

**Initiative Group of
Independent Human Rights Defenders
of Uzbekistan**

**International
Partnership
for Human Rights**



Uzbekistan

**Submission to the UN Universal Periodic Review
16th Session (22 April – 3 May 2013)**

October 2012

This document has been prepared by the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU), International Partnership for Human Rights (IPHR) and the Netherlands Helsinki Committee (NHC) as a contribution to the second review of Uzbekistan under the Universal Periodic Review of the UN Human Rights Council. It is based on information obtained by IGIHRDU through monitoring of human rights developments in Uzbekistan, as well as complementary research undertaken within in the framework of a joint project on promoting human rights in Central Asia that is currently implemented by the three contributing organizations.

*The **Initiative Group of Independent Human Rights Defenders of Uzbekistan** is an independent non-governmental organization founded in 2002. Based in Tashkent, with members in different parts of the country, it defends and promotes human rights across Uzbekistan.*

Initiative Group of Independent Human Rights Defenders of Uzbekistan

Fazibaland str. 7 A

700069 Tashkent, Uzbekistan

Tel: + 998 71 228 05 08, +998 71 248 80 26

Email: surat.i@rambler.ru

***International Partnership for Human Rights**, a Brussels-based NGO founded in 2008, is committed to empowering local civil society groups and assisting them in making their concerns about human rights violations heard at the international level. In particular, the IPHR cooperates with local partner organizations with the aim of advancing the rights of vulnerable groups who are subject to discrimination and abuse.*

International Partnership for Human Rights

Avenue des Arts 3-4-5, 8th Floor

1210 Brussels, Belgium

Tel: +32 2 227 6145, +32 475 392 121

Email: IPHR@IPHRonline.org

Website: www.IPHRONline.org

*The **Netherlands Helsinki Committee**, a non-governmental organization founded in 1987, aims to promote the rule of law and full compliance with international human rights standards, in particular within the societies of OSCE participating States.*

Netherlands Helsinki Committee

Laan van Meerdervoort 70

2517 AN The Hague, The Netherlands

Tel: + 31 70 392 6700

Email: office@nhc.nl

Website: www.nhc.nl

1. Introduction

1.1. When Uzbekistan was first scrutinized in the framework of the Universal Periodic Review in 2008, its government undertook to consider and implement a number of recommendations made by other states with respect to ensuring respect for freedom of expression, freedom of association and assembly, freedom of religion and other related fundamental rights. However, four years later, these rights remain seriously limited in the country. This submission highlights persistent concerns with respect to **restrictions on internet freedoms, persecution of civil society**, as well as **human rights violations perpetrated in the fight against “religious extremism”** in Uzbekistan. It also proposes new recommendations to the Uzbek authorities in these areas.

2. Restrictions on internet freedoms

2.1. Uzbekistan is a highly repressive country for internet users and has been named one of the world’s ten “enemies of the internet” by Reporters without Borders.¹ The recent wave of protests in the Arab world appears to have frightened the authorities of the country with respect to the potential power of the internet and reinforced efforts to rein in the internet, whose users has grown rapidly in the last few years,² even if primarily in larger cities, and among young people.

2.2. Under the country’s restrictive media legislation, websites are defined as media outlets and must be registered with the authorities in the same way as other media outlets. Registration may be rejected if the purpose and objectives of a media outlet is considered to contradict existing legislation, and the activities of media outlets may be suspended or terminated for various violations of the law. The owners, editors and staff of websites may be held liable for the “objectivity” of published materials.³ Internet operators and service providers risk having their licenses revoked if they fail to enforce various regulations on prohibited internet content.

2.3. The Uzbek authorities closely monitor and censor internet content. Online material on controversial issues, such as corruption, human rights violations and religion is filtered and websites featuring criticism of the authorities are fully or partially blocked. Blocked websites include those of opposition groups, local and international human rights NGOs, as well as regional and foreign media such as uznews.net, ferghana.ru, eurasiainet.org, Radio Free Europe/Radio Liberty, BBC, Voice of America and Deutsche Welle. Global social networking sites are also occasionally inaccessible in Uzbekistan. For example, in March-April 2012, the popular blog platform and social networking site Live Journal was blocked for several weeks. Even if access later was restored, individual blogs featured on the site remained unavailable to Uzbek users.

