

**International  
Partnership**  
for Human Rights



**Initiative Group of  
Independent Human Rights Defenders  
of Uzbekistan**

## **A Sobering Reality:**

### **Fundamental Freedoms in Kazakhstan, Turkmenistan and Uzbekistan Twenty Years after the Soviet Collapse**

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## Summary

Twenty years after the dissolution of the Soviet Union, fundamental freedoms remain under serious threat in the Central Asian former Soviet republics of Kazakhstan, Turkmenistan and Uzbekistan. Despite promises of gradual reform made by the authorities of these countries, the human rights situation in Turkmenistan and Uzbekistan has not improved in any meaningful way in the recent period, while the situation in Kazakhstan has deteriorated.

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In **Kazakhstan** power has been firmly in the hands of President Nursultan Nazarbaev throughout independence. He was re-elected in April 2011 elections that offered no real choice and his ruling party remains essentially unchallenged even if parliamentary elections held in January 2012 formally ended its monopoly in the law-making body. The opposition Communist Party was prevented from running in the parliamentary elections because of a court decision that suspended its activities on questionable grounds.

Attacks on freedom of expression in the media have recently increased, and in particular opposition media have come under growing pressure through criminal and administrative charges, civil defamation suits involving excessive claims for damages, and intimidation and obstruction of the work of journalists. Internet sites containing information critical of the authorities are regularly blocked and vague allegations of “extremism” have increasingly been used to justify restrictions on online content. New legislation from early 2012 provides for enhanced government control of electronic media.

The authorities’ response to the recent oil worker protests, which began in western Kazakhstan in May 2011, has highlighted long-standing challenges to fundamental freedoms. In the course of 2011, peaceful protest actions held by oil workers were forcefully dispersed and participants detained and brought to court; leading figures in the labor protest movement were criminally convicted in politically motivated trials; and political opposition activists were harassed for showing solidarity with the workers. New disturbing developments have taken place in the aftermath of the 16 December 2011 unrest in the strike region. Actions taken during the investigation into these events have given rise to concerns that the authorities are using it as a pretext for a new crackdown on the labor protest movement, the political opposition, as well as opposition media. A series of detentions, interrogations and spurious criminal charges have targeted labor activists, and opposition members and journalists who have supported them.

A new harsh Religion Law was adopted in October 2011 despite strong national and international criticism. The law introduced new restrictions on religious activities and retained the ban on unregistered religious communities, while making the process of registration more difficult and open to arbitrary implementation. Already prior the adoption of the law, so-called non-traditional religious communities were increasingly subject to harassment.

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In **Turkmenistan** President Gurbanguly Berdimukhamedov continues his repressive rule after being re-elected in sham elections held in February 2012. The reform agenda on which he set out when taking

power after the death of *Turkmenbashi* in 2006 has produced few if any tangible human rights gains and he has increasingly promoted his own personality cult.

The Turkmen authorities tightly control the country's media and use them as outlets for state propaganda. The internet remains heavily regulated and censored, satellite TV has come under renewed attack and the only competitor to the state-owned cell phone provider was kicked out of the country in late 2010. In connection with the July 2011 explosions at an ammunition depot, the government's information monopoly was challenged by citizens who used electronic media to communicate information about the explosions to the outside world. The government responded with denunciation, intimidation and measures to prevent a similar scenario during the 20 years independence celebrations in October 2011.

Journalists who contribute to foreign media, civil society activists and other civil society members who are considered "disloyal" to the state are subjected to intimidation and harassment, including surveillance, interrogations, travel bans, arrests and politically motivated charges and convictions. The run-up to the February 2012 presidential elections saw new attempts to intimidate and silence critics of the regime. The website of Turkmen Initiative for Human Rights, which is well-known for its independent coverage of developments in Turkmenistan, was disabled by a cyber attack for the second time in less than a year.

The Turkmen authorities continue to promote the role of government-controlled organizations in place of independent civil society groups, and the adoption in early 2012 of a first-ever law on political parties is likely to remain another symbolic measure without any real impact. The threat of state reprisal effectively discourages public protests and the only known attempt at a protest in 2011 was quashed.

Restrictive legislation on the practice of religion remains in force and members of religious minority communities continue to be singled out for persecution. No civilian alternative to compulsory military service exists and new cases have been reported in the past year when Jehovah's Witnesses were convicted for their refusal to serve in the army on conscientious grounds.

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The regime of **Uzbekistan's** long-time leader President Islam Karimov continues to control all branches of power, suppress dissent and limit basic rights of citizens. Only pro-presidential parties are able to operate openly in the country, and political opposition movements remain marginalized and divided, with their leaders living in exile abroad.

The authorities tightly control the country's media and try to prevent the circulation of information deemed unfavourable. The recent wave of protests in the Arab world has prompted new attempts to rein in the internet, whose users have increased rapidly in the last few years.

Members of the country's small community of independent journalists and human rights defenders face ongoing harassment, ranging from surveillance and house arrest to physical attacks and politically motivated charges. Numerous journalists and human rights activists continue to languish in prison despite a few recent releases apparently made as concessions to the international community. One of the few international NGOs to have worked in Uzbekistan, Human Rights Watch was forced out of the country in 2011.

Small-scale peaceful pickets staged by known critics of the regime continue to be broken up by police. The fate remains unknown of many of those who were imprisoned for participating in the rare mass protest in Andijan in 2005, which was put down in a bloody fashion by Uzbek government troops. Some of these prisoners are reported to have died as a result of harsh prison conditions and torture. The Uzbek authorities have rejected calls for an independent and impartial investigation into the Andijan events.

Minority religious communities remain under pressure and the authorities continue their indiscriminate campaign against independent Muslims who practice their faith outside strict state control. In 2011-2012 the Independent Group of Human Rights Defenders of Uzbekistan has documented dozens of new cases of arbitrary arrests, torture and ill-treatment, fabricated criminal cases and unfair trials against individuals branded as religious “extremists.” Serious concerns remain about 28 individuals who were extradited from Kazakhstan to Uzbekistan on religious “extremism” charges in the summer of 2011 in spite of a well-founded fear of persecution.

## 1. Introduction

When the Soviet Union collapsed in 1991, there were great hopes that this historical event would usher in an era of democracy, freedom and human rights in the countries of Central Asia. However, current realities in Kazakhstan, Turkmenistan and Uzbekistan are far from the euphoria and expectations of the first post-Soviet days. The three countries are all ruled by authoritarian leaders, who have monopolized power, marginalized and silenced the political opposition and imposed far-reaching restrictions on fundamental rights and freedoms. Turkmenistan and Uzbekistan are among the most repressive countries not only in the former Soviet Union, but in the entire world. While not fully as bleak, the human rights situation in Kazakhstan also remains of serious concern and has recently deteriorated rather than improved, in spite of the promises made by its leaders in connection with the country’s 2010 chairmanship of the Organization for Security and Cooperation in Europe (OSCE).

This report examines the state of protection of fundamental rights and freedoms in Kazakhstan, Turkmenistan and Uzbekistan twenty years after the fall of the Soviet Union, with a focus on developments in the areas of freedom of expression and the media, freedom of association and peaceful assembly, and freedom of religion. The report is primarily based on information obtained through human rights monitoring conducted by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Turkmen Initiative for Human Rights (TIHR) and the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) in the course of 2011 and early 2012. This monitoring has involved: monitoring of developments on the ground; individual contacts with eye witnesses, participants in various events, and victims of human rights violations, as well as their relatives, colleagues and lawyers; analysis of legislation and other official documents; reviews of information provided by other non-governmental organizations; as well as media monitoring. International Partnership for Human Rights (IPHR) has conducted additional research, edited information and compiled the report.

The remaining part of this report consists of three chapters, each of which reviews the situation in one of the three countries covered. Each chapter starts with a brief overview of the political and human rights context in the country in question. It thereafter summarizes major trends in the different areas of human

rights protection under review (freedom of expression and the media, freedom of association and assembly and freedom of religion) and describes individual cases that illustrate these trends.

## 2. Kazakhstan

### 2.1. Political and human rights context

When Kazakhstan was granted the OSCE chairmanship for 2010, it was argued that this would boost democracy and human rights reform in the country. However, as Kazakhstan's chairmanship period has come and gone, the human rights situation in the country remains poor and has recently deteriorated in a number of respects (some of which are discussed in the subsequent sections of this chapter).

Kazakhstan continues to be ruled in an authoritarian way by President Nursultan Nazarbaev, who has held power throughout the country's period of independence. Nazarbaev was re-elected with a reported 96% of the vote in early presidential elections held in April 2011, which were criticized by local and OSCE observers for the lack of any real alternative. None of the other candidates challenged the incumbent president, and no opposition candidate was running.<sup>1</sup>

Early parliamentary elections held on 15 January 2012 formally brought an end to the monopoly of the pro-presidential Nur-Otan party in the lower chamber of parliament. However, the two other parties that gained representation are also loyal to the current regime.<sup>2</sup> An OSCE-Council of Europe election observation mission concluded that the elections "did not meet fundamental principles of democratic elections" and that the authorities failed to provide "the necessary conditions for the conduct of genuinely pluralistic elections".<sup>3</sup> The opposition Communist Party was prevented from running in the elections after being suspended by court on spurious grounds (see more under section 2.3), while the *Alga* opposition party could not participate since it has been repeatedly denied registration. As a result, only one moderate opposition party (the *Azat* party) took part in the race. This party did not make it into parliament.<sup>4</sup>

In a development that has highlighted broader social issues related to the unequal distribution of the profits from Kazakhstan's prosperous oil industry, thousands of oil workers began striking in the natural resource rich Mangistau region in May 2011. The oil workers demanded fair pay, adequate work conditions and an end to restrictions on trade union activities. The authorities refrained from mediating in the labor conflict and resorted to repressive measures in an attempt to stifle the workers' protests. The strikes were declared illegal by court and striking workers were fired. The authorities also broke up peaceful protest actions staged by striking workers and detained and brought to court both strike movement participants and political opposition members expressing solidarity with them. (See more below under section 2.3).

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<sup>1</sup> For a detailed report see *OSCE Office for Democratic Institutions and Human Rights (ODIHR) Elections Observation Mission Final Report*, 16.6.2011, <http://www.osce.org/odihr/elections/78714>

<sup>2</sup> These are the Democratic Party of Kazakhstan *Ak Zhol* (8 seats) and the Communist People's Party of Kazakhstan (7 seats) (note that the latter is a different party from the opposition Communist Party).

<sup>3</sup> *Statement of Preliminary Findings and Conclusions by the OSCE ODIHR, the OSCE Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe*, 16.1.2012, <http://www.osce.org/odihr/elections/86985>

<sup>4</sup> This party got less than two percent of the votes.

On 16 December 2011 unrest broke out in the center of the city of Zhanaozen, which had been the site of continuing peaceful worker protests since the summer. Clashes with police took place, a number of buildings were set on fire and banks and stores were looted. In order to put down the riots police used firearms. According to official information, 14 people died and 99 were wounded, including 35 police officers.<sup>5</sup> Eye witness accounts and video material disseminated on the internet suggest that police used excessive force when responding to the unrest and shot at unarmed oil workers and other residents without warning. The authorities initially dismissed such claims. However, in late January 2012, the General Prosecutor's Office acknowledged that the use of force was disproportionate "in some cases," resulting in deaths and injuries of people.<sup>6</sup>

Immediately after the unrest President Nazarbaev instructed law enforcement authorities to thoroughly investigate it. He also stated "the labor dispute of oil workers must not be mixed in with the acts of bandit elements who sought to abuse the situation."<sup>7</sup> Human rights groups welcomed these statements, but have expressed concern about the conduct of the investigation. As individuals suspected of involvement in the unrest were arrested en masse in the days that followed it, allegations of torture and ill-treatment of detainees surfaced. There is also reason to fear that individuals later charged with organizing or participating in the riots may have been forced to "confess" under duress.<sup>8</sup> Moreover, the course of the investigation has given rise to concern that the authorities are exploiting it for a new crackdown on the labor protest movement, the political opposition and opposition media (see more below under sections 2.3 and 2.2).

## 2.2. Freedom of expression and the media

Attacks on freedom of expression in the media and in the internet have increased in the recent period, and in particular media associated with the political opposition have come under growing pressure.

A new controversial Law on Television and Radio Broadcasting was adopted by parliament in December 2011 and signed by the president in January 2012. When elaborating the law, the government and parliament ignored proposals made by journalist organizations, expert conclusions and recommendations put forward by the OSCE. The law, which has been criticized both inside the country and internationally<sup>9</sup>, increases government control in the area of electronic media and provides for a non-transparent management regime that is lacking in public oversight and other adequate safeguards against abuse. It

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<sup>5</sup> See Statement by Kazakhstan's General Prosecutor's Office on the Zhanaozen events of 16 December 2011, 25.1.2012, <http://prokuror.kz/eng/bm/main/novosti/?cid=0&rid=1360> (the Russian version is available at <http://prokuror.kz/rus/bm/main/novosti/?cid=0&rid=4282>).

<sup>6</sup> The Office also said that several police officers will be criminally charged with exceeding their powers, but gave no details as to the cases for which they are being held accountable. See Statement by Kazakhstan's General Prosecutor's Office on the Zhanaozen events of 16 December 2011.

<sup>7</sup> Remarks by President Nazarbaev, 17.12.2011, [http://www.akorda.kz/en/news/2011/12/segodnya\\_v\\_akorde\\_pod\\_predsdatelstvom\\_glavy\\_gosudarstva](http://www.akorda.kz/en/news/2011/12/segodnya_v_akorde_pod_predsdatelstvom_glavy_gosudarstva)

<sup>8</sup> The authorities have announced measures to investigate and punish those responsible in the case of a man who died from wounds he apparently sustained in custody, but other torture allegations remain unaddressed.

