



Joint NGO submission to the United Nations Human Rights Committee ahead of the consideration of Uzbekistan's Fifth Periodic Report at the 128th session in March 2020

Key issues: torture and ill-treatment, no redress for past abuses, unfair trials, freedoms of expression and assembly curtailed, civil society space limited, LGBTI

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Table of contents

1. Introduction	4
1.1. DEVELOPMENTS RELEVANT TO THE IMPLEMENTATION OF THE ICCPR IN UZBEKISTAN	4
2. Death penalty still shrouded in secrecy after abolition (Article 6)	5
2.1. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	5
3. Ongoing torture, cruel, inhuman and degrading treatment or punishment and impunity (Articles 7, 9 and 10)	5
3.1. DATA COLLECTION	6
3.2. LACK OF INDEPENDENT DETENTION MONITORING	6
3.3. AMNESTIES AND STATUTE OF LIMITATION	7
3.4. DEPRIVATION OF LIBERTY AND ACCESS TO LEGAL SAFEGUARDS (ARTICLE 9)	7
3.5. SEXUAL VIOLENCE IN DETENTION	8
3.6. DEATHS IN CUSTODY	9
3.7. VIRTUAL IMPUNITY FOR TORTURE AND ILL-TREATMENT	9
3.8. NO COMPENSATION	11
3.9. CONDITIONS IN DETENTION AND OTHER CLOSED AND SEMI-CLOSED FACILITIES	11
3.10. VULNERABLE: PRISONERS CONVICTED OF ANTI-STATE OFFENCES	13
3.11. VULNERABLE: PERSONS SUBJECT TO EXTRADITIONS, FORCIBLE RETURNS	14
3.12. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	15
4. No redress for abuses under the Karimov regime (Articles 7 and 9)	17
4.1. CASES OF EX-PRISONERS CONVICTED FOR “ANTI-CONSTITUTIONAL” CRIMES AND RELIGIOUS EXTREMISM	17

4.2. DENIAL OF RIGHT TO APPEAL SENTENCES, TORTURE ALLEGATIONS DISMISSED	17
4.3. NO REDRESS FOR ANDIJAN KILLINGS	19
4.4. FOLLOW-UP ON UN HUMAN RIGHTS RECOMMENDATIONS	19
4.5. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	19
5. Violations of fair trial standards (Article 14)	20
5.1. STRONG INFLUENCE OF THE EXECUTIVE BRANCH OF POWER	20
5.2. NO EQUALITY OF ARMS	20
5.3. CLOSED TRIALS	21
5.4. IN ABSENTIA TRIALS	22
5.5. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	22
6. Freedom of expression (Article 19)	23
6.1. BLOCKING OF WEBSITES	23
6.2. PERSECUTION OF INDEPENDENT JOURNALISTS, BLOGGERS AND INTERNET USERS	23
6.3. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	25
7. Freedom of assembly (Article 21)	25
7.1. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	26
8. Civil society targeted (Articles 12 and 22)	26
8.1. SURVEILLANCE, INTIMIDATION AND OTHER REPRISALS	27
8.2. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	29
9. Prosecution and torture of Lesbian, Gay, Bisexual, Transgender and Intersex Persons (LGBTI) (Articles 2, 7, 9, 17 and 26)	30
9.1. SUGGESTED RECOMMENDATIONS TO THE AUTHORITIES OF UZBEKISTAN	32

1. Introduction

This report provides information to the United Nations Human Rights Committee (UN HRC) before the examination of Uzbekistan's fifth periodic report on the country's implementation of the International Covenant on Civil and Political Rights (ICCPR) scheduled to take place in March 2020. It focuses on violations of Uzbekistan's obligations under Articles 2, 6, 7, 9, 10, 12, 14, 17, 19, 21, 22 and 26 of the ICCPR.

Each thematic chapter concludes with a list of suggested recommendations to the Uzbekistani authorities. The main text contains short summaries of individual cases illustrating specific violations. The annex contains detailed descriptions of selected cases.

Association for Human Rights in Central Asia (AHRCA) is an independent human rights organization founded by émigrés in 2006. Through a network of contacts in Central Asia, AHRCA monitors the human rights situation, documents violations and conducts international advocacy.

International Partnership for Human Rights (IPHR) is a non-profit organization based in Brussels. Founded in April 2008, its mandate is to support local civil society groups in their work to eradicate violations of human rights and help their concerns and efforts be heard at the international level.

1.1. Developments relevant to the implementation of the ICCPR in Uzbekistan

Since President Shavkat Mirziyoyev came to power in 2016 he and his government have taken pains to improve Uzbekistan's image in the eyes of the international community by announcing a programme of judicial reform, improving legal safeguards against torture and releasing over two dozen political prisoners and human rights defenders.¹ However, reports indicate that the reform agenda is being implemented in a top-down manner, and it currently lacks both shared understanding and ownership in the broader governmental administration as well as among citizens.

In 2017 the UN High Commissioner for Human Rights visited Uzbekistan for the first time and the same year the UN Special Rapporteur on the freedom of religion and belief was the first Special Rapporteur able to visit Uzbekistan since 2002. Since 2017 Uzbekistan has allowed representatives of international human rights NGOs such as Amnesty International, Freedom House, Human Rights Watch, IPHR and Norwegian Helsinki Committee into the country.

However, cause for concern remains in relation to several key areas: judicial independence continues to be routinely undermined by the executive branch of power; President Mirziyoyev's government continues to refute credible reports of torture and ill-treatment; past abuses have not been addressed; local human rights defenders, independent journalists and bloggers and others who voice criticism of the government continue to be at risk of reprisals; and consensual homosexual adult sex is an offence in Uzbekistan's Criminal Code

1 These include: Bobomurod Razzokov, Samandar Kukanov, Rustam Usmanov, Muhammad Bekjanov, Jamshid Karimov, Erkin Musaev, Azam Farmonov, Solijon Abdurakhmanov, Agzam Turgunov, Ganikhon Mamatkhonov, Dilmorod Saidov, Fakhridin Tillaev, Isroil Kholdarov and Yusuf Ruzimuradov, Gaybullo Dhalilov, Chuan Matmakulov, Yuldash Rasulov, Gairat Mikliboev as well as Dilorom Abdukodirova (witness to Andijan tragedy), Mekriniso Khamadova, Zulkumor Khamadova, Zafarjon Rakhimov, Aziz Yusupov and Andrei Kubatin.

At least four critics and activists remain behind bars after being convicted in unfair trials², and although many people perceived to be Islamic fundamentalists were released from detention in 2016, thousands more continue serving prison terms which were handed down in unfair trials marred by allegations of torture at the hands of the State Security Services (Russian acronym – SNB or SGB).

2. Death penalty still shrouded in secrecy after abolition (Article 6)

After the death penalty was abolished in 2008, the sentences of prisoners on death row were commuted to life imprisonment. However, domestic legislation regarding the disclosure of information about the burial sites of executed prisoners has not been amended and relatives report trying in vain to obtain information about the place where their executed relative was buried before the death penalty was abolished.³ In addition, the criminal files relating to such cases are not accessible to the relatives and their lawyers.

2.1. Suggested recommendations to the authorities of Uzbekistan

- Declassify information about the location of the burial sites of prisoners who were executed before the death penalty was abolished.
- Allow relatives of executed prisoners and their lawyers to access case files on their request.

3. Ongoing torture, cruel, inhuman and degrading treatment or punishment and impunity (Articles 7, 9 and 10)

Since 2017, the Mirziyoyev government took some positive legislative steps regarding torture and ill-treatment, such as explicitly prohibiting the use of torture to obtain confessions and the admission of such confessions as evidence in court, and obliging law enforcement agencies to make video recordings of investigative activities such as inspections of the scene of a crime, searches, verification of evidence and investigative experiments. However, these provisions and other legal safeguards contained in domestic legislation are not consistently implemented and the NGOs issuing this document are concerned that torture and ill-treatment continue to be widely used.

Impunity for the perpetrators of torture and ill-treatment continues to be the norm. Trials against former officials detained under President Mirziyoyev's government and accused of torture or ill-treatment, among other crimes, are often held behind closed doors, preventing public scrutiny.

The Ministry of Internal Affairs has jurisdiction over most pre- and post-trial facilities. Uzbekistan does not allow monitoring of detention facilities by independent human rights groups and experts.

2 Rukhiddin Fakhriiddinov, (Theologian), Akrom Malikov (Critic, author of publications under the name "Abdulloh Nusrat"), Rustam Abdumannapov (Political scientist), Mirsyar Khamidokriyev (Producer).

3 Executive Code, 11 July 2007 ЗР-99, Article 140: "The procedure for implementation of the death penalty" states that "the body is not issued for burial. The place of burial is not disclosed."

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

3.1. Data collection

Uzbekistan's submissions to the HRC and to the Committee against Torture (CAT), dated January 2019 and January 2018 respectively, and Uzbekistan's 2019 reply to the CAT's List of Issues confirm that there are no unified statistics on complaints, investigations and convictions in relation to torture and other forms of ill-treatment.

When individual government agencies publish their own statistics they only include cases opened under Article 235 of the Criminal Code entitled "torture", although cases involving allegations of torture and ill-treatment are also opened under other articles of the Code such as "abuse of authority", "exceeding official authority" or "negligence". Government statistics do not provide information about punishments handed down, whether the sentences were reviewed or overturned after appeal, or whether any compensation was granted. No statistics are available about the number and causes of death in custody or other closed or semi-closed facilities. Also, there are no statistics about the number of cases when courts ruled that confessions obtained under torture was unacceptable evidence in court.

In 2019, the Uzbekistani authorities reported to the CAT that in 2018 a total of 1069 complaints of torture were received by the offices of the Prosecutor General (GP, from the Russian Generalnaia Prokuratura), compared with 189 in 2017 and 152 in 2016. Despite the increase in the number of complaints of torture received in 2018, only three cases against four people were heard in court (Uzbekistan Replies to List of Issues to the CAT).

According to the State report to the HRC, the Parliamentary Ombudsperson for Human Rights (Ombudsperson) received 53 complaints of torture and other ill-treatment during the reporting period. Following their consideration, three criminal cases were instituted and charges were brought against four law enforcement officials. We note also that during the period under review, the Ombudsperson did not issue any public statements on cases involving allegations of torture.

