



FREEDOM NOW

**FREEDOM NOW – COMMUNICATION TO THE COMMITTEE  
AGAINST TORTURE FOR THE EXAMINATION OF  
UZBEKISTAN’S FOURTH PERIODIC REVIEW**

**August 12, 2013**

**I. Introduction**

Freedom Now submits this report to assist the Committee Against Torture (the “Committee”) in its review of Uzbekistan’s record of compliance with the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (“CAT” or the “Convention”, during its fourth periodic review of the country. Freedom Now is a non-governmental organization (“NGO”) based in Washington, D.C., that seeks to free prisoners of conscience through focused legal, political and public relations advocacy efforts.<sup>1</sup> Since 2008, Freedom Now has worked on cases of arbitrary detention in Uzbekistan.

Complementing other submissions that examine the broader picture of Uzbekistan’s human rights abuses, this report focuses on the government’s treatment of four human rights defenders, whose cases are emblematic of a larger pattern of human rights abuses: Messrs. Gaybullo Jalilov, Akzam Turgunov, Dilmurod Saidov and Azam Farmonov. These cases exemplify Uzbekistan’s failure to respect fundamental human rights and its mistreatment of human rights activists. They also demonstrate Uzbekistan’s failure to comply with the recommendations of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment (“Special Rapporteur on Torture”) and findings of the Working Group on Arbitrary Detention (“WGAD”).

**II. The Uzbek Government’s Obligations Under National and International Law to Prohibit Torture and Cruel, Inhuman or Degrading Treatment**

The Uzbek government’s obligations to prevent and prohibit torture and cruel, inhuman or degrading treatment (“CIDT”) derive from its obligations both under national and international law. The Uzbek Constitution provides that everyone shall have the right to freedom and inviolability of the person and prohibits torture and CIDT.<sup>2</sup> The Uzbek Criminal and Criminal Procedure Codes also prohibit torture and CIDT, as well as “obtaining statements by means of violence, threats and other illegal treatment.”<sup>3</sup>

The Uzbek government ratified two major international human rights treaties without reservations or declarations: the International Covenant on Civil and Political Rights (“ICCPR”)

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<sup>1</sup> For more information about Freedom Now and its work, visit <http://www.freedom-now.org/>.

<sup>2</sup> Articles 25 and 26, Constitution of the Republic of Uzbekistan.

<sup>3</sup> Article 235 of the Uzbek Criminal Code and Articles 17 and 22 to the Uzbek Criminal Procedure Code.

and the CAT.<sup>4</sup> Article 7 of the ICCPR prohibits torture and CIDT, as well as subjecting anyone to medical or scientific experimentation without prior free consent. Article 10 of the ICCPR provides that those persons deprived of their liberty “shall be treated with humanity and with respect for the inherent dignity of the human person.”

CAT contains more specific obligations with regard to preventing and prohibiting acts of torture and CIDT. Article 1 of CAT defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted” for the purposes of obtaining information, punishment, intimidation or coercion. Article 2 obliges State Parties to take effective legislative, administrative, judicial or other measures to prevent acts of torture. Under Article 12, the government is under an obligation to ensure “a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed.” Related to Article 12, Article 13 requires the government to ensure that individual victims have their allegations of torture promptly and impartially examined by competent authorities. Lastly, Article 15 prohibits the admissibility of evidence obtained by torture.

Despite its obligations under national and international law, the Uzbek authorities have systematically failed to respect the right to be free from torture or CIDT and routinely rely on such treatment in suppressing opposition activists, human rights defenders and independent religious groups.

### **III. Torture and Cruel, Inhuman or Degrading Treatment is Widespread and Systematic in Uzbekistan**

In 2003, Theo van Boven, the then-Special Rapporteur on Torture, visited Uzbekistan and concluded that torture in the country was widespread and systematic.<sup>5</sup> Since then, Uzbek authorities have failed to take effective measures to address the Special Rapporteur’s findings. Last year, the Committee found that “the pattern of gross, flagrant or mass violations of human rights and [a] significant risk of torture or [CIDT]” in Uzbekistan had been “sufficiently established.”<sup>6</sup> This finding is further supported by the reports of Human Rights Watch,<sup>7</sup> Amnesty International,<sup>8</sup> and the United States Commission on International Religious Freedom.<sup>9</sup>

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<sup>4</sup> Uzbekistan acceded to UNCAT on October 28, 1995 and to ICCPR on September 28, 1995. See, Office of the High Commissioner for Human Rights, Ratifications, Reservations and Declarations as of July 23, 2013, available at <http://treaties.un.org/Pages/Treaties.aspx?id=4&subid=A&lang=en> (last accessed on July 23, 2013).

