

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

AI index: EUR 62/007/2014
20 October 2014

Cases of torture and other ill-treatment in Uzbekistan

Amnesty International has continued to receive persistent and credible allegations of routine and pervasive torture and other ill-treatment by security forces¹ during arrest, transfer, in police custody and in pre-trial detention and by security forces and prison personnel in post-conviction detention facilities in Uzbekistan. These include scores of reports that individuals charged with or convicted of “anti-state” and terrorism-related offences, in particular members or suspected members of political opposition parties and banned Islamic movements or Islamist groups and parties continue to be particularly vulnerable to being tortured or otherwise ill-treated by security forces. Amnesty International is concerned that impunity prevails in Uzbekistan as the prosecution of individuals suspected of being responsible for torture or other ill-treatment continues to remain the exception rather than the rule. Amnesty International is calling on the Uzbekistani authorities to thoroughly investigate all complaints of torture and other ill-treatment, and bring perpetrators to justice in fair trials.

The cases of Dilorom Abdukadirova, Muhammad Bekzhanov, Murad Dzhuraev, Azam Farmonov, and Erkin Musaev given below are compelling examples of the routine and pervasive practice of torture in Uzbekistan. Amnesty International is calling for effective investigations into the allegations of torture and other ill-treatment in these cases and for the perpetrators to be held accountable.

DILOROM ABDUKADIROVA

Dilorom Abdukadirova, a prisoner of conscience, is serving an 18-year sentence in Tashkent Women’s Prison, Uzbekistan. She was imprisoned after she returned to Uzbekistan in January 2010 to be reunited with her husband and children. She had fled the country after the events in Andizhan in 2005 when hundreds of individuals, including women and children, were killed when security forces opened fire on mostly unarmed demonstrators. 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.

Before the Andizhan events in 2005, Dilorom Abdukadirova was a farmer. Together with her family in Uzbekistan, she ran a small farm at the back of their house, from which she, her mother-in-law and her husband grew and sold vegetables. Dilorom Abdukadirova has four sons.

In the morning of 13 May 2005 Dilorom Abdukadirova went to Babur Square in the centre of Andizhan, with other concerned citizens, to voice her concerns regarding the state of the economy, hoping that they would be heard by Islam Karimov, the President of Uzbekistan. Rumours were circulating around Andizhan that the President had come to the city to address the protesters. However, the President did not meet with the protesters and in the afternoon security forces opened fire on the demonstrators in Babur Square.

¹ Security forces refer to all law enforcement forces under the control of the Ministry of the Internal Affairs, and the National Security Services (SNB)

Dilorom Abdukadirova was among 500 protesters who managed to escape from the square and flee to neighbouring Kyrgyzstan. She had to leave her husband and children behind. From Kyrgyzstan she was moved to a refugee camp in Romania. While in Romania she applied for, and was issued with, an Australian refugee visa. 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 she was released after they charged her with “illegal exit” from the Republic of Uzbekistan under Article 223 of the Criminal Code of the Republic of Uzbekistan. After her release she was able to return 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. She was eventually brought to trial in April 2010 on charges of attempting to overthrow the constitutional order and of illegally exiting and entering Uzbekistan without the exit permit. On 30 April 2010 she was sentenced after an unfair trial to a 10-year and two-month imprisonment. The Andizhan Regional Criminal Court found Dilorom Abdukadirova guilty under Articles 139 “Denigration”, 159 “Attempts to Overthrow the Constitutional Order of the Republic of Uzbekistan”, 223 “Illegal Exit from or Entry to the Republic of Uzbekistan” and 224 “Violation of Regulations of Stay in the Republic of Uzbekistan”. Dilorom Abdukadirova asserts that she is not guilty and that she has not committed any of the crimes she was charged with.

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 were denied. 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.

Amnesty International is calling for the immediate and unconditional release of Dilorom Abdukadirova and an effective investigation into allegations that Dilorom Abdukadirova was tortured and ill-treated in detention.

MUHAMMAD BEKZHANOV

Muhammad Bekzhanov, a journalist, the-editor-in-chief of the banned Erk political opposition party newspaper, and a brother of Muhammad Salih, the exiled leader of Erk, 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.

The international press freedom organization Reporters Sans Frontieres (Reporters Without Borders) awarded Muhammad Bekzhanov the International Press Freedom Prize in 2013.² He is one of the world's longest-imprisoned journalists.

