

International Helsinki Federation (IHF)
Mission to Central Asia
(Kazakhstan, Kyrgyzstan and Uzbekistan)
7-16 June 2001

The International Helsinki Federation for Human Rights (IHF) undertook a mission funded by the German Helsinki Committee (GHC) in three Central Asian states from 7 to 16 June 2001. The IHF wishes to express its thanks to the GHC for sponsoring the mission.

Mission members Ulrich Fischer (GHC-board member and IHF Vice-President) and Brigitte Dufour (IHF Deputy Executive Director and Legal Counsel) followed the route detailed below:

7-8 June:	Almaty, Kazakhstan
9-10 June:	Bishkek, Kyrgyzstan
11 June:	Osh, Kyrgyzstan
11-12 June:	Andijan-Kokand, Uzbekistan
12-15 June:	Tashkent, Uzbekistan

The goals of the mission were to:

- **Strengthen cooperation** with local human rights groups;
- **Provide support and assistance** to human rights groups and human rights defenders under threat;
- **Investigate** the human rights situation in the three countries, especially against the background of the ongoing conflict with religious movements;
- **Discuss** specific human rights problems and strategies with authorities and members of the diplomatic community.

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SUMMARY

This report is an outcome of a fact-finding mission carried out by the IHF in three Central Asian republics, after it received reports about alarming human rights developments in the whole region and calls for support and cooperation from local human rights groups in the region. The mission was conducted in cooperation with local organizations, including IHF members, in all three countries.

In **Kazakhstan**, the IHF works in cooperation with its member the Almaty Helsinki Committee. The report describes the bleak general situation of human rights and the rule of law in the only country in the region that has not ratified the main UN human rights conventions. A virtual resurrection of Stalinist practices is taking place, apparently mainly aiming at preserving the interests of President Nursultan Nazarbaev. Such practices include frequent crack-downs on opposition parties, civil society, religious and ethnic minority groups, trade unions, NGOs, and media outlets.

The prosecutor's office continues Soviet practices despite formal reforms, while the courts are corrupted and under the control of authorities. The proposed amendments on the Law on Freedom of Religion and Religious Association could seriously restrict or even ban, under the pretext of preventing terrorism, the activities of other than the two official "traditional religions." Also, the recent elections were flawed.

In **Kyrgyzstan**, once considered the "Switzerland" of Central Asia, the human rights situation has deteriorated markedly over the last few years. Discontent is growing throughout the country, the poor economic situation constituting an important element in the general atmosphere and creating support for Islamic movements such as the Islamic Movement of Uzbekistan (IMU), whose members have fled Uzbekistan to neighbouring Tajikistan and Kyrgyzstan. Security issues have enjoyed priority over issues of democratic developments and the rule of law.

Opposition politicians and human rights defenders (particularly the Kyrgyz Committee for Human Rights (KCHR), an IHF member) have faced fierce harassment, fabricated criminal charges and imprisonment. Media freedoms are diminishing: e.g. on 7 June, the independent newspaper *ResPublika* was prevented from printing its Kyrgyz-language issue because it had planned to reprint an article from British newspaper *The Guardian*. The article alleged that President Akaev's wife profited financially from the newly built Hyatt Regency Hotel of Bishkek.

The **Uzbek** authorities regard Islamic extremism a huge threat to the whole region, a fact that has led to frequent violations of religious freedom. While the IHF acknowledges that the existence of the IMU and foreign support to it is a threat, it nonetheless concludes that the current fight against terrorism serves mainly as a pretext for repressive measures, which has led to massive and arbitrary arrests and charges based on falsified evidence and "confessions" obtained under duress. One man was arrested and sentenced to nine years in prison for having in his possession five leaflets of Hizb-ut-Tahrir (a banned political party that insists not to promote violence but rather political dialogue) and 11 forms of the UN Human Rights Committee. On appeal, given international pressure, evidence related to the possession of UN forms was not considered, but the accused was nonetheless sentenced to a longer term-- ten years.

While exaggerating security threats by the IMU in the Ferghana Valley, little attention has been paid to repressive measures elsewhere. For example, in August 2000 in Sukhandaria, thousands of individuals were forcibly displaced as alleged supporters of IMU, and held in inhuman conditions until November when they were displaced again. In June 2001, at least 73 men from the displaced population were sentenced to 3-18 years in prison on the charges of terrorism and anti-constitutional activities, for "establishing links" with IMU and related acts.

Uzbek human rights defenders are the authorities' targets in an increasingly fierce campaign against their so-called "anti-state activities." Particularly members of the Human Rights Society of Uzbekistan (HRSU) have faced increasing harassment. Shovrik Ruzimuradov was arrested on 15 June and died in

detention in early July apparently as a result of torture. Talib Yakubov, General Secretary of HRSU, and Ruslan Sharipov, head of the HRSU press department, are permanently harassed. Sharipov was tailed, also during the IHF mission, by plain-clothes officials. Sharipov was recently also physically attacked, but he was able to escape his aggressor.

