



Australian Government
Refugee Review Tribunal

Country Advice

Uzbekistan

Uzbekistan – UZB36967 – Andijan
massacre – authorities’ treatment of
observers – exit procedures

15 July 2010

1. Is it likely that the authorities continue to be interested in individuals who were mere observers or had played an insignificant role in the public demonstration on 13 May 2005?

Yes. Information published by the US Department of State¹, Reporters Without Borders² and Human Rights Watch³ in 2010 indicates that the Uzbek authorities continue to be interested in individuals whom they believe participated in the demonstration *or* who may know the truth about what occurred – the event is generally taken to have been a state-sponsored massacre. As put by Human Rights Watch, five years on, people who simply witnessed the massacre are still being detained, beaten and threatened.⁴ According to the US Department of State (USDOS), there continued to be ‘numerous unconfirmed reports of disappearances dating from 2005 of persons who were present at the violent disturbances in Andijan.’ USDOS also notes that the ‘whereabouts of several of the refugees who were forcibly returned to the country during the year remained unknown.’⁵

The Uzbek government’s intention is to cover-up its massacre of civilians at Andijan. It maintains that armed individuals initiated the violence by firing on government forces as part of an attempted coup.⁶ To assert its version of events the government, since 2005, has run a campaign of intimidation and violence against individuals it perceives could undermine its position. In 2009–2010, available evidence indicates that authorities have targeted Andijan survivors, the families of refugees who remain in Uzbekistan, and foreign journalists.⁷ The extent to which the government seeks to control the after-effect of the event was demonstrated in 2009, when authorities dispersed a gathering of about 20 activists who sought to commemorate Andijan’s victims, by laying a wreath at a popular

¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 3.

² Reporters Without Borders 2010, *Country Report - Uzbekistan*, 6 January <http://www.unhcr.org/refworld/docid/4b7aa99cc.html> - Accessed 13 July 2010 – Attachment 1; Reporters Without Borders 2009, *EU wants to forget Andijan crackdown but journalists still targeted by police paranoia*, 28 October <http://www.unhcr.org/refworld/docid/4af7e032c.html> - Accessed 13 July 2010 – Attachment 2.

³ Human Rights Watch 2010, *World Report – Uzbekistan*, 20 January <http://www.hrw.org/en/node/87620> - Accessed 7 July 2010 – Attachment 4.

⁴ Human Rights Watch 2010, *Uzbekistan: Stop Persecuting Andijan Refugees’ Families*, 4 May <http://www.unhcr.org/refworld/docid/4be90b77c.html> - accessed 12 July 2010 – Attachment 5

⁵ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 3

⁶ US Department of State 2006, *Country Reports on Human Rights Practices 2005 – Uzbekistan*, 8 March – Attachment 18

⁷ Reporters Without Borders 2010, *Country Report - Uzbekistan*, 6 January <http://www.unhcr.org/refworld/docid/4b7aa99cc.html> - Accessed 13 July 2010 – Attachment 1; Reporters Without Borders 2009, *EU wants to forget Andijan crackdown but journalists still targeted by police paranoia*, 28 October <http://www.unhcr.org/refworld/docid/4af7e032c.html> - Accessed 13 July 2010 – Attachment 2.

memorial. As noted by the USDOS, ‘only one activist managed to reach the monument, where he was arrested.’⁸

2. Have recent events had an influence on the behaviour of the authorities towards those perceived to have been involved in the May 2005 events?

Yes. Sources indicate that in late May 2009, a series of armed attacks and a suicide bombing occurred in and around Andijan.⁹ These events caused authorities to revisit individuals involved in the May 2005 Andijan demonstration. The Institute for War and Peace Reporting states that on 31 May 2009, President Karimov drew an ‘explicit connection with the violence that shook the city four years earlier’ – in reference to the May 2005 demonstration in Andijan.¹⁰ A 2009 Human Rights Watch report states that Uzbek authorities responded to the May 2009 violence by visiting the homes of at least three family members of individuals who were either serving sentences for alleged involvement in the May 2005 events or who had fled Uzbekistan.¹¹ The authorities’ reaction indicates they discerned a link between the two events and the people involved.

3. What kind of treatment is a person who was a mere passer-by, and who happened upon the public demonstration which preceded the ‘Andijan massacre’, likely to face now in Uzbekistan?

