

Annex on cases of concern

Pressure on human rights defenders pushing for rehabilitation and redress:

Agzam Turgunov, Azam Farmonov and **Dilmurod Saidov** attempted to register the new human rights NGO "Restoration of Justice" for over a year. The organization was aimed at obtaining redress for persons formerly imprisoned on politically motivated charges including cases involving confessions extracted under torture. Since October 2018 the three human rights defenders have reported regular state surveillance; their telephones, both landline and mobile, have been tapped, police and State Security officers have monitored their movements and their homes, and they have verbally and physically intimidated them and their families. On 20 October 2018 IPHR representatives visited Tashkent and witnessed how unknown individuals dressed in plain-clothes walked in front of Agzam Turgunov's home.¹ The same day Turgunov told IPHR that he had seen unknown people standing under his window intimidating him, had been followed by cars as he moved around the city on public transport; and that he had been warned by representatives of the local Mahalla (neighbourhood) committee that law enforcement officials were asking questions about him. On 28 October 2018, as Turgunov travelled to Paris to attend the World Summit of Human Rights Defenders he was questioned by the authorities at the airport as he left and returned to the country. Late in 2018, Dilmurod Saidov was warned that he would be subjected to enforced psychiatric treatment if he refuses to cease his human rights work and on 25 March 2019, an SGB officer who was watching Turgunov's home told him he should be careful in case he is knocked down by a car. The same month both Turgunov and Saidov reported being prevented on several occasions from leaving their homes during the day by law enforcement officials. On 11 September 2019, Turgunov was summoned by police and questioned for several hours - particularly as to whether he is in contact with the exiled leader of the banned Erk opposition party, and what he thought of them. In September 2019, during the visit of the UN Special Rapporteur on the Independence of Judges and Lawyers, several human rights defenders reported that NSS surveillance had increased, and several reported being asked what they would discuss with the Special Rapporteur.

Select cases of persons who served long prison terms in the period under review following confessions obtained through torture:

- **Erkin Musaev**, a former Uzbekistani Ministry of Defence official, was sentenced to 20 years in jail in 2007 after a series of unfair trials. He was arrested on 31 January 2006 while working for a UN agency, tortured and charged with spying and misusing UN funds, which he has flatly denied. In March 2008 the UN Working Group on Arbitrary Detention examined Musayev's case and issued recommendations to the Uzbekistani government, but they have not yet been implemented.² Musaev was eventually released in February 2017. Despite numerous complaints from his lawyer, the authorities still have not investigated the serious allegations that he was tortured in jail. Erkin Musaev has no right to leave the country and has no access to court case materials, which would allow him to effectively challenge his past conviction.

1 [\[https://www.iphronline.org/a-call-for-swift-implementation-of-reforms-in-uzbekistan-as-iphr-witnesses-surveillance-of-local-defenders-during-visit.html\]](https://www.iphronline.org/a-call-for-swift-implementation-of-reforms-in-uzbekistan-as-iphr-witnesses-surveillance-of-local-defenders-during-visit.html); [https://www.iphronline.org/uzbekistan-stop-harassing-human-rights-defenders.html\]](https://www.iphronline.org/uzbekistan-stop-harassing-human-rights-defenders.html)

2 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21991&LangID=E>

- **Murad Dzhuraev**, a former Member of Parliament of Uzbekistan, was convicted for “calling for a violent overthrow of the constitutional system of Uzbekistan” and sentenced to 12 years in prison in 1995. His sentence was arbitrarily extended three times for allegedly violating prison rules (including peeling carrots “the wrong way” and wearing the “wrong” sleepers). He was released in November 2015 after completing his extended sentence. He died in December 2017. His family have suffered discrimination - his son lost his job as he was accused of being the son of an “enemy of the people”. Family have not been able to access his court case materials and thus start the process of clearing his name.
- **Agzam Turgunov**, human rights defender, was arrested in 2009 on charges of fraud and forgery, and sentenced to 10 years in prison in October 2008. He was released in October 2017. He was tortured while in detention including by having boiling water poured on his back. Although Agzam Turgunov is allowed to travel he under intense surveillance and is usually stopped and extensively questioned on leaving and coming back to Uzbekistan.

Cases involving torture allegations in the period under review

- **Aramais Avakian** and four friends were convicted in February 2016. Two of them explicitly said in the courtroom that they had been tortured. The judge did not react. For details see: <https://www.amnesty.org/en/documents/eur62/3474/2016/en/>. We are very concerned regarding lack of news about Aramais Avakian.
- **Bobomurod Abdullayev** is an independent journalist and sports commentator. He is also a political analyst, writing under a pseudonym. He has contributed articles for international media organizations. Abdullayev was detained by State Security Service (SGB) officers in Tashkent on 27 September 2017 for allegedly attempting to overthrow the constitutional order of the Republic of Uzbekistan. SGB officers accused him of writing seditious articles under a pseudonym. He was held for several months without being able to see a defence lawyer. Following an eventful trial, which was under an almost unprecedented international spotlight, Abdullayev was sentenced to 1.5 years of community service in May 2018, and released. In an open statement Bobomurod Abdullayev described how he was tortured and made to denounce other prominent activists. He is currently under surveillance of the security services and has not yet been issued with a passport.
- Associate professor **Andrey Kubatin**, a young orientalist, was sentenced to 11 years of imprisonment for treason in December 2017. He is serving his sentence in prison in Zangiata. He was tortured to force him to “confess”. He was released in September 2019 at the appeal hearing.
- The brothers **Rahim and Ilhom Ibodov** and Bukhara entrepreneurs were tortured in a SNB pre-trial detention center in September 2015, resulting in Ilhom’s death. On 23 April 2018, the Supreme Military Court of the Republic of Uzbekistan opened a closed trial in the case of a group of people who previously had official powers in the Bukhara regional department of the National Security Service, now the SGB.³ This criminal case was instigated by the investigation team of the Prosecutor General’s Office of Uzbekistan upon orders from President Mirziyoyev. On 22 June 2018, a guilty verdict for torture under Article 235.3 (torture leading to serious harm to health though criminal conspiracy with a group of persons) was handed to six former law enforcement

