

# Report

## International Fact-finding Mission

# The Death Penalty in Uzbekistan: Torture and Secrecy

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**This report was elaborated with the support of the European Commission  
(European Initiative for Democracy and Human Rights- EIDHR) and the Fund for FIDH Missions.  
The opinions expressed in this document are those of the FIDH only and can not be attributed to the European Union.**

## Foreword: Why Mobilise against the Death Penalty?

The FIDH strongly opposes the death penalty. The FIDH maintains that the death penalty is contrary to the very essence of the notions of human dignity and liberty; furthermore, it has no deterrent effect whatsoever. As a result, neither principles nor utilitarian considerations can justify the use of capital punishment.

### 1. The Death Penalty Contradicts Human Dignity and Liberty

Human rights and human dignity are now universally acknowledged as the supreme principles and as absolute norms in any politically organised society. The death penalty directly contradicts this very premise and is based on a misconception of justice.

**Justice is based on freedom and dignity:** a criminal can and should be punished because s/he freely committed an act contravening the legal order. It is for this reason that children or insane persons cannot be held responsible for their actions in a criminal justice system. The death penalty is a contradiction in terms, since it means that at the very moment of conviction, when the criminal is held responsible, and is thus deemed to have acted freely and consciously, s/he is being denied this very freedom because the death penalty is irreversible. Human freedom is indeed also defined as the possibility to change and improve the orientation of one's existence.

The irreversibility of the death penalty contradicts the idea that criminals can be rehabilitated and resocialised and for this reason it simply contradicts the notion of freedom and dignity.

The irreversibility argument has another aspect. Even in the most sophisticated legal system, with all its judicial safeguards and guarantees of due process, miscarriages of justice are possible. Capital punishment *can* result in the execution of innocent people. This is the very reason why Governor Ryan decided to impose a moratorium in Illinois, after discovering that thirteen detainees awaiting execution were innocent of the crimes they had been accused of, and decided in January 2003, to commute 167 death sentences to life imprisonment. The report of the Commission stressed that: *"no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again*

*sentenced to death.*" In this case, "society as a whole -i.e. all of us- in whose name the verdict was reached becomes collectively guilty because its justice system has made the supreme injustice possible" said R. Badinter, French Minister of Justice, in 1981. For a society as a whole, accepting the possibility of condemning innocent people to death flies in the face of its core principles of inalienable human dignity, and of the concept of justice itself.

**Justice is based on human rights guarantees:** the existence of human rights guarantees is the distinguishing feature of a reliable judicial system; notably, these include the guarantees arising from the right to a fair trial -including e.g. the rejection of evidence obtained through torture or other inhuman treatments. In that perspective, the FIDH is convinced that the full respect of those human rights guarantees and the rejection of legally sanctioned violence are at the core of the credibility of any criminal justice system. Justice, especially where the most serious crimes are concerned and life is at stake, should not rely on chance and fortune; an individual's life should not depend on random factors such as the jury selection, media pressure, the competence of a defence attorney, etc. The rejection of inhuman sentences, and first and foremost the death penalty, clearly contributes to building a judicial system based on universally acceptable principles, in which vengeance has no place and that the population as a whole can trust.

The **"death row phenomenon"** refers to the conditions of detention of a person condemned to death while awaiting the execution of the sentence. Those conditions of detention -due mainly to the prolonged period of detention, solitary confinement, the uncertainty of the moment of the execution, and the lack of contact with the outside world, including sometimes with family members and legal counsel- often amount to inhuman treatment.

**Justice is fundamentally different from vengeance.** The death penalty is nothing but a remnant of an old system based on vengeance: that s/he who has taken a life should suffer from the same fate. If applied consistently, this would mean stealing from the stealer, torturing the torturer, raping the rapist. Justice has risen above such a traditional notion of punishment by adopting a principle of a symbolic, yet proportional sanction for the harm done -fines, imprisonment, etc., which preserves the dignity of both victim and culprit.

Furthermore, **the FIDH does not believe in the supposed necessity of the death penalty out of regard for the victims and their relatives.** The FIDH reaffirms that the victim's right to justice and compensation is fundamental in a balanced and fair justice system, and that solemn and public confirmation by a court of criminal responsibility and the suffering of the victim plays an important role in order to substitute the need for vengeance ("judicial truth"). But the FIDH nonetheless holds that answering this call for justice by the death penalty serves only to relieve the basest emotional cries for vengeance, and does not serve the cause of justice and dignity (even that of the victims) as a whole. Paradoxically, the victim's dignity is itself better served by rising above vengeance. The victim's status as civil party in the criminal procedure contributes to answering his/her overwhelming need to be recognised as a victim. Providing psychological support and financial compensation to the victims also helps them believe that justice has been done and that private vengeance is unnecessary and would have no added value. In light of those elements, the victim's need for vengeance as an argument in favour of the death penalty appears irrelevant.

Finally, the FIDH notes that the death penalty is used in a discriminatory way, e.g. in the USA, where it affects ethnic minorities in particular, or in Saudi Arabia where foreigners are its principal victims.

### 2. The Death Penalty Is Futile

One of the most common arguments in favour of the death penalty is that of its usefulness: the death penalty supposedly protects society from its most dangerous elements and acts as a deterrent for future criminals. Neither of these arguments can be held to have any validity, as has been proved again and again.

Is the death penalty a protective element for society? It does not appear so. Not only are societies which advocate capital punishment any less protected from crime than societies which do not, but other sanctions are available in order to protect society, notably imprisonment. The protection of society does not imply the physical elimination of criminals. In addition, it can be argued that the precautions taken to avoid suicide by death row inmates demonstrate that the physical elimination of the criminal is not the main aim of death penalty: what seems to matter is that the sanction is executed against the criminal's consent.

With regard to the exemplariness of the death penalty or other cruel punishments, their efficiency as deterrents against criminality has repeatedly been proved wrong. All systematic studies show that the death penalty has never helped lower the crime rate anywhere. In Canada for example, the homicide rate per 100,000 of population fell from a peak of 3.09 in 1975, the year before the abolition of the death penalty for murder, to 2.41 in 1980. In 2000 however, the police in the United States reported 5.5 homicides for every 100,000 of population whilst the Canadian police reported a rate of 1.8.

The most recent survey of research on this subject, conducted by Roger Hood for the United Nations in 1988 and updated in 2002, concluded that "the fact that the statistics...continue to point in the same direction is persuasive evidence that countries need not fear sudden and serious changes in the curve of crime if they reduce their reliance upon the death penalty."<sup>1</sup>

This should obviously come as no surprise: a criminal does not commit a crime by calculating the possible sanction, and by thinking that he will get a life sentence rather than the death penalty. Furthermore, as Beccaria noted in the 18th century, "it seems absurd that the laws, which are the expression of the public will, and which hate and punish murder, should themselves commit one, and that to deter citizens from murder, they should decree a public murder."

Finally, the FIDH notes that the death penalty is very often a barometer of the general human rights situation in the countries concerned: it proves to be a reliable indicator of the level of respect for human rights, as is the case, for example, with regard to the situation of human rights defenders.

### 3. Arguments from International Human Rights Law

The evolution of international law tends towards the abolition of the death penalty: the Rome Statute of the International Criminal Court and the UN Security Council resolutions establishing the International Criminal Tribunals for the Former Yugoslavia and for Rwanda do not provide for the death penalty in the range of sanctions although those courts have been established to try the most serious crimes.

Specific international and regional instruments have been adopted which aim to abolish capital punishment: the UN second optional protocol to the ICCPR aimed at the abolition

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1. Roger Hood, *The Death Penalty: A Worldwide Perspective*, third edition (London: Oxford University Press, 2002), p.214.

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of the death penalty, the Protocol to the American Convention on Human Rights to abolish the death penalty (Organization of American States), the Protocol 6 and the new Protocol 13 to the European Convention on Human Rights (Council of Europe). The Guidelines to EU Policy Towards Third Countries on the Death Penalty, adopted by the European Union on 29 June 1998 stress that one of the EU objectives is “to work towards the universal abolition of the death penalty as a strongly held policy view agreed by all EU member states.” Moreover, “the objectives of the European Union are, where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards (...). The EU will make these objectives known as an integral part of its human rights policy.” The newly adopted EU Charter of fundamental rights also states that “no one shall be condemned to the death penalty, or executed.”

At universal level, even if the ICCPR expressly provides for the death penalty as an exception to the right to life and surrounds it by a series of specific safeguards, the General comment adopted by the Committee in charge of the interpretation of the Covenant states very clearly that article 6 on the right to life “refers generally to abolition in terms which

strongly suggest that abolition is desirable ... all measures of abolition should be considered as progress in the enjoyment of the right to life.”

Moreover, in its resolution 1745 of 16 May 1973, the Economic and Social Council invited the Secretary General to submit to it, at five-year intervals, periodic updated and analytical reports on capital punishment. In its resolution 1995/57 of 28 July 1995, the Council recommended that the five-yearly reports of the Secretary General should also cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty.<sup>2</sup>

Every year since 1997, the UN Commission on Human Rights calls upon all states that still maintain the death penalty “to establish a moratorium on executions, with a view to completely abolishing the death penalty.”<sup>3</sup>

On 8 December 1977, the UN General Assembly also adopted a resolution on capital punishment stating that “the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment.”<sup>4</sup>

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2. ECOSOC resolution 1984/50 of 25 May 1984.

3. See notably resolution 2005/59, 2004/67, 2003/67, 2002/77, 2001/68, 2000/65 and 1999/61.

4. UN General Assembly resolution 32/61, 8 December 1977, paragraph 1.

## Introduction

Uzbekistan is one of the last countries of the former USSR, along with Belarus, to retain capital punishment. Several hundreds of men have been sentenced to death and executed since the country became independent in 1991, accused of terrorism or murder with aggravating circumstances, without the chance to argue their rights.

This report is the result of an international fact-finding mission into the death penalty, led by three chargés de mission of the FIDH: Caroline Giraud, journalist (France), Christine Martineau, lawyer (France) and Richard Wild, criminologist (United Kingdom). They visited Tashkent and Samarkand from 26 April to 7 May 2005.

The FIDH would like to thank the Legal Aid Society (LAS) for its assistance in organising the mission as well as the NGO “The Mothers Against the Death Penalty and Torture” (MADPT) and in particular one of its founding members, Tamara Chikunova, for their cooperation and availability.

On the other hand, the FIDH stresses the glaring lack of cooperation on the part of the authorities with the mission. Although, some months earlier, President Karimov publicly raised the possibility of abolition, and despite repeated and timely requests to all relevant government offices directly from FIDH in Paris, all the official meetings requested by the FIDH were refused. The delegates were “put on their guard” by staff at the Uzbekistan embassy in France threatening that delegates’ visas would not be recognised and they would be turned back at the airport arrivals. Several of the interviewees met by them were convinced that the mission was being directly monitored. Most of the interviewees wished to remain anonymous. The FIDH was not allowed to visit any detention centres.

In all the interviews, both with journalists, diplomats and human rights defenders and with the families of prisoners and those on death row, there were references to the climate of fear and tension prevailing amongst the population.

Just one week after the mission left, the bloody events in Andijan took place, in the Ferghana valley (in the East of the country). After the incidents relating to the trial of the 23 businessmen accused of belonging to an extremist

religious movement, on 13 May 2005, the security forces fired on the demonstrators and killed several hundreds of them, spreading panic in the neighbouring towns and creating a flood of refugees to the Kyrgyz border. A news blackout and an unprecedented wave of repression swept over the country. Voices that called into question the accounts and the authorities’ version blaming the events on an Islamic uprising, were silenced. Some of the interviewees whom the mission met were expelled from the Ferghana valley, threatened, forced to cease their activities and arrested. For example, on 6 May 2005, the mission met Mr. Saidjahon Zainabidinov of the human rights NGO “Apellatsia”, one of the principal sources of information during the bloody repression of the uprising, who was arrested on 21 May and charged with spreading false information.

The trial of fifteen people accused of supporting the Andijan uprising opened in September 2005 before the Supreme Court. They were charged with participating in a violent Islamic uprising. It should be noted that following the events in Andijan, acts of harassment against and arrests of journalists and human rights defenders intensified (see the FIDH press release in annex).

During its stay in Uzbekistan, while the announcement of the execution of a young man, Ahrorhoja Taliphojaev,<sup>5</sup> was creating a huge stir, the mission learned from international and local sources that the question of the abolition of the death penalty was under discussion. Since December 2004, President Karimov has been raising the issue of the death penalty in his speeches. In January 2005, the President indicated that he had to “sort out another problem, the abolition of the death penalty” and stated his opposition to introducing the sort of moratorium as there was in Kyrgyzstan where “those sentenced to death had to wait several years for execution.” In one of his speeches, he mentioned that he had been working on this question for ten years and that he needed just two or three years to find the definitive solution. According to him, this is the time needed to heighten the awareness of a public, the majority of which would reportedly be in favour of the death penalty. On 1 August 2005, the President announced, in a presidential decree, that abolition of the death penalty was planned for 1 January 2008, directly in line with his speech of January 2005.

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5. A 21 year old man from a poor family in the Ferghana valley accused in January 2003 of the murder of two children, for whom the UN Human Rights Committee had requested a stay of execution. According to Tamara Chikunova, he had signed confessions extracted under torture, but he was innocent.

One may well question the reasons for this gesture and the sincerity of his intentions. Last April's unfavourable concluding observations by the United Nations Human Rights Committee, followed by international condemnation of the repression of the demonstrations in Andijan have certainly influenced President Karimov's decision to move towards abolition.

