



## FREEDOM NOW

April 1, 2016

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Mr. Michel Forst  
Special Rapporteur on the situation of Human Rights Defenders  
c/o Office of the High Commissioner for Human Rights – Palais Wilson  
United Nations Office at Geneva  
CH 1211 Geneva 10, Switzerland

RE: Arbitrary Detention of Salijon Abdurakhmanov, Azam Farmonov, Gaybullo Jalilov, Dilmurod Saidov, and Akzam Turgunov (Uzbekistan)

Dear Mr. Forst,

We write to you regarding the arbitrary detention of five human rights defenders who are currently being imprisoned by the Republic of Uzbekistan (“Uzbekistan”): Salijon Abdurakhmanov, Azam Farmonov, Gaybullo Jalilov, Dilmurod Saidov, and Akzam Turgunov (the “Detainees”). Each of the Detainees is currently serving a multi-year sentence on fabricated charges which were leveled against such Detainee in response to his journalism or human rights activism. The United Nations Working Group on Arbitrary Detention (the “Working Group”) has issued opinions declaring the detention of four of these Detainees arbitrary and calling for their release.<sup>1</sup> In addition, the United Nations Human Rights Committee has been considering communications on the cases of Mr. Abdurakhmanov<sup>2</sup> and Mr. Farmonov<sup>3</sup> since 2012 and 2014, respectively, and your office had previously communicated with Uzbekistan regarding the

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<sup>1</sup> *Azamjon Farmonov and Alisher Karamatov v. Uzbekistan*, UN Working Group on Arbitrary Detention, Opinion No. 65/2012, (adopted November 22, 2012), available at [http://www.unwgadatabase.org/un/Document.aspx?id=2875&terms=\(+Farmonov++\)](http://www.unwgadatabase.org/un/Document.aspx?id=2875&terms=(+Farmonov++)); *Gaybullo Jalilov v. Uzbekistan*, UN Working Group on Arbitrary Detention, Opinion No. 4/2013, (adopted April 30, 2013), available at [http://www.unwgadatabase.org/un/Document.aspx?id=2916&terms=\(+Gaybullo+\)](http://www.unwgadatabase.org/un/Document.aspx?id=2916&terms=(+Gaybullo+)); *Dilmurod Saidov v. Uzbekistan*, UN Working Group on Arbitrary Detention, Opinion No. 67/2012 (adopted November 23, 2012), available at [http://www.unwgadatabase.org/un/Document.aspx?id=2877&terms=\(+Saidov+\)](http://www.unwgadatabase.org/un/Document.aspx?id=2877&terms=(+Saidov+)); *Akzam Turgunov v. Uzbekistan*, UN Working Group on Arbitrary Detention, Opinion No. 53/2011, (adopted November 17, 2011), available at [http://www.unwgadatabase.org/un/Document.aspx?id=2830&terms=\(+Turgunov++\)](http://www.unwgadatabase.org/un/Document.aspx?id=2830&terms=(+Turgunov++)).

<sup>2</sup> *Communication to the United Nations Human Rights Committee in the case of Salijon Abdurakhmanov v. Uzbekistan*, (October 1, 2012), available at <http://www.freedom-now.org/wp-content/uploads/2014/12/Abdurakhmanov-HRC-Petition-redacted.pdf>.

<sup>3</sup> *Communication to the United Nations Human Rights Committee in the case of Azamjon Farmonov v. Uzbekistan*, (September 3, 2014), available at <http://www.freedom-now.org/wp-content/uploads/2015/07/UN-Human-Rights-Committee-Petition-Farmonov.pdf>.

detention and torture of Mr. Farmonov<sup>4</sup> and Mr. Jalilov.<sup>5</sup> Nonetheless, despite the Working Group opinions, attention from UN Special Procedures and significant international concern, all five Detainees remain in prison.

The Detainees are:

- 1. Salijon Abdurakhmanov**, age 65, an independent journalist in Karakalpakstan, an autonomous republic in Uzbekistan, who was convicted and sentenced to 10 years in prison in 2008 on fabricated drug charges. Mr. Abdurakhmanov was known for his reporting on social and economic justice, human rights, and corruption in Karakalpakstan. He has written for UzNews, an independent online news agency, and contributed to Radio Free Europe/Radio Liberty, Voice of America, and the Institute for War and Peace Reporting. He also represented the Uzbek Committee to Protect Individuals' Rights in Karakalpakstan.

