

**PETITION TO:**

**UNITED NATIONS**

**WORKING GROUP ON ARBITRARY DETENTION**

Chairperson-Rapporteur: Mr. Mads Andenas (Norway)  
Vice-Chair: Mr. Vladimir Tochilovsky (Ukraine)  
Mr. Sètondji Adjovi (Benin)  
Mr. José Guevara (Mexico)  
Mr. Seong-Phil Hong (Korea)

**HUMAN RIGHTS COUNCIL  
UNITED NATIONS GENERAL ASSEMBLY**

In the Matter of  
**Bobomurod Razzakov**  
Citizen of Uzbekistan

v.

Government of Uzbekistan

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**URGENT ACTION REQUESTED**

Petition for Relief Pursuant to Resolutions 1997/50, 2000/36, 2003/31, 6/4, 5/18, and 24/7<sup>i</sup>

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## BASIS FOR URGENT ACTION REQUEST

As set forth in the attached Petition, the Uzbek government is arbitrarily depriving Bobomurod Razzakov of his liberty, and in doing so is putting his health and life in danger. We request that Mr. Razzakov's case be considered under the "urgent action" procedure. We ask that a communication be made immediately to the Uzbek government to ensure that Mr. Razzakov receive adequate food, clean water, and medical treatment and to protect Mr. Razzakov from any possible maltreatment.

Mr. Razzakov is 60 years old and is in bad health. He suffers from high blood pressure, and the prison conditions are putting his health in danger. Less than two months after he began his prison sentence, Mr. Razzakov had to be transferred from prison 64/3 to prison 64/18 in Tashkent City for medical treatment. He spent six days there and was transferred back to prison 64/3. Since then, Mr. Razzakov has been subject to harsh treatment including being sent to a punishment cell on two separate occasions for allegedly violating prison rules. On one of those occasions, he was forced to stay in the punishment cell for 15 days. Mr. Razzakov has since frequently gone to and from the prison hospital for injuries sustained while in prison, including for a major skull contusion in October that required significant surgery in November 2014. From October 2014 to January 2015, Mr. Razzakov's family and local counsel were denied access to Mr. Razzakov. After filing several formal complaints with regional and national prison authorities regarding Mr. Razzakov's treatment in prison and insufficiency of medical care, Mr. Razzakov's family was finally permitted to visit Mr. Razzakov at the end of January. Mr. Razzakov is not expected to survive much longer under these circumstances.

Prison conditions in Uzbekistan are notoriously bad. The U.S. State Department has reported that "[p]rison conditions [are] in some circumstances harsh and life threatening."<sup>1</sup> Reports of overcrowding, severe abuse, and medicine shortages are common.<sup>2</sup> The State Department has also reported that "[p]rison authorities often extend inmates' terms by accusing them of additional crimes or claiming the prisoners represented a continuing danger to society."<sup>3</sup> The International Committee of the Red Cross ("ICRC") has once again been forced to suspend operations in Uzbekistan, leading to increased concerns that prisoners may be subject to poor conditions or mistreatment with impunity.<sup>4</sup> The poor daily conditions of prison, the prison authorities' pattern of extending the sentences of prisoners such as Mr. Razzakov, and Mr.

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<sup>1</sup> Resolutions 1997/50, 2000/36, and 2003/31 were adopted by the UN Commission on Human Rights extending the mandate of the Working Group on Arbitrary Detention. Resolution 6/4, also extending the mandate of the Working Group on Arbitrary Detention, was adopted by the Human Rights Council which, in accordance with UN General Assembly Resolution 60/251, has —assume[d] . . . all mandates, mechanisms, functions and responsibilities of the Commission on Human Rights . . . G.A. Res. 60/251, para. 6 (Mar. 15, 2006). See Human Rights Council resolutions 6/4 of 28 September 2007, 10/9 of 26 March 2009, 15/18 of 30 September 2010 20/16 of 6 July 2012, and 24/7 of October 2013.

<sup>2</sup> U.S. State Department, *Uzbekistan 2013 Human Rights Report* (2013) [hereinafter 2013 Human Rights Report], available at <http://www.state.gov/documents/organization/220622.pdf>.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>4</sup> Uzbekistan: ICRC Decides to Terminate Visits to Detainees, International Committee of the Red Cross, December 04, 2013, News Release 13/64, available at <https://www.icrc.org/eng/resources/documents/news-release/2013/04-12-uzbekistan-detainees.htm> (noting, "[t]he ICRC visited detainees in Uzbekistan between 2001 and 2004, during a six-month trial period in 2008, and from 2009 to October 2012.")

Razzakov's age and already poor health combine to make his arbitrary detention a serious danger to his health. Additionally, Mr. Razzakov's detention is a danger to his family, because government officials have continued to threaten his family as well.

Because Mr. Razzakov's arbitrary detention creates a significant threat to his health, as well as the well-being of his family, we request that the Working Group consider this petition pursuant to the "Urgent Action" procedure. In addition, we also request that the attached Petition be considered a formal request for an opinion of the Working Group pursuant to Resolution 1997/50 of the Commission on Human Rights as reconfirmed by Resolutions 2000/36, 2003/31, and Human Rights Council Resolutions 6/4, 15/18, and 24/7.

**QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY  
ARREST OR DETENTION**

**I. IDENTITY**

1. *Family Name:* Razzakov
2. *First Name:* Bobomurod
3. *Sex:* Male
4. *Age at the Time of Detention:* 60
5. *Nationality:* Uzbekistan
6. (a) *Identity document (if any):* Passport  
(b) *Issued by:* Republic of Uzbekistan, Ministry of Internal Affairs  
(c) *On (date):* April 27, 2000  
(d) *No.:* CP 0862224
7. *Profession and/or activity (if believed to be relevant to the arrest/detention):* Mr. Razzakov is a human rights activist and local farmer in Bukhara, Uzbekistan. He was the Chairman of the Bukhara region branch of *Ezgulik*, Uzbekistan's only registered human rights organization. Mr. Razzakov was also a member of *Erk*, a peaceful, political opposition party. In his human rights work, he focuses on farmers' rights and government corruption, and he helps local individuals with human rights issues. Mr. Razzakov also communicated with international news sources such as Radio Free Europe/Radio Liberty and the British Broadcasting Corporation.

8. *Address of usual residence:*

Navrabot Farm  
Oytugdi Village  
Jondor District, Bukhara  
Uzbekistan

**II. ARREST**

1. *Date of arrest:* July 12, 2013
2. *Place of arrest (as detailed as possible):* Mr. Razzakov was summoned to the Bukhara Internal Affairs Department at 10 B. Nakshabandiy St. in Bukhara, Uzbekistan and arrested.
3. *Forces who carried out the arrest or are believed to have carried it out:* Bukhara Department of Internal Affairs
4. *Did they show a warrant or other decision by a public authority?* No
5. *Authority who issued the warrant or decision:* Investigator Davronov of the Bukhara Department of Internal Affairs issued an indictment. After Mr. Razzakov's arrest, the Bukhara city criminal court issued an order to keep Mr. Razzakov in pretrial detention.
6. *Relevant legislation applied (if known):* Article 221 of the JK Criminal Code of the Republic of Uzbekistan

**III. DETENTION**

1. *Date of detention:* July 12, 2013 (convicted and sentenced on September 24, 2013)
2. *Duration of detention (if not known, probable duration):* Mr. Razzakov was sentenced to four years in prison on September 24, 2013 and has been detained since he was arrested on July 12, 2013.
3. *Forces holding the detainee under custody:* Mr. Razzakov is currently detained in prison 64/3 in Tavaksay, Tashkent Region.
4. *Places of detention (indicate any transfer and present place of detention):* Mr. Razzakov is currently in Prison 64/3 in Tavaksay, Tashkent, Uzbekistan. On November 16, 2013, Mr. Razzakov was taken to Prison 64/18 in Tashkent City for medical treatment. After six days, he was transferred back to 64/3 in Tavaksay.
5. *Authorities that ordered the detention:* Bukhara Region Criminal Court

6. *Reasons for the detention imputed by the authorities:* Mr. Razzakov was charged with human trafficking and convicted on September 24, 2013.
7. *Relevant legislation applied (if known):* Articles 135(2)(a) and 135(2)(e) of the Uzbek Criminal Code.

