

# Human Rights Watch

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

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World Report 2009 Introduction By Kenneth Roth

The Uzbek government's human rights record remains abysmal. In 2008 the authorities continued to suppress independent civil society activism and religious worship, and to deny accountability for the 2005 Andijan massacre, touting their own version of the events to foreign government representatives. Yet international pressure on the Uzbek government declined with the suspension and subsequent partial lifting of European Union sanctions.

Uzbekistan held presidential elections on December 23, 2007. According to the official tally, President Islam Karimov won reelection to a third term with 88.1 percent of the vote, but the elections lacked any competitiveness and failed to meet international standards. The legality of Karimov's third term was in question as he had already served the maximum two consecutive terms allowed by the constitution.

The lack of rule of law continues to be a fundamental, structural problem. The judiciary lacks independence and the weak parliament does not effectively check executive power. A deeply entrenched culture of impunity for abuses persists. Local media outlets are not free and the government refuses to accredit foreign journalists, while also blocking access to many websites offering independent information on Uzbekistan and on topics deemed sensitive by the government. Forced child labor in the cotton fields remains a key rights concern.

The Uzbek government continues to crack down on civil society, detaining and threatening rights defenders, journalists, and others with prosecution for their peaceful activism. Uzbekistan continues to hold at least 11 human rights defenders and independent journalists in prison on politically-motivated charges, and at least two new arrests occurred in 2008. These activists languish in prison following sham trials, serving lengthy sentences solely because of their legitimate human rights or civic activism. Among them is Jamshid Karimov, an independent journalist, who has been confined in a closed psychiatric ward since September 2006.

On October 10, 2008, a court in Nukus sentenced Solijon Abdurakhmanov, an independent journalist known for his critical reporting, especially on corruption, to 10 years in prison for selling drugs. Abdurakhmanov denies the charges and his lawyer believes that the police planted the drugs. Police investigators failed to carry out basic investigative steps such as fingerprinting the drugs despite the lawyer's repeated requests.

On October 23, a court in Manget sentenced Akzam Turgunov, head of the human rights organization Mazlum, to 10 years in prison on fabricated extortion charges. He had been arrested on July 11, and three days later, while in a police investigator's office writing a statement, someone poured boiling water down Turgunov's neck and back, severely scalding him and causing him to lose consciousness. The authorities refused to investigate the abuse until Turgunov removed his shirt to reveal his burn scars during a court hearing on September 16.

Uzbek authorities continue to imprison other independent civic activists for politically-motivated reasons. One such case is that of Yusuf Juma, a poet and dissident sentenced to five years in a penal colony after calling during a picket for President Karimov's resignation. Two of Juma's sons, Bobur and Mashrab, have also been imprisoned on trumped-up charges apparently in retaliation for their father's

activism.

In January-February 2008 the government released seven human rights defenders, and another two in October, apparently as a gesture toward the European Union. However, nearly all of them were required to sign pledges agreeing to restrict their activities as a condition of release, and after release were subjected to close surveillance and harassment. The authorities prevented the released defenders from meeting with foreign visitors and generally from pursuing their human rights work. Two fled the country, fearing for their safety.

The few international NGOs that remain in Uzbekistan operate in a climate of government pressure and harassment. The government refused to allow any of the previously expelled foreign NGOs to return, although at least two of them attempted to do so. Human Rights Watch was forced to suspend its operations in the country in July after the government denied work accreditation to, and then outright banned its researcher from entering Uzbekistan.

The Uzbek government has adamantly rejected numerous and repeated calls for an independent international inquiry into the May 2005 Andijan massacre, when government forces killed hundreds of protestors, most of them unarmed. The circumstances surrounding the massacre have not been clarified, and those responsible for the killings have not been held accountable. The government continues to persecute anyone whom it deems to have any connection to or information about the Andijan events.

Refugees, who fled Uzbekistan in the immediate aftermath of the massacre and later returned to the country, as well as their families, have been a particular target of government pressure. They have been subjected to interrogations, constant surveillance, ostracism, and in some cases overt threats to life, which has triggered a new wave of refugees.

