

Uzbekistan: Concern over Reports of Torture of Rashitjon Kadirov and Co-Defendants

2 May 2019

Amnesty International, the Association for Human Rights in Central Asia (AHRCA), Human Rights Watch (HRW), International Partnership for Human Rights (IPHR), and the Norwegian Helsinki Committee express deep concern about allegations that Rashitjon Kadirov, former Prosecutor General of Uzbekistan, and his twelve co-defendants have been tortured and suffered other forms of ill-treatment in government custody.

The trial of Kadirov and his co-defendants began behind closed doors on 7 January 2019 in Yunusabad District Criminal Court. Kadirov has been charged under 12 articles of the Criminal Code for offences including fraud, bribery and embezzlement. We urge the Uzbekistani authorities to investigate the allegations of torture and other ill-treatment immediately and, if there is credible evidence of ill-treatment, prosecute all those suspected of criminal responsibility in fair trials meeting international standards. We also remind the authorities of their obligations to guarantee the physical and mental wellbeing of Kadirov and his co-defendants, and to ensure that their treatment conforms with international human rights law by which Uzbekistan is bound.

Credible reports from sources close to Kadirov indicate that since being detained on 21 February 2018 he has been subjected to psychological abuse, death threats, sleep deprivation and threats against his relatives, to force him to incriminate himself. The sources report that during a 10-month criminal investigation in 2018, more than 40 people, including Kadirov's relatives, were summoned to testify and that some of them were arbitrarily detained, beaten, and otherwise ill-treated by law enforcement officers. All the witnesses have been released.

Three co-defendants released from pre-trial detention in August 2018 remain under house arrest. Kadirov and the remaining nine co-defendants held in pre-trial detention since February 2018 are at continued risk of torture and other ill-treatment.

Two credible sources and a witness¹ who saw Kadirov in detention in August 2018 have reported ill-treatment of Kadirov. The witness stated that they saw a long furrow on Kadirov's neck, and that Kadirov was noticeably depressed, withdrawn, and barely able to respond to questions. The witness reported that Kadirov was wearing a long-sleeve sweater and despite a request from the witness refused to remove the sweater for further physical inspection.

Kadirov told the witness that he had been placed in a cell with three other prisoners who subjected him to psychological pressure and physical abuse including beatings under orders of prison officials. The witness also said that Kadirov stated that officials held a pistol to his head to get him to make a false confession; told him he would be hung, and the death made to look like suicide; kept him naked in solitary confinement without a bed or bedding; regularly deprived him of sleep between 21 February and 18 March 2018; and threatened to frame him for a murder he did not commit.

Law enforcement officials have also forced Kadirov to watch as other law enforcement officials beat his son-in-law in an effort to coerce Kadirov to incriminate himself, the witness said. His access to food, medicine and the toilet has reportedly been restricted. In May 2018 Kadirov was taken to the prison hospital for treatment for a short period.

¹ The witness, who has known Rashitjon Kadirov for many years, requested anonymity for security reasons.

TREATMENT OF WITNESSES AND CO-DEFENDANTS IN RASHITJON KADIROV'S CRIMINAL CASE

Our credible sources, who request anonymity for reasons of security, state that Kadirov's co-defendants and others temporarily detained as witnesses in connection with the investigation have been subjected to torture and other ill-treatment and violations of due process. Defendants Ulugbek Khuramov, Ramazan Pulatov, Muhabbat Mirzaeva, Akhmat Ikramov, Ulugbek Sunnatov and Jamshit Faiziev reportedly made statements in court alleging they had been tortured, including with beatings on the soles of the feet and an electric current, including to the genitals.

Ramazan Pulatov is said to have suffered a stroke after being interrogated for several hours and threatened with reprisals against his family and has since been unable to speak or walk. He and Miraglam Mirzaev, another defendant, who reportedly suffered a stroke during his arrest, were taken to court by ambulance due to their conditions. Muhabbat Mirzaeva and Yusuf Goipov, another of the defendants, also suffer from particularly serious health problems. We also received credible reports that Shukur Aminov, a witness, was tortured with beatings on his kidneys to force him to provide evidence against the accused.²

On 3 March 2018 law enforcement officials searched the homes of nine of Kadirov's relatives. From 5 to 10 March of the same year 13 male relatives were reportedly detained for three days and kept in solitary confinement. Four of Kadirov's female relatives were detained for a short time and told to raise and deliver to law enforcement officers a very large sum of money; and on 6 March 2018 another relative was taken to see Kadirov in his cell and this relative was told that if they did not raise and deliver a large amount of money to law enforcement officials their sons would be arrested and held in the cell with Kadirov.

