

# Human Rights Watch

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

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Events of 2007

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The government of Uzbekistan has taken no meaningful action to improve its atrocious human rights record. In 2007 the authorities continued to suppress independent civil society activism and independent religious worship, and to resist investigation of and accountability for the 2005 Andijan massacre. Yet international pressure on the Uzbek government to improve its human rights record saw a steady decline.

Uzbekistan is to hold presidential elections on December 23, 2007. The Central Election Commission has approved four candidates, including President Islam Karimov, amid doubts about the legality of his seeking another term: Karimov has already served the maximum two consecutive terms allowed by the constitution and extended his second term by a referendum in 2002 from five to seven years. His current term expired in January 2007.

#### Persecution of Human Rights Defenders and Independent Journalists

Uzbekistan continues to hold at least 13 human rights defenders in prison on politically-motivated charges. These activists languish in prison following sham trials, serving lengthy sentences solely because of their legitimate human rights activities. Authorities continue to detain independent journalist Jamshid Karimov in a closed psychiatric ward, where he has been confined since September 2006.

Two human rights activists detained in January 2007 on politically-motivated grounds were eventually conditionally released, but only after they "confessed" to their "crimes," renounced human rights work, and denounced their colleagues. Gulbahor Turaeva, a doctor from Andijan, was arrested on January 14. On April 27 she was convicted for anti-constitutional activities and sentenced to six years' imprisonment. In a second trial on May 7 she was convicted for slander and fined. On June 12 an appeals court commuted Turaeva's prison term to a suspended sentence. Umida Niazova, an independent journalist from Tashkent and a former translator for Human Rights Watch's Tashkent office, was initially detained for a day in December 2006, and her passport and laptop were confiscated. Shortly after Niazova left Uzbekistan for neighboring Kyrgyzstan in early January 2007, her lawyer was informed that she would not face criminal charges and that she could collect her passport and computer. However, while traveling back to Tashkent on January 22 she was arrested by the Uzbek authorities, held incommunicado for four days, and charged with smuggling and illegal border crossing. On May 1 Niazova was sentenced to seven years' imprisonment, commuted to a suspended sentence on May 8.

Two other activists who had previously served prison sentences fled Uzbekistan in fear for their personal security after being subjected to ongoing surveillance, harassment, and threats of re-arrest. Ulugbek Khaidarov, a journalist from Jizzakh, had been sentenced to six years' imprisonment on extortion charges in October 2006. One month later his sentence was changed to three years' non-custodial corrective labor, and after release Khaidarov publicly alleged that he had been tortured in pretrial detention and at Navoi prison. He fled Uzbekistan in late 2006. Yagdar Turlibekov, a human rights defender from Kashkadaria province, had been sentenced in October 2006 to three-and-a-half-years' imprisonment but was released under a general amnesty in December 2006. After release Turlibekov reported on prison conditions and ill-treatment of prisoners, but after suffering constant surveillance and threats he too fled Uzbekistan in September 2007.

In March Komil Ashurov, an activist from Samarkand, was attacked by two people in his neighborhood. Witnesses who tried to help Ashurov were also attacked. Several men believed to be police or security officers watched the incident without intervening. Hate rallies against human rights defenders remain common. For example, in February Vasila Inoiatova, chair of the human rights organization Ezgulik, was attacked by a crowd of women in Samarkand throwing eggs and clay. Because of the attack the local branch of Ezgulik had

to cancel its annual meeting.

The authorities continue their practice of denying exit visas to activists to prevent their participation in international conferences or similar events. For example, in January 2007 the police department in Margilan city seized the passport of Ahmadjon Madumarov, a recipient of the Front Line Award for Human Rights Defenders at Risk 2006. As a result he was not able to participate in a human rights seminar in Istanbul. If activists manage to travel abroad, they face interrogations and harassment upon their return to Uzbekistan. In April human rights defender Elena Urlaeva, returning from a workshop in Kyrgyzstan, was held for eight hours at a border police station while officials recorded every piece of paper she had with her.

