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Uzbekistan

Country Reports on Human Rights Practices - [2005](#)

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Uzbekistan is an authoritarian state with a population of approximately 26.9 million. The constitution provides for a presidential system with separation of powers between the executive, legislative, and judicial branches; however, in practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. The two-chamber Oliy Majlis (parliament) consisted almost entirely of officials appointed by the president and members of parties that supported him. The most recent elections in 2004, for seats in the lower chamber of the parliament, fell significantly short of international standards. The civilian authorities generally maintained effective control over the security forces.

The government's human rights record, already poor, worsened considerably during the year. High and growing unemployment, as well as continuing high levels of corruption, had a negative impact on the economy and contributed to social unrest. These factors likely played a role in precipitating a violent uprising in May in the city of Andijon, which in turn led to a wave of repressive government reaction that dominated the remainder of the year. The Andijon uprising grew out of a series of daily peaceful protests in support of 23 businessmen on trial for Islamic extremism between February and May. By May 10, according to eyewitnesses, the protests grew to between 500 and 1 thousand participants. On the night of May 12-13, an unknown number of unidentified individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, and released several hundred inmates. According to witnesses and press reports, armed men also attacked and occupied the Hokimiyat (regional administration) building and took hostages. Armed men also attacked a Ministry of Defense garrison, as well as the city Hokimiyat and a theater in Andijon. On May 13, according to several witnesses including locals, and foreign and domestic journalists, a crowd of several thousand civilians, mostly unarmed but encircled by armed civilians, gathered on the square in front of the regional Hokimiyat building, where several demonstrators spoke through a megaphone to protest injustice and economic hardship. That evening, according to several eyewitness accounts, government forces fired indiscriminately and without warning into the crowd. There were credible reports of many more civilians killed while fleeing the scene. The total number of dead was estimated, depending upon the source, at between the government's total of 187, including 31 members of government security forces, and over 700. The government portrayed the events as an attempted coup by Islamic militants seeking to establish a caliphate. Authorities claimed that the majority of those killed were terrorists or other criminals, and that government forces were not responsible for deaths of innocent civilians. Government trial witnesses later testified in court that government forces did not fire until alleged armed rebels in the square had fired upon them for at least 20 minutes, and that government forces only fired upon militants. In the aftermath of the events, authorities jailed hundreds of suspects, including human rights defenders and independent journalists who conveyed information about the events to foreign media. The government rejected calls by foreign governments, intergovernmental organizations, and NGOs for an independent investigation of the events.

During the year the following human rights problems were reported:

- inability of citizens to change their government through peaceful and democratic means
- prison deaths under suspicious circumstances
- lack of due process
- routine and systematic torture and abuse of detainees by security forces
- intentional and involuntary committal of sane persons to psychiatric treatment as a form of detention or punishment
- poor and life-threatening prison conditions
- increased incidents of arbitrary arrest and detention, including house arrest, sometimes on falsified charges
- politically motivated arrests and incommunicado detention
- impunity of officials responsible for abuses
- lengthy pretrial detention
- infringement of the right to a fair public trial and restricted access to independent monitors
- approximately five thousand political prisoners
- frequent searches of homes by authorities
- occasional eviction of residents from their homes without due process
- regular or frequent detention or mistreatment of family members of persons under criminal investigation
- government limitations on the freedom of speech and press
- arrest, harassment, intimidation, and violence by police and other government forces against journalists

- self-censorship by journalists
- blocked public access to Internet content objectionable to the government
- restricted freedom of assembly and association
- blocked registration of many religious congregations
- societal discrimination against ethnic Uzbek Christians
- limited freedom of movement through the use of exit visas, a local registration regime, and deportation on political grounds
- no formal recognition of asylum or refugee status or established system for providing protection to refugees
- frequent harassment of members of unregistered parties
- widespread public perception of government corruption
- limited respect for constitutional rights to access government information affecting the public
- regular threats and intimidation by police and security forces to prevent human rights activists from conducting activities
- restrictions on human rights and other activities of international bodies and foreign diplomatic missions
- persistent societal discrimination against women
- societal discrimination against persons with disabilities
- trafficking in women and girls for sexual exploitation, and men for labor exploitation
- denial of workers' rights to associate and bargain collectively
- reports of forced or compulsory labor; continued mobilization of youth for work in the cotton harvest

The government made positive steps during the year to reduce human trafficking. In conjunction with the International Organization for Migration (IOM), the government sponsored training for consular officers abroad, which streamlined the repatriation process for victims of trafficking and significantly improved efforts to free victims, resulting in increased numbers of victims returning to the country.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no confirmed reports of political killings by the government or its agents. There were, however, numerous eyewitness reports that security forces killed unarmed civilians during the violent disturbances of May 13 in Andijon, although it was difficult to confirm the number of such killings or to attribute responsibility, as the government refused to permit an open investigation with the participation of independent international monitors. Observers estimated at least several hundred were killed, while the government set the number at 187 (including 31 members of government security forces), of which the majority were allegedly armed militants rebelling against state authority. In a May 14 press conference, President Karimov initially denied responsibility for the events, stating, "we don't shoot at women and children in Uzbekistan."

The government alleged that militants killed numerous civilians and law enforcement officers in the course of the May events while attempting to seize power from the government and establish an Islamic state. Government sources, including the president, stated that government forces did not fire on unarmed civilians during the Andijon events. However, eyewitnesses reported that soldiers returned to the scene of the shootings on the morning of May 14 and summarily executed wounded persons who remained among the dead. Several other witnesses reported that after the shooting, government workers loaded victims' bodies onto trucks, transported them to makeshift morgues, and buried many in unmarked graves. Independent eyewitnesses and journalists reported activity by armed civilians during the Andijon events, but it was difficult to determine the number of killings by rebels.

There was one report of a death in prison which may have involved torture, and another in which torture was initially alleged, but unsubstantiated in an independent investigation (see section 1.c.). On September 14, Islamic cleric Shavkat Madumarov died in prison, three days after he was sentenced to seven years' imprisonment for membership in a banned Islamic group. Madumarov's family alleged authorities subjected him to torture (see section 1.c.). Madumarov's death certificate recorded "HIV and anemia" as the causes of death. By year's end the government had not opened an investigation of the case. On January 2, Samandar Umarov died in custody at prison number 64/29 in Navoi. Since 2000 Umarov had been serving a 17-year sentence for membership in the prohibited extremist Hizb ut-Tahrir (HT) extremist political movement. Umarov was beaten by prison guards several months before his death. The initial government autopsy indicated a stroke as the cause of death, but Umarov's family believed that torture was the primary cause. The government authorized an independent forensic review, conducted by a foreign pathologist and a foreign criminal investigations expert under the auspices of Freedom House, which ultimately confirmed the conclusions of the original autopsy. However, the foreign pathologist suspected that effects of the stroke were aggravated by the negligence of prison doctors, who administered high doses of aspirin to treat Umarov's heart condition.

The government previously allowed international experts to investigate the May 2004 death in custody of Andrei Shelkavenko. In that case also, experts concluded that death did not result from police mistreatment.

The absence of independent medical examiners, and frequent official pressure on families to bury bodies quickly in accordance with Islamic traditions, made it difficult to confirm reports of deaths in custody as a result of torture or mistreatment.

Local and international observers reported that persons sentenced to death were often not given an adequate opportunity to

mount a defense or to appeal their sentence. The government provided no notification of execution to the families of condemned persons, and treated the execution dates and places of burial of executed persons as state secrets, a practice the UN Special Rapporteur on Torture condemned as "cruel and inhuman." The government considered the number of prisoners executed each year to be a state secret. Amnesty International (AI) estimated that scores were executed each year, and the local nongovernmental organization (NGO) Mothers against the Death Penalty and Torture put the number at well over a hundred and estimated the number would increase as a result of new terrorism trials stemming from the May events in Andijon. However, as of the end of the year courts had not issued death sentences in any Andijon-related trials. According to the UN Rapporteur, at least nine inmates, whose death sentences were allegedly based on forced confessions, had been executed from 2002 through September 2004 despite UN Commission on Human Rights' (UNCHR) requests for their cases to be reviewed. In March authorities told the UNCHR the government had executed a total of 15 individuals in 2003 and 2004 on whose behalf the committee had intervened.

There were no developments and none were expected in the following 2003 deaths: Otamirza Gafarov, who died in custody in Chirchiq prison; or Orif Ershanov, who was severely beaten and died in National Security Service (NSS) detention in Karshi; Nodir Zamonov of Bukhara, who died shortly after police detained him on charges of vandalism.

b. Disappearance

There was one politically motivated disappearance reported during the year. In August Holiqnazar Ganiev, Ezgulik's Samarkand regional chairman, disappeared near his home and was reported missing for several days until he was dropped on a roadside near Samarkand. An Ezgulik-affiliated attorney who attempted to investigate the case reported that he requested, but did not receive, assistance from local authorities. Human rights activists suspected that authorities kidnapped Ganiev as a means of intimidation.

There were no developments in the 2004 disappearance of Farukh Haydarov, Okiljon Yunusov, and Husnuddin Nazarov.

There were no developments and none were expected in the 2003 disappearance of Sadykhan Rahmanov.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Although the law prohibits such practices, police and the NSS routinely tortured, beat, and otherwise mistreated detainees to obtain confessions or incriminating information. Police, prison officials, and the NSS allegedly used suffocation, electric shock, deprivation of food and water, and sexual abuse, with beating the most commonly reported method of abuse. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Several cases of medical abuse were reported, including forced psychiatric treatment on political grounds and alleged sterilization of women without notification or medical need. Defendants in trials often claimed that their confessions, on which the prosecution based its cases, were extracted as a result of torture (see section 1.e.). A 2003 UN Special Rapporteur on Torture report concluded torture and abuse was systematic throughout the investigative process. During the year the government took a few steps towards reform confined to education and outreach, while in large part it showed little will to address UN conclusions. The office of the prosecutor general blocked a Ministry of Interior (MVD) initiative to create an independent body to investigate the most serious allegations of physical abuse by officials. During the year government officials confirmed that prison regulations permit beatings under the supervision of medical doctors, and prison authorities document all such incidents in detail for prison records. Judges rarely pursued allegations of torture.

Authorities treated individuals suspected of extreme Islamist political sympathies, particularly alleged members of HT, more harshly than ordinary criminals. There were credible reports that investigators subjected pretrial detainees suspected to be HT members to particularly severe interrogation. After trial, authorities reportedly used disciplinary and punitive measures, including torture, more often with prisoners convicted of extremism than with ordinary inmates. Local human rights workers reported that common criminals were often paid or otherwise induced by authorities to beat HT members. As in previous years there were numerous credible reports that officials in several prisons abused HT members to obtain letters of repentance, which are required for a prisoner to be eligible for amnesty. According to prisoners' relatives, amnestied prisoners, and human rights activists, inmates who refused to write letters disavowing their connection to HT were often beaten or sent into solitary confinement. During the year inmates and a guard at one prison corroborated reports that prison guards systematically beat suspected HT members following the March and April 2004 terrorist attacks.

In February two Sufi Muslims claimed authorities tortured them while in detention (see section 2.c.). In a February trial in Tashkent of six defendants charged with terrorism in connection with the March and April 2004 terrorist bombings and the July 2004 suicide bombings in Tashkent, one defendant testified that he had been beaten repeatedly while in custody (see section 1.e.). In June MVD officers allegedly subjected Yakubjon Aliev to repeated severe beatings during interrogation. Aliev was under arrest on charges that included religious extremism and anticonstitutional activity. On July 18, Aliev's lawyer protested this treatment in writing to the office of the prosecutor general. At year's end the government had not taken action on the case.

