



Australian Government
Refugee Review Tribunal

Country Advice Uzbekistan

Uzbekistan – UZB37850 – Government
critics – Ordinary citizens – Police tactics –
Corruption – Bribery – Exit procedures –
Asylum seekers
8 December 2010

1. Is there information on ordinary members of the community, rather than activists, being harassed by authorities for speaking out against the government?

Information was located indicating that ordinary citizens who speak out against the government of Uzbekistan can expect to be mistreated, and possibly harmed. In and among numerous reports stating that political activists, journalists, and other high profile individuals are subject to harassment, pressure, arrests, and beatings,¹ information was also located indicating that ordinary citizens may be subjected to similar treatment.

The 2010 US Department of State (USDOS) *Country Reports on Human Rights Practices 2009 – Uzbekistan* reported that the government ‘severely restricted freedom of expression’ and suppressed political opposition of any sort. The report advised that those who spoke out publicly about human rights problems or criticised the government were systematically subjected to harassment, arrest, and prosecution. The report indicated that ordinary individuals are mindful of possible repercussions for criticising the government, stating: ‘It is likely that most citizens practice self-censorship in light of strong government reactions to activists protesting against government policies.’²

The 2010 Human Rights Watch (HRW) annual *World Report* describes the Uzbekistan government’s human rights record as ‘atrocious’, and while most of the accounts of severe harm describe suppression of human rights activists, political parties and journalists, the report also conveys that ordinary members of the community live in climate where ‘freedom of expression remains severely limited.’³

A 2 December 2010 Guardian article entitled ‘Uzbekistan's threatened cultural legacy’ reported that the government is one of the most repressive in the world, not only arresting journalists and activists critical of the government, but even artists and health workers who criticise government policies. Members of these latter occupations have been silenced by

¹ United Kingdom Foreign & Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March, pp. 162-4 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009> - Accessed 9 December 2010 – Attachment 1.

² US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan* 11 March – Attachment 2.

³ Human Rights Watch 2010, *World Report – Uzbekistan*, 20 January <http://www.hrw.org/en/node/87620> - Accessed 9 December 2010 – Attachment 3.

charging them with violations against ‘disrespecting Uzbekistan culture and people’.⁴ The article conveys that any challenge of the status quo, even by ordinary citizens, is risky. Proposing changes to the any way of doing business is treacherous. An excerpt states:

In the past year, persecution of independent thought has spread over into non-political spheres. **One no longer needs to be in opposition to the government to fear persecution. It is enough to be in some way perceived to be in opposition to the culture of Uzbekistan, to be viewed as enemy of the state.** Recently, the arrests of an ethnological photographer and sex education worker on such grounds have demonstrated that **the culture of contemporary Uzbekistan has no space for the flow of new information or generation of knowledge for the improvement of future generations.**⁵

In April 2006, a report to the Council of Europe⁶ stated that ordinary people are cognizant of the repercussions for expressing any political dissent. The report states:

...in a country [Uzbekistan] where the independent media is virtually non-existent, state-media is subjected to political control, democratic forces are outlawed, independent trade unions have been reduced to a handful, political opponents are put in jail, and **ordinary people and students are all too well aware that any expression of political dissent may lead to being dismissed from their jobs or expelled from university...**

The brutal repression of the popular uprising in the city of Andijon in May 2005 is perhaps the clearest example of the government harassing and harming ordinary citizens. Beginning on 10 May 2005, family members of 23 local businessmen charged with supporting a banned Islamic religious group staged a demonstration in advance of the announcement of a verdict. On 12 May, armed supporters stormed a prison freeing the businessmen and then occupied several local government buildings. These events brought thousands of ordinary citizens to the city centre. They began voicing opposition to government policies and criticised political, religious, and economic policies. Security forces responded with deadly force; opening fire on the crowd indiscriminately. Human rights organisations estimate that up to 800 men, women, and children were killed although official figures were never released.⁷ Many participants in the demonstrations and victims of the resulting bloodshed were curious onlookers, but the suppression by authorities was indiscriminate.

HRW reports in the years following the 2005 Andijon massacre even ordinary citizens that were on the sidelines, or witnessed the events, were subjected to surveillance, interrogations, harassment, ostracism, and threats. This authoritarian persistence against anyone possessing knowledge of government wrong-doing, is a strong indicator that it is likely that anyone who comes to the attention of authorities for casually expressing anti-government viewpoints could be subjected to the same type of treatment.

