



FREEDOM NOW

Submission to the United Nations Human Rights Committee

Information on State Parties to be Examined – Uzbekistan

128th session (2-27 March 2020)

Freedom Now welcomes the opportunity to contribute information to the Human Rights Committee prior to its fifth period review of the Republic of Uzbekistan (“Uzbekistan”).

Freedom Now is a non-partisan, non-governmental organization (“NGO”) dedicated to protecting human rights and rule of law by working to eliminate the politically motivated harassment and imprisonment of those who peacefully advocate for and exercise their fundamental rights.

This submission provides information about Uzbekistan’s abuse of rule of law and human rights. The information contained below emphasizes the government’s failure to implement the Committee’s recommendations regarding anti-extremism measures, the use of torture, politically-motivated detentions, freedom of movement, right to a fair trial and independence of the judiciary, freedom of conscience and religion, freedom of expression, and freedom of association. Such practices violate the Uzbekistan’s obligations under the International Covenant on Civil and Political Rights (“ICCPR”).

I. Counter-terrorism and anti-extremism measures (Articles 4, 9, 14, 18, and 19 of the ICCPR)

In 2018, Uzbekistan adopted the Law on Countering Extremism. The law is problematic in several regards.

First, the definitions of “extremism” and “extremist activities” in Article 3 are vague and overly broad. “Extremism” is defined as “expression of extreme forms of actions, focused on destabilizing social and political situation, violent change in the constitutional order in Uzbekistan, violent seizure of power and usurping its authority, inciting national, racial, ethnic or religious hatred.” The definition of “extremist activities” includes a broad range of behaviors, including actual terrorist activities, incitement to hatred, the “production, storage, dissemination or demonstration of materials containing threat to public order and security”, or displaying “attributes or symbols of extremist organizations”, as well as “public calls” for such actions.¹ Notably, these two definitions, which are at the heart of the law, fail to establish a clear requirement that violence be an element of all criminal extremism. Moreover, including behavior such as destabilizing the social situation, distribution of materials, displaying symbols, and issuing public calls opens the possibility of criminalizing activity otherwise protected under the ICCPR. As a result, this law requires significant discretionary interpretation, opening the door for arbitrary application by law enforcement. Accordingly, the law fails to conform with the principle of legality under the

¹ *Comments on the Law on Countering “Extremism” of the Republic of Uzbekistan*, Organization for Security and Cooperation in Europe (9 Dec. 2019), ¶ 21, <https://www.osce.org/odihr/441056?download=true>.

ICCPR, as it does not provide sufficiently clear and foreseeable identification of actions such that a reasonable individual may know which actions are permissible and which are not under the law.

Second, although “extremism” does not constitute a criminal offense under the Criminal Code of Uzbekistan, several provisions overlap with the definition of “extremist activities” in the Law on Countering Extremism, including Articles 155 (terrorism), 156 (incitement of national, racial, ethnic, or religious enmity), 159 (violations of the constitutional system), and 244 (production, storage, distribution or demonstration of materials containing a threat to public safety and public order). This creates a confusing legal situation where several sets of laws are overlapping and apply to the same conduct.² Accordingly, it raises the possibility of double punishment for a single offence, raising issues under Article 14(7) of the ICCPR.

Third, the criminalization of a “public call” for such actions is particularly susceptible to misconstrual. Statements about extremism or extremist activities can be made in the course of a good faith discussion regarding various political reforms. Such activities may also be part of a public debate on a matter in the public interest, such as religion, education, scientific research, or the arts. As it stands, the law threatens to infringe on freedoms of expression, opinion, religion, and belief.³

Recommendations to Uzbekistan

- 1) *Revise the Law on Countering Extremism to ensure that the definition of “extremism” and “extremist activities” are no longer vague and overly broad in compliance with the ICCPR.*
- 2) *Ensure that proscribed activities under the Law Countering Extremism are distinct from those already criminalized under existing criminal laws.*
- 3) *Include defenses or exceptions in the Law on Countering Extremism for the activity currently defined as a “public call”.*

II. Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (Articles 6, 7, 9, 10, and 14 of the ICCPR)