Due to the political climate, the limited space for human rights activists to operate, their lack of access to detention facilities, the common practice to conduct trials involving allegations of torture behind closed doors and the frequent requirement for lawyers to sign non-disclosure agreements, human rights defenders can only record individual cases but are unable to compile broader statistics.

3.2. Lack of independent detention monitoring

Uzbekistan has not ratified the Optional Protocol to the Convention against Torture (OPCAT) and local and international independent human rights defenders have no access to places of deprivation of liberty in Uzbekistan for the purpose of unannounced and independent monitoring. The UN Special Rapporteur on Torture last visited Uzbekistan in 2002 and Uzbekistan has not yet issued a standing invitation to UN special procedures. The International Committee of the Red Cross has no monitoring access to detention facilities in Uzbekistan.

In 2019, Uzbekistan informed the CAT in its Replies to the List of Issues that the authorities have established an effective system of detention monitoring through the creation of a National Preventive Mechanism (NPM), which incorporates recommendations by the CAT, the HRC, international experts, NGOs, including Amnesty International, and IGOs. According to the authorities, during the period under review the Ombudsperson's Office has conducted 47 monitoring visits to 31 places of detention

together with members of parliament and NGO representatives. New legislation allows for members of the National Human Rights Center to conduct prison monitoring. However, the Ombudsperson and the National Human Rights Center are not independent, the organizations listed to join them on regular prison inspections are not independent NGOs, and prison visits are neither unannounced nor unsupervised.

On some occasions diplomats and NGO representatives have been allowed to visit detention facilities, but the visits are planned in advance and the visitors are usually accompanied by prison or law enforcement officials. Former inmates of prison colonies told AHRCA that those prisoners likely to ask uncomfortable questions or make critical comments during such visits are locked in their cells for the duration of the visit.

Local human rights defenders have requested access to detention facilities for the purpose of human rights monitoring, but with little success.

Human rights defenders Tatyana Davlatova and Agzam Turgunov submitted numerous requests in the past two years to the Office of the Ombudsperson, the National Center for Human Rights, the GP, the State Department of the Implementation of Punishments (GUIN – from the Russian acronym) and the Ministry of Internal Affairs asking for permission to visit detention facilities as part of the Ombudsperson’s monitoring missions, but have not received a positive response.

3.3. Amnesties and statute of limitations

Domestic legislation does not exclude perpetrators of torture and ill-treatment from benefiting from amnesties and there is a statute of limitations for torture. Our information indicates that in recent years, perpetrators of torture have benefitted from pardon or amnesties when the individual has served at least half of the sentence.

In the State report to the CAT the Uzbekistani authorities indicated that draft legislation was being prepared to exclude those convicted under Article 235 (“torture”) and other serious crimes from amnesties. However, we are concerned that Akmal Saidov, Head of the Uzbekistani Delegation to the CAT, stated during the November 2019 session that those sentenced to torture under Article 235 should have the same rights to be considered for amnesty as other prisoners.

Suggested recommendations to the Uzbekistani authorities:

- Ensure that perpetrators of torture are not eligible for amnesty and abolish the statute of limitations for torture.

3.4. Deprivation of liberty and access to legal safeguards

There are serious and ongoing barriers to protection against torture and other forms of ill-treatment in both pre-trial and post-conviction detention. Introducing further legal safeguards in detention and consistently implementing existing ones is necessary in order to make significant progress to eradicate torture in Uzbekistan.

Most reports about torture and ill-treatment continue to originate from the early hours or days of detention when detainees in Uzbekistan are frequently held incommunicado, without contact with the outside world. As part of legal amendments approved by President Mirziyoyev in 2017 and 2018 purportedly aimed at strengthening human rights protection, some legal safeguards were improved

regarding the early hours of detention. Most importantly, the time between placing a detainee suspected of a criminal offence in a police station or other law enforcement facility up to the remand hearing was reduced from 72 to 48 hours, although courts are entitled to extend this period for another 48 hours (Article 226 of the Criminal Procedure Code) and the time between the actual arrest and entering the detainee in the facility is still unregulated.

Although the Uzbekistani authorities deny⁴ that detainees are held for longer than 48 hours in detention from the moment they arrive at a police station, with a possible 48-hour extension with judicial approval, we have credible reports of cases in the period under review which illustrate that this legislation is not always adhered to in practice.

For examples of cases of torture in incommunicado detention, restricted access to necessary medical treatment and care, refer to the cases of Bobomurod Abdullayev and Kadyr Yusupov in the Annex. For examples of restricted access to a lawyer and limitations on the right to a lawyer of the detainee's choice, refer to the case descriptions of Rashitjon Kadyrov and co-defendants, and of Kadyr Yusupov in the Annex. We have also received information about medical doctors who examine survivors of torture suffering pressure from law enforcement agencies if they record injuries inflicted through torture and other ill-treatment.

3.5. Sexual violence in detention

The organizations submitting this briefing are gravely concerned about allegations of widespread and targeted sexual violence and sexual humiliation of women and men in places of detention in recent years. The authorities last year told the CAT that the Ombudsperson had not received any complaints about sexual violence in places of detention.

However, according to credible information received by our organizations, survivors report rape and sexual assault with objects, such as bottles and batons, and group rape of women and men by police officers. Former prisoners and torture survivors have alleged that rape and sexual assault are used deliberately to break the will of devout Muslim men and women but sexual humiliation is also commonly used against secular detainees. Because of the stigma attached to rape many torture survivors find it particularly difficult to talk about it. They feel that their "honour", and that of their families, has been tarnished and fear that their standing in society will be diminished as a result.

There are also allegations that devout Muslim prisoners are subjected to beatings, humiliation, and rape by other prisoners with the complicity of prison authorities. As rape victims or suspected rape victims, these prisoners would automatically be considered "untouchables" in the prison system, reportedly the lowest category in the prison hierarchy, vulnerable to systematic abuse by both other prisoners and prison staff.

Reports of sexual humiliation of women and men include being stripped naked and made to stand in front of a group of police or SGB officers and other detainees who shout obscenities or sexual taunts. Sexual humiliation has featured prominently in the vast majority of cases of torture and other ill-treatment that have come to our attention. (Refer to chapter 9 on violations of rights of LGBTI persons for further information on sexual abuse in detention.)

4 <http://www.un.uz/rus/news/display/346>

3.6. Deaths in custody

In the period under review our organizations received credible reports about harsh labour conditions in prisons as well as poor and insufficient health care, including that elderly persons, disabled people and people suffering from AIDS and other serious illnesses have inadequate access to medical care. This leads to a high rate of deaths in custody, but neither statistics nor the results of any official investigations into these cases are made publicly available.

Additionally, in 2017 AHRCA received credible reports that ill-treatment and inadequate access to medical care in the Tashkent prison hospital “Sangorod” (UYa 64/18 - Uzbekistan’s central hospital for prisoners) led to a particularly high mortality rate.

According to information received by AHRCA, between 2017 and 2018 forensic medical experts conducted 200 exhumations of the bodies of prisoners who had died in custody, to determine the causes of death. Relatives of the victims have reported (on condition of anonymity) that the new examinations confirmed the original cause of death as identified in the original autopsies in all cases and did not take into account evidence which indicated injuries inflicted by torture and ill-treatment on the bodies (such as broken bones). (See Annex for the example of “Bobomurod”).

3.7. Virtual impunity

AFRAID TO LODGE A COMPLAINT

Detainees often refrain from lodging complaints for fear of reprisals or because they do not believe that they can attain justice through the criminal justice system. Investigators and other officials sometimes actively prevent detainees and their lawyers from lodging complaints, e.g. by threatening them with reprisals or by refusing lawyers’ visits as long as injuries resulting from torture and ill-treatment remain visible.

Reprisals against prisoners who complain also reportedly occur under Article 105 of the Criminal Executive Code of Uzbekistan, which provides for disciplinary punishment for violations of prison rules. Prisoners who complain about their treatment can also be transferred to a stricter regime prison colony where more dangerous criminals are held.

Lawyers and medical personnel similarly risk reprisals when challenging law enforcement agencies and many therefore refrain from recording injuries and lodging complaints.

In 2018, Rashitjon Kadyrov and 12 co-defendants were detained on charges of embezzlement and corruption and there are serious allegations that he was tortured in pre-trial detention in 2018 and 2019, along with co-defendants and witnesses in the case (See Annex for more information). The GP’s office opened an investigation but a few days later announced in court that they had not found any evidence of torture. According to information from reliable sources, the defendants had been told they would be released if they did not raise torture allegations in court, and although they tried to raise these at the appeal stage, law enforcement officials then threatened to increase their terms of imprisonment.

NO EFFECTIVE COMPLAINT PROCEDURE

Over the past three years all government agencies that are tasked with reviewing petitions from citizens have set up services enabling individuals to submit petitions online. However, it appears that petitions -- online and offline -- are not effectively reviewed. This concerns petitions and complaints on all kinds of issues, including those relating to allegations of torture. AHRCA is aware of cases where complaints

about ineffective investigations were passed back to an agency that had already, unsatisfactorily, reviewed the case.

Complaint boxes are situated in prison colonies for prisoners to send complaints to GP, the Ombudsperson and the National Center for Human Rights. However, former prisoners told AHRCA that the complaints rarely reach the intended recipients, they very rarely receive a reply, and that prison staff have keys to the complaint boxes. In a few cases prisoners reported receiving acknowledgment of receipt but no further follow up to investigate the complaint. For example, one prisoner of colony No. 6 wrote more than 70 applications and appeals in 2019 to various government bodies, but received no reply to any of them.

In November and December 2019, human rights defender Agzam Turgunov sent 15 written complaints to various state bodies including the Human Rights Ombudsperson, the GUIN, the GP, National Committee on Human Rights, the Presidential Apparatus in relation to torture allegations he had received from prisoners in Prison Colony No. 5 in the town of Navoi. As of early February 2020, he had only received one answer from the National Centre for Human Rights informing him that his complaint had been registered.

INEFFECTIVE INVESTIGATIONS

Uzbekistan has failed to put an independent mechanism in place to investigate allegations of torture and other ill-treatment effectively, despite repeated promises to do so, most recently at the HRC review of Uzbekistan in 2015 and the Universal Periodic Review (UPR) in 2018.

