



Human Rights Watch Concerns on Uzbekistan

Submitted to the UN Human Rights Committee on the occasion of its March 2010
Review of Uzbekistan

February 2010

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Uzbekistan, submitted to the United Nations Human Rights Committee ("the Committee") in advance of its March 2010 review of Uzbekistan's compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant").

The Uzbek government's human rights record remains atrocious and has only deteriorated further in the past year. Of urgent concern is the plight of civil society, which remains the target of constant government intimidation and harassment, and the more than a dozen human rights defenders, journalists, and other independent civic and political activists whom the Uzbek government continues to harass and imprison on politically motivated grounds. Authorities in Uzbekistan continue to clamp down on media freedoms and suppress religious worship. There is a deeply entrenched culture of impunity for serious human rights violations, including for torture and ill-treatment, which remain rampant. The judiciary lacks independence, and the weak parliament dominated by pro-government parties does not effectively check executive power. Government-sponsored forced child labor in the cotton sector remains a key human rights concern, despite government claims that it is tackling this issue. Almost five years later, the government continues to deny accountability for the massacre of hundreds of mostly unarmed protesters fleeing a demonstration in the city of Andijan in May 2005.

The Uzbek government's record of cooperation with international institutions, particularly with United Nations mechanisms, remains poor. It continues to refuse access to the country to no fewer than eight UN special procedures despite their longstanding and repeated requests for invitations to visit Uzbekistan. The government has also demonstrated its lack of commitment to cooperation through its continued failure to implement UN expert bodies'

recommendations pertaining to torture. During the Universal Periodic Review (UPR) at the UN Human Rights Council in December 2008, it flatly denied the existence of a number of well-documented human rights problems and rejected as “unacceptable because factually wrong” numerous recommendations, including that it should release imprisoned human rights defenders and end harassment and intimidation of civil society activists.

Human Rights Watch considers the upcoming Human Rights Committee review of Uzbekistan to be a crucial opportunity to underscore the urgent need for human rights reform in Uzbekistan. At the conclusion of this overview is a proposed set of recommendations for specific steps the Uzbek government should be urged to take to begin addressing its appalling human rights record. An accompanying Annex provides details on the more than a dozen human rights activists the Uzbek government has imprisoned on politically-motivated grounds.

Accountability for the Andijan massacre (Covenant articles 2, 6, 7, 17)

The Uzbek government has steadfastly refused to clarify the circumstances surrounding the 2005 massacre by government forces in Andijan, or to hold accountable those responsible for the killings. Instead, it has sought to rewrite history and silence all those who might question its version of the events, launching an intense crackdown in Andijan itself and exerting pressure on all who knew the truth about the events. Several hundred individuals who were convicted and sentenced in closed trials in 2005 and 2006 are believed to remain in prison serving lengthy sentences.

To this date, the Uzbek government continues vigorously to seek out and persecute anyone it deems to have a connection to or information about the Andijan events. This is particularly true for many of the relatives of hundreds of persons who fled to Kyrgyzstan in the immediate aftermath of the massacre and were later resettled in third countries, as well as those who fled but later returned to Andijan.

Intense government pressure, taking the form of interrogations, surveillance, ostracism and in at least one case an overt threat to life, has continued to generate new refugees from Andijan, years after the massacre.

Persecution of human rights defenders and repression of civil society activism (Covenant articles 7, 9, 10, 14, 17, 19, 21, 22)

In the aftermath of the Andijan massacre, the Uzbek government unleashed a fierce crackdown on civil society unprecedented in its proportions. It imprisoned dozens of human rights defenders, independent journalists, and political activists for speaking out about the

Andijan events and calling for accountability for the May 13 killings. The authorities also blocked the activities of local and international nongovernmental organizations (NGOs). Many human rights defenders and other activists have had to flee the country out of fear for their security or that of their loved ones.

The government continues to harass and imprison individuals who seek to document and expose human rights violations in Uzbekistan, with at least four new convictions of human rights defenders in the last six months alone. In the weeks leading up to the parliamentary elections in December, local authorities across Uzbekistan cracked down on civic and political activism, temporarily detaining activists to keep them from meeting in groups of as small as three.

At this writing, the government continues to hold at least fourteen human rights defenders in prison for no reason other than their legitimate human rights work. They are: Solijon Abdurakhmanov, Habibulla Akpulatov, Azam Formonov, Nosim Isakov, Gaibullo Jalilov, Alisher Karamatov, Jamshid Karimov, Norboi Kholjigitov, Rasul Khudainasarov, Ganihon Mamatkhanov, Farkhat Mukhtarov, Yuldash Rasulov, Dilmurod Saidov, and Akzam Turgunov.¹ Many other civic activists, independent journalists, and political dissidents are also serving prison sentences on politically motivated charges, including political dissident Yusuf Jumaev.

Worrying, credible reports that a number of these imprisoned activists are suffering severe health problems as a result of poor conditions and ill-treatment in Uzbekistan's notoriously abusive prison system underscore the urgency of securing their immediate and unconditional release. The release in November 2009 of political opposition leader Sanjar Umarov pursuant to an amnesty is a case in point. According to a statement released by his family on November 23, Umarov is in poor health as a result of his experience. While in detention he was gravely ill-treated and according to information received by Human Rights Watch, he spent an extended period of time prior to his release in a prison hospital. Another example is that of Norboi Kholjigitov, a 60-year-old human rights defender imprisoned in 2005 and serving a 10-year term. Kholjigitov, who suffers from diabetes, has apparently partially lost control of his right arm and leg and has difficulty walking.

Independent civil society activism remains severely restricted, with authorities detaining and threatening with prosecution human rights defenders, journalists, and others for their peaceful activism. In the months leading up to the parliamentary elections in December,

¹ Please see annex for details on each case.

authorities repeatedly harassed, detained, and beat political opposition and human rights activists. They placed dozens of activists throughout the country under de facto house arrest in an apparent effort to thwart any civic activism, warning activists not to leave their homes until after the elections. For example, on November 11, 2009, Mamir Azimov, a human rights defender based in Jizzakh, was detained and beaten by the police after he met with members of Birdamlik, a political opposition group. The police also forced Azimov to stand with his legs shoulder-width apart and hold a chair over his head for about an hour and threatened to continue beating him if he lowered it. On that same occasion, another Jizzakh-based defender Bakhtior Hamroev was punched in the face by a man believed to be a security agent.