Uzbekistan made numerous positive changes to its laws during the reporting period with the intention of curtailing the practice of torture and prosecuting perpetrators, as noted in the government’s fifth periodic report to the Committee.⁴ However, torture remains pervasive in Uzbekistan, as noted by the Committee Against Torture in its 2019 review of the government’s compliance with its treaty obligations⁵ and as observed by the UN Special Rapporteur on freedom of religion or belief during his mission to Uzbekistan in October 2017.⁶

The effectiveness of the reform process cannot be properly evaluated as the government has not collected any data on implementation of the changes. There are also reports that judges and prosecutors have disregarded and declined to investigate allegations of torture.⁷ Furthermore, while the number of

² *Id.*, ¶ 22.

³ *Id.*, ¶ 27.

⁴ *Fifth periodic report submitted by Uzbekistan to the Human Rights Committee*, 2 Aug. 2018, CCPR/C/UZB/5, ¶¶ 21, 151-170.

⁵ *Concluding observations on the fifth periodic report of Uzbekistan*, Committee Against Torture (28 Nov. 2019), CAT/C/SR.1809, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/CAT_C_UZB_CO_5_39781_E.pdf.

⁶ *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan*, Office of the UN High Commissioner for Human Rights (22 Feb. 2018), A/HRC/37/49/Add.2, ¶ 69, <https://undocs.org/A/HRC/37/49/Add.2>.

⁷ *Id.*, ¶ 8.

complaints received by the Prosecutor's Office increased ten-fold from 2017 to 2018, the number of officials prosecuted for torture did not increase at a commensurate rate.⁸

Credible allegations of torture have been made during the reporting period by former and current political prisoners. For example, after Bobomurod Razzokov was released from prison in October 2016, evidence emerged that he was seriously ill-treated and denied medical care in prison.⁹ In a second instance, former prosecutor general Rashitjon Kadirov was arrested in February 2018 and according to witnesses has been subjected to psychological abuse, death threats, sleep deprivation, and threats against his relatives, to force him to incriminate himself.¹⁰ In a final example, former diplomat Kadyr Yusupov has been denied essential medical treatment while incarcerated. Yusupov was arrested in December 2018 and suffers from schizophrenia. Moments before he was arrested attempted to take his own life. For more than a month, Yusupov was subjected to constant interrogations and denied medication to treat his mental illness.¹¹

Recommendations to Uzbekistan

- 1) *Adopt further measures to ensure that judges and prosecutors ask defendants in criminal cases whether they were subjected to torture or ill-treatment.*
- 2) *Ensure that all allegations of torture or ill-treatment are promptly, impartially, and thoroughly investigated and that any perpetrators are prosecuted and punished.*
- 3) *Investigate allegations that government officials have ignored and failed to investigate credible allegations of torture, including those put forth by Bobomurod Razzakov, Rashitjon Kadirov, and Kadyr Yusupov.*
- 4) *Implement measures to gather and publish data on cases in which defendants and witnesses in criminal trials have alleged they were subjected to torture or ill-treatment.*

III. Liberty and security of person and treatment of persons deprived of their liberty (Articles 7, 9, and 10 of the ICCPR)

i. Political prisoners

Approximately 40 persons imprisoned on politically motivated charges have been released since September 2016, including human rights activists Akzam Turgunov, Azamjon Formonov, Bobomurod Razzakov, Mehrinisso and Zulhumor Hamdamova, Isroiljon Kholdorov, Gaybullo Jalilov, Chuyan Mamatkulov, Fahriddin Tillaev and journalists Salijon Abdurakhmanov, Gayrat Mikhliboev, Yusuf Ruzimuradov, and Dilmurod Saidov.

Owing to deficiencies in the judicial system, politically motivated imprisonment is still endemic in Uzbekistan. This practice has been used against government official Kadyr Yusupov, author and critic Akrom Malikov, political scientist Rustam Abdumanopov, producer Mirsobir Khamidkoriyev, and theologian Rukhiddin Fakhridinov.

⁸ *Concluding observations on the fifth periodic report of Uzbekistan*, Committee Against Torture (28 Nov. 2019), ¶11.