In those cases when victims lodge complaints of torture and other ill-treatment and they are received by the authorities tasked with investigating torture such as prosecutors' offices and the Ministry of Internal Affairs, the investigations are usually not conducted effectively.

When complaints are submitted to law enforcement agencies, the security service of the respective agency will proceed to review the complaint, but the institution inevitably lacks independence because personnel of the same agency are implicated in the complaint. Often cases are closed despite glaring evidence of abuse.

Prosecutors' offices are not fully independent either since they have an inherent conflict of interest originating from their roles of both taking forward the criminal prosecution and supervising the legality of the investigative process. Investigations lack transparency making it impossible for survivors of torture and their lawyers to effectively engage with the process. Survivors, their relatives, lawyers and human rights defenders often risk reprisals by law enforcement agencies when raising allegations of torture and are left vulnerable, with no functioning mechanisms of protection.

Under domestic law the Ombudsperson's Office has powers to conduct investigations into all reports and complaints of torture and other ill-treatment that come to its attention. However, the results of monitoring carried out by our organizations found that the Ombudsperson often refers all allegations of torture to the GP's office or the Ministry of Internal Affairs with a request to investigate as appropriate and report back.

FEW PERPETRATORS ARE BROUGHT TO JUSTICE

We are concerned that usually the only cases involving torture allegations which appear to solicit a reaction and lead to investigations are those which receive international attention. Overall, given the scale of abuses and the widespread nature of torture in the country, it is evident that the low numbers of perpetrators brought to justice are not convincing proof of the authorities' serious intent or political will to address the pervasive problem of torture in Uzbekistan. (For further information about statistics, refer to the section Data collection above).

A further obstacle to ending impunity for torture and ill-treatment is the common practice of holding trials involving such allegations behind closed doors (for further information, refer to the chapter Violations of Fair Trial Standards (Article 14).

The NGOs jointly issuing this document welcome the bringing to justice of the perpetrators in the Ibodov case in the period under review. Ilhom Ibodov died in a SNB detention facility in Bukhara in September 2015 after being subjected to torture along with his brother, Rahim Ibodov.⁵ In June 2018, six former law enforcement officials were found guilty under Article 235, part 3 (torture leading to serious harm to health through a criminal conspiracy with a group of persons) and sentenced to terms of between 14 and 18 years in prison, and four civilian prisoners (lochmachei) were also found guilty of torture. This sentence is significant, as it is the first time to our knowledge that Uzbekistani courts have punished prisoners who were used by police, prison officials or security services to abuse detainees and fellow prisoners.⁶ Two other law enforcement officials were found guilty for “exceeding official responsibility” under Article 301 of the Criminal Code. Based on this verdict, Rahim Ibodov was rehabilitated. All participants in the trial signed a non-disclosure agreement, including the victims and their families.

3.8. No compensation

To our knowledge, no victim of torture in Uzbekistan has been granted compensation for moral damages in recent years. Victims rarely lodge suits for compensation because they lack the necessary legal knowledge and have no access to free legal aid. Human rights defenders and independent lawyers are under pressure and Uzbekistan lacks a functioning system of civil society based legal support. The Plenum of the Supreme Court has not issued directives regarding procedures for compensation for victims of torture.

3.9. Conditions in places of deprivation of liberty

Since Uzbekistan does not give local and international human rights defenders access to detention facilities and prisons for the purpose of human rights monitoring the information available about conditions in these facilities is limited. However, AHRCA has been able to obtain some information from prisoners’ relatives and former prisoners.

In 2017 AHRCA received credible reports from the Tashkent prison hospital Sangorod, indicating that medical officers were often negligent and indifferent to prisoners’ pain. Over recent years AHRCA has received reports from former inmates who were treated at Sangorod stating that prisoners had to queue for medication for hours and that those who complained risked being subjected to torture and ill-treatment. In one case, officials were reported by a former inmate to have tied a sick prisoner to a metal chair and that officials struck him until he lost consciousness. There are inadequate medical supplies including single use syringes and hygienic products. Prisoners in other prison colonies reportedly try to hide their illnesses in order not to be sent to Sangorod.

Former prisoners report that prison officials frequently reduce prisoners’ exercise times, and sometimes prisoners are reportedly made to exercise with a bag over their heads (including during transfer from one prison colony to another).

Numerous reports indicate that prison food is extremely poor, inadequate in quantity and nutritional value. Some food is past its sell by date. An analysis of materials collected by human rights defenders

5 Both men had threatened to expose corruption in the State Security Service, were initially arrested for “administrative violations” and later charged with bogus tax and other commercial offences.

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

Tatyana Davlatova, Agzam Turgunov, and volunteers from the AHRCA network in 2018 and 2019 shows that there are many reports from prisoners that they are undernourished in prison, and that it is common to lose up to 30kg of weight in the first two years in detention, and that anaemia and exhaustion are also common.

Drinking water is reportedly in short supply in many prisons – with each prisoner reportedly receiving from one to three liters of water per week. According to prisoners, water is stored in plastic containers which are often old and not always clean.

Toilet facilities are frequently inadequate – recent reports from several former prison inmates indicate that in some prison colonies there were 12 toilet urns and urinals for use by 300 inmates. Shower facilities are also reported to be in disrepair in several prison facilities, with unsanitary conditions and insufficient water supplies. Washbasins in cells and shower rooms reportedly often do not have enough water supplies due to the dilapidated condition of the drainage/ sewage system.

Conditions for prisoners in transit are also very poor – prisoners being moved from one prison colony to another are held in temporary detention centres, they are not allowed to receive family visits, to shower and food is of poor quality. Access to toilet facilities is also reportedly restricted.

Although the Executive Code for the Implementation of Criminal Punishments sets out legal standards governing the rights of prisoners, our research shows significant gaps between legislation and practice. For example:

- Article 76 provides that short meetings with relatives of four hours' duration are allowed for prisoners serving prison terms, but in practice these meetings are reportedly often only two hours long. Legislation provides that longer family visits of up to three days are allowed, but in practice these reportedly usually last for just one day. Relatives of prisoners told AHRCA that prison administration staff explained this happened because of the long queue of relatives waiting and insufficient number of meeting rooms.
- Article 79 regulates prisoners' correspondence: Human rights defenders who monitor the situation of prisoners in different prison colonies report that letters from prisoners often do not reach their relatives, nor state bodies and departments.
- Article 82 covers the right to leave prison in exceptional circumstances. According to our information, even prisoners serving sentences in open prisons are frequently refused permission to leave prison to attend, for example, the funeral of a close relative. For example, prisoner Shavkat Khaidarov of KIN-42 was not allowed to attend his mother's funeral in February 2019, nor was Khurshid Mamatkulov in January 2020. Their requests were reportedly ignored by prison administration staff.
- Article 133 sets out rules for short-term leave for female prisoners who have preschool age children. The prisoners may be allowed to travel for up to 15 days (excluding travel time which cannot exceed four days), to visit their children with relatives, guardians or in child care facilities. Women with minor children living with disabilities are allowed to leave once a year to see them for up to seven days, not including travel time. In practice however, these rights are not granted, according to our monitoring.

DANGEROUS AND HAZARDOUS CONDITIONS FOR PRISON LABOUR

Human rights defenders have reported dangerous health and safety conditions in the workplaces at prison colonies. For example, in summer 2019, inmates of prison colony KIN-6 in the Namangan region worked producing rubber shoes, and were paid 50 000 Uzbek soms per month (the equivalent of approx. 4,80 EUR). Also, in prison colony KIN-5, prisoners working in a brick factory were reportedly not given adequate protective clothing or gloves for their work of handling hot bricks (see Annex for more information).

In 2019, AHRCA raised concerns about working conditions in prison colony 64/4 in Kyzyl-Tep, Navoi region (see Case Annex), to which the Ministry of Internal Affairs responded two days later denying the information contained in the statement. Since that time, several checks have reportedly been carried out in this colony, by the GUIN, the State Security Service, the Ombudsperson, the National Center for Human Rights and the presidential apparatus. No members of prison staff have lost their jobs, but there are reports of torture and ill-treatment of prisoners in retribution for them having spoken out.

JASLYK HIGH SECURITY PRISON REOPENED AS PRE-TRIAL FACILITY

The organizations submitting this briefing welcome the decision by the authorities on 2 August 2019 to finally implement the 2003 recommendation of the Special Rapporteur on torture to close high security prison camp Jaslyk (UYA 64/OF1, also called Yaslik, Jaslik or Zhaslyk), notorious for torturing and ill-treating inmates, the majority of whom were convicted of anti-state offences. However, we are concerned to learn that the prison buildings and infrastructure are now being used as a pre-trial detention centre by the Ministry of Internal Affairs of Karakalpakstan, meaning in effect, that Jaslyk prison has not been closed, but repurposed. The remote location of Jaslyk will inevitably make it difficult for defence lawyers and relatives to see detainees, which will have negative repercussions for pre-trial detention rights including safeguards against torture and other ill-treatment.

Public statements made by government officials appear to indicate that the main objective of closing Jaslyk was to improve Uzbekistan's international reputation. The authorities did not publish information about the whereabouts of the prisoners transferred out of Jaslyk following its closure as a high-security prison.

FEWER EXTENSIONS OF PRISON SENTENCES UNDER ARTICLE 221 OF THE CRIMINAL CODE

Information received by AHRCA in 2019 indicates that the practice of extending the prison sentences of inmates for "disobeying prison rules" (Article 221 of the Criminal Code) has decreased in recent months and that in most prison colonies this practice has ceased. Article 221 punishes prisoners for committing infractions of the prison rules by imposing further terms of imprisonment of up to five years. There are no publicly available official lists of prison rules and application often appears to be arbitrary and politically-motivated. Reports indicate, however, that instead prison officials now threaten prisoners with being prosecuted for a different, additional crime.

3.10. Vulnerable: Prisoners convicted of anti-state offences

Our organizations remain concerned that prison authorities continue to target prisoners convicted of anti-state offences or affiliation with banned religious groups for particularly harsh treatment. These categories of prisoners are often subjected to severe punishment regimes in prisons where they serve their sentences. For example, they are often put into punishment cells (called SHIZO – from the Russian "shtrafnoi izoliator"), which have been described by former prisoners as small, often windowless rooms made of concrete, with no heating, no natural light or ventilation and too small for a bed. Prisoners are often denied adequate medical care and forced to work long hours doing physically demanding manual labour such as construction or making bricks, with basic tools, inadequate clothing, no protective gear, and little food and water. Former prisoners and prisoners' relatives report frequent beatings and other ill-treatment by prison guards and other prisoners, including sexual violence.