According to May 2010 Human Rights Watch report, the government presently relies on methods such as ‘surveillance, interrogations, ostracism, and threats against survivors of Andijan and their families’.¹² As a survivor and perceived participant in the Andijan demonstration, a person could be subjected to any of these forms of treatment.

Recent documented interviews with Andijan survivors are not always explicit about the subject’s profile or history. The example below relates to an Andijan survivor who recently fled Uzbekistan – the information suggests he was targeted for his association with a protester who was armed. His experience indicates that the National Security Agency (also known as the National Security Service) periodically summons persons of interest for questioning. Individuals are pressured to confess to doing things they deny, beaten and requested to inform on other eye-witnesses. The example demonstrates that authorities do not always imprison individuals whom they suspect of involvement – possibly due to these individuals having a greater intelligence value to authorities as ‘free persons’ in the community. Of note in this example is that authorities were also interrogating an individual who was 12 years old in 2005. Although the circumstances surrounding this individuals’ interest to authorities is unknown, it is difficult to imagine

⁸ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 3.

⁹ Amnesty International 2010, *Amnesty International Report 2010 - Uzbekistan*, 28 May <http://www.unhcr.org/refworld/docid/4c03a7f2c.html> – accessed 12 July 2010 – Attachment 6, Institute for War and Peace Reporting 2009, *Uzbek Border Lockdown After Andijan Violence*, 2 June, RCA No.579 <http://www.unhcr.org/refworld/docid/4a28c2161e.html> - Accessed 12 July 2010 – Attachment 7.

¹⁰ Institute for War and Peace Reporting 2009, *Uzbek Border Lockdown After Andijan Violence*, 2 June, RCA No.579 <http://www.unhcr.org/refworld/docid/4a28c2161e.html> - Accessed 12 July 2010 – Attachment 7, Human Rights Watch 2009, *Human Rights Watch Concerns on Uzbekistan: Submitted in Advance of the EU-Uzbekistan Human Rights Dialogue*, June 8 <http://www.hrw.org/en/news/2009/06/08/human-rights-watch-concerns-uzbekistan-0> - Accessed 10 July 2010 – Attachment 8.

¹¹ Human Rights Watch 2009, *Human Rights Watch Concerns on Uzbekistan: Submitted in Advance of the EU-Uzbekistan Human Rights Dialogue*, June 8 <http://www.hrw.org/en/news/2009/06/08/human-rights-watch-concerns-uzbekistan-0> - Accessed 10 July 2010 – Attachment 8

¹² Human Rights Watch 2010, *World Report – Uzbekistan*, 20 January <http://www.hrw.org/en/node/87620> - Accessed 7 July 2010 – Attachment 4.

how a 12-year-old could have played a key, or even secondary, role in the protest, thus demonstrating the extent to which authorities' interest continues to extend to all individuals who were present on the day. An excerpt of the interview appears below:

Tolib T., who recently fled Uzbekistan, told Human Rights Watch that he had been summoned periodically by the National Security Agency (SNB) since the massacre and was summoned again in early summer 2009. The officers tried to pressure him into saying that a friend of his had been carrying weapons on the day of the massacre. He was forced to write an explanatory note, even though he denied knowing about any weapons. He said the officers told him they would put him in prison unless he found where the weapons were hidden. He said he was beaten for hours during the interrogation.

"First there was one guy, then another guy, and then a third," he said. "They took turns beating me. I was a living ball; they kicked me, hit me, and threw me around. I told them that we didn't have any weapons."

He was summoned again in December. "I don't know why they called me in," he said. "I didn't have to write or sign anything. I went with my sister. There was another woman there waiting for her son. He's 17 years old. They also questioned him. He was only 12 years old in 2005."