⁹ *Submission to the UN Committee Against Torture*, Human Rights Watch (11 Oct. 2019), ¶40, https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/UZB/INT_CAT_CSS_UZB_37517_E.pdf.

¹⁰ *Uzbekistan: Concern over Reports of Torture of Rashitjon Kadirov and Co-Defendants*, Human Rights Watch (2 May 2019), <https://www.hrw.org/news/2019/05/02/uzbekistan-concern-over-reports-torture-rashitjon-kadirov-and-co-defendants>

¹¹ *Former diplomat at crushed by Uzbekistan's broken justice system*, EurasiaNet (11 July 2019), <https://eurasianet.org/former-diplomat-crushed-by-uzbekistans-broken-justice-system>

The Committee continues to receive cases alleging Uzbekistan violated the Covenant's prohibition on arbitrary detention on numerous occasions. The Committee issued adopted views on at least five cases involving arbitrary detention during the reporting period.¹²

ii. Arbitrary extension of prison sentences

A common practice among prison authorities is to punish political prisoners by arbitrarily extending their prison sentences or rendering them ineligible for amnesty for allegedly violating prison rules. Although the government claims it has discontinued this practice, the UN Special Rapporteur on the freedom of religion received numerous reports of extended sentences during his visit in 2018.¹³

During the regime of President Islamic Karimov, prison terms were routinely extended mere weeks before a prisoner's sentence is set to expire.¹⁴ There is reason to believe this practice continues today. For instance, in April 2015 at the end of his nine-year prison sentence, human rights activist Azamjon Formonov was sentenced to an additional five years in prison for allegedly violating several prison rules. Formonov was kept in solitary confinement for days until he finally confessed, under immense pressure, to violating the rules.¹⁵ He was ultimately released from prison in October 2017. In another instance, human rights defender Ganikhon Mamatkhanov's prison term was extended in June 2016 just days before his eight-year prison term was due to end after he was charged with infraction of prison regulations.¹⁶ He was eventually released from prison in October 2017.

This power to extend prison sentences for "violation of prison rules" is set forth in Article 221 of the Criminal Code of the Republic of Uzbekistan (the "Criminal Code"), which broadly defines "legitimate orders"; the Criminal Code is not comprehensive as to what constitutes a "violation" of these orders.¹⁷ A 2014 report by Human Rights Watch found that "wearing a white shirt" and "failure to properly place one's shoes in the corner" were among some of the violations that extended prisoner's sentences.¹⁸

Prisoners charged with "violations of prison rules" are often denied access to a lawyer of their choice, subjected to summary hearings within a prison that are closed to the public, and denied a meaningful opportunity to challenge the decision.¹⁹ Human rights activists who have monitored the practice of arbitrarily extending prison sentences of political prisoners report that the practice may affect thousands of prisoners.²⁰ According to one such activist,

"There has long been an unspoken policy of using extensions [*prodleniya*] to keep political prisoners and anyone who could be seen as a threat to the regime incarcerated as long as possible, sometimes indefinitely. Their

¹² *M.T. v. Uzbekistan*, UN Human Rights Committee (23 July 2015), CCPR/C/114/D/2234/2013; *Ortikov v. Uzbekistan*, UN Human Rights Committee (26 July 2016), CCPR/C/118/D/2317/2013; *Adelaida Kim v. Uzbekistan*, UN Human Rights Committee (4 April 2018), CCPR/C/122/D/2175/2012; *Ozoda Yakubova v. Uzbekistan*, UN Human Rights Committee (6 April 2018), CCPR/C/122/D/2577/2015; *Davron Abdurakhmanov v. Uzbekistan*, UN Human Rights Committee (29 March 2019), CCPR/C/125/D/2295/2013.

¹³ *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan*, *supra* note 6, ¶ 69.

¹⁴ *Until the Very End: Politically Motivated Imprisonment in Uzbekistan*, Human Rights Watch (25 Sept. 2014), <https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan> [hereinafter "Until the Very End"].

¹⁵ *Petition to the UN Working Group on Arbitrary Detention on behalf of Azamjon Formonov*, Freedom Now (19 Sept. 2017), <http://www.freedom-now.org/wp-content/uploads/2017/09/Formonov-Petition-FINAL-Sept-19-2017.pdf>

¹⁶ *Uzbekistan, Events of 2016*, Human Rights Watch (2017), <https://www.hrw.org/world-report/2017/country-chapters/uzbekistan>.

