

Subcommittee on International Operations and Human Rights held a hearing on the review of the criminal justice system in Northern Ireland.

The U.S. State Department's *Country Reports on Human Rights Practices for 2000* adequately catalogued the concerns of human rights groups, including the lethal potential of plastic bullets, alleged collusion between security forces and loyalist paramilitaries, and the unresolved murders of lawyers Rosemary Nelson and Patrick Finucane.

### **Relevant Human Rights Watch Reports:**

*Commentary on the United Kingdom's Anti-Terrorism, Crime and Security Bill 2001, 11/01*

## **UZBEKISTAN**

### **HUMAN RIGHTS DEVELOPMENTS**

The new U.S.-led campaign against terrorism dramatically changed Uzbekistan's international position, but its appalling human rights record remained unchanged. The government retained tight control over all media and other forms of expression, dealing harshly with dissidents and rights activists who sought to expose abuses. It did not tolerate independent political parties or social movements. State agents tortured those in custody and at least five people died in custody under highly suspicious circumstances in 2001.

The government pressed forward with a campaign of unlawful arrest, torture, and imprisonment of Muslims who practiced their faith outside state controls, and took increasing numbers of pious women into custody. Police forcibly disbanded protests by relatives of religious prisoners, and placed several under administrative arrest for demonstrating.

Seventy-three mountain villagers were convicted, after being tortured and ill-treated, on charges of abetting the Islamic Movement of Uzbekistan (IMU) insurgency in 2000 in southeastern Uzbekistan.

While authorities withheld comprehensive statistics on prisoners held on religious and political charges, conservative estimates put the total number at around 7,000. Local rights organizations estimated that in 2001 at least thirty people per week were convicted for alleged crimes related to their religious affiliation or beliefs. The majority of cases involved those accused of membership in Hizb ut-Tahrir (Party of Liberation), which espouses reestablishment of the Islamic Caliphate by peaceful means. The government of President Islam Karimov equated the group's beliefs and activities with attempted overthrow of the state, and authorities prosecuted any person in possession of the group's literature or in any way affiliated with it. They also prosecuted so-called Wahhabis, or Muslims who were

not members of any organized group but who worshiped outside state controls and were subsequently branded “extremists” and “fundamentalists.”

Those associated even loosely with well-known religious leaders branded as “Wahhabis” were tried in unfair proceedings on charges of conspiracy to overthrow the government, and sentenced to lengthy prison terms. On April 9, twelve men accused of taking Koran lessons and attending religious services at the mosque of Imam Abduvahid Yuldashev were sentenced to terms ranging from two-year suspended sentences to eighteen years of imprisonment. The men, who claimed that they had been engaged only in worship and study of Islamic texts, testified that police held them incommunicado and tortured them. A Tashkent court sentenced Imam Yuldashev himself to nineteen years in prison, ignoring his testimony that he was tortured and his family threatened.

Following a well-established pattern, authorities arrested or harassed the relatives of independent Muslim leaders. In at least one prominent case in 2001, police used a family member as a hostage to coerce an imam into cooperating with an investigation. On March 17, 2001, Tashkent police arrested Rahima Ahmedalieva, wife of Imam Ruhiddin Fahriddinov, whom authorities labeled a “Wahhabi” and who was believed to be in hiding, fearing arrest. Police held Akhmedalieva, conditioning her release on Fahriddinov’s appearance for questioning. Police detained Akhmedalieva’s nineteen-year-old daughter, Odina Maksudova, on March 20, threatened her with physical abuse, and forced her to write a statement incriminating her mother. They also threatened to send Akhmedalieva’s minor children to an orphanage, “so [they] won’t become ‘Wahhabi,’” and tore off the religious headscarves worn by Maksudova and Akhmedalieva, ordering the younger woman not to wear religious dress again. Maksudova was released the next day.

On March 26, when Maksudova filed an appeal on behalf of her mother to the United Nations with the office of the United Nations Development Programme, police confiscated the appeal from a U.N. employee, detained Maksudova as she left the U.N. building, and forced her to disavow the appeal. On September 21, Akhmedalieva was sentenced to seven years in prison for alleged anti-state activities.

On August 23, President Karimov issued an amnesty decree for various categories of prisoners, excluding those charged with anti-state activities or sentenced to lengthy terms for alleged membership in banned religious organizations. However, an unknown number of religious prisoners sentenced earlier to relatively short terms in prison were reportedly released following the amnesty decree.