Whether or not this move is motivated by political strategy, there is a decree that provides for the abolition of the death penalty at a specific date. President Karimov justifies this delay by the need for important reforms and for a public awareness campaign so that the Uzbek people can gradually be made to understand the need for abolition. Moreover, he points out that structures need to be set up for holding those who have already been sentenced to death and who will see their sentence commuted to life imprisonment or long periods of detention and that the staff appointed to work in these new institutions, must be trained.

Although the formalising of this plan to abolish the death penalty is a positive decision, the FIDH is disappointed that this decree does not have immediate effect. It does not

provide for any moratorium and will not stop the courts from issuing death sentences up till 1 January 2008. If proposals for amendments to the Penal Code and the Code of Criminal Procedure are to be prepared by the Ministry of Justice, the Supreme Court, the office of Prosecutor General and the Ministry of Internal Affairs before 1 January, 2006,<sup>6</sup> one can only wonder when these amendment proposals will be presented to Parliament to give the abolition the force of law. Is it possible to hope that this planned abolition of the death penalty might impact positively on the two years to come? The hopes raised by this decree should not mean that the present suffering of those sentenced to death and of their families should be forgotten.

It is therefore more necessary than ever to examine the issue of the death penalty in Uzbekistan, by placing it in its geo-political context, analysing the weaknesses of the legal framework and the judicial system and examining the terrible conditions of detention endured by those sentenced to death. This analysis shows that reforms of the legal framework and of its application in particular, as well as of the administration of prisons, are indispensable.

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6. See Appendix 1: Text of the Decree of 1 August 2005.

## I. Geopolitical Background and Current Debates

### A. The Geopolitical Background since 11 September 2001

Since 11 September 2001 and in particular the American-British intervention in Afghanistan, Uzbekistan has taken up the anti-terrorist rhetoric, by taking a stand in the United States' war against terror.<sup>7</sup>

According to the official line, organised Islamic terrorist movements are threatening the country with the intention of overthrowing the government. Yet the diplomats and journalists, like the researchers who have studied the question, are in agreement that the situation is still vague. According to the opinions received by the mission, there is a renewed attraction for Islam and certain radical views – due mainly to economic and social difficulties, the lack of public freedoms, the authoritarianism of the regime and the corruption that is rife within its ranks—and it is clear that the authorities have used this spectre to justify their status as ally of the United States, to benefit from the subsequent financial aid and political support and to control the population. “The authorities are trying to convince us that there is a huge number of terrorists (...) but 90% of the people accused of being religious extremists are innocent,” according to a human rights defender in Samarkand.

“They want to stop the revolution, they are closing the main roads in Tashkent to prevent demonstrations and they are building a passage under the city so that the President can reach the international airport and flee the country in case there is a revolution.” From the moment they arrived, the mission delegates heard views like this from their taxi-driver, and they were later astonished to hear similar views from all their interviewees. The regime is rigid yet very fragile. Unable to change its style, the slightest change threatens its equilibrium, which explains the even greater state of tension in view of the recent radical changes experienced by several countries of the former Soviet bloc. No-one could have imagined the possibility of peaceful “revolutions” like those in Georgia in 2003, in Ukraine in 2004 and in neighbouring Kyrgyzstan in March 2005.

In general, human rights NGOs are subjected to constant pressure from the authorities, ranging from observation of and threats against activists and lawyers, to arbitrary arrests. Several cases of attacks have been reported but it is not clear who was behind these attacks. The government forces the majority of local NGOs to work illegally by refusing to register them officially, whilst the work of those (extremely rare) NGOs that have obtained legal status, is hampered by onerous administrative constraints. In the months prior to the mission's visit, pressure on the human rights NGOs and journalists was intensified. New rules hampered their work, in particular to prevent transfers of money from abroad. International NGOs in particular saw their activities being drastically restricted: the Soros Foundation had to leave the country in April 2004 as its accreditation was not renewed; court proceedings were instigated against the organisation for the development of the media, Internews Network; and a representative of Human Rights Watch was not allowed to enter the country for several months. According to a diplomat, the ICRC has cancelled its visits since December 2004 because of the failure on the part of the authorities to respect its right to visit prisoners.

In addition, since the tragic events of Andijan on 13 May 2005, repression against human rights defenders and journalists has intensified. They have been subjected to arbitrary arrests and physical attacks for condemning the disproportionate use of force against civilians during the peaceful demonstrations in Andijan, leading to the deaths of hundreds of victims, including women and children.<sup>8</sup>

### B. Some Statistics on Capital Punishment

It is currently impossible to know exactly how many people are condemned to death each year in Uzbekistan as the government has failed to publish comprehensive statistics about the number of death sentences and executions. Statistics on the use of the death penalty have been kept secret, despite requests by various UN bodies.<sup>9</sup>

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7. It should be noted that since the events of Andijan, the Uzbek government seems to want to review relations with its American ally: following criticism from the United States over the said events, President Karimov has threatened to withdraw the use of a base at Karshi-Khanabad.

8. For additional details, see urgent calls of the Observatory for the Protection of Human Rights Defenders (a joint programme of FIDH and OMCT) UZB 001/0505/OBS 036.1 and 036.2.

9. See UN Human Rights Committee, CCPR/CO/71/UZB, 26/04/2001, para. 6 and CCPR/CO/83/UZB, 26/04/2005, para. 7; and the UN Committee against Torture, CAT/C/CR/28/7, 06/06/2002, para. 5.



According to a representative of the American Bar Association Central European and Eurasian Law Initiative (ABA CEELI), 50-60 sentences were given in 2004 where the death penalty was imposed. However, this merely repeats the government 'statistic' publicly stated by President Karimov himself when he claimed this figure was far lower than in previous years. In contrast, Mothers Against the Death Penalty and Torture (MADPT) indicate a figure of between 10-99 condemned to death each year. Despite a substantial reduction in the number of capital charges and suggestions that the government is moving step by step towards the abolition of the death penalty, "there have been continuing reports of large numbers of death sentences and executions."<sup>10</sup> Tamara Chikunova, a founding member of MADPT, also referred to evidence from a prisoner's diary smuggled out which indicated there were a maximum of 120 prisoners on death row and between 10 and 15 of these were executed a week. A lower figure of 1-3 people executed a week was also mentioned suggesting in the country a figure of 100 executions a year.

Taking all these estimates into consideration it is likely that the number of executions a year in Uzbekistan fall somewhere between 52 and 780<sup>11</sup> – although the latter estimate seems somewhat exaggerated. In a country with a population of 26 million<sup>12</sup> this is quite significant. If the lower estimate is correct this places Uzbekistan's estimated annual rate of execution (per million population) on a comparable level with Belarus, the only other executioner in former Soviet space.<sup>13</sup> However, the higher figure would make Uzbekistan the world's greatest secret executioner with an annual rate proportionate to population, 18 times higher than China and more than 4.5 times the annual rate for Singapore.<sup>14</sup> Perhaps most chillingly the FIDH mission was told by numerous human rights NGOs that it was possible, and indeed likely, that there are death penalty cases in Uzbekistan no one knows about.

This question is, therefore, shrouded in secrecy by the government and, in general, it is extremely difficult to obtain reliable information about sentences and the population in prison. The UN Human Rights Committee, in its concluding observations of April 2005 regarding Uzbekistan, reported, once again, a lack of information on criminal cases and in

particular on the number of prisoners sentenced to death and executed, and, it asked the government of Uzbekistan to publish such information periodically and to make it accessible to the public.<sup>15</sup>

The United Nations Special Rapporteur on Extrajudicial, Summary and Arbitrary Executions believes that "In a considerable number of countries, information relating to the death penalty is cloaked in secrecy. No statistics are available as to executions, or as to the numbers or identities of those detained on death row, and little if any information is provided to those who are to be executed and to their families. Such secrecy is incompatible with human rights standards in various respects. It undermines many of the safeguards which operate to prevent errors and abuses and to ensure fair and just procedures at all stages. It denies the human dignity of those sentenced, many of whom are still eligible to appeal, and it denies the rights of family members to know the fate of their closest relatives."<sup>16</sup> ... "The countries that have maintained the death penalty are not prohibited by international law from making that choice, but they have a clear obligation to disclose the details of their application of the penalty."<sup>17</sup>

It should be noted that the last execution in Uzbekistan reported to the mission was on 1 March 2005, according to the death certificate that was sent to the condemned man's relatives (see Annex 4).

## C. How the Death Penalty Is Viewed

### 1. The Media

Against the background of authoritarian policy and exacerbated tension, the death penalty remains a taboo subject that is almost never raised in the Uzbek media, except possibly to report the sentencing of a "terrorist." Even though censorship has officially been abolished, the press is not free, and very few journalists risk tackling subjects that could lead to their imprisonment. There is then no real debate on this question.

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10. Hood, *op. cit.*, 2002, p. 34.

11. 15 executions multiplied by 52 weeks per year.

12. According to the CIA World Factbook the estimated population of Uzbekistan on July 2005 was 26,851,195.

13. EUR 04/002/2004.

14. Hood, *op. cit.*, 2002, p. 92.

15. Human Rights Committee final observations: Uzbekistan, 26/04/2005, CCPR/CO/83/UZB, para. 7.

16. E/CN.4/2005/7, para. 57.

17. *Ibid.* para. 59.

It is easier for the international media in the country, such as Radio Free Europe-Radio Liberty (RFE-RL) and the BBC, which have local offices, or the Institute for War and Peace Reporting (IWPR), to deal with human rights topics; nevertheless, even though they are better protected than the journalists working for the local media, they are subjected to much administrative pressure and occasionally to physical pressure. Most of the time, and despite the official openness, the press cannot cover trials, in particular the so-called “religious” cases, that is trials where people are accused of belonging to a prohibited religious organisation or movement, or of spreading ideas aimed at overthrowing the government.

However, the representatives of the foreign press met by the mission believed that “something was happening” about the death penalty. In fact, for the first time, an Uzbek television channel devoted a programme to the death penalty while the FIDH mission was in Tashkent.

About twenty students from the Faculty of Law of Tashkent “discussed” the matter with two professors of criminal law. The “debate” remained very theoretical as it was limited to a “for or against the death penalty” discussion and did not give any specific information on the situation in Uzbekistan. Most of the students who took part in the programme were “against.”

This televised “debate” merely echoes the official position expressed by President Karimov in a speech on 28 January 2005 (see above). Despite the inconsistency of the argument against a moratorium and the obvious fabrication of information about the population’s unfavourable opinion (the likelihood of a public opinion poll being carried out is almost none and, according to a human rights defender, many Muslims<sup>18</sup> think that the death penalty is evil because only God has the right of life and death over men), this speech opened up the way to the decree of 1 August. Does this decree mark a real transition towards greater respect for human rights on the part of the authorities in Uzbekistan? The events of Andijan would suggest the opposite, as the regime of President Karimov is not moving towards greater respect for human rights, or greater transparency, nor towards starting up a dialogue.

As for the diplomats, they complained of a complete absence of dialogue with the authorities and of the impossibility of arranging meetings with government representatives about

general issues. Some embassies that regularly write official letters of protest against human rights violations, in particular condemning the death penalty, have never received replies from the authorities. Under such conditions, a real debate on the death penalty or other matters such as the independence of the Judiciary and torture, seems far off.

## 2. Human Rights NGOs

Human rights NGOs are accustomed, like the rest of the population, to mistrusting the speeches of leaders and sticking to the facts. Although the President’s speech in January 2005 created hope, it also aroused certain suspicions. According to certain interviewees, abolition might take place in the next few years, but it would only be a “communications exercise.” Similarly, Vassilya Inoyatova, president of EZGULIK – one of the few human rights NGOs to have received official authorisation to operate – “awaits the results.” More optimistically, Dilshod Tillahodjaev, founder of an NGO that provides legal assistance for victims of torture and monitors political trials in the region of Andijan, believes that it is due to pressure from the NGOs that the death penalty will be abolished.<sup>19</sup>

All the human rights defenders met by the mission stated their opposition to the death penalty, referring in particular to the conditions of detention, as well as the widespread arbitrariness and corruption throughout the administration of justice. Few of them questioned its public use or condemned its intrinsic barbarity. According to the representative of an association in Samarkand, “the conditions of detention are too poor and there are too many miscarriages of justice. (...) The law is applied in an arbitrary and selective manner. Compared with our neighbours in Kyrgyzstan, Kazakhstan and Russia, the penalty stipulated by our legislation is far too severe.”

Tamara Chikunova, who founded the “Mothers Against the Death Penalty and Torture” following the execution of her son, Dmitry, on 10 July 2000, works actively in defending those on death row and their families in Uzbekistan and to securing abolition. An international conference on the death penalty, organised in December 2003 in Tashkent by this association, was banned by the authorities although its aim was to start up a dialogue with the authorities, which is proof that the death penalty is still a taboo subject.

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18. According to the CIA (2005) World Factbook, 88% of the population of Uzbekistan are Muslim (mostly Sunnis).

19. These interviews took place before President Karimov’s adoption of the decree of 1 August 2005, providing for the abolition of the death penalty on the 1st of January 2008.

## II. Legal Background

### A. International Commitments

Uzbekistan has ratified a large number of international agreements for the protection of human rights:

- The International Covenant on Civil and Political Rights (ICCPR) was signed and ratified in September 1995. Uzbekistan has also ratified the optional protocol to the Covenant that determines the procedures for submission to the Human Rights Committee by individuals “claiming to be victims of violations of any of the rights set forth in the Covenant.” On the other hand, it has not signed the second optional protocol on the abolition of the death penalty.