Authorities have also persisted in their obstruction of Human Rights Watch's work in Tashkent, denying work accreditation to our sole staff person without any explanation and refusing to extend her visa, thereby forcing her to leave the country. As a result, Human Rights Watch has not been able to have a presence in Tashkent since late July 2007.

The Uzbek government has adamantly rejected numerous and repeated calls for an independent international inquiry into the May 2005 Andijan massacre when hundreds of unarmed protestors were killed by government forces. 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 but later returned to Uzbekistan, 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 must fear for their security even in neighboring countries, because Uzbek security services are operating in areas geographically close to the Uzbek border, such as in Osh, Kyrgyzstan. For example, in February 2007 a court in Andijan sentenced Isroil Kholdarov, activist with the banned Erk party, to six years' imprisonment for illegal border crossing, anti-constitutional activities, and distributing threatening and extremist materials. There is evidence that Kholdarov, who fled Uzbekistan after the Andijan events, was kidnapped by Uzbek security services in Kyrgyzstan and returned to Uzbekistan. The Uzbek and Kyrgyz Ministries of Interior agreed in August to extend their cooperation and to create "branches" reciprocally in Osh and Andijan.

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. Peaceful religious believers are often branded as "religious extremists." Dozens were arrested or convicted in 2007 on charges related to religious "extremism." Human Rights Watch documented allegations of ill-treatment in several of these cases.

#### Torture

In a long-awaited move in July 2007, the Uzbek parliament adopted significant legislative reforms introducing habeas corpus and abolishing the death penalty as of January 1, 2008. Yet the government has not ended the culture of impunity for torture and continues to refuse to acknowledge the main conclusion of the UN special rapporteur on torture, that "torture or similar ill-treatment is systematic." In 2007 Human Rights Watch continued to receive credible, serious allegations of torture, the documented cases showing that torture in Uzbekistan is not a marginal problem caused by only a handful of errant police or security agents but rather a widespread practice that has become endemic to the criminal justice system. The United Nations Committee Against Torture (CAT), reviewing Uzbekistan in November, gave a similar assessment, finding that torture and ill-treatment remain "routine." The CAT called on the government to "apply a zero-tolerance approach to the continuing problem of torture and to the practice of impunity," and detailed numerous urgent measures the Uzbek authorities should take to address the concerns identified.

The UN Human Rights Council in March 2007 voted to end scrutiny of Uzbekistan under the confidential monitoring procedure known as "1503" (after the resolution that created it), despite the government's persistent refusal to cooperate with the independent expert appointed under the procedure. Uzbekistan also continued to refuse access to other UN monitors, and failed to take meaningful measures to address longstanding recommendations made by a range of UN bodies.

The European Union continued to use every opportunity to chip away at its already modest sanctions policy toward Uzbekistan, first introduced post-Andijan. It dropped four names off the visa ban list in May 2007 and, although it renewed the arms embargo and the visa ban for an additional 12 months in October 2007, immediately suspended the visa ban for six months to encourage the Uzbek government "to take positive steps to improve the human rights situation." Given the EU's failure to vigorously enforce the conditions it had previously articulated for lifting the sanctions, it was unclear whether it could muster the required political will to obtain concrete concessions from the Uzbek government in the upcoming six-month period.

As part of its Central Asia strategy, adopted in June 2007, the EU also entered into a "structured human rights dialogue" with the Uzbek government. The first round was held in Tashkent in May, as the strategy was being finalized. Apart from general statements emphasizing the importance of the dialogue "achieving concrete and sustained results," it was unclear what specific objectives the EU was seeking to advance through this dialogue, and what its strategy was for achieving the desired outcomes. At this writing there have been no further rounds of the dialogue, after the Uzbek government made clear that it was not prepared to engage in such talks again until early 2008.

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