In addition, Uzbekistan seems to revive the old Soviet practice to forcibly confine dissidents in psychiatric hospitals. Elena Urlaeva, an HRSU member, was forcibly put in a psychiatric hospital on 6 April. During the IHF mission, she was moved to the open ward of the hospital, where she was under observation. On 30 June, she left voluntarily, escaping her forced hospitalisation pending appeal of her case. The IHF mission who met her was convinced that she was not in need of psychiatric care but was there only because of her human rights activities. On 12 July a court ruled that her forced detention in the psychiatric institute was legal, paving the way to her forced re-hospitalisation.

In all three countries, governments have focused on security issues and have failed to properly address urgent democratisation, human rights and economic issues, and poverty. This failure ironically leads to more support to Islamic movements and their radicalisation in exile. It is feared that the governments' much publicized threat of religious extremism may therefore eventually turn into a self-fulfilling prophecy, as the authorities' repressive actions feed the insecurity in the country, contributing to increasing underground opposition, victims of repression, torture, and unfair trials and imprisonment.

KAZAKHSTAN

The IHF mission met with:

- the Almaty Helsinki Committee;
- the delegation of the European Commission;
- the German Embassy;
- the OSCE Office;
- the Kazakh Bureau for Human Rights, Pensioner's Association, Transparency International, and heads of opposition parties (at a reception).

I. Kazakhstan: Establishing the Rule-of-Law?

The general situation with regard to human rights and the rule of law in Kazakhstan, which is the only country in the region that has not yet signed or ratified the International Covenant on Civil and Political Rights (ICCPR) or the International Covenant on Economic, Social and Cultural Rights (ICESCR), can be described as bleak and the general trend in the development of human rights in the 10 years since Kazakhstan gained independence is negative.

The last few years have seen an increase in attempts by the State to exert stricter control on society and a resurrection of Stalinist practices is taking place, according to Ninel Fokina of the Almaty Helsinki Committee. Various government organs, and security services in particular, are increasingly cracking down on opposition parties, civil society, religious minority groups and, most recently, ethnic minorities. There have been large-scale attacks on all democratic institutions, trade unions (which were brought under governmental control three years ago), and media outlets. In addition, the recent elections were flawed.

NGOs are under surveillance, and the tax police are increasingly employed to interfere with their activities, especially if the NGO receives foreign funds. Defenders of pensioners' rights - one of the most deprived groups of citizens - have been harassed and prevented from conducting peaceful demonstrations. Most recently, two opposition members were attacked. An investigation into the crimes only began three days following the incidents, and there are fears that these attacks are part of a pattern of intimidation of opposition voices.

The *Prokuratura* (prosecutor's office) was reformed on paper in 1995 but continues to exercise the same powers as under Soviet rule. The Kazakh Security Committee (KNB), the police, the tax police and local authorities all contribute to violations of the human rights of Kazakh inhabitants, discrediting claims of promoting rule of law principles in the country.

Recourse to the courts is ineffective, as they are under great presidential and government influence, and the corruption of judges is a major barrier to the development of a fair judicial system. Furthermore, court decisions are typically not implemented, thus making the judicial system an inefficient power. In a positive development, however, steps were taken this spring to address the issue of the corruption of judges through a significant salary increase, making them less vulnerable to bribes and possibly more independent.

The purpose of all the recent actions repressing civil liberties seems to be to preserve the interests of one man, the first and only president of independent Kazakhstan, Nursultan Nazarbaev. Freedom of expression is severely restricted when reporting relates to the president. In particular, criticism of the president, the "symbol of unity" of the country, is illegal, and issues related to his health, family life, wealth and private activities are considered state secrets, which cannot be reported.

II. Religious Freedoms

The current situation with regard to religious freedom in Kazakhstan is of major concern. One of the major human rights issues under discussion at this time are the proposed amendments to the Law on Freedom of Religion and Religious Associations, which aims at restricting the current law.

The current law, adopted in 1992, is indeed considered rather liberal. Recently, however, the law has been increasingly implemented in a restrictive manner, especially through the actions of the security services, leading to protests from members of “non-traditional” religious groups.