The death certificate of Shavkat Madumarov, who died in prison on September 14, reported the cause of his death as HIV and anemia, but his family alleged authorities subjected him to debilitating torture during interrogation and in prison. The family reported government officials delivered Madumarov's body to their home in a sealed casket, monitored the funeral, and warned the family not to open the casket, or they would face prosecution. The government did not allow an independent investigation into the case.

During the year outside monitors, including the International Committee of the Red Cross (ICRC), were unable to gain access to visit the

Tashkent MVD, where in 2004 eyewitnesses, family members, defense attorneys, and representatives of human rights groups claimed authorities frequently and systematically applied torture following the March and April 2004 terrorist attacks.

As in previous years, there were reports that police beat Jehovah's Witnesses.

There were confirmed instances of politically motivated medical abuse. As in past years law enforcement authorities attempted to have local political and human rights activists declared insane and committed to institutions to stop their activities. On August 27, police in Tashkent forcibly committed human rights activist Elena Uralyeva to a psychiatric hospital while preparing criminal charges against her for allegedly distributing caricatures of the national seal. Her confinement continued for two months and her treatment included forcible administering of antipsychotic drugs, despite a medical review panel's finding that she was mentally competent. Independent press, a national human rights NGO, and at least one healthcare worker reported that hospitals in the Ferghana Valley and other regions performed hysterectomies on women shortly after they had given birth, and without their prior knowledge or consent, as part of a systematic effort to reduce the birth rate. Although authorities claimed that hysterectomies were only performed in cases of medical need, NGO and other sources reported several cases of medically unnecessary procedures. In other cases it was reported that doctors implanted contraceptive devices in women who had recently given birth, without their prior knowledge or consent.

On October 22, the attorney of Sanjar Umarov, an arrested opposition political leader found him naked and unresponsive in his cell (see section 1.d.). Human rights organizations and foreign governments called for immediate medical attention in response. Attorneys visited him and found his condition improved. Umarov was given access to doctors who treated him for high blood pressure. Umarov himself denied any mistreatment or drugging at the hands of authorities.

There were several instances in which unidentified assailants attacked human rights activists, journalists, and persons planning or participating in public demonstrations (see sections 2.a, 2.b., and 4). On several occasions police forcibly dispersed public demonstrations, beating protesters and causing varying degrees of injuries. In two instances unknown assailants attacked and beat Jizzakh-based independent journalist Ulugbek Haydarov. On April 23, a single attacker beat Haydarov at his home in Jizzakh, leaving him with a broken collarbone; on June 24, two assailants attacked him during a visit to the city of Karshi. On August 2, an unknown assailant attacked and beat Gavhar Yo'ldosheva, a member of Ezgulik, a human rights association, in the Jizzakh region, the day after she met with a visiting diplomat. The effects of the beating reportedly kept her confined to a hospital for two weeks. On September 8, an Ezgulik member in the Andijon region was dragged from a taxi and beaten by unknown assailants while traveling to Tashkent.

Prison and Detention Center Conditions

Prison conditions remained poor and life threatening, and there continued to be reports of severe abuses in prisons. According to reports by human rights activists and relatives of prisoners, prison overcrowding remained a problem. Tuberculosis and hepatitis were endemic in the prisons, making even short periods of incarceration potentially life threatening. Prisoners often relied on visits of relatives for food and medicine, which were reportedly in short supply in several prisons.

Official negligence, aggravated in some cases by poor prison conditions, may have contributed to the deaths of at least one inmate. There were also reports that inmates died of communicable diseases such as tuberculosis. The death of Samandar Umarov in Navoi prison 64/29 on January 2 was confirmed by an official autopsy as well as an independent foreign forensic review to have been caused by a stroke, although doctors believed the effects of the stroke were aggravated by prison doctors administering high doses of aspirin to treat a heart condition (see section 1.a.). There was no investigation, and none was expected, into the March 2004 death of Abdurrahman Narzullayev at a Karshi prison due to an acute bronchial infection family members asserted resulted from improper insertion of a feeding tube.

There were reports of inmates working in harsh circumstances and in some cases being beaten in these facilities.

During the year the MVD's Directorate of Prisons (GUIN) continued to operate a new prison training center in Tashkent which opened in October 2004. The center, which will eventually train all of the country's prison guards, utilized a curriculum that included human rights training and basic courses in psychology and prison management.

The government did not grant full access to outside monitors to prisons and detention centers. However, in January the government allowed a group of diplomats, local human rights defenders, and NGOs to visit prison 64/29 in Navoi, where the group conducted several interviews with prison guards and inmates. Similar access was not given to pretrial detention facilities, which are not under GUIN authority. Unlike in previous years independent human rights organizations did not visit detention facilities to monitor conditions. Throughout the year the ICRC pursued negotiations with the government with the aim of securing access to all detained persons consistent with ICRC's usual practices.

Human Rights Watch and other NGOs reported that government agents arrested and physically abused several Andijon residents who returned from Kyrgyzstan after having fled there in the wake of the May events in Andijon (see section 2.d.).

There were no further developments in 2004 criminal proceedings against four police officers in Andijon accused of torturing suspects in a murder investigation.

d. Arbitrary Arrest or Detention

The law does not provide adequate protection against arbitrary arrest and detention, and these remained problems.

Role of the Police and Security Apparatus

The MVD controls the police, which are responsible for law enforcement and maintenance of order within the country. The NSS, headed by a chairman who is answerable directly to the president, deals with a broad range of national security questions, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity remained a problem, and officials responsible for abuses were rarely punished. However in May, two police officers

were convicted and sentenced to prison in connection with an incident in which they attempted to rape a newlywed bride at gunpoint, and the bride's sister was shot and killed. The MVD's main investigations directorate has procedures to investigate abuse internally and discipline officers accused of rights violations and has done so in several isolated cases. However, there is no independent body charged with investigating such allegations on a systematic basis. The MVD main investigations directorate incorporated human rights training into officers' career development.

Arrest and Detention

The law grants wide discretion as to the proper basis for an arrest, but requires the arresting authority to forward a report justifying the arrest to a prosecutor within 24 hours of a person being taken into custody. The law also mandates that all detainees, whether they are considered suspects or accused, be questioned within 24 hours; however, suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional 7 days, at which time the person must either be charged or released. In practice authorities continued detaining suspects after the allowable period through various means, including filing false charges, or detaining suspects as witnesses in other cases. Once charges are filed, a suspect may be held in pretrial detention at the prosecutor's discretion during an investigation. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released until trial on the condition that they provide assurance that they will appear at trial. In such cases the accused is not required to post bail money, but must register each day at a local police station.

A 2003 supreme court decree stated that a defendant has a right to counsel from the moment of detention. In practice access to counsel often was denied or delayed. In several cases investigators pressured defendants to sign statements refusing the services of private attorneys whom family members had hired to defend them. In their place authorities appointed state attorneys, who did not provide effective defense for clients. For example in the August 26 trial in Namangan of Radio Free Europe/Radio Liberty (RFE/RL) journalist Nosir Zokir, the presiding judge denied Zokir's request to allow his own attorney to defend him, and instead appointed a state attorney who was unfamiliar with the case (see sections 1.e. and 2.a.).

In several cases during the year persons were arrested secretly, without providing suspects with access to an attorney or communication with their families. Examples of such treatment occurred in the cases of human rights activists Saidjahon Zaynabidinov and Hamdam Sulaymonov, as well as several other human rights and political activists who were arrested following the May events in Andijon. There is no judicial supervision of detention, such as habeas corpus.

During the year police frequently and arbitrarily arrested or detained individuals for expressing views critical of the government. On May 27 and July 7, police detained Tashkent-based human rights activist Elena Urayeva to prevent her participation in a protest action. On May 30, police detained Vasila Inoyatova, head of the human rights association Ezgulik, and more than two dozen other members of Ezgulik and the opposition political party Birlik to prevent their participation in a Tashkent protest. On September 11, authorities detained Namangan-based human rights activist Olimjon Qosimov as he left a meeting at Freedom House in Tashkent, interrogated him, and kept him in detention overnight without filing charges. On October 7, police arrested human rights activist Mutabar Tojibayeva while she prepared to travel to an international human rights conference (see section 4); she was charged with 20 different crimes including extortion, fraud, tax evasion, forgery, slander, and organizing riots. Human rights groups asserted the accusations were politically motivated. She remained in pretrial detention at year's end.

On October 22, authorities arrested Sanjar Umarov, a businessman and leader of the opposition Sunshine Uzbekistan Coalition, on what his supporters said were politically motivated charges of corruption and other economic crimes related to his private business ventures. On December 19, Sunshine Coalition cofounder Nodira Khidoyatova was arrested and charged with similar crimes. Umarov initially had no contact with family or legal counsel. During a visit by his attorney, Umarov exhibited peculiar behavior, although Umarov later denied any mistreatment or drugging by authorities (see section 1.c.). According to family and attorneys investigators pressured both Umarov and Khidoyatova to sign statements refusing the services of their attorneys in order to speed their trials, and Khidoyatova reportedly signed such a statement. Their cases were still pending at year's end.

Following the May events in Andijon, police detained dozens of human rights activists, journalists, and other Andijon residents who had spoken to the press or reported on the events. On May 21, police arrested human rights activist Saidjahon Zaynabidinov after he posted on the Internet an essay and several information bulletins disputing the government's claim that the organizers of the Andijon protests were Islamic extremists. Zaynabidinov was among the most outspoken human rights activists following the Andijon events, and spoke extensively with journalists and diplomats regarding the events. Authorities charged him with slander and preparing and distributing materials constituting a threat to public security and public order, among other criminal charges. At year's end he was held in incommunicado detention pending trial. On May 29, police arrested Andijon-based human rights and political activists Dilmurod Muhiddinov, Muhammad Otakhonov, Muzaffamirzo Iskhoqov, Musajon Bobojonov, Nurmuhhammad Azizov, and Akbar Oripov. Muhiddinov, Otakhonov, and Bobojonov had gathered information about victims of the May events. Iskhoqov had written articles condemning the Andijon events. Most or all had been in possession of an opposition Birlik party statement that condemned the killings and the government's role in the events. All were charged with slander against the president, conspiracy to overthrow the constitutional order, and preparing and distributing printed materials constituting a threat to public security and public order. Iskhoqov was later released from pretrial detention for health reasons and left the country. On September 8, Otakhonov was released, and charges against him were dropped. Muhiddinov, Bobojonov, Azizov, and Oripov were still in pretrial detention at year's end. On June 4, journalist Tulqin Qorayev, who reported from Andijon on the May events, was subjected to 10 days' administrative detention on charges of petty hooliganism. On August 26, a Namangan criminal court convicted RFE/RL journalist Nosir Zokir of insulting a NSS officer and sentenced him to six months' imprisonment. In October, authorities charged him with insulting the president, an offense that carries a penalty of up to five years' imprisonment (see sections 1.e. and 2.a.). Zokir had reported on the Andijon events, and later conducted a radio interview with a local poet who read a poem criticizing the government role in the events. In October Zokir's son, human rights activist Zokhid Zokir, was jailed for one week on charges of slander toward the government.

In February two Sufi Muslims were given six-year prison sentences; the defendants claimed authorities planted HT leaflets on them during their arrest (see section 2.c.).