In early December, police prevented two Karshi-based activists, Nodir Akhatov and Gulshan Karaeva, and Ferghana-based Ahmadjon Madumarov from meeting with a Human Rights Watch researcher. Officers stopped the minibus Akhatov was taking to Karaeva's house for the meeting and took him to a police station, where they confiscated his phone and temporarily detained him for several hours. The officers then took him to a nearby café, "inviting" him for a meal, making clear that he was not allowed to leave. He was not released until well after the Human Rights Watch researcher had been forced to leave Karshi, over eight hours later. The next day, Madumarov was similarly prevented from meeting with the researcher by local police who went to his home and told him he had to go to the station to fill out a questionnaire.

A particularly insidious practice employed by the Uzbek government is a combination of threats, harassment, and sometimes even imprisonment of activists' children or other relatives in retaliation for their human rights or civic work. Examples include Ikhtior Hamroev, the son of Bakhtior Hamroev, a well-known human rights defender from Jizzakh province. Ikhtior was arrested in August 2006 and sentenced the following month to three years' imprisonment on hooliganism charges, widely believed to be in retribution for his father's human rights work. Bahodir Mukhtarov, the son of Mamatkul Mukhtarov, another leading human rights activist, was similarly arrested in February 2007 and imprisoned for nine months, actions believed to be a reprisal for his father's human rights work. Authorities have also imprisoned two of dissident Yusuf Jumaev's sons, Bobur and Mashrab, on fabricated charges in apparent retaliation for their father's activism. Yusuf Jumaev is himself serving a five-year prison term on fabricated charges.

In addition, there have been a number of attacks on human rights defenders or their family members by unidentified assailants who are rarely, if ever, held to account, raising concern that these attacks are at a minimum tolerated, if not encouraged, by the government. In April

2009, just days after a violent attack by two unknown assailants on Elena Urlaeva, leader of the Human Rights Alliance of Uzbekistan, her five-year-old son, Mukhammad, was the target of another vicious attack. An unknown assailant beat Mukhammad repeatedly in the head with a stick, causing him to be hospitalized with a concussion. Although the police promised to investigate both incidents, the status of the investigations is unclear, and to date the perpetrators have not been brought to justice.

The government also restricts the operation of international NGOs, and since 2004 has forced numerous international organizations to close. Human Rights Watch itself was forced to suspend its operations in Uzbekistan in July 2008 after the government denied work accreditation to, and then outright banned its researcher from entering the country. On July 21, 2009, Uzbek authorities deported a Human Rights Watch researcher upon arrival at the Tashkent airport, and in December 2009, another Human Rights Watch researcher was subject to a violent attack that appeared to be orchestrated by authorities in Karshi, detained, and then expelled from the city.

Torture and ill-treatment (Covenant articles 2, 7, 10, 14)

Torture and ill-treatment are endemic to the criminal justice system in Uzbekistan. Authorities have failed to take effective action to address the culture of impunity for torture, highlighted by the UN Committee Against Torture in its November 2007 examination of Uzbekistan as a key obstacle to effectively combating it. The government has also persisted in its failure to fully implement the 2003 recommendations of the UN Special Rapporteur on torture.

As a result, torture remains rampant despite the much-hailed habeas corpus legislation that entered into force in January 2008. Indeed, to make habeas corpus effective it is necessary to implement a number of other reforms guaranteeing the independence of the judiciary, which is sorely lacking in Uzbekistan. According to Uzbek lawyers interviewed by Human Rights Watch, the habeas corpus reform remains largely a formality with little practical effect on the rights of the defendant, and it fails to serve as a mechanism for preventing or ending torture and ill-treatment in detention.

Human Rights Watch continues to receive credible reports of torture and ill-treatment, particularly during pre-trial detention, while judges continue to ignore allegations of torture brought forward by defendants and refuse to initiate investigations into such claims. A number of these cases concern imprisoned activists whose treatment Human Rights Watch follows closely, including Yusuf Jumaev, Khusodbek Usmonov (released after completing his sentence in July 2009) and Akzam Turgunov (during pre-trial detention). Usmonov, who at

the time was 67 years old, testified during his trial in March 2009 that he had been subjected to torture and ill-treatment, including being beaten with hard objects in the groin and abdomen and being forced to lay naked face-down and being threatened with rape if he did not confess his guilt. The judge ignored these allegations.

In the case of Jumaev, officials at Jaslyk prison—where he is being held—have repeatedly placed him in an isolation cell, including in June 2009, when for eight days he was denied use of a toilet and not allowed out of the isolation cell. For at least two of the days he was also denied food and water. According to his daughter, he was transferred back to his regular cell only after his health deteriorated severely. His family also reported that prison guards had burned him several times during his detention by placing a hot electric teapot on his shoulders.

Imprisoned human rights defender Akzam Turgunov is another case in point; on July 14, 2008, three days after his arrest, while in a police investigator's office writing a statement, someone poured boiling water down his neck and back, severely scalding him and causing him to lose consciousness. The authorities refused to investigate the abuse until Turgunov removed his shirt to reveal his burn scars during a court hearing in September 2008. The investigation concluded that his burns were minor and did not warrant any action. Turgunov, 57 years of age, was sentenced on October 23, 2008 to 10 years in prison following a trial that manifestly violated fair trial standards.

The suspicious death in custody in June 2009 of Negmat Zufarov, a prisoner serving a lengthy sentence on religion-related charges, was a chilling reminder of the abysmal conditions and ill-treatment in Uzbekistan notoriously abusive prison system.

