



STATEMENT
UPR Pre-session on Uzbekistan
29 August 2023, Geneva
Delivered by Association for Human Rights in Central Asia (AHRCA)

I am speaking on behalf of Association for Human Rights in Central Asia (AHRCA) and International Partnership for Human Rights (IPHR) - who have cooperated on monitoring and documenting fundamental rights in Uzbekistan for over eight years, repeatedly providing joint submissions for UN human rights reviews, including the UPR.

This statement highlights our concerns about **access to justice and the rule of law** in Uzbekistan. The rule of law and human rights play a fundamental role in creating a just and equitable society by promoting accountability, requiring government actions to be bound by established laws and procedures, and ensuring that these actions are consistent with human rights standards.

In 2016 the government of Uzbekistan announced legal reforms intended to create a 'New Uzbekistan', characterised by greater transparency in government, an independent judiciary, protection from torture and slavery, and sustainable development of civil society. However, despite these reform initiatives, **access to justice remains severely restricted in the country, the rule of law is often disregarded, and independent bloggers, journalists and other critics of the regime are subjected to ongoing persecution**, including by being arrested, charged and convicted on politically motivated charges following trials held in violation of international standards.

The **government's response to mass protests in the Republic of Karakalpakstan in Uzbekistan in July 2022, is of particular concern**. There are credible allegations that authorities used excessive force, arbitrary detentions, and torture and ill-treatment when putting down the protests. These allegations have not been impartially and thoroughly investigated, resulting in lack of accountability for violations. In addition, the legal proceedings initiated against several dozen people (including journalists, bloggers and activists), who faced criminal charges for their alleged involvement in anti-constitutional and other unlawful activities in connection with the protests, have been undermined by

a **lack of transparency and violations of fair trial guarantees**. Although the first hearing in November 2022 was broadcast publicly, the live broadcast was cut off when defendants made allegations about having been tortured. Subsequent hearings were held behind closed doors, in a pattern frequently seen in politically-motivated cases against critics of the authorities.

Just four of the 61 defendants who went on trial in November 2022 and March 2023 in relation to the Karakalpakstan events were **denied access to lawyers of their choice** and instead provided with state-appointed lawyers. There are concerns that many of the defendants were pressured by government officials to confess wrongdoing and express remorse for taking part in the protests in exchange for lighter sentences. What is more, defendants in both trials and their relatives were **required to sign non-disclosure agreements**, forbidding them from discussing their cases with human rights and international organisations. These are clear violations of the procedural norms set out in Uzbekistan's national legislation, and of Uzbekistan's international commitments.

In an ongoing trend, **independent journalists, bloggers, activists and social media users are charged and penalised for various alleged crimes** because of their legitimate exercise of their right to freedom of expression and other fundamental freedoms. In particular, numerous articles of Uzbekistan's administrative and criminal legislation are used to restrict freedom of expression in violation of international standards and punish those who publish material (including online material) critical of those in power or "inconvenient" to them. Several bloggers and journalists are currently **serving sentences on charges initiated against them because of their online writings**. National legislation fails to stipulate a clear procedure and criteria for identifying unlawful content in written material, images, and audio and video publications on the internet and security service experts who monitor such content often qualify any criticism of the authorities as constituting "incitement of hatred" or other serious crimes. This results in arbitrary measures to block or delete such material, without judicial sanction or oversight, as well as in unfounded, politically-motivated charges against those posting the material in question.

Investigations and legal proceedings against government critics typically **fall short of national and international due process and fair trial guarantees**. For example, in a recent case, a police investigator stated publicly that a blogger held in pre-trial detention "would be imprisoned", in violation of the principle of presumption of innocence.

Other concerns include the growing practice of **sentencing critical voices in absentia**; the **admission in court of evidence obtained under torture**, despite a Supreme Court ruling holding that evidence obtained through illegal means is inadmissible; **the failure**

of the Uzbekistani government to review the sentences of former political prisoners and provide redress and compensation as stipulated by national and international law.

Independent voices raising human rights, corruption or other issues deemed sensitive by the authorities have also been forcibly **placed in psychiatric hospitals**, in what is believed to be another tactic used to intimidate and silence them.

It is of further concern to us that **perpetrators of torture rarely are brought to justice** in Uzbekistan, and when they are trials typically take place behind closed doors without public oversight. According to our information, **victims of torture are often intimidated** and investigators put pressure on medical forensic who find traces of torture, and delay initiating criminal cases under Article 235 of the Criminal Code (which penalises torture) until the signs of injuries inflicted through torture fade. **Lawyers who try to lodge complaints of torture are pressured** and threatened with having their licenses to practice law revoked.

AHRCA and IPHR are highly concerned by the frequent interference of the executive, and the Supreme Judicial Council of Uzbekistan and Supreme Court judges in the judicial process, which makes it difficult for citizens of Uzbekistan to access justice.

We urge the permanent missions to use the upcoming UPR to prominently raise concerns about access to justice and the rule of law in Uzbekistan. Key recommendations to the Uzbekistani authorities are to:

- Carry out an independent investigation into the actions of the authorities in Karakalpakstan in response to protests in 2022, including independent international and national civil society experts and bring those responsible to justice,
- Take concrete measures to strengthen the independence of the judicial system and prevent it from being exploited to pursue politically motivated cases, by ensuring that the procedures for the selection, appointment, promotion and removal of judges are in compliance with international standards and that any restrictions on fair trial guarantees are fully compliant with Uzbekistan's international obligations.
- Review all criminal cases based on confessions allegedly obtained through the use of torture and ill-treatment and ensure the proper consideration of all such allegations in order to prevent impunity.

Thank you for your attention. We encourage you to read our full UPR submission, which provides more information on the issues summarised today, as well as other key issues of concern.