuracy, which wanted her to give more evidence to back up the case against the accused men:

They said "We'll write down for you everything that [the three accused] did, and you will confirm it while we record it on video. If you refuse things will go badly for you." I told the prosecution investigator [name omitted] that the guys had not committed this crime. He said that if [one of the accused] did not confess they would plant weapons on him and he'd be forced to confess. "And we will sit you on a bottle and you will agree to it." Of course, he said this without any witnesses around. In order to avoid the bottle I agreed to give the same testimony as I'd given [the original interrogating police officer; name omitted]. When the trial began... a criminal investigations officer came and said, "If you don't sound convincing in court we'll take you down to the basement and do anything we want with you." I was in no state to refuse.⁹⁰

Detainees may be implicitly or explicitly threatened with death if they refuse to give testimony. Several of the methods described above, including slashing with knives and suffocation, may convince victims that they may well lose their lives due to the lethal risk of these methods. Police have explicitly threatened suspects with murder for their failure to confess. Police told Okoidin Khajimukhamedov, whose case is described above, "If you admit to everything that we tell you, we'll give you food and clothes, and you can sit peacefully in prison. But if you don't cooperate, we'll make it so that you drop dead. And we'll put you in a coffin, and on top we'll place the food that your wife has prepared for you, and that's how we'll send you home."⁹¹

⁸⁷Human Rights Watch interview with the person referred to here as Mahmud Pahlavanov, April 1997.

⁸⁸Human Rights Watch interview with relatives of Tavakkaljon Akhmedov, Asaka, Andijan, May 2000.

⁸⁹Human Rights Watch interview, May 22, 1999.

⁹⁰Testimony written and signed by the person referred to with the pseudonym Ziyoda Ravshanova, December 1996.

⁹¹Human Rights Watch interview with Mamura Khajimukhamedova, May 12, 1999. Khajimukhamedova recounted this

One defendant in the trial of ten men accused of membership in a banned Islamic organization recounted the death threats he received in early 2000 during the investigation. The lead investigator for his case, he said, had invoked the name of Furkhat Usmonov, who was tortured to death in 1999 (see above), as he tortured this man as well as his co-defendants. The investigator reportedly said, “Everyone who has been here has confessed! I had to do a little work on the brains of your teacher Furkhat, too, and as a result a few of his brains leaked out! If you won’t confess, a similar death awaits you.”⁹²

False “suicide” attempts constitute one scenario sketched out for detainees whom investigators threaten to throw from upper-story windows. Deaths in detention are commonly reported as suicide attempts, or as the result of accidents, such as suspects “falling” from prison bunks or “tripping.”⁹³

Dmitri Chikunov described two death threats. In the first, one of his interrogators told him that, “The window is right here and I can ‘accidentally’ fall out, as had happened several times, and then they would write that I committed suicide.”⁹⁴ The second threat was a mock execution, after Chikunov had already confessed, under torture, to murder. A senior investigator, who was present when interrogators attempted to videotape Chikunov’s scripted confession, castigated the two officers who had led the interrogation. Chikunov named the two investigators as Grigorian and Makhametkulov in a letter to his mother before his trial, quoted below. The officers then played out a mock execution, in addition to their threats to commit violence against Chikunov’s mother, to make him more pliable and convincing on the videotape:

They brought me into the office again . . . They beat me again, yelling that I had “screwed everything up,” and that now they would kill me. Then, after conferring, they told me that “now we have no other choice” and that they would “rub me out” in a supposed escape attempt, and you can hang whatever you want on a corpse. They led me . . . out of the building on to the street. A car was waiting there . . . We went to the scene of the crime, and the whole way they were humiliating me, cursing, and saying that they could make one phone call and everything that they threatened before would happen to you . . . I just begged them to leave you alone. When we arrived at the place they brought me out of the car and led me in front of it, with the headlights shining on me, and turned my back to them. One of them walked up to me and I heard him cock the trigger on a pistol. Then, he put the barrel of the gun to the back of my head. I was silent, and I heard ‘Sasha’ make a telephone call and give the command to go find you. I . . . begged them not to touch you. Then they said that from that moment I must act completely according to their commands. I must do everything they told me, and say only that which they told me to ahead of time. I agreed....We all drove back to the UVD.⁹⁵

Family Members

Police may detain, arrest, mistreat, or threaten with ill-treatment the relatives of suspects in detention either to coerce the appearance of those wanted by the investigation or to coerce testimony from those in custody. This pattern became especially prominent in the cases of those suspected of terrorism or the cases of those wanted by police for their religious affiliation or beliefs, particularly after a series of bombings in Tashkent in February 1999.

As the testimony of Dmitri Chikunov, recounted above, indicates, in some cases these threats may have an even greater effect on detainees than physical or psychological methods directed solely against the detainee.

⁹²Unofficial court transcript, April, 2000, provided by activist Vasila Inoiatova. The case was heard in the Tashkent Province Court.

⁹³Imam Kobil Murodov, who died in custody in October, 1999, was said to have sustained head trauma though a fall from a prison bunk. Human Rights Watch interview, Mikhail Ardzinov, chair, Independent Human Rights Society of Uzbekistan (IHROU), December 14, 1999; Human Rights Watch interview, name withheld, June 4 1999.

⁹⁴Letter of Dmitri Chikunov to his mother, 1999.

One woman told Human Rights Watch, “The wife of my relative, Ulugbek, was called in to meet with her husband. She showed up and her husband told her he would not confess. The police threatened to undress and rape her, and as they moved toward her she lost consciousness. After that, Ulugbek confessed. Before that, they had beaten [him] and even knocked out all of his teeth, but he had never confessed, until they threatened to rape his wife.”⁹⁶

Maqsudjon Mehmonov, whose story of torture is related above, also said he was threatened with violence and told his family would suffer. Immediately after he came round from unconsciousness caused by the gas mask torture, the interrogation resumed.

They said, “Now you just have to confess. If you die we’ll hang you and say you hanged yourself. You won’t get out of here alive.” [The police officer in charge of the interrogation] said “Don’t you feel sorry for your children or parents? We’ll arrest all of them. If you die, we’ll blame it all on you.” After he said this I couldn’t bear it any more, thinking about my [six] children and parents, and I confessed to crimes I hadn’t committed.

Mehmonov was then taken to a basement cell where there was one other prisoner, who advised him to confess to any crime and retract it later in court. Mehmonov’s confession resulted in the death sentence being passed on him.⁹⁷

Threats against the life and liberty of family members convince detainees that they have no choice but to cooperate with investigators. Writer Mamadali Makhmudov was arrested in February 1999, shortly after five explosions in Tashkent unleashed a wave of indiscriminate arrests. He recounted at his trial that while in detention in the Ministry of Internal Affairs headquarters, investigators claimed to be holding his wife and two daughters in custody already, and threatened to have them raped before Makhmudov’s eyes if he did not comply with their demands.⁹⁸ Makhmudov, who said he was also beaten, suffocated with a plastic bag, suspended by his wrists cuffed behind his back, and burned on his legs and arms, subsequently agreed to give a videotaped “confession,” which has been shown repeatedly on Uzbek television.

Tashkent police detained Shirin P., along with her sister in April 1999, hoping to coerce her fiancé, Farkhod A., to confess to membership in an illegal religious organization.⁹⁹

First they left me in a room while they questioned my sister. Then they started to threaten Farkhod, “Now we’ll rape your wife-to-be in front of your eyes and you’ll confess to everything on your own.”...Then they took Farkhod away, and brought my sister into that room, and started to threaten her... “If you don’t confess, we’ll send you down into the basement among the men, and you’ll confess.”¹⁰⁰

Police do not make these threats in vain. They arrest, detain, and even torture the relatives of their primary suspects, sometimes in their very presence. They use the detainee’s knowledge of the relative’s torture to obtain the former’s cooperation. The mother and father of Oibek and Uigun Ruzmetov, arrested on charges of attempting to overthrow the government, were also arrested, humiliated, and tortured. Both men and their father, Sobir, were detained on January 1, 1999, by police in Urgench district. Darmon Sultonova, their mother, recounted:

⁹⁶Human Rights Watch interview, name withheld, Tashkent, May 26, 2000.

⁹⁷Written testimony in the form of an appeal to President Karimov from Maqsudjon Mehmonov and obtained by Human Rights Watch in April 1997.

⁹⁸Makhmudov was sentenced to twelve years of imprisonment in August 1999 together with several activists of the Erk (Freedom) political party, and relatives of the party’s leader, Muhammad Solikh, who is now in exile. The six men were convicted of various offenses, included the attempted overthrow of the constitutional order, participation in “forbidden organizations,” and distributing written materials of such forbidden organizations. The trial was closed to international observers and has been severely criticized by international organizations. Verdict of the Tashkent Province Court, August 18, 1999, and letter of Mamadali Makhmudov, August 10, 1999, on file with Human Rights Watch.

⁹⁹“Shirin” is a pseudonym for a woman who spoke to Human Rights Watch on the condition that she remain anonymous. Human Rights Watch interview with Shirin P. (not her real name), May 30, 1999, December 2000, Vol. 12, No. 12 (D)

¹⁰⁰Human Rights Watch interview with Shirin P. (not her real name), May 30, 1999, December 2000, Vol. 12, No. 12 (D)

It was January 5, during Ramadan. They lied to me, and said that they would give me a chance to give clothes and food to my husband...They held me for one night in a solitary confinement cell in the Urgench district MVD, and insulted me as if I were a dog. I was handcuffed naked and given no water. The deputy head of the MVD said "We will kill your whole family, even the new baby." When I was detained they showed me to Uigun. They detained me and stripped me naked, and three men walked by. Then they showed me to my son. Twice they walked him along me. He looked so bad, he had been completely beaten up. I could only cry, I could not talk to him. They told him, "Your parents and your wife are also in prison. Your children are in an orphanage. If you don't sign these documents, we'll do something very bad to your wife." My son at his trial said that he was told they would rape his wife before his eyes if he did not confess.¹⁰¹

Even when police already hold a suspect in custody, others may be detained and ill-treated in order to punish the family as a whole, as well as the primary suspect. After police arrested "Iusuf I." in April 1998, they continued to visit his family home. In mid-June, they ordered his father, "Tokhtaboi" to report for questioning, according to Tokhtaboi's wife, who recalled :

"If he doesn't come in on his own, we will come and take him there by force," they said. The next day, Tokhtaboi went to the local police precinct in the morning at 9:00 a.m. He returned home at 9:00 p.m. only half-alive. His whole body, except for his face, was covered in bruises, and four of his ribs were broken, and he had serious problems with his kidneys, which had been beaten for a long time. Then I asked why they did that. He said they didn't tell him.¹⁰²

Police were seeking the two sons of "Olga Ivanova" (not her real name), aged sixty-seven, on suspicion of murder, when they detained her for five days in October 1999, without ever registering her detention as required by Uzbek criminal procedure. On the sixth day, her sons were arrested by police, who then released Ivanova. While in detention, she was beaten with rubber truncheons, had clumps of her hair torn out, and endured two broken ribs, but for fear of retribution against herself or her sons, has not attempted to file a complaint against the police.¹⁰³

After the Tashkent bombings, Minister of Internal Affairs Zokirjon Almatov sent an ominous signal about the detaining of family members, announcing that fathers would pay for the alleged crimes of their sons. Unless parents instructed children suspected of involvement in anti-state activity to turn themselves in, the parents themselves would be held accountable, and even criminally liable for their children's activities. As a result, whole families have been targeted as politically suspect, placing all of their members at risk of torture.¹⁰⁴

¹⁰¹Human Rights Watch interview with Darmon Sultanova, June 9, 2000. Uigun signed a confession after his mother's detention. The Tashkent Provincial Court sentenced both Oibek and Uigun Ruzmetov to death on July 29, 1999; they may have been executed, probably in December 1999, though their family has not received notification of this. Their father, Sobir Ruzmetov, sixty-five, was sentenced in May 1999 to five years imprisonment on drugs and weapons charges, on the basis of evidence which eyewitnesses maintain was planted by the police. Sobir should have been released in an amnesty in April 2000, but prison officials maintain that infractions of prison rules render him ineligible.

¹⁰²Human Rights Watch interview, real name, date and place withheld.

¹⁰³Human Rights Watch interview with Vasila Inoiatova, human rights activist, June 9, 2000; information also supplied by Polina Braunerg, human rights activist.

¹⁰⁴In a television interview broadcast on the first Uzbek TV channel on April 4, Minister of Internal Affairs Zokirjon Almatov stated that "very severe punishment will be meted out against those who continue following this path and who are involved in hatching some kind of plots. Their fathers will suffer punishment too." Then-Prosecutor General Usmon Khudoiqulov added in the same interview that "we have a list of those who have gone astray under the influence of various sects and we know who they are...we will find them without fail and make them answer before their fathers [meaning of sentence ambiguous; it could possibly mean "answer along with their fathers."] Their fathers, too, will account for bringing up their child in this way." BBC Worldwide

The case of the Hasanov family is tragically typical of this pattern. According to witnesses, police first arrested one of the four Hasanov brothers, Bahodir, in February 1999, reportedly planting bullets in his home and beating him in order to force him to confess that they belonged to him. "They pushed him to the ground, kicked him, and pulled his head up by the hair, yelling 'Say it, *mujahid*, how many times were you in Chechnya?'" a witness who wished to remain anonymous recounted to Human Rights Watch.¹⁰⁵ Bahodir Hasanov was released after four days of incommunicado detention, detained again in September, and held for seventeen days, during which he was beaten, kicked, and threatened with the arrest and rape of his wife. He was again released, but was re-arrested on July 17, 2000, and remains in custody as of this writing.

His younger brother, Ismail, twenty-seven, was arrested in May 1999. Accused of involvement in a banned Islamic group and of anti-state activity, he was convicted in August. But while in prison, authorities charged him with further anti-state crimes. In November 1999, police arrested the Hasanov brothers' father, Munnavar, who is seventy years old, on charges of possessing banned Islamic leaflets, which eyewitnesses say that police themselves planted. According to sources close to the family, during interrogation, the elder Hasanov, who was himself beaten, heard screams coming from the next room. Officers took Munnavar Hasanov to the room, where he reportedly saw his younger son, Ismail, strung up by the ankles, being dropped on his head and beaten by police. Police told the elderly man that they could do anything they wanted with his son, even kill him, and none would know. Munnavar Hasanov agreed to sign a confession to put an end to the torture of his son; he was sentenced in February 2000 to three years of imprisonment. Ismail, too, was told of his father's beatings, and forced to sign a confession to stop them.¹⁰⁶ In May 2000, the Tashkent Provincial Court sentenced Ismail to a further twenty years of imprisonment on the basis of this confession.¹⁰⁷

Hate Rallies

To coerce self-incriminating testimony, police authorities may mobilize suspects' entire communities in public gatherings, which suspects are physically forced to attend. Those subjected to these proceedings include detainees brought to them from detention centers and others who are effectively held in a form of detention on *mahalla* premises. Abuse and threats to those subjected to these sessions can constitute degrading treatment in the sense of the Convention against Torture.¹⁰⁸

In Uzbekistan, most people in both urban and rural areas live in small communities known as *mahalla*; mahalla community bodies serve both administrative and social functions.¹⁰⁹ The chairman of the mahalla, who is usually the community's elder, directs a small group of community activists.¹¹⁰ Increasingly, since the passage of the 1999 Law on the Mahalla, mahalla officials have been called on to carry out state security monitoring functions, drawing up lists of suspected religious and political dissidents. The high degree of mutual knowledge and interdependence among community members makes the mahalla a highly effective means of exercising pressure against suspects or their families. The mahalla can force a detainee, defendant, or convicted person or his or her family to submit to personal humiliation and at hate rallies promote their ostracism from the community.

¹⁰⁵Human Rights Watch press release, "Uzbek police 'disappear' torture victim," July 20, 2000. "*Mujahid*" refers to an armed Islamic militant. Uzbek authorities have repeatedly alleged that those involved in terrorist acts in Uzbekistan have links to armed groups in Chechnya.

¹⁰⁶Human Rights Watch interview with family member, name withheld, August 2000.

¹⁰⁷Human Rights Watch trial monitor, unofficial court transcript, May 15, 2000.

¹⁰⁸Convention against Torture, articles 1 and 16.1.

¹⁰⁹Law on the Mahalla, 1998. The mahalla is an administrative unit consisting of at least 500 households, which can be a city neighborhood, a collective farm, a village, or a number of small villages. The mahalla membership as a whole takes part in important celebrations (births, circumcisions, weddings, funerals), while the men and women activists may be engaged to counsel problematic individual members or mediate in family disputes.

¹¹⁰The Law on the Mahalla mandates that chairmen (rarely women) be elected by their communities, although in practice these persons are often chosen (or at least confirmed) by the local executive authority. The chairmen are often, but not always, the Human Rights Watch mahalla elder, or *aksakal*.

Police officials have forced several human rights activists, both those who faced criminal charges and those who were not charged with any crime, to attend public rallies in their communities of residence.¹¹¹ During these rallies, mahalla and other government officials, activists, and others excoriated the human rights defenders as criminals, accessories to acts of terrorism, and enemies of the state. The activists were forced to appear, either brought directly from detention, or summoned by local officials, and physically prevented from leaving the premises, sitting down, or even addressing members of the audience. In at least one case, the rally was videotaped, and portions were shown on television to further shame and intimidate the victim.