3 «Озодлик» от 27 апреля 2018г. «В Военном суде Узбекистана проходит закрытый суд по делу бухарских силовиков, обвиняемых в смерти предпринимателя» <https://rus.ozodlik.org/a/29195977.html>

officials who were given terms of between 14 and 18 years in prison, and in addition four civilians (lochmachei) who had committed torture in a criminal conspiracy were also charged with torture. Two other law enforcement officers were found guilty of “exceeding official authority (Article 301 of the criminal code). The court recognized the Ibodov brothers as the victims. Based on this verdict Rakhim Ibodov was rehabilitated. All participants in the trial signed a non-disclosure agreement, including the victims, even in relation to information about torture.⁴

- **Former Prosecutor General of Uzbekistan** Rashitjon Kadirov was taken into custody on 21 February 2018. He was charged under 12 articles of the Criminal Code including bribery, fraud, embezzlement. We have received credible reports that Kadirov was subjected to physical violence, death threats, sleep deprivation and threats of reprisals against his family, in order to coerce him to give evidence against himself and others.⁵ There is also evidence of the use of torture against witnesses who refused to testify against Rashitjon Kadirov and his son. During the investigation, Kadirov was put under pressure to refuse representation by the family appointed lawyer Alisher Magyarov, and for over five months he was without legal assistance. The UN Special Rapporteurs on torture and justice were informed about this. On 5 January 2019, the closed trial of Rashitjon Kadirov and **12 co-defendants** began in Yunusabad District Criminal Court. At this point, Kadyrov had managed to skim read only 50 of the 141 volumes of material in the criminal case against him. On 8 April 2019, after evidence of torture of defendants during the investigation was heard in court, Amnesty International issued a public Urgent Action with a call for a forensic medical examination.⁶ The findings of the examination are not yet known. On 26 June 2019, Tashkent City Criminal Court found all defendants guilty in a verdict which ran to over 100 pages.⁷ Kadirov was sentenced to 10 years’ imprisonment and a fine of 500 minimum wages (12 thousand USD), in relation to economic crimes. The relatives of those found guilty report that the authorities continue to use threats to prevent them from appealing against the sentences. For further information, refer to the joint NGO statement below.

- The trial of former diplomat **Kadyr Yusupov**, who was arrested on 10 December 2018 by security officials, is ongoing at the time of writing. Yusupov is charged with high treason under Article 157 of the Criminal Code and is currently being held in the detention center of the SGB in Tashkent.⁸ He was allowed to see a lawyer only five months after his arrest. Yusupov’s lawyer wrote a complaint to the prosecutor’s office, expressing concern about procedural violations committed from December 2018 to March 2019, including restrictions on access to medical care, ill-treatment and threats of sexual violence, in order to force Yusupov to confess.⁹ On 20 June during the trial, it became known that the Yusupov family was not allowed to give him his prescribed medications (including the antidepressant Sevpram). Sudden cessation of Sevpram leads to negative side effects, including suicidal thoughts. On 16 June 2019, the State Security Services issued a statement saying that they have allowed the Yusupov family to pass over the medicine. Kadir Yusupov’s son began an online petition in support of his father prior to the upcoming visit of Uzbek President Shavkat Mirziyoyev to the UK.¹⁰ In October 2019 there were

4 See : <https://www.iphronline.org/uzbekistan-investigate-death-custody-torture-20161128.html>

5 <https://www.iphronline.org/uzbekistan-concern-over-reports-of-torture-of-rashitjon-kadirov-and-co-defendants.html>

6 <https://www.amnestyusa.org/urgent-actions/urgent-action-former-prosecutor-general-risks-torture-uzbekistan-ua-44-19/>

7 <https://rus.ozodlik.org/a/30021784.html>

8 <https://www.youtube.com/watch?v=f5RYo1323Z8>

9 <https://www.hrw.org/news/2019/06/11/uzbekistan-release-retired-diplomat>

10 https://www.change.org/p/shavkat-mirziyoyev-president-of-uzbekistan-free-kadyr-yusupov-in-uzbekistan?utm_content=bandit-starter_cl_share_content_en-gb%3Av2&recruited_by_id=51991580-c3fd-11e9-a388-d7ebd6d7deef&

serious allegations that SGB officials were putting pressure on Yusupov's relatives in order to prevent them from attracting international attention to the case. For further information, refer to the joint NGO statement below.

Amnesty international joint public statement

AI INDEX: EUR 62/0298/2019

2 MAY 2019

Uzbekistan: Concern over Reports of Torture of Rashitjon Kadirov and Co-Defendants

Amnesty International, the Association for Human Rights in Central Asia (AHRCA), Human Rights Watch (HRW), International Partnership for Human Rights (IPHR), and the Norwegian Helsinki Committee express deep concern about allegations that Rashitjon Kadirov, former Prosecutor General of Uzbekistan, and his twelve co-defendants have been tortured and suffered other forms of ill-treatment in government custody.

