

PETITION TO:

UNITED NATIONS

WORKING GROUP ON ARBITRARY DETENTION

Chairperson-Rapporteur: Mr. Malich Sow (Senegal)
Vice-Chairperson: Ms. Shaheen Sardar Ali (Pakistan)
Mr. Vladimir Tochilovsky (Ukraine)
Mr. Roberto Garretón (Chile)
Mr. Mads Andenas (Norway)

**HUMAN RIGHTS COUNCIL
UNITED NATIONS GENERAL ASSEMBLY**

In the Matter of
Dilmurod Saidov,
Citizen of Uzbekistan

v.

Government of Uzbekistan

URGENT ACTION REQUESTED

Petition for Relief Pursuant to Resolutions 1997/50, 2000/36, 2003/31, and 6/4¹

Submitted By:
Maran Turner
Patrick Griffith
Freedom Now
1776 K Street, NW, 8th Floor
Washington, DC 2006
United States of America
+1 (202) 223-3733 (tel)
+1 (202) 799-5325 (fax)
mturner@freedom-now.org

March 1, 2012

BASIS FOR “URGENT ACTION” REQUEST

As set forth in the attached Petition, the Uzbek government is arbitrarily depriving Dilmurod Saidov of his liberty, and in so doing it is putting his health and life in grave danger. We request that Mr. Saidov be considered under the “urgent action” procedure. We ask that a communication be made immediately to the Uzbek government to ensure that Mr. Saidov receives adequate food, clean water, and medical treatment and to protect Mr. Saidov from any possible maltreatment.

Mr. Saidov is currently being held in a special facility for tuberculosis inmates, called TB Zone #36, in the city of Navoi, Uzbekistan. He suffers from acute tuberculosis and is in need of regular medical treatment.² In June 2010, Mr. Saidov wrote an open letter to the UN Secretary General and international human rights organizations, reporting that he was being denied adequate medical treatment and that he continued to suffer from significant health problems.³ His relatives report that Mr. Saidov “has become a skeleton.”⁴

Mr. Saidov’s health will most likely undergo rapid deterioration in the TB Zone #36 prison. According to the U.S. State Department, Uzbek prison conditions are so horrific that they can be life-threatening.⁵ It has been consistently reported that overcrowding is common, cells lack proper ventilation, food and water are of poor quality and at times medicine intended for prisoners is delayed.⁶

Because of Mr. Saidov’s deteriorating health, desperate need for proper medical treatment and the substandard prison conditions, there is substantial reason to believe that Mr. Saidov’s health and life are in serious jeopardy. Accordingly, it is hereby requested that the Working Group consider this petition pursuant to the “Urgent Action” procedure.⁷ In addition, it is also requested 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 and 15/18.

QUESTIONNAIRE TO BE COMPLETED BY PERSONS ALLEGING ARBITRARY ARREST OR DETENTION

I. IDENTITY

1. *Family Name:* Saidov
2. *First Name:* Dilmurod
3. *Sex:* Male
4. *Birth Date:* April 29, 1962

5. *Nationality*: Uzbekistan
6. (a) *Identity document (if any)*: Passport
(b) *Issued by*: Ministry of Internal Affairs
(c) *On (date)*: May 18, 2007
(d) *No.*: CA 2398501
7. *Professional and/or activity (if believed to be relevant to the arrest/detention)*:
Dilmurod Saidov is a prominent Uzbek journalist and human rights activist. He is a member of the human rights organization *Ezgulik* (“Mercy”). He has published numerous articles critical of authorities appearing in many local newspapers, including *Advokat-Press*, *Darachki*, and *Qishloq Hayoti*. Mr. Saidov has been under pressure from government officials since 2005 after he criticized human rights violations in Uzbekistan in the state-controlled *Advokat-Press* newspaper. He was subsequently fired. As a freelance journalist, he also reported on corruption in Samarkand, Uzbekistan and accused government officials of impoverishing the region’s farmers. At the time of his arrest by the Tashkent branch of the General Prosecutor’s Office of Uzbekistan, he was investigating theft and illegal land appropriation by the Agricultural Equipment and Tractor Park in Samarkand’s Djambay (*Jomboy*) district, Samarkand, Uzbekistan.
8. *Address of usual resident*: Sabir Rakhimov district of Kara-Kamish 2/5, 14, 2, Tashkent, Uzbekistan

II. ARREST

1. *Date of arrest*: February 22, 2009
2. *Place of arrest (as detailed as possible)*: Mr. Saidov’s residence in Tashkent, Uzbekistan
3. *Forces who carried out the arrest or are believed to have carried it out*: Tashkent branch of the Division for Combating Tax, Currency Crimes and Legalization of Criminal Proceeds under the General Prosecutor’s Office of Uzbekistan.
4. *Did they show a warrant or other decision by a public authority?* Not known.
5. *Authority who issued the warrant or decision*: N/A
6. *Relevant legislation applied (if known)*: Not known.

III. DETENTION

1. *Date of detention*: February 25, 2009 (convicted and sentenced on July 30, 2009)

2. *Duration of detention (if not known, probable duration)*: Since February 25, 2009 (three years)
3. *Forces holding the detainee under custody*: Upon arrest, Tashkent branch of the Division for Combating Tax, Currency Crimes and Legalization of Criminal Proceeds under the General Prosecutor's Office of Uzbekistan.
4. *Places of detention (indicate any transfer and present place of detention)*: TB Zone #36, Navoi, Uzbekistan
5. *Authorities that ordered the detention*: Tayloq District Court, Samarkand, Uzbekistan
6. *Reasons for the detention imputed by the authorities*: Mr. Saidov was charged with extortion and forgery and convicted on July 30, 2009.
7. *Relevant legislation applied (if known)*: Articles 165(3), 228(2)(b) and 228(3) 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. Saidov. Background on the current political climate in Uzbekistan is also included as it provides context that is relevant to this case.

1. Background on Uzbekistan

Uzbekistan obtained its independence from the Soviet Union in 1991 by referendum, and since that time the nation has been controlled by President Islam Karimov, chairman of the People's Democratic Party and former Communist Party leader.⁸ The people of Uzbekistan do not have a meaningful opportunity to change the composition of the government through the electoral process.⁹ Only parties loyal to President Karimov are allowed to register and participate in elections. The genuine opposition groups—*Birlik* ("Unity") Popular Movement, *Erk* ("Freedom") Democratic Movement, and *Ozod Dehqonlar* ("Free Peasants") Party—are excluded from the electoral process and instead operate as unregistered parties.¹⁰ As a result, the international non-governmental organization (NGO) Freedom House has given Uzbekistan a score of 7 (the worst possible) for "National Democratic Governance and Electoral Process" in its most recent assessment of the country's democratic development.¹¹

The Uzbek Constitution provides for separation between the executive, legislative, and judicial branches of the national government. However, in practice, the control exercised by the

executive over the other branches is nearly absolute.¹² The judiciary is not independent and often takes directions from the executive.¹³

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

The Uzbek government frequently arbitrarily arrests and detains individuals for expressing views critical of the government. The Committee to Protect Journalists described Uzbekistan as "the region's worst jailer of the press."¹⁹ Human Rights Watch reports that there are at least 14 human rights defenders in prison in Uzbekistan.²⁰ The U.S. Department of State's 2010 Human Rights Report reports that in 2010 harassment of journalists and human rights activists increased.²¹ Police and security services subject them to arrests, harassment, intimidation, violence and torture.²² Journalists and human rights activists are ordered to cease their contacts with foreign diplomats or international human rights organizations and are retaliated against for continuing these contacts.²³

Independent journalists and human rights defenders in Uzbekistan are subjected to politically-motivated prosecutions, sham trials, and long prison sentences as a result of their work.²⁴ The government has harassed and arbitrarily detained human rights defenders and independent journalists.²⁵ It uses false charges of extortion or tax evasion to prevent them from exposing corruption or local criminal activities.²⁶ For example, Akzam Turgunov, a human rights activist and political opposition leader, was wrongly detained in Uzbekistan in 2008, convicted on extortion charges, and sentenced to 10 years in prison.²⁷ His conviction was based on a statement by the alleged victim (Mr. Hujoboyev) claiming that Mr. Turgunov extorted about 15,000 US dollars from him.²⁸ However, Mr. Hujoboyev later withdrew his statement and admitted that Mr. Turgunov had never tried to extort money from him.²⁹ The Uzbek government ignored Mr. Hujoboyev's retraction and convicted Mr. Turgunov.³⁰ The Working Group on Arbitrary Detention found that by convicting Mr. Turgunov on unsubstantiated charges, the Uzbek government sought to "punish him for his human rights and political activities."³¹