Shortly before his arrest, Mr. Abdurakhmanov wrote an article criticizing the traffic police in Karakalpakstan. On June 7, 2008, traffic police arrested Mr. Abdurakhmanov when they stopped his car and found 114.18 grams of marijuana and 5.89 grams of opium in the trunk of his car. Mr. Abdurakhmanov denies knowing about the drugs and believes that they were planted in his car days before at a local repair shop in retaliation for his journalistic activities. Investigators charged Mr. Abdurakhmanov with selling drugs under Article 273(5) of the Uzbek Criminal Code.

Mr. Abdurakhmanov's arrest and trial were plagued by irregularities. Investigators failed to carry out basic investigative steps such as checking the drugs for fingerprints. At trial, the chief witness for the prosecution, a drug dog specialist who was involved in Mr. Abdurakhmanov's arrest, admitted that his dog had not reacted to Mr. Abdurakhmanov's car and could not explain why he called for reinforcements during the arrest. This testimony was corroborated by video of the arrest. Despite the lack of evidence against him, on October 10, 2008, Karakalpakstan's Tahtakupir district court found Mr. Abdurakhmanov guilty and sentenced him to 10 years in prison. Mr. Abdurakhmanov's conviction was upheld by an appeal court on November 19, 2008 and the Supreme Court dismissed his lawyer's request for review on June 1, 2011.

Since his imprisonment, harassment of Mr. Abdurakhmanov and his legal team has not ceased. In 2009, two of Mr. Abdurakhmanov's lawyers, including his brother, lost their legal licenses and are no longer able to practice law. Additionally, Mr. Abdurakhmanov has been found guilty of violating his terms of detention several times. The details of the

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<sup>4</sup> *Joint Letter from the UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Ref: UA G/SO 214 (107-9) G/SO 214 (53-24) UZB 4/2011, (December 9, 2011), available at [https://spdb.ohchr.org/hrdb/20th/UA\\_Uzbekistan\\_09.12.2011\\_\(4.2011\).pdf](https://spdb.ohchr.org/hrdb/20th/UA_Uzbekistan_09.12.2011_(4.2011).pdf) [hereinafter, 2011 Joint Letter]; *Joint Letter from the Working Group on Arbitrary Detention, the UN Special Rapporteur on the situation of human rights defenders and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, Ref. UA UZB 1/2015 (April 27, 2015), available at [https://spdb.ohchr.org/hrdb/30th/public-UA\\_Uzbekistan\\_27.04.15\\_\(1.2015\).pdf](https://spdb.ohchr.org/hrdb/30th/public-UA_Uzbekistan_27.04.15_(1.2015).pdf) [hereinafter, 2015 Joint Letter].

<sup>5</sup> *Communications Report of Special Procedures*, U.N. Doc. A/HRC/18/51, p.21, (September 5, 2011); *2011 Joint Letter*, *supra* note 4.

charges against him are unclear; however, it is believed that these charges have been fabricated in order to disqualify him from receiving amnesty under a presidential decree.

Mr. Abdurakhmanov currently suffers from chronic gastritis, a chronic duodenal ulcer, and osteochondrosis of the spine. These health conditions have been exasperated by his advanced age, prolonged incarceration in poor prison conditions, and lack of appropriate and continual medical attention.

On October 1, 2012, Freedom Now submitted a communication to the UN Human Rights Committee alleging, *inter alia*, that Uzbekistan violated Mr. Abdurakhmanov's rights to a fair trial, freedom of expression, and freedom from arbitrary detention.<sup>6</sup> On January 20, 2016, Freedom Now submitted a communication to the UN Special Rapporteur on the right the health, alleging that Uzbekistan had violated its obligation to provide Mr. Abdurakhmanov with urgently needed medical treatment.

