

Briefing on human rights concerns in Uzbekistan for UN High Commissioner for Human Rights, March 2023

Dear High Commissioner,

Prior to your upcoming visit to Uzbekistan, Association for Human Rights in Central Asia (AHRCA) and International Partnership for Human Rights (IPHR) would like to take this opportunity to provide some information about our concerns regarding the human rights situation in the country. We would be most grateful if you are able to raise these concerns and recommendations with the Uzbekistani authorities during your visit.

Overall, despite much-publicised steps by President Shavkat Mirziyoyev to improve Uzbekistan's image in the eyes of the international community, human rights in the country remain severely restricted and too often violated.

In particular, we draw your attention to the fact that during the process of legal reform, human rights defenders receive large numbers of complaints related to persecution for criticism, injustice and abuse of power from individual citizens, especially journalists and bloggers. Victims of torture and extrajudicial killings have not been able to access justice. There were also numerous reports of violations of social rights.

We would like to draw your attention to the following serious human rights concerns and recommendations to the Uzbekistani authorities:

Referendum on the Constitutional amendments scheduled for 30 April 2023

A period of public consultation on amendments to the Constitution of Uzbekistan was held last year from 25 June to 1 August 2022. Comments and input were collated through a dedicated

website, "My Constitution", which received 62,238 proposals in the first stage and 150,505 in the second stage. A further nearly 10,000 comments and analytical remarks were sent directly to the Parliamentary Legislative Chamber.

However, although these figures look impressive, in reality insufficient time was allowed to properly take citizens' comments into account and outspoken criticism of the process of constitutional reform has led to security risks for individuals, especially those in Karakalpakstan.

Serious violations related to the 2022 Karakalpakstan events

Thousands of people gathered in the Republic of Karakalpakstan in western Uzbekistan on 1-2 July 2022 to peacefully protest against proposed constitutional amendments, which would have deprived the republic of its sovereignty and its right to secede from Uzbekistan. According to available information, the authorities used force to disperse protesters in the capital Nukus and other cities in the Republic, using methods such as water cannon, rubber bullets, stun grenades and smoke bombs, and clashes between police and demonstrators were reported. Videos circulating on social media showed numerous people, who appear to be dead or badly injured lying on the pavement. According to official information provided later, 21 people died and over 270 required medical assistance in connection with the protests.¹ At the time of writing the authorities have not made public the names of those killed nor details about the circumstances under which they died. Civil society representatives believe that the casualties of the recent events are higher than the official figures suggest, and estimate that at least 50 people died.

The Uzbekistani authorities depicted the events as an attempt to seize power in Karakalpakstan and accused protesters of seeking to storm government buildings. They imposed a month-long state of emergency in the Republic and suspended internet access, thereby restricting access to information. Internet access in Karakalpakstan today remains weak and unreliable.

Over 500 people were detained in connection with the protests. While many of them were released after being subjected to administrative penalties, some faced criminal charges for allegedly infringing on the constitutional order and other offences. Among those detained and charged in connection with the protests are well-known journalists, bloggers and activists from the region, who publicly criticised the proposed constitutional amendments and are accused of playing leading roles in the protests.

AHRCA and IPHR are seriously concerned about credible reports of excessive use of force, arbitrary detentions, and torture and ill-treatment of detainees in connection with the measures taken to put down the protests in the Republic of Karakalpakstan. There is a pressing need for the authorities to impartially and thoroughly investigate all allegations of human rights violations related to the mass protests and to ensure accountability for them.²

¹ <https://www.interfax.ru/world/852703>

² See more here: <https://www.iphronline.org/uzbekistan-karakalpakstan.html>

Some of the hundreds of people who were detained in connection with the protests, including well-known journalists, bloggers and activists who had publicly criticised the proposed constitutional amendments, were subsequently criminally charged. A trial against 22 people charged in relation to the protests, which began in the city of Bukhara in November 2022, was undermined by the lack of transparency and other shortcomings of fair trial guarantees. Although the first hearing was broadcast publicly, in an attempt to ensure transparency, the live broadcast was stopped as defendants made allegations about having been tortured; and subsequent trials continued behind closed doors.