The Uzbek government has retaliated against attorneys who have represented independent journalists and human rights defenders using the new relicensing process established by the Cabinet of Ministers Decree to strip attorneys of their licenses. Since the process was enacted in March 2009, several well-known attorneys who defended human rights defenders and journalists have lost their licenses and are unable to practice law.³²

Because of the government's persecution of independent journalists, there is almost no investigative reporting in Uzbekistan and thus "the number of critical newspaper articles remain[s] low and narrow in their scope."³³ Independent and critical news websites are blocked by the Uzbek government. For example, *EurasiaNet*, *Voice of Freedom*, *Ferghana*, *BBC Uzbek Service* and *Radio Free Europe/Radio Liberty* are not accessible in Uzbekistan.³⁴

Prison conditions are “poor and in some cases life threatening.”³⁵ According to reports by international NGOs, 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.³⁶ The International Committee of the Red Cross (ICRC) ceased prison visits in 2004 because the terms of access were not acceptable to the organization.³⁷ The ICRC visits resumed in 2008 for a six-month trial period, and pursuant to an agreement with the government, prison visits have continued.³⁸

2. Background on Dilmurod Saidov

Dilmurod Saidov³⁹ is a prominent Uzbek journalist. He has published numerous articles critical of authorities appearing in many local newspapers, including *Advokat-Press*, *Darachki*, and *Qishloq Hayoti*.⁴⁰ His articles have also been published by many Internet news agencies such as *Voice of Freedom* and *Uznews.net*.⁴¹ Mr. Saidov has been under pressure from government officials since 2005 after he criticized human rights violations in Uzbekistan in the state-controlled *Advokat-Press* newspaper and was fired.⁴² As a freelance journalist, he reported on corruption in Samarkand, Uzbekistan and accused government officials of impoverishing the region’s farmers.⁴³

Mr. Saidov has also worked as a well-known human rights activist since 2004. He is a member of the human rights organization *Ezgulik* (“Mercy”). Mr. Saidov has focused his human rights advocacy on defending the rights of farmers who have had their land illegally seized by Samarkand region officials.⁴⁴ For example, based on complaints by farmers, he investigated the activities of the “Uzbekistan” collective farm and published two articles summarizing findings in the local newspaper *Qishloq Hayoti* (“Farm Life”) in May and September, 2004. As a result of the publications, charges were brought against the farm’s administrators that resulted in convictions.⁴⁵ Mr. Saidov’s work as a human rights defender and journalist drew the attention of the local officials and resulted in threats by members of the Samarkand administration.⁴⁶

In the spring of 2008, 10 farmers contacted Mr. Saidov and asked that he investigate theft and illegal land appropriation by the Agricultural Equipment and Tractor Park in Samarkand’s Djambay (*Jombay*) district.⁴⁷ The farmers approached Mr. Saidov after he published a number of articles regarding the dispute⁴⁸ and their own efforts had proved unsuccessful.⁴⁹ Between September 3, 2008 and February 16, 2009, Mr. Saidov petitioned various government bodies, including the office of the Samarkand Prosecutor and the Prosecutor General of Uzbekistan on the farmers’ behalf.⁵⁰ As a result, the Djambay district’s Department of Internal Affairs created a special commission to review the complaints and investigate the company.⁵¹

On November 5, 2009, Mr. Saidov’s wife, Barno Djumanva, and five-year-old daughter, Rukshona, died in an automobile accident on the Tashkent-Samarkand highway.⁵²

3. Circumstances of Dilmurod Saidov’s Arrest and Charge

Late in the evening on February 22, 2009, the Tashkent branch of the Division for Combating Tax, Currency Crimes and Legalization of Criminal Proceeds under the General

Prosecutor's Office of Uzbekistan (Tashkent Branch General Prosecutor's Office) arrested Mr. Saidov at his home in Tashkent.⁵³ The Tashkent Branch General Prosecutor's Office charged Mr. Saidov with extortion on the basis of a statement by Asliddin Urinboev, the head of the Agricultural Equipment and Tractor Park in the Djambay district of the Samarkand Region.⁵⁴ Mr. Urinboev claimed that, on February 17, 2009, Mr. Saidov had sought to extort 15,000 US dollars from him with the help of Marguba Juraeva.⁵⁵ Ms. Juraeva was also arrested on February 22 at *Yulduz*, a restaurant in Samarkand.⁵⁶ She was arrested immediately after Mr. Urinboev reportedly handed her 10,000 US dollars in cash, and was also charged with extortion.⁵⁷ During interrogation, Ms. Juraeva gave written statement indicating that she had committed extortion on Mr. Saidov's behalf.⁵⁸ The following day, she rescinded her statement, saying she had given it under the influence of alcohol.⁵⁹

In mid-March, a second charge of extortion was brought against Mr. Saidov on the basis of an allegation made by Saydullo Baymuradov, the head of the privatized collective farm "Uzbekistan". He alleged that Mr. Saidov had tried to extort 5,000 US dollars from him in 2004.⁶⁰ In April 2009, the Tashkent Branch General Prosecutor's Office also charged Mr. Saidov with forgery on the basis of accusations made by the Djambay farmers who alleged that he had falsified documents giving himself power of attorney to represent them.⁶¹

4. Trial and Sentencing of Dilmurod Saidov

The trial against Mr. Saidov began on June 1, 2009.⁶² Along with Mr. Saidov, there were three more persons accused of involvement in the alleged extortion and forgery – Marguba Juraeva, Anorkul Pulatov and Tura Ergashev.⁶³ All were accused of conspiring with Mr. Saidov to extort money from Mr. Urinboev and Mr. Baymuradov, as well as forging the power of attorney.⁶⁴

The investigation and trial were plagued with inconsistencies and violations of fair trial standards. Court hearings were repeatedly conducted without notice to Mr. Saidov's defense lawyer. On February 25, 2009, a hearing was held in Samarkand City Court on to determine whether there was sufficient evidence for Mr. Saidov's arrest;⁶⁵ however, in violation of Uzbek law, Mr. Saidov's lawyer was not informed of the hearing and was therefore not present when the evidence was reviewed. Mr. Saidov's lawyer appealed the court's decision, but was not informed of the appeal hearing either.⁶⁶

The trial was "riddled with procedural violations"⁶⁷ and based on false statements, leading Human Rights Watch to describe it as a "travesty of justice."⁶⁸ Human Rights Watch views the charges against Mr. Saidov as trumped up and motivated by his reporting on corruption by government officials in Samarkand.⁶⁹ It was reported that six of the ten farmers who had initially claimed that Mr. Saidov forged the power of attorney testified at the trial that their original written statement had been false.⁷⁰ One witness testified that he had been detained and held for two days in a pretrial detention facility to pressure him to make allegations against Mr. Saidov.⁷¹ This is consistent with Uzbekistan's documented pattern and practice of using coercion during pre-trial investigation.⁷²

It was also reported that many documents that the defense handed over to the investigator

during the pre-trial investigation, such as the original notarized copy of Mr. Saidov's power of attorney from the farmers, disappeared during the trial.⁷³

The prosecution based its case against Mr. Saidov only on written statements obtained from witnesses during the investigation. Many of those statements were later rescinded during the trial.⁷⁴ Mr. Saidov's co-defendant, Ms. Juraeva, rescinded her written statement only a day after she gave it. In her written statement she had alleged that she committed extortion on Mr. Saidov's behalf.⁷⁵ At trial, Ms. Juraeva testified that her statement against Mr. Saidov was false.⁷⁶ She said she had been drinking when she was arrested and therefore "didn't know what she wrote."⁷⁷ She told the court that Mr. Saidov had nothing to do with an act of extortion and should be released.⁷⁸

Six of the prosecution's main witnesses, five of which were serving as chairmen in different local farms, provided written statements that they signed and put farm seal on a blank paper not knowing what it would be used for.⁷⁹ They did not give any reasons as to what they might have thought the blank paper with their signature and farm seal would be used for. Moreover, one of those six witnesses (Jamshid Rustamov) testified that it was not him, but his son who signed and put a farm seal on his behalf on a blank paper.⁸⁰ Yet another witness (Rayim Egamberdiev) testified that there was something written on the paper, that he did not remember what was written on and nevertheless signed and sealed it.⁸¹

During Mr. Saidov's trial, the court allowed only a very limited group of people to attend the proceedings. Among those who were granted permission to attend the trials were Mr. Saidov's family members, defense attorney and public defender.⁸² The court did not provide any specific reasons for limiting access to the proceedings to US Embassy officials or representatives of human rights organizations.⁸³

On July 30, 2009, the Tayloq District Court in Samarkand convicted Mr. Saidov and sentenced him to twelve-and-a-half years in prison under Articles 165 (extortion) and 228 (forgery) of the Uzbek Criminal Code.⁸⁴ Mr. Saidov's co-defendants were also convicted. The court sentenced Mr. Pulatov to twelve years in prison, and Mr. Ergashev and Ms. Juraeva to eleven years each.⁸⁵ The lead judge on the case began reading the decision without considering the motions of the defense.⁸⁶ The verdict was passed behind closed doors.⁸⁷