The trial of Kadirov and his co-defendants began behind closed doors on 7 January 2019 in Yunusabad District Criminal Court. Kadirov has been charged under 12 articles of the Criminal Code for offences including fraud, bribery and embezzlement. We urge the Uzbekistani authorities to investigate the allegations of torture and other ill-treatment immediately and, if there is credible evidence of ill-treatment, prosecute all those suspected of criminal responsibility in fair trials meeting international standards. We also remind the authorities of their obligations to guarantee the physical and mental wellbeing of Kadirov and his co-defendants, and to ensure that their treatment conforms with international human rights law by which Uzbekistan is bound.

Credible reports from sources close to Kadirov indicate that since being detained on 21 February 2018 he has been subjected to psychological abuse, death threats, sleep deprivation and threats against his relatives, to force him to incriminate himself. The sources report that during a 10-month criminal investigation in 2018, more than 40 people, including Kadirov's relatives, were summoned to testify and that some of them were arbitrarily detained, beaten, and otherwise ill-treated by law enforcement officers. All the witnesses have been released. Three co-defendants released from pre-trial detention in August 2018 remain under house arrest. Kadirov and the remaining nine co-defendants held in pre-trial detention since February 2018 are at continued risk of torture and other ill-treatment. Two credible sources and a witness who saw Kadirov in detention in August 2018 have reported ill-treatment of Kadirov. The witness stated that they saw a long furrow on Kadirov's neck, and that Kadirov was noticeably depressed, withdrawn, and barely able to respond to questions. The witness reported that Kadirov was wearing a long-sleeve sweater and despite a request from the witness refused to remove the sweater for further physical inspection. Kadirov told the witness that he had been placed in a cell with three other prisoners who subjected him to psychological pressure and physical abuse including beatings under orders of prison officials. The witness also said that Kadirov stated that officials held a pistol to his head to get him to make a false confession; told him he would be hung, and the death made to look like suicide; kept him naked in solitary confinement without a bed or bedding; regularly deprived him of sleep between 21 February and 18 March 2018; and threatened to frame him for a murder he did not commit. Law enforcement officials have also forced Kadirov to watch as other law enforcement officials beat his son-in-law in an effort to coerce Kadirov to incriminate himself, the witness said. His

[recruiter=996054583&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=share_for_starters_p1_view&use_react=false](https://www.amnesty.org/en/documents/eur62/0298/2019/01/recruiter=996054583&utm_source=share_petition&utm_medium=copylink&utm_campaign=share_petition&utm_term=share_for_starters_p1_view&use_react=false)

access to food, medicine and the toilet has reportedly been restricted. In May 2018 Kadirov was taken to the prison hospital for treatment for a short period.

Treatment of witnesses and co-defendants in Rashitjon Kadirov's criminal case

Our credible sources, who request anonymity for reasons of security, state that Kadirov's co-defendants and others temporarily detained as witnesses in connection with the investigation have been subjected to torture and other ill-treatment and violations of due process. Defendants Ulugbek Khuramov, Ramazan Pulatov, Muhabbat Mirzaeva, Akhmat Ikramov, Ulugbek Sunnatov and Jamshit Faiziev reportedly made statements in court alleging they had been tortured, including with beatings on the soles of the feet and an electric current, including to the genitals. Ramazan Pulatov is said to have suffered a stroke after being interrogated for several hours and threatened with reprisals against his family and has since been unable to speak or walk. He and Miraglam Mirzaev, another defendant, who reportedly suffered a stroke during his arrest, were taken to court by ambulance due to their conditions. Muhabbat Mirzaeva and Yusuf Goipov, another of the defendants, also suffer from particularly serious health problems. We also received credible reports that Shukur Aminov, a witness, was tortured with beatings on his kidneys to force him to provide evidence against the accused.

On 3 March 2018 law enforcement officials searched the homes of nine of Kadirov's relatives. From 5 to 10 March of the same year 13 male relatives were reportedly detained for three days and kept in solitary confinement. Four of Kadirov's female relatives were detained for a short time and told to raise and deliver to law enforcement officers a very large sum of money; and on 6 March 2018 another relative was taken to see Kadirov in his cell and this relative was told that if they did not raise and deliver a large amount of money to law enforcement officials their sons would be arrested and held in the cell with Kadirov. At least eight partners and clients of Kadirov's son Alisherbek Kadirov's law practice were also detained as witnesses, and some were beaten by law enforcement officials, interrogated for several days without sleep and subjected to psychological pressure to force them to testify against Rashitjon Kadirov. Seven witnesses made statements in court saying that from March to June 2018 they had been subjected to psychological and physical pressure to give statements. They renounced their witness statements in court. Lawyers for the accused reportedly submitted 40 requests for medical examinations and investigations connected with detention conditions, all of which the judge refused. Our credible sources also report, though, that following Amnesty International's Urgent Action of 8 April 2019, which called for an impartial investigation into concerns that Kadirov and his co-defendants were at high risk of torture and other ill-treatment, the judge ruled that all co-defendants should undergo a medical examination to ascertain whether they had been tortured. While this is a positive step, we remain concerned about 11 and 21 April 2019 statements by the Prosecutor General's Office following Amnesty International's Urgent Action, asserting that forensic-medical examinations conducted in the course of investigations had not discovered any evidence of bodily harm.⁴ The statements did not provide any further detail. Such a response cannot be regarded as an independent and impartial investigation of the relevant allegations. Moreover, the conclusions of the forensic-medical examination have not been made available to the defense, and it is unclear who conducted the examinations and when.

Under international law the prohibition of torture is absolute, and applies at all times, in all circumstances, including in times of war or public emergency, and applies to all states irrespective of their treaty obligations as a rule of customary international law. The absolute prohibition of torture applies in all cases, including in those where individuals themselves may have carried out serious crimes and human rights violations. Thus, we remind the government of Uzbekistan about its international obligation to prevent the use of torture and other ill-treatment in all cases without exception.