<sup>5</sup> UN Commission on Human Rights, Report of the Special Rapporteur on the question of torture: Uzbekistan, Theo van Boven, E/CN.4/2003/68/Add.2, February 3, 2003, paras. 58, 68.

<sup>6</sup> United States Commission on International Religious Freedom, *USCIRF Annual Report 2013 - Countries of Particular Concern: Uzbekistan*, 30 April 2013, available at: <http://www.refworld.org/docid/51826ef316.html> (last accessed August 1, 2013) (hereinafter USCIRF Annual Report 2013).

<sup>7</sup> In its World Report 2013, Human Rights Watch described torture in Uzbekistan as “rampant.” See, Human Rights Watch, *World Report 2013: Uzbekistan*, available at <http://www.hrw.org/world-report/2013/country-chapters/uzbekistan> (last accessed August 2, 2013) (hereinafter Human Rights Watch Annual Report 2013).

<sup>8</sup> Amnesty International’s Annual Report 2013 found that torture in Uzbekistan was “routine.” See, Amnesty International, *Annual Report 2013: The State of World’s Human Rights: Uzbekistan*, available at <http://www.amnesty.org/en/region/uzbekistan/report-2013#section-159-3> (last accessed July 15, 2013).

<sup>9</sup> The United States Commission on International Religious Freedom concluded that torture in Uzbekistan was “endemic” and that mistreatment of detainees by security forces was among the most significant human rights problems in Uzbekistan. See, *supra* note 6, USCIRF Annual Report 2013, p. 188; See also, The United States State

Human rights defenders, independent journalists and those practicing Islam outside state control are among those most vulnerable to government torture and CIDT.<sup>10</sup> In a majority of cases, torture and CIDT are used for the purposes of extracting confessions, and convictions in Uzbekistan are “almost entirely” based on them.<sup>11</sup> Widely reported methods of torture include severe beatings, rape, the use of gas masks to suffocate the victim, electric shock, sleep deprivation, and forced psychiatric treatment.<sup>12</sup> Law enforcement and security officers also exert severe psychological pain on detainees by threatening to retaliate against their family members.<sup>13</sup> Because of the severity of torture methods, there have been reports of death in pre-trial and post-conviction detention.<sup>14</sup> In such cases, authorities pressured the family to bury the body without medical examination.<sup>15</sup>

Prison conditions have been continuously described as harsh and life-threatening.<sup>16</sup> Prisons are overcrowded, lack proper ventilation and access to food, water, and medicine.<sup>17</sup> Prison officials frequently delay delivery of medicine provided by family members of prisoners and ignore prisoners’ requests for medical evaluation and treatment from torture injuries and/or harsh prison conditions.<sup>18</sup> Prison officials are also known to make false claims that some political prisoners have broken prison rules and regulations, making them ineligible for a possible presidential amnesty and allowing for extensions of prison terms.<sup>19</sup> Particularly concerning, especially in light of the widespread use of mistreatment in Uzbekistan and harsh prison conditions, are attempts by Uzbek prison authorities to hide certain prisoners from the International Committee of the Red Cross— an organization which was again forced to suspend its prison visits in the country on April 12, 2013 because of government interference.<sup>20</sup>

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Department, Human Rights Report 2012: Uzbekistan, available at <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/#wrapper> (US Dept of State Human Rights Report 2012).

<sup>10</sup> *Supra* note 7, Human Rights Watch Annual Report 2013; see also, USCIRF 2013 Annual Report, pp. 184-194.

<sup>11</sup> Committee Against Torture, Conclusions and Recommendations: Uzbekistan, CAT/C/UZB/CO/3, Feb. 26, 2008, para. 6. For a detailed discussion of the use of torture to the purposes of extracting confession in Uzbekistan, see Human Rights Watch, *Nowhere to Turn: Torture and Ill-Treatment in Uzbekistan*, Nov. 6, 2007 (hereinafter, Human Rights Watch, *Nowhere To Turn*); *supra* note 6, USCIRF Annual Report 2013.

