

Burying the Truth

Uzbekistan Rewrites the Story of the Andijan Massacre

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He started beating me and yelling, 'You are lying! You are hiding the truth! We have information that you were on the square with an automatic gun. Confess!' And [he] punched me in the chest. I was insisting I was innocent and never possessed arms... Then they brought me back to the room where others were sitting and some time later they told me and some others to get into their police car and escorted us to the GUVV [Andijan City Police Department].

A man detained for questioning in Andijan
Human Rights Watch interview, Andijan, July 15, 2005

It was a nightmare and I don't want to go through it again. Please, do not contact me ever again with these questions.

A man detained for questioning in Andijan
Human Rights Watch interview, Andijan, July 15, 2005

Executive Summary

On May 13, 2005 Uzbek government forces killed hundreds of unarmed protesters as they fled a demonstration in Andijan, in eastern Uzbekistan. To date the government has taken no steps to investigate or hold accountable those responsible for this atrocity. Instead it is denying all responsibility and persecuting those who seek an independent and transparent investigation.

In the early morning hours of May 13, gunmen attacked government buildings, killed security officials, broke into the city prison, took over the local government building, or *hokimiat*, and took hostages. Towards dawn, they began to prepare for a large protest in Bobur Square, in front of the hokimiat, and mobilized people to attend. By 11:00 a.m., as word spread, the protest grew into the thousands, as people came of their own will and vented their grievances about poverty and government repression. When government forces sealed off the square and started shooting indiscriminately, the protesters fled. Hundreds of them were ambushed by government forces, which gunned them down without warning. This stunning use of excessive force has been documented by the United Nations and other intergovernmental organizations.

The attackers who took over the government buildings, released prisoners, killed officials, and took hostages committed serious crimes. Any government has a legitimate interest in investigating and prosecuting such crimes and an obligation to do so while upholding the rule of law. But the Uzbek government is using widespread repression and abuse to manipulate the truth, so that it can depict the protest itself as violent—organized by “terrorists” with a radical Islamic agenda and with the participation of

mostly armed protestors—and suppress any evidence to the contrary, and shift the blame for the deaths of so many unarmed people.

Little is known about the prosecution of those formally charged with the crimes described above, though there is reason for concern that their trials, scheduled to begin in September 2005, will not be fair. Human Rights Watch has been able to learn much, however, about the authorities' wide scale crackdown to suppress any information that contradicts its version of the May 13 protest and the killings. In Andijan, police detained, severely beat, and threatened people to coerce them to sign false confessions of belonging to extremist religious organizations and bearing arms while participating in the May 13 protest; to name others at the protest; to incriminate others in violence; or to say that they witnessed violence at the demonstration. Uzbek authorities hounded many of the families of hundreds of people who had fled the protest and became refugees in neighboring Kyrgyzstan, to compel them to come home where they too could be interrogated and prevented from telling their story to the outside world.

The government also unleashed a crackdown on civil society, the ferocity of which is unprecedented even in Uzbekistan's fourteen-year history of repression since it became independent from the Soviet Union. The authorities have aggressively pursued human rights defenders, independent journalists, and political activists who attempted to convey the truth about the events of May 13 and the days that followed. These individuals have been arrested on spurious charges, detained, beaten, threatened, put under surveillance or under de facto house arrest, and have been set upon by mobs and humiliated through Soviet-style public denunciations. As this report went to press, at least eleven activists had been imprisoned, and at least fifteen had been forced to flee the country into exile.¹

The present report documents the coercive pressure for testimony, which the government is using to rewrite the history of what happened on May 13. Almost immediately after that date, Andijan residents were placed under the close surveillance of their neighborhood committees, or *mahallas*. Beginning in June, police detained for questioning hundreds—and perhaps thousands—of people with any connection, no matter how remote, to the May 13 events: protesters, their relatives, relatives of those who fled to Kyrgyzstan, people who lived in the vicinity of the main square, and the like.

Those interviewed by Human Rights Watch said that police kept them in custody under false pretenses, usually by fabricating misdemeanor charges against them, and used the

¹ Not all cases of arrest, abandonment of human rights activities, or departure from Uzbekistan are included in this report.

time in custody to beat or threaten them into signing the false confessions and statements described above. Once police got what they wanted, and only then, they released the detainees, on condition that they sign statements saying they had no complaints about their treatment.

During the summer months, Uzbek television broadcast a series of scripted public confessions in which people say they were misled into going to the protest, attest that they have repented, beg for forgiveness from President Karimov, and are then shown being handed over to their parents and mahalla committee for rehabilitation.

Uzbek authorities attempted to extend their reach across borders. Human Rights Watch maintained a field presence in Jalal Abad, Kyrgyzstan to monitor the protection of refugees who fled Uzbekistan after the violence. Our constant contact with refugees and their families allowed us to document, in this report, the extraordinary pressure Uzbek authorities exerted on them to return to Uzbekistan. Mahalla and other government agents detained, ill-treated, and threatened people in Andijan to pressure their family members who were refugees in Kyrgyzstan to return. These officials made promises that the refugees would be safe if they returned to Andijan, if only they would “ask the state’s forgiveness.” In a few dramatic cases, government agents attempted to forcibly return refugees by physically dragging them out of the camp.

Despite the Uzbek government’s promises, there is little doubt that, had they returned to Uzbekistan, the refugees would have faced detention and abuse. At the same time as local Uzbek authorities were saying the refugees would be safe in Andijan, the Uzbek media were full of official statements that these people were not refugees but religious extremists and terrorists. By July, Uzbek authorities stated that more than two hundred of the refugees, almost half the population of the refugee camp in Jalal Abad, were wanted for extradition. The danger of forced return was so great that in late July international agencies evacuated them to Romania, where their safety could be better guaranteed. However, four of the asylum seekers remain in police custody in Kyrgyzstan and may yet be extradited to Uzbekistan, where they face an almost certain risk of torture and ill-treatment.

This report also documents the crackdown against “truth-tellers”—human rights defenders, civil society activists, political activists, and independent journalists—whom the government has sought to intimidate, discredit and silence. Human rights defenders in Andijan have been hit hardest. For example, Saidjahon Zainabitdinov, a veteran of Uzbekistan’s human rights movement, has been in jail since May 21 on charges of

terrorism and sowing panic among the population, in retribution for his efforts to inform the world about what took place on May 13.

Civil society activists in other cities have not been spared. The crackdown has been particularly harsh in Tashkent, the capital, and in Jizzakh, about 160 kilometers southwest of Tashkent. Human rights defenders there have been the targets of “hate rallies” and other public denunciations in which local community leaders vilify them, calling them Islamic extremists and enemies of the people, and mobs attempt to run them out of town. Uzbekistan’s government-controlled media have echoed government accusations by frequently publishing invective against human rights defenders, journalists and others, alleging that they are extremists, spies, and abettors of terrorism. In numerous cases, human rights defenders who tried to participate in small demonstrations in Tashkent and other cities ended up under house arrest, beaten up, or in police custody. In one such case, a Ministry of Internal Affairs official acknowledged a policy of “preventive detention,” saying that in the aftermath of Andijan the authorities were “checking all persons of a special category.”

While these actions are clearly directed against those who sought to expose the truth about Andijan, the crackdown appears to continue a broader trajectory of repression begun last year, as the government deepened restrictions on civil society following public uprisings resulting in nonviolent changes of government in Georgia (2003), Ukraine (2004), and Kyrgyzstan (2005).

With Andijan de facto closed to independent journalists and human rights defenders who are not on official government delegations, and with the country in the grip of a crackdown, it is becoming increasingly unlikely that government forces will ever be held accountable for any of the killings of May 13.

The government of Uzbekistan has characterized the killings in Andijan as “terrorist acts” and put the death toll at 187, the majority of them “bandits,” “terrorists,” and the government agents they supposedly killed. It has acknowledged sixty civilian deaths, and has attributed all of them to the gunmen and not to fire by government forces. The government has specifically claimed that the gunmen were the ones responsible for the slaughter of civilians retreating from the main square where the protest had been held. Government officials have stated publicly that “foreign powers,” a barely veiled reference to Western governments, instigated the uprising with the aim of carrying out revolts in Uzbekistan similar to those in Georgia, Ukraine, and Kyrgyzstan.

As noted above, eyewitnesses interviewed by several international organizations have said most civilians were killed by government forces which ambushed them, and that the demonstrators were protesting government corruption and repression and their own economic plight. The government has resolutely rejected calls by the United Nations and the Organization for Security and Cooperation in Europe for an international investigation that would have secured access to crucial evidence about the deaths—hospital records, morgue records, forensic autopsy records, ballistic reports.

Instead, the government and the state-controlled media in Uzbekistan are working furiously to rewrite history, to produce a new account of the Andijan events, and to bury the facts that contradict it. This effort has created an atmosphere of fear and repression intended to silence those who would challenge this version or seek justice for the deaths of their loved ones.

Four months after the massacre, the exact death toll remains unknown. There is no clear and confirmed information about what happened to the bodies of those killed. The fate of wounded people taken to the hospital remains unknown. Details regarding the specific units responsible for shooting unarmed civilians also have not been revealed.

A parliamentary commission was established in May but does not appear to be examining the issue of the use of excessive force by government forces.² The commission has invited the diplomatic community to observe its work, but this is no substitute for an independent international investigation—involving ballistics, forensics and crime scene experts and with access to eye-witnesses—that could fill the current information gap.

Human Rights Watch calls on the government to investigate the detention process in Andijan and to hold accountable those responsible for coercing statements through beatings and other mistreatment. Courts should be specifically ordered to exclude as evidence any such testimony.

² Resolution of the Legislative Body of the Oliy Majlis of the Republic of Uzbekistan, "On the Formation of an Independent Commission of the Oliy Majlis of the Republic of Uzbekistan to Investigate the Events Having Taken Place in the Town of Andijan," released by the National Information Agency of Uzbekistan, May 23, 2005 [online], <http://www.uza.uz/documents/?id1=3793> (retrieved August 9, 2005). The commission was charged with the following tasks: "To thoroughly investigate all the circumstances of the Andijan events and to deeply and comprehensively analyze the course of their development. To determine causes and conditions that triggered the 13 May tragic events. To pay special attention to establishing a cause-and-effect relationship in these events and those forces behind these criminal acts that caused casualties. To thoroughly analyze actions by the government and law-enforcement officers and provide a legal assessment of their actions. To involve highly skilled experts in analyzing the actions." *Pravda Vostoka* newspaper, in Russian, May 24, 2005, English translation in BBC Monitoring Global Newslines Central Asia Political File, May 24, 2005.

We call on the government to immediately stop using torture to extort confessions and to guarantee domestic and international monitors access to trials of human rights defenders, journalists and political activists and to trials of those accused of involvement in the Andijan violence.

We urge the government to cease the detention and harassment of people who express their views through peaceful assembly and expression and to immediately release from custody human rights defenders, journalists and political activists wrongly detained and arrested, including: Saidjahon Zainabitdinov, Nurmukhammad Azizov, Akbar Oripov, Dilmurod Muhiddinov, Musozhon Bobozhono, Hamdam Suleimanov, Norboi Kholjigitov, Abdusattor Irzaev, Khabbubulla Akpulatov, Abdurasul Khudainazarov, Nosir Zokir, and Elena Urlaeva.

We reiterate our call to the Uzbek government to allow a fully independent international investigation into the events of May 13, and to hold accountable government troops who used excessive force.

The international community has an important role to play in pressing the Uzbek government to undertake such an investigation. The United States and the European Union and its candidate states, the United Nations, and the Organization for Security and Cooperation in Europe have all called for an international investigation. These governments and organizations have played an active role in protecting Uzbek refugees in Kyrgyzstan and other countries, and have also greatly supported the community of human rights defenders in Uzbekistan during this most recent crackdown.

Efforts by the United States and the European Union to use the leverage at their disposal to obtain Uzbekistan's consent to an international investigation into the killings in Andijan have been far weaker, however. Both the United States and the European Union appear to have backed off rather than implement a more robust strategy to hold the Uzbek government accountable for the loss of life. Human Rights Watch calls on the government of the United States and the European Union to adopt targeted sanctions against the Uzbek government given its refusal to act on these calls. The European Union should, without further delay, agree to partial suspension of its Partnership and Cooperation Agreement with Uzbekistan. Because in the absence of an independent investigation it has not been possible to determine which Uzbek units took part in the Andijan massacre and cover-up, we urge the United States to freeze any remaining military and counter-terrorism assistance to all units of the Uzbek armed forces, National Security Services, and Ministry of Internal Affairs, pursuant to the Leahy

amendment which stipulates that U.S. government aid shall not be provided to units that have participated in gross human rights abuse.

Methodology and a Note on the Use of Pseudonyms

The present report is based on dozens of interviews with victims of human rights abuses and their relatives; lawyers; journalists; human rights defenders; and political activists. Some of the interviews were conducted in Andijan and other towns and cities in Uzbekistan; many others, particularly with refugees who fled Uzbekistan after May 13, were conducted in Kyrgyzstan. The Uzbek government did not respond to requests for meetings in June 2005, and when this report went to press it had not responded to written requests for information sent on May 24, 2005 and on August 24, 2005. We have, wherever possible, endeavored to reflect the views of the Uzbek government as they are stated in the government-run media and Uzbek government websites.

Most of the names of the witnesses interviewed for this report have been changed to protect their security and the security of their relatives. They have been assigned a pseudonym consisting of a randomly chosen first name and a last initial that is the same as the first letter of the first name, e.g., “Alisher A.” There is no continuity of pseudonyms with other Human Rights Watch reports on Uzbekistan; hence an “Alisher A.” cited in the present report is not the same person as an “Alisher A.” cited in any previous Human Rights Watch report.

Background

The Andijan Uprising, Protests, and Massacre

The trigger for the Andijan protests was the June 2004 arrest of twenty-three successful local businessmen on charges of “religious extremism,” for their alleged membership in a banned Islamic movement, “Akramia.”³ Some observers saw the prosecution as a reaction to the businessmen’s growing authority in the Andijan community, garnered from having provided relatively high wages and good benefits to their employees. As the trial progressed from February 2005 into May, the businessmen’s supporters began to protest the hearings. Popular discontent grew and, on May 10, some seven hundred –

³ There are diverging opinions on the nature of “Akramia” inspired by former Andijan mathematics teacher Akram Yuldashev. His pamphlet, *Yimonga Yul* (“Path to Faith”), was a controversial examination of Muslim spiritual values. While independent writers have characterized the work as politically innocuous, an Uzbek court found that his works advocated the overthrow of the Uzbek government. Authorities also link Yuldashev to Hizb-ut-Tahrir, an organization that he reportedly joined and left in the 1980s.

one thousand people gathered outside the Altinkul District Court to protest the proceedings. On May 11 police arrested three young supporters of the businessmen who had participated in the protests.

As Andijan awaited a verdict in the trials on May 12, relatives and supporters of the businessmen took action. Around midnight on May 12-13, a group of between fifty and one hundred men attacked a local police station and then stormed the Ministry of Defense's barracks no. 34, seizing weapons and a military vehicle. The armed group then broke through the gates of the Andijan prison, where the twenty-three businessmen were held. They freed the businessmen and hundreds of inmates. The men then moved to take control of the hokimiat (local administration building), with some of the group engaging in a heavy gun battle with security officials outside the National Security Service (SNB in its Russian acronym) on the way.

As the crowd grew on Bobur Square, the gunmen started taking law enforcement and government officials as hostages. Some unarmed people in the square also captured hostages and turned them over to the gunmen.

Throughout the morning of May 13, the armed group mobilized its supporters using mobile phones, urging people to gather for a protest rally in Bobur Square, in front of the hokimiat. The crowd attracted other Andijan residents who hoped to voice their anger about depressed economic conditions and growing government repression; the numbers of unarmed civilians in the square grew to thousands. As the day went on, Uzbek security forces indiscriminately shot into the crowd from armored personnel carriers (APCs) and sniper positions above the square. Towards the evening, government troops blocked off the square and then, without warning, opened fire, killing and wounding unarmed civilians. People fled the square in several groups, the first group using as a human shield numerous hostages seized earlier in the day. As they tried to escape, hundreds of people were shot by snipers or mowed down by troops firing from APCs. After the peak of the carnage, government forces swept through the area and executed some of the wounded where they lay. Those who managed to escape fled to neighboring Kyrgyzstan where they were gathered into a hastily-erected tent camp near the border.

Separate investigations conducted by Human Rights Watch, the United Nations Office of the High Commissioner for Human Rights (OHCHR), and the Organization for Security and Cooperation in Europe (OSCE) found that Uzbek government forces were

responsible for the majority of civilian deaths.⁴ Contrary to accounts provided by the Uzbek government, these reports also found that the large-scale demonstration that took place in Andijan on May 13 was not related to Islamic extremism, but to the expression of people's grievances regarding the economy, poverty, and abuses of the judicial system.

Early Post-massacre Cover-up and Intimidation of Witnesses

In the immediate aftermath of the massacre, government authorities closed off Bobur Square and Cholpon Prospect, where much of the killing had taken place. The bodies were removed and signs and evidence of the massacre were erased. Authorities washed the blood from the street and painted over the bullet-riddled buildings of the surrounding neighborhood. The government stationed armed guards around the local hospitals, and forbade independent journalists and human rights investigators access to the hospitals, morgues, and cemeteries. Foreign journalists were detained by police, threatened, and forcibly evicted from the city. Law enforcement officials confiscated journalists' notes, video and tape recordings, and photographs—vital evidence of the details of the massacre. In the hours and days that followed, government road blocks were set up, and Andijan became a closed city, with access granted only to a select few with government permission. Rights defenders and journalists from outside Andijan were prevented from entering to investigate the circumstances of the massacre or speak to witnesses.

The government was unable to cover up or expunge the memories of the horrors committed on May 13 from the minds of those who witnessed them first-hand. Some of the strongest evidence of the government's excessive use of force that day came from survivors of and eyewitnesses to the massacre. In an effort to prevent people with knowledge of government wrongdoing from telling their stories, government authorities initiated a campaign to silence the residents of Andijan. Law enforcement and security agents joined forces with members of local mahalla (neighborhood) committees,⁵ going

⁴ Human Rights Watch, "Bullets Were Falling Like Rain: The Andijan Massacre, May 13, 2005," *A Human Rights Watch Report*, Vol. 17, No. 5 (D), June 2005; and U.N. Office of the High Commissioner for Human Rights, *Report of the Mission to Kyrgyzstan by the Office of the High Commissioner for Human Rights (OHCHR) Concerning the Killings in Andijan, Uzbekistan, of 13-14 May 2005*, July 12, 2005 [online], <http://www.ohchr.org/english/press/docs/andijan12072005.pdf> (retrieved August 9, 2005); and Organization for Security and Cooperation in Europe, *Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005*, released by the Office for Democratic Institutions and Human Rights, June 20, 2005 [online], http://www1.osce.org/documents/odihr/2005/06/15233_en.pdf (retrieved August 9, 2005).

⁵ The mahalla is a centuries-old autonomous institution originally organized around Islamic and social events. In the Soviet period, many mahallas were formalized and incorporated into Uzbekistan's administrative structure. After independence, the mahallas took shape as the smallest administrative unit in Uzbekistan's system of governance. The government promotes the mahalla as the root of the Uzbek nation. Although under the law the mahalla committee's activities are controlled through general neighborhood meetings, in practice administrative government authorities control their activities. President Karimov always tracked his vision of local control with

door-to-door ordering people not to speak to journalists or foreigners who visited, not to talk about the events of May 13.⁶ Local taxi drivers were specifically instructed not to speak to outsiders.

The Criminal Investigation into the Andijan Events

On May 13, 2005 the Uzbek prosecutor general's office opened a criminal investigation into the events, which it qualified as "acts of terrorism," "encroachment on the foundations of constitutional order," "mass disturbances," "hostage taking," and "other violent crimes."⁷ Law enforcement authorities launched a series of arrests to apprehend the leaders and the most active participants of the May 13 uprising and protest.

On September 5 and 6, investigators from the prosecutor general's office presented the results of their findings to the Uzbek independent parliamentary commission set up to examine the events in Andijan. The investigators reported that heavily-armed rebel groups, supported by foreign religious extremist organizations, seized over three hundred weapons and committed "terrorist acts" in Andijan. According to prosecutors, 187 people were killed and another 287 were wounded in the violence. The investigators stated that the rebels took seventy people hostage and killed fifteen of them.⁸

the help of the mahalla. A prominent example was the creation of the position of "neighborhood guardian" (*posbon*) by a Cabinet of Ministers' statute on April 19, 1999, after several bombings had taken place in Tashkent. Mahallas now serve as the eyes and ears of the government at the neighborhood level, cooperating with law enforcement and other authorities in the surveillance of "suspicious" individuals or gathering of personal information on the population.

⁶ See, *inter alia*, Daniel Kimmage, "Uzbekistan: Voices from Andijan," RFE/RL, June 25, 2005, online at <http://www.rferl.org/featuresarticle/2005/06/eb3f0e51-1d95-4c41-b6fb-6534d823b420.html> (retrieved June 27, 2005); Daniel Kimmage, "Uzbekistan: Climate of Fear Grips Andijan," RFE/RL features article August 16, 2005, online at <http://www.rferl.org/featuresarticle/2005/8/29A428FD-F72B-451F-B955-AD2D0D3D7FD7.html> (retrieved August 16, 2005); and Human Rights Watch, "Bullets Were Falling Like Rain: The Andijan Massacre, May 13, 2005," pp. 43-45.

