

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Events of 2005

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Uzbekistans disastrous human rights record worsened further in 2005 after a government massacre of demonstrators in Andijan in May. The government committed major violations of the rights to freedom of religion, expression, association, and assembly, and such abuses only increased after the May massacre. Uzbekistan has no independent judiciary, and torture is widespread in both pre-trial and post-conviction facilities. The government continues its practice of controlling, intimidating, and arbitrarily suspending or interfering with the work of civil society groups, the media, human rights activists, and opposition political parties. In particular, repression against independent journalists, human rights defenders, and opposition members increased this year. Government declarations of human rights reform, such as an announcement that the government will abolish the death penalty and the presidents declaration of support for habeas corpus, had no practical impact.

The Andijan Events

On May 13, 2005, Uzbek government forces killed hundreds of unarmed protesters as they fled a demonstration in Andijan, in eastern Uzbekistan. To date the government has taken no steps to investigate or hold accountable those responsible for this atrocity. Instead it denies all responsibility and persecutes those who seek an independent and transparent investigation.

In the early hours of May 13, gunmen attacked government buildings, killed security officials, broke into the city prison, took over the local government building (hokimiat), and took hostages. The trigger for the attacks was the trial of twenty-three respected local businessmen for religious extremism, charges widely perceived as unfair. Towards dawn, the instigators began to prepare for a large protest in a public square, in front of the hokimiat, and mobilized people to attend. By mid-morning, as word spread, the protest grew into the thousands, as people came of their own will and vented their grievances about poverty and government repression. When government forces sealed off the square and started shooting indiscriminately, the protesters fled. Hundreds of them were ambushed by government forces and were gunned down without warning. This stunning use of excessive force has been documented by the United Nations and other intergovernmental organizations.

The Aftermath of Andijan

Since the Andijan massacre, the government has engaged in a concerted campaign to re-write the history of the events. Government authorities deny responsibility for the deaths, blaming them instead on Islamic extremists who were intent on overthrowing the government and creating an Islamic state in the Fergana valley. Foreign journalists were forcibly ejected from the city, and had their notes and equipment confiscated. Local law enforcement and mahalla (neighborhood) committee members went door to door warning residents not to speak with journalists or foreigners or to discuss the events of May 13. The Uzbek government detained hundreds perhaps thousands of people in Andijan and coerced testimony from them about the events. On September 20 a trial of fifteen defendants charged with more than thirty crimes relating to the Andijan events began in the Supreme Court. The trial fell far short of international standards and gave rise to concerns that the defendants could have been subjected to torture or coercion. All of the defendants confessed to the charges; although defense lawyers were present at the trial, they did not mount an active defense of their clients. All witnesses supported the governments version of events except for one woman who gave detailed testimony of soldiers firing on civilians. All fifteen defendants were convicted and sentenced to prison terms ranging from fourteen to twenty years. Following the announcement of the verdicts, U.N. Commissioner for Human Rights Louise Arbour issued a statement voicing concern over the convictions, saying the trial

had been marred by allegations of irregularities and serious questions remained about its fairness. A series of trials of approximately one hundred more defendants was expected to take place in the lower courts.

Persecution of Human Rights Defenders and Independent Journalists

The crackdown on civil society following the Andijan events focused particularly on human rights defenders. Since the Andijan massacre, human rights defenders have faced increased harassment, surveillance, house arrest, interrogation, arbitrary arrest, criminal charges, and interference with their work. Some human rights defenders have faced public Soviet-style denunciations and hate rallies, and eviction from their homes. At least thirteen defenders and journalists were forced to flee the country fearing persecution. Authorities arrested or detained at least forty-seven defenders and journalists; thirteen remain in detention pending criminal charges related to their work, five have been charged and released pending trial, and two have been tried and sentenced to terms of imprisonment of six months and ten years.

