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International community must address accountability for past human rights abuses in Uzbekistan

On 11 April 2018 the International Partnership for Human Rights, Association for Human Rights in Central Asia and Amnesty International delivered a statement during the pre-session for the UN Universal Periodic Review (UPR) of Uzbekistan's human rights record to be held in Geneva, Switzerland, in May 2018. The organizations highlighted some of the main concerns, including violations of freedom of expression and association and torture and other ill-treatment, and called on the representatives of Permanent Missions to the UN to raise these concerns with the Uzbekistani authorities.

Statement delivered at the UPR Pre-session 30: Uzbekistan

Dear representatives of Permanent Missions,

I am speaking on behalf of International Partnership for Human Rights, Association for Human Rights in Central Asia and Amnesty International, all of whom prepared submissions for the review of Uzbekistan.¹

During the last UPR, Uzbekistan received 203 recommendations of which it accepted 145, of which it considered 30 as already implemented, and rejected 58.

Since coming to power, President Mirziyoyev [Mirziyoyev] has taken some positive steps to facilitate external scrutiny of the situation in Uzbekistan, such as allowing visits by the UN High Commissioner for Human Rights and the UN Special Rapporteur on freedom of religion or belief, and some international human rights organizations to Uzbekistan. Under the President's leadership Uzbekistan has also eased certain restrictions on freedom of expression and the media, undertaken a programme of judicial reform to ensure judicial protection for the rights and freedoms of citizens, and released a number of government critics, including human rights defenders and opposition political activists, who served long prison sentences on politically-motivated grounds.

¹ Amnesty International's submission: *Uzbekistan: Effective reforms need to address accountability for past abuses: Amnesty International submission for the UN UPR – 30th session of the UPR Working Group, May 2018*, 8 February 2018, Index number: EUR 62/7837/2018 available at <https://www.amnesty.org/en/documents/eur62/7837/2018/en/>;

The International Partnership for Human Rights and Association for Human Rights in Central Asia's submission: *Update to Joint Submission to the 3rd UN Universal Periodic Review of Uzbekistan*, April 2018, available at <http://iphronline.org/update-human-rights-developments-uzbekistan-upr.html>.

However, research by our organizations show that the government has failed to implement key recommendations from the last UPR with respect to accountability, freedom of expression and association, and freedom from torture and other ill-treatment. I will highlight some of our main concerns:

Freedom of expression and association:

Uzbekistan has failed to comprehensively address unwarranted restrictions on civil society's ability to exercise their fundamental rights to freedoms of expression, assembly and association, and we remain deeply concerned by the ongoing politically-motivated persecution and imprisonment of human rights defenders, independent journalists and government critics. Tight state controls on NGO registration, funding and activities, coupled with ongoing restrictions on freedom of expression and access to information, prevent independent media outlets and human rights NGOs from operating effectively and safely in Uzbekistan.

We urge Permanent Missions to address the following key recommendations to Uzbekistan during its upcoming review:

- 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;
- Ensure that the cases against independent journalists and, civil society activists and all others imprisoned on politically motivated grounds are reviewed in line with Uzbekistan's human rights obligations, and that international fair trial standards are fully upheld when their appeal is heard;
- Immediately and unconditionally release from detention all those who are imprisoned for peacefully exercising their rights to fundamental freedoms;
- Allow the media to operate without government interference and ensure free access to foreign sources of information;
- Allow NGOs to operate without excessive government restrictions;
- Cease depriving refugees living outside Uzbekistan of their Uzbekistani citizenship to punish them for exercising their right to peaceful freedom of expression.

Torture and ill-treatment

Despite the President's judicial reform efforts and his November 2017 decree explicitly prohibiting the use of torture to obtain confessions and their admission as evidence in court proceedings, judges continue to ignore or dismiss allegations of torture or other ill-treatment as unfounded, even when presented with credible evidence in court. For example, in a recent case a judge invoked the President's decree and ordered an investigation into torture allegations made by two independent journalists after they presented credible evidence in court that they had been tortured to compel them to confess. However, the investigation was not independent, impartial and thorough, and concluded that it was impossible to establish the cause of the defendants' injuries. Nevertheless, the judge admitted the confessions as evidence.² The procedural violations which occurred, when both defendants were held for substantial periods of time in incommunicado detention heighten concerns that the investigation into their torture allegations was flawed.

We urge Permanent Missions to address the following key recommendations to the government of Uzbekistan:

- Establish an independent body to review all complaints of torture or other ill-treatment, bring perpetrators to justice in fair proceedings and offer reparation to victims and their families;

² Amnesty International, Urgent Action, *Report finds no torture despite visible bruises*, 6 April 2018, Index number: EUR 62/8175/2018, available at <https://www.amnesty.org/en/documents/eur62/8175/2018/en/>.

- Establish an effective system of independent, unannounced inspections of all places of detention by independent and impartial bodies;
- Set a time frame for a visit to Uzbekistan by the UN Special Rapporteur on Torture;
- Close prison colony No. 64/73 “Jaslyk” in accordance with recommendations from the Special Rapporteur against Torture in his report from 2003;
- Ensure accountability for past human rights abuses including particularly torture or other ill-treatment;
- Ratify the Rome Statute of the International Criminal Court and enact implementing legislation.

More information and recommendations on these and other issues can be found in our reports.

Thank you for your attention!

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