

UZBEKISTAN

Universal Periodic Review – Third cycle

Alternative Thematic Report

Presented by

Uzbek-German Forum for Human Rights (UGF)



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The Uzbek–German Forum for Human Rights (UGF) is a Germany-based NGO dedicated to improving the human rights situation in Uzbekistan and strengthening and promoting civil society. UGF was established and registered in Berlin in July 2009 as a joint venture between Uzbeks and Germans with the purpose of strengthening human rights advocacy through engagement with European and international institutions. The goal of the organization is to end to human rights abuses in Uzbekistan by building the capacity of local human rights groups, conducting advocacy with the EU and international institutions and by mobilizing public opinion in Europe. Advocacy efforts are particularly focused on Germany because of its strong ties with Uzbekistan and throughout the region and because of its influential role in EU foreign policy. UGF also partners with other human rights organizations to address key issues such as forced and child labor in the country’s cotton sector; strengthen the rule of law and establish an independent legal system; promote the establishment of more human rights organizations and to stand up for the freedoms of expression, association, and peaceful assembly.

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Freedom of expression, association, and peaceful assembly

Nongovernmental Organizations

1. The government rejected 58 previous UPR recommendations including on cooperation with special procedures (recommendations 136.21-136.35), ceasing politically-motivated prosecutions, releasing political prisoners, ending arbitrary detention (recommendations 136.42-136.46), and ceasing persecution of people exercising their rights to freedom of assembly, association, and expression (recommendations 136.56-136.58).
2. The Human Rights Committee has expressed concern about unreasonable registration requirements for public associations, termination of registration of international organizations, and other obstacles to the work of human rights nongovernmental organizations.”ⁱ It called on Uzbekistan to bring its regulations and practice into full compliance with the Covenant.
3. The government requires all nongovernmental organizations (NGOs) to register with the Ministry of Justice, although in practice registration is all but impossible for independent groups. Activities by unregistered NGOs are prohibited and punishable by fines, detention up to six months or imprisonment up to five years.ⁱⁱ In December 2014 the Human Rights Alliance of Uzbekistan requested registration assistance from the Ministry of Justice. The Ministry warned that all activity by unregistered NGOs and their representatives would be heavily fined. Registration procedures are burdensome and timeframes are not clearly defined. According to the bylaws governing registration, Ministry of Justice officials can return registration applications for procedural “mistakes” an unlimited number of times and delay responses for months, making it difficult for NGOs to appeal negative decisions.ⁱⁱⁱ NGOs must receive advance permission for their activities, even holding meetings or seminars, by filing proposed work plans with the Ministry of Justice^{iv}
4. NGOs must get the Justice Ministry and Banking Commission’s approval to receive any foreign funding.^v The Banking Commission can request project proposals already approved by international donors and deliberate on whether to disburse funds already transferred to the bank to the NGO – a lengthy process that often results in the devolution of funds to the foreign donor.^{vi} Once funding has been received, the NGO must submit monthly reports to a body under the Finance Ministry and submit reports on every transaction using the funding. A 2016 law on legislative acts gave the government greater control, enabling the Justice Ministry to receive information about NGO bank accounts when deemed necessary to determine their compliance with the law.^{vii} The 2016 law also requires NGOs to notify the government about any travel by their representatives to foreign countries.^{viii}

5. Mirziyoyev has proposed some reforms that, if implemented, could be enabling for civil society. However, with the existing laws still in force, independent NGOs unable to register, and many NGOs currently financially insolvent due to the complexities of receiving funding, it is premature to tell if they will have tangible effects. For example, the new Law on Youth Policy invites the participation of NGOs in the implementation of the policy but provides no guidance on how NGOs can do so in light of the restrictions on their activities and funding.^{ix}

