



UZBEKISTAN

AMNESTY INTERNATIONAL SUBMISSION TO THE UN UNIVERSAL PERIODIC REVIEW 16TH SESSION OF THE UPR WORKING GROUP, MAY-JUNE 2013

FOLLOW UP TO THE PREVIOUS REVIEW

In the first Universal Periodic Review (UPR) of Uzbekistan in December 2008, 31 recommendations were supported by the authorities, 12 were taken under consideration, 27 were considered implemented or in the process of being implemented and 16 recommendations were rejected.

Regarding the recommendations taken under consideration, Uzbekistan failed to indicate its position on these and only made general comments in the report addendum presented to the 10th session of the Human Rights Council.¹

Uzbekistan categorically rejected calls by several states to allow a thorough, impartial and independent international investigation into the events of May 2005.² Of particular dismay to Amnesty International is the fact that during the interactive dialogue in the Working Group, the government representatives rejected as unfounded reports that excessive and disproportionate force had been used. The government continues to assert, as it did in December 2008, that two rounds of expert talks with representatives of the European Union (EU) in December 2006 and April 2007 have addressed all the relevant issues.³ At the review, the government stated that it considered the issue closed and it has emphatically reaffirmed this position both at the UN Human Rights Committee's examination of Uzbekistan's implementation of the International Covenant on Civil and Political Rights (ICCPR) in March 2010 and again during successive rounds of the EU-Uzbekistan Human Rights Dialogue in 2011 and 2012. The Uzbekistani representatives insist that the Andizhan events were a strictly internal matter and that no international body or foreign state has the right to call for an international investigation into mass killings. However, Amnesty International considers that the talks with the EU are not a substitute for and are not sufficient to fulfill the government's obligation under international law to ensure an effective, independent and impartial investigation.

Uzbekistan supported recommendations by several states to establish a national independent mechanism to monitor all places of detention and to consider complaints.⁴ Amnesty International welcomes Uzbekistan's support of these recommendations and considers that such a mechanism could significantly contribute towards protecting individuals deprived of their liberty from torture or other ill-treatment. This recommendation has also been made repeatedly by UN mechanisms, including the Human Rights Committee in 2001, 2005 and 2010.⁵ However, to date, no such national independent mechanism has been established.

Amnesty International deeply regrets Uzbekistan's rejection of recommendations by several states during the review in 2008 to release all detained human rights defenders, including on the basis that such information was "factually wrong".⁶ The Uzbekistani authorities have long disputed that human rights defenders are detained and imprisoned. At the March 2010 session of the Human Rights Committee, the Uzbekistani delegation flatly denied that human rights defenders were detained and persecuted. The delegation insisted that Uzbekistan's "enemies" were waging an "information war" against the country and that international NGOs were paid to spread defamation and disinformation.⁷ Uzbekistan remains intransigent in their position on human rights defenders. The authorities have released some human rights defenders over the past four years under the terms of presidential amnesties or under international pressure ahead of high-level diplomatic visits by foreign government representatives. However, at least eight human rights defenders continue to

serve long prison terms in cruel, inhuman and degrading conditions of detention, including human rights defenders Salidzhon Abdurakhmanov and Agzam Turgunov.⁸

Uzbekistan also supported recommendations to strengthen and deepen its interaction with relevant international mechanisms.⁹ The authorities briefly granted temporary shelter to tens of thousands of ethnic Uzbek refugees who fled violence in neighbouring southern Kyrgyzstan in June 2010. The authorities allowed emergency teams from UNHCR access to Uzbekistan and the refugee camps, for the first time since ordering the agency to leave the country in 2006. The access, however, was only temporary and UNHCR had to close its emergency operations in Uzbekistan and leave the country once the majority of refugees had returned to Kyrgyzstan in August 2012. Uzbekistan continues to refuse to allow the UN Special Rapporteur on torture to visit the country despite renewed requests. The UN Special Rapporteur on human rights defenders has also repeatedly requested to undertake an official visit to the country; however, by September 2012 the authorities had yet to extend such an invitation. Uzbekistan has also not extended a standing invitation to the Special Procedures of the UN Human Rights Council.

THE NATIONAL HUMAN RIGHTS FRAMEWORK

Domestic legislation

In September 2011, the President approved a new law on the treatment of individuals in pre-charge and pre-trial detention, which, in theory, improves access to those held in police custody and makes it easier to monitor their treatment independently. The new legislation allows, among other things, for an unrestricted number of visits of undefined length by detainees' relatives and lawyers and abolishes the need to obtain prior permission from the investigating security officers. However, by October 2012 there was scant evidence that the law is being implemented consistently and effectively.

International human rights treaties

On 23 December 2008, Uzbekistan acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. However, Uzbekistan has still not ratified the Optional Protocol to the Convention against Torture, nor the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. It has also not ratified the Rome Statute of the International Criminal Court.