Former prisoners report that religious "mentors" are appointed from among the prisoners by the prison administration and these are expected to advise the prison authorities on the religious leanings and beliefs of fellow prisoners. Based on information from the "mentor" the authorities can decide whether

to reduce, increase or review sentences. For example, AHRCA has received credible information that an Islamic scholar who is an inmate in one of the prison colonies is expected to talk to prisoners serving sentences for religious “extremism” and pass his conclusions to the authorities. He is also sent to other prison colonies.

AHRCA has received information confirming that the so-called system of “Dotted Files”, whereby the case files of these prisoners are marked with a red dot in the corner and the prisoners are known as “dotted”, remains in place.

Reports received by AHRCA from former inmates indicate that large numbers of prisoners convicted on charges of religious “extremism” were released between 2016 and 2019. Although the majority of these people had reportedly been convicted on fabricated evidence after having been forced to confess under torture, none have lodged complaints of torture since their release. There are reports that this was made a condition of their release, i.e., not to appeal their sentence nor lodge complaints about torture or abuse.

3.11. Vulnerable: Persons subject to extraditions, forcible returns

The Uzbekistani authorities continue to use extradition proceedings, as well as other methods of forcible return for Uzbekistani nationals who they have identified as threatening “constitutional order” or national security. Secret Service officials have been involved in abductions of wanted individuals from abroad. Once in Uzbekistan, those returned were often held in incommunicado detention and subjected to torture and ill-treatment to force them to confess or incriminate others.

In October 2016, the authorities informed the human rights organization, Amnesty International that between January 2015 and July 2016, they had secured the return of 542 individuals. Often the Uzbekistani government has offered ‘diplomatic assurances’ to sending states to secure the returns, pledging free access to detention centres for independent monitors and diplomats. In practice they have not honoured these guarantees.

Secret Service officers have continued secret renditions from abroad. Many of those abducted or otherwise forcibly returned have been subjected to incommunicado detention, often in undisclosed locations, tortured or otherwise ill-treated to force them to confess or incriminate others. Governments have been willing to accept at face value official explanations from their Uzbekistani counterparts as to the circumstances of the return of an individual sought for extradition despite often compelling evidence that the individual had been abducted or forcibly returned with the tacit or explicit acquiescence of the authorities in the sending country.

On 20 November 2005, nine citizens of Uzbekistan were arrested in the city of Shymkent in Kazakhstan: Farhod Islamov (year of birth 1972), Sharofiddin Latipov (1979), Nozim Rakhmonov (1975), Shoirmat Shorakhmedov (1960), Abdurahman Ibragimov (1960), Alisher Mirzaholov (1976), Abdurauf Kholmurodov (1958) and Ruhiddin Fahriddinov (1967). They were subsequently extradited to Uzbekistan in violation of Article 3 of the CAT. Upon arrival in Uzbekistan, all men were sentenced to long terms of imprisonment. In 2010, the men were shown in a television documentary testifying against the religious leader in Obid Kori Nazarov, who has refugee status in Sweden.⁷ Ruhiddin Fahriddinov is the only member of the group who remains in prison today; the other men were reportedly released but have not been allowed to travel. Abdurahman Ibragimov and Shoirmat Shorakhmedov reportedly died after release from illnesses contracted in prison (in 2018 and 2016 respectively).

⁷ In 2012, an assassination attempt was made on Obid Kori Nazarov.

Ruhiddin Fahriddinov figures on the list of the 2017 resolution of the European Parliament as imprisoned for religious reasons. AHRCA has received information indicating that he was severely and repeatedly tortured, that he is currently suffering from tuberculosis and being held in a settlement colony.

In 2011, according to our information, Kazakhstan extradited 32 Uzbekistani citizens to Uzbekistan, in violation of its international obligations. Among them were Toirzhon Abdusamov, Fazulkhon Akhmadov, Bakhtiyor Nurallaev, Ulugbek Ostonov, Isokbek Pardaev, Oybek Pulatov, Uktam Rakhmatov, Otabek Sharipov, Sherzod Shernazarov, Akmaljon Shodiyev, Tursunboy Sulaymonov, Sirozhdin Tolibov, Ravshan Turaev, Fazliddov Sulaymonov, Shev Fazliddov, Saidakbar Dzhalothonov. AHRCA received credible reports that many of these men were tortured and sentenced to terms of imprisonment from eight to 22 years, some of which were extended under Article 221 of the Criminal Code of Uzbekistan (for violation of prison rules). Of this group, 21 people have reportedly been released, five are reported to be in a resettlement colony awaiting release and six continue to serve prison sentences in strict regime prison colonies.

In 2014 a group of citizens from Uzbekistan were tried in connection with watching videos in Norway which belonged to organizations banned in Uzbekistan. They were: Asadulla Rizsiyev, Zafar Karimov, Davron Rahmonov, Ahmadjon Khalikov, Shuhrat Ilhomov, Jahongir Tojiev. In violation of the presumption of innocence, they were declared “traitors of the motherland” in a programme broadcast on Uzbekistani state television before the trial began, which also claimed that the men were gay. Zafar Karimov is reported to have been released although the others continue to serve reduced sentences in prison. They have lawyers who have reportedly been threatened by the authorities that they could lose their licenses to practice law if they speak about their clients’ cases to journalists or human rights organizations.⁸

3.12. Suggested recommendations to the authorities of Uzbekistan

- Compile and publish comprehensive statistics on allegations of torture and other forms of ill-treatment disaggregated by sex, age and, where applicable, details of charges brought, complaints, investigations, prosecutions, convictions and means of redress.
- Ensure that not only cases are included in the statistics that are instigated under the Article of “torture” (Article 235) contained in the Criminal Code, but also cases opened under other articles that involve allegations of torture and other ill-treatment.
- Provide detailed and disaggregated statistics on deaths in detention, including their causes (suicides, injuries and poisonings of prisoners, and deaths from illnesses) and location.
- Publish detailed statistics on all cases where judges excluded evidence extracted under torture.
- Ratify the Optional Protocol to the Convention against Torture.
- Set up a mechanism of public control over all places of deprivation of liberty and other closed and semi-closed facilities and allow the participation of independent human rights monitors. Ensure that members of the monitoring group can conduct unannounced inspections and interview prisoners and detainees in private.
- Transfer the penitentiary system from the jurisdiction of the Ministry of Internal Affairs to the Ministry of Justice.
- Legislate that perpetrators of torture or ill-treatment are excluded from all amnesties and pardons.

⁸ See: <http://nadejda-atayeva-en.blogspot.com/2014/12/uzbekistan-trial-of-traitors-of.html>; <http://nadejda-atayeva-en.blogspot.com/2014/12/uzbekistan-traitors-to-motherland-are.html>

- Abolish the statute of limitation with regard to torture and ill-treatment.
- Ensure that the legal safeguards pertaining to the early stages of detention are consistently implemented in practice and provide for sanctions against law enforcement officials who are found responsible for violating these legal requirements.
- Compile and publish comprehensive statistics on cases of law enforcement agents and other officials accused of, charged with and punished for failing to implement the legal safeguards for detainees contained in the Criminal Code of Uzbekistan. Detail the types of punishments handed down.
- Establish a functioning mechanism enabling detainees to meet with a lawyer of their choice immediately after the arrest.
- Ensure that all medical personnel responsible for examining detainees are truly independent of law enforcement agencies and the agency running the respective detention facility, and that they follow the standards of the Istanbul Protocol during examination and documentation.
- Send a clear message of zero tolerance for torture, explicitly stating that perpetrators will be brought to justice and punished in accordance with the severity of the crime.
- Establish a genuinely independent complaints and investigation mechanism to investigate allegations of torture and other ill-treatment, and ensure that complainants are protected against any form of reprisal.
- Ensure the initiation of prompt, thorough, impartial, independent and effective investigations of all deaths in custody and of all complaints of torture, sexual abuse and other ill-treatment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the torture and other ill-treatment has occurred even if no complaint has been made.
- Cease reprisals and pressure on survivors of torture, their lawyers and relatives and civil society activists who assist with lodging complaints of torture and thoroughly, transparently and effectively investigate the allegations.
- Publish details about all places of deprivation of liberty, their location and inmate capacity, as well as the actual number of inmates in each facility, disaggregated by age and sex.
- Allocate sufficient budgetary resources to improve conditions in all places of detention and other closed and semi-closed facilities and bring them in line with basic international standards.
- Ensure that the food provided in places of deprivation of liberty is of sufficient nutritional value taking into account specific needs based on age, health, weight and religious dietary requirements.
- Ensure that all detainees and prisoners, including those who have been extradited or otherwise returned from other countries including the Russian Federation, are able, from the outset of detention, to exercise their rights to contact their family or another third party, and to consult in private and in confidence with a lawyer of their choice and with an independent medical practitioner.

4. No redress for abuses under the Karimov regime (Articles 7 and 9)

4.1. Cases of ex-prisoners convicted for “anti-constitutional” crimes and religious extremism

Over the past decade thousands of individuals were convicted of so-called “anti-constitutional” crimes and alleged religious extremism on charges including “Public insult or defamation of the President, using the press or other media” (Article 158, part of the Criminal Code), “Violations of the constitutional system of the Republic of Uzbekistan” (Art. 159), “Illegal organization of public associations or religious organizations” (Art. 216), “Production or distribution of materials containing a threat to public safety and public order” (Art. 244, part 1) and “Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations” (Article 244, part 2).⁹

Many of them were reportedly targeted to punish them for criticizing the authorities, for speaking publicly about human rights violations affecting them or their relatives, or for publicly exercising their right to religious belief. Large scale fabrications of charges are reported to have occurred under these articles, the trials were accompanied by violations of fair trial standards and serious allegations of torture.

In 2017 and 2018 the authorities released many of these prisoners, but their release was not unconditional and their cases have not been reviewed.

At the 68th session of the UN Committee on Torture in 2019, head of the Uzbekistani delegation, Akmal Saidov confirmed what human rights organizations had stated before, i.e. that under former President Karimov there was a “blacklist” of citizens.