**IV. DESCRIBE THE CIRCUMSTANCES OF THE ARREST AND/OR THE DETENTION AND INDICATE PRECISE REASONS WHY YOU CONSIDER THE ARREST OR DETENTION TO BE ARBITRARY**

A. Statement of Facts

This Statement of Facts details what is known about the circumstances surrounding the arrest and continuing detention of Mr. Razzakov.<sup>5</sup> Background on the current political climate in Uzbekistan is also included because it illustrates the Uzbek government's pattern of arbitrarily detaining and mistreating journalists and human rights defenders.

1. Background on Uzbekistan

a. Government

Uzbekistan obtained its independence from the Soviet Union in 1991, and has since been controlled by President Islam Karimov.<sup>6</sup> The people of Uzbekistan do not have a meaningful opportunity to change the composition of the government through the electoral process.<sup>7</sup> Only parties loyal to President Karimov are allowed to register and participate in elections. The most well-known opposition groups—*Birlik* (“Unity”) Popular Movement, *Erk* (“Freedom”) Democratic Movement, *Ozod Dehqonlar* (“Free Peasants”) Party and *Birdamlik* (“Solitary”) Movement—are excluded from the electoral process and are forced to operate as unregistered parties.<sup>8</sup> In its 2011 assessment of the country’s democratic development, the international non-governmental organization (NGO) Freedom House gave Uzbekistan the worse possible score in the category of “National Democratic Governance.”<sup>9</sup> Uzbekistan remained ranked among the “worst of the worst” in Freedom House’s 2015 report: of 51 countries and territories designated as “Not Free,” Freedom House ranked Uzbekistan, among 11 other countries, the worst for political rights and civil liberties.<sup>10</sup>

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<sup>5</sup> Unless otherwise noted, the facts described herein were obtained during a phone call with a source on file with the author.

<sup>6</sup> U.S. Department of State, *Background Notes: Uzbekistan*, Apr. 28, 2011, <http://sharing.govdelivery.com/bulletins/GD/USSTATEBPA-1459A7>.

<sup>7</sup> Organization for Cooperation and Security in Europe, *Republic of Uzbekistan, Parliamentary Elections, 27 December 2009: Final Report*, 7 April 2010, available at <http://www.osce.org/odihr/elections/67597> (“The election campaign was characterized by low intensity and visibility as well as marked absence of genuine political competition.”).

<sup>8</sup> *Id.* at 5.

<sup>9</sup> Freedom House, *Uzbekistan: Nations in Transit* (2011), [http://www.freedomhouse.org/sites/default/files/inline\\_images/NIT-2011-Uzbekistan.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Uzbekistan.pdf).

<sup>10</sup> Freedom in the World 2015, Freedom House, January 28, 2015, available at [https://freedomhouse.org/sites/default/files/01152015\\_FIW\\_2015\\_final.pdf](https://freedomhouse.org/sites/default/files/01152015_FIW_2015_final.pdf).

The Uzbek Constitution provides for separation between the executive, legislative, and judicial branches of the national government. In practice, however, the executive branch exercises nearly absolute control over the other branches.<sup>11</sup> The judiciary is not independent and often takes direction from the executive branch.<sup>12</sup>

Uzbekistan's laws set forth important protections for citizens accused of criminal offenses, but the General Prosecutor's office frequently ignores these protections. Though the relevant laws generally require trials to be open to the public, it is difficult for international observers to obtain access,<sup>13</sup> and trials are sometimes closed to local observers as well.<sup>14</sup> Defendants in Uzbekistan are entitled to an attorney from the time they are detained;<sup>15</sup> however, the government often violates the right to an attorney during pretrial detention and either denies or delays such access.<sup>16</sup> In many cases, defendants are held *incommunicado*,<sup>17</sup> and almost all criminal cases brought by prosecutors result in guilty verdicts.<sup>18</sup>

b. Human Rights and a Pattern of Arbitrary Arrests

Human Rights Watch, Amnesty International, the U.S. Department of State, and several members of the U.S. Senate have all reported that the Uzbek police routinely arrest and detain human rights defenders on fabricated charges of extortion, tax evasion, human trafficking, or other crimes to silence them.<sup>19</sup> Arrests of activists are followed by politically-motivated prosecutions and arbitrarily-long prison sentences.<sup>20</sup>

Prison conditions are poor and life threatening, and Uzbek prisoners face severe abuse, overcrowding, and shortages of food and medicine” in addition to harsh working conditions for those prisoners regularly assigned to manual labor details.<sup>21</sup> Human rights activists report that prisoners are ill-treated and sometimes tortured.<sup>22</sup> The Committee Against Torture has expressed concern over the “numerous, ongoing, and consistent allegations concerning routine use of torture and other cruel, inhumane, or degrading treatment or punishment committed by law enforcement . . . often to extract confessions or information to be used in criminal proceedings.”<sup>23</sup> In addition to torture, many prisoners' family members have reported that the prisoners contract diseases or lose substantial amounts of weight while in prison.<sup>24</sup>

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<sup>11</sup> 2013 Human Rights Report, *supra* note 1.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> For example, many people came to the courthouse to support Mr. Razzakov during his trial, but only Mr. Razzakov's family and lawyer were permitted to observe the trial.

<sup>15</sup> Articles 48 and 49 of the Uzbek Criminal Procedure Code.

<sup>16</sup> 2013 Human Rights Report, *supra* note 1.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Human Rights Watch, *Uzbekistan: Trial of Activist on Trumped-Up Charges*, Sept. 24, 2013; Amnesty International, *Uzbekistan: Annual Report 2012* (2012); 2013 Human Rights Report, *supra* note 1.

<sup>20</sup> 2013 Human Rights Report, *supra* note 1.

