

Uzbekistan¹

IHF FOCUS: freedom of expression and the media; freedom of association; peaceful assembly; judicial system and independence of the judiciary; torture, ill-treatment and police misconduct; prisons; freedom of religion; human rights defenders.

The government of Uzbekistan committed wide-scale violations of virtually all basic human rights during 2003. It refused to register political opposition groups and independent NGOs, obstructed their work and harassed, arbitrarily arrested and often tortured or ill-treated their members. Several human rights activists were serving prison terms. Only two human rights groups were officially registered.

While a large number of media outlets were in operation, there was a virtual information vacuum in Uzbekistan. The government controlled the media at all levels and critical reporting was almost non-existent.

Independent Muslims were regarded as “religious extremists,” a definition which warranted persecution by authorities. In addition, non-traditional religious minority groups, such as Protestants, Jehovah’s Witnesses and members of the Hare Krishna movement faced harassment.

Torture and ill-treatment remained widespread in prisons and detention facilities, and occurred with almost total impunity. Between May 2003 and early 2004, at least four people died in police custody, apparently due to torture. The government of Uzbekistan also failed to take measures to implement the recommendations of the report on Uzbekistan of the UN Special Rapporteur on Torture.² Although a governmental commission was set up to develop an action plan against torture, nothing was published by the end of the year. Moreover, the government failed to publicly condemn the use of torture, one of the main points of the recommendations.

Following the terrorist attacks on 11 September 2001 in the United States (US), Uzbekistan became a strategic partner in Central Asia in the fight against international terrorism. While the established democracies in the OSCE reportedly criticized the Karimov regime, there was widespread perception that pressure to improve human rights was limited to mid-level diplomatic gestures while higher levels of power tolerated the repression, which, the IHF repeatedly claimed, encouraged terrorism.

Perhaps the most important individual event in terms of protection of human rights was the annual meeting of the Board of Governors of the European Bank for Reconstruction and Development (EBRD), held in Tashkent on 4-5 May 2003. EBRD placed strict conditions on the Uzbek government in exchange for further support, including radical improvements in the human rights situation to be carried out within one year. Only after that, the EBRD would consider further investments in Uzbekistan. EBRD officials also subsequently organized four meetings with NGO representatives, mostly with human rights organizations in order to discuss developments in this field. The response of the NGOs was almost unanimous: no essential improvements had taken place, and in many fields problems had even worsened.³

¹ Unless otherwise noted, based on information from the Human Rights Society of Uzbekistan (HRSU, IHF cooperating committee) to the IHF.

² UN Economic and Social Council, *Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted in accordance with Commission resolution 2002/38*, 3 February 2003, at http://www.gnpt-web.org/unchr_reports/E_CN_4_2003_68_Add_2.doc.

³ In April 2004, the EBRD decided to limit its investments in Uzbekistan to the private sector due to the lack of positive developments in the economic and political fields, including human rights. For details, see Human Rights Watch (HRW), “Uzbekistan: EBRD Leading by Example,” 7 April 2004, at <http://hrw.org/english/docs/2004/04/06/uzbeki8405.htm>.

The Uzbek economy was steadily declining and reached a critical level in 2003. Uzbek authorities were forced into a corner to urgently implement necessary reforms in the political, economic and other areas of life, but failed to do so. The level of unemployment was extremely high and while no official statistics were published (they were regarded as state secrets), local monitors estimated the level to be as high as 70-80% among the youth, including those who only had casual work. Corruption, bribery and other illegal practices flourished.

The minimum monthly salary, set by the government, was 5,440 sums (about €) while 1 kg of beef cost 2,000-2,200 sums and 1 kg of flour 350 sums. Most employers paid wages with a 3-5 month delay and there was a similar backlog in the payment of pensions.

Freedom of Expression and the Media⁴

On the face of it, Uzbek media legislation appeared to be relatively adequate. However, almost every piece of media legislation included mechanisms that could be—and, as a rule, were—used to control all media outlets.

For example, the Law on the Mass Media allowed any state body that had registered a media outlet to close it without a court decision. Under the same law, Uzbek citizens living outside the country were not allowed to register media outlets. In addition, founders of media outlets were obliged to reveal “sources of funding, material and technical supply” upon registration, a provision which could be later used to put these “sources” under pressure.

The Law on the Protection of State Secrets was vaguely formulated, leaving journalists without firm criteria to enable them to understand which issues were state secrets. In practice, however, the punishment for revealing these secrets was harsh.

The Criminal Code qualified libel and defamation as criminal acts punishable by fines or imprisonment. Insult to the president could be punished by “corrective work” or up to three years’ imprisonment.

In cases of court disputes, the courts as a rule decided to the disadvantage of the media, a fact that was aggravated by the lack of an independent judiciary.