At least eight partners and clients of Kadirov's son Alisherbek Kadirov's law practice were also detained as witnesses, and some were beaten by law enforcement officials, interrogated for several days without sleep and subjected to psychological pressure to force them to testify against Rashitjon Kadirov. Seven witnesses made statements in court saying that from March to June 2018 they had been subjected to psychological and physical pressure to give statements. They renounced their witness statements in court. Lawyers for the accused reportedly submitted 40 requests for medical examinations and investigations connected with detention conditions, all of which the judge refused.³

Our credible sources also report, though, that following Amnesty International's **Urgent Action** of 8 April 2019, which called for an impartial investigation into concerns that Kadirov and his co-defendants were at high risk of torture and other ill-treatment, the judge ruled that all co-defendants should undergo a medical examination to ascertain whether they had been tortured.

While this is a positive step, we remain concerned about 11 and 21 April 2019 statements by the Prosecutor General's Office following Amnesty International's **Urgent Action**, asserting that forensic-medical examinations conducted in the course of investigations had not discovered any evidence of bodily harm.⁴ The statements did not provide any further detail. Such a response cannot be regarded as an independent and impartial investigation of the relevant allegations. Moreover, the conclusions of the forensic-medical examination have not been made available to the defense, and it is unclear who conducted the examinations and when.

2 See also <https://rus.ozodlik.org/a/29890220.html>.

3 These are direct witnesses who cannot be identified for security reasons.

4 http://www.prokuratura.uz/ru_RU/8299/, http://www.prokuratura.uz/ru_RU/8412/.

CALLS TO THE UZBEKISTANI AUTHORITIES

Since President Shavkat Mirziyoyev came to office in 2016 he has taken steps to improve Uzbekistan's human rights record, including presidential decrees and legislative amendments to strengthen the protection of citizens' rights in judicial processes.⁵

Under international law the prohibition of torture is absolute, and applies at all times, in all circumstances, including in times of war or public emergency, and applies to all states irrespective of their treaty obligations as a rule of customary international law. The absolute prohibition of torture applies in all cases, including in those where individuals themselves may have carried out serious crimes and human rights violations.

Thus, we remind the government of Uzbekistan about its international obligation to prevent the use of torture and other ill-treatment in all cases without exception. We urge the authorities to open an effective and impartial investigation into the allegations of torture and other ill-treatment of Rashitjon Kadirov, his co-defendants and others and, if credible evidence is found, to prosecute all those suspected of criminal responsibility in fair trials before ordinary civilian courts.

We also urge the Uzbekistani authorities to promptly confirm the state of health of Rashitjon Kadirov and his co-defendants and to grant him and his co-defendants access to necessary and adequate medical assistance.

We call on the Uzbekistani authorities to ensure that the trial of Kadirov and his co-defendants is open to independent observers and experts, to lift the ban on disclosure of information related to the case, and to ensure that defendants are represented by a lawyer of their choice and are guaranteed a free and fair trial.

Uzbekistan has an international obligation to protect against executive interference in judicial decisions, as set out in the Constitution of Uzbekistan and international human rights standards that provide for an independent judiciary. We call on the international community to monitor the progress of this case to ensure due process and adherence to international fair trial standards as well as to protect the defendants and witnesses from the risk of torture and other ill-treatment.

5 Presidential Decree of 21.10.2016 Number УП-4850 "On measures to further reform the judicial and legal system, strengthening the guarantees of reliable protection of the rights and freedoms of citizens"; Presidential Decree of 30 November 2017 Number UP-5268 "On additional measures to strengthen the guarantees of the rights and freedoms of citizens in judicial and investigative activities"; Law of the Republic of Uzbekistan Number ZRU-470 04.04.2018 "On Amendments and Additions to Legislative Acts of the Republic of Uzbekistan in connection with the adoption of measures to strengthen the guarantees of the rights and freedoms of citizens in judicial-investigative activities".