I. Overview of Situation

Nineteen years after the independence of Uzbekistan, democratic institutions are struggling to establish viable political alternatives toward existing government structures in the country. The prevailing Soviet mentality, combined with traditional, archaic clan-driven political landscape and limited freedom of religion, is becoming an enormous obstacle to the much needed social and political change. The transition to a market economy has been characterized in Uzbekistan by dramatic declines in income and employment, growing poverty and great uncertainties. The stability and security that people had enjoyed is gone, causing unprecedented levels of social and economic stress. Instead of reforms, Uzbek political leaders introduce repressive methods of ruling and control to ensure their power position.

The Uzbek political regime clearly understands that building relations with Western nations requires making at least some noise in support of democracy and maintaining government orchestrated rhetoric that “promotes” human rights.

Through the prism of democracy, human rights and rule of law, the years 2005 – 2008 were an integral period for Uzbekistan. In comparison to previously, it was marked by an intense rise of official rhetoric on human rights issues, but simultaneously, even though it may sound paradoxical, the situation had been continuously deteriorating.

During the latest period Uzbekistan has become a place for numerous roundtables, conferences and seminars on issues such as human rights, democracy, rule of law and civil society. However, no representative of what could be called truly independent civil society has attended such events. Almost all participants of these events have highlighted in their interventions and remarks only what has been done so far; excluding any discussion of the existing problems. The coverage of these events in the national mass media was arranged in the same manner. These events were essentially meant for massive brainwashing and were really no better than poorly organized shows.

II. State of National Criminal Justice System

Starting from January 2008 the Uzbek authorities introduced habeas corpus as a new principle into the national criminal justice system. However, the issue of ensuring the fairness of the pre-trial arrest has not progressed much.

Independent monitoring of the implementation of the habeas corpus law shows that habeas corpus, as a perfect and fair principle of the criminal justice system, is more of a formality than reality in Uzbekistan. Until the Uzbek authorities create within the judicial system a position of a judge who will only hear cases on the fairness of pre-trial arrest, the principle of habeas corpus cannot achieve
what it is meant to do. Quite similarly, issues such as closed court proceedings on pre-trial arrest are still waiting to be resolved.

III. Human Trafficking

In April 2008 Uzbekistan adopted a law on “combating human trafficking”. The Uzbek authorities have started to recognize this problem and activated their fight against this type of human rights violation: the Inter-Departmental Coordination Commission with regional commissions has been created; the government has started implementing risk-awareness raising programs on human trafficking; and in December 2008 the government created a National Rehabilitation Center for victims of human trafficking.

Despite this, the government of Uzbekistan has continued to treat the problem of human trafficking narrowly, viewing victims of human trafficking as those who are exploited in commercial sex. In most cases the authorities have ignored the fact that thousands of Uzbek labor migrants are also victims of human trafficking. According to RRG estimates, more than 80 percent of human trafficking victims in Russia and Kazakhstan are Uzbek labor migrants. The actions of the Uzbek government to protect the rights of those labor migrants have been restricted to opening several regional employment bureaus of the Ministry of Labor and Social Protection. These employment bureaus are formally in charge of contacting employers in Russia and facilitating travel of Uzbek citizens to work in Russia. For 15 appeals on individual cases of the Uzbek labor migrants in 2008, the RRG has yet to receive any response from the Uzbek state bodies.

IV. Child Labor

In February, Uzbekistan adopted a law “on guarantees of the rights of the child”. The authorities have also ratified two conventions of the International Labor Organisation, which prohibit the worst forms of child labor and set the minimum age for employment. In the fall of 2009 before the beginning of the annual season of cotton picking, the government of Uzbekistan adopted the decision to exclude children from forced cotton picking.

However, this has not prevented the authorities from continuing to forcedly involve children in cotton picking. Moreover, in 2009 not only children but also non-traditional groups such as religious communities belonging to local mosques, workers of the state owned enterprises and businesses, law enforcement officers and regular armed forces were forcedly involved in cotton picking.

