

**Submission to the United Nations Committee against Torture on the fifth periodic report of
Uzbekistan**

68th Session

October 11, 2019

1. Human Rights Watch welcomes the opportunity to contribute to the review of the Republic of Uzbekistan under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”) to which it acceded on September 28, 1995. Human Rights Watch believes the Committee against Torture’s (“the Committee”) upcoming review provides a crucial opportunity to highlight the Uzbek government’s (“the government”) appalling record on torture and ill-treatment and to formulate recommendations for specific steps the authorities should take to address urgent concerns in this area.
2. We hope this submission, which draws on extensive, detailed case information from our own research and that of colleague nongovernmental organizations (NGOs), will help inform the Committee’s assessment and its recommendations to the Uzbek government.
3. Since the Committee’s last review, Uzbekistan has undergone some positive changes after President Shavkat Mirziyoyev assumed the presidency in 2016 following the death of Uzbekistan’s long-serving authoritarian leader Islam Karimov.
4. In the last three years President Mirziyoyev continued to take some promising steps to reform the country’s awful human rights record. In August 2019, ordering the closure of the notorious Jaslyk prison—long a symbol of torture and imprisonment of government critics—President Mirziyoyev fulfilled a key demand of this Committee. A detained journalist and other long-serving political prisoners were released, there was an increasingly vibrant media environment, evidence the government was working to combat forced labor in the cotton sector, and several cases where local officials were held accountable for abusive or corrupt actions following vigorous online debate.
5. At the same time, the Uzbek government remained authoritarian and many promising reforms are yet to be implemented. The security services’ powers remain deep and vast, free elections and political pluralism are distant dreams, and there are still thousands of people in prison on politically motivated charges.
6. In November 2017, President Mirziyoyev signed a decree prohibiting the courts from using evidence obtained through torture, and requiring all legal decisions be based only on evidence confirmed during trial. The decree, which came into force in March 2018, states that prosecutors will be required to check whether physical or psychological pressure was exerted on a defendant or their relatives. If fully enforced, the decree could help prevent torture and other ill-treatment in detention in Uzbekistan.
7. This submission examines the continued lack of effective investigations into alleged cases of torture and the failure to hold perpetrators into account; the continued use practice of torture, inhuman and degrading treatment against persons subjected to detention on politically motivated cases; and the failure to provide redress, fair and adequate compensation and rehabilitation to the persons who have been victims of torture.

Prohibition of Torture, Cruel, Inhuman, or Degrading Treatment or Punishment, and Ensuring Prompt and Impartial Investigation (Articles 2, 12 and 16)

8. The Uzbek government continues to imprison thousands of individuals on politically motivated charges. Many of them have been subjected to ill-treatment, torture, and terrible conditions of detention. Impunity largely persists and the Uzbek government needs to take credible steps to implement independent and impartial mechanisms to investigate allegations of torture and bring perpetrators to justice. Furthermore, the Uzbek government has not ratified the Optional Protocol to the Convention against Torture (OPCAT) and has not yet allowed the International Committee of the Red Cross (ICRC) to carry out independent monitoring of Uzbekistan's prisons and places of detention since it suspended its monitoring of facilities in 2013.

For example:

Torture, Denial of Access to Counsel and Denial of Essential Medicine to Kadyr Yusupov¹

9. During his 27-year diplomatic career, Kadyr Yusupov, 67, served as the head of Uzbekistan's permanent mission to the Organization for Security and Co-operation in Europe (OSCE), among other positions. Since his retirement in 2009, he has published analysis on Uzbekistan's foreign and domestic policy.
10. On December 10, 2018, Uzbekistan's State Security Services detained Yusupov from a hospital bed in Tashkent's Republican Scientific Center for Emergency Medicine on charges later announced as treason.² Yusupov had been admitted to the hospital following a concussion and other serious injuries incurred during an apparent suicide attempt. He has been held at the pretrial detention facility of the State Security Services ever since.
11. Security service officials handling the case refused to allow Yusupov's attorney or family members to meet with him for nearly five months after his arrest and pressured Yusupov to reject his attorney's representation. Authorities only reinstated the attorney's access to his client and allowed him to meet Yusupov confidentially since April 24, 2019, following media reports on the case and statements of concern by rights groups. The attorney signed a nondisclosure agreement on the case and cannot discuss it with anyone except the client's family.
12. Yusupov's relatives told Human Rights Watch that, according to their sources, Yusupov was a victim of psychological torture over four months following his detention on December 10, 2018. According to them, Yusupov said that between December 2018 and late March 2019, two State Security Services officers entered his cell two or three times each day and threatened that if he did not admit his guilt, they would rape him with a rubber baton, rape his wife and daughter, and arrest his two sons, including a son who lives abroad, by means of extradition.
13. Relatives told Human Rights Watch that in a video, obtained by his lawyer of an interrogation authorities conducted with Yusupov, before he had access to his lawyer, one can hear and see the arm of a person to his side instructing him on the answers he should give. According to his lawyer, Yusupov later identified the person as one of the officers who periodically entered his cell and threatened him and his family with physical harm. Yusupov's attorney has petitioned Uzbekistan's general prosecutor regarding the alleged torture and other due process violations but received no response.

