

## **HUMAN RIGHTS WATCH**

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## **MEMORANDUM**

**Date:** April 12, 2002

**To:** United Nations Committee Against Torture

**From:** Human Rights Watch, Europe and Central Asia Division

**Re:** Torture in Uzbekistan

This memorandum updates Human Rights Watch's October 18, 1999 submission to the United Nations Committee Against Torture. It summarizes the conclusions in our October 1999 submission and provides an overview of Uzbekistan's record on torture from that date to the present. It includes several case examples from the past year, all of which clearly illustrate systemic past and ongoing torture in the Uzbek criminal justice system and impunity for perpetrators. We attach to this memorandum our 1999 submission to the Committee, a December 2000 report on torture, and other documents providing detailed evidence of torture in Uzbekistan.

### **October 18, 1999 submission to the U.N. Committee Against Torture**

Our 1999 submission, based on three years of field research, argued that physical and psychological torture by agents of the Ministry of Internal Affairs and the National Security Service in criminal investigations is common and widespread in Uzbekistan. In 1999 systemic torture had already become an unmistakable feature of the crackdown on independent Islam, intensifying following a series of bomb explosions in the capital Tashkent in February 1999. At that time, the government began a campaign to arrest thousands of men, in particular members of the political opposition and independent Muslims, accusing them of political offenses. Reports of death in detention indicated the growing use and severity of torture, and the criminal justice system increasingly relied on evidence extracted under torture. Other factors contributing to torture in Uzbekistan included prolonged incommunicado detention of suspects and denial of the right to counsel, while the perpetrators of torture enjoyed near-total impunity.

### **Torture in Uzbekistan 1999-present**

Continual field research by Human Rights Watch from 1999 to the present points clearly to an unconstrained use of torture and corresponding impunity, indicating Uzbekistan's noncompliance with article 2 of the convention. Our December 2000 report, "And it was Hell All Over Again: Torture in Uzbekistan," based on four years of research conducted in different provinces of Uzbekistan, documented routine physical

and psychological torture of detainees, most often in pre-trial custody. Forms of torture included, most commonly, prolonged beatings, including punching, kicking, or blows with billy clubs or other implements. Other methods included asphyxiation through the use of gas masks or plastic bags, electric shock, burning, cutting, sexual violence, and denial of food or water. That law enforcement and judicial agencies tolerate torture is substantiated by scores of Human Rights Watch interviews with former detainees, attorneys, and relatives of prisoners, as well as

the proceedings of dozens of trials monitored by Human Rights Watch in which defendants made allegations of torture. The report showed that police combined physical ill-treatment with threats of further abuse of members of the detainee's family members to coerce compliance with a criminal investigation; in some cases, police carried through with their threats.

The continuing crackdown against thousands whose practice of Islam falls outside of the structures of state-sanctioned religion has greatly expanded the range of people subjected to torture. Police routinely tortured those arrested to obtain confessions and to force them to incriminate others with whom they have independently prayed or studied the Koran. As government officials publicly announced a policy of holding families accountable for the actions of any of their members suspected of illegal religious activity, the relatives of those accused or sought were often detained, held as hostages, threatened with torture, or were tortured themselves.

Human Rights Watch has found no improvement in the government of Uzbekistan's compliance with articles 12, 13, 14, and 15 since our 1999 submission to the committee. The 2000 report demonstrated that courts regularly admitted coerced confessions into evidence and issued convictions on that basis, allowing law enforcement officials who ordered and carried out acts of torture to enjoy impunity. Even in exceptional cases when initial convictions, issued on the basis of coerced convictions, were overturned, police investigators responsible for torturing defendants were not called to account. The routine denial of legal representation of one's choice, the fear of reprisal or retribution, and the imposed services of state-appointed lawyers unlikely to lodge complaints against torture and ill-treatment, also contributed to a pervasive climate of impunity.