2.4. Internet cafes in Uzbekistan are held under surveillance by security services and the owners of such establishments are warned not to allow customers to visit internet sites containing political, religious or other material that is considered inappropriate by the authorities.

2.5. Government officials have publicly warned of "destructive" and "provocative" forces in the internet and a new government oversight body set up in August 2011 was granted a broadly worded mandate to track down internet material considered inadmissible. This body was charged with identifying and proposing measures in response to material that does not "correspond to the requirements of the law", has a "destructive and negative" impact on the "social conscience of citizens" or undermines "national cultural traditions and heritage".⁴

2.6. The excessive restrictions on the internet imposed by the Uzbek authorities have resulted in widespread self-censorship among internet providers and users who fear repercussions. Those who dare to use the internet to openly criticize authorities or comment on controversial issues are highly vulnerable to intimidation and harassment (see also the section on "persecution of civil society"). The following case illustrates safety concerns related to the online exercise of freedom of expression:

- In early 2011, the online discussion forum arbuz.com announced that it had discontinued several popular sections on the site that had featured discussion on politically related topics. The site administrator took this step after a number of forum users, who had actively participated in the discussion in these sections, were arrested by security services. The administrator also warned users not to access the site directly in Uzbekistan (without the use of proxy servers) given the dangers associated with this. Later, in December 2011, the forum was fully closed down with reference to concerns about the safety of users.

3. Persecution of civil society

3.1. Members of Uzbekistan's small community of independent journalists and human rights defenders continue to face harassment on an ongoing basis. Harassment takes such forms as surveillance, house arrest, denial of exit visas, physical assaults carried out by individuals believed to have been specifically recruited by authorities for this purpose, detentions and politically motivated charges and convictions.

3.2. The following recent attack on a human rights defender has reinforced feelings of vulnerability within the country's civil society community:

- On 25 July 2012, human rights defender Akromkhodzh Mukhitdinov, known in particular for his defense of the rights of farmers and entrepreneurs, died of stab wounds in the Yangiyulsky district of the Tashkent region. It was reported that a number of men provoked a fight with him in the center

of the settlement where he lived. A while later, as he was entering a local store, the same men re-appeared and attacked him, including by repeatedly stabbing him, as a result of which he died on the way to hospital. Four suspects were soon arrested, but three of them were later released.⁵

Mukhitdinov's colleagues suspect that the attack on him was related to his human rights activities. They have also expressed concern about the investigation of the attack, which they feel is not being conducted adequately.

3.3. Recent cases of punitive legal cases against independent journalists and human rights activists include the following ones:

- In March-April 2012 independent journalists Viktor Krymzalov and Elena Bondar were both fined on questionable administrative charges. He was found guilty of "slander" and "insult" (under articles 40 and 41 of the Administrative Code) because of an online article that he had not even authored. She was fined for "inciting national hatred" (under article 184-3 of the Administrative Code) in relation to her efforts to investigate allegations surrounding a company serving as intermediary between a Russian university and Uzbek students enrolled for distance studies. She had not written a single article on this issue.⁶
- In July 2012, member of the IGIHRDU member Gul'naza Juldasheva was convicted of extortion (under article 165 of the Criminal Code) and sentenced to two years in prison in a case that appeared to have been initiated in retaliation for her efforts to bring attention to suspected human trafficking cases involving local officials. She was first sentenced to two years in prison, but the sentence was later changed to a seven-year prison term. Juldasheva had previously reported facing threats because of her efforts to assist trafficking victims. The trial against her was characterized by serious irregularities.⁷

3.4. A few wrongfully imprisoned journalists and human rights defenders have been released in response to international pressure in the last few years, but a considerable number of others⁸ continue to serve prison sentences on fabricated charges. There are serious concerns about the health and well-being of these prisoners, many of whom are known to have suffered a serious deterioration of their health while in prison due to harsh prison conditions, ill-treatment and torture. According to information obtained by IGIHRDU, those who are released are often requested to sign statements that they will not communicate with other journalists and human rights defenders upon release, as a result of which they de facto live in isolation.