He said the officers beat him for half an hour. "They called me in to humiliate me, to beat me. At the end they wanted to know if anyone had spoken to me about the dead bodies that were taken away in trucks from the square on May 13. Later my sister told me that the mother waiting for her son [had said] that her son was beaten so badly that he needed to take medication for his heart and blood pressure."¹³

Authorities also pressure the relatives of escaped-Andijan survivors to secure the survivor's return. The pressure placed on families appears to be commensurate with the level of activism the survivor engages in abroad. For example, according to USDOS and Radio Free Europe, in 2009 'the leader of a group in exile that calls attention to the 2005 Andijan massacre, reported in September that four of his relatives died in jail in 2008; he claimed their bodies showed clear signs of torture.'¹⁴ In May 2010, Human Rights Watch published a report detailing authorities harassment of refugees' families – which continues up to the present day. An excerpt appears below:

New research by Human Rights Watch reveals that the Uzbek government continues to intimidate and harass the families of Andijan survivors who have sought refuge abroad. The police regularly summon them for questioning, subject them to constant surveillance, and threaten to bring criminal charges against them or confiscate their homes. School officials humiliate refugees' children.

...

Their relatives are subject to constant surveillance - by mahalla (local neighborhood) committees, the police, and the National Security Agency (SNB) - and are under constant threat of persecution by the authorities.

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¹³ Human Rights Watch 2010, *Uzbekistan: Stop Persecuting Andijan Refugees' Families*, 4 May <http://www.unhcr.org/refworld/docid/4be90b77c.html> - accessed 12 July 2010 – Attachment 5

¹⁴ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 3; Radio Free Europe/Radio Liberty, 2009 'Uzbeks say officials targeting relatives of Andijon witnesses with torture, killings', 15 May <http://www.unhcr.org/refworld/docid/4a1d3e0e2.html> - Accessed 10 July 2010 – Attachment 9

Other refugees told Human Rights Watch that their relatives in Andijan refuse to speak to them by phone, fearful they will face more harassment, or possibly lose their jobs.

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The refugees described a pattern of government harassment. Police summon relatives, interrogate them, demand that they write explanations about their activities, order them to provide official documents for no apparent reason, and call on them at their homes and places of work repeatedly. Human Rights Watch documented a similar pattern of harassment in 2008.

Almost all of the refugees interviewed recently said their relatives are summoned by the police once or twice a month. Most of those interviewed said their relatives are obliged to answer the same questions over and over again, including where their relatives abroad live and work, whether they send home money, how much and how it is spent. They are also forced to write explanatory statements about their activities, including where they go and whom they visit.¹⁵

4. What are the exit procedures, including security checks, in Uzbekistan?

In March 2008, the Uzbek government submitted information to the UN Human Rights Committee (UNHRC), which was published in the Committee's third periodic report on Uzbekistan. The information addressed matters including freedom of movement and migration. The report stipulates that citizens intending to travel abroad must apply to the office of the Ministry of Internal Affairs and submit their Uzbek passport. The application is processed within 15 days and, if successful, the applicant receives a stamp in their passport that authorises travel abroad. The stamp is valid for two years, during which time the relevant passport-holder can make multiple trips abroad without having to apply to the Ministry for authorisation.¹⁶

The report lists the circumstances where an exit visa may be denied. From the information on the applicant's file, category C could apply to the applicant – that is, his claim to being noted on a 'black list' could mean he is under police administrative supervision:

571. A person's travel abroad may be restricted for the following reasons:

(a) He is in possession of information constituting a State secret or has contractual obligations preventing his travel abroad – until the termination of such obligations;

(b) Criminal proceedings have been instituted against him – until the conclusion of such proceedings;

(c) He has been found in a judicial sentence to be a dangerous recidivist or is under administrative supervision by the police – until his conviction is expunged or the supervision is terminated;

(d) He declines to fulfil obligations imposed by a court – until the period of such obligations expires;

(e) He has knowingly submitted false information about himself;

¹⁵ Human Rights Watch 2010, *Uzbekistan: Stop Persecuting Andijan Refugees' Families*, 4 May <http://www.unhcr.org/refworld/docid/4be90b77c.html> - accessed 12 July 2010 – Attachment 5

¹⁶ UN Human Rights Committee 2008, *UN Human Rights Committee: Third Periodic Report, Uzbekistan*, 8 June, CCPR/C/UZB/3, pp.109-113 <http://www.unhcr.org/refworld/docid/4bd945ca2.html> - Accessed 10 July 2010 – Attachment 10

(f) A civil action has been instituted against him – until the conclusion of the proceedings in the case;

(g) He is registered in a call-up district and is liable to be called up for active military service – until the expiry of the period of liability for service or his release from such liability in accordance with the law.

