



Protection of fundamental rights in Uzbekistan

Briefing paper ahead of EU-Uzbekistan human rights dialogue, June 2019

President Shavkat Mirziyoyev's government has announced a programme of judicial reform, improved legal safeguards against torture in detention and released over two dozen government critics, human rights defenders, journalists as well as many people perceived to be Islamic fundamentalists who were serving prison terms handed down in unfair trials, often marred by allegations of torture.¹ Over the last two and a half years, some international observers and representatives of human rights organizations have been allowed to visit the country.² According to some estimates, since President Mirziyoyev came to power, several hundred new normative acts and legal amendments, directives, presidential orders and decrees have been passed into law.³ The number of legislative amendments passed in such a short time inevitably creates difficulties for implementation on a national scale, especially given poor internet coverage and the fact that printing is often used to distribute information on legislative changes. This leads to a delay in implementation, often in the regions.

It remains to be seen whether the authorities are committed to improving the country's human rights record and implementing much needed systemic reforms in practice. In the meantime, credible reports continue about violations of fundamental rights including freedoms of expression and association and about ongoing torture and ill-treatment in prisons. The independence of the

¹ These include: Bobomurod Razzokov, Samandar Kukanov, Rustam Usmanov, Muhammad Bekjanov, Jamshid Karimov, Erkin Musaev, Azam Farmonov, Solijon Abdurakhmanov, Agzam Turgunov, Ganikhon Mamatkhonov, Dilmorod Saidov, , Isroil Kholdarov and Yusuf Ruzimuradov, Gaybullo Dhalilov, Chuan Matmakulov, Yuldash Rasulov, Gairat Mikliboev Zafarjon Rakhimov. Since March 2018, activists and journalists released from detention included: blogger Hayatkhon Nassredinov, activists and members of the Human Rights Society of Uzbekistan Mehridiso and Zulkhumor Khamdamova, witness of Andijan Tragedy Dilorom Abdukadirova, member of Mazlum human rights organization Fakhriddin Tillaev, and independent journalists Bobomurod Abdullayev and Aziz Yusufov who was released in February 2019 after spending nearly three years in detention.

² In 2017 the United Nations (UN) High Commissioner for Human Rights visited Uzbekistan for the first time and the same year the UN Special Rapporteur on the freedom of religion and belief was the first Special Rapporteur able to visit Uzbekistan since 2002. In 2017 and 2018 Uzbekistan allowed representatives of international human rights NGOs such as Amnesty International, Freedom House, Human Rights Watch, IPHR and Norwegian Helsinki Committee into the country.

³ <https://www.norma.uz/>



judiciary is yet to become a reality and will require more time and a complete overhaul of the system, including further training and education of judges and prosecutors, as well as representatives of the executive.

Ongoing concerns about dissidents and restrictions of the freedom of association

Despite the government's stated intent to allow space for civil society and human rights defenders to operate, it appears that the government is not yet ready to accept constructive critical dialogue from Uzbekistani human rights defenders and organizations. Over the last year, local independent civil society, journalists and human rights defenders have continued to face reprisals for their peaceful activities and many of those former political prisoners who were released from prison have been subjected to state surveillance including human rights defenders Agzam Formonov, Dilmurod Saidov and Agzam Turgunov. Others subjected to surveillance include also human rights defender Tatyana Davlatova, independent journalist Bobomurod Abdullayev and civil activists and entrepreneurs Elena Agibalova and Dinara Latipova.⁴ The phones of many activists are believed to be tapped prior to the visits of international experts or foreign delegations. Attempts by several human rights activists to register the NGO Restoration of Justice have to date been unsuccessful and are believed to have led to retaliation against the activists involved.