Among those on trial were lawyer and blogger **Dauletmurat Tazhimuratov** and journalist **Lalagul Kallykhanova** who were charged with encroaching on the constitutional order and other serious crimes for allegedly playing leading roles in the protests. In January 2023, the court handed down its verdicts: Tazhimuratov was sentenced to 16 years in prison, while Kallykhanova was given a suspended seven-year sentence and placed under probation for three years. Tazhimuratov vehemently denied all charges, while Kallykhanova confessed to wrongdoing and expressed remorse, giving rise to concerns that she might have been pressured to do so in exchange for a lighter sentence, although she subsequently made a statement saying that her sentence was “deserved”.

Tazhimuratov complained of having been subjected to torture and ill-treatment during detention but the authorities failed to investigate his complaints impartially and thoroughly, and the fact that he spoke out only made his situation worse. Other alleged victims of torture and ill-treatment refused to speak out in court, fearing reprisals.

All the defendants on trial and their relatives were required to sign non-disclosure agreements, forbidding them to discuss their cases with human rights and international organisations. They were provided with state-appointed lawyers, with the exception of Tazhimuratov.

Recommendations to the Uzbekistani authorities:

- impartially, thoroughly and transparently investigate all allegations of human rights violations related to the mass protests in Karakalpakstan and ensure accountability for them, bring the perpetrators of abuse to justice and ensure redress for victims.

Freedom of expression

Harassment of journalists and bloggers

Under President Mirziyoyev, and encouraged by the government, blogging began to develop in Uzbekistan. This initially raised hope for democratic reforms. However, bloggers have been used to boost the positive image of the government, and when they speak out critically about corruption or human rights violations, many face persecution and prosecution for alleged slander, extortion and fraud, in trials which fail to present sound material evidence of the alleged crimes committed.

Numerous individuals have faced retaliation for blogging on corruption and other issues considered sensitive by the authorities. In accordance with amendments to the Law on Informatisation adopted in March 2021, the owners of online resources, including bloggers, are required to ensure that their resources are not used for the dissemination of 'knowingly false' information, 'defamatory' information, or other information defined as impermissible through vaguely worded language. The failure to promptly remove such information, if detected, might result in restrictions in accessing the online resources in question.

Monitoring of the situation by independent groups indicates that between January 2020 and November 2022, more than 20 leading bloggers came under pressure from the authorities because of their criticism of state bodies and officials.³ Several bloggers were convicted on criminal charges initiated in apparent retaliation for their posts on issues considered sensitive by the authorities. For example, in January 2022 blogger **Miraziz Bazarov** was convicted of slander and sentenced to three years' restriction of liberty because of social media posts critical of the authorities on issues such as the lack of transparency over the government's use of COVID-19 related loans and double standards amongst officials in relation to LGBTQI+ people. Another blogger, Otabek Sattoriy was sentenced to 6 and a half years imprisonment on trumped up charges of libel and extortion, in retaliation for his criticism of corruption of local officials. In February 2022 **Sobirjon Babaniyazov** was sentenced to three years' imprisonment for allegedly insulting President Mirziyoyev on social media.

In addition, in 2022 alone, **more than 20 attacks on bloggers and journalists** were reported, including Karakalpakstani lawyer and blogger Dauletmurat Tazhimuratov, whose house was reportedly stormed by security forces in July 2022 in retaliation for him having spoken out on the constitutional rights of Karakalpakstani people. He was arrested and allegedly subjected to physical abuse in custody. As already mentioned above, in January 2023, Tazhimuratov was sentenced to 16 years in prison.

In another case illustrating the continued dangers associated with journalistic work in Uzbekistan, human rights activist, independent journalist and former political prisoner **Aziz Yusupov** was arrested in September 2022 and subsequently charged with drug possession, in an apparent attempt to prevent him from participating in a human rights event in Warsaw and from exercising his right to freedom of expression. Although Yusurov was released on a restricted freedom sentence in December 2022, the conditions of his release do not allow him to continue his human rights activities and he, among other prohibitions, cannot use the internet or participate in an association for the next five years.⁴

We are concerned about the fate of blogger Abdukadyr Muminov, who has been in detention for over a month and has not been provided with a lawyer of his choice. He was initially provided with a state-appointed lawyer who failed to work in the interests of his client. Muminov has reportedly

³ See more in November 2022 update on Uzbekistan, <https://civicus.org/documents/UzbekistanCountryBrief.pdf>

⁴ See more on Aziz Yusopov's case here: <https://www.iphronline.org/aziz-yusupov-released-but-prevented-from-continuing-his-work.html>

refused four state-appointed lawyers and his family have not been able to see him. The authorities do not respond to requests from the lawyer engaged by his family.