<sup>12</sup> *Id.*, Human Rights Watch, *Nowhere to turn*; USCIRF Annual Report 2013, p. 188.

<sup>13</sup> *Id.*, Human Rights Watch, *Nowhere to turn*; USCIRF Annual Report 2013, p. 188.

<sup>14</sup> *Supra* note 7, Human Rights Watch Annual Report 2013.

<sup>15</sup> *Supra* note 9, US Dept of State Human Rights Report 2012.

<sup>16</sup> *Id.*

<sup>17</sup> Freedom House, *Freedom in the World 2013: Uzbekistan*, available at <http://www.freedomhouse.org/report/freedom-world/2013/uzbekistan> (last accessed Aug. 3, 2013) (hereinafter Freedom House Report 2013).

<sup>18</sup> *Supra* note 9, US Dept of State Human Rights Report 2012.

<sup>19</sup> On December 4, 2012, the Olmaliq Municipal Court in Tashkent Region convicted Murod Juraev, a prominent political dissident, of violating internal prison regulations and extended his sentence to three more years. This was the fifth time the Uzbek government extended Mr. Juraev’s prison term since his conviction on March 31, 1995. Similarly, on January 18, 2013, a court in the Kashkadarya region sentenced Muhammad Bekjon, a prominent journalist and political dissident, to an additional five years in prison allegedly for failure to obey the lawful orders from prison authorities.

<sup>20</sup> During the ICRC’s prison visit in November 2012, the prison officials hid Mr. Salijon Abdurakhmanov, a prominent journalist and human rights activist, from an ICRC delegate and brought a different prisoner who posed as Mr. Abdurakhmanov. Explaining the reason why the ICRC stopped prison visits, its Director-General explained

#### **IV. Uzbekistan's Abuses Exemplified: The Cases of Human Rights Activists Messrs. Jalilov, Turgunov, Saidov, and Farmonov**

This report focuses on the government's mistreatment of four human rights defenders who have been unlawfully detained since 2008 – and who are clients of Freedom Now. These cases are emblematic of larger pattern of human rights violations, including systematic and widespread use of torture and CIDT during pre-trial investigation and post-conviction detention.

On December 29, 2011, Uzbekistan submitted its Fourth Periodic Report the Committee against Torture (hereinafter Fourth Periodic Report).<sup>21</sup> Among others, the Uzbek government suggested that there was reliable mechanism put in place for thorough examination of torture allegations,<sup>22</sup> provision of due care to inmates with serious illnesses,<sup>23</sup> provision of access to national and international NGOs to visit detention facilities to meet with “all categories of inmates,”<sup>24</sup> and prohibition of admissibility of evidence obtained by torture and CIDT.<sup>25</sup> Torture and CIDT inflicted on our clients, as detailed below, aptly demonstrates that the information the Uzbek government provided in its Fourth Periodic Report does not reflect the real situation and that torture and CIDT remains rampant in Uzbek detention facilities.

##### **Gaybullo Jalilov**

Mr. Jalilov is a human rights defender who has been wrongly detained in Uzbekistan since 2009 on charges of anti-constitutional activity and religious extremism. He is serving a 13-year prison sentence. Mr. Jalilov has been a member of the Human Rights Society of Uzbekistan since 2003.

Uzbek authorities arrested Mr. Jalilov on September 5, 2009 and kept him *incommunicado* for more than one year, until October 22, 2010.<sup>26</sup> When Mr. Jalilov's wife visited him on January 24, 2011, Mr. Jalilov told her that after his arrest in September 2009, police beat him severely in order to coerce him into confessing to the charges against him.<sup>27</sup> Furthermore, in November 2010, prison guards beat him with truncheons for refusing to sing the Uzbek national anthem,

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that the ICRC was not able to follow its standard working procedures during their assessment of the prison conditions and thus prison visits became “pointless.” See, International Committee for the Red Cross, Uzbekistan: ICRC Decides to Terminate Visits to Detainees, April 12, 2013, available at <http://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm>; See also, Uznews.Net, Uzbekistan Hides Jailed Journalist from Red Cross, Dec. 19, 2012, available at [http://www.uznews.net/news\\_single.php?lng=en&cid=3&nid=21331](http://www.uznews.net/news_single.php?lng=en&cid=3&nid=21331) (last accessed on Aug. 3, 2013).