THE HUMAN RIGHTS SITUATION ON THE GROUND

Restrictions on the rights to freedom of expression and assembly: the situation of human rights defenders and independent journalists

In the period under review the space for freedom of expression and association has continued to shrink. Prominent human rights defenders, government critics and independent journalists have been forced to leave Uzbekistan to escape arrest or sustained harassment and intimidation by security forces and local authorities. Those who remain in the country are routinely monitored by uniformed or plain-clothes security officers. Human rights defenders and journalists continue to be summoned for questioning at their local police stations, placed under house arrest or otherwise prevented from attending meetings with foreign diplomats and delegations, or from taking part in peaceful demonstrations. They are often beaten and detained by law enforcement officers or beaten by people suspected of working for the security services.

Television programmes and articles in the national press denouncing independent journalists and the international networks they work for, and calling them traitors, continue to be broadcast and published regularly. Human rights defenders, both those active abroad and in Uzbekistan, also regularly find themselves and their families the target of extensive and repeated media campaigns, both on government-owned or controlled websites and in the official printed press.

In a telling case, Umida Ahmedova, a prominent Uzbekistani documentary photographer was sentenced to three years in prison in January 2010 for insulting the dignity of Uzbekistani citizens and damaging the country's image on account of photographic and video projects documenting poverty and gender inequality in Uzbekistan. However, the presiding judge granted her an amnesty and she was released from the courtroom in February 2010. Her appeal against the sentence was most recently rejected in May 2010.

In June 2011, the authorities closed down the office of Human Rights Watch, the last international human rights organization to remain in the country. The Supreme Court sanctioned without right of appeal a petition by the Ministry of Justice to liquidate the office for repeated failure to comply with regulations, thereby forcing Human Rights Watch to stop its operations in the country.

In July 2011, a court in Tashkent sentenced the press secretary of the UK embassy in Uzbekistan to a large fine for "contravening the laws on organizations holding meetings, street protests and demonstrations" under Article 210 of the Criminal Code. The prosecution accused the press secretary, who is an Uzbekistani national, of fostering extremism during training seminars for independent human rights activists on the premises of the UK embassy. In August 2011, an appeal court rejected his appeal against the verdict.

Torture and other ill-treatment

Despite assertions by the authorities that the practice of torture has significantly decreased over the past four years, and the introduction of new legislation to improve the treatment of detainees, scores of reports of torture or other ill-treatment of detainees and prisoners continue to emerge. In most cases, the authorities fail to conduct prompt, thorough and impartial investigations into these allegations.

Despite a handful of well-publicized releases, several thousand people, including dozens of women, convicted of involvement with Islamist parties or Islamic movements banned in Uzbekistan, as well as government critics, political opponents and human rights activists continue to serve long prison terms under conditions that amount to cruel, inhuman and degrading treatment. Many have had their prison terms extended for allegedly violating prison rules of conduct following summary and closed trials held inside detention facilities.

The European Court of Human Rights (ECtHR) has been faced with determining the risk of torture and other serious human rights violations in Uzbekistan in cases relating to challenges to orders to forcibly transfer individuals (including people wanted by the Uzbekistani authorities for their alleged involvement in the events of Andizhan) from Council of Europe Member States back to Uzbekistan. The ECtHR has issued at least 15 judgments in the past four years prohibiting the return of criminal suspects to Uzbekistan on the basis of a risk of torture, especially those charged with membership of Islamist parties or groups that are banned in the country. For example, the ECtHR ruled on 10 June 2010, in the case *Garayev v. Azerbaijan*, that the extradition of Shaig Garayev from Azerbaijan to Uzbekistan would violate Article 3 [prohibition of torture] of the European Convention on Human Rights.¹⁰ The court stated that "any criminal suspect held in custody [in Uzbekistan] faces a serious risk of being subjected to torture or inhuman or degrading treatment both in order to extract a confession and as a punishment for being a criminal".

Human rights violation in the context of national security and the fight against terrorism

The authorities have continued to seek the extradition from abroad of members or suspected members of Islamic movements and Islamist groups and parties banned in Uzbekistan in the name of national and regional security and the fight against terrorism. Those forcibly returned to Uzbekistan face incommunicado detention, torture and other ill-treatment and long prison sentences in cruel, inhuman and degrading conditions following unfair trials.

At least 12 of 28 Uzbekistani asylum-seekers and refugees extradited from Kazakhstan in June 2011 were put on trial on charges of religious extremism and alleged membership of the previously unknown "Jihadchilar" Islamist organization. All of them were held incommunicado following their extradition and human rights monitors believe they were at grave risk of torture and other ill-treatment. Relatives report that they were intimidated by security forces and prevented from discovering the whereabouts of the men. Three of the returned refugees were sentenced to prison terms of between four and 13 years in separate trials in August and September 2011. They had been held incommunicado for two months and

were only allowed to meet their relatives after the trial. They were not given permission to hire lawyers of their own choice and had only limited access to their state-appointed lawyers.