The lists kept by the Uzbekistani State Security Services with the names of critics of the authorities also remain in use by local police officers and representatives of mahalla (neighbourhood) committees.⁵ Following the release from detention of independent journalists Aziz Yusufov in February 2019, at least five individuals believed to be convicted on politically motivated grounds remain behind bars after unfair trials on what are believed to be fabricated or trumped up charges.⁶ Theologist Rukhiddin Fakhridinov and producer Mirsyar Khamidokriyev were imprisoned under former President Karimov, but three others: critic Akrom Malikov (author of publications under the pseudonym "Abdulloh Nusrat"), political scientist Rustam Abdumanopov, academic Andrei Kubatin were imprisoned since President Mirziyoyev came to power.

President Mirziyoyev decreed in April 2018 that civil society should be consulted on draft legislation affecting it, however concerns remain that the new registration system which came into force in January 2019 allows for continued state interference in NGO activity: NGOs are still required to inform the authorities about planned events 10 or 20 days in advance (the latter if activities involve

⁴ See: <https://iphronline.org/uzbekistan-stop-harassing-human-rights-defenders.html> ; <https://iphronline.org/a-call-for-swift-implementation-of-reforms-in-uzbekistan-as-iphr-witnesses-surveillance-of-local-defenders-during-visit.html>

⁵ "Глава спецслужб Узбекистана упомянул оппозицию в качестве одного из факторов, представляющих угрозу госбезопасности" from 30.03.2018. <https://rus.ozodlik.org/a/29135315.html>

⁶ New names for new times : updated lists of prisoners imprisoned on politically motivated grounds in Uzbekistan <https://ahrca.eu/uzbekistan/996-new-names-for-new-times-updated-lists-of-prisoners-imprisoned-on-politically-motivated-grounds-in-uzbekistan>

international organizations); submit annual activity reports and inform the Ministry of Justice of receipt of foreign funding. These burdensome state controls over NGO registration, funding and activities, coupled with ongoing restrictions on freedom of expression, continue to prevent human rights NGOs from operating effectively and safely in Uzbekistan.

Human rights defenders and NGO founders Azam Farmonov, Dilmurod Saidov and Agzam Turgunov under pressure

On 28 February 2019 former political prisoners and human rights defenders Azam Farmonov, Dilmurod Saidov and Agzam Turgunov attempted to register the human rights organization Restoration of Justice, but the application was been rejected on the grounds that an additional state tax had to be paid and that the number of founders needed to be increased from the proposed five to ten. On 23 May 2019 the three human rights defenders submitted a new application for registration.

Since the NGO Ezgulik was registered in 2003 no independent human rights organization has been able to register in Uzbekistan.

Since October 2018, state surveillance has been regularly used against the three men and they have additionally reported phone tapping and intimidation. For example, on 20 October 2018 IPHR representatives visited Tashkent and witnessed how unknown individuals dressed in plain-clothes walked in front of Agzam Turgunov's home. Turgunov reported being warned by representatives of the local Mahalla committee that law enforcement officials were asking about him, that he saw unknown people standing under his window and intimidating him and that he was followed by cars as he moved around the city on public transport. On 28 October, Turgunov travelled to Paris to attend the World Summit of Human Rights Defenders and the authorities held him and questioned him at Tashkent airport for two hours as he left and an hour upon his return. On 25 March 2019, a security service officer who was watching Turgunov's home told him he should be careful in case he is knocked down by a car, and late last year Saidov was warned that he would be subjected to enforced psychiatric treatment if he does not cease his human rights work. In March 2019, both Turgunov and Saidov reported being prevented from leaving their homes during the day by law enforcement officials. On 20 March, Turgunov was prevented from attending a court case relating to female students and the right to wear headscarves in universities.⁷

Administrative proceedings against Agzam Turgunov

AHRCA and IPHR are additionally concerned that in August 2018, March and June 2019 administrative charges have been brought against Agzam Turgunov in connection with his human rights activities.

⁷ <https://rus.ozodlik.org/a/29781643.html>

It appears that the Uzbek authorities have opened three administrative cases against Turgunov in response to his continued efforts to register the human rights organization, Restoration of Justice.

Concerns are heightened by the fact that domestic legislation in Uzbekistan allows for the initiation of a criminal case if three administrative convictions are obtained in succession.

