

Uzbekistan: authorities must investigate allegations of torture against Alexander Trofimov

International Partnership for Human Rights (IPHR) and the Association for Human Rights in Central Asia (AHRCA) are concerned about recent allegations that Alexander Trofimov, 29-year-old father of two, who is registered as disabled, was tortured by police on 6 and 7 May 2021 while being detained at Chilanzar District Police Directorate in the capital city of Tashkent without contact with the outside world. We urge the authorities of Uzbekistan to promptly conduct an effective investigation into these allegations, publish the results and ensure that those reasonably suspected of being responsible are brought to justice.

On 6 May, Trofimov was arrested on suspicion of stealing money from Food Optimal Group in Tashkent (Article 169 of the Criminal Code of Uzbekistan). He was taken to Chilanzar District Police Directorate in Tashkent City (RUVD – Russian acronym), where his detention was registered at 4:30 am before being transferred to Chilanzar Police Station (GOM-8 – Russian acronym). Trofimov's mother's mobile phone records show that her son called her from GOM-8 on 6 May at 6:55 am. She took him food at 8:00 am and saw him in person, he was healthy. At around 9:00 or 10:00 she was present when Trofimov, along with other suspects in the case, was transferred from GOM-8 back to Chilanzar ROVD accompanied by officers of the Chilanzar District Criminal Investigation Directorate. At 00:24 am on 7 May, Trofimov called his mother twice from a cell in the Chilanzar ROVD asking her to bring food and a change of clothes. She took the clothes to the police station, but was not allowed to see her son. Later, she learned that he had already been subjected to torture.

According to Trofimov, he was subjected to police abuse several times between 10:00 am on 6 and 11:00 pm on 7 May. In the duty office at Chilanzar District Police Directorate four or five police officers kicked Trofimov, hit him with truncheons and punched him on the head, body and legs. They reportedly then forced him to do the splits, pressing him to the floor and officers took turns to sit on him, jump on his back and hit him on the back while his hands were handcuffed. During this beating, Trofimov begged not to be hit on the head, explaining that he had sustained a skull fracture in 2002. Despite this, RUVD officers hit him on the site of the injury. At some

point some police officers (Trofimov could not say how many) put a plastic bag over his head and continued beating him. Police allegedly told Trofimov that if he confessed to theft he would be released. They also threatened him with additional violence if he told his lawyer that he had been tortured or ill-treated.

Two suspects in the same case have confirmed to witnessing Trofimov being tortured while they were also being held in the RUVD, and that they were warned they would be tortured if they did not confess.

AHRCA and IPHR are additionally concerned at reports that law enforcement officials falsified detention records in order to conceal acts of torture that took place on 6 and 7 May. The detention register of Chilanzar RUVD records the time of Trofimov's detention as 6 May 2021 at 4:30 am. However, during the remand hearing on 8 May, Chilanzar Criminal Court only referred to the investigation files of the RUVD which state that Trofimov's detention began on 7 May 2021 at 11.00 pm. Additionally, in a violation of procedural regulations which state that investigating officers cannot fulfill the role of accompanying detainees during transfer – but in this case RUVD officials were present with the suspects continually, in an attempt to prevent them from speaking out.

Trofimov was not allowed to see a lawyer for the first 48 hours after his arrest, and instead was repeatedly told that he would be released very soon. Reportedly, a RUVD representative also told Trofimov's mother that he did not need a lawyer as he would be imminently released. It was only on 8 May, shortly before the remand hearing began, that lawyer Hakim Saparov was able to meet with his client. The lawyer took a photo of a large bruise on Trofimov's leg allegedly sustained as a result of beatings during the interrogation. During the hearing Hakim Saparov told the judge that his client was subjected to torture and requested that a medical forensic examination be carried out. The judge refused to grant this motion. Only on 10 May was Trofimov transferred to a medical centre for examination. To date, the results of this examination have not been made available to Trofimov's lawyer or relatives.

On 12 May, Tashkent City Criminal Court turned down Trofimov's petition against being remanded in custody pending trial.

Trofimov's mother has sent several complaints to relevant authorities requesting an investigation into the allegations of torture of her son, including to the Prosecutor of

Chilanzar District; the Prosecutor of Tashkent City; the Prosecutor General; the President of Uzbekistan; the Ministry of Justice and the Inspectorate of the Main Department of Internal Affairs of Tashkent. A complaint was also sent to the Office of the Ombudsperson for Human Rights.

At the time of writing, nearly one month after the events, the Uzbekistani authorities have not investigated these serious allegations of torture.

Since President Mirziyoyev came to power, the authorities of Uzbekistan have taken some steps to address the endemic problem of torture in the country. Legislation was adopted stipulating that evidence obtained under torture is not admissible in court and to improve transparency in the criminal justice system. However, in the case of Aleksander Trofimov judges, prosecutors, and interrogators failed to respect the provisions of Article 26¹ of the Constitution and Article 17² of the Criminal Procedural Code which forbid torture. The fact that IPHR and AHRCA continue to receive allegations of torture and ill-treatment on a regular basis indicates that sustained change is still to be achieved.

Recommendations

We urge the Uzbekistani authorities to:

- a) conduct a prompt, thorough, impartial and independent investigation into the allegations of torture of Aleksander Trofimov, to publish the findings and to bring anyone suspected of being responsible to justice.
- b) launch an investigation to establish responsibility of officials for failing to ensure that Trofimov has access to all legal safeguards aimed at preventing torture in detention;
- c) ensure that all evidence extracted under torture is excluded from the case against Trofimov;
- d) ensure the implementation in practice of the National Strategy³ on Human Rights of the Republic of Uzbekistan, according to which the state undertakes to ensure that representatives of state authorities who are involved in torture are brought to account.
- e) swiftly establish a rapid reaction mechanism for cases where there are allegations of torture, involving a 24-hour hotline, independent experts and independent representatives of civil society.

1 Конституция Республики Узбекистан (lex.uz)

2 Уголовно-процессуальный кодекс Республики Узбекистан (lex.uz)

3 УП-6012-сон 22.06.2020. Об утверждении Национальной стратегии Республики Узбекистан по правам человека (lex.uz)