Amnesty International is concerned that the authorities' response to alleged terrorist attacks in the Ferghana Valley and the capital Tashkent, in May and August 2009 respectively, was inconsistent with the obligations to respect the prohibitions against arbitrary detention and torture or other ill-treatment and the right to fair trial, as enshrined in the International Covenant on Civil and Political Rights.

The attacks were followed by waves of arbitrary detentions. Among the scores detained as suspected members or sympathizers of the organizations blamed for the attacks were men and women who attended unregistered mosques, studied under independent imams, had travelled or studied abroad, or had relatives who lived abroad or were suspected of affiliation to banned Islamist groups. Many are believed to have been detained without charge or trial for lengthy periods, allegedly subjected to torture and/or sentenced after unfair trials.

In April 2010, a court in Dzhizakh sentenced 25 men to terms of imprisonment from between two to 10 years in connection with the May and August 2009 attacks. All were convicted of attempting to overthrow the constitutional order and of religious extremism. At least 12 of the men alleged in court in March 2010 that their confessions had been obtained under torture. The trial judge ordered an investigation into these allegations, but ultimately found their allegations of torture to be unfounded. Independent observers report that the men had admitted to having participated in prayer meetings and having practiced sports together, but denied that they were part of a group intent on overthrowing the constitutional order.

RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

Amnesty International calls on the government of Uzbekistan to:

Andizhan events

- Agree to and facilitate a thorough, independent and impartial international investigation into the circumstances of the events in Andizhan on 12-13 May 2005, including in accordance with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

Ratification of human rights standards and cooperation with the UN

- Ratify all outstanding human rights treaties, in particular the Optional Protocol to the Convention against Torture, and the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol;
- Ratify the Rome Statute of the International Criminal Court and enact implementing legislation;
- Issue a standing invitation to the Special Procedures of the UN Human Rights Council.

Restrictions on the rights to freedom of expression and assembly

- Release immediately and unconditionally all prisoners of conscience;
- Investigate all reports of assaults on and harassment of human rights defenders, independent journalists and civil society activists and bring to justice those responsible;
- Ensure that everyone, including human rights defenders, can peacefully exercise their right to freedom of expression in conformity with Uzbekistan's obligations under the International Covenant on Civil and Political Rights.

Torture or other ill-treatment

- Ensure that all trials, Uzbekistan including those of people charged in connection with membership of banned religious organizations, scrupulously uphold international standards for fair trial;
- Ensure that no statement obtained as a result of torture or other ill-treatment is used as evidence in trial proceedings, except as evidence against a person accused of torture or other ill-treatment;
- Ensure prompt, thorough, independent and impartial investigations into all complaints of torture or other ill-treatment;
- Expedite the establishment of an independent monitoring mechanism of all places of detention.

Human rights violation in the context of national security and the fight against terrorism

- Ensure that all trials, including of people forcibly returned to of people charged with terrorist offences, scrupulously observe international standards for fair trial;
- Ensure that the whereabouts of those returned to Uzbekistan are promptly disclosed and that they are allowed prompt and regular access to a lawyer of their choice, as well as to their relatives and an independent medical practitioner.

¹ Report of the Working Group on the Universal Periodic Review – Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, A/HRC/10/83/Add.1, 13 March 2009, http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/UZ/A_HRC_10_82_Add1_Uzbekistan_E.pdf, paragraph 97.

² Human Rights Council, Report of the Working Group on the Universal Periodic Review of Uzbekistan, A/HRC/10/83, Paragraph 33a (Chile), 33b (Chile), 65a (Canada), 79h (Czech Republic).

³ In October 2008 the EU's General Affairs and External Relations Council (GAERC) decided to lift the visa ban it had imposed on 12 Uzbekistani officials fully. Disappointingly GAERC's final conclusions in October 2008 failed to mention the events at Andizhan or the demand for an international independent investigation of them. In October 2010 GAERC also decided to lift the arms embargo it had imposed on Uzbekistan.

⁴ A/HRC/10/83, paragraph 104.11 (France), paragraph 104.12 (United Kingdom).

⁵ Concluding observations of the Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Uzbekistan, CCPR/C/UZB/CO/3, 7 April 2010.

⁶ A/HRC/10/83, paragraphs 43a (Austria), 44 (Belgium), 50a (Spain), 50b (Spain), 65d (Canada), 67a (Switzerland), 87a (Norway).

⁷ Oral presentation by the Uzbekistani delegation at the March 2010 examination of the state's implementation of its obligations under the ICCPR at the United Nations Human Rights Committee's 98th session in New York, 8-26 March 2010.

⁸ Uzbekistan rejected the recommendation by Spain to release the two human rights defenders specifically. Liberate all human rights defenders who remain in prison about the situation of Solijon Abdurakhmanov and Agzam Turgunov, A/HRC/10/83 paragraph 50a (Spain).

⁹ A/HRC/10/83, paragraph 104.8 (Malaysia, Bangladesh).

¹⁰ European Court of Human Rights, Case of Garayev vs Azerbaijan (Application no. 53688/08), 10 June 2010, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-99218>