

5.20 Uzbekistan

Introduction

The overall human rights picture in Uzbekistan remains bleak. There have been small improvements since 2006, and the EU and Uzbekistan have established a human rights dialogue. Uzbekistan is set to abolish the death penalty on 1 January 2008 and introduce limited habeas corpus from 2008. The crackdown on civil society has subsided, but controls are stifling any independent activity. At least 14 human rights defenders are still in prison. Others suffer harassment and pressure that has forced some to leave Uzbekistan, or to cease their activities. Reports of violations of freedom of religion, expression and movement and of fair trial rights continue. Torture and prisoners' rights remain a deep concern.

Current concerns

In November 2007, the UN Committee against Torture welcomed certain developments, but expressed concern about "ongoing and consistent allegations" of torture by or with the instigation or consent of law enforcement and investigative personnel and the failure to investigate allegations, calling on the Uzbek government to apply a "zero-tolerance approach" to torture and "the practice of impunity". The Uzbek government assured the UN that it had fulfilled most of the UN special rapporteur's recommendations, that torture was prohibited by law and perpetrators prosecuted. Two interior ministry officials were convicted of torture in 2007. But the number of allegations made far outweighs the number investigated, or perpetrators tried and convicted.

Human rights groups cite cases of beatings by police in pre-trial detention and electric shock treatment. Activists say that police and security service agents are taught that coercion is part of the job. Evidence suggests that judges overlook torture allegations. The authorities deny that Yakubjon Aliev, serving 17 years in prison, had complained about torture.

Despite constitutional guarantees of judicial independence, the president appoints all judges directly or indirectly. The prosecutor supervises investigations and leads the prosecution at trial.



Uzbek human rights defenders (L to R) Elena Uralaeva, Akhtam Shaimardanov and Abdillo Tojiboy hold posters during their rally in Tashkent, 20 December 2007. Uzbekistan's President Islam Karimov's bid to prolong his hardline rule at a weekend presidential poll was contested at a rare protest by seven rights activists.

The defence has no comparable role. From 2008, a new law will pass the authority to issue arrest warrants from the prosecutor to the courts.

Trial monitoring shows that judges follow prosecution advice; acquittals and successful appeals are rare. Defendants have the right to a lawyer once detained. However, this right can be denied or delayed and there can be pressure on defendants to reject private lawyers for state-appointed ones.

By law, most trials are public. However, international observers have found it increasingly difficult to monitor trials, for example the slander trial of poet Dadakhon Khasanov, or they have been barred, for example from the trial of Rukhiddin Fakhrutdinov, sentenced to 17 years in September 2006 for extremism.

Human rights defenders regularly report harassment. In Jizzak, groups of women twice attacked human rights defenders, including Bakhtior Khamrayev, in front of Embassy staff. Other activists report surveillance, threats of violence and house arrest. Such treatment has forced Human Rights Society of Uzbekistan leader Talib Yakubov and activists Rakmatulla Alibaev and Yadgar Turlibekov to leave Uzbekistan. Others, like Bakhtior Khamrayev, are determined to stay.

We remain concerned at the growing number of human rights defenders imprisoned on charges, including, inter alia, hooliganism, extortion and swindling. These include Ikhtior and Ilkhom, the sons of Bakhtior Khamrayev and Saidajon

People walk in front of a giant poster of Uzbek President Islam Karimov in Tashkent, 24 December 2007. Uzbekistan's hardline president was poised to extend his rule over the gas-rich central Asian country for another seven years after an election that western observers said did not offer a genuine choice.



Zainabiddinov, and at least 14 others across the country.

From 2008, life imprisonment will replace the death penalty, but it is unclear whether death row prisoners such as Farid Nasibullin will have their sentences commuted. The government of Uzbekistan claims that there have been no executions since August 2005. After previous denials, they have finally confirmed the execution in 2004 of Akrorkhuza Toliphujaev.

Human rights defenders challenge the objectivity and scope of prison monitoring by the ombudswoman and non-governmental organisations (NGOs). The International Committee of the Red Cross continues negotiations to resume visits, consistent with its usual practices, but access for international monitors remains restricted. Activists report that prison conditions fail the UN's Standard Minimum Rules for the Treatment of Prisoners. The authorities acknowledge the risk of tuberculosis and hepatitis and work with the World Health Organization to reduce the threat. There has been at least one death in prison from tuberculosis, in July 2007.

Freedom of movement remains a concern. While some activists still have no exit visas, others have been allowed to travel.

Officially, 5,000 NGOs belong to the NGO Association, which directs funding to activities to

protect and promote civil society. In practice, most independent NGOs have closed as legal restrictions stifle independent activity. A new law on political parties promotes civil and political rights by strengthening political parties and creates an official opposition.

Presidential elections were held on 23 December in a "strictly controlled environment", according to the Organisation for Security and Co-operation in Europe (OSCE) Office for Democratic Institutions and Human Rights. While the authorities had introduced some positive legislative changes since the last presidential elections in 2000, the contest left "no real room for opposition" and "generally failed to meet many OSCE commitments for democratic elections". President Islam Karimov faced three other candidates, one independent and two representing political parties set up under newly introduced legislation. The three opponents praised President Karimov's policies, and none of them asked the electorate to support their own candidacy.