Recommendations to the Uzbekistani authorities:

- Cease intimidation and harassment of media, bloggers and journalists;
- Publicly condemn such actions by official bodies and ensure that any such incidents are thoroughly and impartially investigated, and the perpetrators brought to justice.

Restrictions to access to internet resources

The Uzbekistan government uses the practice of internet shutdowns, blocking and disabling websites, social media platforms and internet messengers in order to silence critical voices. To date, many sites of international human rights organisations are not accessible, especially the pages in Russian or Uzbek. The authorities particularly clamp down on access to information and media freedom during periods of heightened security concerns, such as the Presidential elections and the civil unrest in Karakalpakstan.

Critical independent media were often targeted with cyber-attacks during the last year. At least two independent media outlets were subject to attacks and removal of content in June and July 2022 after publishing critical information related to the political environment. Previously, access to social media was restricted in early November 2021 by the state agency in charge of oversight of telecommunications, after it accused several platforms of failing to store user data on servers located in Uzbekistan, a requirement introduced under a law adopted in January 2021.

Internet services were disrupted in June 2022 in the region of Karakalpakstan, after bloggers, journalists and activists expressed their discontent with the proposed constitutional amendments. As the protests were violently met by the government, the Internet blackout made it difficult to obtain and verify any information in relation to the events. Several important articles concerning the events in Karakalpakstan were also taken down for some time from independent outlets websites.

Recommendations to the Uzbekistani authorities:

- Ensure the right of access to information is respected by creating an environment where journalists, civil society activists and citizens are able to collect and disseminate information of public interest;
- Cease the arbitrary blocking of access to websites and mobile phone services and ensure that people have unhindered access to information on- and offline.

Freedom of peaceful association and assembly

The operating space for civil society remains seriously restricted in Uzbekistan. The process of registering new NGOs remains fraught with difficulties, and the NGOs that manage to get registered are mainly those which work in humanitarian fields for the provision of help to victims

of trafficking and to support persons with disabilities. It is particularly difficult for NGOs working in the human rights field to get registered. Several independent NGOs have repeatedly been denied registration on grounds that appear to be politically motivated.

For example, since 2019 human rights defender and former political prisoner **Agzam Turgunov** has received 11 rejections when attempting to register the NGO 'Human Rights House', with the Ministry of Justice referring to alleged minor technical mistakes in the application. Even the involvement of well-known lawyer S. Mayorov has not helped overcome the obstacles to registration for the organisation. In 2022, in an attempt to prevent Turgunov from exercising to perform his human rights work, the human rights defender was further subjected to harassment and intimidation by state officials.⁵ In a welcome development, in September 2022 human rights activist Nikolay Kungurov was able to register a human rights organisation, but only after Kungurov stated he would take legal action against the authorities for not implementing a decision of the UN Committee for Human Rights.

NGOs are also subject to excessive reporting requirements and restrictions on their activities and access to funding. A government resolution adopted in June 2022 further increased state interference into NGO activities by introducing a new mechanism for state approval of foreign grants received by NGOs and compulsory partnership with state agencies on the implementation of foreign funded NGO projects. This new mechanism contradicts the Law on Non-Profit Organisations currently in force, as well as the provisions of the Constitution of Uzbekistan.

Public assemblies in Uzbekistan remain rare as punishments and risks for protesters are high. Despite the risks of detention and fines facing protesters, in the last two years several protests took place in relation to illegal demolitions of private housing, and the switching off of energy supplies. The events in Nukus in July 2022 in Karakalpakstan led to the largest protests amongst the general public. Prior to the summer 2022 Karakalpakstan events, mass protests had not taken place in Uzbekistan for a long time, reflecting the restrictive environment for the exercise of the freedoms of peaceful assembly and expression in the country.

Recommendations to the authorities of Uzbekistan:

- Swiftly register the independent civil society group Human Rights House and other peaceful civil society groups seeking registration in Uzbekistan;
- Provide an enabling environment for civil society by bringing national legislation in line with international standards and implementing them in practice.

