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for Human Rights

**Update to Joint Submission to the 3rd UN Universal Periodic
Review of Uzbekistan**

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Introduction

This briefing provides an update to the submission to UN 3rd Universal Periodic Review jointly submitted by Association for Human Rights in Central Asia (AHRCA), International Partnership on Human Rights (IPHR) and CIVICUS in October 2017 on the situation regarding human rights in Uzbekistan. It outlines developments which have occurred since October 2017 pertaining to the rule of law and highlights ongoing human rights concerns including torture, ill-treatment and poor prison conditions and limitations on the freedom of expression and assembly. The document raises concerns that independent journalists continue to be imprisoned and subjected to torture and ongoing cases of government critics who face persecution, harassment and who are subjected to travel restrictions. It concludes with recommendations to the Uzbekistani government.

Since President Shavkat Mirziyoyev came to power he and his government have taken pains to improve Uzbekistan's image in the eyes of the international community. They have indeed taken some positive steps indicating a greater openness to engage on human rights and to facilitate external independent scrutiny of the situation in Uzbekistan. These steps include a planned programme of judicial reforms; allowing the first visit to Uzbekistan by the UN High Commissioner for Human Rights in May 2017, a visit by the UN special rapporteur on the freedom of religion and belief, for the first time since 2002, and allowing representatives of Human Rights Watch to visit in September 2017 for the first time since the Director of the Europe and Central Asia division paid a short visit in 2014. Most notably, since President Mirziyoyev came to power in September 2016, at least 18 activists imprisoned on politically motivated grounds have been released.¹ However other civil society and political activists and journalists still remain behind bars, some of whom are serving long sentences in poor detention conditions.²

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 on 2 March 2018. On 16 March 2018 Gaybullo Dhalilov was released from detention and later in March 2018 Chuan Matmakulov, Yuldash Rasulov and Gairat Mikliboev were released.

² Fakhreddin Tillayev (Human Rights Center "Mazlum"), Rukhiddin Fakhreddinov, (Theologian), Dilorom Abdukodirova (Witness of the Andijan tragedy, 2005), Aziz Yusufov, (Independent journalist), Akrom Malikov (Critic, author of publications under the name "Abdulloh Nusrat"), Rustam Abdumanopov (Political scientist), Bobromud Abdullaev (Fergananews correspondent), Hayotjon Nasreddinov (Fergananews correspondent), Andrei Kubatin (Oriental academic, associate professor) Mirsyar Khamidokriyev (Producer).

Rule of law

An action plan on **judicial reform** approved by the President in February 2017³ sets out to achieve genuine judicial independence; increase the effectiveness and authority of the judiciary; and ensure judicial protection of the rights and freedoms of citizens.

A Supreme Judicial Council was also created under the new administration to oversee the judiciary – although there is concern amongst human rights organizations that its members will be comprised of representatives of law enforcement authorities, in addition to judges and external experts.⁴ All members of the Judicial Council will be appointed by the President, except the Chairperson whose candidature will be presented by the President for Parliamentary approval. Representatives of law enforcement authorities will thus be involved in the selection of judges and disciplinary proceedings. The new body therefore risks perpetuating the influence of the executive over the judiciary, jeopardizing the right to a fair trial and contributing to impunity for human rights violations.

Changes to the structure of State Security Services (SNB)

President Mirziyoyev's government has taken some steps to address the systematic abuse of power for which the State Security Services (Russian acronym - SNB) became notorious in past decades. On 22 December 2017, President Mirziyoyev told parliament that the agency had frequently obstructed the functioning of the justice system and decried the "groundless expansion of the agency's powers."⁵ On 31 January 2018, the government announced the resignation and replacement of the head of the SNB Rustam Inoyatov, whose 22 year term was notorious for reports of pervasive torture and ill-treatment by the security services. Inoyatov was replaced by former Prosecutor General Ikhtiyor Abdullayev. On 14 March 2018, President Mirziyoyev signed an order on reforming the activities of the National Security Service, proposing to rename it the State Security Service and outlining its goals as ensuring state security from foreign and internal threats, execution of intelligence and counter-intelligence operations, protection of the state borders, as well as fighting against terrorism, organized crime and corruption.

However, despite the President's public comments, most processes and procedures concerning the SNB remain shrouded in secrecy, reliable information is not available to the public and victims of human rights abuses by SNB officials are no nearer to justice. In order to ensure that these changes are not simply a restructuring of the SNB, but lead to systematic and sustainable improvements, the Uzbekistani authorities must prioritize accountability. They must take the necessary measures to ensure a full analysis and judicial review of past cases of torture and ill-treatment committed by officials of the SNB. Such a review should be transparent and open to public scrutiny and those found guilty of torture should be brought to account through a fair and open judicial procedure.