On September 11, 2009, Samarkand region appellate instance court left the decision of the trial court unchanged.⁸⁸

In July 2010, Mr. Saidov wrote an open letter to the UN Secretary General and several international human rights organizations, reporting that he had been diagnosed with tuberculosis and was being denied adequate medical treatment.⁸⁹

On January 7, 2010, Tashkent Public Prosecutor's office interrogated several independent journalists working in Uzbekistan. During the interrogation of Khusniddin Kutbiddinov, one of the independent journalists, Bakhrom Nurmatov, an Assistant Public Prosecutor of Tashkent, asked him if he had any relations with Dilmurod Saidov's family or cooperated with Human Rights Watch, Freedom House and *Ezgulik*.⁹⁰

During a meeting in late February 2010, Mr. Saidov asked his lawyer to submit a written statement he had prepared to the Uzbek Supreme Court.⁹¹ On August 10, 2010, the Supreme Court upheld Mr. Saidov's conviction and prison term.⁹² On August 11, 2010, Mr. Saidov's family made a direct appeal to the Ombudsperson for Human Rights Ms. Sayora Rashidova who met with the family and promised to "study the situation."⁹³ However, she sent a written response to the family on November 9, 2010, saying that her office had no jurisdiction over the matter.⁹⁴ On February 8, 2011, the family again tried to have Mr. Saidov's case reviewed and sent a complaint to the President's Office. On March 15, 2011, the family received a response from the Supreme Court informing them that their complaint to the President's Office was forwarded to the Supreme Court and that the Court dismissed their request.⁹⁵

In May 2011, Human Rights Watch named Mr. Saidov as one of thirteen wrongfully imprisoned Uzbek human rights defenders that should be immediately released.⁹⁶ Other human rights organizations, such as Reporters Without Borders and the Committee to Protect Journalists, have consistently demanded Mr. Saidov's release.⁹⁷

Mr. Saidov's relatives report that authorities have accused Mr. Saidov of multiple prison regime violations preventing him from being eligible for the 2010 amnesty granted by Karimov's government.⁹⁸ When a relative went to visit Mr. Saidov in prison on April 27, 2011, prison authorities told him that Mr. Saidov had been put into a punishment cell for allegedly violating prison regulations, but would not say which ones.⁹⁹ As of February 2011, Mr. Saidov had been in a punishment cell five times.¹⁰⁰

V. LEGAL ANALYSIS

The detention of Mr. Saidov on charges of extortion and forgery constitutes an arbitrary deprivation of his liberty¹⁰¹ falling within Category II and Category III as established by the UN Working Group on Arbitrary Detention (Working Group).¹⁰² The detention is arbitrary under Category II because his detention resulted from, *inter alia*, the exercise of his right of freedom of expression and the right to participate in government.¹⁰³ The detention is arbitrary under Category III because the total or partial non-observance of the international norms relating to the right to a fair trial in this case is of such gravity as to give the deprivation of liberty an arbitrary character.¹⁰⁴

1. Deprivation of Liberty under Category II: Violation of Articles 19, 21(1) of UDHR and Articles 19, 25 of the ICCPR

The detention of Mr. Saidov on charges of extortion and forgery constitutes an arbitrary detention of liberty falling within Category II of the classifications of cases as defined by the Working Group.¹⁰⁵ A detention 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 UDHR and Articles 12, 18, 19, 21, 22, 25, 26 and 27 of the ICCPR.¹⁰⁶ Uzbekistan failed to guarantee Mr. Saidov his right for freedom of expression and the right to take part in the contact of public affairs in violation of Articles 19 and 21(1) of the UDHR and Articles 19(2) and 25(2) of the ICCPR.

a. The Government of Uzbekistan Denied Mr. Saidov the Right to Freedom of Expression

Article 19(2) of the ICCPR provides that “[e]veryone shall have the right of freedom of expression.” Freedom of expression includes freedom to seek, receive and impart information of all kinds, either orally or in writing.¹⁰⁷ An analogous provision on the guarantee of freedom of opinion and expression is also provided in Article 19 of the UDHR.¹⁰⁸ Further, the Uzbek Constitution guarantees “freedom of thought, speech and convictions.”¹⁰⁹

Article 19 is of special importance for journalists. The Human Rights Committee (Committee) has recognized the “paramount importance” of a “free and uncensored press”¹¹⁰ and the specific protection afforded to journalistic activities by Article 19(2).¹¹¹ Further, it 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.”¹¹² Manfred Nowak, former U.N. Special Rapporteur on Torture and author of the commentary on the ICCPR, commented that every communicable type of subjective opinion, even if it is politically critical, is protected by Article 19(2).¹¹³ Without such protection, journalists will not be able investigate and expose corrupt and illegal practices by government officials. The Working Group has also emphasized the importance of the freedom of expression for the protection of the work of journalists and human rights defenders. In *Hai et. al. v. Vietnam*, the Working Group noted that when journalists report on government corruption, their activities “fall squarely within the scope of the right to freedom of opinion and expression.”¹¹⁴ Similarly, the Working Group has recognized the right of human rights defenders “to investigate, gather information regarding and report on human rights violations.”¹¹⁵

Mr. Saidov’s detention is arbitrary because the extortion and forgery charges against Mr. Saidov were fabricated and brought as a pre-textual means to punish and silence him for his political and public activism. This can be seen in the fact that Sukhrab Madjidov, an investigator, openly told Mr. Saidov’s relatives that the case had been ordered “from above,” implying that the verdict would result in Mr. Saidov’s imprisonment.¹¹⁶ Further, the circumstances surrounding Mr. Saidov’s arrest and detention are consistent with the Uzbek government’s documented pattern and practice of silencing political activists by falsely charging them with crimes such as extortion. Human Rights Watch, Amnesty International, and the U.S. Department of State have all reported that the Uzbek police routinely arrest and detain human rights defenders or members of political opposition under the guise of extortion, tax evasion, and other “trumped up charges,” in order to prevent the exposure of government malfeasance such as corruption.¹¹⁷ Arrests of activists are then followed by politically-motivated prosecutions, show trials, and arbitrarily-long prison sentences.¹¹⁸ For example, Akzam Turgunov, a human rights activist and political opposition leader, was wrongly detained in Uzbekistan since 2008, convicted on extortion charges and given 10 years in prison.¹¹⁹ Similarly, Sanjar Umarov, the leader of opposition group *Serquyosh O’zbekistonim* (“Sunshine Uzbekistan”), was convicted on embezzlement and economic crimes for 14 years in prison on March 6, 2006 as retaliation for his repeated demands for reforms.¹²⁰

Mr. Saidov's long history of independent journalism and political activism, including his recent investigation into official corruption in Samarkand region and his advocacy for farmers' rights, made Mr. Saidov a target for the government. He was a prominent Uzbek journalist, human rights activist and a member of the human rights organization *Ezgulik*. Mr. Saidov was known for being an outspoken critic of abuse of power and his investigative journalism exposed the corruption of local government officials.¹²¹ His critical articles have appeared in many local newspapers, including *Advokat-Press*, *Darachki*, and *Qishloq Hayoti*,¹²² as well as in many Internet news agencies such as *Voice of Freedom* and *Uznews.net*.¹²³ Among his most recent investigations was one on behalf of 10 farmers in the spring of 2008. The farmers asked him to investigate the alleged theft and misappropriation of agricultural machinery and land by Asliddin Urinbaev, the head of the Agricultural Equipment and Tractor Park in the Djambai district of Samarkand region, Uzbekistan.¹²⁴ After finding proof to the farmers' allegations, he submitted numerous complaints to government bodies, published several articles in local newspapers about the case and submitted complaints to various government bodies, including the Samarkand regional government office, the Samarkand Prosecutor's office, and the prosecutor general of Uzbekistan.¹²⁵ Previously, Mr. Saidov's investigative journalism resulted in numerous convictions of government officials. Based on the farmers' complaints, Mr. Saidov investigated the activities of the "Uzbekistan" collective farm and subsequently published two articles summarizing his findings in the local newspaper *Qishloq Hayoti* ("Farm Life") in May and September of 2004.¹²⁶ As a result of the publications, charges were brought against the administration of the farm that resulted in convictions.¹²⁷ On January 7, 2010, Tashkent Public Prosecutor's office interrogated several independent journalists working in Uzbekistan. During the interrogation of Khusniddin Kutbiddinov, one of the independent journalists, Bakhrom Nurmatov, an Assistant Public Prosecutor of Tashkent, asked him if he had any relations with Dilmurod Saidov's family or cooperated with Human Rights Watch, Freedom House and *Ezgulik*.¹²⁸ The fact that Mr. Saidov was singled out and listed along with reputable human rights organizations in the country also demonstrates that he was targeted and detained for political and public activism.