We urge the authorities to open an effective and impartial investigation into the allegations of torture and other ill-treatment of Rashitjon Kadirov, his co-defendants and others and, if credible evidence is

found, to prosecute all those suspected of criminal responsibility in fair trials before ordinary civilian courts. We also urge the Uzbekistani authorities to promptly confirm the state of health of Rashitjon Kadirov and his co-defendants and to grant him and his co-defendants access to necessary and adequate medical assistance. We call on the Uzbekistani authorities to ensure that the trial of Kadirov and his co-defendants is open to independent observers and experts, to lift the ban on disclosure of information related to the case, and to ensure that defendants are represented by a lawyer of their choice and are guaranteed a free and fair trial. Uzbekistan has an international obligation to protect against executive interference in judicial decisions, as set out in the Constitution of Uzbekistan and international human rights standards that provide for an independent judiciary. We call on the international community to monitor the progress of this case to ensure due process and adherence to international fair trial standards as well as to protect the defendants and witnesses from the risk of torture and other ill-treatment.

- In July 2018 information emerged that Afghanistani citizen Muhammad Hasan ogli Abdulhamid has been imprisoned on vague extremism charges for 13 years without being able to challenge his detention and subjected to ill-treatment. He had been detained in Pakistan in 2005 at the request of Uzbekistani security services and sent to Uzbekistan. At the time of his arrest, Abdulhamid asked to be allowed to meet with Afghan consular officials but was refused, reliable sources said. According the sources, he was subjected to ill-treatment, accused of ties with an Uzbek opposition figure, and sentenced to 15 years in prison on vague charges of extremism. He has been held despite significant violations of due process, including of the right to appeal his sentence. Following international pressure Muhammad Hasan ogli Abdulhamid was released and returned to Afghanistan. He had to sign a non-disclosure agreement stating that he would never contact human rights organizations about his situation.



FREEDOM NOW



Norwegian
Helsinki Committee

09.10.2019

Urgent statement

Uzbekistan: Cease intimidation of relatives of former diplomat Kadyr Yusupov

Uzbekistan must cease all pressure, including intimidation and threats, against the family members of Kadyr Yusupov – a former Uzbek diplomat currently being tried on dubious charges of treason, the Association for Human Rights in Central Asia (AHRCA), Fair Trials International, Freedom Now, International Partnership for Human Rights (IPHR) and the Norwegian Helsinki Committee (NHC), said in a press release today. The groups also called on the authorities in Uzbekistan to guarantee that all international fair trial standards are met in relation to the ongoing trial of Yusupov, and to ensure the safety of his family members, including his son Temur Yusupov, who reports ongoing harassment from the security services.

Closed court proceedings against Kadyr Yusupov began on 24 June 2019 at the Military Court in the Yunusabad district of Uzbekistan's capital Tashkent. The 67-year-old is being held in a detention facility of the State Security Service (SGB) and is accused of committing treason (Article 157 of the Criminal Code). The charges date back to 2015, although he last worked for the Ministry of Foreign Affairs in 2009 and has been in retirement for the last few years.

On 3 December 2018, Kadyr Yusupov was hospitalised after sustaining severe brain trauma and other serious injuries resulting from a suicide attempt, when he was found on rail tracks at the Pushkin underground station in Tashkent. Shortly after the suicide attempt, while Yusupov was in an extremely confused state, he reportedly cried out that he was a spy. Yusupov is suffering from a psychiatric disorder for which he takes regular medication. There are strong grounds to believe he is not fit to stand trial.

Yusupov's pre-trial detention has been marred by judicial violations: he was not allowed a lawyer of his own choosing from 10 December 2018 until 24 April 2019, access to essential medication was restricted, and there are credible allegations of torture and threats of sexual violence against him and female members of his family, as well as threats of arrest of his two sons.¹¹ The organisations signing this statement have learned that Kadyr Yusupov's youngest son - Temur Yusupov has been subjected to intimidation and surveillance, as well as restrictions on his freedom of movement believed to be in retaliation for his proactive role in defending his father.

On 13 December 2018, Temur Yusupov tried to travel to a neighbouring country but was refused permission to leave Uzbekistan by SGB officials who did not explain the reason for this decision. They

¹¹ Human Rights Watch (2019), 11 June, <https://www.hrw.org/news/2019/06/11/uzbekistan-release-retired-diplomat>

asked him to sign a written undertaking not to travel abroad, after warning him that “things might get worse”. SGB surveillance of Temur reportedly continued throughout December 2018. The surveillance resumed again on 26 September 2019 after Human Rights Watch published a video report about Kadyr Yusupov which was widely circulated on social media.¹² The pressure on Temur Yusupov has particularly intensified since 4 October, the fifth day of the court hearing in the case against Kadyr Yusupov. Temur received a warning from plain clothed SGB officials, who visited his relatives on 4 October after 9:00 p.m. and warned them: “Get Temur to calm down or we’ll put him in prison. Let us finish the trial; make sure no one is invited to the next hearing”.

The alleged SGB threats were in response to the fact that Temur had earlier informed a journalist from EurasiaNet and representatives of the U.S. Embassy in Tashkent about the hearing on 4 October, who then attempted to observe the trial, although they were denied access to the courtroom. The hearing was scheduled to begin at 3:30 p.m., but it was postponed due to the absence of the State Prosecutor, reportedly due to illness. Kadyr Yusupov, accompanied by his lawyer, had already been transferred from prison to the courtroom and sat in the cage in the defendant’s box - which gives grounds to conclude that the hearing was cancelled at the last minute. A court official had previously told Kadyr Yusupov’s relatives that they would be able to see him on the day of the trial – but they were finally denied a short meeting in what they interpret to be a sign of retaliation for Temur having invited western observers to the hearing.