Testimony gathered by Human Rights Watch suggests that these rallies are routinely staged against members of a community whose relatives have been convicted of religious extremism.¹¹² The prosecutor in the May trial of fourteen accused terrorists called on the judge to order each of the defendants' mahallas to hold rallies to condemn the defendants and their families.¹¹³ Beyond the victim's own community, they may be forced to appear and endure public shaming before a much larger audience. On April 5, 2000, the Namangan mayoralty held a showcase public meeting to excoriate five people accused of attempting to overthrow the government. Present were a deputy minister of internal affairs, B.P. Parpiev, the Namangan province governor, procurator, and head of the provincial department of internal affairs, as well as the chairmen of all the mahalla of the city Namangan. The five suspects were brought before the audience in leg irons: Omina Muidinova, her brother Ne'mat Nuriddinov, and her sons Odil, Orif, and Obid Muidinov, all accused of "attempted overthrow of the constitutional order," and at that time in pre-trial police custody.¹¹⁴ Omina was forced to confess to having urged unidentified others to travel to Tajikistan.¹¹⁵ At the meeting, she was accused by the assembled officials of supporting religious extremists. Members of the audience were given the opportunity to criticize the accused, while others shouted from the hall that they should be shot, and that their parents should also be punished.¹¹⁶

THE LACK OF PROCEDURAL SAFEGUARDS

The Uzbek criminal procedure code offers inadequate due process protections to curb abuse of detainees in custody, and law enforcement officers frequently violate existing standards. There is no judicial review of the legality of the detention, and hence no redress for those who have fallen victim to the frequent police practice of planting evidence. Law enforcement officials routinely hold detainees in incommunicado detention—denying them access to counsel and family and failing to notify their loved ones of their whereabouts—until they complete the preliminary investigation and secure a confession. Torture victims are routinely, with few exceptions, denied access to forensic medical examinations to record their injuries. The courts and other government agencies entrusted with oversight of investigative and judicial proceedings have failed to intervene to correct these procedural abuses.¹¹⁷

¹¹¹See Human Rights Watch, "Leaving No Witnesses: Uzbekistan's Campaign Against Rights Defenders," *A Human Rights Watch Report*, vol. 12 no. 4, March 2000.

¹¹²Human Rights Watch interview with a family member of a convicted prisoner who was subjected to such a rally; name and place withheld, June 10, 2000.

¹¹³Human Rights Watch unofficial transcript, May 11, 2000.

¹¹⁴Article 159 of the Uzbek criminal code is the basis of one of the most commonly lodged charges in cases of a political or religious nature. The accused are relatives of Juma Namangani, a leader of the religious movement "Adolat," which is held responsible for disturbances in Namangan in 1991-2, and the man whom the Uzbek government claims has mounted an armed rebel movement from outside the country.

¹¹⁵An armed group known as the Islamic Movement of Uzbekistan, which staged incursions into Uzbek territory during the summers of 1999 and 2000, is alleged to be based in Tajik territory. The Uzbek government has attempted to implement strict control over the border since the first incursions; any person attempting to cross the border evading these controls may be accused of complicity with or of participation in these groups.

¹¹⁶Written testimony of the HRSU, Namangan chapter, May 2000.

¹¹⁷Uzbekistan's highly authoritarian political system has limited the independence of the judiciary. Should the government of Uzbekistan reform criminal procedure to allow for *habeas corpus*, or to allow unfettered access to forensic medical testing, fundamental political change would be necessary to make such reform meaningful.

Arbitrary Arrest and the Lack of Judicial Review

The Uzbek code of criminal procedure does not provide for judicial review of detentions. This facilitates arbitrary arrest and limits available remedies for due process violations. Criminal suspects, save for exceptional cases, are kept in custody prior to trial.¹¹⁸

Police exploit this procedural void by routinely planting evidence on suspects to create grounds for arrest. Routine violations of the existing limitations on police power over the arrest process create multiple opportunities for abuses, including torture. The lack of judicial oversight of detention is a glaring violation of international law and standards, including the International Covenant on Civil and Political Rights (ICCPR).¹¹⁹

Article 221 of the Code of Criminal Procedure allows police nearly limitless authority to detain a suspect “if there is information giving grounds for suspicion of involvement in a crime,” before a criminal case has been opened. Police alone determine whether the grounds are justifiable.¹²⁰ However, the code mandates that police immediately draw up a record [*protokol*] of arrest as soon as the suspect is brought into custody.¹²¹ The record must include information on the crime police suspect the detainee of having committed, as well as the date and time of arrest. Police duty-officers must record the arrest, and those records must be reviewed within twenty-four hours to ensure their legality.¹²² Within seventy-two hours, the detainee must either be charged with a crime and informed of the charges against him, or be released. If “exceptional circumstances” warrant, a prosecutor may sanction continued detention of up to ten days before charges are brought.¹²³

In order to create grounds for arrest police during the detention process routinely plant on suspects small amounts of narcotics, ammunition weapons, or religious leaflets from banned groups. They may plant the materials in suspects’ homes during searches, which they frequently conduct without court orders or prosecutorial sanction. The mother of “Karim Q.,” arrested in late February 1999 for “illegal religious activity,” recounted to Human Rights Watch that police detained her son after stopping him in his car. Karim Q. told her that he had heard police open and close his car’s trunk as they put him in the police car and feared that they had planted something inside. Two young men, unknown to him, were called to witness the search of his car at the police station, during which police claimed they found a small amount of narcotics. According to Karim Q.’s mother, the witnesses initially refused to sign the search protocol, but after being held by police for six hours, and threatened with arrest and with beatings, they finally signed it.¹²⁴

¹¹⁸Article 237 of the Code of Criminal Procedure allows for suspects to be released on bail, on their own recognizance, in exchange for promises to appear, or to be released to the supervision of their work collective or community. Human Rights Watch has learned of only a few cases in which police, prosecutors, or courts have allowed these alternatives to detention, even in cases of minors or retired persons accused of nonviolent crimes. Detention in so-called investigation prisons or SiZO (*sledstvennye izoliatory*) remains the rule in the pre-trial period. This practice contradicts ICCPR, article 9(3), “...It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial...”

¹¹⁹This represents a serious diversion from the right to *habeas corpus* as outlined in article 9(3) of the International Covenant on Civil and Political Rights, which states that “Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release.” Because the procuracy exercises executive, not judicial power, procuracy review of arrest cannot be interpreted as the judicial review of detention envisaged in ICCPR’s article 9.

¹²⁰Code of Criminal Procedure.

¹²¹Code of Criminal Procedure, article 225.

¹²²Code of Criminal Procedure, article 225. This article does not specify who must review the record, only that “Review of the records must occur not more than twenty-four hours from the time that the detainee is brought to the police station or other law-enforcement body.”

¹²³Code of Criminal Procedure, articles 226, 227.

¹²⁴Human Rights Watch interview with the mother of Karim Q. (true names withheld), December 2000, Vol. 12, No. 12 (D)

Suspects may be beaten in order to force them to admit to the possession of planted evidence. One man stated at his May 1999 trial on charges of membership in the banned Islamic group Hizb ut-Tahrir that the police themselves had planted packets of narcotics they pulled from his pockets in front of witnesses. When the witnesses to the search were led out of the room to write their testimony, three policemen beat and kicked the man until he agreed to sign a confession that the narcotics were his own. When the judge asked him why he had signed the confession, the defendant is reported to have said, "They do things to you so that it is impossible not to sign."¹²⁵

Courts ignore challenges to the authenticity of evidence defendants claim was planted, issuing convictions on drugs and weapons charges on the basis of police accounts and confessions extracted under torture alone. One lawyer, defending another young man charged with both membership in Hizb ut-Tahrir and drug offenses protested the court's intransigence to no avail: "I insist that the drug matter be requalified, because it was not done properly...Of course the judge will have to decide, but during the drug search, when the drug was taken from his pocket, articles of the criminal procedural code were violated. He was handcuffed and put over a table... Even in the USSR, you had to have something more than words."¹²⁶

Unregistered Detentions

Police routinely detain persons from whom they hope to extract a confession without registering their detention, sometimes by summoning someone they wish to arrest to the station as a "witness." Because the person appeared voluntarily, Uzbek law does not place limits on the amount of time the person can stay at the station, nor does it oblige police to register the individual's appearance, or provide access to counsel. According to his lawyer, Abduhalil Gafurov appeared at his local police station in Tashkent on December 29, 1998, answering a summons to give testimony as a witness; after three days in custody, on December 31, he was arrested.¹²⁷

In some cases, police do not register those detained as suspects until after the detainee has already been in custody for a day or more. This interferes with a prompt procuracy review of the detention. Mamadali Makhmudov testified that more than one month passed from the date of his 1999 arrest before police presented him with the procuracy sanction for his arrest.¹²⁸ One lawyer related that one of her clients, charged with narcotics possession, "was arrested on March 6th at 2:30 p.m., but for a day and a half his arrest was not registered."¹²⁹

Failure to register arrests in a timely fashion allows police greater time in which to coerce a confession or other testimony while the detainee remains isolated. For example, police tortured Ruslan Mamin into a confession before his detention was even registered. Police in Tashkent's Hamza district invited him to give testimony as a "witness" to a murder on April 27, 1998, without issuing a summons; their beatings forced him to confess to the crime on May 2, when they transferred him to the city police headquarters. The procuracy sanctioned his arrest only on May 5.¹³⁰

A similar fate befell Makhmudjon Topildiev. He said that after police "invited" him to his local station in Tashkent province, they planted narcotics on him, tortured him, and coerced him to confess to narcotics possession. The district procurator, who sanctioned the arrest a day later, was reportedly made aware of the torture and false grounds of arrest but did not investigate. On December 23, 1999, at approximately 5:30 p.m., police came to Topildiev's house in the village of Khalkobad and told him that they needed to speak with him for about an hour. Topildiev accompanied the officers to the Khalkobad station, where officers accused Topildiev—whose wife's family is from a region across the border in Kazakhstan—of traveling to the southern Kazakhstan village of Abai to undergo illegal military training. They then ordered him to take off his shirt to inspect his shoulders for signs of bruises left by firearms. He complied, and the police called in two witnesses to certify that his shoulder was unmarked. Topildiev surmised that while he was distracted talking to the witnesses, police placed opium in his shirt pocket:

As I went to put on my shirt, in the left pocket I found a small packet which wasn't there before. I grew cold. With tears in my eyes I appealed to all of them, [asking] what is it that

¹²⁵Human Rights Watch interview with trial monitor, human rights activist Hashimbek Irisbaev, May 23, 1999.

¹²⁶Human Rights Watch trial monitor unofficial court transcript, Chilonzar District Court, Tashkent, July 8, 1999.

¹²⁷A similar practice is found in other former Soviet states. See *Confessions at Any Cost: Police Torture in Russia* (New York: Human Rights Watch, 1999), p. 57.

¹²⁸Open letter from Mamadali Makhmudov, August 10, 1999.

¹²⁹Human Rights Watch interview, name withheld, June 8, 2000.

¹³⁰Human Rights Watch interview with Rumia Mamina, December 16, 1998; appeal filed by lawyer L.V. Pinkhasova with the

you've planted on me, do you not fear God? I have three small children and old parents to support! I pleaded with the witnesses, appealing to them as brothers, because this is a provocation which is taking place, and I begged them not to take part in it, for they also have children and families...The policemen started to write up a record of their search. The one named Namaz-aka wrote it, and he told me to sign it, but I refused. Then they brought me to the district police station in the town of Gulbahor. There were around ten men in the office of the head of criminal investigations there [*nachal'nik ugolovnogo rozyska*], including Makhkam-aka, chief investigator [*nachal'nik sledstvennogo otdela*]. Khusan-aka, lead criminal investigator [*rukovoditel' ugolovnogo rozyska*] said "You're going to prison, so you can confess like a good boy to having ten opium poppies, and you'll be charged with article 276 part 1, possession without intent to sell, which is punishable by up to three years, so you'll get around six months and then you'll be free. If you don't agree, not only will you lose your health, but we can go to your house and find the same thing we found in your pocket." That night they beat me very intensely, and then Namaz-aka took me to another office and they beat me there too, and tortured me. In the morning...I was forced to sign the statement that Namaz-aka and the investigator Bahtier Akbarov signed....

Then they brought me to the procuracy of the Iangi-Iul district in order to get a sanction for my arrest. I told the procurator everything as it had actually happened. He said, "OK, we'll get to the bottom of it, it's lunchtime now, so come again after lunch and we'll talk." But in fact he deceived me, because he signed the sanction for my arrest.¹³¹

Although article 217 of the Code of Criminal Procedure requires police officials, prosecutors or courts to inform relatives or other persons named by the detainee, or his or her place of work or study, of the fact of detention within twenty-four hours, this provision is also routinely ignored. Family members of detained persons may search for days before receiving confirmation that their relatives are indeed in custody. The wilful failure by police to register detentions compounds the difficulties families face in locating their loved ones in police custody. In some cases, police may even deny that they are holding a suspect in order to throw fearful family members off the trail. Umida Khamidova (not the woman's true name) recounted that after her husband was arrested "... I went with another relative to the district police to get information about him. They didn't tell us where he was being held. Only three days later did the officers there tell us that he was being held in the [town] prison."¹³² Umida Khamidova related that when police arrested her youngest son at the home of relatives, she frantically rushed to the district police headquarters "...and they said he wasn't there. I went to the SNB and they told me to wait for information. Then a car...pulls up and I realized my son was inside. I ran to the police and said, this car is in front of the police station and he is in the car. I spoke to the [investigator] who said, 'Your son is not here, your son went to Tajikistan, to Chechnya, he is a terrorist.' I said, my son never did such things. He said, 'you should be shot too.' Eight months later, I still have not seen my son."¹³³

Restrictions on the Right to Counsel of One's Own Choosing

Uzbek law guarantees the right to counsel, but the overwhelming power of the procurator to control access to the defendant vitiates this right and renders potential victims defenseless against abuse. Law enforcement agencies threaten torture victims who attempt to report the abuse they sustained and intimidate attorneys who actively seek redress for their tortured clients. Furthermore, when they do permit access to counsel, they often compel detainees to accept state-appointed attorneys who do not mount a vigorous defense of their clients.

¹³¹Written statement of Makhmudjon Topildiev, January 10, 2000, on file with Human Rights Watch. Judge Salohiddin Sahoddinov of the Iangi-Iul District Court sentenced Topildiev to two years in prison on drug charges on April 10, 2000, although during his trial Topildiev recounted the story of his torture. Human Rights Watch interview with Hashimbek Irisbaev, a human rights activist who monitored the court proceedings, April 13, 2000.

¹³²Human Rights Watch interview, name withheld, May 9, 2000.

¹³³Ibid. Human Rights Watch

Uzbek criminal procedure clearly lays out the right to counsel for criminal suspects and defendants.¹³⁴ Articles 48 through 53 of the code outline the right to counsel from the time the detainee is informed that he is suspected of a crime, or from the moment he is detained. They should, in principle, represent the first line of defense against police abuse.¹³⁵ Article 51 specifies that interrogation must take place in the presence of counsel in some circumstances, including cases in which those detained are minors, mentally or physically handicapped, if they do not understand the language in which the investigation is being conducted, or if they are suspected of a crime for which they may be punished by the death penalty.¹³⁶ Furthermore, the code guarantees the right of the detainee to meet privately with counsel after interrogation.¹³⁷ According to the Code of Criminal Procedure and to laws passed by the Oliy Majlis—the legislature—in 1997 and 1999, the defender has a right to participate in the case from the moment he or she is contracted by the suspect.¹³⁸

Most frequently, however, even in the circumstances enumerated above, police or procuracy investigators permit no meetings between a defendant and counsel (or anyone else) until the preliminary investigation phase is completed—which often means until a confession is secured. This allows investigators to conduct questioning unimpeded by observers, and means that any evidence of ill-treatment will have faded by the time defendants meet with their lawyers. Tavakkaljon Akhmedov, whose case is described above, was allowed to meet with his family only after police secured his confession. His wife recalled, “He was held in the basement of the SNB from May 15 to July 27. They tortured him for seventeen days, until around June 1...After seventeen days he confessed...Then on the eighteenth day of detention he was allowed to meet with me and with his mother...It was then that I saw how he was...[but] he nodded that all was well.” Akhmedov’s mother noted that they were strictly forbidden from discussing her son’s case during the meeting, and that three guards were present in the room to enforce this condition.¹³⁹

In order to avoid the interference of a defense lawyer during investigations, police may counsel detainees that they do not need an attorney, or that one will not be necessary until their case reaches the trial phase, or will pressure them to accept a state-appointed attorney. Most Uzbek citizens interviewed by Human Rights Watch had little understanding of their rights or of the domestic law governing criminal procedure, and so it is not surprising that they believed investigators’ statements.

In the high-profile political case of the first twenty-two men accused of participation in the February 16, 1999 Tashkent bombings, none of the defendants’ families were permitted by investigators from the General Procuracy to hire their own lawyers; the procuracy appointed all of the defendants’ state lawyers, and then instructed those lawyers, reportedly, on what would be permissible to say in court.¹⁴⁰ Often defendants have no lawyer at all until the trial phase has begun, or even at trial. Judge Rustamov, chairman of the Tashkent Provincial Court, remarked that a trial of eight defendants accused of terrorism, which was about to get under way, “cannot start today, because they don’t have a lawyer yet.”¹⁴¹ At times, defendants may be interrogated, tried, and convicted without ever having had access to a lawyer, as was the case with Azim Khojaev, (see Introduction above).¹⁴²

Police may simply deny detainees’ requests for access to counsel. Anonymous sources told the family of Imam Abdurahim Abdurahmonov, who was detained by police for the second time in April 2000, that when the imam refused to give testimony without a lawyer on the first day of his arrest, he was beaten.¹⁴³

¹³⁴ Under article 49, defense counsel may be provided by an attorney, a representative of a public association, or in certain circumstances, a relative of the defendant.

