



Human Rights Watch
UPR Submission

Uzbekistan

July 2008

Introduction

This submission highlights Human Rights Watch's key concerns regarding Uzbekistan's compliance with its international obligations: the May 2005 government massacre in Andijan and its fallout, the crackdown on human rights defenders and civil society, rampant torture and ill-treatment, repression of media freedoms, and religious persecution.

The Andijan massacre and its fallout

The government's rights record, long marked by authoritarianism and repression, reached crisis levels following a government massacre of hundreds of mostly unarmed protesters fleeing a demonstration in the city of Andijan in May 2005.

In the three years and two months since the massacre, the Uzbek government has steadfastly refused to clarify the circumstances surrounding the massacre, or to hold accountable those responsible for the killings. Instead, it has sought to rewrite history and silence all those who might question its version of the events, launching an intense crackdown in Andijan itself and exerting pressure on all who knew the truth about the events. Several hundred individuals who were convicted and sentenced in closed trials in 2005 and 2006 are believed to remain in prison serving lengthy sentences.

To this date, the Uzbek government continues vigorously to seek out and persecute anyone it deems to have a connection to or information about the Andijan events. This is particularly true for many of the relatives of hundreds of persons who fled to

Kyrgyzstan in the immediate aftermath of the massacre and were later resettled in third countries, as well as those who fled but later returned to Andijan. These groups remain under intense government pressure and have been subjected to interrogations, constant surveillance, ostracism, and in at least one case, an overt threat to life. As a result, three years after the massacre, government persecution continues to generate new refugees from Andijan. For more on the ongoing Andijan-related persecution, see “Saving It’s Secrets: Government repression in Andijan”, Human Rights Watch, May 2008 [<http://hrw.org/reports/2008/uzbekistan0508/>].

Persecution of human rights defenders and crackdown on civil society

In the aftermath of the Andijan massacre, the government unleashed a fierce crackdown on civil society unprecedented in its proportions. It imprisoned dozens of human rights defenders, independent journalists, and political activists for speaking out about the Andijan events and calling for accountability for the May 13 killings. The authorities also blocked the activities of local and international nongovernmental organizations (NGOs).

As of this writing, at least 11 human rights defenders are in prison for politically motivated reasons, one of whom—Jamshid Karimov—is in a closed psychiatric ward where he has been forcibly held since September 2006. The other ten imprisoned defenders and journalists are: Azam Formonov, Abdusattor Irzaev, Nosim Isakov, Alisher Karamatov, Norboi Kholjigitov, Rasul Khudainasarov, Dilmurod Muhiddinov, Mamarajab Nazarov, Habibulla Okpulatov, and Yuldash Rasulev. As discussed below, Human Rights Watch is aware of at least one other journalist and one human rights defender who are currently in detention awaiting trial.

A number of political dissidents and civic activists, including political opposition leader Sanjar Umarov, Yusuf Jumaev, and Isroil Kholdorov, are also serving long prison sentences.

Civil society in Uzbekistan continues to operate under conditions of extreme government repression. Human rights activists continue to be detained and threatened with prosecution for their peaceful activism. For example, defender Akzam Turgunov was arrested on July 11 on what Human Rights Watch believes are trumped-up charges and remained in detention at this writing, awaiting trial. Defenders who have been fortunate enough to escape imprisonment, as well as their families, face constant threats and harassment. In the last six months alone, there

have been numerous incidents of harassment, temporary detention, and house arrest of human rights activists. Several defenders have had to flee the country in recent months out of fear for their security or that of their loved ones, indicating that the crackdown against the human rights community continues unabated.

In recent months, the Uzbek government also intensified its efforts to obstruct Human Rights Watch's work in Uzbekistan, denying accreditation to our representative in Tashkent.

The government continues to refuse to grant any of the UN special procedures access to the country despite their longstanding and repeated requests for invitations to visit Uzbekistan.

Torture and ill-treatment

Torture and ill-treatment are endemic to the criminal justice system in Uzbekistan. Notwithstanding recent positive steps in criminal justice reform, such as the passing of new legislation introducing habeas corpus and abolishing the death penalty—both of which went into effect in January 2008—torture remains rampant. There is no evidence of meaningful government action to address the culture of impunity, highlighted by the UN Committee Against Torture in its November 2007 examination of Uzbekistan as a key obstacle to effectively combating torture. The government has also persisted in its failure to fully implement the 2003 recommendations made by the UN Special Rapporteur on torture.