¹⁷ *Until the Very End*, *supra* note 14.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

imprisonment continues while they slowly succumb to illness, inhumane treatment, and the deplorable conditions in which they are held.”²¹

The Uzbek Senate grants approval each year for officials to grant amnesty to eligible political prisoners in the following year, subject to a case-by-case review.²² The amnesty excludes prisoners who “systemically have violated the terms of incarceration.”²³ Local prison authorities have considerable discretion in determining who is eligible for release.²⁴ Officials often cite vague “violations of internal prison rules” or “disobedience of legitimate orders” as a reason for denying amnesty to political prisoners.²⁵

Recommendations to Uzbekistan

- 1) *Immediately and unconditionally release and rehabilitate the civil and political rights of all individuals detained for exercising their fundamental human rights; including Kadyr Yusupov, Akrom Malikov, Rustam Abdumanopov, Mirsobir Khamidkoriyev, and Rukhiddin Fakhriddinov.*
- 2) *Ensure reparations are paid to individuals the Committee has named in its adopted views.*
- 3) *Cease prosecution of detained individuals under Article 221 of the Criminal Code.*

IV. Freedom of movement (Article 12 of the ICCPR)

i. Restrictions on travelling abroad

Uzbekistan abolished the procedure for issuing exit visas for citizens traveling abroad in January 2019. However, some individuals, including human rights defenders, have face barriers to traveling abroad. In June 2019, authorities refused to issue a passport to photographer and human rights activist Timur Karpov. He submitted his application in April 2018 and expected an answer within 21 days, the statutory deadline. More than a year later he learned his application was rejected, with the official written refusal explaining “it is unadvisable to issue a foreign passport” and referring to a clause in the Presidential Decree stating that passports are not issued to persons who provided false information in their applications.²⁶ Karpov was only given permission to travel abroad after direct intervention from the Director of the Agency for Information and Mass Communications.

ii. Deprivation of citizenship

The Law on Citizenship states that a person living permanently abroad who has not been on the consulate lists of citizens registered as living abroad for over three years without good reason, will lose their rights to citizenship.

There is evidence that suggests this law, along with ongoing reform of the passport system, is being used as a pretext to revoke the citizenship of Uzbeks living abroad who have been outspoken in their criticism of the government and/or been active in the field of human rights. The Association for Human Rights in

²¹ *Id.*

²² *Country Report on Human Rights Practices for 2016: Uzbekistan*, US Department of State, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2016&dliid=265554>.

²³ *Id.*

²⁴ *Id.*

²⁵ *See, Country Report on Human Rights Practices for 2016: Uzbekistan*, *supra* note 22; *Uzbekistan: Events of 2016*, *supra* note 16; *Concluding Observations on the Fourth Periodic Report of Uzbekistan*, UN Human Rights Committee (17 Aug. 2015), CCPR/C/UZB/CO/4.

²⁶ Обращение Тимура Карпова к правительству Республики Узбекистан, Timur Karpov (13 June 2019), <https://www.youtube.com/watch?v=jL5kpMkHZXQ>.

Central Asia and International Partnership for Human Rights are aware of at least 40 cases in which Uzbek citizenship has been revoked, often without the individual informed of the decision or being given the right to appeal.²⁷

The following individuals have reported being deprived of their citizenship: Radio Ozodlik correspondents (Uzbek service of RadioFree Europe/ Radio Liberty) brothers Shukhrat, Khurmat Babadjanov and their brother Kudrat, who is editor of the news website Eltuz, the human rights activist Tolib Yakubov and former citizens Mukhiddin Kurbanov, businessman Bobur Hassan, Zakir Aliyev, Kuzibay Kurbanov, Rafik Ganiev, member of the Human Rights Organisation “Ezgulik”, Mukhiddin Kurbanov, member of the opposition party “Birlilik” and Bobur Hassan, brother of the leader of the opposition party “Birdamlik” living in the United States who attempted to return to Uzbekistan (in August 2018 respectively) but were deported.²⁸

Furthermore, Freedom Now has received reports that the Uzbek government has revoked the citizenship of Uzbek citizens living abroad when these citizens attempt to apply for or renew visas.