¹³⁵ Code of Criminal Procedure, article 48.

¹³⁶ Code of Criminal Procedure, article 51.

¹³⁷ Code of Criminal Procedure, article 53.

¹³⁸ Code of Criminal Procedure, article 49. “V redaktsii Zakonov Respubliki Uzbekistan ot 30 avgusta 1997 g I ot 15 aprelia 1999g. *Vedomosti Oliy Majlisa Respubliki Uzbekistan*, 1997 g., no 9, st. 241; 1999 g. No. 5, st. 124.

¹³⁹ Human Rights Watch interview, Asaka, Andijan, May 22, 2000.

¹⁴⁰ Human Rights Watch interviews with relatives of bombing suspects, June 2-8, 1999; Human Rights Watch interview with Mikhail Ardzinov, chairman, IHROU, June 11, 1999.

¹⁴¹ Human Rights Watch interview, Tashkent, July 6, 1999.

¹⁴² Human Rights Watch interview, name and place withheld, May 9, 2000.

¹⁴³ Human Rights Watch interview with Muborak Abdurahmonova, wife of Imam Abdurahim Abdurahmonov, Tashkent, May

Ruslan Mamin recounted that in the first five days after his arrest on April 27, he repeatedly asked to see a lawyer, but was told by police investigators that “We ourselves will take the place of a lawyer.”¹⁴⁴ Before Mamin was allowed to meet with the lawyer his family had hired, police had already tortured him to extract his confession to the murder in which he previously and subsequently denied involvement (and of which he was later acquitted). When he was finally granted access to counsel, he attempted to recant his coerced confession, only to face further torture and threats.

They held me there...and continued to question me until 11:00 p.m. Then Dilshod [Mirzoev, then of Tashkent’s Hamza district police station] came into the room. He told me what to write, to say that I took part in the murder and so on. I refused... [Dilshod] started to draw out a map of the murder scene and ordered me to sign. He began to beat me. He began with the nightstick, hitting me on the back and all over. For three hours this continued. Each time, he ordered me to sign...Dilshod beat me with the nightstick all over my body, but Rahimov hit me especially on the head. Dilshod hit me once in the nose with the nightstick and I bled all over. On May 2, I signed what they brought and I didn’t even read it. They said they would take a video [deposition]. When I signed, my head was spinning and I couldn’t think, I hadn’t slept in days and I didn’t even realize what I was doing. When I refused to be videotaped, Dilshod beat me again so I had to be videotaped. They gave me a text of how to answer the questions during the filming. We went to a place and the investigator asked questions and I don’t even remember what I said in front of the camera.¹⁴⁵

When Mamin was finally granted access to his lawyer, he described how he had been tortured. The lawyer instructed him to recant his confession, but when Mamin attempted to do so,

[T]he investigator came, and yelled at us, me and my lawyer. He said I was ruining everything. He sent me to the basement and sent the lawyer away. Rahimov and Dilshod and Oganessian said, “If you deny your guilt to your lawyer, it will be worse for you. You will get the firing squad,” they threatened. “We will add charges, so you better think about it,” they said. I again refused, saying I would deny my confession, and Dilshod began to beat me again. When the lawyer came back I told him I would not recant my confession. He understood.¹⁴⁶

Despite laws to the contrary, police may indefinitely delay or obstruct lawyers’ efforts to meet with their clients. Zinaida Orlova, whose case is described above (see above, *Rape and Other Sexual Violence*) recounted her efforts to obtain defense counsel for her son, Aleksandr, arrested in mid-July. “In August I hired a lawyer for my son, who had one or two visits with him after the preliminary investigation was finished—this was in November. Since August he had been trying to see my son but was refused by the investigator...After this visit the lawyer said that my son had confessed, and I knew that he must have been very afraid.”¹⁴⁷ Umida Khamidova, whose husband and son were both arrested, recalled that though she hired a lawyer for her son, “the investigator does not give him any information on what the charges are.”¹⁴⁸

If lawyers choose to protest investigators’ actions, they must do so in writing to the procuracy; there is no judicial review of due process complaints prior to trial. One lawyer told Human Rights Watch, “The way they handle our complaints is very simple. They take them knowing that the law allows them a month to reply to you. By the time you get a response, they have their confession in hand.”¹⁴⁹

¹⁴⁴Human Rights Watch interview with Ruslan Mamin, Tashkent, April 26, 2000.

¹⁴⁵ Ibid., and Human Rights Watch interview, name withheld, April 14, 2000.

¹⁴⁶ Ibid. After several appeals and re-trials, charges against Mamin and his co-defendants were ultimately dropped.

¹⁴⁷ Human Rights Watch interview with Zinaida Orlova, Tashkent, May 10 2000.

¹⁴⁸ Human Rights Watch interview with Umida Khamidova (pseudonym), May 9, 2000.

¹⁴⁹ Human Rights Watch interview, lawyer, name withheld, Tashkent, June 9, 2000. December 2000, Vol. 12, No. 12 (D)

Sometimes, police or security officials may simply forbid a lawyer who attempts to protest torture from taking part in the defense of the victim altogether. In April 1999, M. Togaev complained orally and in writing to the procurator of Jizzakh province about the torture of his client, Najmiddin Juvashv, who was in the custody of the provincial SNB. The case investigator, Shavkat Iakshiev, refused him permission to meet with his client for three days, but finally relented five days after Juvashv was arrested. During the meeting Togaev asked Juvashv to point out the people who had tortured him; afterwards, Togaev wrote a complaint to the provincial prosecutor, asking him to open a criminal investigation against those officers responsible for his client's injuries. Soon after, he was prevented by the local prosecutor from further participating in the case.¹⁵⁰

In some instances, defendants who insist on making complaints about torture, having representation during the investigation, or who insist on having the lawyer of their choice may be tortured even more to force them to renounce their demands, as was the case with Ruslan Mamin. Sources close to Nakhmiddin Juvashv, whose case was described above, recount that after Juvashv himself and his first lawyer wrote complaints to the regional procuracy and SNB regarding torture, police officials

...just beat him [Juvashv] more and hung him naked to a horizontal bar and beat him more. They kept him hanging and beat him with a nightstick for three and a half hours. They beat him this time to make him say that no one had beaten him, that he had just fallen down the stairs and broken his ribs and legs. They kept him in the cold room and beat him like this for four days until finally he broke down and signed...The first complaint of torture was written on April 23. On April 27, he recanted the earlier statement and signed a new one, saying that no one had beaten him. This second statement also stated that he did not need a lawyer and would defend himself and that he is happy with the investigation.¹⁵¹

According to Mamura Khajimukhamedova, Farrukh Bakiev, the case investigator for her husband, Okoidin (see above, *Rape and Other Sexual Violence*), refused to allow the lawyer she had hired to be present during interrogation, and effectively prevented her from working on the case.¹⁵² The lawyer, a well-known Tashkent attorney, recounted:

On January 27 I tried to see Okoidin at the GUVB, but was not allowed. It became clear later that they were beating him to get him to refuse my services. They forced him to sign such a refusal. According to the law, I should have been allowed to be present during questioning. But when I asked to be admitted, several investigators told me that they had not yet begun the questioning. When I protested, the lead investigator gave me permission to see him briefly. The meeting lasted no more than ten minutes...He told me himself that he wanted me as his lawyer, and that he was waiting for me. I told him to refuse to give testimony. Okoidin's wife has stated that the document refusing my services was clearly written by someone else.¹⁵³

Although Khajimukhamedova hired another lawyer to defend her husband at trial, the chairman of the Tashkent Provincial Court refused to admit him without citing any grounds, and so Khajimukhamedov was tried and sentenced to death without the benefit of counsel.¹⁵⁴

¹⁵⁰Human Rights Watch interview with Tolib Iakubov, chairman of the HRSU, June 29, 1999; Human Rights Watch interview with relative of Nakhmiddin Juvashv, name withheld, July 2, 1999.

¹⁵¹Human Rights Watch interview with relative of Nakhmiddin Juvashv, name withheld, July 7, 1999.

¹⁵²Open letter from Mamura Khajimukhamedova, May 18, 2000.

¹⁵³Human Rights Watch interview with Irina Mikulina, May 31 1999.

¹⁵⁴Human Rights Watch interview with Mamura Khajimukhamedova, May 11, 1999; Human Rights Watch, *Human Rights in Uzbekistan*, December 2000, Vol. 12, No. 12 (D).

Even if detainees contract the services of a lawyer during the preliminary investigation, and secure access to counsel, this may offer little protection against police abuse. In Uzbekistan, the great majority of lawyers are employed by state-run legal offices; the Ministry of Justice grants their licenses to practice. The state, therefore, has a myriad of means by which to ensure lawyers' docility. In 2000, Dinara D., the mother of Kodir D., a young man convicted on religious extremism charges, saw her son's black eye and witnessed him limping when she was allowed a meeting with him in a Namangan police station after his third day in custody (after he had already confessed to crimes which he later denied). She recalled her conversation with her son's lawyer, after her son described in court how he had been tortured. "I told the lawyer, 'you yourself know he was beaten.' She said, 'yes, but we can't prove it.' She said she wouldn't say anything about it in court."¹⁵⁵ In one case in which a state-appointed lawyer was present during questioning, the victim testified that police beat him in the lawyer's presence, "and he saw it, but he didn't say a word."¹⁵⁶

In some extreme cases lawyers charged with defending detainees have acted in concert with the prosecution, and thereby facilitated torture. Dmitri Chikunov, who described his brutal torture in a letter to his mother cited above, was arrested on April 17, 1999. Investigators for the Tashkent provincial procuracy at first told his mother, Tamara, that she should not hire a lawyer, and then instructed her to hire a lawyer whom they had selected, Sevgi Rahmanberdieva, who was issued an order to be admitted to the case on April 19. Nonetheless, investigators interrogated Chikunov without his lawyer present on April 19, April 28, and May 6; Rahmanberdieva was present during questioning only on June 1. On June 6, Chikunov himself rejected her services, and Rahmanberdieva took no further part in the investigation. By June 17, Tamara Chikunova had hired a new lawyer, who was officially admitted to the case on that day. But investigators prevented this lawyer from seeing her client for nearly another two months.¹⁵⁷ In order to hide the origins of Chikunov's confession, according to Tamara Chikunova's written complaints, Rahmanberdieva signed the interrogation records from the first days of his detention, attesting to her presence during those sessions when she was in fact not there, even before she had been introduced to her client. In addition, when the prosecution called her as a witness during Chikunov's trial, she stated her belief in his guilt. Tamara Chikunova wrote to the Tashkent Provincial Department of Justice to complain about Rahmanberdieva's conduct; the department responded to Chikunova's letter on January 28, 2000, and informed her that they had investigated her allegations, and finding them substantiated, revoked Rahmanberdieva's license to practice law.¹⁵⁸

Lawyers who are prepared to fully discharge their duty to defend their clients must overcome overwhelming obstacles. Meetings, if authorized by the case investigator, are generally short and few in number. Human Rights Watch encountered few cases in routine criminal matters or in alleged religious-political crimes in which lawyers were allowed to be present during interrogation sessions. Although police make use of videotaped confessions, there are generally no records kept of the questioning of suspects aside from their signed confessions.¹⁵⁹ In order to conceal their actions, police may also torture victims outside of formal interrogation sessions. Even when legal counsel requests to be present during interrogation, abuse may occur before questioning has begun. The practice of using prisoners as police surrogates to beat and abuse other prisoners in their cells has already been noted. A witness at the Tashkent Provincial Court trial of twelve men accused of illegal religious activity recalled the courtroom statements of several of the defendants:

The investigator would call the MVD and say he was coming to question one of the defendants. Then, for a period of two hours, three to four people would beat the defendant. You must confess to whatever the investigator asks for, and if not, we will continue the beating, they said. Then the investigator would come and the MVD men who beat the defendant would remain in the room. This is what the defendants said in court. The judge

¹⁵⁵Human Rights Watch interview, name and place withheld, May 3, 2000.

¹⁵⁶Written testimony on file with Human Rights Watch, August 2000.

¹⁵⁷Appeal filed by lawyer G. Sukhacheva with the Judicial Collegium for Criminal Cases of the Supreme Court, November 1999.

¹⁵⁸Copy of the letter of Tamara Chikunova to the President of the Tashkent Provincial Lawyer's Collegium, November 17, 1999, on file with Human Rights Watch. Letter No. 1/124, January 28, 2000. Copy on file with Human Rights Watch.

¹⁵⁹This contradicts article 106 of the Criminal Procedural Code, which mandates that both the process and the results of interrogation sessions be recorded, and included in the materials of the case.

asked the defendants to name their abusers, but they didn't know their names. The procurator didn't pay attention to this.¹⁶⁰

Despite the severe limitations on access to their clients, some lawyers make genuine efforts to protect their clients from abuse during the preliminary investigation, and to mount a robust defense at trial. When they do so, they are commonly subjected to threats, intimidation, and even more serious pressure by police, prosecutors, and judges. “If lawyers protest any actions by the investigators, they tell you that the SNB will begin a case against you,” one well-known lawyer said.¹⁶¹

Medical Documentation of Torture

To prove torture, victims must obtain medical documentation that can be used as evidence in court. This medical documentation is critical both in order to show that the victim’s testimony was obtained under torture and thus should be excluded from the state’s case against him or her, and also in order to initiate criminal proceedings against those accused of torture. Despite the Code of Criminal Procedure provision for access to such expert examination and testimony, criminal defendants who are tortured face nearly insurmountable legal and practical barriers to obtaining this service. In practice, police and procuracy officials often obstruct or simply ignore defense requests for qualified medical examinations.

Detainees and their attorneys have the right to request an independent medical examination to substantiate allegations of ill-treatment. According to the Code of Criminal Procedure, only the official government forensic specialists may provide this evidence.¹⁶² The forensic testing organization called in to conduct such examinations is the Forensic Medical Specialist Service (in Russian, Sudebno-meditsinskaya ekspertiza), funded by the Health Ministry.¹⁶³

Forensic medical experts from this agency questioned by Human Rights Watch about police abuse of suspects generally confirmed that the number of such cases presently coming to their attention is on the rise.¹⁶⁴ However, no forensic doctor wished to go on record to discuss any specific cases.¹⁶⁵

Detainee access to forensic medical specialists is highly circumscribed, since only the procuracy can grant permission, in the form of a referral, for such examinations. “In the two or three cases I have handled where there were beatings in detention, in two cases investigators would not provide a referral [*napravlenie*] to the forensic medical specialist,” one Tashkent lawyer recounted.¹⁶⁶ Prosecutors ignored the request made by M. Togaev, lawyer for Nakhmiddin Juvashv (see *Right to Counsel*, above) for a forensic medical examination, even though emergency medical personnel had to treat his client several times for injuries he sustained in custody.¹⁶⁷ Prosecutors ignored the requests for a forensic medical examination filed by Ruslan Mamin’s mother and lawyer, after they both had witnessed signs of physical abuse.¹⁶⁸

¹⁶¹Human Rights Watch interview with lawyer, name withheld, May 30, 1999.

¹⁶²Code of Criminal Procedure, article 174. This article provides exceptional cases for specialists from other state institutions to provide this evidence, but allows only the agency authorizing the examination (in other words, the procuracy) to determine if the case is exceptional enough to warrant an outside expert.

¹⁶³A forensic medical examiner establishes the cause and nature of injuries sustained and prepares a report that may be used as evidence in court.

¹⁶⁴Human Rights Watch interview, name and place withheld, June 2000.

¹⁶⁵Dr. Zainiddin Giasov, head of the Uzbek national Forensic-Medical Specialist Service, while forthcoming on other issues, would reveal only the following: “If I denied that there were such cases, that would be a lie, and it’s not nice to lie.” Human Rights Watch interview, Tashkent, June 9, 2000.

¹⁶⁶Human Rights Watch interview, Tashkent, June 8, 2000.

¹⁶⁷Human Rights Watch interview, name withheld, July 2, 1999.