<sup>9</sup> "OSCE media freedom representative expresses concern over newly-adopted broadcasting law in Kazakhstan," 28.12.2011, <http://www.osce.org/fom/86713>



infringes the rights of private broadcasters and limits the constitutionally protected rights of citizens to receive and impart information.<sup>10</sup>

The authorities continue their efforts to control the use of the internet<sup>11</sup>, including by recently introducing new restrictive rules that apply to internet café visitors and by trying to track down the IP-addresses of internet users. Access to internet sites containing information critical of the authorities is regularly blocked, either temporarily or on an ongoing basis. During the events in Zhanaozen in December 2011 (see section 2.1), access to Twitter was blocked for three days. The opposition related [socialismkz.info](http://socialismkz.info), [respublika.kz](http://respublika.kz) and [guljan.org](http://guljan.org), as well as other sites that published independent information about the events also became unavailable. Journalists reported experiencing difficulties in gaining access to Zhanaozen after the unrest, as well as obstruction by law enforcement authorities when working there, e.g. by being held under supervision. A state of emergency that was introduced in Zhanaozen after the unrest provided for restrictions on entering, leaving and moving around in the city and allowed for limitations on the use of recording and broadcasting equipment.<sup>12</sup>

Kazakhstan's general prosecutor has publicly spoken out in favor of increased control of social networks in the fight against "extremism," and a mechanism for this purpose is reportedly being developed within the Collective Security Treaty Organization, a military cooperation body in the former Soviet Union to which Kazakhstan belongs.<sup>13</sup> As of late 2011, more than 100 web sites had been blocked by court on accusation of "extremism" in Kazakhstan.<sup>14</sup> Among these was the popular blog and social media platform Live Journal, which was suspended by court for three months as of mid-August 2011 for allegedly spreading "extremist" propaganda. No evidence to support this claim was presented and no previous request had been made to Live Journal to remove such content. As of this writing the site remained unavailable.

A new law that entered into force in late January 2012<sup>15</sup> further reinforced concerns about the readiness of the authorities to restrict freedom of expression in the name of protecting national security. The law defines as a major security threat acts to "influence public and individual consciousness" by distributing "distorted" and "unreliable" information "to the detriment of national security." Human rights defenders fear that these vague formulations may be used to depict criticism of authorities as a security threat.

Insult and slander remain criminalized and punishable by imprisonment, with special protection afforded to public officials. Further to amendments to the Criminal Code that entered into force in February 2011,

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<sup>10</sup> See joint appeal by media organizations, 29 December 2011, <http://www.adilsoz.kz/news/obrashhenie-obshhestvennykh-organizatsiy-kazaxstana-v-svyazi-s-prinyatiem-zakona-o-teleradioveshhanii/>

<sup>11</sup> For more information, see the chapter on Kazakhstan in International Partnership for Human Rights (IPHR), the Netherlands Helsinki Committee (NHC), Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Turkmen Initiative for Human Rights (TIHR), and the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU), *Central Asia: Censorship and Control of the Internet and other New Media*, November 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/ca\\_internet\\_20111128\\_e.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/ca_internet_20111128_e.pdf). A press release about the report is available at [http://www.iphronline.org/ca\\_internet\\_20111128\\_e.html](http://www.iphronline.org/ca_internet_20111128_e.html)

<sup>12</sup> The state of emergency was introduced on 17 December 2011, initially for a period of 20 days. Later it was prolonged until 31 January 2012.

<sup>13</sup> See the chapter on developments at the regional level in IPHR, NHC, KIBHR, TIHR, IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>14</sup> See the chapter on Kazakhstan in IPHR, NHC, KIBHR, TIHR, IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>15</sup> Law on National Security in the Republic of Kazakhstan as signed by the president on 6 January 2012. The law is available (in Russian) at [http://online.zakon.kz/Document/?link\\_id=1002220460](http://online.zakon.kz/Document/?link_id=1002220460)

defamation offenses that carry a maximum penalty of two years' imprisonment only give rise to criminal liability if repeated within a year. However, this change did not really improve the situation since the offenses to which it applies still remain punishable as administrative offenses.<sup>16</sup> At the annual OSCE Human Dimension Implementation Meeting in September 2011, Vice Minister for Communication and Information Nurai Urazov stated that Kazakhstan has undertaken to fully de-criminalize defamation in relation to media by 2014.<sup>17</sup>

In the course of 2011 more than a dozen journalists were criminally charged with defamation,<sup>18</sup> and two journalists were convicted on such grounds. Journalist Valerii Surganov was convicted for an online article that reported crime allegations against a police official (see more below), while *Adilet* Chief Editor Kuanybek Botabekov was given an 18 months' suspended prison sentence for an article detailing corruption allegations involving two businessmen.

Civil defamation legislation also remains problematic for freedom of expression.<sup>19</sup> In practice, defamation suits often take aim at independent media and journalists, who publish articles about corruption and other controversial issues. In 2011 more than 60 defamation suits were brought against media outlets and journalists, out of which 24 were initiated by government officials.<sup>20</sup> All suits brought by government officials were satisfied by court. Excessive claims for damages in defamation cases against media remain a major concern, in spite of a recent legal amendment that prohibited legal entities from requesting damages<sup>21</sup>. The total amount of damages sought in the 2011 suits was around 3 billion Tenge (about 15 million EUR).<sup>22</sup>

A series of harassment has recently targeted the independent and opposition-associated online video portal Stan TV, which has covered the oil worker strike on an ongoing basis and reported on the December 2011 events in Zhanaozen from on the ground:

- ❖ In September 2011, local Almaty authorities sued Stan TV and the information agency Namistan, from which it sublets its office, for alleged violations of sanitary and safety regulations identified during unscheduled checks carried out in the office premises of the two organizations. The activities of both organizations were suspended by court until the violations have been corrected.<sup>23</sup> The suspensions were upheld on appeal. While questioning the basis for the complaints against it, Stan TV has nevertheless taken steps to comply with the court orders. It has terminated the

<sup>16</sup> For more information see briefing paper prepared by KIBHR, IPHR and the NHC for the review of Kazakhstan by the UN Human Rights Committee in July 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/kazakhstan\\_brief\\_un\\_20110712\\_e.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/kazakhstan_brief_un_20110712_e.pdf). A related press release is available at [http://www.iphronline.org/kazakhstan\\_brief\\_un\\_20110712\\_e.html](http://www.iphronline.org/kazakhstan_brief_un_20110712_e.html)

<sup>17</sup> «Казахстан декриминализирует в отношении СМИ клевету и оскорбления до 2014г – Минсвязи», 28.9.2011, <http://www.newskaz.ru/society/20110928/1943248.html>

<sup>18</sup> See Adil Soz statistics of violations against media and journalists in January-October 2011, <http://www.adilsoz.kz/en/newsen/statistic-of-violations-of-rights-of-media-outlets-and-journalists-of-kazakhstan-in-january-october-2011/>

<sup>19</sup> For more information see briefing paper prepared by KIBHR, IPHR and the NHC for the review of Kazakhstan by the UN Human Rights Committee in July 2011.

<sup>20</sup> See Adil Soz statistics of violations against media and journalists in January-October 2011.

<sup>21</sup> For more information see briefing paper prepared by KIBHR, IPHR and the NHC for the review of Kazakhstan by the UN Human Rights Committee in July 2011.

<sup>22</sup> Ibid.

<sup>23</sup> For more information, see chapter on Kazakhstan in IPHR, NHC, KIBHR, TIHR, IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

contract with its internet provider (since the internet antennas leased from it allegedly damaged the health of residents in the building where its office is located) and replaced office equipment (since the old one allegedly emitted more radiation than allowed). However, although it informed the relevant authorities about these measures in late October 2011, it had received no response as of the beginning of 2012.

On 26 October 2011, Stan TV journalists Orken Bisenov and Asan Amilov were physically attacked in the city of Aktau, where they were working on story related to the oil worker strike. Four unknown assailants fired rubber bullets at the two men and hit them with a baseball bat as they were getting ready to take a taxi. Both men sustained injuries requiring treatment. In November 2011, police announced that two suspected perpetrators had been identified, criminally charged and declared wanted under an international arrest warrant.<sup>24</sup> Statements made by a police representative later the same month suggested that police was treating the attack exclusively as a robbery, thereby dismissing the possibility of political motives.<sup>25</sup>

Following the unrest in Zhanaozen in December 2011, several Stan TV journalists were summoned for questioning and requested to hand over copies of all material filmed by the video portal during the events. Law enforcement authorities were particularly interested in a video clip circulated on the internet that showed police shooting at unarmed protesters.

In the course of 2011, Stan TV journalists also repoted being obstructed by law enforcement authorities when covering developments related to the oil worker strike, as well as receiving intimidating phone calls from unknown individuals.<sup>26</sup>

Other media associated with the political opposition have also been subject to pressure:

- ❖ The online news outlet guljan.org was the target of cyber attacks in July and September 2011.<sup>27</sup> In connection with the unrest in Zhanaozen, access to the site was blocked.

On 7 November 2011, an Almaty district court convicted guljan.org journalist Valerii Surganov on criminal defamation charges. Surganov was charged on the basis of a complaint from a high-ranking economic police official, who objected to a July 2011 guljan.org article that reported allegations that he was guilty of rape and had used his influence to avoid prosecution. Surganov was sentenced to 18 months of “restriction of freedom,” which involves, inter alia, observing a daily curfew and restrictions on travel. He was also ordered to pay 100.000 Tenge (about 500 EUR) in damages and to publish a retraction.

On 9 December 2011, the same court satisfied a civil defamation suit against guljan.org and its Chief Editor Gulzhan Ergalieva. The suit had been filed by the spouse of the head of Kazakhstan’s agency for the fight against economic crimes over articles alleging that she possesses elite property and large bank assets abroad. The court ordered the defendants to publish a retraction and pay 5 million Tenge (about 25.000 EUR) in moral damages.

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<sup>24</sup> Ibid.

<sup>25</sup> See «Ограбление по-актауски», 24.11.2011, <http://www.time.kz/index.php?module=news&newsid=24706>

<sup>26</sup> For more information, see chapter on Kazakhstan in IPHR, NHC, KIBHR, TIHR, IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>27</sup> Ibid.

- ❖ On 8 July 2011, an Almaty appeal court upheld a defamation conviction of the newspaper *Vzgliad*, according to which the newspaper should pay 15 million Tenge (close to 80.000 EUR) in compensation to a medical doctor for an article detailing patient complaints against him.

As part of a broader anti-opposition raid carried out in connection with the investigation into the Zhanaozen events (see also section 2.3), security services in Almaty searched the office of *Vzgliad*, as well as the home of Chief Editor Igor Viniavskii on 23 January 2012. Viniavskii was detained and three days later a local court sanctioned his arrest for two months on charges of calling for the overthrow of the constitutional order (article 172 of the Criminal Code). He is accused of publishing a leaflet containing anti-Nazarbaev slogans, which was confiscated by police in April 2010.

After organizing a press conference in Igor Viniavskii's support in Almaty on 30 January 2012, *Golos Respubliki* Deputy Chief Editor Oksana Makushina, Viniavskii's lawyer Sergei Utkin and his wife Lana Viniavskaia were all summoned for interrogation by security services. They were threatened with criminal charges for distributing xerox copies of the leaflet over which Viniavskii has been charged. Even if no criminal charges were brought against Makushina or the two others, the office of *Golos Respubliki* was raided and documents and computer equipment were confiscated.

The following two cases have further highlighted the dangers of criticizing the authorities in Kazakhstan:

- ❖ On 17 February 2012, KIBHR director Evgenii Zhovtis and *Vremia* journalist Tokhnii Kuchukov were released under a general amnesty adopted on the occasion of Kazakhstan's 20<sup>th</sup> independence anniversary. Both men were convicted of violating traffic rules, resulting in the death of pedestrians, and sentenced to four years' imprisonment in 2009 trials fraught by procedural irregularities. In particular the case against Zhovtis raised strong suspicion that a tragic incident was exploited in an attempt to silence a well-known critic of the authorities. Zhovtis was subjected to discriminatory treatment in relation to other prisoners and was rejected early conditional release twice because of alleged violations of prison rules.<sup>28</sup> While expressing relief that Zhovtis and Kuchukov were finally released, KIBHR and its partners regret that their cases have not been reviewed in fair trials.<sup>29</sup>
- ❖ Independent journalist Ramazan Esergepov was released on 6 January 2012 after serving a three-year prison sentence on charges of disclosing state secrets. He was convicted in a 2009 trial held behind closed doors for publishing information that showed the actions of security services in a bad light.<sup>30</sup>

<sup>28</sup> For more information, see IPHR, NHC, KIBHR, TIHR and IGIHRDU, *Freedom of Assembly and Association and the Role of Civil Society in the Protection of Human Rights in Kazakhstan, Turkmenistan and Uzbekistan*, September 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/final\\_hdim\\_intervention\\_september\\_2011-1.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/final_hdim_intervention_september_2011-1.pdf)

<sup>29</sup> See press release issued by KIBHR and OSI on the occasion of Zhovtis' release, [http://www.bureau.kz/data.php?page=0&n\\_id=4143&l=ru](http://www.bureau.kz/data.php?page=0&n_id=4143&l=ru)

<sup>30</sup> For more information see briefing paper prepared by KIBHR, IPHR and the NHC for the review of Kazakhstan by the UN Human Rights Committee in July 2011.

## 2.3. Freedom of association and assembly

Kazakhstan's Law on Assemblies contains numerous problematic provisions.<sup>31</sup> Among others, it requires the organizers of public actions to apply for permission in advance (rather than just providing notice), while granting local authorities wide discretion to restrict or prohibit the conduct of such actions. According to the National Action Plan on Human Rights for 2009-2012, new legislation to protect freedom of assembly will be drafted during the period this plan covers. However, as of early 2012, it remained unclear whether the work on such legislation had begun.