On 30 August 2018, Turgunov was found guilty of the administrative offence of failing to comply with the order of law enforcement after taking photos of peaceful protesters at a prohibited location, i.e. on the grounds of the Supreme Court, and ordered to pay a fine of 184 300 Uzbek som (around EUR 20). Turgunov claims he did not disobey orders but simply asked a man in plainclothes who Turgunov believed to be a police officer to show his police identification.

Turgunov appealed against the decision. At the appeal hearing on 30 November 2018, the appeal Judge (Hasanov) allegedly insulted Turgunov and the defence witness, and ordered law enforcement officials to detain them. They were released later that evening after international intervention. Both Turgunov and the witness lodged complaints about the behavior of the judge. On 30 March 2019 Turgunov received a court summons informing him that he was being charged under articles 41, 180 and 194 of the Administrative Code, (defamation, contempt of court and failure to comply with the orders of law enforcement officials). The charges of defamation and contempt of court were in relation to the events at the appeal hearing of 30 November 2018.

On 15 April 2019 the Administrative Court began examining Turgunov's appeal and on 18 April the court ruled that the complaint against Judge Hasanov should be considered by the regional court, and that it would wait for the conclusions before continuing the consideration of Turgunov's appeal against the original sentence of August 2018.

Turgunov's complaint against Judge Khasanov is currently being considered and a new decision is expected in this case. On 4 June 2019, Shanghai District Administrative Court found Turgunov guilty of hooliganism (Article 183 of the Code of Administrative Offences) and ordered him to pay a fine of the equivalent of 70 Euros after he told a traffic inspector who had pulled over his son's car, to stop shouting. Before each administrative fine, Agzam Turgunov reports that his house is under surveillance and he is warned by a representative of the mahalla (neighbourhood) committee, who is required to write reports about Turgunov's behaviour for the law enforcement agencies.

Journalist Bobomurod Abdullayev subjected to intimidation and surveillance

After meeting with IPHR representatives on 20 October 2018, independent journalist Bobomurod Abdullayev was approached and greeted by one of the secret service officers who had tortured him while he was in pre-trial detention last year as he was having lunch with other human rights defenders and journalists in a tea-house. It had previously been reported that this officer would be investigated in relation to the torture. Shortly afterwards, Bobomurod Abdullayev reported that four surveillance cars were parked near his home which were gone by the time representatives from IPHR arrived at his house.

On 26 February 2019 independent journalist Bobomurod Abdullayev wrote on Facebook that a white Damas van with state number plates was parked outside his house from 22 to 24 February. As he stopped the car as it moved off, the driver opened the door and Abdullayev reports he managed to pull aside a curtain separating the driver's cabin from the back of the van and saw a large machine with batteries and wires. The driver reportedly drove off quickly at this point leaving the door open. Abdullayev believes that the authorities were using the equipment to keep him under surveillance.

Rukhiddin Fakhridinov: only political prisoner from the original EU list of political prisoners who has not been released

According to information received by AHRCA, theologian and former independent imam of the Khodzha Nuriddin mosque in Tashkent, Rukhiddin Fakhridinov is currently being held in the settlement colony KIN - 42 serving the remaining three and a half years of his prison sentence.⁸ Rukhiddin Fakhridinov is the only political prisoner remaining in prison from those whose release the European Parliament called for in its resolution 2014/2904. Rukhiddin Fakhridinov fled Uzbekistan in 1998 but in 2005 was arrested in Kazakhstan and transferred into the custody of the Uzbekistani National Security Service. He was held incommunicado until March 2006. Rukhiddin Fakhridinov's indictment reportedly stated that a criminal investigation had been opened into his case on 7 March and completed on 12 May 2006. He was charged with anti-constitutional crimes and sentenced to 17 years in prison following a closed trial. There are serious grounds to believe he was subjected to torture and ill-treatment when in incommunicado detention which included threats and physical violence against his family members including his young daughter.

