



The Uzbekistan Crisis: Assessing the Impact and Next Steps
Hearing of the Commission on Security and Cooperation in Europe
(United States Helsinki Commission)

Written Testimony of Human Rights First
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Persecution of Human Rights Defenders
in the Wake of the Andijan Crisis

Human Rights First thanks the Commission on Security and Cooperation in Europe (Helsinki Commission) for convening this important and timely hearing on the impact of recent violence in Uzbekistan. We welcome the opportunity to share with the Commission our views on one element of this crisis of particular concern to us as an organization: the marked increase in targeting of human rights defenders.

Human Rights First's mission to protect and promote human rights is rooted in the premise that global security and stability depend on long-term efforts to advance justice, human dignity, and respect for the rule of law in every part of the world. Since our inception in 1978, Human Rights First (formerly the Lawyers Committee for Human Rights) has worked in the United States and abroad to support human rights activists who, at great risk to their own liberty and security, fight for basic freedoms and peaceful change in their countries.

Background

Since the early 1990s, Human Rights First has joined others in criticizing the government of Uzbekistan for its poor human rights record and documenting the deteriorating human rights situation in that country. We have focused in particular on the government's repression of human rights activists – including journalists, lawyers, and others who are viewed as critics of the government. Through repressive registration laws, restrictions on freedom of expression, routine methods of harassment, arbitrary arrests, and at times brutal physical attacks, the Uzbek government has long prevented independent human rights defenders and organizations from monitoring and reporting on human rights conditions.

In December 1992, shortly after it gained independence, Uzbekistan adopted a constitution that embraces basic freedoms. However, subsequent legislation and executive decrees severely limited the freedom of association, assembly, and expression of political opposition groups and of non-governmental organizations. Even as the Uzbek government ratified international human rights instruments, including the International Covenant for Civil and Political Rights, during the mid-1990s, it made increasing use of registration requirements and other repressive laws to prevent independent human rights organizations from functioning legally.

After a terrorist attack took more than a dozen civilian lives in 1999, Uzbekistan experienced a sharp rise in arrests based on religious profiling as well as incidents of torture in prisons and other detention facilities. Citing the need to prevent further terrorist attacks, the government further restricted freedom of association, assembly, and expression among non-violent human rights groups. Political violence by armed militants in June 2001, followed by the September 11, 2001 attacks on the United States, added fuel to the Uzbek government's claims that the threat of terrorism made it necessary to further restrict basic rights and freedoms.

The November 2003 "Rose Revolution" in Georgia inspired a heightened sense of insecurity on the part of the Karimov regime, contributing to an even more aggressive crackdown on domestic and foreign organizations critical of the government. Bombings in March 2004 spurred additional amendments to counterterrorism laws that were used to intimidate and threaten human rights defenders.

After the violence in Andijan on May 13, 2005 that claimed the lives of hundreds of civilians, the Uzbek government commenced a new crackdown on human rights defenders through a wave of intimidation, arrests, detentions, and prosecutions. Defenders who have tried to interview witnesses, provide information to international media or cooperation non-governmental organizations, or simply assemble peacefully to protest the violence have been targeted for persecution.

Independent human rights defenders play an essential role in ensuring that the government of Uzbekistan is held accountable for grave human rights abuses committed against civilians in Andijan and elsewhere. Beyond this role, they are critical agents of change who can help implement calls for democratic progress. In Uzbekistan, where the flow of information is largely controlled by the government, the voices of these independent monitors are especially important.

Human Rights First welcomes recent calls by Members of Congress and senior State Department officials for an independent, international investigation into the events at Andijan. At the same time, however, the United States government must stop sending mixed messages by condemning such violence and other ongoing human rights violations, on the one hand, while at the same time maintaining an unchanged policy of cooperation with the government of Uzbekistan in military and counterterrorism operations.

In the aftermath of the massacre in Andijan, stability and security in Uzbekistan and the region as a whole depend on the reestablishment of trust in government, including through the protection of human rights and promotion of accountability for actions taken against the civilian population. Human Rights First urges the United States Helsinki Commission to utilize its maximum influence to promote security through the protection of human rights in Uzbekistan.