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> UN Office of the High Commissioner for Human Rights, *Committee Against Torture*

Finally, the Uzbek government frequently uses mysterious convictions for violations of the internal prison code to lengthen the prison sentences of human rights activists. In most cases, prison authorities do not even specify what the exact charges are and generally refer to violation of “prison rules.”<sup>25</sup> In other cases, the charges are just absurd. For example, Murod Juraev, whose prison term has been extended four times, have been accused of “drying his laundry close to the furnace,” “failing to appear on time for peeling carrots,” “wearing shoes instead of boots during the line-up,” and “reading books at night.”<sup>26</sup> Human Rights Watch has stated, “Political prisoners are denied amnesty year after year for alleged infractions of internal prison regulations.”<sup>27</sup> Nadejda Atayeva, president of the Association for Human Rights in Central Asia, has stated, “The illegal extension of sentences for political prisoners, some of whom have been behind bars for well over a decade, shows the particular cruelty of Uzbekistan’s criminal justice system.”<sup>28</sup> For example, human rights activist Habibulla Akpulatov was imprisoned in 2005. He was set to be released on August 4, 2009, but on July 26, 2009, his family received a letter saying that Mr. Akpulatov had been charged with violating prison administrative orders. He was then sentenced to an additional 3 years and 8 days in prison after being convicted of six violations of the prison regime.<sup>29</sup> Similarly, Bekjanov, the former editor of a political opposition newspaper, had completed all but days of his 13-year prison sentence when he was sentenced to an additional five years for allegedly violating the internal prison rules.<sup>30</sup>

Human Rights Watch press releases on political prisoners in Uzbekistan show a clear pattern of arbitrary detention of human rights defenders and journalists, poor prison conditions, and ill-treatment as described above. In September 2014, Human Rights Watch reported that more than fifteen human rights defenders are currently in prison in Uzbekistan on wrongful charges, including Bobomurod Razzakov.<sup>31</sup> The Working Group has found on numerous

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*Concludes Thirty-Ninth Session* (Nov. 23, 2007), available at

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=7629&LangID=E>

<sup>24</sup> See, e.g., Human Rights Watch, *Imprisoned Human Rights Defenders in Uzbekistan*, Feb. 5, 2010 (reporting that Habibulla Akpulatov, a human rights defender, became infected in both of his eyes, lost use of his right leg, and contracted tuberculosis in prison).

<sup>25</sup> See, e.g., cases of Nosim Isakov (p. 32), Ganikhon Mamatkhanov (p. 37), Zafarjon Rahimov (p. 40), Muhammad Bekjanov (p. 53), Samandar Kukanov (p. 60), Dilorom Abdukodirova (p. 78). See, Human Rights Watch, *Until the Very End: Politically Motivated Imprisonment in Uzbekistan*, available at [http://www.hrw.org/sites/default/files/reports/uzbekistan0914\\_ForUpload\\_0.pdf](http://www.hrw.org/sites/default/files/reports/uzbekistan0914_ForUpload_0.pdf)

<sup>26</sup> Interview of Holbika Juraeva, Murod Juraev’s wife, with BBC Uzbek service, February 14, 2015 available in Uzbek at [http://www.bbc.co.uk/uzbek/uzbekistan/2015/02/150208\\_cy\\_talking\\_point\\_holbika\\_juraeva](http://www.bbc.co.uk/uzbek/uzbekistan/2015/02/150208_cy_talking_point_holbika_juraeva) (last visited February 17, 2015).

<sup>27</sup> Human Rights Watch, *Uzbekistan: Free Political Prisoners on Constitution Day*, Dec. 6, 2012.

<sup>28</sup> *Id.*

<sup>29</sup> Human Rights Watch, *Imprisoned Human Rights Defenders in Uzbekistan*, *supra* note 21.

<sup>30</sup> Human Rights Watch, *Uzbekistan: Free Political Prisoners on Constitution Day*, *supra* note 22.

<sup>31</sup> Human Rights Watch, *Until the Very End: Politically Motivated Imprisonment in Uzbekistan* (Sept. 2014) (listing the following human rights defenders: Azam Farmonov, Mehriniso Hamdamova, Zulhumor Hamdamova, Isroiljon Kholdorov, Nosim Isakov, Gaybullo Jalilov, Nuraddin Jumaniyazov, Matluba Kamilova, Ganikhon Mamatkhanov, Chuyan Mamatkulov, Zafarjon Rahimov, Yuldash Rasulov, Bobomurod Razzakov, Fahriddin Tillaev, and Akzam Turgunov. Five are journalists: Solijon Abdurakhmanov, Muhammad Bekjanov, Gayrat Mikhlilboev, Yusuf Ruzimuradov, and Dilmurod Saidov); Human Rights Watch, *Country Summary: Uzbekistan* (Jan. 2014).

occasions that the Uzbek government violated its obligations under international law by fabricating charges against human rights defenders. In April 2006, Azam Farmonov and Alisher Karamatov, both members of the Human Rights Society of Uzbekistan, were charged with attempting to blackmail a local businessman.<sup>32</sup> Both report that they were beaten, tortured, and forced to sign false confessions. Both report that they were tried without the presence of their attorneys of choice or their non-attorney public defenders. Finally, both have also been found guilty of violating prison rules, rendering them ineligible for amnesty.<sup>33</sup> The Working Group found that the imprisonment of Mr. Farmonov and Mr. Karamatov was in violation of the Uzbek government's obligations under the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR).<sup>34</sup> The Working Group also concluded that the Uzbek government violated its international obligations under these instruments in the prosecution and punishment of another human rights defender, Mr. Akzam Turgunov, on false charges of extortion.<sup>35</sup> Similarly, the Working Group determined that the Uzbek government breached its obligations under the UDHR and ICCPR when imprisoning Mr. Dilmurod Saidov, another human rights defender, on false charges of extortion and forgery.<sup>36</sup>

A number of other human rights defenders in Uzbekistan remain in prison on wrongful charges. In September 2009, Gaibullo Jalilov, a human rights defender whose work focused on religious freedom, was charged with several fabricated religious extremism charges.<sup>37</sup> Multiple times during the trial, Jalilov's family and lawyer were not informed of scheduled hearings, and the trial was moved to a city 150 kilometers away, allegedly to make it more difficult for Jalilov's family and supporters to attend.<sup>38</sup> In June 2005, Norboi Kholjigitov, a human rights defender whose work focused on farmers' rights, was charged with extortion and slander.<sup>39</sup> At trial, his accusers withdrew their accusations, but the judge refused to account for the change in their testimony and found him guilty. In prison, Kholjigitov has faced ill-treatment and harassment by prison officials, and they have threatened to put him in a psychiatric institution if he continues to appeal his conviction.<sup>40</sup> These are only a few of many cases that show Uzbekistan's pattern of fabricating charges against human rights defenders, conducting sham trials, and mistreating them in prison, including lengthening their sentence under the guise of fabricated violations of the prison code.

On November 24, 2014, eight U.S. Senators wrote a letter to the President of Uzbekistan calling for the release of many human rights defenders imprisoned in Uzbekistan. The letter

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<sup>32</sup> Human Rights Watch, *Imprisoned Human Rights Defenders in Uzbekistan*, *supra* note 21.

<sup>33</sup> *Id.*

<sup>34</sup> UN Working Group on Arbitrary Detention, *Communication addressed to the Government on 13 April 2011: Concerning Azamjon Farmonov and Alisher Karamatov*, Apr. 13, 2011.

<sup>35</sup> UN Working Group on Arbitrary Detention, *Communication addressed to the Government on 3 February 2011: Concerning Mr. Azamjon Farmonov and Alisher Karamatov*, Feb. 3, 2011.

<sup>36</sup> UN Working Group on Arbitrary Detention, *Communication addressed to the Government on 12 April 2012: Concerning Dilmurod Saidov*, Apr. 12, 2012.

