

**Submission by Human Rights Watch
to the UN Committee against Torture
in advance of its country report on Uzbekistan**

**April 2019**

Human Rights Watch welcomes the opportunity to contribute to the List of Issues for the Republic of Uzbekistan prior to the review of its compliance with its obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“the Convention”) to which it acceded on September 28, 1995. We would appreciate if the areas of concern highlighted below could be reflected in the list of issues submitted to the Government of Uzbekistan ahead of its review by the Committee.

Since the Committee´s last review, Uzbekistan has undergone some changes after President Shavkat Mirziyoyev assumed the presidency in 2016 following the death of Uzbekistan’s long-serving leader Islam Karimov. In the last two years Mirziyoyev has taken some promising steps to reform the country’s awful human rights record. Detained journalist and other long-serving political prisoners were released, there was an increasingly vibrant media environment, evidence the government was working to combat forced labor in the cotton sector, and several cases where local officials were held accountable for abusive or corrupt actions following vigorous online debate.

Nevertheless, many promising reforms are yet to be implemented. The security services’ powers remain deep and vast, free elections and political pluralism are distant dreams, and there are still thousands of people in prison on politically motivated charges.

This submission examines the persistent lack of effective investigations into alleged cases of torture and the failure to hold perpetrators to account; the persistent use of torture, inhumane and degrading treatment against persons detained for politically motivated reasons; and the failure to provide redress, fair and adequate compensation and rehabilitation to victims of torture.

***Article 2, 12 and 16 – Prohibition of Torture, Cruel, Inhuman, or Degrading Treatment or Punishment, and Ensuring*** ***Prompt and Impartial Investigation***

Hundreds of individuals remain imprisoned in Uzbekistan under questionable circumstances many of whom have been subject to ill-treatment, torture and terrible conditions of detention. Impunity largely persists and the Uzbek government needs to take credible steps to implement independent and impartial mechanisms to investigate allegations of torture and bring perpetrators to justice. Furthermore, the Uzbek government has not ratified the Optional Protocol to the Convention against Torture (OPCAT) and neither allowed the International Committee of the Red Cross (ICRC) to carry out independent monitoring of Uzbekistan´s prisons and places of detention.

For example:

**1. Ibodov case**: **Ilhom and Rahim Ibodov**, two brothers who used to run a business in Bukhara were arrested in August 2015 by the State Security Service (SGB) (formerly the Uzbek National Security Service (SNB)), after they refused to continue to pay bribes to officials and threatened to file official complaints about extortion and racketeering. They were held for a total of 25 days at a temporary detention facility of the Bukhara Department of Internal Affairs. Due to ‘administrative violations’ their sentence was extended after the first 10 days by another 15 days. The surviving brother Rahim told relatives that during that time they were severely beaten repeatedly by four other cell mates who were encouraged by officials. The brother’s feet were tied together while they were beaten, and they were beaten on the soles of their feet.

Two days after their conviction, Rahim Ibodov witnessed his brother being beaten to death by three men. Rahim Ibodov identified the three officers as Azim Yunusov, head of the inspections department of the Bukhara SNB, an officer he knew as Bahodir whose surname he does not know, and an officer he knew as Inom whose surname he does not know but he believes was from the SNB’s anti-corruption department. He knew the officers because the officers had for several years extorted bribes from the brothers.

When the family received Ilholm Ibodov´s body, they were urged to bury it the next day; the death certificate they received indicated a heart attack as cause of death.

Human rights organizations asked an independent medical forensic expert from outside Uzbekistan, who has worked as chief of medical services for a government ministry as well as a consultant for human rights organizations to examine photographs and video of Ilhom Ibodov’s body taken by family members on the day it was returned to them. The expert said that the images showed wounds around both ankles, a possible result of being shackled or bound with rope, and hematomas on his lower back, buttocks, shoulder, and the sole of his feet consistent with blunt force. The expert concluded that these and other marks were consistent with allegations of torture.

Rahim Ibodov, Ilhom Ibodov’s brother who was detained along with him and given an 8-year prison term, was released in 2018. In June 2018, following a closed trial, several security agency officers were sentenced for their role in the torture and death in custody of Ilhom Ibodov. The trial was closed to the public, despite its exceeding public importance.