V. Arbitrary Detention

The Uzbek government also continued demonstrating the highest level of intolerance to all forms of heterodoxy and criticism, coming both from the representatives of the civil society and non-traditional religious groups. Such groups have been regularly persecuted by the authorities; sometimes resulting in arrests and further criminal charges under trumped-up cases.

In 2008 more than 20 political prisoners continued to serve prison terms; a majority who have been denied access to legal counsel and relatives. Defence attorneys and relatives of such prisoners have often reported signs of torture or similar ill-treatment against their clients or family members. The authorities have continued using political imprisonment in two main ways: first, for terrorizing independent representatives of the local civil society; and second, for political negotiations with Western countries.
All places of detention, including pre-trial custody, remain out of reach for independent observers from NGOs, human rights groups and international experts. Religious prisoners continue to be one of the groups of prisoners in Uzbekistan most lacking legal representation. Religious cases are generally dropped by the few defence attorneys and human rights activists who represent the interests of religious prisoners once the person is convicted and sent to prison. In most cases relatives, who have no legal training and are unable to protect their interests effectively, are the only ones left to represent the interest of the religious prisoners.

Relatives of religious prisoners continue to report torture and similar ill-treatment against their family members. According to relatives, religious prisoners are continually subjected to extended prison terms due to the abuse of authorities extending their initial prison sentence. Regular amnesty acts of the government have not covered this group of prisoners.

The approach of law enforcement agencies to fighting religious extremism has remained the same. This means that if the authorities find one “extremist” in a family, then the other members of the family are also immediately perceived as potential extremists. Furthermore in a traditional Uzbek society, after the arrest of one family member the local community tends to avoid all contact or ties with the entire family of the religious prisoner, thus isolating them from the rest of the local community. The misfortune of having a religious prisoner among close relatives also undermines the careers of family members in state agencies or organisations, especially due to the constant monitoring of relatives of religious prisoners by law enforcement agencies.

Due to the lack of access to prisons, it is difficult to discern the actual number of religious prisoners in Uzbekistan. It is also difficult to tell whether the number of arrests and imprisonment based on religious issues is growing or falling. However, as a way for the Uzbek authorities to maintain their power, as indicated in regular publications in the national mass media, government policies on religiously motivated persecutions are not going to change, which will likely lead to a fundamental problem for Uzbekistan in the long-term. An unjustified and brutal state policy against Muslims and non-traditional religious groups is likely to backfire due to the low faith in the state policy of combating religious extremism and terrorism.

VI. Torture

Torture and similar ill-treatment in the criminal justice system remained rampant in Uzbekistan during the reporting period. There have been consistent and numerous allegations concerning the systematic use of torture and other cruel, inhuman or degrading treatment or punishment committed or consented by law enforcement and investigative personnel, often to extract confessions or information to be used in criminal proceedings. Despite the introduction of habeas corpus beginning 1 January 2008, credible reports have been recorded that torture and similar ill-treatment commonly occur before formal charges are made and during pre-trial detention, when the detainee is deprived of fundamental rights such as access to legal counsel. Evidence obtained under torture has been continuously accepted as a credible type of proof. Despite the Resolutions of the Uzbek Supreme Court outlawing evidence obtained under torture, no explicit legal ban on the use of such evidence has been introduced. In 2004 Uzbekistan amended Article 235 of the Criminal Code in order to incorporate the definition of torture from the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment into domestic law. However, the definition in the amended Article 235 of the Criminal Code restricts the prohibited practice of torture to the actions of law enforcement personnel and does not cover acts by “other persons acting in an official capacity” including those acts that result from instigation, consent or acquiesce of a public official, and as such does not contain all of the elements of Article 1 of the Convention.
The Uzbek authorities have continued to deny registration and investigation of allegations of torture in the criminal justice system, arguing that alleged victims are trying to avoid punishment for crimes they have committed. In the limited number of cases officially registered after an appeal or complaint reporting on facts of torture or similar ill-treatment, the authorities usually open criminal cases under Articles 205-206 (abuse of power and official authority), but not under Article 235 (use of torture and other cruel, inhuman and degrading types of treatment and punishment) of the Criminal Code. Allegations of torture and similar ill-treatment are not investigated by a fully independent body in Uzbekistan, often being handled by the same bodies which have perpetrated torture and similar ill-treatment.