Torture and ill-treatment

President Mirziyoyev's stated promises to address the root causes of torture have led to some steps to address the endemic problem in the country. Legislation was adopted stipulating that evidence obtained under torture is not admissible in court and to improve transparency in the

⁵ Read more here: <https://www.iphronline.org/agzam-turgunov.html>

criminal justice system. Additionally, medical examinations for prisoners were introduced after transfers from pre-trial detention to prisons, to check for signs of torture or ill-treatment.

However, our organisations' monitoring has not found cases where investigations into incidents of torture or ill-treatment have been opened if injuries are detected through the medical examinations. This is especially the case for pre-trial detention centres run by the State Security Service of Uzbekistan. Attempts to find out why this is happening have led to medical reports being destroyed from archives.

However, despite these positive steps, cases of torture continue to occur and are typically not properly investigated by the authorities. Most recently two journalists were allegedly tortured after critical comments about the situation in the Karakalpakstan autonomous region.⁶ Despite their online statements about their treatment at the hands of law enforcement services no steps were taken to effectively and thoroughly investigate the complaints, identify the perpetrators and bring them to justice.

There remain numerous obstacles that prevent victims of torture in Uzbekistan from lodging complaints about torture or ill-treatment at the hands of law enforcement officials, and having their complaints investigated effectively. Moreover, detainees often refrain from lodging complaints for fear of reprisals or because they do not believe that they can attain justice through the criminal justice system. In addition, to the knowledge of the authors of this report, no victim of torture in Uzbekistan has been granted compensation for moral damages in recent years. Cases such as that of torture victim Alexander Trofimov continue to illustrate the inability of the judicial system to impartially investigate cases of torture and bring the perpetrators to account.⁷

Additionally, our organisation remains concerned that prison authorities continue to target prisoners convicted of anti-state offences or affiliated with banned religious groups for particularly harsh treatment.

Detention conditions for prisoners can amount to torture or inhuman, degrading treatment as they sometimes lead to injuries of prisoners and risk to life. Penitentiary institutions are currently undergoing renovations but our monitoring indicates that heating systems still function poorly, there is a shortage of water including drinking water, that prisoners' access to medical care is insufficient and restricted, even for the disabled and those living with AIDS.

⁶ On 26 June 2022, the Karakalpakstan blogger Kural Rametov posted critical comments on social media. Shortly afterwards, law enforcement officers detained him at his workplace. According to non-governmental sources, police officials tortured him, including with electric shocks and later left him somewhere in Nukus, completely naked. Journalist and activist Lalagul Kallykhanova, editor of the popular Karakalpak news site makan.uz, was reportedly detained in late June or early July 2022 after publicly criticising the proposed constitutional amendments and her whereabouts were unknown for several weeks.

⁷ <https://www.iphronline.org/trofimov-statement-june-2022.html>

Recommendation to the Uzbekistani authorities:

- Set up a genuinely independent mechanism which is properly resourced and allowed to investigate allegations of torture and ill-treatment.

Criminalisation of homosexuality and persecution of LGBTI

Alongside Turkmenistan, Uzbekistan is the only former Soviet country that has not decriminalised homosexuality. In 2022, research by IPHR and partners demonstrated that lesbians, gays, bisexual and trans people (LGBT) in Uzbekistan continue to be at constant risk of serious human rights violations, including intimidation, humiliation, extortion, torture and ill-treatment, without any possible recourse to justice.⁸

Article 120 of the Criminal Code of Uzbekistan punishes consensual sexual relations between men by up to three years' imprisonment. Information submitted to IPHR by its local partners in January and February 2022 respectively indicates that 36 persons were convicted under the Article in 2021, 25 of them to terms of imprisonment. However, these statistics represent only the mere tip of the iceberg and, in reality, many more people live under the looming threat of Article 120 in their daily lives.

Some official representatives continue to claim that criminalisation of homosexuality is justifiable on grounds including religion, culture, tradition and public opinion, and state that decriminalisation would have negative implications for society and for the country's reputation in the Muslim world.

Recommendation to the Uzbekistani authorities:

- Decriminalize consensual sexual relations between men and swiftly and unconditionally release and rehabilitate all those convicted of Article 120.

⁸ Read more in our joint June 2022 report here: <https://www.iphronline.org/uzb-gbt-2022.html>