Mr. Saidov's arrest, trial, conviction and sentence are consistent with the government's widespread practice of persecuting anyone who opposes or criticizes the government. The government arrested and convicted Mr. Saidov on extortion and forgery charges as a pretext to suppressing what the International Federation for Human Rights and World Organization against Torture have acknowledged are "legitimate human rights activities."¹²⁹ The U.S. Mission to the Organization for Security and Cooperation in Europe (OSCE) described Mr. Saidov as "a marked critic of corruption and abuse of power by local authorities."¹³⁰ Front Line issued a statement in which it stated that Mr. Saidov's conviction was "a direct response to his legitimate and peaceful activities in defense of human rights in Uzbekistan"¹³¹ and that it formed "part of a pattern of repression by the Uzbek authorities against human rights defenders."¹³² Independent news media reported that Mr. Saidov's case was "the same story" referring to how the Uzbek government treats independent journalists and human rights defenders and that his imprisonment was "the evident sign that the government simply want[ed] to get rid of [him]."¹³³

b. The Government of Uzbekistan Denied Mr. Saidov the Right to Participate in Government

Article 25(a) of the ICCPR provides that “[e]very citizen shall have the right, without [discrimination] and without unreasonable restrictions: (a) [t]o take part in the conduct of public affairs, directly or through freely chosen representatives.” Article 21(1) of the UDHR provides that “[e]veryone has the right to take part in the government of his country, directly or through freely chosen representatives.” Further, Article 32 of the Uzbek Constitution provides that “[a]ll citizens of the Republic of Uzbekistan shall have the right to participate in the management and administration of public and state affairs, both directly and through representation.”

There is an important correlation between Article 19 and 25 of the ICCPR. General Comment No. 25 provides that “the free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential”¹³⁴ for the full exercise of the rights protected in Article 25. This implies a free press and other media shall be able to comment on public issues without censorship or restraint.¹³⁵ Similarly, in *Gauthier v. Canada*, the UN Human Rights Committee analyzed Article 19 of the ICCPR in conjunction with Article 25 and held that “citizens [...] should have wide access to information and the opportunity to disseminate information [...] about the activities of elected bodies and their members.”¹³⁶

By convicting Mr. Saidov based on fabricated charges for his investigative journalism that exposed corruption in the local government institutions, the Uzbek government infringed on his right to take part in the conduct of public affairs by seeking and imparting information critical of the government.

2. Deprivation of Liberty under Category III: The Non-Observance of the International Norms Relating to the Right to a Fair Trial in Dilmurod Saidov’s Case is of Such Gravity that His Detention is Rendered Arbitrary

The detention of Mr. Saidov on charges of extortion and forgery constitutes an arbitrary deprivation of liberty falling within Category III of the classifications of cases as defined by the Working Group.¹³⁷ 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.”¹³⁸ International norms of fair trial guarantees are provided in Articles 5, 7, 8, 9, 10, and 11 of the UDHR and Articles 9 and 14 of the ICCPR. In addition to the due process requirements 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 in making a determination as to the arbitrary nature of a detention.¹³⁹ The Body of Principles provides for the basic guarantees of a fair trial in the Principles 2, 4, 7, 11, 17, 18 and 36. Uzbekistan failed to observe the minimum international standards of due process by denying Mr. Saidov the right to an effective legal representation, a public hearing by a competent, independent and impartial court and the presumption of innocence in violation of Articles 8, 9, 10 of the UDHR, Article 14 of the ICCPR, and Principles 2, 4, 11, 18, 36 of the Body of Principles.

a. The Government of Uzbekistan Denied Mr. Saidov the Right to an Effective Legal Representation

Article 14(3)(d) of the ICCPR provides that everyone shall be entitled to “defend himself in person or through legal assistance of his own choosing.” The right of an accused to defend himself through a lawyer is a fundamental component of a right to a fair trial.¹⁴⁰ The right to legal representation must be effective. This implies that lawyers must be able to advise and represent their clients without restrictions and undue influence or interference from any party.¹⁴¹ The denial of legal assistance at various stages of criminal proceedings can jeopardize the entire process and infringe the defendant’s fair trial rights leaving him no meaningful way to participate in the proceedings.¹⁴²

The Government of Uzbekistan denied Mr. Saidov the right to effective legal representation. There were several court hearings conducted without notice to Mr. Saidov’s defense lawyer and/or public defender. For example, on February 25, 2009 Samarkand authorities formally charged Mr. Saidov with extortion under article 165 of the Criminal Code of the Republic Uzbekistan¹⁴³ and held a hearing to determine whether there was sufficient evidence to support his arrest. The Samarkand City Court held the hearing¹⁴⁴ but Mr. Saidov’s lawyer “was not informed of the hearing and was therefore not present when the evidence was reviewed.”¹⁴⁵ During the trial proceedings, prosecutors failed to include evidence of Ms. Juraeva’s recantation in its submissions to the court.¹⁴⁶ Although this decision was appealed, Mr. Saidov’s lawyer “was not informed of that hearing either.”¹⁴⁷ Furthermore, on July 30, 2009, the court convicted Mr. Saidov on all three counts and sentenced him to 12 and one-half years in prison.¹⁴⁸ The government prevented Mr. Saidov’s lawyer and family from attending the sentencing.¹⁴⁹

Failure to inform Mr. Saidov’s defense lawyer about the court hearings was also in flagrant violation of the Uzbek Criminal Procedure Code. Article 51 of the Criminal Procedure Code provides for the mandatory participation of a defense lawyer when the government prosecutor is participating in a proceeding.¹⁵⁰ Because Mr. Saidov was arrested by the Tashkent branch of the Division for Combating Tax, Currency Crimes and Legalization of Criminal Proceeds under the General Prosecutor’s Office of Uzbekistan, the investigation of the case was conducted by the same office and the Assistant Prosecutor of Tayloq district attended the trial court,¹⁵¹ it was mandatory for the defense lawyer to participate in Mr. Saidov’s case.

b. The Government of Uzbekistan Denied Mr. Saidov His Right to a Public Proceeding

Article 14(1) of the ICCPR provides that in the determination of any criminal charge, “everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal.” Article 10 of the UDHR provides that “[e]veryone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal.” Article 19 of the Uzbek Criminal Procedure Code provides that “criminal hearings shall be open in all courts.” The right to a public hearing is a necessary component of a fair trial.¹⁵² The Committee has commented that “the publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large.”¹⁵³ The requirement of public hearings requires that courts must “provide for adequate facilities for the attendance of interested members of the public.”¹⁵⁴

The right to have public hearings is not absolute. Article 14(1) of the ICCPR provides that the courts can exclude all or part of the public for reasons of morals, public order or national security in a democratic society.¹⁵⁵ Further, Article 19 of the Uzbek Criminal Procedure Code provides that the only exception to the public hearings rule is when public proceedings might be contrary to the interests of protection of state secrets, when the court is considering sexual offence cases and crimes committed by persons under the age of 18. The court can also properly order proceedings closed with the aim of preventing disclosure of information on the private life of the citizens or degrading information, as well as to ensure security of the persons participating in the case.¹⁵⁶

The Government of Uzbekistan denied Mr. Saidov his right to a public hearing. During Mr. Saidov's case, the court allowed only a very limited group of people to attend the trials. Only Saidov's family members, defense attorney and public defender were granted permission to attend the proceedings.¹⁵⁷ In denying participation to others, such as US Embassy officials and representatives of human rights organizations, the court did not provide any specific reasons based on any of the justifications discussed above. Mr. Saidov's case did not involve any issues related to morals, sexual offence or public order. Neither did it involve state secrets or disclosure of private or degrading information. In one instance, it was reported that Mr. Saidov's trial was closed because of the security concerns. When Ms. Vasila Inoyatova, Director of the Uzbek human rights group *Ezgulik*, of which Mr. Saidov is a member, asked the court secretary why sentencing had been closed, she was told that it was "in the interest of security" but was provided no further explanations.¹⁵⁸ Nevertheless, there is no reason to believe that Mr. Saidov's case had any relation to national security. Mr. Saidov is a journalist and a human rights activist. The charges of extortion and forgery against him had absolutely no relation to national security.

c. The Government of Uzbekistan Denied Mr. Saidov an Independent and Impartial Trial, and the Presumption of Innocence