Persecution of Independent Activists and Journalists

6. The government uses harassment, persecution, violence, and arbitrary detention to interfere with the work of independent activists and to retaliate for government criticism.^x Many human rights defenders, labor activists, and journalists have been sentenced to prison terms on trumped up charges after flawed trials.^{xi} Some have had their prison sentences arbitrarily extended. Although some activists and journalists have been released in recent months, this is only after serving their sentences. Many others, such as Azam Turgunov, whose detention the UN Working Group found to be arbitrary,^{xii} Fakhridin Tillayev, who made credible allegations of torture,^{xiii} and Yusuf Ruzimuradov,^{xiv} remain in prison.
7. Independent journalist Bobomurod Abdullaev went missing on September 27, 2017, later found in SNB custody where he remained at the time of writing, apparently charged with 159 anti-constitutional activities, and facing up to 20 years' imprisonment.^{xv}
8. Activists who cooperate with UGF in monitoring forced labor have also suffered reprisals. Elena Urlaeva has been subjected to frequent arbitrary arrest and inhuman and degrading treatment, including beatings, forced sedation, x-ray, and body cavity searches.^{xvi} Police have also destroyed or confiscated her research materials. Most recently, police in Buka, Tashkent region, detained Urlaeva for several hours on October 4, 2017, when she was interviewing forced laborers with a German journalist.^{xvii} Activist Dmitry Tikhonov had to flee Uzbekistan after his home office was burned and he was threatened with politically motivated charges.^{xviii} Uktam Pardaev was convicted on trumped up charges, given a conditional sentence, and prevented from continuing human rights work.^{xix} Monitors working undercover have also faced harassment including interrogations and threats.^{xx}

Restrictions on the Independence of Lawyers

9. In 2008 the government abolished the independent bar associations and banned the formation of any such associations, in violation of the right to freedom of association. It established a single Chamber of Lawyers with mandatory membership for all licensed lawyers. The law grants the Ministry of Justice the authority to appoint and dismiss the chairperson of the Chamber.^{xxi} The changes directly violate the UN Basic Principles on the Role of Lawyers, which provide that lawyers be entitled to form and join self-governing professional associations.^{xxii} The International Commission of Jurists noted that the 2008 changes

effectively abolished the independent legal profession in Uzbekistan.^{xxiii} Lawyers have reported that the biggest threat to their independence came from the Chamber of Lawyers.^{xxiv}

10. The new law made the Higher Qualifications Committee, the qualifications commission and disciplinary oversight body, subordinate to the Chamber of Lawyers under Ministry of Justice control. Half of the Committee's members are representatives of the Ministry of Justice, undermining the licensing procedure's independence. The licensing exam is subject to political influence. In March 2009 the Cabinet of Ministers required all lawyers to re-take the exam. Although the government has not produced statistics on the number of licensed lawyers who failed, numerous prominent, independent lawyers did not pass the exam and thus lost their licenses.
11. Some lawyers refuse to take politically-sensitive cases for fear of disbarment, leaving many journalists and activists without legal assistance, such as in the case of writer Nurullo Atakhanov, arrested on September 27, 2017.^{xxv}
12. The Chamber of Lawyers issues professional regulations that are complex, often arbitrary, and difficult to comply with, rendering lawyers vulnerable to disciplinary proceedings. In 2015 the head of the Chamber's Tashkent branch announced that members who participate in any training or professional events without the explicit consent of the Chamber face disciplinary measures.^{xxvi}

Arbitrary extension of prison sentences

13. Article 221 of the Criminal Code criminalizes violations of internal prison regulations. It is used routinely to extend arbitrarily the prison sentences of people who have served their terms and should be released, especially those convicted on politically-motivated charges or charges related to religious extremism. These cases consistently show that sentences for article 221 are disproportionate to the alleged offenses and imposed without due process. Prisoners may be charged under article 221 after three violations, however minor. Murod Juraev, a political prisoner sentenced to nine years in 1994, had his prison term extended four times for an additional 12 years, for inconsequential violations such as reading newspapers at night and hanging his washing near the heater. He was released in 2015. One woman whose son was sentenced in 2000 to 13 years in prison on extremism charges, reported that weeks before his scheduled release he was convicted under article 221 and sentenced to an additional 3 years and 6 months for trivial violations such as being unshaven—despite being in a punishment cell without a razor.
14. Prisoners facing such charges are denied due process and do not have the opportunity to seek independent legal help. Relatives of prisoners are often not informed of the charges and cannot hire independent lawyers or attend proceedings. Nina Lonskaya, wife of Muhammed

Bekjanov, a journalist sentenced in 1999, said that in 2012 she traveled from her home in the U.S. to Uzbekistan to meet Bekjanov, who had completed his sentence. She spent two months making official inquiries to the courts, prison, and law enforcement officials, receiving no information regarding his whereabouts. After returning home she learned that Bekjanov had received an additional sentence of four years and eight months for offenses such as “improper possession of nail clippers.” Bekjanov was released in February 2017 but is not allowed to join his family in the U.S.