The new law as amended would constitute a further step towards repressing groups and their members on the sole basis of their beliefs. The law would, *inter alia*, force all religious organizations to register (part 1.11, modifying articles 8 and 9 of the law) -- the absence of due registration constituting a reason for banning the association -- and require that Islamic religious associations prove membership of the Kazakhstani Moslem Spiritual Administration (part 1. 11 of the amendments, modifying article 9). This amendment prohibits the dissemination of literature and other materials containing ideas of “religious extremism” and “reactionary fundamentalism” (part 1.16 of the amendment, supplementing article 13). Performing religious activities outside the premises of the religious association is prohibited (part 1.13 of the amendment, modifying article 11), except with the permission of local executive bodies (part 1.15 of the amendment, relating to article 12) - a provision that paves the way for arbitrary practice.

The Advisory Panel of Experts on Freedom of Religion and Belief of the OSCE/ODIHR analysed the proposed amendments, criticizing, among others, the fact that the law targets groups on the basis of their belief rather than their illegal activities; that it uses vague definitions of the terms “reactionary fundamentalism”, “religious sects” and “religious extremism”; and that a wide latitude is left to administrative discretion. The analysis concludes that “the recurring theme of the draft amendments is that they are structured in ways that would impose sanctions or restrictions on a much broader range of religious organizations and activities than are permissible under international standards”.

Both local NGOs and religious groups have criticized the proposed amendments, claiming that the law would result in the banning of all religious groups outside of the two official, “traditional” religions, the Orthodox Church and the official Islam. The only positive aspect of the process of amending the law is that a real public debate on the issue took place, involving members of the civil society.

Nevertheless, this is not the first time that Kazakh authorities have adopted measures aimed at repressing religious groups. Earlier in 2000, a Decree “On the Prevention and Elimination of Terrorism and Extremism” was issued by the president and constituted a significant intrusion into the activities of religious associations. There are fears that the Kazakh authorities are now getting closer to the “Uzbek approach” to the issue of religion through the proposed changes to the 1992 law.

While there are reasons for concern about the use, by some individuals, of religious feelings to stir discontent against the current government and associated criminal acts, the disproportionate measures proposed against religious associations at large, regardless of their having committed illegal activities, as well as the indiscriminate actions against their members, constitute major human rights violations. Independent voices agree that the “fight against extremist groups” serves as a pretext for the large-scale and often violent repression of civil liberties.

III. Prison Conditions; Inhuman and Degrading Treatment; Torture; the Death Penalty

The prison situation has not improved in recent years. Prison conditions remain very poor. In addition, prisons and detention centres are overcrowded, which contributes to appalling sanitary conditions. The government admits to the problem -- which can be raised openly without much fear of reprisal-- and claims that it is due to the lack of financial resources.

Tuberculosis in prisons is widespread, but despite the contagion there is no effective program within the Ministry of Health to address this problem. Given the poor situation in prisons and the risk of the further spread of TB, a process of reforming and improving prison conditions has been made possible, involving the participation of some local NGOs such as the Kazakh Bureau for Human Rights, with the financial assistance of the European Commission.

Beating of detainees is common. It should be noted that the period spent in pre-trial detention leads to the most serious cases of abuse of detainees, especially at the investigation stage. The Kazakh penal code does not specify the crime of “torture”, while torture is systematic in police custody, due in part to the lack of professionalism of police officers, and the impunity they enjoy.

The death penalty is still applied. At the same time, no access is given to official information regarding death sentences and executions, let alone any data published, NGOs conclude that approximately sixty (60) convicted persons were executed in Kazakhstan in the year 2000.

KYRGYZSTAN

The IHF mission met with:

- the Kyrgyz Committee on Human Rights and partner human rights NGOs in Bishkek and Osh;
- victims of human rights violations;
- journalists from the independent newspaper *ResPublika*;
- the OSCE Office in Bishkek (human rights advisor; political advisor) and Osh (economy and ecology advisor) ;
- the German Embassy;
- the International Organization on Migration (IOM);
- the Bureau for Human Rights ;
- the German Agro Action/ Deutsche Welthungerhilfe, Osh.

One of the mission’s main goals in Kyrgyzstan was to investigate the fate of human rights activists in the country, especially with regard to the Kyrgyz Committee on Human Rights, a member of the Helsinki Federation.

I. Civil Society in Kyrgyzstan

The IHF has conducted a number of missions and participated in several other human rights initiatives in this country over the last four years. It is clear that the “Switzerland” of Central Asia is losing its reputation of “island of democracy” in the region, as the human rights situation in Kyrgyzstan has deteriorated markedly over the last few years.

Discontent is growing throughout the country, with the poor economic situation representing an important element in the general atmosphere. Poverty, especially in the south of the country, has been a factor in some part of the population’s sympathy for the Islamic Movement of Uzbekistan (IMU) actions of the last two years. All individuals interviewed reported a very low level of activity of the illegal group in the past summers, and reported its absence from the region until now.