¹ For more information, see Human Rights Watch, 'Uzbekistan: Release Retired Diplomat' (June 11, 2019), <https://www.hrw.org/news/2019/06/11/uzbekistan-release-retired-diplomat>.

² Criminal Code of Uzbekistan, art. 157.

14. Yusupov's relatives told Human Rights Watch security service officials have prevented them from giving Yusupov prescription medication he takes to manage a health condition and that they have been subjected to harassment and surveillance. On December 13, 2018, border guards prevented Temur Yusupov, Yusupov's younger son, from leaving Uzbekistan at the Kazakhstan border, telling him he was banned from leaving the country.

Yusupov's trial, which began in Tashkent on June 23, 2019, was closed to the public at the time of this submission.

Ill-Treatment in Custody of Said-Abdulaziz Yusupov

16. On May 10, 2019, Uzbek authorities arrested Said-Abdulaziz Yusupov, director of the public foundation for the support and development of print media and information agencies on fraud charges. His wife Dilfuza Yusupova told Radio Free Europe on May 12 that the Yunusobod district court had ordered his detention for 10 days but that the detention would likely be extended for the period of the authorities' investigation. Media reports have emerged citing family members of Yusupov who state that Yusupov has been charged with treason or other extremism charges, and that he has potentially suffered ill-treatment or torture. Yusupova said that her husband suffers from deep-vein thrombosis and urgently requires medical care. Yusupov's brother released a video of Yusupov where he declares that the current case against him is retaliation for his peaceful journalistic work and support for the reform agenda of President Mirziyoyev. Yusupov's relatives have reported to Human Rights Watch that they believe Yusupov has been repeatedly subjected to torture in order to pressure him to provide a forced confession. At the time of writing, Said-Abdulaziz Yusupov is still in detention.

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

17. Amnesty International, the Association for Human Rights in Central Asia (AHRCA), Human Rights Watch, International Partnership for Human Rights (IPHR), and the Norwegian Helsinki Committee raised deep concern in May 2019 over allegations that Rashitjon Kadirov, former Prosecutor General of Uzbekistan, and twelve co-defendants may have been tortured and suffered other forms of ill-treatment in government custody.
18. The trial of Kadirov and his co-defendants began behind closed doors on January 7, 2019 in Yunusabad District Criminal Court. Kadirov has been charged under 12 articles of the Criminal Code for offenses including fraud, bribery and embezzlement.
19. Credible reports from sources close to Kadirov indicated that since being detained on February 21, 2018 he was subjected to psychological abuse, death threats, sleep deprivation and threats against his relatives, to force him to incriminate himself. The sources reported that during a 10-month criminal investigation in 2018, more than 40 people, including Kadirov's relatives, were summoned to testify and that some of them were arbitrarily detained, beaten, and otherwise ill-treated by law enforcement officers. All the witnesses have been released.
20. Three co-defendants released from pre-trial detention in August 2018 remain under house arrest. Kadirov and the remaining nine co-defendants held in pre-trial detention since February 2018 are at continued risk of torture and other ill-treatment.
21. Two credible sources and a witness who saw Kadirov in detention in August 2018 have reported ill-treatment of Kadirov. The witness stated that they saw a long furrow on Kadirov's neck, and that Kadirov was noticeably depressed, withdrawn, and barely able to respond to questions. The witness reported that Kadirov was wearing a long-sleeve sweater and despite a request from the witness refused to remove the sweater for further physical inspection.
22. Kadirov told the witness that he had been placed in a cell with three other prisoners who subjected him to psychological pressure and physical abuse including beatings under orders of

prison officials. The witness also said that Kadirov stated that officials held a pistol to his head to get him to make a false confession; told him he would be hung, and the death made to look like suicide; kept him naked in solitary confinement without a bed or bedding; regularly deprived him of sleep between February 21 and March 18, 2018; and threatened to frame him for a murder he did not commit.