Given the extent of the pervasive practice of torture used by the SNB, and the fact that this body had sole responsibility for investigating and prosecuting cases of so-called "anti-constitutional" crimes the cases of all those imprisoned on these charges should be independently reviewed.⁶

³ Presidential decree "On Measures for the Fundamental Improvement of the Structure and Improving the Performance of the Judicial System of the Republic of Uzbekistan", 21 February 2017, at <http://jahonnews.uz/ru/politika/138/31336/>

⁴ http://www.lex.uz/Pages/GetPage.aspx?lact_id=3153671

⁵ Mirziyoyev on the SNB and other state agencies <https://rus.ozodlik.org/a/29027440.html>; <https://rus.ozodlik.org/a/29045629.html> ; <http://www.fergananews.com/news/28486>; <http://www.fergananews.com/news/28465> ; <http://www.fergananews.com/news/28432>

⁶ These crimes include those convicted under the following articles of the Criminal Code: Article 159 ("Infringements on the constitutional system of the Republic of Uzbekistan"); 216 ("Illegal organization of public associations or religious organizations"); 244-1 ("Production or distribution of materials containing a threat to public safety and public order "); 244-2 ("Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations"). The cases of those convicted under the following articles should also be reviewed, as they are frequently used for politically motivated persecution: Article 120 ("homosexuality" – threats of punishment under this article are used by the authorities to obtain confessions, as it damages a person's reputation in the eyes of the community); Article 221 ("Disobedience of the

Torture and ill-treatment

In recent months, President Mirziyoyev has taken some steps to address the deep rooted problem of routine use of torture and ill-treatment by the law enforcement services, particularly the SNB.

On 30 November 2017, he signed a decree prohibiting the use in court of evidence obtained through torture, and forbade legal decisions on the basis of any evidence that was not confirmed during trial. The decree instructs prosecutors in charge of criminal cases to check whether physical or psychological pressure has been used in relation to defendants or their relatives.

In addition amendments to the Criminal Code of Uzbekistan introduce criminal responsibility for falsifying evidence by making knowingly false statements, compelling someone to give evidence that is untrue, distorting the actual circumstances of the case resulting in unlawful detention, criminal liability or conviction of a person. Severe penalties for perjury were also introduced. The decree obliges law enforcement agencies to make video recordings of investigative activities such as inspection of the scene of a crime, searches, verification of evidence and investigative experiment. The decree came into force by a law 470 of 4 April 2018 which strengthened punishments for use of torture and ill-treatment. We note that before the amendments were introduced, Article 235 of the Criminal Code contained a number of obstacles to holding those involved in torture to be held accountable.

Positive developments occurred in the case of brothers Ilhom and Rahim Ibodov who were tortured by officers of the National Security Service in a detention facility in Bukhara in 2015. Ilhom died in custody and Rahim was sentenced to eight years' imprisonment for alleged tax and commercial offences. Both men had reportedly refused to comply with extortion demands from SNB officers and threatened to expose alleged corruption in the security services. In 2017 Rahim Ibodov was released from detention conditionally on health grounds. On 6 February 2018, court bailiffs confiscated property from the Ibodov family home, as stated in the 2016 court ruling. In early March 2018 the Prosecutor of Bukhara informed Rahim Ibodov by phone that the criminal case had been passed to the General Prosecutor's office for review. On 13-15 March Rahim was summoned to a meeting in Tashkent to meet the investigator. On 9 March 2018, Tashkent City Criminal Court ordered the arrest of the former head of the Central Penal Correction Department (GUIN), who was detained pending trial. He is facing charges of "Abuse of power" (Article 301 of the Criminal Code) and of "incriminating an innocent person" (Article 230).

While we acknowledge that the Uzbekistani authorities are taking steps to bring officials to account for torture or ill-treatment, it is important to note that the officials have been accused under other articles of the Criminal Code rather than Article 235 which punishes torture. It is important to ensure that punishments are commensurate with the gravity of crimes committed and to avoid perpetuating impunity for torture.⁷

Reports of torture and ill-treatment continue, notably in the case of independent journalist Bobomurod Abdullayev who was arrested in September 2017 and held on politically-motivated charges in a detention centre run by the SNB. At his trial on 7 March 2018 Bobomurod Abdullayev told the court he had been subjected to torture, and the judge ordered a forensic examination. Abdullayev reported that he was repeatedly subjected to torture and ill-treatment while in detention,⁸ kept in a freezing cell naked and forced to stand for long periods of time, denied food on several occasions and repeatedly

lawful requirements of the administration of the institution for the execution of punishment") and Article 223 ("Illegal travel abroad or illegal entry to the Republic of Uzbekistan").

