

# SECRETS AND LIES

FORCED CONFESSIONS UNDER  
TORTURE IN UZBEKISTAN

AMNESTY  
INTERNATIONAL



**STOP TORTURE** CAMPAIGN

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**AMNESTY  
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# GLOSSARY

**CAT** - UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**CPC** – Criminal Procedure Code of the Republic of Uzbekistan

**ECtHR** - European Court of Human Rights

**ICCPR** - UN International Covenant on Civil and Political Rights

**IJU** - Islamic Jihad Union

**IMU** - Islamic Movement of Uzbekistan

**IVS** – temporary detention facility under the jurisdiction of the Ministry of Internal Affairs (from the Russian: **Izoliator Vremennogo Soderzhania**)

**Mahalla** - local neighbourhood

**MVD** – Ministry of Internal Affairs (from the Russian: **Ministerstvo Vnutrennih Del**)

**OPCAT** - Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

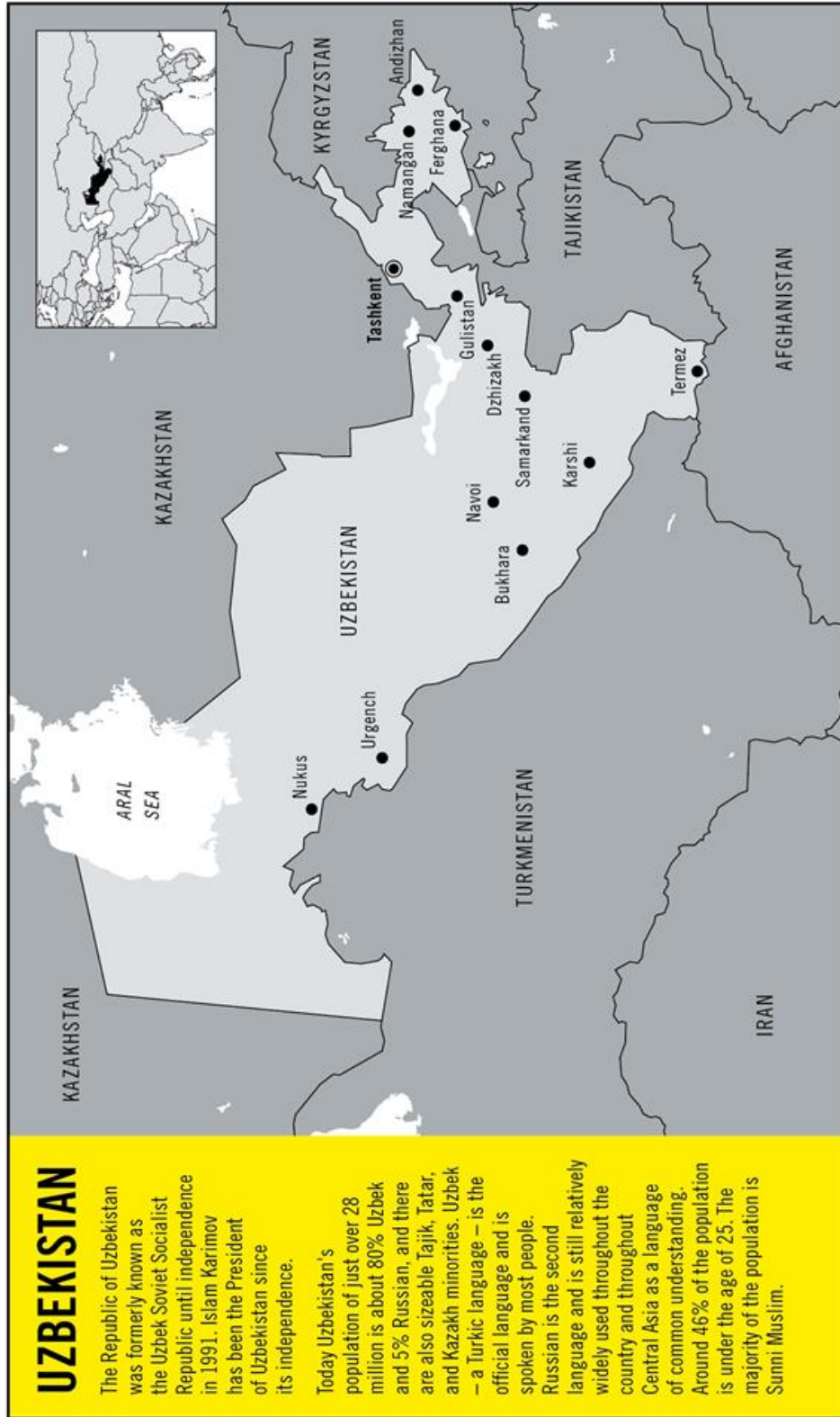
**Security Forces** – used in this report to refer to all law enforcement forces under the control of the Ministry of the Internal Affairs and the National Security Service.

**SHIZO** – punishment cell (from the Russian: **SHtrafnoi IZOliator**)

**SIZO** - pre-trial detention facility (from the Russian: **Sledstvenni IZOliator**)

**SNB** – the Uzbekistani National Security Service (from the Russian: **Sluzhba Natsionalnoi Bezopastnosti**)

**Tashtiurma** - the central pre-trial detention centre under the Ministry of Internal Affairs in the capital Tashkent



# 1. EXECUTIVE SUMMARY

**“They [the Uzbekistani authorities] will say that I came from Uzbekistan to talk to you and that I revealed the secrets of Uzbekistan. That’s why they cannot find out about me at all, at all. If they find out, they will put me in prison straight away.”**

*Zuhra, a former detainee, speaking with Amnesty International in a third country*

These are the secrets that Zuhra was afraid to reveal: Police officers called her in for questioning, took her to a detention centre and beat her all over her torso in an interrogation room. They wanted her to incriminate two of her male relatives who were accused of being members of an extremist Islamist group. She was terrified by the screams of men and women she could hear through the walls and floor of the interrogation room while she sat handcuffed to a chair. She saw police officers strip women naked and parade them up and down in front of colleagues, laughing and hurling sexual abuse at them. She saw how the officers beat the women bloody, how they broke their noses and their legs, how they forced them to lie naked on the floor and stood on their spines. She saw “the heels of young men melt away” when the police officers beat them relentlessly on the soles of their feet with their batons. When the judge asked her male relatives in the courtroom why they had confessed to being members of a banned Islamist organization, one replied: “I couldn’t bear the torture, that’s why. If you don’t believe me then look at my arm”. He said that security forces had pressed their hands and feet against a hot stove and burned them. “I only signed those papers because I couldn’t bear the torture”. Zuhra, who witnessed the trial, said that the judge had listened silently, before admitting the torture-tainted confession as evidence.

These are the secrets that the authorities in Uzbekistan have so brazenly denied: Security forces are targeting whole families. In many cases, brothers, sisters, husbands, wives, sons, daughters, nephews, nieces, fathers and mothers have been arbitrarily detained, tortured and otherwise ill-treated to force them to confess to fabricated charges. On the basis of these confessions, they have been sentenced to long terms in prison after unfair trials. Most of the male members of Zuhra’s family are either in prison, in hiding or have fled the country in fear of their lives. Zuhra herself has to report regularly to the police station and her house is monitored. “There is no peace in our house”, she says. “We wake up in the morning and if there is a car in front of our door, our hearts beat faster. That’s how our hearts became fragile; there is no life, no living for us at all... There are no men left in our house. There are not even any grandchildren left.”

Zuhra's harrowing story is not unique. Despite systematic and brazen denials by the Uzbekistani authorities, Amnesty International has received persistent and credible allegations of routine and pervasive torture and other ill-treatment by security forces during arrest and transfer, in police custody and pre-trial detention and by security forces and prison personnel in post-conviction detention facilities.

Amnesty International's report, *Secrets and Lies: Forced confessions under torture in Uzbekistan*, provides critical new information about torture practices, unfair criminal trials and other ongoing human rights violations perpetrated by the Uzbekistani government and its agents. The report also updates key cases and concerns that Amnesty International has documented in Uzbekistan since 1992. The key findings are summarized below.

Torture is endemic in Uzbekistan's criminal justice system. Security forces use torture against men and women charged with criminal offences, such as theft and murder, as well as against individuals who have fallen out of favour with the authorities, including former officials, police officers and entrepreneurs. Increasingly, however, over the last 15 years, those particularly vulnerable to torture and other ill-treatment have been men and women charged with or convicted of "anti-state" and terrorism-related offences. In particular, these are Muslims worshipping in mosques outside state control or under independent imams, and members or suspected members of political opposition parties and banned Islamic movements or Islamist groups and parties, all of whom the authorities consider a threat to national and regional security.

The Uzbekistani authorities often invoke national security, the fight against terrorism, and combating "anti-state" activity to justify repressive measures against "independent" Muslims and actual or suspected members of outlawed Islamist groups and parties. The US-led global "war on terrorism", Uzbekistan's position as a key ally of the US government in relation to the war in Afghanistan, and the rise of the armed group calling itself Islamic State (IS) in Syria and Iraq all facilitate the government's claims that without strong action against militant groups, Uzbekistan will be vulnerable to terrorist attacks.

Following a visit to Uzbekistan in December 2014, Nisha Biswal, the US Assistant Secretary of State for Central Asia, said that "a combination of the right balance of pressure, partnership and a certain amount of strategic patience in how change can take place" is required in bilateral relations with Uzbekistan. "Strategic patience" has also characterized the relationship between Uzbekistan and international actors such as the European Union (EU) and EU member states, in particular Germany, since 2010 when regional security, energy security and counter-terrorism co-operation came to gradually overshadow concerns for human rights and civil liberties on the political and military agenda.

Inside Uzbekistan, one of the most authoritarian states in the world, corruption is endemic and undermines the rule of law and human rights. Vahit Güneş, a successful Turkish businessman who ran a chain of department stores in Uzbekistan until he was arrested and tortured in 2011, described corruption in Uzbekistan as a "cancer that had spread everywhere", affecting every part of life. Corruption is pervasive throughout the judiciary and in the criminal justice system. Corrupt judges charge defendants' families to reduce the length of prison sentences and officers of the National Security Service (SNB) employ torture or the threat of torture to extract huge bribes from detainees and prisoners. The systemic



nature of corruption in Uzbekistan is a bar to the elimination of torture and other human rights violations in the country.

Another key obstacle is the total absence of international independent monitoring of the human rights situation on the ground. Uzbekistan remains virtually closed to international human rights organizations and foreign media. The Uzbekistani government has declined Amnesty International's request to visit the country and ignored attempts at dialogue aimed at improving the human rights situation on the ground.

### **Methodology**

Despite the limitations on access to Uzbekistan, Amnesty International conducted over 60 interviews across Europe, North America and Central Asia between late 2013 and February 2015 with survivors of torture and their family members, lawyers, human rights defenders, journalists, political activists, government officials and others informed about human rights violations in Uzbekistan. All interviews were conducted with a strict security protocol to ensure the safety of those interviewed and the security of information.

### **Torture techniques**

In the course of researching this report Amnesty International found that security forces are still routinely and deliberately using many of the torture techniques documented by the organization since 1992.

Among the most common and widely used torture methods described by survivors of torture, their relatives and human rights defenders from Uzbekistan are:

- **Beatings:** with hands and fists, batons, rubber truncheons, iron rods and water-filled plastic bottles, with the detainee or suspect suspended from ceiling hooks by their hands, often with their arms fastened behind their back, or handcuffed to radiators or to metal bars attached to walls. In the latter position, detainees describe being forced to bend forward with their head towards the floor and their arms stretched behind their backs.
- **Asphyxiation:** with plastic bags or gas masks placed over detainee's head. The gas mask is securely fastened and the air supply is turned off until the victim loses, or is on the point of losing, consciousness. Often the victim is sitting on a chair with their hands handcuffed behind their back during this ordeal. Torture survivors have reported that water or toxic fumes are sometimes fed into the air supply of the gas mask.
- **Rape and sexual assault of women and men:** Survivors report rape and sexual assault with objects, such as bottles and batons, and group rape of women and men by police officers. Former prisoners and torture survivors have alleged that rape and sexual assault are used deliberately to break the will of devout Muslim men and women. Because of the stigma attached to rape many torture survivors find it particularly difficult to talk about it. They feel that their "honour", and that of their families, has been tarnished and fear that their standing in society will be diminished as a result.

Other methods include psychological torment, deprivation of food and water, exposure to extreme temperatures, sleep deprivation, electric shocks and sexual humiliation.

### Places of torture

Torture and other ill-treatment are used most frequently in police and SNB custody, as a way to coerce suspects and detainees to confess to a crime in pre-charge detention centres (IVS) and in pre-trial detention centres (SIZO), once charges have been brought against a detainee and a judge has sanctioned the arrest.

However, it is not uncommon for security forces to beat and otherwise ill-treat suspects immediately after apprehension, well before they reach any official place of detention. Many former detainees and torture survivors have described how police or SNB officers started beating them while they were being driven to the police station.

Frequently, officers who carry out torture do not wear uniforms and are masked, which makes identification difficult and enhances the intimidation of detainees. Former detainees have described how police and SNB officers often use other detainees and prisoners charged with or convicted of ordinary criminal offences to carry out torture in pre-trial detention. One former detainee described them as the “hands and feet” of the security forces.

Typically, rooms where torture takes place are situated on the ground floor or in the basement of the police station or pre-trial detention centre. Some of these rooms have been described as small punishment-type cells, barely 2m by 4m, already occupied by two detainees or prisoners who are tasked by police or SNB officers to torture or otherwise ill-treat a suspect until they are ready to confess or incriminate others.

### Torture in SNB detention – Vahit Güneş’ story

In conversation with Amnesty International researchers in October 2014, Vahit Güneş, who was detained in an SNB detention centre in the capital Tashkent for 10 months, painted a chilling picture of the mechanics of torture and other ill-treatment used there.

According to Vahit Güneş, detainees were not known by their names but by their cell numbers. Since they can be frequently moved between cells their number keeps changing. If they forget the correct number, SNB officers will beat them: *“You are not a human being anymore. They give you a number there. Your name is not valid there anymore. For instance my number was 79. I was not Vahit Güneş there anymore, I was 79. You are not a human being. You have become a number.”*

Torture is carried out in interrogation rooms, in punishment cells and in purpose-built torture rooms. It can also take place in bathrooms and showers. SNB officers regularly stripped Vahit Güneş naked in the bathroom, forced him to bend over and beat and sexually humiliated him.

He was also beaten by two detainees for several days and nights in a small punishment cell, known as a “*presskat*”.

*“A presskat works like this: it is like a cell with two people living in it. They add an extra bed and you become the third person. For instance I was put in a [presskat] with two really big, tall men and I was the third. When I entered the cell, they started beating me.”*

Other detainees told Vahit Güneş that they had been tortured in purpose-built torture rooms with padded rubber walls and sound-proofing. He was once briefly locked in one of these rooms. *“There are rooms where they torture people. The walls of these rooms are insulated; they are soundproof. There is no lighting there. They put people inside and two masked men do whatever they want to do with them... There is a torture room on every floor. On every floor there are cells as well. There are also presskat on every floor”.*

### **Safeguards ignored in practice**

Uzbekistani legislation has many of the essential safeguards against torture and other ill-treatment in place, even if these are often incomplete and frequently flouted in practice. Torture is criminalized in the Criminal Code and the use of torture is explicitly prohibited in the Criminal Procedural Code (CPC). Those apprehended must be brought to an official place of detention and registered immediately; they are entitled, in theory, to an unlimited number of visits by family members and their legal representatives from the moment of detention; and detainees must be brought before a judge within 72 hours of registration to authorise their continued detention on remand. These safeguards are routinely ignored on account of the prevailing impunity for torture and the centrality of confessions to the securing of convictions.

### **Torture to extract confessions**

Torture and other ill-treatment continue to be used to extract confessions and other incriminating information and to intimidate and punish detainees in pre-charge and pre-trial detention. Courts continue to rely heavily on these torture-tainted “confessions” to convict. In most – if not all – of the cases in this report, judges ignored or dismissed as unfounded allegations of torture or other ill-treatment, even when presented with credible evidence in court. This practice continues despite the Plenum of the Supreme Court having issued four directives since 1996 explicitly prohibiting the use of torture to extract confessions and the admissibility of such tainted evidence in court proceedings. These explicit provisions in the Supreme Court directives are not incorporated in the CPC, which should be amended to include express prohibitions on the use of torture and ill-treatment to obtain evidence and the admissibility such evidence in court. Judges should also be issued with instructions requiring them to hold separate hearings to determine the admissibility of evidence alleged to have been extracted under torture.

### **Failure to investigate torture complaints**

Uzbekistan has no independent complaints mechanism or body to examine torture complaints promptly and effectively. Usually the prosecutor’s office will direct investigations into torture allegations to the Ministry of Internal Affairs, the very authority that supervises the officers accused of committing torture. The absence of such an effective independent mechanism has allowed impunity to thrive.

Both the UN Committee against Torture (CAT Committee) and the UN Human Rights Committee have repeatedly expressed concern that the rate of prosecutions for torture and other ill-treatment in Uzbekistan is very low given the numerous credible reports of torture

that human rights organizations receive annually and the dozens of official complaints submitted to the authorities.

### **Monitoring of places of detention**

Uzbekistan has no independent monitoring mechanisms in place to inspect any places of detention and no independent non-governmental organizations, domestic or international, carry out any form of regular, unannounced and unsupervised prison monitoring. In April 2013 the International Committee of the Red Cross (ICRC) made a public statement that it had taken the very difficult decision to terminate all visits to detainees in Uzbekistan because it was unable to conduct such visits according to the ICRC's standard working procedures and as a result, those visits were "pointless".<sup>1</sup> Diplomats, while occasionally granted access to some detention facilities, are as a rule accompanied by prison or law enforcement officials during their visits. The same applies to human rights defenders who have on rare occasions been allowed to visit imprisoned colleagues.

### **Conclusion**

Torture has become a defining feature of the Uzbekistani criminal justice system. It is central to how the Uzbekistani authorities deal with dissent, combat security threats and maintain their grip on power. It is deeply wrong and in the long-run unsustainable. But this has not prevented the international community from turning a blind eye to the glaring indiscretions of a perceived geo-strategic ally. This is both short-sighted and a deep disservice to the thousands of victims languishing in Uzbekistan's torture chambers.

There are small steps the Uzbekistani authorities can take to eliminate torture, and there are big changes, in terms of political will, that they need to make to achieve it. Many of these changes are outlined in the recommendations below. While only the Uzbekistani authorities can make these changes, the international community, and Uzbekistan's strategic partners in particular, must be much firmer in calling for them.

### **Key recommendations to the authorities in Uzbekistan:**

- Bring domestic law into full compliance with Uzbekistan's international obligations regarding the absolute prohibition against torture and other cruel, inhuman or degrading treatment, specifically by amending the Uzbekistani Criminal Code and Criminal Procedure Code to add the following discrete and express prohibitions:
  - Torture and other cruel, inhuman or degrading treatment as defined by the UN Convention against Torture (CAT) are absolutely prohibited in all circumstances;
  - Extracting testimony or confessions by the use of torture from persons accused of criminal acts, witnesses, or any other person in the custody of Uzbekistani state actors is absolutely prohibited in all circumstances;

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<sup>1</sup> The International Committee of the Red Cross, *Uzbekistan: ICRC decides to terminate visits to detainees*, 2013, available at [www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm](http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm)

- The admission of confession evidence, or other information or testimony, extracted by the use of torture and other ill-treatment in criminal and all other proceedings is absolutely prohibited in all circumstances;
  - No person can be prosecuted and convicted solely on the basis of his or her confession.
- The Plenum of the Supreme Court of Uzbekistan should promulgate a set of rules to ensure that all judges at every level are instructed in the proper procedures to follow to determine whether confessions and/or other evidence submitted by prosecutors in criminal proceedings and by any state actor in any other proceeding have been extracted by the use of torture or other cruel, inhuman or degrading treatment. Such rules of court should ensure at a minimum that:
- Judges take seriously allegations of the use of torture to extract confessions from defendants or testimony from witnesses, and make proper and timely inquiries of prosecutors regarding effective investigations into such allegations and monitor the progress of any on-going investigations;
  - Judges conduct a separate hearing (voir dire) to determine whether a confession or other testimony or evidence was extracted through the use of torture or other ill-treatment;
  - Judges ensure that the burden of proof in the separate hearing is on the prosecutor to prove that any confession, testimony or evidence has not been tainted by the use of torture or other ill-treatment;
  - Judges rule confession evidence or witness testimony inadmissible in the proceeding if a judge concludes on the balance of probabilities that it was likely that such evidence was extracted under torture or other ill-treatment.
- The government of Uzbekistan should issue an invitation to the UN Special Rapporteur on torture to undertake a fact-finding visit to Uzbekistan.