By virtue of article 40 of the Covenant, the government submitted a state report to the United Nations Human Rights Committee; the Committee subsequently adopted concluding observations in April 2001. Its second report in August 2004, was examined by the Committee in April 2005.<sup>20</sup> The criticism of experts was particularly harsh especially regarding the issue of the death penalty, as they felt the Uzbek government had committed a grave violation of the principle “*Pacta sunt servanda*” (the principle according to which States undertake to respect, unconditionally, the obligations arising from the international agreements that they have signed or ratified) by executing fifteen people although their cases were pending before the Committee under the Optional Protocol to the Covenant and requests for interim measures of protection had been addressed to the State party.

- The Convention Against Torture was ratified at the same time as the Covenant but, despite the recommendations by the Special Rapporteur on Torture in his report in February 2003, the government still does not recognise that victims of torture may have access to the Committee Against Torture as stipulated in article 22 of this Convention. In accordance with article 19 of the Convention, the government also submitted a first report that was examined in 1999. Its second report was examined in May 2002.<sup>21</sup>

Note that in September 2004, Mr. Théo Van Boven, the UN Special Rapporteur on Torture, spoke out against the non respect by the Uzbek government of its international obligations, drawing its attention, yet again, to the recommendations set out in his report of February 2003 after his

visit to Uzbekistan at the end of 2002. The government’s response in January 2005 was to send a report on the actions undertaken by it following the Special Rapporteur’s recommendations.

In addition, it must be emphasised that Uzbekistan has not ratified the Statute of the International Criminal Court, which excludes the death penalty despite the fact that it deals with the most serious international crimes (genocide, war crimes and crimes against humanity).

It should also be noted that Uzbekistan is the only country in Central Asia that has not yet signed the Geneva Convention relating to the Status of Refugees of 28 July 1951 and the 1967 protocol, which guarantees the protection of aliens fearing persecution –including those who fear for their life –if sent back to their country of origin or to a third country. In its concluding observations of April 2005, the UN Human Rights Committee asks the government to take steps to prevent such expulsions contrary to articles 7 and 13 of the ICCPR.

### B. Domestic Legal Framework

#### 1. An “Authoritarian” Presidential Regime

President Karimov has been in power for fifteen years. When he was re-elected in a referendum on 26 March 1995 with 96.6% of the vote, his mandate was extended until the elections of 9 January 2000 when he was re-elected with 92% of the vote. All the international observers considered that these elections and their results were tainted by serious irregularities. In order to reinforce his power, President Karimov had the duration of the presidential mandate amended by a new referendum on 27 January 2002 that took place under conditions just as reprehensible as before. The mandate increased from five to seven years.

The Constitution gives the President a great number of powers. He selects his ministers whose appointments are approved by the National Assembly, the “*Oliy-majlis*.” In the same way, he appoints the candidates for the posts of provincial officials, the “*Hakims*,” who, in turn, propose the candidates for this post in the towns and districts of their

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20. CCPR/CO/83/UZB.

21. CAT/C/53/Add.1.

province. He also appoints the Prosecutor General. It is true that the President does not appoint him directly as in the past, but Parliament, in reality, merely ratifies his choice. Although a two chamber system was established in 2003 “with a view to strengthening parliamentary power,” the parliament remains the mouthpiece of the central authority and ratifies the President’s choices without any formal opposition to challenge the established authority.

### 2. Offences Punishable by Death

Even before the declaration of independence of the Republic of Uzbekistan on 31 August 1991, a presidential regime was established on 24 March 1990 and at its head, elected by the Supreme Soviet, was President Karimov.

He was elected as President of the Republic of Uzbekistan by referendum on 20 December 1991.

Although the new Constitution, adopted on 8 December 1992, proclaims the separation of the executive, legislative and the judicial powers, it establishes a “strong” presidential regime, as the President of the Republic is both Head of State and head of the executive.

All the same, a sizeable part of the Constitution is devoted to the protection of human rights. It provides that “Democracy in the Republic of Uzbekistan shall rest on the principles common to all mankind, according to which the ultimate value is the human being, his life, freedom, honor, dignity, and other inalienable rights.” (article 13)

Article 24 confirms for every person an inalienable right to life. The Constitution also prohibits any act of torture, cruel treatment, arrest and arbitrary imprisonment (article 26).

Despite the principles stated above, the death penalty is still prescribed for certain serious crimes enshrined in the new Penal Code that came into force in January 1995.

In 1994, the Penal Code stipulated thirteen offences punishable by death. As a result of pressure from international and national human rights organisations, the number of offences punishable by death has fallen: as a first step in August 1999, the number of offences punishable by death was reduced to eight.

The tireless work of these organisations, in particular the “Mothers Against the Death Penalty and Torture,” some of whose members are relatives of persons who have been or are liable to be sentenced to death, has almost certainly caused the government to reduce, once again, the number of capital offences in August 2001.

As a result, article 51 of the Penal Code at that time only stipulated the death penalty for four offences: premeditated murder with aggravating circumstances - article 97, para. 2; aggression - article 151, para. 2; genocide - article 153; and terrorism - article 155, para. 3.

In 2003, a new amendment to the Penal Code meant that the only capital offences are aggravated murder (article 97 para. 2) and terrorism (article 155 of the Penal Code). However, as the FIDH interviewees stressed, these two offences are “extremely wide-ranging” and are still invoked to justify the arrest of a huge number of people, particularly against the background of the current political-religious repression.

Indeed, the definition of terrorism reads as follows according to article 155 of the Penal Code<sup>22</sup>: “Para. 1: terrorism –that is defined as violence, use of force, or other acts, which pose a threat to an individual or property, or the threat to undertake such acts in order to force a state body, international organization, or officials thereof, or an individual or a legal entity, to commit or to restrain from some activity in order to complicate international relations, infringe upon sovereignty and territorial integrity, undermine security of a state, provoke war, armed conflict, destabilize the sociopolitical situation, intimidate population, as well as activity carried out in order to support operation of and to finance a terrorist organization, preparation and commission of terrorist acts, direct or indirect provision or collection of any resources and other services to terrorist organizations, or to persons assisting to or participating in terrorist activities –shall be punished with imprisonment from eight to ten years.

Para. 2: Attempt to life of or infliction of bodily injury to a state official or public figure or representative of authorities, committed in connection with their state or public activities with the purpose of destabilization of the situation or to influence upon decision making by state bodies or impediment to political or other public activity shall be punished with imprisonment from ten to fifteen years.

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22. See *State Violence in Uzbekistan, An Alternative Report to the United Nations Human Rights Committee*, Joint report by Tashkent Women’s Resource Centre, Legal Aid Society, Initiative Youth Group “Orzu” and OMCT, February 2005, p. 10.

If the actions punishable under Paragraphs 1 or 2 of this Article, resulted in: a) death of a person; b) other grave consequences – shall be punished with imprisonment from fifteen to twenty years, or capital punishment.

In terms of article 51 of the Penal Code, women, men of over 60 years and anyone committing a crime under the age of 18 cannot be sentenced to death.

### **3. The Independence of the Judiciary: A Fiction**

Contrary to the provisions in the Constitution that, on the one hand, proclaim the separation of the powers of the executive, legislature and judiciary, and, on the other hand, affirm the independence of judges, the judiciary remains wholly dependent on the political authority. In fact, President Karimov directly or indirectly controls the appointment of judges. Although he proclaims loud and long his willingness to create an independent judiciary and produces as proof of this a series of reforms implemented since 2000, including, in particular the law on the courts, the amendment to the Penal Code and the Code of Criminal Procedure and the reduction of sentences for a certain number of offences, justice still remains within his hands through the *Procuratura*<sup>23</sup> and the Ministry of Internal Affairs (MVD). Everyone knows that the Prosecutor General is the President's man: he applies a criminal policy stipulated in high places. The *Procuratura* has complete power in the majority of criminal procedures, both during the investigation phase prior to the trial when the Prosecutor General frequently gives orders for arrests and takes part in the investigation itself, and also in the court where he prosecutes.

Purportedly to offset this concentration of power, the Prosecutor General has been given a new duty since the reform of 29 August 2001, "to protect the rights and freedoms of citizens." This is not only unrealistic but also contradictory, as all the lawyers met by the mission stressed: as it is the officials of the *Procuratura* themselves who commit many of the violations of human rights.

The lack of independence of the judiciary has been emphasised, over the last few years, both by the UN Special Rapporteur on Torture and by the UN Committee Against

Torture.<sup>24</sup> The Uzbek government has been asked to take all necessary measures to protect "the independence of the judiciary in the performance of their duties in conformity with international standards, notably the United Nations Basic Principles on the Independence of the Judiciary."<sup>25</sup>

Whilst it notes the large number of reforms undertaken by the Uzbek government, the UN Human Rights Committee condemns again in 2005 the complete lack of independence of judges, who are still appointed for five years by the executive.<sup>26</sup>

All the associations and lawyers met by the mission gave the same account: the judges are all controlled, they follow in most cases the submissions of the Prosecutor and the few who do try to assert their independence live to regret it. According to the interviewees met by the FIDH, some judges admit, in private, the inequity of their decisions, but take refuge behind the system: the impossibility of acting otherwise, overwhelming pressures, too much risk, etc.

This situation clearly contradicts para. 16 of the UN Basic Principles on the Role of Lawyers, which states that "Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics."

Even though since 2001, judges cannot be dismissed officially for a "bad decision," they can be punished for "incompetence," which opens the doors to arbitrariness. Habits persist and the "courts continue to be nothing but an extension of the Prosecutor General's office and the local authorities."<sup>27</sup>

The procedures for the appointment, and the renewal and revocation of the mandate of judges are completely lacking in transparency and are open to corruption, one of the greatest problems in the justice system.

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23. The Procuratura comprises the judicial investigators and the prosecutors under the authority of the Prosecutor General of the Republic.

24. See Report of the UN Special Rapporteur on Torture, E/CN.4/2003/68/Add.2, 3 February 2003, para 38; CAT/C/CR/28/7, 06/06/2002, paras. 5 and 6.

25. E/CN.4/2003/68/Add.2, 3 February 2003, para. 70.

26. CCPR/CO/83/UZB(2005), para. 16.

27. International Helsinki Federation, Annual Report 2004.

## C. An Unfair Trial

### 1. Arrest and Custody

The Code of Criminal Procedure provides that anyone who is being questioned may be kept in custody for a maximum of three days, or up to ten days in exceptional circumstances with the authorisation of the Prosecutor General. Anyone who is arrested should be questioned within 24 hours, if charges are to be made against him/her. These charges should be notified to him/her before s/he is transferred to a centre known as the "SIZO," a contraction of the Russian name "sledstvennyi izolator,"<sup>28</sup> a detention centre controlled by the Ministry of Internal Affairs and not by the Ministry of Justice.

The second stage is the preliminary investigation during which the pre-trial detention of the prisoner can last from two to five months in ordinary cases and up to a year and a half with the authorisation of the Public Prosecutor of the province in cases that are especially important or serious.

The preliminary investigation is conducted solely by the Prosecutor General and the Ministry of Internal Affairs (MVD), the central authority of the regime, in direct contact with the President. There is no access whatsoever to any information on the documents or measures taken in that framework. All the national and international interviewees of the mission condemned, in their various reports, the excessive powers MVD, its peculiarly violent methods and the corruption that is rife within its ranks.

FIDH recalls that "the government has not allowed full and prompt access [to any independent investigative body] to all places of detention, especially places of temporary detentions such as police lock-ups, pre-trial detention centres and National Security Service premises."<sup>29</sup> Continuing this trend, FIDH were also denied access and any official co-operation whatsoever. The information below was therefore collected from indirect sources (interviews, documentation).

According to the Legal Aid Society (LAS):

"during detention, procedural standards are grossly abused in the following ways: Detention protocols are not

executed in time; detained persons are not informed of their rights; legality of detention is not subject to judicial control; torture is systematically employed at the moment of detention; defendants' relatives are not informed."<sup>30</sup>

The FIDH delegates were told of numerous incidents that confirm these and many other abuses. The situation has been recognized by the UN Human Rights Committee who remains "concerned about the conformity of the administration of pre-trial detention centres, prison camps, and prisons with the Covenant's articles 7, 9, and 10."<sup>31</sup>

Freedom House stated that an individual can be detained as a 'voluntary witness' and held for eight hour increments renewable at the discretion of the prosecutor and compelled to answer questions. Detained as a witness, the individual can, 'legitimately', be denied access to a lawyer, questioned and forced to incriminate himself before being charged. "This makes a mockery of due process."<sup>32</sup> An LAS lawyer who frequently visits clients in police and prison custody indicated that individuals may be held for 24 hours at a District Police Station, up to 3 days at a City Police Station, and up to a year at Tashkent City Jail.

The LAS lawyer also described to the FIDH delegation each custody site in detail, sketching measurements and layout. The District Police Station houses prisoners on the first floor where there are 6 cells measuring 2 meters by 4 meters on either side of a corridor at one end of which is an interview room. The interview room has three smaller cells off the other side and a corridor leading to the gatehouse where the duty officer sits. Behind these three smaller cells is 'the cage' or large holding cell. The cells generally contain 4-8 individuals depending on the station and a holding 'cage' which accommodates up to 100. The City Police Station houses prisoners on the ground floor where there are in excess of 30 cells, a block back to back in the middle and others arranged along the walls forming a corridor between them. Tashkent City Jail is similarly mapped but cells are arranged along a single corridor rather than in a block. Lawyers have access to their clients down the corridor and may speak to them in their cells or through the bars.