The focus on security issues, prevailing over democratic and rule of law oriented developments, have greatly contributed to an increase in human rights violations, including the harassment of human rights defenders who disagree with the authorities' policies. Human rights groups are working under increasing pressure, which is exerted through administrative procedures; civil, taxation, labour proceedings; and criminal prosecutions. Following a deeply politically manipulated labour case against the Kyrgyz Committee on Human Rights (KCHR), the equipment of the committee, such as computers and copy machines - which are in fact the property of foundations and simply on loan to the Committee - were seized on 1 June 2001.

The Chairman of the Committee is currently working in exile, and many other members of various branches of the committee throughout Kyrgyzstan have been arrested and threatened by the authorities.

It is interesting to note that on the recent occasion of an OSCE high representative's visit to Bishkek on 6 June, two major figures in the officially-supported fight against the Committee, Mr. Eliseyev and Mr. Botaliev, succeeded in approaching the official delegation in front of the OSCE office and blocking the official car, claiming that the Kyrgyz Human Rights Committee had "violated their human rights" and asking for OSCE's help in forcing the return of the Committee's Chairman, R. Dyryldaev, to Kyrgyzstan. It should also be noted that no security or police agents tried to interfere with the two men.

A member of the Kyrgyz Committee's branch in the Chui region, Valentina Fedoseyeva, described the hardships to which her family has been subjected since the death of her son from a medical error (the professional error was later confirmed by the court, but the doctor was amnestied on the same day). Following the death of her son, Ms. Fedoseyeva insisted on receiving the expertise of forensic doctors from Kazakhstan. She was very determined about this issue, which led to the arrest of her second son, unless she abandons the idea. Her son was later released, but when the exhumation plans materialized with Kazakh experts, he was then tried on apparently falsified charges of assault on the person of the doctor (who is the husband of the local prosecutor) and tortured. Her son is now serving a 6-year prison term.

Opposition figures have also faced various criminal charges. In two distinct cases, presidential candidate Kulov and long-time critic of the government Topchubek Turgunaliyev are serving 7 and 6-year prison sentences respectively on political motives. The IHF issued separate releases about these cases earlier (see IHF Annual Report 2000 and IHF statement of 22 January 2001).

In Osh, a meeting with human rights activists was organized by members of the Osh branch of the KCHR, a newly-founded local Committee. A mission member met with Mr. Gapirov, who had just been released from prison, after the expiry of his 6-month term served on charges of hooliganism. He had been engaged in helping local residents overcome administrative hardships, and had started arranging discussion groups with people in Osh to discuss human rights violations. He reported that groups were forced to meet in remote areas of the town due to the constant vigilance of the police, who, suspicious of the reasons of the gathering, disband any small meeting. Mr. Gapirov was now resuming his human rights activities.

At the time of the mission, the Osh KCHR was currently investigating cases of corruption of local officials. Two weeks later, as this report was completed, the Coordinator of the Committee, Noomagan Arkabaev, was arrested. His assistant was summoned to the investigator's office of the National Security Services (NSS) the next day and interrogated. As of the writing of this report, the Osh committee was sealed by the NSS after leaflets were planted by the police in the office, which served as the basis for criminal charges. Mr. Arkabaev was charged with defamation and "attempting to challenge the constitutional order of the Kyrgyz Republic". He reportedly went on hunger strike on 3 July to protest the actions of the secret police in his case.

II. Freedom of the Media

On 7 June, the independent newspaper *ResPublika* was prevented from printing its Kyrgyz language issue because it planned to reproduce an article from British newspaper *The Guardian* that had been printed two days earlier in the *ResPublika* Russian issue. The article from the reputed British newspaper was controversial because of allegations of President Akaev's wife interests in the newly built Hyatt Regency Hotel of Bishkek, claiming that stocks had been given to her.

Before the 7 June issue in Kyrgyz language was to be published, the editor-in-chief of the newspaper, Zamira Sydykova, was summoned to the State Secretary of the Kyrgyz Republic, who asked her not to publish the article. While the editor showed her readiness to comply with the request if provided with information about the falseness of the facts reported in *The Guardian*, such information was not provided to her.

On 7 June, the paper was refused printing by the only printing house in Bishkek, "Ushkun", which is 95% government-owned. "Ushkun" representatives reportedly said that they had received a phone call from the National Security Service (NSS) with instructions not to print the issue.

For the next issue, dated Tuesday 12 June, the newspaper was forced to remove the article about the Hyatt Regency and replace it with another in order to be printed. In effect, therefore, not reporting about the "Hyatt Regency" controversy is a condition of publication for *ResPublika*.

In Osh, it was reported that after the incursions of IMU, more repressive actions were undertaken against Uzbek populated areas, including by imposing new frequencies to OSH TV, an Uzbek-language independent broadcasting outlet, forcing it to adapt its technology. This change necessitates the purchase of new technical instruments that the TV station cannot afford, and OSH TV is therefore no longer able to broadcast its programmes.