- 2. Azam Farmonov, 37**, a prominent human rights defender who has been wrongly detained in Uzbekistan since 2006 on extortion charges. He is currently serving a nine-year prison sentence, which was extended by an additional five years in June 2015 for allegedly violating prison regulations. Prior to his arrest, Mr. Farmonov served as Chairman of the Syrdarya region branch of the Human Rights Society of Uzbekistan. Mr. Farmonov focused his advocacy on defending farmer's rights, as well as monitoring trials and producing informational pamphlets on human rights issues.

On the morning of April 29, 2006, police arrested Mr. Farmonov, along with his colleague Alisher Karamatov, and charged them with extortion under Article 165 of the Criminal Code. That day authorities searched Mr. Farmonov's apartment on three separate occasions, seizing, among other items, human rights pamphlets. Although investigators purported to present a warrant at the time, it is disputed whether that document was duly executed. During these raids, investigators struck Mr. Farmonov's pregnant wife, Ozoda Yakubova, knocking her unconscious. She was later rushed to the hospital, where she spent more than a day recovering.

Following his arrest, Mr. Farmonov was held incommunicado for over a week and held in isolation without access to his family for approximately a month. During this time, authorities tortured him in an attempt to force him to make a confession. Mr. Farmonov gave a false confession after investigators used gas-masks to suffocate him, threw him in the air to make him fall on his back onto a concrete floor, and beat his feet and heels with truncheons.

Mr. Farmonov's trial was plagued with inconsistencies and violations of fair trial standards. The government appointed a lawyer to represent Mr. Farmonov; however, his family declined the lawyer's services on May 16, 2006 after learning that he was allegedly present while authorities tortured Mr. Farmonov and refused to submit complaints regarding his mistreatment. The lawyer also appeared drunk during the investigation. Mr. Farmonov's family's repeated requests to hire a lawyer of their own

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<sup>6</sup> *Communication to the United Nations Human Rights Committee in the case of Salijon Abdurakhmanov v. Uzbekistan*, *supra* note 2.

choice were denied. Furthermore, authorities refused to share case documents with Mr. Farmonov and his lawyer. Mr. Farmonov's father-in-law and his public defender were not permitted access to his case documents until June 8, 2006. Even then some of the documents, including the final charging document, were not provided to the defense before trial proceedings began.

On June 15, 2006, the Yangiyer City Criminal Court sentenced Mr. Farmonov to nine years in prison.

On November 22, 2012, the Working Group issued Opinion No. 65/2012 finding Mr. Farmonov's detention to be arbitrary and calling for his release.<sup>7</sup> On September 3, 2014, Freedom Now submitted a communication to the UN Human Rights Committee alleging, *inter alia*, that Uzbekistan violated Mr. Farmonov's rights to a fair trial, freedom of expression, and freedom from arbitrary detention and torture.<sup>8</sup>

On December 9, 2011, your office, in conjunction with the UN Special Rapporteur on torture, wrote a joint letter to the Uzbek government requesting it to investigate the alleged torture of Mr. Farmonov.<sup>9</sup> On April 27, 2015, your office, in conjunction with the UN Special Rapporteur on torture and the Working Group, wrote a joint letter to the Uzbek government requesting it to investigate the arbitrary nature of the new criminal charge imposed on and the denial of medical treatment to Mr. Farmonov.<sup>10</sup> The government of Uzbekistan responded on June 6, 2012<sup>11</sup> and June 26, 2015,<sup>12</sup> respectively, and denied the allegations.

- 3. Gaybullo Jalilov**, 51, a prominent human rights defender who has been wrongly detained in Uzbekistan since 2009 on security charges and is currently serving an 11-year prison sentence. Prior to his arrest, Mr. Jalilov's human rights work focused on the Uzbek government's violations of religious freedom and persecution of independent Muslims; he had been monitoring religious persecution cases in the Uzbek region of Kashkadarya since 2004.

On September 5, 2009, Mr. Jalilov was stopped by several plain cloth officers and forced into a vehicle. He was initially held incommunicado and his family was not informed of his whereabouts for two days. On September 23, 2009, more than two weeks after his arrest, Mr. Jalilov's father received a written statement from the Karshi City Department of Internal Affairs informing him of the criminal charges brought against his son. Mr. Jalilov was charged with a variety of security-related charges including: terrorism,

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<sup>7</sup> *Azamjon Farmonov and Alisher Karamatov v. Uzbekistan*, *supra* note 1.