**Key recommendations to the international community**

- Include human rights, in particular the prohibition of torture and other cruel, inhuman or degrading treatment, on the agenda of all bilateral meetings with the government of Uzbekistan and urge the Uzbekistani authorities to bring its laws, policies and practices into full compliance with its international human rights obligations.
- Ensure that human rights, in particular the prohibition of torture and other cruel, inhuman or degrading treatment, are on the agenda in all appropriate multi-lateral meetings involving Uzbekistan and adopt resolutions where appropriate urging the Uzbekistani government to bring its laws, policies and practices into full compliance with its international human rights obligations.
- Provide technical and other support to the government of Uzbekistan in an effort to amend the Uzbekistani Criminal Procedure Code to expressly prohibit torture and other cruel, inhuman or degrading treatment; and to include the prohibition on the use of information or evidence extracted under torture in criminal and other proceedings.

## 2. METHODOLOGY

Uzbekistan is one of the most authoritarian states in the world. The authorities are responsible for grave, systemic and widespread human rights violations, including severe restrictions on the rights to freedom of assembly, association and expression and endemic torture and other ill-treatment of detainees and prisoners by security forces.<sup>2</sup> It is also one of only a handful of countries that is essentially closed to Amnesty International. Operating in such an environment – that is, in the total absence of effective and unimpeded independent monitoring and where impunity for human rights violations is the norm – puts Uzbekistani human rights defenders and activists at great risk, and poses significant challenges to conducting research on the country.

Yet the commitment and ingenuity of Uzbekistani human rights defenders and activists, both in the country and in exile, and the courage of victims and their families, make such research possible, despite significant security risks. This report provides new information about torture practices, unfair criminal trials and other associated on-going human rights violations perpetrated by the Uzbekistani government and its agents. It also provides updates on key cases and human rights concerns since 1992.

To research this report, Amnesty International conducted over 60 interviews between late 2013 and February 2015. Amnesty International communicated with numerous Uzbekistanis in exile in North America and across Europe and Central Asia. Many had fled Uzbekistan because they had suffered or were at risk of suffering serious human rights violations, including torture. Amnesty International held meetings and interviews in late 2013 and throughout 2014 with Uzbekistani activists, human rights defenders, survivors of torture and their family members, asylum-seekers, academics, representatives of inter- and non-governmental organizations, lawyers and journalists.

These interviews with persons living and working outside of Uzbekistan yielded information not just about each person's individual or family experience, but also about others currently inside Uzbekistan, who were willing to communicate with Amnesty International about the current situation in the country. In addition to attempting to securely contact and gather information via telephone, email and Skype, Amnesty International delegates made arrangements to meet in person in two safe locations outside Uzbekistan with Uzbekistanis who had the ability to travel outside the country. A series of meetings throughout 2014, governed by a detailed security protocol designed to protect both people and information, yielded new evidence of on-going rights violations in Uzbekistan. This cache of information illustrated, among other things, current torture practices and continuing abuses of process in the criminal justice system. All interviews were conducted in Uzbek (with professional Uzbek-Russian interpretation) or in Russian.

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<sup>2</sup> See for example Freedom House's 2014 annual report on global political rights and civil liberties, which labels Uzbekistan as one of the least free countries in the world in terms of protecting and promoting human rights: Freedom House, *Freedom in the World 2014*, available at [freedomhouse.org/report/freedom-world/freedom-world-2014#.VJhNpV4gk](http://freedomhouse.org/report/freedom-world/freedom-world-2014#.VJhNpV4gk)

With respect to the risks associated with both electronic communications and in-person interviews, Amnesty International informed all those we contacted about the potential risks to themselves and their family members. The surveillance operations of the Uzbekistani security and intelligence apparatus, discussed throughout this report, are notorious not only for their efficiency and brutality but for the fact that agents operate extra-territorially, often with the help of security officials and agents in other Central Asian republics and throughout the Commonwealth of Independent States, in particular Russia and Ukraine. It is to their great credit that individuals who wanted to share their stories assumed that risk in an effort to shed light on the appalling human rights situation inside Uzbekistan. Our researchers made every effort to mitigate the risk to those individuals by implementing a strict security protocol that governed all communications, travel and the collection of information.

While many individuals agreed to speak on the record, using their full names, others requested confidentiality and are referred to in this report by a randomly selected pseudonym. A few people, due to fear of reprisals, requested that none of the information they communicated be included in the report. In most cases people feared reprisals against their relatives inside Uzbekistan, some of whom are currently in detention or prison and are particularly vulnerable. While those testimonies do not feature in this report, they reinforced the report's conclusion that torture and other ill-treatment and the admission in criminal trials of evidence extracted under torture remain persistent problems in Uzbekistan.

The Uzbekistani government has consistently and aggressively denied its poor human rights record and ignored Amnesty International's attempts at dialogue with a view toward improving the human rights situation on the ground. In two separate letters sent in February and March 2014, Amnesty International formally requested permission from the Uzbekistani government to send a high-level delegation to visit the country. Despite securing registered receipts indicating that Uzbekistani authorities received both letters, there has been no response to date to the requests for a visit. Several telephone inquiries to the Uzbekistani Ministry of Foreign Affairs were met with denials that they had received the letters.

Amnesty International offices in 10 European countries co-ordinated a petition-delivery action in October 2014 to draw the Uzbekistani authorities' attention to the plight of Uzbekistani prisoners who had been tortured, prosecuted, convicted and imprisoned on politically-motivated charges. Attempts to hand-deliver the petitions to Uzbekistani embassy or consulate staff in those countries failed in all countries except Germany, where a consulate staff member came out of the building to greet our activists and receive the petition, but not to discuss our concerns. No further meeting was granted. In June 2014, to mark International Day in Support of Victims of Torture, Amnesty International held a demonstration outside the Uzbekistani Embassy in London. The demonstration was filmed by a fixed camera from a curtained embassy window, and occasionally photos were taken by an embassy staff member from another window. No embassy personnel addressed the activists.

Amnesty International is grateful to all the Uzbekistanis and others who co-operated with us on gathering information for this report, in particular the Association for Human Rights in Central Asia, Initiative Group of Independent Human Rights Defenders, and the Uzbek-German Forum for Human Rights (UGF) for invaluable help in the preparation of this report. Special thanks as well to the Civic Assistance Committee, Civil Rights Defenders, Fiery Hearts Club, Front Line Defenders, Forum 18, Human Rights Institute (Moscow), Human Rights Society of Uzbekistan, Human Rights Society of Uzbekistan "Ezgulik", Human Rights Watch, International Partnership for Human Rights, and Memorial.

## 3. COUNTRY BACKGROUND AND CONTEXT

The Republic of Uzbekistan (formerly known as the Uzbek Soviet Socialist Republic until independence in 1991) is the most populous country in what was Soviet Central Asia. Uzbekistan borders Afghanistan to the southwest: a crucial geo-strategic location in the context of the US-led international military campaign in Afghanistan. More broadly, since 2001 the country has been an important strategic ally in the global “war on terrorism”.

President Islam Karimov has managed an almost seamless transition from former chairman of the Communist Party of the Uzbek Soviet Socialist Republic to President of an independent state. Since independence he has won three presidential elections virtually uncontested and has appointed all successive governments.<sup>3</sup> There are no registered independent or opposition political parties in the country. The official political parties all support President Karimov.<sup>4</sup>

A small elite – with the immediate presidential family at its heart – controls most of the country’s natural resources, including land, gold, uranium and copper reserves, and presides over the billion-dollar cotton industry.<sup>5</sup> The economic situation for the vast majority of Uzbekistan’s population, especially in rural areas, continues to be difficult. Hundreds of thousands of labour migrants, mostly young men, have left Uzbekistan to seek work in Kazakhstan, Russia and the United Arab Emirates.<sup>6</sup> Many labour migrants face harassment, arrest and prosecution upon attempting to re-enter Uzbekistan (see below).

Inside Uzbekistan, corruption is endemic and undermines the rule of law and human rights.

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<sup>3</sup> President Karimov was widely expected to win Presidential elections scheduled for 29 March 2015. These elections had not been held by the time this report went to print.

<sup>4</sup> During the Parliamentary elections in December 2014 candidates ran virtually uncontested. Election observers from the Organization for Security and Co-operation in Europe’s Office for Democratic Institutions and Human Rights (OSCE/ODIHR) said that “the 21 December 2014 parliamentary elections in Uzbekistan were competently administered but lacked genuine electoral competition and debate... The four contesting parties, all supportive of and supported by the government, are complementary rather than competitive”.

<sup>5</sup> There have been allegations of forced labour and cruel, inhuman and degrading living conditions for people (including school-age children) forced to harvest cotton; see [www.cottoncampaign.org](http://www.cottoncampaign.org).

<sup>6</sup> In 2014 the Federal Migration Service of Russia estimated that more than 2 million labour migrants from Uzbekistan were working in Russia. According to the Russian Central Bank, in 2012 Uzbekistani labour migrants sent home over \$5 billion US dollars in official remittances, a significant contribution to Uzbekistan’s gross domestic product (GDP). See: [www.cbr.ru/statistics/print.aspx?file=CrossBorder/Rem\\_countries\\_12.htm&pid=svs&sid=TGO\\_sp\\_post](http://www.cbr.ru/statistics/print.aspx?file=CrossBorder/Rem_countries_12.htm&pid=svs&sid=TGO_sp_post) and [www.fms.gov.ru/about/statistics/data/details/54891](http://www.fms.gov.ru/about/statistics/data/details/54891)



Uzbekistan has consistently ranked among the 10 most corrupt countries in the world on Transparency International's Corruption Perception Index.<sup>7</sup> Vahit Güneş, a successful Turkish businessman, ran a chain of department stores in Uzbekistan until he was arrested in 2011. His businesses were confiscated and he was tortured in Uzbekistani custody. In an interview with Amnesty International in October 2014, he described corruption in Uzbekistan as a "cancer that had spread everywhere", affecting every part of life, from civil servants refusing to issue necessary official papers unless offered a bribe to traffic police stopping cars for made-up offences to extort money. Significantly, corruption is pervasive throughout the judiciary and in the criminal justice system. Corrupt judges charge defendants' families to reduce the length of prison sentences and SNB officers employ torture or the threat of torture to extract huge bribes from detainees and prisoners. The systemic nature of corruption in Uzbekistan is a bar to the elimination of torture and other human rights violations in the country.

Another key obstacle is the total absence of international independent monitoring of the human rights situation on the ground. Uzbekistan remains virtually closed to international human rights organizations and foreign media<sup>8</sup> and has refused requests for access from 11 UN human rights monitors.<sup>9</sup> The government tightly controls the domestic media and requires an exit visa for anyone wanting to travel abroad. Dissent is quickly and often severely repressed. In April 2013, the International Committee of the Red Cross (ICRC) terminated all visits to detainees in Uzbekistan because it could not operate according to its established protocol, rendering any future visits "pointless".<sup>10</sup>

### 3.1 RELIGION AND SECURITY

Uzbekistan is a secular state with a predominantly Sunni Muslim population. The authorities tightly regulate religious practice, whether Islamic, Christian or other, with strict laws governing all aspects of religious life, including the private teaching of religion and religious dress. Since 1997, when the murders of several police officers in the Namangan Region sparked a wave of mass arrests and detentions, the authorities have relentlessly targeted those who worship in mosques outside state control or in unregistered churches and temples, alleging that they are a threat to national security. As a consequence, courts have sentenced

<sup>7</sup> In 2014 it ranked 166 out of the 175 countries examined; see [www.transparency.org/cpi2014/results](http://www.transparency.org/cpi2014/results)

<sup>8</sup> In 2011 the authorities closed down the office of Human Rights Watch, the last international human rights organization to have a presence inside Uzbekistan. Foreign/international media organizations such as the British Broadcasting Corporation (BBC), Radio Free Europe/Radio Liberty (RFE/RL), Agence France Press (AFP), Deutsche Welle (DW) and Voice of America (VoA) had to close their country offices in 2005.

<sup>9</sup> Those refused access are the United Nations special rapporteurs on torture and other cruel, degrading, or inhuman treatment; on the situation of human rights defenders; on freedom of religion or belief; on violence against women; on the independence of judges and lawyers; on extrajudicial, summary, or arbitrary executions; on contemporary forms of slavery; on freedom of association and assembly; and on cultural rights, as well as the working groups on arbitrary detention, and on enforced or involuntary disappearances.

<sup>10</sup> The International Committee of the Red Cross (ICRC), *Uzbekistan: ICRC decides to terminate visits to detainees*, 2013, available at [www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm](http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm).

thousands of men and hundreds of women to prison terms for their membership or suspected membership of unregistered or outlawed Islamic movements or Islamist parties. The majority of them have been charged with articles 159 and 244 of the Criminal Code, which punish calls to overthrow the constitutional order and association with banned or unregistered religious organizations.<sup>11</sup>

The articles of the Criminal Code most frequently used against those perceived as a threat to national security are:

Article 156. Incitement of ethnic, racial or religious hatred

Article 159. Attempts to overthrow the constitutional order of the Republic of Uzbekistan

Article 216. Illegal establishment of public associations or religious organizations

Article 216-1. Inducement to participate in operation of illegal public associations or religious organizations

Article 216-2. Violation of legislation on religious organizations

Article 221. Disobedience to legitimate orders of administration of penal institutions

Article 242. Organization of a criminal community

Article 244-1. Production and dissemination of materials containing a threat to public security and public order

Article 244-2. Establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations

Article 246. Smuggling

The groups perceived as a threat to national security by the authorities in Uzbekistan and across the region include the Islamic Movement of Uzbekistan (IMU), the Islamic Jihad Union (IJU), Hizb-ut-Tahrir, and supporters and followers of Salafism, Wahhabism, Taabli Jamaat and the Turkish theologian Said Nursi.<sup>12</sup>

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<sup>11</sup> The US Congress has designated Uzbekistan as a country of particular concern in relation to freedom of religion and belief for several consecutive years. See Bureau of Democracy, Human Rights and Labor, *International Religious Freedom Report for 2013*, available at [www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper](http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm#wrapper).

<sup>12</sup> The IMU (also known as the Islamic Movement of Turkestan) is an Islamist opposition group which advocates the establishment of a caliphate or Islamic state. It is classified as a terrorist group by the UN and the USA.

The IJU, previously known as the Islamic Jihad Group, has been linked by the Uzbekistani authorities to violent attacks in Uzbekistan in 2004. IJU members have been charged with attempted bomb attacks in Germany in 2007. It is classified as a terrorist group by the UN and the USA.

Hizb-ut-Tahrir (Party of Liberation) is a transnational Islamic movement which aspires to establish a caliphate in Central Asia. It was declared a terrorist organization in Russia in 2003.

Wahhabism is a branch of Sunni Islam. In Central Asia, authorities use the term “Wahhabi” to refer broadly to Muslims who worship in mosques outside the state’s control and Islamic religious groups they suspect of being “fundamentalist” or “extremist”. The Uzbekistani authorities have accused independent imams Abduvali Mirzaev and Obidkhon Nazarov of being the main proponents of Wahhabism in Uzbekistan. Recordings of their sermons are banned in Uzbekistan.

The authorities suspected that the murders of police officers in Namangan in December 1997 were carried out by members of banned Islamist opposition groups, and used them as a pretext for indiscriminately targeting “independent” Muslims. The police began arbitrarily detaining young men with beards in the streets of Namangan, and threatening to cut off their beards and take their money. Security forces verbally abused, threatened, beat and ill-treated those detained. Human rights groups reported that the police planted weapons and narcotics on some of those detained in order to fabricate a criminal case against them.<sup>13</sup>

Since then, human rights organizations, including Amnesty International, have documented a worrying rise in reports of arbitrary detentions and torture and other ill-treatment of individuals suspected of supporting or sympathizing with Islamist opposition groups and parties.<sup>14</sup> Over the last 15 years the authorities have responded to a number of violent events by clamping down on suspected members and sympathizers of banned secular and Islamist opposition parties and Islamic movements. These violent events included bomb explosions in Tashkent in 1999, violent incursions by the IMU in 2000, bomb explosions and attacks in Tashkent and Bukhara in 2004, unrest that led to mass killings by the security forces in Andizhan in May 2005, and armed attacks and murder in the Ferghana Valley and Tashkent in 2009. In the wake of these events Amnesty International received hundreds of reports that police and security officers routinely planted evidence such as narcotics, weapons or banned Islamic literature on suspects to create grounds for detaining “independent” Muslims. Human rights organizations collected scores of testimonies that security forces tortured and otherwise ill-treated detainees to force them to confess. The targeting of entire families and independent Islamic congregations has been a particular feature of the security response to such events.

Two events in particular have marked the course of national security in Uzbekistan: a series of bomb explosions in Tashkent in February 1999 and mass killings in Andizhan in May 2005.

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Abduvali Mirzaev and his assistant disappeared in 1995 after SNB officers detained them at Tashkent airport on their way to a conference in Moscow. The authorities have consistently denied any official involvement in their enforced disappearance.

Obidkhon Nazarov went into hiding in 1998 and fled the country. In 2006 UNHCR, the UN refugee agency, resettled him and his family to Sweden. In 2012 he was shot by an unidentified assailant in what many believed to be an assassination attempt by the Uzbekistani security forces.

<sup>13</sup> Amnesty International, *Uzbekistan: Lifting the siege on the truth about Andizhan* (Index: EUR 62/021/2005), available at [www.amnesty.org/en/library/info/EUR62/021/2005/en](http://www.amnesty.org/en/library/info/EUR62/021/2005/en).

<sup>14</sup> For example, see Amnesty International, *Uzbekistan: Lifting the siege on the truth about Andizhan*, (Index: EUR 62/021/2005), available at [www.amnesty.org/en/documents/EUR62/021/2005/en/](http://www.amnesty.org/en/documents/EUR62/021/2005/en/); Human Rights Watch, *Creating enemies of the state: Religious persecution in Uzbekistan*, 2004, available at [www.hrw.org/reports/2004/03/29/creating-enemies-state](http://www.hrw.org/reports/2004/03/29/creating-enemies-state); Memorial Human Rights Center and the Information Center for Human Rights in Central Asia, *List of People Arrested and Tried in Uzbekistan for Political and Religious Reasons*, available at [www.memo.ru/s/75.html](http://www.memo.ru/s/75.html).

### 3.1.1 THE 1999 TASHKENT BOMBINGS

Following six bomb explosions in Tashkent on 16 February 1999, in which at least 13 people died and more than 100 were injured, security forces arbitrarily detained hundreds of alleged conspirators, including members of independent Islamic congregations, and members and supporters of banned political opposition parties and movements and their families. The authorities described the bombings as an assassination attempt on President Karimov and blamed them on violent foreign-trained Islamist groups, intent on establishing an Islamist state in Uzbekistan, operating in concert with Muhammad Salih, exiled leader of the banned political opposition party Erk.<sup>15</sup> Six men were sentenced to death and 16 received prison sentences of between 10 and 20 years. All 22 defendants also had their property confiscated. The defendants were accused of being members of extremist religious organizations who advocated a *jihad* (holy war) to overthrow the constitutional order in Uzbekistan and the assassination of President Karimov, charges to which most of the defendants pleaded guilty. Relatives claimed that security forces tortured and otherwise ill-treated the defendants to force them to give false evidence. Human rights monitors expressed concern that fair trial standards were not respected.

## MAMADALI MAKHMUDOV

**Mamadali Makhmudov was tortured while awaiting trial and forced to confess to involvement in the explosions in Tashkent in 1999. He was also tortured in prison and witnessed other prisoners being tortured.**

While being held incommunicado for almost three months in 1999, Mamadali Makhmudov says that Uzbekistani security service officials beat him repeatedly, forced needles under his nails, burned his hands and feet, suspended him with his hands tied behind his back, suffocated him by placing a gas mask over his face with the air supply turned off, and threatened him with rape and death.<sup>16</sup>

He has always denied the charges against him, arguing in court that he was forced to confess while being tortured. Despite this, he was sentenced to 14 years in prison. His lawyers, his family and Mamadali Makhmudov himself have lodged numerous complaints about his torture with the office of the General Prosecutor, appeals courts, including the Supreme Court, the Ministry of Internal Affairs, and the Ombudsperson for Human Rights. But no thorough, independent and impartial investigation has ever taken place.

In early April 2013 – a month after he should have been released – Mamadali Makhmudov's sentence was extended by three years for 31 alleged violations of prison rules. Prison authorities had not previously told him that he had violated any rules.

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<sup>15</sup> Erk (Freedom), a political opposition party established just after independence, was banned in 1993 and dozens of members and supporters detained by security forces. Its leader, Muhammad Salih, fled the country.

<sup>16</sup> Amnesty International, *Uzbekistan: Further information on fear for safety / alleged ill-treatment in detention / incommunicado detention*, (Index: EUR 62/018/1999), available at [www.amnesty.org/en/library/info/EUR62/018/1999/en](http://www.amnesty.org/en/library/info/EUR62/018/1999/en); Amnesty International, *Uzbekistan: Further information on fear for safety / alleged ill-treatment in detention / incommunicado detention*, (Index: EUR 62/016/1999), available at <http://www.amnesty.org/en/library/info/EUR62/016/1999/en>.