### *Recent Cases*

Cases from the past six months demonstrate the continuing systemic use of torture, an alarming number of torture-related deaths in pre-trial custody, and evidence that prisoners are tortured in prisons while serving sentences.

### *Deaths in police custody*

Human Rights Watch has documented seven deaths apparently resulting from torture in 2001 alone. Two of the cases drew the attention of the international community and prompted the government to take action. On October 17, 2001, Ravshan Haitov, age thirty-two, died from torture just hours after police took him into custody on suspicion of affiliation with the unregistered Islamic organization Hizb ut-Tahrir. Authorities returned his bruised and battered corpse to his family the next day, stating that the official cause of death was a heart attack. In a rare display of accountability, a Tashkent court on January 30, 2002 sentenced four police officers to twenty years' imprisonment for torture leading to Ravshan Haitov's death. Observers at the trial told Human Rights Watch that although the prosecutor called for two of the policemen to be found guilty of murder, the judge instead convicted all four of "inflicting bodily harm that caused death."

Ravshan Haitov's brother, Rasul Haitov, age twenty-five, testified in court that police officers had detained and tortured him as well. Rasul Haitov was hospitalized and placed in intensive care after being beaten by the police, and continues to face charges based on his religious affiliation.<sup>1</sup>

By contrast, authorities have failed to bring to justice those responsible for the death in custody of long-time dissident and human rights defender, Shovruk Ruzimuradov. Ruzimuradov, aged forty-four, was arrested in southwestern Uzbekistan on June 15, 2001, and held incommunicado for twenty-one days. On July 7, law enforcement agents returned Ruzimuradov's corpse to his family. The police blocked all access within one kilometer of the Ruzimuradov home and turned away fellow rights defenders who attempted to view the body and take part in funeral services. Activists reported that police threatened to arrest them and "tear [them] to pieces" if they investigated the case further.

Despite circumstances strongly indicating that Ruzimuradov had died as a result of torture, a preliminary government report, which Human Rights Watch received on July 27, alleged that he had committed suicide by hanging himself. According to the notice, three officials were dismissed for "misconduct" and several others received unspecified "disciplinary penalties." Criminal charges were allegedly brought against one official for "misconduct of duties." [sic]

### *Torture revealed in recent trials*

In the past two months alone, torture figured prominently in the majority of at least fifty cases of people in detention, on trial, or convicted in the cities of Tashkent and Ferghana, solely for their religious affiliation. Most detainees' alleged confessions were extracted under torture, including rape, severe beating with clubs and batons, the insertion of needles under fingernails, and the pulling out of fingernails and teeth. The courts in all cases to date have ignored allegations of torture and sentenced the accused to lengthy prison terms ranging up to fourteen years. In one case, Ikrom Akhranov—a citizen of Tajikistan who was detained on Tajik territory by Uzbek National Security representatives in August 2001—told the court during a March 2001 trial in Ferghana city, "I was held in shackles for three days in the basement of the Ministry of Internal Affairs in Ferghana in August 2001... there they pulled out my fingernails and my teeth... one of my ears isn't functioning now because of the beating I received."

Hamidulla Abduvaliev, aged twenty, who is currently standing trial in Tashkent with four others on alleged membership in Hizb ut-Tahrir, told the court earlier this month that he was beaten for two days at the Shaikhanturskii district police station and threatened by police officers, "If you don't cooperate with us, we'll make you an invalid." Another defendant at the latter's trial, twenty-one-year-old Umid Akhanjanov, told the court that after Shaikhanturskii

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<sup>1</sup> In a move consistent with the government policy of holding family members accountable for the actions of any of their members suspected of illegal religious activity, in the night of March 21, the Haitov brothers' cousin, thirty-four-year-old Orif Kodirov, was unlawfully detained and "disappeared" by three unidentified persons in Tashkent. Following the failure of law enforcement representatives to provide family members with information on his whereabouts or location, relatives discovered Kodirov two days later at National Security Service headquarters in Tashkent. He is awaiting trial on charges of anti-state activity and robbery, although relatives adamantly deny his involvement in illegal religious organizations or criminal activities.

district police station officers beat him, leaving a scar on his head, they ordered him to state that he had suffered the wound through an accidental fall.