Notwithstanding the government’s longstanding policy of dispersing unsanctioned public demonstrations, women in various parts of Uzbekistan protested the campaign against independent Muslims. On March 21, 2001, an estimated three hundred demonstrators, primarily women, took to the streets in Andijan to demand the release of their male relatives, imprisoned for their religious affiliations and beliefs. The participants reportedly carried signs reading, “2001: Year of the Widow and Orphan,” a play on President Karimov’s declaration of the year 2001 as the “Year of the Mother and Child.” Police dispersed the demonstration and detained at least two female participants, carrying one off by her arms and legs.

Two days later, Andijan police reacted even more quickly to disperse a followup

protest. Officers allegedly detained female demonstrators violently, fined them each 2,200 som (approximately one month's salary), and threatened to extend the prison sentences of the women's jailed relatives if they did not submit statements asking for forgiveness for their actions. After another similar demonstration, local authorities organized a public meeting to denounce the protesters.

On April 12, 2001, police violently dispersed and detained some forty women protesting outside government buildings in Tashkent, injuring at least ten. A human rights defender who witnessed the protest reported that officers fired blanks over the women's heads. Most of the women were released the same day; four were released three days later. Police allegedly beat one of the women in custody.

September 4, 2001, saw two more protests organized by female relatives of independent Muslim prisoners, to voice dissatisfaction with the August amnesty decree. Police in Karshi arrested twelve of a group of about sixty women who called for the release of their loved ones. As of this writing, their whereabouts remained unknown. In Tashkent, police arrested another ten demonstrators, including Fatima Mukadirova, the mother of two young men imprisoned for alleged membership in Hizb ut-Tahrir. Arresting officers accused Mukadirova of membership in the Islamic group and placed her under arrest on charges that she attempted the violent overthrow of the Republic of Uzbekistan. On November 5, Mukadirova was given a three-year suspended prison sentence, under which she was to report to authorities every ten days.

In 2001, the government of Uzbekistan took an important step toward transparency in the prison system with its decision to allow access for the first time ever to the International Committee of the Red Cross (ICRC) to prison facilities. However, progress proved illusory. According to prisoners' relatives, the authorities consistently ordered prisoners not to speak to the international observers and temporarily transferred political and religious prisoners from facilities prior to the visits. Conditions in Uzbekistan's prisons remained ghastly. Overcrowding forced prisoners to sleep in turns. Meals were commonly limited to one loaf of bread for four men and one cup of tea. With poor hygiene, diseases such as dysentery, eczema, kidney ailments, and tuberculosis were rampant and claimed numerous lives. Authorities routinely denied prisoners access to medicine and medical attention.

Prison guards systematically beat prisoners with wooden and rubber truncheons and exacted particularly harsh punishment on those convicted on religious charges, subjecting them to additional beatings, and forcing them to sing the national anthem and recite poems praising the president and the state. Those who attempted to observe the five daily Muslim prayers were beaten and sometimes locked in isolation cells for days on end.

Torture remained endemic in pretrial custody as well, abetted by the practices of failing to notify family members of an individual's detention and holding people incommunicado, sometimes for up to six months. Authorities systematically tortured detainees to force them into giving testimony or self-incriminating statements and used it as a form of extrajudicial punishment. At least five suspicious deaths in pre- and postconviction custody in 2001 were likely due to torture, including that of a human rights defender. In all cases officials provided implausible explanations for the cause of death.

Police detained Emin Usmon on February 11, 2001, on suspicion of "religious

radicalism,” and on March 1 returned his corpse to his family. Usmon, a well-known writer and commentator in Uzbekistan, had spoken out on behalf of others held on such charges. Fifty to sixty police officers surrounded Usmon’s neighborhood when his corpse was returned, stopped the family from holding a viewing of the body, demanding that they bury the body immediately and preventing relatives and neighbors from attending the funeral. Initially, police told the family that Usmon had committed suicide; however, the death certificate ultimately given to the family stated that he had died of a “brain tumor.” No independent medical examination was allowed. Nonetheless, one relative alleged he saw clearly an open wound on the back of Usmon’s head during the procedure of preparing the body for burial.

Police also offered an implausible explanation for the death of Hazrat Kadirov, a displaced person who had spoken out about poor conditions for those displaced from Surkhandaria province. Police officers detained Kadirov for “informal questioning” on December 11, 2000; three days later, they returned his corpse. Officials claimed that Kadirov had tried to escape police custody and then had died of a heart attack. A person who viewed Kadirov’s body reported seeing multiple injuries.

On October 17, 2001, Tashkent police arrested brothers Ravshan and Rasul Haidov on suspicion of membership in Hizb ut-Tahrir. Ravshan’s body was returned to his family on October 18. Those who viewed the body reported that the thirty-two-year-old’s neck was broken, as was one leg below the knee; that his upper back was injured; and that his body was covered with bruises. The official cause of death was “heart attack.” As of this writing, twenty-five-year-old Rasul Haidov reportedly remained in intensive care in a local hospital under armed guard.