⁴Zilberman, S. 2010, ‘Uzbekistan's threatened cultural legacy’ The Guardian 15 April <http://www.guardian.co.uk/commentisfree/2010/apr/15/uzbekistan-cultural-legacy-threatened> - Accessed 2 December 2010 – Attachment 4.

⁵ Zilberman, S. 2010, ‘Uzbekistan's threatened cultural legacy’ The Guardian 15 April <http://www.guardian.co.uk/commentisfree/2010/apr/15/uzbekistan-cultural-legacy-threatened> - Accessed 2 December 2010 – Attachment 4.

⁶ Council of Europe Parliamentary Assembly 2006, *Belarus in the aftermath of the Presidential election of 19 March 2006*, 11 April, p.5 <http://assembly.coe.int/Documents/WorkingDocs/Doc06/EDOC10890.pdf> - Accessed 9 December 2010 – Attachment 5.

⁷ Freedom House 2010, *Freedom in the World – Uzbekistan*, June <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7946> – Accessed 10 September 2010 – Attachment 6.

2. Please provide information on methods used by the militia to suppress anti-government expression - for example, arrests, beatings, intimidation, etc.

The 2010 US Department of State (USDOS) *Country Reports on Human Rights Practices 2009 – Uzbekistan* reported that freedom of expression in Uzbekistan is ‘severely restricted’ and several sources indicate that authorities have many means at their disposal to suppress anti-government expression. Police, commonly referred to as militia, often use charges of libel and slander accompanied by steep fines to circumvent constitutional guarantees of freedom of expression. While the main targets are high profile people such as journalist and political rights activists, USDOS reports that others who criticise the president or the government are also vulnerable to the same charges. These targets have included poets, students attending international exchange programs, family members protesting against the torture of relatives, and adherents of banned religious groups.⁸

Authorities may subject individuals to even more harm than charges of slander and fines. A 2007 US Library of Congress report, with information that is still current, states: ‘Police and security troops have the legal right to arrest individuals without a warrant. Arbitrary arrest, torture, and extended pre-trial detention are common.’⁹ The report further states:

The police forces reportedly are corrupt (particularly the tax and traffic police), and the level of public trust in them is very low. According to human rights organizations, both NSS [National Security Service] and regular police use arbitrary arrest, intimidation, and violent tactics. At the community level, **civilian police organizations of the mahallas [see below] aid the local police in crime prevention and deterrence of antigovernment activity.**¹⁰

A January 2010 Expert Working Group submission to the UN Committee on Human Rights, suggests that the militia in Uzbekistan act with impunity and use inhuman methods to achieve results. The report suggests that heavy handed police tactics, including torture, may even be permissible under local law. The report states that:

Furthermore, the definition of torture in Article 235 of the Criminal Code of Uzbekistan suggests that torture or similar ill-treatment can be inflicted only on ‘...a suspect, accused person, witness, victim or other party to criminal proceedings, or on a convict serving sentence, or on close relatives of the above’. On another hand, articles 1 and 4 of the Convention state that torture or similar ill-treatment may be inflicted on any person, which refers not only to persons involved in the criminal justice procedure.¹¹

The report also states that ‘... impunity for the perpetrators of torture is as systematic as the torture itself.’ The report found that police investigating people suspected of committing ‘politically-motivated’ crimes or loosely defined crimes against the state are often held without contact with families or lawyers, and may be subjected to any of the following mistreatments while in custody:

⁸US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan* 11 March – Attachment 2.

⁹US Library of Congress – Federal Research Division 2007, *Country Profile - Uzbekistan*, February, p. 19 <http://memory.loc.gov/frd/cs/profiles/Uzbekistan.pdf> - Accessed 9 December 2010 – Attachment 7.

¹⁰ US Library of Congress 2007, Federal Research Division 2007, *Country Profile – Uzbekistan* February, p. 18 <http://lcweb2.loc.gov/frd/cs/profiles/Uzbekistan.pdf> - Accessed 9 December 2010 – Attachment 7.