<sup>21</sup> Fourth Periodic Report of the Republic of Uzbekistan on the Implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, December 29, 2011.

<sup>22</sup> *Id.*, paras. 73, 271.

<sup>23</sup> *Id.*, paras. 390-393.

<sup>24</sup> *Id.*, para. 426.

<sup>25</sup> *Id.*, paras. 273-304.

<sup>26</sup> Human Rights Council, Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Mendez, A/HRC/19/61/Add.4, Feb. 29, 2012, p. 76 (hereinafter Juan Mendez Report).

<sup>27</sup> Human Rights Watch, Uzbekistan: Reverse Rights' Defenders Prison Sentence, March 12, 2010, available at <http://www.hrw.org/news/2010/03/12/uzbekistan-reverse-rights-defender-s-prison-sentence> (last accessed Aug. 3, 2013).

leaving him nearly deaf in both ears.<sup>28</sup> To conceal his hearing loss, prison authorities forced him to sign a statement stating that he had poor hearing before arriving at the prison.<sup>29</sup> His wife reported that during her visit, Mr. Jalilov could not hear well and was constantly asking her to repeat herself.<sup>30</sup> Due to the torture and ill-treatment he has suffered in detention, Mr. Jalilov attempted to commit suicide by cutting the veins on his wrists.<sup>31</sup>

The UN Special Rapporteur on Torture raised Mr. Jalilov's case with the Uzbek government on numerous occasions. In his report on February 29, 2012, the Special Rapporteur concluded that the Uzbek government has violated the rights of Mr. Jalilov under CAT and called on the government "to investigate, prosecute and punish those responsible and ensure that Mr. Jalilov obtain[ed] redress, including fair and adequate compensation, and as full rehabilitation as possible."<sup>32</sup> Since then, the Uzbek government has ignored the Special Rapporteur's recommendations. Further, on July 25, 2013, the WGAD found Mr. Jalilov's detention arbitrary and called for his release.<sup>33</sup> The Uzbek government has taken no actions to comply with the findings of the Special Rapporteur or the WGAD.

### **Akzam Turgunov**

Mr. Turgunov is a prominent human rights activist and political opposition leader who has been wrongly detained in Uzbekistan since 2008 on extortion charges. Mr. Turgunov founded and served as Chairman of Mazlum ("The Oppressed"), a human-rights organization in Tashkent that advocated on behalf of prisoners of conscience and protested against the use of torture. He also served as Director of the Tashkent section of Erk ("Freedom"), a political opposition party.

While being interrogated at the Manget city police station, a police officer poured boiling water down Mr. Turgunov's back.<sup>34</sup> Mr. Turgunov suffered severe burns.<sup>35</sup> The US Department of State has called Mr. Turgunov's allegations of torture "credible" and the European Union called on Uzbekistan to "investigate thoroughly" the allegations of torture.<sup>36</sup> The Uzbek government

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<sup>28</sup> BBC Uzbek Service, Does Forcing Prisoners to Sing National Anthem Increase Their Affection Towards Uzbekistan (Маҳкумга мадҳия айттириш Ўзбекистонга муҳаббатни кучайтирадими), Nov. 15, 2010, available at [http://www.bbc.co.uk/uzbek/uzbekistan/2010/11/101115\\_cy\\_prisoners\\_and\\_anthem.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2010/11/101115_cy_prisoners_and_anthem.shtml) (last accessed Aug. 3, 2013).

<sup>29</sup> BBC Uzbek Service, Imprisoned Gaybulla Jalilov Lost Hearing (*Hibsda Saqlanayotgan Gaybulla Jalilov Eshitmay Qolgan*), Nov. 15, 2010

<sup>30</sup> *Id.*

<sup>31</sup> BBC Uzbek Service, Torture Forced Imprisoned Gaybulla Jalilov to Attempt to Commit Suicide, Feb. 1, 2011, available at [http://www.bbc.co.uk/uzbek/uzbekistan/2011/02/110201\\_latin\\_gaybullo\\_jalilov.shtml](http://www.bbc.co.uk/uzbek/uzbekistan/2011/02/110201_latin_gaybullo_jalilov.shtml) (last accessed Aug. 3, 2013).

<sup>32</sup> *Supra* note 21, Juan Mendez, p. 76.