23. Law enforcement officials have also forced Kadirov to listen in an adjacent room as other law enforcement officials beat his son-in-law in an effort to coerce Kadirov to incriminate himself, the witness said. His access to food, medicine and the toilet have reportedly been restricted. In May 2018 Kadirov was taken to the prison hospital for treatment for a short period.
24. **Treatment of witnesses and co-defendants in Rashitjon Kadirov's criminal case**³Credible sources, who requested anonymity for security reasons, stated that Kadirov's co-defendants and others temporarily detained as witnesses in connection with the investigation have been subjected to torture and other ill-treatment and violations of due process. Defendants Ulugbek Khuramov, Ramazan Pulatov, Muhabbat Mirzaeva, Akhmat Ikramov, Ulugbek Sunnatov and Jamshit Faiziev reportedly made statements in court alleging they had been tortured, including with beatings on the soles of the feet and an electric current, including to the genitals.
25. Ramazan Pulatov is said to have suffered a stroke after being interrogated for several hours and threatened with reprisals against his family and has since been unable to speak or walk. He and Miraglam Mirzaev, another defendant, who reportedly suffered a stroke during his arrest, were taken to court by ambulance due to their conditions. Muhabbat Mirzaeva and Yusuf Goipov, another of the defendants, also suffer from particularly serious health problems. The rights groups also received credible reports that Shukur Aminov, a witness, was tortured with beatings on his kidneys to force him to provide evidence against the accused.
26. On March 3, 2018 law enforcement officials searched the homes of nine of Kadirov's relatives. Between March 5 through the 10th of the same year, 13 male relatives were reportedly detained for three days and kept in solitary confinement. Four of Kadirov's female relatives were detained for a short time and told to raise and deliver to law enforcement officers a very large sum of money; and on 6 March 2018 another relative was taken to see Kadirov in his cell and this relative was told that if they did not raise and deliver a large amount of money to law enforcement officials, their sons would be arrested and held in the cell with Kadirov.
27. At least eight partners and clients of Alisherbek Kadirov's, Kadirov's son, law practice were also detained as witnesses, and some were beaten by law enforcement officials, interrogated for several days without sleep and subjected to psychological pressure to force them to testify against Rashitjon Kadirov. Seven witnesses made statements in court saying that from March to June 2018 they had been subjected to psychological and physical pressure to give statements. They renounced their witness statements in court. Lawyers for the accused reportedly submitted 40 requests for medical examinations and investigations connected with detention conditions, all of which the judge refused.
28. Credible sources also report, though, that following Amnesty International's Urgent Action of April 8, 2019, which called for an impartial investigation into concerns that Kadirov and his co-defendants were at high risk of torture and other ill-treatment, the judge ruled that all co-defendants should undergo a medical examination to ascertain whether they had been tortured.

³ For more information, see Human Rights Watch, 'Uzbekistan: Concern over Reports of Torture of Rashitjon Kadirov and Co-Defendants' (May 2, 2019), <https://www.hrw.org/news/2019/05/02/uzbekistan-concern-over-reports-torture-rashitjon-kadirov-and-co-defendants>.

29. While this is a positive step, the rights groups remain concerned about April 11 and 21, 2019 statements by the Prosecutor General's Office following Amnesty International's Urgent Action, asserting that forensic-medical examinations conducted in the course of investigations had not discovered any evidence of bodily harm. The statements did not provide any further detail. Such a response cannot be regarded as an independent and impartial investigation of the relevant allegations. Moreover, the conclusions of the forensic-medical examination have not been made available to the defense, and it is unclear who conducted the examinations and when.