Punitive Psychiatry

Elena Urlaeva

15. The government has forcibly committed human rights activist Elena Urlaeva to psychiatric hospitals on five occasions between 2001 and the present, each time holding her for weeks or months against her will. During these periods, she has been subjected to forced treatment with drugs, some of which have serious side effects and have been used to punish her. This treatment shows a clear pattern of retaliation and persecution for Urlaeva’s human rights activities; the use of psychiatric detention to punish her and interfere with her work; and a politically-motivated effort to discredit Urlaeva and stop her work by declaring her insane, legally incompetent, and imposing mandatory outpatient treatment. Doctors imposed a diagnosis of schizophrenia on Urlaeva. In 2003 and again in 2017 Urlaeva underwent independent psychiatric evaluations with international experts, both of whom concluded that Urlaeva does not suffer from schizophrenia.
16. In just one example on August 27, 2005, police arrested Urlaeva for attempting to distribute a caricature of the Uzbek emblem. They took her to Tashkent City Psychiatric Hospital No.1 where an expert psychiatric commission determined she was sane and did not require treatment. Police transferred Urlaeva to the Churkusai Republican Psychiatric Hospital, a criminal psychiatric facility, where a commission found her “insane” and ordered compulsory treatment.
17. On August 24, 2006, a Tashkent court found Urlaeva legally incompetent. Urlaeva was not called to participate in the hearing or questioned. She has since made many attempts to appeal this decision through the courts, prosecutor and Ministry of Health, alleging that the diagnosis, mandatory treatment, and finding of incompetence were in retaliation for her human rights work.
18. Most recently, police committed Urlaeva to the Tashkent psychiatric hospital on March 2, 2016, the day before she was to report on her work monitoring the cotton harvest to officials from the World Bank and International Labour Organization. Hospital staff immediately

administered medication to Urlaeva, which continued throughout her commitment. She was released three weeks later after significant international pressure.^{xxvii}

19. Urlaeva reported that nurses and orderlies have beaten and treated her roughly, accused her of being a spy or working against the government, including during recent hospitalizations. Hospital staff allowed or provoked aggressive patients to attack Urlaeva and failed to protect her from these attacks. She reported that nurses and orderlies beat patients and refused care to patients with injuries from such treatment. Hospital staff use rope to tie up or restrain patients who are agitated or as punishment. Patients are never permitted to go outside for fresh air or exercise.

Jamshid Karimov

20. Independent journalist Jamshid Karimov, nephew of former president Islam Karimov, was held in involuntary psychiatric detention for nearly 11 years at a hospital in Samarkand under the Ministry of the Interior, and released in early 2017.^{xxviii} Karimov, who had published articles critical of the government and cooperated with international media outlets, was arrested in September 2005. A court imposed mandatory psychiatric treatment and Karimov was forcibly committed to in September 2006. He was briefly released in November 2011 but forcibly returned to the hospital two months later. Karimov said that he was diagnosed with schizophrenia.^{xxix} Karimov's forced hospitalization, treatment, and diagnosis have been used to discredit him, punish him, and stop his journalism work.
21. Karimov said that hospital staff treated him harshly, that conditions were poor, and he suffered from hunger and developed serious health problems, including pancreatitis, while in the hospital.^{xxx} Karimov's daughter reported that law enforcement officers and medical staff monitored all visits to Karimov and forbade anyone from telling him of President Karimov's death.^{xxxi} She said that Karimov was held in a locked ward with bars on the windows. After his brief release in 2011, the SNB summoned him, beat him severely breaking a tooth, before forcibly returning him to the hospital.^{xxxii}
22. Authorities confiscated Karimov's passport in 2006 when he tried to obtain permission to travel to Sweden. Without a passport he cannot work or receive his pension. Karimov has appealed to the president to get his passport reinstated but has not received a reply.^{xxxiii}

ⁱ Human Rights Committee Concluding Observations on the Fourth Periodic Report of Uzbekistan, CCPR/C/UZB/CO/4, August 17, 2015, para. 25.