The government’s policy of automatic revocation of citizenship on the basis of an individual’s failure to periodically report to the government is a harsh punishment, placing a disproportionate burden on the individual’s right to leave one’s country under Article 12(2) of the ICCPR. Furthermore, unilateral revocation of citizenship exacerbates the international issue of statelessness.

Recommendations to Uzbekistan

- 1) *Ensure citizens can freely leave the country without further administrative burdens.*
- 2) *End the practice of depriving citizenship of individuals as a consequence of their exercising the right to freedom of movement. Allow any citizens who have been deprived their citizenship to appeal the decision.*

V. Right to a fair trial and independence of the judiciary (Article 14 of the ICCPR)

Uzbekistan instituted reforms during the reporting period to improve the independence of the judiciary and encourage further separation from the executive branch. These reforms have proved effective in certain areas. For example, whereas the prosecutor’s recommendations would normally prevail, this is less often the case as the acquittal rate has grown tremendously in the last three years. In 2016, only six acquittals were recorded. The number rose to 263 in 2017, and to 867 in 2018.²⁹

However, the judiciary is still largely subservient to the executive. This evidenced by the structure of the Supreme Judicial Council, which was created in 2017 to oversee judicial appointments and disciplinary measures. There are 21 members of the Council, all of whom are appointed by the president of Uzbekistan. The law requires the president to consult the Speaker of the Parliament and the Chairman of

²⁷ *Uzbekistan: Reforming or Redecorating?* CIVICUS (25 Oct. 2019), <https://monitor.civicus.org/updates/2019/10/25/update/>.

²⁸ *Id.*

²⁹ *Preliminary observations on the official visit to Uzbekistan by the UN Special Rapporteur on the independence of judges and lawyers*, Office of the UN High Commissioner for Human Rights (25 Sept. 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25043&LangID=E>.

the Council in making some of these appointments, but the law is vague and unclear to what extent the president's choices can be limited or denied.³⁰

Yet another area requiring reforms is allowing defense lawyers access to their clients. The UN Special Rapporteur on the independence of judges and lawyers met with many lawyers who reported facing obstacles in meeting with their clients, particularly in pre-trial detention.³¹ The UN Special Rapporteur on freedom of religion or belief also observed that many prisoners did not have access to lawyers or were pressured into pleading guilty.³²

Recommendations to Uzbekistan

- 1) *Revise the Law on the Supreme Judicial Council (2017) to clarify the criteria and procedure for appointing members to the Council.*
- 2) *Ensure defense lawyers are able to meet with their clients in private and in conditions that agree full confidentiality. Impose severe penalties on any government official that prevents or limits the rights of lawyers to assist individuals held in detention facilities.*

VI. Freedom of conscience and religion (Article 18 of the ICCPR)

A positive development during the reporting period was the removal of approximately 16,000 individuals from the security blacklist of suspected Muslim religious extremists. The government claims it has begun the process of re-integrating these individuals into society by ensuring they are given jobs.³³

However, Uzbekistan continues to prosecute individuals under various terrorism and anti-extremism laws. It is estimated that 5,000 to 15,000 individuals, primarily Muslims, are detained on vague charges related to religious expression, including “religious extremism”, “anti-constitutional” activity, or membership in an “illegal religious group.”³⁴

The publication, import, and distribution of religious literature is strictly controlled by the government. All religious materials in Uzbekistan must first be subjected to a theological review by the government. Article 184 (2) of the Code of Administrative Offences bans the illegal manufacture, storage, import or distribution of materials and religious content, and article 184 (3) prohibits the production, storage or distribution of materials propagating “religious enmity”, which, if committed repeatedly, entails criminal liability under article 244 (3) with up to three years’ corrective labor. Individuals who have distributed leaflets or literature via social networks have been subjected to criminal prosecution and faced prison terms ranging from 5 to 20 years for spreading extremist ideology.³⁵ As a result, many members religious communities are afraid to store religious literature in their homes. The government’s practice of pre-distribution of review and its harsh penalties for handling religious literature place a significant burden on the right to religion under Article 18 of the ICCPR.