UZBEKISTAN

The Mission met with:

- the Uzbek Society for Human Rights (Tashkent branch);
- the Uzbek Society for Human Rights (Andijan branch);
- the German Embassy;
- the OSCE Office;
- a representative from the office of the ombudsperson;
- Mr. Sabir Saidov, Head of the Relations with EU countries in the Uzbek Foreign Ministry;
- Mr. Akhmal Saidov, Head of the Human Rights Department in the Uzbek Parliament;
- Chief Doctor and Deputy Chief Doctor of the Regional Psychiatric Institute in Tashkent;
- independent journalists;
- the German Agro Action/ Deutsche Welthungerhilfe, Tashkent;
- HRW representative, members of the diplomatic community (at a reception).

I. The Fight against "Religious Extremism", Poverty, and Freedom of Expression: an Overview

A number of human rights issues were discussed at a meeting with Mr. Akhmal Saidov, head of the Human Rights Department in the Uzbek Parliament, who declared that the existence of Islamic

extremism was a huge threat to Uzbekistan and the entire region. He complained about the lack of understanding of the situation by foreign experts, who would not understand the radicalisation of Islam. In particular, according to Mr. Saidov, foreign experts would be thinking using old methods, as if Uzbekistan were the Soviet Union, and treating Uzbekistan as an atheist state, which it is not. Eighty percent of the Uzbek population is Muslim, and the last 10 years have seen a renaissance of religions. Therefore, reports of violations of religious freedoms in Uzbekistan by foreign human rights organizations are “absurd”.

When asked about implementation of OSCE standards in the field of religious freedoms, Mr. Saidov insisted on the fact that they were not legally binding and downplayed their importance. On this issue, he did express satisfaction with the US State Department report, which he considered to be more positive about Uzbekistan than about other countries, and not as severe as that of NGOs.

The IHF acknowledges that the existence of the Islamic Movement of Uzbekistan (IMU) is a threat, and that allegations of support for the movement from foreign countries such as Afghanistan and Saudi Arabia are to be taken seriously. The IHF nonetheless concludes that the current fight against terrorism serves mainly as a pretext for repressive measures, which has led to massive arrests of opposing figures and the random arrest of individuals too often charged on the basis of falsified evidence, and condemned on the basis of confessions obtained under duress (see more information below, under I.A.). Instead, the current response by Uzbek authorities will most probably lead to further radicalisation. In addition, extreme poverty leads the population to welcome the help of “Islamists,” who have reportedly provided them with food, money and schoolbooks.

The issue of poverty - a significant problem throughout Central Asia - is not addressed properly by the Uzbek government. Instead, a system of so-called privatisation serving the interests of the heads of local and central authorities was established, keeping the local population striving for survival.

A good example of the effects of “privatisation” is that of cotton fields in various Uzbek regions, including in the Ferghana Valley. The role of *akims* (government-appointed heads of local authorities) is crucial to ensuring that the local resources are channelled to the central government. A system was established, whereby it is compulsory for local peasants – who in principle have ownership of their land - to sell their cotton production to state-controlled enterprise at a price fixed by the government. The government in turn sells the cotton at a much higher price, thus making substantial profits. These tactics of “privatisation” serving the financial interests of the authorities are used in various fields, and maintain the population in a state of poverty while enriching themselves.

Furthermore, the state establishes a minimum quota of production that must be reached in each regions, each *akim* exerting pressure on peasants in order to meet these thresholds. There are also cases in which peasants are not paid for their products, but are given food in exchange for their work.

Reporting about such problems, as well as a multitude of economic, religious or human rights issues, is not permitted, and can be severely punished. Independent journalists told the IHF mission that censorship prevails in the country, although it is prohibited both by the Constitution and the Law on the Mass Media. On the national level, censorship is exercised both by the State Press Committee and by a censorship office within the presidential administration. In addition, city administrations also exert censorship, and many journalists declared that they must engage in self-censorship in order to avoid “problems”. Journalists reported that at a recent meeting with the minister of the press they were told to be even more careful in their reporting than before, given the increased threat of Islamic extremism and the insecurity in the country.

I.A The Ferghana Valley

It is the general assessment of members of Uzbek civil society that there is no real security threat in the Ferghana Valley. As the IHF mission drove through the region, it could find no signs of rebellious activities. While a comeback of IMU religious extremists was expected by the authorities in the

summer, inhabitants of the region insisted that they had not yet been seen this year. Furthermore, IMU presence in the previous summers was on a much smaller scale than that claimed by the authorities. The threat of Islamic extremism in this region is apparently exaggerated by the government.