⁷ Statement by the Prosecutor General of Uzbekistan Rashid Kadyrov, May 18, 2005, broadcast by the Television and Radio Company of Uzbekistan [online], at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 26, 2005).

⁸ The investigators claimed that the "terrorist acts in Andijan were planned and organized in great detail by destructive foreign forces" including "the Islamic Movement of Turkestan and Hizb-ut-Tahir with its offshoot Akramia," who wanted to "overthrow the constitutional order and create an Islamic state." The investigators allege that the organizers began preparing the attack in August 2004, that there were members trained in southern Kyrgyzstan, and that some "sixty trained and armed Kyrgyz citizens ... actively participated" in the terrorist acts. They also allege that the organizers planned "so-called 'peaceful' demonstrations" alongside the terrorist acts in order to generate chaos. Press Service of the Prosecutor General of Uzbekistan, "Report on the Investigation into the Andijan Events before the Oliy Majlis [Parliament] Commission," Uzbekistan National News Agency UzA, September 7, 2005 [online] <http://www.uza.uz/politics/?id1=5049> (retrieved September 7, 2005). A senior Kyrgyz official denied that rebels could have been trained in southern Kyrgyzstan. "Statement of the General Procuracy of Uzbekistan Does Not 'Correspond with Reality' Says Kyrgyz Security Council," Kabar News Agency, September 7, 2005, as carried online on CentrAsia News Service, <http://www.centrasia.org/newsA.php4?st=1126036800> (retrieved September 7, 2005).

As a result of the investigation, an initial fifteen people were charged with various crimes, including violent attempt to overthrow the constitutional order, and their cases were referred to the Supreme Court.⁹ The trial of the fifteen is expected to begin on September 20.¹⁰ The prosecutor general's office also stated that investigations are ongoing concerning an additional 106 people charged with crimes related to their "direct participation in terrorist acts." In addition, charges of criminal negligence were brought against twenty-five members of law enforcement agencies and the military for failing to repel the attackers.¹¹

Human Rights Watch received reports indicating that there are serious procedural violations in the investigation. Two witnesses told Human Rights Watch that they learned of their relatives' arrests only from television news reports that showed the detainees. They spent months trying to find out where their relatives were being held and were never allowed to visit them in detention.¹²

In at least two cases brought to the attention of Human Rights Watch, Uzbek authorities prevented detainees charged with involvement in the Andijan events from receiving appropriate legal representation, in blatant violation of international and domestic law. Two defense attorneys interviewed by Human Rights Watch said they had encountered insurmountable difficulties in obtaining access to their clients. The lawyers said that after being hired by the detainees' families, they were constantly referred to one official and then to another and could not access the detainees for weeks on end. The attorneys told Human Rights Watch that their colleagues representing other Andijan detainees faced similar obstacles, indicating that the problem may be more widespread.

⁹ Press Service of the Prosecutor General of Uzbekistan, "Report on the Investigation into the Andijan Events before the Oliy Majlis [Parliament] Commission." The Uzbek Supreme Court may serve as the trial court of first instance in certain types of criminal cases, including those involving national security. Under articles 389 and 390 of the Uzbek criminal procedure code the Supreme Court may have jurisdiction as a trial court under certain circumstances, including for cases that are especially complex or significant.

¹⁰ "Uzbek Leader Says Andijan Trial to Start 20 September," Uzbek Television First Channel, in Uzbek, August 31, 2005, English translation of excerpts in BBC Monitoring, August 31, 2005.

¹¹ Press Service of the Prosecutor General of Uzbekistan, "Report on the Investigation into the Andijan Events before the Oliy Majlis [Parliament] Commission."

¹² Human Rights Watch interview with "Rasul R." (not his real name), Andijan, July 13, 2005; and Human Rights Watch interview with "Farida F." (not her real name), date and place of interview withheld. Under article 217 of the Uzbek Criminal Code law enforcement officials are obliged to notify relatives of a detainee about the detention within twenty-four hours of the detention.

One of the attorneys told Human Rights Watch that after he finally received access to his client the authorities barred him from access to important investigative materials, such as the record of his client's psychological evaluation.¹³

Another defense lawyer, "Dilshod D." (not his real name), had to argue and push for some twenty days, going from one official to another, in order to get access to his client, who was being held in Tashkent prison. However, his efforts proved futile—when he was finally allowed to meet with "Oktiboi O.," (not the man's real name) the latter refused his services. The lawyer was convinced that the detainee had been forced to reject him. He said:

Two huge guys, investigators, brought [Oktiboi O.] in. Imagine a rabbit at gun point, [that's what he looked like]. He came in and could not even sit down—he was so scared. One of the investigators tells him, 'So, you wanted to say something?' He tells me, 'I'm sorry, please, tell my mom that I am fine, I have a lawyer and I don't need another one, and please do not bother me ever again.' I tell the investigators, 'Do you know the law? Please, leave the room. I need to talk to him in private.' But [Oktiboi O.] was so scared, he tells them, 'Don't go!' He knew perfectly well that if they leave now and he stays with me, they would then start beating and torturing him to beat out of him what he had told me and what I had told him... When they finally left, he said, 'I beg you, just go away, now.'... And he wrote a statement [that he refuses my services]. Of course, we [later] included there that we do not trust this refusal, because he had been subjected to very hard psychological and moral pressure so that he could not even talk.¹⁴

The official government investigation into the May 13 events was by no means limited to the arrest of individuals whom the government believed to be involved in the violence. In an effort to obtain evidence that would support the official version of events and with the aim of silencing witnesses to the massacre, Uzbek authorities launched a massive campaign to coerce testimony from Andijan residents and obtain the return of hundreds of eyewitnesses who sought refuge in neighboring Kyrgyzstan.

¹³ Human Rights Watch interview with "Odil O." (not his real name), Tashkent, August 16, 2005.

¹³ Human Rights Watch interview with "Dilshod D." (not his real name), Tashkent, August 18, 2005.

¹⁴ *Ibid.* In other contexts Uzbek authorities resort to coercion to pressure criminal defendants to refuse defense counsel not appointed by the state.

Uzbek Media Coverage of the Andijan Events

The government has used the media to control and manipulate information available to the public about the events of May 13. National news broadcasts repeatedly described the gunmen involved in the takeover of government buildings as “terrorists” and “religious extremists” who committed “terrorist acts” in an attempt to take power and undermine Uzbekistan’s “progress” and “democratic reforms.”¹⁵ A film aired on state-run television on July 30 titled, “Temptation Leading toward the Abyss,” claims that Akram Yuldashev, the reported leader of the “Akramia” movement, organized the Andijan bloodshed. Yuldashev has been in government custody since 1999 and is currently serving a seventeen-year term in prison. The film shows Yuldashev confessing to having urged his “religious brothers to start fighting jihad.”¹⁶

In several broadcasts, including one showing excerpts from a press conference given by President Islam Karimov on May 17, the government categorically denies that any peaceful protests occurred in Andijan.¹⁷ At least two people interviewed for state television broadcasts claim that the gunmen, and not the law enforcement representatives, fired on the crowds.¹⁸

The government broadcast “public confessions” in which men allegedly “tricked” or threatened into participating in armed attacks on May 13 admit to their wrongdoing and beg for forgiveness from their families, compatriots, and President Karimov. The men

¹⁵ Uzbek Television and Radio Company broadcasts, “Normalization of the Situation in Andijan,” May 16, 2005; “Visit of the Diplomatic Corps to Andijan,” May 18, 2005; “Situation in Andijan One Week after the Tragedy,” May 21, 2005; “Attitudes Towards the Andijan Events,” May 23, 2005; “Regarding the Events in Andijan,” May 25, 2005; and “Regarding the Events in Andijan,” May 28, 2005, all online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005); and “Uzbek TV Screens Second Part of New Documentary on Andijan Events,” as quoted in BBC Monitoring, July 28, 2005.

¹⁶ Gulnoza Saidazimova, “Uzbekistan: Authorities Intensify State Propaganda on Andijan Tragedy,” RFE/RL August 11, 2005.

¹⁷ Uzbekistan Television and Radio Company broadcasts, “Meeting at the General Procuracy,” May 18, 2005, and “Situation in Andijan One Week after the Tragedy,” May 21, 2005, both online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005). In an interview on Uzbek television, Dr. Shirin Akiner, a professor at the University of London who visited Andijan shortly after the massacre, supports the government’s version of events saying, “These people were not peaceful demonstrators, these were rebels, they were armed. On the square there were no protests or demands from the local people, there were just some people who stood and watched what happened.” Uzbek Television and Radio Company, “Akhborot” (News), May 29, 2005, online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005). This broadcast was subsequently removed from the Uzbek Television and Radio Company website. It is on file with Human Rights Watch.

¹⁸ Uzbekistan Television and Radio Company broadcasts, “Normalization of the Situation in Andijan,” May 16, 2005; and “Briefing at the General Procuracy,” May 28, 2005.

are often shown crying as they speak. Some are shown being handed over to their families and mahalla committees for “rehabilitation” and “education.”¹⁹

President Karimov has accused “foreign powers” of having instigated the Andijan violence with the aim of seeing the government overthrown by a popular revolt similar to those in Georgia, Ukraine, and Kyrgyzstan.²⁰ This view was reflected in the Uzbek media. One government official stated that he believes “international organizations directly or indirectly support the extremist groups” supposedly responsible for the violence and loss of life in Andijan.²¹ One television broadcast announced that, “Certain forces, involved in what happened in Kyrgyzstan, are now attempting to destabilize the situation in Uzbekistan in the same way.”²²

Media broadcasts also strongly denied the need for an international investigation, claiming that foreign agencies and experts are biased and that Uzbekistan has the capacity to carry out an objective investigation.²³

Coercive Pressure for Testimony

When a Human Rights Watch researcher was in Andijan in mid-July, two months after the massacre, scores of uniformed and plain clothed security officers and police were patrolling the streets—especially near the sites where heavy shooting took place on May 13—where a few bullet marks were still visible on the buildings. People were cautiously casting glances around for mahalla committee members who, according to Andijan residents, have stepped up their unrelenting surveillance of neighborhoods throughout

¹⁹ Uzbekistan Television and Radio Company broadcasts, “Twelve Days Since the Events in Andijan,” May 24, 2005; “Briefing in the General Procuracy,” May 28, 2005; “Statements from Citizens About Forgiveness for their Actions,” May 30, 2005; and “Increased Role of Mahalla Committees in the Upbringing of Young People in Andijan,” June 2, 2005, online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005).

²⁰ Uzbek Television First Channel, June 30, 2005, English translation by BBC Monitoring July 1, 2005.

²¹ Uzbekistan Television and Radio Company broadcasts, “Regarding the Events in Andijan,” May 25, 2005, online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005).

²² Uzbekistan Television and Radio Company broadcast, “Regarding the Events in Andijan,” May 25, 2005. In a May 29 interview on Uzbek state television, Dr. Akiner also stated, “There are external forces—governmental and nongovernmental—that would like to see a different government here and carry out the same kind of revolution in Uzbekistan as happened in Georgia, Ukraine and Kyrgyzstan so that this would happen here and that there would be consequences in Kazakhstan and other countries of Central Asia.” Uzbek Television and Radio Company, “Akhborot” (News), May 29, 2005. “Prosecutor’s Office Presents Report on Andijan to Parliament Commission,” Press Service of the General Prosecutor’s Office of the Republic of Uzbekistan, September 7, 2005, online at <http://www.uza.uz/eng/news/?id1=5054> (retrieved September 8, 2005).

²³ Uzbekistan Television and Radio Company broadcasts, “Attitudes towards the Andijan Events,” May 23, 2005; “Twelve Days since the Andijan Events,” May 24, 2005; and “Regarding the Events in Andijan,” May 25, 2005, all online at <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005).

the city. Mahalla committee members also went house to house, searching for relatives of those who had fled to Kyrgyzstan on May 13, in order to pressure them to convince their relatives to return.²⁴

People in Andijan were explicitly and repeatedly warned by local police and mahalla committee members not to talk to outsiders, and were exposed to an incessant propaganda campaign in the mass media. Andijan residents were less inclined than ever to acknowledge that they had witnessed the May 13 massacre, let alone speak about the ongoing crackdown in the city.²⁵

It was in this atmosphere of fear that the authorities detained hundreds—and perhaps thousands—of people in Andijan, with the purported aim of obtaining testimony about the crimes committed on May 13, as the government has defined them. Referred to by the authorities and detainees alike as “filtration,”²⁶ the process involved detaining people who might have direct or even remote knowledge of the events of May 13, bringing fabricated misdemeanor charges against them, and using their time in detention to coerce testimony from them. Police and security agents threatened or severely beat many of those detained in order to coerce them to confess to belonging to extremist religious organizations and bearing arms while participating in the May 13 protest; to name others at the protest; or to incriminate others in violence during the protest. Most detainees were released after they served out ten-to-fifteen-day administrative sentences and signed coerced confessions or testimony against third parties.

At the same time, local authorities also threatened and exerted other extraordinary pressure on family members of those who had fled to Kyrgyzstan to convince their relatives to return to Uzbekistan, likely so that they too could be detained and questioned. Some of the confessions and testimonies coerced from the Andijan detainees were apparently used by the Uzbek government to fabricate cases against those who fled. The Uzbek prosecutor general’s office also compiled more than two hundred extradition requests for the refugees. Based on these requests four refugees seeking asylum were forcibly returned to Uzbekistan in early June (see below), and Kyrgyz law

²⁴Human Rights Watch interview, Kyrgyzstan, June 2005.

²⁵ This atmosphere of fear and the detention and abuse of people in Andijan was described in Anvar Makhkamov, “Uzbekistan: Andijan Residents ‘Tortured,’” Institute for War and Peace Reporting, Reporting Central Asia No. 389, June 21, 2005; and Daniel Kimmage, “Uzbekistan: Climate of Fear Grips Andijan,” RFE/RL features article August 16, 2005, [online] <http://www.rferl.org/featuresarticle/2005/8/29A428FD-F72B-451F-B955-AD2D0D3D7FD7.html> (retrieved August 16, 2005).

²⁶ Some interviewees also called the process “profilaktika” (preventative measures). The term “filtration” was also used in the Chechnya conflicts, to signify the process by which Russian forces weeded out Chechen rebels from civilians and obtained information about Chechen rebel activities.

enforcement authorities were already interrogating dozens of other refugees before sustained international pressure allowed the evacuation of all but fifteen of the refugees to a safer third country, Romania, on July 29. Eleven of the fifteen were evacuated on September 15, 2005.

Detention and Abuse in Andijan

As noted above, the Uzbek government has a legitimate interest in prosecuting the crimes committed on May 13 and in securing as much information and testimony about them as is necessary for this purpose. But the torture and ill-treatment in custody documented below, as well as the arbitrary nature of the detentions, are not legitimate methods of law enforcement; they blatantly violate the Uzbek government's obligations under both customary and conventional international law, including the Convention against Torture and the International Covenant on Civil and Political Rights,²⁷ as well as the standards set out by the U.N. Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment.²⁸

In July 2005, Human Rights Watch interviewed more than a dozen people who were detained in the "filtration" process in June and July. Many other former detainees whom Human Rights Watch tried to meet refused to speak with us, fearing further persecution. For example, one of the witnesses who had been through "filtration" located five of his cell mates and wanted to introduce Human Rights Watch to these people, since they initially agreed to provide testimony. However, when we contacted each one individually, all five said they would not talk about their experience. According to one witness, one of the men told him, "It was a nightmare and I don't want to go through it again. Please, do not contact me ever again with these questions."²⁹

²⁷ The right to freedom from torture is a fundamental principle of international law (*jus cogens*) and as such is binding on all states. It may not be abridged (derogated) under any circumstances whatsoever. The right is also protected in Article 5 of the Universal Declaration on Human Rights, in the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Uzbekistan acceded in 1995, and Article 7 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Uzbekistan in 1996. Article 10 of the latter also states that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person." The right to liberty, including freedom from arbitrary arrest and detention, is also firmly established in international law, including in Article 5 of the Universal Declaration on Human Rights and Article 9 of the ICCPR, which states that "no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law."

²⁸ U.N. GA Res., 43/173, U.N. Doc. A/43/49 (1988). U.N. Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment is not a treaty but provides authoritative guidance in interpreting the principles laid out in documents such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

²⁹ Human Rights Watch interview with "Rovshan R." (not his real name), Andijan, July 15, 2005.

According to witnesses, hundreds if not thousands of people have been through the “filtration” process. “Fatima F.” (not her real name), told Human Rights Watch that when she went to the Andijan City Police Department to inquire about her two sons who had been detained, policemen there told her that “over 4,200 people have undergone filtration,” mostly in the city police department but also in detention facilities in other towns, such as Pakhtabad and Balakhchi.³⁰

Targets of filtration include those who were seen or reported to be seen on the square during the protest; their relatives, friends and acquaintances; relatives of those who sought refuge in Kyrgyzstan, as well as of those who were killed or arrested; those who live near the sites where the May 13 killings took place; and those who used to work at the enterprises belonging to the twenty-three businessmen whom the government had charged with religious extremism. In some cases, those detained appeared to have no connection whatsoever to the May 13 events.

Initial Detention

Initial detentions were carried out by local police patrolmen, at times accompanied by police investigators. Some of the witnesses said they were explicitly told that they were being arrested. For example, “Rovshan R.” (not his real name) said that at the time of his arrest two police investigators told him that he was a suspect in a criminal case but did not produce a warrant or explain the charges or the alleged criminal act.³¹

Other detainees were initially told they would be questioned for a few hours and then released. For example, Fatima F. said that on June 26, four armed policemen came to her house. They did not identify themselves, but said they were from the Andijan Province Department of Internal Affairs. They wanted to take her son, twenty-year-old “Kabyl K.” (not his real name) away, but Fatima F. resisted. The policemen then ordered her to bring her son to the police station the same night. When she did so, at 7:00 that evening, the authorities took Kabyl K. into custody, telling Fatima F. they would release him later that day or possibly the next morning and suggesting she should go home and wait. Starting that evening, Fatima F. regularly inquired about her son’s whereabouts; each time the authorities told her he would be released in a few days, providing the mother with no explanation for his prolonged detention. Kabyl K. was released only on July 6,

³⁰ Human Rights Watch interview with “Fatima F.” (not her real name), Kyrgyzstan, July 7, 2005. As of this writing Human Rights Watch had not yet received a response to our letter to the government requesting information on the number of people detained in the “filtration” process. Given the relatively short periods of stay in detention, the relatively rapid turnover of detainees, and the fact that the campaign lasted nearly two months, it is reasonable to assume that the total number of detainees may have reached into the thousands.

³¹ Human Rights Watch interview with “Rovshan R.” (not his real name), Kyrgyzstan, July 2, 2005.

after being physically abused as part of the filtration process. Meanwhile, Fatima F.'s other son, twenty-eight-year-old "Uktam U." was detained in early July and at the time of the interview he was still in detention (see below).³²

In other cases, authorities questioned a person and his relatives several times before finally putting them through the filtration procedure. "Rasul R." (not his real name) believed he and his wife were detained on June 18 because one of his sons had been arrested immediately after the May 13 protest and another one was among the refugees who fled to Kyrgyzstan. He told Human Rights Watch:

Shortly after May 13 a local policeman and two investigators from Tashkent came to my house. They took me and my wife for an interrogation at the [Andijan Province Department of Internal Affairs]. I asked them not to interrogate my wife, because she was very sick. They asked me where my son was and why I was not bringing him up [properly]. It lasted for several hours, and then they let us go. In the following month, they brought me in for questioning twice more, and then detained me on June 18 saying they would "filter" me.³³

Interrogations

According to witnesses' accounts, most detainees were initially brought to the Andijan Province Department of Internal Affairs, where they were subjected to preliminary interrogations, and then transferred to the Andijan City Police Department. "Rovshan R." (not his real name) believed he was detained because a local mahalla committee reported his participation in the May 13 protest to the authorities. He told Human Rights Watch:

When we arrived at the UVD [Andijan Province Department of Internal Affairs], they brought me into a room with very little air. There were about ten people sitting on the benches in front of me and about five on each side. We were all handcuffed. I sat for a long time, and then they took me up into a room on the second or third floor. A man in civilian clothes who did not identify himself started asking where I was on May 13. I told him I was at the protest, and stayed there till approximately 5:00 p.m. when the shooting started.

³² Human Rights Watch interview with "Fatima F." (not her real name), Kyrgyzstan July 7, 2005.

³³ Human Rights Watch interview with "Rasul R." (not his real name), Andijan, July 13, 2005.

³³ Human Rights Watch interview with "Bakhrom B." (not his real name), Andijan, July 14, 2005.

He started beating me and yelling, ‘You are lying! You are hiding the truth! We have information that you were on the square with an automatic gun. Confess!’ And [he] punched me in the chest. I was insisting I was innocent and never possessed arms... Then they brought me back to the room where others were sitting and some time later they told me and some others to get into their police car and escorted us to the GUVV [Andijan City Police Department].³⁴

Another witness, “Bakhrom B.” (not his real name), was detained on July 4 because he lived near the prison which had been taken over on the night of May 12, and the investigators believed “he had seen a lot.” He too was questioned and beaten at the Andijan Province Department of Internal Affairs before being transferred to the city police department. He mentioned that some detainees were held overnight and beaten at the province department. He said:

I got lucky—a guy who works in the . . . UVD recognized me and apparently said something to the investigators who then transferred me to the city police department. But some were staying there for several days—they told me it was especially hard at night, when the interrogators were beating them mercilessly. One of the guys sitting next to me had a large bruise on his right cheek-bone.³⁵

While at the Andijan City Police Department the detainees were held in a large auditorium. Those interviewed by Human Rights Watch said that there were about fifty to seventy people in the auditorium, and each day the police took some people away and brought in new people. Each of the witnesses spent two to five days in the auditorium. They said they slept on chairs and on the floor, and were given nothing to eat but bread and water. One by one, the detainees were taken out for questioning.