Refugees in neighboring countries fear for their security because Uzbek security forces operate in some areas across the border, such as Osh, Kyrgyzstan. The Uzbek government pressured Kyrgyz authorities to return the more than 200 Uzbek refugees in Kyrgyzstan. In 2008 several Uzbek refugees and asylum seekers were forcibly returned to Uzbekistan under suspicious circumstances. For example, on May 13 prison authorities in Osh handed Erkin Holikov to Uzbek police despite his asylum case being pending with a court. On September 19, an Uzbek refugee, Hayotjon Juraboev, disappeared after being stopped in Bishkek by unknown individuals whom witnesses said introduced themselves as security officials, and was forcibly returned to Uzbekistan.

Uzbek authorities continue their unrelenting, multi-year campaign of unlawful arrest, torture, and imprisonment of Muslims who practice their faith outside state controls or who belong to unregistered religious organizations, with at least 6,000 currently incarcerated for nonviolent religious offenses. Peaceful religious believers are often branded "religious extremists." Dozens were arrested or convicted in 2008 on charges related to religious "extremism." Human Rights Watch documented allegations of ill-treatment in several of these cases.

Many religious prisoners had their sentences extended without due process for alleged violations of internal prison regulations or for alleged new crimes, as a means of keeping them in prison.

Abolition of the death penalty took effect in January 2008 and many death row inmates were given fixed-term sentences. The government also introduced habeas corpus that month. However, in the absence of an independent judiciary this did not provide meaningful protection against arbitrary detention or abuses in pretrial detention.

The United Nations Committee Against Torture, reviewing Uzbekistan in November 2007, concluded that torture and ill-treatment remained "routine" and issued urgent recommendations. The Uzbek authorities failed to implement these measures and Human Rights Watch continued to receive credible, serious allegations of torture, indicating that torture remained a widespread practice within a prevailing law enforcement and judicial culture of impunity.

Although a new law on children's rights took effect in January 2008 and the government in March ratified the International Labour Organization's Conventions on the Elimination of the Worst Forms of Child Labour and on the Minimum Age of Employment, forced child labor in the cotton harvest remains a key concern in Uzbekistan. Following the broadcast internationally of footage on forced child labor, several retailers and clothing companies in the United States and United Kingdom have taken measures to exclude the use of Uzbek cotton.

Human rights monitors who reported on forced child labor found themselves often harassed by the police. For example, on October 2, police in Gulistan briefly detained and assaulted Karim Bozorboyev, one of the seven human rights defenders released at the start of the year, after he video recorded children in Jizzakh being taken to the cotton fields to work.

The Uzbek government persisted in its refusal to grant access to United Nations special rapporteurs with longstanding requests for invitation, including those on torture and human rights defenders, and failed to take meaningful action to address concerns and recommendations by a range of UN bodies. Uzbekistan was due to be reviewed under the Universal Periodic Review mechanism of the UN Human Rights Council in December 2008.

In a hugely disappointing move on October 13, EU foreign ministers decided to lift the visa ban on eight former and current Uzbek government officials thought to have been responsible for the Andijan massacre, while retaining the purely symbolic embargo on arms trade with Uzbekistan. The EU pledged to keep the situation under review and called on the Uzbek authorities to release all imprisoned human rights defenders, cease their harassment, cooperate with UN monitors, and end interference with NGO operations including Human Rights Watch. The EU cited progress in human rights as a justification for easing the sanctions, an assessment that bordered on the absurd when contrasted with the prevailing reality on the ground. Among the positive developments highlighted by the EU was a joint EU-Uzbek government-organized seminar on "Liberalization of the Media," held in Tashkent on October 2-3. Many civil society participants from the EU side had made clear that this seminar should not be considered evidence of progress in the context of the impending sanctions review. The EU also welcomed the structured human rights dialogue it had embarked on with Uzbekistan, without recognition that such dialogue alone could not constitute progress.

The United States Congress at long last adopted legislation in December 2007 establishing specific human rights benchmarks the Uzbek government must fulfill. In light of Uzbekistan's failure to meet these benchmarks, sanctions, which largely mirror those of the EU, were imposed in late June 2008.

Both the US and the EU issued calls for the release of Turgunov and Abdurakhmanov.

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