Finally, a distinct concern relating to torture and ill-treatment in Uzbekistan is that of Uzbek refugees and asylum seekers in neighboring countries whose forcible return the Uzbek government actively seeks, often successfully, despite the serious risk of torture and ill-treatment they face upon return. Uzbek refugees in Kyrgyzstan appear particularly vulnerable, with more than a dozen forcibly returned to Uzbekistan since 2005. Human Rights Watch documented at least two such cases in 2008—of Erkin Holikov, handed over to Uzbek authorities in May 2008 despite having a pending asylum claim, and Haiotjon Juraboev, a UNHCR recognized refugee who was apparently stopped in Bishkek in September 2008 by unknown individuals whom witnesses said introduced themselves as security officials, only to emerge in an Uzbek prison several months later. Juraboev was sentenced to a 13-year prison term in February 2009.

Repression of the right to freedom of expression (Covenant article 19)

Despite legislation outlawing censorship and ensuring freedom of speech, in practice, censorship is the norm and freedom of expression is severely limited in Uzbekistan. Independent media is tightly controlled and the few journalists who continue to work in the country do so at great risk to themselves, forced to self-censor due to harassment, beatings, detention, and threats of imprisonment for their critical views of the government.

In a recent example, on January 7 and 9, 2010 several independent journalists received phone calls from the Tashkent prosecutor's office summoning them for an "informal conversation" about their journalistic activities, including Khusniddin Kutbiddinov, Marina Kozlova, Aleksei Volosevich, and Abdumalik Boboev. Several of them were questioned by an assistant to the prosecutor who reportedly told them that he had received a dossier on each from the National Security Agency (SNB) and the Ministry of Internal Affairs and that he wished to clarify some questions he had about the information in the documents. The journalists were questioned about their affiliation with international media outlets and in at least one case, about the journalist's relationship with Freedom House and Human Rights Watch. According to one of the journalists, each was made to write an explanatory note ("*obyasnitelnoe*") following their conversations with the prosecutor's assistant.

In a recent case, authorities on January 13, 2010 charged photographer and videographer Umida Ahmedova with insult and slander under articles 139 and 140 of the Uzbek Criminal Code. The charges were based on a book of Ahmedova's photographs published in 2007, "Women and Men: From Dawn till Dusk," and a documentary film produced in 2008, "The Burden of Virginity." On February 10, 2010, following a trial that lasted only two days, Ahmedova was found guilty on both counts but was not handed a prison sentence pursuant to an amnesty.

As noted above, the government continues to hold a number of independent journalists on politically motivated charges. Among them is Jamshid Karimov, involuntarily held in a closed psychiatric ward since September 2006 for what many believe is retribution for publishing articles on the internet that were critical of the government. In the last 18 months alone at least three journalists have been prosecuted and sentenced to imprisonment on fabricated charges – Solijon Abdurakhmanov, arrested in June 2008 and sentenced in October 2008 to 10 years in prison for allegedly selling drugs; Dilmurod Saidov, arrested in February 2009 and sentenced in July to 12½ years in prison on extortion charges; and Kushodbek Usmonov, arrested in January 2009 and sentenced in March to a six-month prison term for insult and libel.

Foreign correspondents and Uzbek citizens working for foreign media are not allowed to operate without accreditation – currently there are only a handful of accredited foreign correspondents in Uzbekistan and no foreign journalists working for Western media outlets.

International news bureaus such as BBC, RFE/RL, Deutsche Welle, and the Institute for War and Peace Reporting (IWPR) have been repeatedly refused re-accreditation. Websites that carry articles critical of the government are routinely blocked within Uzbekistan, making access to international news and human rights websites extremely limited.

Religious persecution (Covenant article 7, 10, 18)

Authorities in Uzbekistan continue their unrelenting, multi-year campaign of arbitrary detention and ill-treatment and torture of Muslims who practice their faith outside state controls or who belong to unregistered religious organizations, with thousands incarcerated for non-violent offenses. Peaceful religious believers are often branded “extremists,” with dozens of new arrests and convictions on charges related to extremism each year. Human Rights Watch has documented allegations of ill-treatment in a number of these cases.

One such case concerns Gaibullo Jalilov, a human rights defender and pious Muslim arrested in September 2009. Jalilov’s work has focused on the crackdown on independent Muslims in the Kashkadarya region of Uzbekistan. Authorities charged Jalilov and three others, Faizullo Ochilov, Utkur Sodikov, and Yusuf Bobomuradov, with a series of fabricated religious extremism charges, including the two most commonly used articles 159 (anti-constitutional activity) and 244 (membership in a banned organization). On January 18, 2010, they were all sentenced to prison terms ranging from seven to 10 years. On multiple occasions during the trial, Jalilov’s lawyer and family members were not informed of scheduled hearings, and there were allegations of ill-treatment during pre-trial detention.

Following a number of violent incidents in July and August 2009 in Tashkent, including an attack on Imam Anvar qori Tursunov and the subsequent murder of security service officer Hasan Asadov who had been investigating the attack, Human Rights Watch received credible reports that the authorities then carried indiscriminate widespread arrests targeting pious Muslims in and around the city of Tashkent, and in the Syrdaryo and Kashkadarya provinces of Uzbekistan.

Human Rights Watch interviewed several persons whose relatives were detained and arrested in the period from August to October, 2009 on charges based on articles 159 and 244 of the Uzbek criminal code, amongst others. All the families interviewed by Human

Rights Watch reported gross procedural violations and lack of due process, including the authorities' obstruction of families' efforts to hire non-state appointed lawyers, and in cases where lawyers were hired, the authorities' refusal to permit the lawyers' access to their clients. In many cases, the authorities also failed to inform family members of the location of their relative's detention, as well as information about the time and date of their trials.

Additionally, in a worrisome trend that appears to be designed to keep religious prisoners incarcerated beyond their original sentences, authorities frequently initiate new criminal proceedings against such prisoners, often just weeks before their terms expire, for alleged violations of prison regulations such as refusing to attend breakfast, failure to shave and maintain adequate personal hygiene, or disobeying orders of prison staff. Prisoners subject to such proceedings are not afforded adequate due process rights or a meaningful opportunity to challenge the accusations mounted against them, and can easily end up having their prison sentences extended by three years or more.