In February 1999 hundreds of people, both men and women, were detained following bomb explosions in the capital Tashkent. The authorities described the explosions as an assassination

² <http://en.rsf.org/press-freedom-prize-goes-to-uzbek-27-11-2013,45522.html>

attempt on the President of Uzbekistan. The list of those reported to have been arrested, ill-treated and tortured included suspected supporters of the banned political opposition parties and movements Erk and Birlik, as well as alleged supporters of banned Islamist opposition parties and groups and Islamic movements, including members of their families, and independent human rights monitors. In the majority, if not all, of the cases that came to the attention of Amnesty International, those detained were denied prompt access to a lawyer of their choice, to their families and to medical assistance. The responsible authorities, from prosecutors to courts at all levels and the parliamentary ombudsman, persistently failed to launch timely, full and independent investigations into widespread allegations of torture and other ill treatment. According to independent and credible sources, self-incriminating evidence reportedly extracted as a result of torture was routinely admitted as evidence in trial proceedings and served in many of the cases reviewed by Amnesty International as a primary basis for a guilty verdict.

Muhammad Bekzhanov was forcibly returned to Uzbekistan from Ukraine on 18 March 1999. He was held incommunicado until the end of April 1999. During his trial in August 1999 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 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 the accused had given his testimony the trial judge gave the defence just 40 minutes in which to present their case. The trial was then adjourned for six days after which the verdict was announced. The court did not take any of Muhammad Bekzhanov's allegations of forced confessions into account when reaching its verdict and, on 18 August 1999, sentenced him to 15 years in prison for his alleged participation in the February bombings. Among other things, the court found him guilty of participating in an attempt upon the life of the President, attempting to overthrow the constitutional order, establishing an illegal public association or religious organization, and illegally crossing the border to leave and enter Uzbekistan.

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

He was due to have been released in February 2012 after nearly 13 years in detention but a court in the town of Kasan, close to the prison colony where he is serving his sentence, sentenced him to another four years and eight months in prison on 24 January 2012 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 that he thought it strange that he should start breaking rules just weeks before his release. An appeal court upheld the additional sentence on 15 March 2012. Muhammad Bekzhanov's family have said that his health has declined sharply in the last couple of years and that he is not receiving necessary medical attention.

Amnesty International is calling for the prompt release of Muhammad Bekzhanov on the grounds of his seriously deteriorated health and also because repeated calls for the investigation into his case to be conducted in a manner consistent with international standards for a fair trial, including a prompt and impartial investigation into all allegations of torture, have gone unheeded for over 15 years.

MURAD DZHURAEV

Murad Dzhuraev, a former member of parliament of Uzbekistan, was convicted for calling for a "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.

At the beginning of February 1994 the authorities in Uzbekistan began a clampdown against Erk, which they had outlawed in 1993. The clampdown was apparently provoked by official dismay at the widespread clandestine distribution of the Erk newspaper (the first edition of 1994 had a print-run of 20,000 and was reportedly distributed throughout the country). In late February and March 1994, at least 10 leading party activists were held for questioning following raids on their homes in the capital Tashkent, and in other cities and towns, by police apparently looking for copies of the newspaper. One of the editions featured an article by the exiled Erk leader Muhammad Salih strongly criticizing President Islam Karimov; an article about the second anniversary of the shooting by police of student demonstrators in Tashkent in January 1992; and a list of people persecuted during 1993 for their political opposition to the Government of Uzbekistan. Amnesty International believes that Murad Dzhuraev was arrested for his association with Muhammad Salih and as part of a continuing clampdown against the banned Erk newspaper.

In 2004 Murad Dzhuraev was convicted under Article 221 of the Criminal Code of Uzbekistan for breaking prison rules and sentenced to three more years in prison. On 27 July 2006, another three years were added to his sentence under the same article of the Criminal Code. On 31 May 2009, his sentence was extended by a further three years and four months, again for allegedly breaking prison rules. Finally, in December 2012, Murad Dzhuraev's sentence was extended yet again for an additional three-year period for allegedly violating prison rules. According to his family, one of the "violations" he had committed was failing to change out of 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 of 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 most of his teeth. He has not had access to necessary adequate medical assistance and has spent long periods of time in solitary confinement as a punishment for purportedly breaking prison rules. Former prisoners have described solitary confinement cells as small concrete, often windowless, cells with little or no natural light or ventilation. No heating is provided in winter despite temperatures regularly plunging to sub-zero. In summer the cells become unbearably hot. Often the cells are too small to hold a bed, so prisoners are provided with a narrow bunk at night which is taken away in the morning. Prisoners have to crouch or sit on the concrete floor during the day.

Amnesty International is calling for the prompt release of Murad Dzhuraev on the grounds of his seriously deteriorated health and also because repeated calls for the investigation into his case to be conducted in a manner consistent with international standards for a fair trial, including a prompt and impartial investigation into all allegations of torture, have gone unheeded for over 19 years.

AZAM FARMONOV

Azam Farmonov, a prisoner of conscience and a member of the independent Human Rights Society of Uzbekistan (HRSU), is serving a nine-year prison sentence in Yaslik (or Jaslik), a remote high-security prison camp in the northwestern Karakalpakstan region of Uzbekistan.