³⁰ *Opinion on the Law on the High Judicial Council of the Republic of Uzbekistan*, Organization for Security and Cooperation in Europe (1 Oct. 2018), https://www.legislationline.org/download/id/8079/file/327_JUD_UZB_1Oct2018_en.pdf.

³¹ *Preliminary observations on the official visit to Uzbekistan by the UN Special Rapporteur on the independence of judges and lawyers*, *supra* note 29.

³² *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan*, *supra* note 6, ¶ 71.

³³ *Uzbekistan removes 16,000 people from security blacklist*, Reuters (1 Sept. 2017), <https://www.reuters.com/article/us-uzbekistan-security-blacklist/uzbekistan-removes-16000-people-from-security-blacklist-idUSKCN1BC5IS>.

³⁴ *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan*, *supra* note 6, ¶ 67.

³⁵ *Id.* ¶¶ 76-80

Recommendations for Uzbekistan

- 1) *Amend the Law on Freedom of Conscience and Religious Organizations (1998), the Criminal Code, and the Code of Administrative Offences to be fully compatible with Article 18 of the ICCPR.*
- 2) *Release all individuals wrongfully detained under terrorism or anti-extremism laws under the pretext of religious extremism.*
- 3) *Revise vague definitions of “extremism” throughout the law to ensure that the crime is not misapplied to religious practitioners.*

VII. Freedom of expression (Article 19 of the ICCPR)

Throughout much of 2018, authorities continued to restrict access to a number of websites of independent media publications, including FerganaNews, Radio Free Europe/Radio Liberty, Eurasia.net, AsiaTerra, and Uzmtronom. In May 2019, the government restored full access to all of these websites as well as access to sites of human rights organizations Amnesty International and Human Rights Watch.³⁶

Journalists from both registered and independent news outlets reported to Human Rights Watch a stark difference in the government’s attitude to politically sensitive topics. Topics that would have once led to an immediate arrest were published more regularly.³⁷

Notwithstanding these developments, the government retains a great degree of control over the media landscape where censorship and fear remain prevalent. Journalists have reported practicing self-censorship in order not to test the government’s tolerance of critical stories.³⁸

The following examples illustrate how the government continues to violate its citizens’ right to freedom of expression:

Journalist Bobomurod Abdullaev was arrested in September 2017 and accused of plotting a coup attempt and of writing a series of articles under a pseudonym that incited the government’s overthrow. Abdullaev admitted to using a pseudonym in the past but denied writing articles calling for violence. He was kept in detention for nine months after which he was sentenced to community service and a 20% deduction from his salary for just over a year.³⁹

Between August and September 2018, dozens of individuals were arrested after they posted comments on their Facebook accounts or liked and shared social media posts of other users. The posts related to cultural and religious issues, such as the wearing of headscarves. Authorities tracked the users by their IP address and anti-terrorism units of the Ministry of Internal Affairs were sent to carry out the arrests, search homes, and confiscate computers, often without arrest or search warrants.⁴⁰

³⁶ *Uzbekistan: Reforming or Redecorating?*, *supra* note 27.

³⁷ “*You Can’t See Them, but They’re Always There*”: *Media Freedom in Uzbekistan*, Human Rights Watch (28 March 2018), <https://www.hrw.org/report/2018/03/28/you-cant-see-them-theyre-always-there/censorship-and-freedom-media-uzbekistan>.

³⁸ *Id.*

³⁹ *In historic move, Uzbek court frees journalist and blogger*, Reporters Without Borders (8 May 2018), <https://rsf.org/en/news/historic-move-uzbek-court-frees-journalist-and-blogger>.

⁴⁰ *Uzbekistan: Facebook users detained and questioned*, Amnesty International (13 Sept. 2018), <https://www.amnesty.org/download/Documents/EUR6290962018ENGLISH.pdf>.

