

Torture victim Alexander Trofimov still facing criminal charges while his torturers remain at large

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Six months after Alexander Trofimov, a 29-year-old father of two, was arrested for theft, the credible allegations that police tortured him in detention have still not been effectively investigated and the alleged perpetrators remain at large. **International Partnership for Human Rights (IPHR) and Association for Human Rights in Central Asia (AHRCA) call on the authorities of Uzbekistan to promptly open an effective investigation into the allegations of torture, bring the perpetrators to justice and present credible evidence to substantiate the allegation of theft or promptly close the criminal case against Trofimov.**

“President Mirziyoyev has repeatedly stated that putting a stop to torture is a priority for his government: this case provides the Uzbekistani government with the ideal opportunity to demonstrate that it is serious about this”, said Brigitte Dufour, Director of IPHR.

On 6 May 2021, Alexander Trofimov was arrested on suspicion of stealing money (Article 169 of the Criminal Code) from a safe belonging to a company in Tashkent. He is believed to have been tortured and ill-treated by police on 6 and 7 May 2021 while being detained at Chilanzar District Police Department (ROVD – Russian acronym) in the capital city of Tashkent without contact with the outside world. Trofimov alleges that four or five police officers kicked him; hit him with truncheons; punched him on the head, body and legs; forced him to do the splits; and took turns to jump on his back while he was handcuffed. Trofimov reportedly begged the officers not to hit him in the head, explaining that he had sustained a skull fracture in 2002. Despite this, RUVD officers reportedly hit him on the site of the injury. Trofimov reported that he subsequently suffered from severe headaches and was unable to sit or move for several days because of severe pain in different parts of his body.

Two suspects in the same case have confirmed that they witnessed Trofimov being tortured while they were being held at the same detention facility, and that police officers warned they would also be subjected to violence if they did not confess. Police officers reportedly told Trofimov that if he confessed to the theft he would be released, but Trofimov has always maintained his innocence. They also threatened him with violence if he told his lawyer that he had been subjected to abuse.

Trofimov was only able to meet his lawyer for the first time on 8 May, shortly before the remand hearing. During the hearing the lawyer told the judge that Trofimov had been tortured, showed him photos depicting his injuries, and requested a forensic medical examination. The judge ordered an examination and remanded Trofimov in custody.

Instead of taking Trofimov to the forensic medical examination shortly after the court hearing, the police officers who were involved in torturing Trofimov reportedly took him to a public health clinic in Chilanzar District. According to Galiya Trofimova, Alexander's mother, the officers urged the doctors to certify that Trofimov already had bruises on his body when he was arrested. But the doctors refused to provide false evidence.

The police officers then waited until 10 May – probably in the hope that his injuries would be less visible – before transferring Trofimov to the Main Office of Forensic Medicine of the Ministry of Health for the requested forensic medical examination. Two months later and after several petitions, Galiya Trofimova was able to read the results of the examination at Tashkent City Prosecutor's Office, but neither she nor the lawyer were able to obtain a copy of the document. According to her, the forensic medical experts only recorded visible injuries – bruises -- from torture. They failed to carry out CT or MRI scans to establish whether he had sustained internal injuries. "Police put pressure on the medical forensic experts to ensure that they would not conduct an effective examination fearing that thorough diagnostics would have revealed more than the external bruising", said Nadejda Atayeva, director of AHRCA.

After the forensic medical examination police officers again took Trofimov to the public health clinic in Chilanzar District, where doctors conducted an examination and recorded evidence similar to that of the forensic medical doctors.

On 11 May, Trofimov was taken to the investigation-isolation facility no. 1 in Tashkent (commonly referred to as "Tashtyurma", Russian for Tashkent prison). There doctors conducted another medical examination, which is a common procedure for new arrivals at the facility. In a letter dated 5 July 2021, the Head of the Prosecutor's Office of Chilanzar District informed Trofimov's lawyer that the medical personnel had recorded a large bruise on his left thigh and smaller bruises on his right thigh and his shoulders. They diagnosed that he had a head injury and suffered convulsions, but they did not explain how they came to this conclusion without conducting CT or MRI scans.

As soon as Galiya Trofimova learnt that her son had been tortured, she sent several complaints to the authorities requesting an investigation, including to the Prosecutor General, the Prosecutor of Chilanzar District and the Ombudsperson for Human Rights of Uzbekistan.

On 7 June 2021, the Prosecutor General's Office informed her that it had taken the case "under control", but it did not open a criminal case. Trofimov's lawyer has repeatedly urged the Prosecutor General's Office to open a criminal case into torture or other cruel, inhumane or degrading treatment or punishment under Article 235 of the Criminal Code, but has not received a reply. In the meantime, Tashkent Prosecutor's Office has been tasked with conducting a preliminary investigation into the allegations, which was later handed down to the Prosecutor's Office of Chilanzar District and has not produced any results.

On 12 August 2021, Alexander Trofimov was conditionally released. Shortly afterwards independent medical doctors took an x-ray of his ribs and found a recent fracture.

On 21 November Trofimov and his lawyer met with the investigator of the criminal case against Trofimov for the first time in seven months. They learnt that the charge of “theft” was dropped, and that he had instead been charged with “obtaining or selling stolen property” (Article 171 of the Criminal Code) and “failure to report a crime” (Article 241).

Galiya Trofimova stated: *“My son Alexander denies any involvement in the theft and I am convinced he has nothing to do with it. There’s no evidence to suggest that he knew anything about it.”*

Recommendations to the Uzbekistani authorities:

- Promptly open a criminal case and instigate an effective examination into credible allegations that Alexander Trofimov was tortured and ill-treated after his arrest in May 2021 and that police attempted to fabricate false evidence to escape prosecution, and bring anyone reasonably suspected of being responsible to justice.
- Ensure that a second forensic medical examination is conducted thoroughly and impartially.
- Present sufficient evidence of Trofimov’s participation in the crimes of which he is accused, or swiftly drop all charges against him.
- Establish an independent and effective mechanism to receive and investigate allegations of torture and ill-treatment, in line with recommendation 25(b) issued to Uzbekistan by United Nations Human Rights Committee in its March 2020 concluding observations.