More information:

* <https://www.hrw.org/news/2016/11/28/uzbekistan-investigate-death-custody-torture>

2. **Case of Bobomurod Abdullaev:** On September 27, 2017 the SGB arrested freelance journalist **Bobomurod Abdullaev** on charges of conspiracy to overthrow the constitutional regime. As he later told his wife he was beaten when arrested and abducted with a bag over his head without being given any explanation. For the first days after his arrest he was stripped of his overclothes and forced to stand in a freezing cell without any food. He was only given food after he collapsed from exhaustion five days later. His relatives told representatives of several human rights groups on February 3, 2018 that he had been tortured and otherwise ill-treated since his detention. Further he was deprived of food several times and received threats against his family. He was further deprived of access to an attorney of his choice and under the supervision of an official even fired his human rights lawyer and accepted to be defended by a state-appointed lawyer. He later managed to communicate to his wife that he still wished to be represented by the human rights lawyer.

In May 2018, following a trial observed by journalists and local and international human rights monitors, a court conditionally released but still fined Abdullaev. While the trial set a precedent for its degree of openness and transparency, authorities have not genuinely investigated Abdullaev’s credible allegations of severe torture, despite a May 7, 2018 court order to the SNB to conduct an internal investigation into its actions during Abdullaev’s detention. Abdullaev has also reported being subjected to surveillance by security services on several occasions since the trial.

More information:

* <https://www.hrw.org/news/2018/02/14/uzbekistan-investigate-torture-journalist>

3. **Other cases:**

* In a related case, authorities arrested **Hayot** **Nasriddinov**, a blogger and economist, in September 2017 on extremism charges (Article 159(4)) that appear to be related to the conspiracy charges against Abdullaev. Nasriddinov similarly faced up to 20 years in prison. He was held in a SNB pre-trial detention center in Tashkent, and there were serious concerns that he may have been tortured or otherwise ill-treated in detention. Nasriddinov was released in May 2018.
* Forum 18, a non-governmental organization that monitors religious freedom, reported a torture case in 2017 in the northwestern city of Nukus, where police officers **jailed a Jehovah’s Witness,** hitting him “on his kidneys, chest, stomach, and face. They then demanded that he do 150 squat exercises without taking a rest. When he was able to do only 120, the officers again beat him in the face.” Later, police “kicked him on the back” and subsequently “[in freezing conditions] poured cold water on the floor of the cell and kicked him in the head.”
* In June 2017 relatives of imprisoned rights defender **Nuraddin Jumaniyazov** reported that he died in prison on December 31, 2016, of tuberculosis and diabetes-related complications. He was jailed in 2014 and sentenced in March 2014 to eight years and three months in prison on politically motivated charges. Jumaniyazov alleged he was tortured during his pre-trial detention and was denied contact with his attorney. No judicial or prison authorities meaningfully investigated the torture allegations.
* When **Bobomurod Razzakov** was released in October 2016 one year prior to end of his four-year term in prison due to health conditions, evidence emerged that Razzakov was seriously ill-treated and denied medical care in prison.
* In November 2017 political activist **Samandar Kukanov** was released after an appeal by human rights groups and the US State Department, revoking a decision to extend his term by three years. He had been imprisoned since 1993, tortured, and at the time of his release seriously ill.
* In 2016 Human Rights Watch discovered that **Akram Yuldashev**, a religious figure and one of Uzbekistan’s longest held political prisoners (since 1999), reportedly died in 2010 of tuberculosis. He had been set to be released from prison in the beginning of 2016. Authorities had forcibly disappeared him in prison and denied any information on his whereabouts since 2009. His family resides in the United States and has never received any formal information about his condition or death.
* In March 2016 **Elena Urlaeva**, human rights defender and head of the Tashkent-based Human Rights Alliance of Uzbekistan checked into a psychiatric hospital after experiencing multiple traumatic events, including ill-treatment by the police. When Urlaeva was supposed to be released on May 2, the hospital arbitrarily detained her citing “official orders” rather than a medical reason. The hospital released Urlaeva on June 1, after significant international pressure. After her release, Urlaeva reported ill-treatment during her detention, saying the “hospital staff turned aggressive patients on me, who beat me and dragged me by the hair.”
* Following the forced return of **six Uzbek asylum seekers** from Norway to Uzbekistan in December 2014, authorities arrested, tortured, and tried the asylum seekers on charges of terrorism, accusing them of viewing “extremist” videos in Norway. In February 2015, state-sponsored television aired a film containing excerpts of the defendants confessing, in which the men displayed visible signs they had been tortured.