Death in Custody of Ilhom Ibodov and Ill-Treatment of Rahim Ibodov⁴

30. Ilhom and Rahim Ibodov, two brothers who used to run a business in Bukhara, were arrested in August 2015 by the State Security Service (SGB) (formerly the Uzbek National Security Service (SNB)), after they refused to continue to pay bribes to officials and threatened them to file official complaints about extortion and racketeering. They were held for a total of 25 days at a temporary detention facility of the Bukhara Department of Internal Affairs. Due to 'administrative violations' their sentence was extended after the first 10 days by another 15 days. The surviving brother Rahim told relatives that during that time they were severely beaten repeatedly by four other cell mates who were encouraged by officials. The brother's feet were tied together while they were beaten, and they were beaten on the soles of their feet.
31. Two days after their conviction, Rahim Ibodov witnessed how his brother was beaten to death by three men. Rahim Ibodov identified the three officers as Azim Yunusov, head of the inspections department of the Bukhara SNB, an officer he knew as Bahodir whose surname he does not know, and an officer he knew as Inom whose surname he does not know but he believes was from the SNB's anti-corruption department. He knew the officers because the officers had for several years extorted the bribes from the brothers.
32. When the family received Ilhom Ibodov's body, they were urged to bury it the next day; the death certificate they received indicated a heart attack as cause of death.
33. Human rights organizations asked an independent medical expert to examine photographs and video of Ilhom Ibodov's body taken by family members on the day it was returned to them. The expert said that the images showed wounds around both ankles, a possible result of being shackled or bound with rope, and hematomas on his lower back, buttocks, shoulder, and the sole of his feet consistent with blunt force. The expert concluded that these and other marks were consistent with allegations of torture.
34. Rahim Ibodov, Ilhom Ibodov's brother who was detained along with him and given an 8-year prison term, was released in 2018. In June 2018, following a closed trial, several security agency officers were sentenced for their role in the torture and death in custody of Ilhom Ibodov. It is unclear, however, whether Uzbek authorities charged the officers with the crime of torture or under another statute. The trial was closed to the public, despite its exceeding public importance.

Case of Journalist Bobomurod Abdullaev⁵

35. On September 27, 2017 the SGB arrested freelance journalist Bobomurod Abdullaev on charges of conspiracy to overthrow the constitutional regime. As he later told his wife he was beaten when arrested and abducted with a bad over his head without being given any explanation. For the first days after his arrest he was stripped of his overclothes and forced to stand in a freezing cell without any food. He was only given food after he collapsed from exhaustion five days later.

⁴ For more information, see Human Rights Watch, 'Uzbekistan: Investigate Death in Custody, Torture' (November 28, 2016), <https://www.hrw.org/news/2016/11/28/uzbekistan-investigate-death-custody-torture>.

⁵ For more information, see Human Rights Watch, 'Uzbekistan: Investigate Torture of Journalist' (February 14, 2018), <https://www.hrw.org/news/2018/02/14/uzbekistan-investigate-torture-journalist>.

His relatives told representatives of several human rights groups on February 3, 2018 that he had been tortured and otherwise ill-treated since his detention. Further he was deprived of food several times and received threats against his family. He was further deprived of access to an attorney of his choice and even fired his human rights lawyer under the supervision of an official and chose to be defended by a state-appointed lawyer. He later managed to communicate to his wife that he still wished to be represented by the human rights lawyer.

36. In May 2018, following a trial observed by journalists and human rights monitors, a court conditionally released but still fined independent journalist Bobomurod. While the trial set a precedent for its degree of openness and transparency, authorities have not genuinely investigated Abdullaev's credible allegations of severe torture, despite a May 7, 2018 court order to the SNB to conduct an internal investigation into its actions during Abdullaev's detention. Abdullaev has also reported being subjected to surveillance by security services on numerous occasions since the trial and there are still no signs of accountability for the torture he suffered.