During the year there were several arrests on political grounds, in which authorities for extended periods failed to inform the families of arrest

and provided no opportunity for detainees to contact relatives or attorneys. On July 4, Hamdam Sulaymonov, Ferghana regional coordinator for the Ezgulik human rights association and member of the opposition Birlik party, was arrested on charges virtually identical to those filed against the six activists arrested by Andijon police on May 29. Police charged Sulaymonov in connection with the Birlik statement condemning actions by government forces during the Andijon events. His family reported him missing and was not informed of his arrest for several days.

There were reports that police arrested persons on false charges as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities. In December Dildora Mukhtarova, the sister of human rights activist Jamshid Mukhtarov of the NGO Ezgulik, was arrested in Jizzakh in connection with a murder. Mukhtarov and the family's attorney maintained that the charges were fabricated as a means of intimidating Mukhtarov, who had attempted to defend local farmers against alleged illegal land seizures.

Authorities continued to arbitrarily arrest persons on charges of extremist sentiments or activities, or association with banned religious groups. Local human rights activists reported that police and security service officers, acting under pressure to break up HT cells, frequently detained family members and close associates of suspected members, even if there was no direct evidence of their involvement (see section 1.f.). Authorities made little distinction between actual members and those with marginal affiliation with the group, such as persons who had attended Koranic study sessions with the group.

As in previous years, there were reports that authorities arrested and prosecuted persons based on the possession of HT literature. Coerced confessions and testimony were commonplace. Even persons generally known to belong to HT stated that the cases against them were built not on actual evidence, which would have been abundantly available, but on planted material or false testimony. Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, and Erk parties (see section 3).

During the year pretrial detention for individuals suspected of Islamic extremism, as for other crimes, typically ranged from one to three months. The number of such prisoners in pretrial detention was unknown.

In general prosecutors exercised near total discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when no charges were filed, police and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

Local police regularly employed house arrest without due process. In most cases police surrounded the homes of human rights activists and government critics to prevent them from participating in public demonstrations or other activities. Bakhtiyor Hamroyev of the Human Rights Society of Uzbekistan, farmers' rights activist Muhiddin Kurbanov, and other human rights activists in Jizzakh Province reported that local police surrounded their homes on a regular basis to prevent their departure. Tashkent-based human rights activist Surat Ikramov reported similar surveillance of his home to prevent him from monitoring trials of religious extremists in Tashkent. On July 6, and other instances, police detained Elena Uralyeva at her home to prevent her participation in protest actions.

Amnesty

On March 1, the government completed the three-month amnesty declared in December 2004. Of the reported 5,040 prisoners eligible for amnesty, the government announced that 361 prisoners convicted of involvement in extremist organizations or anticonstitutional activity were released. The exact number of eligible prisoners who were actually released was unknown. As in previous amnesties, prisoners were reportedly forced to sign letters of repentance as a condition of release. There were allegations that authorities physically mistreated some prisoners who refused to sign such letters (see section 1.c.) and accounts of many inmates not being released despite having signed such letters. Despite established conditions allowing release, local prison authorities had considerable discretion in determining who was reviewed for amnesty, and, as in previous years, there were reports of corruption. Amnestied prisoners stated that government-approved imams were sent to some prisons to make the final determination whether a prisoner had truly repented. This decision was reportedly frequently made in consultation with local *mahalla* (neighborhood) committees.

On December 2, on the occasion of the Constitution Day holiday, the senate announced the annual amnesty for the year to be implemented over a three-month period. Unlike previous amnesty acts, the new amnesty did not apply to those convicted of religious extremism. Official media reported that over 10 thousand prisoners were released under the new amnesty before year's end.

e. Denial of Fair Public Trial

While the constitution provides for an independent judiciary, the judicial branch took its direction from the executive branch, particularly the general prosecutor's office, and exercised little independence in practice.

Under the law, the president appoints all judges for five-year terms and has the power of removal. Removal of supreme court judges must be confirmed by parliament, which is obedient to the president's wishes.

Courts of general jurisdiction are divided into three tiers: district courts, regional courts, and the supreme court. Decisions of district and regional courts may be appealed to the next level within 10 days of a ruling. In addition, a constitutional court reviews laws, decrees, and judicial decisions to ensure compliance with the constitution. Military courts handle all civil and criminal matters that occur within the military, and a system of regional economic courts handles commercial disputes between legal entities.

Trial Procedures

Most trials are officially open to the public, although access was often restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. A June 13 supreme court decision required all observers to obtain prior written approval from the supreme court to attend trial proceedings. Permission was difficult and time-consuming to obtain, with the result that international observers in many cases missed important portions of trial proceedings. Local observers were often barred entry into trials.

During the supreme court trial of Andijon suspects, which took place between September 20 and November 14, there were multiple reports of police detaining members of human rights NGOs who planned to observe the trial. Organization for Security and Cooperation in Europe (OSCE) trial monitors, accredited journalists, and foreign diplomats were permitted to attend. However, subsequent Andijon-related trials of an additional 172 defendants were closed to outside observers.

The government generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only a day or two before the trial began. Closed trials related to the Andijon events, which began in November and December, were not publicly announced, and the government did not provide information about the defendants or charges until the trials had ended.

Either workers' collectives' committees or neighborhood committees selected three-judge panels of one professional judge and two lay assessors that generally preside over trials. The lay judges rarely speak, and the professional judge usually defers to the recommendations of the prosecutor on legal and other matters. Jury trials are not used.

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights were generally observed, including in high-profile human rights and political cases. In almost all cases, however, the verdict was guilty. Defendants have the right to hire an attorney, and the government provides legal counsel without charge when necessary. However, state-appointed attorneys routinely acted in the interest of the government rather than of their clients. Authorities often violated the right to an attorney during pretrial detention, and judges in several cases denied defendants the right to an attorney of choice. Defense counsel was often incompetent and in most cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. Lawyers from the Legal Aid Society (LAS), as well as public defender centers financed through international contributions, provided pro bono defense counsel, although resources were limited.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Defendants do not enjoy a presumption of innocence. If a judge's sentence does not agree with the prosecutor's recommendation, the prosecutor has a right to appeal the sentence to a higher court. Defendants are almost always found guilty, often based solely on confessions. On the rare occasions when a guilty verdict is not pronounced, the judge seldom acquits the defendant; rather, the case is sent back for further investigation. Legal protections against double jeopardy do not apply in practice.

The law provides a right of appeal to defendants. Appeals rarely, if ever, resulted in convictions being reversed, but more often, a successful appeal resulted in a reduced sentence.

During the August 25 and 26 trial of RFE/RL journalist Nosir Zokir, the court denied his request for a defense attorney of his choice, and instead appointed a state attorney who was not informed of the details of the case (see sections 1.d. and 2.a.). The court sentenced Zokir to a six-month jail term, which an appellate court upheld on September 19. In November and December, after Sunshine Coalition leaders Nodira Khidoyatova and Sanjar Umarov were arrested on charges of corruption and other economic crimes, prosecutors reportedly pressured them to refuse the services of their attorneys and to accept government-appointed lawyers instead.

Defense attorneys had limited access in some cases to government-held evidence relevant to their clients' cases. However, in most cases a prosecution was based solely upon defendants' confessions or incriminating testimony from state witnesses. Defendants often claimed that the confessions on which the prosecution based its cases were extracted by torture (see section 1.c.). During the year the BBC quoted a former Interior Ministry official who claimed that investigators often used beatings, psychotropic drugs, or threats against family members to obtain confessions from defendants. However, the Interior Ministry in a public statement strongly denied the allegation. In many cases, particularly those involving suspected HT members, when the prosecution failed to produce confessions it relied solely on witness testimony, which was reportedly often also coerced. Lawyers may, and occasionally did, call on judges to reject confessions and to investigate claims of torture. Judges routinely ignored such claims or dismissed them as groundless.

On February 21, the Tashkent Criminal Court convicted 6 defendants and sentenced them to between 7 and 16 years' imprisonment on charges of terrorism in connection with the March and April 2004 terrorist bombings and the July 2004 suicide bombings in Tashkent. Lawyers and trial observers asserted that the prosecution did not prove any connection between the defendants and the crimes of which they were accused. One defendant testified that he had been beaten repeatedly while in custody (see section 1.c.). Several other defendants stood trial during the year on charges that included alleged connections to the 2004 terrorist bombings. Observers noted that the evidence presented in court consisted almost exclusively of confessions, and in most cases did not prove a connection between the defendants and the terrorist bombings.

International and local human rights groups monitoring the supreme court trial of defendants accused in connection with the May events in Andijon concluded it failed to meet international standards. The prosecution's cases relied primarily on confessions, which human rights groups maintained were coerced or obtained under torture. All 15 defendants were found guilty on charges including membership in an extremist organization, murder, and terrorism, and sentenced to between 14 and 20 years' imprisonment.

Political Prisoners

It was impossible to estimate the exact number of political prisoners. In 2004 there were an estimated 5 thousand to 5,500 political prisoners, including alleged HT members, as well as those who were committed to psychiatric institutions as a form of confinement (see section 1.c.). It was believed that the number of political prisoners remained constant or rose during the year as the number of new prisoners sentenced likely exceeded the number of prisoners who were amnestied or completed their sentences. From December 2004 to March 1, the government reportedly amnestied 361 political prisoners (see section 1.d.). Most persons convicted of political crimes were charged with the actual crime for which they were arrested (rather than false charges of common crimes), for example anticonstitutional activity, involvement in illegal organizations such as prohibited religious or political groups, or the preparation or distribution of material that threatened public security. The government did not allow any independent monitoring groups to visit political prisoners during the year (see section 1.c.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law prohibits such action; however, in practice authorities did not respect these prohibitions. The law requires a search warrant for electronic surveillance by the prosecutor, but there is no provision for a judicial review of such warrants. Citizens generally assumed that

security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities. On one occasion, a police official confirmed in writing to human rights activist Elena Uralyeva that she was part of a "special category" of citizens who were subject to close monitoring, in response to a complaint from Uralyeva regarding her frequent house arrest.

The government continued to use an estimated 12 thousand local neighborhood committees as a source of information on potential extremists. Committees served varied legitimate social functions, but also functioned as a link between local society, and government and law enforcement. Neighborhood committees' influence varied widely, with committees in rural areas tending to be much more influential than those in cities. Each neighborhood committee assigned a *posbon* (neighborhood guardian) whose job it was to ensure public order and maintain a proper moral climate in the neighborhood. In practice this meant preventing young persons in the neighborhood from joining extremist Islamic groups. According to a 2003 Human Rights Watch (HRW) report, the committees kept extensive files on families and collected information on individual religious practices. Neighborhood committees also frequently identified for police those residents who appeared suspicious and, working with local MVD and NSS representatives, reportedly paid particular attention to recently amnestied prisoners and the families of individuals jailed for alleged extremism.

In several instances during the year local authorities or neighborhood committees evicted local residents from their homes citing suspected illegal activity. On August 12, a committee in Tashkent threatened to expel independent journalist Bobomurod Abdullayev from his home after a radio interview in which he compared citizens to sheep. In late August police in the rural Gallaorol District of Jizzakh Province ordered human rights activist Gavhar Yo'ldosheva to leave her home after she met with a foreign ambassador. Also in late August, police in the Bo'ston District of Jizzakh Province ordered human rights activist Muhiddin Kurbonov to leave his home or face arrest, and in a separate incident, the Jizzakh regional administration ordered independent journalist Jamshid Karimov to leave the province on the August 30 Independence Day holiday.

In August in Samarkand, approximately 100 local residents and human rights activists protested the demolition of blocks of houses to make way for a road expansion. Protest organizers told journalists and diplomats that the government had begun demolishing the homes without sufficient warning for residents to vacate and had offered residents vacant plots of land or small apartments as compensation.