<sup>37</sup> *Id.*

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

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*



included reference to Bobomurod Razzakov, the “head of the Ezgulik human rights organization [.]”<sup>41</sup>

## 2. Background on Bobomurod Razzakov

Bobomurod Razzakov is a prominent Uzbek human rights activist from Bukhara, Uzbekistan. He is the chair of the Bukhara branch of *Ezgulik*, Uzbekistan’s only officially registered human rights organization. Mr. Razzakov’s primary human rights work focused on corruption, forced and child labor, and the rights of local farmers. Before he was arrested, Mr. Razzakov worked with Radio Free Europe/Radio Liberty and BBC Uzbek Services by reporting on human rights issues in Uzbekistan, and since his arrest, his son has continued to communicate with international human rights organizations.

In addition to his human rights work, Mr. Razzakov is a farmer, and in 2004 he built a flour mill and established a family farming business. His flour mill and family farm were both successful businesses, and Mr. Razzakov was known in the community for providing financial help to local families in need.

## 3. Circumstances of Bobomurod Razzakov’s Arrest and Charge

### A. Initial Threats

In early spring 2013, Bukhara security services began threatening and harassing Mr. Razzakov. The Department of Internal Affairs summoned Razzakov on several occasions and admonished by the counterterrorism criminal investigation unit to cease his human rights work. In March 2013, Uzbek officials began openly threatening that Mr. Razzakov would spend the rest of his life in prison if he continued his human rights work and his collaboration with international media sources.

Mr. Razzakov continued his human rights activities, and on June 6, 2013 he was interrogated for two hours by Alisher Andaev, the head of Bukhara’s counterterrorism criminal investigation unit at the Department of Internal Affairs. In the interrogation, Mr. Andaev blamed Mr. Razzakov for collaborating with international news sources and damaging Uzbekistan’s reputation. Mr. Andaev demanded that Mr. Razzakov quit working for *Ezgulik* and talking to media sources. Mr. Andaev again threatened that if Mr. Razzakov did not quit his activities, he would face misfortunes, and suggested that his children could also be harmed.

### B. Events Leading to the Arrest

Despite these threats, Mr. Razzakov continued his regular human rights work. Mr. Razzakov helped local people with human rights problems by advising them how to seek remedies and drafting complaint letters to government bodies on their behalf.

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<sup>41</sup> Letter to His Excellency Islam Karimov, November 24, 2014, signed by Senators Richard Durbin, Robert Menendez, Patrick Leahy, Richard Blumenthal, Benjamin Cardin, Barbara Boxer, Robert Casey Jr., and Mark Kirk (calling attention to imprisonment of Akzam Turgunov, Dilmurod Saidov, Salijon Abdurakhmanov, Muhammad Bekjanov, and Bobomurod Razzakov).

On July 5, 2013, Ms. Gulshan Karimova came to Mr. Razzakov's house apparently seeking legal advice. Ms. Karimova and Mr. Razzakov had never met. Ms. Karimova had recently been convicted of slander, and she wanted help appealing her conviction. During the meeting, Ms. Karimova made contradictory statements, and Mr. Razzakov told her that in order to help her, he would need more information and documentation. On July 7, Ms. Karimova came to Mr. Razzakov's house again and brought a copy of the court decision; however, Mr. Razzakov asked her for more documentation including the indictment.

On July 8, Ms. Karimova brought the indictment to his house, and while she was there, she complained to Mr. Razzakov that it was difficult for her to find a job. When she told him that she was thinking of going to Dubai in search of a job, Mr. Razzakov urged her to look for a job in Bukhara instead. Mr. Razzakov then called Ms. Ravshanova, an old human rights client of his, and asked if she could help get Ms. Karimova a job. Ms. Ravshanova agreed to help and also allowed Ms. Karimova to stay the night in her apartment. That night around midnight, Ms. Ravshanova received a call from someone from the National Security Service who asked where Ms. Karimova was. Around 1:00 PM the following day, June 9, officers from the National Security Service came to Ms. Ravshanova's apartment. When she refused to answer the door, the NSS officers broke into her apartment. Ms. Ravshanova escaped and went to Mr. Razzakov's house. The officers came to Mr. Razzakov's house soon after and arrested Ms. Ravshanova.

On July 9, Ms. Karimova wrote a complaint letter to the Bukhara Department of Internal Affairs. In the letter, she claimed that Mr. Razzakov and Ms. Ravshanova forced her into prostitution, and she also claimed that Mr. Razzakov attempted to force her to have sex with him at his house when she came to him for legal advice.

### C. The Arrest and Charge

At 9:00 PM on July 9, 2013, a local police officer came to Mr. Razzakov's house and asked that he come to the Bukhara Internal Affairs Department. Mr. Razzakov refused, but said he would go the next day. On July 10, an investigator called Mr. Razzakov and asked him again to come to the Internal Affairs Department. Mr. Razzakov received no written summons. When Mr. Razzakov arrived, he was questioned by Investigator Davronov about Ms. Karimova's allegations. Mr. Razzakov denied the accusations and gave a written statement about how he knew Ms. Karimova and what had happened on July 8. Mr. Razzakov then went home.

The following day, July 11, Mr. Razzakov returned to the Internal Affairs Department where he was again questioned about the alleged incident. After questioning, he again returned home. Also on July 11, Investigator Davronov issued an indictment alleging that Mr. Razzakov and Ms. Ravshanova forced Ms. Karimova into prostitution.

Finally, on July 12, Mr. Razzakov was summoned to the Internal Affairs Department and arrested on human trafficking charges. On July 13, the Bukhara city criminal court issued an order to keep Mr. Razzakov detained until trial. Also on July 13, Internal Affairs Department officials searched Mr. Razzakov's house and took materials related to his human rights work and his personal computer. That day, Mr. Razzakov hired local attorney Mr. Zakir Shapsanov.

#### 4. The Trial, Sentencing, and Detention

Mr. Razzakov's trial in the Bukhara provincial criminal court began on August 23, 2013. Z. Shapsanov represented Mr. Razzakov during the hearings, while the prosecution was led by an Assistant Public Prosecutor of the Bukhara Region, U. Qazokov. The trial consisted of four hearings in total, each lasting approximately 45 minutes.<sup>42</sup>

The trial was plagued with inconsistencies and procedural violations. The public was largely denied access to the trial and Mr. Razzakov's son faced retaliation from public authorities for organizing in support of Mr. Razzakov. Around 80 people had come to the courthouse to show solidarity with Mr. Razzakov and express discontent with Mr. Razzakov's unjust detention, but only his relatives and lawyer were permitted to attend the trials. Mr. Razzakov's son was threatened by Uzbek law enforcement on multiple occasions for organizing demonstrations at the courthouse on behalf of Mr. Razzakov during the trial. After the first hearing, Shuhrat Razzakov, Mr. Razzakov's son, was summoned to the local Internal Affairs Department by Officer Azim. Officer Azim threatened Shuhrat, stating that if he continued the "provocations," it would be bad both for Mr. Razzakov and him. The same officer summoned Shuhrat after sentencing, stating that Shuhrat would have to "blame himself for the consequences" if there were further demonstrations. Officer Azim suggested that Shuhrat may end up in prison like Mr. Razzakov, who had also received such warnings, but nonetheless continued his human rights work. Shuhrat took the threat seriously and asked Mr. Razzakov's supporters to cancel a planned demonstration in front of the Regional Governor's Office.

