



**Fédération internationale des ligues des droits de l'Homme**

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الغدرالية الدولية لحقوق الانسان

**Written intervention on the human rights situation in Uzbekistan  
for the 96<sup>th</sup> Session of the Human Rights Committee  
Geneva, 13 – 31 July 2009**

***Introduction***

The situation of human rights in Uzbekistan was last considered by the Human Rights Committee at its 83<sup>rd</sup> Session in March 2005. Since then, grave and mass violations of human rights have taken place in the country, most notably the so-called "Andijan events" in May 2005.

FIDH welcomes positive steps recently taken by the Uzbek authorities, such as the release of some human rights defenders in 2007 and 2008<sup>1</sup>, the establishment of a Human Rights Dialogue with the European Union, the abolition of the death penalty and the ratification of a number of additional international human rights instruments in 2008<sup>2</sup>. However, while some defenders have been released, arbitrary arrests and sentencing of human rights defenders on fabricated charges have not stopped and reports on the deteriorating health of defenders detained in extremely harsh conditions are frequent. Recent legislative reforms and ratifications have not had a positive impact on the human rights situation in the country. In this respect, FIDH would like to bring to the Human Rights Committee's attention Uzbekistan's recurring failures to comply with ICCPR.

***Article 6 - Right to life***

On May 13, 2005, in Andijan (Ferghana region) the army opened fire on thousands of demonstrators who had gathered in the town centre to protest against the trial of 23 individuals accused of belonging to the radical Islamic group « Akramia » and to demand an improvement of their living conditions. Andijan was cordoned off by a huge military and police presence. On May 13 and 14, 2005 there has been a news blackout, with access to foreign media blocked throughout Uzbekistan, several journalists expelled from the town and some independent media closed.

FIDH shares the concerns of the Special Rapporteur on extra-judicial, summary or arbitrary

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1 e.g. Mr Ihtiyor Hamroev, Ms Umida Niyazova, Ms Mutabar Tojibaeva

2 e.g. the 2<sup>nd</sup> Optional Protocol to ICCPR, ILO Conventions 182 and 138

executions « at the major contradictions between the Government of Uzbekistan's account of the deaths that occurred in Andijan on 13 May 2005 and the many consistent allegations from other sources »<sup>3</sup>. FIDH notes with deep concern that all recommendations related to the possibility of an independent investigation to establish the responsibilities in relation to the massacre that occurred in Andijan in May 2005 have been repeatedly rejected by Uzbekistan. FIDH reiterates its call for a full, effective, and impartial inquiry into the May 2005 events at Andijan where hundreds of people lost their lives.

***Article 7 - Protection against torture or cruel, inhuman or degrading treatment or punishment and against medical or scientific experimentation***

In its 2005 concluding observations, the Human Rights Committee recommended that « The State Party should ensure that complaints of torture and/or ill-treatment are examined promptly and independently. (...) Provision should also be made for the medical examination of detainees, in particular persons held in pre-trial detention. »<sup>4</sup>. An FIDH international fact-finding mission went to Uzbekistan in May 2005<sup>5</sup> and collected a number of first-hand testimonies confirming that many people are sentenced based on confessions obtained under torture. Recently, the case of Mr Turgunov, a human rights activist, who on July 14, 2008, during his detention in the Nukus town police detention centre was poured boiling water down his neck and back, illustrated Uzbekistan's practice of torture as a mean to obtain confession in pre-trial detention<sup>6</sup>.

FIDH has gathered information on the use of forced internment to psychiatric hospitals of human rights defenders and journalists in Uzbekistan. Confinement in Uzbek psychiatric hospitals, renowned for their climate of extreme violence and impunity, is a gross violation of Article 7. In October 2005, Ms Elena Urlaeva, a human right defender, was placed in a psychiatric hospital for a period of two months; in March 2006, Mr Shokhida Yuldasheva and Ms Lydia Volkobrun, members of the Society for the Protection and Human Rights and Freedom of the Citizens of Uzbekistan, were placed in psychiatric hospitals in Karchi and Tashkent respectively; on September 22, 2006 the the Djizak city court sentenced Mr Jamshid Karimov, an independent journalist and member of the Human Rights Society of Uzbekistan, to 3 years' confinement in a psychiatric hospital; the same year, Ms Mutabar Tojibaeva, chairperson of the "Burning Hearts" human rights organisation, was transferred to a psychiatric detention centre and forced to undergo medical treatment<sup>7</sup>.