All Uzbek media outlets were under the control of authorities, from the local to the national level. Censorship was officially lifted in 2002, but in practice critical articles were followed by phone calls from the presidential administration, threatening journalists with “serious consequences.” Unsurprisingly, this resulted in strict self-censorship among journalists and editors. Few journalists dared issue reports that defied the main government line and even fewer editors were willing to publish such reports. However, those who did divert from the official line were dealt with harshly. In a new trend of harassing journalists, they were charged with crimes that were not directly linked to their work, such as corruption, rape, sexual advances on minors and similar offenses. Another, more subtle way of harassment was moving journalists, who had tried to publish slightly critical articles (e.g. about social issues) to other papers or state organizations.

- On 13 August, Ruslan Sharipov, an independent journalist and human rights activist, faced a closed trial at the Mirzo-Ulugbek District Court in Tashkent. He was charged with consensual homosexual acts, involving minors in anti-social activities and having sex with a minor. Sharipov denied the charges. Days before the verdict Sharipov fired his lawyers and asked for his mother—the only observer from the defense side allowed to witness the proceedings—to be excluded from the court. He pleaded guilty to all charges against him, offered to publicly beg for forgiveness of President Islam Karimov, the minister of interior, and local police, and retracted all Internet news articles critical of the government that he had written from 2001 to

⁴ Based on Press Now, *Media in the Central Asian Republics, Fact-Finding Mission Report*, July 2003.

2003. The court sentenced him to five and a half years imprisonment. In a letter smuggled out of prison on 5 September, Sharipov described how the police had tortured him to force him to plead guilty. He stated that police officers had placed a gas mask over his head, sprayed an unknown substance into his throat, and injected an unknown substance into his veins. He also said that police had threatened to inject him with the HIV/AIDS virus, and forced him to write his own suicide note. He further stated that other officials threatened to physically harass his lawyers if he did not dismiss them. On 25 September, his sentence was reduced to four years on appeal. The court dropped the charge of involving minors in anti-social behavior, but upheld the other charges. Sharipov arrived at the courthouse with a swollen eye, an injury above the eye, and broken glasses. The authorities claimed that the vehicle he was traveling in was involved in a minor accident on the way to court. As of the end of 2003, Sharipov was serving his term in Tavaksai prison.⁵

The state television company operated on four channels, all airing a large number of entertainment and Soviet-style news programs. Privately owned radio stations lived under the constant fear of losing their licenses, a fact that kept them on the right governmental line, broadcasting mainly music and harmless information. In Tashkent some commercial radio stations broadcast more serious news but could only do so with the moral and financial support of USAID or the OSCE.

While there were hundreds of registered newspapers and/or magazines, there was not a single daily newspaper. Most newspapers reported the government's line. In addition, all media had to take into account the opinions of local heads of administrations (*khokims*).

There were both state and private printing presses, again, all under government control: printing critical information would have had serious business consequences. In practice, most printing and distribution was carried out by state companies.

Internet remained the only source of independent information, but it was extremely expensive and available to only a few people (about 1.4% of the population as of mid-2003). However, the number of Internet users was on the rise after the government lifted the monopoly providing Internet services in 2002. Access to some Internet sites was, however, sometimes blocked.

Freedom of Association

Uzbek legislation fell seriously short of international standards as regards freedom of association and the right to peaceful assembly.

The registration of public organizations, including human rights groups, was carried out on the basis of two laws: the Law "On Non-Governmental Public Associations" (1991) and the Law "On Non-Governmental Non-Profit Organizations" (1999). Political parties were registered under the Law "On Political Parties" of 1999. Some amendments were made to the law on political parties, changing the minimum requirement of founding members from 10 to 50. In the same vein, the minimum number of members was increased from 3,000 to 5,000. The Human Rights Society of Uzbekistan (HRSU, IHF cooperating committee) noted that, in a country where most people live in permanent fear of the authorities, it is *de facto* impossible to gather 5,000 signatures from people who would openly state that they wish to join a party other than the one loyal to the government.

In practice, the government registered organizations at its own discretion on the basis of their loyalty to it.

⁵ Amnesty International, "Further Information on UA 180/03 (EUR 62/005/2003, 20 June 2003) Fear for safety/Fear of torture and ill-treatment new concern: Unfair trial," 10 August 2003, at <http://web.amnesty.org/library/Index/ENGEUR620102003?open&of=ENG-UZB>; HRW, "Uzbekistan: Human Rights Defender Loses Appeal," 26 September 2003.

- Several bankers, businessmen and other persons close to the governing authorities expressed the wish to found the Liberal-Democratic Party of Uzbekistan. Within three days following its foundation, the party was officially registered.
- On 27 November, the human rights NGO HRSU applied to the Ministry of Justice for registration. The head of the Ministry's Department on Public Associations, Mr. Abdusattorov, refused even to take the application. The incident was witnessed by reporters of the *Wall Street Journal*, Voice of America and Ozodlik (Freedom). Only after HRSU members had waited for three hours and insisted that Abdusattorov either take the application or issue an official document certifying that he refused to take it, Abdusattorov yielded. However, since then, the HRSU has been asked on several occasions to submit additional documents which are not required by law, including a detailed list of all its members at all levels of the organization. The HRSU believes that this was only required in order to pass on the information to the secret services.