Only seven people were permitted to testify during the trial: Ms. Ravshanova, Ms. Karimova, Mr. Azamat Nurullaev, Ms. Mavjuda Rakhmatova, Mr. Khayot Radjabov, Ms. Gulsun Razzakova, and Ms. Yayra Razzakov. The key witnesses for the prosecution offered contradictory testimony and the court gave insufficient weight to evidence raised by the defense.

Mr. Razzakov's trial was plagued by procedural irregularities and ultimately was unfair. The court did not provide Mr. Razzakov's defense an opportunity to review and rebut key evidence that it relied upon in reaching its final decision.<sup>43</sup> For example, the court relied on a medical report provided by the prosecution that allegedly showed that Mr. Razzakov abused Ms. Karimova – however, the prosecution did not provide the defense with a copy of the report or explain the relevance of the report to the case. The court also failed to consider significant exculpatory points raised during cross-examination of the prosecution's main witnesses. The court further failed to compel testimony of prosecution witnesses when apparent contradictions were raised during cross-examination, including, for example, when the prosecution's key witness completely changed testimony between hearings.<sup>44</sup> Finally, the prosecution's main

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<sup>42</sup> Telephone conversation with Shuhrat Razzakov on Feb. 1, 2015.

<sup>43</sup> In reaching its decision, the court relied on a medical report showing Mr. Razzakov abused Ms. Karimova. The prosecution did not provide this evidence to Mr. Razzakov's counsel for review and Mr. Razzakov never received the opportunity to rebut this evidence.

<sup>44</sup> The prosecution's other main witness, Ms. Ravshanova, initially testified on behalf of Mr. Razzakov then changed her testimony at the second hearing. In the first hearing, Ms. Ravshanova testified that Ms. Karimova provided false testimony, and that Ms. Karimova engaged in prostitution voluntarily. Ms. Ravshanova stated that the case was fabricated and that local law-enforcement bodies were using Ms. Karimova to imprison herself and Mr. Razzakov.

witnesses each were involved more directly in the alleged scheme than Mr. Razzakov, but Mr. Razzakov was the only alleged member of the scheme to be imprisoned.

Other prosecution witnesses failed to corroborate the prosecution's case. These witnesses included Mr. Azamat Nurullaev, a local attorney, and Ms. Mavduda Rakhmatova, a neighbor of Ms. Ravshanova. Neither witness implicated Mr. Razzakov in the alleged conduct.<sup>45</sup>

Mr. Razzakov, Ms. Gulshan Razzakova, and Ms. Razzakova Yayra testified in defense of Mr. Razzakov. All of the defense witnesses corroborated Mr. Razzakov's story. In addition, Mr. Khayot Radjabov testified on behalf of Mr. Razzakov as a character witness.

Mr. Razzakov testified during the trial and denied the allegations in full, accepting only that he attempted to assist Gulshan Karimova. Mr. Razzakov's wife and daughter-in-law also corroborated Mr. Razzakov's innocence.

Ms. Gulsun Razzakova, Mr. Razzakov's wife, testified that on the day when Ms. Karimova came to their house, she was at home and saw her husband treat Ms. Karimova with respect. Ms. Razzakova did not hear and or see any indications of the alleged conduct and noted that Ms. Karimova was in a good mood when she departed from the home.<sup>46</sup> Ms. Razzakova Yayra, Mr. Razzakov's daughter-in-law, offered similar testimony to Ms. Gulsun Razzakova.<sup>47</sup>

Finally, Mr. Khayot Radjabov, Mr. Razzakov's friend and a director of the local hospital, provide character testimony and testified that Mr. Razzakov was widely known as a person who helped people in the region to defend their rights.<sup>48</sup>

On September 24, 2013, the court found Mr. Razzakov guilty of human trafficking under Articles 135(2)(a) and 135(2)(e) of the Uzbek criminal code and sentenced him to four years in prison (calculated from June 12, 2013). Mr. Razzakov had no prior convictions. Ms. Ravshanova, who already had prior offenses, received a suspended sentence of three years, six months. Ms. Ravshanova started probation on September 24, 2013.

On December 27, 2013, the court issued a cassation appeal decision, upholding the finding of the trial court. Judge U.H. Roziev presided over the case.

Since Mr. Razzakov has been in prison, the harassment and threats have not stopped. On October 10 and 16, 2013, two Internal Affairs officials visited him in prison and threatened to retaliate against him and his family if his son, Shuhrat Razzakov, did not stop communicating with international human rights organizations. On November 28, 2013, prison authorities accused Mr. Razzakov of violating the internal prison code and placed him in a punishment cell for one day, but they did not explain what rules Mr. Razzakov had violated. On November 29, the two Internal Affairs officials visited and threatened Mr. Razzakov again. On December 3, Mr. Razzakov was placed in a punishment cell allegedly for not keeping his hands in place

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<sup>45</sup> Pages 12-13, Judgment, Sep. 24, 2014.

<sup>46</sup> Page 13, Judgment, Sep. 24, 2014.

<sup>47</sup> Page 13, Judgment, September 24, 2014.

<sup>48</sup> Page 14, Judgment, September 24, 2014.

during line-up. For that alleged violation, Mr. Razzakov spent 15 days in a punishment cell. This punishment fell over Constitution Day, making Mr. Razzakov technically ineligible for presidential amnesty.

Mr. Razzakov has suffered various other injuries while in prison and is frequently hospitalized for these injuries and his pre-existing conditions. In October 2014, Mr. Razzakov in prison suffered from a broken jaw and injuries to the skull. Mr. Razzakov's family suspects Mr. Razzakov was beaten for writing a letter from prison. In connection with the contusions to Mr. Razzakov's skull, Mr. Razzakov was required to undergo surgery in late November. Mr. Razzakov was again unable to seek presidential amnesty due to health complications in December 2014. As described below, Mr. Razzakov's lawyer was denied visitation during this period and could not seek amnesty on Mr. Razzakov's behalf.

In addition to injuries suffered from abuse in prison, Mr. Razzakov suffered from various health issues prior to incarceration that have since become more serious. Mr. Razzakov had problems with ulcers and these problems have worsened in prison because he has not received proper medical treatment. Each time Mr. Razzakov suffers from a health issue, he is transferred from Tavaksay Prison No. 64/3 to the Sangorod, a prison hospital in Tashkent. There is reason to believe that Mr. Razzakov is not getting adequate medical care or access to medicine for conditions pre-existing his incarceration, and his list of health complications has grown through privation and abuse in prison.

Mr. Razzakov's family and local counsel were denied visitation rights both at Tavaksay and Sangorod for three months after the head injuries in October 2014. During this time, Mr. Razzakov's local counsel has filed several complaints regarding Mr. Razzakov's improper medical treatment and denial of visitation with GUIN, the Main Directorate of the Penitentiary. On January 7, 2015, Mr. Razzakov's lawyer waited at Sangorod for a full day before being denied access to his client. Mr. Razzakov's lawyer then filed a complaint with Uzbekistan's Department of Internal Affairs. Local counsel has registered a written complaint with the Tashkent Department of Internal Affairs.

In late January 2015, three months after the severe head injury, the family was finally permitted to visit Mr. Razzakov. During the visit, Mr. Razzakov suffered from short and long-term memory loss and did not recognize his son and wife for over a half hour. Mr. Razzakov could not recall much of what happened during visit with his wife and son. Mr. Razzakov also displayed signs of severe neglect; his body was covered with flea bites, which were bleeding from scratches.