Interviewees said that the interrogators, judging by their accents, were from Tashkent, Jizzakh, Samarkand and other areas of Uzbekistan. Two witnesses said their interrogators were drunk. All said that during the interrogations they were subjected to prolonged beatings and threats as the interrogators were forcing them to confess or provide incriminating testimony against others. Rovshan R. described one of these interrogations to Human Rights Watch:

³⁴ Human Rights Watch interview with “Rovshan R.” (not his real name), Andijan, July 2, 2005.

³⁵ Human Rights Watch interview with “Bakhrom B.” (not his real name), Andijan July 14, 2005.

The interrogators were drunk and weren't wearing shirts; they took us into a room one by one and were asking, 'Where did you hide the weapon that you had? While you were here we inquired with your neighbors and they said you had arms.' They put me against the wall into a spread-eagle position, and started beating—on the arms, on the legs, and on the genitals.

It did not matter whether you said anything or not—the beatings continued. They did not pay attention to any pleas for mercy, they were just repeating, 'Find the weapon that you hid.' Then they forced me onto the floor and told me to do push-ups. When I could not do any more and fell they started beating me in my stomach with their feet... They took me back to the auditorium, but the next day a new group of interrogators called me up and it started all over again.³⁶

Fatima F., who came to the city police department to look for her detained older son, Uktam U., said that at one point one of the guards got tired of her screaming and yelling and decided to show her son to her. Fatima F. said:

Uktam ran to the bars [separating us] and started crying, 'Mama, they are beating me! They handcuff me and beat me!' and then he showed me bruises on his shoulders. The guard immediately grabbed him on the neck and took him away, and then pushed me hard and told me to get the hell out of there.³⁷

Bakhrom B. said that he was holding out during the beatings, but on the fifth day of the interrogations one of the investigators broke him. He said:

They were questioning me every day—one investigator, then another. They tied my hands behind my back and beat me in the chest and on the back; then with a club on my feet... I knew nothing—on May 13 I went out, saw the broken gates of the prison and some bodies and went back home. But they did not believe me. On the last day another investigator, from Kokand, came. He pretended to be "soft," started talking to me, and then said, 'You have a choice. If you don't talk I can give you a razor to cut your veins; you'll die and nobody would care. Nobody can

³⁶ Human Rights Watch interview with "Rovshan R." (not his real name), Kyrgyzstan, July 2, 2005.

³⁷ Human Rights Watch interview with "Fatima F.." (not her real name), Kyrgyzstan, July 7, 2005.

help you anyway.’ And then I signed a statement [about my participation in the May 13 events] myself.³⁸

Misdemeanor Hearings and Detention

The interrogations at the Andijan Province Department of Internal Affairs were just the beginning of the detainees’ ordeal. In order to “legalize” the detention, the authorities fabricated administrative charges against the detainees. Several witnesses explained to Human Rights Watch that while they were being held in the auditorium, investigators prepared papers charging them with petty crimes, such as hooliganism, unrelated to the events of May 13. All of them were then brought without counsel before a local court, which sentenced them to ten to fifteen days of detention. Most detainees admitted to the charges, hoping this would get them released quickly.

“Khatanjon Kh.” (not his real name) was first detained and questioned on May 20 together with his nephew and elderly father. In the following month, investigators repeatedly came to his house, asking about his two sons, who had fled to Kyrgyzstan. On June 20, he was detained again and brought to the Andijan City Police Department. He told Human Rights Watch:

After I spent two days in the auditorium, they showed me the papers—that I allegedly got into a fight. They [the investigators] introduced me to another man with whom we were supposed to appear in court. They told us to describe our “fight” in court, and we did. It took no more than five minutes and the judge sentenced us to ten days of detention. They fabricated similar cases against everyone who was in the auditorium.³⁹

Another witness, “Rasul R.” (not his real name), interviewed separately, provided Human Rights Watch with an almost identical account, adding that he had no choice but to admit to the administrative charges and the sentence. He said, “They told us that otherwise they would not let us out; I saw a man in the auditorium who refused to play along with their scenario and he spent fifteen days there, and they weren’t going to release him. I thought I would be better off if I agreed to the charges.”⁴⁰

³⁸ Human Rights Watch interview with “Bakhrom B.” (not his real name), Andijan, July 14, 2005.

³⁹ Human Rights Watch interview with “Khatanjon Kh.” (not his real name), Andijan, July 13, 2005.

⁴⁰ Human Rights Watch interview with “Rasul R.” (not his real name), Andijan, July 13, 2005.

Rovshan R. said that the fabricated scenarios were detailed, that every participant was given clear instructions about what to say in court, and that even the judges seemed to be reading from a script:

In the court we entered the hearing [room] and all gave the testimony as the investigators instructed us. The judge was also acting, he was scolding us, ‘Why did you do that?! It’s shameful for grown-ups to behave like that, to get into a scuffle!’ And we had to apologize to each other in front of the judge. The judge . . . was just reading from a statement prepared by the investigators. Of course, there were no lawyers, just the judge and the police.⁴¹

After the hearing, the detainees were brought back to the basement holding cells of the Andijan City Police Department to serve their misdemeanor sentences. Some were later moved to other detention facilities, such as Balakhchi police department, as there was apparently no room left in the Andijan City Police Department. The interrogators used the time during the administrative detention to produce more detailed confessions from the detainees and also to collect additional incriminating information about other participants of the May 13 protest and especially about the refugees who at the time were still in Kyrgyzstan.

Khatanjon Kh. said that while serving his misdemeanor sentence, he was interrogated daily by different investigators, and each time subjected to prolonged beatings and other methods of coercion.

They put me against the wall, and were beating me in the chest with their fists. Then they forced me down to the floor, my legs stretched, and started beating me on the soles of my feet with their clubs. They demanded that I confess I was an ‘Akramist,’ kept asking about my sons and other relatives, about other ‘Akramists’ whom they said I should have seen on the square. It went on and on...

The next day, there was another group of interrogators, from Jizzakh. They said they would bring my wife and daughter-in-law—‘we’ll see how you’ll talk then.’

⁴¹ Human Rights Watch interview with “Rovshan R.” (not his real name), Kyrgyzstan, July 2, 2005.

I am an old man, and for my young cell mates it was even worse—they were crying and could hardly walk when they returned to the cell after the interrogations, they were all badly beaten—on the chest, on the back, in the kidneys.⁴²

Khatanjon Kh. said that the investigators showed him photographs of refugees who were in the camp in Kyrgyzstan and asked for detailed information about them, trying to force him to state that they were members of “Akramia” and that he had seen them on Bobur Square participating in violent acts.⁴³

Rasul R. also said that interrogators showed him photographs of those who participated in the protest—about one hundred photographs of those who were killed and some three or four hundred of those in the camp. He identified one of his sons among the refugees, and the interrogators started beating and questioning him again. He found out that another son, who also participated in the protest, had been arrested, but his interrogators told him not to even attempt to look for him. He said:

Two investigators, both from Tashkent, were beating me and cursing. I am fifty-five years old, and they were yelling and kicking me because I did not want to sign any statements. It was terrible. [While in the cell] I could constantly hear people screaming—it was impossible to sleep.⁴⁴

Detainees interviewed by Human Rights Watch were released at the end of their administrative terms and forced to sign statements saying that they had no complaints about the police treatment. Each was also required to pay 1,200 som (about U.S. \$1.10) for each day of detention. Some said the authorities explicitly warned them not to talk to anybody about their detention.

The Pursuit of Victims and Eyewitnesses Who Fled to Kyrgyzstan

Roughly five hundred people fled Andijan on May 13 and received refuge in tent camps set up along the Uzbek-Kyrgyz border by the United Nations High Commission for Refugees (UNHCR) and administered by the Kyrgyz Department of Migration Services. Beginning in early June, the Uzbek government organized a campaign of harassment and

⁴² Human Rights Watch interview with “Khatanjon Kh.” (not his real name), Andijan, July 13, 2005.

⁴³ Ibid.

⁴⁴ Human Rights Watch interview with “Rasul R.” (not his real name), Andijan, July 13, 2005.

coercion in order to pressure families of refugees who had fled the Andijan violence and crossed the border into Kyrgyzstan to persuade their relatives to return to Uzbekistan.

In the media the government repeatedly emphasized the poor conditions of the Kyrgyz refugee camp and alleged that those living in the camp were either the willing or coerced perpetrators of the violence in Andijan on May 13, forced to walk to Kyrgyzstan, and held against their will in the camp.⁴⁵ The government claimed that it simply wanted its citizens to return to their homeland and families who were waiting for them.⁴⁶ Uzbek authorities set up a tent camp near the border to receive returnees.⁴⁷ The family of one refugee interviewed by Human Rights Watch told her that the local mahalla committee had posted the names of all of the refugees along with statements saying, “These people are not guilty—let them return to their home!”⁴⁸ However, other government statements made the contradictory assertion that those who fled were terrorists and criminals.⁴⁹

However, three accounts by family members and by refugees themselves indicated that the government detained and interrogated refugees upon return, subjected some to ill-treatment, and forced them to make public confessions or false statements about their participation in the Andijan events and their experience in the refugee camp. In one case, a source told Human Rights Watch that two women who returned to Andijan had been imprisoned and then forced to make public statements on national television.⁵⁰ These

⁴⁵ According to a May 28 statement by the press secretary of the Prosecutor General's office, “Measures [were] being taken to return to their homeland, civilians forcibly taken by terrorists onto the territory of a neighboring state.” Uzbekistan Television and Radio Company broadcast, “Regarding the Events in Andijan,” May 28, 2005.

⁴⁶ *Narodnoe Slovo*, (People's Word) July 19, 2005, in Russian, English translation of excerpts reproduced in BBC monitoring July 19, 2005. This article claimed that due to the government efforts, refugees were “voluntarily returning to their families and neighborhoods ... [because] their relatives and loved ones are waiting for them. ... Punishment for those returning has changed—they are released under the guardianship of local neighborhoods.”

⁴⁷ Uzbekistan Television and Radio Company broadcast, “Briefing at the General Procuracy,” May 28, 2005.

⁴⁸ Human Rights Watch interview with “Gulnara G.” (not her real name), Sasyk Refugee Camp, June 21, 2005.

⁴⁹ The Uzbek authorities continued to characterize the refugees as criminals even after the refugees had been relocated to Romania. The Prosecutor General's office suggested that the refugees might still possess weapons seized during the Andijan uprising, and there was no guarantee that these ‘civilian refugees’ would not undertake new terrorist acts not only in Central Asia but in other parts of the world. Press Service of the Prosecutor General of Uzbekistan, “What the Armed ‘Civilian Refugees’ Can Undertake,” National Information Agency of Uzbekistan, August 25, 2005 [online] <http://www.uza.uz/politics/?id1=4870&print> (retrieved August 25, 2005). See also, Uzbekistan Television and Radio Company broadcasts, “Regarding the Events in Andijan,” May 25, 2005, and “Briefing at the General Procuracy,” May 28, 2005; Uzbek Television first channel documentary, “Utter Brutality,” aired on July 27, in Uzbek, English translation of excerpts reproduced in BBC Monitoring, July 28, 2005; and Uzbek Television First Channel broadcast, July 29, 2005 in Russian, English translation of excerpts reproduced in “Uzbek TV Raps Kyrgyz Media for ‘Distorting’ Facts on Refugees,” BBC monitoring, July 29, 2005.

⁵⁰ Human Rights Watch interview with individual who asked not to be named, June 8, 2005.

women appeared in a May 25 national broadcast stating that gunmen forced people to go to Kyrgyzstan and had tried to prevent the women from returning.⁵¹

For three weeks in June, Human Rights Watch researchers witnessed hundreds of people coming to meet with their relatives in the refugee camp in Kyrgyzstan.⁵² Andijan government authorities pressured relatives of the refugees into traveling to the camp for family visits in buses and cars organized by the government.⁵³

The Uzbek authorities used threats, coercion, and unscrupulous propaganda to pressure families to bring their relatives back to Andijan. Officials often threatened serious repercussions for family members if they failed to convince their relatives in Kyrgyzstan to return. In some cases, Uzbek agents themselves entered the camp and attempted to remove refugees or interfered with the family meetings.

Meanwhile, Uzbek authorities attempted to convince refugees and their relatives that the situation in Kyrgyzstan was dangerous for the refugees, that refugees had been taken to Kyrgyzstan by force, and that “leaders” in the camp were preventing them from going back, while in Andijan the conditions were completely safe for refugees to return.⁵⁴

Coercive pressure on refugees’ relatives

Uzbek authorities harassed many of the families of refugees who had fled to Kyrgyzstan, subjecting them to arbitrary detention, illegal searches, threats and, in some cases, ill-treatment in detention, in order to pressure them into bringing their relatives back to Andijan.

⁵¹ Uzbekistan Television and Radio Company, “Regarding the Events in Andijan,” May 25, 2005.

⁵² The refugees were initially held in Barash camp located in Jalal Abad province near Sasyk, at the Uzbek border. On June 4, 2005 they were transferred to a camp in Sasyk, also in Jalal Abad province. Four hundred and thirty-nine refugees were moved to Romania for the final stages of the third-country resettlement procedure on July 29, 2005. As of September 15, 2005, four asylum seekers still remain in detention in Osh, Kyrgyzstan. Estimated hundreds of other Uzbeks who fled into Kyrgyzstan after the May 13 violence but who did not end up in the camp may still be in Kyrgyzstan.

⁵³ For example, during a single day, on June 8, 2005, Human Rights Watch researchers at the camp saw five buses holding approximately thirty people each as well as several cars, all with Andijan license plates. Andijan government officials and men presented to be members of the Uzbek National Security Service (SNB) accompanied the relatives to the camp.

⁵⁴ For example, a Human Rights Watch researcher observed a plain clothes SNB officer telling a group of relatives gathered around him that Kyrgyz authorities and international organizations would “sell the refugees to Afghanistan,” where they would be recruited into extremist organizations. The encounter took place in Sasyk Refugee Camp, Kyrgyzstan, on June 13, 2004.

“Rustam R.” (not his real name), a twenty-four-year-old refugee in the camp in Kyrgyzstan, said that police and security agents threatened to arrest his brother if Rustam did not return:

My father really tried to convince me to go back. At the same time, he told me that the police and SNB come to our house and search it. My twenty-year-old brother and my father are being called into the procuracy [prosecutor’s office] frequently. My father said, “If you don’t come back, they’ll put me or your brother in jail instead.” They had threatened my father saying, “If you don’t get your son, then you will have to walk home to Andjian.” My father was pressured into coming. He said, “I absolutely had to come. They just don’t leave us alone. They come from the hokimiat almost every day and pressure us to get you back.”⁵⁵

Another refugee, “Marat M.” (not his real name) told Human Rights Watch that his mother had visited him several times and had described the dire situation of their family:

My mother has come two or three times to visit me. She told me that my father is in prison now. He also participated in the [May 13] meeting. ... They detained my brother, questioned him and released him. They told him that they would continue to work that way until I came home. ... My mother said that [members] from the mahalla committee are also asking people to sign documents saying, “My son or daughter was detained by terrorists.”⁵⁶

During a visit from her mother, “Galima G.” (not her real name) learned about the detentions of her father and father-in-law and the possible risks that she could face should she go back to Uzbekistan:

[During the visit] my mother said to me, “You shouldn’t go back. Your father and father-in-law are in prison. If you come you will be arrested and tortured and made to make statements that the people here are

⁵⁵ Human Rights Watch interview with “Rustam R.” (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 21, 2005.

⁵⁶ Human Rights Watch interview with “Murat M.” (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 21, 2005.

terrorists. But when I leave I will try to pull you out but you must resist. You must stay here.” . . . My father-in-law was in his old age. He could not walk and thus didn’t go to the square. My father had an accident and was home sick. I don’t know why they were taken.⁵⁷

According to “Gulnara G.” (not her real name), her mother and stepfather visited on or around June 14, traveling to Kyrgyzstan on a bus full of other relatives with Andijan government and SNB officials accompanying them. Her relatives told her that the situation in Andijan remained dangerous: her brother-in-law had been detained, questioned about Gulnara G., and then beaten. Police had searched their home without a warrant. However, her mother needed to put on a show for the Uzbek authorities observing her. Gulnara G. told Human Rights Watch:

During the visit, the SNB and local government officials were watching, so when my mother was leaving, she felt forced to shout at me and say, “Come! You must come back with us!” One of the local government officials also talked to me. She was crying and saying, “Come back. I’ll protect you. We know that you are a good person.” The Uzbek officials wouldn’t let my mother give me any clothes, only some cucumbers. They told her, “You’re giving her things so that she can stay?” They also said, “If you try to stay in the camp, then you will have even bigger problems than you have now.”⁵⁸

One young man described to Human Rights Watch how authorities successfully blackmailed his relatives around June 11 by exploiting his mother’s desperate need for an operation:

My father came to visit me and my younger brother . . . One person from the local government participated in the conversation with my father. . . .My father was trying to convince us to come home . . . but we consistently refused. Then he told us that our mother was in desperate need of an emergency operation. She had liver problems . . . and . . . after May 13, it got worse . . . My father said that the hokimiat and SNB officials had told him, “If you don’t bring your children, then your wife

⁵⁷ Human Rights Watch interview with “Galima G.” (not her real name), Sasyk Refugee Camp, Kyrgyzstan, July 10, 2005.

⁵⁸ Human Rights Watch interview with “Gulnara G.” (not her real name), Sasyk Refugee Camp, Kyrgyzstan, June 21, 2005.

will not get an operation.” My brother decided to go back, in order to save our mother. I have no news about what’s happened to my brother, to my family since then.⁵⁹

Human Rights Watch has no information as to whether the man’s mother received the needed operation.

In at least two instances, Uzbek authorities attempted to convince refugees to return to Uzbekistan by encouraging them to admit their “guilt” in exchange for guarantees of safety. “Marat M.” described a conversation with his mother:

My mother came for a family visit. She had with her a document that was already prepared for me to sign. It was a request for amnesty. The text read: “I indeed participated in the meeting, but I ask for forgiveness. I admit my guilt.” My mother said if I just sign this, then no one will touch me. She really believed this. “Sign it, son, sign it,” she said. I didn’t agree to sign it because I am afraid of what will happen to me when I go back.⁶⁰

On June 13, an elderly official who was accompanying a group of relatives arriving from Andijan sought a Human Rights Watch researcher’s assistance to help him get into the camp and “release” the refugees. As he was arguing that the refugees have nothing to fear if they return, several women standing behind him—making sure that the man could not see them—started shaking their heads desperately in disagreement. When the official stepped away for several minutes to make a phone call, one of the women started crying and quickly whispered:

Don’t believe him. We don’t want [our relatives] to come back; it is dangerous for them to return—we know they’ll take them to prison... We have no choice, we had to come, otherwise we would be in trouble ourselves and other family members who stayed home as well. But I will tell my husband not to come back—I am so scared for him, but I don’t

⁵⁹ Human Rights Watch interview with “Muhamed M.” (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 24, 2005.

⁶⁰ Human Rights Watch interview with “Marat M.” (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 21, 2005. The other instance documented by Human Rights Watch was the case of “Khalida Kh.,” whom Human Rights Watch interviewed in Sasyk Refugee camp on June 14, 2005.

know what to do... And now you should go—we mustn't talk to you, we can't; if they see we'll all be in trouble.⁶¹

Attempts to Remove Refugees by Force

In at least two instances, undercover Uzbek authorities or family members of refugees attempted to forcibly remove asylum-seekers from the camp.

On the afternoon of June 14, while many people were coming to meet with their relatives, an elderly woman came into the camp saying she wanted to see her son, “Khasan Kh.” (not his real name). The woman appeared to be sick and hardly able to walk. The Kyrgyz authorities guarding the camp allowed her to be accompanied by two robust men who appeared to be helping her to walk to the meeting tent. Minutes later, as witnessed by a Human Rights Watch researcher, the two men dragged Khasan Kh. out of the tent, through the barrier at the camp entrance and towards their car parked near the camp, with his mother running behind. Initially the Kyrgyz migration authorities who witnessed the incident and soldiers guarding the camp did nothing to stop the men. A Human Rights Watch researcher brought the incident to the attention of Kyrgyz guards, who finally fought the two men off the refugee, forcing them to release Khasan Kh. just as they were shoving him into the car.⁶²

Khasan Kh. later said that during the meeting with his mother, after he rejected her attempts to convince him to return with her, “The two men just jumped on me, twisted my arms, and dragged me out.”⁶³ His mother explained to Khasan Kh. that she could no longer stand the pressure from neighborhood officials to bring her son back, and that she had to agree when they suggested bringing him back by force.⁶⁴

A week later, the sixty-five-year-old mother of one of the twenty-three Andijan businessmen charged with participation in “Akramia” described the visit of her relatives on June 20 and the Uzbek authorities’ attempts to remove her from the camp by force:

⁶¹ Human Rights Watch conversation with the wife of one of the refugees, Sasyk Refugee Camp, Kyrgyzstan, June 13, 2005.