Human rights defenders who attempted to document the Andijan events, called for accountability, or spoke publicly about the government's role in the massacre were particularly vulnerable. For example, Saidjahon Zainabitdinov, chairman of the Andijan human rights group Appeliatsia (Appeal) whose accounts of the Andijan events appeared widely in the foreign press, was arrested on May 29, 2005, and charged with slander, terrorism, and preparation or distribution of information threatening public security and public order. On August 26 a court sentenced Radio Liberty journalist Nosir Zokir to six months imprisonment for insulting a security officer. Seven activists from the human rights organizations Ezgulik (Goodness), the Human Rights Society of Uzbekistan, and the International Human Rights Society and the Birlik (Unity) opposition party in Andijan province were arrested for attempting to conduct an inquiry into the Andijan events and for possession of a Birlik party statement about the massacre, and at this writing awaited trial.

On August 27, 2005, authorities arrested Elena Urlaeva, a tenacious human rights activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan and a member of the unregistered Ozod Dekhon (Free Peasants) political party. Police charged Urlaeva with desecrating national symbols for attempting to distribute a caricature of the Uzbek national emblem and forcibly committed her to a psychiatric hospital for observation and evaluation. In September an expert psychiatric commission concluded that Urlaeva did not require treatment, but the police transferred her to a different hospital where a second commission concluded that she was insane and required compulsory psychiatric treatment. In October Urlaeva was committed by court order to a psychiatric hospital and forcibly treated with psychotropic drugs. She was released on October 27, but was still compelled to undergo outpatient treatment.

Also in October 2005, police arrested Mukhtabar Tojibaeva, an outspoken critic of the government and chairwoman of the Burning Hearts human rights club in Margilan, on the eve of her departure for an international conference for human rights defenders at risk. Tojibaeva had been actively involved in defending the rights of the group of twenty-three businessmen whose trial had sparked the Andijan events. She was charged with extortion and fraud, and, at this writing, awaited trial.

Restrictions on Nongovernmental Organizations (NGOs)

The authorities continue to interfere with civil society groups and refuse to register any independent human rights groups. The government also continues to tighten restrictions on local groups, taking steps to close hundreds of NGOs in cities around Uzbekistan. It severely limits the work of others by requiring groups to receive advance permission to carry out events, demanding participant lists for activities, and restricting the transfer of grant money from international donors. The government also took steps in 2005 to expel or restrict international NGOs. In September, a court in Tashkent ordered the liquidation of Internews, a media support organization. The Ministry of Justice initiated suspension proceedings against other international NGOs, including the International Resources and Exchanges Board (IREX) and Freedom House, for alleged violations of administrative regulations. A court ordered IREX to suspend its activities for six months, and a criminal investigation was initiated against IREX staff for providing internet services without a license. Proceedings against Freedom House were ongoing. The government revoked or refused to grant accreditation to the staff of several international NGOs, including IREX and the International Republican Institute.

Religious Persecution

For years the government has imprisoned on fundamentalism charges individuals whose peaceful Islamic beliefs, practices, and affiliations fell outside strict government controls. Approximately seven thousand people are believed to have been imprisoned since the government's campaign against independent Islam began in the mid-1990s. The government justifies this campaign by referring to the war on terror, failing to distinguish between those who advocate violence and those who peacefully express their religious beliefs; it used the May 2005 events in Andijan to give new validation to the campaign. By November, Human Rights Watch had documented 194 religious believers convicted in 2005 with at least sixty-nine more awaiting trial; the true numbers are believed to be much higher.

Conditions in Uzbekistan's prisons are poor, and religious and political prisoners suffer particularly harsh treatment. According to testimony by relatives, prisoners are forced to sign statements begging President Islam Karimov for forgiveness, renouncing their faith, and incriminating themselves as terrorists. Prisoners who refuse are punished with beatings, time in punishment cells, and even new criminal prosecutions.