Authorities frequently detained and mistreated family members of persons wanted or jailed for Islamic activities, even if there was scant evidence of their involvement (see section 1.d.). There were numerous credible reports that police, employers, and neighborhood committees also harassed and arrested family members of human rights activists (see section 1.d. and 2.b.). Following the Andijon unrest in May, there were numerous reports that officials harassed relatives of residents who had fled into Kyrgyzstan and coerced them into traveling to the refugee camps in Kyrgyzstan to persuade their family members to return to the country.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Whereas the law provides for freedom of speech and the press, the government generally did not respect these rights in practice.

The law limits criticism of the president, and public insult to the president is a crime punishable by up to five years in prison. Citizens did not criticize the president or the government on television or in the press, although they continued to do so occasionally in private. The law also specifically prohibits articles that incite religious confrontation and ethnic discord or advocate subverting or overthrowing the constitutional order (see section 2.b.).

The government continued to characterize the distribution of pamphlets by HT members as incitement for political and terrorist purposes; HT is a banned organization. During the year police reportedly arrested several people for possessing HT literature.

Following the May violence in Andijon, the government arrested several prominent human rights and political activists and others who spoke to journalists and made public statements suggesting abuse by government forces or criticizing the role of the president or other government officials in the events, charging them with slander against the president (see section 1.d.). Following the May events, criticism of the government, particularly by religious figures, journalists, and human rights activists, became more restricted. In one example, on August 27, police arrested human rights activist Elena Uralyeva and forcibly committed her to a psychiatric institution for two months for allegedly distributing leaflets with caricatures of the national seal (see section 1.c.).

The government tightly controlled information. The Uzbekistan News Agency cooperated closely with presidential staff to prepare and distribute all officially sanctioned news and information. The government's press and information agency is responsible for monitoring all media. The cabinet of ministers owned and controlled three of the country's most influential national daily newspapers, *Pravda Vostoka* (Russian language), *Halq So'zi* (Uzbek language), and *Narodnoe Slovo* (Russian language). The government, government-controlled political parties or social movements, and the Tashkent municipal government owned or controlled several other daily and weekly publications.

There were no private publishing houses; government-owned printing houses generally printed newspapers. Private citizens and journalist collectives may not establish newspapers unless they meet the media law's standards for establishing a "mass media organ," including naming a board of directors acceptable to the government. The government allowed a small number of private newspapers containing advertising, horoscopes, and similar features, but no news or editorial content. Three private national Russian-language newspapers--*Novosti Uzbekistana*, *Noviy Vek*, and *Noviy Den*--carried news and editorials favorable to the government, as did two Uzbek-language newspapers: *Hurriyat* (owned by the Journalists' Association) and *Mohiyat* (owned by Turkiston-Press, a nongovernmental information agency which was loyal to the state). The government did not allow the general distribution of foreign newspapers and publications. However, two or three Russian newspapers and a variety of Russian tabloids and lifestyle publications were available, and a very modest selection of foreign periodicals was available in major hotels and at other locations in Tashkent.

The four state-run channels, all fully supporting the government, dominated television broadcasting nationwide. There were 30 to 40 privately-owned regional television stations and 7 privately-owned radio stations. The government controlled information even more tightly in the broadcast media than in print journalism. Journalists and senior editorial staff in state media organizations reported there were officials at

the national television stations whose responsibilities included actual black-pen censorship. Nevertheless, there were also reports that regional television media outlets were able to broadcast some moderately critical stories on local issues.

A presidential decree signed on November 8 provided for further consolidation of the management of broadcast mass media under government control, with the stated goal of promoting patriotism.

The government continued to refuse to allow RFE/RL and the Voice of America to broadcast from within the country. The BBC World Service was permitted to broadcast on a very low FM frequency and only in the Ferghana Valley, which limited the potential audience, up to three hours per day. Immediately following the May 13 events in Andijon, the government blocked broadcasts of BBC, CNN, and Deutsche Welle, as well as several Russian channels. In June the government expelled BBC World Service correspondent Monica Whitlock from the country. Whitlock had reported extensively on the May violence in Andijon. On October 26, the BBC announced a suspension of its operations in the country in response to harassment and intimidation of its journalists and concerns for their safety. On December 12, the government refused to reaccredit RFE/RL correspondents and ordered the organization to shut its operations, claiming that RFE/RL's use of unaccredited stringers was a violation of Uzbek law.

Both print and broadcast journalists were subject to arrest, harassment, intimidation, and violence by police and security services. The May events in Andijon sparked a wave of government harassment against journalists that continued until year's end. Immediately after the outbreak of violence, the government ordered all foreign journalists to leave Andijon. Moreover, in a series of print articles and television programs throughout the summer, official media publicly attacked independent journalists, including specific correspondents of RFE/RL, BBC, and the Associated Press (AP).

On May 17, two unidentified gunmen detained and searched Andijon-based RFE/RL correspondent Gofurjon Yo'ldoshev at gunpoint for half an hour. On May 21, several unidentified men attacked and beat Yo'ldoshev in the town of Qora Suv as he interviewed local residents about events. On July 1, unidentified assailants attacked Guliston-based RFE/RL correspondent Lobar Qaynarova, who was four months' pregnant at the time, as she returned home from covering a trial proceeding. Four days later security officers searched her home, confiscated Islamic literature, and threatened to charge her husband with Islamic extremism. On August 26, a Namangan court sentenced Nosir Zokir to six months' imprisonment for insulting a security official in a telephone conversation. The conviction came after several weeks of government pressure against Zokir for conducting an on-air interview with a local poet who had criticized the government. In October authorities charged Zokir with insulting the president. In August airport authorities detained and deported Russian citizen Igor Rotar, a Tashkent-based journalist with the Forum 18 information service, who had reported extensively on abuses of religious freedom. In the autumn trials of those accused of terrorist acts in connection with the Andijon violence, prosecutors, defendants, and witnesses identified specific journalists, including BBC correspondent Monica Whitlock, Institute for War and Peace Reporting (IWPR) country director Galima Bukharbayeva, AP correspondent Bagila Bukharbayeva, Deutsche Welle correspondent Natalia Bushuyeva, and others as having had advance notice of the Andijon events and conspiring to defame Uzbekistan in world opinion. On April 23 near his home in Jizzakh, and again on June 24 in Karshi, unknown assailants attacked and severely injured independent journalist and human rights activist Ulugbek Haydarov after he wrote news articles critical of the Jizzakh regional government. On November 9, independent journalist Aleksei Volosevich received a call from an unknown individual claiming he had information to share regarding Andijon and asking to meet him. Volosevich was then ambushed and assaulted by unidentified men en route to the designated meeting place; he stated the attack was retribution for his reporting on Andijon.

The government subjected international media-support NGO Internews Network to continual harassment based on charges that the organization attempted to interfere in the country's internal politics and monopolize the country's broadcast media. The government withheld accreditation from the organization's in-country director and maintained a freeze on its bank accounts until the organization was liquidated, at which time it was given limited access to meet outstanding liabilities. On July 4, a district prosecutor opened a criminal case against two locally employed staff of the organization on an array of charges. Government officials forced the employees to sign confessions, and on August 4, a Tashkent criminal court convicted the two employees. On September 9, a Tashkent civil court ordered Internews to close its operations in the country.

Tuhtamurad Toshev and Boimamat Jumaev, journalists arrested in 2003 and convicted of bribery, remained in prison at year's end.

Observers viewed the charges as selective prosecution.

A government agency, the Interagency Coordination Committee (MKK), issues the required broadcast and mass media licenses to approved media outlets and could revoke licenses and close media outlets without a court judgment. The Center for Electromagnetic Compatibility issues frequency licenses. During the year MKK threatened to shut down some privately owned regional television stations on technical grounds to enforce control by the National Association of Electronic Mass Media (NAESMI).

The NAESMI reportedly used its directors' close relations with the government to coerce local television stations to join the association and restrict the content of their programming. Stations that resisted joining NAESMI were subjected to tax inspections and in some cases lost their broadcast licenses. In many cases NAESMI required affiliated local stations to broadcast prescribed programming instead of locally produced content, thus limiting the freedom of broadcasters.

Government security services and other offices regularly gave publishers articles and letters to publish under fictitious bylines, as well as explicit instructions about the types of stories permitted for publication. Often there was little distinction between the editorial content of a government- or privately owned newspaper. There was very little, if any, independent investigative reporting. During the year self-censorship expanded. The number and scope of critical newspaper articles declined. In early December the Uzbekistan Press and Information Agency ordered the legal affairs newspaper *Advokat Press* to shut down after it published a series of articles criticizing government officials for violations of the law.

The law holds journalists, as well as editors and publishers, responsible for the accuracy of news stories that appear in their publications, exposing them to risk of criminal prosecution for their reporting. In addition, the law establishes the right of government-accepted newspaper boards of directors to influence the editorial content of media reports. These legal provisions establish mechanisms by which the government can indirectly influence media content and further encourage members of the media to practice self-censorship. Television and radio stations practiced self-censorship and therefore carried critical reporting only occasionally.

On December 28, the president signed into law amendments to the criminal and administrative liability codes, which significantly increased fines for libel and defamation. In general the government used charges of libel, slander, and defamation to punish journalists, human rights activists, and others who criticized the president or government.

The government allowed limited access to the Internet, although Internet service providers routinely blocked access to websites the government considered objectionable. The government sporadically blocked access to opposition party operated websites. Immediately following the May events in Andijon, the government blocked access to certain news websites.

The government limited academic freedom. Authorities generally required university professors to have their lectures or lecture notes approved. Although authorities implemented the requirement inconsistently, university professors generally practiced self-censorship. In September one professor was reportedly fired in response to a critical article he had written about the government, which was printed in a foreign publication.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, but in practice the government often restricted this right and authorities also have the right to suspend or prohibit rallies, meetings, and demonstrations on security grounds. The government did not routinely grant the required permits for demonstrations. Under the December 28 amendments to the criminal and administrative liability codes, citizens are liable to large fines for facilitating unsanctioned rallies, meetings, or demonstrations by providing space or other facilities or materials. The amendments also significantly increased fines for violations of procedures concerning the organizing of meetings, rallies, and demonstrations.

In several cases authorities used a variety of tactics to prevent or stop peaceful protests. According to human rights activists' reports, on February 1 in the rural Do'stlik District of Jizzakh Province, police blocked roads into the district's center in an attempt to prevent a planned protest over illegal land seizures. During the event a group of unidentified people attacked and beat the protestors while police observed without taking action. On February 9, a group of women physically attacked a group of protesters in Tashkent who were demanding the release of political prisoners. Human rights activists alleged authorities incited the women to attack protesters as a provocation to prevent further demonstrations.

In April authorities broke up a demonstration of agrarian activists in rural Jizzakh Province who were protesting the beating of human rights activist Egamnazar Shaymonov. In May police forcibly broke up a silent demonstration of farmers from the Surkhandaryya region who were protesting illegal land seizures in front of a foreign embassy, beating and severely injuring several protestors.

From February until May, small groups of protesters demonstrated at a district courthouse in Andijon in support of 23 men on trial for Islamic extremism. The protests continued without incident until May 12, when an unknown number of individuals seized weapons from a police garrison, stormed the city prison where the defendants were being held, and released several hundred inmates. On May 13, government forces intervened with deadly force against a crowd of between 5 and 10 thousand demonstrators that had gathered in the square in front of Andijon's regional administration building. The number of resulting deaths varied between the government's estimate of 187 and eyewitness reports of several hundred. Following the Andijon demonstrations, authorities suppressed almost all protest activity by systematically detaining organizers. In the weeks following the Andijon events, there were reports of police preventing or forcibly breaking up several demonstrations that were organized to express concern over the events, including planned demonstrations in Tashkent on May 16, 17, and 19, and in Jizzakh on May 23-25.