⁶² The incident was filmed by a Human Rights Watch cameraman, Sasyk Refugee Camp, Kyrgyzstan, June 14, 2005.

⁶³ Human Rights Watch interview with “Khasan Kh.” (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 14, 2005.

⁶⁴ Ibid.

My two daughters-in-law came to visit. I left my tent and walked out to [the meeting area]. As soon as I got close to the camp's perimeter, a woman from the mahalla committee grabbed me and started pulling me out of the camp. She was saying, "Come back, come take care of your children. Everything will be fine with you. We will protect you." Some UN[HCR] people and another person heard me yelling and pulled me away from the woman and freed me. I was very afraid.⁶⁵

Consequences of Return

Little is known about people who returned to Andijan after fleeing to Kyrgyzstan. The government has repeatedly claimed they faced neither persecution nor pressure, though accounts from refugees who heard from visitors about the treatment of those who went back suggest that there is a basis for fearing persecution.

One young man told Human Rights Watch about his mentally ill brother who needed medical treatment that he believed would be unavailable to him in the initial refugee camp and so chose to return to Andijan. He was ill-treated and forced to confess and ask for forgiveness simply for participating in the demonstration on Bobur Square in Andijan. Tolib T. told Human Rights Watch:

My father came on June 10 or 11 and told me that my brother came straight home from the camp. On the next day soldiers with guns came to the house and detained him. He was detained in jail for twenty-one days. He was beaten and not given any food in prison. They released him and he is home now. People from the television station came to our house and forced him to give a statement about his participation in the May 13 meeting and to ask for forgiveness. They then showed that the president forgives him. They also forced my mother to give a presentation on television. She was forced to send a message to me, saying, "Why don't you think of us, come back. Nothing will happen to you."⁶⁶

Various refugees told Human Rights Watch how visiting family members related to them stories about the abuse of returned refugees. Their accounts could not be

⁶⁵ Human Rights Watch interview with "Dilarom D." (not her real name), Sasyk Refugee Camp, Kyrgyzstan, June 21, 2005.

⁶⁶ Human Rights Watch interview with "Tolib T." (not his real name), Sasyk Refugee Camp, Kyrgyzstan, June 24, 2005.

corroborated by Human Rights Watch or other independent observers. During his relatives' visit to the camp, "Adham A." (not his real name) heard of the abuse of a fellow refugee whom he had known in the camp and who had returned to Andijan with his family:

There was a guy [called "B"]. He left with his family when they came to visit. After that we read an article in the newspaper about him saying he had been forgiven and showing him with his family [the paper, dated June 22, 2005, was seen by a Human Rights Watch researcher.] Shortly after that he was taken to prison. Then I learned from my parents who came to visit that he is now in bed and they are waiting for him to die. He was tortured. They want us to believe that we will be forgiven and that we will be safe, but they will arrest us and torture us.⁶⁷

"Hamdam H." (not his real name) also recounted to Human Rights Watch the information his relatives had given him about some of the other refugees who had returned to Andijan,

One man's relatives came and insisted he return—they said that the hokimiat had given them assurances. He was free for ten days. Then he suddenly disappeared for three or four days. Then the soldiers brought him back [home]. I heard that he cannot move and that his condition is very bad....

Six young men returned voluntarily. One of them was my neighbor's son. My family was told that all of them disappeared for some time. My neighbor's son was taken into prison for twenty-one days and tortured. They also showed him on TV and made him say that we were being taken care of like pigs [in the refugee camp].⁶⁸

The Drive for Extraditions of Refugees and Asylum Seekers

Uzbek authorities sought the extradition from Kyrgyzstan of numerous refugees and asylum seekers on charges of terrorism, attempting to overthrow the government, and

⁶⁷ Human Rights Watch interview with "Adham A." (not his real name), Sasyk Refugee Camp, Kyrgyzstan, July 9, 2005.

⁶⁸ Human Rights Watch interview with "Hamdam H." (not his real name), Sasyk Refugee Camp, Kyrgyzstan, July 9, 2005.

organizing mass disturbances. Throughout June and July, the numbers of those sought for extradition steadily rose.⁶⁹ By July 16, Kyrgyz authorities had detained a total of thirty-three asylum seekers following Uzbek extradition requests.⁷⁰ Four of the detained asylum seekers were returned involuntarily (see below). On June 20, the Uzbek government stated that 131 people in the refugee camp had been “identified as direct participants in acts of terrorism,” that “charges had been launched against them in absentia,” and that the prosecutor general’s office had requested the extradition of 133 people who at that time were in Kyrgyzstan.⁷¹ Several weeks later, more than two hundred refugees were believed to be on an extradition list.⁷² On July 19 the Kyrgyz prosecutor’s office, jointly with the Kyrgyz National Security Service, began interrogating refugees in the camp, with a view to their possible extradition.⁷³

Uzbek authorities thus launched criminal charges against roughly half of the Uzbek asylum-seekers in Kyrgyzstan, exposing as hollow the claims by relatives that people who returned of their own accord would be “forgiven” and safe. The Uzbek government also filed requests with Russian and Kazakh authorities for the extradition of others, including refugees, whom the government alleged were involved in the Andijan events.⁷⁴

On July 27, Kyrgyz authorities released fourteen of the twenty-nine detained refugees and asylum seekers and allowed them to leave by airlift along with the 439 refugees, nearly the entire population of the refugee camp, to Romania. The remaining fifteen in

⁶⁹ For an excellent summary of the trajectory of Uzbek extradition requests, see Amnesty International, “Uzbekistan in Pursuit of Refugees in Kyrgyzstan: A Follow-up Report,” EUR 58/016/2005, September 2, 2005.

⁷⁰ Sixteen men were detained on June 9, 2005 and seventeen more were detained on June 16. Twelve of the sixteen men detained on June 9 had escaped on May 13 from Andijan prison, where eleven of them had been held in pre-trial detention awaiting the outcome of trials on politically-motivated charges; one man was serving a fourteen-year sentence on charges of fraud and drug trafficking. Human Rights Watch has few details regarding the basis for the extradition requests issued for the other twenty-one men detained.

⁷¹ Press Release of General Consulate of the Republic of Uzbekistan, “Information about the Andijan Events and the Investigation,” (original in Russian), June 20 2005. According to the press release, one hundred of those facing charges by the Uzbek government were Uzbek citizens and thirty-one were Kyrgyz citizens.

⁷² On July 7 the Kyrgyz prosecutor general said that Uzbekistan had requested the extradition of 231 people. Agence France Presse, “Andijan refugees to be deported to Uzbekistan: Kyrgyz official,” July 7, 2005. A Human Rights Watch researcher learned on July 19 from authoritative sources who requested anonymity that the Uzbeks had submitted a list of 217 refugees to be interrogated.

⁷³ Human Rights Watch witnessed the interrogations. Questions asked of refugees included: 1) Where were you during the May 13 incident? 2) What did you see? 3) How did you happen to get into the refugee group? 4) Did you participate in the demonstration in Andijan? 5) What is your opinion on the goals of the demonstration? 6) What is your education, profession, etc.? 7) Why did you choose to come to Kyrgyzstan?

⁷⁴ On July 4, Kazakh authorities detained Lutfullo Shamsuddinov on an Uzbek extradition request; see below, section entitled, “Arrest and detention of human rights defenders and political activists in Andijan.” On June 18, law enforcement agents in the Russian city of Ivanovo detained fourteen men pursuant to an Uzbek extradition request, claiming they were involved in the Andijan events.

detention included twelve individuals who had escaped from Andijan prison on the night of May 12; five of these twelve are the businessmen who had been on trial in Uzbekistan for alleged membership in the Akramia movement;⁷⁵ six of the twelve men had been in pre-trial detention in Andijan prison on what are believed to be politically-motivated charges.⁷⁶ On September 15, 2005, as this report went to press, these eleven men were released and airlifted to the United Kingdom. As of this writing, four of the group of fifteen remain in custody in Osh: a man who had been in the Andijan prison serving the remainder of a fourteen-year sentence on drug trafficking charges and three men who were requested for extradition by the Uzbek authorities for their alleged participation in hostage-taking and killings on May 13.

The Uzbek government stated that the guilt of the latter three “had been proven,” and has severely criticized the UNHCR for seeking to prevent their extradition⁷⁷ and misrepresented international pressure on Kyrgyzstan to abide by its obligations under both customary and conventional international law.⁷⁸ Among those obligations are the duty of nonrefoulement, or the prohibition on returning people to a place where their life or freedom may be at serious risk, or where they may be at risk of torture and other cruel, inhuman or degrading treatment or punishment.⁷⁹

⁷⁵ These five men are Shamdudhin Atamatov, Musajon Mirzaboev, Odil Maskhadaliev, Tursun Nazarov and Oktiboi Akbarov. They were among the group of twenty-three businessmen whose trial in Andijan sparked the protests leading up to May 13.

⁷⁶ The charges included infringement of the constitutional order of Uzbekistan; organizing a criminal group; support of, membership in, or leadership of a banned group; and preparation or distribution of materials in support of a threat to public safety and order (Criminal Code articles 159, 242, and 244-1 and 244-2).

⁷⁷ Uzbek National News Agency, “Who does the UNHCR protect?” August 23, 2005. www.uza.uz/eng/news/?id1=4827&print. Accessed August 25, 2005.

⁷⁸ In a public statement issued on August 1, 2005, the Uzbek Ministry of Affairs said that the evacuation was unjustified because “the number of citizens on the territory of Kyrgyzstan did not present a threat to the safety or of destabilizing the situation in the border regions of Kyrgyzstan and Uzbekistan.” The ministry dismissed concerns about the possible torture or persecution of returnees, saying that those who had returned to Uzbekistan faced “no persecution or pressure” and characterized the evacuation as violative of the 1951 Refugee Convention and its 1967 protocol. Significantly, the statement accused “outside forces” of pressuring the Kyrgyz government on the refugees as part of these forces’ “effort to play the card of the so-called ‘Uzbek refugees’ and prolong the undeclared informational attack, the implementation of which, like that of the ‘Andijan operation,’ was planned even before the tragic events of May 13 took place in Andijan.” See, “Zaiavlenie MID Respubliki Uzbekistana” [Declaration of the Ministry of Foreign Affairs of Uzbekistan], Uzbek National News Agency, August 1, 2005. [online] <http://www.uza.uz/politics/?id1=4524&print>. Accessed August 1, 2005.

⁷⁹ The prohibition on refoulement is found in customary international law and in international treaty law on human rights and refugees. International refugee law prohibits states from expelling or returning an asylum-seeker or refugee “in any manner whatsoever” to a territory where his life or freedom would be threatened. Article 33 of the 1951 Convention Relating to the Status of Refugees). International human rights law, most notably Article 3 of the 1984 Convention Against Torture, states that no state “shall expel, return (‘refouler’) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.” Kyrgyzstan acceded to the Refugee Convention and its Protocol on October 8, 1996, and to the Convention Against Torture on September 5, 1997. The ban on refoulement is implicit in the prohibition on torture and ill-treatment in Article 7 of the International Covenant on Civil and Political Rights

Deportation and “Disappearance” of Four Asylum Seekers

On June 9, 2005 the government of Kyrgyzstan forcibly returned to Uzbekistan four asylum seekers. The men subsequently disappeared in Uzbek custody. For two months there was no information regarding the men’s whereabouts, until Uzbek authorities in August stated privately that the men were being held incommunicado in Tashkent prison and were facing charges that carried the death penalty. However, no international agency was able to confirm this information and nothing is known about the men’s condition in detention.

The lack of information about these men raised fears that they may have been ill-treated in custody and substantiated fears that other people returned to Uzbekistan through extradition, deportation, or even voluntary return might also “disappear” or face incommunicado detention.

The four men were among sixteen asylum seekers whom Kyrgyz authorities had taken into custody on June 9 from the refugee camp in Sasyk, pursuant to an extradition request issued by the government of Uzbekistan. They are Dilshod Khajiev, Tavakal Khajiev, Hasan Shakirov, and Mukhammad Kadirov.

UNHCR officials were aware of the transfer of the sixteen men to Kyrgyz police custody, accompanied the convoy to the Jalal Abad City Police Department, and remained on site to monitor the treatment of the detainees. However, at one point during the evening of June 9, when all UNHCR staff left the police station, Kyrgyz authorities handed over the above-mentioned four men—to Uzbek SNB officers. Kyrgyz and Uzbek SNB officers signed a document confirming the transfer of the four to Uzbek SNB custody.⁸⁰

(ICCPR) and Article 5 of the Universal Declaration on Human Rights. The U.N. Human Rights Committee, which oversees implementation by national governments of the ICCPR, has interpreted the Convention’s torture prohibition to include the *nonrefoulement* obligation: “In the view of the Committee, State parties must not expose individuals to the danger of torture or cruel, inhuman or degrading treatment or punishment upon return to another country by way of their extradition, expulsion or *refoulement*. U.N. Human Rights Committee General Comment No. 20 (1992). Finally, but most importantly, the ban on returns to torture enjoys the status of a peremptory norm, from which no derogation is permitted and which is binding on all states. See, Human Rights Watch, “Still at Risk: Diplomatic Assurances No Safeguard Against Torture,” April 2005, Vol. 17, No. 4(D), pp. 7-14. Uzbekistan became a party to the Convention Against Torture on September 28, 1995.

⁸⁰On June 10, 2005 Human Rights Watch researchers viewed the document, which stated clearly that the Kyrgyz SNB was undertaking the transfer of the four men to Uzbek SNB custody; an official from the Kyrgyz Ministry of Internal Affairs in Jalal Abad also signed as a witness to the transfer. A video image of the document is on file with Human Rights Watch. According to the government of Uzbekistan, the Kyrgyz prosecutor’s office approved the transfer of the four men. Confidential source, names withheld, dates withheld. According to the Kyrgyz prosecutor general’s office, “four citizens of Uzbekistan were sent back to their homeland on the decision of staff members of Jalal Abad department of the Interior Ministry. Office of the Prosecutor General is conducting an investigation into the case.” See,

The action sparked an outcry about the Kyrgyz authorities' violation of international law. The return of the men, all registered with UNHCR as asylum seekers, was a blatant violation of the prohibition of refoulement.⁸¹ The action also contravened the right to seek and enjoy asylum⁸² and may have violated the right to freedom from torture,⁸³ as well as the rights to life, liberty, and security.⁸⁴

To stave off criticism, officials from the Department of Migration Services, which is under the authority of the Ministry of Foreign Affairs, produced four identical handwritten documents that they initially claimed had been written and signed by the four asylum seekers free of duress and that expressed the men's consent to be returned to Uzbekistan.⁸⁵ No independent evaluation of the documents was permitted and no independent access to the men prior to the handover was allowed, creating significant concern among the international community that the statements had been coerced. UNHCR and OHCHR (Office of the United Nations High Commissioner for Human Rights) deemed the returns to have been forcible and a violation of international law.⁸⁶ The Kyrgyz government announced it would undertake an investigation into the incident and vowed that the officials responsible would be punished.⁸⁷ However, subsequent to this announcement, Kyrgyz officials made reference to the men's written statements in an attempt to justify the illegal return of the four men.⁸⁸

<http://pr.kg/news2005/050803allinformationfromprkginformationfrompgk.php>. See also ITAR-TASS-CIS, August 3, 2005.

⁸¹ See footnote 79 on the ban on refoulement in international law.

⁸² The right to seek and enjoy asylum is protected in Article 14 of the Universal Declaration of Human Rights as well as in the U.N. Declaration on Territorial Asylum (UNGA Res. 2312 (XXII) of 14 Dec 1967).

⁸³ The right to freedom from torture also carries a non-refoulement obligation under international law. See footnote 79.

⁸⁴ The right to life forms part of customary international law and together with the right to liberty and security is also protected by Article 3 of the Universal Declaration on Human Rights and Articles 6, 7 and 9 of the International Covenant on Civil and Political Rights.

⁸⁵ Human Rights Watch researchers viewed the four letters on June 10, 2005, but were not permitted to retain copies. A video image of one of the four letters is on file with Human Rights Watch. Each letter stated that the signatory voluntarily elected to return to Uzbekistan. The relevant section of the statement reads, "On 09.06.05 I voluntarily leave the camp to return to Uzbekistan to my residence. I lay claim neither against the camp's employees nor against the Kyrgyz Republic authorities. This statement was recorded correctly and read to me."

⁸⁶ United Nations Press Release, "U.N. High Commissioners for Refugees and Human Rights Urge Kyrgyzstan not to Forcibly Return More Uzbek Asylum-Seekers," Geneva, June 22, 2005. This press release states, "The High Commissioners reiterated their concern over the fate of four asylum seekers who were forcibly returned to Uzbekistan on 9 June before their claims had been examined."

⁸⁷ AKIpress, "Acting Kyrgyz FM: Those Who Deported Uzbeks Will be Severely Punished," June 15, 2005; and Interfax, "Bishkek extradites 4 Uzbek refugees," June 16, 2005.

⁸⁸ As late as August 3, an official from the Kyrgyz prosecutor's office claimed the men had returned to Uzbekistan "on their own accord." AKIpress as carried in BBC Monitoring, August 3, 2005. The statement undermined confidence in that agency's commitment to hold law enforcement officials accountable for the transfer or to accept responsibility for the procuracy's own possible role in the return of the men. For its part, the Uzbek prosecutor's office has said that the handover was not in response to an extradition request by that office. "Uzbek Prosecutor: Suspect Did Not Die under Torture, Return of Four was Voluntary," Interfax, August 20, 2005.

After their transfer to Uzbekistan on June 9, the four men disappeared in Uzbek custody. Kyrgyz officials and international organizations based in Uzbekistan told us they were unable to establish the men's whereabouts or well-being. As late as July, family members of two of the men had not been informed even that the men had been returned to Uzbekistan; they had no information about the men's location in custody.⁸⁹

Finally in early August, the government of Uzbekistan revealed, though not publicly, that the men were being held in Tashkent prison (UYa 64/IZ-1) and were charged with serious offenses, including terrorism and aggravated premeditated murder (Criminal Code articles 155 and 97, respectively);⁹⁰ these charges carry the death penalty, which remains in place in Uzbekistan.⁹¹ Three of the men were also accused of spreading misinformation about the Andijan events in the mass media and discrediting the Uzbek government. According to the government of Uzbekistan, once returned to Uzbek detention all four men signed self-incriminating statements confessing to the charges against them.⁹²

In July there were rumors and unconfirmed reports that one of the men, Hasan Shakirov, had died in Uzbek custody due to torture. There were also unconfirmed reports as of late July that Tavakal Khajiev had been hospitalized due to severe injuries inflicted as a result of torture;⁹³ Human Rights Watch was unable to independently confirm these reports. In August, the prosecutor general's office denied this allegation.⁹⁴

There were concerns also that the four men's relatives living in Uzbekistan were harassed by law enforcement authorities and coerced into giving incriminating

⁸⁹ Human Rights Watch interview with a relative of two of the men, names withheld, Andijan, July 13, 2005.

⁹⁰ On August 20, the spokeswoman for the prosecutor general's office said that the four were accused of "direct participation in the attacks on the buildings of the regional administration and law and order [agencies] and on a military base, with killing hostages and civilians, and with hijacking cars." "Uzbek Prosecutor: Suspect Did Not Die under Torture, Return of Four was Voluntary," Interfax, August 20, 2005.

⁹¹ The death penalty is carried out by firing squad in Uzbekistan. On August 1, 2005, President Karimov announced that the death penalty would be abolished in 2008, however, his government did not institute a moratorium on the death penalty in the years leading up to its abolition. Executions were expected to continue. Aggravated charges under Criminal Code articles 97 and 155 carry the death penalty as the maximum punishment. Criminal Code of the Republic of Uzbekistan.

⁹² Confidential source, names withheld, dates withheld.

⁹³ Amnesty International, urgent action, "KYRGYZSTAN: 541 refugees from Andijan, Uzbekistan (men, women and children)," AI Index: EUR 58/011/2005, 27 July 2005; and Letter to U.N. Secretary General Kofi Annan from thirty-four asylum seekers from Uzbekistan (names withheld), undated, copy on file with Human Rights Watch. This letter stated, "One person out of the four handed over to the Uzbek authorities is in dire situation;" and June 28 interview with Kabul Parpiev in which he states that Tavakal Khajiev had been hospitalized and was in critical condition following torture in Uzbek detention, Fergana.ru, June 28, 2005 [online] <http://news.ferghana.ru/detail.php?id=3841&mode=none>.

⁹⁴ "Uzbek Prosecutor: Suspect Did Not Die under Torture, Return of Four was Voluntary," Interfax, August 20, 2005.

testimony. A relative of one of the four men told Human Rights Watch that a person close to that man had been summoned by police in mid-May, detained for two days, and forced to say that the man had “taken up arms.”⁹⁵

The Crackdown on Civil Society Following the May 13 Events

The government of Uzbekistan has a long record of retaliation against those who expose government abuses. It has aggressively persecuted human rights defenders, subjecting them to politically motivated detention and arrest, police harassment, surveillance, and torture.⁹⁶ Independent journalists and others who expressed criticism of government policy have been subjected to reprisals; there are virtually no independent media remaining in Uzbekistan. In addition, shortly after Uzbekistan attained independence from the Soviet Union in 1991, President Karimov’s government banned the nascent independent political opposition in the country; members of these parties were jailed, beaten, threatened, and some were forced into exile. The main political opposition parties, Erk (Freedom) and Birlik (Unity) remain unregistered and outlawed to this day.⁹⁷ Few independent or critical voices remain.