Article 14(1) of the ICCPR provides that "everyone shall be entitled to a [...] hearing by a competent, independent and impartial tribunal." Article 10 of the UDHR provides that "[e]veryone is entitled in full equality to a [...] hearing by an independent and impartial tribunal." 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.¹⁵⁹

i. The Court Failed to Be Impartial

One of the requirements of impartiality contained in Article 14(1) of the ICCPR is that of reasonableness. The court must appear to a reasonable observer to be impartial.¹⁶⁰ In Mr. Saidov's case, the court's failure to prevent serious procedural and substantive mistakes should be seen by a reasonable observer as an obvious indication of court's bias. With regard to the extortion charges, the court's treatment of rescinded witness testimonies is of particular importance. The court ignored the fact that many written testimonies that the prosecution based its case against Mr. Saidov upon had been rescinded. Six of the ten farmers who had initially claimed that Mr. Saidov forged the power of attorney, testified at the trial that their original statement had been false.¹⁶¹ One witness testified that he had been detained and held for two days in a pretrial detention facility to pressure him to make allegations against Mr. Saidov.¹⁶²

More importantly, Ms. Juraeva, the main witness against Mr. Saidov, rescinded her written statement the day after she gave it.¹⁶³ -At trial, she testified that the statement she gave the day she was arrested claiming to have acted on behalf of Mr. Saidov was false.¹⁶⁴ She said she had been drinking when she was arrested and therefore “didn’t know what she wrote.”¹⁶⁵ She told the court that Mr. Saidov had nothing to do with an act of extortion and should be released.¹⁶⁶

Mr. Saidov’s conviction on extortion charges is similar to Mr. Akzam Turgunov’s conviction. Mr. Turgunov’s conviction was also based on the alleged victim’s (Mr. Hujoboyev) statement that Mr. Turgunov extorted about 15,000 US dollars from him.¹⁶⁷ Similar to Ms. Juraeva, Mr. Hujoboyev later withdrew his statement and admitted that Mr. Turgunov had never tried to extort money from him.¹⁶⁸ The Uzbek government totally ignored this fact and convicted Mr. Turgunov.¹⁶⁹ Because Mr. Hujoboev’s withdrawn statement served as “the fundamental basis” for Mr. Turgunov’s conviction, the Working Group declared his detention arbitrary.¹⁷⁰ Importantly, the Working Group also held that by convicting Mr. Turgunov on unsubstantiated charges, the Uzbek government wanted to “punish him for his human rights and political activities.”¹⁷¹

With regard to the forgery charges,¹⁷² the court’s failure to prevent the following mistakes and irregularities during the trial is of particular importance. First, in convicting Mr. Saidov under forgery charges, the court almost entirely relied on untrustworthy written statements. Six main witnesses, five of which were serving as chairmen in different local farms, stated that they signed and put a farm seal on a blank paper not knowing what it would be used for.¹⁷³ They did not give any reason as to what they might have thought the blank paper with their signature and farm seal would be used for. Moreover, one of those six witnesses (Jamshid Rustamov) testified that it was not him, but his son who signed and put a farm seal on his behalf on a blank paper.¹⁷⁴ Yet another witness (Rayim Egamberdiev) testified that there was something written on the paper and that he did not remember what was written on it, but nevertheless signed and sealed the paper.¹⁷⁵ Second, the original power of attorney was lost by the investigation.¹⁷⁶ The court did not take any actions to find the original power of attorney and/or reprimand investigation unit for its loss. Because of the loss of the original power of attorney, the defense had no opportunity to submit it for the expert examination to establish that it was not, in part or in whole, forged.

The irregularities described above raise serious doubts about the impartiality of the court. Under the reasonable person standard, the court must have questioned the trustworthiness of farmers’ statements that they signed and sealed a blank paper under the conditions described above. Further, the court must have questioned the loss of the original of the power of attorney and reprimanded the investigation for its loss. Finally, the court must have used these irregularities as a basis for giving the benefit of the doubt to Mr. Saidov.

ii. The Court Failed to Be Independent

The requirement of independence refers, *inter alia*, to the “independence of the judiciary from political interference by the executive branch and legislature.”¹⁷⁷

The court's failure to act as an impartial arbiter should be seen in connection with the fact that the Uzbek judiciary exercises little independence from the executive, and the vast majority of cases brought by prosecutors result in convictions.¹⁷⁸ There are no known cases when the cases brought by the prosecution against the members of political opposition, independent journalists or human rights defenders ended with acquittals.¹⁷⁹

The court's lack of independence can be seen in the fact that Sukhrab Madjidov, an investigator, openly told Mr. Saidov's relatives that the case had been ordered "from above," implying that the verdict would result in Mr. Saidov's imprisonment.¹⁸⁰ This resembles Mr. Turgunov's case where the court's bias was confirmed by a court clerk's statement that Mr. Turgunov "will never be free" and that "he will never get out of prison."¹⁸¹ The fact that the lead judge on the case began reading the decision without considering the motions of the defense is a telling sign that the case had already been decided.¹⁸²

The circumstances surrounding Mr. Saidov's arrest and detention are consistent with the Uzbek government's documented pattern and practice of silencing political activists by falsely charging them with crimes such as extortion. 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 malfeasance such as corruption.¹⁸³ Arrests of activists are then followed by politically-motivated prosecutions, show trials, and arbitrarily-long prison sentences.¹⁸⁴ Mr. Saidov's arrest, trial, conviction, and sentence are consistent with these reported government practices.

The Government of Uzbekistan's failure to ensure Mr. Saidov's right to fair trial can also be seen in how a higher Uzbek court resolved Mr. Saidov's case. The right to have one's conviction reviewed by a higher court imposes on the State a duty to review the case substantively, both on the basis of sufficiency of the evidence and of the law.¹⁸⁵ The Uzbek law provides that verdicts that have entered into legal force can be appealed under a supervisory review procedure.¹⁸⁶ Only certain groups of persons can request examination of a case under the supervisory review procedure.¹⁸⁷ Those are: the Chairman of the Supreme Court of the Republic of Uzbekistan and his deputy; General Prosecutor of the Republic of Uzbekistan and his deputies; Chairman of the Supreme Court of the Republic of Karakalpakstan; Chairman of the region courts, Chairman of the Tashkent City court; Prosecutor of the Republic of Karakalpakstan and others.¹⁸⁸ The court reviewing the case under the supervisory review procedure shall examine the lawfulness, reasonableness and fairness of the judgment.¹⁸⁹ The following procedural and substantive mistakes serve as a ground to repeal the judgment under supervisory review procedure: incompleteness or one-sidedness of judicial investigation; inconsistency of the court's conclusions outlined in its judgment regarding the factual circumstances of the case; substantial violations of criminal procedure law; and, incorrect application of the criminal law and unfairness of punishment.¹⁹⁰

In Mr. Saidov's case, it was his mother, Mrs. H. Tolipova, who filed complaints to the Supreme Court of the Republic of Uzbekistan requesting a review Mr. Saidov's case under supervisory review procedure. Due to limited financial resources, Mrs. Tolipova could not afford to hire an attorney¹⁹¹ and thus she filed all complaints on her own. Along with her own

complaints to the Supreme Court, she always attached a seven-page hand written complaint by Mr. Saidov to the Supreme Court.¹⁹² On April 13, 2010, in response to Mr. Saidov's and Mrs. Tolipova's complaints, the Supreme Court responded with a single-page reply. Without any substantive examination of the issues raised in Mr. Saidov's seven-page hand-written complaint and alleged violations of the relevant laws and procedural irregularities by the lower courts, the Supreme Court held that it "reached an informed decision that Saidov's guilt was proven."¹⁹³ The reply contains absolutely no discussion on how the Supreme Court reached its informed decision. Dissatisfied with the reply of the Supreme Court, Mrs. Tolipova sent the complaints again requesting that the Supreme Court to review her son's case under supervisory review procedure. The Supreme Court replied on July 1, 2010 with almost verbatim reply as it did in its previous reply dated April 13, 2010.¹⁹⁴ The Supreme Court's inadequate treatment of Mr. Saidov's case under supervisory review procedure also demonstrates its lack of impartiality and independence. Hence, the Uzbek government failed to ensure Mr. Saidov's right to fair trial.

iii. The Court Failed to Grant the Presumption of Innocence

Article 14 of the ICCPR provides that "[e]verone charged with a criminal offence shall have the right to be presumed innocent until proved guilty [...]." Article 11 of the UDHR provides for the presumption of innocence also.¹⁹⁵ Article 23 of the Uzbek Criminal Procedure Code provides that defendants "shall be considered innocent unless [their guilt] of committing a crime is proved in accordance with the procedure established by law [...]." It further provides that "[a]ny doubt about guilt, if the possibilities to eliminate them were exhausted, shall be counted in favor of the suspect, accused or defendant."