⁷Article 235 defines torture as: "unlawful psychic or physical influence on the suspect, the accused, the witness, the victim or other participant in the criminal process or the convict serving a sentence, or their close relatives, by means of threats, causing blows, beating, torturing, causing suffering or other unlawful actions committed by an inquiry officer, investigator, procurator or other employee of the law enforcement organs or penal institutions, with the aim of obtaining any kind of information, confession of committing crimes, arbitrary punishments for committed actions or forcing to commit any kind of actions."

⁸ <https://www.amnesty.org/en/documents/eur62/7235/20...%2520https://rsf.org/en/news/journalists-detention-past...>

tied to a bed in his cell for several hours at a time. He showed bruising on his body to the court. However, at the next court hearing on 15 March 2018, the court was told that the forensic examination had not concluded that Abdullayev had been tortured. The forensic examination was marked by procedural violations.

A full and transparent process of public accountability for torture and ill-treatment is essential to restore public trust in the criminal justice system in Uzbekistan.

Prison conditions and torture and ill-treatment in prisons

For the last two years, AHRCA has not received reports of prisoners being tortured in prison colonies, even by so-called “lochmachi” (prisoners who cooperate with prison officials to use force against fellow prisoners). Reports of torture and ill-treatment of detainees held in pre-trial detention under the Ministry of Internal Affairs or the SNB continue.

There have also been reports of ill-treatment and inadequate access to medical care from the Tashkent prison hospital “Sangorod”. Credible reports indicate that medical officers from Sangorod are in many cases negligent and indifferent to prisoners’ pain. There is a high mortality rate in Sangorod. Three former prisoners treated at Sangorod told AHRCA that prisoners had to queue for medication for hours and that those who complained risked being subjected to torture or ill-treatment. For example, a sick prisoner was tied to an iron chair and officials struck him until he lost consciousness. Prisoners in other prison colonies reportedly try to hide their illnesses in order not to be sent to Sangorod.

Prison conditions can amount to inhuman or degrading treatment. For example, prisoners exercise rights are restricted, and sometimes prisoners are reportedly made to exercise with a bag over their heads. Former prisoners reported that prisoners are sometimes also made to wear bags over their heads during transfer from one prison colony to another. Many such reports came from prisoners and relatives of those held in prison colony 64/71 in Jaslyk (Karakalpakstan), and reports indicate that these practices are being used in other prison colonies as well.

Those who were convicted under Article 120 of the Criminal Code (homosexuality) and LGBT individuals are believed to experience particularly harsh conditions in prison, widespread discrimination and persistent threats of sexual violence.

Consideration of complaints from prisoners

In prison colonies there are boxes in which inmates can deposit a complaint to the special prosecutor, the Ombudsman and the National Center for Human Rights. A survey of former prisoners shows that the complaints mechanisms are ineffective as complaints often do not reach the intended recipients and prison staff reportedly has keys to the complaint boxes. Former prisoners also reported that when observers visit the prison colony prisoners who would ask uncomfortable questions or make critical comments are locked in their cells for the duration of the visit.

Inadequate food and water and poor sanitation

Numerous reports indicate that prison food is extremely poor, inadequate in quantity and nutritional value. Some food is past its sell by date and incidents of food poisoning are not recorded. Drinking water is in short supply – with each prisoner reportedly receiving from one to three liters of water per week. According to the prisoners, the water allegedly stored in plastic containers which are often old and not always clean.

Toilet facilities are inadequate – recent reports indicate 12 toilet urns and urinals for 300 inmates. Shower facilities are also reported to be in disrepair in many prison facilities. Conditions are

unsanitary and water supplies are insufficient. Washbasins in cells and shower rooms often do not have enough water supplies due to the dilapidated condition of the drainage/ sewage system.

Freedom of Expression

President Mirziyoyev declared 2017 to be the “Year of Dialogue with the People and Human Interest”,⁹ issuing a Presidential Decree requiring state institutions to respond in a timely manner to citizens’ appeals and established a virtual reception service. The reception service gained popularity among the public as a way of reporting information on human rights violations to the Presidential Office as such appeals sometimes result in concrete action by the presidential administration. However, this service acts as a filter for complaints and positive results appear to depend primarily on winning Presidential support.