⁸ <https://rus.ozodlik.org/a/29887140.html>

Home of journalist and poet Mahmud Rajabov searched on 10 May

The Uzbek-German Forum for Human Rights (UGF) reported⁹ that on 10 May 2019 police raided the home of 55-year-old journalist and poet Mahmud Rajabov in the Gurlan district of the Khorezm region. Rajabov reported that seven or eight police officers searched his home for two hours and confiscated his laptop, smartphone, CDs, DVDs and books including “History of the Prophets” by Muhammad Salih, the Uzbek poet and leader of the opposition “People’s Movement” Of Uzbekistan”. Rajabov said that officers read him the decision to conduct a search relating to the importation of prohibited religious extremist materials, although he himself was not allowed to read the decision. Since the search he was admitted to hospital suffering from heart problems caused by stress during the search. Distribution of extremist religious materials is a criminal offence in Uzbekistan and is punishable by up to five years’ imprisonment.

Rajabov returned to Tashkent from Istanbul on 26 March 2019, and this year and his smartphone was seized along with 26 books by opposition politician, Muhammad Salih and a book written by journalist Muhammad Bekjan in which he describes the years he spent in prison. On 29 March the Committee on Religious Affairs under the Cabinet of Ministers of Uzbekistan issued an Expert Conclusion that Rajabov’s smartphone contained a number of religious materials which are prohibited from being imported, manufactured or distributed in Uzbekistan. Among the prohibited materials is the book, “Bu Kunlar”¹⁰ by the writer Nurullo Otakhanov and a sermon by Obid Nazarov, an Uzbek imam who lives in Sweden. However, these materials are all easily accessible on the Internet. On 14 May 2019, the Investigation Department of the Ministry of Internal Affairs made an official statement which said that on 30 April 2019 a criminal case had been initiated against Rajabov under Article 246 (smuggling materials promoting religious extremism) which is punishable by imprisonment from 5-10 years.

⁹ <http://uzbekgermanforum.org/home-of-poet-and-journalist-mahmud-rajabov-raided-by-police/> \t "_blank

¹⁰ Nurullo Otakhanov, a 63-year-old dissident writer and author of the book “Bu Kunlar”, returned to Uzbekistan from exile in Turkey on 27 September 2017 and was immediately detained at the airport. He was charged with extremism and violating the constitutional order but was released several days later. The charges were based on his book “Bu Kunlar” (published in Turkey) which contains a critical assessment of the late Uzbek president, Islam Karimov.

Freedom of expression limited

2018 saw moves towards increased press freedom in Uzbekistan such as including better access for certain foreign media outlets. In a welcome move, media websites and those of some human rights organizations were unblocked in Uzbekistan on 11 May 2019, including Amnesty International, Human Rights Watch, Reporteurs sans Frontieres, Eurasia.net, AsiaTerra and Fergana.ru although not the site of Radio “Free Europe”. Additionally, journalist Andrei Kudryashov from Fergana News Agency received accreditation in Uzbekistan. However, to date few independent media outlets are able to operate in Uzbekistan and journalists publishing materials critical of government policies risk retaliation and it remains to be seen if the websites of international human rights organizations are remain unblocked permanently. In addition, as mentioned above, Bobomurod Abdullayev, Dilmurod Saidov and other independent journalists report being regularly under surveillance.

In August 2018 police officers from the regional anti-terrorism units of the Ministry of Internal Affairs reportedly tracked several bloggers and Facebook users by their IP addresses, arbitrarily detained them, searched their homes and confiscated computer and technical equipment, in most cases without presenting an arrest warrant. AHRCA confirmed the names of nine people who were held in police custody on administrative charges and three more who were questioned for some four hours before being released.¹¹ According to media reports, some of the bloggers were released from custody on 11 September. The social media users were interrogated in connection with posts on their Facebook accounts or “liking” and sharing posts of other social media users who expressed criticism of government policies such as the prohibition of wearing a hijab or calling to stage protests. It appears that the charges brought against these individuals were excessive at least in some cases, for example with someone trying to organize a small scale protest (picket) being charged with calling for mass unrest. Interrogations at police stations reportedly lasted for four hours or more without any legal representatives present and relatives of those detained were not informed of their whereabouts. Several of those detained signed statements undertaking not to participate in any further “suspicious activities” – but as “suspicious” is not a legally defined term and does not refer to any internationally recognized crime the demand amounted to an arbitrary restriction of the right to freedom of expression.