¹⁶⁸Human Rights Watch interview with Rumia Mamina, Tashkent, December 16, December 2000, Vol. 12, No. 12 (D)

Many lawyers are reluctant even to attempt to obtain forensic medical assessments for their tortured clients. This reluctance is well-founded, as they or their clients may, if they insist, experience threats and other forms of intimidation from prosecutors and police officials. Even lawyers who manage to obtain medical evidence of their clients' torture may be reluctant to bring this evidence to court for fear of retribution, as in the case of one defendant (name withheld), accused and ultimately convicted of membership in an illegal religious organization.¹⁶⁹ One lawyer declined to seek forensic medical evidence to document his client's injuries because, as he told the client's father, "They'll just cripple him, so let's not talk about it."¹⁷⁰

In another case documented by Human Rights Watch, a lawyer was himself convicted of a crime and sentenced to a four-year prison term in a clear case of retribution for his courage in seeking and receiving a forensic examination to document the beatings to which his client was subjected. The lawyer, whom we will call "Aziz Khairullaev," supplied written testimony of his ordeal:

In January 1995...Klara Suvorova came to our legal offices and asked me to take on the case of her brother, Victor, who was being charged with murder.¹⁷¹ ...The procuracy investigator agreed to my request for a meeting with my client in the temporary holding cell. Victor told me that he was not guilty, that he did not kill Radjapova, but that since the day he was arrested the police interrogated him in a prejudicial manner and severely beat him, trying to force him to confess to the crime. To prove to me what he had said, he lifted his shirt and showed me the bruises and contusions on his body. He was totally black and blue. He also told me that after three days of such beatings, he was forced to write that he had killed the woman, in other words he had signed a confession. He added that the police forced him to repeat the confession orally, which they videotaped at the scene of the crime.¹⁷²

Khairullaev then went to speak to the investigator; his client was brought in to the investigator's office. In Khairullaev's presence, his client denied taking part in the murder, stated that his previous confession had been extracted under torture, and showed the investigator the marks left by the beatings. Khairullaev then wrote an official request for a forensic examination of his client. Three days later, the head of the district criminal investigation department summoned Khairullaev to speak to him, claiming that his client, Victor Suvorov, would now recount the details of the murder he had confessed to committing. When Victor was brought into the room:

[H]e answered that he never killed anyone, and the police had made him give false testimony by beating him, and that he will not reaffirm what he had said. He requested that he be freed from detention....After he was led out of the room, Major [name withheld] said to me that I had written that request for a forensic exam for the bruises on Victor's body in vain, that there would come a time when I would deeply regret having done that, and that this meeting would not be our last. But he agreed to free Victor Suvorov.¹⁷³

Khairullaev was in his offices two weeks later, when Klara Suvorova again came to him, bringing part of his lawyer's fee. When she left, seven or eight officers from the local district police anti-corruption department burst into Khairullaev's office and arrested him.¹⁷⁴ A district court sentenced him to four years of imprisonment on charges of bribery. His judicial appeals were rejected. Khairullaev was released under an amnesty after serving eighteen months in

¹⁶⁹Human Rights Watch interview, name withheld, July 12, 1999. This witness is the relative of a defendant convicted of membership in an illegal religious group, and had spoken to the lawyer in question. In this case, a Tashkent prison physician had certified that the victim had been beaten.

¹⁷⁰Human Rights Watch interview with the client's father, Tashkent, May 3, 2000.

¹⁷¹All the names related to this case have been changed throughout this account.

¹⁷²Written statement to Human Rights Watch, name withheld, October 1999, obtained through the courtesy of IHROU.

¹⁷³Ibid.

¹⁷⁴Ibid. In Uzbekistan, most lawyers work for state-run law offices, and are paid salaries by the state; clients pay a fee directly to the law office. As long as the fee is paid to the office, there are no laws criminalizing the payment of an extra fee to the attorney.

a general-regime labor camp. Since his release he has re-qualified to practice law, but has been unsuccessful in attempts to have the offense removed from his record.¹⁷⁵

Although the Code of Criminal Procedure does not foresee this, some lawyers maintain that standard medical records from any medical doctor or from a hospital can also serve as documentation for the purposes of establishing the fact of torture. However, police or other state officials may interfere in the creation of those records; police routinely deny abused detainees access to a physician, except when torture has led to life-threatening consequences. Even when medical personnel are granted access in such circumstances, there is no record of their having intervened to stop the torture or to document it.

One mother interviewed in Khiva on conditions of anonymity described her son's account of his medical treatment while in detention:

When they arrested him he was beaten so that he lost consciousness. A doctor was called in. Before he became unconscious he told them that he felt very bad, but they kept beating him, throwing him and pushing him around...The doctor gave him an injection and he came to, and that was all."¹⁷⁶

Svetlana Avakian, whose son, Zhorik, was tortured in her presence (see above), described similar behavior by medical personnel. After being thrown out of the police station on December 26, 1996, Avakian returned with a lawyer, who demanded that the police call an ambulance:

They refused, and the investigator said, "I'm not going to call an ambulance, this is the way he came in." "What do you mean, he came in this way," I said. "When you arrested him on December 23 he was completely healthy, and now three days later you show him to me a cripple!" His skull was smashed, he was completely battered, all over his body and face. The lawyer asked him, "Zhorik, don't be afraid. Did they beat you?" and he said yes, and pointed at his head and his kidneys, he said he was chained to the radiator and beaten with nightsticks....The lawyer called an ambulance, and here is the record....The doctor said "Don't touch the boy, give him at least a week to come around. His heartbeat is hardly audible and there is no pulse. What are you doing?" He gave him an injection, put him in a chair, and then the investigator told us to leave, that he wasn't going to continue the interrogation that night. They threw him in the basement, and later, when I came to bring him food, they told me that five times that night they had to call an ambulance [to revive him]. "He had us running around, that Armenian, he really wore us out! He almost croaked!" And the investigator said, "What, am I going to have to spend New Year's Eve with him?" And so they sent him to the Tashkent prison hospital on December 30.¹⁷⁷

Suspects may be harassed for even seeking medical assistance after being beaten by police or security agents.¹⁷⁸ On August 5, 2000, SNB officials in Jizzakh province arrested Edgor Sadykov, and allegedly beat him in order to force him to give testimony against a relative, Najmiddin Juvashv (see above). According to Human Rights Society of Uzbekistan representatives who interviewed Sadykov, he gave the statement that the SNB sought under torture and was released. The following day he was brought to the provincial hospital in an ambulance, diagnosed with a concussion, and admitted. That same day SNB officials detained him again, taking him from his hospital bed for another interrogation session; Sadykov was released on the condition that he not return to the hospital.¹⁷⁹

¹⁷⁶Human Rights Watch Interview, name withheld, Khiva, July 1999.

¹⁷⁷Human Rights Watch interview with Svetlana Avakian, Tashkent, December 22, 1998.

¹⁷⁸Human Rights Watch interview, name withheld, February 20, 2000.

¹⁷⁹HRSU, August 2000; Human Rights Watch interview with a relative of Nakhmiddin Juvashv, name withheld, Jizzakh,

In practice there is little hope medical personnel will dare state that a patient has been tortured. One expert in the field says “a lawyer can ask for a specialist [medical] examination, but the conclusion will be that no physical injuries were found, because it’s all interconnected: the expert is dishonest and afraid of the police.”¹⁸⁰ According to Mrs. Mamatkulova, her husband, Makhmudjon, was treated in an Andijan hospital after being beaten in police custody and then released. The attending physician noted Makhmudjon Mamatkulov’s head injuries and nausea on his hospital chart, but refused to record the welts and bruising that clearly indicated that he was beaten.¹⁸¹

Judicial Indifference to Torture

Given the length and isolation of pre-trial detention, and the high risk associated with attempts to protest ill-treatment while in pre-trial custody, detainees or their lawyers often decide to wait until the trial phase to bring forward allegations of torture. International law and Uzbek domestic legislation requires that allegations of torture be investigated to ensure that coerced testimony is not admitted as evidence and that perpetrators are prosecuted.¹⁸² In practice, though, judges flout their legal obligations by failing to call for such investigations, admitting as evidence testimony coerced under torture, and even preventing torture victims from making statements at trial about the torture they endured. In no case documented by Human Rights Watch did a judge in Uzbekistan refuse to admit as evidence a confession coerced under torture.

At times judges use the presence of defendants’ family members in the courtroom to dissuade defendants from describing the acts of torture committed against them in detail. One witness to a trial of defendants accused of membership in an illegal religious organization recounted, “There was one young guy among the defendants, his mother and his father were there [in the courtroom], and the judge told him to take pity on his parents and not to talk about what was done to him.”¹⁸³

Defendants and witnesses nevertheless make detailed allegations of ill-treatment during trial, but often find that judges refuse to act on those allegations. Lawyer Sh. Jabrailov, speaking in defense of his client, Bakhtier Musaev, whose case is described above, excoriated the treatment of his client and denounced the Iunusabad District Court’s refusal to act on Musaev’s account of torture:

Article 26 [of the Constitution] says that no one may be subjected to torture, violence or other cruel and humiliating treatment. But what do we see in this case? Witnesses are threatened, and detainees are tortured, beaten, suffocated with gas masks, but no one is to blame for this and no one initiates criminal charges on article 230 of the Uzbek criminal code, for charging an innocent person with a criminal offense, or under article 234 for illegal arrest or detention, or under article 235 for coercion of testimony.¹⁸⁴

¹⁸⁰Human Rights Watch interview, May 1997, place and name withheld.

¹⁸¹Human Rights Watch interview with Mrs. Mamatkulova, May 18, 2000.

¹⁸² Article 15 of the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, reads: “Each party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.” Article 321 of the Code of Criminal Procedure mandates that “interrogators, investigators, prosecutors or courts *are obligated* to initiate a criminal case concerning criminal acts in all cases, in which there are causes and sufficient grounds.” (Emphasis added.) To investigate such allegations, judges, under article 180 of the Code of Criminal Procedure, can order a forensic medical examination. Article 180 reads: “The investigating officer [*doznavatel*] and the investigator may issue an order, and the court may issue a finding on the appointment of an expert; these must contain the grounds which are the basis for the appointment of the expert; the material evidence or any other items which are being sent for the expert analysis with information on where, how, and under what circumstances they were gathered, or in instances when the analysis is to be conducted regarding case materials, information which the expert should take into consideration when drawing conclusions; questions which the expert is to answer; the name of the expert organization and the last name of the person who is to conduct the analysis.” Furthermore, article 173 of the Code of Criminal Procedure mandates that “the appointment and the conduct of expert analysis is mandatory, if it is necessary to establish in a criminal case: 1. The cause of death or the nature and degree of seriousness of physical injuries...”

¹⁸³Human Rights Watch interview, name withheld, Tashkent, May 14, 1999.

¹⁸⁴Written statement of defense counsel Sh. Jabrailov of the Tashkent provincial lawyer’s collegium, May 1999, on file with Human Rights Watch, obtained through the courtesy of human rights activist Vasila Inoiatova. Bakhtier Musaev was initially Human Rights Watch in prison, lowered on appeal to five. 39

When Zinaida Orlova testified at the murder trial of her son in Tashkent's Iunusabad District Court, she described in detail the beatings and humiliation investigators used to force her to testify against herself in the same criminal investigation. Her son, Aleksandr, stated clearly that he was beaten and that investigators threatened that his mother would answer for the crime if he did not take it on himself.¹⁸⁵ Judge Gieziddin Najimov did not react at all to Aleksandr's claims, and to Orlova's statements he responded laconically that "if they used those methods against you, that's illegal."¹⁸⁶

According to his father, Nosir Poshshokhujaev was hung from the ceiling and beaten, suffocated with a gas mask, and burned with cigarettes to induce him to confess to a series of criminal offenses. Though a forensic medical expert conducted an examination and established that his injuries resulted from torture, in September 1997 Judge Zukhirdin Ibragimov of the Namangan Provincial Court found him guilty on the basis of his confession and sentenced him to eighteen years in prison.¹⁸⁷

Kodir D., who had been tortured in a Namangan police station (see above), described his ordeal at his trial on charges of participation in illegal religious activity. According to his father, who attended the trial, the judge initially seemed to take his son's claims seriously, but sentenced him to twelve years plus "two more years [beyond the procurator's initial request] at the request of the procurator."¹⁸⁸ Kodir D.'s father told Human Rights Watch:

On April 14, the second day of the trial, the judge gave my son a chance to speak. He then said that he was not a member of Hizb ut-Tahrir...and that the police beat him; that they put him against the wall and beat him and took his money and watch and then planted the leaflets in his pocket...The judge asked my son, "Why didn't you complain? Why didn't you tell the investigator?" My son said, "If I didn't confess they would have beaten me worse, so I confessed. No one would listen to me if I complained, I was afraid to complain." My son described how they beat him, how they put the gas mask on him in the basement of the GUVD....The judge said, "The three men who arrested you, we will call them as witnesses." The judge did not summon those officers from the GUVD who beat him and put the gas mask on him, just the officers from the district police department [who also beat him].¹⁸⁹

However, after five summonses, the officers from the district police department did not appear; one month later, the judge sentenced Kodir D.

Judges presiding over trials with foreign trial monitors have reacted angrily to allegations of torture and handed down severe sentences, including the death penalty. When one of the defendants in the May 2000 Tashkent Provincial Court trial of fourteen accused "terrorists" described the abuse suffered by his cellmate, Judge Rustamov, chairman of the court, interrupted him, and then forbade him to discuss it further, saying "you can speak only about what concerns you."¹⁹⁰ When the lawyer for another defendant, Palvannazar Khojaev, stated outright that his client's confession was extracted under torture, Judge Rustamov contradicted him vehemently: "There was no pressure from investigators! There are journalists here, and so you must tell the truth!"¹⁹¹ Khojaev was sentenced to death.

Oibek and Uigun Ruzmetov were also sentenced to death in a July 1999 trial. Their mother, who was present during their last few court sessions, recounted that "in court, Oibek could hardly stand he was so weak. He said that he was beaten so hard that blood was coming from his nose and mouth for three days. The judge didn't listen, he just sat there.... 'I'm not guilty,' he said, 'they beat me and never gave me any medical help. I had a concussion,' he said. He could hardly stand. He said it was all a lie."¹⁹²

¹⁸⁵Human Rights Watch unofficial transcript, May 10, 2000.

¹⁸⁶Human Rights Watch unofficial transcript, May 12, 2000.

¹⁸⁷Text of the letter of Kosimkhoja Poshshokhojaev reprinted in the Namangan department of the Human Rights Society of Uzbekistan, *Fakty i argumenty o narusheniiakh prav cheloveka v Uzbekistane na primere Namanganskoj oblasti v period sentiabria 1996 goda po avgust 1998.*"

¹⁸⁸Human Rights Watch interview with Kodir D.'s father, Tashkent, May 16, 2000.

¹⁸⁹Human Rights Watch interview with Kodir D., Tashkent, May 16, 2000.

¹⁹⁰Human Rights Watch unofficial transcript, May 11, 2000.

¹⁹¹Human Rights Watch unofficial transcript, May 11, 2000.

¹⁹²Human Rights Watch interview with Darmon Sultanov, June 9, 2000.

One observer described the attitude of the presiding judge at a May 1999 Supreme Court trial upon hearing defendants, charged with illegal religious activity, detail their torture. “The judge really let this information in one ear and out the other. By his demeanor I understood that none of it surprised him. He reacted as though this was a normal and natural manner of behavior for the criminal justice personnel to treat arrestees.”¹⁹³

In rare cases, judges may formally acknowledge defendants’ claims that they were tortured to coerce confessions; nonetheless, judges in these cases uphold these confessions as evidence in violation of Uzbek domestic law. A judge in the Chilonzar District Court acknowledged that three defendants in a July 1999 trial of thirteen accused members of Hizb ut-Tahrir stated that they were tortured during the investigation, but this was not apparently taken into account in the court’s finding of guilt or the sentences handed down.¹⁹⁴ Of the six witnesses called to testify against Makhmudjon Topildiev (see above, *Unregistered Detentions*), four of them were police officers whom Topildiev accused, in court, of beating him. When Judge Salohiddin Sahoddinov of the Iangi-Iul District Court asked Topildiev if the men who beat him were in the courtroom, he responded affirmatively and pointed them out. The judge then asked the officers if they had beaten him, and they answered that they had not. “Look, you said they beat you, and they say they didn’t,” Judge Sahoddinov is reported to have said. “What should I do? If they are lying, Allah will punish them, and if you are lying, may Allah punish you.”¹⁹⁵

In only one case documented by Human Rights Watch was evidence of torture associated with the acquittal of a tortured defendant. The first judge to try the murder case against Ruslan Mamin and his two co-defendants, Judge Kurbanov of the Tashkent Municipal Court, heard Mamin and the others recant their confessions and describe having been tortured. After listening to the testimony of the investigator and two policemen, Dilshod Mirzoev and Usmon Rahimov, accused of torturing the defendants, Judge Kurbanov told Mamin and the others that “we were making trouble and to shut up.”¹⁹⁶ In an extraordinary departure from regular practice, Tashkent’s Iakkasarai district prosecutor dropped charges against Ruslan Mamin and his two co-defendants after their case had undergone two appeals, one retrial, and had been again sent back by the Supreme Court for a new investigation. The prosecutor’s decision did not directly cite the defendants’ claims of torture as justification for the acquittal.

In some cases involving torture judges may find a defendant not guilty of some of the charges, or may levy a reduced sentence without directly citing torture as the cause of their actions. In 1996, the Syr Daria Provincial Court decided to drop drugs and weapons charges against Abdurashid Kutbitdinov, remarking that “the police seemed to have tried too hard.”¹⁹⁷ Nevertheless, the court sentenced Kubitdinov to a thirteen-year prison sentence for corruption. In cases where defendants are charged with religious and political crimes, courts often drop initial charges of drugs or weapons possession levied in order to secure the arrest of the accused. If the sentences produced after these charges are dropped or dismissed are too short, defendants may be re-arrested, charged with new crimes, and issued new, longer sentences, despite allegations of torture. The Jizzakh District Court initially handed down a reduced sentence to Nakhmiddin Juvashv (see above); however, a year after Juvashv was paroled, he was re-arrested by police on related charges of religious extremism.¹⁹⁸

¹⁹³Human Rights Watch interview with human rights activist Hashimbek Irisbaev, May 24, 1999.

¹⁹⁴Human Rights Watch unofficial transcript, July 20, 1999. Judge Rakhmonov did not register all of the defendants’ accounts of torture. One defendant, Hikmat Rasulov, was reported during his final statement to have rebuked the judge, saying “No one has said anything here about the six months of torture, and now you are demanding that we apologize...” Human Rights Watch interview, name withheld, July 12, 1999.