In 2010, the Uzbek–German Forum for Human Rights¹⁷ published a paper that responded to the Uzbek report to the UNHRC. It argued that, in practice, the types of individuals who are denied permission to travel abroad, or whose decisions by the Ministry are delayed, go far beyond the above-listed categories. The Report states that individuals who authorities consider to be disloyal and individuals on whom authorities have placed secret restrictions are also targets for discrimination with respect to the denial of exit visas:

1) individuals who, from the point of view of the authorities, are considered to be “disloyal,” often including human rights and civil society activists, independent journalists, religious zealots, and members of religious communities.

2) individuals of the age of 18 and some older, upon whom the authorities have secretly placed restrictions in the last two or three years...¹⁸

The Report also states that visa-issuing agencies often delay applications so as to solicit a bribe – in Tashkent this practice is frequent. The Report alleges that the National Security Service (NSS) has oversight of all applications and monitors agencies suspected of taking bribes without NSS permission. Relevant excerpts of the report appear below:

Often, there are delays in issuing travel permits simply out of corrupt motives because it compels the applicant to pay a bribe to expedite the process.

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Permission for leaving is issued by the Department of Exit, Entry and Citizenship at the Internal Affairs district offices. But these departments do not make decisions themselves; they are merely a screen for security authorities. **Upon receipt of an application, they slip these statements to the city or regional departments of the National Security Service (NSS), where the decisions whether to accept or deny an application are actually made. ... Since 2005, the NSS has increased its control over the Department of Exit, Entry and Citizenship. Since then, NSS delegated its staff to the Department of Exit, Entry and Citizenship to consider applications and make decisions by checking them with the ‘blacklist’ of dissidents** and the instructions with regards to other discriminated categories of population, namely young men eligible to be called for military service or religious zealots of not traditional persuasions. ... Such denials have become routine. Thus it has apparently been decided to reduce the communications costs – the representatives of the NSS administer routine refusals on-site and

¹⁷ The Uzbek–German Forum for Human Rights (UGF) is a German-based NGO aimed at improving the human rights situation in Uzbekistan and strengthening and promoting civil society. UGF was established and registered in Berlin in July 2008 as a joint venture of Uzbeks and Germans with the purpose of furthering Uzbekistan Human Rights advocacy through the engagement of public opinion and European institutions., see <http://www.uzbekgermanforum.org/content/uzbek-german-forum-human-rights>.

¹⁸ Uzbek–German Forum 2010, “*Your travel abroad is not appropriate*”: *Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today. Executive Summary; On the laws and practices of the Republic of Uzbekistan regarding the rights of citizens to free movement and choice of residence*, p.11 <http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 11 (executive summary) and Attachment 12 (full document).

monitor the Department of Exit, Entry and Citizenship suspected of taking bribes for granting exit visas without NSS permission.¹⁹

In June 2010, Freedom House also reported that the Uzbek government places restrictions on foreign travel, including exit visas, which are often issued selectively.²⁰ In its 2009 Human Rights Report on Uzbekistan, USDOS noted that citizens often bribe officials to obtain the exit visas.²¹

With respect to security checks, no information concerning exit procedures for Uzbek citizens could be found. However, there is a wealth of online information concerning exit procedures for foreigners and this information has been included as it reveals a system of disordered and chaotic customs and passport checks at borders – which, are probably similar for departing citizens.

For example, in October 2008, International Crisis Group (ICG) published an article on its website by the ICG Director of Media and Information, Andrew Stroehlein. The article was an account of Stroehlein's experience travelling through Uzbekistan. The article explicitly states that Uzbek citizens pass through a passport control booth. Relevant excerpts appear below:

Arriving at Tashkent airport is not a pleasant experience. For foreigners, it means three or four hours in the tumbling scrum of **Uzbek customs and immigration**, with hundreds of people cramming up against each other to get through the paperwork. It's not just the chaotic developing world, "this passport control is taking forever" sort of thing, but a literal shoving match for hours on end. **It would be hard to imagine anything worse, but then, you don't really have to: you just have to look at the pitched battle at the passport control booth for Uzbekistan's own citizens.**

...