On 5 September 2018 a press release by the Ministry of Justice outlined new legislation regulating and restricting access to internet sites which are considered to distribute “banned information”, and announced the establishment of a register of banned sites. Sites which publish information calling for violent overthrow of the constitutional system; which propagate violence, terrorism and religious

¹¹ <http://nadejda-atayeva-en.blogspot.com/2018/09/uzbekistan-facebook-users-detained-and.html> Nine of those who were detained are known to be Adham Olimov; Otabek Usmanov; Miraziz Ahmedov; Ziyovuddin Rakhim; Tulkin Astanov; Turabek Baimirzaev; Dilshod Khalilov; Khurshidbek Mukhammadrozykov; and Erkin Sulaimon.

extremism, which provide confidential information on state secrets or laws; which incite national, ethnic or religious hatred or harm the honour or dignity of citizens will be banned.

Restrictions on freedom of movement continue to be used against journalists – on 13 June 2019 the Ministry of the Interior refused to issue photojournalist **Timur Karpov** with a new passport on the grounds that his request was “unreasonable”. He was later to invited resubmit and application for a passport.

Ongoing concerns about the judicial system

Access to redress and restoration for those formerly imprisoned on politically motivated grounds is obstructed for some who are not able to obtain copies of the court sentences against them. This is the case for former prisoner Erkin Musaev and also for Alisher Achildiev, former military officer who is serving a 20 year sentence under article 157 (treason).

Courts often fail to order the necessary medical, financial or other expert assessments, which leads to arbitrary decisions on damages. More efforts need to be made to ensure the necessary resources for the swift development of bodies of Independent Expertise and allowing the involvement of independent international experts where necessary and useful.

Torture and ill-treatment continue to be used

The Mirziyoyev government took some positive legislative steps in 2017 and 2018 such as explicitly prohibiting the use of torture to obtain confessions and the admission of such confessions as evidence in court, and it obliged law enforcement agencies to make video recordings of investigative activities such as inspections of the scene of a crime, searches, verification of evidence and investigative experiments. However, this legislation is not consistently implemented and the NGOs issuing this briefing are concerned that torture and ill-treatment continue to be widely used. Impunity for the perpetrators continues to be the norm. Trials against former officials detained under President Mirziyoyev’s government and accused of torture or ill-treatment, among other crimes, are often held behind closed doors, preventing public scrutiny (see, for example, the case of Rashitjon Kadirov below). A full and transparent process of public accountability for torture and ill-treatment, past and present, is essential to restore public trust in the criminal justice system in Uzbekistan. Of utmost concern is the fact that detention centres and prisons are not monitored independently, making it difficult to verify information and monitor the welfare of prisoners and detainees.

Closed trials against former high-ranking government officials

The vacuum of official information regarding cases against high-ranking officers of the National Security Service, who were reportedly involved in committing gross human rights violations leads to growing distrust of authority. Two former deputy chairmen of the National Security Service Shuhrat Gulyamov and Khaot Sharifhodzhayev are reportedly detained on unknown charges, and allegedly a closed trial is ongoing. When these two were in power, Uzbekistani refugees were abducted in different countries, and an unsuccessful attempt was made on the life of religious figure Obid Kory Nazarov (according to his passport Obidhon Nazarov) in Sweden where he has refugee status. They also were reportedly involved in the illegal seizure of property from various entrepreneurs. The exact number of closed trials held is unknown, whether they relate to former law enforcement agents or, for example, the assistants and officials who had links with Gulnara Karimova. According to our information, closed trials frequently involve serious procedural violations, and are often marred by allegations of torture and ill-treatment in order to obtain testimony.