A genuine process of civic engagement is still in its early stages; and many state agencies are reportedly selective and reticent in their responses to complaints. For example, complaints and appeals from entrepreneurs and business people to official bodies often go unheeded, especially if they are critical of heads of administrations, tax departments and judicial bodies.¹⁰

Freedom of the Press

Over the last year, Uzbekistan has seen tentative moves towards increased press freedom including a tolerance of some level of media reporting of issues which were previously taboo for coverage such as Presidential criticism of corruption amongst state officials.¹¹

However, despite these developments, overall the Uzbekistani authorities maintain tight control over the media and independent voices. In its 2017 World Press Freedom Index, Reporters Without Borders ranked Uzbekistan at 169th out of 180 countries, going down by 3 points, from 166th in 2016.¹² Uzbekistani legislation continues to restrict freedom of expression and the ability to engage in independent journalism.

A case which cast doubt on the government’s commitment to genuine media reform was the arrest of independent journalist Bobomurod Abdullayev, shortly before the Uzbekistani authorities hosted the Organization for Security and Co-operation in Europe 19th Central Asian regional media conference in Tashkent in October 2017. (See below for details)

Although the President spoke out more openly with criticism of high ranking officials, individuals who do so or who express their opinions about government policies on social networks continue to be at risk of persecution, including by facing prosecution for “libel”. For example, on 21 February 2018, 59-year-old Abbas Nasretdinov was charged with “libel” and “insult” under Articles 40 and 41 of the Administrative Code in relation to comments he made about the administration in Uzbekistan including about Former President Islam Karimov on Facebook. If found guilty, he could face a fine of the equivalent of between 420 and 840 USD.¹³ On 23 February 2018, the court of first instance

⁹ http://www.lex.uz/pages/getpage.aspx?lact_id=3121800

¹⁰ For example "Бизнесмен пожаловался Мирзиёеву на самоуправство главы Ферганской области" 21 February 2018 <http://www.fergananews.com/news/28527>

¹¹ <http://www.fergananews.com/news/27158> ; <https://ria.ru/world/20171227/1511795329.html%2520>;
<http://www.fergananews.com/news/26713%2520> ; <https://rus.ozodlik.org/a/28520198.html%2520> ;
<https://rus.ozodlik.org/a/28262251.html%2520> ;

¹² <https://rsf.org/en/ranking>

¹³ Twenty to 40 times the minimum salary of 172.240 som, one minimum salary is equivalent to 21 USD

returned the case for further investigation of the sources referred to by Abbas Nasretdinov in his posts.¹⁴

State control of access to the internet and to proxy servers used to avoid censorship remains tight, with public access to independent news websites and social media periodically restricted.¹⁵ On 14 February 2018, Eurasia.net reported that websites previously blocked such as Fergana news, BBC news and Voice of America as well as human rights organizations such as Amnesty International and Human Rights Watch were accessible to users in Uzbekistan. It remains to be seen if this unrestricted access to these sites is permanent or temporary.¹⁶

State pressure against individuals who criticize the authorities

Long-overdue releases: Since the beginning of 2017 at least 10 government critics imprisoned on politically-motivated grounds were released from detention including journalist and newspaper editor **Muhammad Bekjanov**; independent journalist **Jamshid Karimov**¹⁷, who was released from the psychiatric hospital in Samarkand; former government official and UN employee **Erkin Musaev**; human rights activist **Azam Farmonov**,¹⁸ independent journalist and human rights activist **Solidzhon Abdurakhmanov**¹⁹; head of the "Mazlum" human rights organization **Agzam Turgunov**,²⁰ and human rights activist **Ganikhon Mamatkhonov**. Journalist and human rights activist **Dilmorod Saidov**²¹ was released from detention on 3 February 2018. On 22 February 2018 **Isroil Kholdarov** Chairman of the Andijan regional branch of the Human Rights Society of Uzbekistan "Ezgulik" was released from detention. On 2 March 2018 journalist **Yusuf Ruzimuradov** was also released from prison after spending 19 years behind bars.²² On 16 March 2018 **Gaybullo Dhalilov** of the Human Rights Society of Uzbekistan was released from detention and on 20 March 2018 **Chuan Matmakulov** of the Human Rights Society of Uzbekistan, **Yuldash Rasulov** Human Rights Society of Uzbekistan and independent journalist **Gairat Mikliboev** were also released from prison.