¹¹

- Prolonged beatings, using fists, rubber clubs, plastic bottles filled in with water or sand, metal or wooden sticks
- Suffocation with gas masks or plastic bags
- Burning the hair on the body or parts of the body
- Cutting or damaging parts of the body with a knife or similar objects
- Rape or sexual harassment
- Shackling and binding
- Deprivation of food or sleep
- Denial of access to bathroom facilities
- Denial of medical services
- Pressure by detaining family members and relatives on trumped-up administrative or criminal charges
- Threats to kill or to subject the victim or his/her family member to long-term imprisonment
- Denial of space and time for accomplishing prayers and observation of other religious practices
- Instigating physical harassment and attacks from other inmates.¹²

Instruments of Government Control

The police (militia) in Uzbekistan are assisted by *mahalla* neighbourhood committees and *posbon* organisations. Both the *mahalla* and *posbon* are instruments of government control and USDOS confirms that they are used to suppress anti-government expression in coordination with police.¹³ A brief description of the composition, responsibilities and tactics of the *mahalla* and *posbon* are provided below and are drawn from Question 3 in the 25 January 2010 RRT Country Advice Service Research Response UZB37066¹⁴:

Mahalla

According to a 2003 Human Rights Watch Report, *From House to House*, the mahalla is ‘a government administrative unit, tasked with control and surveillance of the population to assist in the implementation of current government policies.’¹⁵ The posbon are employees of the mahalla and are responsible for monitoring citizens’ behaviour¹⁶ and they also report to the police.¹⁷

The mahalla’s role is principally to monitor and check the development of any radical religious elements in society. Under the April 1999 *Law on Institutions of Self-Government of Citizens* (also known as the Mahalla Law), citizens must comply with the decisions of their mahalla committee. Article 12 of the Mahalla Law tasks mahalla committees to ‘take measures to stop the activity of non-registered religious organisations, to ensure the observance of the rights of citizens for religious liberty, non-admission of forced spreading of religious views, to consider other issues related to the observance of legislation on freedom of

¹² Ismoilov, S. 2010, Uzbekistan, Expert Working Group Submission to the 98th Session of the UN Committee on Human Rights, January, p.7 http://www.ecoi.net/file_upload/470_1273654598_expertworkinggroup-uzbekistan98.pdf - Accessed 9 December 2010 – Attachment 8.

¹³ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan* 11 March – Attachment 2

¹⁴ RRT Country Advice Service 2010, *Research Response UZB37066*, 25 January – Attachment 9.

¹⁵ Human Rights Watch 2003, *From House to House*, September, p.7

<http://www.hrw.org/sites/default/files/reports/uzbekistan0903full.pdf> - Accessed 23 July 2010 – Attachment 10.

¹⁶ UN High Commissioner for Refugees 2006, *International Protection Considerations Regarding Asylum-Seekers and Refugees from the Republic of Uzbekistan*, p.17

http://www.unhcr.no/Pdf/Position_countryinfo_2007/uzbekistans.pdf - Accessed 23 July 2010 – Attachment 11.

¹⁷ Human Rights Watch 2003, *From House to House*, September, p.7

<http://www.hrw.org/sites/default/files/reports/uzbekistan0903full.pdf> - Accessed 23 July 2010 – Attachment 10.

conscience and religious organisations.’¹⁸ However, the mahalla’s role extend into other areas of public life, such as rehabilitating former criminals, keeping statistics on the population within its respective area of responsibility, tracking certain categories of persons and appointing individuals in the community to assist with population surveillance. The following excerpt from the *House to House* report summarises its role:

Mahalla committees now exercise governmental supervision over many fundamental aspects of Uzbekistan life. They are responsible for rehabilitating those discharged from penal institutions, as well as “to render educational influence on formerly convicted persons, and those who are inclined to commit transgressions of the law.” Mahalla committees are also required to assist various state bodies in carrying out their functions, including the parliament, all levels of hokimiat [administrative government authorities that are accountable to the central government], law enforcement bodies, tax collection bodies, and the Ministry of Defense. They are also responsible for implementing control over trade and service enterprises. Mahalla committees keep exhaustive statistics of dubious accuracy on their population, including the numbers of men, women, children, unemployed, single parents, disabled people, poor people, people with convictions, and those awaiting trial. **They also track such categories as “gossips,” “drug users,” “scandalous families,” “alcoholics,”** and “children who do not listen to their parents.” The mahalla committee passes these statistics to the hokimiat. As one mahalla committee deputy chair told Human Rights Watch, “[w]e know everyone in the mahalla. We see with our own eyes or neighbors tell us.” In the cities, Housing and Street Committee representatives, informally appointed for each block of flats or street of houses, provide information to the mahallas. They supply lists of people in their block of flats or street to the mahalla committee, including detailed information about residents’ personal and family lives. ... However, they also use this information to decide about taking intervention in family conflicts or reporting matters to the police.