Members of political and civil society movements that are critical of authorities are often denied the right to hold assemblies on different pretexts or only allowed to organize such actions at the outskirts of cities. While some unsanctioned peaceful protests can take place without interference by law enforcement authorities, others are dispersed and participants detained, brought to court and fined or sentenced to administrative arrest for up to 15 days (under article 373 of the Administrative Code). In the following case, political opposition activists who tried to participate in a public parade were met with a harsh response (even if none of them were held administratively responsible this time):

- ❖ The local authorities of Almaty organized a large-scale parade on 1 May 2011 on the occasion of the Day of Unity of the Peoples of Kazakhstan. Students and employees of state institutions and large businesses were reportedly pressured to participate in the parade under the threat that they may otherwise face negative repercussions such as expulsion from university, dismissal or withdrawal of various benefits. However, while the parade was announced to be open to all interested groups, the opposition Communist Party, the association "Let's leave accommodation for the people" (*Ostavim narodu zhil'e*) and the organization Talmas were denied permission to participate in it without any reasons being stated. When some 30 activists from these movements still joined the procession, police forcefully removed them. As a result, Talmas leader Ainur Kurmanov received injuries to his spine and required hospital treatment for a week. A complaint about the behavior of police filed by the participating activists was dismissed by court.

The authorities' response to peaceful oil worker protests in the Mangistau region is of particular concern. In several cases in the summer and fall of 2011, peaceful protest actions staged by striking workers were dispersed by police with the use of force and participants were brought to court and given administrative penalties for organizing or participating in unsanctioned assemblies.

- ❖ The largest protest action related to the oil worker strike took place on 5 June 2011, when some 500 workers from the Karazhanbasmunai company gathered in the city of Aktau to call for the release of lawyer Natalia Sokolova (see below) and the reinstatement of striking workers who had been fired. After gathering at the city bus station, the workers set out toward the offices of the state regional administration. On their way there, they were, however, stopped by police, who dispersed the protest, detained participants and reportedly beat some of them. Police also attempted to confiscate photo and video cameras from journalists who were present. About 30 people were brought to court the following day and fined for participating in an unsanctioned assembly.

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<sup>31</sup> For more information see briefing paper prepared by KIBHR, IPHR and the NHC for the review of Kazakhstan by the UN Human Rights Committee in July 2011.

Moreover, in the summer months of 2011, a number of leading figures in the strike movement in the Mangistau region were criminally charged with allegedly violating the procedure for organizing assemblies (article 334 of the Criminal Code), resisting police (article 321) and “inciting social hatred” (article 164). Three activists were convicted in what appeared to be politically motivated trials:

- ❖ Trade union leader Akzhanat Aminov, who had represented protesting workers in Zhanaozen, was convicted on 17 August 2011 on criminal charges of violating the procedure for organizing and conducting assemblies. He was given a one-year suspended prison sentence. He spent almost two months in pre-trial detention before the sentence was handed down.<sup>32</sup>
- ❖ On 8 August 2011, an Aktau court convicted lawyer Natalia Sokolova, who had addressed and provided legal advice to striking workers from the Karazhanbasmunai company, on criminal charges of “inciting social hatred” and organizing and conducting unsanctioned assemblies. She was sentenced to six years in prison. Prior to being criminally charged, Sokolova was twice administratively sanctioned for allegedly violating rules for organizing assemblies.<sup>33</sup> The sentence against her was upheld on appeal in September 2011. In January 2012, she filed an appeal with the Supreme Court.
- ❖ Another strike leader, Kuanysh Sisenbaev, was convicted on criminal charges of organizing and conducting unsanctioned assemblies in connection with the peaceful workers’ protest that took place in Aktau on 5 June 2011 (see above). In a trial held on 13 July 2011, he was sentenced to 200 hours’ public work. Previously he had already been fined on the same grounds.<sup>34</sup>

In the course of 2011 political opposition activists who publicly expressed support for the striking oil workers also faced harassment, including dispersal of peaceful pickets, detention and administrative penalties.<sup>35</sup>

- ❖ On 17 August 2011, three activists from Kazakhstan’s Socialist Movement held a protest outside the Almaty office of the ruling Nur-Otan party to express solidarity with the striking oil workers and to call for the release of Natalia Sokolova (see above). The three activists, Dmitrii Tihonov, Arman Ozhaubaev and Zhanna Baitelova were detained by police and sentenced to administrative arrest by court for holding an unsanctioned assembly. Tihonov and Ozhaubaev were given five days’ arrest, and Baitelova 14 days’. According to Baitelova, she was unfairly sentenced to a longer sentence because police falsified the arrest protocol against her so as to make it look like this was a repeat offense for her in the course of one year. A complaint filed by her on this issue was dismissed.

Among the targets of harassment were members of the People’s Front opposition movement, which was established in the summer of 2011 by members of the Communist Party and the unregistered *Alga* party and soon became popular among the striking oil workers. In what appeared to be a politically motivated decision, the Communist Party was punished for this initiative:

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<sup>32</sup> For more information, see KIBHR and IPHR, *Repression of labor protests in Kazakhstan*, October 2011, [http://www.iphronline.org/kazakhstan\\_20111018\\_e.html](http://www.iphronline.org/kazakhstan_20111018_e.html)

<sup>33</sup> Ibid.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

- ❖ On 4 October 2011, an Almaty court found that the involvement in the People's Front of Communist Party leader Gaziz Aldamzharov and other members of his party were in violation of the law (under article 374 of the Administrative Code, which prohibits participation in the activities of non-registered public associations). Aldamzharov was fined some 15.000 Tenge (about 75 EUR), and the activities of his party were suspended for six months. As a result of this decision, the Communist Party was not able to run in the January 2012 parliamentary elections.

Following the December 2011 events in the city of Zhanaozen (see section 2.1), there have been new disturbing developments. In spite of President Nazarbaev's public call for the unrest in this city not to be confused with the oil workers labor conflict, actions taken during the investigation into the events have given rise to concern that the authorities are using it as a pretext to go after labor activists and their supporters. Many active participants in the oil workers strike have been detained and accused of involvement in the riots, while strike leaders Roza Tuletaeva, Talgat Saktaganov and Maksat Dosmagambetov have been criminally charged with "organizing mass disorders" (under article 241 of the Criminal Code). The details of these cases are unclear, and there is reason to suspect that strike leaders and participants have been targeted for their efforts to promote workers' rights. Moreover, representatives of the political opposition and opposition media, who have sided with the oil workers in their struggle, have been accused of instigating the riots.

- ❖ On 23 January 2012, security services in Almaty carried out a targeted operation related to the investigation into the Zhanaozen events. They searched the office of the opposition *Alga* party, as well as the homes of several of its staff members and other individuals associated with this party and the People's Front movement. A number of people were detained, and others were summoned for questioning.<sup>36</sup>

As of mid-February 2012, *Alga* party leader Vladimir Kozlov, as well as People's Front activists Serik Sapargali, Bolat Atabaev and Zhanbolat Mamai had all been charged with "inciting social hatred." At the time of writing, Kozlov and Sapargali were held in custody on the basis of an Almaty district court decision sanctioning their arrest for two months, while Atabaev and Mamai had been ordered not to leave Almaty. Another *Alga* party and People's Front activist, Aizhangul' Amirova, was held in custody in Zhanaozen likewise on charges of "inciting social hatred." Additional activists were under investigation on the same grounds.

In a statement issued in late January 2012, the General Prosecutor's Office claimed that charges of "inciting social hatred" had been brought in response to the "active efforts of some individuals to persuade fired workers to continue their protest and violently oppose the authorities." According to the office, such efforts were "one of the reasons" of the unrest in Zhanaozen.<sup>37</sup>

In the aftermath of the Zhanaozen events there have also been new cases where political opposition activists have been penalized for participating in peaceful protests that have not been sanctioned by authorities.

- ❖ On 28 January and 25 February 2012 unsanctioned assemblies held under the banner of "The Day of Disagreement" took place in the center of Almaty. These actions, each of which was attended by

<sup>36</sup> See KIBHR reports from 23.1.2012 and 24.1.2012, [http://www.bureau.kz/data.php?page=1&n\\_id=3999&l=ru](http://www.bureau.kz/data.php?page=1&n_id=3999&l=ru), [http://www.bureau.kz/data.php?page=1&n\\_id=4003&l=ru](http://www.bureau.kz/data.php?page=1&n_id=4003&l=ru)

<sup>37</sup> See Statement by Kazakhstan's General Prosecutor's Office on the Zhanaozen events of 16 December 2011.

some 1.000 people, were organized by the political opposition to protest the results of the parliamentary elections (see section 2.1), developments related to the Zhanaozen unrest and the arrests of political activists. Following both protests, organizers and participants were brought to court and given administrative penalties for violating the procedure for organizing assemblies. A number of *Azat* party leaders were sentenced to administrative arrest, while other participants were fined.

- ❖ On 17 January 2012, some 400 opposition members gathered for a rally at Republic Square in Almaty to protest the results of the parliamentary elections. The same evening and the following morning a total of 12 opposition activists, *Azat* party leaders and journalists working for the *socialism.kz* and *guljan.org* sites were fined by court for participating in an unsanctioned assembly.
- ❖ On 17 December 2011, some 300 members and supporters of opposition parties and movements gathered at Republic Square in Almaty in honor of the victims of the shootings in Zhanaozen. When part of the participants set out toward the office of the ruling *Nur-Otan* party to continue their protest there, they were stopped by special police and about 20 people were briefly detained. Later one of the activists, Serik Sapargali, was sentenced to 15 days' administrative arrest for violating rules on holding assemblies. Moreover, the three opposition activists Dmitrii Tihonov, Arman Ozhaubaev and Larisa Boiar were "preventively" arrested in their homes in the morning of 17 December and released only in the afternoon when the rally was over. A fourth activist, Zhanna Baitelova, was held under house arrest during this time.<sup>38</sup>

## 2.4. Freedom of religion

A new restrictive "Law on Religious Activity and Religious Associations" (hereafter Religion Law), as well as related amendments to other laws were signed by President Nazarbaev on 11 October 2011.<sup>39</sup> Two weeks later this legislation entered into force.

The new Religion Law, which was adopted in a quick process and without any real public consultation, was criticized by religious groups, human rights defenders and the international community. The Director of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), Ambassador Janez Lenarčič stated that the new law is "poised to limit" the exercise of freedom of religion in Kazakhstan and expressed disappointment that it did not take into account comments made by ODIHR on an earlier draft law that included similar provisions.<sup>40</sup>

Like the previous "Law on Freedom of Worship and Religious Associations," the new Religion Law bans activities by religious communities that have not been registered with authorities. Violations of this ban may result in harsh penalties under the country's Administrative Code. The new law establishes a several tier registration system (with different requirements for registration at the local, regional and national level) and requires religious communities that already are registered to re-register within a year. If they do not, they risk liquidation.

<sup>38</sup> For a detailed report about this action, see KIBHR news release 17.12.2011, [http://www.bureau.kz/data.php?page=0&n\\_id=3861&l=ru](http://www.bureau.kz/data.php?page=0&n_id=3861&l=ru)

<sup>39</sup> The text of new legislation is available (in Russian) at [http://www.kazpravda.kz/\\_pdf/oct11/151011law.pdf](http://www.kazpravda.kz/_pdf/oct11/151011law.pdf)

<sup>40</sup> "OSCE human rights chief expresses concern over restrictions in Kazakhstan's new religion law," 29.9.2011, <http://www.osce.org/odihr/83191>



When applying for registration or re-registration, religious communities will be subject to an “expert review” aimed at determining whether their statutes, programs and other materials are consistent with the requirements of the law. Concerns have been expressed as to whether this review will be done in an objective way, and there are fears that registration may be rejected on arbitrary grounds, in particular as the language used in the new law often is vague and open to interpretation. No time line has been set for how long an expert review may last.

Among other problematic provisions of the new Religion Law are: missionaries, including foreign ones, are also required to register with the authorities and present the material they use for “expert review”; the distribution of religious literature is only allowed in places of registered worship, religious educational institutions and special places determined by local authorities, while the import of religious material for distribution is only allowed after this material has been analyzed and approved; the construction or opening of new places of worship requires permission by both local and national authorities; and certain restrictions are imposed on where religious services and ceremonies can take place, e.g. they are as a rule not allowed in schools, prisons, and public hospitals.<sup>41</sup>

On the basis of a presidential decree from May 2011, a new state body called the Agency of Religious Affairs was established. This body has been mandated to participate in the elaboration and implementation of state policies in the area of religious practice and relations between religious groups. It will, among others, oversee the conduct of religious “expert reviews” (which have been given an important role under the new Religion Law).<sup>42</sup> The diplomat appointed head of the agency, Kairat Lama Sharif, caused controversy right from the start by expressing support for the principle “one nation, one religion” and suggesting that the body would elaborate a concept for the development of moderate Islam in Kazakhstan.<sup>43</sup> In response, human rights defenders cautioned against attempts by the authorities to promote certain religious beliefs, as well as to define these beliefs.

In the recent period so-called non-traditional religious communities such as independent Muslim communities (that function outside the state-backed Muslim Board), different Protestant communities and Jehovah’s Witnesses have been subject to increasing pressure. These communities face, among others, raids on their meetings, confiscation of religious literature, requests to provide detailed information about their members, and warnings and fines. Even before the new Religion Law entered into force local authorities used its provisions to justify repressive actions. State and pro-state media have repeatedly carried articles aimed at discrediting non-traditional religious communities and the government financially supports the activities of public associations that counteract religious “sects”.

- ❖ Baptist gatherings in the cities of Satpaev, Zhezkazgan, Temirtau and Shahtinsk, as well as the Kievka settlement in the Karaganda region were raided by law enforcement authorities in September 2011. In August-December 2011, three Baptist pastors in this region were fined and one warned for leading or participating in the activities of unregistered religious communities (under article 374-1 of the Administrative Code). A fourth pastor was fined for failing to obtain state registration (under article 375 of the Administrative Code). As he refused to pay the fines, he was later fined again and sentenced to two days’ administrative arrest for failing to implement a court

<sup>41</sup> For a detailed analysis of the draft law, see Forum 18, [http://www.forum18.org/Archive.php?article\\_id=1617](http://www.forum18.org/Archive.php?article_id=1617)

<sup>42</sup> See Decree №888 of the government of Kazakhstan from 1 August 2011, available (in Russian) at [http://www.base.spininform.ru/show\\_doc.fwx?rgn=46327](http://www.base.spininform.ru/show_doc.fwx?rgn=46327)

<sup>43</sup> See *Izvestia*, «Одна нация – одна религия», 21.7.2011, <http://www.izvestia.kz/node/19054>

order. The Baptist communities in question have refrained from applying for state registration out of principle.