A recent example is the case of Dilshod Shahidov (b. 1974), serving an eight-year sentence on religion-related charges. While in prison, Shahidov was repeatedly charged with violating the prison regime, including for allegedly refusing to attend breakfast and not looking after the cleanliness of his cell. On January 21, 2009 he was found guilty of "disobeying prison regime orders" and sentenced to almost five and one-half additional years in prison by the Kosom District Criminal Court.

Forced child labor in the cotton industry (Covenant article 8)

The widespread use of government-sponsored forced child labor to collect the annual cotton harvest remains a key human rights concern in Uzbekistan, despite government claims to the contrary. The government points to the entry into force of a new law on children's rights in January 2008 and ratification of the International Labor Organization's Conventions on the Elimination of the Worst Forms of Child Labor and on the Minimum Age of Employment in March 2008. However, there is significant, credible evidence that the government has failed to implement these laws and that forced child labor continues unabated.

A related issue of great concern is the risk of harassment and detention facing human rights defenders seeking to document and report on forced child labor. Human Rights Watch is aware of several cases in which local authorities have harassed and threatened activists after learning about their attempts to document the use of forced child labor.

Recommendations for specific steps the Uzbek government should be urged to take to address the above described concerns:

- Immediately and unconditionally release all wrongfully imprisoned human rights defenders, journalists, members of the political opposition, and other activists held on politically motivated charges;
- End the crackdown on civil society and allow domestic and international human rights groups to operate without government interference, including by re-registering those that have been liquidated or otherwise forced to stop working in Uzbekistan, and issuing visas and accreditation for staff of international nongovernmental organizations;
- Ensure accountability for the Andijan massacre and cease harassment and other abuses of returned refugees and families of refugees who remain abroad;
- Take meaningful measures to end torture and ill-treatment and the accompanying culture of impunity, including by implementing in full the recommendations of the UN Special Rapporteur on torture and Committee Against Torture;
- Cease harassment of journalists, decriminalize libel and slander, and allow domestic and international media outlets, including those that have been forced to stop operating in Uzbekistan, to register and grant accreditation to international journalists;
- End religious persecution, including by de-criminalizing peaceful religious activity and ending the imprisonment of thousands of people for their nonviolent religious expression;
- End forced child labor in the cotton sector, allow independent monitoring, and involve independent nongovernmental organizations in assessments of child welfare, particularly as they relate to the cotton sector;
- Allow unhindered access for independent monitors, including UN special procedures that have been unable to visit due to the government's refusal to issue the required invitations, and implement recommendations by independent monitoring bodies, including UN treaty bodies and special procedures.

For further reference, please find below the link to Human Rights Watch's country page on Uzbekistan: <http://www.hrw.org/en/europecentral-asia/uzbekistan>.

Annex: Imprisoned Human Rights Defenders in Uzbekistan

The following is a non-exhaustive list of imprisoned human rights defenders in Uzbekistan whose cases Human Rights Watch follows closely. Many other activists - defenders, independent journalists, and dissidents - are behind bars on politically motivated charges, including **Yusuf Jumaev**, a poet and political dissident sentenced to five years in a penal colony after calling for President Islam Karimov's resignation in the run-up to the December 2007 presidential elections. According to his family, Yusuf Jumaev continues to suffer ill-treatment in prison, including regular beatings by prison guards, and is in very poor health. He is held at Jaslyk, a prison so notorious for its harsh conditions that the UN Special Rapporteur on torture has recommended it be closed down.

1. Solijon Abdurakhmanov

Abdurakhmanov is a Karakalpakstan-based independent and outspoken journalist who has written on sensitive issues such as social and economic justice, human rights, corruption, and the legal status of Karakalpakstan in Uzbekistan. He worked closely with UzNews.net, an independent online news agency, and also freelanced for Radio Free Europe/Radio Liberty (RFE/RL), Voice of America (VoA) and the Institute for War and Peace Reporting (IWPR). He also is a member of the human rights group "Committee for the Protection of Personal Rights."

Traffic police arrested Abdurakhmanov on June 7, 2008 when they stopped his car, allegedly to check his identity, and found 114.18 g of marijuana and 5.89 g of opium on the underside of his car. Abdurakhmanov denies knowing about or having anything to do with the drugs and his brother, Bakhrom, a lawyer who is representing him, believes that the police planted the drugs. His brother also reported that during the pre-trial investigation, the authorities primarily questioned Abdurakhmanov about his journalistic activities. Investigators failed to carry out basic investigative steps such as checking the drugs for fingerprints despite repeated requests by Abdurakhmanov and his lawyer. Authorities initially charged Abdurakhmanov with drug possession, but after the investigators determined that Abdurakhmanov does not use drugs, they charged him with selling drugs instead, a more serious charge punishable by up to 20 years of imprisonment.

The trial against Abdurakhmanov, held in September 2008, failed to meet fair trial standards. The court in Nukus sentenced Abdurakhmanov to 10 years in prison, which has been upheld twice on appeal. Abdurakhmanov's lawyer and brother was hampered in filing a last instance appeal with the Supreme Court of Uzbekistan because of a mandatory re-licensing

process for all Uzbek lawyers that the authorities appear to have misused to revoke his license.

Bakhrom Abdurakhmanov told Human Rights Watch in November 2009 that his attempts to file an appeal with the Supreme Court of Uzbekistan have not yielded any results.

Abdurakhmanov is held in prison colony 64/61 in Karshi. During a visit in April 2009, Solijon told his brother Bakhrom that authorities had pressed additional charges against him for allegedly violating the prison regime, but that these charges had subsequently been dropped after he complained.

2. Habibulla Akpulatov

Akpulatov is a member of the Ishtikhan District Branch of Human Rights Society of Uzbekistan and worked as a teacher in a school in Samarkand until his arrest on June 4, 2005. The school's principal, Abdusattor Irzaev, was arrested at the same time. Akpulatov and Irzaev were tried along with human rights defender Norboi Kholjigitov (see more on his case below) and sentenced to 6 years in prison by the Samarkand Regional Court on October 18, 2005. Irzaev was released as part of an amnesty on August 17, 2009.

Akpulatov is held in Navoi prison No. 64/29. Relatives who visited him on March 29, 2009 found him in very poor health. His right leg was debilitated and both eyes were visibly infected. According to his relatives, Akpulatov has contracted tuberculosis during his imprisonment and is in urgent need of medical care.