“The lashing out against Temur Yusupov, apparently in retaliation for bringing western observers to monitor the court hearing against his father, is unacceptable and sows doubts about how deep reforms run in Uzbekistan”, said Nadejda Atayeva, President of the Association for Human Rights in Central Asia.

On 7 October, Temur Yusupov lodged an official complaint with the Prosecutor General’s Office outlining the need for urgent measures to be taken in relation to officers of the SGB who have been threatening to fabricate a criminal case against him. He called on the Prosecutor General’s Office to bring the officials to justice for obstruction of justice, as well as cruel, inhuman or degrading treatment or punishment. The Prosecutor General’s Office is yet to respond to the complaint.

Kadyr Yusupov’s lawyer, Allan Pashkovskiy stated “Justice has been undermined in my client’s case – by the reports of torture, and by the intimidation and harassment of Temur Yusupov and his family by officials of the State Security Services.”

Over the course of his 27-year diplomatic career, Kadyr Yusupov held various posts, including that of the Permanent Representative of Uzbekistan to the OSCE Mission in Vienna. In retirement, he wrote analytical articles on the country’s foreign and domestic policy.

At yesterday’s hearing the judge granted a motion by the defence requesting that Kadyr Yusupov undergo a medical and psychiatric evaluation. The assessment will be carried out in a psychiatric ward where Kadyr Yusupov is likely to be held for a period of one or two months. While the medical evaluation is being conducted judicial permission will be required for visits from his lawyer. This is a worrying development that will prolong Yusupov’s detention and further restrict his access to legal advice. We are also concerned that Kadyr Yusupov’s family has not been able to visit him for the last 10 months, since he has been in detention.

“Three years after the reform process began in Uzbekistan, the trial of Kadyr Yusupov clearly shows that the executive branch of power continues to exert pressure on the judiciary. The Uzbekistani authorities must take steps to address this and ensure that the threats against Yusupov, his family and his lawyer cease.” said Brigitte Dufour, Director of International Partnership for Human Rights.

12 Human Rights Watch (2019), 26 September <https://twitter.com/hrw/status/1177146590236217344>

Prison conditions

DEATH IN CUSTODY

On 13 April 2016, Bobomurod (not his real name) was sentenced to five years' imprisonment for breaking customs regulations. He died on 30 June 2016. Bobomurod was initially held in SIZO No. 1 in Tashkent, before being transferred to prison No. 47 in Navoi region. According to medical documents, he was healthy when admitted to the Tashkent SIZO and healthy when transferred to Navoi.

He had gone to the Navoi prison medical unit on 10 June 2016 but medical records were only filled out on 18 June when his health deteriorated. He was not examined until 22 June when he was taken to the hospital emergency department of the Kyzyltepa district. On 24 June he was taken, unconscious, to Navoi regional Centre for Emergency Medicine where he died on 30 June without regaining consciousness. Medical files reportedly reveal that health workers tried to conceal evidence of numerous bodily injuries, fractures of the ribs and cervical vertebrae indicating that Boburmurod had been beaten. An investigation into the death was carried out by the prosecutor's office of the Navoi region. Forensic examinations concluded that the cause of death was sepsis. (blood poisoning). The Prosecutor General's Office lodged a complaint against the decision by Kyzyltepa Criminal Court and sent the case to Navoi Court which ordered a second forensic examination. On 29 March 2018, forensic experts concluded that the initial examination had been correct and indicated sepsis as the cause of death. This expert opinion was considered again on 5 September 2018 in a new criminal case heard by a court in Tashkent. In December 2018 a new (third) forensic examination was carried out on the exhumed body of the deceased. On 22 January 2019 this examination concluded that Bobomurod's death had been caused by acute multiple organ failure caused by numerous bodily injuries sustained by the deceased during his lifetime, including fractured cervical vertebrae and broken ribs. An investigation into the cause of death has reportedly been reopened by the Prosecutor General's office.



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URGENT REPORT

11 October 2019

Uzbekistan: torture and slavery of convicts

The practice of torture and cruel, degrading and inhuman treatment of prisoners in Prison Colony No. 64/4¹³ in the city of Kyzyl-Tepa in Navoi region requires the urgent intervention by the international community.

The Association for Human Rights in Central Asia (AHRCA) has recently received credible reports that 10 prisoners¹⁴ are being held in the punitive isolation unit of Prison colony 64/4. They have reportedly been held there since 29 September 2019. According to our sources, they were punished for asking the Prison colony staff to provide them with new gloves and shoes for loading and unloading hot bricks from firing kilns (in the brick factory where they are required to work. The person in charge of discipline in the penal colony, V.Y. Rustamov, and the governor of the penal colony, K.S. Karimov, reportedly reacted harshly to their request and Rustamov began hitting them hard with a baton on the heels and various parts of their bodies, after which they were sent to the isolation cells. On 10 October 2019, five of them started a hunger strike to draw attention to their plight.

The brick factory in colony No. 64/4 operates around the clock in three eight-hour shifts. Three firing kilns produce 400,000 bricks per day. Every 10-15 minutes, cars loaded with red-hot bricks, which need to be loaded into the approaching trucks, come out of the stoves. Usually, only prisoners who have to pay damages to the injured party after a court order for moral damages are obliged to work, but our information indicates that even prisoners who are not ordered to pay damages are involved in this work in colony No.64/4. The work of prisoners at this facility should be considered forced labour, which is contrary to Uzbekistan's international human rights obligations and comparable to the exploitation of prisoners in the Stalinist Gulag.