<sup>33</sup> The United Nations Working Group on Arbitrary Detention, Opinion No. 4/2013 (Turkmenistan) (July 25, 2013), paras. 81-83.

<sup>34</sup> Human Rights Watch, List of Imprisoned Human Rights Defenders and Activists, December 11, 2008, available at <http://www.hrw.org/news/2008/12/10/list-imprisoned-uzbek-defenders-and-activists> (last accessed Aug. 3, 2013) (hereinafter Human Rights Watch, List of Imprisoned HRD).

<sup>35</sup> *Id.*

<sup>36</sup> The United States State Department, Human Rights Report 2008, February 25, 2009, available at <http://www.state.gov/j/drl/rls/hrrpt/2008/sca/119143.htm> (last accessed Aug. 3, 2013); Council of the European Union, Declaration on Behalf of the European Union Concerning Individual Uzbek Cases, 17380/1/08 REV1 (Presse 377) (December 17, 2008).

failed to order a prompt and impartial investigation into credible torture allegations. Mr. Turgunov's attorney requested an investigation by the General Prosecutor's Office into Mr. Turgunov's allegations of mistreatment but received no response.<sup>37</sup> During a court proceeding on September 16, 2008, Mr. Turgunov took off his shirt in open court and bared burn marks that "covered a large portion of his back and neck."<sup>38</sup> The court then suspended the trial and ordered an investigation into the incident.<sup>39</sup> On September 22, 2009, forensic examination results confirmed Mr. Turgunov's injury. However, the court accepted as fact claims by police that they have not tortured Mr. Turgunov, thus failing to sufficiently investigate or punish those who were responsible for the severe injury inflicted on Mr. Turgunov.<sup>40</sup>

On January 27, 2012, the WGAD found the Uzbek government's detention of Mr. Turgunov to be in violation of numerous provisions of the ICCPR, including Article 7, and called for his release.<sup>41</sup>

In addition to the torture inflicted on Mr. Turgunov, he has been subjected to cruel, inhuman or degrading treatment. He was held at Jalsyk prison for about one month during his appeal where he was subjected to regular beatings.<sup>42</sup> After his conviction, Mr. Turgunov was transferred to a prison work camp in Karshi. This prison is well-known for being overcrowded and having insufficient access to water. There, Mr. Turgunov was forced to work 12 hours a day, seven days a week in a brick-making factory.<sup>43</sup> Because of harsh prison conditions, he lost significant amount of weight and reportedly weighs about 40 kilograms (88 pounds). Furthermore, Mr. Turgunov's family members report that the prison officials have not granted Mr. Turgunov's requests for medical evaluation and treatment.<sup>44</sup>

### **Dilmurod Saidov**

Mr. Saidov is a prominent journalist and human rights activist who has been wrongly detained since 2009 on fabricated extortion and forgery charges. Mr. Saidov was a member of the human rights organization *Ezgulik* and defended farmers' rights against government corruption in Samarkand from 2004 to 2009. He also authored numerous articles critical of the government. On January 15, 2013, the WGAD found the Uzbek government's detention of Mr. Saidov arbitrary.<sup>45</sup>

The Uzbek government has failed to provide basic medical care for Mr. Saidov. Mr. Saidov suffers from acute tuberculosis and is in need of constant medical attention. The severity of his illness is illustrated by the fact that he has been hospitalized four times since his detention in

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<sup>37</sup> *Supra* 29, Human Rights Watch, List of Imprisoned HRD.

<sup>38</sup> *Id.*

<sup>39</sup> Human Rights Watch, Uzbek Activist Sentences to 10 Years, Oct. 28, 2008, available at <http://www.hrw.org/de/news/2008/10/28/uzbekistan-activist-sentenced-10-years> (last accessed Aug. 3, 2013).

<sup>40</sup> The United States State Department, Human Rights Report 2009, March 11, 2010, available at <http://www.state.gov/j/drl/rls/hrrpt/2009/sca/136096.htm> (last accessed Aug. 3, 2013).

<sup>41</sup> The United Nations Working Group on Arbitrary Detention, Opinion No. 53/2011 (Uzbekistan), January 27, 2013, pp. 51-53.

<sup>42</sup> Telephone Interview with Dilirom Is'havoka, leader of the Birdamilk opposition movement (February 22, 2009).

<sup>43</sup> *Id.*

<sup>44</sup> *Supra* note 9, US Dept of State Human Rights Report 2012.