During a visit on June 24, 2009, Akpulatov told his son Yuldash that he accrued only one charge of violating the prison regime and that he should be released on August 4, 2009, upon completion of his original prison sentence. However, on July 26, 2009, the Akpulatov family received a letter from the prison stating that Akpulatov was facing criminal charges of violating prison administrative orders (article 221 of the Uzbek Criminal Code).

On September 30, 2009, Akpulatov was sentenced to an additional 3 years and 8 days in prison by the Navoi City Criminal Court. The verdict stated that the court hearing was open to the public, but neither Akpulatov's relatives nor his lawyer were informed of the date of the trial, which took place in the prison. Akpulatov was found guilty of 6 violations of the prison regime. According to Yuldash, Akpulatov's lawyer later met with the judge who admitted to him that the case was under control of the National Security Agency (SNB) and that he had given Akpulatov the shortest sentence he could.

The Akpulatov family has since hired another lawyer, Ismat Rakhimov to represent Habibulla Akpulatov. On December 25, 2009, Rakhimov filed an appeal with the Supreme Court of Uzbekistan, and was at this writing still waiting for a response.

3. Azam Formonov

Formonov was an active member of the Human Rights Society of Uzbekistan in Gulistan, in Syrdaryo province. Police arrested him and fellow HRSU member Alisher Karamatov (see more on his case below) on April 29, 2006, and they were charged with attempting to blackmail a local businessman. Formonov was tried at the Yangier City Court without the presence of either his attorney of choice or his non-attorney public defender, Tolib Yakubov, chair of the Human Rights Society of Uzbekistan, who now lives in exile. He was sentenced to nine years in prison on June 15, 2006. A week before the sentencing, in a private conversation at the prison with Mr. Yakubov, he described how he was tortured and pressured into signing a false confession.

Formonov is currently held at Jaslyk prison, in violation of the terms of his verdict, which specified that he be put into a “general” regime prison (Jaslyk prison is “severe” regime).

According to Ozoda Yakubova, Formonov’s wife, the head of the prison in September 2007 summoned Formonov to his office and ordered him to sign a statement testifying that he had committed “violations of the regime” and would not be eligible for amnesty. His wife told Human Rights Watch that he initially refused, but after being tortured, he relented and gave the authorities his signature. Formonov has repeatedly been placed in a punishment cell for “breaking prison rules.” One such rule was “helping prisoners write appeals” although Formonov was never in possession of a pen and at most, only spoke to others about how to appeal their prison sentences. On January 8, 2008, Formonov was reportedly stripped of his overclothing, handcuffed and put into an unheated punishment cell for 23 days. In January 2008, temperatures in Uzbekistan reached approximately -20 C.

According to more recent information received by Human Rights Watch, in September 2009, Formonov’s body became covered in sores. He underwent surgery to remove the sores and spent time in the medical unit of the prison and has apparently since healed.

In September 2009, Formonov was summoned to the prison administration and told that he did not qualify for amnesty this year because of violations of the prison regime. Formonov was not even aware that such accusations had been made against him and was surprised to learn he was found guilty of the charges.

More recently, on January 19, 2010 Ozoda Yakubova's visit with her husband was cut short by the head of Jaslyk prison. Yakubova originally had been granted a two-day visit, but on the morning of January 19, not even 24 hours after she met with her husband, the prison head told her that she had to leave the prison immediately. Later she learned from the head of prison administration (GUIN) that Formonov had been temporarily transferred to an investigation cell in a prison in Nukus.

According to Yakubova, on three separate occasions in the period October 2009-January 2010 authorities have temporarily transferred Formonov from Jaslyk prison to a prison in Nukus, Karakalpakstan for periods of up to 12 days at a time. His wife was not given official notification of the reasons for or the timing of the temporary transfers of her husband.

4. Nosim Isakov

Isakov was active with the Jizzakh city branch of the Human Rights Society of Uzbekistan. He was arrested on October 27, 2005, and charged with hooliganism on the basis of a written complaint stating that he exposed himself in public to his neighbor's teenage daughter. Isakov's supporters found the accusation particularly shocking and offensive because he is a pious Muslim. At his trial, which began December 15, 2005, Isakov did not confess and told the judge that while in pre-trial detention he had been beaten on his head with a bottle filled with water.

On December 20, 2005, Isakov was sentenced to eight years in prison. Isakov is being held at Karshi prison. According to local sources, Isakov's family members have been warned not to speak to anyone about Isakov.

5. Gaibullo Jalilov

Jalilov is a Karshi-based human rights defender who has been a member of the Human Rights Society of Uzbekistan since 2003. His work has focused on the crackdown on independent Muslims in the Kashkadarya region of Uzbekistan. At the time of his arrest in September 2009, he reportedly had collected information on over 200 arrests of independent Muslims in the region.

Authorities charged Jalilov and three other men, Faizullo Ochilov, Utkur Sodikov, and Yusuf Bobomuradov, with a series of fabricated religious extremism charges, including the two most commonly used articles 159 (anti-constitutional activity) and 244 (membership in a banned organization). On January 18, 2010, the Kashkadarya District Criminal Court sentenced all four men to prison terms ranging from seven to 10 years (Jalilov was sentenced to 9 years).

On multiple occasions during the trial, which started on November 24, 2009, Jalilov's lawyer and family members were not informed of scheduled hearings, and there were allegations of ill-treatment during pre-trial detention.

Authorities also moved the trial in advance of the sentencing hearing from Karshi, where all prior hearings had been held, to Bukhara city, about 150 kilometers away. Members of Jalilov's family and local human rights defenders who had been attending the trial were not notified of the change and were unable to attend hearing.

Jalilov and his three co-defendants were tried as members of a criminal group with a separatist agenda, directed by persons living in Muslim countries outside Uzbekistan.

The prosecution accused Jalilov of having said that the government of Uzbekistan has a flawed anti-Islam policy while at the Navo Mosque in Karshi, where he used to pray. On the basis of this allegation, he was charged with anti-constitutional, anti-government activities, supposedly corroborated by two witnesses who walked by the mosque and overheard Jalilov speaking through an open window and recognized his voice.