By this time, Mamadali Makhmudov was in poor health, suffering from tuberculosis and high blood pressure. His family feared that he would not survive this sentence extension. Shortly after his sentence was extended, he had a heart attack. He was finally released on 19 April 2013 on health grounds.

### 3.1.2 THE 2005 ANDIZHAN MASS KILLINGS

On 12-13 May 2005 armed men attacked a number of military barracks and government buildings in the city of Andizhan, in southeastern Uzbekistan close to the border with Kyrgyzstan. They broke into the city prison, where they freed hundreds of remand and convicted prisoners, and later occupied a regional government building on the main city square and took a number of hostages. From the early hours of 13 May, thousands of residents – mostly unarmed and among them some of the freed prison inmates – gathered in the city square, where many spoke out to demand an end to poverty, corruption and injustice. According to witnesses, there were sporadic incidents of the security forces firing indiscriminately into the crowds, killing and wounding demonstrators. Then, in the early evening, security forces surrounded the demonstrators and started to shoot indiscriminately at the crowd killing hundreds, including women and children. The authorities claimed that the protest was an armed uprising organized by members of banned Islamist groups inside and outside Uzbekistan.

Some 500 demonstrators, including women and children and dozens of the men accused by the authorities of having organized the violent uprising, escaped across the border to neighbouring Kyrgyzstan. From there they were evacuated by UNHCR, the UN refugee agency, to safety in Romania in late August 2005. In the aftermath of the events the government severely clamped down on all forms of dissent and tried to suppress independent reporting of the killings. Hundreds of demonstrators were detained and reportedly tortured or otherwise ill-treated; witnesses were intimidated. Journalists and human rights defenders were harassed, beaten and detained; some were held on serious criminal charges. Following unfair trials, the majority of which were closed or held in secret, hundreds of people were convicted of “terrorism” offences and sentenced to long prison terms for their alleged participation in the unrest.

## **DILOROM ABDUKADIROVA**

**Dilorom Abdukadirova is serving an 18-year sentence in Tashkent Women’s Prison. She fled the country after the events in Andizhan in 2005, and was imprisoned after she returned to Uzbekistan from Australia in January 2010 to be reunited with her husband and children. Amnesty International believes that Dilorom Abdukadirova is a prisoner of conscience, charged and convicted for peacefully exercising her right to freedom of assembly and expression.**

On the morning of 13 May 2005, farmer Dilorom Abdukadirova went to Babur Square in the centre of Andizhan to join the demonstration. Following the violent break-up of the protest, she was among 500 protesters who escaped from the square and fled to neighbouring Kyrgyzstan. She had to leave her husband and four sons behind. From Kyrgyzstan she was moved to a refugee camp in Romania. She arrived in Australia in February 2006, where she was recognized as a refugee and granted permanent residency.

After receiving assurances from the Uzbekistani authorities that nothing would happen to her if she returned home, in January 2010 she travelled back to Uzbekistan to be reunited with her husband and children. However, she was immediately detained upon arrival at Tashkent airport because she did not have a valid exit

permit in her passport. She was questioned for four days by Tashkent police and released after they charged her with “illegal exit” from the Republic of Uzbekistan under article 223 of the Criminal Code. After her release she was able to return briefly to her family in Andizhan.

On 12 March 2010 she was detained again and kept in a cell at the Andizhan police department for two weeks, without access to a lawyer or her family. On 30 April 2010 she was sentenced after an unfair trial to 10 years and two months’ imprisonment. The Andizhan Regional Criminal Court found Dilorom Abdukadirova guilty of “Denigration”, “Attempts to Overthrow the Constitutional Order of the Republic of Uzbekistan”, “Illegal Exit from or Entry to the Republic of Uzbekistan” and “Violation of Regulations of Stay in the Republic of Uzbekistan”. Dilorom Abdukadirova asserts that she is not guilty.

Family members reported that Dilorom Abdukadirova appeared emaciated at the trial in April 2010 and had bruises on her face. She avoided eye contact with members of her family. The family also believed that she had been forced to appear in court without her hijab, despite being a devout and practising Muslim.

In 2012, Dilorom Abdukadirova’s family told Amnesty International that following a closed trial inside Tashkent Women’s Prison her sentence was extended by eight years after she was accused of deliberately breaking prison rules. Her family appealed to the court for an early release in 2012, but this was refused. The official letter responding to the family’s appeal, dated 15 June 2012, states that Dilorom Abdukadirova cannot be released early, as her sentence has been extended due to four counts of “bad behaviour”. No explanation of what constituted “bad behaviour” was given in the letter.

## 4. TORTURE IN PRE-CHARGE AND PRE-TRIAL DETENTION

**“They [SNB officers] handcuff people to radiators. I saw how they broke prisoners’ bones with baseball bats. At night I could hear people scream as if they were being attacked by wolves”.**

Vahit Güneş, a Turkish businessman who was detained and tortured for 10 months at an SNB detention centre in Tashkent in 2011

Torture in Uzbekistan is a persistent and endemic problem. It occurs at the hands of security forces during arrest and transfer to detention facilities, in police custody and in pre-trial detention. It is also carried out by security forces and guards in prisons. Former detainees have described how police and SNB officers often use convicted prisoners to carry out torture in pre-trial detention. One former detainee described them as “the hands and feet” of the security forces.

Although torture and ill-treatment are commonplace throughout the criminal justice system, those most vulnerable appear to be members or suspected members of banned Islamic movements and Islamist groups. The government denies that this is the case and in 2013 told the CAT Committee: “It should also be noted that the law enforcement authorities do not use arbitrary detention, torture, cruel and inhuman treatment or punishment against Muslims and people of other religions”.<sup>17</sup>

### YUSUF’S STORY

Yusuf<sup>18</sup> (not his real name) was arbitrarily detained and tortured or otherwise ill-treated by Uzbekistani security forces four times between 2007 and 2010. He was not able to clearly identify all the officers involved in the four incidents, although he believes that some SNB officers participated in the torture at the police stations. Yusuf was charged once with a criminal offence – alleged drug use. He was subjected to prolonged

<sup>17</sup> Written replies of the Government of Uzbekistan to the List of issues adopted by the UN Committee against Torture at its 50th session on 6-31 May 2013 in relation to the Fourth periodic report of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Doc: CAT/C/UZB/4), point 38.

<sup>18</sup> Interview with Amnesty International, July 2014.

beatings and other forms of ill-treatment every time he was detained. In 2008 he was held incommunicado for seven days and tortured. He is still deeply traumatized and unable to talk in detail about the torture he was subjected to in 2008.

Yusuf was detained for the first time on 31 May 2007 in Tashkent. He was approached in the street by two men in civilian clothes, who got out of their car and showed him police identification. They grabbed Yusuf, forcibly put him in the car and drove him to the Mirabad District police station. During the journey the officers beat him and questioned him about why he was "against" the state. Yusuf was held in an office at the police station until the following morning, during which time several police officers interrogated and beat him. The two police officers who brought him to the station were present throughout, while other officers came and went. Officers told him that he was detained for saying things against the President of Uzbekistan and for planning to overthrow the constitutional order. Yusuf recalls:

*"I was beaten several times in a police station. They hit me everywhere. Some officers came in and mocked me, saying that I was a terrorist. I was beaten for about six hours. They beat me during the night. Every hour they beat me for 10-15 minutes. It went on until morning."*

In the morning, police took Yusuf to an SNB detention facility in Tashkent. Two SNB officers questioned him and proposed that he become their informant. They gave him a list of names and told him to find information on these individuals and report back. Yusuf later threw away the list.

Yusuf suspects that someone had informed the SNB about meetings he held in his house, during which he talked about the Qur'an and expressed his disagreement with some government policies. He maintains that no plan to overthrow the constitutional order was ever discussed.

After his first period of detention, Yusuf went to work in Moscow, Russia, and returned to Tashkent in early 2008. At the entrance of his apartment block, a man approached him and hit him. Two other men approached and also began hitting him. The beatings left Yusuf covered with blood. The men forced him into a waiting car and took him to the Bektemir district police station. When Yusuf entered the station, officers hit him in the face. He spent three days in the police station, in an interrogation room with only two chairs and a table. During these three days, officers beat him and tried to break his fingers and toes by hitting him with a chair. Once again, Yusuf was questioned about his religious activity and alleged plans to overthrow the country's constitutional order.

On the fourth day, security officers took Yusuf to a different detention centre, which he describes as a prison-like building with barbed wire fencing and 3m high metal doors. He recalls hearing the screams of other detainees here. Security officers took him to a cell in the basement, occupied by two men, where he spent three days. The two men threatened to harm Yusuf's children. They beat Yusuf for a day until he eventually lost consciousness.

*"The cell's dimensions were approximately 2.5m by 4m. Food was not provided. I did not go to the toilet. Two men beat me for a day. I screamed, but no one paid any attention, no one came to the cell. They started to film me on a mobile phone. They beat me severely and they tortured me. I lost consciousness. I was unconscious for about a day. When I regained consciousness, my mouth was dry... no water, no food, nothing. I urinated in my pants. I don't remember how it happened. But I know that I could not hold my urine because of the beatings ... I cried a lot there. Nothing was given there. I could not even spit normally, I was spitting blood. Several of my ribs were broken, my head was bruised and my feet swollen."*



*“Later I realised that these two were doing the bidding of the police, they were their arms and feet. They were not people, they were scum. I could not move, I could not lift a finger. When I was released and returned home, I went and bought a rope. I wanted to commit suicide.*

*“I have started hating a lot of people. I became fearful. I sleep badly at night and I keep waking up.”*

After three days in the basement cell, officers took him back to the Bektemir district police station. There, police officers asked Yusuf for the telephone numbers of his relatives and close friends. They then called his sister and asked for a bribe. Yusuf's sister paid \$1,800 US dollars and the police released him. After his release Yusuf underwent medical treatment for his injuries.

In July 2009, four men burst into Yusuf's apartment and started hitting him. He thought that it was a robbery and tried to defend himself by hitting one of his assailants. When the men pushed him to the floor, beat him and handcuffed him, he realized they were plainclothes police officers. They took him to the Yakkasarai district police station, where Yusuf spent three days in two different rooms while officers interrogated him. They hit his head with a long baton, suffocated him by placing a plastic bag over his head, and pressured him to sign a confession stating that he was planning to overthrow the constitutional order of Uzbekistan. Officers came and went, some beat him and others tried to persuade him to co-operate with investigation. Some showed him photographs and asked him to identify the people pictured. Yusuf thinks that some of the officers were from the SNB. After he refused to confess, officers transferred him to the office dealing with drugs crimes and found witnesses to testify that he was taking drugs. He was brought before a judge who convicted him of a drugs-related charge and fined him.

After his release, Yusuf returned to Moscow for work. In April 2010 he returned to Tashkent and was soon detained by plainclothes officers on the street. A car with darkened windows approached him and officers jumped out and hit the back of his head. Yusuf lost consciousness. When he woke up he was lying on the ground on a different street.

Yusuf has since fled Uzbekistan and sought asylum abroad in 2010.

## 4.1 TORTURE TECHNIQUES

*“I was in handcuffs with my hands behind my back and [the police officer] made me stand like the Cyrillic letter Г [bent at the waist with straight legs] ... I was in the basement of the police station ... There were two police officers beating me, kicking me, using batons, I lost consciousness. They beat me everywhere, on my head, kidneys... When I lost consciousness they would throw water on me to wake me up and beat me again. I opened my eyes and there were five or six people there. I was just in an undershirt and the front was all covered in blood... They beat me bloody. The first time I came to they must have suspended me from above because I couldn't bend. The second time I came to they put me on a chair and put a cellophane bag on my head, suffocated me and beat me and I lost consciousness. I kept asking what was going on, why, but they didn't answer. Finally they stopped around 10pm and told me not to tell anyone or they would kill me. They let me go without ever interrogating me or saying anything to me.”*

Bakhtior (not his real name), a torture survivor and asylum-seeker from Uzbekistan, describing his experience to Amnesty International. Bakhtior was detained at 5.30am in his apartment by men in plainclothes and taken to a police station. He still does not know the reason for his arrest.

The following torture methods are among the most common that survivors of torture, their relatives and human rights defenders from Uzbekistan have described in the course of research for this report. This list is not exhaustive.

**Beatings:** Survivors report being beaten with hands and fists, batons, rubber truncheons, iron rods and water-filled plastic bottles, while suspended from ceiling hooks by their hands, often with their arms fastened behind their back, or handcuffed to radiators or to metal bars attached to walls. In the latter position, detainees describe being forced to bend forward with their head towards the floor and their arms stretched behind their backs.

Most beatings are carried out by at least two people over a prolonged period of time and cover the whole body, including the face. Often those inflicting the torture wear masks to avoid identification. Water-filled plastic bottles leave few visible marks on the body; however, those who carry out the beatings do not hesitate to break bones in the legs, arms and face. Many of those whose stories feature in this report have described how security forces and other prisoners broke their bones or the bones of other prisoners and detainees. When the victims faint from the pain they are doused with cold water and the beating and kicking resumes. Many torture survivors describe being stripped naked or to their underwear before beatings. Some described how police officers forced them to lie naked and face-down on the floor and then jumped or stood on their backs, damaging their spines.

**Asphyxiation:** This is carried out with plastic bags or gas masks placed over detainee's head. When the gas mask is securely fastened, the air supply is turned off until the victim loses, or is on the point of losing, consciousness. Often the victim is sitting on a chair with their hands handcuffed behind their back during this ordeal. Torture survivors have reported that water or toxic fumes are sometimes fed into the air supply of the gas mask.

**Needles inserted under fingernails and toenails.**

**Electric shocks:** Survivors report having electric shocks applied to sensitive areas of the body, such as genitals, buttocks and breasts, while suspended by the arms from a ceiling hook. Survivors of torture have reported that police and SNB officers have immobilised detainees, immersed them in containers of water and applied electrical current. Others describe being handcuffed or tied to a chair, having water splashed on their legs and electrical current applied to their genitals.

**Rape and sexual assault of women and men:** Survivors report rape and sexual assault with objects, such as bottles and batons, and group rape of women and men by police officers. Former prisoners and torture survivors have alleged that rape and sexual assault are used deliberately to break the will of devout Muslim men and women. Because of the stigma attached to rape in their communities many torture survivors find it particularly difficult to talk about it. They feel that their "honour", and that of their families, has been tarnished and fear that their standing in society will be diminished as a result.

**Sexual humiliation of women and men:** This includes being stripped naked and made to stand in front of a group of police or SNB officers and other detainees who shout obscenities or sexual taunts. Sexual humiliation has featured prominently in the vast majority of cases of torture or other ill-treatment that have come to Amnesty International's attention. Women,

especially devout Muslim women who wear the hijab (Islamic headscarf) and jilbab (long Islamic overcoat) have reported that they found it particularly traumatic to be stripped naked by unknown men, to be touched by them and to be beaten or otherwise ill-treated while naked. However, sexual humiliation is also commonly used against secular detainees. Many report being stripped or forced to undress by police or SNB officers, and bend over while being sexually taunted.

Muslim women also report that police officers frequently forcibly remove their hijab, pulling the woman to the floor in the process, and then dragging the woman around the floor by her hair. In some cases police officers have cut off women's hair.

**Psychological intimidation:** One of the most common methods is the threat of harm to the immediate family of the detainee or suspect, in particular the threat that police or SNB officers will rape the female relatives of male and female detainees. Other threats against family members include physical harm such as beatings, detention on fabricated charges, and slander.

Dogs are used in pre-charge detention centres to intimidate detainees and suspects. For example, in a letter passed to Amnesty International in 2014, Dilshod describes how police officers tortured him and chained him to a dog kennel. He was 16 years old at the time (see page 51 for more details on his case):

*They took turns in beating me bloody, my eyes were so bloodshot that I could not see properly anymore. They beat me on the kidneys, the legs, the face, wherever the blows fell. I was in such pain, I was cold and naked, I thought I would not survive. On the third day, when I asked one of the officers to give me something to drink, he marched me from the basement [to the courtyard], tied me to a dog kennel, pointed to the dog's feeding bowl and said: "If you want to eat and drink, help yourself." He left me tied to the kennel. I stand, next to me sits a hound and every time I move it starts barking, so that I don't dare move... Then the officer comes back and says "it would be better if you killed yourself, you would stop tormenting yourself and us."*

**Exposure to extreme temperatures:** Detainees can be made to stand for long periods of time in the sun without water in temperatures of up to 50°C. In winter, detainees have been stripped naked or stripped of outerwear, including footwear, doused with freezing water and made to stand for long periods of time outside in the snow and in temperatures as low as minus 40°C. Some report being locked in small punishment cells with no windows, ventilation, heating, water or food in similarly hot or cold temperatures.

**Deprivation of food and water:** Many former detainees have reported that they were not given adequate food or water for up to six days in pre-charge custody and/or in pre-trial detention. In some cases they were not given any food or water for several days. In many of the cases documented by Amnesty International, detainees experienced a critical loss of weight in pre-trial detention.

**Sleep deprivation:** In general, the light in punishment cells and all pre-charge and pre-trial detention cells, most commonly a single lightbulb, is never switched off, making it difficult for detainees to sleep. Some former detainees have reported that SNB officers use dogs to

disturb the sleep of prisoners. According to one testimony, dogs were agitated by officers banging on metal or ringing bells; the constant furious barking of the dogs in turn would disrupt the sleep of the detainees.

## 4.2 PLACES OF TORTURE

*“They [women] were beaten so badly. [Male officers from the security forces] stripped them naked and beat them up so badly...”*

*“They [security forces] bruised them all over the body with their batons, broke their toes, if you could see their noses, they broke them like this [demonstrates how]... They broke their left legs in this place [demonstrates where] with their batons. These men laid them down like this and stood on top of the women... Stood on top of them. Men stripped these women naked, laid them down and stood on them...”*

*“Yes, they threatened them with rape and stripped them naked and shamed them. There isn’t just one man there, several of them stand there, and they do all of that in front of them. They strip them naked and beat them. They all sit there, the operatives do it. And the interrogator sits there, too. They torture them like that and the interrogator writes down whatever comes out of their mouth. They hit the boys that way, too... They make them sit like this and hit their heels with batons. Their heels melted away. If they faint, they bring them back in the cell. If they wake up in half an hour, they take them out and beat them again.”*

Zuhra describing how she witnessed security forces torturing women and men in police custody in 2014

Torture and other ill-treatment is used most frequently in police and SNB custody as a way to coerce suspects and detainees to confess to a crime in pre-charge detention centres (IVS), and in pre-trial detention centres (SIZO), once charges have been brought against a detainee and a judge has sanctioned the arrest.

However, it is not uncommon for security forces to beat and otherwise ill-treat suspects immediately after apprehension, well before they reach any official place of detention. Many former detainees and torture survivors have described how police or SNB officers started beating them on the way to the police station, as in the case of Yusuf above.<sup>19</sup>

In some cases, security forces failed to take suspects to an IVS and instead detained them incommunicado in private premises or other unofficial places of detention for several days while they tortured or otherwise ill-treated them to extract information or a confession. For example, SNB officers detained Vahit Güneş (see below) for eight days in his office, and subjected him to repeated beatings and sleep deprivation to extract information on his financial assets and extort large sums of money. When he was unable to comply with their demands they took him to an official SNB detention centre.

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<sup>19</sup> Many have also said that security forces beat them in vehicles during transfers to and from court to intimidate them and prevent them from testifying about the torture and other ill-treatment they were subjected to in order to obtain a confession.

The law obliges security forces to register suspects at a police station or other IVS immediately upon arrival.<sup>20</sup> Once they are officially registered as detained the law gives police and the SNB 72 hours before they must bring the detainee before a judge to sanction arrest (see The prohibition of torture in Uzbekistani legislation, p. 35). Lawyers, former prisoners and relatives have told Amnesty International that police and SNB officers often do not register detainees at the police station or IVS immediately, and effectively keep them in incommunicado detention. Relatives sometimes spend days or weeks trying to locate detainees. Former detainees have described how police officers took them to offices upon arrival at a police station rather than to a detention cell or official interrogation room, handcuffed them to radiators or chairs and beat them at regular intervals, sometimes over the course of several hours or days, until they were willing to sign a confession or incriminate others.

Once they are registered, detainees are kept in cells in the IVS and are brought for questioning to interrogation rooms, where they are sometimes tied to metal bars attached to the wall. Former detainees have told Amnesty International that lower ranking officers called *operativniki* (operatives) usually tortured them while criminal investigators directed the proceedings. Sometimes, the latter also participated directly. Officers who carry out torture do not always wear uniforms and are sometimes masked, which makes identification difficult and enhances intimidation of detainees. Former detainees and detainees' relatives have also described how police and SNB often use other detainees and prisoners charged with or convicted of ordinary criminal offences to carry out torture in pre-trial detention.

Typically, rooms where torture takes place are situated on the ground floor or in the basement of the police station or pre-trial detention centre. Some of these rooms have been described as small punishment-type cells, barely 2m by 4m, already occupied by two detainees or prisoners who are tasked by police or SNB officers to torture or otherwise ill-treat a suspect until they are ready to confess or incriminate others.