ⁱⁱ See Freedom House, "Freedom of Association Under Threat: The New Authoritarians' Offensive Against Civil Society – Uzbekistan," available at <https://freedomhouse.org/report/freedom-association-under-threat-new-authoritarians-offensive-against-civil-society-2> (accessed August 22, 2017); and The International Center for Not-for-Profit Law (ICNL), "Civic Freedom Monitor: Uzbekistan," last updated May 26, 2017, available at <http://www.icnl.org/research/monitor/uzbekistan.html> (accessed August 22, 2017).

ⁱⁱⁱ See Uzbek Bureau for Human Rights and Rule of Law, "Uzbekistan's Implementation of the CAT," at 19, September 2013, available at

http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/INT_CAT_NGO_UZB_15489_E.pdf (accessed August 22, 2017).

^{iv} See U.S. Embassy in Uzbekistan, Bureau of Democracy, Human Rights and Labor, "Country Reports on Human Rights Practices for 2016, Uzbekistan," Section 2, subsection B, "Freedom of Peaceful Assembly and Association," available at <https://uz.usembassy.gov/2016-country-reports-human-rights-practices-uzbekistan/> (accessed August 22, 2017).

^v See ICNL, "Civic Freedom Monitor: Uzbekistan."

^{vi} See YHRM, "Is there a civil society in Uzbekistan? Perspectives of development."

^{vii} See ICNL, "Civic Freedom Monitor: Uzbekistan."

^{viii} Ibid.

^{ix} Ibid.

^x Human Rights Watch, "Until the Very End" - Politically Motivated Imprisonment in Uzbekistan, 26 September 2014, available at: <https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan> [accessed 7 July 2017].

^{xi} Ibid.

^{xii} UN Working Group on Arbitrary Detention Opinion No. 53/2011 (Uzbekistan), available at: <http://www.freedom-now.org/wp-content/uploads/2012/01/Turgunov-WGAD-Opinion-No-53-2011.pdf> [accessed June 30 2017].

^{xiii} "Cotton campaign Outraged at Death of Uzbek Labor Rights Activist," Cotton Campaign, June 22, 2017, <http://www.cottoncampaign.org/jumaniyazovrsquos-death.html> (accessed October 4, 2017).

^{xiv} "CPJ urges Uzbek president to lift media restrictions," Committee to Protect Journalists letter to President Mirziyoyev, January 23, 2017, <https://cpj.org/2017/01/cpj-urges-uzbek-president-shavkat-mirziyoyev-to-li.php> (accessed October 4, 2017).

^{xv} "Rights Group Calls For Uzbek Journalist's Release," Radio Free Europe/Radio Liberty, October 2, 2017, <https://www.rferl.org/a/uzbekistan-journalist-abdullaev-release-demanded/28769588.html> (accessed October 4, 2017).

^{xvi} See for example: "Uzbekistan: Brutal Police Attack On Activist," Human Rights Watch press release, June 4, 2015, <https://www.hrw.org/news/2015/06/04/uzbekistan-brutal-police-attack-activist> (accessed October 4, 2017); See Uzbek-German Forum and Human Rights Watch, "We Can't Refuse to Pick Cotton" - Forced and Child Labor Linked to World Bank Group Investments in Uzbekistan, 27 June 2017, http://uzbekgermanforum.org/wp-content/uploads/2017/06/REPORT_Uzbekistan_2017-27-06.pdf (accessed September 29, 2017);

^{xvii} "На хлопковых полях Узбекистана задержана корреспондент «Штерн» [Stern Correspondent Detained in the Cotton Fields of Uzbekistan]." Centre-1, October 4, 2017, <https://centre1.com/uzbekistan/na-hlopkovyh-polyah-uzbekistana-zaderzhana-korrespondent-zhurnala-shtern/> (accessed October 4, 2017).