On and immediately before May 30, police in several localities prevented a planned Tashkent demonstration by activists of the opposition Birlik party by placing participants under house arrest in advance. The demonstration was intended to protest the government's refusal to register the party. Samarkand police arrested Samarkand-based human rights activist Holiqnazar Ganiev, who had planned to join the May 30 protest, and charged him with petty hooliganism.

In June police disbanded a small demonstration in Tashkent intended to commemorate the victims of the Andijon events by detaining demonstrators and destroying signs and banners. In June and July police in Tashkent placed human rights defenders under house arrest to prevent them from organizing a protest picket against the trials of accused religious extremists. In August in Samarkand, police broke up a demonstration of human rights activists and local residents protesting the demolition of area homes; several injuries were reported resulting from police beatings (see section 1.f.).

Freedom of Association

While the law provides for freedom of association, the government continued to restrict this right in practice. The law broadly limits the types of groups that may form and requires that all organizations be formally registered with the government. Registration of NGOs and other public associations was difficult and time consuming, with many opportunities for government obstruction. Nonpolitical associations and social organizations usually were allowed to register, although complicated rules and a cumbersome government bureaucracy made the process difficult. All local NGOs were required to register with a government-controlled NGO association, whose purpose was to control all funding and NGO activities. On December 28, the president signed new amendments to the administrative liability code into law, which impose large fines for violations of procedures governing NGO activity, as well as for "involving others" in illegal NGOs. The law does not specify whether "illegal NGOs" are those that were forcibly suspended or closed, or those that were simply unregistered. The amendments also increased penalties against international NGOs for engaging in political activities, for activities inconsistent with their charters, or for activities not approved in advance by the government. The law allows independent political parties, but also gives the Ministry of Justice (MOJ) broad powers to interfere with parties and to withhold financial and legal support to those opposed to the government. Registered parties received funding from the government. All five registered political parties were controlled by the government; none of the four opposition parties were registered at year's end (see section 3).

The law criminalizes membership in organizations it deemed extremist. Under the law the extremist Islamist political organization HT was

banned. HT promoted hate and praised acts of terrorism, although it maintained that it was committed to nonviolence. The party's virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia, to be replaced with a worldwide Islamic government called the caliphate.

Aside from two previously registered human rights groups, the government continued to deny registration to such organizations, including the Human Rights Society of Uzbekistan, Mazlum, and Mothers against the Death Penalty and Torture. Registration was denied for a variety of reasons, including for grammatical errors in applications. Although these organizations did not exist as legal entities, they continued to function, albeit with difficulty (see section 4). Starting in August, the government forced more than 200 local NGOs to close. During the year the Women's Committee, a government-controlled organization, monitored and often hampered the activities of women's NGOs, particularly those promoting women's political participation.

The government has denied registration to the Islamic group Akromiylar (Akromiya) since 1997. Religious experts claimed that Akromiylar is a movement that promotes business along Islamic religious principles, while the government claimed that the group is a branch of the extremist political movement HT and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the government through armed rebellion in May in Andijon (see section 2.c.).

During the year the government took continued tightening its control over the activities of international NGOs. The government required all international NGOs to reregister with the MOJ. During the year the ministry conducted a series of exhaustive audits of international NGOs, which also suffered visa, accreditation, and automobile registration problems. During the audits, MOJ officials repeatedly referred to an unpublished 2003 cabinet of ministers decree that outlined new registration requirements for international NGOs. The government used the decree as a basis for requiring prior government approval for a broad range of program activities and detailed reports on activities, program participants, and finances.

In February 2004 the cabinet of ministers passed a banking decree requiring a government commission to review all foreign funding before it is disbursed to local NGOs, which severely impeded the ability of local and international NGOs to function. Although the measure was ostensibly to fight money laundering, the commission used political criteria to determine which programs receive funds. NGOs focusing on human rights and democratic reform were particularly affected.

As a result of the banking decree, the Civil Society Support Centers (CSSC) operated in six cities by the International Research and Exchanges Board (IREX) were unable to receive funding. During the year the government withheld accreditation from the CSSC program manager. In September the MOJ suspended IREX operations for six months because it refused to provide specific information about program participants during an audit. On December 27, based primarily on the charge that the organization had provided Internet access without a license, a Tashkent civil court ordered IREX's closure. The case was under appeal at year's end.

The government subjected the prodemocracy NGO Freedom House and its employees to frequent harassment, by closing the organization's Samarkand and Namangan offices, threatening to suspend its activities on the grounds that it provided training and assistance to unregistered organizations, and demanding information about participants in the organization's programs during an audit. Official television stations publicly accused Freedom House of supporting suspected terrorists in documentaries on the May violence in Andijon. At year's end Freedom House's status was under judicial review, with the government recommending a six-month suspension of activities.

The government subjected Internews Network to continual harassment, withheld accreditation from the organization's country director, and froze its bank account. In August a criminal court convicted two local employees on criminal charges of publishing without a license, but immediately granted them amnesty. In September a civil court ordered Internews to close its operations, citing numerous violations of national law, including failure to register the organization's logo with the MOJ, conducting activities without prior MOJ approval, and attempting to "monopolize the media" (see section 2.a.). The court decision was upheld on appeal in October and Internews closed its office in November.

The government pressured many NGOs to obtain official permission to conduct training sessions or seminars. NGOs under the auspices of the government-controlled Institute of Civil Society were allowed to conduct events.

c. Freedom of Religion

While the law provides for freedom of religion and separation of church and state, in practice the government restricted religious activity.

The law treats all religious groups equally; however, the government supported the country's Muslim heritage by funding an Islamic university and providing logistical support for citizens' participation in the hajj. The government sought to promote what it considered a moderate version of Islam through the control and financing of the Muslim Board of Uzbekistan (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams' sermons, and published Islamic materials. A small number of unofficial, independent mosques were allowed to operate under the watch of official imams.

The law requires all religious groups and congregations to register and provides strict and burdensome registration criteria, including a requirement that each group present a list of at least one hundred national citizen members to the local branches of the MOJ. This and numerous other provisions, such as a requirement that a congregation already have a valid legal address, enabled the government to find technical grounds for denying a group's registration petition, such as grammatical errors in a group's charter. This suppressed the activities of Muslims who sought to worship outside the system of state-sponsored mosques, as well as members of unregistered Christian churches and other groups.

Any religious service conducted by an unregistered religious organization is illegal. Police occasionally broke up meetings of unregistered groups. Members of some Christian evangelical congregations were detained during the year and occasionally beaten by authorities. Religious groups are prohibited from forming political parties and social movements.

In May, 20 of the 125 members of the unregistered Baptist church in Surkhandarya Province were detained and questioned. Credible reports alleged that in June, two Baptist pastors and four church members were arrested after plainclothes police officers raided their church in

Tashkent. On March 9, police raided an unauthorized Protestant meeting involving citizens and South Korean missionaries outside Tashkent; the citizens were fined.

During the year the number of registered religious congregations increased by 32 to 2,201 registered religious groups, of which 2,016 were Muslim. Local authorities continued to block the registration or reregistration of evangelical Christian congregations in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, and Nukus. During the year the MOJ denied registration to the Pentecostal Church in Chirchiq and deregistered Emmanuel Church in Nukus, the city's only registered Protestant church. The International Church of Tashkent, a Protestant nondenominational church ministering exclusively to the international community, has been unable to obtain registration for several years, in part due to its inability to meet the legally required minimum of 100 members who are citizens of the country. Jehovah's Witnesses in Tashkent were unable to obtain registration; out of the 11 Jehovah's Witnesses' churches in the country, only those in Chirchiq and Ferghana were registered. Police routinely questioned, searched, and arbitrarily fined individual members of Jehovah's Witnesses throughout the country. On March 24, police and security personnel disrupted Jehovah's Witnesses meetings in Tashkent and eight other cities, arresting approximately 200 church members. Most were released soon afterwards, but some were subjected to longer administrative detention, some were reportedly beaten by police, and several were required to pay small fines.

Almost all of those arrested for religious reasons were tried for anticonstitutional activity and participating in "religious extremist, separatist, fundamentalist, or other banned organizations," a charge that encompasses both political and religious extremism. The overwhelming majority of those arrested were suspected HT members, but the government also arrested members of Tabligh, an Islamic group with origins in South Asia, as well as others the government broadly labeled Wahhabi. Individuals arrested on suspicion of extremism often faced severe mistreatment including torture, beatings, and particularly harsh prison conditions, and were typically sentenced to between 7 and 12 years in jail (see sections 1.c. and 1.d.). Prison authorities reportedly did not allow many prisoners suspected of Islamic extremism to practice their religion freely and, in some circumstances, did not allow them to own a Koran. Authorities reportedly punished inmates who attempted to fulfill their religious obligations against prison rules or who protested the rules themselves with solitary confinement and beatings.

The government did not consider repression of groups such as HT and Tabligh to be a matter of religious freedom but directed against those who allegedly advocated overthrowing the government. However, the government's campaign against extremists resulted in official suspicion of more religiously observant (yet nonextremist) persons, including frequent mosque attendees, bearded men, and veiled women. In practice, this approach often resulted in the government singling out observant Muslims for surveillance or harassment based on outward expressions of their religious belief. The government's harsh treatment of suspected extremist Islamic political groups tended to suppress outward expressions of religious piety. While many young men attended Friday prayers, hardly any were bearded. The law prohibits the wearing of "cult robes" (religious clothing) in public except by those serving in religious organizations; however, this provision did not appear to be enforced. There were no prohibitions against the wearing of headscarves by women.

During the year members of Tabligh were tried on charges of Islamic extremism. In two separate cases in January and March, seven and four members were amnestied. All but one defendant in the January trial, Jamoliddin Aminov, were released, and two of those tried in March were fined instead of imprisoned. In February, according to the Forum 18 news service, two Sufi Muslims were given six-year prison sentences; the defendants claimed authorities planted HT leaflets on them during their arrest and that they were tortured in detention.

During the year several persons were prosecuted and convicted of religious extremism and membership in an unregistered religious group for their affiliation with Akromiylar. Religious experts claimed that Akromiylar is a religious association that promotes business, not extremism. On March 29, a court in Syrdarya Province sentenced seven food vendors from Bakht to prison sentences of eight to nine years for anticonstitutional activity, religious extremism, and tax evasion, based on their alleged membership in Akromiylar. Family members of the defendants claimed the men were not members, and that the court's decision was based entirely on forced confessions. The decision was upheld by an appellate court on May 3, and by the supreme court on May 21. On July 25, the Tashkent criminal court convicted alleged Akromiylar members Akhad Ziyodkhajayev, Bokhodir Karimov, and Abdubosid Zakirov of participation in a religious extremist group, conspiracy to overthrow the constitutional order, establishing a criminal group, and disseminating materials constituting a threat to public order. The defendants were given prison sentences from 15½ to 16 years. Trial observers noted that the convictions were based almost entirely on defendants' confessions and witness testimony, and that evidence presented in court did not suggest the defendants were involved in criminal activity.

In February intermittent peaceful demonstrations began outside Andijon's Oltinko'l district court in support of 23 alleged Akromiylar members on trial for anticonstitutional activity, possession of banned religious materials, and extremism. In March RFE/RL reported an investigation of an additional 17 persons on similar charges. Protesters staged public demonstrations in Andijon until early May in support of the defendants. These protests led to the violence of May 12-14 (see section 1.a.). In public statements about the events, the government referred to those on trial, in prison, as well as most of those killed on May 13, as "religious extremists."

