



Fédération internationale des ligues des droits de l'Homme

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

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الفدرالية الدولية لحقوق الانسان

## Observations by the International Federation for Human Rights (FIDH) on the 3rd periodic report of Uzbekistan to the United Nations Committee Against Torture

January 2007

- **The death penalty**

Since the independence of Uzbekistan, hundreds of people have been condemned to death at unfair trials, and have been executed without any assurance of due process of law. All information on the number of executions and the number of people on death row is kept secret, despite requests from various United Nations human rights bodies<sup>1</sup>. Families of executed persons are not informed about the date of the execution, nor are they given the remains of their dear ones.

Executions are carried out in the basements of the Tashkent prison. People on death row live in a permanent state of anguish at the prospect of being executed at some unknown time. Neither they (nor their lawyers nor their families) are told when their appeal for grace will be reviewed or if it has already been granted or refused. As mentioned above, the remains of the executed persons are never returned to their families and no information is provided concerning the location of burial.

*-- What measures have been taken to increase the transparency of information and statistics on the number of persons sentenced to death, the number of executions and the number of people on death row, in order to facilitate an informed public debate on the subject?*

*-- What is the procedure for appealing the death sentence? How many death sentences are appealed?*

*-- What measures does the government intend to take, in order to guarantee greater transparency concerning the executions, and to guarantee the rights of the condemned person's family?*

The FIDH international fact-finding mission went to Uzbekistan in May 2005, and compiled a testimony which confirmed the fact that several persons condemned to death have been judged on the bases of confessions extorted by torture (See: FIDH Report "The Death Penalty in Uzbekistan: Torture and Secrecy" N426/2, October 2005).

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<sup>1</sup> CCRP/CO/71/UZB, 26/04/2001, paragraph 6; CCRP/CO/83/UZB, 26/04/2005, paragraph 7; CAT/C/CR/28/7, 06/06/2002, paragraph 5i.

In his annual report to the 62nd session of the Commission on Human Rights, the Special Rapporteur on Extrajudicial Executions pointed out that he had not received a response from the Uzbek authorities on an urgent appeal submitted concerning the execution of Mr Farid Nasibullin, who was sentenced to death on the basis of a confession extracted by torture.

*-- What reforms does the State intend to adopt in order to effectively fight against the use of torture and to ensure that confessions extracted by torture are not used as the basis for accusations in general, and especially the death sentence?*

The presidential decree of 1 August 2005 provides for the abolition of the death penalty as of 1 January 2008. After this date, all death sentences will be replaced by a sentence of life imprisonment. No moratorium has been planned for the period between now and the 1 of January, 2008 which increases the threat to be executed to people already sentenced to death and those presently on trial.

*-- Does the State intend to place a moratorium on executions prior to abolishing the death penalty?*

The decree on the abolition of the death penalty also provides for the construction of a special prison to receive all the inmates sentenced to life imprisonment. It will be built at Jaslyk, in the region of Kungrad, where the climate is extremely harsh. According to the Uzbekistan Human Rights Commission, a FIDH partner, in this prison, conditions are such that the prisoners' death is merely being postponed.

*-- What installations is the State planning to establish in order to ensure the existence of acceptable conditions of detention for people whose death sentence has been replaced by life imprisonment?*

- **Progress in the procedure for investigating the events at Andijan**

Ignoring endless appeals, the Uzbek authorities still refuse to accept an international enquiry into the events at Andijan<sup>2</sup>. None of the trials for persons accused of having fomented the Andijan uprisings were held according to international standards on the right to a fair trial; most of the trials were held *in camera*.

Contrary to (**apparent**) progress, FIDH feels that the authorities have continued their repression in Andijan, turning to kidnappings and forced disappearance of persons suspected of participating or organising the demonstrations. No independent international expert has obtained government cooperation to investigate the Andijan case. The United Nations independent expert on Uzbekistan, appointed under confidential procedure 1503, was unable to conduct an investigation according to the terms of reference she had been assigned. It has not been possible to send in an independent international fact-finding commission, despite appeals from the United Nations High Commissioner for Human Rights and the OSCE.