VII. Freedom of the Press

The harassment of journalists continues in Uzbekistan. The Uzbek government customarily persecutes journalists who write critically of the government. According to the latest amendments to the Criminal Code adopted on 17 February 2004, sharing information that is considered critical of the human rights situation in Uzbekistan is criminalized. According to human rights groups, due to the amendments criminalising dissent, more than ten independent journalists have been imprisoned; others forced to keep silent; and many have left Uzbekistan under the fear of criminal persecution. Additionally, international media outlets are denied state accreditation and the government continually blocks the Internet. There is limited need for government interference due to the high levels of self-censorship in Uzbekistan.

VIII. Challenges to the Civil Society Sector

During the period in review no new independent NGO or human rights group has been registered by the government. Moreover, more than 50 existing NGOs were forced to close down under the authorities’ pressure. The public association, Lawyers of Uzbekistan, which previously had been able to keep its independent and non-governmental status, now has been more or less turned into a government-operated non-governmental organisation (GONGO) after the creation of the new Chamber of Lawyers in its place.

Civil society in Uzbekistan tends to be highly fragmented due to the lack of access to factual and analytic information and use of superfluous materials with poor argumentation and analysis. There is also high turnover in Uzbek organisations due to poor organisational capacity, weak strategic planning and the lack of financial sustainability coupled with the fact that some of the Uzbek CSOs are composed of soviet style personalities. The hope for the future in Uzbekistan lies in engaging talented young people.

The Uzbek government has always been suspicious of NGOs and other civil society actors (e.g. journalists, mass media, political parties, intelligentsia, etc.) and evaluates them solely through the prism of loyalty or disloyalty to the ruling political regime. In countries like Uzbekistan, NGOs, including human rights groups, conditionally fall under two main categories: the so-called pro-governmental NGOs or GONGOs which stick to the government proclaimed mainstream ideology, or independent NGOs and human rights groups which point out the problems and shortcomings in government policies.

Pro-governmental NGOs enjoy government funding, easily obtain their state registration and legalisation and given a managed part in the government orchestrated promotion and protection of human rights. These GONGOs, the names of which are mentioned in the third periodic report of the Uzbek government to the Human Rights Committee,¹ are part of the official government.

¹ The Federation of Trade Unions of Uzbekistan, the Makhalla Charitable Foundation, the NGO Ecosan Services Foundation, the Sogloom Avlod Uchun International Foundation, the Nuronni Foundation, the Centre for the Study of
propaganda machinery which has the main task of illustrating the Uzbek government as respectful and a protectorate of human rights and freedoms. Additionally, GONOgs in Uzbekistan have unrestricted access to the national mass media.

The very small number of so-called independent NGOs and human rights groups completely fall out of this process and face regular government harassment and persecution. Special departments of the secret service and police deal with issues of NGOs and human rights groups, along with combating terrorism threats. Special departments of the secret service and police, used during the Soviet times to deal with dissidents, have been retained.

Independent NGOs and human rights groups have no access to the national mass media and their websites and emails are constantly blocked by the secret service. Despite their numerous applications to the Uzbek Ministry of Justice requesting a state registration, most independent NGOs are not officially registered with the Uzbek government. NGOs that are fortunate to have received state registration – in most cases under the intense pressure of the international community (e.g. “Ezgulik” Human Rights Society of Uzbekistan, Independent Society of Human Rights Societies) – struggle daily to keep their official status in order to be able to conduct their day-to-day activities. To maintain power over NGOs, the government retains a complicated and time-consuming reporting process, requiring registered NGOs to report to the Ministry of Justice, tax authorities and national statistics department every three months.

The government also prevents independent NGOs from freely assembling. Any NGO planning to conduct any public event or gathering has to report their intentions to the local branch of the Ministry of Justice and include a detailed program of the planned event and the participants’ list. As a result of the Cabinet of Ministers Decree No. 56 from 2004, the Uzbek government can interfere with independent NGOs receiving their grant funds into their official bank accounts. In order to receive the grant funds, the NGO must take the related project proposal approved by the donor to a special government commission within the bank for further “approval.” In almost all cases the NGOs are refused permission by the bank to receive their grant funds.