In 2003, three political opposition organizations sought re-registration: the National movement "Birlik," the Democratic Party "Erk," and the "Ozod Dekhkonlar" party. They were all initially created in the early 1990s but were stripped of registration in 1993. "Birlik" succeeded in submitting its application for registration three times (in September and November 2003 and January 2004) but was rejected all three times. "Ozod Dekhkonlar" was unable to even hold a founding meeting in 2003: the party was not allowed to meet in the hall it had legally rented for the purpose, and a renewed attempt at registration in early 2004 was also refused.

The Uzbek government stepped up persecution of "Erk" members, as they tried to reactivate the party. "Erk" eventually managed to hold a party congress on 22 October after being forced to delay it several times due to government pressure. In the lead-up to the meeting, its members were beaten, detained, and imprisoned.⁶ "Erk" was not able to apply for registration by the end of 2003: it split into two parts with the same name and neither of them applied for registration.

Only pro-governmental NGOs received financial support from the authorities, but virtually in secrecy. In addition, many companies and organizations (both governmental and non-governmental) were forced to transfer money to the accounts of pro-governmental parties.

Trade unions did not differ from those of the Soviet era despite the fact that they were officially non-governmental organizations. Some of them lacked even the rights and powers the trade unions enjoyed in Soviet times. Not a single genuinely independent trade union had been set up during the years of independence in Uzbekistan despite the fact that the law allowed for them. In practice, it was felt that establishing such unions would be useless as they would not be able to operate freely and membership in such a union would undoubtedly lead to harassment.

Peaceful Assembly

All forms of peaceful assemblies—demonstrations, street processions, etc.— except for pickets, protesting government policies were regulated by a law adopted in 1989, i.e., dating back to the Soviet era. The law fell seriously short of international standards and fully met the interests of an authoritarian political regime. It effectively banned any opposition organization from organizing peaceful assemblies of protest: protest meetings were allowed only in closed rooms or halls if permitted by authorities. In practice, the authorities refused to deal with applications to organize such meetings.

⁶ HRW, "Fact Sheet: Human Rights Developments in Uzbekistan from July to October 2003 Monitoring of the EBRD Human Rights Benchmarks," 25 November 2003, at <http://hrw.org/campaigns/uzbekistan/uzbek-factsheet-1103.htm>.

- In 2003, the only street procession that was held by non-governmental political parties was held by 25-30 members of the “Erk” party in October. The procession was dispersed by the police as a non-sanctioned action, and several of its participants were arrested and taken to police stations. Two participants were prosecuted.
- There was a series of non-sanctioned meetings held by Muslim women who demanded that Muslims, in most cases their husbands or sons, imprisoned for their peaceful religious activity be released. They also protested the torture and ill-treatment of the detainees. These demonstrations were dispersed as soon as they started and many participants were arrested and taken to police stations where they were fined, and criminal cases initiated against some of them.

As the only existing way to protest publicly was to hold a picket, the HRSU organized numerous of them near the Prosecutor’s Office, the Supreme Court, the Presidential Administration, the Cabinet of Ministers, state radio-TV company, and various ministries and other similar places. On many occasions other people, who wished to protest violations they had experienced themselves, joined the HRSU pickets. These pickets were held in several cities of the Fergana valley and were not dispersed by authorities. In addition, several strikes were held at state factories in the city of Fergana (for instance, at the Fergana refinery).

Judicial System and Independence of the Judiciary

There were no important reforms of the Uzbek judicial system in 2003. The Criminal Code and Civil Codes as well as the Criminal and Civil Procedure Code were not in line with international standards. Moreover, they were violated by law enforcement agencies, the Prosecutor’s Office and judges in all parts of the country.

Uzbek courts continued to be extensions of the Prosecutor’s Office and local authorities. No equality of arms was guaranteed: the prosecutor played a central role and led proceedings while the defense was a mere formality. Judges were strongly influenced by prosecutors and rarely handed down independent rulings.

The Prosecutor’s Office served the authorities rather than the law. It channeled the opinions of authorities on what the outcome of a trial was to be, and this was rubber-stamped in the courtroom “in the name of the Republic of Uzbekistan.”

According to the Constitution, judges were appointed and dismissed by the president of the republic, and the prosecutor general had the right to initiate a criminal case against a judge for misconduct but only with the permission of the president. As a result, it was virtually impossible to bring charges against judges for misconduct or abuse of office.

Most judges lacked proper professional qualifications. Positions were usually bought by bribery and, as a rule, professional qualifications were overruled by “suitability” as seen by the Prosecutor’s Office and following directions “from above.”