Strengthen basic safeguards against torture in detention

Most reports about torture and ill-treatment originate from the early hours or days of detention when detainees in Uzbekistan are frequently held incommunicado, without contact with the outside world. The main reason why torture and ill-treatment are common is their continued use in order to extract confessions and incriminating evidence.

As part of legal amendments approved by President Mirziyoyev in 2017 and 2018 and purportedly aimed at strengthening human rights protection, some legal safeguards were improved regarding the early hours of detention. Most importantly, the time between placing a detainee suspected of a criminal offence in a police station or other law enforcement facility up to the remand hearing was reduced from 72 to 48 hours, although courts are entitled to extend this period for another 48 hours (Article 226 of the Criminal Procedure Code) and the time between the actual arrest and entering the detainee in the facility is still unregulated. AHRCA and IPHR believe that introducing further legal safeguards in detention and consistently implementing existing ones would enable Uzbekistan to make significant progress to eradicate torture.

Allow independent monitoring of detention facilities

Regular, unannounced and independent monitoring of detention facilities by civil society experts and National Preventive Mechanisms, set up by state parties to the Optional Protocol to the

Convention against Torture (OPCAT), can provide a powerful tool to prevent and detect torture and ill-treatment.

Uzbekistan has not ratified the OPCAT and local and international independent human rights defenders have no access to places of deprivation of liberty in Uzbekistan for the purpose of unannounced and independent monitoring. The UN Special Rapporteur on Torture last visited Uzbekistan in 2002. Uzbekistan has not issued a standing invitation to UN special procedures. The International Committee of the Red Cross has suspended its operation in the country in 2013 following inability to conduct its monitoring. The Ombudsman's mandate includes monitoring of detention facilities, but he lacks the freedom to implement the mandate objectively and independently. Although HRW researcher has been allowed to visit two detention facilities in late December 2018, no independent prison monitoring mechanism has yet been established, which would include international, national and regional experts with a full independent mandate to carry out unhindered, unannounced access to the prisons and closed facilities and ensure that members of the mission are allowed to meet prisoners confidentially without the presence of officials.

Penitentiary system and conditions

Since Uzbekistan was last reviewed by the CAT in 2013, AHRCA has continued to receive allegations of physical abuse of prisoners by prison staff and fellow-inmates, of prison conditions amounting to inhuman or degrading treatment, and of inadequate medical treatment, particularly in the central prison hospital Sangorod in Tashkent. To-date the authorities have not published statistics on the numbers and causes of death in the penitentiary system.

Numerous reports received by AHRCA from prisoners' relatives, lawyers and former inmates indicate harsh prison conditions in many facilities across Uzbekistan. Prison officials reportedly often reduce prisoners' exercise times, sometimes force them to exercise with a bag over their heads and to wear bags over their heads during transfer from one prison colony to another.

Numerous reports indicate that prison food is often extremely poor, inadequate in quantity and nutritional value. Some food is past its sell by date. Drinking water is in short supply in many prisons – with each prisoner reportedly receiving from one to three liters of water per week. Prisoners reported that water is often stored in old, dirty plastic containers.

Toilet facilities are frequently inadequate – recent reports from several former prison inmates indicate that in some prison colonies there were 12 toilet urns and urinals for 300 inmates. Shower facilities are reported to be unsanitary and in disrepair in several prison facilities, and there were reports of insufficient water supplies in shower rooms and washbasins in cells due to the dilapidated condition of the drainage system.

Rashitjon Kadirov and 12 co-defendants allegedly subjected to physical abuse and other ill-treatment

Former Prosecutor General and former Judge of the Constitutional Court Rashitjon Kadirov was taken into detention on 21 February 2018. Rashitjon Kadirov has been charged under 12 articles of the Criminal Code including bribery and embezzlement. There are credible allegations that Kadirov has been subjected to physical abuse, death threats, sleep deprivation and threats against his relatives, to force him to testify against himself and others.¹² Sources have alleged that the authorities forced Kadirov to reject independent legal representation and that he did not have access to his family-appointed lawyer Alisher Madyarov for over five months. There are allegations that his co-defendants and some witnesses were also subjected to abuse and torture. The trial against Kadirov and his 12 co-defendants began behind closed doors in Yunusabad District Criminal Court on 7 January 2019. The trial ended on 14 June 2019 and the court adjourned to consider its verdict. The findings of the forensic medical examination appointed announced in reaction to an Urgent Action¹³ issued by Amnesty International 8 April 2019 remain unknown.