Starting in 2005, the Uzbek government has embarked on a mission to produce an obedient and easily manageable NGO sector. A majority of Uzbek NGOs who previously enjoyed more or less freedom in their activities were either closed or forced into self-closure. The remaining NGOs were forced to join a newly created GONO - the National Association of Non-Profit Non-Governmental Organisations of Uzbekistan (so called NANNOUz).

According to the third periodic report of the Uzbek government to the Human Rights Committee, the NANNOUz currently has 330 members, which embraces all aspects of life and society, working in such areas as social support and on legal, women’s, youth, environmental and other matters. In 2008, the government created under the Parliament a special Foundation for supporting NGOs and other civil society institutions. This Foundation receives 4 percent of the annual national budget and is managed by a special commission made up of the Members of Parliament and representatives of different government ministries and agencies who consider the grant applications submitted by Uzbek NGOs, and make decisions on them.

Human Rights and Humanitarian Law, the Izhtimoi fikr Centre for Public Opinion Studies, the Association of Judges of Uzbekistan, the Tadbirkor ael Association of Businesswomen, the National Chamber Lawyers, the Women’s Committee of Uzbekistan, the Chamber of Trade and Industry of Uzbekistan, the Association of Women Jurists of Uzbekistan, the Mekr Association of Women’s NGOs, the Olima Women’s Union, the Kamolot Youth Movement, Art and Culture Fund Forum of Uzbekistan, Sen Yolgiz Emassan Foundation, etc.

2 CCPR/C/UZB/3, section 176.
IX. Impacts of the War on Terrorism

In the new security environment since 11 September 2001, the Uzbek government further curtailed the rights of human rights activists. In considering the types of measures taken by the Uzbek government in the name of security that have impacted the work of human rights defenders, the following broad trends can be identified:

- **Counter-terror laws**: the Uzbek government renewed and increased use of pre-existing security or anti-terror legislation in ways that are harmful to human rights defenders;
- **Equating human rights defenders with terrorists**: the Uzbek government took advantage of heightened public fears to undermine the credibility and reputation of human rights defenders through accusations of providing aid and refuge to terrorists, or of being insufficiently patriotic at a time when the state is facing peril;
- **Expedient manipulation of security language**: the Uzbek government sought political advantage from heightened security tensions by characterizing a broad range of dissent or political opposition, including non-violent opposition as “terrorist” or potentially so, thereby justifying the limitation of basic rights and freedoms that are essential to the work of human rights defenders.

X. Attacks on Civil Society

The Uzbek government continues its practice of imprisoning members of NGOs and human rights activists that criticize the government. In December 2008 Uzbekistan released two imprisoned human rights activists Dilmurod Mukhiddinov and Mamarajab Nazarov, and provided an authorization to Mutabar Tojiboeva, another human rights activist on conditional release, to leave the territory. This was hailed by the EU as one of the signs of progress in human rights in Uzbekistan. However, in the same month the Uzbek authorities imprisoned activists - Agzam Turgunov and Solijon Abdurakhmonov - to more than 10 years under trumped up criminal charges.³

To date, more than 15 human rights activists and independent journalists remain in prison for their criticism of government policies. Currently, the Samarkand Regional Office of Public Procurator is investigating a trumped up criminal case against an outspoken member of “Ezgulik” Human Rights Society of Uzbekistan, Mr. Dilmurod Saidov, who has been kept in pre-trial custody for more than two months. He is accused of committing crimes punishable under two articles of the Criminal Code of Uzbekistan, namely Article 165 (swindling) and Article 228 (forgery, selling and usage of official papers and stamps) and faces a long imprisonment sentence.

XI. Adherence to State Obligations Under International Law

The Constitution of Uzbekistan recognizes the supremacy of international law over national law. However, this provision does not imply the direct applicability of international norms in the domestic legal system. According to the state report,⁴ it merely provides for the legal principle that the Constitution and national laws shall be in accordance with international law. RRG contends that this principle is not adhered to in practice in any way.