Among the most notorious pre-trial places of detention where torture is commonplace are Tashturma, the central pre-trial detention centre (SIZO) under the Ministry of Internal Affairs in Tashkent, and the SNB detention centre in Tashkent.

Amnesty International has received repeated allegations of torture in these facilities over the years. A detainee's relative explained to Amnesty International how Tashturma has earned its reputation:

*"Tashturma. If you ask why it is the worst place, it is because they put them [detainees] together with murderers who are there for 20 years or for life... There convicts beat them and put their heads on the ground, or hang them upside down and beat them with sticks. Their legs dissolved from all the beating. See, they torture them that much. They do it like that in Tashturma. They do it specifically to 244s [members of banned Islamist groups]. They hang them like fish. They torture them so much and put them together with those convicts who beat them too. They ask them what else they can tell. Yes, in Tashturma they beat them so badly."*<sup>21</sup>

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<sup>20</sup> Article 225 of the CPC, "Official record and review of the validity of apprehension".

<sup>21</sup> Interview in 2014 with Zuhra. Two of her relatives were detained in Tashturma.

## TORTURE IN SNB DETENTION

*"I was thinking 'yes, that's the end. This is the end of my life'." – Vahit Güneş*

Vahit Güneş, a Turkish businessman and former director of the Turkuaz shopping centre in Tashkent, spent 10 months in an SNB detention centre in Tashkent from March 2011 until his release following a presidential amnesty in December 2011. He and four co-defendants, his fellow business partners, were then deported to Turkey. Vahit Güneş began legal action in Turkey against the Uzbekistani authorities, which is still ongoing.<sup>22</sup> Tashkent City Court had sentenced him and his co-defendants to between two and three years' imprisonment for various economic crimes including tax evasion. The authorities also claimed that the men had links to the banned "Nurchilar" Islamic movement. Vahit Güneş denied all the charges and insisted that the SNB fabricated them to appropriate his business and extort large sums of money from his family and business partners. He explained:

*"The state TV channels and newspapers in Uzbekistan all started a smear campaign against us. They claimed that 200kg of gold were found in my office. They claimed that a printing house was found in the basement of Turkuaz. They claimed that we had been printing illegal publications there and helping terrorist organizations. These were ridiculous allegations... None of them were true... The reason why they kept us in Turkuaz for eight days [was that] they could not find a single piece of evidence [that] they could use against us."*

He alleged that he and others were tortured in the SNB detention centre in Tashkent in order to force them to sign false confessions and that they were unable to choose their own lawyers.

*"One of the prosecutors said: 'Vahit Güneş pull yourself together. In the whole history of the SNB no one has been brought here and found innocent and released. Everyone who is brought here is found guilty. They have to plead guilty.'"*

He alleged that other detainees had been tortured in the SNB pre-trial detention centre, and that some had died as a result:

*"We witnessed how people who were in the same ward with us were taken for interrogation and did not come back. We later heard that they died of torture... There was a police officer in the second cell where I was kept. They were taking this guy for interrogation. When he came back, he was covered in blood, his arm was broken, one of his fingers was broken and his eyes were swollen shut. When he returned to the cell, he was unable to walk because his foot was broken. We helped him to the toilet. He could not see anything, so we cleaned his wounds. Every day was like that. One day one of his eyes was swollen, the other day his other eye. He was continually being tortured. The last time I saw this man being taken for interrogation, he did not come back."*

According to Vahit Güneş, detainees are not known by their names but only by the numbers of the cells they were kept in. Since they can be frequently moved between cells their number keeps changing. If they forget the correct number, SNB officers beat them. Torture happens in interrogation rooms, in punishment cells and in purpose-built torture rooms. It can also happen in bathrooms and showers. SNB officers regularly stripped Vahit Güneş naked in the bathrooms, forced him to bend over and beat and sexually humiliated him.

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<sup>22</sup> International Centre for Settlement of Investment Disputes (ICSID), case No. 148, *Günes Tekstil v. Uzbekistan*.

*“For instance, the ‘dubak’ [officer or guard] takes you from your cell, then puts you in the bathroom, undresses you and [sexually] humiliates you. Then he handcuffs you and keeps beating you on the way to the prosecutor’s room, bending you down like an ostrich. When you are with the prosecutor, you are already in an awful psychological state of mind, you feel awful... You are like a ghost. You are not a human being anymore. They give you a number there. Your name is not valid there anymore. For instance my number was 79. I was not Vahit Güneş anymore, I was 79. You are not a human being. You have become a number.”*

At one point, SNB officers handcuffed Vahit Güneş with his arms stretched behind his back to a metal bar attached to the wall in an interrogation room. Then they beat him. They also forced him to walk up and down stairs and beat him if he faltered.

*“They handcuffed us and took us to a dark room. I was severely beaten there... They handcuffed me to a metal bar. They don’t even think about where they are going to hit you. On your ear, your eye, your nose... they don’t care. There is no reason... That was, so I was told, a ‘welcoming beating’. I was told that this is how it works here.”*

He was also beaten by two detainees for several days and nights in a small punishment cell, known by detainees as a “presskat”.

*“A presskat works like this: it is like a cell with two people living in it. They add an extra bed and you become the third person. For instance I was put in a [presskat] with two really big, tall men and I was the third. When I entered the cell, they started beating me.”*

Other detainees described to Vahit Güneş how they were tortured in purpose-built torture rooms with padded rubber walls and sound-proofing. He was once briefly locked into one of these rooms. *“There are rooms where they torture people. The walls of these rooms are insulated; they are soundproof. There is no lighting there. They put people inside and two masked men do whatever they want to do with them... There is a torture room on every floor. On every floor there are cells as well. There are also “presskat” cells on every floor.”*

*“My friend [name withheld] was taken to the torture room, which was insulated and soundproof. Two men, one holding his feet, the other one holding his arms, cast him up into the air. He fell down just like a bag. His internal organs were all crushed. They resort to such vile and treacherous practices.”*

Vahit Güneş provided a detailed description of the inside of a detention cell in the SNB SIZO:

*“The door was really interesting. It was insulated. It was soundproof and really thick. It had an interesting locking mechanism. There was nothing on it, like a metal prison grill or anything. They can see you from the outside, but you cannot see them... There are peepholes. They put a peephole even near the toilet, so they can watch you... There is a light above. It is always on. It is totally covered. It is in the middle [of the ceiling]. It is never turned off. It is on day and night.”*

He explained how SNB officers bang on metal at regular intervals during the night to agitate dogs that are chained outside the cell blocks and make them bark. The furious barking of the dogs intimidates detainees and prevents them from sleeping.

*“They don’t let the dogs sleep until the morning... so that the prisoners cannot sleep.”*

Vahit Güneş told Amnesty International that the torture was solely to extract a confession to the charges the

SNB had fabricated against him. Under torture he also incriminated other people. Once he had signed the confession the torture stopped and he received medical care. The torture resumed when the SNB wanted to extort several million US dollars from his family in exchange for his release.

*“What are you going to do other than sign the papers? Is there an alternative? You are captive there. You are in the hands of terrorists and you have to do whatever they ask. What is the difference? Some behead people... You have to do whatever they ask for. They ask you to lie down, you do. They ask you to get up, you do. You are only a number there. You don't have any rights. Where can you file a complaint? What would happen even if you screamed? What would happen if you tried to call someone? Who would hear you? They assign you the lawyer they want. You cannot choose a lawyer yourself. Someone comes to the prison and tells you that he is your lawyer.”*



# 5. UZBEKISTAN'S INTERNATIONAL OBLIGATIONS AND STEPS TO IMPLEMENT THEM AT THE DOMESTIC LEVEL

**"I am the lawyer, I am the prosecutor, I am the judge. We rule here."**

SNB prosecutor to Vahit Güneş, who was detained and tortured for 10 months at the SNB detention centre in Tashkent in 2011<sup>23</sup>

## 5.1 INTERNATIONAL LAW AND STANDARDS

### 5.1.1 THE ABSOLUTE PROHIBITION OF TORTURE AND OTHER ILL-TREATMENT

Torture and other cruel, inhuman or degrading treatment are prohibited under international law, as set out in numerous international and regional human rights instruments and treaties, including the Universal Declaration on Human Rights (UDHR) and treaties to which Uzbekistan is party. The prohibition applies to all states irrespective of their treaty obligations, as a rule of customary international law,<sup>24</sup> and applies at all times, in all circumstances, including in times of war or public emergency.

Article 7 of the International Covenant on Civil and Political Rights states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Torture should not be seen as separate from cruel, inhuman or degrading treatment or punishment; all such acts are absolutely prohibited.

The UN Human Rights Committee has stated that "it is not sufficient ... to prohibit such treatment or punishment or to make it a crime". States must also take steps to prevent and investigate torture, punish perpetrators and provide reparation for victims.<sup>25</sup>

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<sup>23</sup> Interview with Amnesty International, October 2014.

<sup>24</sup> See for example Office of the High Commissioner for Human Rights, General Comment 24, para 8, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.6&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.6&Lang=en)

<sup>25</sup> See Office of the High Commissioner for Human Rights, General Comment 20, paras. 8, 14 and 15,

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) focuses on the prevention and prohibition of torture by or with the involvement of agents of the state. It defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”. It places an obligation on states to ensure that acts of torture or other ill-treatment, as well as attempts to commit, or complicity or participation in, such acts, are offences under domestic criminal law punishable by appropriate penalties which take into account their grave nature. States must conduct prompt and impartial investigations into all complaints and credible reports of torture or other ill-treatment. They must also take “effective legislative, administrative, judicial or other measures” to prevent torture or other ill-treatment. CAT also specifies preventive measures which states must take with regard to training public officials, and requires states to keep arrangements for interrogation and custody under systematic review.

#### 5.1.2 THE INADMISSIBILITY OF EVIDENCE EXTRACTED UNDER TORTURE

International law is unequivocal that evidence elicited through torture or other ill-treatment is inadmissible in court (except where such material is used as evidence that torture or other ill-treatment took place). Under article 15 of CAT, states have an obligation to ensure that any statement which is established to have been made as a result of torture or other ill-treatment shall not be invoked as evidence in any proceedings, except against a person accused of such acts as evidence that the statement was made.<sup>26</sup> Similarly, the UN Human Rights Committee has stressed that “[i]t is important ... that the law must prohibit the use or admissibility in judicial proceedings of statements or confessions obtained through torture or other prohibited treatment”.<sup>27</sup>

The UN Human Rights Committee has stressed that the right not to be compelled to testify against oneself or to confess guilt must be “understood in terms of the absence of any direct or indirect physical or undue psychological pressure... on the accused, with a view to obtaining a confession of guilt... Domestic law must ensure that statements or confessions obtained in violation of article 7 of the Covenant [prohibition of torture and other ill-treatment] are excluded from the evidence... and that in such cases the burden is on the

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available at:

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en)

<sup>26</sup> The CAT Committee has expressly clarified that this provision is obligatory also with regard to other ill-treatment, see CAT General Comment 2, UN Doc. CAT/C/GC/2, para. 6. Article 12 of the Declaration against Torture also prohibits the use of statements made as a result of other ill-treatment as well as torture.

<sup>27</sup> See Office of the High Commissioner for Human Rights, General Comment 20, para 12, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fGEC%2f6621&Lang=en)

State to prove that statements made by the accused have been given of their own free will”.<sup>28</sup> This includes statements given in all manner of proceedings, not just criminal proceedings.

The UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment prohibits taking advantage of the situation of detainees to compel them to testify or confess, or using violence, threats or methods of interrogation which impair their capacity of decision-making or their judgement, and makes clear that non-compliance with these principles in obtaining evidence must be taken into account in determining the admissibility of such evidence.<sup>29</sup>

The UN Special Rapporteur on torture has emphasized that, since the prohibition against torture and ill-treatment is absolute and non-derogable, “it follows that the exclusionary rule must also be non-derogable under any circumstances, including in respect of national security”.<sup>30</sup> The Special Rapporteur emphasized that when a defendant has made a plausible allegation of torture or ill-treatment, the burden of proof shifts to the courts or prosecutors to prove that evidence was not obtained by such prohibited treatment.<sup>31</sup>

Uzbekistan’s failure to eliminate reliance by courts on evidence obtained by torture or other ill-treatment has been repeatedly criticized by treaty bodies (see section below on Findings of International Human Rights Mechanisms), including recently by the CAT Committee, in December 2013.<sup>32</sup>

## 5.2 THE PROHIBITION OF TORTURE IN UZBEKISTANI LEGISLATION

The Uzbekistani authorities have taken a number of positive formal legislative and administrative steps to strengthen safeguards against torture and other ill-treatment, including the introduction of legislative and judicial reforms aimed at bringing domestic legislation into line with international standards. Yet key enforcement procedures are still lacking.<sup>33</sup> Furthermore, as the cases documented in this report show, the authorities have

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<sup>28</sup> Human Rights Committee, General Comment no. 35, para. 34, available at [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1\\_Global/CCPR\\_C\\_GC\\_35\\_7554\\_E.doc](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_35_7554_E.doc).

<sup>29</sup> “Non-compliance with these principles in obtaining evidence shall be taken into account in determining the admissibility of such evidence against a detained or imprisoned person”, in Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, UN Doc. A/RES/43/173, Principle 27, available at [www.un.org/documents/ga/res/43/a43r173.htm](http://www.un.org/documents/ga/res/43/a43r173.htm)

<sup>30</sup> Report of the Special Rapporteur on Torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/HRC/25/60, para 22, available at [www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-60\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session25/Documents/A-HRC-25-60_en.doc)

<sup>31</sup> Ibid, para 33.

<sup>32</sup> CAT Committee, Concluding observations on the fourth periodic report of Uzbekistan, UN Doc. CAT/C/UZB/CO/4.

<sup>33</sup> Among those lacking are a National Plan of Action for the implementation of the concluding observations and recommendations made by the Committee against Torture following consideration of Uzbekistan’s third periodic report in 2007.

shown a complete lack of political will to apply legal safeguards in practice. As a result, torture, and impunity for torture, remain pervasive.

Article 235 of the Criminal Code criminalizes torture and other ill-treatment. Though broad in scope, the definition of torture does not fully comply with Uzbekistan's international obligations under CAT.<sup>34</sup> Under article 235 only law enforcement officials can be held responsible for torture; others, such as prisoners or detainees acting on behalf of or at the instigation of security forces, can only be held responsible for aiding and abetting the use of torture.

The Uzbekistani Criminal Procedure Code (CPC) explicitly prohibits torture in article 17: "Nobody may be subject to violence, torture, or other cruel or degrading treatment." In all other articles in the CPC relating to the prohibition of torture, more general descriptive terms such as "illegal acts", "violence" and "threats" are used, allowing much scope for interpretation.

This is the case with article 88 of the CPC, which prohibits the use of unlawful pressure to extract testimony. It does not explicitly prohibit the use of torture to extract confessions or other testimony, but does prohibit security officers "to carry out actions that endanger the life or health of persons or humiliate their honor and dignity; ... [and] to extract testimonies, explanations, opinions, experiments, as well as issue of documents, or objects by means of violence, threat, fraud, and other illegal acts".

In addition to these core prohibitions, Uzbekistani legislation has many of the essential safeguards against torture and other ill-treatment in place, even if these are often incomplete and frequently flouted in practice. Those apprehended must be brought to an official place of detention and registered immediately;<sup>35</sup> they are entitled, in theory, to an unlimited number of visits by family members and their legal representatives from the moment of detention;<sup>36</sup> and detainees must be brought before a judge within 72 hours to authorise their continued detention on remand.<sup>37</sup>

In September 2011, the President approved a new law on the treatment of individuals in pre-charge and pre-trial detention, which, in theory, improves access to those held in police

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<sup>34</sup> Article 235 defines torture as: "...unlawful psychic or physical influence on the suspect, the accused, the witness, the victim or other participant in the criminal process or the convict serving a sentence, or their close relatives, by means of threats, causing blows, beating, torturing, causing suffering or other unlawful actions committed by an inquiry officer, investigator, procurator or other employee of the law enforcement organs or penal institutions, with the aim of obtaining any kind of information, confession of committing crimes, arbitrary punishments for committed actions or forcing to commit any kind of actions."

<sup>35</sup> Article 225 of the CPC, "Official record and review of the validity of apprehension".

<sup>36</sup> Article 18 of the Law "About detention in case of criminal proceedings", Law No. ZRU-298.

<sup>37</sup> Article 226 of the CPC, "Apprehension period".

custody and makes independent monitoring of their treatment easier.<sup>38</sup> The new legislation allows, among other things, for an unrestricted number of visits of undefined length by detainees' relatives and lawyers and abolishes the need to obtain prior permission from the investigating security officers. Article 7 of the new "law on detention in case of criminal proceedings" also contains an additional express prohibition on the use of torture and other cruel, inhuman or degrading treatment against detainees and remand prisoners. However, there is scant evidence that this new law is being implemented consistently and effectively. Numerous former detainees told Amnesty International that they did not have timely or unrestricted access to a lawyer of their choice, or that authorities only granted access to lawyers after securing a confession. Relatives and lawyers of detainees told Amnesty International that authorities prevented them from visiting their relatives and clients and that often they were not informed of their detention for days, even weeks.

Legislation introducing the judicial supervision of arrest came into effect in January 2008, transferring the power to sanction arrest from the prosecutor's office to the courts. However, the failure to effectively implement the legislation means that this potentially important safeguard does little to protect detainees.<sup>39</sup>

Although the authorities in Uzbekistan refer to the 2008 legislation as "habeas corpus", because it requires the authorities to bring people deprived of their liberty before a court following detention, it does not meet the standard of true habeas corpus protection as it does not allow the detainee or someone acting on their behalf to challenge the lawfulness of their detention, as required by article 9(4) of the ICCPR. Uzbekistan's amended legislation only requires an individual deprived of their liberty to be brought before a judge within 72 hours of their detention, a length of custody considered excessive by the Human Rights Committee in its Concluding Observations in March 2005 and again in April 2010.<sup>40</sup>

Judges may also order forensic investigations, including to establish the nature and seriousness of physical injury of the accused, should they decide that evidence was obtained in breach of CPC provisions. Article 173 of the CPC makes a forensic medical examination mandatory in cases where physical injuries are clearly visible to the judge. However, in practice, judges rarely exercise their right to order mandatory forensic medical investigations.

Judges who have grounds to believe that suspects brought before them have been tortured or ill-treated cannot order criminal investigations, but can, in theory, alert prosecutors to possible violations of criminal legislation should they discover visible signs of torture or ill-treatment on a detainee or defendant.<sup>41</sup> However, as noted throughout this report, judges

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<sup>38</sup> "About detention in case of criminal proceedings", Law No. ZRU-298.

<sup>39</sup> The law "On making changes and amendments to certain legislative acts of the Republic of Uzbekistan in connection with the transfer of the right to issue a sanction for detention to courts", available at <http://www.legislationline.org/documents/action/popup/id/9049>.

<sup>40</sup> Concluding observations of the Human Rights Committee: Uzbekistan, UN Doc. CCPR/CO/83/UZB, para 14, and UN Doc. CCPR/C/UZB/CO/3, para 14.

<sup>41</sup> Article 273 of the CPC. See also: Written replies of the Government of Uzbekistan to the List of issues adopted by the UN Committee Against Torture at its 50<sup>th</sup> session on 6-31 May 2013 in relation to

rarely exercise their discretionary power to draw to the prosecutor's attention any evidence that torture may have occurred or that a confession or other testimony may be tainted by torture.

In addition to failing to order forensic examinations or request criminal investigations into possible incidents of torture, judges rarely admit challenges to the admissibility of evidence on the grounds that it was extracted under torture. This failure, like the failure to respect other safeguards against torture, reflects the central role that torture plays in the Uzbekistani criminal justice system. Torture is not an occasional, tolerated aberration in Uzbekistan. It is essential tool for the extraction of confessions, upon which convictions frequently depend. This is the subject of the next chapter.

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the Fourth periodic report of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. CAT/C/UZB/4.

## 6. THE USE OF COERCED CONFESSIONS IN CRIMINAL PROCEEDINGS

*“They usually torture people to force them to plead guilty. Before they are put in prison, they have to confess, right? So they detain people, bring them here, lock them into a room and torture them. In the end, what can these people do? They confess; they plead guilty; they sign all the papers. Then they are put in prison.”*

Vahit Güneş

Torture and other ill-treatment continue to be used in Uzbekistan specifically to extract confessions and other incriminating information and more generally to intimidate and punish detainees in pre-charge and pre-trial detention. The Uzbekistani courts, in turn, continue to rely heavily on so-called “confessions” extracted under torture, duress or deception to reach a verdict.