<sup>45</sup> Working Group on Arbitrary Detention, Opinion No. 67/2012 (Uzbekistan), Feb. 12, 2013, paras. 59-60.

2009.<sup>46</sup> Mr. Saidov's family members have reported that prison officials have not granted Mr. Saidov's requests for medical evaluation and treatment.<sup>47</sup> As a result of his illness and harsh prison conditions, he only weighs 56 kg despite being 178 cm tall.

There are serious grounds to believe that, under the pretext of treating him from tuberculosis, he was given psychotropic drugs by prison authorities. After Mr. Saidov started taking "prescribed" medicine, he started complaining of headaches and constantly feeling dizzy. Despite his complaints, prison officials made him continue taking the medicine and checked his mouth to make sure that he swallowed the prescribed pills. After the prison officials left, Mr. Saidov would put his finger down his throat and force himself to throw up the pills. All prisoners taking the medication with him were forced to sign "consent letters" stating that they were undergoing medical treatment voluntarily. Mr. Saidov's family sent a complaint to the Main Directorate of the Penitentiary (MDP), an institution under the Ministry of Internal Affairs that oversees the administration of prisons. In a standard letter, the MDP replied that Mr. Saidov's medical treatment was conducted under "proper supervision." Mr. Saidov is not currently taking the medication.

Mr. Saidov is also forced to perform harsh physical exercises on a daily basis. Despite having been diagnosed with acute form of tuberculosis, Mr. Saidov is forced to march in military style for one and a half hours twice a day.

Since 2009, Mr. Saidov has been put into isolation cells seven times. Prison authorities allege that Mr. Saidov violated internal prison regulations such as smoking in a prohibited area; going to the cafeteria ahead of schedule; arguing with prison officials; and failing to "jump well" during morning physical exercise sessions. The last allegation was fabricated after Mr. Saidov smuggled a letter from prison to prominent human rights activist, Mr. Abdurahmon Tashanov. In retaliation, Mr. Saidov was placed in an isolation cell for 15 days.

Because of continuous cruel, inhuman and degrading treatment, Mr. Saidov is hopeless and does not believe that he will leave prison alive. In his last letter, he requested to be buried next to his deceased wife and daughter in the city of Bulungur, Samarkand region.<sup>48</sup>

### **Azam Farmonov**

Azam Farmonov is a renowned human rights defender who has been wrongly detained since 2006 on extortion charges. Mr. Farmonov was an active member of the Human Rights Society of Uzbekistan. He monitored the government's violations of social and economic rights of farmers and the disabled, as well as recorded cases of torture. Mr. Farmonov was sentenced to nine years in prison on June 15, 2006 for allegedly attempting to blackmail a local businessman. Mr. Farmonov's trial was plagued with flagrant violations of his procedural rights. In pre-trial detention, Mr. Farmonov was tortured and made to sign a confession. Furthermore, he did not have the opportunity to hire a lawyer of his choice. On November 22, 2012, the WGAD found

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<sup>46</sup> Conversation with a family member.

<sup>47</sup> *Supra* note 9, US Dept of State Human Rights Report 2012.

<sup>48</sup> Dilmurod Saidov's Letter From the Prison, April 30, 2013.

Mr. Farmonov's detention's arbitrary and referred the allegations of torture to the Special Rapporteur on Torture.<sup>49</sup>

Shortly after his arrest on April 29, 2006, authorities tortured Mr. Farmonov. Investigators Mr. Mallaev and Mr. Kodirov suffocated Mr. Farmonov with a disconnected gas mask and beat his feet and legs with rubber batons. Under the duress, Mr. Farmonov confessed to the charges against him and this coerced confession was later used by the court to convict him. Authorities continued to torture Mr. Farmonov in Jalsyk prison. When Mr. Farmonov's wife visited him in November 2006, he told her that the prison guards had tortured him over the last six months.<sup>50</sup> In 2006, prison authorities twice put Mr. Farmonov in punishment cells: first from May 23 to June 19 and then October 10 to 20, 2006. While he was in the punishment cell in May, he was regularly beaten on his back and feet with rubber batons. As a result, he was not able to move for about 10 days.<sup>51</sup> During his second time in the punishment cell, the prison guards handcuffed Mr. Farmonov to a radiator for two days and beat him until he lost consciousness.<sup>52</sup>