- ❖ On 18 October 2011, a number of Jehovah's Witnesses were detained by police in Almaty for sharing their beliefs with others in the street. They were told that the new Law on Religion prohibits such missionary activities. However, after they brought their registration documents to the police station where they were taken and explained that the new law had not yet entered into force, they were released.<sup>44</sup>
- ❖ On 5 September 2011, a local court in the city of Taraz convicted Erzhan Ushanov, pastor of the Protestant New Life Church in this city, of causing serious damage to the health of a previous church attendee out of neglect (under article 111 of the Criminal Code). He was ordered to pay a fine of close to 200.000 Tenge (about 1.000 EUR). The case against Ushanov was opened on the basis of a complaint from Alexander Kireev, who claimed that he had developed psychological disorders after participating in prayers for healing conducted by the pastor as part of church services. During the investigation into the case, security services carried out a search of Ushanov's home on 25 June 2011, in the course of which they confiscated, among others, a book about hypnosis that later was used as "evidence." According to Ushanov, this book did not belong to him but was planted by security officials after he was asked to leave the room. A week earlier security services had raided a New Life Church service after allegedly receiving a complaint about food poisoning in the building where the service took place.
- ❖ With reference to information provided by police sources, media reported that more than 200 individuals were detained for allegedly possessing religious "extremist" literature in the course of a special police operation carried out in Astana in mid-July 2011. According to police representatives, "preventive" discussions were held with those detained and some of them were subject to further investigation on suspicion of involvement in religious "sects". It was not clear on what grounds literature was deemed "extremist."<sup>45</sup>
- ❖ On 12 April 2011, a district court in the Kyzylorda region convicted Bazyl Zhashibekov, a member of the local Protestant Grace Church, of leading or participating in the activities of a non-registered religious community. The court fined him about 150.000 Tenge (800 EUR). The charges against Zhashibekov were brought after police secretly filmed him when he was reading the Bible and praying with friends in his home. This film clip was used as "evidence" during the trial.

Another member of the Grace Church, Mereken Moldaziatov, was fined the same amount for the same offense in a trial held on 19 June 2011. He was punished for "preaching" and "leading prayers" among guests in his home, which police raided without a warrant on 27 March 2011. His wife, who also was present on this occasion, was given a warning.

According to community members, the Grace Church was closed down by court in June 2009 after some of its founding members were pressured by local officials to retract their signatures from the founding documents.<sup>46</sup>

<sup>44</sup> See Forum 18 news release 19.10.2011, [http://www.forum18.org/Archive.php?article\\_id=1627](http://www.forum18.org/Archive.php?article_id=1627)

<sup>45</sup> See Tengri News, «Полиция Астаны выявила свыше 200 приверженцев религиозного экстремизма», 19.7.2011, [http://tengrinews.kz/kazakhstan\\_news/192927/](http://tengrinews.kz/kazakhstan_news/192927/); Radio Azattyq, «В Астане ведут учет тех, у кого нашли «экстремистскую литературу», 19.7.2011, [http://rus.azattyq.org/content/extremism\\_literature\\_astana/24270112.html](http://rus.azattyq.org/content/extremism_literature_astana/24270112.html)

<sup>46</sup> See Forum 18 news release 7.6.2011, [http://www.forum18.org/Archive.php?article\\_id=1577](http://www.forum18.org/Archive.php?article_id=1577)

In violation of the non-*refoulement* ban, in June 2011, the Kazakhstani authorities extradited 28 Uzbek refugees who had sought protection in Kazakhstan out of fear of religious persecution in Uzbekistan.<sup>47</sup>

### 3. Turkmenistan

#### 3.1. Political and human rights context

President Gurbanguly Berdymukhamedov continues his repressive rule of Turkmenistan, curtailing citizens' fundamental rights and freedoms. Like his predecessor Saparmurat Niyazov, President Berdymukhamedov enjoys virtually unlimited powers and faces no open political opposition at home since all known opponents are either in prison or in exile abroad. While he has dismantled the most excessive features of the *Turkmenbashi*<sup>48</sup> cult, he has increasingly promoted a new personality cult of his own. For example, in October 2011, he assumed the title "Hero of Turkmenistan," which Niyazov also used (among other titles).<sup>49</sup>

The incumbent president was re-elected with a reported 97% of the vote in presidential elections held on 12 February 2012, where he was only formally challenged by seven other handpicked candidates<sup>50</sup>. The OSCE Office of Democratic Institutions and Human Rights decided not to deploy any mission to observe the elections, saying that it did not think that such a measure "would add value at this point in time."<sup>51</sup>

In a purported gesture of democratic goodwill, President Berdymukhamedov publicly invited exiled opposition members to take part in the presidential elections. However, even if some of them would have been willing to take the risk of returning, their participation was made impossible by requirements laid down in election legislation adopted in June 2011. In particular, this law requires that candidates must not have a criminal record (while most exile opponents have been criminally convicted on politically motivated grounds *in absentia*) and must have lived and served in state institutions or organizations in Turkmenistan for the past 15 years.<sup>52</sup> In the past year, the president also spoke out in favor of a two-party system, and in early 2012 a first-ever law on political parties was adopted in the country. However, in the current repressive climate there is little hope that this law will result in the emergence of any genuine alternative to the president-led Democratic Party of Turkmenistan, which is currently the only existing political party. (See more below under section 3.3).

While the period in power of President Berdymukhamedov has seen a number of limited reform initiatives (such as the adoption of new legislation for the stated purpose of ensuring better compliance with international standards), these have had little if any impact on the overall situation with respect to democracy and human rights in the country. TIHR is also concerned that the Turkmen government has sought to demonstrate progress simply by backtracking on previous repressive measures, such as the

<sup>47</sup> For more information, see the chapter on Uzbekistan in this report.

<sup>48</sup> Late President Niyazov was referred to as *Turkmenbashi*, The Leader of Turkmens.

<sup>49</sup> Radio Free Europe/Radio Liberty, "Turkmenistan President Elevated To 'Hero' Of The Nation," 25.10.2011, [http://www.rferl.org/content/turkmenistan\\_president\\_elevated\\_to\\_hero\\_of\\_the\\_nation/24371097.html](http://www.rferl.org/content/turkmenistan_president_elevated_to_hero_of_the_nation/24371097.html)

<sup>50</sup> For a list of the candidates see TIHR news release 17.1.2012, <http://www.chrono-tm.org/2012/01/8-kandidatov/>

<sup>51</sup> OSCE/ODIHR Needs Assessment Mission Report, December 2011, [www.osce.org/odihr/elections/86861](http://www.osce.org/odihr/elections/86861)

<sup>52</sup> Law on Presidential Elections of Turkmenistan, published in *Neytralni Turkmenistan* (in Russian), 1 June 2011.

harassment of individuals who have been wrongly targeted in the first place.<sup>53</sup> Together with other NGOs, TIHR has called on Turkmenistan's international partners to use their leverage to pressure the authorities of the country to adopt meaningful human rights reforms. This call has been targeted in particular targeted at the EU<sup>54</sup>, which is working toward the adoption of a Partnership and Cooperation Agreement with Turkmenistan, similar to those in force with other Central Asian countries. A vote on the agreement in the European Parliament, whose assent is needed for ratification, was postponed in 2011 among others because of human rights concerns. At the end of February 2012, a date for the vote had not yet been set.

### 3.2. Freedom of expression and the media

Freedom of expression and the media remains seriously limited in Turkmenistan. The authorities control all media in the country and use them to promote official views. A privately owned business weekly launched in September 2010 is no exception in this regard, as highlighted by the sudden replacement of its chief-editor in early 2011 in a style similar to that in which state officials often are arbitrarily dismissed.<sup>55</sup> The Turkmen authorities remain hostile to foreign media, only allowing correspondents of foreign information agencies to work legally in the country with accreditation from the Ministry of Justice. The few local journalists who contribute to independent foreign media, such as the Turkmen service of Radio Free Europe/Radio Liberty, face intimidation and harassment, as do other members of civil society who are perceived to challenge the official line (see more below).

Television, which is the most popular form of media, serves as a major state propaganda tool. Residents have a limited opportunity to obtain alternative information through foreign satellite TV channels. In an attack also on this source of information, the president issued an order in August 2011 to dismantle private satellite dishes in Ashgabat because they allegedly "spoil the appearance" of residential buildings.<sup>56</sup> A similar campaign was initiated in 2008, but gradually subsided that time.

Internet use remains heavily regulated in Turkmenistan. The internet is still available only to a small fraction of the population and the only existing internet provider, state-run Turkmen Telecom offers a highly censored version of the internet. Foreign websites that publish independent and critical information about developments in Turkmenistan are blocked. These include the sites of news agencies, sites related with the Turkmen exile opposition and sites of non-governmental organizations (including TIHR). Many social networking sites are also unavailable. Internet cafes are held under close surveillance by the authorities, while rates for private internet connections remain prohibitive.<sup>57</sup>

The Russian cell phone operator MTS was forced to leave the country in December 2010 as the Turkmen authorities declined to renew its license. As a result, state-owned *Altyn Asyr* ("Golden Age") gained monopoly in the cell phone market, and some 2.4 million MTS customers (about 80% of all cell phone users

<sup>53</sup> See speech made by TIHR Head Farid Tukhbatullin in May 2011, <http://archive.chrono-tm.org/en/?id=1684>

<sup>54</sup> See TIHR, IPHR and NHC, "The EU Should Call for Concrete Steps to Improve Civil Society Situation in Turkmenistan," 6.7.2011, [http://www.iphronline.org/turkmenistan\\_20110706\\_e.html](http://www.iphronline.org/turkmenistan_20110706_e.html)

<sup>55</sup> TIHR news release 9.2.2011, <http://www.chrono-tm.org/2011/02/redaktor-sdelal-svoe-delo-redaktor-mo/>

<sup>56</sup> TIHR news release 13.9.2011, <http://www.chrono-tm.org/en/archives/60>

<sup>57</sup> See the chapter on Turkmenistan in IPHR, NHC, KIBHR, TIHR and IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*, November 2011, [http://www.iphronline.org/ca\\_internet\\_20111128\\_e.html](http://www.iphronline.org/ca_internet_20111128_e.html). A press release is available at [http://www.iphronline.org/ca\\_internet\\_20111128\\_e.html](http://www.iphronline.org/ca_internet_20111128_e.html)

in the country) were left without service. The sudden influx of a large number of migrating MTS customers strained the limited capacities of *Altyn Asyr*, resulting in a temporary suspension of the sale of SIM cards and the mobilization of law enforcement troops to “maintain order” in the lines that formed outside company offices.<sup>58</sup> Many former MTS customers remained without access to cell phone services in early 2012.

The Turkmen authorities continue to restrict access to information of public importance. In July 2011, they tried to cover up the explosions at an ammunition depot in the city of Abadan, which resulted in numerous deaths<sup>59</sup> and widespread damage and destruction. Soon after the explosions Abadan was evacuated and sealed off, and the explosions were not reported in state media until several days after they took place. The government’s information monopoly was, however, challenged when Turkmen citizens used their cell phones and internet connections to communicate information about the explosions to the outside world. The Turkmen authorities responded by denouncing this information as “slanderous” and tried to track down those who had engaged in citizen journalism, reportedly arresting dozens of young people.<sup>60</sup> TIHR, which published a series of stories on its website on the basis of first-hand information from inside the country, was subject to a cyber attack (see more below).

In connection with the celebration of Turkmenistan’s 20 years independence anniversary in October 2011 the authorities sought to prevent citizens from documenting and reporting on the festivities in ways challenging the bright and happy coverage of them in state media. Participants mobilized for public anniversary events were required to hand over their cell phones while attending these events.<sup>61</sup> There were also reports of intensified surveillance in public places in central Ashgabat.<sup>62</sup>

Journalists, civil society activists and other members of civil society who openly speak out about problems existing in Turkmenistan or otherwise behave in ways that do not please the authorities face intimidation and harassment. They are, inter alia, held under surveillance by security services, summoned for interrogation, banned from traveling abroad, and arrested, charged and convicted on politically motivated grounds. Relatives and friends of “inconvenient” civil society members, including activists in exile, are also singled out for repressive measures. While based abroad, TIHR has likewise been subject to intimidation because of its reporting on developments in Turkmenistan.

- ❖ On 3 February 2012, civil society activist Natalia Shabunts found a bloodstained sheep head outside the door of her Ashgabat apartment.<sup>63</sup> This incident happened the day after she gave an interview to Radio *Azatlyk*, the Turkmen Service of Radio Free Europe/Radio Liberty, where she expressed her views about the upcoming presidential elections in Turkmenistan, as well as other issues related to the current situation in the country. A few days earlier, in the evening of 31 January 2012, Shabants discovered that a cross had been drawn up in white powder on the doormat outside her apartment. Both incidents appeared aimed at intimidating Shabunts, who has not

<sup>58</sup> TIHR news release 4.4.2011, <http://archive.chrono-tm.org/en/?id=1643>

<sup>59</sup> According to official information, 15 people died as a result of the explosions. Other sources suggested that the death toll may have been as high as over 1.000.

<sup>60</sup> See also the chapter on Turkmenistan in IPHR, NHC, KBHR, TIHR and IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>61</sup> TIHR news release 30.10.2011, <http://www.chrono-tm.org/en/archives/142>

<sup>62</sup> Institute for War and Peace Reporting, "Mobile Phones Targeted by Turkmen Secret Police", 9.11.2011, <http://iwpr.net/report-news/mobile-phones-targeted-turkmen-secret-police>

<sup>63</sup> For a photo, see <http://chrono-tm.blogspot.com/2012/02/black-mark-burning-news.html>

refrained from criticizing the Turkmen authorities on democracy and human rights issues in her own name, despite the risks this entails for a Turkmenistan-based activist. Among others, she has published numerous articles on TIHR's website.