According to information received by Human Rights Watch, Jalilov was first detained around 10 p.m. on September 5, 2009, when he was forced by about eight men, two of whom were reportedly in uniform, into a vehicle believed to be a police car, while on his way home from fellow human rights defender Nodir Akhatov's house.

On September 23, 2009, Jalilov's father Hairullo Jalilov, having inquired about his son's whereabouts, received a written statement from S. Turdiev, Head of Karshi City Department of Internal Affairs. The letter stated that Jalilov had been charged with attempts on the constitutional order (article 159-1 of the Uzbek Criminal Code) and Production and Dissemination of Materials Containing Threats to Public Security and Public Order (article 244-1 of the Uzbek Criminal Code).

Jalilov's family was permitted to see Jalilov for the first time at the beginning of November 2009, roughly two months after he was taken into custody. Jalilov was reportedly very weak and had lost a lot of weight.

According to Human Rights Watch's information, Jalilov reportedly spent time in the medical ward of the detention center (*medsanchast*) at least on one occasion since his arrest, giving rise to concerns that he may have been subjected to ill-treatment.

6. Alisher Karamatov

Karamatov, like Formonov (above), was an active member of the Human Rights Society of Uzbekistan in Gulistan, in Syrdaryo province. Karamatov was arrested on April 29, 2006, charged with attempting to blackmail a local businessman and tried at the Yangier City Court without the presence of either his attorney of choice or his non-attorney public defender, Tolib Yakubov. Karamatov was handed a nine year prison sentence on June 15, 2006. Like Formonov, Karamatov alleges to have been tortured and pressured into signing a false confession.

According to information received by Human Rights Watch, on January 4, 2010, Karamatov was transferred back to prison colony 64/49 in Karshi. Previously, on October 12, 2008, Karamatov was transferred from prison colony 64/49 in Karshi to the sanitary prison colony 64/18 in Tashkent because of his ill-health. His wife visited him on November 15, 2008, and reported that her husband had become extremely thin and had difficulty eating. She also reported that he had blood coming out of his mouth. The chief doctor of prison colony 64/18 in his medical report dated December 2008 wrote that both lungs had become infected with tuberculosis.

According to Karamatov's family, following increased attention to his deteriorating health, beginning in mid-February 2009, Karamatov started receiving proper medical care and tuberculosis treatment. On June 16, 2009, Karamatov's wife was permitted a two-hour meeting with her husband. She reported that he continued to cough but weighed about 90 kg (when he started treatment he reportedly weighed around 55 kg). After six months of treatment, a medical commission decided to allow Karamatov to continue treatment at the prison hospital for another three months.

Prison officials have accused Karamatov of violating internal prison rules to render him ineligible for amnesty or early release. For example, according to his wife, on December 30, 2008, Karamatov was accused of breaching prison rules (in this case, allegedly saying prayers). When he refused to sign the document attesting a breach of the prison regime and said that he would complain to the public prosecutor, the prison guards reportedly escorted him outside, took off his hat and jersey, and made him stand in the freezing temperatures for nearly four hours in order to force him to sign the document. In March 2009, Karamatov's wife reported that yet another charge of breaching the prison regime had been brought against him, allegedly for growing out his beard.

On December 25, 2008, the Syrdaryo Regional Criminal Court upheld Karamatov's sentence on appeal. Several months later, on March 6, 2009, G. Namazov, a lawyer representing Karamatov, submitted a request to the Syrdaryo Regional Criminal Court asking that the court review the decision. As of this writing the lawyer has received no response to his request.

7. Jamshid Karimov

Karimov is an independent journalist from Jizzakh and vocal critic of the government's policies who regularly published articles on the internet. On September 12, 2006 he disappeared after visiting his mother at the Jizzakh Province Hospital. Soon thereafter Karimov was forcibly admitted to the Samarkand Psychiatric Hospital where according to unconfirmed rumors, he was subjected to forcible treatment with antipsychotic drugs. There is no medical basis for Karimov's confinement or treatment, and it is widely believed that he is being held for no reason other than his journalistic activities. In September 2007, Karimov informed Bakhtiyor Khamraev, a fellow human rights defender that a commission was going to visit him to consider his release. Human Rights Watch has not been able to confirm whether there was such a visit, but to date, Karimov remains in psychiatric detention.

Human Rights Watch has received worrying reports indicating that Karimov's family has been intimidated by the authorities and warned not to speak with anyone about Karimov's case.

In late spring 2008 Karimov's mother passed away and he was allowed to attend the funeral and to be with his family for five days, but was instructed not to contact anyone outside the immediate family during this time.

8. Norboi Kholjigitov

Kholjigitov, 60 years of age, is a member of the Human Rights Society of Uzbekistan in Samarkand province who defended farmers' rights, assisting farmers fighting expropriation of their farms. After working as the director of two state-owned farms he established his own farm, called Free Peasants, in 2004, and supported the poor. Police arrested Kholjigitov on June 4, 2005, on the basis of statements accusing him of threatening to publicly blackmail business owners if they did not buy his silence. At his trial, these statements were retracted. The judge, however, did not account for this change in testimony and, on October 18, 2005, sentenced Kholjigitov to ten years in prison for extortion and slander.

Kholjigitov has faced ill-treatment and harassment by prison authorities, particularly after sending a complaint to the Supreme Court of Uzbekistan in November 2008. Prison officials have reportedly threatened him with transfer to a psychiatric clinic if he continues to file complaints. According to Kholjigitov's family, who visit him approximately once every three

months, Kholjigitov's health has deteriorated markedly and is getting progressively worse. He is in urgent need of appropriate medical care.

Kholjigitov, who suffers from diabetes, has partially lost control of his right arm and leg due to complications from diabetes and has difficulty walking. As of December 2008, Kholjigitov had apparently lost all but one of his teeth, and his wife estimated that he has lost about 35 kilograms since his imprisonment. On March 30, 2009, Kholjigitov's wife was permitted a 24-hour visit with her husband. She reported that his health had minimally improved since they had met in December 2008, but that his right arm and leg still functioned poorly and were grey in color. She further reported that her husband only receives diabetes medicine when she brings it to him during their visits.