Following the May violence in Andijon, some journalists and human rights activists were arrested on charges that cited religious extremism. There were also credible reports of *mahalla* committee chairmen delivering special lectures to community gatherings in which they actively discouraged worshiping in mosques.

Christians who tried to convert Muslims or who had among their congregations members of traditionally Muslim ethnic groups often faced official harassment, legal action, or, in some cases, mistreatment.

The law prohibits proselytizing and severely restricts activities such as the import and dissemination of religious literature. On August 10, a criminal court in Navoi convicted Jehovah's Witness Azim Klichev of teaching religion without government authorization and fined him approximately \$70 (78,350 soum), or 10 times the minimum monthly wage. The decision was upheld on appeal. On August 30, a criminal court in Karshi convicted Jehovah's Witnesses Bakhrom Pulatov and Feruza Mamatova of conducting illegal religious meetings and proselytizing. Pulatov was fined approximately \$640 (705,150 soum), or 90 times the minimum monthly wage; Mamatova was fined approximately \$500 (548,450 soum), or 70 times the minimum monthly wage. The fines, although within the amount prescribed by law, were far beyond that normally imposed for religious crimes. The decisions were upheld on appeal.

On March 24, over 200 members of Jehovah's Witnesses were detained in several coordinated raids in Tashkent, Kogon, Bukhara,

Samarkand, Navoi, and Bekobod during Good Friday worship services; in addition, 120 persons were questioned in Angren. Jehovah's Witnesses reported several instances of police brutality in the course of the raids. Police also reportedly confiscated religious materials. Most detainees were released early on March 25; in Tashkent, 2 remained in custody longer and were released 24 hours after the arrest. Authorities brought 34 administrative cases against individuals in relation to the raids. On May 2, a Bukhara court fined six male members each approximately \$11.50 (13,060 soum) and five women approximately \$6 (6,530 soum) on charges resulting from the nationwide March 24 operation. On May 3, one member in Urgench was fined approximately \$6 (6,530 soum) in connection with the raids. Forum 18 News Service quoted an official of the State Committee on Religious Affairs as saying that police often staged raids on unregistered Christian congregations on Good Friday, as police were aware that Christians gather on that date for the pre-Easter worship services. An additional three Jehovah's Witnesses members, who were also picked up in the March 24 sweep, each received an official warning.

The law limits religious instruction to officially sanctioned religious schools and state-approved instructors, and permits no private instruction or the teaching of religion to minors without parental consent. However, there were no reports of active efforts to prevent parents teaching religion to their children. On March 26, authorities closed an unlicensed Islamic kindergarten in Ferghana Province, according to the newspaper *Voice of Uzbekistan*.

A state religious censor approved all religious literature. The government controlled the publication, import, and distribution of religious literature, discouraging and occasionally blocking the production or import of Christian literature in the Uzbek language, although Bibles in many other languages were available. The Muftiate sporadically issued an updated list of all officially sanctioned Islamic literature. Possession of literature deemed extremist could lead to arrest and prosecution. Religious literature imported illegally was subject to confiscation and destruction.

On March 6, police reportedly confiscated over one thousand officially approved religious booklets from Baptists belonging to an unregistered congregation in Tashkent. Seven members were detained and questioned for six hours before being released.

A 2003 OSCE expert panel that reviewed the 1998 Religion Law and associated criminal and civil statutes concluded that they were in violation of international norms. It submitted a number of recommendations, including lifting the bans on proselytizing and private religious instruction and decriminalizing activities of unregistered religious organizations. The government, through its Committee on Religious Affairs, agreed to consider the recommendations, but took no action to enact them by the end of the period covered by this report.

Societal Abuses and Discrimination

There were persistent reports of discrimination against Muslims, particularly ethnic Uzbeks, who converted to Christianity. On April 3, the Forum 18 news service reported authorities failed to respond to Christian convert Khaldibek Primbetov's complaint that villagers in Yanboshkala outside of Nukus had beaten him and told him to "return to Islam" or leave the village. Bakhtitor Tuychiyev, the ethnic Uzbek pastor of a Full Gospel Pentecostal Church in Andijon, reported frequent harassment by authorities. On December 23, Tuychiyev was attacked by unidentified assailants who reportedly reviled him as a "traitor to the faith."

There was no pattern of discrimination against Jews. There were eight registered Jewish congregations and the World Jewish Congress estimated the Jewish population at approximately 20 thousand, concentrated mostly in Tashkent, Samarkand, and Bukhara. Their numbers were declining due to emigration, largely for economic reasons. HT members distributed anti-Semitic fliers, the text of which generally originated abroad; however, observers did not believe such fliers represented the feelings of the vast majority of the country's population.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for free movement within the country and across its borders, although the government severely limited this right in practice. Permission from local authorities is required to move to a new city. The government rarely granted permission to move to Tashkent, and local observers reported that persons had to pay bribes of up to \$90 (100 thousand soum) to obtain registration documents required to move.

The government required citizens to obtain exit visas for foreign travel or emigration, and while it generally granted these routinely, local officials often demanded a small bribe. In the past, authorities did not require an exit visa for travel to most countries of the former Soviet Union; however, during the year the government introduced a new registration system requiring citizens to obtain a special stamp from local authorities in their place of residence in order to leave the country. Citizens continued generally to be able to travel to neighboring states, and the new stamp requirement was not uniformly enforced. Land travel to Afghanistan, however, remained difficult, as the government maintained travel restrictions on large parts of Surkhandarya Province bordering Afghanistan, including the border city of Termez. Uzbeks needed permission from the NSS to cross the border, while Afghans easily crossed into Uzbekistan to trade. Immediately following the May events in Andijon, the government temporarily closed border crossings to some neighboring states. Movement to and from the Ferghana Valley provinces was closely monitored for a short time and reportedly limited on a selective basis to prevent journalists and human rights activists from entering to report on the unrest (see section 4). However, the government reopened some formerly closed border crossings to Kyrgyzstan, allowing for cross-border trade.

Foreigners with valid visas generally could move within the country without restriction; however, visitors required special permission to travel to certain areas, such as Termez. Authorities in some cases prevented entry of foreign nationals on political grounds. On August 11-13, authorities detained journalist Igor Rotar at the Tashkent airport and subsequently deported him (see section 2.a.). Also in August a Canadian citizen affiliated with the NGO Central Asian Free Exchange was barred re-entry from abroad because he had failed to apply for accreditation as an NGO representative.

The law does not explicitly prohibit forced exile, and the government did not employ it. At year's end several opposition political figures and human rights activists remained in voluntary exile.

Emigration and repatriation were restricted in that the law does not provide for dual citizenship. In practice returning Uzbek citizens had to

prove to authorities that they did not acquire foreign citizenship while abroad, or face prosecution. However in practice, Uzbek citizens often possessed dual citizenship and traveled without issue.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. In practice, the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution. The government did not force persons given refugee status by the UN High Commissioner for Refugees (UNHCR) to leave the country, according to a 1999 agreement. Although it does not formally recognize asylum or refugee status, the government in practice cooperated with the UNHCR in allowing it to provide assistance to refugees and asylum seekers.

The government considered the Afghan and Tajik refugee populations economic migrants and subjected them to harassment and bribe demands when they sought to regularize their status as legal residents. Such persons could be deported if their residency documents were not in order. Most Tajik refugees were ethnic Uzbeks; unlike their Afghan counterparts, Tajik refugees were able to integrate into and were supported by the local population. Although most Tajik refugees did not face societal discrimination, many of them faced the possibility of becoming officially stateless, as many carried only old Soviet passports rather than Tajikistan passports. Although the government generally tolerated the presence of Afghan refugees, they faced protection problems. For example the UNHCR reported that 15 Afghans were detained over the course of the year, 14 of whom were released. Of the detainees, nine were registered refugees, and six were seeking asylum through UNHCR. The UNHCR reported that Afghan refugees had no access to the legal labor force and therefore had limited means to earn a livelihood. The UNHCR reported that police rarely harassed UNHCR-mandated refugees.

Human Rights Watch, Amnesty International, and other sources reported that authorities pressured relatives of citizens who had fled the country following the events in Andijon and coerced them to travel to refugee camps in Kyrgyzstan to ask them to return (see section 1.f.). Uzbek security forces were also seen outside camps in Kyrgyzstan, and in some cases plainclothes officers infiltrated the refugee population. There were reports that in some instances plainclothes officers attempted to remove persons from a refugee camp by force. In one case in June, Kyrgyz authorities returned to Uzbek custody four of those who had fled after the Andijon events. The returnees were held in incommunicado detention, and the government did not allow relatives or other outsiders to monitor their condition. There were reports that others who fled and returned voluntarily were arrested and physically abused in detention (see section 1.c.).

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

The law provides citizens with the right to change their government; in practice this was not possible through peaceful and democratic means. The government severely restricted freedom of expression and repressed the political opposition (see sections 1.c., 1.d., and 2.a.). The government was highly centralized and was ruled by President Karimov and the executive branch through sweeping decree powers, primary authority for drafting legislation, and control of government appointments, most of the economy, and the security forces.

Elections and Political Participation

President Karimov was reelected in 2000 to a second term. The OSCE declined to monitor this presidential election, determining preconditions did not exist for it to be free and fair. A 2002 referendum, which multilateral organizations and foreign embassies also refused to observe, extended the term of the presidency from five to seven years. In December 2004 parliamentary elections were held for representatives to the lower chamber; an OSCE limited observer mission concluded the election fell significantly short of international standards for democratic elections. In January a new upper chamber, or senate, of the parliament was formed; 84 of the 100 members of the chamber were selected by regional legislatures, and President Karimov personally appointed the remaining 16. Five registered progovernment political parties held the majority of seats in the directly elected lower house of parliament; the remainder consisted of nominally independent politicians tied to these progovernment parties. These parties, created with government assistance and loyal to President Karimov, were the only ones permitted to participate in the 2004 parliamentary elections. Many government officials were members of the People's Democratic Party of Uzbekistan, the country's largest party. The party did not appear to play a significant role in government decision making, which President Karimov and other government leaders dominated.

The law makes it extremely difficult for opposition parties to organize, nominate candidates, and campaign. Twenty thousand signatures are required on any application to register a new party. The procedures to register a candidate are burdensome, and the Central Election Commission (CEC) may deny registration. A presidential candidate must present a list of 700 thousand signatures in order to register and is prohibited from campaigning without registration. The CEC may deny registration of presidential candidates if they would "harm the health and morality of the people." Parties and candidates that are denied registration have no right of appeal. The law allows the MOJ to suspend parties for up to six months without a court order. The government also exercised control over established parties by controlling their financing. On March 16, the Cabinet of Ministers issued a decree giving the MOJ control over state funds to parties. Under the decree, the MOJ may adjust funding on a monthly basis according to the size of a party's parliamentary caucus and the ministry's judgment as to whether the party is acting in accordance with its charter, among other factors.

In addition to registered political parties, only citizen initiative groups with 300 or more members may nominate parliamentary or presidential candidates. Initiative groups may nominate parliamentary candidates by submitting signatures of at least 8 percent of the voters in an election district. For presidential candidates a list of 150 thousand signatures is required. Except for registered political parties or initiative groups, organizations were prohibited from campaigning, and candidates were allowed to meet with voters only in forums organized by precinct election commissions. Only the CEC may prepare and release presidential campaign posters.