***Article 12 - Right to liberty of movement***

In its 2005 concluding observations, the Human Rights Committee recommended the state party to abolish the requirement of an exit visa for its nationals<sup>8</sup>. According to information supplied to FIDH, « Exit visas » are still in use and are regularly refused to human rights activists and

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3 see E/CN.4/2006/53/Add.1, page 272

4 see CCPR/CO/83/UZB, para 11

5 see FIDH Report "The Death Penalty in Uzbekistan: Torture and Secrecy" N426/2, October 2005

6 see The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, Urgent Appeal UZB 002 / 0908 / OBS 153 dated 18 September 2008.

7 see 2005, 2006 and 2007 reports of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, and the Observations by FIDH on the 3rd Periodic Report of Uzbekistan to the UN Committee Against Torture, January 2007.

8 see CCPR/CO/83/UZB, para 19.

journalists. For instance, Mr Kamil Ashurov, a journalist and human rights defender, has been repeatedly denied an exit visa and cannot travel abroad.

#### ***Article 14 - Right to a fair trial***

FIDH has repeatedly denounced the trials of people arrested in the wake of the Andijan events as unfair and conducted in flagrant violation of the right to a fair trial. In November 2005, Louise Arbour, UN Commissioner for Human Rights, declared that these trials had been « marred by allegations of irregularities and serious questions remained about its fairness. »

Sentencing of human rights defenders on fabricated criminal charges has continued unabated<sup>9</sup>. For instance, Ms Mutabar Tojibaeva was sentenced in 2006 to eight years of prison on a total of seventeen charges. As of today, nine members of FIDH member organisation "HRSU" (Human Rights Society of Uzbekistan) are languishing in Uzbek jails on fabricated criminal cases. FIDH calls for the immediate and unconditional release of the following human rights defenders; Abdurasul Hudoynazarov, Norboy Kholjigitov, Abdulsattor Irzaev, Habibulla Okpulatov, Nasim Isakov, Azam Farmonov, Alisher Karamatov, Jamshid Karimov, Yuldash Rasulev, Zafar Rakhimov, Yusuf Jumaev, Solijon Abdurahmonov, Akzam Turgunov and Dilmurod Saidov.

#### ***Article 19 - Freedom of opinion and expression***

In its 2005 concluding observations, the Human Rights Committee recommended that Uzbekistan legislation and practice give full effect to the requirements of article 19 of the Covenant<sup>10</sup>. In October 2008, FIDH took part in a seminar on media freedom organised by the European Union in Tashkent. At the term of the seminar, FIDH (together with Amnesty International EU Office, Article 19, Human Rights Watch, the Institute for War and Peace Reporting, the International Crisis Group and the Open Society Institute) concluded that there had been no positive changes in the area of media freedom in Uzbekistan<sup>11</sup>. In September 2006, Mr Jamshid Karimov, correspondent for the news websites IPWR (International Peace and War Reporting), was sentenced to 6-months confinement to a psychiatric hospital. Recently, the Human Rights Alliance of Uzbekistan and the Committee for Prisoners of Conscience have condemned the arrest of the independent journalist Mr Dilmurov Saidov on February 22, 2009 (at the time of writing, his trial is still pending).

#### ***Article 22 - Freedom of association***

FIDH continues to receive information on the harassment by the Uzbek authorities of individuals for exercising their right to freedom of association. It is absolutely impossible for a human rights activist to carry an activity in association with others. This impossibility was recently demonstrated by the coercive measures taken against a dozen human rights defenders who had stated their intention to bring flowers to the Zhasorat (bravery) monument in the centre of Tashkent on May 13, 2009

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<sup>9</sup> see 2005, 2006 and 2007 reports of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, and The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, Urgent Appeals on Uzbekistan to this date.

<sup>10</sup> see CCPR/CO/83/UZB, para 20.