It was extremely difficult for independent lawyers to work efficiently to defend their clients. Lawyers had virtually no rights before investigating authorities, Prosecutor’s Offices and judges. In most cases, their role was reduced to signing documents upon fabricated charges and to filing appeals to the higher judicial body.

Another serious cause for concern was the fact that the judicial system was corrupt. It served the aims and interests of various groups involved in the administration of justice—including law enforcement agencies, the Prosecutor’s Office, judiciary and other judicial staff. By the same token, the system was also used by authorities at all levels for their own aims. Typically, cases were fabricated and evidence planted or faked.

- In April 2002, the Prosecutor's Office in the Dzhizak region initiated criminal cases against Sharof Yusupov, Farkhod Dzhabbarov and Shavkat Khakimov, workers in the corn industry, under article 167 (theft through appropriation or embezzlement) of the Criminal Code. They were accused of stealing a huge amount of corn. It turned out, however, that the case had been fabricated under the influence of local *khokims*. Nevertheless, despite protests and convincing evidence by the defense of their innocence, the Dzhizak City Court sentenced the three men to different terms of imprisonment, requiring each of them to pay tens and hundreds of millions of sums (hundreds of euros) for the alleged damage caused to the state. It appeared obvious that the judgment was passed under pressure from the National Security Service (NSS) and the *khokim* of the Dzhizak region.
- In 2003, the HRSU and the IHF on several occasions drew attention to the case of Solikhjon Abdukhairov, a businessman from the Guizhduvanskiy district of the Bukhara region. He was arrested with his two sons by the NSS officers on fabricated charges—the local *khokim* insisted on getting 39% of the shares of his company. Abdukhairov and his sons were subjected to physical and psychological pressure in the investigation isolator of the Bukhara region NSS. Though the investigation failed to prove any guilt of the accused, the Bukhara Regional Court sentenced Abdukhairov to eight years imprisonment. Solikhjon Abdukhairov was released under the 24 December amnesty and his sons were acquitted during the trial.⁷

Torture, Ill-Treatment and Police Misconduct

Uzbekistan has been party to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment since 1995 and article 26 of the 1992 Uzbek Constitution and other legislation prohibited the use of torture and inhuman or degrading treatment.

Nevertheless, torture was widely used in detention facilities and courts frequently handed down harsh sentences, including capital punishment, based solely on coerced confessions. In 2003, at least four people died under suspicious circumstances while in custody, and Human Rights Watch (HRW) documented ten torture-related deaths in custody between late 2001 and mid-2003.⁸

One significant factor that facilitated police misconduct was that authorities demanded a 100-percent detection rate from law enforcement officials. As a result, officers resorted to torture to extract self-incriminating confessions. In addition, they framed individuals for crimes and fabricated evidence (including planting illegal literature or drugs in their possessions), and pressured witnesses to give false statements. This chain of illegal practices resulted in convictions of innocent people. Officers who failed to meet the state's crime detection objectives risked losing their jobs. Moreover, officers were offered inducements such as extra leave, bonus payments and promotion in return for arrests.

The UN Special Rapporteur against Torture stated that torture or similar ill-treatment was systematic in Uzbekistan and that complaints against torture and ill-treatment were only rarely investigated. Courts investigating such complaints disregarded evidence, such as medical reports or registry records, judging generally in favor of the officers allegedly responsible for the abuses. The UN rapporteur recommended, among other things, that the government “first and foremost” publicly condemn the use of torture, and amend the national penal law to include the crime of torture, the definition of which should be in line with the UN Convention. Further, all alleged cases of torture should be thoroughly investigated by an independent body, indicted officers suspended from duty and the cases dealt with by an independent judiciary. The government should allow access to places of

⁷ See IHF open letter to the president of Uzbekistan, 12 March 2003, at http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=3368.

⁸ HRW, “Uzbekistan: One Year Assessment of Benchmarks by the EBRD. Letter to the European Bank for Reconstruction and Development,” 23 March 2004, at <http://hrw.org/english/docs/2004/03/23/uzbeki8184.htm> and “Uzbekistan: Torture Death in Prison,” press release, 3 June 2003, at <http://www.hrw.org/press/2003/06/uzbek060303.htm>.

detention to independent, non-governmental investigators who could interview detainees. In addition, lawyers should have 24-hour access to their clients in custody, and confessions or other information extracted under duress should be declared inadmissible as evidence in courts.⁹

By the end of 2003, the Uzbek government had not publicly condemned the use of torture. By contrast, Akmal Saidov, the director of Uzbekistan's National Human Rights Centre, in his speech of 2 September downplayed the problem and insisted that there had been only a few sporadic cases.

In Article 235 of the Criminal Code was amended to bring it in line with article 1 of the UN Convention against Torture. However, while the adopted amendments did bring about improvements, they still fell short of the UN definition.¹⁰ At the same time, punishments for perpetrators were increased. Nevertheless, torture and ill-treatment continued unabated throughout the year.