As part of the crackdown following the killings in Andijan, Uzbek authorities have engaged in a campaign of repression against human rights defenders, political activists, and independent journalists. In violation of the right to free expression, Uzbek authorities have targeted these individuals for arrest, detention, confiscation of possessions, and harassment.⁹⁸ In some cases these individuals were the victims of attacks by anonymous assailants, in others they were the targets of government-sponsored “hate rallies” and mob-led attempted evictions. This persecution has been

⁹⁵ Human Rights Watch interview with a relative of one of the four men, all names withheld, place withheld, June 2005.

⁹⁶ Human Rights Watch, “Leaving No Witnesses: Uzbekistan’s Campaign Against Human Rights Defenders,” *A Human Rights Watch Report*. Vol. 12, No. 4 (D), March 2000; and Human Rights Watch, *World Report 2005: Events of 2004*, (New York: Human Rights Watch, 2005); and U.S. Department of State, *2005 Country Reports on Human Rights Practices*, released by the Bureau of Democracy, Human Rights, and Labor, February 28, 2005 [online], <http://www.state.gov/g/drl/rls/hrrpt/2004/41717.htm> (retrieved August 9, 2005).

⁹⁷ U.S. Department of State, *2005 Country Reports on Human Rights Practices*, released by the Bureau of Democracy, Human Rights, and Labor, February 28, 2005 [online], <http://www.state.gov/g/drl/rls/hrrpt/2004/41717.htm> (retrieved August 9, 2005).

⁹⁸ Article 19 of the International Covenant on Civil and Political Rights reads, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Uzbekistan acceded to the covenant on September 28, 1995.

accompanied by a smear campaign in government-sponsored media against journalists and human rights defenders.

The government actions described below seem aimed at silencing and punishing civil society activists and intimidating anyone who might think to engage in civil society work or exercise their rights to freedom of speech and expression to articulate views of which the government does not approve. The campaign appears to serve the purpose not only of concealing information about what happened on May 13 but, more broadly, of stifling independent voices that scrutinize the authorities, expose corruption, and demand accountable government and implementation of human rights norms.

The list of cases documented in this section is not exhaustive. Human Rights Watch is aware of at least a dozen additional incidents in which activists and journalists were targeted and recognizes that some individuals have chosen not to share their stories publicly.

In a worrying development, authorities are now indicating that they perceive human rights defenders and political activists to be a group that poses a particular threat to the government and to society and that should be monitored and controlled. For example, authorities have deemed the outspoken activist Elena Urlaeva to be “a person of special concern” and thus subject to “preventive detentions.”⁹⁹ According to another prominent activist from Jizzakh:

The authorities speak openly that there will be no human rights activity. They say this to us openly. The head of the regional police said this to me. From the top there is a specific oral order that human rights defenders should not be in contact with international organizations ... There is so much pressure now that human rights organizations might disappear altogether. A lot of famous human rights activists are quitting, no one remains. They are leaving [Uzbekistan].¹⁰⁰

Journalist Tulkin Karaev, from Karshi, similarly reported that the head of his regional police department told him on June 10 that his department indicated that there would

⁹⁹ Freedom House Uzbek Human Rights Defender Support Program Press Release, July 15, 2005

¹⁰⁰ Human Rights Watch interview with Mudinjon Kurbanov, Tashkent, August 15, 2005.

soon be an order from superiors “to sentence all journalists and human rights defenders to prison as religious [extremists].”¹⁰¹

Arrest and Detention of Human Rights Defenders and Political Activists in Andijan

Those particularly hard hit by the government crackdown have been civil society activists who witnessed the events of May 13, who attempted to investigate the killings, and who publicized information about their findings. Many also sent appeals to government officials calling for an investigation into the killings. At least seven activists from Andijan are now in prison awaiting trial; at least two others have been forced to flee Uzbekistan as a result of relentless government pressure.

Arrests and threat of arrest

Saidjahon Zainabitdinov

Uzbek authorities arrested Saidjahon Zainabitdinov, the chairman of the Andijan human rights group Apelliatsia (“Appeal”), as he crossed the border from Kyrgyzstan on May 21.¹⁰² Zainabitdinov had published bulletins, based on eyewitness reports by others, about the May 13 demonstration and the massacre and had spoken out about the events. Previously, he had also closely followed the cases of people in the region accused of “religious extremism” for their apparent affiliation with Akramia. Many news reports following the events quoted Zainabitdinov’s description of the events and of the human rights, political, and economic context in Uzbekistan.

Zainabitdinov was initially charged under article 139 of the Criminal Code of Uzbekistan for slander. He remains in custody and on July 6 was charged additionally with committing “an act of terrorism that leads to grave consequences” and “preparation or distribution of information threatening to public security and the public order.”¹⁰³ The Uzbek authorities claim that Zainabitdinov’s bulletins “were intended to cause panic among the population” and to undermine Uzbekistan’s public image. According to one official, Zainabitditnov was accused of giving false statements to journalists forty-nine

¹⁰¹ Human Rights Watch interview with Tulkin Karaev, Karshi, June 24, 2005.

¹⁰² See Human Rights Watch Press Release, “Uzbekistan: Rights Defender in Andijan Arrested,” May 24, 2005, [online] <http://hrw.org/english/docs/2005/05/24/uzbeki10999.htm>.

¹⁰³ Article 155, part 3, clauses a and b and Article 244-1 part 3, clause b of the Criminal Code of Uzbekistan. “Uzbekistan Raps UN Body for Demanding Not to Repatriate Suspect,” Interfax, July 6, 2005, in Russian, English translation in BBC Monitoring, July 6, 2005.

times on May 13.¹⁰⁴ As of this writing, Zainabitdinov's family and lawyer have had no news of his whereabouts for more than six weeks, and have been told only that he is in custody in Tashkent.¹⁰⁵

Lutfullo Shamsuddinov

Lutfullo Shamsuddinov, the head of the Andijan branch of the Independent Human Rights Organization of Uzbekistan, witnessed the massacre on May 13. On May 16 an Interior Ministry official passed a message to Shamsuddinov's wife saying that her husband's name was included in a list of people who had given information to the media about the Andijan events and were subject to arrest.¹⁰⁶

On May 23 and 24, while Shamsuddinov was in Tashkent, men in civilian clothing claiming to be from the tax inspectorate searched Shamsuddinov's apartment and confiscated the hard drives from his computer. An SNB investigator presented Mrs. Shamsuddinov with a search warrant only after the search had been underway for several hours. Mrs. Shamsuddinov saw that the warrant stated that Shamsuddinov had worked closely with Saidjahon Zainabitdinov.¹⁰⁷

Out of fear for their safety, on May 26, Lutfullo Shamsuddinov and his family fled to Kazakhstan. On July 4, Kazakh authorities arrested Shamsuddinov in response to an Uzbek extradition request. On July 6, the Uzbek prosecutor's office charged Shamsuddinov, together with his colleague Saidjahon Zainabitdinov, with committing "an act of terrorism that leads to grave consequences" and "preparation or distribution of information threatening to public security and the public order." After urgent interventions by the UNHCR and several governments Kazakh officials released Shamsuddinov on July 12. He and his family were subsequently flown to a safe third country for resettlement.¹⁰⁸

¹⁰⁴ As stated in a search warrant presented to the wife of Lutfullo Shamsuddinov, a human rights activist and colleague of Zainabitdinov, on May 25 by an Uzbek SNB agent. Human Rights Watch interview with Lutfullo Shamsuddinov (see below), Tashkent, May 25, 2005.

¹⁰⁵ Human Rights Watch communication with relative of Zainabitdinov, name withheld, place withheld, August 26, 2005.

¹⁰⁶ Human Rights Watch email correspondence with Lutfullo Shamsuddinov, August 9, 2005.

¹⁰⁷ Human Rights Watch interview with Lutfullo Shamsuddinov, Tashkent, May 25, 2005.

¹⁰⁸ See Human Rights Watch press release, "Central Asia: Follow Kazakh Example," July 14, 2005 [online] <http://hrw.org/english/docs/2005/07/14/uzbeki11323.htm>.

Seven activists from Ezgulik, Birlik, and the International Society for Human Rights Uzbekistan (ISHR Uzbekistan)

On May 29, authorities in Andijan arrested Dilmurod Mukhiddinov, chairman of the Markhamat district branch of the human rights organization Ezgulik (“Goodness”); Musajon Bobojanov, chairman of the Markhamat district branch of the Birlik party; and Mukhammad Otakhonov, of the Uzbek branch of the International Human Rights Society (ISHR Uzbekistan). All three men conducted human rights monitoring in Andijan and had been gathering information about the dead and the missing from the May 13 massacre.

Prior to arresting the men, police searched their homes, seizing human rights materials and copies of a May 15 Birlik party statement about the Andijan events titled, “The Killers of the People Will Answer before History.”¹⁰⁹

The Birlik statement regarding the Andijan killings also figured prominently in the arrest of Nurmukhammad Azizov, chairman of the Shahrihan city branch of the opposition party Birlik and chairman of the Andijan province branch of the Human Rights Society of Uzbekistan (HRSU), and the arrest of Akbar Oripov, chairman of the Andijan city branch of Birlik. Andijan police arrested both men on May 29 and confiscated copies of the Birlik statement together with human rights publications and computers during searches of the men’s homes on June 2.

On June 7, Andijan police detained Hamdam Suleimanov, a member of the central organizing committee of the opposition party Birlik. Officers searched his home and seized his computer. Police interrogated Suleimanov about distribution of the Birlik statement concerning the Andijan events and then released him on bail. According to the Russian human rights organization, “Memorial,” police formally arrested Suleimanov in Kokand on July 4 after he responded to a summons to appear at the police station.¹¹⁰

All six men mentioned above are charged with “public offense or slander of the President of Uzbekistan,” “conspiracy with the intention of assuming power or

¹⁰⁹ The statement accuses the Uzbek government of targeting Birlik for persecution and refusing to register the party. It charges the government authorities with failing to maintain order in Andijan, resorting to force in order to resolve the Andijan crisis, and shooting hundreds of civilians, including women and children. The statement also accuses President Karimov, who went to Andijan during the crisis, of being personally responsible for the killing of civilians in Andijan. “Those Who Shoot the People Will Answer before History,” Birlik Party Statement regarding the Andijan Events, May 15, 2005, [online] <http://www.birlik.net.index-single-24.ru> (retrieved September 6, 2005).

¹¹⁰ Memorial Human Rights Center, “Uzbekistan: Member of the Opposition Party ‘Birlik’ Charged with Anti-Constitutional Activity,” Memorial Human Rights Center Press Release, July 6, 2005.

overthrowing the constitutional order of Uzbekistan,” “organization of mass disorder” and “preparation or distribution of information threatening to public security and the public order.” With the exception of Otokhonov, who was released on August 18 with charges still pending against him, all of the men remain in custody in Tashkent prison. The lawyers representing the men have had difficulty accessing their clients and have been allowed to meet with them only in the presence of the prosecutor for the case and other government officials. The lawyers received no reply to their July 12 complaint to the prosecutor’s office regarding the violations of their clients’ right to counsel.¹¹¹

On May 29 police detained Muzaffarmizo Iskhakov, a longtime human rights defender and head of the Andijan branch of Ezgulik. Prior to his detention Iskhakov had received threatening telephone calls on May 17-19 from an unidentified caller who demanded that Iskhakov retract newspaper articles he had written condemning the massacre in Andijan. When Iskhakov wrote an article that included information about the threats against him, the same person called again and said, “It’s the end for you.”

Iskhakov was detained without a warrant until June 2, when a senior police investigator took Iskhakov to his apartment and conducted an official search.¹¹² Officials searched the entire apartment and then confiscated Iskhakov’s computer, compact disks with electronic files, computer diskettes, copies of Birlik statements and documents related to Ezgulik, including the organization’s statutes, information on conferences, and some of Iskhakov’s news articles. The police told Iskhakov that they were taking the materials as “physical evidence” and provided Iskhakov with an official document regarding confiscation.

Following the search, the officials released Iskhakov and summoned him to appear the following day. When he arrived, they served him with a warrant and placed him under arrest. On June 6, the authorities charged him with “public offense or slander of the President of Uzbekistan,” “conspiracy with the intention of assuming power or overthrowing the constitutional order of Uzbekistan,” “organization of mass disorder” and “preparation or distribution of information threatening to public security and the public order.”

Because Iskhakov’s health began to deteriorate severely while in detention, the authorities released him that evening under the condition that he not leave the city.

¹¹¹ Human Rights Watch telephone interview with one of the representatives of the seven accused men, August 31, 2005.

¹¹² The senior investigator was from the Markhamat District Department of Internal Affairs.

Police arrested him again on June 23, only to again release him seven hours later for medical reasons.

As a result of these detentions and the imminent threat of arrest on politically-motivated charges, Iskhakov decided to flee Uzbekistan with his family on June 28, and is now in hiding.¹¹³

Detentions and harassment

Gulbakhor Turaeva

Human rights groups reported that on May 27 Andijan police detained Gulbakhor Turaeva, a member of the nongovernmental organization Anima-kor, which works to protect the rights of medical doctors and their patients. Police held Turaeva in the local prosecutor's office for seventeen hours, denying her food and access to a lawyer. A prosecutor's office official accused her of spreading lies about the Andijan killings and of "anti-constitutional activities." Turaeva had spoken with journalists regarding the number of bodies she saw immediately following the massacre, and was quoted as saying, "If we speak about [yesterday's] events, I went personally to School No. 15 in Andijan [yesterday] and I saw the bodies were gathered there. I saw it with my own eyes. There were about 500 bodies or more."¹¹⁴

Isroil Holdorov, Sadirohun Sufiev and Mukhammadjan Mamatkhanov

On June 26, three human rights and political activists—Isroil Holdorov of the Erk Democratic Party, Sadirohun Sufiev, of Ezgulik, and retired human rights activist Mukhammadjan Mamatkhanov—were meeting with Radio Free Europe/Radio Liberty correspondent Gafurjan Yuldashev in the Caravan teahouse in Andijan's Yangibozor bazaar when eight policemen surrounded the men, searched them, and placed them in detention. Police officers searched the men repeatedly and questioned them for four hours in the Andijan city police department. Holdorov reported that the police confiscated his documents and computer diskettes with material related to the trial of the twenty-three Andijan businessmen accused of "religious extremism," which he had monitored. A senior officer told Sufiev that he had been "blacklisted" for his human rights activities. The officer accused all four men of being responsible for the killings in

¹¹³ Human Rights Watch interview with Muzaffarmizo Iskhakov, location withheld, July 14, 2005.

¹¹⁴ Elena Urlaeva and Akhtam Shaimardanov, "Report on the Situation for Human Rights Defenders and Opposition Members of Uzbekistan in the period May 13-July 18, 2005," Tashkent, July 19, 2005, p. 3. For Turaeva's statements regarding Andijan, see "Uneasy Calm in Uzbekistan after Two Days of Violence," RFE/RL, May 15, 2005, [online] <http://www.rferl.org/featuresarticle/2005/5/111865DB-3E5C-44D7-85ED-830B954D8422.html> (retrieved August 8, 2005).

Andijan, saying, “You caused all the bloodshed in Andijan! Why did you come back again? You want to make more bloodshed in Andijan?” All four men were eventually released.¹¹⁵

International Helsinki Federation delegation

On June 15, police stopped a car carrying three international representatives of the International Helsinki Federation, Eliza Musaeva, Eldar Zeynalov, Dmitri Markushevski and Tolib Yakubov, chair of the HRSU, and forced them to return from Andijan province to Tashkent. The group had been conducting interviews in Shahirhan, in Andijan province, and intended to go to Andijan for additional research when police stopped them.¹¹⁶

“Isroil I.”

An activist from the Fergana Valley who had formally given up human rights work in 2004, “Isroil I.” (not his real name), secretly traveled to Andijan in June to collect information on the Andijan killings. A few days after Isroil I. forwarded to a colleague outside of Uzbekistan the testimony, which included information about the numbers of people killed in Andijan, Isroil I.’s family began receiving threats. Police threatened Isroil I.’s relatives, some of whom are also human rights activists, with arrest and informed his mother that he should appear in court to face criminal charges. Isroil I., fearing politically-motivated court action, fled his home and remains in hiding. His family continued to receive threats.¹¹⁷

Beating, detention, and harassment of journalists in Andijan

Immediately following the massacre in Andijan, the Uzbek authorities blocked media coverage of the events by threatening local journalists with arrest, confiscating materials and equipment, and shutting off journalists’ mobile phones.¹¹⁸ The authorities also forced almost all foreign and independent journalists to leave Andijan under threat of

¹¹⁵ Human Rights Watch telephone interview with Gafurjan Yuldashev, August 31, 2005; and Gulnoza Saidazimova, “Uzbekistan: Detentions Highlight Ongoing Crackdown in Andijan,” RFE/RL, June 27, 2005, [online]
<http://www.rferl.org/featuresarticle/2005/6/2402EC04-3953-4330-B659-B0954E50DB88.html> (retrieved July 26, 2005).

¹¹⁶ “Uzbekistan: International Human Rights Group Detained,” Human Rights Watch Press Release, June 16, 2005.

¹¹⁷ Human Rights Watch interview with a person close to the case, identity withheld, location withheld, August 18, 2005.

¹¹⁸ Valentinas Mite, “Uzbekistan: Authorities Try to Control Reporting on Crisis,” RFE/RL, May 17, 2005, [online]
<http://www.rferl.org/featuresarticle/2005/5/95C272CC-35E2-4C61-BBFB-FCDFCFAA1035.html>.

repercussions, prevented other journalists from entering the city,¹¹⁹ and blocked Internet and foreign television news sources.¹²⁰ The government also denied or delayed accreditation to several journalists.¹²¹ Many journalists who feared further repercussions fled Andijan and some fled Uzbekistan altogether.¹²² According to Gafurjan Yuldashev, Radio Free Europe/Radio Liberty correspondent in Andijan, no correspondents of foreign news agencies remain in Andijan.¹²³

As the cases below demonstrate, in the weeks and months following the massacre, the authorities continued to monitor closely the actions of journalists and attempted to prevent the free flow of information, including by blocking free entry to the city and interfering with the work of journalists. Very few independent journalists managed to enter the city, and officials harassed and detained those who tried to enter or managed to work in and near Andijan.

Vladislav Chekoian

Uzbek border guards assaulted Vladislav Chekoian of the Russian television channel TVT's while he attempted to film on May 21 a demonstration of about a thousand people on the bridge in Kara-Su on the Uzbekistan-Kyrgyzstan border near Andijan. The border guards also seized Chekoian's camera and mobile telephone.¹²⁴

Matluba Azamatova and Victoria Logunova

BBC correspondent Matluba Azamatova and Agence France-Presse correspondent Victoria Logunova departed Fergana city for Andijan on June 9 by bus. On the way, a group of police and SNB officials stopped the bus and detained the correspondents. The

¹¹⁹ See Human Rights Watch, "Bullets Were Falling Like Rain": The Andijan Massacre May 13, 2005," pp.45-48; and OSCE Representative on Freedom of the Media Miklos Haraszti, "Coverage of the Events and Governmental Handling of the Press During the Andijan Crisis in Uzbekistan: Observations and Recommendations," June 15, 2005, [online] http://www.osce.org/documents/html/pdf/html/15195_en.pdf.html (retrieved July 25, 2005).

¹²⁰ The block on broadcasting included CNN, BBC, and Deutsche Welle as well as Russian television channels. OSCE, "Coverage of the Events and Governmental Handling of the Press during the Andijan Crisis in Uzbekistan: Observations and Recommendations," pp. 2-3.

¹²¹ *Ibid.*, pp.5-6.

¹²² See, for example, the cases of Andijan journalist Rizokhoja Obidov, as described in Gulnoza Saidazimova, "Central Asia: Kazakhstan Becomes New Destination for Uzbek Refugees," RFE/RL August 3, 2005, [online] <http://www.rferl.org/featuresarticle/2005/8/9E11EBF9-8659-4F6F-A134-913D81936D6C.html> (retrieved August 4, 2005).

¹²³ Human Rights Watch telephone interview with Gafurjan Yuldashev, August 24, 2005.