¹⁹⁵Human Rights Watch interview, Hashimbek Irisbaev, human rights activist, Tashkent, April 13, 2000.

¹⁹⁶Human Rights Watch interview with Ruslan Mamin, Tashkent, April 26, 2000.

¹⁹⁷Human Rights Watch interview, name withheld, May 27, 1998. The source was present at the trial.

A similar case was that of Imam Abdurahim Abdurahmonov, who in 1998 was arrested and charged with drug possession and with carrying a false passport. According to his wife, “He told me that they beat him and tortured him. He said that on the first day of detention they beat him so badly on the head that he lost consciousness...they broke at least one of his ribs. After he was released, he was diagnosed with a concussion, a broken rib and contused kidneys. He suffered nerve damage to his spine from the beatings and could no longer sit or stand upright.”¹⁹⁹ At trial, Imam Abdurahmonov’s lawyer presented a doctor’s certificate attesting to his injuries. The judge agreed to drop the narcotics charge, but sentenced him to two years; shortly after his sentencing, at the end of 1998, he was released under an amnesty. Police, however, re-arrested him in April 2000; he was subsequently sentenced to seventeen years in prison for alleged anti-state activities, upheld on appeal.²⁰⁰

Police Intimidation During the Trial

Police, fearing the possibility that victims will recant their testimony during trial, are known to continue or even intensify ill-treatment of the accused once the case goes to court. This was the case during the trial of Abdurashid Kutbitdinov (see above).

After the investigation was over, when the trial had begun, they beat him then too. As I found out people were sent specially from Tashkent during the night....The trial was in the Syr Daria province, about one hundred kilometers from Tashkent....People came specially from Tashkent during the night to beat them up, and their guards also beat them. There was one time when I came into the courtroom and he had a huge bruise under his eye. I asked him, “What happened?” and he said that he had fallen from the prison bunk. Later I learned that policemen had come in during the night and beaten them all terribly, so that “the judicial process would function normally,” as they say.²⁰¹

One young man who was tried and convicted of murder in 1999 described his fear of retribution if he dared tell how his confession was extracted under torture.

...even during the trial, the physical and psychological pressure did not cease. In the cell where I was held they sent me notes warning that I should not dare to deny my confession or tell how the investigation was conducted if I valued my life or the life of my family. These notes drove me out of my mind, especially since I wasn't allowed to meet with my family, and I didn't know where or how they were...Before they brought me to the courtroom they beat me with nightsticks, all the while warning against saying anything in court. And that's why I didn't talk about this during the trial....²⁰²

The Centrality of Confessions

In many cases, a confession or testimony coerced under torture may be the only evidence presented to support a conviction. However, domestic law provides few mechanisms to complain about ill-treatment by police or to incorporate such complaints into an appeal against a sentence. While courts are required to exclude evidence obtained under torture, in practice, the admission of such confessions is the norm. Section 11 of the Code of Criminal Procedure sets out the procedure for appealing a verdict, but does not include ill-treatment among the grounds on which a sentence

¹⁹⁹Human Rights Watch interview with Muborak Abdurakhmonova, wife of Imam Abdurahim Abdurakhmonov, Tashkent, May 26, 2000.

²⁰⁰It is not clear whether the charge was actually dropped due to the evidence of police abuse. Human Rights Watch unofficial transcript, Tashkent Municipal Court, August 8, 2000.

²⁰¹Human Rights Watch interview, name withheld, May 27, 1998.

²⁰²Written testimony of Arsen Artiunian on file with Human Rights Watch. Though Artiunian and his co-defendant were initially sentenced to death for the murder, the Supreme Court on appeal commuted the death sentences to imprisonment. Human Rights Watch interview with a relative of Artunian, March 2000; Amnesty International News Release EUR 62/71/00, 19 April 2000, “Uzbekistan—Death sentence reversed for pop star - a positive step forward.”

can be overturned. This is despite the fact that the code bans torture, violence, and other cruel or degrading treatment, and outlaws inhuman treatment of detainees.²⁰³

Judges are extremely reluctant to allow defendants to retract confessions, and threaten them with charges of perjury if they try to do so. One lawyer told Human Rights Watch:

²⁰³ Human Rights Watch, *Legal Procedure*, articles 17 and 215, respectively.

If you confess, you'll still be convicted even if there's no other evidence. So your confession may well be the only evidence that is brought. Even if you were beaten during the investigation, the judge will say "You admitted it then, but now you're retracting it so as to get out of it." The defendant says "But I was beaten and made to confess." They say, "Not at all. We'll summon the inspector." They summon him and say, "Well, did you beat him?" He says: "What are you saying? I never laid a finger on him. He wrote it [the confession] all down by himself." And that's that.²⁰⁴

The centrality of confessions to the prosecution is borne out by testimony from several witnesses. Zinaida Orlova (see above), who herself was a suspect in a murder to which her son confessed under torture, told Human Rights Watch, "Once I was in the hall when my son was being questioned by [name withheld]. Close to the end of the investigation, my son started to recant his confession. The procurator told the investigator to hurry up and close the case. 'He'll really start talking now! Since he won't say that his mother killed them [you should close the case].'"²⁰⁵ In the case of Bahtier Musaev (see above), Tashkent's Iunusabad District Court ignored both the defendant's testimony about his torture during trial, as well as statements made in court by witnesses Sherov, Sabirov, and Abdullaev that their original statements against Musaev were coerced by police. Sherov stated in court that police in the GUV D tortured him, beating him, giving him electric shocks, and suffocating him with a gas mask, to give testimony against Musaev, with whom he was not even acquainted until his arrest in March 1999.²⁰⁶ Nevertheless, Judge Lola Murodova cited both this witness testimony and Musaev's own confession as the grounds for his conviction, stating that though one witness, Bekzod Sherov, "testified that the militia did wrong things and forced him to give false testimony against Musaev...he never complained to officials about the militia's actions."²⁰⁷

In political cases, brought with increasing frequency in 1999 and 2000, the state has used forced confessions in media campaigns against political and religious dissidents, in addition to using them as evidence in criminal trials. In October 1998, the Uzbek television news program *Ahborot* broadcast a news segment about the trial of several men accused of religious extremism as a result of their affiliation with Imam Obidkhon Nazarov, whom the government labeled as a political enemy for his criticism of government policies. Although the trial was only in its second day, and the judge had not yet finished reading through the indictment, the program described the men as guilty and stated that the defendants had confessed and begged forgiveness from the nation.²⁰⁸ Ukilohn Ziekhonov and his co-defendants in this trial were allegedly tortured by police in the Sabir Rakhimov District Police Department in Tashkent and in the GUV D and MVD headquarters.²⁰⁹ Mamadali Makhmudov described the videotaped statement SNB investigators forced him to make as the price for an end to his torture, and to the threats against his wife and daughters.²¹⁰

²⁰⁴Human Rights Watch interview, May 1997, place and name of interviewee withheld. This pattern was confirmed by other interviewees.

²⁰⁵Human Rights Watch interview with Zinaida Orlova, May 10, 2000.

²⁰⁶Written statement of lawyer Sh. M. Jabrailov, May 1999, on file with Human Rights Watch.

²⁰⁷Human Rights Watch unofficial court transcript, June 21, 1999. Musaev was sentenced to nine years in prison, later reduced to five years. Human Rights Watch interview, name withheld, October 1999.

²⁰⁸Human Rights Watch interview, name withheld, December 17, 1998.

²⁰⁹Human Rights Watch interview, name withheld, December 17, 1998. Witnesses present at the trial of the men recounted that videotaped confessions shown at trial clearly display bruises on their faces and necks. Ukilohn Ziekhonov and co-defendant Alimjan Iusupov both described their torture during the trial, including beatings and threats to arrest and abuse their family members. Several witnesses called to give evidence against these two men also related how they were beaten, threatened, and hung by their wrists from prison bars for a twenty-four hour period to coerce their testimony.

²¹⁰Open Human Rights Watch interview with Makhmudov, August 10, 1999.

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Police reportedly coerced several of the defendants in the first trial of alleged perpetrators of the February 1999 bombings in Tashkent to make incriminating statements about others, which were broadcast on national television. Though the defendants later retracted these statements in court, they were later used to convict others, among them Kodirjon Sohipov, who was found guilty of sixteen separate offenses, including murder and terrorism. Sohipov and his lawyer requested that these witnesses be called to testify during Sohipov's trial, but the judge would not allow it.²¹¹

IMPUNITY FOR TORTURE

As a party to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Republic of Uzbekistan is obliged to monitor and prevent ill-treatment of those held in custody.²¹² Articles 12 and 13 of the convention likewise require states promptly and impartially to investigate reasonable allegations of torture, and to ensure that any individual who alleges he or she has been tortured is not further harmed as a result of their complaints to the authorities. But the various branches of government in Uzbekistan are not accountable to the public or the media; agencies in the criminal justice system have no interest in investigating allegations against themselves, nor do political authorities have any interest in pursuing them. As a result, very few police or state security officers are ever held accountable for acts of torture they have committed.

In theory there are four potential domestic remedies available to those seeking redress for acts of torture. First, victims may appeal to the police themselves, who in principle are obliged to investigate any report of a criminal act; second, victims may appeal to the procuracy, which is bound by the same obligation. Third, victims facing criminal prosecution may appeal to the judge hearing their case. Fourth, victims can apply in writing or in person to either of the two government human rights bodies established with financial support from the United Nations, the Ombudsman or the National Center for Human Rights. The staff of these institutions may, after gathering more information about the case, issue recommendations to the courts or the procuracy. In practice, however, none of these avenues are effective in either preventing further acts of torture, in obtaining redress for the victim, or in punishing the perpetrators of torture.

²¹¹Kodirjon Sohipov was himself beaten in custody and signed a confession, which he later recanted. He was sentenced to death. The Supreme Court rejected his appeal and indicated that the sentence has been carried out, but his family has been unable to receive a death certificate. Human Rights Watch interview with Hashimjon Sohipov, Andijan, May 19, 2000.

²¹²Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, article 11: "Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangements for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing cases of torture."
Human Rights Watch

According to figures provided by the government of Uzbekistan to the United Nations Committee against Torture, in 1998 nineteen law-enforcement officers were convicted of violating articles 235 and 236 of the Uzbek criminal code, respectively punishing the use of coercion in taking testimony and unlawful arrest, although the breakdown of this figure is unclear.²¹³ This statistic stands in sharp contrast to the 533 complaints received by the Ombudsman's office, most of which, according to the same source, were against the unlawful action of police, especially "the use of physical and mental violence by investigators during the investigation phase."²¹⁴ The National Center for Human Rights' citizens complaint office also received numerous protests of illegalities committed by law enforcement bodies: 161 in 1998, and 184 in 1999.²¹⁵ Because their functions are purely advisory, relatively few citizens choose to appeal to the National Center or to the Ombudsman's office, compared to the 155,965 complaints of police abuse received by the Ministry of Internal Affairs (MVD) in 1996.²¹⁶ According to the MVD, the total number of criminal cases *initiated* against law enforcement officers has risen in recent years, but was still remarkably low: five in 1991, two in 1992, seven in 1993, twelve in 1994, twenty-six in 1995, fifty-four in 1996, and seventeen in 1997.²¹⁷ The nature of the crimes of which these officers were accused is unknown. No figures are available on the total number of cases resulting in convictions, although the MVD notes that two officers were convicted of using physically coercive methods against detainees in 1997.²¹⁸ Human Rights Watch has learned of one more recent case in which in June 2000 the Almalik City Court sentenced a prison guard, Batirjon Karimov, to six years of imprisonment for beating a prisoner to death.²¹⁹

Only very rarely does the heavily censored state-controlled media report cases of police abuse. The report on one case in 1997 in one of the main official daily newspapers, *Khalq Sozi* (Word of the People), must have been authorized by the government and thus may have indicated a desire to highlight such abuses. However, because it was an isolated report, and because it dealt with an instance of simple brutality, not torture, it served only as an exception to prove the rule that police are almost never portrayed in a negative light. Nevertheless, we cite it here in the interests of fairness and also because it demonstrates a fairly typical pattern of cases in which police violently abuse law-abiding citizens who are not even suspected of criminal activity.

The case arose out of a traffic incident in which police tried to extort bribes to allow commercial truck drivers to pass a checkpoint. The newspaper reported that a senior officer, Major Donoboi Dustmuhammedov, "hit Hasanov [one of the truck drivers] in the face. Hasanov keeled over from the serious blow. The major struck a second blow to his head and yelled at him...Hasanov wanted to drive away in his truck but was too badly injured to do so. His partner drove him away. Hasanov vomited along the road and reached his home only with difficulty. He could not bear the pain and was sent to Iangier hospital."²²⁰

In a rare departure from practice, this case was brought to trial. "Initially [during the pre-trial investigation] Major Dustmuhammedov denied everything, but he later changed his testimony. His explanation was that when he moved between the driver and the [police] captain the back of his hand accidentally touched Hasanov's lips and his foot slipped against Hasanov's stomach. The major's colleagues said they were looking the other way and did not see

²¹³Uzbek Committee against Torture Report, p. 10.

²¹⁴Uzbek Committee against Torture Report, p. 12.

²¹⁵*Ibid.*, p. 12; "Uzbek Human Rights Center Critical of Working of Courts," July 6, 2000, BBC Monitoring, source *Hurriyat*, 27 June 2000.

²¹⁶Uzbek Committee against Torture Report, p. 11.

²¹⁷*Ibid.*, p. 11.

²¹⁸Letter no. 6/983 dated December 17, 1997, from the Ministry of Interior [sic], Republic of Uzbekistan to Human Rights Watch. This letter further specifies that at the time of writing, thirteen more cases were under investigation, and two had gone to court.

²¹⁹Verdict on file with Human Rights Watch, obtained through the courtesy of human rights activists Vasila Inoiatova and Polina Braunerg. The court convicted Karimov of articles 103 and 104 of the Uzbek Criminal Code: driving someone to suicide, and intentionally causing severe bodily harm, respectively. The victim, Akmal Latipov, who had just been brought into the labor colony, allegedly slashed his wrist with a razor when Karimov began to beat him, in order to escape the beating. A forensic medical examination established the cause of Latipov's death to be blows to the head inflicted by Karimov. Indictment in criminal case no. 55/37 against Botirjon Toshpulatovich Karimov, on file with Human Rights Watch, was also obtained through the courtesy of Ms. Inoiatova and Ms. Braunerg.

²²⁰*Khalq Sozi*, Tashkent, February 8, 1997.

anything.” Despite the major’s protestations—and Hasanov’s retraction of his accusation—the major and sergeant were sentenced to three and six years in prison, respectively.²²¹

The enormous number of complaints about police abuse lodged with the authorities in comparison to the small numbers of actual convictions attests to the difficulty of pursuing criminal sanctions against torturers and those responsible for police brutality. Indeed, remarks by government officials who are themselves responsible for the oversight of police suggest that they are less than willing to investigate such allegations, for fear of jeopardizing the criminal case against the detainee. “By law, the use of ill-treatment by law enforcement officials carries a criminal penalty and a person would be fired,” explained Deputy Minister of Internal Affairs Sadulla Asadov, “but the investigation of a criminal case is a battle between two parties: the criminal and the investigator. If the investigator loses, the criminal wins.”²²²

²²¹ Ibid.

²²² Human Rights Watch interview, Tashkent, October 1999.

Attempts to achieve redress against abusers are most often doomed by the policy of entrusting police to investigate themselves. Two days after arresting Dmitri Chikunov, police came to his mother asking for clean clothes, in order that he appear in good condition when his confession was videotaped. The clothes they returned to her were covered in blood; the officer who delivered them returned the next day demanding them back, to no avail.²²³ Tamara Chikunova then appealed to the Ministry of Internal Affairs, which directed her complaint for review to the very office (the Tashkent provincial prosecutor's office) whose officials are alleged to have directed the torture of her son.²²⁴

Police officials may threaten and intimidate witnesses to acts of torture in order to prevent them from pressing their claims. The mother of one young man accused, but then acquitted, of murder, was granted a meeting with her son during the preliminary investigation; he pleaded with her, "Mama, they will kill me here if I don't take the crime on myself. They beat me every day. Please get me out!" She was told by a police interrogator who was present during the meeting that "If you go anywhere to complain, then you'll never see your son again and it will be worse for you too."²²⁵ After Makhmudjon Mamatkulov (see above, *Medical Evidence of Torture*) received severe injuries at the hands of the Andijan police in 1997, he and his wife filed a complaint with the city procurator's office. Soon after, police contacted Mamatkulov again and demanded that he take back his complaint, or else face new violence. Mamatkulov was forced to write another letter to the procuracy rescinding his initial complaint.²²⁶ In some instances, police may pin the deaths of suspects in detention on a scapegoat. According to the Human Rights Society of Uzbekistan, in 1999 bus driver Sherali Jumaev died from torture in the Shakhriyabz district police headquarters. Three days after his arrest, his mother had gone to the police station and had seen that he was covered with bruises and had been beaten. Police allowed her to take him, and he died after two days in hospital. Police blocked public access to the funeral, and followed those who attended. Several days after Jumaev's death, the provincial prosecutor called in all of his relatives, including his son, and asked them if Jumaev had any enemies. His son reportedly identified one Ne'mat Azimov, with whom his father had been in a fight a month before his death; Azimov was reportedly arrested.²²⁷

The case of Malika Abdullaeva illustrates the obstacles to achieving redress against police abuses. On February 23, 2000, Abdullaeva, who wears *hijab*, was walking with her friend along a street in her home town of Kibrai when two police officers forced them into a car and took them to the district police department where they were threatened with terrorism charges, fined, and released.²²⁸ Abdullaeva was fined again the next day for refusing to participate in a public denunciation of a "religious extremist" in her mahalla. On May 25, Abdullaeva accepted a ride from a private taxi, but found once she had sat down in the car that the driver was a police officer. The driver began to hit her and verbally abuse her, and instead of taking her to her destination, brought her into the district police station. When she refused to get out of the car he hit her, twisted her arm, and pulled her out of the car by her hair. The officer wrote a citation to fine her once more but grew angry when she refused to sign it, saying, "I'm going to beat you now so that you never forget it!" He ran toward her with hands outstretched as if to grab her by the throat, when another officer came into the room and stopped him.