- At least four out of twelve¹¹ persons standing trial in August for alleged association with Hizb-ut-Tahrir were reportedly tortured and ill-treated. On 28 and 30 July, two of the defendants, Bakhtiar Iakubov and Abdurasul Abdurakhmanov, testified to having been beaten in detention until they signed self-incriminating statements. The judge reportedly ignored the allegations of torture put forth during trial.¹²
- In another case, Chingiz Suleimanov, who was arrested on 8 May for participating in a fight in January, told the judge that an officer had beaten him and banged his head against a wall in the police station. The judge's response to the allegations was that "the police do not beat up people." On 25 June Suleimanov was sentenced to five years imprisonment. Following the verdict, he was taken to the Akhangaran District police station, where he was beaten again as punishment for telling the court that he had been tortured.¹³

Prison inmates were often subjected to torture or ill-treatment. In particular, people imprisoned for their religious activities suffered this fate: prison guards routinely abused Muslim prisoners in order to force them to disavow their religious convictions and to swear loyalty to the government. In many cases, torture and ill-treatment led to death.

- Zokirjon Akramov (born 1974) reportedly died on 8 February. He was serving a 12-year prison sentence. On 18 January he had been taken to Tashkent's Sangorod prisoners' hospital (No. 64/18) for the third time during his imprisonment. The day before his death, Akramov had told his brother that he had been seriously beaten in custody and suffered from severe injuries.¹⁴
- Otamaza Gafarov died apparently from torture on 3 May. He was due to be released in September from the Chirchik prison after having spent seven years in prison. While incarcerated, he was frequently sent to punishment cells for objecting to prison authorities' mistreatment of fellow prisoners and demands for bribes from family members of prisoners.

⁹ UN Economic and Social Council, *op.cit.*

¹⁰ Development Support Services Programme of the Government of Uzbekistan and UNDP, "Comments of the Draft Amendment Article 235 of the Criminal Code of Uzbekistan, at http://www.dssp.uz/docs/resources/hr/HRA_Comments_on_MVD_request_torture_eng.pdf. Compare with the adopted version at <http://www.dssp.uz/docs/resources/hr/New%20Article%20235.pdf>.

¹¹ Kasimov, Rustam Palpievich (born 1983); Abidov, Anvar Azizovich (1970); Aripov, Ulugbek Turgunovich (1974); Zakirov, Nodirzhan Nasirovich (1976); Ashrapov, Kamoliddin Salokhiddinovich (1976); Iakubzhanov, Akmal Anvarovich (1969); Rashidov, Mukhammad Abdukarimovich (1985); Musakhanov, Abdukhalil Jalilovich (1964); Abdurakhmanov, Abdurasul Abdusattorovich (1982); Iakubov, Bakhtier Khaojiakbarovich (1982); Zakirov, Shukhrat Shakirovich (1969); and Abdullaev, Shoaziz Mansurovich (1972).

¹² World Organisation Against Torture (OMCT), "Uzbekistan: Torture of Persons Accused of Membership With the Hizb-ut-Tahrir," 8 August 2003, at <http://www.omct.org/displaydocument.asp?DocType=Appeal&Language=EN&Index=3481>.

¹³ OMCT, "Uzbekistan: torture and unfair trial of a minor, Chingiz Suleimanov," 8 August 2003, at <http://www.omct.org/displaydocument.asp?DocType=Appeal&Language=EN&Index=3480>.

¹⁴ www.birlik.net, "Another Muslim became a victim of the torture-chamber of Karimov's regime," 4 March 2003, at www.muslimizbekistan.com.

Prison authorities claimed that Otamaza Gafarov had died of a heart attack, although one guard told the family that Gafarova's death "happened differently."¹⁵

- Orif Eshanov was arrested by the National Security Service in Karshi on suspicion of belonging to Hizb-ut-Tahrir. He died in custody on 15 May. Witnesses who saw the body told HRW that it had heavy bruising to the arms, shoulders, upper chest, legs and soles of the feet. There were open wounds to one arm and his back. Several ribs were broken. Witnesses also reported that there were indications that objects such as needles had been forced under his fingernails.¹⁶
- On 9 December, relatives buried Kamalodin Jumaniyozov, whose body they had received from police custody two days earlier. Witnesses who viewed the body told HRW that it had two bloody injuries to the forehead, bruising on the nape of the neck, and a grazed knee.¹⁷

While in 2002 several law enforcement officials were found guilty of torture and sentenced to prison terms between 5 and 20 years, local monitors were not aware of a single conviction of an abusive police officer in 2003. However, legal aid lawyer Ildar Shayfiyev who had been beaten by an officer in May 2002, won his case in court in 2003. The case was, however, won by "reconciliation" and no damages were paid.¹⁸

During the last decade not a single individual subjected to torture or other cruel treatment was known to have been paid any form of compensation, not even in those cases where the guilt of law enforcement organs was established in court.