¹²⁴ Reporters sans Frontiers, "Russian Journalist Beaten up as Government Resorts to Disinformation, Reporters sans Frontiers", May 26, 2005, [online] http://www.rsf.org/article.php?id_article=13919 (retrieved July 26, 2005).

police officers refused to identify themselves, questioned the journalists for two hours, then released them under the condition that they would not go to Andijan and would return to Fergana. One day earlier, on June 8, authorities in Namangan, a city near Andijan, prevented the two journalists from conducting interviews with city residents and forced them to leave the city.¹²⁵

Gafurjan Yuldashev

Radio Free Europe/Radio Liberty's (RFE/RL) Andijan correspondent Gafurjan Yuldashev reported being detained and harassed several times in the weeks following the massacre in Andijan. On May 17, armed men in bullet-proof vests detained Yuldashev and RFE/RL correspondent Andrei Babitsky outside Yuldashev's apartment and forced the men to lie face down on the ground for half an hour. While Yuldashev was covering the May 21 protests in Kara-Su, near Andijan, eight assailants from the Uzbek security services dragged him into an alley, kicked him, confiscated his diskettes with recordings and a digital photo card, and threatened him, saying, "If you want to live, then get out of Andijan quickly." On May 27, with the assistance of an acquaintance, Juravoi Abdulaev, Yuldashev visited mass graves in the Bagishmal district of Andijan. In an RFE/RL interview with Yuldashev that aired later that day, Abdulaev described the methods of burial at the site. The following day, unknown attackers stabbed Abdulaev to death, and security service officials warned Yuldashev not to stay in Andijan. On May 29, Yuldashev fled Andijan out of fear for his life. Authorities subsequently questioned Yuldashev's relatives and neighbors about the journalist.¹²⁶

When Yuldashev finally returned to Andijan on June 26, police immediately detained him together with three Andijan human rights defenders and political activists whom he was interviewing (see above). After police brought Yuldashev to the Andijan city police station, they searched him four times and took his recording equipment, interrogated him, and accused him of perpetrating the Andijan events. When Yuldashev described the interrogation to Human Rights Watch, he noted, "He was blaming us, journalists and human rights defenders, for everything that happened in Andijan." Officials released Yuldashev after four hours and he immediately fled Andijan again. Following this incident, Yuldashev also reported being followed by security service officials and

¹²⁵ Adil Soz International Foundation for Protection of Free Speech, "Monitoring Violations of Freedom of Speech, Uzbekistan, June 2005," July 18, 2005, via email.

¹²⁶ Human Rights Watch telephone interview with Gafurjan Yuldashev, August 24, 2005. See also "Uzbekistan: Focus on Andijan Following May Unrest," IRIN News, June 8, 2005, [online] <http://www.irinnews.org/report.asp?ReportID=47531#> (retrieved on June 8, 2005).

receiving requests to visit the Andijan police station again for questioning in conjunction with “calls made by terrorists from his home phone.”¹²⁷

Crackdown on Civil Society in Other Regions of Uzbekistan

Incidents directly related to expression about Andijan

In violation of its obligations under international law to allow freedom of assembly, the Uzbek authorities targeted for harassment human rights defenders who attempted to hold small demonstrations to protest the Andijan killings.¹²⁸ They also harassed journalists who had covered the Andijan events.

Suppression of freedom of assembly

In the days and weeks following the Andijan massacre, human rights defenders and political activists organized and participated in demonstrations commemorating the loss of life in Andijan and protesting the government’s actions. Uzbek authorities actively prevented dozens of human rights activists from participating in these events by holding them under house arrest or detaining them prior to demonstrations, and detained and harassed others following demonstrations in retribution for their participation.¹²⁹

Demonstrations in Tashkent on May 16, 17, and 19 and their aftermath

According to Elena Urlaeva, an activist with the Society for Human Rights and Freedoms of the Citizens of Uzbekistan (SHRFCU) and the Ozod Dekhonlar [Free Peasants] party, on May 16 in separate incidents police detained SHRFCU members Anatolii Varaksin and Yuri Konoplev during a memorial service for the Andijan dead at the Monument to Courage in central Tashkent. Police forced each of the men into a car and drove them to another part of the city.

¹²⁷ Human Rights Watch telephone interviews with Gafurjan Yuldashev, August 24 and August 31, 2005. See also Saidzimova, “Uzbekistan: Detentions Highlight Ongoing Crackdown in Andijan.”

¹²⁸ Article 21 of the International Covenant on Civil and Political Rights states, “The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.” International Covenant on Civil and Political Rights, Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.

¹²⁹ The International Helsinki Federation also recorded some forty incidents of house arrest in May and June, some of which were related to planned or past demonstrations. It was not possible to determine whether all of these cases were directly related to demonstrations or to other human rights activity. International Helsinki Federation, “One Can’t Keep Silent: the Persecution of Human Rights Defenders in Uzbekistan in the Aftermath of Andijan,” July 15, 2005, pp. 5-6.

On May 17, the authorities prevented numerous human rights defenders and political activists from participating in a demonstration outside the United States Embassy. Police placed Yuri Konoplev of SHRFCU and Abdujalil Baimatov of HRSU under house arrest for the day.¹³⁰ Ten plain clothes policemen broke into the office of Ozod Dekhonlar and detained Elena Urlaeva for several hours.¹³¹ Authorities similarly prevented human rights activists from participating in a protest planned to be held outside the Russian Embassy in Tashkent on May 19. Urlaeva listed at least twenty individuals who were subject to house arrest, beating, detention, or threats in relation to this event.¹³² One human rights activist reported that during a May 20 demonstration near the OSCE office, police in civilian clothing harassed demonstrators and destroyed their signs.¹³³

Tatiana Dovlatova, an activist with SHRFCU, participated in the demonstrations, on May 17, 19, and 20 to protest the Uzbek government's actions in Andijan. On May 26, a police official came to Dovlatova's home in Jizzakh at 5:00 a.m. and demanded that she go with him to the prosecutor's office. She refused to go unless provided with an official summons. The official then placed her under armed house arrest for the day and threatened to send her to a psychiatric hospital if she attempted to leave.

On May 27 Dovlatova was detained and taken to the police station, where officials pressured her to sign a document that implicated her in serious violations under seven articles of the criminal code: "participation as a mercenary," "inciting national, racial, or religious conflict," "attempting to undermine the constitutional authority," "sabotage," "organizing a criminal society," "preparation or distribution of materials threatening the public safety and the public order," and "creating, leading, or participating in religious extremist separatist, fundamentalist, or other illegal groups;" and under four articles of the administrative code: "violating the order for organization and conduct of gatherings, protests, street processions, or demonstrations," "creating the conditions for conducting illegal gatherings, protests, street processions, and demonstrations," "violating the legislation of religious organizations," and "violating the order of teaching religious dogma."¹³⁴ They also tried to force her to sign documents stating that she would not participate in further demonstrations, and then finally released her at 2:00 a.m. The next

¹³⁰ See Elena Urlaeva and Akhtam Shaimardanov, "Report on the Situation for Human Rights Defenders and Opposition Members of Uzbekistan in the period May 13-July 18, 2005," Tashkent, July 19, 2005, pp. 1-3."

¹³¹ Human Rights Watch interview with Elena Urlaeva, Tashkent, May 17, 2005.

¹³² Urlaeva and Shaimardanov, "Report on the Situation for Human Rights Defenders..." pp. 1-3. See also the testimony of Akzam Turgunov regarding his detention and mistreatment, Voice of the Islamic Republic of Iran, in Uzbek, June 13, 2005, English translation in BBC Monitoring, June 14, 2005.

¹³³ Human Rights Watch interview with Tatiana Dovlatova, Jizzakh, June 20, 2005.

¹³⁴ Articles 154, 156, 159, 161, 242, 244-1, 244-2 of the criminal code and articles 210, 202, 240 and 241 of the administrative code.

day, officials again tried to force Dovlatova to sign a document admitting to the same criminal and administrative violations, detained her for four hours and told her that she is now “blacklisted.”¹³⁵

Sobitkhon Ustaboev

The Russian human rights organization “Memorial” reported that on May 18 police arrested Sobitkhon Ustaboev in Namangan after he announced a hunger strike and demanded the resignation of Karimov and an international investigation into the Andijan killings. Ustaboev had a poster and handed out four hundred leaflets.¹³⁶ The authorities sentenced him to fifteen days of administrative detention and threatened to open a criminal case against him. Ustaboev later fled to Kazakhstan.¹³⁷

Detention of Activists in Advance of May 25 Demonstrations in Jizzakh

Authorities in Jizzakh detained and harassed five prominent human rights defenders on May 23-25 in advance of demonstrations they had organized for May 25 to express concern about the Andijan killings. On May 23, police detained Mamarjab Nazarov, head of the Jizzakh district office of HRSU, and Uktam Paradaev of ISHR Uzbekistan. Prosecutor’s office officials questioned each of the men about the planned demonstrations and demanded that they sign statements declaring that they would cease their human rights work and no longer participate in any demonstrations or else be subject to criminal charges and arrest.¹³⁸ Police also detained Ziadulla Razakov, the head of the Jizzakh province office of ISHR Uzbekistan, and Mamarjab Nazarov, head of the Zarbdar district office of Ezgulik and a member of the Birlik coordinating council, on May 24. Authorities arrested Bakhtior Khamroev, chairman of the Jizzakh province branch of HRSU, on May 25.¹³⁹ Several of these activists reported other harassment and ongoing surveillance (see below).

¹³⁵ Human Rights Watch interview with Tatiana Dovlatova, Jizzakh, June 20, 2005.

¹³⁶ “Uzbekistan: New Data Regarding Surveillance of Opposition Activists and Human Rights Defenders,” Human Rights Center Memorial Press Release, May 31, 2005.

¹³⁷ Gulnoza Saidazimova, “Central Asia: Kazakhstan Becomes New Destination for Uzbek Asylum Seekers,” RFE/RL August 3, 2005, [online] <http://www.rferl.org/featuresarticle/2005/8/9E11EBF9-8659-4F6F-A134-913D81936D6C.html> (retrieved August 4, 2005).

¹³⁸ Human Rights Watch telephone interview with Bakhtior Khamroev, May 24, 2005; and Human Rights Watch interview with Bakhtior Khamroev, Tashkent, August 17, 2005.

¹³⁹ Human Rights Watch interview with Mamarjab Nazarov, Tashkent, August 18, 2005; and Human Rights Watch interview with Bakhtior Khamroev, August 17, 2005. See also Human Rights Society of Uzbekistan Press Release May 31, 2005.

June 21 commemorative gatherings

In accordance with Muslim tradition, people sought to commemorate the fortieth day after the killings in Andijan. In Andijan, the authorities forbade any large commemorative gatherings. According to one human rights activist, “in Andijan, people were afraid to gather to mark the fortieth day. Local government officials had prohibited any gatherings, saying, ‘Don’t go to events commemorating the fortieth day for people who died on May 13. They are participants [in the killings], they are “Akramists.”’¹⁴⁰

In Tashkent, human rights defenders, political activists, and others gathered at the Monument to Courage to lay flowers. Some of them held posters showing support for Andijan residents and decrying the Andijan massacre. Human Rights Watch witnessed plain clothes police officers tear up the posters and run away with one of them. Numerous people were detained near the monument or before they could reach it. Human Rights Watch saw Aktam Shakhimardanov and Bakhadir Namazov, both of Ozod Dekhonlar, forced into a car which sped away. Police detained human rights activist Anatolii Volkov on the street before he reached the monument and held him in the police station for several hours.¹⁴¹ Three policemen also detained Tashpulat Yuldashev, an independent political scientist, as he was getting out of his car to attend the event. Police detained him for three hours together with five human rights defenders and political activists and one journalist.¹⁴²

Bakhadir Namazov described the scene at the monument: “All of a sudden a person in civilian clothes came up to us and started to tear up our signs and ran off.... After a little while, someone else also in civilian clothing tore up a poster and ran off. When we started to leave the monument ... about twenty policemen came to us. . . . They spoke with us very rudely and then checked our passports. They took us to the district police station and questioned us.”¹⁴³

Shortly after the commemoration ended, police officers also detained Surat Ikramov, chairman of the Initiative Group of Human Rights Defenders of Uzbekistan, near his home. The officers did not present any identification and took Ikramov to the district police station. Officers questioned Ikramov for six hours before releasing him. They

¹⁴⁰ Human Rights Watch interview with Andijan human rights activist, identity withheld, location withheld, July 14, 2005.

¹⁴¹ Human Rights Watch monitoring of commemoration of the fortieth day following the Andijan massacre, June 21, 2005.

¹⁴² Human Rights Watch interview with Tashpulat Yuldashev, Tashkent, June 21, 2005.

¹⁴³ Human Rights Watch interview with Bakhadir Namazov, Tashkent, June 22, 2005.

used offensive language and called Ikramov “a terrorist” and “an American spy.”¹⁴⁴ On the way to the police station one official also punched him in his stomach. Ikramov told Human Rights Watch that since his June 21 detention, police and security officials maintain regular surveillance of his home and his movements and have issued warnings to him against organizing any demonstrations.¹⁴⁵

June 27 Demonstration near the Uzbekistan State Television and Radio Company

Human rights and political activists planned a demonstration in Tashkent near the Uzbekistan State Television and Radio Company for June 27 to protest its media coverage of the Andijan events. Government officials prevented the demonstration from taking place by holding at least nine potential demonstrators under house arrest and detaining at least seven others. In one instance, police detained two members of Ozod Dekhonlar, Bashorat Eshova and Zulfia Khaidarova, on the evening of June 26 and held them for twenty hours without food or water. The authorities then deported Khaidarova from Tashkent to her residence in Karshi.¹⁴⁶

In another case, on the morning of June 27, three police officers broke into the home of human rights defender and political activist Elena Urlaeva. Urlaeva reported that one of the police officers immediately attacked her colleague, Rahmatulla Alibaev, of the Initiative Group of Human Rights Activists of Uzbekistan, who was helping Urlaeva make placards for the demonstration. The officer beat Alibaev several times in the head and then took him into custody. Urlaeva was kept under house arrest. Alibaev’s whereabouts remain unknown.¹⁴⁷

Arrest, detention, and harassment of journalists

Tulkin Karaev

Tulkin Karaev is a human rights activist and journalist with the Institute for War and Peace Reporting (IWPR) who covered the events in Andijan. On June 4, police in Karshi arrested Karaev and sentenced him to ten days of administrative arrest. The police detained Karaev in a dirty, hot cell with no ventilation and provided him water only twice a day. The authorities consistently denied Karaev’s lawyer access to his client. The

¹⁴⁴ Human Rights Watch interview with Surat Ikramov, Tashkent, June 21, 2005.

¹⁴⁵ Human Rights Watch interview with Surat Ikramov, Tashkent, August 16, 2005.

¹⁴⁶ Urlaeva and Shaimardanov, “Report on the Situation for Human Rights Defenders....,” p. 6.

¹⁴⁷ Elena Urlaeva, “Statement Addressed to Uzbek Prosecutor General Rashid Kodirov,” Ferghana.ru news agency in Russian, July 1, 2005, English translation of excerpts in BBC Monitoring, July 4, 2005.

pretext for the arrest was provided when an unknown woman accosted Karaev at a bus stop and then claimed that Karaev had threatened her.¹⁴⁸

One day after his release, on June 15, police again detained Karaev, held him for several hours of questioning, and then released him without returning his passport. After interventions from foreign governments and human rights and media groups, the authorities returned Karaev's passport on June 23. However, the authorities pressured Karaev to cease working as a journalist, saying, "If you continue your journalism work we will sentence you to prison for three years."¹⁴⁹ Authorities later sought to bring additional charges against the journalist by attempting to convince another young woman to make groundless accusations against Karaev, in exchange for an apartment or a car. In the face of this unrelenting harassment, Karaev fled Uzbekistan on June 27 and remains in hiding.¹⁵⁰

Monica Whitlock

Uzbek authorities pressured BBC Uzbekistan correspondent Monica Whitlock to depart Uzbekistan on June 9 in retaliation for her coverage of the events in Andijan. Together with a film crew, Whitlock covered the peaceful demonstrations in Andijan prior to May 13. The BBC broadcast that footage repeatedly in the days following the massacre. Whitlock also produced radio broadcasts based on telephone conversations with people present in the central Andijan square that included recordings of massive gunfire and the last prayers of people in the crowd. The weekend following the massacre, Whitlock returned to Andijan for two days and produced two films before the authorities escorted Whitlock and a BBC film crew out of the city. A few weeks later government officials accused Whitlock of breaking Uzbek laws, without specifying which laws or what she had allegedly done to break them, and of non-objective reporting. Fearing for her safety, Whitlock decided to leave Uzbekistan with her family.

Nosir Zokir

Nosir Zokir, a correspondent for Radio Liberty's Uzbek service (Radio Ozodlik) and a former Birlik party activist, was one of the first journalists to report from Andijan during the crisis on May 13. On June 17, Namangan police detained Zokir for two hours and questioned him about an RFE/RL article that contained a poem criticizing President Karimov. The following week, police interrogated Zokir several times again. Authorities subsequently brought charges against Zokir for allegedly insulting a security services

¹⁴⁸ Human Rights Watch interview with Tulkin Karaev, Karshi, June 24, 2005.

¹⁴⁹ Ibid.

¹⁵⁰ Human Rights Watch email correspondence with Tulkin Karaev, July 17, 2005.

officer and on August 26 sentenced him to six months in prison. A few weeks before his first interrogation, a Namangan newspaper had published a threatening article about Zokir, claiming that he had spread disinformation about the Andijan events.¹⁵¹

Erkin Yakubjanov

On July 18, Uzbek border guards detained Erkin Yakubjanov, a Kyrgyz citizen and a fourth-year journalism student in Osh, Kyrgyzstan, at the Uzbek-Kyrgyz border post at Dustlik. Yakubjanov sought information for a report on Andijan for Dolina Mira (“Valley of the World”), a radio program sponsored by the Danish NGO, International Media Support. The border guards alleged that Yakubjanov asked them for an interview and that he was working without accreditation by the Uzbek Ministry of Foreign Affairs. The guards further tried to justify Yakubjanov’s detention by claiming to have suspected that he works for RFE/RL. The border guards released Yakubjanov on July 29.¹⁵²

Other incidents illustrating the broader crackdown on civil society

The heightened level of repression following May 13, 2005 has extended beyond those who spoke out about the Andijan events to include human rights defenders with a strong record for exposing corruption and challenging government authority, outspoken journalists, particularly those who work as stringers for foreign news agencies, and political activists. While the cases of harassment documented below do not derive directly from the Andijan events themselves they illustrate the government’s unprecedented crackdown on Uzbekistan’s civil society.

Beatings of human rights defenders, political activists and journalists

Sotvoldi Abdullaev

On May 30 in Tashkent, two men in civilian clothing, one a local police officer, hit Sotvoldi Abdullaev on the back of the head. The assailants had been monitoring the house from a parked car for several days, apparently to prevent Abdullaev, a member of ISHR Uzbekistan, from leaving his house. Abdullaev noticed that surveillance of his home started on May 17, after he participated in a demonstration near the U.S. embassy, and in demonstrations near the Russian embassy and OSCE office. Abdullaev recognized one of the men as the same police officer who had been monitoring his

¹⁵¹ Human Rights Watch correspondence with Sojida Djakhfarova, RFE/RL Uzbek Service acting director, August 25, 2005 and August 29, 2005.

¹⁵² Committee to Protect Journalists, “Uzbek Leader Urged to End Harassment of Independent Press, August 1, 2005, Committee to Protect Journalists letter, August 1, 2005, [online] <http://www.cpj.org/protests/05ltrs/Uzbek01aug05pl.html> CPJ? (retrieved August 8, 2005).

house, and so told the men, “Well, since you’ve come this time, why don’t you come in.” As Abdullaev turned to enter his house, one of the men struck him.¹⁵³

As a result of the attack, Abdullaev suffered a severe concussion and was hospitalized for three days. However, according to the official medical release document, Abdullaev, “accidentally fell to the ground, hit his head, and lost consciousness.” Abdullaev continues to suffer from dizziness, nausea, and vision problems as a result of the beating.¹⁵⁴

Ulugbek Khaidarov

On June 24, two unidentified men in uniform attacked Ulugbek Khaidarov, an independent journalist from Jizzakh. Khaidarov was in Karshi, on his way to visit the journalist and human rights activist Tulkin Karaev, when the men hit Khaidarov over the head with a heavy object and then continued to punch and kick him when he fell to the ground. They shouted at him, “Get back to your Jizzakh!” A few days later, Human Rights Watch documented evidence of Khaidarov’s beating: a large lump on his head, severe swelling in his face, one eye swollen shut, and bruises on his body. A doctor confirmed that Khaidarov had suffered a concussion.¹⁵⁵

Lobar Kainarova

Two women and one man attacked Lobar Kainarova, a correspondent for RFE/RL’s Tashkent bureau, on July 1 in the entrance to her apartment building as she returned home from reporting on a trial. The assailants forced Kainarova, who was three months pregnant, into a van and drove her around while beating her in the face and abdomen for more than two hours. The assailants confiscated her tape recorder and interview materials. During the previous week, Kainarova had interviewed human rights defenders in Syrdaria and Jizzakh provinces who described the pressure they faced from authorities in conjunction with their work. Kainarova reported that a few days earlier a secret service agent had warned her not to report on the trial or interview human rights activists. The journalist also had received several threatening phone calls, in which an unidentified caller warned her to “not stick [her] nose into politics.”¹⁵⁶

¹⁵³ Human Rights Watch interviews with Sotvoldi Abdullaev, Tashkent, May 30 and June 19, 2005.

¹⁵⁴ Ibid.

¹⁵⁵ Human Rights Watch interview with Ulugbek Khaidarov, Tashkent, June 29, 2005.

¹⁵⁶ “RFE/RL Deplores Attack Against Reporter, Calls For End to Harassment in Uzbekistan,” RFE/RL, July 5, 2005, [online] <http://www.rferl.org/releases/2005/07/348-050705.asp>.