- ❖ Former Culture and Tourism Minister Gel'dymurad Nurmukhamedov was put under pressure after criticizing the absence of democracy and human rights in Turkmenistan in an interview he gave to Radio *Azatlyk* on 8 December 2011. Nurmukhamedov, who served in the government in the early 1990s, told Radio *Azatlyk*, among others, that the Turkmen parliament plays "no role" in the country's political process and that the ruling party is "a tool used to play a trick during elections."<sup>64</sup> Following the interview, his family's construction company was, in effect, shut down in the course of a check carried out by finance and tax officials. The family was informed that company premises were sealed in line with a "decision by higher authorities".<sup>65</sup>
- ❖ In the early hours of 11 November 2011, unknown individuals threw cobble stones at the window of the apartment of Annamamed Miatiev, a Dashoguz-based journalist who was fired from the state-run newspaper *Neitralny Turkmenistan* in 2009. The window of the bedroom broke, as did mirrors inside of it, while Miatiev escaped unharmed since he was in another room at the time of the attack. Two weeks earlier Miatiev had been approached and hit in the face by an unknown man in the street. There is reason to believe that Miatiev was targeted because of his connections to individuals deemed "suspicious" by Turkmen authorities, including civil society activists Farid Tukhbatullin and Andrei Zatoka, who left Turkmenistan after facing persecution there.<sup>66</sup>
- ❖ On 5 October 2011, a Turkmen court convicted Radio *Azatlyk* contributor Dovletmurad Yazguliev of allegedly encouraging a suicide attempt by a family member and sentenced him to five years in prison. The trial was held behind closed doors. Following international criticism, he was amnestied on 26 October 2011 under a general presidential amnesty on the occasion of the 20<sup>th</sup> anniversary of Turkmenistan's independence. After the July 2011 explosions in Abadan, Yazguliev was summoned and warned by security services that he may face defamation charges because of blog postings criticizing the authorities' response to these events.<sup>67</sup>
- ❖ TIHR's website was subject to an invasive cyber attack on 18 July 2011, shortly after it published a series of stories that challenged the Turkmen government's account of the explosions at an ammunition depot in the city of Abadan. These reports were used by many foreign media outlets in their coverage of the events, while denounced by Turkmen authorities. The hackers disabled the site and made public information about its users. As a result of the attack, TIHR had to re-launch its website in a new format. In connection with the Abadan events, TIHR head Farid Tukhbatullin's

<sup>64</sup> Radio Free Europe/Radio Liberty, "Former Turkmen Official Criticizes Government, Lack Of Democracy," 9.12. 2011, [http://www.rferl.org/content/former\\_turkmen\\_official\\_criticizes\\_government\\_lack\\_of\\_democracy/24417315.html](http://www.rferl.org/content/former_turkmen_official_criticizes_government_lack_of_democracy/24417315.html)

<sup>65</sup> TIHR news release 25.12.2011, <http://www.chrono-tm.org/2011/12/repressii/>; Radio Free Europe/Radio Liberty, "Former Turkmen Official Under Pressure After Talking To RFE/RL," 16.12.2011, [http://www.rferl.org/content/former\\_turkmen\\_official\\_under\\_pressure\\_after\\_talking\\_to\\_rferl/24424392.html](http://www.rferl.org/content/former_turkmen_official_under_pressure_after_talking_to_rferl/24424392.html)

<sup>66</sup> For more information see the chapter on Turkmenistan in IPHR, NHC, KBHR, TIHR and IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>67</sup> Ibid.

mother also received intimidating visits by local officials in her Turkmen home and noticed signs of being held under surveillance.<sup>68</sup>

In early February 2012, TIHR's website was subject to a new cyber attack that disabled access to it for about a week. This attack came as TIHR had been publishing a number of articles critically examining issues related to the 12 February presidential elections in Turkmenistan.

- ❖ On 13 May 2011, Bisengul Begdesenov, a Kazakh community leader living in Ashgabat, was given a suspended prison sentence of five years on fraud and bribery charges. His relatives and colleagues believed that he was punished for his civic engagement on behalf of the country's Kazakh minority, whose members are discriminated and obstructed in their efforts to promote their culture, language and traditions.<sup>69</sup> Before Begdesenov was arrested, his apartment was searched without a warrant and his computer and documents were confiscated.<sup>70</sup> In December 2011, Begdesenov was prevented from leaving the country when he wanted to board a plane to Almaty.<sup>71</sup>
- ❖ On 19 April 2011, plain clothed officials broke into the Ashgabat home of and arrested Bazargeldy and Aidzhemal Berdyev, a couple who for years has been struggling for justice for mistreatment suffered at the hands of security services. Back in 1998, security services accused the couple of swindling, arbitrarily confiscated personal belongings and money from them and subjected them to torture in detention. The couple has submitted numerous complaints to national authorities and international organizations, refusing to give up in spite of being pressured to do so. TIHR learned that the couple was accused of failing to repay a private loan after being arrested, but has received no further information about their fate.
- ❖ In March 2011, Amangelen Shapudakov, an 80-year-old civil society activist and Radio *Azatlyk* contributor from the Sakgar settlement in western Turkmenistan, was forcibly confined to a psychiatric hospital. He had previously reported facing harassment because of his criticism of the corrupt practices of local authorities.<sup>72</sup> Shapudakov was released in connection with the Turkmenistan visit of a European Parliament delegation in late April 2011.
- ❖ Journalists and human rights defenders Annakurban Amanklychev and Sapardurdy Khadziyev remain imprisoned after being sentenced to seven years in prison on trumped-up charges in a August 2006 trial that fell seriously short of international standards.<sup>73</sup> There has been no independent investigation into the death of their colleague Ogulsapar Muradova, who was arrested

<sup>68</sup> For more information, see IPHR, NHC, KBHR, TIHR and IGIHRDU, *Freedom of Assembly and Association and the Role of Civil Society in the Protection of Human Rights in Kazakhstan, Turkmenistan and Uzbekistan*, September 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/final\\_hdim\\_intervention\\_september\\_2011-1.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/final_hdim_intervention_september_2011-1.pdf)

<sup>69</sup> For more information about the situation of the Kazakh and other ethnic minorities in Turkmenistan, see TIHR, Submission to the 102nd Session of the UN Human Rights Committee (11-29 July 2011) in view of the adoption of a list of issues for the review of Turkmenistan, at <http://www.iphronline.org/news.html?52>

<sup>70</sup> THR news release 22.4.2011, <http://www.chrono-tm.org/en/?id=1660>

<sup>71</sup> TIHR news release 30.12.2011, <http://www.chrono-tm.org/en/archives/272>

<sup>72</sup> See "Turkmen Activist Forcibly Committed to Psychiatric Care," 30.3.2011, [http://www.rferl.org/content/turkmen\\_activist\\_forcibly\\_committed\\_psychiatric\\_care/3542597.html](http://www.rferl.org/content/turkmen_activist_forcibly_committed_psychiatric_care/3542597.html)

<sup>73</sup> For more details about the case, see for example Amnesty International, "Turkmenistan: Further Information on Arbitrary Detention/Fear of Torture", 30 August 2006, at EUR 61/012/2006 <http://www.amnesty.org/en/library/info/EUR61/012/2006/en>

and convicted at the same time as the two men and died in detention under suspicious circumstances shortly after the trial.<sup>74</sup>

### 3.3. Freedom of association and assembly

According to Turkmenistan's Law on Public Associations, state registration is compulsory for public associations and the activities of unregistered groups are prohibited. The registration process is difficult and non-transparent and authorities enjoy excessively broad powers to monitor and oversee the activities of registered groups.<sup>75</sup>

Most of the less than 100 public associations that are registered with authorities<sup>76</sup> are directly government-controlled, while others work mainly on non-sensitive issues such as youth, sports or cultural programs. In December 2011, a decision was made to dissolve the *Galkynysh* ("Revival") movement, which has served as an umbrella for government-controlled public associations under the chairmanship of the president. According to the president the movement had "fulfilled all the tasks" before it at "the current stage" of development of the country. He also argued that the functioning of public associations would improve if they are required to "act on their own" and "feel responsibility to the state and society".<sup>77</sup> The decision was, however, not expected to have any practical impact as the associations that formed part of the movement remain under government control.

Independent groups that have attempted to register have had their applications returned on various pretexts.<sup>78</sup> No independent human rights NGOs is registered or, thus, able to operate openly in the country. Independent foreign human rights NGOs continue to be denied access to the country.

The only political party that currently exists in the country is the Democratic Party of Turkmenistan, which is headed by the president. There are no political opposition movements and all known political opposition members are either in exile abroad or in prison. Numerous opponents were imprisoned after being convicted in bogus trials following the purported assassination attempt on former President Niyazov in November 2002. The whereabouts of many of them, including former Foreign Minister Boris Shikmuradov, remain unknown. Another opposition member, Gulgeldy Annaniyazov, was sentenced to 11 years in prison in a closed trial after he returned to Turkmenistan in 2008 with the hope of contributing to a democratic development in the country.<sup>79</sup>

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<sup>74</sup> International Helsinki Federation, "Imprisoned Turkmen Journalist and Human Rights Defender Dies in Custody," 15 September 2006, available at [http://www.hrea.org/lists2/display.php?language\\_id=1&id=2821](http://www.hrea.org/lists2/display.php?language_id=1&id=2821)

<sup>75</sup> For more details, see TIHR Submission to the 102nd Session of the UN Human Rights Committee (11-29 July 2011) in view of the adoption of a list of issues for the review of Turkmenistan.

<sup>76</sup> According to information from the Turkmen authorities, in late November 2009, a total of 91 public associations were registered. See par. 686 of report on the implementation of the International Covenant on Civil and Political Rights submitted to the UN Human Rights Committee by the Turkmen state party (February 2010). This report is available at <http://www2.ohchr.org/english/bodies/hrc/hrcs102.htm>

<sup>77</sup> "National Movement 'Galkynysh' ceased to exist," 16.12.2011, [www.turkmenistan.ru/en/articles/15711.html](http://www.turkmenistan.ru/en/articles/15711.html)

<sup>78</sup> See TIHR Submission to the 102nd Session of the UN Human Rights Committee (11-29 July 2011) in view of the adoption of a list of issues for the review of Turkmenistan.

<sup>79</sup> See statement by the Norwegian Helsinki Committee, September 2009, <http://www.osce.org/odihr/38894>.



In the past year President Berdymukhamedov publicly expressed support for the idea of a system with several political parties. At a government meeting in July 2011, which was aired across the country, he stated that a legal framework was being put in place to allow for the development of a multiparty system. However, he also spoke out against the “proliferation” of parties and said that he thinks “effective competition” can be achieved by having two parties that “enjoy support” among citizens.<sup>80</sup>

In January 2012 a Law on Political Parties was eventually adopted and signed by the president. Such a law has previously been lacking. The new law provides, among others, that a party must have at least 10,000 members and that its leadership must be based in Turkmenistan. Registration must be obtained from the Ministry of Justice, and may be denied, *inter alia*, if it is considered that a party “advocates racial, national or religious hatred,” “threatens the health or moral standards of the people” or its statutes otherwise violate national legislation. In the current repressive political climate, the new law is unlikely to result in the emergence of any genuine alternative to the president-led party.

While the Constitution guarantees the right to freedom of assembly “in the manner prescribed by law” (article 29), there is currently no special law regulating the conduct of assemblies. In practice the overhanging threat of state reprisal effectively discourages citizens from staging public protests. A rare public protest that took place in the summer of 2011 was put down:

- ❖ In the morning of 8 June 2011, a group of about 50 people gathered outside Hotel *Oguzkent* in central Ashgabat to protest the demolition of apartment buildings for the purpose of making room for a new motorway in their home district at the outskirts of the capital. Police quickly dispersed the group and reportedly arrested four women believed to be the organizers of the action. TIHR has not succeeded in finding out the names of these women or more details about what happened to them upon arrest.

Shortly after the rally, the president stated that the interests of citizens “must be ensured” while implementing construction projects.<sup>81</sup> He also ordered a revision of the country’s legislation to address problems relating to the procedure of formally privatizing property, which have prevented individuals affected by construction projects from claiming their rights.<sup>82</sup> However, later TIHR was informed that residents of apartment buildings due for demolition had been forced to leave their homes without being granted any alternative accommodation on the grounds that they did not possess duly legalized documents proving their ownership.

### 3.4. Freedom of religion

Religious practice remains seriously limited under the country’s Religion Law. Among others, this law prohibits conducting activities on behalf of religious communities that are not registered with the authorities; establishes a complicated registration procedure where registration can be denied on loosely defined grounds; and bans holding religious services in private homes, organizing religious teaching in private and wearing religious clothing in public. It also restricts the import and distribution of religious

<sup>80</sup> News Central Asia, “Reality Check: Opposition participation in presidential elections of Turkmenistan”, 11.7.2011, <http://newscentralasia.net/2011/07/11/reality-check-opposition-participation-in-presidential-elections-of-turkmenistan/>

<sup>81</sup> “Meeting of the Cabinet of Ministers”, 26.6.2011, [http://www.turkmenistan.gov.tm/\\_en/?idr=4&id=110626a](http://www.turkmenistan.gov.tm/_en/?idr=4&id=110626a)

<sup>82</sup> Ibid.

literature, as well as contacts with religious communities abroad. Authorities are granted wide powers to control and interfere in the internal matters of religious communities, e.g. with respect to the appointment of leaders.<sup>83</sup>

A number of minority Shia Muslim, Protestant and Jehovah's Witnesses communities are known to have failed to obtain registration.<sup>84</sup> Members of both unregistered and registered religious minority communities also face harassment, such as police raids on religious meetings held in private homes, confiscation of religious literature, fines, intimidation and pressure to stop participating in the activities of their communities.<sup>85</sup> Like other members of civil society who are viewed with "suspicion" by authorities, representatives of religious minorities have been subjected to travel bans.