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<sup>2</sup> On 13 May in Andijan, a city of 300,000 people, located in the Ferghana Valley, the army opened fire on thousands of demonstrators (between 10,000 and 30,000) who had assembled in the city square to protest against the trial of 23 businessmen, accused of belonging to Akramia, a radical Islamic group, and to demand respect for human rights and better living conditions. On the night of 12-13 May, a group of men seized weapons in military barracks and attacked the provincial administration building and the Andijan high security prison, freeing the 23 accused persons and one-thousand inmates. According to official records, there were 187 victims, but the ombudsman announced that there were hundreds of victims, including civilians. The Uzbek government has called these events "an attack by Islamic rebels" and reported the "physical liquidation" of 94 terrorists. According to estimates by human rights defenders, the number of deaths was between 750 and a few thousand, including women and children.

*-- What measures are going to be taken to ensure effective cooperation with international organisations, in order to carry out an impartial inquiry into the Andijan events, publish the number of victims, and take the responsible parties to court?*

- **Prosecution of human rights defenders: harassment, arrests, arbitrary detention and sentencing, acts of violence and torture, abusive internment in psychiatric institutions**

The detention and harassment of people who challenged the version circulated by the Andijan authorities is still going on. Even now, according to information from the Observatory for the Protection of Human Rights Defenders – a joint FIDH/OMCT programme, – human rights defenders are subjected to systematic repression, and the independent Uzbek NGOs on human rights have been banned.

In 2006, all the people who were arrested in 2005 for denouncing violations perpetrated during the Andijan events were sentenced. Some activists were severely sentenced at iniquitous trials, and are now being detained in extremely hazardous conditions. A large number of activists have been arrested on fraudulent charges and have been condemned, e.g. several members of the Human Rights Society of Uzbekistan (HRSU), including the HRSU Chairman, Mr **Talib Yakubov**, who was forced into exile in July 2006. The situation facing human rights defenders is characterised by major violence, as can be seen from the following cases:

Mr **Uktam Pardaev**, member of the Djizak section of HRSU was arrested, and on 29 June 2006, sentenced to four years in prison by the Djizak Criminal Court for "deliberate body injury" (105-2 of the Criminal Code) and detained in Colony 64/73 in Chimkurgan village, Zafarabadski district, region of Djizak.

On April 29, 2006, Messrs. **Azam Formonov** and **Alicher Karamatov**, head of the HRSU offices in Syrdaria region, were arrested and held in the Khavast prison. During the first month of their detention, they were held *incommunicado* at a provisional detention centre 13 in Khavast, where they were subjected to acts of torture.

When Mr Formonov was arrested, police officers searched his home and office. They confiscated his computer and photocopying machine after having violently struck his wife, Mrs **Ozoda Yakubova**. Thereafter, people close to Messrs. Formonov and Karamatov were often threatened and subjected to acts of harassments.

On 15 June 2006, Messrs. Formonov and Karamatov were sentenced to nine years in prison by the Yanguier Court for "extortion of funds" (Article 165 of the Criminal Code) on the basis of a statement by an important oil exporter in the region of Zaaminsk, (but the statement was made after their arrest), saying that Messrs. Azam Formonov and Alicher Karamatov had forced him to pay money (600,000 sums, i.e. close to 420 euros).

*-- Has an investigation been started on allegations of torture at the Khavast prison? Has an investigation been started on allegations of violence against Mrs Yakubova while her house was being searched?*

On 18 August 2006, Mr **Bakhtior Khamroev**, a leader of the Djizak section of HRSU, was attacked in his home in Djizak while meeting with two representatives of the British Embassy in Uzbekistan who had come to find out about the human rights situation in Djizak.