Fear, pity, sadness, and exhaustion were all mixing in my head as I rode back out to the airport to subject myself to the **hours of inhumanity in getting a boarding pass, pushing through customs control, elbowing my way up to the passport check, shoving through the crowd at the security check, and then being forced into a tiny corridor with hundreds of people from three different flights all scrambling to get through the same doorway.**

"This is the worst airport procedure I've ever seen," said an older Western diplomat who happened to be forced up against me in the crush. "It's worse than anything I ever experienced in other parts of the former Soviet Union, or even Africa."

I had to agree. **I've been through some pretty crazy airports, but Tashkent wins the prize for dehumanizing travelers.**²²

Two other reviews of Tashkent Airport posted on an online travel forum appear below. Like the above example, they also describe a system of security checks through customs and

Uzbek-German Forum 2010, "Your travel abroad is not appropriate": *Propiska, 'exit visas' and other relics of the Soviet era in Uzbekistan today. Executive Summary; On the laws and practices of the Republic of Uzbekistan regarding the rights of citizens to free movement and choice of residence*, p.12-13

<http://www.uzbekgermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 11 (executive summary) and Attachment 12 (full document).

²⁰ Freedom House 2010, *The Worst of the Worst 2010 - Uzbekistan*, 3 June

<http://www.unhcr.org/refworld/docid/4c0e0b0311.html> - accessed 12 July 2010 – Attachment 13.

²¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 3

²² Stroehlein, A. 2008 'Witness to Absurdity', *Transitions Online*, 16 October cited on the International Crisis Group website <http://www.crisisgroup.org/en/regions/asia/central-asia/uzbekistan/stroehlein-witness-to-absurdity.aspx> - Accessed 12 July 2010 – Attachment 14

passport control where visas are checked and stamped. The reviewers reported different experiences with respect to the difficulty of the process:

Tashkent Airport review : 16 September 2008 : by D Fuchs

Customer Rating : 1/5

We had to use this Airport twice in Sept 2008. A new experience indeed. Best show was on departure. **You have to pass the customs - after you have filled in several forms. There is no queue or line - no - just a small gate and several hundreds of people - pushing and kicking.** The staff is rather arrogant, incompetent and type of dull uniform-carriers. It was the most terrible airport we ever used.²³

Tashkent Airport customer review : 5 November 2009 : by K Fridlington (UK)

Customer Rating : 3/5

It does take time to get into the country especially if a large tour group gets to the immigration check first. Local people get a kind of priority however the officials seem to be looking at reasons to stop as many as they can. Anyway remember to complete your arrival card fully and complete every section. **The first control point examines your passport and visa, you collect luggage and then go through a second check where they examine and stamp your arrival card. Leaving the country is similar again you need to complete another card to present to the security at passport control who ask about money.** Again I was expecting the worse however we had no issues or problems, it helps to smile and be polite.

General information on the USDOS website concerning travel within Uzbekistan states that ‘the Uzbek Government tightly controls all official border crossings.’²⁴ The UK Foreign & Commonwealth Office states ‘do not try to cross the border illegally as the absence of entry/exit stamps will cause problems (e.g. possible detention or fines) when you try to leave or re-enter.’²⁵

²³ Fuchs, D. 2008, ‘Tashkent Airport Review’ 16 September and Fridlington, K. 2009, ‘Tashkent Airport customer review’, 5 November cited in ‘Tashkent Airport Passenger Reviews and Tashkent Airport Traveller Reports’, *Skytrax* website http://www.airlinequality.com/Airports/Airport_forum/tas.htm - Accessed 12 July 2010 – Attachment 15

²⁴ US Department of State, 2009, *Travel Warning – Uzbekistan*, 16 June http://travel.state.gov/travel/cis_pa_tw/tw/tw_2533.html# - Accessed 12 July 2010 – Attachment 16.

²⁵ UK Foreign & Commonwealth Office, 2010, *Travel advice – Uzbekistan*, 14 July <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/uzbekistan#> - Accessed 12 July 2010 – Attachment 17.

Attachments

1. Reporters Without Borders 2010, *Country Report - Uzbekistan*, 6 January <http://www.unhcr.org/refworld/docid/4b7aa99cc.html> - Accessed 13 July 2010
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14. Stroehlein, A. 2008 'Witness to Absurdity', *Transitions Online*, 16 October cited on the International Crisis Group website <http://www.crisisgroup.org/en/regions/asia/central-asia/uzbekistan/stroehlein-witness-to-absurdity.aspx> - Accessed 12 July 2010
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