When the first officer instructed Abdullaeva to write a note explaining her allegedly illegal behavior, she instead composed a letter to the head of the district police, describing the officers' abusive conduct toward her. Hearing that she intended to file a complaint, the officer first began to speak to her more politely, and then objected, "You are the one making us beat you on the street...If you had uncovered your face, we would not have to do this. It's your fault!" The officer took the letter from her, and after reading it, threatened Abdullaeva. "Forget everything that happened," he reportedly warned her. "If you go to the authorities to complain, it will only be worse for you, and not me." The following day, Abdullaeva consulted her local general practitioner for treatment and to document her injuries. He too warned her not to attempt to file a complaint against the police, although he created a record of her injuries and their origin.²²⁹ As of this writing, the local prosecutor's office has yet to reply to Abdullaeva's complaint, months after it was submitted.

²²³Court appeal in the decision of the Tashkent provincial criminal court from November 11, 1999, on file with Human Rights Watch.

²²⁴Ministry of Internal Affairs, Investigative Department, Letter no. 18-C-4, May 24, 1999, on file with Human Rights Watch.

²²⁵Human Rights Watch interview, name, date, and place withheld.

²²⁶Human Rights Watch interview with Mrs. Mamatkulova, Andijan, May 18, 2000.

²²⁷Human Rights Watch interview with Tolib Iakubov, chairman of the HRSU, May 1, 2000.

²²⁸"Hijab" is modest dress worn by women as an expression of Islamic piety. In Uzbekistan it usually includes a long loose robe and a scarf tied to cover the head and neck (and sometimes the face).

²²⁹Human Rights Watch on file with Human Rights Watch.

Others' attempts to hold abusers accountable for police abuse or acts of torture have also been blocked by the immovability of law enforcement institutions when faced with their own misdeeds. In August 1999, farmer Gulom Baikabulov was supervising the transport of a load of bricks from a local factory back to the Khudaierov collective farm, in the Iakkob district of Kashkadaria province. When traffic police impounded the tractor carrying the bricks, Baikabulov went to investigate; the traffic police told him that the tractor had not passed its inspection. When Baikabulov argued that they had no right to impound the tractor, two officers detained him in the station and began to smash his head against a wall and beat him; ultimately six officers were involved in the beating, including two who continued to hit and kick him on the floor after he had lost consciousness. Notified by the tractor driver, Baikabulov's mother, Zukhro Juraeva, went to the traffic police station and was told that her son "got what he wanted to have, and will be further 'rewarded' in the [main] police station." She spent approximately six hours on the street outside of the local MVD before being allowed to see her son at 2:00 a.m.²³⁰

When Juraeva and her son went to the chief of police the next day, according to Juraeva, he said that the pair were lying and that no one had beaten Baikabulov. Another officer read her written complaint and told her that she can "do whatever she will, go anywhere, to the prosecutor or to God himself," but he would never take any action against those she accused of beating her son. He cursed and insulted her and sent her out. Juraeva then went to the district prosecutor, who listened to her story and gave her a certificate [*napravlenie*] authorizing a forensic medical examination and treatment for her son, but did not open an investigation or inquiry against the police. Baikabulov was examined and hospitalized for ten days, but according to Juraeva, did not receive the complete treatment indicated because of interference by the chief of police.²³¹

Even in cases where law enforcement authorities tacitly acknowledge the fact of police torture there is seldom any effort to investigate the perpetrators. In some instances, the perpetrators may even be rewarded. Hamza district police officer Dilshod Mirzoev was reportedly promoted to a job in the central MVD after Ruslan Mamin and his co-defendants were initially convicted. The first investigator on the case, who also allegedly witnessed the torture of Mamin, has been promoted to deputy procurator of the Chilonzar district of Tashkent.²³² When the Supreme Court heard Mamin's case on appeal, his lawyer asked the court to bring criminal charges against the investigator in the case for "knowingly accusing an innocent person of a particularly heinous and socially dangerous crime" (article 230 of the Criminal Code); no investigation was ever opened.²³³

Victims may in theory appeal to other bodies to pursue legal or administrative sanctions against their torturers if they receive no relief from the procuracy or the courts. The office of parliamentary Ombudsman, which was created in 1997 and which has received significant funding from the United Nations, is meant to monitor the observation of domestic and international and human rights law and standards by government officials. In practice, however, the Ombudsman's office has little ability to act independently on behalf of the victims of human rights abuses. Furthermore, claimants who report cases of ill-treatment by the police find that the Ombudsman simply passes on the documentation to the Ministry of Internal Affairs or other government offices responsible for oversight of the agency which allegedly committed the abuse. The ministry then forwards the file to the police precinct where the abuse was alleged to have been committed in the first place, entrusting the local police themselves to decide whether the abuse took place, and then report back to the ministry, which in turn informs the Ombudsman of the results of this "investigation." At most, if the Ombudsman's office finds, after reviewing a citizen's application, evidence that rights have been violated, it writes to the court or other agency involved recommending that the case be reviewed. The procedure shows little consideration for the physical safety of those who submit complaints. The Ombudsman's office routinely reveals the identity of a complainant, who may or may not remain in police custody, yet takes no serious measures to protect him or her. This may in fact elicit further abuses by police or prison authorities in retribution for the complaint.²³⁴

²³⁰Letter from Zukhro Juraeva to Tolib Iakubov, December 15, 1999.

²³¹Ibid.

²³²Human Rights Watch interview, Ruslan Mamin, April 26, 2000.

²³³Appeal filed October 1999; Human Rights Watch interview, name withheld, June 2000.

²³⁴It is unclear whether or not the attention of the Ombudsman's office has any effect on the courts or agencies responsible for addressing the claims of torture victims. Several of the victims interviewed for this report have submitted their torture complaints to the Ombudsman. In one case, that of Ruslan Mamin and his two co-defendants, the victims were ultimately acquitted of the crimes to which they confessed under torture; in another, that of Dmitri Chikunov, the complainant was sentenced to death and executed.²³⁴

Attempts to obtain justice through appeals to international human rights bodies are also unlikely to be fruitful. Uzbekistan's status as a signatory to the Optional Protocol to the International Covenant on Civil and Political Rights allows its citizens to submit information on human rights abuses to the Human Rights Committee, the body that monitors states' compliance with the provisions of the covenant, once they have exhausted all domestic remedies.²³⁵ However, Uzbek government officials have acted to close this avenue of potential redress, and to intimidate and punish citizens for making applications to this body. On June 9, 2000, the Andijan District Court sentenced a young man to nine years in prison on charges of religious extremism in which a complaint form filled out for submission to the U.N. Human Rights Committee on behalf of his imprisoned brother was considered incriminating evidence. Police arrested the young man, Komoliddin Sattarov, on February 2, 2000, in Andijan, and allegedly planted in his pockets leaflets printed by a banned Islamic organization. During a subsequent police search of his home, officers found a completed complaint form addressed to the UNHRC on behalf of Murodjon Sattarov—Komoliddin's brother, who was earlier imprisoned on charges of religious extremism and who had been tortured in pre-trial detention. Police confiscated the Human Rights Committee forms as evidence against Komoliddin Sattarov. Sattarov's father reported that the investigator from the Andijan prosecutor's office informed him that the confiscated Human Rights Committee complaint forms amounted to the most serious and incriminating evidence against the young man.²³⁶

At trial, Sattarov recounted the gruesome torture inflicted on him during detention. He alleged that officers in the Andijan city police department tortured him by jabbing a metal spike under his fingernails; that they beat him repeatedly with nightsticks; and that they used electrodes on his wrists, ankles, and neck, jolting him with electricity until he lost consciousness. Sattarov testified that after two days of physical abuse he agreed to sign the confession drafted by police. The judge did not respond to Komoliddin Sattarov's allegations of torture, did not initiate an investigation into police conduct, and allowed the coerced confession to be submitted as evidence against Sattarov. In the verdict against Sattarov, the ruling judge refers to the Human Rights Committee complaint forms as "appeals to a global human rights organization" and lists the discovery of these forms along with the Islamic leaflets as material evidence that Sattarov was involved in "anti-state activity;" the forms were ordered destroyed following the trial, along with all other material evidence brought forward in the case.²³⁷ Following intense international attention to the appeals case of Komoliddin Sattarov, the Andijan Provincial Court sent the matter to a lower court for retrial. The district court ruled the forms inadmissible, but upheld the conviction against Sattarov, adding an additional year to his original nine-year sentence. A case has reportedly been initiated against the arresting officers regarding their misconduct in the search of the Sattarov home.

Compensation

Although the Convention against Torture mandates that signatories provide compensation and rehabilitation to the victims of torture, there are no known cases in Uzbekistan of victims or their families receiving such compensation.²³⁸ Uzbek law provides no mechanism for victims to appeal for this compensation, although article 235 of the Code of Criminal Procedure states that "injury caused to an individual by unlawful detention shall be compensated in full if a judgment of acquittal is subsequently rendered, or if the case is closed under article 83 of the current code."²³⁹ Although Ruslan Mamin and his codefendants were acquitted under article 83, and although they all continue to suffer lasting ill-effects as a result of their torture in custody, none have received compensation in any form.²⁴⁰

CORRUPTION

²³⁵Optional Protocol to the International Covenant on Civil and Political Rights, articles 1, 2.

²³⁶Human Rights Watch interview with family of Komoliddin and Murodjon Sattarov, Andijan, May 17, 2000.

²³⁷Human Rights Watch telephone interview with human rights activist Rustam Iskhakov, June 16, 2000.

²³⁸Convention against Torture, article 14.

²³⁹Code of Criminal Procedure, p. 366. Article 83 outlines grounds for acquittal as "1. The lack of an act constituting a crime, in regards to which the criminal case was initiated and investigation and trial were conducted; 2. The absence of criminality in the actions of the accused; 3. The lack of involvement of the accused in the crime." Code of Criminal Procedure, p. 303.

²⁴⁰Human Rights Watch interview with human rights activist Hashimbek Irisbaev, December 2000, Vol. 12, No. 12 (D)

Corruption is so widespread in Uzbekistan that a report on police abuse would be incomplete without a discussion of corruption in the criminal justice system.²⁴¹ Although defendants and their families are extremely reluctant to discuss it, some do resort to paying significant bribes to secure the freedom, or at least a reduction in sentence, of their relatives.

The mere mention of corruption with respect to the criminal justice process is enough to elicit harsh retribution. Defendants' family members in attendance at the August 1999 trial of persons accused of illegal religious activity in the Andijan Provincial Court recounted how one of the defendants, Nematullo Bobohonov, made general remarks critical of the corruption widespread in society. "The judge asked him for proof of such things. During the recess, the police beat Bobohonov to the point where his pulse stopped, very brutally. We saw with our own eyes that Bobohonov was bent over. The judge laughed at him and said, 'Oh, you must have eaten something [bad]!'"²⁴²

One senior Tashkent attorney stated bluntly, "Judges earn extremely tiny salaries, and so justice costs money. If defendants can pay, they can get fewer years than the prosecutor asks for, and so there is an incentive to give the most severe sentences."²⁴³ This attorney went on to describe the average price paid by families to secure leniency. "If the sentence is from zero to five years, to cut one year costs two to three thousand dollars. If the sentence is from five to ten years, each year costs six to seven thousand dollars. The recent Supreme Court decision stating that sentences have been too short was actually the result of a battle with the procuracy over money."²⁴⁴

If the profit motive underlies the harsh sentences handed down by Uzbek courts, it also promotes the use of torture. Since police are nearly assured of obtaining self-incriminating testimony, or testimony from other witnesses, detainees and their families have little choice but to find the means to pay. Another lawyer described the case of her client, an underage, mentally handicapped boy held on suspicion of selling narcotics, and noted that police held the boy and intimidated him without registering his arrest because, "They were waiting for his parents to come and pay..."²⁴⁵ A woman who spoke on the condition of strict anonymity described one of her son's co-defendants, Bahodir F., who was acquitted. "The judges asked them for a million [soms], and they came up with 800,000 [approximately U.S. \$2000]. The guy was working somewhere, and they sold everything they had. His wife told me they borrowed money from their friends and they gave that to the judge and her husband was set free."²⁴⁶ Lawyers also solicit bribes to be passed on to judges and prosecutors to have specific charges against the accused dropped, as recounted by one witness whose son confessed to drugs possession under torture.²⁴⁷ Another witness who requested anonymity, the mother of a young man accused, but later acquitted, of murder, described how a police interrogator came to her home in the days after her son was arrested to demand money in exchange for his release:

He came to my home and asked me if my parents were still living, and I said yes, my parents are alive, and I have a daughter as well. [He said] "You've got to marry your daughter off soon, and so you need money for that, but you also have to get your son out [of police custody], and it's very expensive. If you had five thousand dollars, then your son would be home tomorrow, but if you don't, then you better get used to the fact that we're going to put him in prison no matter what. If you tell anyone what I've said, then he'll get 'the max' [vyshka, capital punishment]" and he made a gesture with his hands to illustrate this.²⁴⁸

After this conversation, police allegedly tortured the young man until he confessed to the murder; he later recanted his confession in court. Another young man, whose relatives were interviewed by Human Rights Watch, was not so fortunate: after being tortured for several days in police custody, he confessed to a murder for which he was convicted and sentenced to death. During his trial, according to his mother, the state-appointed lawyer instructed the family to prepare a bribe in order to avoid the death penalty:

²⁴¹ According to Transparency International, Uzbekistan scored ninety-four of a possible one hundred on the 1999 Corruption Perception index, tying with Honduras as the fifth most corrupt country in the world. Berlin, 26 October, 1999.

²⁴² Human Rights Watch interview with Asaka, Andijan, May 18, 2000.

²⁴³ Human Rights Watch interview with lawyer A, name withheld, May 31, 1999.

²⁴⁴ Ibid.

²⁴⁵ Human Rights Watch interview with lawyer B, name withheld, June 8, 2000.

²⁴⁶ Human Rights Watch interview, name withheld, July 15, 1999.

²⁴⁷ Human Rights Watch interview, name withheld, May 12, 1999.

²⁴⁸ Human Rights Watch interview, name, place, and date withheld.

The lawyer first said eight thousand [dollars]. I said to her, where am I going to get that kind of money? Gradually they came down to five thousand. My son said to me, "Mom, what are we going to do? Can't we find it somewhere? Let's ask people." But we couldn't get the money anywhere. The lawyer said that the judge agreed, that if we came up with five thousand... "Then," she said, "we'll give him an eighteen-year sentence."...And I said what should I give so much money for if he's still going to go to jail? For what?! Where is the proof? The lawyer didn't say anything, but then she said, "you better ask Allah."²⁴⁹

Darmon Sultanova, whose two sons, Oibek and Uigun Ruzmetov, were, according to their own accounts, severely tortured and sentenced to death in July 1999 by the Tashkent Provincial Court, recounted that she was solicited for a bribe when her sons' case was appealed to the Supreme Court:

On September 20, the Collegium of the Supreme Court was to review their case. But on September 15, five days before that trial was to take place, they had sent a letter to Tashkent prison, saying that that morning their case had been reviewed already, and that nothing had been changed. The collegium convened anyway, and within one hour they reviewed the cases of all eight defendants. And changed nothing. The lawyers were passive; they didn't even have a copy of the first court decision, and did not give me a copy of the second one...They [the lawyers] offered me a deal: if I would pay enough money they would alter the sentences of my sons to about ten years of imprisonment, and they would let my husband come home. They wanted me to pay three million soms for such a deal. I am selling everything I can, my gold teeth, and the house...²⁵⁰

Police, assured that they will not be held accountable for abusing detainees, make full use of torture in order to extort money from their victims. Mrs. Mamatkulova described to Human Rights Watch how police in Andijan persecuted her husband and son, both religious Muslims who attended Andijan's Jami mosque.

In April 1997, a policeman... came and threatened my husband, Makhmudjon, and demanded a large amount of money not to arrest him as a Wahabi. When my husband refused, the officer began to beat him. Then he and another six officers began to beat my husband, inside the house. They beat him with their fists and kicked him. He was lying in blood...I came in and saw my husband unconscious and in a pool of blood and we called an ambulance and took him to the hospital. He went to the hospital on April 11....The doctor's diagnosis was that he had head injuries and he was in shock, but he wrote nothing about the bruises...He came back to consciousness after about five or six hours and began to throw up. He told me, "They wanted money and when I refused, they began to beat me for no reason."²⁵¹

Makhmudjon was left alone after his discharge from the hospital, although police threatened him with further torture if he complained about his treatment (see below). In October, 1998, police detained the couple's son, Mukhsin; witnesses allege that they planted hashish in his pocket. Police held him in the Andijan municipal police headquarters for ten days incommunicado. According to his mother,

²⁴⁹Human Rights Watch interview, name, place, and date withheld.