During a visit in July 2009 prison authorities first left Kholjigitov's wife waiting outside the prison for three days and then cut short the visit, citing "too many visitors" as a reason. During the visit Kholjigitov reportedly expressed fears of not being able to survive much longer.

Kholjigitov was last seen by his relatives in early November 2009. His son Hayotullo told Human Rights Watch that he was forced to wait five days before he was permitted a two-hour visit with his father on November 2, 2009. Three days later Kholjigitov's wife was granted a 2-day visit, but it was cut short after less than 24 hours by the head of the prison, T. Tukhtaev.

Following these visits, Kholjigitov's wife and son confirmed that he continues to be in poor health. He has apparently gained a few kilograms but is still underweight and complained about regular numbness and other problems with his right leg.

9. Rasul Khudainasarov

Khudainasarov is the head of the Angren branch of the human rights organization Ezgulik and has focused his work on fighting corruption in the police and security forces. He was arrested on July 21, 2005. On January 12, 2006, he was sentenced to nine and a half years in prison on charges of extortion, swindling, abuse of power, and falsification of documents. Khudainasarov wrote a letter to his lawyer complaining about beatings and ill-treatment he was subjected to the day after his trial ended. According to the letter, Khudainasarov was also put in a punishment cell on January 13, one day after the verdict was issued, in retribution for not confessing during the trial. Khudainasarov is currently being held at prison 64/21 in Begabat, not far from Tashkent.

Khudainasarov's relatives reported to Human Rights Watch that he has suffered torture and ill-treatment in prison. Khudainasarov has filed complaints with the prosecutor's office and gone on a temporary hunger strike to protest his ill-treatment. According to his wife, Khudainasarov made a suicide attempt in fall 2008 and was rescued by fellow inmates.

10. Ganihon Mamatkhanov

Mamatkhanov is a Ferghana-based human rights defender affiliated with the group Committee for the Protection of Individual Rights. He works on the protection of social and economic rights, including the rights of farmers, a number of whom were the victims of land confiscation earlier this year. Before his arrest, Mamatkhanov regularly provided commentary on the human rights situation in Ferghana to Radio Ozodlik, the Uzbek branch of Radio Free Europe/Radio Liberty (RFE/RL). Local human rights defenders believe that Mamatkhanov has been imprisoned in retaliation for his human rights work and public criticism of the authorities.

Authorities arrested Mamatkhanov on October 9, 2009, under circumstances that appear to have been staged to frame him. He was sentenced to five years in prison on November 25, 2009, on fabricated charges of "fraud" (under article 168-3 of the Uzbek Criminal Code) and "bribery" (under article 211-3 of the Uzbek Criminal Code).

On October 9, 2009, Mamatkhanov received a phone call from an unidentified man who asked that Mamatkhanov meet him near the Ferghana city market. When they met, the unidentified man demanded that Mamatkhanov open his bag. When Mamatkhanov asked why, the man reportedly started to hit him and shoved something into his bag.

Mamatkhanov tried to stop him and, realizing that it was a set-up, attempted to throw the item away. However, he was immediately detained by the police who confiscated the item, subsequently found to be 500 thousand Uzbek som (about US \$330). The man who planted the money on Mamatkhanov was later identified in the indictment as Ruzimat Usmanov, a farmer. Mamatkhanov claims that he had never seen Usmanov before.

According to information provided to Human Rights Watch, several days before Mamatkhanov was detained, Usmanov alleged that Mamatkhanov had demanded 6 million som (about US \$4,000) from him to help him regain ownership of his farm. Another farmer, Tahir Sulemanov, alleged that Mamatkhanov had demanded 4.5 million som (about US \$2,990) from him.

The trial was marred by serious procedural violations. Witnesses reportedly testified that the investigator had instructed them how to act and what to say before and after Mamatkhanov's arrest. Sulemanov reportedly told the judge that he had been pressured by the authorities into writing a statement against Mamatkhanov. Usmanov reportedly did not even appear at any of the trial hearings.

Mamatkhanov's five year prison sentence was upheld on appeal at the Ferghana Regional Court in mid-January 2010.

11. Farkhad Mukhtarov

Mukhtarov is a long-term member of the Human Rights Alliance of Uzbekistan. He was arrested on July 17, 2009 on what appear to be politically motivated charges of fraud (article 168-3 of the Uzbek Criminal Code) and bribery (article 28-211-2). On October 2, 2009, following a trial riddled with procedural violations, the Yunusabad District Criminal Court convicted Mukhtarov on both counts and sentenced him to five years in prison.

Members of the Human Rights Alliance who attended the trial told Human Rights Watch that the judge, R. R. Bakieva, regularly interrupted Mukhtarov and his lawyers and on at least one occasion threatened to expel him from the courtroom and continue the trial without him after he whispered to his lawyer. She also reportedly refused to accept petitions from Mukhtarov's lawyers, including a request to present defense witnesses (two of them reportedly intended to testify that their signatures had been falsified on a statement submitted in court), and to admit into evidence an audio recording in which one of the plaintiffs, Shoira Sadykbekova, reportedly was unable to answer questions posed by Mukhtarov about when she had given him money and how much. The judge also reportedly refused to give Mukhtarov's lawyers time to prepare for the closing statement.

The prosecutor apparently attended only two of the trial's numerous sessions and some sessions took place without an Uzbek-Russian interpreter, though one of Mukhtarov's lawyers does not speak Uzbek.

During the trial, on September 30, two other plaintiffs, M. Karimova and A. Eshanov, wrote statements in which they said they had no claims against Mukhtarov. On October 2, when they were to submit these statements to the court, Eshanov decided not to, but then changed his mind. Judge Bakieva refused to accept his statement. Eshanov subsequently submitted his statement on November 20, during the appeals hearing before the Tashkent City Criminal Court.

Court documents and information shared with Human Rights Watch by Alliance members who attended the trial show that Sadykbekova presented no evidence to substantiate her claims, nor did any of the prosecution's witnesses provide corroboration. At most, under Uzbek law, Sadykbekova's allegations should have given rise to civil, not criminal, charges.