Other cases:

37. In a related case, authorities arrested **Hayot Nasriddinov**, a blogger and economist, in September 2017 on extremism charges⁶ that appear to be related to the conspiracy charges against Abdullaev. Nasriddinov similarly faced up to 20 years in prison. As of late 2017, his relatives had not been informed of the grounds for the arrest, and there were fears that they were under pressure not to talk to journalists and human rights groups. He was held in a SNB pre-trial detention center in Tashkent, and there were serious concerns that he may have also been tortured or otherwise ill-treated in detention. Nasriddinov was released in May 2018.
38. Forum 18, a non-governmental organization that monitors religious freedom, reported a torture case in 2017 in the northwestern city of Nukus, where police officers **jailed a Jehovah's Witness**, hitting him "on his kidneys, chest, stomach, and face. They then demanded that he do 150 squat exercises without taking a rest. When he was able to do only 120, the officers again beat him in the face." Later, police "kicked him on the back" and subsequently "[in freezing conditions] poured cold water on the floor of the cell and kicked him in the head."
39. In June 2017 relatives of imprisoned rights defender **Nuraddin Jumaniyazov** reported that he died in prison on December 31, 2016, of tuberculosis and diabetes-related complications. He was jailed in 2014 and sentenced in March 2014 to eight years and three months in prison on politically motivated charges. Jumaniyazov alleged he was tortured during his pre-trial detention and was denied contact with his attorney. No judicial or prison authorities meaningfully investigated the torture allegations.
40. When **Bobomurod Razzakov** was released in October 2016 one year prior to end of his four-year term in prison due to health conditions, evidence emerged that Razzakov was seriously ill-treated and denied medical care in prison.
41. In November 2017 political activist **Samandar Kukanov** was released after an appeal of human rights groups and the US State Department revoking a decision to extend his term by three years. He had been imprisoned since 1993, tortured, and at the time of his release was seriously ill.
42. In 2016 Human Rights Watch discovered that **Akram Yuldashev**, a religious figure and one of Uzbekistan's longest held political prisoners (since 1999), reportedly died in 2010 of tuberculosis. He had been set to be released from prison in the beginning of 2016. Authorities

⁶ Criminal Code of Uzbekistan, art. 159(4).

had forcibly disappeared him in prison and denied any information on his whereabouts since 2009. His family resides in the United States and has never received any formal information about his condition or death.

43. In March 2016 **Elena Urlaeva**, human rights defender and head of the Tashkent-based Human Rights Alliance of Uzbekistan checked into a psychiatric hospital after experiencing multiple traumatic events, including ill-treatment by the police. When Elena Urlaeva was supposed to be released on May 2, the hospital arbitrarily detained her citing “official orders” rather than a medical reason. The hospital released Urlaeva on June 1, after significant international pressure. After her release, Urlaeva reported ill-treatment during her detention, saying the “hospital staff turned aggressive patients on me, who beat me and dragged me by the hair.”
44. Following the forced return of **six Uzbek asylum seekers** from Norway to Uzbekistan in December 2014, authorities arrested, tortured, and tried the asylum seekers on charges of terrorism, accusing them of viewing “extremist” videos in Norway. In February 2015, state-sponsored television aired a film containing excerpts of the defendants confessing, in which the men displayed visible signs they had been tortured.
45. **Human Rights Watch recommends the Committee to use the upcoming review to urge the government of Uzbekistan to:**
 - a. Ensure prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment in all the above-listed cases and others examined by the Committee, and hold those responsible into account;
 - b. Implement the recommendations of the UN special rapporteur on torture based on his visits to the country in 2002;
 - c. Publicly acknowledge the scope and gravity of the problem of torture in Uzbekistan and meaningfully investigate all allegations of torture;
 - d. Ratify the Optional Protocol to the Convention against Torture (OPCAT).

Treatment of Persons Subjected to Detention (Article 11)

Conditions of detention

46. While there is no complete list of political prisoners in the country, local activists have reported thousands of persons imprisoned on politically motivated charges, many of whom have experienced torture or ill treatment including now released scholar Andrei Kubatin, human rights activist Fahriddin Tillaev, jailed in 2014, and perceived government critics Ruhiddin Fahriddinov, jailed since 2005, and now released prisoner Dilorom Abdukodirova, jailed in 2010 and released in 2018.
47. Other cases of concern where there have been credible allegations of torture include current political prisoners Sobir Hamidkariyev (producer), Ravshan Kosimov (military officer accused of espionage), Askar Ahmadiy, jailed academic Akrom Malikov, jailed media professional Said-Abdulaziz Yusupov, and retired Uzbek diplomat Kadyr Yusupov.
48. Human Rights Watch has also repeatedly urged the Uzbek government to amend its criminal code provisions relating to extremism that are commonly used to criminalize dissent⁷ and bring them into compliance with Uzbekistan’s international human rights obligations. Human Rights

⁷ Criminal Code of Uzbekistan, arts. 159, 216, 244-1, 244-2.