Over the last two decades the authorities have consistently denied that courts of all instances in Uzbekistan have admitted confessions extracted under torture as evidence in criminal proceedings and that they have based guilty verdicts solely on those confessions. Yet according to reports from credible sources including lawyers, human rights activists, diplomats, and international observers – many of them eyewitnesses at court hearings – judges in Uzbekistan have blatantly disregarded complaints that confessions have been a result of torture, even when confronted with physical evidence in the courtroom. In most – if not all – of the cases in this report, judges ignored or dismissed as unfounded allegations of torture or other ill-treatment, even when presented with credible evidence in court. The case of Erkin Musaev, below, is typical of this trend, even if it is highly unusual in its having being exposed to international scrutiny.

### **ERKIN MUSAEV**

**Erkin Musaev, a former Ministry of Defence official, was working for the UN Development Programme (UNDP) in Uzbekistan when he was detained in January 2006. He was sentenced to a total of 20 years’ imprisonment for treason and abuse of office following three separate unfair trials in 2006 and 2007. His family claims that he was tortured to force him to confess. No effective investigation has taken place into the allegations that he was tortured in detention, despite numerous complaints submitted to the authorities by Erkin Musaev, his lawyer and his family.**

On 31 January 2006, Erkin Musaev was working as Uzbekistan Country Manager of UNDP’s Border Management Programme when he was detained at the Tashkent airport on his way to a UN conference in Bishkek, Kyrgyzstan. According to his family, Erkin Musaev claimed that the National Security Service (SNB) officers who detained him at first told him that they had found drugs in his bag. They then claimed instead to have found a disc containing classified information, and accused him of espionage. Erkin Musaev maintained that SNB officers planted the disc in his bag. On 2 February 2006, a military prosecutor sanctioned his arrest

and on 4 February he was officially charged. Erkin Musaev was interrogated for 10 days following his detention, during which he was denied the right to contact relatives and had no access to a lawyer. His interrogators subjected him to psychological intimidation, threatening to prosecute him for drug trafficking or involvement with Islamist terrorist cells unless he confessed to espionage. Erkin Musaev alleges that for the next month SNB interrogators beat him during the day and interrogated him at night and also threatened to arrest his family. Erkin Musaev claimed that he was not allowed to see his family during the following month until his bruises healed. He eventually signed a confession on the understanding that the SNB would leave his family alone. Nevertheless, he continued to be concerned for the safety of his wife and two children after seeing a warrant for the arrest of his wife in the SNB detention centre.

Erkin Musaev was charged and convicted of spying for an unidentified NATO member state and of misusing UN funds, and was sentenced to prison terms of six, 15 and 20 years respectively, after three separate unfair trials in 2006 and 2007. All three courts admitted as evidence confessions obtained through torture, and dismissed complaints by Erkin Musaev and his lawyer that he had been tortured in detention. Erkin Musaev's lawyer reportedly reminded the court during the September 2007 trial that his client had suffered a traumatic brain injury while in SNB custody, and needed specialist medical treatment in a Tashkent hospital. Appeals against the sentences were turned down at all stages of the appeals process and in October 2007 the Supreme Court of Uzbekistan confirmed the combined 20-year sentence.

In March 2012 the Human Rights Committee ruled on Erkin Musaev's case, finding that the "competent authorities did not give due and adequate consideration to Erkin Musaev's complaints of torture and forced confessions made both during the pre-trial investigation and in court."<sup>42</sup>

The Committee concluded that his rights under article 7 of the ICCPR had been violated and that the authorities in Uzbekistan were obliged to provide him with an effective remedy, including an impartial and effective investigation into his allegations of torture and ill-treatment in detention.

An earlier opinion by the UN Working Group on Arbitrary Detention, issued on 8 May 2008, had noted that Erkin Musaev's continued detention was arbitrary and contravened several articles of the UDHR and the ICCPR. The Working Group requested the Uzbekistani government "to take the necessary steps to remedy the situation" of Erkin Musaev.<sup>43</sup>

Under international law statements elicited as a result of torture, ill-treatment or other forms of coercion must be excluded as evidence in criminal proceedings, except in proceedings brought against the suspected perpetrators of the abuse, as evidence that the statement was made. These exclusionary rules are inherent in the prohibition against torture and other ill-treatment as well as the right of accused people not to be compelled to testify against themselves or confess guilt and the right to remain silent. Respect for these rights requires

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<sup>42</sup>Human Rights Committee, Communications Nos. 1914, 1915 and 1916/2009, CCPR/C/104/D/1914,1915&1916/2009, para. 9.2, available at [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2f104%2fD%2f1914%2c1915%2c1916%2f2009&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CCPR%2fC%2f104%2fD%2f1914%2c1915%2c1916%2f2009&Lang=en)

<sup>43</sup> Human Rights Council, Opinions adopted by the Working Group on Arbitrary Detention, UN Doc. A/HRC/10/21/Add.1, p.138, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/107/13/PDF/G0910713.pdf?OpenElement>



that the prosecution prove its case without reliance on evidence obtained by torture or other ill-treatment, coercion or oppression.

The exclusionary rule is incorporated into Uzbekistani legislation by article 95 of the CPC, which requires law enforcement officers and judicial officials to consider the relevance, admissibility and credibility of evidence before placing reliance on it; this includes the requirement of CPC article 88 that testimony is not obtained “by violence, threat... or other illegal acts”.

The exclusionary rule is, in theory, strengthened by two directives issued by the Plenum of the Supreme Court in 2003 and 2004 which explicitly prohibit the use of torture to extract confessions and declare inadmissible the use of evidence extracted under torture in court proceedings.<sup>44</sup> The 2003 and 2004 directives repeated two previous directives issued by the Plenum of the Supreme Court in 1996 “to clarify that any evidence obtained through unlawful means shall not have legal force”.<sup>45</sup> Though binding on judicial authorities, these directives have had little effect on judicial practice.<sup>46</sup>

In the course of researching this report, Amnesty International reviewed the case of two men who were convicted in 2014 to 10 years in prison for their alleged membership of Hizb-ut-Tahrir. Both men denied the charges and alleged in court that security forces tortured them to sign false confessions. One of the defendants said to the judge when asked why he had confessed: “I couldn't bear the torture, that's why. If you don't believe me then look at my arm.” The two men claimed that security forces had pressed their hands and feet against a hot stove and burned them. One defendant also told the judge that security forces had pulled out his finger and toe nails. The judge listened in silence to the allegations of torture and conducted no further hearing into the allegation. He later admitted the confessions as evidence. The case of Gaibullo Dzhaliyov provides a further illustration of the reliance judges place on confessions and their indifference to allegations that these were extracted under torture.

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<sup>44</sup> Resolution No. 17 of December 2003 and Resolution No. 12 of September 2004, available at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/UZ/VERITAS\\_UZB\\_UPR\\_S3\\_2008\\_LegalandInstitutionalFramework\\_Appendix1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/UZ/VERITAS_UZB_UPR_S3_2008_LegalandInstitutionalFramework_Appendix1.pdf)

<sup>45</sup> Ruling No.1 of the Plenum of the Supreme Court of the Republic of Uzbekistan of 20 December 1996, “On the powers of the judiciary”.

Point 2 of Ruling No. 41 of the Plenum of the Supreme Court of 20 December 1996 “On the practice of the application of laws guaranteeing the right to defence” stresses that: “A guilty verdict shall not be based on supposition, and not on evidence obtained by unlawful means. Any doubts which cannot be dismissed must be in favour of the suspect, the accused or the convicted person”.

<sup>46</sup> During the CAT Committee review in October 2013, Committee members raised questions about the directives by the Plenum of the Supreme Court and asked the government delegation about plans to incorporate some of them into the CPC. The Uzbekistani delegation referred the Committee to the “Law on Courts” (enacted in 1993, updated in 2000), which states in article 21: “Interpretations of the Plenum of the Supreme Court of the Republic of Uzbekistan on the application of legislation are binding on courts and other agencies, enterprises, institutions, organizations and officials, who apply legislation which is being interpreted”.

## GAIBULLO DZHALILOV

Gaibullo Dzhaliyov, a human rights defender and a member of the unregistered, independent Human Rights Society of Uzbekistan (HRSU), is serving an 11-year prison sentence in Navoi prison. He was convicted in 2010 of attempting to overthrow the constitutional order and being a member of a banned religious organization. During his trial, Gaibullo Dzhaliyov alleged that police officers tortured him to make him sign a confession. He rejected the testimony he had given during the investigation, saying that police officers had pressured him to sign it without reading it.

At the time of his arrest, Gaibullo Dzhaliyov had been monitoring the detention and trials of members and suspected members of Islamic movements and Islamist groups banned in Uzbekistan and had raised allegations of torture or other ill-treatment.

On 9 September 2009, plainclothes security forces officers detained Gaibullo Dzhaliyov in Karshi, southern Uzbekistan. He was held incommunicado for two days and his family was not informed of his whereabouts. On 23 September, two weeks after his arrest, his father received a written statement from the Karshi Police Department informing him of the criminal charges brought against his son.

On 18 January 2010, the Kashkadaria Regional Criminal Court sentenced Gaibullo Dzhaliyov to nine years in prison after finding him guilty of membership of a banned group, disseminating materials threatening public safety, and attempting to overthrow the constitutional order.

Gaibullo Dzhaliyov claimed that police officers forced him under duress to confess to being a member of Hizb-ut-Tahrir.<sup>47</sup> The prosecution accused him of participating in unofficial meetings in Navoi Mosque in Karshi in 2002 and 2003. Gaibullo Dzhaliyov's home was searched during the investigation, but nothing incriminating was found. He was tried with three other men. All four were sentenced to prison terms ranging from seven to 10 years, primarily on account of their "confessions". Two of his co-defendants also alleged during the trial that they were tortured to force them to sign confessions. No further examination of their claims was conducted in court and no investigation has taken place into Gaibullo Dzhaliyov's allegations of torture and other ill-treatment.

On 9 March 2010 Gaibullo Dzhaliyov's sentence was upheld at an appeal hearing that lasted just 15 minutes. Gaibullo Dzhaliyov's wife was present during the hearing and she was allowed to see her husband for five minutes after the trial. According to his wife, he looked very weak and depressed and his reactions were very slow. One eye was swollen and he had a persistent cough. He told his wife that a couple of days previously a man had entered his pre-trial detention cell and kicked and punched him.

In August 2010, new charges were brought against Gaibullo Dzhaliyov based, according to the prosecution, on new eyewitness testimony placing him at religious gatherings during which films with extremist religious content were shown. On 4 August 2010, a judge at Kashkadaria Regional Criminal Court sentenced him to an additional four years in prison, even though no prosecution witnesses were called.

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<sup>47</sup> Decision by Kashkadaria Regional Criminal Court of 18 January 2010; unofficial Russian translation on file with Amnesty International.

According to the Uzbek–German Forum for Human Rights, on 28 September 2010 the court turned down his appeal against his sentence. At the appeal hearing his wife was able to see and talk to her husband for 10 minutes. She said that it was difficult to recognize him. He told her that he had been severely beaten in prison in Shaihali, southern Uzbekistan, and had lost his hearing as a result.

The failure of judges to consider challenges to the admissibility of evidence allegedly extracted under torture reflects, in large measure, the centrality of the “confession” to the administration of “justice” in Uzbekistan and the complicity of judges in this system. While this is, clearly, a much broader systemic problem, some improvement might yet be expected were clear rules of court in place on the procedures judges should follow in the event of such challenges.

Amnesty International therefore recommends that the Plenum of the Supreme Court of Uzbekistan should issue a new directive, supplementing and recalling the 2003 and 2004 directives, instructing judges on the proper actions to take and procedures to follow to determine whether confessions and/or other evidence submitted by prosecutors in criminal proceedings and by any state actor in any other proceeding have been extracted by the use of torture or other cruel, inhuman or degrading treatment. Such rules of court should require judges to conduct a separate hearing to determine whether a confession or other testimony or evidence was extracted through the use of torture or other cruel, inhuman or degrading treatment, whenever the admissibility of the evidence is challenged on this ground. The burden of proof in such a voir dire hearing should be on the prosecutor to establish on the balance of probabilities that the evidence was obtained lawfully.

The legal protection against torture would also be significantly strengthened by amending the CPC to include express prohibitions on the use of torture to extract evidence and the inadmissibility of torture tainted evidence in court.

Such changes can only be expected to make a difference if respected in practice, to which end the performance of judges would need to be far more effectively scrutinised than is currently the case. Their effectiveness will also continue to be undermined by security forces who threaten detainees with further torture or reprisals against members of their family, including children and elderly parents, if they withdraw their confessions in court and allege that they were extracted under torture. Many of those interviewed by Amnesty International described how detainees are beaten on the way to trial to intimidate them into staying silent about the human rights violations they were subjected to in pre-trial detention.

Vahit Güneş, for example, explained how SNB officers put pressure on him and his co-defendants not to tell the judge about their torture in pre-trial detention:

*“Before we even came to court, we were warned several times in the SNB. We were basically told that the hearing was going to be like a simulation. We weren’t supposed to say anything. We weren’t supposed to do anything. We were going to answer only the questions. Yes or no, nothing else. The hearing took place. The officials came inside, the testimonies were read. It was like a theatre performance. It was just like a comedy.”*

Such practices will continue for so long as torture allegations are ignored and perpetrators routinely go unpunished.

## 7. IMPUNITY

*“Immediately after his imprisonment when I found out about all the lawlessness he had suffered I started writing to the authorities. I spent a year trying to get an appointment with the Prosecutor General but he wouldn’t see me. All my complaints to the Presidential Administration, the SNB, the Prosecutor General’s Office, the Supreme Court and other authorities have only been met with heartless dismissals. I turned to international organizations and decided to make his case public hoping that justice will prevail. To date, we have two UN decisions on Erkin’s case in his favour: 1) the ruling by the UN Working Group on Arbitrary Detention (2008); 2) the ruling by the UN Human Rights Committee (21 March 2012). But, despite all the efforts, these rulings remain without due attention, or to be precise – are ignored.”*

Aidzhan Musaev, Erkin Musaev’s father

Both the CAT Committee and the Human Rights Committee have repeatedly expressed concerns that the rate of prosecutions for torture and other ill-treatment under article 235 of the Criminal Code is very low given the numerous reports of torture that human rights organizations receive annually and the dozens of official complaints submitted to the authorities.

Even by the government’s own figures, provided to the CAT Committee, prosecutions for torture under article 235 of the Criminal Code are low. From 2010 to 2013 there were 336 complaints of torture officially registered, which resulted in just 23 prosecutions against 45 police officers. Of these, only six cases went to trial and a total of 11 police officers were convicted under article 235.

Since Uzbekistan has no independent mechanism to examine torture complaints, the prosecutor’s office will either investigate or pass the allegations to the Ministry of Internal Affairs (MVD) or SNB to follow up, the very authorities that supervise the officers accused of committing torture.

Within the MVD, complaints of torture and other ill-treatment by police officers are investigated by so-called Internal Security Departments or Special Personnel Inspectorates which report directly to the Minister of Internal Affairs. The authorities claim that these mechanisms are independent because they are not involved in ordinary police work.<sup>48</sup> However, these units are under the same authority as other police departments and very often refer inquiries about torture allegations from the prosecutor’s office directly to the police departments or stations to which the officers under investigation are posted. In most of the cases that have come to Amnesty International’s attention in the course of research for this report, investigations by the Internal Security Departments into allegations of torture and other ill-treatment of detainees by police officers have failed to find compelling evidence against the officers in question. A typical response sent to lawyers and relatives of detainees is that the complaint of torture was “unfounded” and that the prosecutor’s office was

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<sup>48</sup> From the replies to the CAT Committee List of Issues, May 2013.

therefore unable to open a criminal case. In none of the cases mentioned in this report did the authorities conduct prompt, thorough, independent and impartial investigations into grave allegations of torture and other ill-treatment by police and SNB officers.

According to the authorities, the Interagency Working Group on Monitoring the Observance of Human Rights by Law Enforcement and other Governmental Agencies is able to review effectively and independently complaints of and investigations into complaints of torture by security forces. However, since the Interagency Working Group is dominated by government representatives, including from the MVD and SNB, it cannot be understood to be a properly independent complaints mechanism.

Under domestic law the Parliamentary Ombudsman for Human Rights has powers to conduct investigations into all reports and complaints of torture or other ill-treatment that come to its attention. However, Amnesty International has found that the Ombudsman generally refers all allegations of torture to the prosecutor's office or the MVD with a request to investigate as appropriate and report back. Despite claims to the contrary, the Ombudsman is not an independent institution; although it reports directly to parliament, all political parties within parliament are pro-presidential and rubberstamp laws and decrees proposed by the executive.

The absence of any independent mechanism to investigate torture allegations inevitably perpetuates a culture of impunity in which widespread human rights violations can and do flourish.

## 8. HUMAN RIGHTS VIOLATIONS IN THE NAME OF NATIONAL SECURITY

Governments have the obligation to protect the rights and lives of their citizens and to take appropriate measures to bring the perpetrators of attacks that target the general population to justice. However, any measures taken by the government must be in accordance with international human rights law and standards.

National security has been at the top of the Uzbekistani government's agenda for the past two decades. During that time, the authorities have used actual, potential, and alleged internal and external threats to the safety and stability of Uzbekistan by armed Islamist groups to severely curtail freedoms of expression and association, and to clamp down on perceived sources and manifestations of dissent and political opposition.

Uzbekistan's position as a key ally of the US government in relation to the war in Afghanistan,<sup>49</sup> and the rise of the armed group calling itself Islamic State (IS) in Syria and Iraq, have been exploited both domestically and abroad to strengthen the government's claims that without strong action against militant groups, Uzbekistan will be vulnerable to terrorist attacks.

Those charged with "anti-state" and terrorism-related offences are, as a result, particularly at risk of torture and other ill-treatment by the Uzbekistani security forces.

The case of Ravshan Rahmatullaev below demonstrates how alleged membership of or association with banned Islamic movements or Islamist groups can lead to arbitrary arrest and detention, torture and other ill-treatment and lengthy prison sentences after unfair trials.

### RAVSHAN RAHMATULLAEV'S STORY

On 29 May 2013 six men, alleged supporters of Wahhabism, stood trial in Kibrai District Criminal Court in Tashkent region. They were charged with illegal establishment of public associations or religious organizations, production and dissemination of materials posing a threat to public order and security, and smuggling. On 17 July 2013, four of the men were found guilty on the first count and given two-year suspended sentences. A fifth man was found guilty of the first and third charge and was given a three-year suspended sentence. The sixth man, Ravshan Rahmatullaev, was found guilty of all three charges and sentenced to six years in prison. Ravshan Rahmatullaev is currently serving his sentence in Karshi prison in southern Uzbekistan.

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<sup>49</sup> The US military used the airbase at Karshi Khanabad, in southeastern Uzbekistan, for the Afghanistan campaign between 2001 and 2005. Uzbekistan was also reported to have been embedded in the US Central Intelligence Agency's rendition and secret detention programmes; see Open Society Justice Initiative, *Globalizing Torture, CIA Secret Detention and Extraordinary Rendition*, pp. 117-188, available at [www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf](http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf)

According to the Initiative Group of Independent Human Rights Defenders, the public prosecutor in the case against Ravshan Rahmatullaev did not attend any of the court hearings, except when the verdict was read out. At that stage, the public prosecutor arrived with a prepared statement that did not take into account any of the testimonies made during the trial.

The Initiative Group of Independent Human Rights Defenders reports that all of the men were tortured by electric shocks to extract confessions while being held in the pre-trial detention centre. The men allegedly confessed that they met in private for joint prayers and to read the Qur'an, but denied that their actions represented a "threat to public security and public order".

The verdict, which Amnesty International has seen, claims that all six men gathered in a local tea house and discussed religious topics, but that only Ravshan Rahmatullaev performed regular prayers.

According to the court verdict, Ravshan Rahmatullaev encouraged the other men to listen to speeches and sermons by independent imams Abduvali Mirzaev and Obidkhon Nazarov.<sup>50</sup> The verdict states that one man brought audio recordings of the imams from Ukraine at Ravshan Rahmatullaev's request. The six men were also accused of listening to speeches by Hairulla Hamidov, a Muslim radio journalist, who was sentenced to six years in prison in June 2010.<sup>51</sup> Ravshan Rahmatullaev was also found guilty of using the internet to learn about the Islamic Movement of Turkistan and how to promote its ideology.

None of the convicted men has filed an appeal as they were warned by an investigator and a lawyer that if they did so there would be repercussions and their sentences might be increased.

The authorities in Uzbekistan have become increasingly concerned about a resurgence of armed groups such as IMU and IJU since the start of the withdrawal of US troops from Afghanistan in 2014, and due to territorial gains in Syria and Iraq in 2013 and 2014 by the armed group calling itself Islamic State (IS) and reports of foreign fighters from Central Asia traveling to Syria as volunteers for IS. The authorities have expressed concern that Afghanistan's government and military will be unable to contain the spread of armed groups without the assistance of the International Security Assistance Force (ISAF) thus allowing the IMU and IJU to move from the North Western Provinces of Pakistan to northern Afghanistan and the borders with Central Asia. They also fear that the IMU would use its tactical alliance with IS<sup>52</sup> to swell the ranks of its militants and gain wider ideological and technical support for plans to overthrow the government in Tashkent.<sup>53</sup>

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<sup>50</sup> Forum 18, *Uzbekistan: Muslims sentenced for discussing Islam and praying*, 26 November 2013, available at [www.forum18.org/archive.php?article\\_id=1900](http://www.forum18.org/archive.php?article_id=1900).