The presumption of innocence is fundamental to the protection of human rights. It "imposes on the prosecution the burden of proving the charge, guarantees that no guilt can be presumed until the charge has been proved beyond reasonable doubt, [and] ensures that the accused has the benefit of doubt [...]"¹⁹⁶ This implies that the court can not presume guilt until the charge has been proved beyond reasonable doubt. In Mr. Saidov's case, the Uzbek government failed to resolve the case independently and impartially. Sukhrab Madjidov, an investigator, openly told Mr. Saidov's relatives that the case had been ordered "from above," implying that the verdict would result in Mr. Saidov's imprisonment.¹⁹⁷ Further, the lead judge on the case began reading the decision without considering the motions of the defense, which is also an indication that the case had already been decided.¹⁹⁸

VI. 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

On July 30, 2009, Mr. Saidov was convicted of extortion and forgery by the Tayloq District Court in Samarkand. On August 10, 2010, the Supreme Court upheld Mr. Saidov's conviction and the prison term.¹⁹⁹ On August 11, 2010, Mr. Saidov's family made a direct appeal to the Ombudsperson for Human Rights, Ms. Sayora Rashidova, who met with the family and

promised to “study the situation.”²⁰⁰ However, she sent a written response to the family on November 9, 2010, saying that her office had no jurisdiction over the matter.²⁰¹ On February 8, 2011, the family again tried to have Mr. Saidov’s case reviewed and sent a complaint to the President’s Office. On March 15, 2011, the family received a response from the Supreme Court informing them that their complaint to the President’s Office was forwarded to the Supreme Court and that the later dismissed their request.²⁰²

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

Maran Turner
Patrick Griffith
Freedom Now
1776 K Street, NW, 8th Floor
Washington, DC 20006
United States of America
+1 (202) 223-3733 (tel)
+1 (202) 799-5325 (fax)
mturner@freedom-now.org

¹ 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).

³ U.S. Department of State, 2010 Human Rights Report, *Uzbekistan* (April 8, 2011), available at <http://www.state.gov/j/drl/rls/hrrpt/2010/sca/154489.htm> (hereinafter 2010 Human Rights Report); see also, Front Line, *Uzbekistan: Imprisoned Human Rights Defender Dilmurod Sayid Writes Open Letter to UN Secretary General and International Human Rights Organizations* (July 14, 2010), at <http://www.frontlinedefenders.org/node/1271>.

⁴ Human Rights Watch, *Uzbekistan’s Imprisoned Human Rights Defenders* (May 13, 2011), available at <http://www.hrw.org/news/2011/05/12/uzbekistans-imprisoned-human-rights-defenders> (hereinafter Human Rights Watch, *Imprisoned Human Rights Defenders*).

⁵ *Supra* note 3, 2010 Human Rights Report.

⁶ *Id.* See also, U. N. Comm. against Torture, *Consideration of Reports Submitted by States Parties Under Article 19 of the Convention, Conclusions and Recommendations of the Committee against Torture: Uzbekistan*, U.N. Doc. CAT/C/UZB/CO/3 (February 25, 2008), para. 10 (hereinafter 2008 Concluding Observations).

⁷ *Report of the Working Group on Arbitrary Detention*, E/CN.4/1998/44 (Dec. 19, 1997), Annex IV, paras. 22-24, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G97/145/54/PDF/G9714554.pdf?OpenElement> .

⁸ U.S. State Dep’t., *Background Note: Uzbekistan* (January 31, 2012), available at <http://www.state.gov/r/pa/ei/bgn/2924.htm> (hereinafter 2012 Background Note).

⁹ Republic of Uzbekistan Parliamentary Elections: December 26, 2004, Final Report, OSCE/ODIHR Limited Election Observation Mission (March 7, 2005), available at <http://www.osce.org/odihr/elections/uzbekistan/41950>

(hereinafter 2004 OSCE Final Report).

¹⁰ *Id.*, 2004 OSCE Final Report, p. 4.

¹¹ Freedom House, *Nations in Transit Country Report 2011*, available at http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Uzbekistan.pdf.

¹² *Supra* note 3, 2010 Human Rights Report.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Articles 48 and 49 of the Uzbek Criminal Procedure Code.

¹⁶ *Supra* note 3, 2010 Human Rights Report.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Committee to Protect Journalists, *Attacks on the Press in 2011*, available at <http://www.cpj.org/2012/02/attacks-on-the-press-in-2011-uzbekistan.php#more> (Committee to Protect Journalists, *Attacks on the Press in 2011*)

²⁰ Human Rights Watch, *Uzbekistan: Country Summary* (January 2011), available at <http://www.hrw.org/sites/default/files/Uzbekistan.pdf> (hereinafter, Human Rights Watch, 2011 Country Summary); see also, Amnesty International, *Uzbekistan: Submission to the Human Rights Committee, 16-31 July 2009: Pre-Sessional Meeting of the Country Report Task Force on Uzbekistan* (April 28, 2009), available at <http://www.amnesty.org/en/library/asset/EUR62/002/2009/en/6bde1bfe-be09-47b0-bced-3f234ae8960b/eur620022009en.html> (“At least ten human rights defenders remain in prison in cruel, inhuman, and degrading conditions, having been sentenced to long prison terms after convictions in unfair trials.”) (hereinafter Amnesty International Submission to the Human Rights Committee).

²¹ *Supra* note 3, 2010 Human Rights Report.

²² *Id.*

²³ *Id.*

²⁴ Human Rights Watch, *World Report 2011 – Uzbekistan* (January 14, 2009), available at <http://www.hrw.org/world-report-2011/uzbekistan> (hereinafter Human Rights Watch, 2011 World Report).

²⁵ *Supra* note 3, 2010 Human Rights Report.

²⁶ *Supra* note 3, 2010 Human Rights Report. The government has also widely used charges of libel, defamation, religious extremism, extortion and drug charges against journalists and human rights defenders. For example, Abdumalik Boboev, a Voice of America journalist, was found guilty of libel and insult. Similarly, Vladimir Berezovsky, an editor of the www.vesti.uz news website, was found guilty of libel and insult against the Uzbek people. Hayrulla Khamidov, a Deputy-Editor in Chief of *Campion* newspaper, received six-year prison term for “illegal distribution of materials that threaten the public order.” Salijon Abdurahmanov, an independent journalist from Nukus city, received ten-year prison term on drug charges. See generally, *supra* note 3, 2010 Human Rights Report; *supra* note 20, Human Rights Watch, 2011 Country Summary; Committee to Protect Journalists, *Uzbekistan Should Drop Charges Against Journalists* (October 8, 2010), available at <http://cpj.org/2010/10/uzbekistan-should-drop-charges-against-journalists.php>.

²⁷ For more details about Akzam Turgunov’s case, including the UN Working Group on Arbitrary Detention’s opinion, visit Freedom Now’s webpage on Mr. Turgunov at <http://www.freedom-now.org/campaign/akzam-turgunov/>.

²⁸ Case Concerning Mr. Akzam Turgunov, the United Nations Working Group on Arbitrary Detention, Opinion No. 53/2011 (Nov. 17, 2011), para. 6.

²⁹ *Id.*, para. 41.

³⁰ *Id.*, para. 42.

³¹ *Id.*, para. 48. Similarly, Rasul Khudainasrov, head of the Angren branch of the independent human rights organization *Ezgulik*, was sentenced to more than nine years imprisonment on charges of extortion, swindling, abuse of power and falsification of documents in 2006. He complained to his lawyer that he was beaten following his trial and claims to have been placed in a punishment cell following his sentencing in retaliation for failing to confess during the trial.

³² *Supra* note 3, 2010 Human Rights Report.

³³ *Id.*

³⁴ *Supra* note 19, Committee to Protect Journalists, *Attacks on the Press in 2011*.

³⁵ *Supra* note 3, 2010 Human Rights Report.

³⁶ *Id.*

³⁷ *Supra* note 6, 2008 Concluding Observations, para. 13

³⁸ Ferghana.Ru, *Uzbekistan: The Observers of ICRC Visited Famous Prison in Andijan* (September 11, 2009), available at <http://enews.ferghana.ru/news.php?id=1454&mode=snews>; see also, International Committee of the Red Cross, *Uzbekistan: ICRC Resumes Detention Visits* (March, 13, 2008), available at <http://www.icrc.org/eng/resources/documents/news-release/uzbekistan-news-110308.htm>; Human Rights Watch, *Memorandum on Uzbekistan's Record in Meeting the EU Human Rights Criteria* (September 28, 2010), available at <http://www.hrw.org/news/2010/09/28/human-rights-watch-memorandum-uzbekistan-s-record-meeting-eu-human-rights-criteria>.

³⁹ Dilmurod Saidov is also referred to as Dilmurod Saiid, Dilmurod Said and Dilmurod Sayid.

⁴⁰ Reporters Without Borders, *No Let-Up in the Gagging and Jailing of Journalists!* (July 31, 2009) available at: <http://en.rsf.org/uzbekistan-no-let-up-in-the-gagging-and-31-07-2009,34049.html>

⁴¹ *Supra* note 4, Human Rights Watch, *Imprisoned Human Rights Defenders*.