Andrei Kubatin, a specialist on the history and culture of the Turkic world, was arrested in March 2017 and accused of giving classified information to agents of the Turkish government. The material Kubatin provided was freely available to the public and of a purely academic nature. He was sentenced to 11 years in prison in December 2017 on charges of treason. A court acquitted Kubatin of all charges in September 2019.⁴¹

Recommendations to Uzbekistan

- 1) *End censorship of journalists; allow all journalists to freely publish materials that do not include legitimately harmful and/or illegal content*
- 2) *End judicial harassment of journalists, bloggers, academics, and other individuals exercising their right to freedom of expression.*
- 3) *Ensure websites of independent and foreign media as well of those of human rights organizations remain freely accessible in Uzbekistan.*

VIII. Freedom of association (Article 22 of the ICCPR)

i. Continued barriers to NGO registration

The Law on Non-Governmental Non-Profit Organizations, the Law on Public Associations, and Resolution 57 of the Cabinet of Ministers guide the registration process for NGOs. Registration is mandatory for all NGOs and unregistered groups are illegal. By law, the government must make a decision on registration or rejection within one month of the receipt of application (this can be extended by an additional month). In practice, registration takes between seven and 10 months. NGOs have reported receiving on average at least four rejections before a registration was approved. In some instances, the registration authority will justify the rejection by citing errors in the application from previous rejection notices; errors that had previously been rectified by the applicant organization.⁴² Another barrier to registration is the inability to appeal. Rejection of registration can be appealed in court, but if an application is unprocessed, an NGO has no legal recourse.

In February 2019, former political prisoners and human rights defenders Azamjon Formonov, Dilmurod Saidov and Agzam Turgunov attempted to register a new NGO – Restoration of Justice. Their application has since been denied at least three times.⁴³

Once registered, NGOs are required to inform authorities about planned events 10 days in advance (20 days if international organizations are involved). NGOs also must inform the Ministry of Justice of receipt of foreign funding.⁴⁴

ii. Surveillance and harassment of former political prisoners

Representatives of the non-governmental organization International Partnership for Human Rights documented surveillance of at least two former political prisoners during a trip to the country in October 2018. The representatives witnessed unknown individuals conducting surveillance on the home of

⁴¹ *Uzbekistan: Scholar imprisoned for espionage absolved and released*, EurasiaNet (27 Sept. 2019), <https://eurasianet.org/uzbekistan-scholar-imprisoned-for-espionage-absolved-and-released>.

⁴² *Why is it difficult to open an NGO in Uzbekistan?*, Central Asian Bureau for Analytical Reporting (14 Jan. 2020), <https://cabar.asia/ru/pochemu-v-uzbekistane-slozhno-otkryt-npo>.

⁴³ *Uzbekistan: Reforming or Redecorating?*, *supra* note 27.

⁴⁴ *Id.*

Agzam Turgunov. The same day, independent journalist Bobomurod Abdullayev was approached in a café by a secret service officer who tortured him during pre-trial detention. When Abdullayev left the café, more than a dozen individuals were standing outside, including some wearing camouflage uniform. Other former political prisoners have reported similar episodes, including Tatyana Davlatova, Dilmurod Saidov, and Malokhat Eshankulova.⁴⁵

Agzam Turgunov has faced at least three sets of administrative charges since August 2018. There is reason to believe that the charges were designed to intimidate Turgunov and discourage him from registering his NGO.⁴⁶

Recommendations to Uzbekistan

- 1) *Revise the Law on Non-Governmental Non-Profit Organizations (1999), the Law on Public Associations (1991), Resolution 57 of the Cabinet of Ministers (2013), the pending draft law on NGOs and other similar laws to remove administrative burdens to registering NGOs and create an appeals process for unprocessed applications.*
- 2) *Revise reporting requirements for NGOs to loosen government monitoring of activities and finances.*
- 3) *End surveillance and harassment of former political prisoners.*

⁴⁵ *A call for swift implementation of reforms in Uzbekistan as IPHR witnesses surveillance of local defenders during visit*, International Partnership for Human Rights (24 Oct. 2018), <https://www.iphronline.org/a-call-for-swift-implementation-of-reforms-in-uzbekistan-as-iphr-witnesses-surveillance-of-local-defenders-during-visit.html>.

⁴⁶ *Uzbekistan: Reforming or Redecorating?*, *supra* note 27.