Moreover, unloading and loading of red-hot bricks is difficult and dangerous. Six people have to load hot bricks into a large truck in 15-20 minutes. Their salary is 80 thousand soums (\$ 10) per month. Having said that, neither the administration of the penal colony nor the management of the brick factory ensure safety measures to alleviate the harsh conditions of labour and reduce the risks to the health of prisoners. The gloves and shoes given to prisoners are not fireproof, and quickly literally burn out.

¹³ UYA 64/47 was recently renamed as penal colony 64/4

¹⁴ Oydin Akhmedov, Jurabek Pulatov, Izzatilla Abdurakhmonov, Abdurasul Sotiboldiyev, Bahrom Tojiboev, Rustam Munavvarov, Bakhtiyor Nasipov, Akzhol Fayzullaev, Islom Khoshimov, Bobur Olimov.

Under the Labour Code, an employer is obliged to provide workers with adequate special clothing and ensure that working conditions are safe. These requirements apply to penitentiary institutions too. However, in this prison colony, convicts are forced to work wearing ordinary shoes, which quickly deteriorate (the rubber soles melt on the red-hot bricks), and gloves made of ordinary cloth which break after ten minutes' work.

Rather than considering the prisoners' complaint under a procedure set out by law, the person in charge of discipline in the penal colony, beat them and for the last two weeks has reportedly personally beat them on the heels with a truncheon each morning. Unable to withstand this treatment, one of the prisoners tried to hang himself, but saved by prison officers. After that, V.Y Rustamov called a roll call and began to beat these 10 prisoners with all his strength in front of everyone. At the same time, he reportedly announced: "The President allowed you two years of "skachukha" ¹⁵. Now this time is over, everything will be as before. You can appeal to anyone you like. Nobody will help you". According to prisoners, these illegal actions are taking place with the approval of the governor of the penal colony, K.S. Karimov.

The Association for Human Rights in Central Asia (AHRCA) believes that the irresponsible attitude of K.S. Karimov, governor of the colony No. 64/4 and the illegal actions of V.Y. Rustamov, the official responsible for maintaining discipline in the penal colony, merit the attention of the Prosecutor General's Office of Uzbekistan, as prisoners of this institution are being subjected to torture, extrajudicial reprisals and they are being subjected to forced labour in dangerous conditions which threaten their health and safety.

COLONY NO. 64/4:

Prison colony No. 64/4 (formerly 64/47), is a "high security prison", and contains prisoners convicted for especially serious crimes. The following is a description of the rules prevailing in this penal colony, according to information received from confidential credible sources:

- **Suicide**

The inhuman conditions in the colony have reportedly driven prisoners to suicide. There are many cases when prisoners in colony No. 64/47 could no longer stand the humiliation, bullying, slave labour, prolonged fatigue, torture, threats, serious illnesses and as a result committed suicide. The same applies to those who serve long sentences or those whose sentences were extended after they were convicted under Article 221 of the Criminal Code ("Disobedience of the lawful requests of the administration of the penal institution"). There are cases when such prisoners jumped into the hot furnace at the brick factory. .

- **Quarantine**

All prisoners who arrive newly in the penal colony undergo a quarantine procedure. During this 15-day period, newcomers are held in separate barracks, where they learn the rules of the prison colony, the officers' names, the national anthem. They are reportedly forced to do squats, squat with the "goose" step, and march endlessly. Due to poor nutrition and great physical exertion, prisoners often lose up to 15 kg of weight per day. The conditions for prisoners convicted of crimes related to religious or political crimes reportedly suffer the worst treatment. ¹⁶

Those who oversee the day to day running of the penal colony are often referred to as "lokhmachei" – prisoners who torture other prisoners, on instructions of the administration and operative officers of the Special Services.

¹⁵ Skachukha – a prison slang word for leniency.

¹⁶ The abbreviation used in the Uzbek language is DEOM, which translates as "convicted for belonging to a religious-extremist movement.

Recollections of a former political prisoner of the prison colony No. 64/47:

A migrant worker named Umar, who had recently returned from Russia, was convicted of crimes of religious extremism after a neighbour reported him for having copies of the sermons of a religious leader, Khairullo Khamidov. Law enforcement officials found these during a search of his accommodation. The police investigator considered Khamidov's sermons illegal. Umar was a pious man, who came from a poor family. He had travelled to Russia to earn money for his wedding.

In quarantine, Umar, who had problems with his kidneys, was humiliated by a fellow cellmate, a "lokhmach" who refused to let Umar to go to the toilet for over a day. Umar ended up soiling himself. The lokhmach noticed this and threatened to kill Umar unless he ate his own excrement. When another cellmate tried to intervene and defend Umar, a representative of the prison staff sent the other cellmate to solitary confinement for 10 days. The the "lokhmach" continued bullying Umar.

- **The practice of extending the term of imprisonment**

In the past practice of extending the sentence of convicts altering the sentence used to be carried out under Article 221 ("Disobedience of the lawful requests of the administration of the penal institution"). Currently, reports indicate that this practice has been replaced in some prison colonies by prison doctors issuing false diagnoses of serious illnesses including AIDS, hepatitis B, C, tuberculosis.

The practice of depriving a person of his liberty for medical reasons is illegal and inhumane. Employees of medical institutions are reportedly participating in this illegal practice alongside officers of the Main Directorate of Execution of Punishment (GUIN). The prisoners themselves do not always know that the diagnosis is false. This practice is reportedly aimed at those whom they do not want to release at the end of their sentences.

