



FREEDOM NOW

FREEDOM NOW – INDIVIDUAL SUBMISSION TO THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

UNIVERSAL PERIODIC REVIEW: UZBEKISTAN 16TH SESSION – APRIL 22-MAY 3, 2013

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I. Introduction

1. Freedom Now individually submits this report to assist the Human Rights Council (HRC) in the Universal Periodic Review (UPR) of Uzbekistan's human rights policies and practices. Freedom Now is a non-profit organization based in Washington, D.C. that seeks to free prisoners of conscience through focused legal, political, and public relations advocacy efforts.¹
2. The HRC reviewed Uzbekistan and made recommendations during the UPR procedure in 2008. The Uzbek government rejected the recommendations urging it to ensure that human rights defenders are protected from unjust imprisonment, intimidation and violence, and to release detained human rights defenders.²
3. Complementing other submissions that examine the broader picture of Uzbekistan's human rights abuses, this report describes the arbitrary detention and mistreatment of human rights advocates and journalists in Uzbekistan and highlights four illustrative cases.³

II. Fair Trial Guarantees and Arbitrary Detention in Uzbekistan

4. The Uzbek Constitution provides for separation between the executive, legislative, and judicial branches of the national government.⁴ However, in practice, the control exercised by the executive over the other branches is nearly absolute.⁵ Though Uzbek laws set forth important protections for citizens accused of criminal offenses, these protections are frequently ignored by the General Prosecutor's Office. Trials of dissidents are almost always closed. Even when the trial is open, it is difficult for international observers to obtain access. Defendants in Uzbekistan are entitled to an attorney from the time they are detained; however, the government often violates the right to an attorney during pre-trial detention, either by denying or delaying such access. In many

¹ For more information on Freedom now, please visit <http://www.freedom-now.org/>.

² Uzbekistan's Responses to Recommendations, February 24, 2010, available at http://www.upr-info.org/IMG/pdf/Recommendations_to_Uzbekistan_2008.pdf.

³ OHCHR's Information and Guidelines for Relevant Stakeholders on the Universal Periodic Review Mechanism states on page nine that only "emblematic" individual cases will be referred to in the summary. As reported by the Human Rights Watch, at least 13 human rights activists and independent journalists currently languish in Uzbek prisons. See, Human Rights Watch, *World Report 2012: Uzbekistan* (January 2012).

⁴ United States Department of State, *2011 Human Rights Report: Uzbekistan* (May 2012).

⁵ *Id.*

cases authorities hold defendants *incommunicado* for long periods of time.⁶ Almost all criminal cases brought by prosecutors result in guilty verdicts.⁷

5. The Uzbek government frequently arbitrarily arrests and detains individuals for expressing views critical of the government. Police and security services subject them to arrests, harassment, intimidation and violence. Journalists and human rights activists are usually ordered to cease their contacts with foreign diplomats or international human rights organizations and are retaliated against for continuing these contacts.

III. Persecution of Human Rights Activists

6. One of the most alarming human rights issues in Uzbekistan is the continued persecution of human rights activists. The Uzbek government frequently subjects human rights activists to harassment, intimidation, and violence. Authorities order journalists and human rights activists to cease their contacts with foreign diplomats and international human rights organizations and retaliate against them for continuing these contacts. The Committee to Protect Journalists has described Uzbekistan as “the region’s worst jailer of the press.”⁸

7. Independent journalists and human rights defenders in Uzbekistan are specifically targeted for politically-motivated prosecutions, sham trials, and long prison sentences.⁹ The Uzbek government uses false charges of defamation, religious extremism, extortion, tax evasion and drug dealing to arrest and detain human rights activists.¹⁰ For example, Abdumalik Boboev, a Voice of America journalist, was found guilty of libel and insult. Similarly, Vladimir Berezovsky, an editor of the www.vesti.uz news website, was found guilty of libel and insult against the Uzbek people. Hayrulla Khamidov, a Deputy-Editor in Chief of *Campion* newspaper, was convicted on religious extremism charges.

8. Convictions rely exclusively on witness statements and the defense is usually prevented from examining these witnesses. The Uzbek government has also retaliated against attorneys who represent independent journalists and human rights defenders. Most recently, it stripped a number of these prominent attorneys of their licenses to practice law through a new relicensing process established by the Cabinet of Ministers Decree in 2009.¹¹ The re-licensing exam was an oral exam before a committee composed of 10 members.¹² Each candidate was given five legal scenarios and assessed on a pass or fail basis. The Committee members did not provide any explanatory comments on their decisions.¹³

⁶ Human Rights Watch, *No One Left to Witness: Torture, The Failure of Habeas Corpus, and The Silencing of Lawyers in Uzbekistan* (December, 2011).

⁷ *Id.*

⁸ Committee to Protect Journalists, *Attacks on the Press in 2011*, available at <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-uzbekistan.php#more> (Committee to Protect Journalists, *Attacks on the Press in 2011*).

⁹ Human Rights Watch, *World Report 2011 – Uzbekistan* (January 14, 2009), available at <http://www.hrw.org/world-report-2011/uzbekistan> (hereinafter Human Rights Watch, 2011 World Report).

¹⁰ Human Rights Watch, 2011 Country Summary; Committee to Protect Journalists, *Uzbekistan Should Drop Charges Against Journalists* (October 8, 2010), available at <http://cpj.org/2010/10/uzbekistan-should-drop-charges-against-journalists.php>.

¹¹ *Supra* note 6.

¹² *Uzbekistan: New Attorney Licensing Examination Reduces Transparency and Independence for Barristers*, Reference ID: 09TASHKENT959 (June 11, 2009), available at <http://www.cablegatesearch.net/cable.php?id=09TASHKENT959>.