Those on this “blacklist” were persecuted on religious grounds (wearing a hijab, a beard and praying five times a day) and that under President Mirziyoyev about 20 000 such people had been released from prison. Representatives of opposition parties, human rights organizations, and journalists were also blacklisted, on lists compiled by the security services. The rights of those who are on these lists are limited, and as a rule they are subjected to surveillance. Many people on these lists report finding it hard to find employment etc.

Given the pervasive extent of the practice of torture used by the SNB in many of these cases it is important that the authorities put in place an independent investigatory mechanism to end the impunity of the perpetrators and provide redress to the victims.

4.2. Denial of right to appeal, torture allegations dismissed

The Special Rapporteur on the independence of judges and lawyers, Diego Garcia-Sayan stated in 2019 at a press conference during his visit to Tashkent: “In 2016, only 6 acquittals were registered, but in 2017

⁹ According to Article 345 of the Criminal Procedure Code of Uzbekistan, the SNB is responsible for the investigation of certain crimes including those contained in the following articles of the Criminal Code: Article 159 (“Infringements on the constitutional system of the Republic of Uzbekistan”); 216 (“Illegal organization of public associations or religious organizations”); 244-1 (“Production or distribution of materials containing a threat to public safety and public order “); 244-2 (“Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations”).

this number increased to 263, and in 2018 - up to 867. In the first nine months of 2019, more than 500 people were acquitted."¹⁰

However, of the 30 civil society representatives imprisoned on politically-motivated grounds who were released from detention since 2016, very few have been acquitted. Andrey Kubatin is a rare example:

On 26 September 2019, Andrei Kubatin was released from detention after the Tashkent Regional Criminal Court acquitted him on appeal and allowed him to walk free from the courtroom. Turkologist Andrei Kubatin worked as a senior lecturer at the Tashkent State Institute of Oriental Studies and was arrested in 2017 after he gave copies of rare books from his library to an employee of the Turkish agency TIKA, who wanted to publish a travel guide for Uzbekistan. On 1 December 2017 Kubatin was found guilty of treason (Article 157 of the Criminal Code) and sentenced to eleven years' imprisonment. On 26 September 2019 the Uzbekistani Ombudsperson issued a statement on the court decision, welcoming Kubatin's release and acquittal and explaining that the Ombudsperson's Office had sent appeals in the case to the GP's Office and attended appeal proceedings.

Many of the other former prisoners convicted on politically-motivated charges, have been denied the right to appeal their sentences, such as human rights activist Agzam Turgunov, Erkin Musaev (10 years in prison) and former parliamentary deputy Samandar Kokanov (24 years in prison). Many of the cases were accompanied by allegations of torture. In several cases former prisoners have been unable to obtain copies of the court verdicts against them, a necessary precondition for challenging the verdict.

Erkin Musaev, a former Ministry of Defence and UN official, was sentenced to 20 years in prison in 2007 after a series of unfair trials. He was arrested the previous year while working for a UN agency, tortured and charged with spying and misusing UN funds, which he has flatly denied. In March 2012, the HRC concluded that his rights under Article 7 of the ICCPR had been violated and that the authorities were obliged to provide him with an effective remedy, including an impartial and effective investigation into his allegations of torture and other ill-treatment in detention. He was released in February 2017 following the personal intervention of the then UN High Commissioner for Human Rights. Despite numerous complaints from Erkin's lawyer, the authorities have not investigated allegations that he was tortured in jail and have failed to follow up on the Committee's findings. Erkin Musaev cannot leave the country and has no access to court case materials, which would allow him to effectively challenge his past conviction.

In 2019 the Uzbekistani State party reply to the CAT List of Issues dismissed the credible reports of torture from a number of former prisoners imprisoned on politically-motivated charges but failed to provide evidence showing that they had conducted any effective and thorough investigations in these cases. They also failed to provide structured and detailed argumentation for their conclusions.

Our organizations have detailed, credible information about serious allegations of torture and other ill-treatment in relation to many former prisoners imprisoned on politically motivated grounds including Muhammad Bekjan, who wrote a book about his experiences; Agzam Turgunov; Dilmurod Sayyid; and Bobomurod Abdullayev. Many of those in the list suffer to this day from serious post-traumatic stress disorders and chronic physical conditions as a result of torture and have required medical and psychological treatment since release from prison.

¹⁰ <http://www.un.uz/rus/news/display/346>

4.3. No redress for Andijan killings

We regret that the authorities continue to state that there is no need for an independent and impartial investigation into the events at Andijan in May 2005 when law enforcement and security forces indiscriminately fired at a crowd of protesters in Babur Square. Demonstrators had peacefully gathered to voice their grievances over repressive government policies and economic hardships. According to officials, 187 people were killed, but unofficial estimates put the number at between 500 and 1500. None of the officials involved in the organization of the shooting have been brought to justice.¹¹

Cases of note include that of former Prosecutor General Rashitjon Kadyrov, who failed to initiate investigations into torture and ill-treatment, the extrajudicial killings of protestors in Andijan and the mass human rights violations and abuses committed in its aftermath. The former head of the SGB and former Minister of Internal Affairs have also never faced justice for their alleged roles in the human rights violations committed around Andijan.

In 2018, Rashitjon Kadyrov was detained on charges of embezzlement and corruption, which were not related to his role at the time of the Andijan events. There are serious allegations that he was tortured in pre-trial detention in 2018 and 2019, along with co-defendants and witnesses in the case (See Annex for more information). While it is important that former officials face justice in relation to alleged crimes, the absolute prohibition on torture enshrined in international law must be respected at all times and in relation to all persons without exception.

4.4. Follow-up on UN human rights recommendations

The authorities in Uzbekistan do not widely disseminate the recommendations of UN treaty bodies and the Plenum of the Supreme Court has not made one single ruling in relation to UN Conventions.

4.5. Suggested recommendations to the authorities of Uzbekistan

- Ensure that victims of human rights violations are provided with access to justice and the right to an effective remedy and reparation, including restitution, fair and adequate financial compensation and appropriate medical care and rehabilitation where necessary, the truth about what happened, as well as effective guarantees of non-repetition.
- Set up an independent expert commission to review criminal cases under the following articles, which have frequently been used to fabricate charges against activists and government critics: Art. 158, part 3 (“Public insult or defamation of the President, using the press or other media”); Art. 159 (“Violations of the constitutional system of the Republic of Uzbekistan”); Art. 216 (“Illegal organization of public associations or religious organizations”), 216, part 1 (“Inclination to participate in the activities of illegal public associations and religious organizations”), Art. 216, part 2 (“Violation of the law on religious organizations”), Art. 244, part 1 (“Production or distribution of materials containing a threat to public safety and public order”), and Art. 244, 2 (“Creation, leadership, participation in religious extremist, separatist, fundamentalist or other prohibited organizations”).

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

5. Violations of fair trial standards (Article 14)

5.1. Strong influence of the executive branch of power

Analysis of judicial practice in Uzbekistan indicates a strong influence from the executive branch of power. The lack of independence of judges prevails on all levels of the justice system – ranging from district courts to the Supreme Court. Before a court ruling is issued judges frequently agree the text of the sentence and the penalty with senior officials of the executive branch of power. Formulations of judicial verdicts are often copied word for word from the description and conclusions of the preliminary investigation. This indicates that the judge does not thoroughly check the information obtained during the investigation. Judges very rarely issue rulings that run counter to previously adopted and coordinated judicial decisions.

According to our monitoring, there have not been any criminal cases against officials of investigative and judicial bodies for illegally prosecuting persons (provided for in Article 230 “Holding the innocent to account” of the Criminal Code of Uzbekistan).

In cases that the State Security Service wishes to control, it often fabricates charges that, according to the Criminal Procedure Code (Articles 345 and 389), warrant the Service taking the lead on criminal procedures. By doing so the State Security Service can directly control cases that were initiated by the Investigation Department of the Ministry of Internal Affairs or prosecutors offices. Typically the State Security Service eventually refers such proceedings to military courts, where trials are held “on camera”, lawyers are often required to sign statements of non-disclosure and defendants and their lawyers are not often able to receive a copy of the verdict, an essential condition for appealing the sentence. According to AHRCA’s monitoring, this practice is common in cases of successful business people, including foreigners and former officials.

5.2. No equality of arms

The lack of equality of arms in the judicial process is evident in criminal, civil, economic and administrative legal proceedings. The NGOs issuing this report are concerned about the strong bias of judges in favour of the prosecutorial position. Lawyers are disadvantaged in many ways.

During the preliminary investigation the State Security Service, prosecutors’ offices and investigators of the Ministry of Internal Affairs typically reject or simply ignore the complaints and petitions submitted by lawyers. There is no legislation requiring investigators to provide substantive answers and domestic legislation does not set out deadlines for responses to lawyers’ petitions and statements. The appeal mechanism against the investigator’s actions does not work.

In many cases lawyers are forced to sign non-disclosure statements in relation to information obtained during the investigation. Violations are punishable under Article 162 of the Criminal Code (disclosure of state secrets). This also applies to cases that are not classified as confidential. Non-disclosure statements limit the lawyer’s ability to collect information in support of the client, to turn to national and international human rights mechanisms, and to comment on cases in the media and social networks.

Investigators in criminal cases often deny lawyers access to the case materials, both at the preliminary investigation stage and beyond.

Frequently, meetings between lawyers and the detainee are held in the State Security Services' pre-trial detention center in the presence of a State Security Services officer, leaving no opportunity to be left alone, thus violating the right to confidential communication between the defense counsel and the defendant; in some cases, the State Security Services officer may be absent, but it is reported that listening devices are frequently used - particularly in politically sensitive cases.

There are cases at the trial stage, where the court either rejects the majority of petitions without providing clear reasoning or declares that the petition is untimely, although the current legislation does not provide for such a restriction.

Judges usually do not take into account the critical comments of lawyers related to the falsification of evidence obtained at the investigation stage and both the courts and the prosecutors' offices usually refuse to review sentences, even when they receive complaints from lawyers that evidence was obtained under torture.

The court does not hand a copy of the sentence to the convicted person if the case is declared to be secret. In this case, the administrative part of the sentence (entry and sentence) is issued, which indicates only details about the punishment. This is a direct violation of the law, which obliges the court to issue the full text of the sentence to the convict.