Prisons

Uzbekistan's penitentiaries were grossly overcrowded and sometimes accommodated up to five times the number of inmates they were built for. Prisoners were treated in a degrading manner and regularly deprived of basic care, including sufficient food and medical attention. As a consequence, undernourishment and diseases such as tuberculosis and hepatitis were widespread, and frequently resulted in deaths of prisoners. For example, HRSU reported that an average of ten people died in the Tashkent hospital colony Uja (64/18) every day.

- Habibullo Qurbonov died on 2 April of tuberculosis after having been amnestied. He had been sentenced to 12 years imprisonment for membership in Hizb-ut-Tahrir. He first served in the Zarafshan colony, CEP 64/48, and later in CEP 64/36. After falling ill he was hospitalized in Tashkent's Sangorod (CEP 64/18).¹⁹

The most notorious of all Uzbek prisons was Jaslyk, situated in the Karakalpakstan desert far away from any urban centers. Most inmates were kept there in Soviet-time military barracks and three huge underground bomb shelters. Despite secrecy surrounding the facility, also called "the place of no return," reports were received about extremely harsh conditions, the spread of various diseases, severe torture and ill-treatment inflicted on inmates, and several cases of death. Muslim prisoners were usually held in this facility and put under pressure to sign letters of repentance.

¹⁵ HRW, "Fact Sheet: EBRD Annual Meeting—Tashkent and After, Incidents of government harassment and intimidation of human rights defenders in connection with the annual meeting," June 2003, at <http://www.hrw.org/press/2003/07/ebrd-factsheet.htm>.

¹⁶ Ibid.

¹⁷ HRW, "No Progress on Reforms to Combat Torture," 20 December 2003, at <http://hrw.org/english/docs/2003/12/19/uzbeki6787.htm>.

¹⁸ HRW, "Progress on Paper Only: Analysis of the U.S. State Department's Certification of Uzbekistan, 23 June 2003, at <http://www.hrw.org/backgrounder/eca/uzbek060303-bck.htm>.

¹⁹ Muslim Uzbekistan, "Amnestied Muslim Died in Yizzakh," 8 April 2003, at http://www.muslimuzbekistan.com/eng/ennews/2003/04/ennews08042003_g.html.

The UN Rapporteur criticized the fact that he was not allowed to visit the colony for more than two hours. Nevertheless, he concluded that due to its very location (including temperatures between +60 C in summer and –30 C in winter), the conditions of detention alone in the Jaslyk amounted to cruel, inhuman and degrading treatment and punishment both to its inmates and their relatives. He also noted with serious concern that he was denied access to the SNB lockup in Tashkent.

HRW reported the following case of torture in Jaslyk:

- In April and May, seven prisoners at Jaslyk were allegedly put into punishment cells, where they were beaten, deprived of food, and threatened with death. At this time, another prisoner was continuously raped by cell mates with the tacit approval of the guards. He was later forced to write that the rapes had not occurred and moved to the Tashkent prison hospital.²⁰

Following the deaths of Husnidin Alimov and Muzafar Avazov in Jaslyk in 2002,²¹ Uzbek authorities tried to improve the reputation of the Jaslyk prison by, for example, inviting journalists to visit the facility. During one such visit, inmates told the journalists that although ill-treatment had become somewhat less frequent after the international outcry following the death of Alimov and Avazov, it was still commonplace.²²

Freedom of Religion²³

Uzbekistan's Constitution guaranteed the separation of religion and state and freedom of religion. Other laws, in particular the 1998 law on religion, however, severely limited religious activities. The government exerted harsh control over the life of virtually all religious communities, particularly Muslims. Protestants, Jehovah's Witnesses, and members of Hare Krishna and other religions regarded as non-traditional were harassed, their meetings dispersed and participants arrested. The Russian Orthodox believers and Jews experienced the least amount of pressure.

Article 8 of the law on religion prescribed that religious organizations may pursue activities only after being registered at the Ministry of Justice or at its local agencies. As a consequence, unregistered religious activity was illegal and individuals engaged in such activities were routinely punished even for religious meetings in private homes. The law required a minimum of 100 signatures for a religious community to qualify for registration, which many religious groups simply could not achieve.

Missionary work was banned by article 5. Christians trying to convert Muslims were subjected to persecution by officials and even prosecution. Religious instruction was prohibited under article 9, an article frequently used against unregistered groups who met in private apartments.

On the basis of article 19 of the law on religion, religious literature was to undergo “an expert analysis of its contents,” i.e. censorship, and there was a list of literature approved for distribution in the country. Literature that was not on the list was confiscated and even burned.

The Criminal and Administrative Codes also limited religious freedom. The articles of the Administrative Code most frequently used against believers were article 202(1)—showing an inclination to participate in the activity of illegal public associations or religious organizations; article 240—breaking the law on religious organisations; and article 241—violating the procedure for giving

²⁰ HRW, “Progress on Paper Only: Analysis of the U.S. State Department's Certification of Uzbekistan, 23 June 2003.