Doctors at Sangorod refuse to provide any medical documentation to family members who want nothing more than to supplement Mr. Razzakov's treatment using their own funds. To date, Mr. Razzakov's family estimates that it has spent the U.S. Dollar equivalent of \$7,200 providing supplemental care to Mr. Razzakov. They are not sure whether Mr. Razzakov is receiving the medicines they bring for Mr. Razzakov. What little information is provided by doctors indicates that Mr. Razzakov's existing health problems coupled with injuries sustained in

prison require frequent hospitalization. During the family's January 2015 visit, Mr. Razzakov expressed feelings of despair and told his son and spouse that he would not survive longer.<sup>49</sup>

## B. Legal Analysis

Mr. Razzakov's detention based on "trumped up charges"<sup>50</sup> constitutes an arbitrary deprivation of liberty<sup>51</sup> under Category II and Category III of the classifications of cases as defined by the Working Group.<sup>52</sup> Article 9 of the Universal Declaration of Human Rights (UDHR) and Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) specifically prohibit arbitrary detention. Uzbekistan acceded to the ICCPR on 28 September, 1995.<sup>53</sup> Mr. Razzakov's detention is therefore a violation of international law.

### 1. Deprivation of Liberty Under Category II

Deprivation of liberty is arbitrary under Category II when it results from the exercise of the rights or freedoms guaranteed by Articles 7, 13, 14, 18, 19, 20, and 21 of the UDHR and Articles 12, 18, 19, 21, 22, 25, 26, and 27 of the ICCPR.<sup>54</sup> The Working Group has stated that it "subjects cases to heightened scrutiny when article 19 rights and work as human rights defenders are involved."<sup>55</sup> This case meets the requirements of Category II because Mr. Razzakov's detention is politically motivated and is a result of his human rights work and his exercise of the fundamental freedoms of expression and association guaranteed in the UDHR and the ICCPR.

#### a. The Human Trafficking Charge against Mr. Razzakov is False and Politically Motivated.

The human trafficking charge brought against Mr. Razzakov is false and was set up as a means to detain and punish him for his legitimate human rights activities. The circumstances surrounding Mr. Razzakov's arrest, trial, and detention are consistent with the Uzbek

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<sup>49</sup> Telephone conversation with Razzakov's son, Feb. 1, 2015.

<sup>50</sup> Human Rights Watch, *Uzbekistan: Trial of Activist on Trumped-Up Charges*, *supra* note 16.

<sup>51</sup> An arbitrary deprivation of liberty is defined as any "depriv[ation] of liberty except on such grounds and in accordance with such procedures as are established by law." International Covenant on Civil and Political Rights, G.A. Res 2200A (XXI), 21 U.N. GAOR Supp. (No. 16), at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force 23 March 1976, at art. 9(1) [hereinafter ICCPR]. Such a deprivation of liberty is specifically prohibited by international law. *Id.* "No one shall be subjected to arbitrary arrest, detention or exile." Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc. A/810, at art 9 (1948) [hereinafter UDHR]. "Arrest, detention or imprisonment shall only be carried out strictly in accordance with the provisions of the law . . ." Body of Principles for the Protection of Persons under Any Form of Detention or Imprisonment, at Principle 2, G.A. Res. 47/173, Principle 2, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988) [hereinafter Body of Principles].

<sup>52</sup> Office of the High Commissioner for Human Rights, *Revised Methods of Work of the Working Group*, paras. 8(b) & (c) [hereinafter Revised Methods].

<sup>53</sup> International Covenant on Civil and Political Rights, United Nations Treaty Collection, Chapter IV: Human Rights, last accessed February 15, 2015, available at [https://treaties.un.org/pages/viewdetails.aspx?chapter=4&src=treaty&mtdsg\\_no=iv-4&lang=en](https://treaties.un.org/pages/viewdetails.aspx?chapter=4&src=treaty&mtdsg_no=iv-4&lang=en).

<sup>54</sup> *Id.* at para. 8(b).

<sup>55</sup> UN Working Group on Arbitrary Detention, *Communication addressed to the Government on 13 April 2011: Concerning Azamjon Farmonov and Alisher Karamatov*, Apr. 13, 2011.

government's clear pattern of silencing political activists and human rights workers. Human Rights Watch, Amnesty International, and the U.S. Department of State have all reported that the Uzbek police routinely arrest human rights defenders under the guise of extortion, tax evasion, and other "trumped up charges" in order to prevent the exposure of government corruption.<sup>56</sup> Opinions of the UNWGAD related to Uzbekistan further confirm this pattern of arbitrary detention. This case is no exception, and his conviction was a politically motivated move to silence Mr. Razzakov and bring an end to his human rights work.

Human Rights Watch has stated, "Bobomurod Razzakov, who was detained on July 10, has been on trial since August 26 in the Bukhara region criminal court on fabricated charges of 'human trafficking' in retaliation for his human rights work."<sup>57</sup> A Human Rights Watch Central Asia Researcher explains, "Razzakov has long campaigned against corruption and abuse of power in a region of Uzbekistan where many are afraid to speak out. . . . His prosecution fits a typical pattern of fabricated criminal charges brought to silence human rights defenders and should be dropped immediately."<sup>58</sup> UzNews reports that the leader of *Ezgulik*, Vasilya Inoyatova, believes that "the real reason for [Razzakov's] detention was his human rights work."<sup>59</sup> Inoyatova explains that Razzakov was very active and wrote letters and petitions to government authorities complaining about regional officials and human rights issues. Inoyatova also explains that before the arrest, Razzakov had told other *Ezgulik* members that he had felt pressure from the Department of Internal Affairs to stop his human rights activities since the beginning of the year.<sup>60</sup>

The facts of the case show that Mr. Razzakov's arrest was a politically motivated response to his human rights work. Mr. Razzakov was a member of both *Ezgulik*, the human rights organization, and *Erk*, a political opposition party. The Uzbek government has repeatedly targeted members of both *Ezgulik* and *Erk*. Additionally, before he ever met Ms. Karimova, officials from the Department of Internal Affairs visited and threatened Mr. Razzakov with prison if he did not stop his human rights activities and communication with media outlets. The Department of Internal Affairs also interrogated him and demanded that Mr. Razzakov quit working for *Ezgulik* and stop cooperating with international media sources. After he was convicted, government officials continued to threaten Mr. Razzakov and his family if his son did not stop communicating with international human rights organizations and media outlets. These threats demonstrate that the government was aware of and concerned with Mr. Razzakov's human rights work. Furthermore, when the police searched Mr. Razzakov's house, they took printed materials related to his human rights work – Uzbek authorities have a history of seizing human rights materials in other similar arrests. For example, in the Akzam Turgonov arrest, Uzbek authorities seized various human rights materials when searching Mr. Turgonov's home. This fact, combined with the threats made before and after his arrest and conviction, clearly shows that his arrest was politically motivated.

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<sup>56</sup> See *supra* note 16.

<sup>57</sup> Human Rights Watch, *Uzbekistan: Trial of Activist on Trumped-Up Charges*, *supra* note 16.

<sup>58</sup> *Id.*

<sup>59</sup> UzNews.net, *Leader of Bukhara Chapter of "Ezgulik" Detained*, July 12, 2013.

<http://www.uznews.net/en/human-rights/23360-leader-of-buhara-chapter-of-ezgulik-detained>.