Repression of Human Rights Defenders Over the Past Decade

Only two human rights organizations have succeeded in gaining legal status in Uzbekistan since its independence in 1992.¹ Registration requirements are extremely onerous and consideration of applications is frequently delayed for years without cause provided to applicants. No appeal to the courts to reconsider denials of registration by the Ministry of Justice has ever been successful. The Law on Public Organizations and its recent amendments are implemented aggressively by the government to ban human rights groups and other associations critical of its policies.

A new decree, which took effect in February 2004, requires federal screening of the anticipated uses of any money coming from abroad to non-governmental organizations through bank transfers.² Violation of this law – which also includes a prohibition on the exchange of information potentially harmful to the state – is punishable as treason. Although announced as part of a scheme to prevent money-laundering, human rights organizations are the primary targets of this policy. As a result, the activities of most human rights organizations have been severely restricted due to a lack of funds.³ The policy threatens the ability of these groups to monitor and report on ongoing abuses.

A closer alliance between the United States and Uzbekistan in the aftermath of September 11, 2001 enabled the establishment of offices of U.S.-based organizations, including Freedom House, the National Democratic Institute, and the International Republican Institute, in the capital of Tashkent. However, after the “Rose Revolution” in Georgia in November 2003, the Uzbek government began a crackdown on international human rights and democracy promotion groups operating within its borders. In a December 11, 2003 decree, the Uzbek government required international non-governmental organizations (NGOs) operating in Uzbekistan to register with the Ministry of Justice and the Ministry of Foreign Affairs before March 1, 2004.⁴

The new measure has had serious implications for the ability of international organizations to monitor and report on country conditions in Uzbekistan. Even before the issuance of the new decree, in November 2003, the Institute for War and Peace Reporting lost its official registration in Uzbekistan; its continued operation is conditioned on the organization “ceasing to fund” the director of its Tashkent branch.⁵ The government also refused to register the International Crisis Group, and in 2003 detained one of the organization’s researchers.⁶

Then in April 2004, the Ministry of Justice refused to re-register the Open Society Institute (OSI) office in Tashkent. In an April 14, 2004 letter, the Ministry of Justice announced its decision to deny re-

¹ The Independent Human Rights Organization of Uzbekistan (IHROU) was rejected several times after lengthy attempts to tailor its documents to the requests of the Ministry of Justice. The organization was finally registered in March 2002 on the eve of a visit by President Karimov to the United States. The organization Ezgulik received its registration certificate in March 2003 after two prior refusals.

² Cabinet of Ministers Decree Number 56, February 4, 2004.

³ Comments submitted by Legal Aid Society, Uzbekistan, on file with Human Rights First.

⁴ Decree of Cabinet Ministers No. 543.

⁵ International Crisis Group, “The Failure of Reform in Uzbekistan: Ways Forward for the International Community,” March 11, 2004.

⁶ Id.

registration to OSI because the organization “discredited [the Uzbek] government’s policies.”⁷ The organization’s staff in Tashkent received death threats and other intimidation prior to the office’s closure in April 2004.⁸

The government recently published a decree under which all women’s rights organizations are also required to pass through re-registration. Only organizations that do not criticize the government will be able to sustain operations, and they will be required to operate under the umbrella of the Women’s Committee of Uzbekistan, a government agency headed by the Vice Prime Minister – effectively denying such groups their independence.⁹

While the Uzbek constitution provides for the right to free assembly, the government relies on a law adopted during the Soviet era which falls short of international standards.¹⁰ Citing security concerns, the Cabinet of Ministers created additional restrictions to the freedom of assembly in January 2003 in the wake of incursions into Uzbekistan by Islamic rebels from Kyrgyzstan and Tajikistan during summer 2001. Human rights organizations have been barred from holding national conferences because an organization must be registered in order to make an application for a gathering.

Although the constitution also allows for freedom of expression, human rights groups are prohibited from critical reporting under laws restricting freedom of expression and the sharing of information. Press releases published by human rights organizations alleging violations have resulted in members being threatened with prosecution under the criminal law titled “Attacks Against the Constitutional Order of the Republic of Uzbekistan.” Moreover, a new amendment to the Criminal Code considers transmission of any information to an international organization as treasonous; one reporter has already been sentenced to fifteen years in prison under this law.