Former diplomat Kadyr Yusupov : concern for state of health in detention

Kadyr Yusupov, a retired Uzbekistani diplomat, was arrested while in hospital on 10 December 2018 by security officers. He was later charged with treason under Article 157 of the Criminal Code and is currently being held in the State Security Service' detention centre in Tashkent. His trial began on 17 June 2019.¹⁴ After his arrest, Yusupov was not allowed to meet with his relatives nor defence lawyer for almost five months. He was eventually allowed a confidential meeting with his lawyer on 24 April 2019. Yusupov's lawyer wrote a complaint to the prosecutor's office raising concerns about procedural violations committed from December 2018 to March 2019, including restrictions on access to medical care, ill-treatment and threats of sexual violence, in an attempt to force Yusupov to confess. On 20 June, during the trial, the court heard that Yusupov's family had not been allowed to pass him prescription medicines, (including the anti-depressant Sevpram). According to Yusupov's doctor, Yusupov needs to take Sevpram on an ongoing basis and suddenly stopping the drug can lead to negative side effects, including suicidal thoughts. On 16 June 2019, the State Security Services published a statement claiming that they allow Yusupov's family to give him the medication. However, the situation reportedly remains unchanged and we are concerned about Yusupov's state of health.

¹² <https://www.amnestyusa.org/urgent-actions/urgent-action-former-prosecutor-general-risks-torture-uzbekistan-ua-44-19/>

¹³ See: <https://www.iphronline.org/uzbekistan-concern-over-reports-of-torture-of-rashitjon-kadirov-and-co-defendants.html>

¹⁴ <https://www.hrw.org/news/2019/06/11/uzbekistan-release-retired-diplomat>

Recommendations to the authorities of Uzbekistan

- Cease surveillance, harassment and pressure on independent journalists, civil society, human rights defenders and other civil society activists such as Bobomurod Abdullayev, Elena Agibalova, Tatyana Davlatova, Agzam Farmonov, Dinara Latipova, Agzam Turgunov and Dilmurod Saidov;
- Review the cases of individuals charged with criminal offenses, on what we believe were politically motivated grounds, including Mahmud Rajabov. Ensure that these individuals have the opportunity to seek justice and the right to appeal;
- Facilitate the emergence of independent civil society organizations and publicly welcome the importance of the initiation of a constructive and critical dialogue between them and the governmental authorities;
- Ensure a legal and safe operating environment for all civil society organizations , by means of due registration of new organizations and free from undue interference from the authorities in the activities of CSOs;
- Simplify registration procedures for all civil society including human rights organizations and ensure that no further administrative obstacles are put in the path of the registration of the human rights NGO "Restoration of Justice".
- Facilitate procedures to rehabilitate former political prisoners who were released including the provision of free legal advice, support and compensation.
- Ensure freedom of expression: Ensure that all websites of human rights organizations and independent news agencies both in Uzbekistan and abroad are unblocked permanently;
- End arbitrary detentions of bloggers and internet users.

Eradicate torture and ill-treatment

- Promptly, thoroughly, impartially and independently investigate allegations that **Rashitjon Kadirov** was subjected to physical abuse, death threats, sleep deprivation and threats against his relatives in pre-trial detention, and that his **co-defendants** were also subjected to ill-treatment.