<sup>60</sup> *Id.*

b. The Government of Uzbekistan Denied Mr. Razzakov his Freedom of Expression.

Article 19(2) of the ICCPR provides that “everyone shall have the right to freedom of expression.”<sup>61</sup> As noted above, Uzbekistan acceded to the ICCPR in 1995. Freedom of expression includes freedom to seek, receive and impart information of all kinds, either orally or in writing.<sup>62</sup> Article 19 is of special importance to human rights defenders. The Working Group has recognized the right of human rights defenders to “investigate, gather information regarding and report on human rights violations.”<sup>63</sup> Article 19 of the UDHR provides an analogous guarantee of freedom of opinion and expression.<sup>64</sup> The Human Rights Committee has recognized that the protection of free expression is broad enough to include “the right of individuals to criticize or openly and publicly evaluate their Governments without fear of interference or punishment.”<sup>65</sup> Finally, the Uzbek Constitution guarantees “freedom of thought, speech and convictions.”<sup>66</sup>

The Uzbek government denied Mr. Razzakov his freedom of expression because his arrest and detention were intended to stop his human rights work, which included imparting information to the local people that he helped, as well as investigating, gathering information about and reporting on human rights violations. His human rights activities included communicating with international media sources about human rights violations in Uzbekistan. Before he was arrested, Mr. Razzakov was threatened to stop communicating with these media outlets, and his arrest was politically motivated to force him to stop these communications. By detaining Mr. Razzakov, the Uzbek government has therefore denied him his freedom of expression because he can no longer communicate with media, and he can no longer give information to or write petitions and letters on behalf of local human rights victims.

Because Mr. Razzakov’s detention was motivated by the government’s desire to stop him from exercising his freedom of expression, provided by Article 19 of the UDHR, his detention is arbitrary.<sup>67</sup>

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<sup>61</sup> ICCPR, *supra* note 34, at art. 19(2).

<sup>62</sup> *Id.*

<sup>63</sup> Hassan Ahmed Hassan Al-Diqqi v. United Arab Emirates, Working Group on Arbitrary Detention, Opinion No. 8/2009, U.N. Doc. A/HRC/13/30/Add.1 (2010), para. 18. Although the Working Group came to this conclusion by referencing the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, it noted that in the Working Group’s view, the rights and principles of the Declaration “are based on human rights standards Enshrined in the [UDHR] and in the Charter of the United Nations.” *Id.*

<sup>64</sup> UDHR, *supra* note 34, at art. 19.

<sup>65</sup> Rafael Marques de Morais v. Angola, Communication No. 1128/2002, U.N. Doc. CCPR/C/83/D/1128/2002 (2005), para. 6.7.

<sup>66</sup> Const. of the Republic of Uzbekistan, ch. 7, art. 29.

<sup>67</sup> United Nations Working Group on Arbitrary Detention, *Deliberation No. 9 concerning the definition and scope of arbitrary deprivation of liberty under customary international law*, para. 38, Dec. 24, 2012 [hereinafter *Deliberation No. 9*].



c. The Government of Uzbekistan Denied Mr. Razzakov his Freedom of Association.

Both the ICCPR and the UDHR guarantee freedom of association. Article 22 of the ICCPR provides that “[e]veryone shall have the right to freedom of association with others.”<sup>68</sup> Article 21(1) of the UDHR similarly provides that “[e]veryone has the right to freedom of peaceful assembly and association.”<sup>69</sup> Further, under Article 10 of the UDHR, individuals are entitled to those freedoms without discrimination.<sup>70</sup> Finally, the Uzbek Constitution provides that “[a]ll citizens of the Republic of Uzbekistan shall have the right to form trade unions, political parties and any other public associations, and to participate in mass movements.”<sup>71</sup>

Despite these protections afforded by international and Uzbek law, the human trafficking charges brought against Mr. Razzakov were motivated, at least in some part, by his leadership and involvement in *Ezgulik*, Uzbekistan’s only registered human rights organization, as well as his membership in *Erk*, a political opposition party. Human Rights Watch has documented a number of cases involving individuals from *Ezgulik* and *Erk* targeted by Uzbek authorities for prosecution and imprisonment.<sup>72</sup> At the time of his arrest, Mr. Razzakov was the chairman of the Bukhara regional branch of *Ezgulik*, an organization that has been repeatedly targeted by the Uzbek government.

Because Mr. Razzakov’s detention was motivated by the government’s desire to punish Mr. Razzakov for his association with both *Ezgulik* and *Erk*, in direct contravention of Mr. Razzakov’s freedom of association provided by Article 20(1) of the UDHR, his detention is arbitrary.<sup>73</sup>

2. Deprivation of Liberty Under Category III

A detention is arbitrary under Category III, “[w]hen the total or partial non-observance of the international norms relating to the right to a fair trial . . . is of such gravity as to give the deprivation of liberty an arbitrary character.”<sup>74</sup> Articles 5, 7, 8, 9, 10 and 11 of the UDHR and Articles 9 and 14 of the ICCPR provide international norms of fair trial. In addition to the due process requirement established by the ICCPR and UDHR, the Working Group may also look to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (hereinafter the Body of Principles) in making a determination as to the arbitrary nature of a detention.<sup>75</sup> Uzbekistan failed to observe the minimum international standards of due process by denying Mr. Razzakov his right to prepare a defense, his right to a public hearing by an independent and impartial tribunal, and his right to be free from inhuman, degrading treatment.

<sup>68</sup> ICCPR, *supra* note 27, at art. 22.

<sup>69</sup> UDHR, *supra* note 27, at art. 21(1).

<sup>70</sup> *Id.* at art. 10.

<sup>71</sup> Const. of the Republic of Uzbekistan, ch. 8, art. 34.

<sup>72</sup> Uzbekistan: Trial of Activist on Trumped-Up Charges, Human Rights Watch, September 24, 2013, available at <http://www.hrw.org/news/2013/09/24/uzbekistan-trial-activist-trumped-charges>.

<sup>73</sup> Deliberation No. 9, *supra* note 48, at para. 38.

<sup>74</sup> Revised Methods, *supra* note 35, at para. 8(c).

<sup>75</sup> *Id.* at para. 7(a).

a. The Government of Uzbekistan Denied Mr. Razzakov the Right to Prepare a Defense.

Article 14(3)(b) of the ICCPR protects the right of a criminal defendant to “have adequate time and facilities for the preparation of his defense.”<sup>76</sup> The right to a defense includes the right to have access to all documents and evidence, including materials that the prosecution plans to offer in court against the defendant.<sup>77</sup>

The Uzbek government failed to ensure that the defense had access to all documents and evidence used against Mr. Razzakov. In convicting and sentencing Mr. Razzakov to four years in prison, the court relied on a medical report that allegedly showed that Mr. Razzakov abused Ms. Karimova. The prosecution, however, did not provide the defense with a copy of the report or explain the relevance of the report to the case. Despite these deficiencies, the court made a general reference to the existence of the medical report and used it as evidence of Mr. Razzakov’s guilt. In its judgment, the court did not clarify how the medical report proved Mr. Razzakov’s guilt. Furthermore, the court relied on transcripts allegedly of telephone conversations between Mr. Razzakov and Ms. Ravshanova. Again, the prosecution failed to provide the defense with a copy of the transcripts and failed to explain how the transcripts were relevant in proving Mr. Razzakov’s guilt. Like the medical report, despite these deficiencies, the court accepted the transcripts as evidence of Mr. Razzakov’s guilt.

b. The Government of Uzbekistan Denied Mr. Razzakov the Right to a Public Hearing by an Independent and Impartial Tribunal.