Mr Khamroev managed to call the police on his cell phone and then some 20 women entered the apartment at the same time as the policemen. At that same moment, four representatives of the city of Djizak also

arrived and told Mr Khamroev that he should stop his work as a human rights defender. Mr Khamroev was then hit on the head with a metal object and had to be taken to the hospital. The doctors gave him emergency care but refused to open a medical file on his case.

On 3 January 2006, Mrs **Gavkhar Yuldasheva**, a member of the Ezgulik NGO, Djizak district, was arrested and beaten while she was preparing to meet with representatives of foreign embassies. She was taken to the regional office of the Ministry of the Interior where she suffered such violence that she was unable to walk. She was then released.

On 15 March 2006, Mr **Mansur Mashurov**, the husband of Mrs **Elena Urlaeva**, chairperson of the SPRFCU (Society for the Protection of Human Rights and Freedom of the Citizens of Uzbekistan), was attacked by strangers. He lost consciousness and had to be taken to the hospital. His nose had been broken. Mr Mansur has been detained arbitrarily, and held several times in psychiatric institutions.

On 25 May 2006, police officers forced open the door of Mrs Urlaeva's apartment and struck her violently. They also struck Mr **Abdullo Tajiboï Ugly**, member of the Initiative Group for Independent Defenders of Uzbekistan, Mr **Akhmat Chamaïrdanov** and Mr **Shokhida Yuldasheva**, SPRFCU members in the region of Kashkadarynsk.

Mrs Urlaeva had already been subjected to retaliation in 2005, by being placed in a psychiatric institution for two months.

*-- Has an enquiry against abuses of human rights activists been opened? What measures does the Government plan to put in place to prevent such abuses?*

On 6 March 2006, **Mukhtabar Tojibaeva**, President of the human rights organisation "Flaming Hearts" based in Margilan, situated in the Fergana valley, was sentenced to 8 years imprisonment by the Court of Dustobod (Urta Chirchik) in Tashkent on 17 different accounts (mainly economic), including defamation (article 139.3 Criminal Code) and membership of an illegal organisation (article 244). The process was marked by numerous irregularities. She had been detained 7 October 2005.

On 7 July 2006, Mrs Tojibaeva was moved from her cell in the Tashkent detention centre to the psychiatric and substance abuse ward of the Women's Detention Centre of Mirabad in Tashkent. She was forced to undergo medical treatment.

On 13 July 2006, during a rare visit by her lawyer, Mrs Tojibaeva's hands were bound, and she was extremely weak. She stated that she had been denied appropriate medical treatment by the prison authorities and not given the food parcels sent to her. Since that date, Mrs Tojibaeva has not been allowed visitors. No official explanation has been given for her transfer to the psychiatric ward, despite requests from her lawyer.

On 15 August 2006, Mrs **Dilafroz Nurmatova**, one of Mrs Tojibaeva's lawyers, publicly declared that she would not continue in this role due to constant pressure from authorities, and fear for her own safety and that of her family. After visiting Mrs Tojibaeva on 13 July 2006, she had received several warnings, was denied access to the cyber café where she was accustomed to working, and her life was threatened by a political leader from Fergana. Her colleagues were advised not to speak to her anymore. At the end of 2006, Mrs Tojibaeva was still being held in the Women's Detention Centre of Mirabad in Tashkent.

On 17 March 2006, Mrs **Shokhida Yuldasheva** and Mrs **Lydia Volkobrun**, both members of SPRFCU, were arrested and placed in psychiatric hospitals in Karchi and Tashkent, respectively. This followed the

publication of a letter, on 15 March 2006 written by Mrs Yulsasheva and Mrs Elena Urlaeva denouncing systematic attacks on Muslims by the authorities.

During their arrest Mrs Shokhida Yuldasheva was the victim of violence. While in custody she was subjected to psychological pressure from a police officer who spent two days in her cell threatening to kill her and conceal it as suicide if she tried to press charges. She was also forced to follow medical treatment for schizophrenia. She was released on 6 April 2006.