<sup>51</sup> Forum 18, *Uzbekistan: Muslims jailed, lawyers, church and Christian former prisoners of conscience threatened*, 2010, available at [http://www.forum18.org/archive.php?article\\_id=1455](http://www.forum18.org/archive.php?article_id=1455). Hairulla Hamidov was amnestied and released on 11 February 2015.

<sup>52</sup> In October 2014 the leader of the IMU pledged allegiance to IS leader Abu Bakr al-Baghdadi. Militants from the largest IS Central Asian faction in Syria, the Imam Bukhari jamaat (said to be dominated by ethnic Uzbeks from Central Asia), swore allegiance to Taliban leader Mullah Omer in November 2014. However, some ethnic Uzbek militants from the jamaat also swore allegiance to Abu Bakr al-Baghdadi in October 2014.

<sup>53</sup> EurasiaNet, *Uzbekistan: US Military Propaganda Site Hypes Islamic State Threat*, available at [www.eurasianet.org/node/71886](http://www.eurasianet.org/node/71886).

In December 2014, President Karimov appealed to Russian President Vladimir Putin for assistance in fighting Islamist extremists, who, he said, were gathering strength in Afghanistan and were posing a direct threat to Uzbekistan and the wider Central Asian region. During a press conference, President Karimov was quoted as saying:

*“Various representatives of the Islamic State group have penetrated into Afghanistan from Iraq and Syria. This situation requires the introduction of preventative measures. Armed extremism and religious radicalism are spreading widely in Central Asia, as well as abroad, giving rise to serious concerns”.*

He also warned that without international support for effective counter-terrorism operations, Uzbekistan was likely to face similar incursions from armed Islamist groups as those perpetrated in Iraq.

There is no doubt that men and women from Uzbekistan have joined the ranks of IS and other militant groups in Syria and Iraq.<sup>54</sup> Yet Amnesty International is concerned that the Uzbekistani authorities are prepared to use harsh and illegal measures, including torture and other ill-treatment, against those suspected of being Islamist extremists or of having become “radicalized” by IS, whom they consider to be a national security threat. The authorities also routinely label people as threats to national security or terrorists in order to neutralize what is often the legitimate exercise of their freedoms of expression, association and religion.

Whether in response to an actual or perceived threat to national security or as a reaction to persons who legitimately exercise their rights in a way that is deemed threatening to the state, governments must not – under any circumstances – employ torture and other ill-treatment in response. The prohibition of torture and other ill-treatment is absolute and applies to everyone, no matter what they are suspected of or charged with.

In recent years, the authorities in Tashkent have also become increasingly suspicious of Uzbekistani labour migrants returning from Russia or elsewhere who may have had greater

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<sup>54</sup> While it is difficult to find correct figures observers have put the numbers of militants from Uzbekistan in Syria and Iraq at around 500 in 2014. Some experts have argued that for a largely young Sunni Muslim population of almost 30 million this figure is small compared to the hundreds of Muslim men and women who have joined IS and other factions from countries in Western Europe with far smaller Muslim populations. See research paper by John Heathershaw and David W. Montgomery “The Myth of Post-Soviet Muslim Radicalization in the Central Asian Republics” published by the Russia and Eurasia Programme of Chatham House in November 2014, [http://www.chathamhouse.org/sites/files/chathamhouse/field/field\\_document/20141111PostSovietRadicalizationHeathershawMontgomery.pdf](http://www.chathamhouse.org/sites/files/chathamhouse/field/field_document/20141111PostSovietRadicalizationHeathershawMontgomery.pdf). Several experts have warned that the Uzbekistani authorities as well as the international security community are inflating the threat from violent groups to the stability of the country and using the national security discourse to gain support for repressive counter-terrorist policies. See also Policy Briefing N 72 by ICG “Syria Calling: Radicalisation in Central Asia”, <http://www.crisisgroup.org/~media/Files/asia/central-asia/b072-syria-calling-radicalisation-in-central-asia.pdf>.



access to a wide range of information on Islam censored or banned in Uzbekistan. Human rights defenders and religious freedom organizations have reported that the authorities have stepped up detailed searches of laptops, memory sticks and mobile phones at official border checkpoints to uncover religious materials banned in Uzbekistan.<sup>55</sup> Security forces detain an increasing number of labour migrants for possessing alleged “extremist” materials, such as recordings on their mobile phones of sermons or prayers by independent imams such as Abduvali Mirzaev and Obidkhon Nazarov, who the authorities have accused of wanting to overthrow the constitutional order in Uzbekistan.

For example, on 24 December 2014, Tashkent Regional Court convicted six men of attempting to overthrow the constitutional order (article 159 of the Criminal Code), of producing or distributing materials containing threats to public safety (article 244-1) and for being members of religious extremist, separatist, fundamentalist or other banned organizations (article 244-2) and sentenced them to between 12 and 13 years in prison.

The prosecution accused Asadulla Rikhsiev, Zhakhongir Tozhiev, Akhmadzhon Khalikov, Shukhrat Ilkhamov, Zafar Karimov and Davron Rakhmanov of being members of IMU. The six men had travelled to Norway in 2008 to work as labour migrants. The Norwegian immigration authorities returned them to Uzbekistan in April 2014 after rejecting their asylum applications. The six men denied in court charges that they were IMU members and that they had met in Norway to watch extremist videos. They claimed that security forces had tortured them to force them to confess to being IMU members. They described in court how security forces had held them incommunicado for long periods of time during which they beat them on the soles of their feet, heads and bodies with rubber batons, applied electric shocks to their bodies, and deprived them of food for up to six days. The judge did not make any further enquiries into these allegations but admitted the confessions as evidence. At the start of the trial, state television broadcast a programme entitled “Remorse” which portrayed the six men as members of an extremist Islamist group intent on causing harm to Uzbekistan. The programme showed the men expressing remorse for their alleged “crimes”, and also claimed that they were homosexual, which is a criminal offense in Uzbekistan. However, this charge was dropped by the prosecution. In December 2014, Norwegian authorities announced a moratorium on the return of asylum-seekers to Uzbekistan.<sup>56</sup>

The authorities have also expressed concern that Uzbekistani migrant workers have been targeted in Russia for recruitment to Hizb-ut-Tahrir and other groups sharing IS ideology regarding the establishment of a Caliphate (Islamist state). Human rights defenders have reported that the number of detentions and prosecutions of “radicalized” labour migrants whom the authorities suspect of supporting IS ideology or planning to join militant groups in Syria has steadily risen over the past year.<sup>57</sup> Amnesty International is concerned that the

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<sup>55</sup> See for example the article by Forum18 of 2 May 2014, which gives figures of confiscations of alleged extremist materials, available at [http://forum18.org/archive.php?article\\_id=1954](http://forum18.org/archive.php?article_id=1954)

<sup>56</sup> The Norwegian Immigration Appeals Board, *UNE halts returns to Uzbekistan*, 18 December 2014, available at [www.une.no/en/Current/Statements/UNE-halts-returns-to-Uzbekistan/](http://www.une.no/en/Current/Statements/UNE-halts-returns-to-Uzbekistan/)

<sup>57</sup> Ferghana News, 19 January 2015, available at [www.ferghananews.com/news/22986](http://www.ferghananews.com/news/22986)

authorities are arbitrarily labelling labour migrants as extremists to target them for arrest. In the cases that have come to Amnesty International's attention – such as Amriddin Ashrafov's case below – security forces have used torture and other ill-treatment to extract confessions from labour migrants.

## AMRIDDIR ASHRAFOV'S STORY

On 8 August 2014 at around 6.30am, security forces detained 23-year old Amriddin Ashrafov at his home in Talkok *mahalla* (district) in Navoi Province in southwestern Uzbekistan and conducted a search of the house. After failing to find any prohibited materials, officers searched his phone for downloads of prohibited audio or video recordings.

Amriddin Ashrafov is the youngest of six men arrested in August 2014 in Talkok. Four were released after serving administrative sentences ranging from 15 to 20 days. Amriddin Ashrafov and two other men were charged with “establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations”, and three were charged with “production and dissemination of materials containing threat to public security and public order”.

After his arrest on 8 August, Amriddin Ashrafov was first taken to an IVS, then to a court where he was sentenced to administrative arrest. He was then taken to a SIZO in Navoi for interrogation. Talkok mahalla residents told the Initiative Group of Independent Human Rights Defenders that police officers in the SIZO beat Amriddin Ashrafov on the soles of his feet and subjected him to electric shocks in order to make him confess to being an IJU member. Other charges brought against him related to meetings he allegedly had with men who watched Islamist videos, while he was working on construction sites in Moscow. Police investigators accused him of intending to travel to Turkey in order to cross the border to Syria and join Islamist militant fighters there. Amriddin Ashrafov has never visited Turkey.

Amriddin Ashrafov was transferred to Kattakurgan SIZO in September 2014 after serving his administrative sentence. Amriddin Ashrafov's father told Amnesty International in December 2014 that he did not see his son for four months during the investigation. At the time, Amriddin Ashrafov was held in Kattakurgan SIZO, awaiting trial.

According to the Initiative Group of Independent Human Rights Defenders, on 25 December 2014, the Navoi Regional Criminal Court sentenced Amriddin Ashrafov to eight years' imprisonment. The court upheld the decision on appeal on 22 January 2015.

## 8.1 FAMILY PERSECUTION AND SUSPECT LISTS

*“I want to live, but is my life – a life? For the past 16 years, there is no rest, [just] constant oppression of my family, a lot of colossal pressure, manic persecution by the incredibly brutal state machine”.*

Dilshod – former detainee and torture survivor

The Uzbekistani authorities routinely target relatives of detainees or prisoners charged with or convicted of anti-state offences. They also target families of individuals suspected of membership of banned Islamic movements and Islamist groups as a means of exerting pressure on them to disclose a suspect's whereabouts, or to make suspects hand themselves in to the police or the SNB, sign a “confession” or incriminate others. Security forces

frequently beat relatives, both women and men, threaten them with rape or the murder of their children, call them in for repeated questioning and force employers to dismiss them from their jobs.

In many cases, members of the same family – brothers, sisters, husbands, wives, sons, daughters, nephews, nieces, fathers, mothers, cousins – have been arbitrarily detained, tortured and otherwise ill-treated to confess to fabricated charges and sentenced to long terms of imprisonment after unfair trials. For example, after the February 1999 bombings in Tashkent, security forces detained and tortured three of the brothers of the exiled Erk leader Muhammad Salih. Two – Muhammad and Rashid Bekzhanov – were convicted under article 159 and sentenced to 15 and 12 years respectively in prison following an unfair trial. Muhammad Bekzhanov continues to serve his sentence in Zarafshan prison (see page 58 for more details on his case).

President Karimov has explicitly endorsed the punishment of the relatives of so-called “Islamist fundamentalists”. As early as April 1999, for example, he stated publicly that he would issue a decree allowing for the arrest of a suspect’s father if sons involved in “religious extremism” could not be found.<sup>58</sup> Amnesty International is concerned that President Karimov has never publicly condemned the persecution, including the torture and other ill-treatment, of family members of individuals charged with or convicted of crimes under articles 159 and 244 of the Criminal Code.

In 2014, Zuhra described to Amnesty International how most of the male members of her family were either serving long prison sentences after having been convicted of membership of a banned Islamist organization or had fled the country in fear of their lives. The security forces had tortured all of them to force them to confess. Zuhra herself was regularly called to report to the local police station, where she was detained and beaten to punish her for being a member of an “extremist family”, to reveal the whereabouts of male relatives, or to incriminate them. She told Amnesty International:

*“There is no peace, there is no peace in our house. We wake up in the morning, if there is a car in front of our door our hearts beat faster. That’s how our hearts became fragile, there is no life and living for us at all. They come and demand of us to find him. Now they have started on my child. There are no men left in our house ... There are not even any grandchildren left. I have an elderly mother; if she dies tomorrow, there will be no one to bury her. No man left at all in our house.”*

## DILSHOD’S STORY

Dilshod, an Uzbekistani asylum-seeker in Russia, left Uzbekistan on the advice of his mother, who was worried that he would suffer the same fate as her other sons. In 1999, Dilshod’s brothers were arrested and sentenced to prison for incitement of religious hatred, attempting to overthrow the constitutional order, illegal establishment of a religious organization, organization of a criminal community and production and dissemination of materials containing a threat to public security and public order. One brother was released in 2005, others remain in prison. In 1999, when Dilshod was just 16 years old, police detained and tortured him,

<sup>58</sup> AFP, 2 April 1999.

accusing him of distributing prohibited leaflets. They released him when they found the man who had distributed the leaflets.

*"Police and SNB officers could call me in for questioning at any time, day or night, Interrogations were conducted with the use of physical and psychological torture. My brothers were imprisoned for many years based solely on the testimonies of people that we don't know. My brothers, who are ordinary [Muslim] believers, have been held in prisons for 15 years on accusations of religious extremism."*<sup>59</sup>

In 2013, while Dilshod was in Russia, the authorities in Uzbekistan opened a criminal case against him for allegedly organizing a Hizb-ut-Tahrir cell in Russia with a view to preparing to overthrow the constitutional order in Uzbekistan. The Uzbekistani authorities put him on a wanted list. According to the Uzbekistani authorities, in autumn 2013, an unnamed man approached an SNB office in Ferghana region and told agents there that when he was in Russia, Dilshod approached him and asked him to be a member of his group.

According to the Uzbekistani Prosecutor General's decision to institute criminal proceedings against Dilshod, reviewed by Amnesty International, Dilshod, along with others, allegedly set up a Hizb-ut-Tahrir cell in Russia at the beginning of 2009. The document states that this cell promoted separatist and religious extremist ideas, including calls for the overthrow of the constitutional order and the seizure of power in Uzbekistan.

Dilshod was detained in Russia in mid-2014. The Uzbekistani authorities sent an extradition request to the Prosecutor General of Russia following notice of his detention. Dilshod spent several months of 2014 in a SIZO in Russia. He was later released conditionally. He is at risk of being abducted and illegally returned to Uzbekistan (see section below on forcible returns to Uzbekistan).

Ever since the first wave of mass detentions of independent Muslim believers in 1997, the authorities in Uzbekistan have been compiling confidential lists of potential suspects. Amnesty International obtained such a list<sup>60</sup> issued by the Ministry of Internal Affairs to local mahalla or neighbourhood committees in 1998, and has received many credible reports that law enforcement continues to compile such lists. Categories of suspects include the following: individuals who call upon women and minors to attend Muslim prayer meetings; those who attend Muslim prayer in unregistered mosques; people who have finished school but are unemployed; people with links to so-called "Wahhabists"; former so-called "Wahhabist" prisoners and their families; 18-year-old men from so-called "Wahhabist" families who are not doing compulsory military service; and individuals who are considered leaders in the local neighbourhood. Particular vigilance is urged with regard to men who wear, or have previously worn, a beard.

Former detainees and relatives of prisoners have confirmed that similar lists are still used by neighbourhood committees to monitor the residents of their mahallas and to report back to police and SNB officers. Security forces use such lists to target individuals arbitrarily, have sometimes planted evidence in order to secure grounds for arrest, and have tortured or otherwise ill-treated individuals named on a list to force them to confess to fabricated charges.

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<sup>59</sup> Taken from a letter written by Dilshod to Amnesty International. On file with Amnesty International, December 2014.

<sup>60</sup> On file with Amnesty International.

Many of those Amnesty International talked to during the research for this report explained that in addition to the lists kept by the local neighbourhood committees, local police departments compile files or notebooks on members of suspect religious communities containing detailed information about their family members, including photographs of all their relatives, birthdates and places of school or employment.

*"In 2012, after I had served my sentence... they [local police] started gathering files on me and my whole family, including my children. They asked me to bring in photos of everyone, details on everyone, even the youngest children, information on where my kids were in school, their dates of birth. They started to compile a case file on my family. And I realized that no one could guarantee that my children would not be imprisoned as well.*

*Everyone on the list in our mahalla had these files on them. We even had to bring in photos of my wife's relatives. We were put in the uncomfortable position of asking relatives for photos and details. We weren't allowed to refuse. They were keeping records on everyone's whereabouts."*

Asylum-seeker from Uzbekistan, who served five and a half years in prison for production and dissemination of materials containing a threat to public security and public order<sup>61</sup>

In August 2014 a new law on the prevention of crimes entered into legal force. The law formally introduced mandatory registers of offenders and individuals believed to be at risk of committing crimes to be kept and regularly updated by local neighbourhood committees and security forces.<sup>62</sup> Those named on the registers include members or suspected members of banned Islamist groups and Islamic movements and their families.

## 8.2 FORCIBLE RETURNS TO UZBEKISTAN

The Uzbekistani authorities have relentlessly pursued the extradition or otherwise forcible return of hundreds of people they have suspected of having organized or participated in a number of violent attacks in Uzbekistan.<sup>63</sup> The government also has requested the extradition of political opponents, government critics, including followers of independent imams Abduvali Mirzaev and Obidkhon Nazarov, and wealthy individuals who have fallen out of favour with the regime. Many of these extradition requests are based on fabricated or unreliable evidence. The government has offered "diplomatic assurances" to sending states to secure the returns, pledging free access to detention centres for independent monitors and diplomats. In practice, they have not honoured these assurances. In November 2012 the office of the General Prosecutor of Kazakhstan informed the CAT Committee that Kazakhstani diplomats had been able to visit 18 of 29 asylum-seekers and refugees forcibly returned to Uzbekistan from Kazakhstan in 2011. However, the diplomats were only granted access to the extradited men after they had spent more than one year in detention in Uzbekistan. They

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<sup>61</sup> Interview with Amnesty International in October 2014.

<sup>62</sup> Law on crime prevention, 14 May 2014, available at [www.senat.uz/ru/laws/zru-371\\_14.05.2014.html](http://www.senat.uz/ru/laws/zru-371_14.05.2014.html)

<sup>63</sup> Including the bomb explosions in Tashkent in 1999 and 2004; the Andizhan protests in 2005 and other violent acts, including bombings and shootings by armed groups in Tashkent and the Ferghana Valley in 2009.

were also accompanied by prison officials. While the Kazakhstani diplomats reported that none of the prisoners complained that they had been tortured, the international legal representative of the 29 men told the CAT Committee that most of the men had spent the majority of the 14 months in incommunicado detention, and that they had been tortured but were too frightened to report this to the Kazakhstani representatives for fear of reprisals.<sup>64</sup>

The cases below are typical examples of the torture and use of forced confessions against individuals accused of anti-state activities when they are returned to Uzbekistan.

## MIRSOBIR KHAMIDKARIEV

On 18 November 2014, Uzbekistani film producer and businessman Mirsobir Khamidkariev was sentenced to eight years' imprisonment on extremism charges following an unfair trial. The Tashkent City Court for Criminal Cases found him guilty of "illegal establishment of public associations or religious organizations" and "establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations". He had fled to Russia in 2010 and was abducted and forcibly returned to Uzbekistan in 2014. His lawyer, who dealt with his asylum claim in Russia, reported that Mirsobir Khamidkariev was tortured in detention in Tashkent, Uzbekistan. He is serving his sentence in Navoi prison.

Mirsobir Khamidkariev fled to Russia after the Uzbekistani authorities charged him with organizing an Islamist terrorist group, Islam Jihadchilari. According to his Russian lawyer, the charges against Mirsobir Khamidkariev referred to a conversation he had with acquaintances at an informal gathering in Tashkent during which he allegedly expressed concern about the oppression of Islam and stated his support for women wearing headscarves. Mirsobir Khamidkariev accepted that he had participated in two informal religious gatherings but insisted that nothing unlawful took place. In 2011 the Uzbekistani authorities issued an extradition request. In 2013 the Office of the Prosecutor General of the Russian Federation decided that the extradition request from Uzbekistan was not valid. The Prosecutor General's Office also found that he could not have set up Islam Jihadchilari in 2009. Mirsobir Khamidkariev applied for asylum with the Federal Migration Service in Russia, and lived in hiding in Moscow with his wife and young son, fearing for their safety.

On 9 June 2014, Mirsobir Khamidkariev was abducted by two unidentified men in civilian clothes from a taxi in the centre of Moscow while he waited outside a pharmacy for his wife to return with medication for their young son. According to an eyewitness the two men got into the taxi and forced the driver to speed away. Mirsobir Khamidkariev was held incommunicado in a basement in an unidentified location in Moscow for a day, forced to wear a bag over his head, and subjected to repeated beatings. He was then handed over to Uzbekistani security forces at an airport in Moscow. Mirsobir Khamidkariev's lawyer in Moscow did not know his whereabouts for two weeks, by which time he was being held at Tashturma pre-trial detention centre. At Tashturma, Mirsobir Khamidkariev was subjected to torture and other ill-treatment by security forces for two months to force him to confess to charges, which his lawyer claims are fabricated. He was reportedly tied to a bar attached to the wall of the interrogation room with his head facing down, and beaten repeatedly. The officers knocked out seven of his teeth and broke two of his ribs. The forced confession was used against him during his trial; he is due for release in 2022.