- **Medical care**

Recollections of a former political prisoner of the prison colony No. 64/47:

In December 2018, a young man was admitted to the medical unit of colony No. 64/47, he was ill and debilitated. He felt nauseous and a couple of days later he felt very ill. A few days later he fell out of bed and lost consciousness. A patient in the bed next to him helped him up, but the young man then started vomiting. A duty officer came by and informed the doctor about the prisoner's health but the doctor failed to act. Half an hour later, the patient fell out of bed again and lost consciousness. He was lying with his eyes half open, helpless. Only then did the doctor come and take his blood pressure. An ambulance was called. Four prisoners carried him on a stretcher to the gates of the penal colony, where he was taken by an ambulance. They later learned that he was diagnosed with leukaemia.

- **Sanitary and living conditions**

There number of toilets is insufficient. All living quarters of the colony are cleaned by prisoners themselves, including toilets.

Recollections of a former political prisoner of the prison colony 64/47:

When Mashrab Dadajonov was cleaning the sewer he had no special equipment but only tools that he made himself, he lost consciousness due to the accumulated gas and fell into the cess pit. This happened in a place where there were a lot of people. Another prisoner, Ulugbek Kurolov, rushed to help him, but could not grab him and fell into the pit too. A few more people tried to help them and lost consciousness. They did not have gas masks, so had to wet the sheets, cover their noses, mouths and pull out the bodies of the two guys. Ulugbek t had had a short meeting with his relatives that day and he was supposed to have a longer meeting the next morning.

- **This report of the Association for Human Rights in Central Asia has been sent to:**
- **The UN Special Rapporteur on Torture**
- **The Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions**
- **The UN Committee against Torture**
- **The International Labour Organization (ILO)**

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СРОЧНОЕ СООБЩЕНИЕ

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Узбекистан: пытки и рабство в колонии города Кызыл-Тепа Навоийской области

Ситуация с заключенными в колонии КИН 64/4 города Кызыл-Тепа Навоийской области требует срочного вмешательства международной общественности, заявляет Ассоциация «Права человека в Центральной Азии». В этом учреждении пенитенциарной системы возобновляются режим пыток и современные формы рабства на кирпичном производстве.

С 29 сентября 2019 года десять заключенных¹⁷ содержатся в штрафном изоляторе колонии за то, что обратились в администрацию КИН 64/4 с просьбой выдать им новые перчатки и обувь для загрузки и выгрузки горячего кирпича из обжиговых печей - все они работают на кирпичном производстве. Начальник колонии по режиму В.Ю. Рустамов и начальник колонии К.Ш. Каримов отреагировали на это крайне жестоко, их действия ни что иное, как внесудебная расправа. В ответ на просьбу заключенных, Рустамов собственноручно стал наносить им сильные удары дубинкой по пяткам и разным частям тела, после чего они были отправлены в изолятор. Пятеро из них уже объявили политическую голодовку с целью привлечь внимание к их ситуации.

Завод по производству кирпича в колонии КИН 64/47 работает в три восьмичасовые смены, круглосуточно. На трех обжиговых печах, производится 400 тысяч кирпичей в сутки. Каждые 10-15 минут из печей выезжают вагоны с раскалённым кирпичом, который нужно загрузить в подъезжающие грузовики. И на эти особо тяжелые работы направляются в основном так называемые ДЭОМ (аббревиатура формулировки на узбекском языке, которая в переводе звучит как «осужденный за религиозно-экстремистское течение»). Шесть человек должны за 15-20 минут загрузить горячими кирпичами многотонный грузовой автомобиль марки «Камаз». Их зарплата составляет 80 тысяч сумов в месяц (\$10).

Перчатки и обувь, выдаваемые заключенным, быстро приходят в негодность – они буквально сгорают, потому что не защищены огнестойким покрытием, как того требуют условия техники безопасности. По трудовому кодексу работодатель обязан предоставить для рабочих спецодежду и обеспечить условия техники безопасности, и на пенитенциарные учреждения также распространяются эти требования. Однако в этой колонии осуждённые вынуждены работать

¹⁷ Ойдин Ахмедов, Журабек Пулатов, Иззатилла Абдурахмонов, Абдурасул Сотиболдиев, Бахром Тожибоев, Рустам Мунавваров, Бахтиер Насипов, Акжол Файзуллаев, Ислон Хошимов, Бобур Олимов.

в обычной обуви, которая быстро приходит в негодность (резиновая подошва плавится на раскаленных кирпичках), и в обычных матерчатых перчатках, которые рвутся уже через десять минут работы.

И вместо того, чтобы рассмотреть обращение заключенных в законном порядке, начальник по режиму колонии В.Ю. Рустамов уже две недели подвергает их побоям и совершает в отношении них другие насильственные действия. Каждое утро он лично наносит удары дубинкой по их пяткам. Не выдержав всего этого, один из осужденных повесился, но был вовремя спасен сотрудниками КИН. После чего Рустамов собрал всех заключенных колонии на плацу и перед строем публично со всей силы стал наносить удары по разным частям тела этим десяти заключенным. При этом он объявил: «Президент дал вам два года «скачухи». Теперь это время прошло, всё будет по-старому. Можете обращаться к кому угодно. Вам никто не поможет». И все эти противоправные действия происходят, по словам заключенных, с одобрения начальника колонии К.Ш. Каримова.