In late December 2000, Habibullah Nosirov, a Hizb ut-Tahrir member imprisoned since 1999, reportedly died from injuries sustained during beatings in prison. He was the brother of Hafizullo Nosirov, who in March 2000 was convicted for being the reputed head of Hizb ut-Tahrir in Uzbekistan.

Uzbek authorities did not respond to repeated requests for information regarding the whereabouts in custody of Bahodir Hasanov, a teacher at the Alliance Française, who was arrested in July 2000. By November 2001, he was unaccounted for.

Journalist and artist Shukhrat Bobojonov was forced to flee Uzbekistan in August 2001 under fear of arrest. State prosecutors in his hometown of Urgench had repeatedly summoned Bobojonov for questioning relating to an investigation of his membership in the Union of Artists of Uzbekistan in the early 1990’s. Internews reported that Bobojonov had objected to the government’s 1999 closure of his independent television station in Urgench and that he had even sued to have his broadcast license reissued.

On October 23, the National Security Service (SNB) arrested Yusup Jumaev, a well-known Uzbek poet, stating that his poetry, published in 1994 and 2000, qualified as “anti-state activities.” As of this writing, Jumaev was being held in the basement of the Bukhara district SNB, where he allegedly had been tortured.

Uzbekistan executed undisclosed numbers of persons by firing squad in 2001. On October 29, the Uzbek parliament amended the criminal code to reduce from eight to four the number of crimes punishable by death.

As part of its declared aim to counter the threat of Uzbek militants based out-

side Uzbekistan, the government mined its borders with Kyrgyzstan and Tajikistan, with mines killing an estimated thirty civilians and injuring numerous others in 2001, according to media and government reports.

In 2001, local and international human rights organizations uncovered evidence that authorities forcibly displaced approximately 3,500 mountain villagers from their homes near the Tajik border during and after the August 2000 IMU incursions. The government had reported that the civilians had fled. The displaced persons were relocated to centers where they were cut off from interaction with the general community and deprived of means of livelihood. The military prohibited the displaced persons' return to the area even to retrieve personal belongings and razed their homes to create a *cordon sanitaire* along the border.

Obstacles to women's escape from severe domestic violence and pursuit of remedies persisted at the local and national levels. In particular, neighborhood authorities, or *mahallah* committees, thwarted women's attempts to obtain divorces and split from violent husbands by preventing them from pursuing legal remedies when they asked for assistance and encouraging their return to violent households. The authorities thereby blocked women's access to the criminal justice system. These actions were consistent with a larger government campaign to "save the family" by maintaining a low divorce rate.

Female university students expelled since 1997 for wearing *hijab*, headscarves that covered their faces, were as in the past not permitted to rematriculate unless they removed their religious garb and agreed to pay tuition. All universities in Uzbekistan were state-run, and only a small percentage of students were normally required to pay tuition.

Government officials obstructed the registration of Christian and other non-Muslim religious groups, depriving them of legal status in Uzbekistan. Proselytism remained illegal. Authorities discouraged ethnic Uzbeks in particular from converting to Christianity. In 2001 several churches reported that local officials rejected congregation lists, required for registration, which included members with Uzbek names.

## **DEFENDING HUMAN RIGHTS**

In 2001, the Uzbek government released two human rights activists who were wrongly convicted, but it continued to harass and arrest others. One defender died in police custody, an apparent victim of extrajudicial execution. In December 2000 President Karimov ordered the release of rights defender Mahbuba Kasymova of the Independent Human Rights Organization of Uzbekistan (IHROU). A mother of five, Kasymova served one and a half years of a five-year sentence on fabricated charges brought in retaliation for her efforts to expose police abuse against independent Muslims. However, shortly after her release, authorities in Tashkent briefly detained Kasymova and threatened to arrest her again if she continued to monitor trials of those brought up on religious charges.

Seven months after Kasymova's release, on July 3, another IHROU defender, Ismail Adylov, was released from prison after serving two years of a seven-year term

on wholly spurious charges that he was a member of a banned religious organization. Upon his release Adylov revealed that prison authorities had denied him medical attention and had systematically beaten him during his incarceration. The authorities attempted to deny Adylov an exit visa—official permission still necessary for travel abroad—to travel to the United States to be honored for his human rights work. Only after intense intervention by diplomatic representatives, particularly the U.S. government, did the authorities grant Adylov permission to travel.