Most of the “extremists” who were arrested and sentenced in the past are believed to be moderate Muslims, many of them members or sympathisers of the banned Hizb-ut-Tahrir political party, which insists promotes political dialogue, and not violence. Opposition forces, such as that of the Hizb-ut-Tahrir, are banned and therefore forced to operate underground in Uzbekistan.

At the same time, there are reports of Hizb-ut-Tahrir members who, forced into exile because of prosecution in Uzbekistan, are becoming more radical abroad, for example in Kyrgyzstan and Tajikistan. It is feared that the government’s much publicized threat of religious extremism may therefore eventually turn into a self-fulfilling prophecy, as the authorities’ repressive actions feed the insecurity in the country, contributing to increasing the ranks among opposition voices, victims of repression, torture, unfair trial and imprisonment, who might well turn to more radical means in reaction to the overwhelming injustice that prevails throughout the country.

There have been numerous reports of the police planting “incriminating evidence”, such as leaflets from the banned Hizb-ut-Tahrir, which have led to the sentencing of citizens, and even of family members of alleged Hizb-ut-Tahrir members, on charges of terrorism. According to local NGOs, other “evidence” such as drugs, religious literature, or small weapons, is also regularly planted by the police.

This process of illegal arrests, detention and trials of alleged religious extremists is of major concern to the IHF. The practice of planting evidence; torturing arrestees to extract confessions; and trying the accused on the basis of such confessions and evidence is a serious violation of due process and fair trial, which must be brought to an end if Uzbekistan wants to show that it is a responsible member of the international community.

One example of the indiscriminate arrests and accusations of “religious extremism” is the case of Kamoletdin Djuraevich Sattarov, a 30-year-old man from Andijan and father of four small children. Mr. Sattarov was arrested together with 70 other men on the very day that high public officials from the capital, including the Minister of Interior and the Prime minister’s assistant on religious affairs, were meeting in Andijan to discuss the fight against religious extremism. All 70 men were charged and later prosecuted and sentenced in an obvious attempt to show that the Andijan police and prosecutor were doing something to curb religious extremism.

Mr. Sattarov was charged with possessing five leaflets of the Hizb-ut-Tahrir party, and 11 forms of the UN Human Rights Committee, six of which had been completed for submission to the UN body. In the first instance, he was sentenced to nine years, even though the court recognized that he was not a member of the banned party, and although all the evidence pointed to the fact that the UN forms did not belong to him, but to his mother, who also testified to this effect. The IHF and other NGOs raised concern to the UN Commissioner for Human Rights about this court ruling that the possession of UN forms is illegal.

On appeal, most probably as a result of pressure exerted by UN representatives and NGOs, the possession of UN forms was not kept as incriminatory “evidence”, and the court ordered that they be remitted to the mother of the accused. Only the possession and alleged distribution of religious leaflets formed the basis for the accusation. Still, Mr. Sattarov was sentenced on appeal to 10 years imprisonment, and the forms were never returned to his mother.

I.B Massive Deportation of Village Populations in Sukhandaria

The Ferghana Valley is not the most problematic region in Uzbekistan, despite claims to that effect. But while international attention is directed at the alleged fierce fight against terrorism in the Ferghana Valley, serious repressive measures are being undertaken in other regions, such as that of Sukhandaria.

The fate of thousands of inhabitants from this region is of particular concern after they fell victim to government policies of collectively punishing entire villages on suspicion of some inhabitants' alleged sympathies and assistance to the IMU, after fighting between IMU members and the army had taken place over the summer on the border with Tajikistan. Other observers believe that the deportation could be linked to drug trafficking involving state officials.

On 5 August 2000, inhabitants from four mountainous districts of the Sukhandaria region were forcibly deported from their homes by the military in order to be relocated in a camp in the district centre. Independent observers evaluate the number of displaced people to be between 2,500 and 4,000. Authorities claim that a total of 1,333 persons were displaced by this operation.

Apart from differences in terms of figures, the related facts are the same: the villagers were taken by surprise in the morning, and were forced to embark on army helicopters that flew them to camps located in the steppes. They were not allowed to bring their belongings with them.

At no time was the local population informed about plans aimed at their massive deportation. When IHF mission members raised this problem with representatives of the authorities, they explained that the villagers were obviously not-- and could not have been-- informed in advance, as otherwise some would have gone into hiding or prepared illegal actions. The head of the Human Rights Department, Mr. A. Saidov, further justified the move as necessary for this mountainous population, claiming that they could not get proper medical treatment or proper education in the remote places where they lived. In addition, it was allegedly dangerous for them to live there, including because of the danger of avalanches.