Posbon

The posbon, which report to mahalla committees and local police, enhance the surveillance capabilities of the state by monitoring neighbourhood activity. According to the *House to House* report, the posbon play a key role in the collection of information and must inform police on matters such as citizens’ compliance with residence permits. Information published by the UNHCR in 2006 cites reports which state that 30 per cent of a mahalla could be comprised of posbon, of which two thirds could collaborate directly with security officials.¹⁹ The following excerpts from the *House to House* report summarise the posbon’s role:

The posbon is paid by the state to work with the mahalla committee and the local police to prevent crime, maintain public order, and to strengthen the social and moral environment as defined by the government.

The posbon, therefore, provides a clear and legally formalized link between the law enforcement authorities and mahalla committees. Like the mahalla committees, the posbon’s role is broader than that of crime prevention, and includes maintaining the “social and moral environment” of the neighborhood. The actions of the posbon, in fulfilling this role, can in some cases breach the right to privacy. Among other things, the posbon must regularly inform the police about people who reside in the neighborhood without a residence permit, people who do not come home for long

¹⁸ Human Rights Watch 2003, *From House to House*, September, p.9

<http://www.hrw.org/sites/default/files/reports/uzbekistan0903full.pdf> - Accessed 23 July 2010 – Attachment 10.

¹⁹ UN High Commissioner for Refugees 2006, *International Protection Considerations Regarding Asylum-Seekers and Refugees from the Republic of Uzbekistan*, p.17

http://www.unhcr.no/Pdf/Position_countryinfo_2007/uzbekistans.pdf - Accessed 23 July 2010 – Attachment 11.

periods of time, and people not living in their houses. The posbon may interview people in relation to conflicts between citizens or criminal trials, or warn residents against undertaking illegal acts. The information collected by the posbon is recorded in a special book kept at the local police station.²⁰

Although a seemingly negligible number, the posbon together with Housing and Street Committee representatives demonstrate the extensive reach of the mahalla committees and local police into all facets of public and private life.

3. Is there any information on corruption in the militia, for example a detainee paying a bribe for release?

There is significant evidence of corruption and bribery in the police, which are also commonly referred to as militia. The US Department of State (USDOS) reports that corruption is a problem in law enforcement, stating that: ‘Police routinely and arbitrarily detained citizens to extort bribes. Impunity was a problem, and the government rarely punished officials responsible for abuses.’ The problem is endemic and is not limited to individual officers. In March 2010 an officer in a criminal investigation unit was arrested for running a ring of corrupt police who extorted money from ordinary citizens using fabricated charges.²¹

The most recent Transparency International annual report, current as of July 2010, lists Uzbekistan as one of the most corrupt nations in the world, near the bottom of the list and placing 174 out of 180 countries.²² This ranking denotes very serious and systemic corruption problems are present in most facets of society.

The Fund for Peace, a non-profit research organisation based in New York, reports in its 2009 country profile for Uzbekistan, that the police are corrupt and act with impunity, and their corrupt practices include arbitrary detention to extort bribes.²³

A January 2010 expert working group submission to the UN suggests that the practice of bribery is so entrenched that it is now unfair that indigent segments of the population cannot take advantage of this societal mechanism. The report states: ‘It has to be noted that the indigent population, in comparison with the wealthy class of citizens is disproportionately susceptible to torture as they have no means to buy their way out of detention by bribing the police.’²⁴

A 2007 US Library of Congress report stated that police are corrupt and the level of public trust is very low.²⁵ Police are also well-known for taking bribes in relation to applications for new residence permits. Citizens frequently pay bribes to expedite this process.

²⁰ Human Rights Watch 2003, *From House to House*, September, pp.7, 11

<http://www.hrw.org/sites/default/files/reports/uzbekistan0903full.pdf> - Accessed 23 July 2010 – Attachment 10.

²¹ US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan* 11 March – Attachment 2.

²² Transparency International 2010, *Annual Report 2009*, p.49

http://www.transparency.org/publications/gcr/gcr_2009 - Accessed 9 December 2010 – Attachment 12.