¹³ *Id.*

IV. Uzbekistan's Abuses Exemplified: The Cases of Human Rights Activists Akzam Turgunov, Dilmurod Saidov, Gaybulla Jalilov and Salijon Abdurakhmanov

A. Akzam Turgunov

9. Akzam Turgunov is an Uzbek human rights activist. He founded and served as a Chairman of Mazlum ("The Oppressed"), a human rights organization that advocates on behalf of prisoners of conscience and protests against the use of torture. He also served as Director of the Tashkent section of Erk ("Freedom"), a political opposition party. Mr. Turgunov was arrested on extortion charges on July 11, 2008. Following his arrest, the Uzbek officials searched Mr. Turgunov's home in Tashkent, where they seized political materials. They then held Mr. Turgunov *incommunicado* for 18 days, during which time an officer poured boiling water down his back, causing him to suffer severe burns. Though Mr. Turgunov revealed his burn marks in the court, the judge accepted as fact statements made by police they had not tortured him. During the trial the judge denied Mr. Turgunov and his attorney an opportunity to examine the evidence against him or to cross-examine the government's witness. On October 10, 2008, the court sentenced Mr. Turgunov to 10 years in prison. On January 27, 2012, the U.N. Working Group on Arbitrary Detention ("Working Group") concluded that the Uzbek government prosecuted and punished Mr. Turgunov "for his human rights and political activities." Moreover, the Working Group found substantial violations of Mr. Turgunov's right to a fair trial, called for his immediate release and reprimanded the government for cruel and inhumane treatment inflicted on Mr. Turgunov.

B. Dilmurod Saidov

10. Dilmurod Saidov is a prominent Uzbek journalist and human rights activist. He is a member of the human rights organization *Ezgulik*. Before his arrest, he worked to defend farmer's rights against government corruption in Samarkand. On February 22, 2009, Mr. Saidov was arrested at his home in Tashkent and charged with extortion. Authorities added a second charge of extortion in March and a charge of forgery in April 2009. The investigation and trial were plagued with violations of fair trial standards. Before and during the trial, several witnesses rescinded their testimony against Mr. Saidov and reported that they had been pressured to make false allegations against him. Furthermore, court hearings were repeatedly conducted without notice to Mr. Saidov's defense lawyer. On July 30, 2009, Mr. Saidov was convicted and sentenced to 12 ½ years in prison.

C. Gaybulla Jalilov

11. Mr. Jalilov is a human rights defender and a member of the Human Rights Society of Uzbekistan. Prior to his arrest, Mr. Jalilov's work focused on violations of religious freedom, and in particular, on the persecution of independent Muslims in Uzbekistan. At the time of his arrest, he reportedly had collected information on over 200 arrests of independent Uzbek Muslims. On September 5, 2009, Mr. Jalilov was forced into a vehicle by several men and held *incommunicado* for nearly three weeks. Authorities charged Mr. Jalilov with anti-constitutional activity and membership in a banned religious organization. The investigation and trial were plagued with violations of fair trial standards. During the trial, Mr. Jalilov testified that he had been coerced into signing a confession and that he was innocent on all counts. Authorities also repeatedly relocated and changed the schedule of hearings without notifying Mr. Jalilov's attorney or family. In a closed

hearing on January 18, 2010, Mr. Jalilov was found guilty and sentenced to nine years in prison. On August 4, 2010, Mr. Jalilov was sentenced to an additional two years in prison on religious extremism charges, extending his sentence to more than 11 years. Mr. Jalilov has suffered repeated torture and ill-treatment. He has been beaten so severely that he is nearly deaf in both ears and attempted to commit suicide.

D. Salijon Abdurakhmanov

12. Mr. Abdurakhmanov is an independent journalist in Karakalpakstan, an autonomous republic in Uzbekistan. He is a member of the Real Union of Journalists of Uzbekistan (RUJU). He was known for reporting on social and economic justice, human rights, and corruption in Karakalpakstan. On June 7, 2008, traffic police arrested Mr. Abdurakhmanov when they found 114.18 grams of marijuana and 5.89 grams of opium in the trunk of his car. Mr. Abdurakhmanov denies knowing about the drugs and believes that they were planted in retaliation for his journalistic activities. Authorities initially charged Mr. Abdurakhmanov with drug possession under Article 276 (2) of the Uzbek Criminal Code. However, when a blood test proved that Mr. Abdurakhmanov had not been using drugs, investigators charged him with selling drugs under Article 273(5) of the Uzbek Criminal Code, a more serious charge punishable by up to 20 years of in prison. On October 10, 2008, Mr. Abdurakhmanov was sentenced to 10 years in prison.

V. Conclusions and Recommendations

13. In flagrant violation of its obligations under international human rights law, Uzbekistan continues to harass and persecute its citizens, especially those who are critical of the government. The cases of Messrs. Turgunov, Saidov, Jalilov and Abdurakhmanov merit serious consideration by the HRC during the UPR. We respectfully request that the HRC call upon Uzbekistan to take the actions set forth below.

Freedom Now's recommendations to Uzbekistan are as follows:

- Immediately and unconditionally release Messrs. Turgunov, Saidov, Jalilov and Abdurakhmanov. Allow them again to peacefully promote the cause of human rights in accordance with the rights guaranteed to them in international human rights treaties.
- End harassment and persecution of independent journalists and human rights activists;
- Hold the responsible government officials accountable for the torture and cruel, inhumane and degrading treatment of Messrs. Turgunov and Jalilov.
- Require Uzbekistan to scrupulously respect detainees' rights to humane treatment and a fair trial.