Human rights activists report that the deported persons lived in camps with no infrastructure and were given no subsistence for as long as two weeks. In addition, the camps were surrounded by armed soldiers. Men were taken to the police station for questioning and returned to the camp 10 days later. One man, the director of a school, D. Karimov, was detained and never returned to the camp. He was allegedly later seen in a Tashkent prison, but no traces of him could be found recently. It is feared that he may have died in detention.

In November 2000, given an outcry from human rights and humanitarian organizations, the displaced population was moved again to a seemingly more decent settlement, where they are apparently expected to cultivate the land and rebuild their lives. On the occasion of the resettlement though, numerous men (at least 73 known cases that were tried subsequently, as explained below) were arrested and taken to detention wards in Tashkent.

The arrests of educated men from the displaced population -- all of them teachers, school directors, and doctors -- led to court proceedings, and a total of 73 men were tried in the second week of June in Tashkent, in group trials heard by four different courts judging between 16 and 20 men each. All of them were accused of terrorism and anti-constitutional activities, for "establishing links" with IMU and related acts, which included giving them food and shelter or checking out the mountains for them.

All of the 73 men were found guilty. Sentences ranged from between three to eighteen years of imprisonment. Only limited access was allowed to the court hearings. In one hearing that was open by some monitors who found their way through, observers reported that no clear procedures existed; that the defence lawyers were appointed by the government; and that the court decision read as a long political diatribe reflecting the theories of the secret services. Human rights activists report that other group trials are now under preparation.

The retaliation actions taken against the entire population of these villages seem to have been aimed at controlling this territory on the border of Tajikistan and at punishing the population because of their alleged sympathy for IMU. The mountaineers who were displaced, and the men charged and sentenced in June, are predominantly of Tajik ethnicity.

According to NGO activists, there are plans for more widespread deportation of mountain populations from as many as fifteen neighbouring districts to the four already emptied. Officials met by the IHF mission, however, denied that such plans existed. The IHF urged officials to put an end to the practice of deportation and to alleviate the human suffering caused by previous instances of displacement, including by providing for their resettlement in their original districts. This would nevertheless require the cleaning of the region, where landmines have been placed by the Uzbek authorities, as in other regions bordering Tajikistan and Kyrgyzstan, to “protect borders”.

II. Human Rights Defenders

The continued intimidation and harassment of human rights defenders, as well as their forced detention, ill-treatment and other abuses carried out in flagrant disregard of international human rights standards, are dangerous developments in independent Uzbekistan.

On 13 July, on the basis of the mission findings, the IHF wrote a letter to President Karimov, protesting the attacks on human rights defenders, referring particularly to the cases of Ms. Elena Urlaeva, Ruslan Sharipov and Shovrik Ruzizuradov, described below under II.A, II.B and II.C, respectively.

II.A The Case of Elena Urlaeva

Elena Urlaeva, a human rights activist with the Human Rights Society of Uzbekistan (HRSU), was arrested by the police on 6 April while on her way to a demonstration she had helped to organise on behalf of Tashkent inhabitants illegally evicted from their apartments. Ms. Urlaeva was brought to the City Psychiatric Institute, where she was “treated” for more than two months with strong psychopharmaceutical drugs.

In early June, her detention was challenged before a court, which ordered her transfer to the Regional Psychiatric hospital, where she was to be observed.

The IHF mission visited Ms. Urlaeva in the psychiatric institute. First, a meeting took place with the doctor-in-chief and his deputy, who stated that for the moment her condition was satisfactory, but that she could in principle be observed for up to 30 days. The mission asked for a prompt decision in her case, asking for her simple release on the basis of the current observation. It was explained that a commission of doctors would make recommendations to the court regarding the case, and that the court would decide on her release. When asked by mission members if Ms. Urlaeva had therefore been formally arrested, they answered positively.

The doctors tried to reassure the IHF that given her satisfactory condition, she had been transferred to the open ward of the institute, where voluntary patients were kept for neuroses, as opposed to her previous detention in the previous department designed for patients with psychoses. The deputy-chief said the mission should not worry about her, since Ms. Urlaeva had declared she was happy and well treated in this ward.

The mission asked to see Ms. Urlaeva. After a moment of hesitation, permission was granted. The deputy-head went on ahead, while the mission team was invited to further discussion with the chief-doctor. The team was later taken to the open ward, where they saw Ms. Urlaeva in the hall. She admitted to being very puzzled about the events of the last minutes, when she was taken hastily to this new ward, not knowing why she was asked to run. She had been moved to this recently renovated open facility only 5-10 minutes before the IHF delegation reached the building.

While discussing with Ms. Urlaeva, she insisted that she had met many other people like her, considered opponents to the regime, neutralized through mental confinement. She said that most

patients in the City Psychiatric institute were heavily drugged, most often tied in their bed (she said that she herself was restricted only twice), and that patients who did not benefit from the attention she received were regularly beaten. She declared that human rights defenders should have more projects to protect people in psychiatric hospitals.