⁴² PEN International, *Writers in Prison Committee Day of the Imprisoned Writer* (November 15, 2011), available at <http://www.pen-international.org/wp-content/uploads/2011/10/Profile-TashiRabten.pdf>.

⁴³ *Id.*; Committee to Protect Journalists, *Uzbek Appeals Court Should Overturn Harsh Sentence* (September 3, 2009), available at <http://cpj.org/2009/09/uzbek-appeals-court-should-overturn-harsh-sentence.php> (hereinafter Committee to Protect Journalists, *Uzbek Appeals Court*).

⁴⁴ Front Line Defenders, *Uzbekistan: Human Rights Defender Dilmurod Sayid Sentenced to 12.5 Years of Imprisonment* (Sep. 21, 2009), available at <http://www.frontlinedefenders.org/node/2114> (hereinafter Front Line Defenders, *Dilmurod Sayid Sentenced to 12.5 Years of Imprisonment*).

⁴⁵

⁴⁶ *Supra* note 4, Human Rights Watch, *Imprisoned Human Rights Defenders*.

⁴⁷ Human Rights Watch, *Uzbekistan: Free Journalist Sentenced to over 12 Years* (August 3, 2009) at <http://www.hrw.org/en/news/2009/08/03/uzbekistan-free-journalist-sentenced-12-years> (hereinafter Human Rights Watch, *Free Journalists*).

⁴⁸

⁴⁹

⁵⁰ *Supra* note 47, Human Rights Watch, *Free journalists*.

⁵¹ *Id.*

⁵²

⁵³ Front Line Defenders, *Uzbekistan: Arrest and Detention of Human Rights Defender, Mr Dilmurod Sayid* (March 3, 2009), available at <http://www.frontlinedefenders.org/node/1824>.

⁵⁴

⁵⁵

⁵⁶

⁵⁷

⁵⁸

⁵⁹ *Supra* note 47, Human Rights Watch, *Free Journalists*.

⁶⁰

⁶¹

⁶² *Supra* note 47, Human Rights Watch, *Free Journalists*.

⁶³

⁶⁴

⁶⁵ *Supra* note 47, Human Rights Watch, *Free Journalist*.

⁶⁶ *Id.*

⁶⁷ *Supra* note 43, Committee to Protect Journalists, *Uzbek Appeals Court*.

⁶⁸ *Supra* note 47, Human Rights Watch, *Free Journalists*.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² For the detailed account on the use of torture, threats and coercion to obtain confessions, see Human Rights Watch, *Nowhere to Turn: Torture and Ill-Treatment in Uzbekistan*, Vol. 19, No. 6(D), at 1 (Nov. 2007), available at <http://www.hrw.org/sites/default/files/reports/uzbekistan1107webwcover.pdf> (hereinafter Human Rights Watch, *Nowhere to Turn*). It was also reported that despite the lodged complaints regarding the abuse, the Uzbek officials fail to conduct prompt and impartial investigations. See, *supra* note 6, 2008 Concluding Observations, para. 11.

⁷³ *Supra* note 48, Human Rights Watch, *Free Journalists*.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹

⁸⁰

⁸¹

⁸²

⁸³

⁸⁴

⁸⁵

⁸⁶

⁸⁷ *Supra* note 47, Human Rights Watch, Free Journalists.

⁸⁸

⁸⁹ Front Line, *Uzbekistan: Imprisoned human rights defender Dilmurod Sayid writes open letter to UN Secretary General and international human rights organizations* (July 14, 2010) at <http://www.frontlinedefenders.org/node/1271>.

⁹⁰ Ferghana News Information Agency, *Uzbek Secret Services Collect the Records About Independent Journalists* (Jan. 1, 2010), available at <http://enews.ferghananews.com/article.php?id=2603>.

⁹¹ *Supra* note 4, Human Rights Watch, Imprisoned Human Rights Defenders.

⁹² *Supra* note 3, 2010 Human Rights Report.

⁹³ *Supra* note 4, Human Rights Watch, Imprisoned Human Rights Defenders.

⁹⁴ *Id.*

⁹⁵

⁹⁶ *Supra* note 4, Human Rights Watch, Imprisoned Human Rights Defenders .

⁹⁷ *Supra* note 43, Committee to Protect Journalists, Uzbek Appeals Court; see also, Reporters Without Borders, *No Let-Up in the Gagging and Jailing of Journalists!* (July 31, 2009), available at: <http://en.rsf.org/uzbekistan-no-let-up-in-the-gagging-and-31-07-2009,34049.html>.

⁹⁸ *Supra* note 4, Human Rights Watch, Imprisoned Human Rights Defenders.

⁹⁹ *Id.*

¹⁰⁰

¹⁰¹ 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 Universal Declaration]. “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].

¹⁰² Office of the High Commissioner for Human Rights, *Revised Methods of Work of the Working Group*, paras. 8(b) & (c) (hereinafter Revised Methods).

¹⁰³ 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 UDHR and Articles 12, 18, 19, 21, 22, 25, 26 and 27 of the ICCPR. See, *id.*, para. 8(b).

¹⁰⁴ *Id.*, para. 8(c).

¹⁰⁵ *Id.*, paras. 8(b) & (c).

¹⁰⁶ *Id.*, para. 8(b).

¹⁰⁷ Article 19(2) of the ICCPR. Paragraph two of Article 19 reads: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

¹⁰⁸ Article 19 of the UDHR reads: “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.”

¹⁰⁹ Article 29 of the Constitution of the Republic of Uzbekistan.

¹¹⁰ Rafael Marques de Morais v. Angola, Communication No. 1128/2002, U.N. Doc. CCPR/C/83/D/1128/2002 (2005), para. 6.8.

¹¹¹ Human Rights Committee, *General Comment No. 34, Article 19: Freedom of Opinion and Expression*, CCPR/C/GC/34 (Jul. 21, 2011), para. 11. In discussing freedom of expression and the media, the Human Rights Committee noted that “[a] free, uncensored and unhindered press or media is essential in any society to ensure freedom of opinion and expression and the enjoyment of other Covenant rights. It constitutes one of the cornerstones of a democratic society.” (para. 9) (hereinafter General Comment No. 34).

¹¹² *Supra* note 110, Rafael Marques de Morais v. Angola, para. 6.7.

¹¹³ M. Nowak, U.N. Covenant on Civil and Political Rights: CCPR Commentary 443-444 (2nd ed., Kehl am Rhein: Engel, 2005).

¹¹⁴ Ngueyn Hoang Hai et al. v. Viet Nam, Working Group on Arbitrary Detention, Opinion No. 1/2009, U.N. Doc. A/HRC/13/30/Add.1 (2010), para. 34.

¹¹⁵ 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.”

¹¹⁶ Fergana News Information Agency, *Uzbekistan: Journalist Dilmurod Sayid Mojet Ostat’sya Bez Advokata* (“Uzbekistan: Journalist Dilmurod Sayid May Be Left Without Defense Attorney”), (Jul. 2, 2009), available at <http://ferghana-blog.livejournal.com/59405.html>.

¹¹⁷ Human Rights Watch, *Human Rights Watch Concerns on Uzbekistan* (June 8, 2009), available at <http://www.hrw.org/en/news/2009/06/08/human-rights-watch-concerns-uzbekistan-0?print> (hereinafter Human Rights Watch Concerns on Uzbekistan); *supra* note 21, Amnesty International Submission to the Human Rights Committee.

¹¹⁸ *Supra* note 24, Human Rights Watch, 2011 World Report.

¹¹⁹ For more details about Akzam Turgunov’s case, including the UN Working Group on Arbitrary Detention’s opinion, visit Freedom Now’s webpage on Mr. Turgunov at <http://www.freedom-now.org/campaign/akzam-turgunov/>.

¹²⁰ Human Rights Watch, *Uzbekistan: Pressure Grows on Opposition, Rights Activists* (Dec. 21, 2009), available at <http://www.hrw.org/news/2009/12/21/uzbekistan-pressure-grows-opposition-rights-activists-0>.

¹²¹ *Supra* note 47, Human Rights Watch, Free Journalists.

¹²² Reporters Without Borders, *No Let-Up in the Gagging and Jailing of Journalists!* (July 31, 2009) available at: http://en.rsf.org/uzbekistan-no-let-up-in-the-gagging-and-31-07-2009_34049.html

¹²³ *Supra* note 4, Human Rights Watch, Imprisoned Human Rights Defenders.

¹²⁴ *Supra* note 47, Human Rights Watch, Free Journalists.

¹²⁵ *Id.*

¹²⁶

¹²⁷

¹²⁸ Ferghana News Information Agency, *Uzbek Secret Services Collect the Records About Independent Journalists* (Jan. 1, 2010), available at <http://enews.ferghananews.com/article.php?id=2603>.