In 2018 it became known that employees of the academic journal "Irmok" magazine **Bahrom Ibragimov, Davron Kabilov, Ravshanbek Vafeev, Botirbek Eshkoziev and Davron Todjiy** were from prison at different times from 2015 onwards. Newly released prisoners were required to sign a non-disclosure agreement and only now that their terms of conditional release are coming to an end are they able to inform the international community about their situation. Human rights defender and lawyer **Matluba Kamilova** who was released in October 2015 and human rights defender **Zafarjon Rakhimov** was also released in 2015. The releases from prison of **Mekriniso Khamadova** and **Zulkumor Khamadova** of the Human Rights Society of Uzbekistan were also confirmed.

¹⁴ <http://www.asiaterra.info/news/v-uzbekistane-na-ryadovogo-grazhdanina-zaveli-delo-za-kriticheskie-komentarii-v-sotssetyakh>

¹⁵ <http://enews.fergananews.com/articles/3051>

¹⁶ <https://eurasianet.org/s/uzbekistan-unblocks-banned-websites>

¹⁷ <http://www.rferl.org/a/uzbekistan-karimov-nephew-released/28342940.html>

¹⁸ <http://iphronline.org/uzbekistan-human-rights-defender-azam-farmonov-released-today.html> Azam Farmonov was conditionally released from prison on 3 October 2017. The rules of conditional release mean that although Farmonov is in poor health, he has to pay 20 percent of his salary to the state. He is therefore forced to work, but he has not yet been able to access the necessary medical treatment for health issues he developed when in prison.

¹⁹ «Били мало, но с уважением. Журналист Солижон Абдурахманов рассказал, как отсидел 3406 дней «ни за что»» от 21.02.2018 <https://www.fergananews.com/articles/9813>

²⁰ "Кипяток за шиворот. Как люди в Узбекистане становятся правозащитниками" 22 February 2018 <https://www.fergananews.com/articles/9818> (in Russian)

²¹ «Сначала - на могилы жены и дочки». 06.02.2018 <https://www.fergananews.com/articles/9787>

²² <http://www.fergananews.com/news/28698>

Following a review of prisoner case files by a Special Commission established by President Mirziyoyev in September 2017,²³ 2700 convicts were pardoned by presidential decree in December 2017, and 956 people were released from prison colonies, including people who were imprisoned on politically motivated grounds.²⁴ Amnesties and pardons can be in the form of a full or partial exemption from punishment, or conditional early release.²⁵

Nevertheless, a number of human rights defenders, journalists, political opponents and other government critics remained behind bars in March 2018, including:

- Human rights defender – **Fakhreddin Tillaev**;
- Independent journalists – **Aziz Yusupov, Bobomurod Abdullayev**; and **Hayot Nasreddinov**;
- Dilorom Abdukodirova** – a witness to the Andijan tragedy in 2005.

Recent arrests of independent journalists

The detention of independent freelance journalist **Bobomurod Abdullayev**²⁶ by National Security Service (SNB) officials on 27 September 2017²⁷ in Tashkent indicates that independent journalists are still at risk of reprisals. Abdullayev was a correspondent for the Institute for War and Peace Reporting and Fergana.ru, which is periodically blocked in Uzbekistan. On 1 October 2017, he was charged with anti-constitutional activities (article 159.4 of the Criminal Code) during a closed hearing at Yunusobad District Court in Tashkent and remanded in custody. In November, the authorities extended his pre-trial detention by three months. On 14 December 2017, Bobomurod Abdullayev was allowed to see his defence lawyer for half an hour and for the first time since his arrest.²⁸ A SNB investigator was present throughout the meeting and he has come under pressure to refuse his defence lawyer. Abdullayev's meetings with relatives were also restricted and he reported having **been repeatedly subjected to torture and ill-treatment** while in detention,²⁹ being kept in a freezing cell naked and forced to stand for long periods of time, denied food on several occasions and repeatedly tied to a bed in his cell for several hours at a time. On 8 February 2018, it was reported that two SNB officials implicated in the abuses had been suspended from the case and had been told not to leave the city pending an investigation.³⁰

However, the first court hearing of the criminal case against Bobomurod Abdullayev and co-defendants including Hayot Nasreddinov (see below) took place on 7 March 2018. The judge ordered that claims of torture from Abdullayev and Nasreddinov be investigated but on 15 March the hearing resumed and the court was told that the forensic examination had not confirmed evidence that Abdullayev had been subjected to torture. But on 28 March, at a hearing at the Tashkent criminal court Bobomurod addressed the court saying: "*I am not only addressing you, your honour, but everyone – I ask you not to believe the testimony attached to my criminal case! I was tortured to sign testimony not only against Muhammad Salih, but also against Charos Abdullaev, Nigara Khidoyatov, Nadejda Atayeva, Pakhlavon Turgunov, Shukhrat Babadzhon and his (younger) brother, Sirozhiddin Tolipov and Mukhabat Elibayeva, even against Gafur Rakhimov.*" *I was told that "As soon as they step on the land of Uzbekistan, they will immediately be arrested," I wrote these testimonies as I was being*