- Instigate prompt, thorough, impartial and independent **investigations** into all allegations of torture and ill-treatment and **bring the perpetrators to justice**.
- Provide information about the state of health of Kadyr Yusupov and ensure that he is given access to prescription medications essential to his well-being.
- Swiftly **ratify the Optional Protocol to the Convention against Torture**.
- Establish an **independent prison monitoring mechanism** comprising of International, National and Regional experts including civil society representatives and human rights defenders and setting up a clearly defined *modus operandi* for such a mechanism, which should include the full independence of this body and unhindered, unannounced access to the prisons and closed facilities (as well as the opportunity for members of the mission to meet with prisoners confidentially without the presence of officials).

Strengthen legal safeguards against torture in detention and ensure their implementation, in particular:

- Ensure that detainees are transported to a place of detention as soon as possible after arrest and not kept in other locations apart from official places of custody; and that the Criminal Procedure Code is amended to **require the registration of detention** in an official place of custody **within three hours of the moment of deprivation of liberty**;
- Legislate that detainees can **contact their families** without delay after the moment of arrest or require the competent authorities to do so on his or her behalf, in line with Rule 92 of the UN Standard Minimum Rules for the Treatment of Prisoners;
- Ensure in practice that detainees have **access to a lawyer of their choice immediately after the arrest**;
- Ensure that anyone arriving at a detention facility undergoes a routine **medical examination** and that independent medical examinations are provided when requested by the detainee and not solely when permitted or requested by officials.

Invite the UN Special Rapporteur on Torture to Uzbekistan.

- Publish **comprehensive statistics of deaths in the penitentiary system** disaggregated by sex, detention facility and cause of death.
- Allocate sufficient financial resources to **improve prison conditions**.

Annex: follow-up regarding individual cases included in NGO briefings for previous EU-Uzbekistan Human Rights Dialogues

Shukhrat Musin was recognized as a refugee in Kyrgyzstan in July 2010 due to religious persecution. He was reportedly abducted on 18 February 2013, and two months later appeared in Andijan, where he was later sentenced to eight years in prison. So far, Musin remains in custody.

Please ask for information about his whereabouts and state of health as his relative, who are refugees in the US, have not heard from him. He himself has been recognized as a refugee by the UN.

Davron Kamoliddinov is serving a seven year prison sentence after being sentenced in 2015 for allegedly posting prohibited a photograph of the Uzbekistani religious leader Abduvali Mirzaev, (who disappeared in 1995 on the territory of Tashkent airport) on the Odnoklassniki social network site. The accusations that Kamoliddinov disseminated prohibited information are complex, as Uzbekistan does not have a publicly available list of prohibited organizations, information and literature. Kamoliddinov was arrested in Krasnoyarsk, Russia, in April 2015 after an extradition request was sent from Uzbekistan. In September 2015, his relatives were informed that he was being held in a Tashkent prison. He was sentenced to eight years in prison after he was convicted of inciting national, racial or religious hatred (article 156) and crimes against the constitution (article 159) during an unfair trial. There are reports that Kamoliddinov was subjected to torture and other forms of ill-treatment in order to force him to confess.

Please clarify Davron Komoliddinov's state of health and whereabouts and launch an impartial investigation into allegations that he was subjected to torture in pre-trial detention;

Bakhtiyor Khudayberdiev was arrested on 9 January 2016, when flying from Seoul in South Korea [where he was a migrant labourer] to Tashkent on the way to visit his parents in Osh, Kyrgyzstan. Bakhtiyor was detained after security officers at the airport allegedly discovered records of prayers and verses from the Koran on his mobile phone, as well as news about ethnic unrest in Osh in 2010, downloaded from the Internet. Subsequently, he was charged under Article 244-2 of the Criminal Code of Uzbekistan (production and distribution of materials containing a threat to public safety and public order). Bakhtiyor Khudayberdiev and his parents deny the charges and there are reports that he was tortured and ill-treated while in detention. In 2016, he was sentenced to seven years in prison.

Call upon the Uzbek authorities to launch an investigation into the allegations of torture against Bakhtiyor Khudayberdiev in 2016 while in National Security Service detention and urge to reconsider the criminal case against him, since the video of the events in Osh found on his mobile phone cannot be considered to be "banned information", as it is available on the internet, like the verses from the Quran found on his phone.