- **Суицид**

Пребывание людей в таких условиях, бесчеловечное к ним отношение, нередко приводят заключенных к суициду. Немало случаев, когда заключенные КИН 64/47 не выдерживали унижений, буллинга, рабского труда, длительной усталости, пыток, угроз, тяжелых болезней, и кончали жизнь самоубийством. Как и те, у кого были длительные сроки или несколько судимостей по статье 221 статье («Неповиновение законным требованиям администрации учреждения по исполнению наказания»). Бывало, что от безысходности такие заключенные во время рабочего дня бросались прямо в раскаленную печь.

- **Карантин**

Карантин по-прежнему сложный период для всех новых заключенных. Их содержат в отдельном бараке 15 дней, там они узнают порядок зоны, всех сотрудников поименно, учат гимн, их заставляют делать приседания, ходить вприсядку «гусиным» шагом, без остановки маршировать строем. Из-за плохого питания и больших физических нагрузок заключенные быстро теряют в весе до 15 кг – по килограмму в день. И труднее всего приходится ДЭОМ-заключенным.

Заведующие хозяйственной частью колонии зачастую являются «лохмачами» — это заключенные, которые по негласному указанию администрации и оперативных сотрудников СИБ/СГБ подвергают пыткам других заключенных.

Из воспоминаний бывшего политзаключенного колонии 64/47:

Вернувшийся из России трудовой мигрант по имени Умар, был осужден по доносу соседа - за проповеди религиозного деятеля Хайрулло Хамидова, обнаруженные у Умара при обыске. Высказывания проповедника следствие сочло незаконными. Сам же Умар всего лишь читал намаз, был из бедной семьи, ездил в Россию, чтобы заработать на свадьбу.

Прибыв на карантин, Умар, у которого ко всему еще и больные почки, немедленно подвергся унижению со стороны сокамерника-«лохмача». Больше суток он не пускал Умара в туалет, тот не удержался и сходил под себя. «Лохмач» это заметил и под угрозой смерти заставил Умара съесть собственные испражнения. Когда же другой сокамерник попытался вступить за униженного человека, на шум пришел представитель администрации и наказал того, кто защищал - отправил его на 10 дней в одиночную камеру. И все последующие дни во время карантина «лохмач» продолжал издеваться над Умаром.

- **Практика продления срока наказания**

Практика продления срока наказания осужденным вместо приговора по статье 221 («Неповиновение законным требованиям администрации учреждения по исполнению наказания») заменена на вынесение ложных диагнозов: СПИД, гепатит В, С, туберкулез. Такая практика является абсолютно незаконной и негуманной, поскольку лишать свободы человека по медицинским показаниям и направлена в отношении тех, кого не хотят освобождать по окончании срока, амнистировать или освободить условно-досрочно. И в этом преступном процессе вместе с сотрудниками ГУИН участвуют сотрудники медицинских учреждений. Сами заключенные не всегда понимают и знают, что диагноз ложный.

- **Медицинская помощь**

Из воспоминаний бывшего политзаключенного колонии 64/47:

В декабре 2018 года в санчасть колонии 64/47 поступил молодой мужчина, он был ослаблен. Его постоянно тошнило, через пару дней ему стало совсем плохо. Через несколько дней он упал с кровати и потерял сознание. Сосед по койке помог ему встать, но у него началась рвота. Позже появился дежурный, он сообщил врачу о состоянии заключенного, но врач не отреагировал. Спустя полчаса больной снова упал с кровати и потерял сознание. Он лежал с полуоткрытыми глазами, беспомощный. И только потом появилась врач и начала измерять ему давление. Вызвали скорую помощь. Четверо заключенных отнесли его на носилках до ворот колонии, где его забрала машина скорой помощи. Вскоре узнали, что ему поставили диагноз лейкоз.

- **Санитарно-бытовые условия**

Туалетов не хватает. Все бытовые помещения колонии обслуживают сами заключенные, в том числе туалеты.

Из воспоминаний бывшего политзаключенного колонии 64/47:

Когда ассенизатор Машраб Дадажонов чистил канализацию - без специального снаряжения, с помощью инструментов, которые сам же изготовил, - от скопившегося газа он потерял сознание и упал в резервуар с фекалиями. И это произошло в секторе, где было много людей. Заключенный Улугбек Куролов побежал на помощь, но не удержаться и тоже упал в яму. Еще несколько человек пытались им помочь и теряли сознание. Противогозлов у них не было, поэтому пришлось намочить простыни, закрыть ими носы, рты и вытащить тела двух парней. У Улугбека в этот день было короткое свидание с родными, а на следующее утро он должен был выйти уже на длительное свидание.

Колония исполнения наказаний 64/4 (бывшая 64/47), являющаяся «зоной строгого режима», находится в городе Кызыл-Тепа Навоийской области Узбекистана, в ней содержатся заключенные, приговоренные к особо тяжким преступлениям. Информация от заключенных, полученная Ассоциацией «Права человека в Центральной Азии», вызывает особую обеспокоенность. В этой связи обращаемся:

- **к Спецдокладчику ООН по вопросам пыток и Спецдокладчику по внесудебным казням и внесудебным расправам, и призываем потребовать от правительства Узбекистана:**

1. провести расследование, по данному сообщению, и органам прокуратуры принять законные меры в отношении В.Ю. Рустамова - начальника по режиму и начальника колонии Каримова КИН 64/4;

2. провести комплексный медицинский осмотр заключенных 64/4;
- **Международную организацию труда (МОТ) - дать оценку практике рабства в отношении заключенных и начать независимое расследование по выполнению условий работы заключенных КИН 64/4;**
 - **в Комитет ООН против пыток направляем собранные материалы о положении заключенных в КИН 64/4, где практика пыток, суицид, смертность, медицинское обслуживание и бытовые условия требуют принятия срочных мер.**