3.5. While it remains a requirement for non-governmental organizations to register with the authorities in order to operate legally in Uzbekistan, obtaining registration is extremely difficult. Only one active human rights group, *Ezgulik*, has been registered. Other human rights groups carry out their work without legal status, which complicates their work and increases their vulnerability to harassment.

3.6. The efforts of international media and NGOs to work in Uzbekistan continue to be hampered by restrictive accreditation and visa rules. Foreign journalists and NGO representatives are frequently denied visas to visit Uzbekistan or are only granted one-entry tourist visas, which are not renewed. Human Rights Watch, one of the few international NGOs to have worked in the country in recent years, was forced to finally close its office in Tashkent in 2011. The Uzbek Supreme Court liquidated its registration, arguing that it had acted in violation of Uzbek law.

3.7. The government of Uzbekistan also continues to obstruct independent scrutiny of its human rights record by denying access to UN special rapporteurs who have requested to visit the country⁹. The only time a UN special rapporteur has been allowed to visit Uzbekistan was in 2002.¹⁰

3.8. There is no specific law regulating the conduct of assemblies in Uzbekistan and existing regulations (such as a government decree from 2003 establishing rules for holding mass events) are not implemented in a clear and consistent way. Typically there is no response from authorities to letters from citizens announcing plans to hold assemblies. Small-scale peaceful pickets, which are staged by civil society activists and other citizens to demand respect for fundamental rights and freedoms are broken up by police and participants are subjected to intimidation, detentions and administrative sanctions in the form of fines or arrests of 10-15 days for “violating the order of organizing and conducting assemblies” (under article 201 of the Administrative Code). These are a few recent examples documented by IGIHRDU:

- On numerous occasions in 2012, representatives of the Human Rights Alliance of Uzbekistan, as well as the Human Rights Society of Uzbekistan have been detained and fined or given administrative arrests for holding pickets in the cities of Tashkent and Karshi.
- In June 2012 members of the human rights NGO *Ezgulik* were subjected to house arrest when they were planning to hold a picket outside the Kyrgyz embassy in Tashkent in connection with the two-year anniversary of the inter-ethnic violence in southern Kyrgyzstan. Activists from the opposition movement *Birdamlik* were arrested outside the Kyrgyz embassy immediately after arriving there to carry out a protest action related to the anniversary. They were brought to a district police station, where they were held for about 10 hours before they were released. Later three of the activists were fined under article 201 of the Administrative Code.

3.9. The repressive climate in the country generally discourages public protests and no mass protest has taken place since the 2005 Andijan events, when government troops forcefully put down a rare mass protest and killed hundreds of civilians¹¹. The Uzbek authorities have continued to reject calls for an independent and impartial investigation into this tragedy, and no officials have been brought to justice for their role in the killings. The fate remains unknown of many of those who subsequently were convicted and imprisoned on “religious extremism” and similar charges for their role in the protest, with relatives not having been informed about the terms of their sentences or the place where they are held (for more

information about concerns relating to the treatment of individuals charged with “religious extremism”, see the following section).

4. Human rights violations in the fight against “religious extremism”

4.1. The Uzbek authorities continue their indiscriminate and repressive campaign against “religious extremism.” This campaign is characterized by a persistent pattern of human rights violations, as documented by IGIHRDU through ongoing monitoring.

4.2. In its fight against “religious extremists,” the Uzbek authorities fail to make a distinction between individuals who endorse or advocate violence and individuals who practice their beliefs peacefully albeit outside strict state controls. Thus, Muslims believers are arrested and charged with “extremist” crimes because of non-violent religious activities such as praying outside state-sanctioned mosques, studying “non-approved” religious literature or meeting with other believers. They are accused of involvement in organizations deemed “extremist” even if there is no evidence that they have participated in the activities of the organizations in question and/or the organizations do not have any known connection to violence.