- ❖ Il'murad Nurliev, a Protestant pastor from the town of Mary, was released on amnesty in February 2012 after spending more than a year behind bars.<sup>86</sup> In a ruling condemned by human rights groups, he was sentenced to four years in prison in October 2010 on apparently fabricated charges of swindling. He was accused of allegedly forcing four socially vulnerable individuals, who had benefited from charity assistance provided by his church, to pay tithes.<sup>87</sup> Prior to his conviction, Nurliev had faced harassment by local authorities. His home was raided during a religious meeting and he and his family were threatened and pressured to give up their Christian faith. He was also prevented from traveling abroad.<sup>88</sup> According to Nurliev's relatives and friends, he was refused medical treatment for diabetes in prison.<sup>89</sup> Following his imprisonment, members of his congregation reported being summoned by police and warned that they would face the same fate as him if they continued to meet.<sup>90</sup>

There is no alternative civilian service to compulsory military service in Turkmenistan. In spite of repeated international calls, legislation to this end has yet to be drafted. Refusal to serve in the armed forces "without legal grounds" remains punishable by up to two years' of imprisonment under the Criminal Code.<sup>91</sup> During the past year at least two conscientious objectors were convicted under this article:

- ❖ Jehovah's Witness Makhmud Khudaibergenov was given a two-year labor camp sentence in August 2011 in the city of Dashoguz. Another Jehovah's Witness, Ashirgel'dy Taganov from the capital Ashgabat, was sentenced to one year in a labor camp in July 2011. However, after seven weeks' in detention, he was released under an amnesty in late August 2011. Taganov was previously given an 18-month suspended sentence on the same grounds in 2007. Also that time he was amnestied.<sup>92</sup> As

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<sup>83</sup> A comprehensive analysis of the Religion Law by the OSCE ODIHR 2010 is available at <http://legislationline.org/download/action/download/id/3196/file/Comments%20on%20the%20Turkmenistan%20Law%20on%20Religious%20Organizations%2025%20June%202010.pdf>

<sup>84</sup> See Forum 18, *Turkmenistan: Religious Freedom Survey*, November 2010, [http://www.forum18.org/Archive.php?article\\_id=1512](http://www.forum18.org/Archive.php?article_id=1512)

<sup>85</sup> For recent examples, see Forum 18's coverage of Turkmenistan, <http://www.forum18.org/>

<sup>86</sup> TIHR news release 20.2.2012, <http://www.chrono-tm.org/en/archives/373>

<sup>87</sup> TIHR news release 7.11.2010, <http://archive.chrono-tm.org/en/?id=1513>

<sup>88</sup> Ibid.

<sup>89</sup> Forum 18, "Eleven religious prisoners of conscience in one camp," 29.5.2011, [http://www.forum18.org/Archive.php?article\\_id=1566](http://www.forum18.org/Archive.php?article_id=1566)

<sup>90</sup> Ibid.

<sup>91</sup> Art. 219, par. 1.

<sup>92</sup> Forum 18, "Maximum sentence for latest conscientious objector," 22.9.2011, [http://www.forum18.org/Archive.php?article\\_id=1616](http://www.forum18.org/Archive.php?article_id=1616)

of late 2011, in addition to Hudaybergenov, seven other Jehovah's Witnesses remained in prison on the basis of convictions for conscientious objection handed down in 2009 and 2010.<sup>93</sup>

## 4. Uzbekistan

### 4.1. Political and human rights context

The authoritarian regime of President Islam Karimov continues to control all branches of power, suppress dissent and limit basic rights in Uzbekistan. Karimov, who has held power since 1990, was last re-elected in tightly controlled elections in 2007<sup>94</sup> were the other token competitors all lamented his policies and a constitutional limitation on the number of presidential terms one person can serve was ignored<sup>95</sup>. Only pro-presidential parties are able to operate openly in the country, and political opposition movements remain marginalized and divided, with their leaders living in exile abroad.

At the 20 years anniversary of Uzbekistan's independence in August 2011, the president praised the "Uzbek model of reform" and its achievements and claimed that a "gradual acceleration" of the pace of democratic reforms, modernization and liberalization is a major political priority.<sup>96</sup> However, in reality, there was no real democratic or human rights progress in the past year, as also not in previous years. A draft national Human Rights Action Plan<sup>97</sup> put forward in 2011 features mostly vague and general statements and contains few concrete proposals for reforms.<sup>98</sup> Civil society was not consulted in the process of preparing the action plan.

The 2005 Andijan events, when government troops forcefully put down a rare mass protest and killed hundreds of civilians<sup>99</sup>, mark a watershed in the country's recent history. The Uzbek authorities have rejected calls for an international investigation into these events, and no officials have been brought to justice for their role in the killings. The fate remains unknown of many of those who subsequently were arrested and convicted for their participation in the protest, while others are reported to have died in prison due to harsh conditions and torture (see more below). In the aftermath of the Andijan events, the Uzbek authorities also launched a broader crackdown on civil society, intimidating, arresting and imprisoning individuals who have spoken up about human rights violations.

The Andijan events initially brought about a chill in Uzbekistan's relations with the international community and, among others, led the EU to adopt a number of sanctions against the country (which were gradually

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<sup>93</sup> Ibid.

<sup>94</sup> For an assessment of the elections, see report by OSCE ODIHR, at <http://www.osce.org/odihr/elections/uzbekistan/31600> (in Russian at <http://www.osce.org/ru/odihr/elections/uzbekistan/31600>)

<sup>95</sup> Karimov was re-elected for a third term, although the Constitution barred the same person from serving more than two terms.

<sup>96</sup> See speech delivered by President Karimov on the occasion of the 20<sup>th</sup> anniversary of Uzbekistan's independence (in Russian), 31.8.2011, [http://www.press-service.uz/ru/#ru/news/show/vistupleniya/vyistuplenie\\_prezidenta\\_islama\\_karimo\\_4/](http://www.press-service.uz/ru/#ru/news/show/vistupleniya/vyistuplenie_prezidenta_islama_karimo_4/)

<sup>97</sup> Draft Action Plan on Human Rights (2011).

<sup>98</sup> Among more concrete suggestions were the adoption of a specific law on conducting assemblies, which is currently lacking, and the creation of a system of independent monitoring of places of detention with the participation of NGOs and international organizations. No details about when and how these proposals will be realized were included in the draft plan.

<sup>99</sup> For more information see See IGIHRDU and IPHR, "Five Years after Andijan: Still No Accountability," 11.5.2010, [http://www.iphronline.org/uzbekistan\\_20100510\\_e.html](http://www.iphronline.org/uzbekistan_20100510_e.html)

eased and finally abolished in 2009). However, although there has still been no justice for the victims of the Andijan tragedy, and Uzbekistan's human rights record remains deplorable, western governments have recently sought re-engagement with the Karimov regime.

In a move that was criticized by Uzbek and international civil society<sup>100</sup>, President Karimov was invited to Brussels in 2011 for high-level talks with European Commission President Jose Manuel Barroso. EU leaders have also sought to move ahead with a proposal to extend a reduction in trade tariffs on textiles in EU-Uzbekistan relations<sup>101</sup>, despite concerns that this would send the wrong political signal in a situation where child labor continues to be widely used in the cotton harvest in Uzbekistan. At the end of 2011, the European Parliament, however, rejected the proposal, saying it will withhold its consent until International Labor Organization monitors have been granted access to Uzbekistan and have confirmed the implementation of concrete reforms to end child labor.<sup>102</sup> The United States has been criticized for taking steps toward renewing military assistance to Uzbekistan by abolishing aid restrictions introduced in 2004 due to human rights concerns.<sup>103</sup>

## 4.2. Freedom of expression and the media

The authorities of Uzbekistan closely control the work of the country's media and seek to prevent the circulation of information deemed unfavorable. The recent wave of protests in the Arab world appears to have frightened the Uzbek authorities with respect to the potential power of the internet and reinforced efforts to monitor and control the use of the internet, whose users have grown rapidly in the last few years.<sup>104</sup> President Karimov and other government officials have publicly warned of "destructive" and "provocative" forces in the internet and a new government oversight body was set up in August 2011 with a broadly worded mandate to track down internet material considered inadmissible.<sup>105</sup>

Online material on controversial issues, such as corruption, human rights violations and religion is filtered and websites featuring criticism of the authorities are fully or partially blocked. Blocked websites include those of opposition groups, local and international human rights NGOs, as well as regional and foreign media. After the outbreak of unrests in the Arab world, social network sections where Uzbek users posted and commented on news from this region became unavailable. The launch of a new national social networking site by the state telecom monopoly in September 2011 appeared to be an attempt to attract

<sup>100</sup> See petition to the EU signed by 191 civil society representatives from Uzbekistan and other countries, 6.2.2011, <http://nadejda-atayeva-en.blogspot.com/2011/02/european-council-presents-uzbek.html>

<sup>101</sup> A proposed protocol to the EU-Uzbekistan Partnership and Cooperation Agreement would extend provisions that oblige the two partners to grant each other most favored nation status in terms of bilateral trade to trade in textiles, an area that is not currently covered by the agreement.

<sup>102</sup> See European Parliament Resolution from 15.12.2011, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2011-0586>

<sup>103</sup> See joint NGO letter to US Secretary of State Hillary Clinton, 28.9.2011, <http://www.hrw.org/node/101993>

<sup>104</sup> According to statistics from the International Telecommunication Union, the number of internet users per 100 inhabitants increased from 7 in 2007 to 34 in 2010. See [http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&RP\\_intYear=2008&RP\\_intLanguageID=1](http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&RP_intYear=2008&RP_intLanguageID=1)

<sup>105</sup> See the chapter on Uzbekistan in IPHR, NHC, KIBHR, TIHR and IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*, November 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/ca\\_internet\\_20111128\\_e.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/ca_internet_20111128_e.pdf). A press release is available at [http://www.iphronline.org/ca\\_internet\\_20111128\\_e.html](http://www.iphronline.org/ca_internet_20111128_e.html)

users away from global social networks such as Facebook and to establish tighter control of this area of internet use. Online discussion forums are also under surveillance.<sup>106</sup>

- ❖ In December 2011, the online discussion forum *arbuz.com* was closed down with reference to concerns about the safety of forum users.<sup>107</sup> Several users were arrested in early 2011 because of comments they had made on politically charged issues on the forum, such as the ethnic violence that took place in southern Kyrgyzstan in the summer of 2010. The forum sections containing the controversial comments were subsequently removed by its administrators.<sup>108</sup>

Persecution of civil society continues in Uzbekistan. Independent journalists and human rights activists face different forms of harassment, including surveillance, house arrest, intimidation, denial of exit visas, detention, and politically motivated legal charges. In the recent period new cases have been reported of attacks carried out by groups of women, who are believed to have been recruited and deployed by authorities for the specific purpose of assaulting and discrediting civil society activists.<sup>109</sup>

- ❖ On 7 December 2011, member of the Human Rights Society of Uzbekistan (HRSU) Nurali Kulabov and *Ezgulik* ("Goodness") member Abdumurod Norboev were detained in the Chirakchi district in the Kashkadarya region as they were on their way to a meeting with local officials about problems related to electricity and gas supply.<sup>110</sup> Two days later Kulabov and Norboev were sentenced by a local court to 15 and 10 days' administrative arrest, respectively, on spurious charges of violating public order.<sup>111</sup> In connection with Constitution Day, which is celebrated in Uzbekistan on 8 December, human rights activists in different regions of Uzbekistan also reported that security services surrounded and held their homes under surveillance. It was believed that these acts were prompted by plans announced by the opposition Birdamlik ("Unity") movement to organize a public event in Tashkent on 7 December 2011.<sup>112</sup>
- ❖ Freelance journalist Elena Bondar was detained for several hours at Tashkent airport on 24 August 2011 when she returned from a training organized by the OSCE and Deutsche Welle in Kyrgyzstan. A number of CDs, videos and flash-drives containing material related to her journalist work were seized on the pretext that they were "undeclared" goods and had to be examined for possible "extremist" content. Two weeks later she was informed by customs services that no charges would be pressed against her and that she was only given a "warning". She was, however, told that she should not count

<sup>106</sup> Ibid.