The chairman of the IHROU, Mikhail Ardzinov, continued to be denied his passport, which was confiscated at the time of his detention in 1999. Uzbek citizens must carry their passports with them at all times; travel within the country is difficult without this form of identification and travel outside the country is impossible. Persons without passports are routinely denied their pensions or other government assistance.

Any perceptions that the Karimov government grew more tolerant of rights defenders were shattered when police apparently tortured to death Shovruk Ruzimuradov, a long-time dissident and activist in the Human Rights Society of Uzbekistan (HRSU). Officers arrested Ruzimuradov, forty-four, on June 15 in his hometown in southwestern Uzbekistan, and held him incommunicado for some twenty-two days before returning his corpse to his family on July 7.

Police blocked all entry within one kilometer of the Ruzimuradov home and turned away fellow rights defenders who traveled from Tashkent to view the body and attend the funeral services. Police threatened to arrest the activists and “tear [them] to pieces” if they investigated the case further, and expelled them from the area. A preliminary report issued by state authorities gave the cause of death as “suicide by hanging.” Shortly before his death, Ruzimuradov had spoken out publicly on the arrest and conviction of seventy-three men from Surkhandaria province, on charges of collaborating with armed insurgents in 2000. He also advocated on behalf of those forcibly displaced from Surkhandaria as part of the armed forces’ “mop up” operation there.

Other members of HRSU in Tashkent, Jizzakh, Khorezm, Andijan, and Kashkadaria reported being temporarily detained, subjected to intimidating interrogation and threats, and otherwise harassed in 2001.

On April 6, 2001, police detained Elena Urlaeva, a member of HRSU who worked on behalf of people dispossessed of their homes by city authorities. Authorities forcibly committed her to a state mental hospital, where staff systematically medicated Urlaeva during two months of confinement, causing her severe medical problems. Finally, on June 30, 2001, after considerable international outcry, Urlaeva was allowed to leave the hospital and return home. However, on November 6, law enforcement agents raided the office of the state human rights ombudsman, where they arrested Urlaeva. Police cleared the office, searched Urlaeva, and took her into custody. The rights defender was first held under armed guard in a hospital ward in Tashkent and then transferred to a police holding facility. She was released on November 16.

## **THE ROLE OF THE INTERNATIONAL COMMUNITY**

### **United Nations**

In March 2001, the U.N. Human Rights Committee considered Uzbekistan's initial report on compliance with the International Covenant on Civil and Political Rights. The committee's concluding observations were frank and highly critical of the government's report and its lack of progress implementing basic rights. The committee expressed grave concern regarding reports of torture and inhumane treatment and stated that such allegations should be investigated and persons responsible prosecuted. It also expressed concern about impediments to detainees' access to legal counsel, prison conditions, particularly deaths in prison, and forced displacement of villagers. It added that it "deplores the State party's refusal to reveal the number of persons who have been executed or condemned to death, and the grounds for their conviction . . ."

In its February concluding observations on Uzbekistan's initial report, the U.N. Committee on the Elimination of Discrimination against Women requested that the government ". . . enact laws on violence, especially on domestic violence, including marital rape, as soon as possible and . . . ensure that violence against women and girls constitutes a crime punishable under criminal law and that women and girl victims of violence have immediate means of redress and protection." The committee also requested that the Uzbekistan government provide more information on the trafficking of women and girls.

### **European Union**

The E.U.-Uzbekistan Cooperation Council met in January 2001 to discuss implementation of the Partnership and Cooperation Agreement (PCA), signed in July 1999. The two parties agreed to intensify cooperation in the areas of trade and investment, and to continue political dialogue. The E.U. reportedly raised human rights and rule of law issues, and future E.U. assistance to Uzbekistan for training members of the judiciary. The PCA requires that partner states guarantee basic civil and political rights. The statement following the January meeting praised the Uzbek government for granting the ICRC access to prisons.

### **Organization for Security and Cooperation in Europe (OSCE)**

In December 2000, the Organization for Security and Cooperation in Europe (OSCE) renegotiated its presence in Uzbekistan with the government, renaming its office in Tashkent the OSCE Center. Similar centers had already been established in the other Central Asian states.

The OSCE office undertook training sessions in women's rights and continued a series of training seminars for local rights defenders. Its representatives visited Elena Urlaeva while she was forcibly confined to a mental institution.

A June visit to Central Asia by OSCE Chairman-in-office Mircea Geoana failed to include meetings in Uzbekistan. The official explanation given by the govern-

ment of Uzbekistan was scheduling problems. A subsequent visit to Uzbekistan in October 2001 included meetings with President Karimov and other government officials. Scheduling problems reduced a planned meeting between the chairman-in-office and human rights defenders, a group at particular risk, to a very brief forum together with journalists; the human rights leaders had no opportunity to present issues of concern to the OSCE head.

