

## **HUMAN DIMENSION IMPLEMENTATION MEETING**

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*The international association of independent democrats against authoritarian regimes*

### **OPEN LETTER OF INDEPENDENT CIVIL SOCIETY IN UZBEKISTAN, WITH UZBEK REFUGEES OF ANDIJAN AND DIASPORA GROUPS IN ADVANCE OF THE EU'S**

#### **DECISION ON UZBEKISTAN ARMS EMBARGO**

**The European Union's consideration to lift the arms embargo on Uzbekistan gives the signal to Uzbekistan's government that the EU is prepared to accept Uzbekistan's atrocious human rights record.**

At the end of October, the European Council resumed its discussion about the EU sanctions against

Uzbekistan, imposed after a bloody suppression of the popular uprising in Andijan in May 2005.

As of four years ago to this day, the only sanction remaining in force is the arms embargo against

Uzbekistan. Other sanctions, such as the ban on entry into Europe of a number of Uzbek officials,

have been removed despite the fact that Uzbekistan has failed to meet most of the conditions set by

the European Union.

During the lifetime of the sanctions, Uzbek and international human rights activists urged the

European Union to enforce benchmarks set to address the appalling human rights situation in

Uzbekistan. These benchmarks included an independent investigation into the Andijan events, the

release of all imprisoned activists and an end to harassment of representatives of civil society,

simplification of rules for the registration of non-governmental organizations, the accreditation of

the staff of Human Rights Watch, and access to the UN Special Rapporteur on Human Rights.

**In light of the deteriorating human rights situation in Uzbekistan, we believe that the lifting of**

**sanctions last year ago was not only a mistake, but has surrendered an effective chance for the**

**EU to influence Uzbekistan's government.** The withdrawal of the arms embargo could become

yet another fatal mistake that may encourage the Karimov regime to continue to use disproportionate use of armed force to suppress popular protest.

The EU has called for improved relations with Uzbekistan and the need for a so-called "constructive

dialogue," which according to the EU could take place only after the lifting of sanctions.

However,

one year has passed, and with the lifting of the bans on travel to Europe for a number of Uzbek

officials, it is with much regret we see that the EU's "constructive dialogue" has not lead to any meaningful change nor have any of the EU's benchmarks been met.

To date,

1. The Uzbek government has categorically refused to conduct an independent international investigation into the Andijan events.
2. Not only was the Human Rights Watch researcher refused work accreditation, but was even denied entry into the country.
3. Not one of the eight Special Rapporteurs of the UN requesting a mandate to visit the country was invited.
4. During this period, a number of human rights activists were convicted on trumped up charges because of their peaceful civic activities.

Today, at least 15 human rights activists and independent journalists remain in prisons because of their peaceful civic activities (see attached list).

Human rights defenders, such as Agzam Farmonov, Alisher Kkaramatov, Norboy Kholzhingitov, Khabibulla Akpulatov, Nasim im Isakov, Rasul Khudainazarov, journalist Djamshid Karimov, poet

Yusuf Djumayev and his sons Mashrab and Bobur Djumaev, all of whom were arrested between 2005 and 2007, continue to languish in Uzbek prisons.

In those two years, in sham court cases, five other activists were silenced, including Agzam

Turgunov, Solidjon Abdurakhmanov, Dilmurod Said, who were sentenced to long term imprisonment. In September, the human rights defenders Farhod Mukhtarov and Gaibullo Djalilov were arrested.

Despite the release of a few of jailed human rights defenders in the past two years, almost as many were convicted on false charges. Moreover, it is important to note that the majority of freed human rights activists relocated overseas or were compelled to cease their public activism, and new arrests have stopped the most active leaders.

5. All restrictions on NGO activities imposed in 2004-2005 continue to remain in force. As before, there are no possibilities to formally register a local human rights NGO or accredit an

international one. Human rights groups are forced to work underground in a climate of fear and

activists are at risk of jeopardizing their health and freedom. This year, for example, human rights

activist Elena Urlaeva has been repeatedly arrested, beaten, and threatened. In the last assault

against her, she was attacked by a man with a knife and beaten in front of her five-year-old son.

Widespread violations of farmers' rights have worsened

According to the Decree of President Islam Karimov \_ 3008 from October 6, 2008, the government has ordered the expropriation of farmers' land in contravention of treaties on multi-year land lease. According to farmer activists, "there is an intentional campaign to turn farmers into serf laborers."

The continued administrative command system from the top to every village, leaves farmers with no options of engaging in any kind of free entrepreneurship. Contrary to the legislation on farming, the government, at the beginning of every year, imposes a plan for the harvest of grain and cotton , and determines procurement prices which fall severely short of covering farmers' expenses. As a result, farmers are barely able to fulfill the plan, not only **not** earning any profits, but finding themselves in debt to the state.