The law prohibits judges, public prosecutors, NSS officials, servicemen, foreign citizens, and stateless persons from joining political parties. The law prohibits parties based on religion or ethnicity; those that oppose the sovereignty, integrity, and security of the country and the constitutional rights and freedoms of citizens; or those that promote war, or social, national, or religious hostility, or those that seek to overthrow the government.

The government frequently harassed members of unregistered political organizations (see section 2.b.). On April 20, authorities denied

registration to the Birlik opposition political party for the fifth time; they continued harassing the party during the year. The government also continued to harass members of unregistered opposition party Erk. The leaders of three of the four unregistered opposition political parties-- Mohammed Solikh of Erk (convicted on terrorism charges in absentia), Abdurakhim Polat of Birlik, and Babur Malikov of the Free Farmers Party--remained in voluntary exile.

There were 21 women in the 120-member lower chamber of the parliament, and 15 in the 100-member senate. There was 1 woman in the 28-member cabinet.

There were 9 members of ethnic minorities in the lower house of parliament and 15 minorities in the senate; the number of members of ethnic minorities in the cabinet was unknown.

Government Corruption and Transparency

There was a widespread public perception of corruption throughout society, including in the executive branch. It was widely reported that applicants could buy admission to prestigious educational institutions with bribes. Likewise, bribery was widespread in the traffic enforcement system, and there were several reports that bribes to judges influenced the outcomes of civil suits. However, it was also reported that local administrative or police officials were removed from office in isolated cases in response to charges of corruption.

The law states that all government agencies must provide citizens with the opportunity to examine documents, decisions, and other materials affecting their freedoms. In practice the government seldom respected these rights. The public generally did not have access to government information, and information normally considered in the public domain were seldom reported. In June 2004 the NGO Article 19 Global Campaign for Free Expression released an analysis of the country's secrecy and freedom of information laws, which concluded that the types of information that can be considered classified, and thus protected by the state, were so broad as to include virtually all information.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups operated in the country, although they were hampered by a fear of official retaliation. The government tended to harass, arrest, and prosecute human rights activists. Two domestic NGOs were registered with the government; however, others were unable to register but continued to function (see section 2.b.). The unregistered groups had difficulty renting offices or conducting financial transactions and could not open bank accounts, making it difficult to receive funds. Operating an unregistered group was technically subject to government prosecution.

Government officials occasionally met with domestic human rights defenders, and individual rights defenders noted that they were able to successfully resolve some cases of abuse through direct engagement with authorities. A foreign NGO continued an initiative, begun in 2004, which provided a forum for domestic human rights defenders to meet with members of the police, prison directorate, and security services. The government cooperated on a limited basis with the NGO.

Police and security forces increased harassment of domestic human rights activists and NGOs during the year. Following the May violence in Andijon, authorities arrested several activists on charges of anticonstitutional activity and conspiracy to incite public disorder. Government officials publicly accused specific activists of conspiring with international journalists to discredit the government (see section 1.d.). The February 2004 banking decree, although ostensibly designed to combat money laundering, was selectively enforced to prevent both registered and unregistered NGOs involved in human rights or political work from receiving outside funding (see section 2.b.). Following the May events in Andijon, over 200 NGOs, including many human rights groups, were forced to close.

Police and security forces regularly used threats and intimidation to prevent human rights activists from conducting their activities. In several cases local authorities evicted human rights activists from their homes, as in the cases of Muhiddin Kurbanov and Gavhar Yo'ldosheva of Jizzakh Province (see section 1.f.). Unknown assailants frequently attacked human rights activists, including Gavhar Yo'ldosheva, Egamnazar Shaymonov, and Ulugbek Haydarov of Jizzakh Province, and Ulugbek Bakirov of Andijon Province (see section 1.c.). Authorities regularly detained or arrested human rights activists and subjected them to house arrest, and in some cases committed them to involuntary psychiatric treatment, as in the case of Elena Urayeva (see section 1.c.), or filed false criminal charges against them. Following the May violence in Andijon, the government filed criminal charges against several human rights activists, including Saidjahon Zaynabidinov, accusing them of complicity in terrorist acts aimed at overthrowing the regime (see section 1.d.). On several occasions government agents employed similar tactics against domestic journalists who reported on human rights issues (see section 2.a.). Following the Andijon unrest, there were reports that police threatened and detained journalists; denied journalists and international monitoring organizations access to hospitals, morgues, and various other sites in Andijon; and prevented human rights activists and journalists from entering Andijon (see section 2.d.). Several members of the human rights NGO Ezgulik and other human rights groups who spoke to the public or disseminated information about the events were arrested and prosecuted for slander against the government or disseminating information that presented a threat to public order (see section 1.d.).

The government severely restricted activities of international human rights NGOs and subjected their employees to frequent harassment and intimidation. Official media accused Freedom House of supporting terrorist organizations that plotted to overthrow the government. The government forced the closure of Freedom House resource centers in Samarkand and Namangan (see section 2.b.), maintaining that the existence of such "affiliate structures" violated Freedom House's charter. At year's end a trial to rule on the suspension of Freedom House continued. The office of the prosecutor general, in the trial of suspects in the Andijon unrest, accused HRW of participating in an international "information war" against Uzbekistan. In June police briefly detained a four-person delegation of the International Helsinki Federation visiting Andijon, subsequently sending them back to Tashkent. After the May violence in Andijon, police pressured lawyers affiliated with a foreign NGO-funded public defender center in Andijon, who had represented most of the 23 defendants in the trial of Akromiyar businessmen in Andijon from February to May.

The government withheld registration of the IWPR, a London-based NGO dedicated to the training and protection of journalists in areas of conflict, on the grounds that it was engaging in journalism rather than training. IWPR continued to work with local and international journalists to produce critical stories about the country's politics, judicial system, and human rights practices until May. Following the May events in Andijon, IWPR journalist Galima Bukharbayeva fled the country in response to threats of prosecution. Independent journalists who

contributed stories to IWPR experienced frequent intimidation, harassment, and occasional violent attacks by unidentified assailants throughout the year. In early December IWPR terminated all activity in the country in response to the security threat to its stringers.

In August authorities deported Russian citizen and journalist Igor Rotar, who had reported on violations of religious freedom for the Forum 18 news service (see section 2.a.).

In contrast to previous years, the government restricted the activities of international bodies and foreign diplomatic missions and severely criticized their human rights monitoring activities and policies. On February 17, President Karimov insisted that the OSCE "rebalance" its priorities away from human rights and democratization. In August the government denied accreditation to the OSCE's newly arrived human dimension officer. In the wake of the Andijon violence, the government criticized the UNHCR for having given refugee status to over 200 persons who fled into Kyrgyzstan following the events, accused UNHCR of supporting terrorist groups, and pressured foreign governments to return to the country's mandate refugees under their care. In September the Ministry of Foreign Affairs threatened to expel certain foreign diplomats who had met with human rights activists in Andijon. From September to November, during the supreme court trial of defendants accused in connection with the Andijon events, government prosecutors and state witnesses accused foreign diplomats of cooperating with foreign journalists and human rights activists in Andijon to discredit the country in world opinion.

Following the May violence in Andijon, foreign governments, the UN, the OSCE, the European Union, and other international organizations called on the government to allow an independent international investigation into the events. The government repeatedly refused to do so and instead formed a "diplomatic monitoring group" consisting of selected foreign diplomatic representatives who were invited to periodic meetings to hear the conclusions of the prosecutor general's own investigation. According to participants in the group, the process was not transparent. On July 12, the UNHCR released a report on the Andijon violence, based on a mission to refugee camps in neighboring Kyrgyzstan, which concluded: "Consistent, credible eyewitness testimony strongly suggests that grave human rights violations... were committed by Uzbek military and security forces... It is not excluded... that the incidents amounted to a mass killing."

The human rights ombudsman's office, affiliated with the parliament, had the stated goal of promoting observance of fundamental human rights and resolving cases of alleged abuse. The ombudsman may make recommendations to modify or uphold decisions of government agencies, but its recommendations are not binding. The ombudsman has eight regional offices outside Tashkent. During the year the office handled hundreds of cases, a large majority of which dealt with abuse of power and various labor and social welfare issues. The ombudsman published reports identifying the most serious violations of human rights by government officials; the majority of these involved procedural violations and claims of abuse of power by police and local officials. Due to its limited authority, most of the cases the ombudsman successfully resolved appeared to have been relatively minor. In December the ombudsman's office hosted a conference with law enforcement, judicial representatives, and limited international NGO participation, to discuss its mediation work and means of facilitating protection of human rights.

The National Human Rights Center is a government agency responsible for educating the population and officials on the principles of human rights and democracy and for ensuring the government complies with its international obligations to provide human rights information. In the view of many observers, the center was neither independent nor effective.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of race, gender, disability, language, or social status; however, societal discrimination against women and persons with disabilities, and child abuse persisted.

Women

The law does not specifically prohibit domestic violence, which remained a common problem. While the law punishes physical assault, police often discouraged women from making complaints against abusive husbands, and abusers were rarely taken from home or jailed. Wife beating was considered a personal family affair rather than a criminal act; such cases were usually handled by family members or elders within the neighborhood committee and rarely came to court. Local authorities emphasized reconciling husband and wife, rather than addressing the abuse. A 2002 HRW report on neighborhood committees concluded that although the committees play no formal role in divorce proceedings, in practice, women frequently were unable to obtain a divorce without the committee's approval, which was seldom granted even in cases of obvious abuse. Most NGOs working on domestic violence problems reported that local government cooperation on education programs increased, with a number of initiatives taken to increase cooperation with neighborhood committees. Some police participated in NGO training.

The law prohibits rape. Marital rape is implicitly prohibited under the law, although there were no cases known to have been tried in court. Cultural norms discouraged women and their families from speaking openly about rape and instances were almost never reported in the press.

In parts of the country in past years, some women and girls committed suicide by self-immolation. Most cases went unreported and there were no reliable statistics on the problem's extent. Observers cited conflict with a husband or mother-in-law, who by tradition exercised complete control over a young bride, as the usual reason for suicide. The NGO Umid in Samarkand ran a shelter for survivors of self-immolation and reported varying degrees of cooperation from individual officials, neighborhood committees, and local governments. There were no reports of similar instances during the year as a result of domestic abuse; however, in April a Tashkent woman attempted suicide by self-immolation to protest the destruction of a vegetable garden at her apartment building by the city government.

The law prohibits prostitution; however, it was an increasing problem, particularly among ethnic minorities. Police enforced the laws against prostitution unevenly; some police officers used harassment and the threat of prosecution to extort money from prostitutes.

Trafficking in women for sexual exploitation remained a problem (see section 5, Trafficking).

The law does not prohibit sexual harassment. Social norms and the lack of legal recourse made it difficult to assess the scope of the problem.

The law prohibits discrimination against women; traditional, cultural, and religious practices limited their role in society, however, and women were severely underrepresented in high-level positions and in the industrial sector. A deputy prime minister at the cabinet level was charged with furthering the role of women in society and headed the National Women's Committee. In practice the committee was widely viewed as ineffective, and at times even obstructed the work of NGOs promoting women's rights.

Children

The government was generally committed to children's rights and welfare, although it did not adequately fund public education and health care.

The law provides for children's rights and for free compulsory education through secondary school. In practice shortages and budget difficulties meant that many education expenses had to be paid by families. Teachers earned extremely low salaries and routinely demanded regular payments from students and their parents. According to government statistics, 98 percent of children completed secondary school. However, anecdotal evidence indicated that children increasingly dropped out of middle and high schools as economic circumstances continued to deteriorate.