The right to a “fair and public hearing by a competent, independent and impartial tribunal” is well established under international law and protected under Article 14(1) of the ICCPR.<sup>78</sup> Every criminal defendant is also entitled to “the right to be presumed innocent until proved guilty,” under Article 14(2) of the ICCPR. The Human Rights Committee has explained that the right to be presumed innocent “ensures that the defendant be given the “benefit of the doubt” and that “all public authorities refrain from prejudging the outcome of the trial.”<sup>79</sup> There can be no fair trial without a competent, independent and impartial court. This is an absolute right that is not subject to any exceptions.<sup>80</sup>

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<sup>76</sup> UN Working Group on Arbitrary Detention, *Report of the Working Group on Arbitrary Detention*, U.N. Doc. A/HRC/16/47, Annex. para. 8(c) (Jan. 19, 2011) [hereinafter Report of the Working Group].

<sup>77</sup> UN Human Rights Committee, ICCPR, General Comment No. 32, para. 33, CCPR/C/GC/32, Aug. 23, 2007.

<sup>78</sup> ICCPR, *supra* note 34, at art. 14(1). *See also* UDHR, *supra* note 34, at art. 10 (“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”).

<sup>79</sup> General Comment 32, *supra* note 57, at para. 30.

<sup>80</sup> *Id.* at para.19. *See also*, Gonzales del Rio v. Peru, Communication No. 263/1987, U.N. Doc. CCPR/C/46/D/263/1987 (1992), para. 5.2 (“The Committee recalls that the right to be tried by an independent and impartial tribunal and an absolute right that may suffer no exception.”).

One of the requirements of impartiality contained in Article 14(1) of the ICCPR is that of reasonableness. The court must appear to be a reasonable observer to be impartial.<sup>81</sup> In Mr. Razzakov's case, the court's failure to prevent serious procedural and substantive deficiencies is an obvious indication of the court's bias and lack of independence and reasonableness. Mr. Razzakov was found guilty of human trafficking, an act criminalized in Article 135 of the Uzbek criminal code. Article 135 punishes trafficking in human beings, which is defined as "selling people or their recruitment, transportation, transfer, or harboring for the purposes of exploitation."<sup>82</sup> Mr. Razzakov was charged with violating Articles 135(2)(a) and 135(2)(e), which prohibit:

"2(a) Trafficking in human beings through kidnapping, violence or threats of violence or other forms of coercion;

...

2(e) Trafficking in human beings after preliminary arrangements with a group of persons."

To demonstrate a violation of Article 135(2)(a), the court must have demonstrated that Ms. Karimova was a victim of human trafficking through kidnapping, violence, threats of violence or other coercion. As set forth in detail above, the court proved none of the requisite elements and relied solely on conflicting evidence and testimony to reach a conviction. One key witness completely changed testimony without any inquiry from the court. The court further refused to share materials with Mr. Razzakov that it later used in finding Mr. Razzakov guilty. Finally, the court did not consider any exculpatory testimony raised in defense of Mr. Razzakov or explain why the exculpatory evidence was not persuasive in light of the contradictions present in the prosecution's case. In sum, these glaring errors reflect the impartiality of the trial Mr. Razzakov received and demonstrate that his subsequent detention was politically motivated.

c. The Government of Uzbekistan Violated Mr. Razzakov's Right to be Free from Torture or Cruel, Inhumane or Degrading Treatment.

Article 7 of the ICCPR establishes a clear prohibition on inhuman treatment not subject to derogation under any circumstances: "[n]o one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment."<sup>83</sup> Similarly Article 2(1) of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Uzbekistan is a party, requires that each state "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction,"<sup>84</sup> and conduct "a prompt and impartial investigation, whenever there is a reasonable ground to believe that an act of torture has been committed."<sup>85</sup>

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<sup>81</sup> *Id.* at para. 21.

<sup>82</sup> Uzbek Criminal Code, art. 135.

<sup>83</sup> ICCPR, *supra* note 34, at art. 7.

<sup>84</sup> Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1465 U.N.T.S. 85, *entered into force* June 26, 1987, at art. 2(1).

<sup>85</sup> *Id.* at art. 12.

Consistent threats of retaliation can constitute cruel and inhuman treatment. This is especially the case in Uzbekistan, where torture and other forms of ill-treatment are systematic and widespread. Local law enforcement officials have systematically threatened Mr. Razzakov with retaliation for his human rights work. Mr. Razzakov was threatened initially before he even met Ms. Karimova, but the threats, harassment, and retaliation against Mr. Razzakov continued in prison. He was threatened with retaliation on three different occasions by two officials from the anti-terrorism unit of the Bukhara region Internal Affairs Department. They warned Mr. Razzakov that he and his son had to stop their communication with international human rights organizations.

The retaliation against Mr. Razzakov has continued in prison. Mr. Razzakov was also put in isolation cells twice in the first two months of his conviction. On November 28, 2013, Mr. Razzakov was accused of violating internal prison code and placed in a punishment cell for one day. The authorities did not clarify what regulation he allegedly violated. Mr. Razzakov was placed in a punishment cell for a second time on December 3, 2013. He was accused on not “keeping his hands on the back” during line-up. He spent 15 days in an isolation cell for this alleged offense. In October 2014, Mr. Razzakov suffered a broken jaw and injuries to his skull that required surgery. This treatment constitutes inhuman, cruel or degrading treatment in retaliation for Mr. Razzakov’s human rights activities.

The Uzbek government denied Mr. Razzakov the rights to prepare a defense, be tried by an impartial and independent tribunal, and to be free from inhuman, cruel, or degrading treatment. For these reasons, the Uzbek government violated Mr. Razzakov’s substantive and procedural rights under Article 14 of the ICCPR, making his detention arbitrary under Category III.

**V. INDICATE INTERNAL STEPS, INCLUDING DOMESTIC REMEDIES, TAKEN ESPECIALLY WITH THE LEGAL AND ADMINISTRATIVE AUTHORITIES, PARTICULARLY FOR THE PURPOSE OF ESTABLISHING THE DETENTION AND, AS APPROPRIATE, THEIR RESULTS OR THE REASONS WHY SUCH STEPS OR REMEDIES WERE INEFFECTIVE OR WHY THEY WERE NOT TAKEN.**

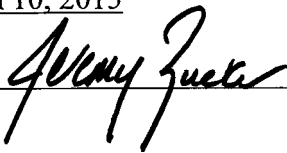
Mr. Razzakov was convicted on September 24, 2013 and has exhausted available remedies in Uzbekistan. After the trial court issued its initial decision on September 24, 2013, Mr. Razzakov filed an appeal. On December 27, 2013, the court issued a cassation appeal decision, upholding the finding of the trial court. As set forth in detail above, Mr. Razzakov has not received an impartial trial in Uzbekistan.

**VI. FULL NAME AND ADDRESS OF THE PERSON(S) SUBMITTING THE INFORMATION (TELEPHONE AND FAX NUMBER, IF POSSIBLE).**

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Hrishikesh Hari  
Darshak Dholakia  
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United States of America  
Tel: 202-261-3322  
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Date: March 10, 2015

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Jeremy Zucker", is written over a horizontal line.