On August 28, 2003, the Andijan Province Court pressed criminal defamation charges against a human rights defender, Saidjahon Zainabidinov, in relation to an article that he wrote on police corruption. His case was dismissed in December 2003. On February 2, 2005, Vasila Inoiatova, chairperson of the registered Uzbek human rights organization Ezgulik, was summoned to the Ministry of Justice and interrogated.¹¹ He was given an official letter of warning that his organization had violated the terms of its charter and the “Law on Freedom of Information” by reporting on and calling for an investigation into a death in custody.

⁷ Open Society Institute, “Uzbek Government Forces Closure of Local Soros Foundation: Uzbek Staff of International Organizations Branded Traitors,” April 18, 2004.

⁸ Id.

⁹ Comments submitted by Legal Aid Society, Uzbekistan, on file with Human Rights First; Organisation Mondiale Contre la Torture (OMCT), Open Letter to Islam Karimov, August 13, 2004.

¹⁰ Decree No. 9306-XI and all Soviet Laws not amended or abrogated are still in force in Uzbekistan. This decree was subsequently repealed within the Russian Federation. The Ministry of Justice has indicated that this act has not yet been repealed in Uzbekistan. It requires a request in writing to a local authority for permission to hold a public event, at least 10 days in advance. This request must include the number of participants, along with their addresses. Citizens over 18 years old, representatives of trade unions and organizations, NGOs, and other public associations have the right to an appeal should a local authority deny permission to hold a public event.

¹¹ Human Rights Watch, “Uzbekistan: Rights Group Threatened for Alleging Abuse,” February 4, 2005.

Equating human rights defenders with terrorists, branding them as unpatriotic, and blaming them for terrorism and harming national security have been persistent practices of the Uzbek government over the past decade – and have increased in recent years. Beginning in 1999, Uzbek authorities seized on heightened security concerns prompted by genuine threats of terrorism to characterize an increasingly broad range of political opposition and human rights activities as aiding, or potentially aiding, terrorist groups. By claiming that their work damages national security, government authorities have justified increased physical attacks on, and other harassment, of human rights defenders.

Persecution of Defenders Since Andijan

On May 13, 2005, violence broke out in Andijan. President Karimov and other official sources initially indicated that the army responded with gunfire to a gathering of extremists, and that 169 "bandits" were killed as part of a counterterrorism operation. Independent sources, however, quickly clarified what had occurred, reporting that the military had fired into a large crowd of unarmed civilians gathered peacefully to protest overall economic conditions in the country. They estimated a civilian death toll in the range of 750-1000 – obviously a very different account than that of the government.

In the aftermath of the violence, human rights defenders played a critical role in investigating and exposing the circumstances that had given rise to the violence in Andijan by interviewing eyewitnesses and speaking with international press. Many were immediately faced with arrest, detention, interrogation, forced searches of their homes, and other forms of harassment and intimidation.

In Uzbekistan, where torture in prisons is widespread and systemic, detention for even a short time raises serious concerns for the safety of defenders and other government critics. The following are representative accounts of what happened to some human rights defenders in the aftermath of Andijan.

Saidjahon Zainabitdinov, chairman of the human rights group *Apelliatsia* (Appeal) in Andijan, witnessed the security forces using lethal force on May 13. After commenting on the incident to international press, on May 21 Mr. Zainabitdinov was arrested and detained, and remained incommunicado for three days. He was charged with criminal libel and released in June just before his court hearing.

Sobithon Ustabaev, a human rights defender belonging to the Namangan Group of Protection of Human Rights, was arrested on May 22 while peacefully protesting against the Andijan events. He was detained for fifteen days under the administrative code.

On May 26, a police official in Jizzakh came to the home of **Tatiana Dovlatova**, an activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan, and demanded that she go with him to the prosecutor's office. She refused to go unless provided with an official summons. The official then placed her under house arrest for the day and threatened to send her to a psychiatric hospital – a tactic known to be used against female human rights defenders – if she attempted to leave.