In Uzbekistan, a rule has been introduced stipulating that visitors should leave their mobile phones with the security officers at the entrance to government buildings. There are reports of cases where data was stolen from lawyers' mobile phones by officials of intelligence agencies.

5.3. Closed trials

In recent years several trials involving allegations of torture were shrouded in secrecy as the court hearings were held behind closed doors. The exact reasons for holding these trials behind closed doors are not known to the authors of this document. AHRCA and IPHR are aware of such trials both with regard to victims of torture and alleged perpetrators.

The lack of public scrutiny appears to be a contributing factor to the low number of convictions for torture being handed down under Article 235 ("torture"). According to our information, most often officials are convicted under Article 301 of the Criminal Code, (abuse of official authority) or Article 302 (negligence), which carry lighter sentences.

The case of former Prosecutor General Rashitjon Kadyrov and 12 co-defendants

The trial against the former Prosecutor General Rashitjon Kadyrov and 12 co-defendants was held behind closed doors on 7 January 2019 in the Yunusabad District Criminal Court in the city of Tashkent. Rashitjon Kadyrov had been taken into custody on 21 February 2018, was held incommunicado until 24 February and subsequently had limited access to his lawyer until October. Several independent sources informed AHRCA that Rashitjon Kadyrov was tortured and subjected to death threats in order to force him to confess and testify against his relatives and former colleagues. There were also reports that his co-defendants were subjected to torture and ill-treatment.

According to trusted sources who wish to remain anonymous for security reasons, Rashitjon Kadyrov's "confession" was filmed and Kadyrov was threatened that it would be broadcast on television. Two of his co-defendants arrived in court in wheelchairs after suffering health problems allegedly resulting from torture and ill-treatment. The judge repeatedly refused to accept the lawyers' petitions to delay the court hearing on humanitarian grounds relating to serious illnesses of two further co-defendants, one of whom had a stroke and suffered loss of speech and the other has cancer. Lawyers for Kadyrov and co-defendants were required to sign confidentiality agreements preventing them from talking about the proceedings.

AHRCA and IPHR are also concerned that President Mirziyoyev made public statements in May and October 2018 regarding Kadyrov's alleged guilt and thereby undermining his right to the presumption of innocence.

In June 2019, Rashitjon Kadyrov was sentenced to 10 years' imprisonment and fined the equivalent of 12 000 USD. His co-defendants (Zh. Faisziev, A. Mirzaev, A. Musashaikhov, U. Khurramov, and U. Sunnatov) were sentenced to between 13 and 19 years' imprisonment. The verdict was reportedly over 100 pages long (over 140 volumes). The ten day time frame for lodging an appeal was insufficient to allow for the necessary preparation. Also, the defendants and their lawyers were not handed a written version and they were not allowed to access any other court documents.

At the time of writing, the lawyers have not yet been able to submit a cassation complaint and the prisoners continue to be subjected to harassment and threats by the authorities. The 40 persons who provided witness statements in court are subjected to restrictions on their freedom of movement and have not yet been given back their identity documents which remain in the case materials, meaning they are not allowed to travel, even to neighbouring regions.

Cases against officials accused of torture are often held in closed military courts, and survivors of torture and lawyers are required to sign non-disclosure agreements.

5.4. In absentia trials

Sentencing in absentia is increasingly used in cases which are not criminal trials. Proceedings in such cases are considered in the absence of the defendant, who is "outside the country without good reason", with reference to Article 410 "Participation of the defendant in the trial" of the Criminal Procedure Code and Article 411 "Consequences of the absence of the victim", which states that if the victim does not appear without good reason, the court adjudicates to subpoena him/her, but does not however give the right to hold a trial in absentia.

Current legislation therefore not only lacks a mechanism for delivering a verdict in absentia in a criminal case, but also a procedure to review in absentia trials as a whole.

For example, in the case of the Atayev family, in violation of Articles 272, 410 and 411 of the Code of Criminal Procedure, on 24 July 2013, Tashkent City Criminal Court sentenced in absentia Alim Ataev to nine years' imprisonment, his daughter, human rights activist Nadezhda Atayeva, to six years in prison and his son, Kahramon Ataev to seven years in prison. All three are recognized refugees in France, since 2002. Meanwhile, documents in the criminal case against them were kept confidential for more than 15 years and lawyers were not able to see the case materials or get fully acquainted with the substance and detail of the charges against them. (See Case Annex).

Similar obstacles to appeal affect the leader of the opposition party Erk, Muhammad Salih, who is unable to appeal his sentence in absentia.

5.5. Suggested recommendations to the authorities of Uzbekistan

- Conduct trials behind closed doors in exceptional circumstances only and in close accordance with the principles enshrined in Article 14 of the ICCPR.
- Publish all judgments involving torture and ill-treatment and all other judgments rendered in criminal cases or in a lawsuit except where the interests of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

6. Freedom of expression (Article 19)

Despite some positive steps taken as part of reforms, concerns remain regarding restrictions on independent media outlets, and reprisals against critical journalists, bloggers and others who speak out about injustice and human rights violations. Many politically sensitive issues remain off-limits and government and intelligence agencies continue to exercise influence over the content of print and online publications when deemed necessary.

There has been an increase in reporting of pressing social problems and news reporting by registered news outlets in recent years and several new internet news sites were set up (e.g. gazeta.uz, kun.uz, Novosti Uzbekistana, podrobnosti.uz).

The internet has facilitated public discussion around pressing social issues including, for example, demolitions of houses, killings of stray animals, the construction of a nuclear power plant, religious questions and protection of personal data. Uzbekistan established a state press centre, but it has not started functioning fully.

6.1. Blocking of websites

There is a practice in Uzbekistan of blocking websites known for critical reporting. A government decree adopted in 2018, which authorized the blocking of news media “promot(ing) extremist propaganda or hateful content online” without a court order, exacerbated concerns about access to independent news media in the period under review.

On 17 April 2019, the OSCE Representative on Freedom of the Media, Harlem Désir, issued a statement calling on the authorities in Uzbekistan to end the blocking of media sites in order to ensure that important news and current affairs resources be made accessible to the public.

Shortly afterwards, on 10 May 2019, Komil Allamjonov, Director of the Agency for Information and Mass Communications under the Presidential Administration of Uzbekistan (AIMKA), published a list of news and human rights websites on Facebook that had recently been unblocked. It included AsiaTerra, BBC Uzbek service, Deutsche Welle, Eurasianet.org, Fergana News, Uzmtronom, Voice of America (Amerika ovozi), Amnesty International, Reporters sans frontieres and Human Rights Watch. In December the agency reported that the websites of the NGO Association for Human Rights in Central Asia and International Partnership for Human Rights had also been unblocked.

However, some outlets known for critical reporting, such as Radio Ozodlik and some other independent media outlets were not included in the lists. Additionally there are allegations that the above websites have continued to be inaccessible for periods of times, especially when they publish materials that are critical of the authorities.

6.2. Persecution of independent journalists, bloggers and internet users

The NGOs jointly issuing this report are aware of several cases where journalists and bloggers were effectively placed under house arrest, taken into custody or imprisoned since the Mirziyoyev regime came to power.

On 27-28 January 2017, when President Mirziyoyev visited the city of Khorezm, law enforcement officers threatened independent journalist Sergey Naumov, based in Khorezm, with physical abuse should he leave his house, placing him under de facto house arrest. Policemen were deployed near the entrance to his house to ensure he complied.

On 14 April 2017, independent journalist Alexey Volosevich was detained for 18 hours by police in the town of Gazli in the Bukhara region after he took photos of the city's landscape. He was careful to avoid getting too close to the legally permitted half kilometre around the prison colony in the town, which is a structure of strategic importance. Nonetheless, he was detained by police and taken to the regional police station in Romitansky district of Gazli, where police took his fingerprints, questioned his motives, erased the photos in his camera and confiscated his memory cards. He was informed that he had been detained "for taking photos without permission", although this is not in violation of the law. He was put in a hostel overnight and taken to Bukhara police station the next day for further questioning before finally being released at midday. No charges were ultimately brought against the journalist.

On 23 April 2017, artist and social media blogger, Alexander Barkovsky, was attacked and beaten by two unknown people while taking photos of a street artist at Yangiabad market in Tashkent. The attackers shouted insults at Barkovsky and accused him of spying and publishing photos on the internet. He did not report this incident to the police. On 7 November police detained and held him at the police station of Bukhara railway station for several hours after he took a photograph of a public toilet.

On 30 December 2019, Facebook activist Abdufatto Nuritdinov (pseudonym Otabek Nuritdinov) was sentenced to 15 days' administrative detention and fined 12 380 000 som (equivalent of 1200 EUR) by Andijan Administrative Court after being found guilty of "libel, insult and minor hooliganism". The blogger had posted over 20 publications about local corruption in Andijan in the period from August to October 2019 and his arrest is widely thought to have been in retaliation for these critical posts.

Citizens who express views that are highly critical of the authorities are also at risk of persecution including imprisonment.

For example, the government critics and social media activists Akrom Malik and Rustam Abdumannapov were convicted under the Mirziyoyev regime and continue to serve prison terms handed down in unfair trials.¹² In January 2017 they were sentenced to nine and six years' imprisonment respectively by Tashkent City Court in two separate cases. Both were found guilty of crimes against the constitution under Article 159 and Article 244, part 1.

A further example of restrictions on freedom of expression in the reporting period, occurred in August 2018 when police officers from the regional anti-terrorism units of the Ministry of Internal Affairs reportedly tracked several bloggers and Facebook users by their IP addresses, arbitrarily detained them, searched their homes and confiscated computer and technical equipment, in most cases without presenting an arrest warrant. Nine people who were held in police custody on administrative charges and three more were questioned for some four hours before being released. According to media reports, some of the bloggers were released from custody on 11 September 2018, after being interrogated in connection with posts on their Facebook accounts or "liking" and sharing posts expressing criticism about government policies such as the prohibition of wearing a hijab or calling for protests. Interrogations at police stations

12 Producer **Mirsobir Khamidkoriev** (see case Annex) and theologian **Ruhiddin Fakhriddinov** were imprisoned under former President Karimov and continue to serve prison terms. Fakhriddinov was forcibly returned to Uzbekistan, arrested immediately upon arrival and tried in a closed court without legal representation. The religious scholar is currently serving the remaining period of his sentence in the maximum-security colony 64/17 in Chirchik. There are serious allegations that Fakhriddinov was subjected to torture during his interrogation in 2005. There are also allegations of torture against his family members, including his daughter. He is the only prisoner included in the 2014 European Parliament Resolution on Uzbekistan who has not yet been released.

reportedly lasted for four hours or more without any legal representatives present and relatives of those detained were not informed of their whereabouts. Some of the charges brought against individuals were excessive, for example someone trying to organize a small scale protest (picket) being charged with calling for mass unrest. Several of those detained signed statements undertaking not to participate in any further “suspicious activities” – but as “suspicious” is not a legally defined term and does not refer to any internationally recognized crime the demand amounted to an arbitrary restriction of the right to freedom of expression.