²⁵⁰Human Rights Watch interview, Darmon Sultanova, November 2, 1999. In mid-1999, three million soms equaled approximately five thousand U.S. dollars.

²⁵¹Human Rights Watch interview with Mrs. Mamatkulova, Andijan, May 18, 2000. The term "Wahabi" is used in Uzbekistan to refer to anyone whose religious observance is deemed excessive, and therefore threatening, or who is suspected of Human Rights Watch associated with Muslim leaders critical of the government. December 2000, Vol. 12, No. 12 (D)

During those ten days, an officer of the MVD came to the house and asked for a large amount of money. My son had 202,000 som to start a business, and the police took that...He was also charged with illegally changing dollars, but he only had som. The investigator told us about a month later, "if you bring 700 dollars, we will take off the hashish charge and we could release him, because the money changing charge is not much." We refused. He said, "if you don't bring it, your son will be tried."²⁵²

Three days after an Andijan Municipal Court sentenced her son to five years of imprisonment for narcotics possession, police again arrested her husband.

They arrested him at home, at noon while I and Mukhsin's wife went to meet with my son at the prison. Nine policemen came to the house in civilian clothes to arrest him....My sister was here during the search....Makhmudjon had a stroke after the trial. He did not confess in court....He was in prison for one more month [after the stroke], then they sent him to the Tashkent prison hospital.²⁵³

THE STATE'S RESPONSE TO THE PROBLEM OF TORTURE

Government reluctance to acknowledge the problem of torture compounds the difficulty of finding any solution. Repeated efforts by Human Rights Watch to engage government officials about this problem have resulted most often in silence, denials, and obfuscation.²⁵⁴

Though Uzbekistan has accepted its obligations under international human rights conventions, the foreign minister, Abdulaziz Komilov, has repeatedly insisted to Human Rights Watch that those instruments represent "European" standards not fully applicable to Uzbekistan. In discussions with Human Rights Watch, officials in the Uzbek National Security Council have implied that the security threats faced by the country somehow excuse or explain the failure to implement human rights standards. As one official put it, "there is concern that human rights protection problems are closely linked to the protection of security, therefore, it is important to understand the complicated situation in this country."²⁵⁵

²⁵²Human Rights Watch interview with Mamatkulova, Andijan, May 18, 2000. At that time, 202,000 som equaled roughly U.S. \$310 dollars at the black market exchange rate. One thousand dollars (this amount added to the \$700 the police demanded) is the bribe commonly demanded to dismiss minor charges. Although the Uzbek currency, the som, is not convertible, Uzbek citizens prefer to hold their savings in dollars due to inflation.

²⁵³Human Rights Watch interview with Mrs. Mamatkulova, Andijan, May 18, 2000. The Andijan Regional Court sentenced Mamatkulov to thirteen years of imprisonment.

²⁵⁴No response has been received to date to Human Rights Watch's letter of inquiry, sent to the Ministry of Internal Affairs on August 1, 2000. See Appendix 3.

²⁵⁵Human Rights Watch interview with Butaiarov, Tashkent, October 29, 1999. December 2000, Vol. 12, No. 12 (D)

When confronted with evidence of police abuse, officials from ministries most directly involved either ignored specific accounts of torture, or claimed that they were invented or exaggerated. During an interview with Human Rights Watch in October 1999, the then-deputy prosecutor general, General Rashid Kadyrov, claimed that there were no complaints lodged in which criminal suspects in custody have been denied access to a lawyer.²⁵⁶ Deputy Minister of Internal Affairs Sadullah Asadov claimed that complaints about ill-treatment while in police custody were simply attempts by detainees to interfere with the process of the investigation: "Of course, regarding complaints of ill-treatment during interrogation, yes, we've received such complaints. Such complaints are regular and [were] even directed at me. But of course there are no cases when the criminal agrees freely to work and cooperate with us.... These statements are rare and such complaints actually are submitted by people who want to escape from criminal responsibility."²⁵⁷ Even representatives of the Ombudsman's office claimed that they had received no complaints of deaths in detention from torture, but when Human Rights Watch representatives presented them with examples of such cases, they failed even to write down the victims' names.²⁵⁸

Only the director of the National Center for Human Rights, legal scholar and Member of Parliament Akmal Saidov has been willing to admit directly that acts of torture persist. The National Center is responsible for producing all of Uzbekistan's submissions to United Nations human rights bodies, including the report to the United Nations Committee against Torture. This report, submitted in February 1999, acknowledged that "notwithstanding the efforts that are being made to prevent abuses in the justice system, the law-enforcement authorities are themselves reporting a number of problems."²⁵⁹ In an October 1999 meeting with Human Rights Watch, Dr. Saidov cited a 1998 case in which a police officer was convicted for the death of a man in detention in Namangan.²⁶⁰ He claimed that such abuses stem from ignorance of international standards. Likewise, Uzbekistan's report to the Committee against Torture argued that "the root causes of violations of citizens' rights are poor training and a contempt for legal procedure, endemic in the law-enforcement system, and peoples' ignorance of the law and how to stand up for their rights."²⁶¹ Nonetheless, this report did acknowledge the systematic violation of a suspect's right to counsel, which, it conceded, "enables the investigating officer to manipulate the testimony of the suspect or accused," and also prevents them from protesting or documenting illegal methods of interrogation used against them.²⁶² A subsequent report sent by the Center to the Human Rights Committee is decidedly less forthright, admitting only that "some shortcomings remain," while failing to provide any concrete information about compliance with the prohibition of torture contained in the ICCPR.²⁶³

Uzbekistan has undertaken a limited number of legal and administrative measures, intended to reform the justice system, although more serious efforts have stalled, and none of the measures taken have had any perceptible effect in lessening the frequency of torture. The Oliy Majlis (Parliament) adopted a new Criminal Procedural Code on January 1, 1999, which, although substantially similar to the code it replaced, contains some additional provisions reiterating the impermissibility of torture. In April 1997, the procurator general's office established the "Coordinating Council of Law-Enforcement Authorities," which brings together heads of the MVD, Ministry of Justice, Procuracy, Supreme Court, National Security Service, State Customs Committee, the Ombudsman's office, and the representative of the National Center for Human Rights, with a view to enforce observation of international human rights norms by law enforcement bodies.²⁶⁴ A presidential order in October 1998 established an oversight body to evaluate the performance of senior law-enforcement officials every three months.²⁶⁵ Official criticism of judges has frequently figured in the national press in 1998-1999, with tens of judges dismissed each year for unspecified "grave shortcomings."²⁶⁶ In May

²⁵⁶Human Rights Watch interview with General Rashid Kadyrov, Tashkent, October 28 1999.

²⁵⁷Human Rights Watch interview with Deputy Minister of Internal Affairs Sadulla Asadov, Tashkent, October 28, 1999.

²⁵⁸Human Rights Watch interview with Maruf Usmonov, ombudsman chief of staff, Tashkent, October 27, 1999.

²⁵⁹Uzbek Committee against Torture Report, p. 10.

²⁶⁰Human Rights Watch interview with Dr. Akmal Saidov, Tashkent, October 27, 1999.

²⁶¹Uzbek Committee against Torture Report, p. 12.

²⁶²Uzbek Committee against Torture Report, p. 16.

²⁶³International Covenant on Civil and Political Rights, Human Rights Committee, Consideration of Reports Submitted by States Parties under article 40 of the Covenant; Initial reports of States parties due in 1996; Uzbekistan, June 2, 1999 (CCPR/C/UZB/99/1/February 15, 2000), p. 32.

²⁶⁴Uzbek Committee against Torture Report, p. 14.

²⁶⁵Ibid., p. 15.

²⁶⁶"Uzbek judiciary comes under 'unbearable' criticism," BBC Worldwide monitoring, source *Hurriyat*, June 27, 2000, p. 6;

2000, a presidential decree created a special national commission to select judges and to review the qualifications of appointees, although there is no indication that judicial failure to uphold human rights protections in any way informs this review process.²⁶⁷

BBC Worldwide monitoring, source *Inson va Qonun* [People and the Law], in Uzbek, February 1, 2000, p. 1; BBC Worldwide Monitoring, source Uzbek Television first channel, in Russian, 1430 gmt, February 6, 1998.
Human Rights Watch commission set up to select and appoint judges," BBC Monitoring December 2000, Vol. 12, No. 012 (D)

In order to improve police officers' training, the National Center for Human Rights has drawn up a program for human rights education for law-enforcement staff as well as local government officials, holding a series of seminars for public officials in September 1998. The MVD Academy has created a department of human rights and has drawn up a handbook on human rights for police.²⁶⁸

INTERNATIONAL RESPONSE

International organizations engaged in Uzbekistan's post-Soviet transition have taken limited steps to aid in the process of eradicating torture in Uzbekistan, but these efforts have yielded little fruit, mainly due to the lack of will on the part of the Uzbek government.

The United Nations established a resident representative office in Uzbekistan in 1993 under the auspices of the United Nations Development Program (UNDP). By 1995, it had begun to implement Phase I of its program on democracy and governance, which included support for the creation of both the parliamentary Ombudsman and the National Center for Human Rights. To assess the success of this program, the UNDP in 1999 engaged independent consultants who reportedly issued a damning critique of the failure of these institutions to improve in any way the country's human rights performance.²⁶⁹ As a result, according to UNDP officials in Tashkent, the organization is phasing out its direct financial support for the operations of the National Center for Human Rights.²⁷⁰

In November 1999, the United Nations Committee against Torture examined the state report of Uzbekistan. The committee, while praising the "excellent quality...frankness and exhaustiveness" of the report, raised serious concerns about Uzbekistan's adherence to the convention.²⁷¹ Specifically, the committee noted the large gap between the dictates of Uzbek law and the actual admissibility of evidence obtained through torture and the impunity of law enforcement officials for torture. It cited "the particularly large number of complaints of torture or maltreatment and the small number of subsequent convictions."²⁷² The committee called on Uzbekistan to review the system for handling complaints of torture and to ensure that illegally obtained evidence is no longer admitted in court. Sadly, Uzbek officials failed to appear for the review of their report to the United Nations Human Rights Committee, which monitors compliance with the ICCPR, scheduled for October 2000; the review has been postponed until March 2001.

²⁶⁸Uzbek Committee against Torture Report, p. 28. Courses in human rights education at the MVD Academy reportedly began in the 1997/98 academic year.

²⁶⁹The UNDP has not made the consultant's report public.

²⁷⁰Human Rights Watch interview with Flora Perevertailo, Tashkent, June 8, 2000. This official indicated that while the National Human Rights Center and the Ombudsman's office would no longer receive general budgetary support, they would continue to receive UNDP funds to carry out programs in the UNDP's new priority areas of sustainable income generation and "human resources development for change."

²⁷¹Despite its praise for the report's completeness, the committee instructed Uzbekistan to "report to the Committee, in the next report to be submitted in October 2000, on the missing or incomplete replies to the questions concerning, in particular, the number of persons detained and the number of persons executed after being sentenced to death during the last two years." Committee Against Torture, Twenty-third session, 8-19 November, 1999, Consideration of Reports submitted by states parties under article 19 of the Convention, Conclusions and Recommendations of the Committee against Torture, Uzbekistan, Convention Against Torture/C/23/7, November 19, 1999.

²⁷²Committee against Torture, Twenty-third session, 8-19 November, 1999, Consideration of Reports submitted by states parties under article 19 of the Convention, Conclusions and Recommendations of the Committee against Torture, Uzbekistan, Convention Against Torture/C/23/7, November 19, 1999.

Especially in the past year, relevant thematic mechanisms of the United Nations Commission on Human Rights, the special rapporteur on torture and the Working Group on Arbitrary Detention, have received increasing numbers of communications regarding violations in Uzbekistan.²⁷³ Both mechanisms have devoted greater attention to Uzbekistan than in past years, though they have yet to be invited by the government to visit the country.

The Organization for Security and Cooperation in Europe (OSCE), through its Central Asia Liason Office established in Tashkent in July 1995, has undertaken a number of human rights training courses for government officials and NGO representatives since that time. In September 2000, the OSCE plans to train judges, prosecutors, and defense lawyers on international legal standards, and the identification of possible gaps between domestic and international legislation in a series of seminars.²⁷⁴

Every year the Uzbekistan chapter of the United States State Department's Country Reports on Human Rights Practices acknowledges the widespread nature of torture in that country.²⁷⁵ In its bilateral relations, the U.S. has continually sought to engage Uzbekistan on the need to improve its human rights performance. With respect to aid policy and development assistance, however, the U.S. has shied away from linking assistance to human rights improvements generally. Reportedly, technical assistance to the Uzbek police and security ministries provided by the U.S. Department of Justice has addressed the issue of torture, incorporating elements of human rights training into the approximately ten annual training seminars conducted for Uzbek judges, prosecutors, lawyers, and police.²⁷⁶ A U.S. Department of Justice report assessing the Uzbek criminal justice system produced in 1999 makes only passing reference to the problem of torture.²⁷⁷

CONCLUSIONS

The deterioration of law-enforcement practices documented in this report has resulted in part from the crackdown on suspected political and religious opponents of the government. The rise in the number of arbitrary arrests associated with this crackdown and the subsequent burden on police, coupled with prosecutorial carte blanche and reliance on confessions in order to secure convictions, has most likely made torture of all classes of accused persons a more frequent occurrence.

Official corruption throughout the criminal justice system exacerbates the problem of torture. Impunity for torture allows police and prosecutors to obtain confessions from defendants, and thus ensure their convictions. Long sentences

²⁷³See the 1999 report of the Working Group on Arbitrary Detention, E/CN.4/2000/, December 28, 1999. The government of Uzbekistan did not respond to any of the four cases submitted to it by the Working Group on Arbitrary Detention by the mandated ninety-day deadline. See also E/CN.4/2000/9, Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights Resolution 1999/32, pp. 223-225. This report does not indicate that the government of Uzbekistan made any reply to the numerous cases submitted to it by the Special Rapporteur on Torture.

²⁷⁴Available on the website of the OSCE, <http://www.osce.org/odihr/cal2000.htm#cUzb>, November 2000.

²⁷⁵See the most recent report, Country Reports on Human Rights Practices for 1999 released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, February 25, 2000, which states that "Although the law prohibits these practices, police routinely beat and otherwise mistreat detainees to obtain confessions. Both police and the NSS [SNB] used beatings and harassment against citizens."

²⁷⁶Assistance is provided through the U.S. Department of State Anti-Crime Training and Technical Assistance (ACTTA) Program, coordinated by the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL). According to the *U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union, FY 1999 Annual Report*, \$2.0 million in assistance was provided through this program in FY 1999. The report also states that "the Tashkent Municipal Police Department participated in an extended INL-sponsored community policing exchange with the Police Department of the City of San Antonio, Texas. Uzbek law enforcement officials also actively participated in training programs at the INL-supported International Law Enforcement Academy (ILEA) in Budapest, Hungary. In FY 1999, fifteen Uzbek officers graduated from ILEA's eight-week mid-level management program, and the Government of Uzbekistan actively participated in ILEA's curriculum development, retraining and needs-assessment programs." Officers of the Tashkent Municipal Police Department are implicated in acts of torture by the testimony presented in this report. The regional security officer and the political officer of the U.S. Embassy in Uzbekistan are responsible for vetting participants in these programs to ensure that those implicated in human rights abuses are excluded. According to sources at the Department of Justice, participants have been excluded on human rights grounds. Human Rights Watch telephone interview with Scott Boylan, November 14, 2000.

²⁷⁷U.S. Department of Justice Criminal Division, Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) Report of the Criminal Justice System of the Republic of Uzbekistan, December 2000, Vol. 12, No. 12 (D)

provide greater opportunities to extract bribes from defendants and their families to reduce the term of imprisonment. Police also profit from torture, by extorting bribes from family members after they detain their relatives.

The routine presence of torture in Uzbekistan's criminal justice system is not due to ignorance or the poor training of law enforcement officials, or to the lack of knowledge of the law or how to use it on the part of the victims. Torture persists and is even growing in frequency due to the systematic refusal of government officials to implement existing laws which would prevent it, or to hold the perpetrators accountable.

RECOMMENDATIONS

To the Government of Uzbekistan:

Human Rights Watch calls on the government of Uzbekistan to remember its own statements of commitment to human rights and to take immediate steps to comply with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Specifically, we urge the government to implement the following measures:

- take immediate steps to prevent the practice of torture by introducing judicial review of detentions, *habeas corpus*, as called for by the ICCPR, and amend the Code of Criminal Procedure to that effect;
- implement provisions in the Code of Criminal Procedure that provide for detainees to have full and unimpeded access to counsel during all phases of investigation and trial;
- ensure that law enforcement officers alleged to have mistreated or tortured detainees are prosecuted and, if found guilty, subjected to appropriate penalties;
- publicize cases where penalties have been imposed;
- ensure that confessions obtained under torture cease to be admitted as evidence in Uzbekistan's courts by introducing more rigorous mechanisms for checking torture allegations and by amending the Criminal Procedure Code to that effect;
- ensure that individuals have the right to put cases of alleged torture or ill-treatment to independent authorities for prompt and thorough investigation, and that such individuals are not subject to intimidation as a result of their complaint;
- ensure that the office of the Ombudsman in Uzbekistan takes it upon itself to investigate cases of ill-treatment or torture committed by law-enforcement officers;
- conduct a nationwide investigative review of the practice of ill-treatment and torture as a whole, and report these findings publicly, including the discovery of specialized torture equipment such as electric cattle prods and their provenance;
- offer independent international monitors, such as the International Committee for the Red Cross, immediate, full and unrestricted access to all places of detention;
- take immediate steps to comply with the recommendations of the United Nations Committee against Torture, including the provision of all requested information on the number of detainees in pre- and post-conviction facilities, the number of persons against whom death sentences have been passed, and the number of death sentences carried out annually;
- publicize the state report to the United Nations Committee against Torture, as well as the results of the Committee's review in the national media;

- promptly and exhaustively reply to all queries by the United Nations Working Group on Arbitrary Detention and the Special Rapporteur on Torture and facilitate visits by representatives of those bodies.