*The Committee against Torture should:*

* Ask the government of Uzbekistan to provide information on any measure taken to ensure prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment;
* Ask the government of Uzbekistan to inform about measures taken to implement the recommendations of the UN special rapporteur on torture based on his visits to the country in 2002;
* Urge the government to publicly acknowledge the scope and gravity of the problem of torture in Uzbekistan and meaningfully investigate all allegations of torture;
* Urge the government to ratify the Optional Protocol to the Convention against Torture (OPCAT);
* Urge the government to resume monitoring activities of prisons and detention facilities by the ICRC.

***Article 11 – Treatment of Persons Subjected to Detention***

***Conditions of detention***

While there is no complete list of political prisoners in the country, local activists have reported that there were thousands of persons imprisoned on politically motivated charges, many of whom experienced torture or ill treatment. Despite some releases it is also unclear how many political prisoners remain in detention.

Some cases of concern where there have been credible allegations of torture include current prisoners Ruhiddin Fahriddinov, jailed since 2005, Sobir Hamidkariyev (producer), Ravshan Kosimov (military officer accused of espionage), Askar Ahmadiy, and jailed academics Akrom Malikov and Andrei Kubatin.

A recent case of concern is that of retired Uzbek diplomat Kodyrjan Yusupov, who was taken into security services custody from his hospital room on December 9, 2018, after he had been admitted for issues relating to his mental health. Authorities have charged him with treason. According to his lawyer, Allan Pashkovskii, the one time he was allowed to see Yusupov was on January 4, 2019 in presence of a security guard and an investigator, and was told that on December 27, 2018, his client had allegedly waived his option to be represented by the lawyer his family had chosen. On April 23, 2019, Pashkovskii received a letter from Yusupov requesting his services.  As of this writing, Pashkovskii is waiting for the Office of the Prosecutor General to provide him full access to his client. Human Rights Watch urges the authorities to immediately provide Yusupov access to his lawyer and ensure his right to confidential meetings. Authorities should also conduct the investigation in an open and transparent way consistent with concerns for national security.

Human Rights Watch has also repeatedly urged the Uzbek government to amend its criminal code provisions relating to extremism that are commonly used to criminalize dissent (articles 159, 216, 244-1, and 244-2 of the Criminal Code), and bring them into compliance with Uzbekistan’s international human rights obligations.

Prison authorities in Uzbekistan claim to have stopped using Article 221 of Uzbekistan’s Criminal Code regarding “violations of prison rules” to arbitrarily extend the sentences of people imprisoned on politically motivated charges, but this criminal statute, long used as a tool to prolong the imprisonment of political prisoners, remains on the books.

*The Committee should:*

* Urge the government to Immediately and unconditionally release everyone imprisoned on politically motivated charges, including religious figures, journalists, rights defenders and others;
* Ask the government about the steps it has taken to introduce reform to the criminal code in order to bring it into compliance with international human rights obligations and eliminate provisions that criminalize dissent and allow for arbitrary extension of prison sentences.

***Use of Extremism legislation***

Uzbekistan also maintains some of the world’s most restrictive policies on the exercise of worship or belief. Authorities highly regulate religious worship, clothing, the sermons delivered by the country’s imams, and ban all forms of proselytism. Peaceful religious believers are often branded as “religious extremists.” Despite the reduction of the total number of people on the government-maintained “black lists” and public remarks made by President Mirziyoyev on the need to rehabilitate citizens who had been “misled” by radical groups, thousands of religious believers—religious Muslims who practice their religion outside strict state controls—remain imprisoned on vague charges of extremism.

According to Uzbek authorities, hundreds of “independent” Muslims—individuals who practice Islam outside strict state controls— have been released from prison but Human Rights Watch and other observers did not have access to a list of all persons serving sentences on charges of extremism to verify who had been released or not.

