

**Submission by:** Front Line; The International Foundation for the Protection of Human Rights Defenders (Front Line has Special Consultative Status with the Economic and Social Council of the United Nations)

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## Introduction

The following submission has been prepared based on information received from independent human rights defenders in Uzbekistan. Front Line is an international NGO based in Ireland with Special Consultative Status with the Economic and Social Council of the United Nations. We have particular expertise on the issue of the security and protection of human rights defenders and we work to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

Front Line is gravely concerned by the ongoing persecution of human rights defenders (HRDs) in Uzbekistan. HRDs are active on a wide range of civil and political, economic, social and cultural rights such as; women's rights, minority rights, religious rights, child rights and anti-trafficking. Continuous threats and acts of harassment are major obstacles toward the establishment of an environment conducive to human rights activities in the country and seriously hinder the work of HRDs. Torture, preventive or arbitrary detention, ill-treatment, involuntary confinement in psychiatric wards, and the use of excessive force are used by law enforcement officials to prevent HRDs from carrying out their legitimate and peaceful work in defence of human rights. The severity of the repression has contributed to a number of HRDs being forced to go into exile.

Limited progress has been made in reference to the treatment of HRDs in Uzbekistan. Some HRDs have received amnesties, including Saidjahon Zainabidinov (Chairperson, Apelliatsia), Umida Niyazova (Journalist), and Ihtiyor Hamraev (member of the Human Rights Society of Uzbekistan [HRSU] and son of HRD Bakhtiyor Hamraev). Front Line has welcomed the release of imprisoned HRDs over the course of 2007 and 2008, but remains concerned that the releases were conditional and original sentences still stand. Whilst in prison, HRDs are routinely placed in solitary confinement, denied adequate medical care and attention, and denied visits with family members. At least 20 human rights defenders remain in prison. 9 members of the Human Rights Society of Uzbekistan (HRSU) remain in prison, they are: Norboi Kholzhigitov (Chair of the Ishtikhan district branch), Sattor Izraev and Khabibulla Akpulatov (members of the Ishtikhan district branch), Nasim Isakov (Jizak regional branch), Azam Formonov (Chair of the Syrdarya regional branch), Alisher Karamatov (Chair of the Mirzaabad district branch), Jamshid Karimov (independent journalist, correspondent for the Institute for War and Peace Reporting and member of the HRSU), Rasulev Yuldash and Zafar Rakhimov (Kashkadarya region). Other human rights

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defenders still in detention include: Abdurasul Abdunazarov (head of *Ezgulik*, Angren branch, Tashkent region), Mamaradjab Nazarov (head of *Ezgulik*, Zarbdor district, Jizak region), Mukhitdinov Dilmurod (head of *Ezgulik*, Markhamat district of Andijan region), Karim Bobokulov (deputy head of *Ezgulik*, Syrdarya region), Yusuf Juma (prominent writer and human rights defender), Mashrab Juma (son of Yusuf Juma) and Salijon Abdurahmanov (Real Union of Journalists of Uzbekistan and Committee to Protect Individuals' Rights in Karakalpakstan). Abdulahat Madmarov, Abdullah Madmarov, Habidulla Madmarov and Abdusamad Madmarov, who are respectively the two sons and two nephews of Ahmadjan Madmarov, a prominent long-standing HRD and winner of the 2006 Front Line Award for Human Rights Defenders at Risk, also remain in prison. Ahmadjan Madmarov is the regional Chairman of the Independent Human Rights Organisation of Uzbekistan (NOPCHU), in Margilan. His sons and nephews were arrested, tortured and imprisoned on false charges because of his human rights activities, including promoting and defending religious freedoms.

### **Denial of physical and psychological integrity to HRDs in detention**

HRDs in Uzbekistan are routinely subjected to police interrogation, imprisonment on false or fabricated charges and lengthy prison sentences. Once in prison or at police stations, HRDs have reportedly suffered both physical and psychological harm.

- Mutabar Tadjibaeva, Chairwoman of “Plammenoe Serdtse” (Fiery Hearts Club), an unregistered NGO in Uzbekistan, was released from prison on 2 June 2008 after serving two years and eight months of her 8-year prison sentence for membership in an illegal organisation, extortion and land rights violations. Although released, Mutabar Tadjibaeva was not amnestied and will continue to serve a 3-year suspended sentence. She is currently being denied the right to travel from Margilan to Tashkent for appropriate medical attention, and access to the records of an operation that she received in prison just prior to her release. She remains unsure as to what medical procedure was carried out on her. While in prison, she was subjected to confinement in the psychiatric wing of the Tashkent Women’s Prison, administered unidentified medicines, subjected to solitary confinement, and often denied visitation rights. Front Line believes that her arrest and sentence were directly related to her human rights work, in particular her outspoken criticism of the Uzbek authorities for their role in the mass killings in Andijan in the spring of 2005.
- Umida Niyazova, a journalist and translator for Human Rights Watch, was arrested on 22 January 2007 and charged with bringing “extremist” literature into the country, a crime punishable by up to 10 years in prison. Niyazova was sentenced to 7 years in prison but her sentence was converted to a suspended sentence under which she must regularly report to the police station and keep a 10 pm curfew. During her arrest and detention, Umida Niyazova was subjected to 15 hour long interrogations, solitary confinement, and sleep deprivation.
- Gulbahor Turayeva, a member of the nongovernmental organisation Anima-kor, which works to protect the rights of medical doctors and their patients, questioned the government version of the Andijan mass killings of May 2005 and was involved in compiling an unofficial list of those killed. On 27 May 2005 Gulbahor Turayeva was detained and held in the Andijan prosecutor’s office for seventeen hours, where she was denied food and access to a lawyer. A prosecutor’s office official accused her of spreading lies about the Andijan killings and of “anti-constitutional activities.” She was again detained on 14 January 2007. She was then charged with attempting to overthrow the constitutional system, slander and producing and distributing materials threatening public order. On 25 April 2007, a court in Uzbekistan sentenced Gulbahor Turayeva to six years in prison. On 12 June 2007, her sentence was reduced from a 6-year sentence to a 3-year suspended sentence. Her release is conditional and her sentence still stands.
- Ihtiyor Hamraev, a member of the Human Rights Society of Uzbekistan (HRSU), and son of