On 5 September 2018 the Ministry of Justice outlined new legislation regulating and restricting access to internet sites which are considered to distribute “banned information”, and announced the establishment of a register of banned sites. Sites which publish information calling for violent overthrow of the constitutional system; which propagate violence, terrorism and religious extremism, which provide confidential information on state secrets or laws; which incite national, ethnic or religious hatred or harm the honour or dignity of citizens will be banned.

6. 3. Suggested recommendations to the authorities of Uzbekistan

- Ensure that journalists, writers and bloggers can work freely without fear of retribution for expressing critical opinions or covering topics that the Government finds sensitive.
- Investigate reports about the persecution of independent journalists, bloggers, civil society activists and other government critics, as well as their family members, bring perpetrators to justice and make the findings public.
- Immediately and unconditionally release from detention all those who are imprisoned solely for peacefully exercising their right to freedom of expression.
- Ensure unrestricted access to online information resources, to national and international news sites, social networks and sites of civil society organizations.
- Refrain from imposing censorship or excessive control over media, social networks and literature.

7. Freedom of assembly (Article 21)

In Uzbekistan, the right to participate in peaceful meetings and demonstrations is protected by law. However, although legislation provides that the organizers of meetings do not need to seek permission but only notify the authorities in advance, existing regulations perpetuate a system where advance permission in practice is needed. For example, a requirement introduced in 2016 stipulates that any written material to be disseminated during an assembly should be submitted to the Ministry of Justice a month before the date of the planned meeting. This requirement provides the Ministry of Justice with the opportunity to delay permission for the distribution of materials, and hence disrupt assemblies.

Against the background of restrictions on the right to freedom of expression, many people remain fearful of reprisals for protesting, but over the reporting period some peaceful protests were held. They met with varying reactions from the authorities including allowing such protests without interference, subjecting protesters to ill-treatment, and arbitrarily detaining the organizers. Participants in public demonstrations continue to be noted by the authorities on the so-called “black lists” and can face discriminatory restrictions on freedom of movement and others in the future.

Examples:

- Fergana News Agency reported that on 15 August 2017, a spontaneous rally was held by hundreds of people outside the Supreme Court in Tashkent. Angered by the long wait for appointments the crowd of several hundred people reportedly pushed against the iron gates in front of the court, eventually breaking them down. Fergana.news quoted an eye witness as saying, “You should have seen what power these people demonstrated – they went into the courtyard and building... the guards were running around everywhere... people’s nerves are exhausted”. Significantly, the Supreme Court issued a communiqué on 19 August¹³ refuting the incident reported by Fergana.news. The Uzbek service of RFE/RL reported eyewitness accounts confirming the incident.
- According to the Fergana News Agency,¹⁴ on 22 August 2017, 85-year-old pensioner Nina Sahartseva and 80-year-old Yulia Syavich from Tashkent were standing with signs asking to meet President Mirziyoyev outside the presidential administration building in Tashkent. After two hours, officials from the presidential administration came out and one grabbed the elderly women roughly by the hands and doused them with water as a result of which they were forced to leave.
- On 1 June 2017, Zhasurbek Ibragimov, a student at the Borovskiy Medical College, died in Tashkent after being beaten up by unknown assailants on 3 May. Civic activists Irina Zaidman and Maria Legler organized an online petition calling on the Uzbekistani authorities to find those responsible for Zhasurbek’s death and bring them to justice. The petition received unprecedented public support and was signed by over 20 000 persons. At a rally held in Duslik Park on 4 June, Deputy Chief of the Tashkent Central Internal Affairs Directorate Doniyor Tashkhodzhaev assured the participants that this tragic case would be thoroughly investigated. However, on 15 November 2017, Zaidman was summoned to the police station, where she was detained. Police officers searched her house on the same day. The next day she and Legler were found guilty of organizing an unsanctioned meeting and sentenced to ten and 15 days of administrative detention, respectively. Neither woman had a lawyer present at the closed hearing when they were sentenced, which is a violation of the Criminal Procedural Code of Uzbekistan.

7.1. Suggested recommendations to the authorities of Uzbekistan

- Adopt best practices on freedom of peaceful assembly, as put forward by the UN Special Rapporteur on the Right to Peaceful Assembly and Association in his annual report (2012)
- Ensure that peaceful protests can be conducted without interference from the authorities.

8. Civil society targeted (Articles 12 and 22)

Since the NGO Ezgulik obtained registration in 2003, no independent human rights organization has been able to register in Uzbekistan. At the same time, national law prohibits the activities of unregistered NGOs and provides for both administrative and criminal penalties for involvement in such activities. There have been reports of pressure and intimidation by state officials on lawyers who assist with attempts to legally register human rights NGOs. While new regulations adopted since President Mirzoyev came

¹³ <http://www.supcourt.uz/ru/news-view/1716/%25D0%259E%25D0%259F%25D0%25A0%25D0%259E%25D0%2592%25D0%2595%25D0%25A0%25D0%2596%25D0%2595%25D0%259D%25D0%2598%25D0%2595.html>

¹⁴ <http://www.fergananews.com/news/26815>

to power no longer require NGOs to obtain government approval in order to conduct events, NGOs are still required to inform the authorities about planned events several days in advance. They are also subject to burdensome reporting obligations and face significant barriers on receiving foreign funding. As a result, the operating environment for NGOs remains highly challenging.

Attempts by the former political prisoners and human rights defenders Azam Farmonov, Dilmurod Saidov and Agzam Turgunov to register a new, independent human rights NGO, "Restoration of Justice" have to date been unsuccessful. Since February 2019, their application to register this organization has been rejected three times on various pretexts. They are considering appealing to court against the rejections. The three activists have also been subjected to intimidation and harassment, apparently because of their attempts to set up the new NGO. In the case of Turgunov, this has included persistent surveillance, checks and threats by police, local authorities and security services.

The Uzbekistani government has failed to show openness towards engaging in constructive dialogue with local independent civil society groups. For example, local civil society groups were virtually excluded from the Asian Human Rights Forum, which was organized by the Presidential Human Rights Center in Samarkand in November 2018 and attended by representatives of the government, international organizations and NGOs from other countries.

The practice of restricting entry to Uzbekistan for independent researchers continued during the reporting period. For example, Russian scientist Sergei Abashin has not been allowed to visit Uzbekistan since 28 August 2015. According to human rights defenders in Kyrgyzstan, journalist and writer Hamid Ismailov was deported from Tashkent airport on 1 March 2017. On 1 November 2019, Russian citizen Evgeny Bunin, a linguist, writer and Uyghur language translator, was deported from Tashkent International Airport without being told why. In November 2019, Kyrgyz human rights activist Izzatilla Rakhmatillaev, was refused entry to Uzbekistan where he had hoped to undergo medical treatment.

8.1. Surveillance, intimidation and other reprisals

Local independent civil society activists, journalists and human rights defenders continued to face reprisals for their peaceful activities and many of the former political prisoners who were released from prison since President Mirziyoyev came to power were subjected to state surveillance, intimidation and harassment, including of their relatives. Some have also faced restrictions of their freedom of movement and Agzam Turgunov has faced three sets of administrative charges to punish him for his peaceful activism.

The State Security Services are reported to continue to keep and update lists with the names of former political prisoners and government critics, including civil society activists and journalists who have taken part in protest actions or social network petitions. Surveillance and harassment continue in relation to the people on these lists, including by local police officers and representatives of mahalla (neighbourhood) committees.

For example, since October 2018, human rights defenders Agzam Turgunov, Azam Farmonov and Dilmurod Saidov have reported regular state surveillance, phone tapping and intimidation. 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. The same day Turgunov told IPHR that he had seen unknown people standing under his window, had been followed by cars as he moved around the city on public transport, and that he had been told by representatives of the local mahalla committee that law enforcement officials were asking about him.

The three human rights defenders also reported being threatened by law enforcement officials: late in 2018, Dilmurod Saidov was warned that he would be subjected to enforced psychiatric treatment if he refused to cease his human rights work and on 25th March 2019, a security service officer who was watching Turgunov's home told him he should be careful not to be knocked down by a car. The same month both Turgunov and Saidov reported being repeatedly prevented from leaving their homes by law enforcement officials surrounding the buildings where they lived.

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 Erk opposition party, and what he thought of this party.

In September 2019, during the visit of the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia-Sayan, several human rights defenders reported increased surveillance by the State Security Services (SGB). Agzam Turgunov was visited on 19 September by two SGB officers who asked him about his scheduled meeting with the UN Special Rapporteur and offered to drive him to the meeting. Formerly imprisoned independent journalist Bobomurod Abdullayev also reported that during the Special Rapporteur's visit to Uzbekistan in September 2019 there was heavy surveillance by security officials who surrounded his home.

One of the most common methods of psychological intimidation documented by our organizations is the threat of harm to the immediate family of human rights defenders, detainees or suspects and prisoners, in particular the threat that police or SGB officers will rape female relatives. Other threats against family members include physical harm such as beatings, detention on fabricated charges, and slander. (Please see case annex for more information).

The authorities also continued to use different methods to deny permission to travel abroad to human rights defenders and others in order to silence criticism. Among those affected were Shukhrat Rustamov, Dilmurod Sayyid and Timur Karpov.

For example, in June 2019, the authorities refused to issue a passport to photographer and human rights activist Timur Karpov. He explained on YouTube that on 8 April 2018 that he was refused a passport on the grounds, "it is inadvisable to issue a foreign passport" with a reference to a clause in the Presidential Decree stating that passports are not issued to persons who provided false information in their applications. Only after the intervention of the Director of the Agency for Information and Mass Communications Komil Allamjonov was Karpov given permission to travel abroad.