The IHF mission finally visited other sections of the institute, including the one from which Ms. Urlaeva had just been taken. After a few minutes in the corridor of this ward, the deputy-chief doctor advised the mission to hurry up and leave, as it was a “very dangerous place”.

Upon leaving, the IHF asked again for the prompt release of Ms. Urlaeva, insisting that she was not mentally ill, but rather the victim of an arbitrary arrest and forced confinement orchestrated by the authorities because of her work on behalf of human rights, which was specifically challenging the actions of the local government.

It should be noted that when the IHF mission met with Mr. Saidov, head of the Human Rights Committee, and raised their concerns regarding the Stalinist-style methods that had been applied to Elena Urlaeva, he recognized that a mistake had been made in this case and that there were hopes that an end would be put to this situation very soon. Still, he raised concerns about “what Ms. Urlaeva had said in Warsaw”, on the occasion of the OSCE Implementation meeting, about discrimination of the Russian population in Uzbekistan. He asked the IHF mission whether they agreed with her statement, to which the IHF mission members replied that Ms. Urlaeva had the right to freedom of expression, and whether they agreed or not was irrelevant. Forced psychiatric hospitalisation was clearly a dangerous response to the exercise of her rights.

Upon return from the mission, the IHF was informed that Ms. Urlaeva had left the open ward of the psychiatric institute voluntarily on 30 June and was waiting for her appeal about the legality of her forced detention to be heard. The hearing before the Tashkent city court took place on 12 July. The court held that no irregularity had been committed in her case, and that the forced detention in the psychiatric institute was therefore legal. It is now feared that Ms. Urlaeva could again be taken by force at any time to a mental hospital.

II.B. Harassment of Other Members of the HRSU: the Case of Ruslan Sharipov

Human rights defenders and groups are the target of the authorities in an increasingly fierce campaign against their so-called “anti-state activities”. IHF representatives met with Talib Yakubov and Ruslan Sharipov of the HRSU. Mr. Sharipov is also the head of the HRSU press centre and *Prima* correspondent in Uzbekistan. He is currently setting a Union of independent journalists and was recently approached by Reporters Without Borders to be their counterpart in Uzbekistan. Both HRSU members described the hardships of working as human rights defenders in their country.

On various occasions, the IHF noticed plain-clothed officers following them when they were in the presence of Ruslan Sharipov. The latter reported that he had been regularly followed by the same men for several weeks. These people made no attempt to be discrete when following him, but rather showed their constant presence with the obvious aim of intimidating him.

As of the writing of this report, Mr. Sharipov had just fallen victim to an attack while on his way to the court to observe the appeal in the case of Elena Urlaeva (see II.A above). About eight men reportedly surrounded him, and as one of them raised his arm and started a movement to hit him on the head with a blunt instrument, Mr. Sharipov managed to escape. He ran into a taxi that took him to the court building. Following the court hearing, he went directly to the OSCE office in Tashkent. The Head of the OSCE office later accompanied him back to the HRSU office, where a large number of cars were stationed in front of the building of the HRSU as well as plain-clothed security officers, who were still standing there when the IHF was last in contact with the HRSU office late on the same night.

Mr. Sharipov also described a visit that his mother had received from security services officers, who insisted that she exert her influence on her son, whose insistence to pursue his activities could “put herself and her younger son (Ruslan’s brother) in danger”.

II.C. Death in Detention of the head of HRSU in Kashkadarya

In another development, the IHF was informed of the death in detention of a well-known human rights activist from Kashkadarya, Shovrik Ruzimuradov, the head of HRSU office in this region.

Mr. Ruzimuradov was arrested on 15 June 2001. Authorities searched his house, where leaflets of the banned religious party Hizb-ut-Tahrir and gun cartridges were allegedly found. For more than three weeks, he was kept illegally in *incommunicado* detention, during which time he had no access to a lawyer and was refused contact with his family. On 7 July, the dead body of Mr. Ruzimuradov, the father of seven children, was returned to his family.

Before the burial of Mr. Ruzimuradov, his family was unable to get an independent medical examination by forensic experts from Tashkent, as access to the region was blocked. Members of the Tashkent and other regional offices of the HRSU were prevented from attending the funeral for the same reason.

The IHF considers that there is strong evidence that the death of Mr. Ruzimuradov while in police custody is to be attributed to acts of torture. The IHF is aware of practices of the police planting evidence on the basis of which suspects are charged, and confessions extracted under duress. A proper investigation into the circumstances of the death of Mr. Ruzimuradov is necessary, and would serve as a strong signal that torture cannot be tolerated and that the impunity of perpetrators of torture will not prevail.