²¹ See IHF, *Human Rights in the OSCE Region: Europe, Central Asia and North America, Report 2003 (Events of 2002)*, at http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=1322.

²² IWPR, Galima Bukharbaeva “Uzbek Prison Brutality,” 3 May 2003, at <http://www.muslimuzbekistan.com/eng/ennews/2003/05/ennews03052003.html>

²³ Unless otherwise noted, based on Forum 18 (Igor Rotar), “Uzbekistan: Religious Freedom Survey,” 16 July 2003, at http://www.forum18.org/Archive.php?article_id=105.

religious instruction. Violations of these articles could result in a fine of five times the minimum wage to 15 days imprisonment. If believers committed these offences more than once, they could be subjected to parallel articles of the Criminal Code,²⁴ all of which prescribed punishments ranging from a fine (of between 50 and 100 times the minimum monthly wage) to three years imprisonment.

*Muslims*²⁵

After the law on religion came into force in 1998, all religious organisations were required to re-register. However, the majority of functioning mosques did not manage to register.

The government attempted to strictly control Muslim activity and the Muslim clergy was completely under the control of the authorities. *Imams* were attested two or three times a year, often on questions unrelated to religion. The leadership of the Spiritual Administration of Muslims was virtually a state agency. The texts of Friday addresses were approved by the *muftiate* and Islamic schools (*medresseh*) were strictly controlled by the authorities.

This strict control was largely targeted at the underground Islamic Movement of Uzbekistan (IMU) that had openly stated its aim to overthrow the regime by force and replace it with an Islamic state. Another target was the local branch of the international organization Hizb-ut-Tahrir, which aimed at the unification of Muslims world-wide under one caliphate, which was banned in Uzbekistan. Earlier, this party had condemned the use of violence, but following the 11 September 2001 attacks, it has become more radical.

The thousands of Muslim prisoners of conscience serving their sentences were formally convicted not only for their religious activity but also under article 159 of the Criminal Code (undermining the constitutional system). Most of them had been arrested either on suspicion of being "Wahhabis" or because they were in possession of Islamic literature that was banned.

- Around 50 wives of Muslim prisoners demonstrated in Namangan on 17 June calling for their husbands to be freed. They claimed the men were "prisoners of conscience," punished simply for being "faithful Muslims." Misor Ubaidulaeva, one of the demonstrators, said that her husband was not a terrorist—he simply said prayers five times a day and attended the mosque regularly. Her husband had reportedly almost lost his hearing as a result of beatings in a prison in Karshi, where inmates were not allowed to pray.²⁶

Article 14 of the law on religion prohibited the wearing of religious clothing in public places, but the ban was not implemented very rigorously. Nevertheless, many Muslim men avoided having an obviously Muslim appearance (e.g. wearing a beard) and wearing Islamic headscarves could result in discrimination.

Access was blocked to some international Muslim websites such as that of Hizb-ut-Tahrir, based in Britain, and a site maintained by Uzbek Muslims in exile (hosted in the US). In accordance with NSS orders, Internet cafe owners were obliged to ensure that customers did not look at "forbidden" information. If Internet cafe staff failed to react, they could expect serious consequences and even imprisonment.

²⁴ Article 216, part 1 (showing an inclination to participate in the activity of illegal public associations or religious organisations) and part 2 (breaking the law on religious organisations) and also article 229 part 2 (violating the procedure for giving religious instruction).

²⁵ See also HRW, *Creating Enemies of the State: Religious Persecution in Uzbekistan*, 30 March 2004, at <http://hrw.org/english/docs/2004/03/29/uzbeki8309.htm>.

²⁶ Forum 18, "Uzbekistan: Wives demand freedom for imprisoned husbands," 26 June 2003, at http://www.forum18.org/Archive.php?article_id=93.

Religious Minorities

Religious minorities that wished to register encountered a large amount of red tape or, in most cases, flat rejections as authorities tried to limit the spread of “non-traditional” faiths. The main targets were religions that were perceived to be missionaries, e.g. the Jehovah's Witnesses and Protestants.

- In January the police burst into a private home in the town of Muinak in Karakalpakstan where two ethnic Kazakhs were reading the Bible. The Protestants were taken to the police station where they were tortured (gas masks were put on their heads and the air supply cut off). Officers demanded that they write a confession that they had been preaching the Gospel to each other.
- Four Jehovah's Witnesses were arrested on 1 May for preaching on the street in Kagan. They were all beaten by police officers. While a police officer denied that any of the Jehovah's Witnesses were beaten, the deputy head of Kagan's investigation isolation unit stated that “they had not committed a serious enough offence to deserve a beating.”²⁷
- The Peace Protestant Church in Nukus in Karakalpakstan had its registration stripped from it in August 2000. After that, it was raided by the police at least four times. During one such raid on 24 August, two of its leaders were fined five times the minimum monthly wage. The church had repeatedly tried to regain its registration but had been rejected.²⁸
- Uzbek authorities in the east of the country, in Ferghana, prevented Hare Krishna followers from meeting privately together, including having lunch. The followers were, for example, fined seven times the minimum monthly wage.²⁹