During the appeals hearing on December 3, 2009, a defense witness reportedly testified that her signature had been falsified on a statement Sadykbekova had given to the court during the trial and Sadykbekova reportedly testified that the money she previously alleged Mukhtarov had used as a bribe was not actually a bribe, thereby taking away the last piece of evidence to support the bribery charge under article 28-211. Nonetheless, Mukhtarov's conviction was confirmed on appeal; the court reduced his prison term from five to four years.

12. Yuldash Rasulov

Rasulov has been a member of the Kashkadarya branch of the Human Rights Society of Uzbekistan (HRSU) since 2002. He has worked to defend the rights of people persecuted for their religious beliefs and affiliations, especially those whose religious practice falls beyond the confines of state-sponsored Islam.

Rasulov was arrested at the end of April 2007 and in October 2007 was sentenced to 10 years in prison on charges that included alleged anti-constitutional activity. He is being held in prison colony No. 64/25 in Karabulbazar in the Bukhara region.

13. Dilmurod Saidov

Saidov (pen name Sayyid) is an independent journalist who has worked for years to expose corruption, abuse of power, and the general social and economic situation in the Samarkand region. His articles have been published in many local newspapers, as well as by the internet-based news agency that reports on human rights violations in Central Asia, *Voice of Freedom*, among others. Saidov is a member of the Tashkent Regional Branch of Ezgulik, and since 2004 he has been actively helping farmers defend their rights in the Samarkand region.

Saidov was arrested on February 22, 2009 at his home in Tashkent on fabricated charges of extortion. Following a flawed investigation and a trial riddled with procedural violations in which several witnesses ultimately withdrew their testimony, saying they had given false evidence, the Tailak District Court in Samarkand on July 30, 2009 sentenced Saidov to 12 and ½ years in prison on charges of extortion and forgery. The conviction took the form of a closed session of which neither Saidov's lawyer, Ruhiddin Komilov, nor his public defender, Abdurakhman Tashanov, nor his family members were informed.

On September 11, 2009, the Samarkand City Appeals Court upheld Saidov's 12 and 1/2 year sentence, as did the Samarkand Regional Court on October 26, 2009. Tashanov and Komilov are currently preparing to take the case to the Supreme Court of Uzbekistan.

Human Rights Watch and local human rights defenders believe that Saidov was prosecuted and convicted because of his efforts to expose local officials' abuse of power and corruption and his willingness to fight for the rights of farmers in the Samarkand region.

Saidov is serving his strict regime sentence in a prison colony in Navoi. His lawyer Komilov has appealed to the head of prison administration (GUIN) requesting that Saidov be permitted to serve his sentence in a lighter regime prison, citing Navoi's poor prison conditions, which may adversely affect Saidov's already poor health. Saidov suffers from acute tuberculosis, for which he needs regular medical treatment. On October 17, 2009, however, GUIN responded to the lawyer's request stating that his concerns were unfounded. The letter was signed by E. Bobokulov, the deputy chief of GUIN.

On November 5, 2009, Saidov's wife, Barno Djumanova, and the couple's six-year-old daughter, Rukhshona, died in an automobile accident on the Tashkent-Samarkand highway. They had travelled to Kiziltepe to deliver Saidov's passport to the prison administration.

14. Akzam Turgunov

Turgunov founded and heads the human rights group Mazlum, and is a member of the opposition political party ERK. He is an advocate for the rights of political and religious prisoners and speaks out against torture. In the months leading up to his arrest in July 2008, Turgunov had been working in Karakalpakstan as a public defender in a number of sensitive cases.

In 1998, Turgunov was sentenced to six years in prison on politically motivated charges of "abuse of office" and "official negligence," related to his work on his neighborhood committee to set up private alternatives to services that are supposed to be provided by the state. He was released under an amnesty in May 2000.

Turgunov was arrested again on July 11, 2008 in Karakalpakstan and accused of extortion on fabricated charges. Serious due process violations during the investigation and proceedings undermined Turgunov's right to a fair and impartial trial. Turgunov also suffered ill-treatment in custody. On July 14, he was taken from a police cell to an investigator's office to write a

statement. He told his lawyer that, while he was in the office, someone poured boiling water down his neck and back, causing severe burns and causing Turgunov to lose consciousness. The lawyer, Rustam Tulyaganov, told Human Rights Watch that he observed burns on Turgunov's body and that marks were still evident during the trial hearing on September 16. Tulyaganov submitted a request to the Prosecutor's Office on July 22 for an investigation into the ill-treatment, but received no reply. In his court hearing on September 16, Turgunov removed his shirt to show the burn scars, which covered a large portion of his back and neck. After viewing the burn marks, the judge ordered a forensic medical exam, which occurred on September 22. The exam concluded that his burns were minor and did not warrant any action.

The Amurdarinskii court in Manget, Karakalpakstan, sentenced Turgunov to 10 years in prison on October 23, 2008. This sentence has been upheld on appeal by the Supreme Court in Nukus, Karakalpakstan, and like Abdurakhmanov, Turgunov was in the process of preparing his last instance appeal with the Supreme Court of Uzbekistan when his lawyer, Rustam Tulyaganov, lost his license as part of the government-run re-licensing procedure.

At the end of 2008 Turgunov was apparently transferred without warning or explanation to Jaslyk prison, notorious for its harsh conditions, where he endured regular beatings. After roughly one month he was transferred back to the prison colony in Karshi where he continues to serve his sentence.

Turgunov's son, Murat, visited his father on May 25, 2009 and told Human Rights Watch that his father had lost a significant amount of weight and was in very bad health. Turgunov, 57 years old, is forced to work up to 12 hours shifts at a brick factory, and complained of severe leg pain as a result of this work, for which he is not given appropriate treatment. Turgunov's other son, Dilzod, visited him on September 23, 2009, and reported that his father's health had not deteriorated further, but that he was in constant pain from having to work multiple shifts in a row at the brick factory.

Turgunov's relatives and human right defenders believe that Turgunov is being punished for his human rights activities, in particular for helping others fight the police system.