### United States

After years of relative obscurity in the U.S. foreign policy making community, Uzbekistan became an essential U.S. ally in the post-September 11 coalition against terrorism. As of this writing, it was too soon to judge whether the Bush administration's "qualitatively new relationship" with the Uzbek government would translate into enhanced pressure for human rights improvements, or whether it would be yet another squandered opportunity for leverage.

The United States' diplomatic initiatives in late 2000 succeeded in pressing the Uzbek government to allow the ICRC access to prisons. The agreement, finalized in record time, marked the first formal acceptance by the government of Uzbekistan of foreign monitors in prison and pretrial detention facilities. U.S. insistence on Uzbekistan's compliance with legislation known as the Cooperative Threat Reduction program, which states that countries receiving assistance under this program must be "committed to observing internationally recognized human rights," also resulted in the release from prison of prominent human rights activists Mahbuba Kasymova and Ismail Adylov. U.S. intervention also aided Adylov in receiving an exit visa to travel outside Uzbekistan in November 2001.

In October 2001, the U.S. government failed to designate Uzbekistan as a "country of particular concern for religious freedom" under the terms of the 1998 U.S. International Religious Freedom Act.

The United States offered security and financial assistance in exchange for use of an air base in Uzbekistan for the U.S. military operation in Afghanistan. At least 1,000 U.S. troops from the 10th Mountain Division were deployed to an Uzbek military base by mid-October. Unofficial reports also indicated that U.S. bombers had targeted the Afghanistan-based training camps of the IMU, which the United States in 2000 had placed on a list of terrorist organizations.

After meeting with U.S. Secretary of Defense Donald Rumsfeld during his November visit to the region, Uzbek Minister of Defense Qodir Guliamov stated that the military had benefited from training and joint exercises with U.S. forces and hinted that he expected other types of aid to be forthcoming. "I am confident that the kind of cooperation which is being developed now is characterized by a higher level [sic], and consequently I am positive that the forms of our cooperation with change accordingly," Guliamov said. The September 11 events also brought to light past U.S. assistance to, and joint covert operations with, Uzbekistan in efforts against Osama bin Laden.

Recognizing the potential human rights consequences of military assistance to Uzbekistan, the U.S. Congress adopted an amendment to the Foreign Operations Appropriation Act with new reporting requirements. Under the amendment, the



State Department must provide a list of U.S. security aid given to Uzbekistan, how Uzbek units used the defense articles and services, and which units engaged in violations of human rights or international humanitarian law during the reporting period.

In 2001, Uzbekistan received \$63.57 million in U.S. assistance and \$136 million in U.S. Export-Import Bank credits, which were granted through a certification process that included human rights conditions.

### **Relevant Human Rights Watch Reports:**

*Memorandum to the U.S. Government Regarding Religious Persecution in Uzbekistan*, 8/01.

*Sacrificing Women to Save the Family?: Domestic Violence in Uzbekistan*, 7/01

*Uzbekistan: "And it Was Hell All over Again . . .": Torture in Uzbekistan*, 12/00.

## **FEDERAL REPUBLIC OF YUGOSLAVIA**

### **SERBIA AND MONTENEGRO**

#### **HUMAN RIGHTS DEVELOPMENTS**

The December 2000 Serbian parliamentary elections consolidated the transition from the authoritarian rule of former president Slobodan Milosevic, with the Democratic Opposition of Serbia (DOS) winning 64 percent of the vote. In Montenegro, the early elections in April 2001 served as an informal referendum about the status of the smaller of the two Yugoslav republics. Pro-independence parties only won slightly over half the votes, less than generally anticipated, but the ruling coalition continued to boycott the work of the federal institutions. The authorities in Serbia and Montenegro made little progress toward solving the federal constitutional crisis, but the real risk of armed conflict under the Milosevic government gave way to a political process.

On April 1, Serb authorities arrested Milosevic on corruption charges. Faced with mounting pressure from human rights organizations, the United States, and the European Union to surrender Milosevic for war-crimes prosecution before the International Criminal Tribunal for the former Yugoslavia (ICTY), Yugoslav President Vojislav Kostunica and other officials argued that Milosevic's transfer required adoption of a law on cooperation with the ICTY first. The Yugoslav Ministry of Justice drafted a law in June, but the Montenegrin partner in the federal coalition government, the Socialist People's Party (SNP), blocked its adoption. On June 23, the cabinet, dominated by DOS members, adopted a cooperation decree in lieu of the law. The Federal Constitutional Court, filled with appointees from the Milosevic