In 2008, Mr. Farmonov continued to be subjected to various forms of torture and CIDT. Prison authorities again put him in a punishment cell from January 8 to 30, 2008. Mr. Farmonov reported that the temperature in the punishment cell fell below minus 30 centigrade and that he was handcuffed throughout his detention in the punishment cell.<sup>53</sup> On February 16, 2008, Mr. Farmonov refused to sign a statement admitting that he violated prison regulations and was severely beaten by the prison guards in the office of the prison director.<sup>54</sup> Mr. Farmonov eventually signed the statement to avoid further punishment.<sup>55</sup>

In 2011, Mr. Farmonov's family again reported that he had been subjected to torture and CIDT in August and December of that year. On or about August 15, 2011, Captain Shavkat Vaisniyozov and guard Habib Abdullaev beat and suffocated Mr. Farmonov because he refused to write a statement that prison authorities had treated him well in Jalsyk prison.<sup>56</sup> It was also reported that prison authorities forced Mr. Farmonov to shave with the same razor that five inmates with HIV/AIDS had used.<sup>57</sup>

Mr. Farmonov's family reported that the prison authorities repeatedly prevented Mr. Farmonov from being eligible for a presidential amnesty. Prison authorities would bring charges against him for allegedly violating internal prison regulations, making him ineligible for amnesty. Authorities have never informed Mr. Farmonov about his alleged violations of prison regulations. To obtain more information about these alleged violations, Mr. Farmonov's wife sent a letter to the MDP on December 10, 2012. On December 25, 2012, the MDP replied that Mr. Farmonov was not eligible for release under an amnesty because he violated prison regulations on several occasions. The letter did not specify the nature of the violations. In early 2013, Mr. Farmonov's wife hired a lawyer to look into the matter. On February 27, 2013, the lawyer sent a letter to the MDP requesting that they (a) clarify why the government amnesties do not apply to Mr. Farmonov and (b) provide detailed prison records of when and how Mr. Farmonov violated prison regulations. On March 15, 2013, the MDP again sent a standard letter stating that Mr. Farmonov violated

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<sup>49</sup> Working Group on Arbitrary Detention, Opinion No. 65/2012 (Uzbekistan), January 7, 2012, paras. 41-44.

<sup>50</sup> Amnesty International, Europe And Central Asia: Summary Of Amnesty International's Concerns In The Region, July-December 2007, available at <http://www.amnesty.org/en/library/info/EUR01/001/2007> (last accessed Aug. 3, 2013).

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> Amnesty International, Azam Farmonov And Alisher Karamatov: Human Rights Defenders Continue To Serve Long Prison Sentences Amid Claims That They Are Being Tortured, April 24, 2008: AI Index: EUR 62/003/2008.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> US Department of State, 2011 Human Rights Report, March 24, 2012.

<sup>57</sup> *Id.*

“several” prison regulations and that he was therefore ineligible for an amnesty. The letter did not clarify the alleged violations or when they were alleged to have taken place.

#### **IV. Conclusion and Recommendations**

The cases of Messrs. Jalilov, Turgunov, Saidov, and Farmonov are emblematic of Uzbekistan’s practice of denying the most basic human rights to its citizens. They clearly demonstrate that the Uzbek government systematically violates its citizen’s fundamental rights guaranteed under international human rights treaties, particularly Articles 7 and 10 of the ICCPR and Articles 1, 2, 12, 13 and 15 of CAT. Furthermore, the cases show that the Uzbek government has consistently ignored the recommendations of international human rights institutions, including the Special Rapporteur on Torture, the Committee against Torture and the Working Group on Arbitrary Detention.

#### **Freedom Now’s recommendations are as follows:**

- We recommend the Government of Uzbekistan immediately release Messrs. Jalilov, Turgunov, Saidov, and Farmonov without any conditions;
- We recommend the Government of Uzbekistan take all necessary measures to fully investigate the circumstances of torture and ill-treatment inflicted on Messrs. Jalilov, Turgunov, Saidov, and Farmonov;
- We recommend the Government of Uzbekistan investigate and punish government officials responsible for torture and CIDT; and
- We recommend the Government of Uzbekistan adopt measures to ensure that Messrs. Jalilov, Turgunov, Saidov, and Farmonov receive full and adequate reparation for the harm they have suffered, including compensation and rehabilitation.