4.3. During targeted law enforcement raids, individuals singled out in the anti-extremism campaign are arbitrarily detained, e.g. by law enforcement officials who do not introduce themselves or explain any reasons.¹² In an increasingly common practice documented by IGIHRDU, those detained are initially brought to court on fabricated administrative charges such as charges of “minor hooliganism” (under article 183 of the Administrative Code) or “failure to comply with the lawful orders of a police officer” (under article 194 of the same Code) and sentenced to 10 or more days of arrest in trials that typically are held without the presence of lawyers or witnesses. This practice appears to be used to get around the legal requirement of *habeas corpus* (the judicial review of detention), which was introduced in Uzbekistan in 2008, as well as to gain time to build criminal cases.

4.4. While individuals accused of “religious extremism” are held in detention, their contacts with lawyers and family members are often restricted, in spite of recent legal changes aimed at protecting detainees’ rights. Various forms of pressure are used in an attempt to force purported “religious extremists” to “confess” or testify against others.

4.5. Trials in religious “extremist” cases are often held behind closed doors, without access for human rights monitors, journalists or even relatives. They are characterized by gross procedural violations. In particular, judges fail to pay attention to allegations of torture and ill-treatment and admit as evidence statements made under coercion, in spite of Uzbek Supreme Court resolutions prohibiting the admissibility of such testimonies. The sentences handed down against alleged “religious extremists” frequently amount to lengthy prison terms. Convictions are handed down under vaguely worded Criminal Code articles, such

as articles that ban the participation in “illegal” religious groups (article 216), the involvement in “religious extremist” and other “prohibited” groups (article 244-2), the production and distribution of materials considered to create a threat to public order and security (article 244-1), as well as “anti-constitutional” activities (article 159).

4.6. Individuals who are serving prison sentences for “religious extremism” offenses are frequently subjected to discriminatory treatment and abuse aimed at punishing them for their beliefs and pressuring them to renounce their faith. In the last few years, IGIHRDU has also received numerous new reports about cases where prisoners convicted on “religious extremism” charges are believed to have died in prison as a result of harsh detention conditions, ill-treatment and torture. This is only one example:

- Late at night on 29 February 2012 the body of 41-year-old Sagdiev Abdurahman, who had been serving a “religious extremism” sentence in a prison colony in the city of Navoi, was brought to his family in Tashkent. Early the following morning he was buried. Law enforcement officials told Abdurahman’s relatives that he had died in a fight with fellow inmates, but his relatives suspect that the many wounds and bruises that were visible on his body in reality were the result of torture. During his 13 years in prison, Abdurahman had repeatedly told his relatives that he was being subjected to torture.¹³

4.7. In spite of the recommendations made by members of the Human Rights Council and other UN human rights bodies for strengthened measures to investigate allegations of torture and ill-treatment, such allegations (including those concerning torture deaths) are still rarely adequately investigated and prosecuted in Uzbekistan. Family members of individuals accused of “religious extremism” often tell the IGIHRDU that they have received no responses to complaints about torture and ill-treatment submitted to relevant authorities, even if they have included the names of the alleged perpetrators. When reviewing the situation in Uzbekistan in March 2010, the UN Human Rights Committee noted with concern the “inadequate or insufficient nature of investigations” of torture allegations, the “limited number of convictions” and the “low sanctions” generally imposed.¹⁴

4.8. The Uzbek authorities also continue to seek the extradition of purported “religious extremists” who have sought protection in other countries because of fear of persecution on the basis of their religious convictions and practices.

- In June 2011, 29 individuals wanted on “religious extremist” charges were forcibly returned from Kazakhstan to Uzbekistan in spite of the well-known risk that they may be subjected to torture and other human rights violations upon return.¹⁵ After examining a complaint related to the case, the UN Committee against Torture found that Kazakhstan violated the non-refoulement ban when extraditing these individuals.¹⁶ According to the Committee, it had been “sufficiently demonstrated” that they faced a “foreseeable, real and personal risk of torture” upon return to Uzbekistan

given the known pattern of “gross, flagrant or mass violations of human rights” and “the significant risk of torture” in Uzbekistan, “in particular for individuals practising their faith outside the official framework.” With respect to the Kazakhstani government’s argument that it had requested diplomatic assurances for the protection of the extradited individuals, the Committee pointed out that such assurances “cannot be used as an instrument to avoid the application of the principle of non-refoulement.”¹⁷ IGIHRDU has received information that three of the extradited individuals subsequently were convicted of various “religious extremism” offences and sentenced to prison in trials held behind closed doors.¹⁸ It has no information about the fate of the others.