<sup>8</sup> *Communication to the United Nations Human Rights Committee in the case of Azamjon Farmonov v. Uzbekistan*, *supra* note 3.

<sup>9</sup> 2011 Joint Letter, *supra* note 4.

<sup>10</sup> 2015 Joint Letter, *supra* note 4.

<sup>11</sup> *Uzbek government response*, HRC/NONE/2012/77, (June 6, 2012), available at [https://spdb.ohchr.org/hrdb/21st/Uzbekistan\\_05.06.12\\_%284.2011%29\\_Trans.pdf](https://spdb.ohchr.org/hrdb/21st/Uzbekistan_05.06.12_%284.2011%29_Trans.pdf).

<sup>12</sup> *Information in connection with the communication of the Special Rapporteurs of the UN Human Rights Council concerning convict A. Formonov*, (June 26, 2015), available at [https://spdb.ohchr.org/hrdb/30th/Uzbekistan\\_26.06.15\\_%281.2015%29.pdf](https://spdb.ohchr.org/hrdb/30th/Uzbekistan_26.06.15_%281.2015%29.pdf).

incitement of hatred, dissemination of materials containing threats to public safety, and participation in a banned organization.

Mr. Jalilov's trial was plagued with inconsistencies and violations of fair trial standards. Mr. Jalilov's first hearing, held on November 24, 2009 in the Kashkadarya Regional Court, was closed and Mr. Jalilov's family was barred from attending. Mr. Jalilov's lawyer also did not attend the hearing because he was not notified. During the trial, Mr. Jalilov denied the charges against him and said that he confessed under torture. Nonetheless, on January 18, 2010, the court convicted Mr. Jalilov and sentenced him to nine years in prison.

On August 4, 2010, the Uzbek government brought additional charges against him; including, membership in a banned organization and plotting to illegally remove public officials from power. His prison sentence was increased to 11 years.

Mr. Jalilov has been tortured and suffered deplorable treatment while in detention. In November 2010, prison guards beat him repeatedly with truncheons leaving him nearly deaf in both ears. He has also been kept in animal cage. Due to his ill treatment, Mr. Jalilov attempted to commit suicide by cutting his wrists, but survived his suicide attempt.

While in detention, Mr. Jalilov has also been kept from his friends and family; no one has been able to visit him since October 2011.

On April 30, 2013, the Working Group issued Opinion No. 4/2013 finding Mr. Jalilov's detention to be arbitrary and calling for his release.<sup>13</sup>

On December 20, 2010, your office, in conjunction with the UN Special Rapporteur on torture and the Working Group, inquired into the alleged detention and torture of Mr. Jalilov.<sup>14</sup> On December 9, 2011, your office, in conjunction with the UN Special Rapporteur on torture, wrote a joint letter to the Uzbek government requesting it to investigate the alleged torture of Mr. Jalilov.<sup>15</sup> The government of Uzbekistan responded on June 6, 2012 and denied the allegations.<sup>16</sup>

- 4. Dilmurod Saidov**, 53, a prominent journalist and human rights activist who has been wrongly detained since 2009 on fabricated extortion and forgery charges. Prior to his detention, Mr. Saidov's articles appeared in many local newspapers and were published by Internet news agencies such as Voice of Freedom and UzNews. His articles were critical of the government, accusing authorities of corruption and asserting that such corrupt dealings were impoverishing the region's farmers. Mr. Saidov was also member of the human rights organization *Ezgulik* and had been defending farmer's rights in Samarkand.

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<sup>13</sup> *Gaybullo Jalilov v. Uzbekistan*, *supra* note 1.

<sup>14</sup> *Communications Report of Special Procedures*, *supra* note 5.

<sup>15</sup> 2011 Joint Letter, *supra* note 4.

<sup>16</sup> *Uzbek government response*, HRC/NONE/2012/77, (June 6, 2012), available at [https://spdb.ohchr.org/hrdb/21st/Uzbekistan\\_05.06.12\\_%284.2011%29\\_Trans.pdf](https://spdb.ohchr.org/hrdb/21st/Uzbekistan_05.06.12_%284.2011%29_Trans.pdf).