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<sup>64</sup> For more details please see Amnesty International, *Return to Torture: Extradition, Forcible Returns and Removals to Central Asia*, (Index: EUR 04/001/2013).

The European Court of Human Rights (ECtHR) issued at least 15 judgments from 2013 to February 2015 prohibiting the forcible transfer of individuals to Uzbekistan – especially those persons suspected of membership of an Islamist party or a group banned in the country – due to the real risk of torture on return. For example, the ECtHR ruled in October 2014, in the case of *Mamazhonov v. Russia* (application no. 17239/13), that the transfer of Ikromzhon Mamazhonov from Russia to Uzbekistan would violate article 3 (prohibition of torture) of the European Convention on Human Rights. The Court noted “that there had been no improvement in the criminal justice system of Uzbekistan in recent years, in particular concerning prosecution for religiously and politically motivated crimes and that there was certain evidence that persons accused of such crimes were at risk of ill-treatment”.

As the case of Mirsobir Khamidkariev demonstrates, Uzbekistani security forces have not hesitated to resort to abducting refugees or asylum-seekers from foreign territories, most frequently Russia, when the authorities of the sending country have denied extradition requests or the ECtHR has issued interim measures to stop extraditions to Uzbekistan. Furthermore, Russian police and officers of the Federal Security Bureau (FSB) have often been complicit in such abductions. An NGO working on refugee issues in Russia has documented that at least five refugees or asylum-seekers from Uzbekistan were abducted from Russia in the last nine months of 2014.<sup>65</sup>

## OTABEK’S STORY

Otabek (not his real name), an asylum-seeker extradited to Uzbekistan from a neighbouring country, was held in incommunicado detention for 20 days in the basement of a police station upon return. According to one of Otabek’s relatives, during this time security forces tortured him to force him to confess to charges of religious extremism and membership of a banned Islamist organization. A court in Uzbekistan eventually sentenced him to a long prison term after an unfair trial relying on the confession, which Otabek had sought to have declared inadmissible in court.

The relative only saw Otabek once in a local police station immediately after he was returned to Uzbekistan. Otabek was handcuffed and there were several police officers in the room, but he appeared to be in relatively good physical shape and reasonable health, despite some pre-existing medical conditions. Before his forcible return Otabek’s lawyer in the sending country had ensured that he had a full medical examination.

Despite regulations providing an unrestricted number of visits of undefined length by detainees’ relatives,<sup>66</sup> the next time the relative was able to see Otabek again was six months later in the court room at his trial. However, the relative was not able to speak to Otabek or get close to him. The prosecution called three witnesses to testify against Otabek during the court hearing. The first witness testified that he was made to sign a blank piece of paper without being told why. The judge dismissed him. The second witness denied ever giving evidence against Otabek and was also dismissed. The third witness said that he gave Otabek audio and video recordings of imam Abduvali Mirzaev. When Otabek started to speak, the judge said angrily “I didn’t give you permission to speak” and ended the hearing.

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<sup>65</sup> Interview with Nadezhda Ermolayeva, senior legal expert, Human Rights Institute (Moscow), 2015.

<sup>66</sup> See Law “About detention in case of criminal proceedings”, law No. ZRU-298, 29 September 2011.

The third time the relative saw Otabek was nine months after his extradition during a prison visit. The relative told Amnesty International that Otabek was in bad physical shape; he could barely sit or stand, and he was suffering from severe back and leg pain. The relative said that Otabek complained about an injury to his spine, but did not disclose how it had happened.

*"I asked him again what happened. He said 'I don't know, I don't remember', then he hung his head and cried for a long time. He said 'I don't remember, I just woke up and it was cold and dark'. I realized that the injury to his back must have happened while he was held in pre-trial detention in Uzbekistan."*



## 9. PRISON CONDITIONS AND MONITORING

Certain categories of prisoners, such as human rights defenders, government critics and individuals convicted of membership of Islamist parties and groups or Islamic movements banned in Uzbekistan, are often subjected to severe punishment regimes in prisons where they serve their sentences, and have their sentences extended for long periods even for alleged minor infractions of the prison rules. For example, they are often put into punishment cells (called SHIZO – from the Russian “shtrafnoi izoliator”), which have been described by former prisoners as small, often windowless rooms made of concrete, with no heating, no natural light or ventilation and too small for a bed. Prisoners are often denied adequate medical care and forced to work long hours doing physically demanding manual labour such as construction or making bricks, with basic tools, inadequate clothing, no protective gear, and little food and water. Former prisoners and prisoners’ relatives report frequent beatings and other ill-treatment by prison guards and other prisoners.

### 9.1 EXTENSION OF PRISON SENTENCES

Article 221 of the Criminal Code punishes prisoners for committing infractions of the prison rules by imposing further terms of imprisonment of up to five years. There are no publicly available official lists of prison rules and application often appears to be arbitrary and politically-motivated.

#### ILHOM’S STORY

Ilhom (not his real name) was detained in April 2000 in Samarkand. In August 2000, Ilhom was sentenced to 13 years’ imprisonment. He was accused of being a member of Hizb-ut-Tahrir, possessing banned religious literature and trying to establish Hizb-ut-Tahrir cells in two Uzbekistani cities. According to the court verdict, during his arrest police officers found a banned book in his possession. Within a few hours of his detention police officers had searched the apartment where Ilhom was staying and found several issues of a banned religious magazine and a banned book on Islam. The police officers took him to the basement of the Samarkand city police department. Despite repeated requests to the police, family members were not allowed to see him.

*“I didn’t see him for three months [after he was arrested]; they [the police] hid him in basements. Awful things were happening there. He was tortured – he was stripped naked and put on some kind of electric chair and they poured water on his legs and applied electric shocks to his legs and genitals. He couldn’t hold a pen in his hand after that because his whole body was shaking so much. The people who interrogated and tortured him wore masks so he couldn’t identify them and they threatened to kill him if he told anyone what they had done to him.”*

After Ilhom’s appeal against his sentence was turned down, he was moved to a prison in Karshi and then transferred to Zangiota prison. On arrival at Zangiota prison he was beaten and subjected to a common initiation practice known as “running the gauntlet”. This involves being stripped and made to walk in a squatting position down a hall while being beaten with batons by guards who line the hall. In 2009 he was transferred back to Karshi prison.

In 2012 prison authorities told Ilhom’s relatives that his behaviour was excellent and that he would be

released when his sentence expired. In February 2013 his relatives were supposed to visit him a final time before his release. However, when they arrived, prison officials told them that the visit was cancelled because Ilhom was in a punishment cell.

Ilhom later told his relatives that in January 2013, prison guards grabbed him at his workstation in the prison and put him in solitary confinement for three days. Prison officials accused him of leaving his workstation without permission. Three days later prison officials accused him of being in violation of prison hygiene regulations: he was told he had failed to wash and clean his regular cell – something he could not have done while detained in a punishment cell. They also accused him of having been rude to a prison guard. Upon release from solitary confinement, prison officials added further infractions of prison regulations to his list of alleged offences: they accused him of failing to greet an inspector, and of not being clean-shaven, even though he had no access to a razor in the punishment cell. He was then given 85 days' further detention in solitary confinement.

Ilhom was forced to sign a paper saying that he had been legitimately punished for breaching prison regulations. He was threatened with new charges of attempting to overthrow the constitutional order of Uzbekistan if he refused to sign. Ilhom was then taken to a pre-trial detention centre in Karshi city. There police officers forced him to acknowledge his supposed breach of prison regulations, and ordered him to beg for mercy. The court hearing took place in Karshi city; Ilhom was sentenced to an additional three years and six months in prison for alleged infractions of prison rules.

## MUHAMMAD BEKZHANOV'S STORY

Muhammad Bekzhanov, editor-in-chief of the banned Erk political opposition party newspaper and one of the world's longest-imprisoned journalists, was sentenced by Tashkent City Court in August 1999 to 15 years in prison, after a trial which fell far short of international standards of fairness.

Muhammad Bekzhanov was forcibly returned to Uzbekistan from Ukraine on 18 March 1999, following a series of bomb explosions in Tashkent the previous month (see page 20 for details). He was held incommunicado until the end of April 1999. During his trial, Muhammad Bekzhanov issued a statement together with his five co-defendants, alleging that they had been tortured in pre-trial detention in order to force them to confess to fabricated charges and implicate the exiled Erk leader Muhammad Salih. He alleged, among other things, that he had been beaten with rubber truncheons and plastic bottles filled with water, suffocated, and given electric shocks. After his testimony the trial judge gave the defence just 40 minutes in which to present their case. The court did not take any of Muhammad Bekzhanov's allegations of torture or forced confession into account and based its verdict on his confession. On 18 August 1999, the court sentenced him to 15 years in prison for his alleged participation in the February 1999 bombings.

No effective investigation into any of Muhammad Bekzhanov's allegations of torture has been conducted despite numerous complaints lodged by Muhammad Bekzhanov, his lawyer and his family over the years.

In January 2015, his wife Nina Lonskaya told Amnesty International: "*He doesn't talk at all about it [the torture]... He says it was so difficult to endure that the only thing he asked of God was to let him die. It was so hard to endure, the torture was so unrelenting.*"

He was due to be released in February 2012 after nearly 13 years in detention. However, in January 2012, a court in the town of Kasan, close to the prison colony where he is serving his sentence, sentenced him to a further four years and eight months in prison for allegedly violating prison rules. Family members reported that Muhammad Bekzhanov told the court that he had not infringed a single prison rule in 13 years and it was strange that he should start breaking rules just weeks before his scheduled release. An appeal court upheld

the additional sentence in March 2012.

Muhammad Bekzhanov's daughter Aygul told Amnesty International: *"Mum was not able to see him that year [2012], she spent four months in Uzbekistan without being able to get him out or meet him... It [the extension of his sentence] was a huge blow, she was speechless as were we. At the same time it was something that you would probably expect from the Uzbekistani government. It just shattered all of our hopes and dreams. [There were] a lot of tears"*.

Muhammad Bekzhanov's family report that his health has declined sharply in the last couple of years.

## 9.2 DENIAL OF ADEQUATE MEDICAL CARE

The standard of medical care in the Uzbekistani prison system is generally poor with inadequate medical facilities, insufficient supplies of appropriate equipment and medication and a shortage of properly qualified medical staff. Prisoners convicted on politically motivated charges have found it particularly difficult to access even the most basic medical assistance. Often the prisoner's family is expected to provide the medication or medical supplies a prisoner requires for a particular condition, injury or disease. Prisoners rarely receive medical examinations or dental care, and many suffer without treatment for chronic, painful conditions, including injuries from torture. Many prisoners suffer serious dental problems causing pain and problems with eating, leading to weight loss and digestive issues. And yet, in many cases that have come to Amnesty International's attention, officials in some prisons have refused to grant permission for families to procure private medical treatment or for prisoners to accept the necessary medication, including pain relief, supplied by families. In some cases, prison officials have accepted medication supplied by families only after the intervention of the Central Prison Authority in Tashkent.

Ilhom's relatives (see above) told Amnesty International that when he was in Zangiota prison they were allowed to bring him allergy medication. However, when they tried to bring him pain medication for severe tooth pain in Karshi prison, officials told them "we have everything here". Ilhom has complained of the pain for more than a year and had begged to have some of his teeth pulled out.

## MURAD DZHURAEV'S STORY

Murad Dzhuraev, a former member of parliament in Uzbekistan, was convicted of calling for the "violent overthrow of the constitutional system of Uzbekistan" and sentenced to 12 years in prison in 1995, following an unfair trial. Before his trial, supporters claimed that Murad Dzhuraev had been tortured in pre-trial detention by police officers to force him to confess to charges he and many human rights defenders claimed were groundless, and that he was being punished solely because of his involvement in distributing a banned opposition newspaper. At the time, Murad Dzhuraev was associated with the banned opposition democratic party Erk.

Between 2004 and 2012, Murad Dzhuraev was convicted four times of breaking prison rules and sentenced to a total of 12 years and four months' additional imprisonment. According to his family, one of the "violations" he had committed was failing to change out of his slippers when entering the hall where prisoners sleep.

Amnesty International believes that Murad Dzhuraev was detained on politically motivated charges, received an unfair trial, and that the extensions to his prison term have also been politically motivated.

Murad Dzhuraev's health has seriously deteriorated during his extended time in prison; according to his family

he is now barely able to speak, is almost blind and has lost all of his teeth. Murad Dzhuraev cannot eat solid food, has problems with digestion, and has lost a lot of weight. His legs are constantly painful and he suffers from headaches. He has had no access to necessary medical care since he was first detained in 1994, and has spent long periods of time in solitary confinement. Prison authorities deliberately isolate him and threaten other prisoners who speak to him. He is losing hope that he will ever be free.

### 9.3 TREATMENT OF PRISONERS CONVICTED OF “ANTI-STATE” ACTIVITIES

*“I am under pressure from all sides. I cannot talk. I silently follow orders, do what they tell me so as not to get a violation”*

Ilhom

In a letter smuggled out of prison in 2003, the writer and former prisoner Mamadali Makhmudov (see page 20 for more details) suggested prison authorities were targeting prisoners convicted of anti-state offences or affiliation with banned religious groups for particularly harsh treatment. He described how men were forced to crawl naked across the prison floor and beaten with truncheons and steel pipes. They were kicked and beaten for failing to sing the national anthem. They were incarcerated in small, cold and damp cells and left naked, without water or a toilet, for several days.

*“All of us [prisoners] were beaten up until we were bloody. It was hard to know who was alive, who was dead... I woke up on the second floor, in cell 19, I was lying there naked. I was bleeding from the mouth and nose, two fingers were broken... From the other cells you could hear terrible screams, groans, and cries... Before my own eyes young people were beaten and killed, deliberately infected with incurable diseases... Sticking batons into the anus [of prisoners] – rape – was commonplace... I am writing about what I saw and heard myself.”<sup>67</sup>*

Relatives and former prisoners have described how upon arrival at a prison camp suspected “Wahhabists” and suspected members of Hizb-ut-Tahrir are separated from other prisoners and made to run between two lines of guards who beat them with truncheons as they pass. There are also allegations that devout Muslim prisoners are subjected to beatings, humiliation, and rape by other prisoners with the complicity of prison authorities. Former prisoners and human rights defenders have claimed that rape or the threat of rape is used to humiliate and break the will of devout Muslim prisoners. As rape victims or suspected rape victims, these prisoners would automatically be considered “untouchables” in the prison system, reportedly the lowest category in the prison hierarchy, vulnerable to systematic abuse by both other prisoners and prison staff.

There are consistent allegations that in strict regime prison camps devout Muslim prisoners are not allowed to read the Qur’an or pray, and that they have their beards forcibly shaved. They are beaten or confined to punishment cells if they are caught praying.

An asylum-seeker from Uzbekistan, who served five and a half years in prison under article 244 of the Criminal Code told Amnesty International: *“Religious prisoners can’t even talk to each other. They used to sit together and have tea. Now they can’t pray. People used to pray lying down or on their beds. Hizb-ut-Tahrir [members] would do it standing up but get beaten.”<sup>68</sup>*

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<sup>67</sup> From Mamadali Makhmudov’s letter, April 2003, on file with Amnesty International.

<sup>68</sup> Interview with Amnesty International, October 2014.

In June 2014, a relative informed Amnesty International that prisoners were beating Ilhom (see above) at Navoi prison. According to this relative, and numerous other accounts, prisoners convicted of suspected membership of banned groups or political crimes are subjected to systematic hazing and humiliation: a prisoner convicted of ordinary criminal offences is assigned to watch over the political prisoner – they must beg their “supervisor” to accompany them to the toilet, and may be forced to wait for many hours. The prisoners must use the toilet with their “supervisor” watching and humiliating them. The “supervisors” do not allow the prisoner to talk.

Many of the prisoners convicted of anti-state offences serve their sentences in the remote Jaslik (also called Yaslik, Jaslyk or Zhaslyk) prison camp (UYA 64/OF1). A 2003 report on Uzbekistan by the UN Special Rapporteur on torture included the recommendation to “give urgent consideration to closing the Jaslyk colony, which by its very location creates conditions of detention amounting to cruel, inhuman and degrading treatment or punishment for both its inmates and their relatives...”.<sup>69</sup> For family members of prisoners held in Jaslik, a trip to visit the remote camp is expensive and time-consuming. Often, after making the long journey, relatives are prevented from seeing their loved ones.

#### 9.4 PRISON MONITORING

Uzbekistan has no independent monitoring mechanisms in place to inspect all places of detention. Due to government-imposed restrictions, no independent non-governmental organizations, domestic or international, carry out any form of regular, unannounced and unsupervised prison monitoring. The Parliamentary Ombudsman for Human Rights has the right to inspect all places of detention and accept complaints of torture and other ill-treatment directly from detainees and prisoners. However, the visits by representatives from the Ombudsman’s office are generally not unannounced; instead they are planned in advance with the prison authorities. There are serious concerns that the Ombudsman’s office is not independent and cannot conduct effective monitoring or investigations.

In April 2013 the International Committee of the Red Cross (ICRC) terminated all visits to detainees in Uzbekistan due to restrictions on their standard working procedures. Foreign diplomats, while granted access to some detention facilities, are usually accompanied by prison or law enforcement officials during their visits. The same applies to human rights defenders who have on rare occasions been allowed to visit imprisoned colleagues. In January 2014 the authorities granted a small number of independent human rights activists permission to visit four imprisoned colleagues.<sup>70</sup> The human rights defenders were accompanied by law enforcement and prison officials and their visits were recorded on film. One of the prisoners reported that he had been allowed to have a hot shower before the meeting and was given new clothes. In November 2014, Human Rights Watch sent a delegation to Uzbekistan but all requests to visit prisoners and places of detention were denied by the authorities.

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<sup>69</sup> Commission on Human Rights, Report of the Special Rapporteur on the question of torture, Theo van Boven, submitted in accordance with Commission resolution 2002/38, Addendum, Mission to Uzbekistan, 3 February 2003, E/CN.4/2003/68/Add.2, p. 24.

<sup>70</sup> Vasila Inoiatova of the Human Rights Society of Uzbekistan “Ezgulik” visited Salidzhon Abdurakhmanov, Akzam Turgunov and Dilmurod Saidov in prison in January 2014. Surat Ikramov of the Initiative Group of Independent Human Rights Defenders visited Murad Dzhuraev in January 2014.

# 10. INTERNATIONAL SCRUTINY

## 10.1 FINDINGS OF INTERNATIONAL HUMAN RIGHTS MECHANISMS

International human rights mechanisms have repeatedly raised concern over the pervasive and systemic use of torture and other ill-treatment in Uzbekistan. However, the Uzbekistani authorities have emphatically and systematically rejected these assertions.

Uzbekistan is a party to the International Covenant on Civil and Political Rights (ICCPR) and has ratified the First Optional Protocol to the ICCPR which provides a mechanism for the submission of individual complaints for review by the UN Human Rights Committee. In 2010 the UN Human Rights Committee, examining Uzbekistan's third periodic report to the Committee, expressed concern about "the continued reported occurrence of torture and ill-treatment, the limited number of convictions of those responsible" and "reports on the use, by courts, of evidence obtained under coercion, despite the 2004 ruling of the Supreme Court on the inadmissibility of evidence obtained unlawfully".<sup>71</sup> The Committee called on Uzbekistan to "make sure that an inquiry is conducted by an independent body in each case of alleged torture". The Committee had previously expressed similar concerns and issued similar recommendations in 2001 and 2005.<sup>72</sup> The Human Rights Committee is due to examine Uzbekistan's fourth periodic report in July 2015.

In 2002 the Special Rapporteur on torture carried out a fact-finding mission to Uzbekistan at the invitation of the government. In his subsequent report of February 2003, he concluded "on the basis of the numerous testimonies (including on a number of deaths in custody) he received during the mission, not least from those whose evident fear led them to request anonymity and who thus had nothing to gain personally from making their allegations, that torture or similar ill-treatment is systematic as defined by the Committee against Torture. Even though only a small number of torture cases can be proved with absolute certainty, the copious testimonies gathered... are so consistent in their description of torture techniques and the places and circumstances in which torture is perpetrated that the pervasive and persistent nature of torture throughout the investigative process cannot be denied".<sup>73</sup>

The government categorically objected to the Special Rapporteur's finding that torture was "systematic" and has since failed to respond to requests for further visits.

In December 2013, the CAT Committee published its concluding observations and recommendations after examining Uzbekistan's fourth periodic report setting out the country's compliance with CAT. The CAT Committee urged Uzbekistan to "apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity",

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<sup>71</sup> Concluding Observations of the UN Human Rights Committee, UN Doc. CCPR/C/UZB/CO/3.