In September 2018, authorities detained at least eight conservative bloggers, allegedly for their views advocating a greater role for Islam in Uzbek society. Authorities denied several of them access to lawyers and sentenced some up to 15 days of administrative detention.

In late January 2016 prison authorities arbitrarily extended the prison term of Sunni religious believer Kamol Odilov, just days before he completed his six-year prison term. He and his fellow Muslims had met to discuss the works of the late Turkish Muslim theologian Said Nursi. According to Forum 18, four members of a Sufi Muslim community were imprisoned for four years in Bukhara in June 2016 for holding religious meetings at home, as their community does not have state registration.

The Committee should:

* Ask the government which steps it has taken or plans to take to end religious persecution, including by releasing thousands of people imprisoned for their nonviolent religious expression and decriminalizing peaceful religious activity.

***Jaslyk prison***

The Uzbek government has also yet to fulfill the longstanding recommendation of UN bodies to close the notorious Jaslyk prison colony – a detention facility long associated with some of the most egregious torture cases, located in the north western autonomous Republic of Karakalpakstan where prisoners are exposed to extreme climatic conditions. Authorities regularly send people imprisoned on politically motivated charges there, such as rights defender Azam Farmonov until his release in early October 2017.

*The Committee should:*

* Ask the government of Uzbekistan of steps taken towards the closure of the Jaslyk prison colony, and the resumption of prison visits by the International Committee of the Red Cross (ICRC).
* Urge the government to take meaningful steps to fully implement the recommendations made by the UN Special Rapporteur on freedom of religion or belief after his visit in 2017.

***Article 14 – Rights to Redress, Fair and Adequate Compensation, including Rehabilitation***

The Uzbek government has released more than 50 people imprisoned on politically motivated charges, including journalists, human rights defenders, and other activists since President Shavkat Mirziyoyev took office in September 2016.

However, the government has not yet embarked any meaningful strategy to provide justice and reparations for the serious violations that many of them endured during incarceration. The government should continue to release political prisoners and ensure that those released have access to remedies, including the right to overturn unlawful convictions and to get adequate medical care, especially as many suffer terrible health due to the ordeal they experienced for decades.

The 23 former prisoners Human Rights Watch interviewed between September 2017 and July 2018 described facing legal and economic barriers following their release, including restrictions on freedom of movement, surveillance, and inadequate medical care for health ailments stemming from their incarceration.

Though Uzbek authorities have amnestied some political prisoners and released others early, not a single political prisoner has been exonerated of the crimes for which they were convicted. Released prisoners told Human Rights Watch that in many cases they have been unable to obtain the court sentence documents, and other materials in their cases so they can file appeals of their unlawful convictions.

Those who were “conditionally released” under Article 73 of Uzbekistan’s Criminal Code said their freedom of movement had been restricted, that they were under surveillance, and that they are required to report regularly to the police for “preventative conversations.”

More information:

* <https://www.hrw.org/news/2018/07/30/us-congress-hearing-developments-central-asia>
* <https://www.hrw.org/news/2018/11/17/uzbekistan-release-and-rehabilitate-political-prisoners>

*The Committee should:*

* Ask the government of Uzbekistan what steps were taken to address the significant medical, mental health, and economic needs of former political prisoners as they attempt to reintegrate into society.
* Urge the government to provide people recently released from arbitrary detention with full rehabilitation and access to adequate medical treatment, and create effective mechanisms, such as a national commission composed of government officials, representatives of nongovernmental groups, and international experts, that will focus on the rehabilitation and restoration of rights for individuals previously subjected to unlawful imprisonment, torture, cruel, inhuman or degrading treatment and the examination of other past abuses.
* Urge the government to release all persons currently detained or imprisoned on politically-motivated charges, including Andrei Kubatin, Akrom Malikov, Rustam Abdumannapov, Jamolidin Abdurakhamnov, scholars; Mirsobir Hamidkariev, a film producer; Aramais Avakyan, a fisherman; Ruhiddin Fahriddinov (also Fahrutdinov), a religious figure; Ravshan Kosimov, Viktor Shin, and Alisher Achildiev, soldiers; and Askar Ahmadiy, religious believer. Some of them, including Kubatin and Fahriddinov have been tortured.