Mr. Saidov was arrested on extortion charges on February 22, 2009 on the basis of a statement made by a head of the Agricultural Equipment and Tractor Park in Samarkand who claimed that Mr. Saidov had sought to extort \$15,000 from him. Authorities added a second charge of extortion in March and a charge of forgery in April.

The investigation and trial were plagued with inconsistencies and violations of fair trial standards. Before and during trial, several witnesses rescinded their testimony against Mr. Saidov and reported that they had been pressured to make false allegations against him. Furthermore, court hearings were repeatedly conducted without notice to Mr. Saidov's defense lawyer. Despite these procedural deficiencies, on July 30, 2009, Mr. Saidov was convicted and sentenced to 12.5 years in prison. Mr. Saidov's conviction has been upheld twice on appeal and the Supreme Court dismissed his request for review.

Mr. Saidov suffers from acute tuberculosis and is currently being held in a special facility for tuberculosis inmates, called TB Zone #36. According to his family, Mr. Saidov's health has deteriorated significantly and he is in need of urgent medical treatment. During his detention, he has been subjected to poor prison conditions, forced manual labor and psychotropic drugs. Adding to Mr. Saidov's hardships are the deaths of his wife and five-year old daughter who were killed in a car accident in 2010.

On November 23, 2012 the Working Group issued Opinion No. 67/2012 finding Mr. Saidov's detention to be arbitrary and calling for his release.<sup>17</sup>

5. **Akzam Turgunov**, 64, a human rights activist and political opposition leader who has been wrongly detained since 2008 on extortion charges. Mr. Turgunov founded and served as Chairman of *Mazlum*, a human-rights organization in Tashkent that advocates on behalf of prisoners of conscience and protests against the use of torture. He also served as Director of the Tashkent section of *Erk*, a political opposition party.

Mr. Turgunov was previously the victim of a politically motivated arrest. After attempting to organize a neighborhood committee to explore private sector alternatives to government services, he was arrested and convicted in 1998 on charges of abuse of office and official negligence. In 2000, Mr. Turgunov was granted amnesty and release, though he and his family continued to be subject to intimidation and harassment.

Prior to his most recent detention, Mr. Turgunov worked as an activist and public advocate in the autonomous region of Karakalpakstan. His grant-funded work as a lay public defender in the region focused on investigating corruption by local officials, including a case involving police in the town of Manget. Mr. Turgunov was arrested on extortion charges in Manget on July 11, 2008, by the very police department he was investigating for corruption. The charges appear fabricated to conceal a political motive for imprisonment.

Following his arrest in 2008, Uzbek officials searched Mr. Turgunov's home in Tashkent, where they seized political materials. They then held Mr. Turgunov incommunicado for

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<sup>17</sup> *Dilmurod Saidov v. Uzbekistan*, *supra* note 1.

18 days, during which time an officer reportedly poured boiling water down his back, causing him to lose consciousness and suffer severe burns. Though Mr. Turgunov revealed his burn marks in open court, the judge accepted as fact statements made by police they had not tortured him. During the trial the judge denied Mr. Turgunov and his attorney an opportunity to examine the evidence against him or to cross-examine the government's witness against him.

Despite these procedural deficiencies, on October 10, 2008, the court sentenced Mr. Turgunov to 10 years in prison. The Board of Appeals of the Karakalpakstan Supreme Court affirmed his sentence on December 11, 2008, after a 15-minute hearing.

On November 17, 2011, the Working Group issued Opinion No. 53/2011 finding Mr. Turgunov's detention to be arbitrary and calling for his release.<sup>18</sup>

Freedom Now, which currently serves as *pro bono* counsel for each Detainee, respectfully requests that your office enquire into the ongoing detention of the Detainees and take the appropriate steps to urge the Government of Uzbekistan to ensure that all Detainees are released as soon as possible and allowed to continue their journalism and human rights activism unobstructed. While the Detainees remains arbitrarily detained, we also request that your office press the Uzbek government to ensure that the Detainees are not tortured, abused, or otherwise mistreated and that the Detainees have full access to medical treatment.

Sincerely,



**Kate Barth**  
Program Attorney  
Freedom Now

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<sup>18</sup> *Akzam Turgunov v. Uzbekistan*, *supra* note 1.