To the United Nations:

- In light of the dramatic deterioration in human rights conditions in Uzbekistan, including widespread and systematic torture, the United Nations Commission on Human Rights should at its next session in April 2001 adopt a resolution condemning these abuses and establishing a special rapporteur on the situation of human rights in Uzbekistan. The special rapporteur should be mandated to monitor human rights conditions in the country and develop recommendations for the government of Uzbekistan.
- The U.N. High Commissioner for Human Rights should request an invitation from the government of Uzbekistan to visit the country and discuss with the government the need for a comprehensive government program aimed at combating torture and ill-treatment, based on a thorough expert investigation of the problem.
- The U.N. Human Rights Committee, which is scheduled to consider Uzbekistan's periodic report in March 2001, should consider the findings contained in this report and require the government of Uzbekistan to take immediate specific steps to halt the systematic practice of torture by its police and security forces.
- The U.N. Special Rapporteur on Torture and the Working Group on Arbitrary Detention should request visits to Uzbekistan as a priority for 2001.
- The U.N. Voluntary Fund for Victims of Torture should make a priority of providing assistance to non governmental organizations working on behalf of victims of torture in Uzbekistan.
- The activities of the U.N. Office for Drug Control and Crime Prevention in Uzbekistan should be coordinated with the activities of the U.N. human rights mechanisms. They should in every instance incorporate consideration of the human rights aspects of drug control and crime prevention and include training and other measures designed to combat torture in Uzbekistan.

To the Organization for Security and Cooperation in Europe:

- Drawing on the expertise of the OSCE Advisory Panel for the Prevention of Torture, the Final Report of the March 2000 Supplementary Human Dimension Meeting on Human Rights and Inhuman Punishment or Treatment, and the OSCE Field Staff Handbook on Preventing Torture, the OSCE's Tashkent Liaison Office should make a high priority of working with the Uzbek government to develop an action plan to combat torture, which should include a legislative program to bring Uzbek law into conformity with international standards, as well as additional training for Uzbek law enforcement and judicial personnel regarding those standards.
- The OSCE Liaison Office should regularly monitor trials, take full notes of the proceedings, and publicly report on any allegations of torture and measures taken by judicial authorities to investigate such allegations.
- The OSCE Liaison Office should widely distribute the ODIHR Background Paper on Pretrial Detention in the OSCE Area and the Final Report of the OSCE Supplementary Human Dimension Meeting on Human Rights and Inhuman Punishment or Treatment, in both the Russian and Uzbek languages, to government, judicial, and law enforcement officials, as well as non governmental organizations, human rights activists, and other civil society representatives, including representatives of the legal and medical establishment.
- The OSCE should consult more closely with the international donor community regarding human rights developments in Uzbekistan and their implications for long-term stability, economic development, and poverty alleviation, so that such considerations are sufficiently weighed in the process of identifying the level and targets for assistance and investment in the country.

- The OSCE's efforts to address security and economic concerns in Uzbekistan must in every instance incorporate related human dimension conditions—including widespread and systematic torture, lack of rule of law, and the absence of an independent judiciary—and incorporate measures to remedy these concerns.

To the European Union:

- The scheduling of the next E.U. Cooperation Council meeting with Uzbekistan should be conditioned upon the government of Uzbekistan first taking concrete steps to combat torture, such as those steps recommended in this report.
- In any future meetings with their Uzbek counterparts, representatives of the E.U. should make clear that any further enhancement of relations under the Partnership and Cooperation Agreement requires that the Uzbek government first develop and begin implementing a clear plan for the eradication of torture and other serious violations of human rights.
- In consultation with the U.N., the OSCE, the U.S., and other interested actors, the E.U. and the Uzbek government should develop a program of specific steps to be taken in order to address the problem of torture and other gross violations of human rights that are undermining economic development and stability in the country and the region. Failure of the Uzbek government to agree to such a plan or implement it should trigger a procedure for suspension of the Partnership and Cooperation Agreement.
- The E.U. should expand assistance to human rights organizations and other civil society representatives working on combating torture in Uzbekistan. A high priority should be assigned to the development of independent legal and medical expertise capable of documenting torture and defending victims' rights.
- The E.U. should expand efforts to provide human rights training to Uzbek law enforcement and judicial personnel, including specialized training of prosecutors and judges in the proper handling of allegations of torture and police abuse. Human rights training and compliance should be a prominent part of any cooperative efforts to combat drug trafficking under the E.U.'s action plan on drug trafficking between the E.U. and Central Asia.
- The European Union should utilize all available means to publicize in Uzbekistan the international norms relating to torture, as well as to make known its condemnation of the practice of torture, and its disappointment in the Uzbek government's persistent failure to take steps to address the problem.
- E.U. member state embassy officials should monitor closely the Uzbek government's record on torture, including the regular monitoring of trials, keeping records of allegations of torture, following up on the government's response to such allegations, and requesting periodic visits to places of detention.

To the United States:

- U.S. government officials in all branches and agencies of the federal government should make the human rights situation in Uzbekistan, including the problem of torture, a high priority in their bilateral dialogue with Uzbek government officials, emphasizing that the deteriorating human rights situation represents a serious impediment to further cooperation in security, economic, or political matters.
- No future meeting of the U.S.-Uzbekistan Joint Commission should be scheduled until the Uzbek government develops and begins implementing a comprehensive plan to combat torture, including the steps recommended in this report.
- Until the Uzbek government takes meaningful steps to combat torture and other human rights abuses, such as the steps recommended in this report, the U.S. government should withhold security assistance under its Cooperative

Threat Reduction program, which legally requires certification that the recipient country is committed to upholding international human rights law.

- Since many of the victims of torture in Uzbekistan suffer as a result of their religious convictions, U.S. government assessments under the International Religious Freedom Act should include analysis of the extent to which the Uzbek government has taken meaningful steps to combat torture.
- The U.S. government should expand assistance to human rights organizations and other civil society representatives working on combating torture in Uzbekistan. A high priority should be assigned to the development of independent legal and medical expertise capable of documenting torture and defending victims' rights.
- The U.S. government should expand efforts to provide human rights training to Uzbek law enforcement and judicial personnel, including specialized training of prosecutors and judges in the proper handling of allegations of torture and police abuse.
- The U.S. government should fully implement existing agreements with the government of Uzbekistan, which provide in accordance with the Leahy amendment to the U.S. Foreign Operations Assistance Act that no U.S. assistance may benefit units of security forces that are responsible for gross violations of human rights, unless those responsible have been brought to justice. Implementation should include systems for vetting all Uzbek recipients of U.S. security assistance, technical assistance to Uzbek authorities to ensure that abusive police are brought to justice, and monitoring arrangements with Uzbek government entities that receive assistance. The U.S. government should, as a matter of priority, actively seek information on abuses by law enforcement officials not only from the relevant government agencies, but also from Uzbekistan's human rights organizations, lawyers, and other sources.
- The U.S. government should utilize all available means to publicize in Uzbekistan the international norms relating to torture, as well as to make known its condemnation of the practice of torture, and its disappointment in the Uzbek government's persistent failure to take steps to address the problem.
- U.S. embassy officials should monitor closely the Uzbek government's record on torture, including the regular monitoring of trials, keeping records of allegations of torture, following up on the government's response to such allegations, and requesting periodic visits to places of detention.

To the World Bank, the European Bank for Reconstruction and Development, the European Investment Bank, and the Asian Development Bank:

- In discussions regarding their country assistance strategies for Uzbekistan, the international financial institutions should address the human rights conditions in the country and specifically develop strategies to foster rule of law, transparency, and accountability in government, including law enforcement agencies. Priority should be given to legal reform that will bring Uzbek criminal procedural law in line with international standards and judicial reform that will enhance the independence of the judiciary.

APPENDIX 1

LIST OF DEATHS IN PRE-TRIAL DETENTION

Murodov, Kobil (October 1998)
Usmonov, Furkhat (July 1999)
Anvarov, Ulugbek Rustamovich (July 1999)
Jumaev, Sherali (October 1999)
Iakubov, Shikhnozor (October 1999)
Umaraliev, Hasan (April or May 1999)
Parpiev, Shukhrat (May 2000)
Saidaminov, Numon (October 2000)

DOCUMENTED DEATHS IN POST-CONVICTION PRISON FROM TORTURE

Nasriddinov, Hasliddin (May 1998, Andijan Prison)
Azimov, Jurahon (July 1999)
Khojaev, Azimboi (July 1999, Jaslyk)
Khamrokulov Usmanali (May 18, 2000, Karshi prison)
Alikulov Ma'raim (April 22, 2000, Jaslyk/Zangiota)
Karimov, Ne'mat (March 2000, Navoi prison)
Sadykjonov, Jaloliddin

APPENDIX 2

Letter from Dmitri Chikunov to his Mother, 1999, translation Human Rights Watch.

"Hello dear mama! I don't know if this letter will reach you. But you must know the truth, even if you and I never see each other again. I am writing this to you because I am not guilty of this crime. They forced me under torture to sign this confessional testimony. Please don't hold me in contempt. I have sinned before you, but I could not stand it all.

Immediately after arrest, even before we arrived at the UVD, one of the operativniki (later I learned that his last name is Grigorian) caught my head in the car door and kicked me several times in the abdomen. I didn't do anything, even though, as you know, I am able to defend myself. I thought it would all be sorted out. When we arrived--throughout the whole way he beat me with all his might with his fists and elbows--they led me to a big office where there were seven or eight operativniki. Without letting me say one word they tore off my necktie and pressed me up against the wall to beat me--each of them beat me in any way he could. They even hit me with an empty Coca-Cola bottle. There were so many of them that after a couple of minutes I lost consciousness, and a blow knocked my head against the wall. The last thing that I remember is the voice of two of them--Grigorian and one other (later I learned that this was the investigator Makhmatkulov)--they were shouting at me that I was faking it, and that they should give me some more. I came to my senses from the horrible pain, and because I was starting to gasp for air. I found that they had tied my hands behind my back and placed a gas mask on my head. Makhmatkulov closed off the breathing tube and shouted at me to confess that I am a murderer, and cursed at me. I don't remember how long this went on. His terrible shouts are still ringing in my ears. As I recall, I started to suffocate immediately. I was repeating the whole time that I was not guilty, that I saw it but I took no part. But none listened to me. I don't remember who, but I think it was Grigorian who said that since I was "such a stubborn [*skotina*]" that they would drag you in, mommy, and before my eyes would "have a gang bang," in other words, rape you, and if that didn't help then the window is right here and I can "accidentally" fall out, as had happened several times, and then they would write that I committed suicide. I begged them not to touch you, and pleaded with them to let me out. I told them that I was not guilty, and that they should do whatever they wanted with me, instead.

But just then Makhmatkulov and other UVD staff walked in. Makhmatkulov yelled at everyone, "Beat him, the pederast!" They again began to beat me and kick me with their feet, fists, with truncheons, and I couldn't even resist, because my hands were tied behind my back. Makhmatkulov was screaming that since I am not married, I must be a pederast, and now they're going to finish (as he put it) the "press conference" and give me what I want, since I am a homosexual (in other words, they would rape me). At the same time he was beating me on the back of the head with a stick in the form of a male sex organ, carved out of stone. They called in a photographer and, while beating me all the while, tried to pull off my pants. I tried to resist in whatever way I could. Then they threw me down on the floor and someone sat on my neck, someone on my arms and someone on my back, shouting: "Now we'll shove this prick up your ass and take a picture, and send it with you to prison. They love guys like you in there!" Then the one who was sitting on my back jumped up and with all his might jumped with both his feet on my spine. The breath was knocked out of me from the pain, and then they dragged off my pants and broke the zipper. But they didn't rape me, just started to beat my legs and feet with their truncheons. The whole time they were screaming "we know that you're the murderer, admit it and we'll stop!" I told them that I had done nothing, that I am not guilty, but they just kept beating me. Then they picked me up and let me put on my pants. They untied my hands but then tied me up to the radiator, and started to kick me and beat me with their truncheons on my back and ribs. One of them said "We're gonna kill you and nothing will happen to us. If there are any marks from the blows we'll say that you got in a fight." I told him that "everything that I know I've already told you--I didn't kill anyone." I fell over, but they kept pulling me up and beating me. Then they said that for stubborn types they have an even better method, so they would show me the "swallow" [*lastochka*]. They untied me from the radiator, and once more fastened my hands behind my back with handcuffs. Then they all took me by my shoulders and legs and started to heave me up and down, until they threw me up towards the ceiling and stepped back. I fell on my back on the floor, and after that I don't remember what happened from the pain. I couldn't speak--it's as if I was paralyzed. They did that four times.

Then there was a break, and when I came to, I saw an investigator standing beside me. He asked me, "so, are you going to confess?" I could only nod my head. Forgive me, mommy dear, but I just couldn't stand any more. How long

this all went on I can't say. Then they let me wash and they gave me a cigarette. Then, after hearing what I had said to them again, they started to argue among themselves (this was Makhamatkulov and another investigator) that they should make me the organizer of the crime. After that they questioned me about where I went to school, in what city. Then they wrote down my "confession," and warned me: "don't pull any tricks. The 'elder' (whom I don't remember) is going to come in now and ask you questions while we tape you on video, so you answer, and if you don't know the answer just read the paper." That is basically what happened, but when I gave the answers to this person, he didn't believe me. He told them to turn off the camera, and to bring me out into the hallway. When he was alone with them he started to yell at them that he needs the facts, and that this was not a confession but just a bunch of chatter. That he could "investigate" the case like that himself, with his fists, if he wanted to. And that he doesn't believe for a minute that I am guilty! Right after that he left, and I never saw him again.

They brought me into the office again, and when I saw their faces I knew that they would pour all of their anger out on me. They beat me again, yelling that I had "screwed everything up," and that now they would kill me. Then, after conferring, they told me that "now we have no other choice" and that they would "rub me out" in a supposed escape attempt, and you can hang whatever you want on a corpse. They led me out of the office and out of the building on to the street. A car was waiting--there were four of them in the car, Makhamatkulov in the front seat, someone else behind the wheel (whom I understood to be the occupant of the office [where Chikunov had just been held - trans.]). In the back seat with me there was an investigator and an operativnik. We went to the scene of the crime, and the whole way they were humiliating me, cursing, and saying that they could make one phone call and everything that they threatened before would happen to you, mommy. I wasn't afraid to die, I just begged them to leave you alone. When we arrived at the place they brought me out of the car and led me in front of it, with the headlights shining on me, and turned my back to them. One of them walked up to me and I heard him cock the trigger on a pistol. Then, he put the barrel of the gun to the back of my head. I was silent, and I heard "Sasha" make a telephone call and give the command to go find you. I sank to my knees and begged them not to touch you. Then they said that from that moment I must act completely according to their commands. I must do everything they told me, and say only that which they told me to ahead of time. I agreed. They congratulated each other, and kissed each other after the Uzbek custom. We all drove back to the UVD. All the rest you know.

Mommy, you are the very dearest thing I have in this life. I beg you to comprehend, I could not have acted otherwise. Forgive me please, and please understand: I did not commit that crime. Let them shoot me, but I could not let them touch you.

After that they held me in the UVD for another twenty days, and every day they interrogated me. They hardly let me sleep, and constantly beat me with truncheons, kicked me, and even spit on me. They told me that I was now their slave! And while they wouldn't shoot me they would make me pay for it one hundred times over. Many times at night, for no reason, without any interrogation, they would take me out of the cell and beat me. Grigorian and Makhamatkulov were in charge of the others. I wanted to kill myself, but I couldn't. They didn't bring me to the prison until May 4. I didn't even have time to rest, when on May 6 they brought me back [to GUV]. And then hell commenced again. More beatings, and for the slightest possible reason they would start to threaten you again. The whole time lies, and filth. I cannot comprehend all the ways in which they demeaned and humiliated me. Once they even said that you had hanged yourself, or rather, that they had "helped" you. And when I threw myself at them, after that for two days they tortured me, doing everything all over again from the "gas mask" to the "swallow." They held me there for more than ten days, and at the end of the twelfth day they sent me back to prison. They didn't let me stay in prison long, fearing that I would start to talk.

I beg you, my dear mommy, if you do receive this letter, be very careful--these people are capable of anything! Please, I beg you to forgive me. If fate does not bring us together again, remember that I am not guilty. I did not shed blood! I would sooner die than allow anyone to harm you. I love you very much; you are the only person in the world who is dear to me. Please always think of me. With all my love, your son Dmitri

Dmitri Chikunov was executed July 10, 2000.

APPENDIX 3

ACKNOWLEDGEMENTS

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*Human Rights Watch
Europe and Central Asia Division*

Human Rights Watch is dedicated to protecting the human rights of people around the world.

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