The government subsidized health care, including for children, and boys and girls enjoyed equal access. As with education, low wages for doctors and poor funding of the health sector led to a widespread system of informal payments for services; in some cases this was a barrier to access for the poor. Those without an officially registered address, such as street children and children of migrant workers, did not have access to government health facilities.

Child abuse was a problem that was generally considered an internal family matter, although elders on neighborhood committees frequently took an interest at the local level in line with the committees' responsibilities to maintain harmony and order within the local community. There were no government-led campaigns against child abuse, although efforts against trafficking involved the protection of underage victims.

Child marriage is not prevalent in the country, although in some rural areas girls as young as 15 sometimes married in religious ceremonies not officially recognized by the state. According to the MOJ, an average of 10 underage (under 17 for girls and under 18 for boys) marriages were reported each year.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5, trafficking).

During the harvest some school children, particularly in rural areas, were forced to work in the cotton fields (see section 6.d.).

Trafficking in Persons

The law prohibits trafficking in persons. Trafficking in women and girls for the purpose of sexual exploitation, and men for labor exploitation, was a problem. A few NGOs reported that some local officials were involved in trafficking on a limited basis.

The law prohibits all forms of trafficking and provides for prison sentences of five to eight years for international trafficking. Recruitment for trafficking is punishable by six months' to three years' imprisonment and fines of up to approximately \$820 (900 thousand soum). The recruitment charge may be brought against international or domestic traffickers. All law enforcement agencies are charged with upholding the antitrafficking provisions of the criminal code. During the year law enforcement authorities improved their focus on trafficking offenses somewhat. In the first 9 months of the year authorities stated they initiated criminal proceedings in 165 cases against 290 suspects. Enforcement was generally effective, but convicted traffickers were often amnestied and served little or no jail time. The government annually amnestied first offenders and those with sentences of less than 10 years; almost every convicted trafficker fell into one of these categories.

During the year the government continued its focus on trafficking prevention. A specialized antitrafficking unit in the MVD established in 2004 continued to cooperate with NGOs and, on a more limited basis, with the OSCE on antitrafficking training for law enforcement and consular officials, and worked with NGOs to produce public awareness campaigns.

The country was primarily a source for the trafficking of women and girls for the purpose of sexual exploitation and men for labor. There were no reliable statistics on the extent of the problem, although NGOs reported labor trafficking was much more prevalent than trafficking for sexual exploitation, and was likely rising due to poor economic conditions. There were credible reports that women traveled to the United Arab Emirates, Kuwait, Bahrain, India, Israel, Georgia, Malaysia, South Korea, Thailand, Turkey, Japan, and Western Europe for the purpose of prostitution; some of them reportedly were trafficking victims. Labor trafficking victims were typically trafficked to Kazakhstan and Russia to work in the construction, agricultural, and service sectors. Some transit of trafficked persons may also have taken place from neighboring countries and to or from countries for which the country was a transportation hub--Thailand, Malaysia, Indonesia, India, South Korea, and the United Arab Emirates (UAE). Women between the ages of 17 and 30 were highly susceptible to sexual trafficking and men of all ages were targets for labor trafficking.

Traffickers operating within nightclubs, restaurants, or prostitution rings solicited women, many of whom had engaged in prostitution. In large cities such as Tashkent and Samarkand, traffickers used newspaper advertisements for marriage and fraudulent work opportunities abroad to lure victims. Travel agencies promising tour packages and work in Turkey, Thailand, and the UAE were also used for solicitation. In most cases traffickers confiscated travel documents once the women reached the destination country. Victims of labor trafficking were typically recruited in local regions and driven to Kazakhstan or Russia where they were often sold to "employers." Traffickers held victims in a form of debt bondage, particularly in the case of those trafficked for sexual exploitation.

Recruiters tended to live in the same neighborhood as the potential victim and often may even have known the victim. These recruiters introduced future victims to the actual traffickers, who provided transportation, airline tickets, visas, and instructions about meeting a contact in the destination country.

Some local officials working at the MVD, customs, and border guards reportedly accepted bribes in return for ignoring instructions to deny exit to young women suspected to be traveling to work as prostitutes. Local sources claimed that officials were involved in document fraud and accepted bribes from persons attempting to travel illegally or from the traffickers themselves.

The government did not prosecute victims of trafficking for violating country laws in the course of being trafficked. Repatriated victims often faced societal and familial problems upon return. In January the government, in conjunction with the IOM, sponsored training for consular officers, which streamlined the repatriation process for trafficking victims and significantly improved efforts to free victims discovered abroad, reducing the process from months to only days.

IOM operated a shelter to help victims reintegrate. As of the end of the year, the shelter had assisted over 60 returned victims. The IOM reported that police, consular officials, and border guards regularly referred women returning from abroad who appeared to be trafficking victims to the organization for services. The government also routinely allowed the IOM to assist groups of returning women at the airport, help them through entry processing, and participate in the preliminary statements the victims gave to the MVD.

During the year some of the local partners that had operated trafficking hot lines in cooperation with the IOM were closed in the post-Andijon crackdown on civil society.

In October the government, in conjunction with the IOM and a local NGO, held a regional antitrafficking conference in Tashkent. In addition the government included neighborhood committee officials in training on identifying and protecting victims of trafficking.

The OSCE Tashkent office cooperated with foreign embassies, NGOs, and the government to hold training seminars for law enforcement, including officers from the NSS, Interior Ministry, Ministry of Foreign Affairs, the customs service, border guards, and the general prosecutor's office. It also provided training for several antitrafficking NGOs, organized roundtables to discuss projects, and provided small grant funding to NGOs. A working group of representatives from the MOJ, Interior Ministry, NSS, and the prosecutor's office, with OSCE support, coordinated antitrafficking work among government agencies.

Government-controlled newspapers carried targeted articles on trafficked women and prostitution; ironically, in some cases, the same publications also carried advertisements soliciting women. In several cases during the year victims cited these awareness campaigns as their first contact with IOM and other antitrafficking NGOs. Government radio continued a weekly call-in program for women who were involved in the sex trade, and government television broadcast documentary features on trafficking. Government-owned television stations worked with local NGOs to broadcast antitrafficking messages and to publicize the regional NGO hot lines that counseled actual and potential victims. The government worked with NGOs to place posters on trafficking hazards on public buses, in passport offices, and in consular offices abroad. As a result, the IOM reported an increase in the number of calls to its antitrafficking hot lines that were specifically directed at victim assistance.

Persons with Disabilities

Although the law prohibits discrimination against persons with disabilities in the workplace and in education, there is no law specifically prohibiting such discrimination in housing or in access to state services. There was some societal discrimination against persons with disabilities, and children with disabilities were generally segregated into separate schools. The government cared for persons with mental disabilities in special homes. The law does not mandate access to public places for persons with disabilities; however, there was some wheelchair access throughout the country. The law does not provide effective safeguards against arbitrary involuntary institutionalization. A special department and commission under the Ministry of Health was responsible for facilitating access for disabled citizens to health care and a special department under the Ministry of Labor and Social Protection was responsible for facilitating employment of disabled persons.

National/Racial/Ethnic Minorities

The population was mainly Uzbek, with significant numbers of Russians, Tajiks, Tatars, and Kazakhs as well as ethnic Koreans, Meskhetian Turks, and Germans.

The law prohibits employment discrimination on the basis of ethnicity or national origin. However, Russians and other minorities frequently complained about limited job opportunities. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship; however, language remained a sensitive issue. Uzbek is the state language, and the constitution requires that the president speak it. The law also provides that Russian is "the language of interethnic communication." Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.

Societal Abuses and Discrimination

There was social stigma against HIV/AIDS patients. However, there were NGOs that assisted and protected the rights of persons with HIV/AIDS. In October the government, in cooperation with UN agencies and NGOs, launched a national HIV/AIDS prevention program aimed at increasing awareness of the disease and curbing its spread. President Karimov's daughter, Lola Karimova, was a prominent spokesperson for the campaign.

Homosexual activity is a crime punishable by up to three years' imprisonment. Some homosexuals reportedly left the country seeking a more tolerant environment.

Section 6 Worker Rights

a. The Right of Association

The law provides workers the right to form and join unions of their choice, although workers were unable to exercise this right in practice. The

law declares unions independent of governmental administrative and economic bodies, except where provided for by other laws. In practice, unions remained centralized and dependent on the government. There were no independent unions. The law prohibits discrimination against union members and officers; however, this prohibition was irrelevant due to unions' close relationship with the government.

b. The Right to Organize and Bargain Collectively

Unions and their leaders were not free to conduct activities without interference from the government. The law provides the right to organize and to bargain collectively; in practice the government did not respect these rights. Unions were government-organized institutions that had little power, although they did have some influence on health and work safety issues.

The law states that unions may conclude agreements with enterprises, but because unions were heavily influenced by the state, collective bargaining in any meaningful sense did not occur. The Ministry of Labor and Social Protection and the Ministry of Finance, in consultation with the Council of the Federation of Trade Unions (CFTU), set wages for government employees. In the small private sector, management established wages or negotiated them individually with persons who contracted for employment.

The law neither provides for nor prohibits the right to strike. In late April approximately 500 workers at the Shorsuv metals plant in Ferghana Province staged a hunger strike to protest plant managers, whom workers accused of cheating them out of shares in the enterprise.

There were no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, except as legal punishment or as specified by law; however, there were reports that such practices occurred (see sections 5 and 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The government did not effectively implement laws and policies to protect children from exploitation in the workplace. The law establishes the minimum working age at 14 and provides that work must not interfere with the studies of those under 18. Children between the ages of 14 and 16 may work a maximum of 20 hours per week when school is not in session and 10 hours per week when school is in session. Children between the ages of 16 and 18 may work 30 hours per week while school is not in session and 15 hours per week while school is in session. In rural areas younger children often helped to harvest cotton and other crops.

The large-scale compulsory mobilization of youth and students to help in the fall cotton harvest continued in most rural areas. Such labor was poorly paid. There were occasional reports from human rights activists that local officials in some areas pressured teachers into releasing students from class to help in the harvest and in many areas, schools closed for the harvest. In 2000 UNICEF estimated that 22 percent of children ages 5 to 14 worked at least part time, primarily in family organized cotton harvesting.

There were reports that girls were trafficked from the country for the purpose of sexual exploitation and that girls were engaged in forced prostitution (see section 5).

Enforcement of child labor laws is under the jurisdiction of the prosecutor general and the Ministry of Interior and its general criminal investigators. The law provides both criminal and administrative sanctions against violators, but authorities did not punish violations related to the cotton harvest and there were no reports of inspections resulting in prosecutions or administrative sanctions. Enforcement was limited due to insufficient resources.

e. Acceptable Conditions of Work

The Ministry of Labor and Social Protection, in consultation with the CFTU, sets and enforces the minimum wage. At year's end the minimum wage was approximately \$8.25 (9,400 soum) per month, which did not provide a decent standard of living for a worker and family.

The law establishes a standard workweek of 41 hours and requires a 24-hour rest period. Overtime pay exists in theory but was not usually paid in practice. Payment arrears of four to six months were common for workers in state-owned industries, including government office workers and officials.

The labor ministry established and enforced occupational health and safety standards in consultation with unions, but reports suggest that enforcement was not particularly effective. The press occasionally published complaints over the failure of unions and the government to promote worker safety. While regulations provide for safeguards, workers in hazardous jobs often lacked protective clothing and equipment. Workers legally may remove themselves from hazardous work without jeopardizing their employment, although few workers, if any, attempted to exercise this right, as it was not effectively enforced.

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