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28. Non-condemned detainees are detained in that center.

29. HRW (2005) Torture Reform Assessment: Uzbekistan's implementation of the recommendations of the Special Rapporteur on Torture, Human Rights Watch Briefing Paper, March 18, p. 11.

30. Legal Aid Society (2003), *Death Penalty in the Republic of Uzbekistan: Report on the findings of monitoring conducted in Tashkent City October through December 2002*, p. 51.

31. CCPR/CO/83/UZB, 26/04/2005, para. 5.

32. Interview with Freedom House.

## Uzbekistan: Challenging the Death Penalty

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### 2. Torture as a Method of Investigation and Confession as a Method of Proof

Amongst the many violations of human rights in Uzbekistan, torture remains today one of the most crucial problems.

The UN Human Rights Committee and the Committee Against Torture have repeatedly asked the Uzbek authorities publicly to condemn torture. Although article 235 of the Penal Code was amended in 2003 in order to include the crime of torture, its definition remains, according to national and international lawyers, extremely confused, which has led the Supreme Court to refer to the definition in article 1 of the UN Convention Against Torture which, and this must be emphasised, prevails over Uzbek legislation and should have been integrated into the national criminal legislation.

The American Bar Association Central European and Eurasian Law Initiative suggested that the use of torture in Uzbekistan is common. This represents a generally held view that torture and ill-treatment are endemic, routine and widespread and “often [used] to extract ‘confessions’.”<sup>33</sup> “[I]n the case of Uzbekistan, the lack of due process [is] most strongly evidenced by the systematic use of torture, the use of torture to coerce confessions, and the practice of convicting defendants based on confessional evidence alone.”<sup>34</sup> Furthermore, “judges show indifference to allegations of torture or ill-treatment made by detainees.”<sup>35</sup> Foreign diplomats noted cases of beatings and follow trials.

FIDH were told that whilst “under Uzbek law defendants are entitled to a lawyer within 24 hours often they are detained as witnesses first and only once they have incriminated themselves are they then charged; otherwise they are released with an administrative charge sufficient to cover the period of detention already served.”

By way of illustration, a LAS lawyer referred to the case of Karimov Bahodir arrested on 29 March 2004 who was denied access to a lawyer for 53 days. It was suggested the delay was purposefully instigated to hide the extent of his bruising following ‘interrogation’. The whole family was also arrested but released after 24 hours. It became evident to the FIDH

mission that the use of torture is akin to standard procedure (see individual cases below).

Similarly, no one leaves prison as an innocent person; at the very least administrative penalties are imposed (retrospectively) to justify the period of detention. Tellingly, EZGULIK<sup>36</sup> knows of only one person released without charge after arrest (and the judge has since been sacked!). There are other specific cases where FIDH was informed someone had been released from detention but the individual had received at least an administrative charge to justify the period that he had already spent detained.

MADPT have official statements from a doctor that a detainee was tortured, had broken bones yet still signed a confession. His whole family was also arrested. Appallingly, a sister told them of the rape of her sister in law in front of her brother, the woman’s husband, to force his confession.

Following his visit to Uzbekistan in November and December 2002, the UN Special Rapporteur on Torture concluded that “torture or similar ill-treatment is systematic” in Uzbekistan and “appear[s] to be used indiscriminately against persons charged for activities qualified as serious crimes such as acts against State interests, as well as petty criminals and others.” He also stated that “many confessions obtained through torture and other illegal means were ... used as evidence in trials [including] some which led to the death penalty.”<sup>37</sup> The UN Human Rights Committee similarly noted “allegations relating to [the] widespread use of torture and ill-treatment of detainees.”<sup>38</sup>

The “Human Rights Watch’s Tashkent office has [also] documented credible allegations of torture and ill-treatment against detainees and prisoners in the two years since the Special Rapporteur’s recommendations” including “illegal interrogation methods” and “arbitrary arrest ... without the right to appeal”<sup>39</sup> and notes that “[t]he failure to reform is perhaps most compellingly evidenced by continuing serious, credible allegations of torture by law enforcement officials during investigations, pre-trial custody, and in prisons, made by detainees, their relatives, and defense attorneys.”<sup>40</sup>

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33. Amnesty International (2005) Uzbekistan: Abolish the death penalty immediately, 2 August, AI Index EUR 62/017/2005.

34; HRW (2005), *op. cit.*, p. 16.

35. HRW (2005), *op. cit.*, p. 12.

36. A local Human Rights NGO.

37. Reuters, 6 December cited in EUR 04/002/2004 p. 31.

38. CCPR/CO/83/UZB, 26/04/2005, para. 2.

39. HRW (2005), *op. cit.*, p. 19.

40. HRW (2005), *op. cit.*, p. 2.

## The Death Penalty in Uzbekistan: Torture and Secrecy

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All of the people met by the FIDH, whether relatives of prisoners, or people who had, themselves, been arrested, gave an account of the methods used mainly by the investigators, police officers of the Ministry of Internal Affairs (MVD) or of the SNB (formerly KGB-national security service). People close to arrested persons are also subjected to torture, including their families and the witnesses, as confirmed by the relatives of those on death row. The purpose of these attacks is to “fatten” the dossiers, not only with confessions, but also with eye-witness accounts.

The main difficulty lies in establishing proof of torture and obtaining a medical certificate from an independent doctor. The FIDH mission was told that, during the investigation period, except in cases of extreme emergency, arrested persons cannot ask to see a doctor. In any case, the doctors who are called are answerable to the Ministry of Internal Affairs and are wholly lacking in independence and objectivity. The lawyers and the NGOs met by the mission all stressed this problem. The second, and equally important difficulty is challenging, in court, the reports –when they exist –or asking for independent expert opinions.

The independent<sup>41</sup> lawyers met by the mission, in particular those in the Legal Aid Society, indicated to the FIDH that very few lawyers dare to condemn these practices, as the courts refuse to take into account complaints of torture, and the lawyers are themselves exposed to repressive measures on the part of the Prosecutors in particular. However, some lawyers have filed complaints allowing some of the perpetrators of torture to be prosecuted. Naturally, these cases are few and far between. In 2004, reiterating a decision of 1997, the Supreme Court confirmed that the courts should check whether the rights of accused persons have been respected during the investigation period and that confessions obtained under torture cannot be taken into account. Unfortunately, this decision does not seem to have had any practical effect at present. In their report, “Denial of justice in Uzbekistan” in 2005, the World Organisation against Torture (OMCT-Europe) and the Legal Aid Society concluded that these cruel and unlawful methods are used everywhere, systematically, and on a large and massive scale.

The FIDH was also advised that police officers invent dossiers to extort money from allegedly guilty persons. Several family

members of prisoners said they had been attacked and threatened by police officers to extort money from them. This practice, against which families have no recourse, is extremely common, as corruption is rife at all levels in the administration.

Despite the advances made by legislation<sup>42</sup> and case law, which in essence appear to be borne out by the willingness of the authorities to show that they are respecting their international commitments with regard to human rights, torture remains common practice and confessions obtained under torture have resulted in many death sentences.

The following testimonies given first-hand to FIDH chargés de mission confirm that many people are executed as the result of unfair trials, and often based on confessions obtained under torture. “‘Confessions’ are extracted under torture and routinely used as evidence in trials. Corruption is an integral part of investigation, trial and appeal process in such cases.”<sup>43</sup> Or put more bluntly by a local Human Rights activist “for the last 8-10 years the proof of guilt of the accused or detained individual has only been based on his own confession that was beaten out of him during preliminary inquiry”<sup>44</sup> and generally “no meaningful effort was made to ascertain that these confessions were not coerced through torture.”<sup>45</sup> This point has been recognized by the UN Human Rights Committee in stating that they are “concerned about the continuing high number of convictions based on confessions made in pre-trial detention which were allegedly obtained by methods incompatible with article 7 of the Covenant.”<sup>46</sup>

Ikram Mukhtarov was tortured and forced to confess. He was arrested in January 2004, tried and found guilty of murder in May 2004 and appealed in May 2004 where the original verdict was upheld. In December 2004 there was a new trial followed by a further appeal in March 2005. The original verdict did not change. He is now awaiting execution on death row in Tashkent Prison. At the original trial he claimed to have been tortured at the police station and Tashkent prison by investigators, which left him with hand and back wounds. He was also beaten in an effort to coerce him to refuse his family’s request of a new lawyer. His wife was refused permission to visit him, as the authorities did not consider them to be legally married despite the fact she had religious papers from her mosque stating they were religiously married. In the end, Ikram’s wife was able to visit him 7 times although she had

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41. Term used to describe the lawyers who are chosen by the accused rather than being appointed by the authorities.

42. See above: article 235 of the Penal Code was amended in 2003 in order to include the crime of torture.

43. MADPT, Speakers Tour, 2004.

44. Report of the Human Rights Society of Uzbekistan (2004), p. 1.

45. HRW (2005), *op. cit.*, p. 12.

46. CCPR/CO/83/UZB, 26/04/2005, para. 3.



## The Death Penalty in Uzbekistan: Torture and Secrecy

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also been refused on several occasions. During her last visit, his living conditions had slightly improved but conversation was limited as the guards were in earshot. Although they were allowed to talk through a small window, such guards were always nearby. Furthermore, Ikram had issues with his medical care. Despite complaining of kidney pain, he received no treatment at the prison.

Ahrorhoja Taliphojaev was executed on the 1st of March 2005. His mother last saw him in June 2001 as the trip proved too expensive for her to visit. He was held in Tashkent City Jail death row on the ground floor. Ahrorhoja's father visited him once a month from January 2003 to February 2005, approximately 10-12 times in total and requiring permission each time. Interestingly he was never refused permission and was always able to see his son. In comparison to Ikram's case above the visiting room was partitioned and his son had access to doctors and a religious advisor. However he was tortured until he confessed. Ahrorhoja told him that the torture had even been filmed by the guards and in fact his first lawyer told them he himself had seen the video. Generally, his health was poor in prison and the food inadequate but at least he was able to pray as a Muslim. He was permitted to receive from his family and lawyer.

Alexandar Korneton, accused of murder, was found guilty and condemned to the death penalty; his sentence was subsequently commuted. His mother witnessed his beating and forced confession. He made a statement to the prosecution that was used at his trial saying he was told to confess or his wife would be raped in front of him. His mother had wanted to give her son a parcel of clothes because he had contracted tuberculosis (TB). An official responded 'don't worry we'll shoot him.' He later unsuccessfully sought to retract his confession in court as signed under duress. She was able to visit him with permission. He spent one month in Zindar, four to a cell, sleeping one at a time in a pull down cot as it was forbidden to sleep during the day. He also spent one year in Andijan prison, a long-term strict detention place known as a colony using hard labour. His mother was able to send items of up to 3 kg twice a year. He was forced to sign a letter rejecting any request for clemency and at his final court appearance he seemed drugged.

Oybek and Uygun Rozmetov (brothers): OSCE, HRW and Human Rights Society of Uzbekistan (HRSU) sent letters to the UN Human Rights Committee but both were executed within 2 months of arrest. Investigators threatened to rape their wives in front of them but when their mother was threatened too, both broke down and signed confessions. Narcotics, a pistol and bullets were planted in their father's house. Five

people were permitted to visit at one time (mother, one wife, and three children). During a visit one son admitted to their mother that they were tortured 'too much'. One was unconscious for three days with blood coming from his orifices. 'So we signed a confession.'

Amriova Survaya's son was arrested on 12 March 2004 and taken to the police station where he was tortured with electric shocks to the head, hands and genitals. He also suffered cruel treatment in prison where he was stripped naked as a punishment for preaching Islam, and beaten on the soles of his feet. Her son told her that every prisoner was made to sing the national anthem every day, even the Russian-speaking prisoners. Her son contracted hepatitis and was eventually transferred to Navia Region Hospital where he received better treatment. She was able to visit him once a month at a Jail with difficulty and once a month with more ease at the hospital. The family was not permitted to see the defendant whilst the investigation was taking place. She then saw Amriova once before his court case. No visits were permitted on festival days and she could deliver one 8 kg parcel every month.

Human Rights lawyers in Samarkand told FIDH delegates of a case of confession under torture where their client only saw a lawyer after 15 days. The lawyer then acted as a witness against his client in court in flagrant contravention of procedural law. A neighbour was arbitrarily detained to provide a witness statement. At first the 70 year old neighbour said he had seen nothing because he had taken sleeping medicine. However, when his clothes were removed and he was threatened with sodomy using a bottle and that his entire family would be arrested, he changed his testimony and said he had been behind some bushes and saw the accused brutally stab and murder three people. The client's pregnant wife was also forced to act as a witness after being in custody for 5 days, beaten on the head with spoons and a ruler and having sustained brain injury which was later diagnosed at hospital. The medical certificate detailing this was later refused as evidence in court.

The FIDH was also told in confidence about the case of two brothers who were arrested and tortured until the elder brother confessed to the murder of their parents. The younger brother was made to witness his brother's girlfriend being beaten. He had been taken to the police station 'to help with the investigation' at 9am but by 10am was also being beaten having been shown no evidence. In addition, he heard his brother's screams and was forced to watch his torture too. This was the last time he saw his brother until his trial. No lawyer

was permitted to see the two men for 18 days. The younger brother wrote a statement given to his lawyer that both confessions were obtained under duress and that he was raped. Despite being beaten to write a confession, he refused to sign. He was refused permission to attend his parents' funeral but released 2 days later. Although he had been held at the police station, it was investigators from the prosecutor's office who had beaten him. Two months later he saw his brother who revealed that he had also been beaten and raped with a stick. Investigators also threatened to rape his girlfriend. This eventually persuaded him to write a confession, as he knew she was being detained too. Twenty members of his family were detained with him.