Azam Farmonov was detained in his hometown of Gulistan in eastern Uzbekistan on 29 April 2006, and taken to the pre-trial detention centre in the nearby town of Khavast. He was kept incommunicado for at least a week and he later told his family that he had been beaten and that police officers had put a gas mask put over his head and turned off the air supply. He also said he was beaten on his legs and heels with truncheons, in order to force him to sign a confession. Despite the torture he was subjected to he didn't sign a confession and he has always maintained his innocence.

Before his arrest, Azam Farmonov had defended the rights of local farmers who had accused some district farming officials of extortion, corruption and failing to protect farmers' interests. He alleged that after he started investigating the farmers' allegations and confronted local officials with his findings, some of the farmers were pressured by local officials and police, including through physical intimidation, to withdraw their allegations against the officials and instead to accuse Azam Farmonov of exerting pressure on the farmers to implicate local officials in abuse of their positions.

On 16 May 2006 Azam Farmonov was charged with extortion under Article 165 of the Criminal Code of the Republic of Uzbekistan. His family refused to use the services of his state-appointed lawyer after they learned that the lawyer had torn up the written complaint that Azam Farmonov had given him describing the torture he had endured in detention. Azam Farmonov was sentenced on 15 June 2006 to nine years in prison in the absence of a defence lawyer or a legal representative, based largely on witness testimony from some of the farmers obtained under duress. During the trial Azam Farmonov refused to testify and make a closing statement. Later, Azam Farmonov submitted a complaint to the Prosecutor General's Office regarding the torture he was subjected to, and his family lodged numerous complaints with all the relevant authorities, however, to date no investigation has taken place.

Azam Farmonov is serving his sentence in the remote Yaslik (Jaslyk) prison camp (UYA 64/71), over a 1,000 kilometres from his family home in Gulistan. A report on Uzbekistan by the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, published in February 2003, 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...".³ On several occasions Azam Farmonov's family reported that he had been tortured and subjected to other ill-treatment in prison, including by beatings and detention in small concrete punishment cells for extended periods of time in sub-zero temperatures. No investigations have taken place into these reports of torture and ill-treatment in prison.

Amnesty International is calling for the immediate and unconditional release of Azam Farmonov and an effective investigation into allegations that Azam Farmonov was tortured and ill-treated in custody.

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 claim that he was tortured to force him to confess. No effective investigation has taken place into allegations that he was tortured in detention despite numerous complaints submitted to the authorities by Erkin Musaev, his lawyer and his family. In May 2012 the UN Human Rights Committee concluded that Erkin Musaev's rights under Article 7 (prohibition of torture) of the International Covenant for Civil and Political Rights (ICCPR) had been violated.

³ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/107/66/PDF/G0310766.pdf?OpenElement>

After 10 years at the Ministry of Defence, Erkin Musaev resigned from his post in 2004 to take up a position with the North Atlantic Treaty Organization (NATO) Partnership Coordination Cell and later a job at the United Nations Development Programme (UNDP). In January 2006, he 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 had detained him, first told him that they had found drugs in his bag, and threatened to arrest him for drug trafficking. They then claimed instead to have found a disc in his bag containing classified information, and accused him of espionage. He, in turn, maintained that the disc was planted in his bag by the SNB officers. Ten days of questioning reportedly followed his detention, during which he was denied the right to contact relatives and he had no access to a lawyer; he was subjected to psychological intimidation, being told that he would be prosecuted for involvement with drug trafficking or with Islamist terrorist cells if he did not confess. This was allegedly followed by a month of daytime beatings, night-time interrogation, and threats to arrest his family. Consequently, Erkin Musaev claimed that he was not allowed to see his family the following month while his bruises healed. He eventually did sign a confession on the proviso that the SNB leave his family alone. Nevertheless, he continued to be concerned for the safety of his wife and two children as he remembered seeing a warrant for the arrest of his wife while 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 respectively, after three separate unfair trials in June and July 2006 and in September 2007. All three courts admitted as evidence confessions obtained through torture and dismissed complaints by Erkin Musaev and his lawyer that he was tortured in detention. In a submission to the UN Human Rights Committee, Erkin Musaev's mother noted that during the September 2007 trial, Erkin Musaev's lawyer reminded the court in his closing statement of evidence contained in court files, according to which 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 its May 2012 decision *Erkin Musaev v Uzbekistan* the UN Human Rights Committee found that "[...] [the] competent authorities did not give due and adequate consideration to Musaev's complaints of torture and forced confessions made both during the pre-trial investigation and in court."⁴

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 Universal Declaration of Human Rights and the ICCPR.⁵

Amnesty International is calling for the release of Erkin Musaev on the grounds that repeated calls for a fair retrial in his case have gone unheeded for eight years, and for a prompt, impartial and effective investigation into the allegations that Erkin Musaev was tortured in custody.

⁴http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f104%2fD%2f1914%2c1915%2c1916%2f2009&Lang=en

⁵ <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G09/107/13/PDF/G0910713.pdf?OpenElement> (pp. 131-138)