<sup>107</sup> Institute for War and Peace Reporting, "Web Use Spirals in Uzbekistan Despite Curbs," 3.1.2012, <http://iwpr.net/report-news/web-use-spirals-uzbekistan-despite-curbs>

<sup>108</sup> Uznews, «Узбекистанский форум "Arbuz.com" – под «колпаком» СНБ», 9.2.2011, [https://uznews.net/news\\_single.php?lng=ru&sub=all&cid=3&nid=16295](https://uznews.net/news_single.php?lng=ru&sub=all&cid=3&nid=16295)

<sup>109</sup> For a discussion of this practice, see Institute for War and Peace Reporting, "Rent-a-mob Protests in Central Asia," 6.1.2012, <http://iwpr.net/report-news/rent-mob-protests-central-asia>

<sup>110</sup> See Frontline Defenders, "Detention of human rights defenders Messrs Nurali Kulabov and Abdumurod Norboev and police surveillance and intimidation of several others," 8.12.2011, <http://www.frontlinedefenders.org/node/16843>, Observatory for the Protection of Human Rights Defenders, "Acts of harassment and arbitrary arrest of several human rights defenders," 14.12.2011, <http://www.fidh.org/Acts-of-harassment-and-arbitrary>

<sup>111</sup> Neweurasia, «Кашкадарьинских "правозащитников-хулиганов" отпустили по домам», 29.12.2011, <http://www.neweurasia.net/ru/politics-and-society/kashkadarinskih-pravozaschitnikov-huliganov-otpustili-po-domam/#more-15897>

<sup>112</sup> See Frontline Defenders, "Detention of human rights defenders Messrs Nurali Kulabov and Abdumurod Norboev and police surveillance and intimidation of several others"; Observatory for the Protection of Human Rights Defenders, "Acts of harassment and arbitrary arrest of several human rights defenders".

on such “leniency” “next time.”<sup>113</sup> When traveling to Germany for an OSCE program in December 2011, Bondar reported experiencing harassment at the border again. When leaving her passport was subject to an extraordinary check, and when returning she was detained and had her luggage carefully searched before being allowed to leave.<sup>114</sup>

- ❖ On 5 May 2011, independent journalists Vasilii Markov and Ruslan Karimov were detained without explanation in the Kashkadarya region where they were investigating the issue of suicides among local residents.<sup>115</sup> They were held for 10 hours before they were expelled from the region and sent back to Tashkent.<sup>116</sup>
- ❖ Human rights defender Gulbakhor Turaeva, who lives in the Andijan region, faced harassment in September 2011 after publishing online articles that criticized local authorities for shortcomings in waste disposal and the care of elderly people. After the publication of these articles, she was intimidated by local officials, who demanded that she “refute” her statements. She was also physically attacked outside of her home by two unknown women, who threatened her with reference to her writings.<sup>117</sup>
- ❖ Several human rights activists were harassed after appearing in a film shown on Russian TV on 24 April 2011, which dealt with the situation of ethnic Russians in Central Asia 20 years after the collapse of the Soviet Union. The following day groups of unknown women visited Elena Urlaeva, Tatiana Dovlatova and Viktoria Bazhenova, all members of the Human Rights Alliance of Uzbekistan, in their homes and verbally attacked them for speaking on the program.<sup>118</sup> Dovlatova was also sued by the niece of one of her neighbors, who accused the activist of orchestrating the shooting of an episode of the film that featured her aunt and explored her difficult living conditions. According to the niece, this episode was “provocative” and untruthful and “offended” her and her family. A Tashkent court satisfied the suit in May 2011 and ordered Dovlatova to pay 10 million soms (some 2.500 EUR according to the unofficial exchange rate) in moral compensation. The trial was characterized by various procedural violations and the sentence was handed down in Dovlatova’s absence.<sup>119</sup>

<sup>113</sup> Ferghana News, «Узбекистан: Власти решили не судить журналистку Елену Бондарь», 6.9.2011, <http://www.ferghananews.com/news.php?id=17243>

<sup>114</sup> Uznews, «Ташкентские пограничники «достали» журналистку Елену Бондарь», 13.12.2011, [http://www.uznews.net/news\\_single.php?nid=18614](http://www.uznews.net/news_single.php?nid=18614)

<sup>115</sup> Центр экстремальной журналистики, ЕЖЕНЕДЕЛЬНЫЙ БЮЛЛЕТЕНЬ СОБЫТИЙ В СРЕДСТВАХ МАССОВОЙ ИНФОРМАЦИИ СТРАН СНГ ВЫПУСК № 18 (482), 2 - 8 МАЯ 2011 Г., <http://www.cjes.ru/bulletins/?lang=rus&bid=4262>

<sup>116</sup> Human Rights Watch, “Uzbekistan: Attempt to Silence Criticism Backfires,” 1.7.2011, <http://www.hrw.org/news/2011/07/01/uzbekistan-attempt-silence-criticism-backfires>

<sup>117</sup> See the chapter on Uzbekistan in IPHR, NHC, KIBHR, TIHR and IGIHRDU, *Central Asia: Censorship and Control of the Internet and other New Media*.

<sup>118</sup> Human Rights Watch, “Activists Harassed after TV Broadcast,” 27.4.2011, <http://www.hrw.org/news/2011/04/27/uzbekistan-activists-harassed-after-tv-broadcast>

<sup>119</sup> Fergana News, «Узбекистан: Татьяну Довлатову преследуют за несколько фраз, сказанных на российском телевидении», 14.7.2011, <http://www.ferghananews.com/article.php?id=7018>, Uznews, «Правозащитница Довлатова осуждена за интервью “России-1”», 18.5.2011, [http://www.uznews.net/news\\_single.php?lng=ru&cid=3&nid=17214](http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=17214)

While a few human rights defenders were released in 2011, numerous others continue to serve prison sentences on fabricated charges.<sup>120</sup> Many of them have reportedly been ill-treated and tortured in detention, and some of them are known to suffer from serious health problems.<sup>121</sup>

- ❖ On 6 November 2011, independent journalist and human rights defender Dzhamshid Karimov was released after being forcibly detained in a psychiatric hospital for five years. Karimov, a target of the clampdown on civil society that the Uzbek authorities launched in the wake of the 2005 Andijan events, was reported to have suffered serious damage to his health because of the forced administration of antipsychotic drugs.<sup>122</sup> In mid-January 2012 Karimov's colleagues and friends expressed concern that they had not been able to contact him for about a week<sup>123</sup>, and at the beginning of February his whereabouts remained unclear.
- ❖ On 14 October 2011, Norboi Kholzhigitov, former president of a branch HRSU office in the Samarkand region, was released on parole after spending more than six years in prison. He was sentenced to 10 years' imprisonment on extortion, slander and additional charges in 2005. During his time in prison, his health deteriorated seriously due to progressive diabetes, while he was denied adequate medical treatment. He was also reported to have been ill-treated, harassed and threatened by prison officials.<sup>124</sup>

### 4.3. Freedom of association and assembly

Non-governmental organizations are required to register with the authorities in order to operate legally in Uzbekistan. The rules and procedure for obtaining registration are complicated and authorities enjoy wide discretionary powers when considering registration applications.<sup>125</sup> Many NGOs were closed down in the aftermath of the Andijan events, and currently *Ezgulik* is the only active human rights group that is officially registered in the country. Other human rights groups carry out their work without legal status, which increases their vulnerability to harassment.

The efforts of international NGOs to work in Uzbekistan are hampered by restrictive accreditation and visa rules.

- ❖ After facing problems with denials of visas and accreditation to staff members for years, Human Rights Watch was forced to close down its office in Uzbekistan in 2011. In a June ruling, the

<sup>120</sup> A list of imprisoned human rights defenders, journalists and other dissidents put together by the Human Rights Society of Uzbekistan (October 2011) is available at <http://www.fergananews.com/news.php?id=17494>

<sup>121</sup> For information see Human Rights Watch, "Uzbekistan's Imprisoned Human Rights Defenders," 12.5.2011, <http://www.hrw.org/news/2011/05/12/uzbekistans-imprisoned-human-rights-defenders>

<sup>122</sup> Institute for War and Peace Reporting, "Uzbek Dissident Out After Five Years in Mental Hospital", 29.11.2011, <http://iwpr.net/report-news/uzbek-dissident-out-after-five-years-mental-hospital>

<sup>123</sup> Appeal initiated by Uzbek civil society activists in support of Karimov, January 2012, [http://www.jarayon.com/index.php?option=com\\_content&view=article&id=1617:journalists-and-human-rights-jamshid-has-the-right-to-live-freely&catid=46:habarlar&Itemid=71](http://www.jarayon.com/index.php?option=com_content&view=article&id=1617:journalists-and-human-rights-jamshid-has-the-right-to-live-freely&catid=46:habarlar&Itemid=71)

<sup>124</sup> The Observatory for the Protection of Human Rights Defenders, "Uzbekistan: Release of Mr. Norboy Kholjigitov," 20.10.2011, <http://www.omct.org/human-rights-defenders/urgent-interventions/uzbekistan/2011/10/d21446/>

<sup>125</sup> For more details see submission by the Expert Working Group to the UN Human Rights Committee for its review of Uzbekistan in March 2010, <http://www2.ohchr.org/english/bodies/hrc/hrcs98.htm>

Supreme Court of Uzbekistan granted a Ministry of Justice petition to liquidate the organization's registration in the country. This ruling was made after only a few minutes deliberation even if no concrete evidence had been presented to support the claim that the organization had failed to meet relevant requirements under Uzbek law.<sup>126</sup>

The repressive climate in the country discourages public protests and no large-scale assemblies have taken place in recent years. In some cases, small-scale spontaneous pickets e.g. against late pension payments are held without interference by authorities. However, in other cases, similarly small-scale and peaceful pickets staged by civil society activists are dispersed and participants harassed.

- ❖ In the morning of 28 February 2012, human rights defender Abdillo Tozhiboi-ugli set out to hold a picket outside the office of the Tashkent city administration to protest against the continued lack of electricity and gas supply to his home.<sup>127</sup> According to him, electricity and gas supply was cut off in August 2011 because he was late with the payments and has not been restored since, although he immediately paid all bills. Tozhiboi-ugli had informed the authorities in advance about his picket, as required by Uzbek law. However, he had only begun picketing when he was detained by police officers wearing civilian clothes and brought to the Mirobadskoe district police station in Tashkent. Tozhiboi-ugli reported being held at the police station for about 12 hours, during which time he was not given anything to eat or drink. His cell phone was also confiscated and he was placed in a cage that is normally used for police dogs. Around 11 o'clock p.m. he was brought to the Mirobadskoe district criminal court, where the judge quickly considered his case and fined him some 4.5 million soms (about 1200 EUR according to the unofficial rate) for violating the procedure of organizing and conducting assemblies (under article 201 of the Administrative Code).
- ❖ In late January 2012, human rights defender Adelaida Kim announced that she would regularly start holding a picket on Fridays outside the General Prosecutor's Office in Tashkent, starting 3 February 2012.<sup>128</sup> The stated purpose was to demand to be received by the general prosecutor because of the unresponsiveness shown by the department of his office in charge of contacts with citizens. Even though Kim had complied with the legal requirement of informing authorities in advance and had not received any notification that the action would be prohibited on grounds of public security, she and a few supporters were immediately stopped by police as they began picketing on 3 February. Kim was detained, taken to a district police station and held for several hours before being released.
- ❖ Journalists Malokhat Eshonkulova and Saodat Omonova were arrested by police, brought to court and fined close to 3 million soms (more than 700 EUR according to the unofficial rate)<sup>129</sup> when staging a picket outside the presidential administration in Tashkent on 27 June 2011. The two journalists protested a decision to fire them from the national TV and radio station in December 2010 after they publicly criticized censorship, corruption and unfair treatment of employees there. In May 2011 their dismissal was declared legal by court in response to a suit filed by them. In late

<sup>126</sup> See Human Rights Watch comments, 10.6.2011, at <http://www.hrw.org/node/99772>

<sup>127</sup> See «Заранее письменно уведомив власти как предписывает узбекское законодательство узбекский правозащитник Абдилло Тожибой-угли вышел с мирным пикетом к хокимияту», 29.2.2012, at <http://ru.hrsu.org/archives/3151>

<sup>128</sup> See «ПРАВОЗАЩИТНИЦА АДЕДАИДА КИМ ЗАЯВЛЯЕТ О ПУБЛИЧНОЙ АКЦИИ В УЗБЕКИСТАНЕ», 24.1.2012, <http://ru.hrsu.org/archives/3098>

<sup>129</sup> Under article 201 of the Administrative Code.



June 2011 the two journalists also launched a hunger strike and continued it for more than two weeks before ending it due to serious health issues and the lack of any response from the authorities.<sup>130</sup>

In another case, an Uzbek citizen employed at the UK embassy in Tashkent was accused of violating rules on the conduct of assemblies:

- ❖ On 15 July 2011, a Tashkent court convicted UK Embassy Press Secretary Leonid Kudriavtsev of organizing unsanctioned assemblies<sup>131</sup> and fined him almost 4 million sums (more than 1.000 EUR according to the unofficial exchange rate) for participating in meetings with human rights defenders held at embassy premises.<sup>132</sup> The charges against him were brought on the basis of an “open letter” allegedly received by police from two local residents who made the absurd claim that the embassy served as a “secret training camp” to prepare human rights activists for “extremist” actions.<sup>133</sup> The British Foreign Office expressed concern about the ruling, noting that the meetings in question were routine contacts with civil society and were carried out entirely in accordance with Uzbek and international law.<sup>134</sup> The sentence against Kudriavtsev, who unlike UK embassy staff does not enjoy diplomatic immunity, was upheld on appeal.<sup>135</sup>

Many relatives of individuals arrested after the 2005 Andijan tragedy still do not have information about the fate of their loved ones. In the aftermath of the Andijan events hundreds of people who participated or witnessed the protest were criminally charged and convicted in closed and secret hearings, and there were serious concerns that they were ill-treated and tortured in detention. An April 2011 report published by the Uzbek exile NGO Association for Human Rights in Central Asia documents the account of an individual working in the Andijan regional morgue during the period when the authorities were engaged in efforts to track down those considered to have been involved in the protest. This eye witness told the organization that he had examined numerous corpses bearing gruesome signs of torture and said that morgue staff was ordered to conceal signs of gunshots or stab wounds on bodies brought in by security services, as well as to falsify death causes.<sup>136</sup>

<sup>130</sup> For more details see IPHR, NHC, KIBHR, TIHR and IGIHRDU, *Freedom of Assembly and Association and the Role of Civil Society in the Protection of Human Rights in Kazakhstan, Turkmenistan and Uzbekistan*, September 2011, [http://www.iphronline.org/uploads/9/0/2/7/9027585/final\\_hdim\\_intervention\\_september\\_2011-1.pdf](http://www.iphronline.org/uploads/9/0/2/7/9027585/final_hdim_intervention_september_2011-1.pdf)

<sup>131</sup> Under article 201 of the Administrative Code.

<sup>132</sup> Ferghana News, «Пресс-секретарь посольства Великобритании в Узбекистане оштрафован на \$1600», 15.7.2011, <http://www.ferghananews.com/news.php?id=17018&mode=snews>

<sup>133</sup> Uznews, «Апелляция в защиту сотрудника британского посольства», 19.7.2011, [http://www.uznews.net/news\\_single.php?lng=ru&cid=3&sub=number&nid=17469](http://www.uznews.net/news_single.php?lng=ru&cid=3&sub=number&nid=17469)

<sup>134</sup> UK Foreign and Commonwealth Office, “Minister for Europe comments on court hearing in Uzbekistan,” 15.7.2011, <http://www.fco.gov.uk/en/news/latest-news/?id=631869682&view=News>

<sup>135</sup> Uznews, “Employee of British Embassy in Tashkent loses appeal against fine,” 12.8.2011, [http://www.uznews.net/news\\_single.php?lng=en&sub=hot&cid=3&nid=17671](http://www.uznews.net/news_single.php?lng=en&sub=hot&cid=3&nid=17671)

<sup>136</sup> Association for Human Rights in Central Asia, *The System of Torture and Extrajudicial Execution in Uzbekistan*, April 2011, [http://www.ahrca.eu/Uzbekistan\\_Torture\\_\\_Eng.pdf](http://www.ahrca.eu/Uzbekistan_Torture__Eng.pdf)

#### 4.4. Freedom of religion

The authorities of Uzbekistan strictly control religious practice. Under the country's legislation, only religious communities that are registered with the authorities are allowed to carry out their activities legally, and proselytizing and missionary activities are prohibited. The authorities closely oversee religious education, the import and distribution of religious literature, the opening of places of worship, as well as other areas of religious activity.