At his trial, the elder brother stated that he had been tortured and forced to make a false confession, a statement corroborated by his lawyer who had witnessed the torture. The younger brother had been asked to pay \$1,000 to see his brother before the verdict. His brother had also asked for medicines. He had lost weight, was wearing prison clothes and had a shaved head. He sat behind a glass screen with a guard beside him. He was permitted 30 minutes visiting time or 40 minutes for extra dollars. His brother had an allergy for which he required medication and this was passed in a parcel. The brother said there were two people in a cell. He had heard shooting and listened to stories of death row prisoners speculating on who would be next. He wrote and received correspondence with his family and had access to a doctor after payment. Access to a lawyer was sometimes problematic and he was not permitted to talk about conditions in the prison.

The FIDH representatives spoke directly with a businessman who had recently been released from custody about his treatment. He was clearly fearful and wished to remain anonymous. He was arrested under Art. 159 (action against the constitutional order) and held for 53 days without access to a lawyer; 3 days at Tashkent Police Station, 12 days in the basement of the Ministry of Internal Affairs (MVB), 7 months in Tashkent City Prison and 2 months on probation. He was tortured by the Tashkent city police but the worse torture was inflicted by the National Security Service (SNB). His wife was also detained along with his 54 year old mother, his brother, his brother's wife and their two children (two girls aged 2 1/2 and 5 respectively).

In a separate case the FIDH was also told of the arrest of a man for murder. He is now under death sentence awaiting execution. The whole family (including the father, two brothers, a sister-in-law and two cousins) was also arrested and, following release, harassed. One brother disappeared, the older cousin was apparently murdered, and the younger cousin was left paralysed following torture.

The international diplomatic and Human Rights community have also made numerous demarches against deaths in custody. In response to one such demarche the statement from Ministry of Foreign Affairs simply stated that the individual had died of a heart attack. More often there is silence or a flat denial.

The systematic torture of persons arrested during the pre-trial phase clearly violates Uzbekistan's international commitments, in particular the UN Convention against torture of which Article 12 obliges member States to conduct inquiries into any allegations of torture, and article 15 obliges these same States to make sure that "any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings."

The fact that confessions obtained under torture are accepted as evidence at the trial stage further condones the use of torture and ill-treatment during the inquiry stage. General Observation No. 13 on Article 14 of the ICCPR states that the law should provide that "evidence provided by means of such methods or any other form of compulsion is wholly unacceptable." (para. 14) General Observation No. 20 relating to article 7 of the Covenant also provides that it is important that "the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment." (para. 12)

### **3. Attacks on the Rights of Defence**

#### **a. The Right to Choose One's Lawyer**

The right to a lawyer and to the free choice of a lawyer is constantly flouted. It is impossible to carry out any effective control over the procedure. Although the law stipulates that a "detainee" may have access to a lawyer, in practice s/he can only meet one while s/he is in custody. This was confirmed by the lawyers met by the FIDH and by the families of the detainees. The right to have a lawyer while in custody is not officially stipulated, as access to a lawyer is possible in theory after the first interrogation, that is 24 hours after being arrested for questioning. The wording is capable of different interpretations by the authorities and the defence. In any event, the authorisation must be sought from the investigator who has discretionary power to refuse it.

The same goes for the investigation stage: the chosen lawyer has great difficulty accessing his client, as the investigators are responsible for designations and often rely on the fact that the person arrested is merely a witness and does not therefore have the right to legal assistance as s/he is not yet an "accused."

The prisoners' families, like the human rights associations and the international organisations, condemn the lack of *habeas corpus* and the lack of remedy for arrested persons. A great many detentions are arbitrary: persons arrested are often held longer than the stipulated time-limits, and they have no chance of appeal. They are not informed of their rights. The lawyers explain that more often than not police officers "forget" to inform the persons arrested of their rights, in particular the right to appoint a lawyer and to remain silent. The police officers make them sign a document in which the rights of the arrested person are supposed to be stated, and which document, according to some, may simply be a blank sheet.

It has been noted that "while under domestic law individuals have access to a lawyer at the time of arrest, this right is often not granted in practice;"<sup>47</sup> "detainees are often held incommunicado for several days, and sometimes even weeks, following their arrest, when the risk of torture or ill-treatment is the greatest."<sup>48</sup> The UN HR Committee "considers that the length of custody for which a suspect may be held without being brought before a judge or an officer authorised to exercise judicial power — 72 hours — is excessive."<sup>49</sup> The UN Committee against Torture also raised concern at the "lack of adequate access for persons deprived of their liberty, immediately after they are apprehended, to independent counsel, a doctor or medical examiner and family members."<sup>50</sup>

Indeed, according to an LAS lawyer, in practice there is an unfortunate gap wherein everyone is interrogated with no right to silence or phone calls until they confess. Furthermore, it is unclear whether translators are made available where Uzbek is not a detainee's first language, in spite of the fact that this right is enshrined in the Uzbek legislation.

Very often, the accused will only have access to his lawyer at a late stage of the procedure, that is, in the court of first instance or even only in the appeal court.

### **b. Interferences in the Functions of the Lawyers**

Article 53 of the Code of Criminal Procedure stipulates that a lawyer may meet his client without limitation on the duration and number of meetings, and in confidence. The lawyers met by the FIDH reported the serious difficulties they came up against, in fact, in gaining access to their clients: difficulties in knowing where the client was being held, impediments to

meeting the client in prison, refusing them entry to the detention centre often on false grounds, lack of confidentiality during the consultation, etc. In reality, any visit has to be authorised by the investigator or by the Prosecutor in charge of the case.

Even if the family or the detainee manage to appoint one, the lawyer is very often exposed to schemes or pressures aimed at preventing him from defending his client. The authorities much prefer an official defence lawyer, nicknamed "pocket lawyer" who, most often works both with the investigators and the Prosecutor General and with the judicial authorities and hardly ever takes up the defence of his client. Larissa Tarassova, a member of the "Mothers Against the Death Penalty and Torture," told the FIDH that she had filed a complaint against a "pocket lawyer" appointed to help her son who had been imprisoned in an extremely serious case, despite the fact that he had appointed a lawyer, on grounds that his "passivity" was detrimental to the interests of his "client" who was liable to be sentenced to death. Her complaint was not followed up.

Although the Code stipulates that the lawyer may intervene at any point in the procedure, it appeared that some of them had not been able effectively to assist their clients, with the courts using the pretext that the intervention of the lawyer in the case file was too late.

The right to access to the case file is also frequently violated. The lawyer does not have a copy of the process, but may only read it, which is contrary to the rights of the defence and makes an effective defence impossible, in particular, in criminal cases where the frequently huge case files cannot be re-written by hand.

In several cases, the lawyers dealing with the cases were removed from the case by the Prosecutor General to stop them from raising the procedural irregularities at the hearing. Such irregularities include: widely exceeded time-limits, illegal detention and, in particular, denunciation of torture and confessions extracted as a result of this.

It was also reported that in "sensitive" cases, defence lawyers and the families were prohibited from entering the court room (although an in camera hearing had not been announced); an example of this was the case of 23 July 2004, before the

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47. CCPR/CO/83/UZB, 26/04/2005, para. 15.

48. Amnesty International (2003) Justice only in heaven: The death penalty in Uzbekistan, EUR 62/011/2003, p. 7.

49. CCPR/CO/83/UZB, 26/04/2005, para. 14.

50. Committee against Torture, CAT/C/CR/28/7, 06/06/2002/0/02, para. 5. See also Human Rights Committee CCPR/CO/71/UZB, 24/04/2001, para. 7.

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provincial court of Fergana, which was trying ten people prosecuted for “religious activities.”

The FIDH notes that these practices constitute a flagrant violation of the right to a fair trial, established by article 14 of the ICPCR: “In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (...) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing; (...) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.” It is also contrary to several provisions of the UN Basic Principles on the Role of Lawyers.<sup>51</sup>

Everyone the FIDH spoke to confirmed that in the cases punishable by and often condemned to the death penalty, the most serious procedural irregularities and violations of fundamental rights were noted in breach, not only of the domestic law, but also of the international agreements to which Uzbekistan is a party.

### 4. What Are the Remedies for Those Sentenced?

Those sentenced by a court of first instance can lodge an appeal within ten days. The judge must inform the person of this right. It should be noted that in cases where the death penalty has been pronounced, these decisions are practically always upheld on appeal. An appeal may be lodged in the Supreme Court which, in some cases,<sup>52</sup> has substituted a long term of imprisonment for the death penalty.

When the death sentence is final, the convicted person may ask for clemency from the President of the Republic within seven days following the final sentence or the notification of this

decision, which is an extremely short time-limit. The case comes before the Clemency. This procedure is complicated and lacks transparency. The President of the Republic does not necessarily seem to participate in the decisions and is not even advised of the refusal of a request for clemency, according to some lawyers.

The execution of a convicted person should be delayed until the decision is given by the Commission but, in actual fact, according to the information received, the convicted person does not receive any response. Although some persons on death row have their penalty commuted to imprisonment, this is as a result of a procedure that is always shrouded in secrecy, according to the various people the FIDH spoke to. Here too, the authorities are careful not to publish statistics.

Indeed according to MADPT:

“the clemency process and the executions themselves are shrouded in secrecy, compounding the punishment inflicted not only on the prisoners but on their families. Relatives are denied the chance to say goodbye and *may not know for months or years* whether their loved one has been executed. They are not told where he is buried and many search for years in the hope of finding the grave.”<sup>53</sup> (emphasis in original)

As Uzbekistan has ratified the first optional protocol to the International Covenant relating to Civil and Political Rights, convicted persons, their families or the associations may refer their individual cases to the UN Human Rights Committee. The Committee makes contact with the Uzbek government and demands a stay of execution for time to investigate the case file. The Uzbek authorities, in general, do not lodge any observations. In exceptional cases, they have commuted the death penalty to imprisonment or have not carried out the execution. Nonetheless, Uzbekistan did also happen to execute fifteen people, whose cases were still being examined by the Committee.<sup>54</sup>

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51. See notably para. 5 (Governments shall ensure that all persons are immediately informed by the competent authority of their right to be assisted by a lawyer of their own choice upon arrest or detention or when charged with a criminal offence); para. 6 (Any such persons who do not have a lawyer shall, in all cases in which the interests of justice so require, be entitled to have a lawyer of experience and competence commensurate with the nature of the offence assigned to them in order to provide effective legal assistance, without payment by them if they lack sufficient means to pay for such services); para. 7 (governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention); para. 8 (All arrested, detained or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Such consultations may be within sight, but not within the hearing, of law enforcement officials); para. 21 (It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time) and para. 22 (Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential).

52. There are no statistics available in this connection.

53. MADPT, Speakers Tour, 2004.

54. CCPR/CO/83/UZB, 26/04/2005, para. 6.

### III. Conditions of Detention of Death Row Prisoners

The general opinion was that there has never been any official visit to, or monitoring of, death row cells or the execution chamber in Tashkent City Prison. The ABA told the FIDH that, to the best of their knowledge, no one had been permitted to visit. Amnesty International states that “due to lack of independent inspection of death row prisons ... it is difficult to establish the facts about conditions on death row.” However, “on the basis of information available” it is believed that they “fall far short of international standards.”<sup>55</sup> FIDH was told that the German Embassy had arranged a visit to a juvenile detention facility but this was later cancelled. It seems that even the International Committee of the Red Cross/Crescent (ICRC) monitoring had recently been suspended. Similarly, Freedom House had arranged monitoring but this was also cancelled at short notice, apparently another fairly typical government tactic. On the few occasions where visits were permitted, this was under a climate of fear both on the part of key staff for their jobs and inmates if they talked about prison conditions.

The UN Special Rapporteur on Torture visited some places of detention when he visited the country in 2002; the ICRC are believed to have visited certain places of detention as well; however, these visits were restricted and many people said they were subverted in various ways. The FIDH mission was able to speak to numerous people who had visited these and similar facilities whether as a lawyer representing an inmate, a visitor, or on occasion entirely accidentally. These were all visits to detention facilities other than death row and one understands not even the ICRC or the UN Special Rapporteur on Torture had been permitted access to death row. The mission was able to obtain secondhand accounts from those who had visited prisoners on death row but more importantly it secured a detailed account of death row from a former doctor who had worked there, which had previously been given to a lawyer who defended him on charges of an unrelated nature.

It is understood that prisoners awaiting execution post-sentence on capital charges in Uzbekistan are held in isolation from other prisoners in the basement of Tashkent Prison known as ‘SIZO No. 1’.<sup>56</sup> Whilst other forms of death row may

exist in other prisons, all prisoners are moved to Tashkent Prison for execution. There is only one execution chamber which is located in a sub-basement beneath death row. Death row is described as a single corridor with cells on either side, a visiting area at one end with a lift and bathing area at the other end. The entire area is sealed with a plastic glass window onto the visiting area and a locked door. The only way into or out of death row is via the lift. This is the same lift by which condemned prisoners are taken to the execution chamber in a concrete cell in the sub-basement. The chamber is again a sealed room with drainage in the floor. Presumably prisoners are aware of the lift movements and can thereby estimate the numbers entering the execution chamber.