Torture

The government has made no visible progress on ending the use of torture in practice, and only minimal progress on implementing the recommendations made by the U.N. special rapporteur on torture after his visit to Uzbekistan in 2002. Human Rights Watch continues to receive credible allegations of torture during investigations and pre-trial custody, as well as in prisons. Police use torture and other illegal means to coerce statements and confessions from detainees, and investigators routinely block defense attorneys from visiting their clients, a critical safeguard against torture in pre-trial detention. President Karimov made a statement supporting habeas corpus, but as of this writing, this key protection against torture had not been implemented.

Courts ignored defendants' claims at trial that they had confessed under torture and accepted such confessions into evidence (despite an instruction by the Supreme Court to judges to exclude any evidence obtained under illegal means). In trials such as those of religious believers, defendants were routinely sentenced to long prison terms based solely or predominantly on such confessions.

Key International Actors

International actors such as the European Union, the United States, the U.N. and the Organization for Security and Cooperation in Europe (OSCE) played a key role in calling for an independent investigation into the Andijan massacre and for accountability for government officials found responsible, calls that the Uzbek government rejected. Representatives from embassies and the OSCE Office for Democratic Institutions and Human Rights (ODIHR) monitored the trials.

The close strategic partnership between the United States and Uzbekistan cooled considerably after the Andijan massacre. On July 30, 2005, the Uzbek government notified the U.S. embassy in Tashkent that the United States had 180 days to withdraw its forces from a military base in southern Uzbekistan that it had used since 2002 to support operations in Afghanistan. In the fall of 2005, the U.S. Commission on International Religious Freedom formally recommended that the State Department designate Uzbekistan a country of particular concern for religious freedom, pursuant to the International Religious Freedom Act. In its subsequent decision issued in November, however, the Department of State failed to heed this recommendation.

In a landmark decision in October, the E.U. partially suspended its Partnership and Cooperation Agreement with Uzbekistan the first time it has ever done so with any country. The E.U. also imposed sanctions, including an embargo on arms sales to Uzbekistan and a visa ban on top Uzbek officials directly responsible for the massacre. The E.U. issued an initial list of twelve government officials subject to the ban in mid-November, with Minister of Interior Zokirjon Almatov topping the list. In blatant violation of the spirit of this ban, Germany granted a visa on humanitarian grounds to Almatov for medical treatment at a clinic in Hannover just days before the list of names was formally announced. Germany also maintained troops in Termez in southern Uzbekistan.

The European Bank for Reconstruction and Development adopted a new country strategy for Uzbekistan in July, in which it upheld its unprecedented decision of 2004 to suspend public sector lending over human rights concerns. In addition, the Bank conditioned its further engagement with the private sector on there being no direct or indirect link to the government or specific government officials. It also made clear that it would be monitoring its existing portfolio in Uzbekistan, both in the private and public sphere. The World Bank and the Asian Development Bank were both revising their strategies for Uzbekistan as this report went to press.

The U.N. called for an independent inquiry into the Andijan killings. Requests for access to Uzbekistan by a number of U.N. special mechanisms, including the special rapporteur on extrajudicial executions and the special representative for human rights defenders, remained unanswered. In November 2005, the Third Committee of the General Assembly adopted a strongly-critical resolution on Uzbekistan expressing grave concern about the human rights situation in the country and calling on the government to agree to an international commission of inquiry into the Andijan massacre.

Russia and China stood out among nations for publicly supporting Uzbekistan after the Andijan massacre. At the July 2005 summit of the Shanghai Cooperation Organization (SCO), of which Uzbekistan, Russia, and China are members, the heads of state signed seven agreements aimed at the fight against terrorism, separatism and extremism. The summit framed the Andijan events as part of a wider threat of destabilization rather than as an excessive government response to a largely peaceful demonstration. At the meeting, Russia, China, and the SCO reiterated the Uzbek governments core assertions regarding Andijan. Russia announced joint maneuvers with Uzbek troops, and both Russia and China declared that they would continue arms sales to Uzbekistan. Russia and Uzbekistan signed a new partnership agreement.

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