Trumped up administrative charges against civil society activist Agzam Turgunov

Agzam Turgunov has faced three sets of administrative charges in August 2018 and in March and June 2019. He was charged, among others, with failure to comply with legal orders given by a law enforcement officer (Article 194 of the Administrative Code). The third time the court amended the charge to hooliganism. Domestic legislation in Uzbekistan provides that if a person has already been convicted twice on a particular administrative charge, the third offence of the same nature will automatically be considered a criminal offence and penalised accordingly. There is reason to believe that the charges have been brought in retaliation for Turgunov's efforts to register the new human rights NGO 'Restoration of Justice' and to intimidate him and discourage his human rights work.

On 30 August 2018, Turgunov was found guilty of failing to comply with the orders of a police officer after taking photos of peaceful protesters allegedly at a prohibited location, i.e. outside the Supreme Court. Turgunov claims he did not disobey orders but simply asked a man in plainclothes who Turgunov believed to be a police officer to show his police identification. Turgunov appealed the decision and at the appeal hearing on 30 November 2018, according to Turgunov and the defence witness, the judge insulted them

and ordered law enforcement officials to detain them as he claimed they had disturbed the proceedings. They were released later that evening after international intervention. Both Turgunov and the witness lodged complaints about the judge's behaviour.

On 30 March 2019, Turgunov received a court summons informing him that he was charged with "defamation", "contempt of court" and "failure to comply with the orders of law enforcement officials" (articles 41, 180 and 194 of the Administrative Code). The first two charges related to the events at the appeal hearing. Turgunov's appeal against the sentence handed down on 30 August 2018 and his complaint about the judge's behaviour are still pending.

On 4 June 2019, a Tashkent District Administrative Court found Turgunov guilty of hooliganism (Article 183 of the Administrative Code), and ordered him to pay a fine after he told a traffic inspector who had pulled over his son's car, to stop shouting. Before each administrative fine reported here, Agzam Turgunov reports that his house was put under surveillance and he was visited by a representative of the mahalla (neighbourhood) committee, who was required to write reports about Turgunov's behaviour for the law enforcement agencies.

8.2. Suggested recommendations to the authorities of Uzbekistan

- Ensure that human rights NGOs, defenders and lawyers, as well as their relatives, are not subjected to pressure by state bodies or officials because of the activists' work and that they can carry out their work without fear of reprisals.
- Promptly, thoroughly and impartially investigate all allegations of intimidation, harassment and other violations of the rights of NGO representatives and individuals with whom they work and hold those responsible accountable.
- Cease the surveillance and harassment of independent journalists, human rights defenders and civil society activists and ensure that no one is imprisoned on politically motivated grounds.
- Bring legislation, regulations and practice on the registration, operation and funding of NGOs in line with international human rights standards and allow such organizations to register in a simple, transparent procedure and carry out their activities without undue state interference.
- Ensure that no further obstacles are put in the path of the registration of the human rights NGO being established by human rights activists including Agzam Turgunov, and stop pressuring the founders of the organization.
- Welcome and facilitate constructive dialogue between the authorities and local civil society

9. Prosecution and torture of Lesbian, Gay, Bisexual, Transgender and Intersex Persons (LGBTI) (Articles 2, 7, 9, 17 and 26)

LGBTI persons are in a highly vulnerable situation with regard to torture, sexual abuse, other ill-treatment and extortion. Uzbekistan's continued criminalization of consensual sexual relations between men and widespread societal homo- and transphobia, encouraged by the systematic promotion at all levels of government of cultural and traditional norms and models of behaviour, policy influences from contemporary Russia, and anti-Western sentiment – all create a toxic mix. No groups defending the human rights of LGBTI persons are able to operate safely in Uzbekistan and any attempts to draw attention to rights violations are suppressed.

In August 2019, shortly after Shokhrukh Salimov, an LGBTI activist from Uzbekistan in exile, posted a video message online calling on President Mirziyoyev to decriminalize consensual sexual relations between men, law enforcement officers visited Salimov's relatives in Uzbekistan to put pressure on Salimov and discourage further activism.

Article 120 of the Criminal Code of Uzbekistan punishes consensual sexual relations between men by one to three years' imprisonment. Detained and imprisoned homosexual and bisexual men frequently become victims of intimidation and humiliating sexual and other cruel, inhuman and degrading treatment by police officers, prison guards and fellow inmates. Torture methods documented by our organizations include police, prison guards and SGB officers raping homosexual and bisexual men with bottles and truncheons, attaching heavy water bottles to their genitals, wrapping newspaper around their genitals and setting the paper on fire. Homosexual and bisexual prisoners and those suspected or accused of being gay have the lowest status in prisoner hierarchy and are regularly used as 'slaves' by other inmates and guards, forced to clean dirty toilets with their bare hands, for example. (Please see section on sexual violence in detention).

Police often detain homosexual or bisexual men, threaten them with imprisonment under Article 120, intimidate, physically or sexually abuse them and use their knowledge of the individual's sexual orientation or gender identity to blackmail and extort money from them or coerce them into collaboration. As many LGBTI persons in Uzbekistan lead double lives they believe they have much to lose if their wives, husbands, parents, other relatives, neighbours, teachers or employers find out about their sexual orientation or gender identity. Depending on the victim's financial circumstances, police will either extort money from them, force them to incriminate and entrap other LGBTI persons or open a criminal case against them. In the majority of cases the victims are transgender, homosexual or bisexual men, but lesbians and bisexual women are also targeted.

For example, in July 2018 Ravshan (his real name has been withheld for security reasons) was detained by police in Uzbekistan after police officers burst into his apartment and filmed him and his male partner having sex. Ravshan later found out that police had put pressure on his partner, an old childhood friend, to cooperate with them and entrap him. The officers took him to the local police station where they humiliated and physically and sexually abused him. He told IPHR that two police officers beat him severely after handcuffing and suspending him from the ceiling. The police officers reportedly raped him with a truncheon and hit him on the head. They then detached him from the ceiling, and he fell to the floor where the beatings continued. Another officer in plainclothes reportedly entered the room and, when he learnt

that Ravshan was homosexual, also administered beatings, stepped on his stomach and jumped up and down. "I have never been beaten and intimidated like that in my whole life. I wanted to die to free myself from this torture ", he told IPHR. Later the officers told Ravshan that he would be imprisoned for having had homosexual relations (Article 120 of the Criminal Code) unless he gave them 2000 USD. One officer threatened that he would be raped by other prisoners and that police officers would rape his wife. He and his wife paid the money, but the police kept the incriminating video.

Law enforcement agents are known to exploit the fear of being labelled "homosexual", one of the accusations perceived to be most shameful in Uzbekistani society, and to have used the threat of imprisonment under Article 120 not only against homosexual and bisexual men, but also against heterosexual and pious Muslim men. The authors of this submission are aware of several cases in recent years when police forced men to hand over large sums of money or property or to "confess" to serious crimes such as "terrorism" or "attempting to overthrow the constitutional order", to avoid being charged with Article 120.

Transgender, homosexual and bisexual men and women are also at risk of being abused and subjected to extortion by non-state actors, and there are allegations that some men have been killed to punish them for their sexual orientation or gender identity. Often homophobic men first make contact via social media pretending to be interested in a date. When the victim arrives at the agreed place he is met by an individual or a homophobic mob who humiliate and physically abuse him -- using methods such as forcing him to take off all his clothes, driving the neck of a bottle up his anus and administering severe beatings. Sometimes the perpetrators record the abuse and disseminate videos via the internet or extort money from the victim in exchange for not disseminating them.¹⁵ Some homophobic men run internet-based messaging services that call for the killing and abuse of homosexual and bisexual men.¹⁶ Sometimes they disseminate personal information of LGBTI persons such as addresses, Telephone numbers, photos and even passport details. To our knowledge, the authorities have not taken any action to prevent the dissemination of such information via the internet. Exiled LGBTI activists from Uzbekistan told AHRCA and IPHR in 2019 that they knew of several gay men who were targeted in this way in recent years and killed or severely injured. The activists alleged that law enforcement officers failed to investigate the crimes effectively and that the perpetrators were not brought to justice¹⁷

Shokir Shavkatov, a 25-year old gay man, was killed in the Yunusabad district of Tashkent on the night of 12 September 2019. There are allegations that the young man was targeted because of his sexual orientation. When asked about the case by Radio Ozodlik (Radio Liberty), Tashkent police confirmed the death and stated that two suspects had been charged with "murder". It is crucial that police carry out a thorough and effective investigation into the circumstances of the crime and that suspected perpetrators are brought to justice.

Due to their extreme vulnerability, crimes against LGBTI persons typically go unpunished, whether the suspected perpetrators are police officers or non-state actors. In the large majority of cases victims do not lodge complaints fearing reprisals and imprisonment under Article 120 of the Criminal Code.

When their sexual orientation or gender identity becomes known many LGBTI persons see no option but to cut all ties and leave the country, if they have the means, in order to avoid imprisonment, abuse and isolation on the fringes of society. Amnesty International, AHRCA and IPHR were also told of cases where LGBTI people could not cope with the threat of imprisonment and the intimidation and abuse they faced in their communities and committed suicide.

15 For example: <https://youtu.be/HiwgVS8bnbA>

16 Currently, for example: https://t.me/TEMA_NEWS_UZB, https://t.me/anti_gey, <https://t.me/tashgangs>

17 In August/early September 2019 a video was disseminated among subscribers to anti-gay internet communication channels featuring a man complaining that he and friends had planned to kill a gay man in the Yunusabad district of Tashkent, but the man didn't show up to the meeting.

9.1. Suggested recommendations to the authorities of Uzbekistan

- Decriminalize consensual sexual relations between men by abolishing Article 120 of the Criminal Code of Uzbekistan.
- Ensure that all credible allegations of arbitrary detention, extortion, torture and other ill-treatment of LGBTI persons by government agents or of their abuse by non-state actors are promptly, thoroughly, impartially and independently investigated, and that suspected perpetrators are brought to justice in fair trials.
- Devise and implement specific procedures to ensure that LGBTI persons who lodge complaints or provide witness reports about extortion or physical abuse by police or non-state actors are protected against reprisals as soon as the authorities receive the complaint/witness report and that appropriate disciplinary or, where relevant, criminal measures are imposed against suspected perpetrators for such actions.