Human Rights Defenders³⁰

Persecution of human rights defenders continued throughout the year. Only two human rights NGOs succeeded in registering—both due to international pressure: the Independent Human Rights Organization of Uzbekistan and Ezgulik, registered in March 2002 and March 2003 respectively. HRSU was refused registration (see above), and a group called “Mothers against Crimes against the Individual” did not receive an answer regarding its registration application, which it had submitted in January, despite the fact that the Ministry of Justice was by law obliged to inform applicants of its decision within two months. The group had been refused registration in 2002 under another name: “Mothers Against the Death Penalty and Torture.”³¹ Authorities also obstructed prevented the holding of its conference “Death Penalty: Analysis, Tendencies and Realities” on 5 December in Tashkent. The conference was sponsored by the OSCE, the British embassy and Freedom House.³²

In July, Norpulat Rajabov and Musurmonkul Khamraev, both members of the HRSU, were released from prison and in August, the authorities released Jura Muradov, also a HRSU member. They had been in custody since September 2002. According to the HRSU, their release was preceded

²⁷ Forum 18, “Uzbekistan: Police beat Jehovah’s Witnesses,” 2 June 2003, at http://www.forum18.org/Archive.php?article_id=69.

²⁸ Forum 18, “Uzbekistan: No peace for Peace Church,” 3 October 2003, at http://www.forum18.org/Archive.php?article_id=152.

²⁹ Forum 18, “Uzbekistan: Hare Krishna followers having lunch ‘not forbidden’? 8 August 2003, at http://www.forum18.org/Archive.php?article_id=120.

³⁰ HRW, “Fact Sheet: Human Rights Developments in Uzbekistan from July to October 2003 Monitoring of the EBRD Human Rights Benchmarks,” 25 November 2003, at <http://hrw.org/campaigns/uzbekistan/uzbek-factsheet-1103.htm>.

³¹ Ibid.

³² HRW, “Uzbekistan: Government Blocks Conference on Death Penalty, Action Against Civil Society Group Reflects Another Setback on EBRD Benchmarks,” 6 December 2004, at <http://www.hrw.org/press/2003/12/uzbek120603.htm>.

by a visit of a high-level prison official from the prison authority who had forced the men to sign a statement alleging that the head of the HRSU, Talib Yakubov, had asked their families for money to organize protests in support of their release. HRSU had carried out a series of such protests, most notably in the lead-up to and during the May 2003 EBRD annual meeting in Tashkent. In October, a fourth imprisoned HRSU member was released: Tursunbai Utamuratov, head of the Karakalpakstan section of HRSU. He had spent thirteen months in custody.

Other human rights activists were arrested, imprisoned and prosecuted.

- On 28 August, shortly after Ruslan Sharipov (see Freedom of the Media, above) consented to have Surat Ikramov of the Independent Group for Human Rights Defenders as his public defender to prepare an appeal, Ikramov was kidnapped by four men wearing black masks and camouflaged uniforms. They forced their way into his car, placed a plastic bag on his head, tied his arms and legs, and put him in their car. The men beat Ikramov in the back of the car and repeatedly restricted his air supply by tightening a belt around his neck to close the plastic bag over his head. The men drove Ikramov to the outskirts of Tashkent, where they demanded money from him, continued the beating, and then left him by the Chirchik river. Ikramov lost consciousness and only in the early evening was able to get help. Medical staff who later examined him confirmed that Ikramov had two broken ribs and concussion. He had received anonymous threatening telephone calls every few days prior to the attack.³³
- On 28 August, the Andijan Province Court pressed criminal defamation charges against a human rights defender, Saidjahon Zainabidinov, in relation to an article that he wrote on police corruption.³⁴ No trial took place as Zainabidinov distanced himself from human rights activities.
- Uzbek authorities continued to pursue an attempt through the courts to have Elena Urlaeva, a member of the HRSU, declared "legally incompetent." Medical evidence presented in court in September and October claimed that she was "mentally unbalanced" because she made too many complaints to the authorities, some of which allegedly were unfounded. Urlaeva had earlier been forcefully convicted in psychiatric care.³⁵ Urlaeva joined another NGO in December and faced no official charges as of the end of 2003.

³³ HRW, "Uzbekistan: Uzbek Rights Activist Kidnapped and Beaten – Repressive Grip Tightens Prior to Independence Day," *Human Rights News*, 30 August 2003, at <http://www.hrw.org/press/2003/08/uzbek083003.htm>.

³⁴ HRW, "Fact Sheet: Human Rights Developments in Uzbekistan from July to October 2003."

³⁵ *Ibid.* See also IHF, *op.cit.*