Some non-Muslim religious minority groups, such as Jehovah's Witnesses and Protestant groups, continue to be denied registration. Both unregistered and registered minority communities also face other forms of harassment, e.g. raids on meetings, confiscation of literature, intimidation, fines and administrative arrest.<sup>137</sup>

- ❖ Pentecostal Pastor Dmitrii Shestakov was serving a four-year prison sentence for his religious activities in 2007-2011. He was convicted on criminal charges of conducting "illegal" religious activities (article 216 of the Criminal Code) and distributing "extremist" material (article 244-1) in March 2007. In January 2011 he was released from prison, but remained under "administrative supervision" for another year, meaning that he, among others, had to regularly report to police and was not allowed to leave his home city without previous police permission.<sup>138</sup> During his time in prison, he reportedly faced harsh conditions and was pressured to renounce his faith.<sup>139</sup>

The Uzbek authorities continue their indiscriminate and abusive campaign against Muslim religious "extremists". In this campaign, which has been going on for years, Muslims believers are arrested and charged with "extremist" crimes because of non-violent religious activities, such as praying outside state-sanctioned mosques, studying "non-approved" religious literature or meeting with other believers and discussing religious ideas. They are also accused of involvement in organizations deemed "extremist" even if there is no evidence that they have participated in the activities of these organizations and/or these organizations do not have any known connection to violence and function openly in other countries.<sup>140</sup>

In the past year, the IGIHRDU has documented dozens of new cases of arrests and convictions of alleged religious "extremists". According to information obtained by the organization, local security and law enforcement authorities have been ordered to target "blacklisted" individuals known to visit mosques operating outside strict state control or participating in religious gatherings in homes.

In an increasingly common pattern, individuals singled out in the anti-extremism campaign are apprehended in targeted raids and quickly brought to court, where they are sentenced to short term arrests (typically 10-15 days) on spurious administrative charges such as "hooliganism" or "disobeying" the orders of law enforcement officials. In one case reported to IGIHRDU, an individual detained in his home

<sup>137</sup> For details of such cases, see news releases issued by Forum 18 on Uzbekistan, at <http://www.forum18.org/>

<sup>138</sup> Forum 18, "Prisoner of conscience "released but not free"", 3.2.2011, [http://www.forum18.org/Archive.php?article\\_id=1535](http://www.forum18.org/Archive.php?article_id=1535)

<sup>139</sup> Forum 18, "Pastor's re-education "impossible without isolation from society", 23.3.2007, [http://www.forum18.org/Archive.php?article\\_id=935](http://www.forum18.org/Archive.php?article_id=935)

<sup>140</sup> For more information, see IGIHRDU, *Contribution to EU-Uzbekistan Human Rights Dialogue*, 23.6.2011, <http://www.iphronline.org/news.html?54>

was sentenced to 30 days' administrative arrest for allegedly lacking a permanent place of residence.<sup>141</sup> Administrative arrests are frequently sanctioned in trials that are held without the presence of lawyers or witnesses and appear to be used as a way to get around the legal requirement of *habeas corpus* (the judicial review of detention), which was introduced in Uzbekistan in 2008. Moreover, the period that apprehended individuals are held under administrative arrest is typically used to build criminal cases against them, often through the use of torture and ill-treatment aimed at forcing them to "confess." IGIHRDU has received numerous reports about such practices from lawyers and relatives of detainees. The use of torture and ill-treatment remains systematic in Uzbekistan and the perpetrators continue to enjoy widespread impunity.<sup>142</sup>

The trials in religious "extremist" cases are often held behind closed doors, without access for human rights monitors, journalists or even relatives. They are characterized by gross procedural violations, including in particular failure to pay attention to allegations of torture and ill-treatment and the admission as evidence of statements made under torture. The sentences typically amount to lengthy prison sentences. Convictions are handed down under vaguely worded Criminal Code articles that ban the organization and participation in "illegal" religious groups (article 216), involvement in "religious extremist" and other "prohibited" groups (article 244-2), the production and distribution of materials considered to create a threat to public order and security (article 244-1), as well as "anti-constitutional" activities (article 159).

- ❖ On 17 November 2011, a district court in Tashkent convicted 16 individuals accused of being "wahhabists", a politically charged and ambiguous term that is used to depict movements that are perceived to promote "radical" views and ideas.<sup>143</sup> Fifteen of the men on trial were sentenced to six years in prison on charges of participation in "religious extremist" or other "banned" organizations, while one of them was sentenced to 12 years in prison on the same and additional charges of anti-constitutional activities and illegally entering or leaving Uzbekistan (Criminal Code article 223). The defendants were detained in June-August 2011 and were criminally charged after first being sentenced to short term administrative arrest on various charges.

According to close relatives of the defendants, the men were subjected to torture during their arrest and forced to sign "confessions" (empty papers that allegedly were filled out later). They believe that the criminal cases were fabricated, arguing that the men have not been members of any prohibited organizations. The trial, which took place in the city of Jangibazar in the Tashkent region under massive security, was closed to the public and monitors were not allowed to attend. Information obtained by IGIHRDU from lawyers and relatives of the defendants indicate that the trial was conducted in violation of basic procedural requirements and failed to present any substantial evidence to support the charges against the men. When allowed to say a few last words, some of the frightened looking defendants asked for "forgiveness".

- ❖ On 24 January 2011, the Kashkadarya Regional Criminal Court convicted Sherzod Khadzhiyev and three co-defendants under Criminal Code articles 159, 244-1 and 244-2 and sentenced them to

<sup>141</sup> See IGIHRDU statement from 23.9.2011, «Новые фабрикация и методы сотрудников МВД, СБ и прокуроров для ареста верующих». In this case, the individual targeted for arrest was released when the period of the administrative arrest ended.

<sup>142</sup> For a recent report about the problem of torture in Uzbekistan, see Human Rights Watch, 'No One Left to Witness': Torture, the Failure of Habeas Corpus, and the Silencing of Lawyers in Uzbekistan, December 2011, <http://www.hrw.org/reports/2011/12/13/no-one-left-witness-0>

<sup>143</sup> See Memorial, *Политические репрессии в Узбекистане в 2009-2010 годах*, p. 17, 44, <http://www.memo.ru/2011/03/16/1603112.pdf>

imprisonment ranging from 5.5 to 10 years. The hearing took place behind closed doors and reportedly lasted only ten minutes.

Sherzod Khadzhiev was initially arrested together with his brother Feruz Khadzhiev on 16 October 2010 as they were on their way home from work in the city of Karshi. They were accused of “hooliganism” and sentenced to 10 days’ administrative arrest in a quickly organized trial, where no lawyer was present. While serving this sentence, the officials interrogating the two brothers allegedly ill-treated them by beating them with batons on the head, stomach and other parts of the body and kicking them with their feet. After 10 days, on 27 October 2010, Feruz Khadzhiev was released, after allegedly being pressured to sign a statement not to tell anyone about his arrest, conviction or ill-treatment. A criminal case was opened against Sherzod Khadzhiev.

The mother of the two brothers, Dilorom Khadzhieva, submitted numerous appeals to various authorities about her sons, indicating the names of officials believed to have been involved in ill-treating and torturing them. However, she did not receive any answer, and was reportedly pressured to stop writing complaints.

In a 2011 case that received international attention, a group of alleged religious “extremists” who had sought asylum in Kazakhstan were sent back to Uzbekistan:

- ❖ On 9 June 2011, 28 individuals accused of religious “extremism” by Uzbek authorities were forcibly returned to Uzbekistan from Kazakhstan, where they had sought protection out of fear of persecution on the grounds of their religious affiliation and practices. The Kazakhstani government denied the men asylum and extradited them in spite of a well-known risk that they may be subjected to torture and other human rights violations upon return. The United Nations Committee against Torture had asked it not to extradite the men while considering the issue.<sup>144</sup>

Relatives of several of the extradited men informed IGIHRDU that they were not allowed to visit the men in detention after the extradition. Three of the extradited men are known to have been tried and convicted in the Surhandarya, Syrdarya and Tashkent regions in August-September 2011. They were found guilty on various religious “extremism” charges and given prison sentences of 4, 5 and 15 years (the last one was reduced by two years on appeal).<sup>145</sup> The trials were held behind closed doors and IGIHRDU has no further information about them. Serious concerns remain about the fate of these and the other extradited men.

In a well-established pattern, prisoners serving sentences on religious “extremism” charges are frequently singled out for discriminatory treatment and abuse.

- ❖ According to reports IGIHRDU received from relatives, individuals serving sentences on religious “extremist” charges in the prison colony in the city of Koson in the Kashkadarya region announced a protest on 17-18 May 2011 to demand the right to pray, an end to torture, as well as humane prison conditions. In response, prison authorities called in special troops and punished the organizers of the protest by placing them in solitary confinement, where they were ill-treated and tortured. Mothers and sisters of the prisoners in question did not receive any response to their

<sup>144</sup> For more details see joint statement by IGIHRDU, KIBHR, IPHR and NHC, “The EU Should Request Protection of the Rights of Forcibly Returned Individuals,” 23.6.2011, <http://www.iphronline.org/news.html?56>

<sup>145</sup> See IGIHRDU statement from 30.9.2011, «Результаты судебных процессов по 28-ми экстрагированным беженцам из Алматы».

complaints filed with different authorities, even if they stated the names of the prison officials who allegedly participated in the torture.

In the past year there have also been new cases where religious prisoners are believed to have died in prison as a result of harsh detention conditions, including widespread occurrence of tuberculosis and other infectious diseases, as well as ill-treatment and torture. Among such cases are those of individuals convicted on religious “extremism” charges for their alleged role in the 2005 mass protest in the city of Andijan (see also the previous section on this issue). Radio Free Europe/Radio Liberty reported that 34-year-old Abdumannon Ortikov died in prison on 24 June 2011 after being held in solitary confinement for 25 days shortly before the end of his six-year sentence. Relatives noticed signs of beatings and cuts on his body when it was handed over to them for burial.<sup>146</sup> In September 2011 IGIHRDU received information about the sudden death in prison of another individual convicted of participation in the Andijan events, 55-year-old Atabaev Khadzhibaevich who was serving a 14-year sentence in the prison colony in the city of Navoi.<sup>147</sup>

## 5. Recommendations

### 5.1. Recommendations to the authorities of Kazakhstan, Turkmenistan and Uzbekistan

#### With respect to freedom of expression and the media:

- Put an end to excessive control of the work of media and refrain from using state media as tools of ideological propaganda.
- Ensure that independent media and journalists do not face politically motivated legal charges or other forms of harassment for publishing reports that examine and assess the conduct of officials and other public figures.
- Abolish excessive restrictions on the use of the internet and other electronic media and do not limit access to online content or other information simply because you do not like or agree with it.
- Stop persecuting civil society activists, political opposition members and other dissidents who are openly critical of the authorities, as well as their families and friends.
- Immediately and unconditionally release all civil society activists, political opposition members and other individuals who have been imprisoned in retaliation for exercising freedom of expression and other fundamental rights. Drop the charges against all individuals who have been arrested and prosecuted on such grounds.

<sup>146</sup> Radio Free Europe-Radio Liberty, “Andijon Prison Death Toll Grows With Fresh Protester Death,” 8.7.2011, [http://www.rferl.org/content/andijon\\_protester\\_dies\\_uzbek\\_prison/24259130.html](http://www.rferl.org/content/andijon_protester_dies_uzbek_prison/24259130.html)

<sup>147</sup> See IGIHRDU statement from 28.9.2011, «В узбекских тюрьмах продолжается физическое уничтожение осуждённых, участников Андижанской демонстрации 13 мая 2005 г.».

**With respect to freedom of association and assembly:**

- Ensure that legislation on the implementation of freedom of association and assembly in your countries is consistent with international human rights standards.
- Do not suppress peaceful protests staged by citizens in order to express their concerns and misgivings and do not punish the participants in such actions by detaining them or imposing fines or other penalties on them.
- Allow independent NGOs and opposition political parties to obtain legal status in a fair and transparent process, as well as to carry out their activities freely and without undue interference by authorities.
- Do not obstruct the work of international human rights NGOs in your countries.

**With respect to freedom of religion:**

- Bring legislation on the practice of religion into line with international standards, taking into account recommendations made by international experts, representatives of different religious communities, as well as human rights defenders.
- Abolish the ban on the activities of unregistered religious communities and ensure that all religious groups that so wish can be registered in a simple, transparent and fair process.
- Ensure that no one is punished for the peaceful and legitimate exercise of freedom of religion and take effective measures to counter intolerance and discrimination against religious minority communities.
- Release all who have been imprisoned on religious “extremism” and other charges on the grounds of their religious beliefs and practice.

**5.2. Recommendations to the international community**

- Raise concerns about violations of fundamental rights and freedoms in Kazakhstan, Turkmenistan and Uzbekistan in a consistent and prominent way as part of bilateral and multilateral contacts with the governments of these countries, including at the highest political level.
- Use existing means of influence to bring the governments of Kazakhstan, Turkmenistan and Uzbekistan to adopt meaningful reforms to improve the protection of fundamental rights and freedoms and, wherever relevant, condition continued and closer cooperation with these governments on the implementation of such reforms.
- Continue to provide support and solidarity to the civil society of Kazakhstan, Turkmenistan and Uzbekistan in its struggle for human rights; strongly condemn cases of persecution of human rights activists; and insist on the importance of an independent and vibrant civil society in any country that aspires to be democratic.