²³ ‘Country Profile – Uzbekistan’ 2009, The Fund for Peace website

http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=363&Itemid=525 - Accessed 9 December 2010 – Attachment 13.

²⁴ Ismoilov, S. 2010, Uzbekistan, Expert Working Group Submission to the 98th Session of the UN Committee on Human Rights, January, p. 7 http://www.ecoi.net/file_upload/470_1273654598_expertworkinggroup-uzbekistan98.pdf - Accessed 9 December 2010 – Attachment 8.

²⁵ US Library of Congress 2007, Federal Research Division, *Country Profile – Uzbekistan*, February, pp. 18-19 <http://lcweb2.loc.gov/frd/cs/profiles/Uzbekistan.pdf> - Accessed 9 December 2010 – Attachment 7

4. Please provide information on exit procedures for persons who have come to the attention of the authorities. I.e. would they be on a list, be stopped at customs, etc?

Several sources indicate stringent and oppressive exit procedures are in place in Uzbekistan, and it is likely that anyone of interest to authorities or on restrictive list would be identified upon attempting to exit. According to 2008 Uzbekistan government information provided to the UNHCR and published in the *UN Human Rights Committee: Third Periodic Report, Uzbekistan*, citizens intending to travel abroad must apply to the office of the Ministry of Internal Affairs and submit their Uzbekistan passport. The application is processed within 15 days and, if successful, the applicant receives a stamp in their passport that authorises travel abroad. The stamp is valid for two years, during which time the relevant passport-holder can make multiple trips abroad without having to apply to the Ministry for authorisation.²⁶

It is possible that citizens who have come to the attention of authorities will be denied issuance of the travel stamp and prevented from departing. A citizen's name may be placed on a restricted travel list for several reasons, including anyone possessing sensitive state information, someone subject to criminal proceedings, someone under supervision of the police for past acts, someone who has submitted false information, or someone obligated to military service.²⁷

In 2010, the Uzbekistan–German Forum for Human Rights²⁸ published a paper that responded to the Uzbekistan report to the UNHRC. It argued that, in practice, the types of individuals who are denied permission to travel abroad, or whose decisions by the Ministry are delayed, go far beyond the above-listed categories. The Report states that individuals who authorities consider to be disloyal and individuals on whom authorities have placed secret restrictions are also targets for discrimination with respect to the denial of exit visas:

- 1) individuals who, from the point of view of the authorities, are considered to be “disloyal,” often including human rights and civil society activists, independent journalists, religious zealots, and members of religious communities.
- 2) individuals of the age of 18 and some older, upon whom the authorities have secretly placed restrictions in the last two or three years...²⁹

The report also states that visa-issuing agencies often delay applications so as to solicit a bribe – in the capital, Tashkent, this practice is frequent. The report alleges that the National Security Service (NSS) has oversight of all applications and monitors agencies suspected of taking bribes without NSS permission. Relevant excerpts of the report appear below:

²⁶ UN Human Rights Committee 2008, *UN Human Rights Committee: Third Periodic Report, Uzbekistan*, 8 June, CCPR/C/UZB/3, pp.109-113 <http://www.unhcr.org/refworld/docid/4bd945ca2.html> - Accessed 10 July 2010 – Attachment 14.

²⁷ UN Human Rights Committee 2008, *UN Human Rights Committee: Third Periodic Report, Uzbekistan*, 8 June, CCPR/C/UZB/3, pp.109-113 <http://www.unhcr.org/refworld/docid/4bd945ca2.html> - Accessed 10 July 2010 – Attachment 14.

²⁸ The Uzbekistan–German Forum for Human Rights (UGF) is a German-based NGO aimed at improving the human rights situation in Uzbekistan and strengthening and promoting civil society. UGF was established and registered in Berlin in July 2008 as a joint venture of Uzbekistans and Germans with the purpose of furthering Uzbekistan Human Rights advocacy through the engagement of public opinion and European institutions; see <http://www.uzbekistangermanforum.org/content/uzbekistan-german-forum-human-rights>.

²⁹ Uzbekistan–German Forum 2010, “*Your travel abroad is not appropriate*”: *Propiska, ‘exit visas’ and other relics of the Soviet era in Uzbekistan today. Executive Summary; On the laws and practices of the Republic of Uzbekistan regarding the rights of citizens to free movement and choice of residence*, p.11 <http://www.uzbekistangermanforum.org/content/freedom-movement-migration> – Accessed 10 July 2010 – Attachment 15.