6. The old practice of using forced child labour continues.

Despite Uzbekistan's ratification of the International Labour Organization conventions 182

"Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child

Labour" and Convention 138 on Minimal Age for Admission to Employment, the government

continues to use child and forced labor in the cotton fields. **There is ample evidence demonstrating that as of this September and October, despite new government legislation and international commitments, Uzbekistan's government has sent children ages 12-16 years old to pick cotton.**

7. Uzbekistan continues to systematically practice torture in its detention facilities.

Over the last year, Uzbek prison colonies produced at least five dead bodies of prisoners; all of the deceased had suffered torture. All victims had been convicted of "participation in religious organizations."

Observations of court trials show that the Uzbek government condones the existence of torture, and

judges and prosecutors have dismissed complaints of torture and abuse. The group Human Rights

Alliance, which observes trials, identified nearly 20 incidents of torture over the last four months.

The group reported on a murder investigation in which over 50 persons were tortured.

8. Uzbekistan's judiciary is now even less independent.

The introduction of habeas corpus in Uzbekistan in January 2008 was hailed as a mark of progress

in Uzbekistan's criminal justice system. According to research done by the human rights defenders

from Expert Working Group, the new mechanism for issuing arrest warrants made no practical

differences in how justice is administered. Though an arrest warrant is formally issued by the court, according to observers, in 99% of cases, the prosecutor's application for authorization for arrest and custody is given by the court. The Court is not authorized to check the legality of the arrest and custody, hearings are conducted in closed sessions, and the participation of the defense council at this stage is not mandatory.

Since January 2009, new amendments to the Law on Advocacy deprive lawyers of their independence. The new structure, the Lawyers Chamber, which has been created to replace the previous Bar Association, is administered by the Ministry of Justice. A ministerial decree in 2009 had all lawyers undergo re-certification, and in the process, lawyers engaged in human rights defense, such as Rukhiddin Komilov and Rustam Tulyaganov, lost their licenses to practice law.

This has had a chilling effect, discouraging and intimidating lawyers from taking on cases involving human rights violations, arrests of human rights defenders, journalists, and religious dissidents, as well as cases of torture.

9. The government has systematically undermined the rights of religious minorities. The government continues to arrest and convict Muslims belonging to non-state-sanctioned religious groups, even if their ideology espouses neither extremism nor violence. According to the analysis of youth group "Veritas," the government exaggerates the issue of religious extremism and uses it "as a political tool to tighten and maintain control over society."

The last year saw a series of arrests and convictions of followers of the "Nurchilar" religious movement, which has Turkish roots. There are at least 40 known cases of convicted members of this group being handed sentences of six to 12 years for mere association with this movement. The only basis for their conviction was that they admitted to reading unsanctioned religious literature, the majority of them the books of the Turkish theologian Said Nursi, books which are published openly in Turkey. Arrests of members of this group are continuing across the country.

10. The country has no freedom of the press, has driven out representatives of the international media, and blocks websites of independent publications and organizations. It is astounding how representatives of some member states of the European Union have cast a blind eye on the large scale suppression of human rights in Uzbekistan. Some have even spoken of "progress" in Uzbekistan where none exists. We were disappointed to hear that at the last meeting in

September 2009, EU special representative for Central Asia Pierre Morel praised his three years of dialogue with Uzbekistan, which he said has led to substantial results, even if certain areas remain

"sensitive and controversial."

If the European Union is determined to demonstrate its commitment to the values of human rights

worldwide, it should seek concrete steps from the government of Uzbekistan, only easing sanctions

when significant improvements are taken to remedy all of the 11 abovementioned charges.

**As a demonstration of its readiness for dialogue, the Uzbek government should release all civil**

**society activists** (see attached list of human rights defenders). The European Union should remain

uncompromising on this issue and retain the existing sanctions until the Uzbek government takes

meaningful action.

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2. Vasila Inoyatova, "Ezgulik", Human Rights Society of Uzbekistan

3. Sukhrobjon Ismailov, Expert Working Group, Uzbekistan

4. Elena Urlaeva, Human Rights Alliance, Uzbekistan

5. Dilorom Iskhakova - Dvizhenie "Birdamlik"

6. Iskandar Khudayberganov – Center of Democratic Initiatives

7. Bakhtiyor Khamroev, human rights activist, Uzbekistan

8. Mamir Azimov, International Human Rights Society, Uzbekistan

9. Sanjar Saidov - "Veritas" Youth Human Rights Movement of Uzbekistan

10. Bakhodir Namazov, Committee to release prisoners of conscience, Uzbekistan

11. Tolib Yakubov, Human Rights Society of Uzbekistan, France

12. Nurillo Maksudov, Andijan – Justice and Revival, Germany

13. Kamoliddin Rabbimov, political analyst, France

14. Zokirjon Ibragimov, exiled journalist, Sweden

15. Ulugbek Khaydarov, exiled journalist, Canada

16. Kudrat Babajanov, exiled journalist, Sweden