^{xviii} See for example "Uzbekistan: Activists Beaten, Detained," Human Rights Watch press release, September 24, 2015, <https://www.hrw.org/news/2015/09/24/uzbekistan-activists-beaten-detained> (accessed October 4, 2017); Uzbek-German Forum and Human Rights Watch, "We Can't Refuse to Pick Cotton"; and "Uzbekistan: Human Rights Defender's House Burned Down as Government Silences Him with Charges," Cotton Campaign press release, October 29, 2015, <http://www.cottoncampaign.org/home-of-human-rights-defender-burned-down-as-government-silences-him-with-charges.html> (accessed October 4, 2017).

^{xix} "Uzbekistan: Rights Defender's Work Impeded," Human Rights Watch press release, February 9, 2016, <https://www.hrw.org/news/2016/02/09/uzbekistan-rights-defenders-work-impeded> (accessed October 9, 2017).

^{xx} Uzbek-German Forum and Human Rights Watch, "We Can't Refuse to Pick Cotton."

^{xxi} Decree of the President of the Republic of Uzbekistan "On measures for further reforming of institute of legal profession in the Republic of Uzbekistan," May 1, 2008 and implemented by Cabinet of Ministers of the Republic of Uzbekistan Resolution No. 112 "On organization of activities of the Chamber of Lawyers of the Republic of Uzbekistan," May 27, 2008; "Law on the institution of changes and additions in several legal acts of the Republic of Uzbekistan in connection with the creation of the Institute of the legal profession," N-ZRU-198, December 31, 2008. See also Human Rights Watch, "No One Left to Witness" Torture, the Failure of Habeas Corpus, and the Silencing of Lawyers in Uzbekistan, 13 December 2011, available at: <https://www.hrw.org/sites/default/files/reports/uzbekistan1211webwcover.pdf> (accessed May 15, 2017).

^{xxii} Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, August 27 to September 7 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 118 (1990), principle 24.

^{xxiii} International Commission of Jurists, “Independence of the Legal Profession in Central Asia,” 2010, p. 83, available at: <http://www.refworld.org/pdfid/530f03374.pdf> (accessed July 6, 2017).

^{xxiv} International Commission of Jurists, “Independence of the Legal Profession in Central Asia,” 2010, p. 83, available at: <http://www.refworld.org/pdfid/530f03374.pdf> (accessed July 6, 2017).

^{xxv} “Ташкентские адвокаты отказались защищать писателя-диссидента Нурилло Отаханова (видео) [Tashkent lawyers refused to defend dissident author Nurullo Atakhanov (video)],” Ozodlik, September 29, 2017, <https://rus.ozodlik.org/a/28763621.html> (accessed October 5, 2017).

^{xxvi} Letter No. 2-1569 from Kh. A. Nasirhodzhaev, head of the Tashkent territorial department of the Chamber of Lawyers, December 22, 2015.

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^{xxviii} “Племянник Каримова обратился к президенту Мирзиёеву с просьбой о выдаче паспорта [Karimov’s Nephew Appealed to President Mirziyoev to Request His Passport],” Ozodlik, August 5, 2017, <https://rus.ozodlik.org/a/28660693.html> (accessed October 3, 2017).

^{xxix} Ibid.

^{xxx} Ibid.

^{xxxi} “Джамшид Каримов уже 10 лет сидит в «психушке» и не знает о смерти дяди [Jamshid Karimov Has Been in the Psych Ward for 10 Years and Doesn’t Know about Uncle’s Death],” Asiaterra, November 18, 2016, <http://www.asiaterra.info/personys/dzhamshid-karimov-uzhe-10-let-sidit-v-psikhushke-i-ne-znaet-o-smerti-dyadi> (accessed October 3, 2017).

^{xxxii} Ibid.

^{xxxiii} “Karimov’s Nephew Appealed to President Mirziyoev to Request His Passport.”