5. Recommendations

5.1. In order to demonstrate human rights progress, the authorities of Uzbekistan should be asked to:

5.1.1. With respect to cooperation with the international community on human rights protection:

- Take adequate measures to give effect to recommendations relating to freedom of expression, freedom of association and assembly, freedom of religion and human rights and counter-terrorism that they undertook to implement or to consider implementing in connection with the 2008 Universal Periodic Review but that remain unimplemented to date.
- Extend invitations to the UN special rapporteurs who have requested to visit Uzbekistan, including the rapporteurs on human rights defenders, freedom of assembly and association, freedom of religion, torture, and the independence of judges and lawyers.
- Ensure that a thorough, independent and impartial international investigation is carried out into the 2005 Andijan events with a view to identifying, prosecuting and punishing those responsible for the killings of civilians.

5.1.2. With respect to internet freedoms:

- Respect freedom of expression in the internet and abolish excessive restrictions on internet use that are in violation of international human rights law, in particular article 19 of the International Covenant for Civil and Political Rights.
- Refrain from systematic censoring or blocking of online content, and do not limit access to websites simply because they contain information that authorities do not like or agree with.

5.1.3. With respect to the opportunities of civil society to function:

- Stop intimidating and harassing independent journalists and human rights defenders, including by pursuing politically motivated charges against them. Immediately and unconditionally release all journalists and defenders who have been arrested or imprisoned on such grounds.
- Adopt a law on assemblies that is consistent with international human rights standards and allow peaceful public protests to take place without interference by law-enforcement authorities.
- Enable independent NGOs (including international NGOs) to obtain registration in an uncomplicated and quick process and to work without hindrance.

5.1.4. With respect to the fight against “religious extremism”:

- Put an end to the campaign of arresting, criminally charging and convicting independent Muslim believers for non-violent religious engagement outside of institutions and organizations strictly controlled by the state, and ensure that no one is punished for the legitimate exercise of freedom of religion as protected by international human rights standards.
- Adopt effective measures in accordance with recommendations made by members of the Human Rights Council, relevant UN treaty bodies and UN special procedures to ensure, in practice, respect for the rights of detainees, the right to fair trial and the right not to be subjected to torture and ill-treatment. The Uzbek authorities should ensure that all allegations of torture and ill-treatment are investigated in a thorough and impartial manner, that all perpetrators of such treatment are brought to justice and given an adequate penalty, and that statements made under pressure are not admitted as evidence in any court proceedings.

6. More information

6.1. For more information on the issues covered in this submission (including more examples of individual cases), see the following reports issued by IGIHRDU, IPHR, the NHC and partners:

- *A Sobering Reality: Fundamental Freedoms in Kazakhstan, Turkmenistan and Uzbekistan Twenty Years after the Soviet Collapse*, March 2012,
http://www.iphronline.org/uploads/9/0/2/7/9027585/central_asia_report_march_2012.pdf
- *Central Asia: Censorship and Control of the Internet and other New Media*, November 2011,
http://www.iphronline.org/uploads/9/0/2/7/9027585/ca_internet_20111128_e.pdf
- *Human Rights Violations in the Fight against Religious “Extremism” in Uzbekistan*, June 2011,
http://www.iphronline.org/uploads/9/0/2/7/9027585/uzbekistan_report_initiative_group_indep_hrd_june_2011.pdf

¹ See <http://en.rsrf.org/uzbekistan-uzbekistan-12-03-2012,42079.html>

² According to statistics from the International Telecommunication Union, the number of internet users per 100 inhabitants in Uzbekistan increased from 7 in 2007 to 30 in 2011. See <http://www.itu.int/>

³ Law on Mass Media of Uzbekistan (in Russian), at <http://www.medialaw.ru/exussrlaw/l/uz/media.htm>