²³ <http://president.uz/ru/lists/view/1095>

²⁴ <https://www.gazeta.uz/ru/2017/12/06/act/>

²⁵ http://www.lex.uz/pages/getpage.aspx?lact_id=3362844

²⁶ <https://amnesty.center/2018-01-17-uzbekistan/>

²⁷ <http://www.fergananews.com/news/26926>

²⁸ <http://www.fergananews.com/news/27575>

²⁹ <https://www.amnesty.org/en/documents/eur62/7235/20...%2520https://rsf.org/en/news/journalists-detention-past...>

³⁰ 8 February 2018 <http://www.fergananews.com/news/28286>

subjected to inhuman torture, do not believe them”. The trial continues and the case for the prosecution is currently being heard.

On 20 October 2017 economist, blogger, journalist and civic activist **Hayot Nasreddinov**³¹ was also arrested on politically-motivated charges related to those against Bobomurod Abdullayev. His relatives have not yet been informed of the grounds for the arrest, and there are fears that they have been put under pressure not to talk to journalists. He is currently being held in a SNB pre-trial detention centre in Tashkent. If convicted he could face up to 20 years in prison. Nasreddinov’s defence lawyer told the judge at the court hearing on 7 March 2018 that Nasreddinov had been subjected to **torture or ill-treatment in detention**. At the next hearing on 15 March, Hayot Nasreddinov pleaded guilty to the charges against him in Tashkent City Criminal Court. The trial date was announced with late notice therefore Nasreddinov’s lawyer did not have time to attend and he was provided with a state-appointed lawyer. There is serious concern that SNB officials pressurized him to confess.

Others were also implicated in the criminal case against him, including Akrom Malikov, 27-year old employee of the Institute of Manuscripts of the Academy of Sciences who was detained by the SNB in 2016 in connection with critical articles allegedly published in opposition publications online.³² He was sentenced to six years’ imprisonment in January 2017 after an unfair trial where he was not allowed to be represented by the lawyer of his choice. His family has refused to speak to journalists about the case.

Restrictions on travel

In August 2017, the Uzbekistani authorities announced that from 1 January 2019, Uzbekistani citizens will no longer be required to apply for permission from the Ministry of Internal Affairs to leave the country and travel abroad. However, at the time of writing, critics of the authorities continue to have their freedom of movement restricted. In particular, people with links to international human rights organizations, independent journalists, former political prisoners and their relatives, and people who have publicly criticised the authorities often encountered problems obtaining exit visas to travel outside the country.³³

Former political prisoners also face difficulties in obtaining permission to travel abroad to undergo medical treatment or to join their family members who have fled the country.

For example, **Muhammad Bekjanov**, former editor in chief of the opposition newspaper *Erk* who was released in February 2017 has not yet been given permission to leave the country.³⁴ Human rights defender and writer **Mamadali Makhmudov**, who was released from prison in 2014 after serving a 14-year prison sentence handed down on politically motivated grounds, has not been granted an exit visa, for which he has repeatedly applied since June 2016.

Other individuals not in detention, but who criticize or who are perceived to criticize the Uzbekistani authorities have also been arbitrarily denied permission to leave Uzbekistan. Artist **Vyacheslav Akhunov** finally obtained permission to travel abroad on 20 December 2017, after repeated requests since 2012.³⁵ Akhunov previously learned from an official contact that the refusal was due to his continued criticism of the authorities on social media.

³¹ <http://iphronline.org/uzbekistan-blogger-nasreddinov-held-three-months-detention.html>

³² <https://rus.ozodlik.org/a/29028152.html>; <https://ahrca.eu/uzbekistan/political-prisoners/983-uzbekistan-investigate-torture-of-journalist-2>

³³ <http://rus.ozodlik.org/a/28398672.html>

³⁴ <https://monitor.civicus.org/newsfeed/2017/02/24/uzbek-journalist-muhammad-bekjanov-freed-after-18-years-prison/>

³⁵ Facebook <https://www.facebook.com/vyacheslav.akhunov>

Swift action is needed to ensure that former political prisoners are allowed to travel abroad for necessary medical treatment. Former prisoner and Member of Parliament Murad Djuraev was released from detention in 2016. He applied repeatedly for an exit visa which was finally issued to him, after international pressure, on 7 October 2017. Tragically he died from a heart attack on 4th December 2017, before he had a chance to leave Uzbekistan.³⁶

Journalists, bloggers and human rights activists face other harassment

In addition to imprisoning government critics, the authorities continue to use other methods of persecution against human rights activists, independent journalists and other individuals who speak out and voice their opinion or opposition to government policy. Such individuals are subjected to police interrogations, arbitrary arrests and other pressure.