The plight of human rights defenders remains a particular concern. Mutabar Tojibayeva is still in prison. Information on her medical condition is scant. EU representatives and her family appeal regularly for family visits, access to a lawyer and medical treatment. Sanjar Umarov is often in solitary confinement – relatives have limited access. EU diplomats saw Ikhtior Khamrayev in hospital in January. Ikhtior Khamrayev is reportedly often beaten in prison, most recently in November 2007. They also saw Saidajon Zainabiddinov in prison in March, but Zainabiddinov's family have not been allowed access to him. Norboy Kholjigitov, serving six years for extortion, has reportedly lost teeth from lack of treatment for diabetes.

In January 2007, Umida Niyazova and Gulbahor Turayeva were arrested on the Kyrgyz–Uzbek border and charged with serious offences including anti-constitutional activities (carrying Andizhan-related materials), smuggling and working for foreign governments. Turayeva was sentenced to six years in April 2007 and Niyazova to seven years in May. After intense EU lobbying, their sentences were suspended on appeal, but both women had to confess their guilt and denounce their international partners.

Independent journalist Ulugbek Khaydarov was imprisoned for six years in October 2006 for

extortion. Intense EU lobbying secured his release, but he left Uzbekistan after threats against his family. The president's nephew, Jamshed Karimov, was committed to psychiatric detention in September 2006. We and the EU have lobbied his case repeatedly. We have also supported imprisoned journalists Ortikali Namazov, Jusuf Ruzimuradov and Mohammad Bekjanov.

The government states that 500 independent media outlets enjoy freedom of speech and expression. However, freedom of speech is limited. The state controls the four national TV channels and three national newspapers. Although censorship was abolished in 2002, self-censorship and new laws prevent criticism of the government. In March, Natalia Bushueva, a freelance journalist working for Deutsche Welle, fled abroad facing charges of "unlicensed activities". Saidburkhon Kadirov, a Bukhara journalist, was attacked and stabbed in September 2006. Two other journalists, Jamal Kutliev and Khazrat Akhmedov, remain in prison. Internet service providers must use the state-controlled telecom operator, enabling the blocking of certain websites, such as the BBC.

Legislation guarantees freedom of religion, but the reality is different. Muslims make up 88 per cent of the population, with Christian, Jewish and other religious minorities. Government data claims there are over 2,000 officially registered "religious organisations", but this includes individual mosques and churches. These are subject to tight legal controls. The law bans proselytism and outlaws unregistered groups, and registration is a lengthy and complex process. The authorities have clamped down on Christian groups. In March, Dimitri Shestakov, a Pentecostal pastor from Andizhan, was imprisoned for four years, and his church closed for holding illegal services. Another church member, Bakhtior Tuychiev, left Uzbekistan after harassment. Jehovah's Witnesses report that the security services have raided homes, confiscated literature and abused believers.

Followers of Islam outside the state-sponsored version are liable to arrest for extremism. Activists report that prisoners convicted of religious extremism are treated separately and more harshly than others. A local human rights movement has highlighted the case of Dilshod Shohidov, a prisoner serving an eight-year sentence for distributing extremist materials and theft, who allegedly complained to his family about prison

conditions. The prison authorities punished Shohidov by locking him in a cell where he was beaten by other prisoners. This "pressing room" treatment violates Uzbek law.

UK action

As well as the activity mentioned above, the British Embassy maintains regular contact with NGOs and activists throughout Uzbekistan. It helps facilitate contacts with British MPs and NGOs and develop the capacity of local NGOs and groups across the country, including reporting human rights violations. In November, it funded an NGO to attend the UN Committee on Torture examination of Uzbekistan. The Embassy is monitoring two alleged deaths in custody from torture: Bakhtior Khasanov, a former military prosecutor, and Ortikjon Mukhamedov, detained for religious extremism.

The British Embassy maintains contacts with a wide range of religious groups. Freedom of religion and freedom of expression feature in our dialogue with Uzbekistan, supporting local journalists and the BBC. At the human rights dialogue, we called for a simpler registration process for religious groups and stressed our concern at the use of criminal law to penalise religious worship, journalists and human rights activists.

Forward look

We will continue to monitor the situation and to make our concerns clear through a critical, but constructive, dialogue with the Uzbek authorities. We are ready to work with the government in strengthening respect for human rights in Uzbekistan. We will support the implementation of the new legislation on the death penalty and habeas corpus. We will broaden our co-operation with civil society structures by organising a workshop on the British experience of civil society. We have sent Chevening Fellows to human rights courses at Nottingham University.

We will continue to support the maintenance of sanctions as an appropriate EU policy response until there is an improvement in Uzbekistan's human rights record. We will also continue efforts to work with Uzbekistan, EU and other partners to achieve concrete progress.