Often, there are delays in issuing travel permits simply out of corrupt motives because it compels the applicant to pay a bribe to expedite the process.

...Permission for leaving is issued by the Department of Exit, Entry and Citizenship at the Internal Affairs district offices. But these departments do not make decisions themselves; they are merely a screen for security authorities. **Upon receipt of an application, they slip these statements to the city or regional departments of the National Security Service (NSS), where the decisions whether to accept or deny an application are actually made. ... Since 2005, the NSS has increased its control over the Department of Exit, Entry and Citizenship. Since then, NSS delegated its staff to the Department of Exit, Entry and Citizenship to consider applications and make decisions by checking them with the 'blacklist' of dissidents** and the instructions with regards to other discriminated categories of population, namely young men eligible to be called for military service or religious zealots of not traditional persuasions. ... Such denials have become routine. Thus it has apparently been decided to reduce the communications costs – the representatives of the NSS administer routine refusals on-site and monitor the Department of Exit, Entry and Citizenship suspected of taking bribes for granting exit visas without NSS permission.³⁰

In June 2010, Freedom House reported that the Uzbekistan government places restrictions on foreign travel, including exit visas, which are often issued selectively.³¹ In the 2009 *Country Report on Human Rights Practices - Uzbekistan*, the US Department of State (USDOS) noted that citizens often bribe officials to obtain the exit visas.³² General information on the USDOS website concerning travel within Uzbekistan states that 'the Uzbekistan Government tightly controls all official border crossings.'³³ The UK Foreign & Commonwealth Office warns 'do not try to cross the border illegally as the absence of entry/exit stamps will cause problems (e.g. possible detention or fines) when you try to leave or re-enter.'³⁴

5. Please provide information on treatment of failed returnee asylum seekers.

Several human rights organisations have warned that failed asylum seeker on return to Uzbekistan face dangers including harassment, detention, false charges at trials, imprisonment, and possibly torture. There is also information indicating that the government sometimes exerts pressures on families of asylum seekers and other governments to force the return of asylum seekers, most likely to face charges from authorities. The suppression of media reporting in Uzbekistan has likely prevented documentation of individual cases; however, the general assessment of the poor situation of human rights in Uzbekistan by the international community indicates it is likely that returnees could be ill-treated by authorities.

³¹ Freedom House 2010, *The Worst of the Worst 2010 - Uzbekistan*, 3 June

<http://www.unhcr.org/refworld/docid/4c0e0b0311.html> - accessed 12 July 2010 – Attachment 6.

³² US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan*, 11 March <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm> - Accessed 7 July 2010 – Attachment 2.

³³ US Department of State, 2009, *Travel Warning – Uzbekistan*, 16 June

http://travel.state.gov/travel/cis_pa_tw/tw/tw_2533.html# - Accessed 12 July 2010 – Attachment 16.

³⁴ UK Foreign & Commonwealth Office, 2010, *Travel advice – Uzbekistan*, 14 July

<http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/asia-oceania/uzbekistan#> - Accessed 12 July 2010 – Attachment 17.

Information is also provided below regarding one notable instance where a citizen of Uzbekistan, who was granted asylum in Australia, returned to Uzbekistan to visit family, was put on trial, and is now serving a ten-year sentence.

Human Rights Watch, in the May 2008 special report *Saving its Secrets*, describes the very poor treatment of failed asylum seekers and voluntary returnees connected to the Andijon massacre. While the report is focused on this particular event, it illustrates that Uzbekistan authorities have used pressure on families to force individuals to return; they have arbitrarily arrested and harassed returnees, conducted repeated interrogations, and forced some to sign false confessions.³⁵

An Uzbekistan human rights organisation named Uznews, which operates outside Uzbekistan, has lobbied extensively on behalf of Uzbeks who are denied asylum and facing forcible repatriation, warning that the failed asylum seekers face certain harm from authorities. Several reports and recent appeals on their website have been directed toward recent Polish and Swedish decisions to deport failed asylum seekers back to Uzbekistan.³⁶