<sup>11</sup> see joint statement by Amnesty International, Article 19, International Federation for Human Rights (FIDH), Human Rights Watch, Institute for War and Peace Reporting, International Crisis Group, Open Society Institute Media: « Freedom Needs Action As Well As Dialogue » at <http://www.fidh.org/Uzbekistan-Media-Freedom-Needs>

in remembrance to people killed during the Andijan events<sup>12</sup>.

In the aftermath of the Andijan events, a number of local NGOs and of local branches of international NGOs have been forced to close down<sup>13</sup>. Following its participation at the OSCE Human Dimension Implementation meeting where it denounced the Andijan massacre, charges were brought against FIDH member organisation "LAS" (Legal Aid Society), and the organisation was shut down in December 2005. FIDH member organisation HRSU (Human Rights Society of Uzbekistan) was denied registration by the Ministry of Justice. Nine of its members are currently languishing in Uzbek jails following fabricated criminal case but also for some of them for their participation in the activities of an illegal organisation. Some human rights defenders of banned organisations continue to perform their essential human rights work under the constant threat of being charged of participation in the activities of an unregistered organisation (articles 216 of the Criminal Code and article 239 of the Code on Administrative Responsibility of Uzbekistan).

***Article 23.4 - Equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution and Article 26 - Equality before the law and equal protection of the law***

According information provided by the Bureau of Human Rights and the Rule of Law<sup>14</sup>, Uzbek courts only accept writs for divorce if the local *mahalla's* reconciliation committee has allowed the divorce beforehand<sup>15</sup>. *Mahalla's* reconciliation committees act as courts on family issues, with the aim of preserving family unity and preventing divorce. Most women live in the family of their husband, i.e. in the geographical area of their in-laws. As a result, *mahalla's* reconciliation committees will in most cases take the side of their husband and in-laws, put women under serious psychological pressure and deny them permission to file for divorce.

***Article 24 - Rights of children***

In its 2005 concluding observations, the Human Rights Committee noted that child labour was still widespread in the country, and recommended that the state stopped the practice of sending schoolchildren to pick cotton and take effective measures to combat child labour<sup>16</sup>. In 2008, Uzbekistan has contracted new international and national obligations in this field, and FIDH welcomes these formal improvements to the situation. However, according to information received from « Human Rights in Central Asia », children were still forced to take part in the 2008 cotton harvests.

***Conclusion***

Information obtained by FIDH from reliable sources clearly indicates that Uzbekistan persistently violates its obligations under ICCPR. In particular, the country keeps denying its citizens their rights to life, protection against torture or cruel, inhuman or degrading treatment, freedom of

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12 see Urgent Appeal of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, UZB 003 / 0509 / OBS 075 dated May 14, 2009: Arbitrary arrest / Harassment / Surveillance

13 see 2005, 2006 and 2007 reports of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT

14 see « Women's rights in Uzbekistan », a briefing note to the UN CEDAW by the Coalition of Uzbek women's rights NGOs, Coordination by the Bureau of Human Rights and the Rule of Law, February 2009

15 *Mahallas* are residential community associations

16 CCPR/CO/83/UZB, para 25.

opinion and expression and freedom of association.

Since it was last examined by the Human Rights Committee in 2005, the Uzbek authorities have engaged into a public relations exercise on the international scene. They have contracted new international human rights obligations, and have released from jail a few human rights defenders who had gained international notoriety. In the meantime, they have refused to engage into a genuine dialogue on the very noticeable violations of their international human rights obligations, rejected the idea of an international inquiry into the Andijan events and persistently denied the use of torture in the country. They have continued to harass and arrest human rights defenders, sentencing some of them to long prison terms on fabricated charges<sup>17</sup>.

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<sup>17</sup> in June 2008, the human rights activist and journalist Mr Salijon Abdurahmanov was arrested and was subsequently sentenced to 10 years of imprisonment (see Urgent Appeal of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, UZB 001 / 0908 / OBS 151.2); in July 2008, the lawyer and human rights defender Mr Akzam Turgunov was arrested and was subsequently sentenced to 10 years of imprisonment (See Urgent Appeal of The Observatory, a programme of alert, protection and mobilisation established by the FIDH and the OMCT, UZB 002 / 0908 / OBS 153.2)