On 25 May 2006, Mrs Yuldasheva was again arrested during a raid by the police at the house of Mrs Urlaeva. She was put in the psychiatric ward of the Kitabski TB Hospital in Kashkadarynsk.

On 12 September 2006, Mr **Jamshid Karimov**, a member of HRSU and the correspondent of IWPR, the *Institute for Peace and War Reporting*, disappeared on his way to the hospital to visit his mother. He was secretly detained in a psychiatric hospital in Samarkand for six months, following a decision by the Court of Djizak. After six months, his case will be re-examined by the courts of Samarkand.

*--What measures does the Government intend to put into place to prevent the detainment of human rights' activists in psychiatric hospitals and to prevent them being forced to undergo forced medical treatment?*

On 16 July 2006 the house of Mr **Yagdar Turlibekov**, President of the Kashkadarinsk section of HRSU, was searched for four hours, without a warrant, by 30 militia and members of the National Security Services (NSS). After taking computer hard drives and documents, Mr Turlibekov was placed in custody in Boukhara, where he remained until his trial.

Accused of defamation, conspiring against the government, conspiring against the President of the Republic, and preparation of materials threatening public order and public security (Articles 139, 140, 158 and 244-1, Criminal Code), Yagdar Turlibekov was condemned on 3 October 2006 to three and half years of imprisonment by the Court of Karchi for "extortion" (Article 165, Criminal Code). The trial took place behind closed-doors and his lawyer was unable to plead his defence. The verdict was maintained by the Kashkadarinsk Court of Appeal. On 24 December 2006, Mr Turlibekov was released from Tavaksaï Prison in the region of Tashkent, where he had been held since his trial.

22 January 2007, Mrs **Umida Niazova**, journalist and human rights defender, was stopped on the Kyrgystan-Uzbekistan border where she was held for four days without being informed of the charges against her. On 26 January 2007, she was transferred to Tashkent for a criminal trial on the grounds of articles 233 (illegal border crossing) and 246 (trafficking of banned materials) under the Criminal Code.

14 January 2007, Mrs **Gulbakhor Turaeva**, a human rights defender from "Antima-Kor" in Andijan, and her young son were detained by customs officials at the Kyrgzstan-Uzbekistan border, accused of trafficking banned publications, despite the fact that there is no list of banned publications in Uzbekistan. On 16 January 2007, Mrs Turaeva was transferred to Andijan for further enquiries. Currently, she is being held in detention by the NSS in Andijan.

Following the events in Andijan, Mrs Turaeva, a medical lawyer by training, saw numerous bodies kept in the N15 school courtyard, once the town's morgues were full. She was the first person to confirm that the number of victims surpassed 1000.

On 23 July 2006 Mr **Ikhtior Khamraev**, student and son of Mr **Bakhtior Khamroev**, the head of the Djizak section of HRSU, was insulted and then severely attacked by an unknown gang. On 2 August 2006, Ikhtior Khamraev was arrested for "hooliganism" (article 277 Criminal Code). He was interrogated for more than eight hours without a lawyer.

He was condemned to three years in prison on 23 September 2006, a sentence exceeding the standard established by law. On 10 December 2006, Ikhtior Khamroev was transferred from 64/73 prison in the village of Tchumurgan to 64/78 prison in Zafarabad, in the region of Djizak.

Several human rights defenders from HRSU who were sentenced in 2005, remain imprisoned in 2006:

- Mr **Norboy Kholjigitov**, head of the Ishtikhanskii section of HRSU, was condemned on 18 October 2005, to ten years of imprisonment by the regional Court of Samarkand on six accounts. At the end of 2006, he remained in detention in 64/49 prison in Karshi.

- Mr **Khabibulla Okpulatov** and Mr **Abdusattor Irzaev**, members of the Ishtikhanskii section of HRSU, were condemned the same day for six years of imprisonment by the regional Court of Samarkand. They were still in detention at the end of 2006, but their place of detention remains unknown.