Human Rights Watch continues to receive numerous credible reports of torture and ill-treatment. Torture is part of a cycle of abuse that starts at the time of an individual's apprehension and continues through conviction and beyond. Police agents manipulate and prevent detainees from having access to counsel of their choice. They beat, kick, and threaten detainees soon after they are first detained, when detainees are cut off from access to third parties or avenues where they might seek redress. They ill-treat detainees for the specific purpose of compelling them to sign confessions or other testimony. Police and security agents continue to ill-treat, torture, and harass detainees, and to threaten witnesses, detainees' families, and sometimes even lawyers to deter them from pursuing accountability for the abuse or from making torture allegations public. Judges refuse to investigate torture allegations that defendants make in court testimony, treating with skepticism allegations of torture and alleging that the defendants or witnesses are lying. For a

more detailed analysis of the problem of torture in Uzbekistan, see [<http://hrw.org/reports/2007/uzbekistan1107/>].

Repression of media freedoms

Independent media in Uzbekistan is tightly controlled. The few journalists who continue to work in the country do so at great risk to themselves, forced to self-censor due to harassment, beatings, detention, and threats of imprisonment for their critical views of the government. At least six independent journalists are currently serving lengthy prison sentences ranging from five to 15 years. Just last month, independent journalist Salidjon Abdurakhmanov was arrested on trumped-up charges of drug possession in what Human Rights Watch believes is retribution for his journalism work. Many others have been forced to flee the country. Despite the passing of new legislation outlawing censorship and ensuring freedom of speech, in practice, censorship is the norm and freedom of speech is severely limited. Those few independent journalists who remain in the country face tight government control.

Foreign correspondents and Uzbek citizens working for foreign media are not allowed to operate without accreditation. Currently there are only a handful of accredited foreign correspondents in Uzbekistan and no foreign journalists working for Western media outlets. International news bureaus such as BBC, RFE/RL, Deutsche Welle, and the Institute for War and Peace Reporting (IWPR) have all been forced to cease operations in Uzbekistan following the authorities' refusal to accredit them. Websites that carry articles critical of the government are routinely blocked within Uzbekistan, making access to international news and human rights websites extremely limited.

Religious persecution

Uzbek authorities continue their unrelenting, multi-year campaign of unlawful arrest, torture, and imprisonment of Muslims who practice their faith outside state controls or who belong to unregistered religious organizations. Peaceful religious believers are often branded as “religious extremists.” Dozens were arrested or convicted on charges related to religious “extremism” in the past year alone, while many more who were already serving long prison sentences under Article 159 of the Criminal Code (attempts on the constitutional order) were found guilty of breaking prison rules just weeks before they were due to be released, resulting in them being re-sentenced. Human Rights Watch has documented allegations of ill-treatment in several of these cases.

Authorities also clamp down on members of other religious communities. Despite a constitutional guarantee on religious freedom, Protestants and Jehovah's Witnesses face ongoing harassment, detention, and arrest for "illegal" religious activity, such as holding prayer groups in a church member's home, or ownership of "illegal" religious material. Often such individuals face up to 15 years imprisonment or heavy fines of up to 200 times their minimum wage, and like Muslims who practice their faith outside of state-sanctioned Islam, are branded "extremists."

Recommendations

We hope to see the Universal Periodic Review of Uzbekistan reflect the concerns outlined in our submission, and include in its outcome document the following recommendations addressed to the Uzbek government:

- Ensure accountability for the Andijan massacre and cease harassment and other abuses of returned refugees and families of refugees who remain abroad;
- Immediately and unconditionally release all wrongfully imprisoned human rights defenders, journalists, members of the political opposition and other activists held on politically motivated charges;
- End the crackdown on civil society and allow domestic and international human rights groups to operate without government interference, including by re-registering those that have been liquidated or otherwise forced to stop working in Uzbekistan, and issuing visas and accreditation for staff of international nongovernmental organizations;
- Take meaningful measures to end torture and the accompanying culture of impunity, including by implementing in full the recommendations of the United Nations Special Rapporteur on Torture and Committee Against Torture;
- Cease harassment of journalists and allow domestic and international media outlets, including those that have been forced to stop operating in Uzbekistan, to register and grant accreditation to international journalists;

- End religious persecution, including by de-criminalizing peaceful religious activity;
- Allow unfettered access for independent monitors, including UN special rapporteurs who have been unable to visit due to the government's refusal to issue the required invitations.