<sup>72</sup> Concluding Observations of the UN Human Rights Committee, UN Doc. CCPR/CO/83/UZB and UN Doc. CCPR/CO/71/UZB.

<sup>73</sup> Commission on Human Rights, *Report of the Special Rapporteur on the question of torture, Theo van Boven*, UN Doc. E/CN.4/2003/68/Add.2, para 68, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/107/66/PDF/G0310766.pdf?OpenElement>.

and to “publicly and unambiguously condemn practices of torture in all its forms”. It reiterated its concern at the “numerous ongoing and consistent allegations concerning routine torture and other cruel, inhuman or degrading treatment or punishment”, and noted that “[w]hile recognizing that the State party is not subject to the jurisdiction of the European Court of Human Rights... in 2011 the Court determined that ‘the use of torture and ill-treatment against detainees in Uzbekistan is ‘systematic’, ‘unpunished’ and ‘encouraged’ by law enforcement and security officers’”.<sup>74</sup> The CAT Committee further regretted the “failure to conduct prompt and impartial investigations into such allegations”.<sup>75</sup>

Despite proclaiming numerous initiatives over the past two decades to implement recommendations by the CAT Committee, the authorities have never publicly condemned torture in all its forms as recommended by the Special Rapporteur on torture following his 2002 visit,<sup>76</sup> nor have they fully and effectively implemented key recommendations from the CAT Committee’s 2002 and 2008 concluding observations aimed at strengthening safeguards against torture.

In September 2008 and again in April 2013, the UN Human Rights Council reviewed Uzbekistan’s human rights record under the Universal Periodic Review (UPR) mechanism, and made a series of recommendations on eradicating torture. At the adoption of the UPR outcome on Uzbekistan in September 2013, the Uzbekistani authorities maintained that some of the recommendations aimed at combating torture have been or are being implemented. At the same time, the Uzbekistani authorities categorically refuted all allegations of the continuing routine and pervasive use of torture and other ill-treatment by security forces and prison personnel. At both the 2008 and 2013 UPRs the authorities supported recommendations by several states to establish a national independent mechanism to monitor all places of detention and to consider complaints. However, they refused to endorse recommendations to ratify the Optional Protocol to CAT (OPCAT), which requires states to accept a system of regular visits to all places of detention by independent “national preventive mechanisms” and by an international expert body, but agreed to study the issue further.

In its written replies to the CAT Committee’s List of Issues, the Uzbekistani government objected to the fact that OPCAT “provide[d] unlimited rights to visit penitentiary institutions not only by members of the Subcommittee” and explained that the system in place for monitoring places of detention in Uzbekistan made it “inappropriate” for the government to ratify OPCAT.<sup>77</sup>

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<sup>74</sup> European Court of Human Rights, application no. 7265/10, *Yakubov v. Russia*, judgment of 8 November 2011, para. 82.

<sup>75</sup> Committee against Torture, Concluding observations on the fourth periodic report of Uzbekistan, UN Doc. CAT/C/UZB/CO/4.

<sup>76</sup> One of the recommendations of the Special Rapporteur on torture in his 2003 report to the Commission on Human Rights had been “first and foremost, [that] the highest authorities need to publicly condemn torture in all its forms”. See Report of the UN Special Rapporteur on torture, UN Doc. E/CN.4/2003/68/Add.2, para 70, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/107/66/PDF/G0310766.pdf?OpenElement>

<sup>77</sup> Written replies of the Government of Uzbekistan to the List of issues adopted by the UN Committee

## 10.2 THE SILENCE OF THE INTERNATIONAL COMMUNITY

Despite the repeated findings of international human rights mechanisms of the systemic use of torture and ill-treatment in Uzbekistan and the widespread suppression of other civil and political rights in the country, the attitude of Uzbekistan's international partners to these transgressions has been, at best, ambivalent and, at worst, silent to the point of complicity.

Following a visit to Uzbekistan in December 2014, Nisha Biswal, the US Assistant Secretary of State for Central Asia, said that "a combination of the right balance of pressure, partnership and a certain amount of strategic patience in how change can take place" is required in bilateral relations with Uzbekistan.<sup>78</sup> "Strategic patience" has also characterized the relationship between Uzbekistan and international actors such as the European Union (EU) and EU member states, in particular Germany, since 2010 when regional security, energy security and counter-terrorism co-operation came to gradually overshadow concerns for human rights and civil liberties on the political and military agenda.

Criticism of Uzbekistan's human rights record has become more muted and the EU and USA have stressed instead Uzbekistan's important role in relation to the US-led operations in Afghanistan,<sup>79</sup> and vaunted the country's progress in legal reform and human rights education programmes.<sup>80</sup> On 10 February 2015, Daniel Rosenblum of the US State Department's Bureau of South and Central Asian Affairs, stated that "we [the USA] don't want to see the Central Asian countries become safe havens for terrorist groups. So we want to expand our security co-operation to meet threats that we share, transnational threats, terrorism, narcotics trafficking...".<sup>81</sup>

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Against Torture at its 50<sup>th</sup> session on 6-31 May 2013 in relation to the Fourth periodic report of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. CAT/C/UZB/4, para 41.

<sup>78</sup> See [www.npr.org/blogs/parallels/2015/01/10/376135811/courted-by-the-u-s-and-russia-uzbekistan-ignores-critics](http://www.npr.org/blogs/parallels/2015/01/10/376135811/courted-by-the-u-s-and-russia-uzbekistan-ignores-critics)

<sup>79</sup> Following pledges by President Karimov in September 2011 on economic, political and democratic reforms the US Congress lifted seven-year-long human rights restrictions on military assistance to Uzbekistan to facilitate co-operation on transiting supplies to US-led International Security Assistance Force troops in neighbouring Afghanistan.

<sup>80</sup> The EU invested just under €10 million in a project on criminal justice reform in Uzbekistan from 2011-2014, see <http://www.gip-jci-justice.fr/en/projects/asia/middle-east-central-asia/>. One objective was to increase unimpeded access by detainees to independent lawyers and to reduce the incidence of torture and other ill-treatment in detention. According to EU foreign policy think tank FRIDE and diplomatic sources, the project failed to meet most of its targets and had little impact on the situation on the ground. See <http://www.ibidemverlag.de/Reihen-Schriftenreihen-Institutsreihen/Interdisziplinaere-Schriftenreihe-des-Centrums-fuer-interkulturelle-und-europaeische-Studien/The-European-Union--8217-s-Democratization-Policy-for-Central-Asia.html?XTCsid=08f9f86a40a559e3e>

<sup>81</sup> Daniel Rosenblum, Deputy Assistant Secretary, Bureau of South and Central Asian Affairs, US Department of State, Brussels, Belgium, February 10, 2015 Telephonic Press Briefing, See [www.state.gov/p/sca/rls/rmks/2015/237404.htm](http://www.state.gov/p/sca/rls/rmks/2015/237404.htm)



This is in stark contrast to the response by the EU and USA to Uzbekistan's refusal to allow an independent international investigation of the May 2005 mass killings in Andizhan. In November 2005, the EU announced an embargo on arms sales and military transfers to Uzbekistan, and a visa ban on 12 senior government ministers and officials from Uzbekistan. In turn the authorities in Uzbekistan banned European members of NATO from using their airspace to fly to and from Afghanistan and asked all, apart from Germany, to withdraw their troops from Termez airbase in Surkhandarya Province, on the border with Afghanistan.<sup>82</sup> The US military completed its withdrawal from Karshi-Khanabad airbase as requested in November 2005. (The airbase had been leased since October 2001 as part of the US-led "war on terrorism".) In 2006 the authorities asked UNHCR, the UN refugee agency, to cease its operations and leave the country.

In 2008 the EU took the decision to stop all calls for an international investigation into the Andizhan violence and lifted its visa ban on Uzbekistani officials despite total impunity for the perpetrators of the mass killings. In 2009 the EU lifted its embargo on arms sales and military transfers.

Until 2010 there was an annual discussion and assessment of the human rights situation in Uzbekistan at the EU Foreign Affairs Council. In the last conclusions, adopted on 27 October 2010, the Council stated that it "remains seriously concerned by the overall situation regarding human rights, democratisation and the rule of law in Uzbekistan and by the lack of substantial progress". Specifically, the Council called on Uzbekistan "to urgently undertake effective measures to make progress in those fields, in particular by releasing all imprisoned human rights defenders and prisoners of conscience, allowing unimpeded operation of non-governmental organizations in the country, cooperating fully with all relevant UN Special Rapporteurs, guaranteeing freedom of speech and the media, proceeding with practical implementation of conventions against child labour and by fully aligning its election processes with international standards".

The Council also underlined that "the depth and quality of the cooperation and dialogue at all levels continue to depend on Uzbek reforms and progress in the areas mentioned above" and stated that it "will continue to follow the situation in Uzbekistan closely".

However, since the end of the sanctions regime in October 2009,<sup>83</sup> and the 2010 conclusions above, no further specific discussion on Uzbekistan has taken place at the Foreign Affairs Council and there have been no further conclusions adopted on Uzbekistan.

While EU-Uzbekistan Human Rights Dialogues have continued to take place annually and the EU has continued to raise serious human rights concerns, including around torture and other ill-treatment, during these meetings, no benchmarks against which to measure effective progress have been set.

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<sup>82</sup> In November 2014 Germany negotiated an extension of the lease of its airbase in Termez.

<sup>83</sup> See [www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/gena/110805.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/gena/110805.pdf)

Concerned at the EU's lack of rigorous scrutiny of the human rights record of Uzbekistan the European Parliament adopted a resolution on human rights in Uzbekistan (2014/2904(RSP)), on 23 October 2014, which makes several recommendations to the Uzbekistani authorities, including: the immediate and unconditional release of all persons imprisoned on politically motivated charges; elimination of torture and other ill-treatment in pre-trial detention and correctional facilities; allowing an independent investigation into the 2005 Andizhan mass killings; and approving the pending requests by 11 UN special procedures to visit Uzbekistan, including the UN Special Rapporteur on torture.

Although the resolution from the European Parliament is to be welcomed, the fact remains that those governments, international actors and institutions with the most power and influence – the USA, Germany and the EU, among others – have failed in the last half a decade to put any significant pressure on the Uzbekistani authorities to stop torture and other human rights violations. They have privileged their political, economic and military interests over any meaningful action to promote human rights in Uzbekistan, believing that criticizing the Uzbekistani authorities may alienate them and throw up obstacles to co-operation on Afghanistan, counter-terrorism and security co-operation. Indeed, exhibiting “strategic patience” in its relationship with Uzbekistan is emblematic of how the US has privileged its dependence on repressive governments for intelligence sharing and operational support in the fight against terrorism to the detriment of human rights and the people who suffer violations such as torture. By maintaining their silence over Uzbekistan's human rights record, these governments and institutions become complicit in the authorities' abuses.

# 11. CONCLUSION AND RECOMMENDATIONS

## 11.1 CONCLUSION

“When governments oppress their people, deny human rights, stifle dissent, or marginalize ethnic and religious groups, or favor certain religious groups over others, it sows the seeds of extremism and violence ... The essential ingredient to real and lasting stability and progress is not less democracy; it’s more democracy. It’s institutions that uphold the rule of law and apply justice equally. It’s security forces and police that respect human rights and treat people with dignity.”<sup>84</sup> These are not Amnesty International’s words. They are President Obama’s, delivered at a summit hosted by the White House in February 2015 on “countering violent extremism”. They weren’t spoken with Uzbekistan particularly in mind, but they could have been.

Torture has become a defining feature of the Uzbekistani criminal justice system. It is central to how the Uzbekistani authorities deal with dissent, combat security threats and maintain their grip on power. It is deeply wrong and in the long-run unsustainable. But this has not prevented the international community from turning a blind eye to the glaring indiscretions of a perceived geo-strategic ally. This is both short-sighted and a deep disservice to the thousands of victims languishing in Uzbekistan’s torture chambers.

There are small steps the Uzbekistani authorities can take to eliminate torture, and there are big changes, in terms of political will, that they need to make to achieve it. Many of these changes are outlined in the recommendations below. While only the Uzbekistani authorities can make these changes, the international community, and Uzbekistan’s strategic partners in particular, must be much firmer in calling for them.

## 11.2 RECOMMENDATIONS

### **Recommendations to the Uzbekistani authorities:**

- The President and other highly placed government officials, including the Prime Minister, the General Prosecutor, the Minister of Internal Affairs and the Chairman of the National Security Service, should immediately and publicly condemn the use of torture and other ill-treatment.
- The government of Uzbekistan should issue an immediate invitation to the UN Special Rapporteur on torture to undertake a fact-finding visit to Uzbekistan.
- Bring domestic law into full compliance with Uzbekistan’s international obligations regarding the absolute prohibition against torture and other cruel, inhuman or degrading

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<sup>84</sup> The White House, Remarks by the President in Closing of the Summit on Countering Violent Extremism, 18 February 2015, <http://www.whitehouse.gov/the-press-office/2015/02/18/remarks-president-closing-summit-countering-violent-extremism>

treatment, specifically by amending the Uzbekistani Criminal Code and Criminal Procedure Code to add the following discrete and express prohibitions:

- Torture and other cruel, inhuman or degrading treatment as defined by the UN Convention against Torture are absolutely prohibited in all circumstances;
  - Extracting testimony or confessions by the use of torture from persons accused of criminal acts, witnesses, or any other person in the custody of Uzbekistani state actors is absolutely prohibited in all circumstances;
  - The admission of confessions, evidence, or other information or testimony, extracted by the use of torture or other cruel, inhuman or degrading treatment in criminal and all other proceedings is absolutely prohibited in all circumstances;
  - No person can be prosecuted and convicted based solely on her or his confession.
- The Plenum of the Supreme Court of Uzbekistan should promulgate a set of rules to ensure that all judges at every level are instructed regarding the proper actions to take and procedures to follow to determine whether confessions and/or other evidence submitted by prosecutors in criminal proceedings and by any state actor in any other proceeding have been extracted by the use of torture or other cruel, inhuman or degrading treatment. Such rules of court should ensure at a minimum that:
- Judges take seriously allegations of torture to extract confessions from defendants or to extract testimony from witnesses, and make proper and timely inquiries of prosecutors regarding effective investigations into such allegations and monitor the progress of any on-going investigations into such torture allegations;
  - Judges conduct a separate hearing to determine whether a confession or other testimony or evidence was extracted through the use of torture or other cruel, inhuman or degrading treatment;
  - Judges ensure that the burden of proof in the separate hearing is on the prosecutor to prove that any confession, testimony or evidence had not been tainted by the use of torture or other cruel, inhuman or degrading treatment;
  - Judges rule confession evidence or witness testimony inadmissible in the proceeding if a judge concludes on the balance of probabilities that it was likely that such evidence was extracted under torture or other cruel, inhuman or degrading treatment.
- Ensure the initiation of prompt, impartial and comprehensive investigations of all complaints of torture or other cruel, inhuman or degrading treatment or punishment of any person subjected to any form of arrest, detention or imprisonment, as well as when there are reasonable grounds to believe that the torture or ill-treatment has occurred even if no complaint has been made;
- As part of such investigations, ensure prompt, independent, impartial and professional medical examinations of persons alleging torture or who may have been tortured;
- Ensure a judicial review of the convictions of those individuals who claim to have been forced to confess under duress and end impunity for the perpetrators;
- Ensure that all trials, including those of people charged in connection with membership of banned religious organizations, scrupulously uphold international standards for a fair trial, including Uzbekistan's obligations under the International Covenant on Civil and Political Rights;

- Stop the practice of holding closed trials inside prisons and prison camps of convicted prisoners charged with allegedly breaking prison rules and conduct an independent review of all sentences of those convicted and sentenced to additional years in prison under article 221 of the Criminal Code;
- Ensure that all people deprived of their liberty or arrested by law enforcement officials are informed promptly of the charge or charges against them, and that they are allowed prompt and regular access to a lawyer of their own choice, as well as to relatives and an independent medical practitioner;
- Ensure that every person deprived of their liberty is informed by the competent authorities of their rights, including the right to complain to the authorities about acts of torture or other cruel, inhuman or degrading treatment or punishment;
- Bring those law enforcement officials identified as responsible for torture or other ill-treatment to justice in the course of legal proceedings which meet international standards;
- Establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies with a view to preventing any cases of torture. The findings of the investigations and visits of these bodies should be published in full. In the cases of deaths in custody, the relatives should have access to the post-mortem report and be allowed to have a representative attend the post-mortem examination;
- Take meaningful steps to fully address the concerns and effectively implement all the recommendations of the UN Special Rapporteur on torture, the Committee against Torture and the Human Rights Committee;
- Request that the Venice Commission provide technical support to Uzbekistan for the amendment of Criminal Procedure Code to include the express prohibitions against torture, the use of torture to extract confessions and other testimony, and against the admissibility of torture tainted evidence in criminal and other proceedings.

**Recommendations to the international community:**

- Include human rights, in particular the prohibition of torture and other cruel, inhuman or degrading treatment, on the agenda of all bilateral meetings with the government of Uzbekistan and urge the Uzbekistani authorities to bring its laws, policies, and practices into full compliance with its international human rights obligations;
- Ensure that human rights, in particular the prohibition of torture and other cruel, inhuman or degrading treatment, are on the agenda in all appropriate multi-lateral meetings involving Uzbekistan and adopt resolutions where appropriate urging the Uzbekistani government to bring its laws, policies, and practices into full compliance with its international human rights obligations;
- Provide technical and other appropriate support to the government of Uzbekistan in an effort to amend the Uzbekistani Criminal Procedure Code to expressly prohibit torture and other cruel, inhuman or degrading treatment; and the prohibition on the use of information or evidence extracted under torture in criminal and other proceedings;

- Provide technical and other appropriate support to the judiciary of Uzbekistan to promulgate rules for a human-rights compliant procedure to determine if evidence submitted in criminal or other proceedings has been extracted through torture and thus should be ruled inadmissible;
- Urge the government of Uzbekistan to permit UN special procedures to visit Uzbekistan, in particular the UN Special Rapporteur on torture.

**Recommendations to Members of the UN Human Rights Council:**

- Publicly support the creation of a UN special procedure mandate on Uzbekistan.

**Recommendations to the EU and its member states:**

- Hold the Uzbekistani authorities to account for their continued failure to expediently and effectively address human rights violations;
- Adhere to the EU Guidelines on Torture, which clearly state that the eradication of torture “is a priority of the EU’s human rights policy” by:
  - Raising the issue of torture during all political negotiations with Uzbekistan and visits, and not just in the course of human rights dialogues;
  - Making démarches and issuing public statements urging Uzbekistan to eradicate and introduce effective safeguards against torture and other ill-treatment;
  - Sending Embassy representatives to observe trials where there is reason to believe that defendants have been subjected to torture or ill-treatment.
- Seek an urgent discussion and conclusions on Uzbekistan at the EU level during the Foreign Affairs Council.

**Recommendations to the EU Foreign Affairs Council:**

- Put Uzbekistan’s human rights records (back) on the agenda and take concrete steps to ensure that action on Uzbekistan’s record is timely, meaningful, effective;
- Issue conclusions on Uzbekistan which include appropriately strong language on the human rights situation;
- Publicly support the creation of a UN special procedure mandate on Uzbekistan.

**Recommendation to the High Representative of the Union for Foreign Affairs and Security Policy:**

- Adopt clear and public stances against torture and ill-treatment in all high-level meetings, public statements and Foreign Affairs Council conclusions, as well as in key forums such as the UN Human Rights Council.

**Recommendation to the Russian Federation**

- Fully comply with all interim measures and judgments of the European Court of Human Rights in relation to cases of return and extradition of Uzbek citizens to Uzbekistan.

# WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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# I WANT TO HELP



# SECRETS AND LIES

## FORCED CONFESSIONS UNDER TORTURE IN UZBEKISTAN

Torture and other ill-treatment are persistent and endemic in Uzbekistan. Security forces and prison guards routinely carry out torture and other ill-treatment, including during arrest and transfer to detention facilities, in police custody, pre-trial detention and in prisons.

Security forces use torture and other ill-treatment to extract confessions and other incriminating information, and to intimidate and punish detainees and their families. Those at particular risk include individuals the authorities perceive as a threat to national security.

Courts continue to rely heavily on unreliable “confessions” extracted under torture, duress or deception. Judges ignore or dismiss allegations of torture or other ill-treatment, even when presented with credible evidence in court. Very few perpetrators are ever brought to justice for inflicting torture, and the authorities fail to conduct effective investigations into allegations of torture and other ill-treatment.

The Uzbekistan authorities have vigorously denied that torture is routine and pervasive and that courts regularly admit torture-tainted evidence. However, Uzbekistan has no independent monitoring mechanism and the authorities have refused to open their country to effective and independent international human rights scrutiny.

The international community has failed to put significant pressure on Uzbekistan to stop torture, privileging counter-terrorism and security co-operation over respect for human rights.

This report details the extent of the problem in Uzbekistan and makes recommendations to the country’s authorities to bring domestic law into full compliance with Uzbekistan’s international obligations regarding the absolute prohibition against torture and other ill-treatment.

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