Rajabboi Raupov

On July 6, in Shafirkan, in Bukhara province, two unidentified assailants beat freelance journalist Rajabboi Raupov with an iron bar.¹⁵⁷ Raupov, who works for a number of media outlets including RFE/RL, suffered severe head wounds from the attack and was in critical condition. Raupov had started a newspaper, *Zerkalo Shafirkana*, a few months earlier that was shut down for criticizing the mayor and prosecutor of the district.¹⁵⁸

Rano Azimova

On July 16 at 6:00 a.m., three unknown assailants beat Abdujalil Azimov, the son of human rights defender Rano Azimova. For a month prior to this incident, unknown persons had knocked on Azimova's door late at night and issued threats related to her human rights work and her participation in demonstrations. During that month Azimova also had received numerous hostile telephone calls threatening physical retaliation against members of her family.¹⁵⁹

Gavkhar Yuldasheva

On August 2, at 11 p.m., two men attacked Gavkhar Yuldasheva, head of the Gallaorol district branch of Ezgulik in Jizzakh province, as she went out to get bread. On August 1, Yuldasheva had participated in a meeting in Jizzakh with British Ambassador David Moran. The older one of them, whom Yuldasheva recognized as having visited her apartment in December 2004 allegedly collecting data for the census, kicked her and pounded her head against the asphalt. She nearly lost consciousness. A few days later she was summoned to the police station, where a senior police official told Yuldasheva, "Remember this: This is a warning, next time we'll kill you." Yuldasheva reported that prior to the incident, on July 7, 2005, police had detained her and warned her to stop her human rights work.¹⁶⁰ Following the attack, police repeatedly pressured Yuldasheva's husband to admit to having beaten his wife over a domestic conflict. Authorities succeeded in extracting a forced confession from him on August 26, after threatening him with "serious repercussions."¹⁶¹

¹⁵⁷ Julie Corwin, "Uzbekistan: Is Russia Helping Uzbekistan Clean up after Andijan?" RFE/RL, July 15, 2005, [online] <http://www.rferl.org/featuresarticle/2005/07/892b3212-52f2-4e91-b68e-74eac613bdb8.html> (retrieved July 13, 2005).

¹⁵⁸ "Famous Journalist of Bukhara Province is Beaten," Arena Committee for Free Speech and Free Expression, July 13, 2005, [online] <http://www.freeuz.org/news/?id1=599> (retrieved July 13, 2005).

¹⁵⁹ Urlaeva and Shaimardanov, "Report on the Situation for Human Rights Defenders," p. 8.

¹⁶⁰ Human Rights Watch interview with Gavkhar Yuldasheva, Tashkent, August 21, 2005.

¹⁶¹ *Ibid.*

Mass detention of activists in advance of May 30 demonstrations in Tashkent

Opposition party activists and human rights defenders planned to hold a demonstration at the Ministry of Justice on May 30 to protest the government's refusal to register the opposition party Birlik. Authorities used arbitrary detentions to prevent many participants from taking part in the protest or even reaching the planned site of the demonstration. Vasila Inoiatova, chair of Ezgulik, reported that police detained many Ezgulik and Birlik activists in advance of the demonstrations and put others under house arrest in Tashkent and in other cities.¹⁶² Elena Urlaeva reported that police held her and at least six other human rights activists under house arrest from May 30 to June 4.¹⁶³ The Initiative Group of Human Rights Defenders of Uzbekistan also reported the house arrest and detention of several activists, including Surat Ikramov, and sent a letter to the OSCE deploring the detentions and requesting help.¹⁶⁴

On May 28, Samarkand police arrested Kholiqnazar Ganiev, head of the Samarkand province office of the human rights organization Ezgulik and the opposition party Birlik. Ganiev had planned to travel to Tashkent for protests on May 30. Police charged Ganiev with "hooliganism" and sentenced him to fifteen days of administrative detention. A group of women, apparently government provocateurs, attacked Ganiev's house on May 27 and then brought charges against him when he asked them to leave.

On the evening of May 29, unidentified people attempted to start fights with twelve members of Ezgulik from the Fergana Valley who had come to Tashkent to participate in an Ezgulik seminar on May 29 and in the protest at the Ministry of Justice scheduled for May 30. In response to the provocation, Inoiatova moved the Ezgulik members from their hotel to her brother's home for the night. Soon thereafter, thirty armed special services officers forcibly entered Inoiatova's brother's home and detained the twelve human rights defenders, beating several of them. Police also detained Vasila

¹⁶² "Uzbekistan: New Data Regarding Surveillance of Opposition Activists and Human Rights Defenders," Human Rights Center Memorial Press Release, May 31, 2005. In one instance, on May 29, police broke into the apartment of Dainav Tashanov, head of the Karshi province office of Birlik. Police beat Tashanov and detained him together with Zulfikor Mirzakulov, head of the local office of Ezgulik, who was visiting Tashanov. Police detained the men until midnight and then drove them towards the village Chinkurgan, 100 kilometers from Karshi, and dropped them at the side of the road. See "Kashkadarja Regional Authorities Apply More and More Pressure to the Human Rights Community and Opposition," Ferghana.ru news agency, May 30, 2005, [online] <http://news.ferghana.ru/detail.php?id=962> (retrieved July 22, 2005).

¹⁶³ Police also confined Abduljalil Boimatov of the Human Rights Society of Uzbekistan to house arrest for two weeks, from May 22 to June 5. Urlaeva and Shaimardanov, "Report on the Situation for Human Rights Defenders," pp. 4-5. See also Gulnoza Saidazimova, "Uzbekistan: Crackdown on Journalists, Activists Intensifies," RFE/RL June 6, 2005.

¹⁶⁴ "Uzbek Human Rights Activists Request Aid," Prima News, May 31, 2005.

Inoiatova, together with her family, at 2:00 a.m. and held them until noon the next day.¹⁶⁵

Also on May 29, one prominent political activist from a small town, “Jurabek J.” (not his real name), planned to travel to Tashkent with a colleague to participate in the May 30 demonstration. Thirty policemen stopped the two men just as they were getting in a car to drive to Tashkent. Without any explanation, the police held the men until nearly 11:00 the next morning and beat Jurabek J. also reported constant security service surveillance of his home and his movements since May 15. Prostitutes, acting as government provocateurs, repeatedly harassed Jurabek J. near his home. One senior police officer told him, “We don’t want to ever leave you without observation.” Another police officer, an acquaintance, warned Jurabek J. that dozens of people had given written testimony against him and that the authorities planned to bring charges against him that carry a minimum five-year sentence. Following the threats and harassments, Jurabek J. fled his hometown, and he remains in hiding.¹⁶⁶

On July 7, police held Nigora Khidoiatova, head of the Ozod Dekhonlar party, under house arrest for several hours. The police released Khidoiatova only after the intervention of an official from the United States Embassy.¹⁶⁷

Detention and harassment of demonstrators near Samarkand

Several hundred people protested at the Bobur collective farm near Samarkand in the days following the June 4 arrest of Norboi Kholjigitov, a member of HRSU and an activist defending farmer’s rights.¹⁶⁸ On the nearby roads, police detained people trying to reach the demonstrations, placed them in cars, and drove them away. They also demanded written statements from non-local drivers vowing that they would not enter Samarkand.¹⁶⁹

¹⁶⁵ “Illegal Mass Detention and Beating of Ezgulik Representatives,” Ezgulik Human Rights Organization Press Release, May 30, 2005; and “Uzbekistan: New Data Regarding Surveillance of Opposition Activists and Human Rights Defenders,” Human Rights Center Memorial Press Release, May 31, 2005.

¹⁶⁶ Human Rights Watch interview with “Jurabek J.” (not his real name), July 2, 2005.

¹⁶⁷ Elena Urlaeva and Akhtam Shaimardanov, “Report on the Situation for Human Rights Defenders and Opposition Members of Uzbekistan in the period May 13-July 18, 2005,” Tashkent, July 19, 2005, p.7.

¹⁶⁸ Kholjigitov was charged with extortion. For a description of the case see below, footnote 201.

¹⁶⁹ Human Rights Watch interview with Human Rights Society of Uzbekistan Chairperson Talib Yakubov, Tashkent, June 20, 2005.

Two extraordinary cases of detention and harassment

Muidinjon Kurbanov

Muidinjon Kurbanov is head of the Buston (Jizzakh province) office of HRSU and a representative of the Birlik regional board and has for several years endured government harassment and even imprisonment.¹⁷⁰ On May 30, Kurbanov arrived at the Ministry of Justice to participate in the planned demonstration. Four men in civilian clothes detained Kurbanov and confiscated his passport and mobile telephone. Officers took him to the district police station where they questioned him for six hours and demanded that he sign a document saying that he had illegally participated in a demonstration. As Kurbanov told Human Rights Watch, “They threatened me, saying, if I don’t leave Buston for good something might happen to my children or my wife.”¹⁷¹ Police eventually released Kurbanov, but detained him again later that same day, while he was in an internet café reading his email.

Kurbanov reported that he was detained yet again on June 1 and then on June 13 and that the authorities kept him under constant surveillance and virtual house arrest throughout June and July. On August 1—following a meeting in Jizzakh with the British ambassador—police again detained Kurbanov, and a senior police official threatened him, telling him to cut his ties with foreigners and to leave Buston within fifteen days. He also threatened Kurbanov’s life, saying, “I can beat you or kill you and nobody will question me. What should I do with you? Tear you up into pieces or beat you to death? You choose!”¹⁷² On August 3, one day before a meeting in Jizzakh that Kurbanov had scheduled with United States ambassador Jon Purnell, police detained Kurbanov again. A senior police official accused Kurbanov of harassing his neighbors, and asked him about his planned meetings for August 4. Fearing arrest and mistreatment, Kurbanov fled Jizzakh on August 5 and remains in hiding.¹⁷³ The authorities are actively looking for him and have questioned his relatives and neighbors about his whereabouts.¹⁷⁴

Elena Urlaeva

Government officials have put constant pressure on outspoken human rights defender and political activist, Elena Urlaeva, a member of SHRFCU and Ozod Dekhonlar. Urlaeva describes one of the incidents in a complaint she wrote to the prosecutor

¹⁷⁰ On February 16, 2004 authorities arrested Kurbanov, forced him to sign a dictated confession, and sentenced him on fabricated charges of weapons possession in an unfair trial that focused on his human rights work. See Human Rights Watch, *World Report 2005* (New York: Human Rights Watch, 2005) p. 449.

¹⁷¹ Human Rights Watch interview with Muidinjon Kurbanov, Tashkent, June 15, 2005.

¹⁷² Human Rights Watch interviews with Muidinjon Kurbanov, Tashkent, August 2, 8 and 15, 2005.

¹⁷³ Human Rights Watch interviews with Muidinjon Kurbanov, Tashkent, August 5 and 8, 2005.

¹⁷⁴ Human Rights Watch interview with Muidinjon Kurbanov, Tashkent, August 15, 2005.

general on June 29. On June 28 she demonstrated in front of the Uzbek prosecutor general's office and later at the Tashkent city hokimiat and the Ministry of Internal Affairs. She held placards and an orange flag and handed out Ozod Dekhonlar party leaflets. According to her statement, at approximately 2:30 p.m., two government officials forced her into a car and began to hit her, punching her in the legs and in the head.

The men drove Urlaeva to the Mirobod district police station where duty officers placed her in a detention cell. At 4:00 p.m. the same day Urlaeva appeared before a judge, who refused her requests for a lawyer or an interpreter to translate the proceedings from Uzbek to Russian. Urlaeva did not have access to the case material filed against her. The judge fined her six times the minimum salary for disseminating information and disobeying the authorities.¹⁷⁵

In another incident, on July 13, police broke into Urlaeva's apartment, threatened her with a gun, and kept her under house arrest until a United States Embassy official arrived on the scene. In response to a complaint sent to the district prosecutor's office, Urlaeva received a letter stating that "given the situation in the country at that time, [the Department of Internal Affairs] was checking all persons of a special category and the detention was a necessary preventive measure."¹⁷⁶ These incidents followed a pattern of official harassment of Urlaeva since the events in Andijan, including threatening phone calls and many weeks of house arrest.¹⁷⁷ On August 27, police detained Elena Urlaeva and charged her with "desecrating state symbols" for allegedly distributing political pamphlets with caricatures of the Uzbek coat of arms. Procuracy officials ordered Urlaeva to be held in a psychiatric hospital, where she will undergo a medical evaluation to determine whether she is fit to stand trial.¹⁷⁸ Uzbek authorities have subjected Urlaeva to forced psychiatric detention repeatedly in the past.¹⁷⁹

¹⁷⁵ Elena Urlaeva, "Statement Addressed to Uzbek Prosecutor General Rashid Kodirov," June 29, 2005, in Russian, English translation of excerpts in BBC Monitoring, July 4, 2005.

¹⁷⁶ Freedom House Uzbek Human Rights Defender Support Program Press Release, July 15, 2005.

¹⁷⁷ See Elena Urlaeva, "Statement Addressed to Uzbek Prosecutor General Rashid Kodirov," and Urlaeva and Shaimardanov, "Report on the Situation for Human Rights Defenders."

¹⁷⁸ Human Rights Watch telephone interview with a human rights defender close to the case, identity withheld, August 31, 2005; and Aleksei Volosevich, "Elena Urlaeva is threatened with psych hospital or three years corrective labor," Fergana.ru news agency, August 31, 2005, [online] <http://news.ferghana.ru/detail.php?id=1565&mode=snews> (retrieved August 31, 2005).

¹⁷⁹ Elena Urlaeva was forcibly detained in a psychiatric institution first in April 2001 for two months and again in June 2002 for six months.

Vilification of human rights defenders, political activists, and journalists through public denunciations and the media

The government has undertaken a campaign to publicly discredit and intimidate human rights defenders and journalists and, in some cases, has launched public denunciations or “hate rallies” against them. The hate rallies occurred chiefly in Jizzakh, which has a recent history of farmer unrest and an active community of human rights defenders who expose corruption in the government-dominated agricultural sector.¹⁸⁰ Uzbek authorities have used public denunciation and the mass media to spread false information about human rights defenders and journalists and to humiliate them publicly.¹⁸¹ Much of this invective alleges that these individuals are spies for foreign powers and enemies of the state, and some authorities have even gone so far as to accuse human rights defenders falsely of religious extremism, terrorism, or participation in the Andijan killings.

Public denunciations and hate rallies

Bakhtior Khamroev

On May 26, seventy people, including representatives of the local administration, police, and media, forcibly entered the Jizzakh home of Bakhtior Khamroev, chairman of the Jizzakh province branch of HRSU. The group was one of two organized that day at the local mahalla committee in order to take action against human rights defenders in the area. The crowd conducted a Soviet-style hate rally against Khamroev right in his home and threatened to drag him into the street for a public denunciation. They accused him of being a traitor for passing information to Western organizations, including media and human rights groups, and of being a “Wahabbist” and a “terrorist.” Khamroev reported receiving blows to the chest, head, and his one remaining kidney. The authorities also pressured Khamroev to leave Jizzakh and made threats against his life and his family. A smaller group of people returned to Khamroev’s house on May 27, when Human Rights Watch representatives were visiting him. They again threatened Khamroev and demanded that he leave Jizzakh. Khamroev’s complaint to the prosecutor’s office regarding the hate rally in his home has gone unanswered.

¹⁸⁰ The pressure on human rights defenders in Jizzakh appears to have been effective. Bakhtior Khamroev, a human rights activist in Jizzakh, reported a precipitous decline in membership of the Human Rights Society of Uzbekistan since the government campaign began. “I don’t blame those people who leave in order to save their lives, but the longer time goes on, the fewer people remain. One year ago, in Jizzakh oblast there were 127 members of HRSU, now only twenty-eight remain. In Dostui region [of Jizzakh oblast], there were thirty-eight, and only five remain,” he said. Human Rights Watch interview with Bakhtior Khamroev, Tashkent, August 17, 2005.

¹⁸¹ Some of these strongly resembled government-organized “hate rallies” held at the height of the government’s campaign against suspected Islamic “fundamentalists” in 1999 and 2000. See Human Rights Watch, *Creating Enemies of the State: Religious Persecution in Uzbekistan* (New York: Human Rights Watch, 2004).

Since this incident, the police have maintained surveillance of Khamroev and keep him “virtually under house arrest.” Twice, when Khamroev attempted to travel to Tashkent, police stopped him and forcibly returned him to his home.¹⁸²

Uktam Pardaev

The same group of seventy people who attempted to evict Khamroev on May 26 then proceeded to the home of twenty-five-year-old Uktam Pardaev, a human rights activist with ISHR Uzbekistan. They organized a hate rally against Pardaev, hitting him in the stomach, shouting at him, and calling him a “Wahabbist” and “a terrorist” and threatening to “teach him a lesson.” As they departed they told Pardaev that he should ask for forgiveness and “get on the right track,” meaning stop his human rights work, or they would soon throw him out of Jizzakh. When neighbors asked why the attackers had targeted Pardaev, participants answered, “Because he has connections to terrorists and meets with questionable people every day.”¹⁸³

Pardaev also told Human Rights Watch that on June 5 an unknown man approached him and told him, “We have an order from above: if human rights activists will continue their activities, then we will eliminate all of you.” That same day police came to Pardaev’s house and asked Pardaev’s neighbors about him. Police told neighbors that Pardaev is “an enemy of the people, traitor and a terrorist” and forced them to write complaints against him. In addition to these incidents, Pardaev has received many threatening telephone calls and letters.¹⁸⁴

Mamarjab Nazarov

Also on May 26, a second group of approximately seventy people, including local government officials, went to the apartment of Mamurjan Azimov of HRSU apparently to conduct a similar hate rally.¹⁸⁵ When they did not find Azimov at home, the group traveled in three buses and five or six cars to the home of Mamarjab Nazarov in Buston, a village outside of Jizzakh, where they were joined by approximately forty local officials and other participants.¹⁸⁶ Nazarov is the head of the Zarbdar district office of Ezgulik and a member of the coordinating council of Birlik. Earlier in the day, police had prevented Nazarov from leaving his apartment and had disconnected his telephone.

¹⁸² Human Rights Watch interviews with Bakhtior Khamroev, Jizzakh, May 26 and 27, 2005, June 7 and 25, 2005 and in Tashkent, August 27, 2005.

¹⁸³ Human Rights Society of Uzbekistan Press Release, May 31, 2005.

¹⁸⁴ Human Rights Watch interview with Uktam Pardaev, Jizzakh, June 25, 2005.

¹⁸⁵ Human Rights Watch interview with Bakhtior Khamroev, Tashkent, August 17, 2005.

¹⁸⁶ Human Rights Watch interview with Mamarjab Nazarov, Tashkent, August 18, 2005; and Human Rights Watch interview with Bakhtior Khamroev, Tashkent, August 17, 2005.

Nazarov convinced the leader of the group to take him to a local government building rather than conduct the denunciation in his home. Once in the government building, some of the participants accused Nazarov of planning to organize a crisis like Andijan in their town and of distributing false information about Andijan, and then took a decision to kick Nazarov and his family out of Buston.¹⁸⁷

On the basis of this decision, on the night of May 31, the owner of Nazarov's apartment evicted Nazarov and his family and drove them to Samarkand province, 150 kilometers away from Samarkand. Officials from the village where Nazarov and his family decided to stay immediately visited Nazarov and ordered him to appear at the local police station on June 2. During the meeting, a senior official told Nazarov that the authorities in Jizzakh had told him, "A 'Wahabbist'" [Nazarov] is moving to your region; this is a dangerous person." The official also instructed Nazarov not to organize any demonstrations or publish any information on the internet. Following a meeting with British Ambassador David Moran on August 1, Samarkand officials held Nazarov under house arrest forcing him to spend twenty days incommunicado.¹⁸⁸

June 2 rally in Jizzakh

On June 2, local government officials organized a rally in Jizzakh in support of president Karimov under the slogan "The Uzbek people will never be dependent on anyone!"¹⁸⁹ Placards held at the rally stated, "Away with traitors!" "Rally around the President!" and "Human rights activists, get out of Uzbekistan!"¹⁹⁰ An official at the rally reportedly identified all local human rights activists as traitors and enemies of the people, who are servants of the Americans and the British and receive foreign money. The official specifically named Bakhtior Khamroev, Uktam Paradaev, Mamarjan Azimov, Mamarjab Nazarov, and Jamshid Mukharov. The officials hosting the meeting claimed that twenty-two thousand people were participating in the meeting but human rights activists reported that there were not more than three thousand and five hundred participants.¹⁹¹

¹⁸⁷ Human Rights Watch interview with Mamarjab Nazarov, Tashkent, August 18, 2005.

¹⁸⁸ Ibid.

¹⁸⁹ Uzbek Television and Radio Company broadcast, "Demonstration in Jizzakh, 'The Uzbek people will never be dependent on anyone,'" June 2, 2005, [online] <http://www.teleradio.uz/archive.php?Lang=ru> (retrieved August 24, 2005).

¹⁹⁰ Andrei Nazarov, Sasha Sukhanov, "Demonstration of 'people's wrath' under the slogan 'Call to Account Traitors!' took place in Dzhizak," June 3, 2005, World Press Service: Central Asia News.

¹⁹¹ Human Rights Watch interview with Bakhtior Khamroev, Tashkent, August, 17, 2005.