For example: on 7 November 2017, artist **Aleksandr Barkovski** was detained for a few hours and questioned for an hour at the police department at Bukhara train station after taking photographs of a public toilet.³⁷

Independent journalist **Sid Yanishev** was detained twice in November and December 2017.³⁸ On 12 December, he was detained for 14 hours in the Tashkent village of Almazar, during which he was questioned by local police officers who confiscated his camera and Dictaphone.³⁹ He was subsequently transferred to the regional police department of Shaikhantursky District of Tashkent, where his fingerprints were taken. In order to be released from detention, Yanishev had to agree to “voluntarily” delete all information from his camera and dictaphone.⁴⁰

On 22 February 2018, representatives of the delegation of the European Bank for Reconstruction and Development (EBRD) met with representatives of civil society in Uzbekistan. The human rights situation inside the country was discussed during these meetings. AHRCA learned that on the day of the EBRD meetings three of the independent NGO participants noticed they were being followed by representatives of the Central Internal Affairs Directorate of Tashkent (GUVD).

Freedom of Peaceful Assembly

Uzbekistani law protects the right to participate in peaceful meetings and demonstrations. Although the law provides that the organizers of meetings do not need to seek permission but only notify the authorities in advance, existing regulations perpetuated a system where advance permission in practice was needed. For example, a requirement introduced in 2016 stipulates that any written material that will be disseminated during an assembly should be submitted to the Ministry of Justice a month before the date of the planned meeting.⁴¹ This requirement restricts the possibility for people to organize meetings at short notice or to gather spontaneously and provides the Ministry of Justice with the opportunity to delay permission for the distribution of materials, and hence disrupt assemblies.

³⁶ Murad Djuraev has passed away but will live forever in our hearts 4.12. 2017

<https://ahrca.eu/uzbekistan/defenders/976-murad-djuraev-has-passed-away-but-will-live-forever-in-our-hearts>

³⁷<https://www.facebook.com/alexandr.barkovskiy.3>; <http://iphronline.org/uzbekistan-positive-developments-critics-journalists-still-face-reprisals.html>

³⁸ <http://www.fergananews.com/news/27534>

³⁹ <http://asiaterra.info/zhurnalisty-smity-vinovat-uzh-v-tom-sid-yanyshев-o-svoem-zaderzhaniи> ;

⁴⁰ <http://iphronline.org/uzbekistan-positive-developments-critics-journalists-still-face-reprisals.html>;

<http://www.fergananews.com/news/27525>

⁴¹ <http://www.lprc.uz/text/421>

No accountability for the Andijan tragedy

To date, the Uzbekistani authorities have yet to carry out an independent and impartial investigation into the events of 13 May 2005, when law enforcement and security forces indiscriminately fired at a crowd of protesters in Babur Square, Andijan. Demonstrators had peacefully gathered to voice their grievances over repressive government policies and economic hardships. According to officials, 187 people were killed, but unofficial estimates put the number at between 500 and 1500. None of the officials involved in the shooting have been brought to justice.⁴²

Few peaceful protests

Against the background described above, many citizens remain fearful of reprisals for protesting and are therefore reluctant to participate in demonstrations. However, over 2017 some small peaceful protests were held with varying reactions from the authorities.

- During a visit by President Mirziyayev to Navoi region on 28 March 2017,⁴³ dozens of women and elderly from the village of Tasmachi in Khatirchinsky region travelled by bus to meet him and protest over insufficient electricity supply, high food prices and local corruption. However, the villagers claimed that the local authorities and traffic police blocked the roads out of the village to prevent them from meeting the President.
- Fergana News Agency⁴⁴ reported that on 15 August 2017, a spontaneous rally was held by hundreds of people outside the Supreme Court in Tashkent. Angered by the long wait for appointments the crowd of several hundred people reportedly pushed against the iron gates in front of the court, eventually breaking them down. Fergana.news quoted an eye witness as saying, “*You should have seen what power these people demonstrated – they went into the court yard and building... the guards were running around everywhere... people's nerves are exhausted*”. On 19 August, the Supreme Court issued a communiqué⁴⁵ refuting the Fergana.news report. The Uzbek service of RFE/RL reported eyewitness accounts confirming the incident.⁴⁶
- According to the Fergana News Agency⁴⁷, on 22 August 2017, 85-year-old pensioner Nina Sahartseva and 80-year-old Yulia Syavich from Tashkent were standing with signs asking to meet President Mirziyoyev outside the presidential administration building in Tashkent. After two hours, officials from the presidential administration came out and one grabbed the elderly women roughly by the hands and doused them with water as a result of which they were forced to leave.