- Mr **Nosim Isakov**, member of the Djizak section of HRSU, was condemned on 20 December 2005, to eight years of imprisonment by the Court of Djizak for "extortion" and "hooliganism" (articles 165 and 277 Criminal Code). He was given this sentence after denying charges of corruption in local politics in Djizak. He was still in detention at the end of 2006 in Karshi prison. During his trial, Mr Isakov declared he had been the victim of poor treatment whilst in custody.

On 12 January 2006, Mr **Dilmurad Muhitdinov**, President of the Markhamat section of Ezgulik, Mr **Akbarali Oripov**, member of Ezgulik, Mr **Mussajon Bobojanov**, member of Ezgulik and President of the local political organization Birluk, and Mr **Nurmuhammad Azizov**, President of the Andijan chapter HRSU, appeared before the Court of Tashkent for an "attempt on the life of the President" (article 158-3 Code Code), "attack of the constitutional regime" (article 159-3), "preparation and diffusion of documents threatening public order" (article 244-1.3) and "membership of an extremist religious" (article 244- 1).

Mr Dilmurad Muhitdinov and Mr Mussajon Bobojanov were arrested on 28 May 2005 following events in Andijan. Akbarali Oripov and Nurmuhammad Azizov were arrested on 2 June 2005 during a search at their homes in Andijan by agents of the Ministry of Internal affairs.

On 12 January 2006, Mr **Rassul Khudaïnazarov**, former President of the Angren section of Ezgulik, was condemned by the Court of Angren, in Tashkent, for nine and a half years of imprisonment in a hard-labour camp for "fraud" and "extortion" (article 168-1 and 227-2 Criminal Code). During his trial, Mr Khudaïnazarov complained of poor treatment whilst being held in custody.

On 22 June 2006, Mr **Mamarajab Nazarov**, member of Ezgulik in the Djizak region, was arrested following a complaint by two women that he had violently attacked them at the end of May 2006. On 19 July 2006, Mr Nazarov was condemned to three and a half years of imprisonment by the Criminal Court of Djizak for "ex-

tortion" and "hooliganism" (articles 168 and 277-3 Criminal Code). At the end of 2006, Mr Nazarov was still detained at Samarkand prison.

On 5 January 2006, during the first hearing of his trial behind closed-doors, the Court of Tashkent condemned Mr **Saidjahon Zaynabitdinov**, President of the human rights organisation *Appeliatsia* (Appeal) based in Andijan, to seven years of imprisonment for "defamation" and "preparation and diffusion of materials threatening security and public order" (articles 139 and 244-1 Criminal Code).

Mr Saidjahon Zaynabitdinov was arrested on 21 May 2005 after denouncing human rights' violations which took place during the events in Andijan to the international media. At the end of 2006, Saidjahon Zaynabitdinov remained in detention in Tashkent prison.

- **Tortures and ill treatment**

Torture is commonplace in all detention centres, however, it is particularly widespread in custody and during the initial stages of the inquiry. Provisional detention centres are under the mandate of the Ministry of the Interior, not the Ministry of Justice, and this makes supervision of procedures more difficult. The Uzbek government does not allow independent visits to detention centres, places of temporary detention, police cells, preventative detention centres or the premises of the NSS.

*-- What measures have been taken to make sure that detention centres are placed under the mandate of the Ministry of Justice in order to prevent abuse, non-respect of procedures and the use of torture?*

An international mission of the FIDH visited Uzbekistan in May 2005 to gather testimonies about the non-respect of fair procedures and the ill treatment of prisoners. During detention, procedures are regularly ignored; normal limits for the length of incarceration are not respected; prisoners are not informed of their rights; there is no judicial control of detention; torture is used systematically; the detainees' families are not given information on the fate of those detained.

Torture and ill treatment are endemic, systematic, routine and often used to extract confessions. Confessions obtained under torture, and used as the only evidence to ensure a conviction, demonstrate flagrant disrespect for the law. Under the law, the accused has the right to a lawyer within 24 hours of their arrest. However, those detained are often held as witnesses, eventually to be accused and arrested themselves. Family members of those detained have also been arrested and forced to confess through methods of torture, in order to support charges of the accused through confessions and witness statements.