¹²⁹ Human Rights Watch, *Uzbekistan: Dissident Freed but Unjust Conviction Intact* (May 20, 2011), available at <http://www.hrw.org/news/2011/05/20/uzbekistan-dissident-freed-unjust-conviction-intact>; see also, International Federation for Human Rights, *Open Letter to the Authorities: Appalling Health Conditions of Arbitrarily Detained Uzbek Human Rights Defenders* (January 27, 2010), available at http://999.fidh.org/Open-Letter-to-the-authorities_7456.

¹³⁰ United States Mission to the Organization for Security and Cooperation in Europe, Statement on Rule of Law in Uzbekistan by Gary Robbins, Deputy Chief of Mission to the Permanent Council (Feb. 9, 2012), available at http://osce.usmission.gov/feb_9_12_uzbekistan.html.

¹³¹ *Supra* note 44, Front Line Defenders, Dilmurod Sayid Sentenced to 12.5 Years of Imprisonment.

¹³² *Id.*

¹³³ Fergana News Information Agency, *Uzbekistan: How to Get Rid of Unwanted Journalist?* (May 6, 2009), available at <http://enews.fergananews.com/article.php?id=2531> (“Overall, we have the same story again: if the government lacks evidences in order to prove the fault of defendant it reveals "additional facts" or finds "witnesses", confirming that the journalist was blackmailing them many years ago and received bribes. In this context, this is the evident sign that the government simply wants to get rid of certain person.”).

¹³⁴ General Comment No. 25: *The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service* (Art. 25), CCPR/C/21/Rev.1/Add.7, Jul. 12, 1996, para. 25.

¹³⁵ *Id.*

¹³⁶ Robert W. Gauthier v. Canada, Communication No. 633/1995, U.N. Doc. CCPR/C/65/D/633/1995 (5 May 1999), paras. 13.3-13.4.

¹³⁷ Revised Methods of Work, paras. 8(b) & (c).

¹³⁸ *Id.*, para. 8(c).

¹³⁹ *Id.*, para. 7(a).

¹⁴⁰ Human Rights Committee, *General Comment No. 32, Article 14: Right to Equality Before Courts and Tribunals and to a Fair Trial*, CCPR/C/GC/32 (Aug. 23, 2007), paras. 34-38.

¹⁴¹ *Id.*, para. 34.

¹⁴² *Id.*, para. 10.

¹⁴³ Article 165 of the Criminal Code of the Republic of Uzbekistan provides that: “Extortion, that is demand to transfer someone’s property or the right to someone’s property, or to provide property preferences, or to commit actions related to the property under the threat of application of violence over a victim or his immediate persons, or of damage or destruction property, or of disclosure of information which the victim and the said persons want to keep undisclosed, or by making the situation that compels the victim to transfer his property or the right thereto – shall be punished with imprisonment from three to five years.

Extortion committed:

- a) repeatedly or by a dangerous recidivist;
- b) in large amount;
- c) by previous concert or by a group of individuals –

shall be punished with imprisonment from five to ten years.

Extortion committed:

- a) in especially large amount;
- b) by a special dangerous recidivist;
- c) by an organized group of its interests –

shall be punished with imprisonment from ten to fifteen years. *Criminal Code of the Republic of Uzbekistan*, 2012-XII, September 22, 1994, available at: <http://www.unhcr.org/refworld/docid/3ae6b59216.html>.

¹⁴⁴ *Supra* note 47, Human Rights Watch, Free Journalist.

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸

¹⁴⁹ *Supra* note 48, Human Rights Watch, Free Journalists.

¹⁵⁰ See also Articles 49 and 53 of the Uzbek Criminal Procedure Code.

¹⁵¹

¹⁵² *Supra* note 140, General Comment No. 32, para. 28.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ See also, Jaramani Najib Youcef v. Syrian Arab Republic, Working Group on Arbitrary Detentions, Opinion No. 11/2003, para. 11.

¹⁵⁶ Article 19 of the Uzbek Criminal Procedure Code.

¹⁵⁷ Conversation with a family friend, Said Kamol.

¹⁵⁸ *Supra* note 47, Human Rights Watch, Free Journalists.

¹⁵⁹ *Supra* note 140, General Comment No. 32, para. 19. See also, Gonzalez 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 is absolute right that may suffer no exception.”).

¹⁶⁰ *Id.*, para. 21.

¹⁶¹ *Supra* note 47, Human Rights Watch, Free journalists.

162

¹⁶³ *Supra* note 47, Human Rights Watch, Free Journalists.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Supra* note 28, Case Concerning Mr. Akzam Turgunov, para. 6.

¹⁶⁸ *Id.*, para. 41.

¹⁶⁹ *Id.*, para. 42.

¹⁷⁰ *Id.*, paras. 42-44.

¹⁷¹ *Id.*, para. 48.

¹⁷² It was alleged that Mr. Saidov had falsified documents giving him a power of attorney to represent several farmers in filing complaints on their behalf to the authorities. Mr. Saidov was charged under Article 228(2)(b) and (3) of the Uzbek Criminal Code. Article 228 reads:

Production, forgery of an official document that gives a right or relieves of a duty for the purposes of their use by the forger himself or by another person, as well as production of forged stamps, seals, or blanks of enterprises, institutions, or organizations for the same purposes, or their sale - shall be punished with a fine from fifty to one hundred minimum monthly wages, or correctional labor up to three years, or by an arrest up to six months.

The same actions that have been committed:

a. repeatedly or by a dangerous recidivist;

b. by previous concert by a group of individuals – shall be punished with correctional labor from two to three years, or by imprisonment from three to five years.

Use of a knowingly forged document – shall be punished with a fine from twenty-five to fifty minimum monthly wages, or correctional labor up to two years, or by imprisonment up to two years.

¹⁷³

174

175

¹⁷⁶ *Supra* note 47, Human Rights Watch, Free Journalists.

¹⁷⁷ *Supra* note 140, General Comment No. 32, para. 19.

¹⁷⁸ *Supra* note 3, 2010 Human Rights Report.

¹⁷⁹ All of the recent trials against political opposition activists, human rights defenders and journalists ended with convictions. See, for examples, cases of Sanjar Umarov, Nodira Khidoyatova, Akzam Turgunov, Salijon Abdurahmanov, Umida Niazova and Abdumalik Boboev.

¹⁸⁰ Fergana News Information Agency, *Uzbekistan: Journalist Dilmurod Sayid Mojet Ostat'sya Bez Advokata* (“Uzbekistan: Journalist Dilmurod Sayid May Be Left Without Defense Attorney”), (Jul. 2, 2009), available at <http://ferghana-blog.livejournal.com/59405.html>.

¹⁸¹

182

¹⁸³ *Supra* note 117, Human Rights Watch Concerns on Uzbekistan.

¹⁸⁴ Among the examples of the government’s false and politically-motivated charges is the case of Akzam Turgunov. He is an Uzbek human rights activist and political opposition leader who has been wrongly detained in Uzbekistan since 2008 on extortion charges. He was arrested on extortion charges in Manget city on July 11, 2008, by the very police department he was investigating for corruption. Following his arrest, he was held incommunicado for 18 days, during which time an officer reportedly poured boiling water down his back, causing him to suffer severe burns. The court disregarded burn marks during an open trial and accepted as facts statements made by police they had not tortured him. During the trial, the judge denied Mr. Turgunov and his attorney an opportunity to examine the evidence against him or to cross-examine the government’s witness against him. Freedom Now carried out focused legal, political and public relations advocacy on his behalf. Visit Freedom Now’s webpage on Mr. Turgunov at <http://www.freedom-now.org/campaign/akzam-turgunov/>.

¹⁸⁵ *Supra* note 140, General Comment No. 32, para. 48. See also, *Kholnisso Aliboeva v. Tajikistan*, Human Rights Committee, U.N. Doc. CCPR/C/85/D/985/2001 (Oct. 18, 2005), para. 6.5.

¹⁸⁶ Article 510 of the Uzbek Criminal Procedure Code.

¹⁸⁷ Article 511 of the Uzbek Criminal Procedure Code.

¹⁸⁸ *Id.*

¹⁸⁹ Article 478 of the Uzbek Criminal Procedure Code.

¹⁹⁰ Article 484 of the Uzbek Procedure Code.

191

192

193

194

¹⁹⁵ Article 11(1) of the UDHR reads: “Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.”

¹⁹⁶ *Supra* note 140, General Comment No. 32, para. 30.

¹⁹⁷ *Supra* note 180, *Jurnalist Dilmurod Sayid Mojet Ostat’sya Bez Advokata*.

198

¹⁹⁹ *Supra* note 3, 2010 Human Rights Report.

²⁰⁰ *Supra* note 4, Human Rights Watch, *Imprisoned Human Rights Defenders*.

²⁰¹ *Id.*

202