Watch also urges the Uzbek government to re-examine all cases of those imprisoned on charges of treason⁸ as there are numerous cases of politically-motivated imprisonment and torture that fall under this category (Ravshan Kosimov, Kadyr Yusupov, as well as recently released Andrei Kubatin).

49. Prison authorities in Uzbekistan claim to have stopped using Article 221 of Uzbekistan’s Criminal Code regarding “violations of prison rules” to arbitrarily extend the sentences of people imprisoned on politically motivated charges, but this criminal statute, long used as a tool to prolong the imprisonment of political prisoners, remains on the books.

50. Human Rights Watch recommends the Committee to use the upcoming review to urge the government of Uzbekistan to:

- a. Reform the criminal code in order to bring it into compliance with international human rights obligations and eliminate provisions that criminalize dissent, including the provisions related to extremism and treason.
- b. Immediately and unconditionally release everyone imprisoned on politically motivated charges, including religious figures, journalists, rights defenders and others;
- c. Provide a comprehensive list of individuals sentenced under the provisions of extremism and on charges of treason;
- d. End the practice of arbitrarily extending prison sentences for minor offences or “violations of prison rules” and repeal Article 221 of the criminal code;
- e. Allow the resumption of prison visits by the International Committee of the Red Cross (ICRC), discontinued since 2013.

Use of Extremism legislation

51. Uzbekistan also maintains some of the world’s most restrictive policies on the exercise of worship or belief. Authorities highly regulate religious worship, clothing, the sermons delivered by the country’s imams, and ban all forms of proselytism. Peaceful religious believers are often branded as “religious extremists.” Despite the reduction of the total number of people on the government-maintained “black lists” and public remarks made by President Mirziyoyev on the need to rehabilitate citizens who had been “misled” by radical groups, thousands of religious believers—religious Muslims who practice their religion outside strict state controls—remain imprisoned on vague charges of extremism.
52. According to Uzbek authorities, hundreds of “independent” Muslims—individuals who practice Islam outside strict state controls— have been released from prison but Human Rights Watch and other observers did not have access to a list of all persons serving sentences on charges of extremism to verify who had been released or not.
53. In September 2018, authorities detained at least eight conservative bloggers, allegedly for their views advocating a greater role for Islam in Uzbek society. Authorities denied several of them access to lawyers and sentenced some up to 15 days of administrative detention.
54. In 2016 prison authorities arbitrarily extended the prison term of Sunni religious believer Kamol Odilov in late January, just days before he completed his six-year prison term. He and his fellow Muslims had met to discuss the works of the late Turkish Muslim theologian Said Nursi. According to Forum 18, four members of a Sufi Muslim community were imprisoned for four

⁸ Criminal Code of Uzbekistan, art. 157.

years in Bukhara in June 2016 for holding religious meetings at home, as their community does not have state registration.

55. Human Rights Watch recommends to the Committee to:

- a. Ask the government which steps it has taken to end religious persecution, including by decriminalizing peaceful religious activity, and ending the imprisonment of thousands of people for their nonviolent religious expression.
- b. Urge the government to take meaningful steps to fully implement the recommendations made by the UN Special Rapporteur on freedom of religion or belief after his visit in 2017.

Jaslyk prison

56. In August 2019, the Uzbek government announced that it would finally fulfil the longstanding recommendation of UN bodies, including this Committee, to close the notorious Jaslyk prison colony – a detention facility long associated with some of the most egregious torture cases, located in the north western autonomous Republic of Karakalpakstan where prisoners had been exposed to extreme climatic conditions.

57. Human Rights Watch recommends the Committee to use the upcoming review to urge the government of Uzbekistan to:

- a. Clarify the steps taken towards the closure of the Jaslyk prison colony, including by confirming that no persons will be held there as either detainees or prisoners in the future;
- b. Resume prison visits and comprehensive monitoring by the International Committee of the Red Cross (ICRC).

Rights to Redress, Fair and Adequate Compensation, including Rehabilitation (Article 14)⁹

58. The Uzbek government has released more than 50 people imprisoned on politically motivated charges, including journalists, human rights defenders, and other activists since President Shavkat Mirziyoyev took office in September 2016.