For a good example of Uzbekistan’s disregard for international obligations, one needs to look at how the decisions of international treaty bodies are followed up. For instance, Uzbekistan has made no progress in implementing the recommendations of the Human Rights Committee in relation to the twenty-one individual communications adopted against Uzbekistan under the Optional Protocol.

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³ “EU / Uzbekistan”, Agence Europe, December 17 2008
⁴ Human Rights Committee. Replies to the list of issues (CCPR/C/UZB/Q/3) to be taken up in connection with the consideration of the third periodic report of Uzbekistan (CCPR/C/UZB/3). 4 December 2009.
The State was found guilty of violating fundamental human rights protected by the Covenant on Civil and Political Rights, such as: the right to life, freedom from torture and ill-treatment, the right to liberty and security, the right to fair trial, etc. The first recommendation of the Committee was adopted in 2004 in Arutyunyan v. Uzbekistan (No. 917/2000). To date, the state has failed to put in place the legal and institutional framework for implementing the recommendations of the Committee on Individual Communications. As a result, the government is further violating the rights of the victims of these communications to effective remedy.

The actions of state bodies in practice are also far from the requirements of international law. State organs, such as law enforcement agencies, in Uzbekistan are governed by an intricate web of by-laws inaccessible to the general public. For instance, even if the criminal legislation formally reiterates the general principles of legality, equality and supremacy of human rights, many of its provisions are couched in very broad terms, or contain “escape clauses”, thus giving large discretionary powers to law enforcement agents. In such cases, the latter go by their internal orders or instructions, which are closed for public scrutiny and challenge. Such unpublished rules, while regulating the rights and freedoms of individuals, do not constitute “law” according to the requirements set by leading international bodies (EHCHR, UNHRC). Such leading international bodies understand “law” as parliamentary statute, accessible and foreseeable, which is written in clear and unambiguous language. In Uzbekistan, important procedures such as arrest, rules and conditions of detention, internal procedures of closed intuitions, such as psychiatric wards, etc. are all regulated by executive decrees or administrative provisions which are often classified and inaccessible to the general public.

The decision of the government to regulate the human rights protection system through the use of by-laws led to major institutional reform of the Bar, affecting the rights of individuals to qualified legal aid by independent counsel. In May 2008 the President of Uzbekistan adopted a decree whereby the former National Bar Association was replaced by the Chamber of Lawyers. The language of the decree formally met the demands of the legal profession for independence and self-regulation. However, less than a month later, the Cabinet of Ministers adopted a decree on the structural organisation of the Chamber of Lawyers. The decree laid out the organisational set up of the Chamber, its management and its decision making procedures. It gave large decision making powers to the Ministry of Justice. According to this decree, the Ministry is empowered to nominate the candidates to head the Chamber of Lawyers. Moreover, the Ministry was instructed to run the first meeting of the lawyers, during which the statue, rules of professional ethics and other governing documents were adopted, along with the election of the executive bodies of the Chamber. The Ministry of Justice used its powers to the fullest extent. According to the reports of lawyers, the meeting was convened and chaired by the representatives of the Ministry of Justice behind closed doors on 12 September 2008 contrary to the principles of independence, openness, procedural fairness and/or legality as proclaimed in the Presidential Executive Order.

The implementation of the above mentioned government decrees on the bar reform in Uzbekistan has negatively affected the capacity of lawyers to provide timely, independent and free legal counsel to their clients. During the reporting period, many prominent and outspoken Uzbek defense lawyers voluntarily decided to stop practicing law due to the stressful environment of increased government pressure and control. Additionally, the Ministry recently conducted a mandatory attestation of lawyers to confirm their qualifications for the license to practice law. Not surprisingly, among those who failed this mandatory attestation were the most vehemently outspoken defense

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5 Executive Order of the President as of May 1, 2008 “On the measures to further reform the institute of advokatura in the Republic of Uzbekistan”
6 Decree of the Cabinet of Ministers №112 as of May 27, 2008 “On organizing the activity of the Chamber of Lawyers”.
lawyers representing individuals in politically sensitive cases. Moreover, the government decree established mandatory membership of all lawyers in the Chamber, resulting in top-down control of all lawyers’ activities by the executive.