#### A. Conditions on Death Row

In 2001 the UN Human Rights Committee expressed concern “at information about the extremely poor living conditions of detainees on death row, including the small size of the cells and the lack of proper food and exercise.”<sup>57</sup> This is unsurprising when one considers accounts from other prisons. One testimony described a long hall with cells located on either side, each 2 meters by 1.5 meters with no chair or table, and a metal door with a hatch for food. The hatch formed a shelf. The interior consisted of a cement floor and a cement bench which doubled as a bed. There were neither blankets nor pillows, and no windows either, only a vent with small holes. The light was on constantly. Other general prison issues were climate as prisons have little or no heating, no air conditioning and poor ventilation and this in a country where temperatures vary from between 50 degrees in the direct summer sun to minus 20 degrees in winter. Food was of poor quality and limited leading to malnutrition, illness and loss of teeth. TB is rampant within the prison system and mortality high particularly in prison ‘colonies’ where inmates must undertake forced labour.

Death row specifically was described by a doctor that had worked there as a basement 5 or 6 meters below ground with no natural light, no ventilation, and a damp floor. Low electric

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55. Amnesty International (2004) Belarus and Uzbekistan: The last executioners. The trend towards abolition in the former Soviet space. October 2004. EUR 04/002/2004, p. 43.

56. “Isolation Ward #1, Main Directorate for Punishment Execution of the Ministry of Internal Affairs of the Republic of Uzbekistan in the basement of Tashkent prison”, LAS (2003), p. 51.

57. Human Rights Committee, CCPR/CO/71/UZB, 26 April 2001, para. 10.

lighting was constantly on. There were two prisoners to a cell which was concrete with an iron slatted pulldown cot or bunk hinged to the wall, and a water channel constantly running beneath it. This cold water was used for washing and as a toilet, and possibly also for drinking. Each cell had a metal door with a hatch. No furniture was permitted in the cells, only a mattress, sheet and blanket. Each inmate showers and has his/her head shaved once every 15 days; “death row prisoners are permitted to take a shower for three to four minutes every other week.”<sup>58</sup>

Amnesty International describes death row prisoners as

“held in small cells usually occupied by two prisoners, sleeping on wooden bunks. Reportedly, there is a pan or a hole under one of the bunks that serves as a toilet, and a pipe with drinking water. There is little or no natural light. One lawyer reported that cells had dim artificial lighting, on all the time. The air is said to be stagnant and the ventilation system not working. Families disputed official claims that prisoners are allowed 30 minutes’ outdoor exercise daily, claiming prisoners were not taken outdoors at all.”<sup>59</sup>

The mission’s indications are that prisoners never leave their cells except twice a month for a shower and shave, or if they have visits. No prisoner ever leaves the basement as both the shower room and the visitors’ room are also housed in the basement. Prisoners sleep whenever they want: unlike other prisoners, they may sleep during the day.

According to a recent LAS report “[t]he legal status of a person sentenced to the death penalty is regulated by Art. 137 of the [Code of Criminal Procedure]. Under that article a person convicted of the death penalty may:

- “Execute the required civil and marital relations;
- Receive legal aid and meet with the attorney without limitation on the duration and number of meetings;
- Send and receive letters without limitation;
- Have a brief monthly meeting with close relatives;
- Have a meeting with a clergyman;
- Receive the required medical care.”<sup>60</sup>

### **1. Food and exercise**

Prison food is of variable quality, quantity, and timing. It generally includes no fresh fruit or vegetables. Some prisoners are permitted to buy extra food assuming their families can afford to pay but this is at the discretion of the guards. Prisoners’ families can put money on an account for the prisoner to spend. The guards then say how much they have and ask what they want from the prison shop. It seems likely that this arrangement does not apply to death row prisoners. Amnesty International reports that “food is insufficient and of poor quality, and families are not allowed to deliver food to death row prisoners.”<sup>61</sup>

Prisoners have three meals a day:

- 06:00am Bread and water (hot)
- 1:00pm Soup and main plus more if ill
- 7:00pm Soup and main again

All reports suggest that death row prisoners get no exercise outside of their cells.

### **2. Torture, Beatings, Punishment**

Torture, beatings and punishment appear to be routine in all Uzbek prisons. Stories of prisons run by prisoners or prisoners used by officials to administer punishment beatings are commonplace. It is apparently routine practice for prisoners in ‘colonies’ to be beaten with a stick but this is all administered ‘according to regulations’. Prison regulations stipulate how many strokes for such and such an infraction. Two guards hold the prisoner in the chair and a third administers the beating. A doctor is present to check that the beating is not excessive and to revive the prisoner if they should fall unconscious. It should be noted that this runs counter to the Hippocratic oath that a doctor cannot simply revive someone just to be further tortured.

This is contrary to para. 31 of the UN Standard Minimum Rules for the Treatment of Prisoners, which states “Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.”

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58. Amnesty International (2004) Belarus and Uzbekistan: The last executioners. The trend towards abolition in the former Soviet space. October 2004. EUR 04/002/2004, p. 44.

59. EUR 04/002/2004, p. 44.

60. LAS (2003), p. 52.

61. EUR 04/002/2004, p. 44.

“Human Rights Watch has received credible complaints that prison officials retaliate against prisoners who complain to prison investigators by use of punishment cells, loss of privileges, beatings, and other physical mistreatment”<sup>62</sup> and in ‘colonies’ punishment beatings are used against those who refuse to work. FIDH was told of the case of Samar Umarov who died in prison on 4 January 2005. His body was delivered to his family at 4am wrapped in cloth. They were told not to look at it and to bury him within two hours. The family not only examined the body but also photographed it and found clear signs of torture. The body had also been autopsied. EZGULIK and Freedom House raised the question of torture and flew in experts for a second autopsy but the family then retracted permission, possibly under pressure from the local ‘Hakim’ who needs only utter a phrase – ‘a second autopsy will be bad for you’ – to persuade the family to refuse permission. Furthermore, the prosecutor would need to give permission if the body were later to be dissected or further autopsied. Disturbingly, the Human Rights Society of Uzbekistan told FIDH that “[w]e know the bodies of the deceased who died of torture and beating are taken out of there (Jaslyq – a colony prison in the west of the country), but we are not aware of any single case of anyone being released from this colony.”<sup>63</sup>

### 3. Visits

The visiting area consists of a partitioned room, each half measuring only 1.5 meters square. The prisoner sits on a stool on one side of a shelf partitioned with plastic glass whilst the visitor sits on the other side. An open door on the visitor’s side leads into a larger room with a desk and chair where a high-ranking prison official sits within ear shot of everything that is said. Paper and pen may be passed via this official from visitor to prisoner and vice versa. Similarly packages of clothes or shoes may be handed over the same way. A similar description of the ‘meeting room’ has been offered by the Legal Aid Society.<sup>64</sup>

In principle prisoners are permitted one family visit a month of up to three people at a time for 15-20 minutes. In practice, almost anything is possible for the right price. The frequency, duration, maximum number of visitors and the type of relative permitted, vary. On one occasion (see prisoners’ testimonies above) FIDH representatives were told of a family of five visiting but on many occasions visits were flatly refused. It should be

noted that before finalisation of the death sentence prisoners are often moved between prisons making visits from their families difficult and expensive. There is no practice of holding prisoners in prisons near their family or home. The mission was told that no visits were permitted for those condemned to death on finalized sentences. Again by law, lawyers have the right to visit their client in prison anytime and for an unlimited period, within reason. However, they must have permission from their client after the verdict has been issued and permission from the court during the legal process. This system of permission is frequently open to abuse. Similarly, issues of confidentiality and client privilege are rarely respected with guards over hearing lawyer client conversations. No visits are permitted on festival days.

Inmates may only receive medical treatment from prison doctors. On occasion families were permitted to bring in medicine, sometimes requiring payment to an official. Perhaps unsurprisingly, the death row doctor considered that medical treatment is reasonable and medicines are generally issued.

“Death row prisoners’ contact with the outside world is limited and monitored. Correspondence is strictly censored. According to domestic law, death row prisoners are allowed visits by a religious minister; however, Amnesty International is aware of only two cases where this right has been granted. During visits by families or lawyers, a guard is always present and within hearing, and prisoners fear repercussions if they talk about their treatment and prison conditions. Visitors are separated from the prisoner by glass and not allowed physical contact.”<sup>65</sup> Undoubtedly there are strict controls on correspondence and parcels including censorship, limiting the number, size, and language accepted (see prisoners’ testimonies above). In one case during three years imprisonment on death row an inmate wrote over 20 letters but the recipient only received two of these letters. He by contrast received none of their replies. He did however receive those written by his mother. One mother said she was permitted to deliver one 8 kg parcel to her son every month. No one was able to tell FIDH whether death row prisoners are permitted to have personal possessions although the fact that a diary was smuggled out suggests access to pen and paper. Similarly we do not know if they are allowed books, magazines, or have access to TV or radio, but indications seem unlikely.

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62. HRW (2005), *op. cit.*, p. 11.

63. Report of the Human Rights Society of Uzbekistan (2004), p. 7.

64. LAS (2003), p. 52.

65. EUR 04/002/2004, p. 44.

## B. Executions

Reports from several independent sources indicate that death row prisoners in Uzbekistan live in constant fear that they could be executed at any time and “neither the lawyers, nor the relatives nor even the death row prisoners themselves are informed of the date when the question of clemency will be considered or of the outcome”<sup>66</sup> and as such “death row prisoners are often unsettled and frightened when they are taken for a meeting with their lawyer or family because they are frequently not told that they have a visitor and fear they are being taken for execution.”<sup>67</sup>

FIDH representatives were told that once the date of execution is set no further visits are permitted. However, they were also informed that executions are often scheduled for the days of visits.

“In Uzbekistan the state refuses to tell families when their loved one is to be executed and they are not granted a final chance to say goodbye. After the execution the state refuses to reveal where his body is buried. While he is still alive the family’s anxiety is heightened by the secrecy surrounding the conditions and allegations about harsh treatment on death row. The secrecy surrounding the death penalty and the general lack of transparency of the criminal justice system inevitably lead to immense suffering.”<sup>68</sup>

Although “[e]xecution of the death penalty is regulated by Section V of the Code of Criminal Procedures,”<sup>69</sup> the FIDH received slightly differing accounts of the methods and procedures surrounding executions. According to the doctor working on death row as recounted to an MADPT lawyer, four people are present at the execution along with the condemned. They follow the procedure as laid out: the doctor is required to verify death; the prosecutor reads a statement; the chief of the prison oversees the execution; and the marksman carries out the execution using a ‘Makarov’ pistol. A privileged source confirmed that executions are carried out by a single pistol shot to the back of the head. In contradiction, a representative of the Organization for Security and Co-operation in Europe (OSCE) described executions as taking place with the condemned forced to kneel and facing the wall of the execution chamber which has a drain in the center of the floor. Four cabins with holes for the guns are arranged facing the condemned. The four marksmen are each given vodka. A doctor, a member of the Ministry of Internal Affairs (MVD), the prosecutor and the prison warden are

all present to verify, record, read the conviction and witness or control the execution respectively. After the condemned has been certified dead, they then cut his tendons to limit *rigor mortis*.

Executions take place in a sub-basement of Tashkent Prison accessible only by lift from the death row cells, thus informing everyone of the execution. However, it was considered unlikely other death row prisoners would be able to hear the executions although they would know who had been executed. Prisoners are kept in the dark as to *when* they will be executed.

Following an execution the body simply disappears. There are also conflicting accounts regarding the treatment of the body of the condemned following execution. What is certain is that the continuing secrecy around the date, place of execution and burial seems needlessly cruel to relatives. In his February 2003 report following a visit to Uzbekistan, Theo van Boven, the UN Special Rapporteur on torture, stated that the “complete secrecy surrounding the date of execution, the absence of any formal notification prior to and after the execution and the refusal to hand over the body for burial are believed to be intentional acts, fully mindful of causing family members turmoil, fear and anguish over the fate of their loved one(s).” He went on to describe this treatment as “malicious and amounting to cruel and inhuman treatment.”<sup>70</sup> The bodies of the condemned are not returned to their families. According to Human Rights Watch the state’s reason for this refusal is that the firing squad alters the body thereby making it too traumatic for the family. Instead the body is ‘retained’ for cremation. However, OSCE purports that the executed are usually buried in an inconspicuous spot and covered with quicklime, their graves marked simply with a stick indicating the criminal case number. It is possible all are even buried in one place. In one case a death certificate was only received after intense lobbying and even then it was four years late.

In its final observations of April 2005, the Human Rights Committee remains concerned that “when prisoners under sentence of death are executed, the authorities systematically fail to inform the relatives of the execution, defer the issuance of a death certificate and do not reveal the place of burial of the executed persons. These practices amount to a violation of article 7 of the Covenant with respect to the relatives of the executed persons.”<sup>71</sup> The Committee has urged Uzbekistan to change its practice in this respect.

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66. EUR 04/002/2004, p. 41.

67. EUR 04/002/2004, p. 41.

68. EUR 04/002/2004, p. 39.

69. LAS (2003), p. 51.

70. UN Special Rapporteur on Torture, E/CN.4/2003/68/Add.2, 3 February 2003, para. 65.

71. UN Human Rights Committee Final Observations: Uzbekistan. 26/04/2005, CCPR/CO/83/UZB, para. 8.



## Conclusion and Recommendations

It is clear that the authorities of Uzbekistan do not abide by their international commitments in the field of human rights, at all stages of the criminal procedure including the execution and treatment of the body of the condemned.