59. However, the government has not yet embarked any meaningful strategy to provide justice and reparations for the serious violations that many of them had to endure during incarceration. The government should continue to release political prisoners and ensure that those released have access to remedies, including the right to overturn unlawful convictions and to get adequate medical care, especially as many remain in terrible health due to the ordeal they experienced for decades.

60. The 23 former prisoners Human Rights Watch interviewed between September 2017 and July 2018 described facing legal and economic barriers following their release, including restrictions on freedom of movement, surveillance, and inadequate medical care for health ailments stemming from their incarceration.

61. Though Uzbek authorities have amnestied some political prisoners and released others early, political prisoners have not been exonerated of the crimes for which they were convicted with the exception of the recent release and exoneration of political prisoner Andrei Kubatin.

62. Some released activists, like political opposition figure Samandar Kukanov and human rights defender Chuyan Mamatkulov, have challenged their unjust convictions in court. While

⁹ For more information, see Human Rights Watch, 'US Congress: Hearings on Developments in Central Asia' (30 July 2018), <https://www.hrw.org/news/2018/07/30/us-congress-hearing-developments-central-asia>; 'Uzbekistan: Release and Rehabilitate Political Prisoners' (17 November 2018), <https://www.hrw.org/news/2018/11/17/uzbekistan-release-and-rehabilitate-political-prisoners>.

Mamatkulov succeeded in obtaining a new trial regarding his 6 year imprisonment and torture, in July 2019, Uzbekistan’s Supreme Court rejected Kukanov’s effort to quash his conviction, ruling that “all charges in the case... had been proven.”

63. Released prisoners told Human Rights Watch that in many cases they have been unable to obtain the court sentence documents, and other materials in their cases so they can file appeals of their unlawful convictions.
64. Those who were “conditionally released” under Article 73 of Uzbekistan’s Criminal Code said their freedom of movement had been restricted, that they were under surveillance, and that they are required to report regularly to the police for “preventative conversations.”
65. ***Human Rights Watch recommends to the Committee to use the upcoming review to urge the government of Uzbekistan to:***
 - a. Provide information on what steps have been taken to address the significant medical, mental health, and economic needs of former political prisoners as they attempt to reintegrate into society;
 - b. Provide people recently released from arbitrary detention with full rehabilitation and access to adequate medical treatment, and create effective mechanisms, such as a national commission composed of government officials, representatives of nongovernmental groups, and international experts, that will focus on the rehabilitation and restoration of rights for individuals previously subjected to unlawful imprisonment, torture, cruel, inhuman or degrading treatment and the examination of other past abuses;
 - c. Release all persons currently detained or imprisoned on politically-motivated charges, including Akrom Malikov, Rustam Abdumannapov, scholars; Mirsobir Hamidkariev, a film producer; Aramais Avakyan, a fisherman; Ruhiddin Fahriddinov (also Fahrutdinov), a religious figure; Ravshan Kosimov, Viktor Shin, and Alisher Achildiev, soldiers; Askar Ahmadiy, religious believer, and Kadyr Yusupov, former Uzbek diplomat. Some of them, including Fahriddinov and Yusupov, as well as recently released Andrei Kubatin, have been tortured.

Sexual Orientation (Articles 2, 12, 13, 16)

66. Alongside Turkmenistan, Uzbekistan is one of only two post-Soviet states where consensual sexual relations between men are still criminalized, carrying a prison sentence of one to three years.¹⁰
67. Hate crimes against LGBT people, especially beatings and torture of men perceived to be gay, occur with regularity and are often recorded and posted online. In August, an Istanbul-based LGBT activist, Shohruh Salimov, along with others sent a public appeal to President Mirziyoyev asking him to scrap Article 120 and protect the lives of LGBT people. Instead of investigating the attacks, police visited his relatives’ home and threatened to arrest him. LGBT activists report to Human Rights Watch they constantly fear arrest, abuse, and extortion by police and being disowned by family and friends.
68. ***Human Rights Watch recommends to the Committee to use the upcoming review to urge the government of Uzbekistan to:***

¹⁰ Criminal Code of Uzbekistan, art. 120.

- a. Drop Article 120 of the Criminal Code, lifting the criminalization of consensual sexual relations between men;
- b. Meaningfully investigate all cases of the torture and abuse of LGBT citizens, and ensuring that the government makes clear to the public that it will protect all LGBT citizens from abuse.