Every accused or detained suspect is entitled to contact a defence lawyer or relatives immediately upon apprehension. RRG remains concerned about the absence of information on the application of these guarantees in practice. The recent reform of the regulations governing defence lawyers has increased the role of the Ministry of Justice in matters related to the legal profession, including the disciplining of lawyers. RRG is also concerned about the corruption that may result from the practice of requiring lawyers to renew their licences by a qualification commission composed of representatives of the Ministry of Justice and the Lawyers’ Chamber after three years.

During the reporting period the government continued to pursue a strategy curtailing any independence among the legal profession or human rights defenders. The government has abolished the provision allowing public defenders (human rights activists) to represent individuals in criminal and civil hearings. Previously, activists served as public defenders to many indigent defenders or on politically sensitive cases. By introducing the requirements of degree in law and membership in the Bar, the government has institutionally monopolized the legal services to the Chamber of Lawyers.

XII. Situation with Freedom of Association for the Civil Society during the Reporting Period

In Uzbekistan the registration of civil society organisations is disproportionately more complicated than any other civil entity such as businesses, banks or insurance companies. The legislative framework sets unjustifiably burdensome procedures for NGO registration, giving wide discretionary powers to the executive and is open to abuse by the authorities.

The following laws and bylaws regulate registration and activities of NGOs in Uzbekistan:

- Law on Public Associations (2 February 1991);
- Law on Non-governmental organisations (14 April 1999);
- Decree No. 132 of the Uzbek Cabinet of Ministers “regulation of state registration of charters of NGOs” (12 March 1993);
- Rules the Ministry of Justice applies when “considering applications for state registration of charters of NGO in Uzbekistan” (12 March 1993).

The Ministry of Justice is responsible for registering national NGOs and political parties. Regional NGOs and NGOs from the autonomous Karakalpakstan Republic and Tashkent city are registered accordingly by their respective city departments of the Ministry of Justice.

According to Section 2 of the above mentioned Ministry of Justice Rules, the NGO must submit the following documents for the registration procedure:

- Charter;
- Protocol of the meeting and the decision of members to form an NGO;
- Bank certificate proving payment of the registration fee;

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7 Article on DW-World.DE “Uzbekistan: authorities have taken control over the legal profession” by Dmitry Alyaev. May 25, 2009.
8 Electronic system of the law of Uzbekistan “Pravo”, Tashkent, Uzbekistan, more detailed information about the product dealer is available via fax (998-71) 1449454.
9 Uzbekistan is administratively divided into 12 regions and Karakalpakstan sovereign Republic. Karakalpakstan Republic and Tashkent city have equal administrative and territorial status with the regions. Articles 68, 69, 70, 73 and 75 of the Uzbek Constitution.
According to Section 3 of the Rules, the Ministry of Justice is allowed 2 months to consider the application documents. It is entitled to send the application documents for comments and expert opinion to the corresponding state agency regulating affairs in that particular field of NGO operations. In the case of human rights NGOs, the documents are sent to the National Center for Human Rights of the Uzbek government. The state agencies can make recommendations to the Ministry to either approve or refuse the registration based on their expert opinion. Such expert opinions are considered classified information and cannot be challenged by the NGOs. Because of the time required to collect such expert opinions, the Ministry is allowed to extend the period of consideration for an additional month. Oftentimes, the Ministry of Justice violates the allotted 3 month period. Section 3 of the Rules sets forth the following three types of decisions to be taken by the Ministry of Justice when considering application documents:

- Register documents;
- Refuse to register documents; or
- Leave the application without consideration due to failure to meet application requirements.

In practice, the Ministry often resorts to the third type of decision, leaving the NGO in legal limbo which is often achieved by alleging that the founding charter does not comply with the requirements of Article 10 on Public Associations. Another common practice employed by the authorities is to contact the list of members and pressure them to withdraw their consent to forming the NGO. When successful, the Ministry is enabled to announce that the list of founding members is forged since when contacted, some of the listed founding members did not confirm that they consented to become members or sign the founding documents of the NGO.