Karshi public denunciation

The pro-government organization “Center for Support of the President’s Ideas” organized a rally at the Karshi stadium on June 7 in support of President Karimov and the government. During the rally, in which local government officials participated, the head of the organization accused Tulkin Karaev, a journalist with IWPR, Khamrokul Karimev, a journalist with Radio Ozodlik, and Yadgar Turlibekov, the head of the Karshi section of HRSU of being enemies of the people and traitors. According to witnesses and those who saw the rally on television, approximately 10-15,000 people attended the rally, most of them young people.¹⁹²

Namangan public denunciation

According to Ezgulik, on July 5 in the Pop district of Namangan province, government representatives met with representatives of the local population. Although the meeting had been organized to discuss agricultural production, an official stated that the events in Andijan and the shooting of citizens had been organized by Western organizations together with Uzbek human rights defenders, many of whom had fled abroad. Ezgulik also reported that two Namangan officials approached the head of the Pop district office of Ezgulik, Arabboi Kadyrov, near the courthouse and said that an order had been given to imprison human rights defenders.¹⁹³

In the media

Common targets in the media smear campaign are human rights defenders and Uzbek journalists who work for foreign media outlets such as the BBC, Radio Ozodlik and IWPR. Common themes in the government propaganda are that these individuals are on the payroll of foreign masters to spread false or grossly exaggerated information about May 13 in order to discredit the government. Some stories went further, accusing human rights defenders and journalists of being spies, abettors of terrorism, or ringleaders in the May 13 violence. The consistency of the tone, targets, and outrageous allegations in the stories, viewed in the context of the utter lack of media freedoms in Uzbekistan, leaves little doubt about the government’s involvement in the smear campaign. These derogatory media pieces are part of the government’s broader efforts, described above, to use its unchallenged control over the media to ensure that only its version of the Andijan events reaches the public.

¹⁹² Human Rights Watch interview with Tulkin Karaev, Karshi, June 24, 2005.

¹⁹³ Ezgulik Press Release no. 97, July 17, 2005.

The national newspaper *Pravda Vostoka* (“Eastern Truth”) maintains a strongly pro-government line and has published numerous articles aimed at discrediting human rights activists and journalists. On May 25 the newspaper published an article titled, “In Defense of the Sovereignty of the Uzbek People,” that attacks correspondents of the Fergana.ru news service, IWPR, BBC Radio, and Radio Ozodlik. The article accused IWPR journalists of being provocateurs and of organizing an information campaign against the government. The article also attacked Alexsey Volosevich, a correspondent for Fergana.ru and the only journalist to remain in Andijan to report on the situation there after May 13, calling him “a professional provocateur.”¹⁹⁴

Ozod Ovoz, a media freedoms website, reported that on May 25, pro-presidential Tashkent newspaper *Mahalla* accused Radio Ozodlik of spreading false information about the Andijan events and criticized each Radio Ozodlik journalist individually. The author called the journalists illiterate, cowardly, soulless, and said they were intent on doing evil.¹⁹⁵ *Mahalla* attacked Radio Ozodlik in a July 27 article as well, accusing the station’s journalists of being incompetent and slanderous.¹⁹⁶

An article titled “‘Free’ Fabrication-Their Credo” appeared in the Tashkent newspaper *Zerkalo XXI* [“Mirror XXI”] on June 9. It criticized Radio Ozodlik’s coverage of the Andijan events and denounced by name numerous RFE/RL journalists in Prague and Uzbekistan. It attempted to discredit RFE/RL Uzbek Service Director Adolat Najimova and accused one journalist of having been trained in terrorist acts.¹⁹⁷

On June 1, the Tashkent newspaper *Khurriyat* published an article criticizing several journalists from the IWPR, including Tulkin Karaev. The article claims that the IWPR journalists had been spreading false information about the Andijan killings in order to be sensationalist and to receive money.¹⁹⁸

¹⁹⁴ “In Defense of the National Sovereignty of the Uzbek People,” *Pravda Vostoka*, May 25, 2005. [online] <http://www.pv.uz/?inc=&snd=3&news=127> (retrieved August 11, 2005). Reporters without Borders stated that the weekly newspaper *Mokiyat* also attacked Alexsey Volosevich calling him a hooligan. Reporters without Borders Press Release, “Authorities Foment a Denigration Campaign against Independent Journalists,” June 14, 2005.

¹⁹⁵ Mukhabat Turon, “Uzbek Press Attacks IWPR, BBC, and Ozodlik,” *Ozod Ovoz*, June 27, 2005, [online] <http://www.ozodovoz.org/ru/news.php?nid=156&cid=0> (retrieved August 12, 2005).

¹⁹⁶ *Mahalla*, Tashkent, in Uzbek, July 27, 2005, English translation of excerpt in BBC monitoring August 4, 2005.

¹⁹⁷ “‘Free’ Fabrication-Their Credo,” June 9, 2005, as reproduced on Arena News, June 10, 2005 [online] <http://www.freeuz.org/analysis/index.php?id1=497&print> (retrieved August 25, 2005). The article originally appeared in the May 26 edition of *Mahalla* under the title, “So Many Lies...”

¹⁹⁸ Adil Soz International Foundation for Protection of Free Speech, “Monitoring Violations of Freedom of Speech, Uzbekistan, June 2005,” July 18, 2005, via email.

Maballa published an article on June 8, titled, “Dead Souls of IWPR Beg for Life,” that accuses Ozod Ovoz of spreading false information about the killings in Andijan based on reports provided by IWPR journalist Galima Bukharbaeva and claimed that IWPR is an illegal organization. The same day, the newspaper *Turkiston* also criticized Bukharbaeva as well as Nosir Zokir of Radio Ozodlik and his son.¹⁹⁹

A June 16 article in *Pravda Vostoka* accused Muidinjon Kurbanov of participation in Akramia and of direct involvement in the Andijan killings of May 13. The author also implicated Vasila Inoiatova in the killings because of her contact with Kurbanov by telephone. In addition, the author claims that the “support of so-called political opposition, namely Saidjahon Zainabidinov, played a final role in activating the activities of the Akramists [on May 13 in Andijan].”²⁰⁰

HRSU reported that on June 23 Uzbek central television showed a program criticizing Norboi Kholjigitov of HRSU and the Ozod Dekhonlar party.²⁰¹ The program showed “representatives of the public” calling human rights defenders “enemies of the people.”²⁰²

On July 7, *Pravda Vostoka* accused Lutfullo Shamsuddinov, head of the Andijan Branch of the Independent Human Rights Organization of Uzbekistan, of providing “information about the events in Andijan and for distribution of false information from the site of the incident” to unidentified “customers.”²⁰³

¹⁹⁹ Mukhabbat Turon, “Karimov’s Anti-Western Press has Even Reached Ozod Ovoz,” Ozod Ovoz, [online] <http://www.ozodovoz.org/ru/news.php?nid=171&cid=0> (retrieved August 12, 2005).

²⁰⁰ Sergei Ezhevichkin, “Andijan: People’s Revolt or A Carefully Planned Armed Action?” [in Russian] *Pravda Vostoka*, June 16, 2005 [online] <http://www.pv.uz/?inc=3&snd=3&news=1439> (retrieved August 10, 2005).

²⁰¹ On June 4 Uzbek security agents arrested Norboi Kholjigitov, a member of HRSU and Ozod Dekhonlar together with two other HRSU activists, Abdusattor Irzaev and Khabbulla Akpulatov, in the village of Mikam near Samarkand. Kholjigitov is a long time advocate for land reform and worked to work to defend farmers’ rights. He is being charged with extortion after a political rival allegedly attempted to give him a bag of marked money. Kholjigitov’s lawyer, Asledin Suvankulov, reported that officials told his client that he had been put in prison because “the regional authorities have had enough of you.” Suvankulov was beaten and threatened for his work on Kholjigitov’s case. Human Rights Watch interview with HRSU Chairman Talib Yakubov, Tashkent, June 20, 2005; Human Rights Watch interview with Aslidin Suvankulov, Chilik, June 23, 2005; and Human Rights Society of Uzbekistan press release, “N. Kholjigitov is subjected to torture,” July 24, 2005, [online] <http://centrasia.org/newsZphp4?st=1122196380> (retrieved July 25, 2005).

²⁰² “HRSU: Human Rights Defenders under Pressure from Uzbek TV and Mass Media,” Ozod Ovoz, June 27, 2005, [online] <http://www.ozodovoz.org/ru/news.php?nid=177&cid=0> (retrieved August 12, 2005).

²⁰³ Abu-Ali Niyazmatov, “Attempt to Cover Tracks,” *Pravda Vostoka*, July 7, 2005, [online] <http://www.pv.uz/?inc=3&snd=3&news=1619> (retrieved August 10, 2005).

According to Ozod Ovoz, in an article titled, “If You Spit into the Sky,” the editor-in-chief of *Makhalla*, Chori Latipov, accused BBC correspondent Matluba Azamatova of spreading false information about Andijan after she visited the homes and graves of “terrorists,” and likened her to a prostitute. The editor also repeated several times that Azamatova “works under orders and receives large amounts of money for fulfilling those orders.” Latipov issued Azamatova a veiled threat, “If you spit into the sky [at Karimov and the government], spit will fall right back down on your head.”²⁰⁴ Latipov similarly struck out at Radio Ozodlik and Ozod Ovoz in a July 27 article titled, “An Empty Mind’s Pretensions to Wisdom.”²⁰⁵

The Foreign Policy Context

Uzbekistan Gathers Allies

As the international community began to take stock of the events in Andijan, interpretations of what had happened split neatly along Cold War lines. The United States, the European Union, the OSCE, as well as the United Nations, began pressing for an independent international investigation of the violence. Russia and China, on the other hand, unequivocally backed the Uzbek government’s actions as a legitimate response to what these states characterized as an attack by extremists.

Soon after the massacre, President Karimov flew to Beijing where, after being honored with a twenty-one gun salute at Tiananmen Square (site of the 1989 massacre by the Chinese government of peaceful protesters) he signed a \$600 million oil deal with Chinese president Hu Jintao. Hu told Karimov he “honor[ed]” Uzbekistan’s “efforts to protect its national independence, sovereignty and territorial integrity.”²⁰⁶ Russia also supported Karimov against mounting pressure for an investigation. Russian officials and media repeatedly stressed that there was no need for an international investigation. On June 10, a group of Russian experts including journalists and political scientists met with Karimov after visiting Andijan. The Uzbek state news service trumpeted their findings that the Uzbek government account of the violence was correct and that Western media

²⁰⁴ Nafisa Nazar, “The Newspaper *Makhalla* Likens BBC Journalist to a Prostitute” Ozod Ovoz, July 7, 2005 [online] <http://www.ozodovoz.org/ru/news.php?nid=192&cid=0> (retrieved August 12, 2005).

²⁰⁵ Mukhabbat Turon, “Karimov’s Press Attacks Ozodlik Again,” Ozod Ovoz, July 28, 2005, [online] <http://www.ozodovoz.org/ru/news.php?nid=214&cid=0> (retrieved July 28, 2005); and Reporters Without Borders, “Authorities Foment a Denigration Campaign against Independent Journalists,” Reporters Without Borders Press Release, June 14, 2005.

²⁰⁶ Buckley, Chris, “China ‘Honors’ Uzbek Crackdown,” *The International Herald Tribune*, May 27, 2005.

were biased.²⁰⁷ In a broadcast on Ekho Moskvyy radio, one of the observers claimed there was “no evidence whatsoever” that there had been shooting in Bobur Square.²⁰⁸

In late June, Karimov made a visit to Moscow, where he met with Russian president Vladimir Putin and Defense Minister Sergei Ivanov. At their joint press conference, Putin claimed that Russian intelligence knew of infiltration from Afghanistan to Andijan, which appeared to embolden Karimov to suggest that the U.S. was cooperating with terrorists to overthrow his government.²⁰⁹ Ivanov was quoted as saying, “you have to close your eyes and ignore all the facts” to believe that there was a peaceful demonstration in Andijan.²¹⁰

Russian and Chinese support for the Uzbek government coalesced at the summit of the Shanghai Cooperation Organization (SCO) in Astana, Kazakhstan, on July 5-6. The heads of the member states, which include the Central Asian republics as well as Russia and China, signed seven agreements, all of them aimed at the fight against “terrorism, separatism, and extremism.” The theme of the summit framed the events in Andijan as part of a wider threat of destabilization, rather than as an excessive government response to a largely peaceful demonstration. Some of the resolutions even appeared directly to target Uzbek refugees in Kyrgyzstan, including an accord not to extend asylum to persons classified as terrorists or extremists by SCO member states.²¹¹ Russia, China, and the SCO echoed the core assertions of the Uzbek government, namely that there was no peaceful demonstration, that the violence was perpetrated by foreign Muslim extremists, and that the bloodshed was an internal matter. The emphasis of SCO statements was on “stability,” with a clear eye to the recent political turmoil in Kyrgyzstan, Georgia, and Ukraine.

The summit’s statement also hinted broadly at support for the withdrawal of U.S. and European forces from Central Asian military bases, which had been used since 2002 to support military operations in Afghanistan.²¹²

²⁰⁷ “Vstrechi Rossiskoi Delegatsii” [Meeting of the Russian Delegation], National Information Agency of Uzbekistan, June 10, 2005, [online] <http://www.uza.uz/politics/?id1=3962> (retrieved August 25, 2005).

²⁰⁸ Ekho Moskvyy Radio program, June 11, 2005, English translation in BBC Monitoring June 11, 2005.

²⁰⁹ Uzbek Television First Channel, June 30, 2005, English translation in BBC Monitoring July 1, 2005.

²¹⁰ Ibid.

²¹¹ “Strani ShOS ne budut Predostavlat’ Ubezshishcha Terroristam i Ekstremistam” [The SCO Countries will not Grant Asylum to Terrorists and Extremists], RIA Novosti, July 5, 2005 [online] <http://rian.ru/world/relations/20050705/40845066.html> (retrieved August 25, 2005).

²¹² “Astana Summit Brings New Horizons for SCO,” Shanghai Cooperation Organization Summit statement, July 7, 2005.

No Strategy for an International Investigation

As noted above, the United States and governments of the European Union (E.U.) and its candidate states played an active role in supporting the evacuation of Uzbek refugees from Kyrgyzstan and thus protecting them from being returned to persecution and possible torture in Uzbekistan. They have also greatly supported the community of human rights defenders in Uzbekistan during this most recent crackdown.

These states' efforts in support of an international investigation into the killings in Andijan have been far weaker, however. In fact, in the face of utter defiance by the Uzbek government, both the U.S. and the European Union appear to have backed off entirely rather than implement a more robust strategy to hold the Uzbek government accountable for the loss of life.

A conclusion adopted by E.U. foreign ministers on June 13 deplored the Uzbek government's failure to allow an international investigation and threatened a partial suspension of the E.U.'s Partnership and Cooperation Agreement (PCA) with the Uzbek government if it did not meet an "end of June" deadline to reconsider its position. A month later, as the Uzbek government continued to defy calls for an international investigation and to crack down severely on civil society, a July 18 meeting of E.U. foreign ministers failed to act on the E.U.'s earlier threat. Instead, it called for the E.U.'s Special Representative for Central Asia to travel to the region "as soon as possible" to "review the matter."²¹³

On July 30, the Uzbek government notified the U.S. Embassy that the United States had 180 days to withdraw its forces from a military base in southern Uzbekistan that the U.S. and others had used since 2002 to support operations in Afghanistan. This marked a radical shift in the relationship between the two countries. Since the September 11, 2001 attacks in the United States, the U.S. considered Uzbekistan an important ally in its global campaign against terrorism, and provided aid and training to the Uzbek military as well as counterterrorism assistance.²¹⁴

²¹³ Council of the European Union, General Affairs and External Relations Council Meeting, Brussels 18 July 2005, "Council conclusions on Uzbekistan."

²¹⁴ One of the Uzbek military units said to have been involved in the massacre, an elite counterterrorism unit called "Bars," included officers who had received US State Department-sponsored training on crisis response in Louisiana in 2004. Although it is not clear whether the US-trained personnel were personally involved in the massacre, eyewitnesses indicate that their unit was. Chivers, C.J. and Shanker, Thom, "Uzbek Units Linked to Deadly Crackdown got U.S. Training," *International Herald Tribune*, June 20, 2005.

The U.S. ignored earlier calls by Human Rights Watch and others to disengage from the base in the wake of Uzbek government intransigence and repression following the May 13 massacre, losing an opportunity to take a principled stance and to distance its own military operations from the abuses committed by Uzbek forces, and to use the political leverage provided by the base to press for an international investigation. As of this writing, the Bush administration has made no moves to back up its rhetorical calls for an international investigation by enacting any diplomatic or economic sanctions against the Uzbek government.

Recommendations

To the Government of the Republic of Uzbekistan:

- Immediately grant access to Andijan to an independent, credible, international investigative team operating under the terms of reference set out by the U.N. High Commissioner for Human Rights. Allow such a team unfettered access to people and places relevant to investigation of the events of May 13, 2005.
- Grant access to Uzbekistan to the U.N. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, the Special Representative of the Secretary General on Human Rights Defenders, and the Working Groups on Arbitrary Detention and Disappearances.
- Grant the International Committee of the Red Cross (ICRC) and diplomatic missions based in Tashkent access to the four men—Dilshod Khajiev, Tavakal Khajiev, Hasan Shakirov, and Mukhammad Kadirov—forcibly returned to Uzbekistan by the government of Kyrgyzstan, where the men had sought asylum.
- Immediately release from custody human rights defenders, journalists and political activists wrongly detained and arrested, including: Saidjahon Zainabitdinov, Nurmukhammad Azizov, Akbar Oripov, Dilmurod Muhiddinov, Musozhon Bobozhono, Hamdam Suleimanov, Norboi Kholjigitov, Abdusattor Irzaev, Khabbubulla Akpulatov, Abdurasul Khudainazarov, Nosir Zokir, and Elena Urlaeva. Make public the whereabouts of Saidjahon Zainabitdinov.
- Guarantee due process rights to those arrested since May 13, including the right of those in custody to meet with the counsel of their choice in private.

- Guarantee international monitors access to trials of human rights defenders, journalists and political activists and to trials of those accused of involvement in the Andijan violence.
- Investigate and prosecute allegations regarding the use of torture by Uzbek law enforcement agents during the course of detentions and interrogations of people in Andijan following the May 13 massacre.

To the Government of the Russian Federation:

- Publicly acknowledge the need for an independent, international investigation that includes in its mandate examining human rights abuses committed by government forces in Andijan.

To the Government of Kyrgyzstan:

- Comply with the 1951 Refugee Convention and its 1967 Protocol and the Convention Against Torture. Specifically, protect and guarantee the rights of refugees from Uzbekistan who have fled to Kyrgyzstan seeking safety. Do not forcibly send back to Uzbekistan people who would face torture or persecution if returned.

To the Government of the United States:

- Recognizing that in the absence of an independent investigation, it has not been possible to determine which Uzbek units took part in the Andijan massacre and cover-up, freeze any remaining military and counter-terrorism assistance to all units of the Uzbek armed forces, National Security Services, and Ministry of Internal Affairs, pursuant to the Leahy amendment which stipulates that U.S. government aid shall not be provided to units that have participated in gross human rights abuses.
- Institute a ban on visas to the U.S. for senior members of the government of Uzbekistan who exercise command and control of the armed forces that committed the massacre in Andijan. In addition, freeze U.S.-based assets belonging to the above-named senior government officials.

- Continue and expand U.S. government support for civil society, including support of human rights defenders and creation and promotion of alternatives to state-run media.
- Insist that the government of Uzbekistan conform to its commitments under the U.S.-Uzbekistan Declaration on Strategic Partnership, signed in March 2002, which include commitments to “intensify the democratic transformation of society . . . taking into account obligations deriving from international treaties.” In addition, withhold payments to the government of Uzbekistan for any military base-related services until the government of Uzbekistan abides by its obligations under the bilateral partnership agreement.

To the Organization for Security and Cooperation in Europe (OSCE):

- Send a team of trained observers to monitor and report on the conduct of trials of those accused by the government of Uzbekistan of responsibility for the violence in Andijan, including those charged with “terrorism” and “Islamic extremism.”
- Strongly and publicly condemn the government of Uzbekistan illegal detention, arrest and harassment of Uzbek human rights defenders, journalists and political activists.
- As recommended by the Office for Democratic Institutions and Human Rights (ODIHR) of the OSCE, strengthen the capacity of OSCE field missions in Uzbekistan to better monitor the human rights situation there.

To the European Union (E.U.):

- Given the government of Uzbekistan’s refusal to fulfill the E.U. General Affairs and External Relations Council’s (GAERC) call for an independent, international inquiry into the massacre in Andijan, and the Uzbek government’s persistent non-compliance with the terms of the agreement, immediately suspend the E.U.’s Partnership and Cooperation Agreement (PCA) with Uzbekistan.
- Immediately enact an embargo on arms sales from E.U. member states to Uzbekistan.

- Immediately enact a ban on issuance of visas to senior members of the Uzbek government who exercise command and control of the armed forces that committed the massacre in Andijan.

To the United Nations (U.N.):

- The Secretary General should appoint a Special Envoy on Uzbekistan to signal that the political and human rights situation in the country remains a serious concern at the highest level of the United Nations. The Special Envoy should be tasked with monitoring the evolving political and human rights situation in Uzbekistan, recommending and coordinating appropriate follow-up action on Uzbekistan by U.N. agencies, as well as intergovernmental bodies such as the Commission on Human Rights, and raising serious security and human rights concerns with the Uzbek government.
- The Office of the High Commissioner for Human Rights and its special mechanisms should continue to closely monitor the human rights situation in Uzbekistan and undertake action on specific cases as appropriate.
- The U.N. country team should provide support to civil society organizations seeking to monitor the human rights situation.

To all States:

- As recommended by the U.N. High Commissioner for Human Rights, issue a stay of deportation to Uzbekistan of Uzbek asylum seekers and eyewitnesses to the Andijan massacre who would face the risk of torture if returned.

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