According to information provided by the human rights organization Ezgulik, **Dilmurod Mukhitdinov, Muhammadkodir Otahonov, and Musajon Bobojonov**, all leading human

rights defenders in the Andijan region, were arrested and detained on May 28. Their homes were searched against their will, and their computers, CDs, and other documents were confiscated. They have been charged with "infringement of the constitutional order," "forming a criminal group," and "preparation and distribution of materials containing threats to public order and security."

Also on May 28, police arrested **Kholiqnazar Ganiyev**, head of the Samarqand offices of Ezgulik and Birlik, on charges of "hooliganism" and sentenced him to fifteen days of administrative arrest.

During the night of May 29-30, police harassed, beat and arrested twelve members of Ezgulik who were participating in a legal seminar at the Hotel Olympia in Tashkent. They were then forced to leave the seminar and return to their homes. Following these events, **Vassila Inoiatova**, president of Ezgulik, **her husband**, and **Hussan Yussupov** were arrested at Inoiatova's house around 2 a.m. and detained until the following day.

On June 3, police arrested **Muzaffarmizo Iskhakov**, a longtime human rights defender and head of the Andijan branch of Ezgulik. Police seized human rights publications and a computer during a search of his home. Iskhakov was released on bail, but police retained his passport and ordered him not to leave the city.

On Sunday, June 5, according to the Human Rights Society of Uzbekistan (HRSU), Uzbek security agents arrested **Norboy Kholjigitov**, a member of the HRSU, in the village of Bobur near Samarqand on charges of corruption. Kholjigitov's whereabouts remain unknown.

Hamdam Sulaimonov, deputy chairman of the Ferghana Valley branch of the opposition party Birlik, was interrogated and detained on June 7, apparently in connection with comments made by party chairman Abdurakim Polat during a U.S. Helsinki Commission briefing in Washington on May 19.

Two members of Ezgulik, **Ulugbek Bakirov** and **Fazleddin Gafurov**, were beaten and harassed by authorities while on their way to interview witnesses of the Andijan incidents.

Four human rights defenders, including **Tolib Yakubov**, chairman of the Human Rights Society of Uzbekistan, were harassed by police on June 16 while in Andijan on a fact-finding mission for the International Helsinki Federation.

The Uzbek government must allow human rights monitors to report on recent events in Uzbekistan, as provided under international law, and must stop arresting and harassing defenders. Any arrests of defenders on account of their monitoring or reporting activities are direct violations of the 1998 United Nations Declaration on Human Rights Defenders, under which all persons have the right "freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms," as well as other international instruments that are binding on the government of Uzbekistan, including the International Covenant on Civil and Political Rights.

The recent crackdown on human rights defenders demonstrates a very different course of action by the Uzbek government: an effort to cover up the truth about what happened at Andijan. An independent investigation is therefore necessary into the circumstances of the outbreak of violence that resulted in hundreds of civilian deaths. Impunity for violence against civilians will only result in further mistrust in the government, unrest within Uzbek society, and insecurity and instability in the region.

Human Rights First's Recommendations

Human Rights First urges the Helsinki Commission to:

- Exercise its oversight authority to analyze the consequences of the mixed messages sent by the U.S. government concerning human rights abuses in Uzbekistan, including how well current approaches serve U.S. security interests.
- Promote efforts to develop a joint statement with other countries, including under the auspices of the OSCE, calling for an independent, international investigation into the massacre at Andijan. A clear message that impunity for massive human rights violations will not be tolerated can help quell distrust in the Uzbek government, and also should have positive consequences for sentiment toward the United States.
- State clearly that defenders must not be arrested and detained as a means of harassment and intimidation, nor prosecuted for libel or other crimes simply for carrying out their non-violent human rights activities and reporting on recent violence in Andijan.
- Work with other parties to help ensure that conditions of detention in Uzbekistan meet basic international standards – including prohibitions on torture and other forms of mistreatment. It is essential that the Uzbek government also be held to the terms of the U.N. Standard Minimum Rules for the Treatment of Prisoners and the U.N. Body of Principles for the Protection of all Persons Under Any Form of Detention or Imprisonment, which elaborate on the basic standards for ensuring respect for the rights of detainees.

Human Rights First appreciates this opportunity to submit its views to the Commission, and looks forward to working closely with Members and staff to address our ongoing concerns about the treatment of human rights defenders and other human rights concerns in Uzbekistan.