The following issues are of particular concern:

**1. It is currently impossible to know exactly how many people are condemned to death or executed each year in Uzbekistan** as the government has failed to publish comprehensive statistics about the number of death sentences and executions.

Statistics on the use of the death penalty have been kept secret, in violation of relevant international standards. As a result, depending on the source, the number of executions a year in Uzbekistan fall somewhere between 52 and 780.

Every year, the UN Commission on Human Rights reiterates its call upon states that still maintain the death penalty “to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution.”<sup>72</sup> As noted by the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary executions, “secrecy prevents any informed public debate about capital punishment within the relevant society (...) Countries that have maintained the death penalty are not prohibited by international law from making that choice, but they have a clear obligation to disclose the details of their application of the penalty.”<sup>73</sup>

In addition, as a Participating State in the OSCE, Uzbekistan repeatedly committed to “make available to the public information regarding the use of the death penalty.”<sup>74</sup>

**2. Persons arrested see their rights blatantly violated:** the time limits for the detention in custody are violated; they are not informed about their rights, including the right to chose legal counsel; corruption prevails; legality of detention is not subject to judicial control; defendant’s relatives are not informed; lawyers are victims of all kinds of pressure in order to dissuade them from defending their clients. Last but not

least, torture is systematically used to extract “confessions”, which will subsequently be used at the trial stage in order to condemn the accused possibly to death.

This situation violates in particular Article 14 of the International Covenant on Civil and Political Rights (ICCPR), relating to fair trial guarantees.

3. A number of testimonies given first-hand to the FIDH representatives confirm that **many people are condemned to death based on confessions obtained under torture** and that corruption is an integral part of investigation, trial and appeal process in such cases.

This situation blatantly violates Uzbekistan’s international human rights commitments, and in particular the UN Convention against torture of which Article 12 obliges member States to conduct inquiries into any allegations of torture, and article 15 obliges these same States to make sure that “any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings.”

In addition, General Observation No. 13 on Article 14 of the ICCPR states that the law should provide that “evidence provided by means of such methods or any other form of compulsion is wholly unacceptable.” (para. 14) General Observation No. 20 relating to article 7 of the Covenant also provides that it is important that “the law must prohibit the use of admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment.” (para. 12)

**4. Conditions of detention awaiting execution amount to cruel, inhuman or degrading treatment:** in addition to the small size of the cells, the lack of proper food and exercise, the lack of proper bedding and the very strict censure of correspondence, the secrecy surrounding executions increase the suffering of both the prisoners and their families. Neither the prisoner nor their family are informed of the date of execution. The continuing secrecy around the date, place of execution and burial is needlessly cruel to relatives. The bodies of the condemned are never returned to their families.

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72. Res. 2004/67 and 2005/59.

73. E/CN.4/2005/7, paras. 57 and 59.

74. Doc. Of the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, para. 17.8; Document of the 1991 Moscow Meeting of the Conference on the Human Dimension of the CSCE, para. 36. Reiterated in the 1992 Concluding Document of the Helsinki Summit and the 1994 Concluding Document of the Budapest Summit.

## The Death Penalty in Uzbekistan: Torture and Secrecy

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The UN Special Rapporteur on Torture as well as the UN Human Rights Committee consider that this practice constitutes cruel, inhuman or degrading treatment, prohibited under international human rights instruments ratified by Uzbekistan.

On the 1st of August 2005, a presidential decree announcing that the death penalty will be abolished on January 1st, 2008, was adopted. The FIDH welcomes that positive step but **regrets that the abolition is not provided for with immediate effect or, as a minimum, that a moratorium is not adopted on executions until full abolition will be in force.**

**FIDH consequently issues the following recommendations:**

### **I. To the Authorities of Uzbekistan**

#### ***On the Administration of Criminal Justice***

1. Guarantee access to a lawyer from the time of the arrest and through all stages of the procedure and guarantee that the persons arrested are informed about their rights
2. Promptly and independently investigate and prosecute all allegations of torture, provide for the inadmissibility of evidence obtained under duress, as decided by the Supreme Court in 2004 and train judges to implement these guarantees
3. Enforce the obligation to present prisoners on remand before a judge within the legal time limit by declaring void any procedure violating that obligation
4. Free prisoners on remand when the investigation is not completed in the specified legal timeframe
5. Respect the confidentiality of client-lawyer privilege and make sure that lawyers are able to perform all of their professional functions without intimidation, harassment or improper interference in accordance with UN Basic Principles on the Role of Lawyers
6. Ensure the full independence of the judiciary, in conformity with the ICCPR and the UN Basic Principles on the Independence of the Judiciary
7. Make sure that everyone charged with a criminal offence has the free assistance of an interpreter if he/she cannot understand or speak Uzbek

8. Eliminate the illegal, according to both domestic and international law, practice of detaining individuals initially as 'voluntary witnesses', denying them their rights and interrogating them without legal counsel, before charging them with an offence

9. Make sure that people arrested have access to a lawyer of his own choosing and that an adequate, independent and professional free legal assistance scheme be established for those who do not have sufficient means to pay for it

10. Take immediate, concrete and transparent steps to tackle endemic corruption, investigate corrupt officials and prosecute to the full extent of the law

#### ***On the Death Penalty***

1. Adopt an immediate moratorium on the executions
2. Make public, statistics on the number of death sentences pronounced, and executed, every year, differentiated by age, gender, charges, etc. and allow for an informed public debate on the issue
3. Conduct public awareness campaigns to make the population of Uzbekistan aware of the necessity to abolish the death penalty
4. Revise the definition of terrorism in order to avoid all-catching incriminations
5. Appeal against death sentences should be automatic
6. Put an immediate end to the secrecy surrounding executions and hand out the body of the person executed to his family
7. Ensure transparency of the clemency procedure
8. Respect the calls for a stay of execution made by the UN Human Rights Committee pending examination of specific death penalty cases
9. Ratify the second optional protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty

***On the Conditions of Detention***

1. Bring the conditions of detention in line with relevant international human rights standards, including basic facilities and medical care, and increase the relevant budget
2. Allow NGOs to visit prisons, including death row and execution chambers
3. Make public all statistics on deaths in custody
4. Suppress corporal punishment as a disciplinary offence against prisoners

**II. To the International Community**

1. Systematically address the issue of the death penalty in all meetings with the Uzbek authorities, including the question of the systematic use of torture during the pre-trial detention. As regards the EU, this would be in line with the EU Guidelines on the death penalty, the EU Guidelines on Torture as well as the May 2001 Commission Communication on the EU's Role in Promoting Human Rights and Democratisation in Third Countries
2. Support civil society initiatives in favour of the abolition of the death penalty in Uzbekistan
3. Support human rights training for law enforcement officers

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## **Annex 1: Decree of the President of the Republic of Uzbekistan**

### **Abolition of the Death Penalty in the Republic of Uzbekistan**

The most important trend in the process of liberalising the judicial-legal system and criminal punishment that is happening in the Republic of Uzbekistan, is the gradual reduction of the sphere of application of the death penalty. At the time independence was granted, the criminal law contained more than 30 articles stipulating punishment in the form of the death penalty. In the 1994 Penal Code of the Republic of Uzbekistan, the number of these articles was reduced to 13, in 1998 to 8, and in 2001 to 4. At present, after a complex of measures was created to liberalise the criminal law, the death penalty is only stipulated for two crimes – premeditated murder in aggravating circumstances and terrorism. In criminal law, the number of crimes punishable by death amounts to less than one percent of all criminally punishable acts. Regardless of the seriousness of the crime, the law does not permit the death penalty to be applied to minors, women and persons aged 60 or over.

The state's criminal policy as regards the application of the death penalty corresponds fully with worldwide trends and consequently reflects the principles of humanism and fairness proclaimed by the Constitution of the Republic of Uzbekistan.

At the same time, the essence and content of the reforms in the country for further democratic renewal of social and state life and the modernisation of the country, and the results of working towards liberalising the judicial-legal system are conditional upon the need to abolish the death penalty as a form of punishment and to replace it with life imprisonment or long periods of detention.

In this connection, the reforms in this extremely important sphere must be carried through logically, taking account of the development and humanisation of social relations and the strengthening of democratic values in the minds of the people.

The abolition of the death penalty requires much public awareness campaigning in the first stage of substantiating our country's gradual progress along the path to the formation of a democratic constitutional state and a civil society and giving the people a firm understanding of the need for further liberalisation of criminal punishment, including the abolition of the death penalty.

There must be a whole series of organisational-preparatory measures with regard to the construction of complexes and buildings, the creation of the requisite conditions for detaining persons for whom the death penalty has been substituted by life imprisonment or long periods of detention and the training of staff to work in these institutions.

It is important to carry out a thorough study and introduce amendments and additions to the criminal, criminal procedure and criminal-executive legislation, including a thorough study of international law statutes in this sphere and of the corresponding legislation of foreign countries which have abolished the death penalty and have experience in dealing with the punishment of criminals sentenced to life or long terms of imprisonment instead of the death penalty.

On the basis of the generally accepted principles and norms of international law and the provisions of the Constitution of the Republic of Uzbekistan that proclaim and consolidate the human right to life, and also in order to create concrete measures for the further liberalisation of criminal punishment:

1. From 1 January 2008, abolish the death penalty as a form of criminal punishment in the Republic of Uzbekistan and introduce in its place punishment in the form of life imprisonment or long terms of detention.

## **The Death Penalty in Uzbekistan: Torture and Secrecy**

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Determine that:

Punishment by life imprisonment or long periods of detention can be prescribed by the Supreme Court of the Republic of Uzbekistan, the Supreme Court of the Republic of Karakalpakstan, by the regional (oblast') and Tashkent City criminal courts and by the Military Court of the Republic of Uzbekistan;

Persons sentenced to life imprisonment or long terms of detention for perpetrating crimes, will serve their sentences in specialised institutions for executing special forms of punishment.

2. Before 1 January 2006, the Ministry of Justice, the Supreme Court, the Office of Prosecutor General, the Ministry of Internal Affairs and the Department of National Security must prepare proposals for introducing amendments and additions to the Penal, Criminal Procedure and Criminal-executive Codes of the Republic of Uzbekistan linked to the removal of the death penalty from the criminal punishment system and its substitution by life or long-term imprisonment after making provision for:

The determination of and basis for actual terms of imprisonment for the perpetrators of crimes which are at present punishable by death; the procedure for prescribing punishment for such crimes and calculating the terms of imprisonment and also the procedure and conditions for carrying out the punishment in lieu of the death penalty.

3. The Cabinet of Ministers of the Republic of Uzbekistan must pass, within a period of two months, a decree on the measures for the construction and preparation for use of a complex of specialised institutions which are required for the detention of prisoners sentenced to life imprisonment or long term detention, and also on the method of financing these institutions and on the training of staff to work in them.

4. The Ministry of Justice, the Supreme Court, the Office of Prosecutor General, the Ministry of Internal Affairs together with the National Information Agency, the Tele-Radio company of Uzbekistan and the Uzbeki Press and Information Agency must work out and execute a complex of measures aimed at organising a widespread public awareness campaign regarding the abolition of the death penalty.

5. The introduction of this Decree for consideration in the Oliy Mazhlis of the Republic of Uzbekistan.

6. The prime minister of the Republic of Uzbekistan, Mr. Mirziyoev and the state adviser to the President of the Republic of Uzbekistan are responsible for the execution of this Decree.

**Islam Karimov,**

President of the Republic of Uzbekistan

Tashkent, August 1st, 2005

## Annex 2: List of the Persons Met by the FIDH Mission

*The large majority of the people met by the mission asked to remain anonymous. For security reasons, the present list does consequently not reflect the full range of people met by the mission.*

### Foreign embassy

Mr. Jean-Bernard Harth, Ambassador of France in Uzbekistan

### NGOs

Mrs Nozima Kamalova, Director, LAS

Mr. Muhabat Turkmenova, Assistant to Director, LAS

Mr. Alisher Ergashev, Lawyer, LAS

Mrs. Tamara Chikunova, Mothers Against the Death Penalty and Torture (MADPT)

Mrs. Dilobar Khudoiberganova, MADPT, sister of Iskandar Khudoiberganov, condemned to death

Mrs. Vasilya Inoyatova, President, EZGULIK

Mr. Tolib Yakubov, General Secretary, Human Rights Societies of Uzbekistan (HRSU)

Mr. Surat Ikramov, Lawyer, Initiative Group of Independent Human Rights Defenders of Uzbekistan

Mr. Allison Gill, Researcher in Uzbekistan, Human Rights Watch

Mr. Carlo Boehm, Associate, Uzbekistan Office, Human Rights Watch

Mr. Robert Freedman, Senior Program Officer, Freedom House

Mrs. Melissa Hooper, Legal Profession Reform Program Liaison, ABA CEELI

## Annex 3: FIDH Press Release on the Andijan Tragedy

# Uzbekistan

## Bloody repression in Andijan

### FIDH requires an international fact-finding mission

**Paris, May 18, 2005** - The FIDH condemns in strongest terms the violence which has continued since May 13 in Uzbekistan and, which would have caused, according to witnesses, the death of several hundreds of people. Some estimates put forward the number of dead around 750, including women and children.