For example, Mr **Bahodir Karimov**, arrested on 29 March 2004, was refused access to a lawyer for 53 days. The long delay was enforced to prevent detection of a serious bruise caused during interrogation. All of his family members were arrested and then released after 24 hours.

It is extremely difficult to prove that torture has taken place, and to obtain an independent medical certificate to that effect. Whilst under investigation, detainees can only request a doctor in the event of a dire emergency. Doctors called to attend to prisoners are under the mandate of the Ministry of the Interior, and lack independence and objectivity.

*-- What reforms does the State plan to put in place to prevent the use of torture? Will the authorities begin an immediate inquiry into the allegations of torture? Will the perpetrators be charged? Will the victims be offered compensation?*

*--What will be done to prevent the illegal practice, both under national and international law, of detaining people as "voluntary witnesses" whilst denying them their rights and using interrogation conducted without a lawyer to bring charges against them?*

*--How will the government ensure a fair trial for persons arrested?*

- **Extradition to Uzbekistan**

After the events in Andijan, hundreds of people were arrested and accused of terrorism, a crime punishable by the death penalty. The FIDH is concerned that the practice of judicial cooperation between the countries of the CIS, which takes place outside the scope of international conventions, could allow extradition to Uzbekistan despite the threat to the life, and physical and moral integrity of those concerned. Furthermore, information on those extradited from Russia, Georgia and Kyrgyzstan has not been made publicly available.

On 10 August 2006, Mrs Louise Arbour, the High Commission for Human Rights, expressed her serious concern about the extradition from Kyrgyzstan to Uzbekistan of four refugees and one asylum-seeker following the events in Andijan. Extradition exposed these individuals to a risk of torture and is an infringement on the principle of non-return, under article 3 of the Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment. The Uzbek Secret Services are actively attempting to bring back to Uzbekistan all of those who fled Uzbekistan to seek asylum in neighbouring countries following the events which took place in Andijan.

On 4 July 2006, Mr **Isroiljon Kholdarov**, in charge of the Andijan chapter of Ezgulik, was arrested by the Kyrgyz authorities. The same authorities declared on 12 July 2006 that five Uzbek citizens had been arrested in regard to the Andijan events, and on suspicion of participating in armed revolts in southern Kyrgyzstan. They were later deported to Uzbekistan. By the end of 2006, Mr Kholdarov was awaiting trial and remains detained at 64/18 prison in Tashkent.

*--Can the State provide information on the whereabouts of Mr Muminov and make public the charges against him?*

On 24 October 2006 Mr **Rustam Muminov**, of Uzbekistani nationality, was escorted from a Moscow detention centre to Domodedovo airport. He was forcibly put on a flight to Tashkent. His expulsion followed a warrant put out by the Uzbek authorities accusing him of belonging to the Hizb ut-Tahrir Islamic party, an accusation he has always denied. He was expelled although he had appealed this decision in the court in Moscow and the European Court of Human Rights had decreed provisional measures to be taken by the Russian authorities to prevent his extradition to Uzbekistan, based on article 39 of the rules of the Court. Since his extradition, no information concerning the whereabouts or detention of Mr Rustam Muminov has been made public.



*-- Can the State provide information on the whereabouts of Mr Muminov and make public the charges against him?*

"Civil Assistance," a Russian organisation, has recorded numerous legal violations in the procedure governing cooperation between Russian and Uzbek special services during extradition procedures against persons charged for religious or political reasons. On 18 June 2005, 14 people of Uzbek origin were arrested in Ivanovo, personal data on them was sent to Uzbekistan after which the Uzbek authorities called for their extradition. All were accused of having participated in the Andijan events despite the fact that only one of them was actually in Uzbekistan in May 2005.

*-- Has an inquiry been launched into the procedures followed in the search for people of Uzbek origin following their arrest abroad?*

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