the chairman of the Jizak Regional Department of the HRSU Bakhtiyor Hamraev, was arrested on 25 September 2006 and charged with hooliganism. He was sentenced to 3 years in prison. On 29 November 2007 Bakhtiyor Hamraev received a phone call from an anonymous prison guard informing him that Ihtiyor had been badly beaten. The prison guards claimed that Ihtiyor had stabbed himself in protest. Ihtiyor Hamraev was amnestied on 2 February 2008.

- Jamshid Karimov, a journalist and defender of human rights as well as a nephew of the President of Uzbekistan Islam Karimov, was sentenced to 6 months in a psychiatric hospital in mid-September 2006 and his sentence was further extended in mid-March 2007. Front Line believes he is being detained in Samarkand psychiatric hospital undergoing treatment for a false psychiatric condition.

### **Denial of freedom of association**

HRDs in Uzbekistan are often arrested when they attempt to hold demonstrations which are frequently broken up with the use of force.

- The authorities prevented HRDs of the Human Rights Defenders Alliance of Uzbekistan from participating in a commemorative event on 13 May 2008 to mark the third anniversary of the Andijan mass killings. Rasulzhon Tadjibaev, Shurat Ahmadzhonov, Elena Urlaeva and Saidagzam Askarov were arrested. Lyudmila Mingazova, Karima Kamalova, Akramhodzha Muhitidinov, Shadmanbek Fazilov and Tatyana Dovlatova were reportedly forced to stay in their homes by law enforcement officials. Jana Ignatenko and Alisher Mamadzhonov were prevented from laying flowers at a public monument to commemorate those who died at Andijan. In addition, an attempt was made by officials of the Intelligence Service to detain two other HRDs Anatoli Volkov and Victoria Vazhenova at the public monument.
- On 8 March 2007, a demonstration, coinciding with International Women's Day was scheduled to express solidarity with imprisoned HRDs. 100 members of the Birdamlik association were expected to participate, but were prevented by police from leaving their homes. Only Elena Urlaeva, Chairwoman of the Human Rights Defenders Alliance of Uzbekistan, was able to participate. Elena Urlaeva successfully participated, aided by the presence of journalists and diplomats, who prevented authorities from detaining her. A little more than a week later Elena Urlaeva planned to join another rally aimed at promoting the rights and interests of the disabled. However, the morning of this protest, 20 March 2007, her home was placed under surveillance. On the morning of 21 March 2007, the door was blocked, and she was arrested after she attempted to push open the door. She was held at the main city police department's Directorate for Fighting Terrorism and questioned by Farmon Aydarov and his deputy, who reportedly assaulted her. 10 other HRDs who attempted to participate in the protest were also held in police stations.
- At a protest against the government decision to change the site of a local market, Karim Bozorboyev, a member of Ezgulik, a human rights society, served as a mediator on behalf of protesters. He was then arrested on suspicion of fraud. On 3 December 2007, Bozorboyev was sentenced to 6 years, 3 months in prison. However, he was amnestied on 4 January 2008.

### **The Denial of Registration and Legal Operation to NGOs working on Human Rights Issues**

The Uzbek authorities routinely deny registration to independent human rights organizations. According to the US State Department's 2007 report, the only legally registered NGOs working on human rights issues are *Ezgulik* and the Independent Human Rights organisation of Uzbekistan. Unregistered domestic human rights organisations continue to function in Uzbekistan, but lacking

registered status hampers their ability to open bank accounts, maintain offices, and legally attain finances. Though registration does not halt government violations against HRDs, members of unregistered organisations feel increased vulnerability to government persecution, harassment and arrest. In the case of HRD Mutabar Tadjibaeva, her arrest and conviction was partly based on charges of working for an 'illegal' organisation.

International NGOs monitoring human rights also face registration challenges. In June 2007 Human Rights Watch, which has maintained a regional office in Tashkent since 1996, had the registration renewal application of Andrea Berg, head of the office in Tashkent, refused for unspecified reasons. On 19 February 2008, Igor Vorontsov, newly appointed Director of the HRW office in Tashkent, submitted the required accreditation application package to the Ministry of Justice. The application was again denied.

**Front Line calls upon the UN to urge the authorities in Uzbekistan to prioritise the protection of human rights defenders and in doing so to:**

1. Immediately release all the aforementioned human rights defenders who remain in detention as it is believed that they have been jailed solely on account of their human rights activities;
2. Conduct an independent inquiry into the threats, ill-treatment, torture and all forms of intimidation and harassment directed towards all those human rights defenders mentioned in this report, with a view to identifying those responsible, publishing the results and bringing those responsible to justice;
3. Ensure that all detained human rights defenders have access to regular family and lawyer visits, as well as, adequate medical attention where necessary;
4. Guarantee the physical and psychological integrity of all human rights defenders whilst in prison and ensure that they are not tortured or ill-treated, as is their right under Article 5 of the Universal Declaration of Human Rights;
5. Take measures to legitimise the work of human rights defenders and organisations, including through legal registration;
6. Immediately cease the practice of enforced psychiatric hospitalisation of human rights defenders;
7. Ensure that all human rights defenders in Uzbekistan are free to carry out their legitimate human rights activities without fear of reprisals or restrictions.