According to the information received, on May 13 in Andijan (a city of 300,000 inhabitants located in the Fergana Valley), the army opened fire on thousands of protesters (between 10,000 and 30,000) who had occupied the town center to protest the trial of 23 people accused of being members of the Akromiya party, a radical Islamist group, to request compliance with human rights and the improvement of their standard of living. During the night of May 12, men stole firearms from a military post and stormed the regional administration building and the high security prison of Andijan, freeing the 23 accused and more than 1,000 prisoners.

Fearing for their safety, hundreds of civilians crossed the Kyrgyz frontier where various camps were installed. Many people were killed and wounded by Uzbek frontier guards.

The city was closed by an important military and police apparatus. Since May 13, hundreds of people were detained and shots were heard in Andijan the night of May 16. Some witnesses allude to the existence of mass graves in public gardens so as to remove any trace of extrajudicial executions.

President Karimov denies having given the order to shoot into the crowd and accuses Islamist extremists of having used women and children as human shields. Only 169 victims were officially recognized by the authorities whereas various witnesses have seen hundreds of dead bodies. The compilation and the information flow have been interrupted since May 13, since access to foreign media is restricted in the whole Uzbek territory and since various journalists have been expelled from the city.

The FIDH, which mandated an international fact-finding mission in Uzbekistan in early May, notes that, if radical Islamist movements exist in Uzbekistan, the Islam Karimov's regime is clearly using the pretext of fighting terrorism and religious extremism in order to repress and prevent, by terror, any form of protest and to control civil society. The total absence of judicial independence, institutionalized corruption and the systematic use of torture to obtain confessions lead to arbitrary arrests and condemnations to heavy prison sentence, indeed even the death penalty for terrorism. Many sources have stated that the 23 people judged in Andijan who were businessmen would have "obstructed" the oppression of local authorities due to their economical power.



The FIDH's mission observed a climate of fear and exasperation among the population as well as an irritation among the exasperated authorities by recent political changes in the former soviet bloc, in particular since "the tulip revolution" of March in Kyrgyzstan.

In consideration of the information received by the FIDH about the events of these last days in the Fergana Valley and of testimonies taken during the mission, the FIDH is extremely worried about the safety and the physical and psychological integrity of the detained people, taking into account the risk of torture, as well as refugees in Kyrgyzstan, should they be delivered to the Uzbek authorities.

The FIDH urges intergovernmental organizations and specifically the UN and the OSCE to mandate an international fact-finding mission concerning the Andijan events so as to find those responsible for the committed violations, and to exert necessary diplomatic pressure so that the Uzbek regime would put an end to the current violent repression.

The FIDH demands Uzbek authorities to ensure that the press and international governmental and non-governmental organizations have free access to Andijan, to clarify the events and to punish the perpetrators of human rights abuses.

The FIDH advocates Uzbek authorities to ensure the physical and psychological integrity of all citizens and respect of human rights in accordance with the prescriptions of international and national agreements.

The FIDH calls for that Kyrgyz authorities protect Uzbek refugees on their territory and to respect the Geneva Conventions by not expelling them to a country where they would risk torture.

## Annex 4: Death Certificate of a Prisoner Executed

**Talipkhojaev Akhrorkhoja Akbarkhojayevich** was born in 1980. He was sentenced to death on February 19, 2004 by the Military Court of the Republic of Uzbekistan. The decision was confirmed on March 24, 2004 by the appeal board of the Military Court of the Republic of Uzbekistan.



According to the MADPT, the courts based the sentence on confessions extracted under torture and the investigations did not evidence participation of Talipkhojaev Akbarkhoja in a murder. On the contrary, the experts' data and the indications of witnesses show the opposite. The complaint was registered in UN No. 1280/2004 UZBE (49) from May 06, 2004.

Talipkhojaev Akbarkhoja was executed on March 1st, 2005.

**DEATH CERTIFICATE**

*Talipkhojaev*  
(surname)

*Akhrorkhoja Akbarkhojayevich*  
(given name)

died on *1<sup>st</sup> of March 2005 year*  
(day, month, year in figures and words)

*First of March two thousand five year*  
(day, month, year in figures and words)

at the age of *25* *five year*

Death record No. *47* was filed on *6<sup>th</sup> of April 2005*  
(month, year)

Cause of death \_\_\_\_\_

Place of death: Republic *Uzbekistan*  
region \_\_\_\_\_  
district \_\_\_\_\_  
*Tashkent* city, village

Place of registration *Kharabad Municipal*  
(name and location of the Registry Office)

*Civil Registry Office*

Date of issue *25<sup>th</sup> April 2005 year*  
(day, month, year)

Registrar *Abbarova*

I-AN № 0009260

**ЎЛИМ ҲАҚИДА  
ГУВОҲНОМА  
СВИДЕТЕЛЬСТВО  
О СМЕРТИ  
DEATH  
CERTIFICATE**



# FIDH represents 141 Human Rights organisations

## 141 organisations

- Albania**-Albanian Human Rights Group  
**Algeria**-Ligue Algérienne de Défense des Droits de l'Homme  
**Algeria**-Ligue Algérienne des Droits de l'Homme  
**Argentina**-Centro de Estudios Legales y Sociales  
**Argentina**-Comite de Accion Juridica  
**Argentina**-Liga Argentina por los Derechos del Hombre  
**Austria**-Österreichische Liga für Menschenrechte  
**Azerbaijan**-Human Rights Center of Azerbaijan  
**Bahrain**-Bahrain Human Rights Society  
**Bangladesh**-Odhikar  
**Belarus**-Human Rights Center Viasna  
**Belgium**-Liga Voor Menschenrechten  
**Belgium**-Ligue des Droits de l'Homme  
**Benin**-Ligue pour la Défense des Droits de l'Homme au Bénin  
**Bhutan**-People's Forum for Human Rights in Bhutan (Nepal)  
**Bolivia**-Asamblea Permanente de los Derechos Humanos de Bolivia  
**Brazil**-Centro de Justicia Global  
**Brazil**-Movimento Nacional de Direitos Humanos  
**Burkina Faso**-Mouvement Burkinabe des Droits de l'Homme & des Peuples  
**Burundi**-Ligue Burundaise des Droits de l'Homme  
**Cambodia**-Cambodian Human Rights and Development Association  
**Cambodia**-Ligue Cambodgienne de Défense des Droits de l'Homme  
**Cameroon**-Maison des Droits de l'Homme  
**Cameroon**-Ligue Camerounaise des Droits de l'Homme (France)  
**Canada**-Ligue des Droits et des Libertés du Quebec  
**Central African Republic**-Ligue Centrafricaine des Droits de l'Homme  
**Chad**-Association Tchadienne pour la Promotion et la Défense des Droits de l'Homme  
**Chad**-Ligue Tchadienne des Droits de l'Homme  
**Chile**-Comite de Defensa de los Derechos del Pueblo  
**China**-Human Rights in China (USA, HK)  
**Colombia**-Comite Permanente por la Defensa de los Derechos Humanos  
**Colombia**-Corporación Colectiva de Abogados Jose Alvear Restrepo  
**Colombia**-Instituto Latinoamericano de Servicios Legales Alternativos  
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**Croatia**-Civic Committee for Human Rights  
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**Egypt**-Human Rights Association for the Assistance of Prisoners  
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**Ethiopia**-Ethiopian Human Rights Council  
**European Union**-FIDH AE  
**Finland**-Finnish League for Human Rights  
**France**-Ligue des Droits de l'Homme et du Citoyen  
**French Polynesia**-Ligue Polynésienne des Droits Humains  
**Georgia**-Human Rights Information and Documentation Center  
**Germany**-Internationale Liga für Menschenrechte  
**Greece**-Ligue Hellénique des Droits de l'Homme  
**Guatemala**-Centro Para la Accion Legal en Derechos Humanos  
**Guatemala**-Comisión de Derechos Humanos de Guatemala  
**Guinea**-Organisation Guinéenne pour la Défense des Droits de l'Homme  
**Guinea Bissau**-Liga Guineense dos Direitos do Homen  
**Iran**-Centre des Défenseurs des Droits de l'Homme en Iran  
**Iran (France)**-Ligue de Défense des Droits de l'Homme en Iran  
**Iraq**-Iraqi Network for Human Rights Culture and Development (United Kingdom)  
**Ireland**-Irish Council for Civil Liberties  
**Israel**-Adalah  
**Israel**-Association for Civil Rights in Israel  
**Israel**-B'tselem  
**Israel**-Public Committee Against Torture in Israel  
**Italy**-Liga Italiana Dei Diritti Dell'uomo  
**Italy**-Unione Forense Per la Tutela Dei Diritti Dell'uomo  
**Ivory Coast**-Ligue Ivoirienne des Droits de l'Homme  
**Ivory Coast**-Mouvement Ivoirien des Droits de l'Homme  
**Jordan**-Amman Center for Human Rights Studies  
**Jordan**-Jordan Society for Human Rights  
**Kenya**-Kenya Human Rights Commission  
**Kosovo**-Conseil pour la Défense des Droits de l'Homme et des Libertés  
**Kyrgyzstan**-Kyrgyz Committee for Human Rights  
**Laos**-Mouvement Lao pour les Droits de l'Homme (France)  
**Latvia**-Latvian Human Rights Committee  
**Lebanon**-Association Libanaise des Droits de l'Homme  
**Lebanon**-Foundation for Human and Humanitarian Rights in Lebanon  
**Lebanon**-Palestinian Human Rights Organization  
**Liberia**-Liberia Watch for Human Rights  
**Libya**-Libyan League for Human Rights (Switzerland)  
**Lithuania**-Lithuanian Human Rights Association  
**Malaysia**-Suaram  
**Mali**-Association Malienne des Droits de l'Homme  
**Malta**-Malta Association of Human Rights  
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**Netherlands**-Liga Voor de Rechten Van de Mens  
**New Caledonia**-Ligue des Droits de l'Homme de Nouvelle Calédonie  
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**Niger**-Association Nigérienne pour la Défense des Droits de l'Homme  
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**Panama**-Centro de Capacitación Social  
**Peru**-Asociación Pro Derechos Humanos  
**Peru**-Centro de Asesoría Laboral  
**Philippines**-Philippine Alliance of Human Rights Advocates  
**Portugal**-Civitas  
**Romania**-Ligue pour la Défense des Droits de l'Homme  
**Russia**-Citizen's Watch  
**Russia**-Moscow Research Center for Human Rights  
**Rwanda**-Association pour la Défense des Droits des Personnes et Libertés Publiques  
**Rwanda**-Collectif des Ligues pour la Défense des Droits de l'Homme au Rwanda  
**Rwanda**-Ligue Rwandaise pour la Promotion et la Défense des Droits de l'Homme  
**Scotland**-Scottish Human Rights Centre  
**Senegal**-Organisation Nationale des Droits de l'Homme  
**Senegal**-Rencontre Africaine pour la Défense des Droits de l'Homme  
**Serbia and Montenegro**-Center for Antiwar Action - Council for Human Rights  
**South Africa**-Human Rights Committee of South Africa  
**Spain**-Asociación Pro Derechos Humanos  
**Spain**-Federación de Asociaciones de Defensa y Promoción de los Derechos Humanos  
**Sudan**-Sudan Organisation Against Torture (United Kingdom)  
**Sudan**-Sudan Human Rights Organization (United Kingdom)  
**Switzerland**-Ligue Suisse des Droits de l'Homme  
**Syria**-Comité pour la Défense des Droits de l'Homme en Syrie  
**Tanzania**-The Legal & Human Rights Centre  
**Thailand**-Union for Civil Liberty  
**Togo**-Ligue Togolaise des Droits de l'Homme  
**Tunisia**-Conseil National pour les Libertés en Tunisie  
**Tunisia**-Ligue Tunisienne des Droits de l'Homme  
**Turkey**-Human Rights Foundation of Turkey  
**Turkey**-Insan Haklari Dernegi / Ankara  
**Turkey**-Insan Haklari Dernegi / Diyarbakir  
**Uganda**-Foundation for Human Rights Initiative  
**United Kingdom**-Liberty  
**United States**-Center for Constitutional Rights  
**Uzbekistan**-Legal Aid Society  
**Vietnam**-Comité Vietnam pour la Défense des Droits de l'Homme (France)  
**Yemen**-Human Rights Information and Training Center  
**Yemen**-Sisters' Arabic Forum for Human Rights  
**Zimbabwe**-Zimbabwe Human Rights Association Zimrights

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## La Lettre

is published by the Fédération internationale des ligues des droits de l'Homme (FIDH), founded by Pierre Dupuy.

It is sent to subscribers, to member organisations of the FIDH, to international organisations, to State representatives and the media.

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### ABONNEMENTS (Euros)

**La Lettre** - France - Europe : 25 Euros - Etudiant - Bibliothèque : 20 Euros - Hors Europe : 30 Euros

**Les rapports** - France - Europe : 50 Euros - Etudiant - Bibliothèque : 30 Euros  
 Hors Europe : 60 Euros

**La Lettre** et les rapports de mission - France - Europe : 75 Euros  
 Etudiant - Bibliothèque : 50 Euros - Hors Europe : 90 Euros

Director of the publication: Sidiki Kaba

Editor: Antoine Bernard

Authors of this report: Caroline Giraud, Christine Martineau and Richard Wild

Coordination of this report: Isabelle Brachet, Alexandra Koulaeva

Assistant of publication: Stéphanie Geel

ISSN en cours. N° 426/2 - Printing by the FIDH

Dépot légal October 2005 - Commission paritaire N° 0904P11341

Fichier informatique conforme à la loi du 6 janvier 1978

(Déclaration N° 330 675)

price: 4 Euros / £ 2.50