Organizers of public rally detained

The public response to a situation of alleged bullying resulting in a student’s death illustrates the evolving nature of civic engagement and public demonstrations in Uzbekistan. On 1 June 2017, **Zhasurbek Ibragimov**, a student at the Borovskiy Medical College, died in Tashkent after being beaten up by unknown assailants on 3 May. Civic activists Irina Zaidman and Maria Legler organized an online petition calling on the Uzbekistani authorities to find those responsible for Zhasurbek’s

⁴² <http://iphronline.org/uzbekistan-continuing-repression-in-the-wake-of-andijan-20160513.html>

⁴³ <http://rus.ozodlik.org/a/28397200.html>

⁴⁴ <http://www.fergananews.com/news/26763>

⁴⁵ <http://www.supcourt.uz/ru/news-view/1716%25D0%259E%25D0%259F%25D0%25A0%25D0%259E%25D0%2592%25D0%2595%25D0%25A0%25D0%2596%25D0%2595%25D0%259D%25D0%2598%25D0%2595.html>

⁴⁶ <https://rus.ozodlik.org/a/28681164.html>

⁴⁷ <http://www.fergananews.com/news/26815>

death and bring them to justice.⁴⁸ The petition received unprecedented public support and was signed by over 20 000 persons. At a rally held in Duslik Park on 4 June, Deputy Chief of the Tashkent Central Internal Affairs Directorate Doniyor Tashkhodzhaev assured the participants that this tragic case would be thoroughly investigated. However, on 15 November 2017, Zaidman was summoned to the police station, where she was detained. Police officers searched her house on the same day. The next day she and Legler were found guilty of organizing an unsanctioned meeting and sentenced to ten and 15 days of administrative detention, respectively.⁴⁹ Neither woman had a lawyer present at the closed hearing when they were sentenced, which is a violation of the Criminal Procedural Code of Uzbekistan.⁵⁰

⁴⁸ https://www.youtube.com/watch?v=NQGJ3XkyG_E

⁴⁹ <https://rus.ozodlik.org/a/28862878.html>

⁵⁰ <https://rus.ozodlik.org/a/28861386.html>

Recommendations to the Uzbekistani authorities

- 1) Immediately and unconditionally release from detention all those who are imprisoned for peacefully exercising their rights to fundamental freedoms, including human rights defender **Fakhriddin Tillaev**, independent journalists **Bobomurod Abdullayev**, **Hayot Nasreddinov** and **Aziz Yusupov** and witness to the Andijan tragedy **Dilorom Abdukodirova**;
- 2) Investigate reports about the persecution of independent journalists, bloggers, civil society activists and other government critics, as well as their family members and bring perpetrators to justice;
- 3) Rehabilitate civil society activists who have been released from detention and those who are currently serving prison sentences in retribution for their peaceful professional activities;
- 4) Ensure that those who are released from detention are allowed freedom of movement;
- 5) Pay adequate monetary compensation for the moral and physical damage inflicted civil society activists who were imprisoned as well as and other prisoners who were imprisoned on politically motivated grounds and victims of torture;
- 6) Establish a commission to determine the personal responsibility of state representatives who issued prison sentences for politically motivated reasons, as well as those involved in torture and other forms of ill-treatment;
- 7) Ensure accountability for past human rights abuses including particularly torture or other ill-treatment;
- 8) Issue a standing invitation to the Special Procedures of the UN Human Rights Council and set a timeframe for the visit requested by the Special Rapporteur on Torture;
- 9) Establish an effective system of independent, unannounced inspections of all places of detention by independent and impartial bodies;
- 10) Close prison colony No. 64/73 “Jaslyk” in accordance with recommendations from the Special Rapporteur against Torture in his report from 2003;
- 11) Remove restrictions on citizens of Uzbekistan wishing to return to their country of origin, regardless of how many years they have lived outside the country.
- 12) Ratify the Rome Statute of the International Criminal Court and enact implementing legislation.