⁴ Government decree no. 228 of 5 August 2011 (“On additional measures to improve the system of monitoring in the area of mass communication”), available in Russian at <http://medialawca.org/document/-9841>

⁵ «Подозреваемые в убийстве правозащитника уже на свободе» (“Individuals suspected of killing human rights activist released”), 13 August 2012, http://www.uznews.net/news_single.php?lng=ru&sub=&cid=3&nid=20547

⁶ For more information on these two cases, see IPHR and NHC, “New case of harassment of independent Uzbek journalist,” 10 April 2012, http://www.iphronline.org/uzbekistan_20120410_e.html; statement by IGIHRDU from 9 April 2012, «Власти продолжают преследования журналистов» (“The authorities continue to persecute journalists”).

⁷ IPHR and NHC, “Uzbek activist seeking justice for trafficking victims sentenced to prison,” 17 July 2012,

http://www.iphronline.org/uzbekistan_20120717_e.html; statement by IGIHRDU from 11 July 2012, «По сфабрикованному делу на 2 года осуждена правозащитница Гульназа Юлдашева» (“Human rights defender Gulnaza Juldashaeva sentenced to two years in prison on fabricated charges”).

⁸ Among the journalists and human rights defenders who currently are imprisoned are: Khayrullo Khamidov, Dilmurad Sayid, Salizhon Abdurakhmanov, Gayrat Meliboyev, Bahron Ibragimov, Davron Kabilov, Ravshanbek Vafojev, Abdulaziz Dadakhonov, Botirbek Eshkuziyev, Yousaf Ruzimuradov, Mahomed Bekzhan, Azam Farmonov, Nosim Isakov, Gaybullo Zhalilov, Rasoul Hudaynazarov, Ganikhon Mamatkhanov, Habibulla Okpulatov, Yuldash Rasulov and Akzam Turgunov.

⁹ As of this writing, a total of 11 special rapporteurs who had requested to visit Uzbekistan had not received invitations. See a list of these rapporteurs: <http://www2.ohchr.org/english/bodies/chr/special/countryvisitsn-z.htm>

¹⁰ That year the UN Special Rapporteur on Torture visited the country.

¹¹ For more information see IGIHRDU and IPHR, “Five Years after Andijan: Still No Accountability,” 11 May 2010,

http://www.iphronline.org/uzbekistan_20100510_e.html

¹² For example, during a mass raid carried out in the Sariasysky district of the Surkhandarya region on 8 February 2012, armed men wearing camouflage gear burst into the home of 97-year old Nisbatillo hozhi Nurov in the middle of the night, searched his home and detained his three sons, his grandson and two neighbors without introducing themselves or explaining any reasons. More details in IGIHRDU, «Незаконные массовые задержания верующих в Сариасийском районе Сурхандарьинской области» (“Unlawful mass detentions of believers in the Sariasysky district of the Surkhandarya region”), 20 February 2012.

¹³ See IGIHRDU statement from 7 March 2012, «В КИН 64/46 от пыток погиб 41-летний Сагдиев Абдурахман» (“Forty-one year old Sagdiev Abdurahman died of torture in colony number 64/46”).

¹⁴ Concluding observations of the Human Rights Committee: Uzbekistan, Ninety-eight session, 8-26 March 2010, par. 11, at

<http://www2.ohchr.org/english/bodies/hrc/hrcs98.htm>

¹⁵ For more details see joint statement by IGIHRDU, Kazakhstan International Bureau for Human Rights and Rule of Law, IPHR and NHC, “The EU Should Request Protection of the Rights of Forcibly Returned Individuals,” 23 June 2011,

<http://www.iphronline.org/news.html?56>

¹⁶ Decision adopted by the Committee against Torture on communication 444/2012 at its forty-eighth session, 7 May-1 June 2012, http://www2.ohchr.org/english/bodies/cat/docs/jurisprudence/CAT-C-48-D-444-2010_en.pdf

¹⁷ See previous footnote.

¹⁸ See IGIHRDU statement from 30 September 2011, «Результаты судебных процессов по 28-ми экстрагированных беженцев из Алматы» (“The outcome of legal processes related to the 28 refugees extradited from Almaty”).