### ***Torture in post conviction facilities***

Testimony gathered by Human Rights Watch during the past few months indicates that increasing numbers of prisoners in post-conviction facilities are tortured. Many of these are independent Muslims who have been convicted and imprisoned on trumped-up charges of intent to overthrow the state or committing acts of terror. Mirkamol Solikhojoev, thirty-seven, was sentenced in December 1999 to twelve years of imprisonment on charges of anti-state activities in connection with membership in Hizb ut-Tahrir. According to official reports, he died from tuberculosis on February 28, 2002. Family members told Human Rights Watch that since his conviction, Solikhojoev had been systematically beaten with clubs and barbed wire in prison, leaving puncture wounds in his legs as a result.

Dilmurod Juraev, twenty-seven, suffered the same fate. Convicted in 1999 and sentenced to sixteen years of imprisonment for anti-state activities linked to affiliation with Hizb ut-Tahrir, his corpse was delivered to his home by Ministry of Internal Affairs officials on February 6, 2002. While official documents indicate that the cause of his death was tuberculosis, family members state that he was subjected to electroshock and beaten with clubs while incarcerated.

### **Hindering transparency**

Uzbek authorities in January 2001 signed an agreement granting the International Committee of the Red Cross (ICRC) access to post-conviction and pre-trial detention facilities, but in May 2001 the ICRC suspended its visits. Human Rights Watch learned from independent sources that corrections officials had obstructed their visits. For example, political and religious prisoners were moved from facilities scheduled for ICRC inspection and threatened with torture and other punishment if they spoke to ICRC monitors. Moreover, the ICRC did not have access to pre-trial detention facilities, where those in custody face the greatest threat of torture and extrajudicial execution.

Despite concern from the U.N. Committee Against Torture about large numbers of complaints about torture and maltreatment and lack of accountability, the government has refused to issue invitations to the U.N. Special Rapporteur on Torture, and has not taken steps to comply with the recommendations of the U.N. Committee Against Torture, including the provision of all requested information on the number of detainees in pre- and post-conviction facilities, the number of persons against whom death sentences have been passed, and the number of death sentences carried out annually. Authorities also have yet to publicize the November 1999 state report to the U.N. Committee Against Torture.

### **Conclusions and Recommendations**

Uzbekistan today continues to systematically violate the Convention Against Torture as well as provisions barring torture in its own legislation. Abuse is unchecked and investigations into cases of torture are rarely initiated despite clear and compelling evidence of its use and its consequences presented to authorities. The government refuses to acknowledge the problem of torture. Factors contributing to torture in Uzbekistan include prolonged incommunicado detention of suspects, denial of the right to counsel, and the state's reliance on evidence extracted under torture for prosecution.

We respectfully submit that the Committee recommend that Uzbekistan take all possible measures to implement the Convention, in particular:

- Invite the U.N. Special Rapporteur on Torture to carry out a visit to Uzbekistan, and cooperate with him fully;
- Investigate all complaints of physical abuse and undertake criminal prosecution of officials of the procuracy, Ministry of Internal Affairs, and members of security forces who are found to be responsible;
- Make public the results of investigations into allegations of physical abuse by procuracy and security force personnel, and ensure that prosecution is prompt, impartial, and that information on sentencing is made public;
- Make public the number of detainees in pre- and post-conviction facilities, the number of persons against whom death sentences have been passed, and the number of death sentences carried out annually;
- Make public the November 1999 state report to the U.N. Committee Against Torture;
- Ensure full cooperation with international human rights and humanitarian organizations visiting detention facilities in Uzbekistan; and
- Ensure that objective, independent forensic medical examinations are consistently and routinely available to detainees and defendants from the moment they are placed in police custody, the results to be made available to them, their families, or their legal representatives.