The official reply from the Ministry of Justice indicates the reasons for holding the registration until the irregularities are corrected by the organisation. There is no limit to the number of times the Ministry can resort to this type of decision regarding one NGO. Some of the “mistakes” discovered by the Ministry in the application documents are on face value absurd. For example, in its official letter denying a registration of the human rights group “Mazlum”, the Ministry of Justice wrote that “…the group can’t put as its goal protection of human rights since Article 43 of the Constitution secures the State’s role in promotion and protection of the rights and freedoms of citizens…” In other occasions, the Ministry’s letter has said that the applicant could not choose combating torture as one of its objectives because the Uzbek legislation outlaws torture and hence, there is no torture in Uzbekistan.

During the reporting period no independent NGO or human rights group have been able to get State registration.

**XIII. Persecution and Repressions Against the Civil Society in Uzbekistan**

The author of the report remains concerned about the number of representatives of independent NGOs, journalists and human rights defenders imprisoned, assaulted, harassed or intimidated, because of the exercise of their profession. It is also noted with concern that some representatives of
international organisations, including NGOs, are denied entry to Uzbekistan. Furthermore, during the reporting period the Uzbek authorities have failed to carry out sufficient investigations on all alleged assaults, threats, or acts of harassment of journalists and human rights defenders. The existing provisions in Articles 139 (insult) and 140 (defamation) of the Criminal Code may also be used to punish individuals who criticise the existing regime.

The Uzbek government’s human rights record has deteriorated further during the reporting period. RRG is particularly concerned with the plight of civil society that remains the target of constant government intimidation and harassment. More than a dozen human rights defenders, journalists and other independent civic and political activists continue to be harassed and imprisoned on politically motivated grounds. The Uzbek authorities have also continued to clamp down on media freedoms and suppress religious worship. A deep culture of impunity for perpetrators of serious human rights violations, including torture and ill-treatment, against civil society activists has remained rampant, demonstrating the lack of independence of the judiciary.

The bi-weekly reports under the Early Warning System Project have provided details of criminal cases and persecutions against more than a dozen human rights activists who have been imprisoned by the Uzbek government under politically-motivated grounds.

During the reporting period the Uzbek government has imprisoned 5 human rights defenders and independent journalists, and threatened more than 6 civil society activists with imprisonment. The Uzbek authorities have continued blocking the activities of local and international NGOs. At least 2 Uzbek activists have had to flee the country out of fear for their security or that of their loved ones. The Uzbek government has continued harassing and imprisoning individuals who question human rights policies of the authorities and expose human rights violations in Uzbekistan. The Uzbek authorities have repeatedly harassed, detained, and beat political opponents and human rights activists. On the eve of the December 2009 parliamentary elections in Uzbekistan, the authorities cracked down on civic and political activism by temporarily detaining activists to keep them from meeting in groups of as small as three. As of this writing the Uzbek government is holding more than 15 civil society activists in prison for no reason other than their legitimate human rights work.

The Uzbek government has continued to repress the right to freedom of expression through threats and intimidation of independent journalists and reporters. In December several independent journalists were illegally summoned to the Tashkent prosecutor’s office for a so-called “informal conversation” about their journalistic activities. The official at the Tashkent city prosecutor’s office

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10 For example, on November 11, 2009, Mamir Azimov, a human rights defender based in Jizzakh, was detained and beaten by the police after he met with members of Birdamlik, a political opposition group. The police also forced Azimov to stand with his legs shoulder-width apart and hold a chair over his head for about an hour and threatened to continue beating him if he lowered it. On that same occasion, a man believed to be a security agent punched another Jizzakh based defender Bakhtior Hamroev in the face. In early December, police prevented two Karshi based activists, Nodir Akhatov and Gulshan Karaeva, and Ferghana based Ahmadjon Madumarov from meeting with a Human Rights Watch researcher. Officers stopped the minibus Akhatov was taking to Karaeva’s house for the meeting and took him to a police station, where they confiscated his phone and temporarily detained him for several hours. The officers then took him to a nearby cafe, “inviting” him for a meal, making it clear that he was not allowed to leave. He was not released until well after the Human Rights Watch researcher had been forced to leave Karshi, over eight hours later. The next day, Madumarov was similarly prevented from meeting with the researcher by local police who went to his home and told him he had to go to the station to fill out a questionnaire.