In 2008, Amnesty International (AI) issued a public appeal to the international community to protect 24 Uzbekistanis from being forcibly returned to Uzbekistan. While the circumstances of the 24 Uzbekistanis were unusual, in that they had lived outside Uzbekistan for several years before being forced to return, AI reported that a review of human rights in Uzbekistan revealed a general threat to any returnees suspected of committing crimes against the Uzbekistan government. As such, AI assessed that the returnees may face unacceptable treatment and harm if they were returned. AI warned that the Uzbekistan citizens may face detention, torture, unfair trials, and degrading conditions.³⁷ The AI appeal stated:

When reviewing the human rights situation in Uzbekistan the UN Committee against Torture concluded in November 2007 that torture was widespread and systematic. Amnesty International has documented numerous cases of forcible returns of asylum-seekers or criminal suspects to Uzbekistan over the years. Most of those forcibly returned have been held in incommunicado detention, thereby increasing their risk of being tortured or otherwise ill-treated. They have often been sentenced to long prison terms in cruel, inhuman and degrading conditions following an unfair trial with evidence based on confessions extracted under torture.

In April 2008, the European Court of Human Rights ruled that the extradition of 12 mandate refugees from Russia to Uzbekistan "would give rise to a violation of Article 3 (prohibition of torture) as they would face a serious risk of being subjected to torture or inhuman or degrading treatment there."³⁸

³⁵Human Rights Watch 2008, *Saving its Secrets*, May, p.2 <http://www.hrw.org/en/node/62222/section/1> - Accessed 9 December 2010 – Attachment 18.

³⁶ ‘Activists to protest against Swedish denial of refuge for five Uzbeks’ 2010, Uznews.net website, 28 May http://www.uznews.net/news_single.php?lng=en&cid=3&nid=13945 - Accessed 9 December 2010 – Attachment 19 & ‘Rallies in OSCE capitals to protest Astana’s plans to deport Uzbek asylum seekers’ 2010, Uznews website, 30 November http://www.uznews.net/news_single.php?lng=en&cid=3&nid=15787 - Accessed 9 December 2010 – Attachment 20 & ‘OSCE urged to stop deportation of asylum seekers to Uzbekistan’ 2010, Uznews.net website, 7 October http://www.uznews.net/news_single.php?lng=en&cid=3&nid=15059 - Accessed 9 December 2010 – Attachment 21.

³⁷Iran/Uzbekistan/Turkey: Amnesty International - Urgent Action: Ua 263/08: Forcible Return/Fear for Safety: 24 Uzbekistani nationals deported from Turkey to Iran, 2008, Amnesty International, 17 September. (CISNET Uzbekistan CX210630)

³⁸Iran/Uzbekistan/Turkey: Amnesty International - Urgent Action: Ua 263/08: Forcible Return/Fear for Safety: 24 Uzbekistani nationals deported from Turkey to Iran, 2008, Amnesty International, 17 September. (CISNET Uzbekistan CX210630)

AI and other sources have reported on the case of Uzbekistani Dilorom Abdukadirova, who successfully sought asylum in Australia in 2005 following the government crackdown and massacre of demonstrators in Andizhan. Ms Abdukadirova, who was at Andizhan in 2005, fled the country without her husband and children. After obtaining assurances from the government that she would not be harmed, she travelled back to Uzbekistan January 2010 to visit her family. She was immediately detained for four days upon arrival and then released. In March 2010 she was again detained and kept incommunicado for two weeks and released. In April she was put on trial on ‘anti-constitutional charges as well as illegal exit and entry to Uzbekistan for her participation in the Andizhan events’. She was subsequently sentenced to ten years and two months in prison on 30 April.³⁹

Attachments

1. United Kingdom Foreign & Commonwealth Office 2010, *Annual Report on Human Rights 2009*, March, pp. 162-4 <http://centralcontent.fco.gov.uk/resources/en/pdf/human-rights-reports/human-rights-report-2009> - Accessed 9 December 2010.
2. US Department of State 2010, *Country Reports on Human Rights Practices 2009 – Uzbekistan* 11 March.
3. Human Rights Watch 2010, *World Report – Uzbekistan*, 20 January <http://www.hrw.org/en/node/87620> - Accessed 9 December 2010.
4. Zilberman, S. 2010, ‘Uzbekistan's threatened cultural legacy’ *The Guardian* 15 April <http://www.guardian.co.uk/commentisfree/2010/apr/15/uzbekistan-cultural-legacy-threatened> - Accessed 2 December 2010.
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