11 The names of imprisoned civil society activists in Uzbekistan are: Solijon Abdurakhmanov, Habibulla Akpulatov, Azam Formonov, Nosim Isakov, Gaibullo Jalilov, Alisher Karamatov, Jamshid Karimov, Norboi Kholjigitov, Rasul Khudainasarov, Ganinoh Mamatkhanov, Farkhat Mukhtarov, Yuldash Rasulov, Dilmurod Saidov and Akzam Turgunov.

12 The following independent Uzbek journalists - Khusniddin Kutbiddinov, Marina Kozlova, Aleksei Volosevich and Abdumalik Boboev were summoned to the Tashkent city prosecutor’s office.
office questioned the journalists about their journalistic activities and publications criticizing the Uzbek government. The journalists were informed that a dossier on each journalist had been provided by the National Security Agency (NSS) and the Ministry of Internal Affairs.

During the reporting period the authorities continued holding a number of independent journalists on politically motivated charges: Jamshid Karimov, Solijon Abdurakhmanov and Dilmurod Saidov. The government has continually blocked foreign correspondents and Uzbek citizens working for foreign media from operating with proper accreditation. At present there are only very few accredited foreign correspondents in Uzbekistan, and no foreign journalists working for Western media outlets. Such international news agencies RFE/RL, Reuters, Associated Press, Deutsche Welle, BBC and the Institute for War and Peace Reporting (IWPR) have been repeatedly refused re-accreditation. Independent websites publishing critical materials on the government policies have continued being regularly blocked within Uzbekistan.

**XIV. Recommendations for Specific Steps the Government of Uzbekistan should be urged to take to Address the Above-mentioned Concerns:**

- Allow representatives of international organisations and NGOs to enter and work in the country;
- Guarantee journalists and human rights defenders in Uzbekistan the right to freedom of expression in the conduct of their activities;
- Take immediate action to provide effective protection to journalists and human rights defenders who were subjected to assaults, threats and intimidations due to their professional activities;
- Ensure prompt, effective and impartial investigation of threats, harassment and assaults on journalists and human rights defenders and, when appropriate, prosecute and institute proceedings against the perpetrators of such acts;
- Make public detailed information on all cases of criminal prosecutions relating to threats, intimidation and assaults of journalists and human rights defenders;
- Review the provisions on insult and defamation (Articles 139 and 140, respectively, of the Criminal Code) and ensure that they are not used to harass, intimidate or convict journalists or human rights defenders;
- Immediately and unconditionally release all wrongfully imprisoned human rights defenders, journalists, members of the political opposition and other activists held on politically motivated charges;
- End the crackdown on civil society and allow domestic and international human rights groups to operate without government interference, by re-registering those that have been liquidated or otherwise forced to stop working in Uzbekistan and issuing visas and accreditation for staff of international non-governmental organisations;
- Cease harassment of journalists, decriminalize libel and slander and allow domestic and international media outlets, including those that have been forced to stop operating in Uzbekistan, to register;
- Grant accreditation to international journalists;
- Take measures to guarantee the independence of the legal profession by prohibiting any interference on the issues of the internal regulation of the Bar by any state agency including the Ministry of Justice;

- Ensure that all apprehended persons have the right to contact relatives and a lawyer;

- Review and amend its laws and practice, so as to ensure the independence of lawyers, including through a revision of the system regarding the granting of licences;

- Review the list of required documents for registration with the aim of simplifying the procedure;

- Abolish the practice of the use of confidential expert opinions by relevant government agencies to inform the decision on registration;

- Abolish the excessive period of 2 months allowed under current procedure for making a decision on registration;

- Abolish the practice of indefinite postponement of registration permissible under current legislation;

- Provide specific reasons in the case of the refusal of registration, which must be in accordance with the national legislation and Article 22 of the International Covenant on Civil and Political Rights; and

- Indicate in legislation the procedure of judicial review to guarantee effective remedy in cases of violations of the right to association.