

URGENT APPEAL - THE OBSERVATORY

New information
UZB 010 / 1209 / OBS 183.1
Sentencing / Judicial harassment
Arbitrary detention
December 3, 2010
Uzbekistan

The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) has received new information and requests your urgent intervention in the following situation in **Uzbekistan**.

New information:

The Observatory has been informed by reliable sources about the ongoing judicial harassment faced by Mr. Gaybullo Jalilov, a human rights defender, member of the Human Rights Society of Uzbekistan (HRSU) Karshi regional branch and a defender of the right to freedom of conscience in Uzbekistan.

According to the information received, on November 13, 2010, Mr. **Gaybullo Jalilov** had his prison sentence extended by two years.

On 18 January 2010, Mr. Gaybullo Jalilov had been sentenced to nine years in prison by the Kashkadar Regional Criminal Court for "organisation of criminal association", "production or dissemination of materials constituting a threat to public security and public order" and "founding, leading and participating in religious extremist, separatist, fundamentalist and other forbidden organisations" under Article 159 part 3, 244.1 part 3 and 244.2 part 1 of the Criminal Code of the Republic of Uzbekistan.

According to his family, since the beginning of his detention, Mr Jalilov's health has seriously deteriorated as he suffers of nervous breakdown and kidney disease. Moreover, before the announcement of a general amnesty on the occasion of the 19th anniversary of Uzbekistan's independence on September 1, 2010, Mr Jalilov reportedly received a heavy blow with a baton in the ear during the summer 2010, after he refused to comply with the illegal demand of the colony to sing in unison with others prisoners a hymn of the Republic of Uzbekistan. According to the information received, he became deaf of the both ears as a result to this ill-treatment.

Mr. Gaybullo Jalilov had reportedly been taken to the Kashkadar Regional Criminal Court on September 28, 2010 where he was accused of "terrorism". According to the information received, the Court established that - while he was in prison - Mr Gaybullo Jalilov would have arrived at his home and sensitise his neighbours to the religion of Islam. The Court reportedly added a sentence of two more years in prison by a falsificated accusation. According to the information received, during the hearing, Mr Gaybullo Jalilov could not understand what was happening as a result of his deafness.

The Observatory denounces the judicial harassment and acts of ill-treatment against Mr. Jalilov, which seems to merely aim at sanctioning his human rights activities.

The Observatory recalls that as a participating State of the Organisation for Security and Cooperation in Europe (OSCE), Uzbekistan recognises "the need for particular attention, support and protection for human rights defenders by the OSCE, its Institutions and field operations, as well as by participating States".

The Observatory further urges the European Commission Delegation as well as European Union (EU) Member-States embassies in the Uzbekistan to call upon the Uzbek authorities to comply with the relevant international norms and standards, in particular the United Nations Declaration on Human Rights Defenders, and take action on the above-mentioned elements, in line with the EU Guidelines on Human Rights Defenders.

Background information:

On September 5, 2009, Mr Gaybullo Jalilov was arrested and accused of conspiracy to blow the Karshi airport as well as the military base of Khanabad. Mr Jalilov faces the charges of "terrorism", "incitement of national, racial or religious enmity", "infringement against the constitutional system of the Republic Uzbekistan", "sabotage", "organisation of criminal association", "production or dissemination of materials constituting a threat to public security and public order", and of "funding, leading and participating in religious extremist, separatist, fundamentalist and other forbidden organisations", under Articles 155, 156, 159, 161, 242 and 244 of the Uzbek Criminal Code. His whereabouts were unknown until November 6, 2009. On this date, his family and lawyer were allowed to see him in Karshi, Beshkent, in the company of three police officers.

On November 24, 2009, his trial started before the Kashdakar Regional Court under criminal case 1,210, initiated by the National Security Service of Kashkadar region on August 26, 2009. The trial was held behind closed doors and no relatives were admitted to the courtroom. The trial was postponed several times and Gaybullo Jalilov's lawyer was informed late in the evening the day before the hearing and he could not attend the trial. Moreover, his lawyer was not informed of the sentencing until the end of January 2010.

Actions requested:

Please write to the authorities in Uzbek authorities, urging them to:

- i. Guarantee in all circumstances the physical and psychological integrity of Mr. Gaybullo Jalilov;
- ii. Put an end to all acts of harassment - including at the judicial level - against Mr. Gaybullo Jalilov as well as against all human rights defenders in Uzbekistan and ensure in all circumstances that they be able to carry out their work without unjustified hindrances;
- iii. Conform with the provisions of the United Nations Declaration on Human Rights Defenders, adopted by the General Assembly of the United Nations on December 9, 1998, especially its Article 1, which states that "everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels" and its Article 12.2, which states that "the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present Declaration";
- iv. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Uzbekistan.

Addresses:

- President of Uzbekistan, Mr. Islam Abduganiyevich Karimov, ul. Uzbekistanskaya 43, Rezidentsia prezidenta, 700163 Tashkent, Republic of Uzbekistan, E-mail: presidents_office@press-service.uz
- Minister of Foreign Affairs, Mr. Vladimir Imamovich Norov, Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del RU, S.S., Uzbekistan, Fax: + 998 71 139 1517, E-Mail: info@tiv.uz
- Head of the Directorate of Execution of Sentences, Ministry of Internal Affairs, Mr. Abdukarim Shodiev, Ferganskoe shosse, 25, 700005 g. Tashkent, Republic of Uzbekistan. Fax: + 998 71 191 6835 Email: mvd@mvd.uz / info@mvd.uz
- Parliamentary Commissioner for Human Rights, Ms. Sayora Rashidova, ul. Xalqlar Dostligi 1, 700035 Tashkent, Republic of Uzbekistan, Fax: + 998 71 139 8555
- Chairman of the Supreme Court of the Republic of Uzbekistan, Mr. Buritosh Mustafaev, Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan, Fax: + 998 71 144 6293
- General Prosecutor of the Republic of Uzbekistan, Mr. Rashidjon Hamidovich Kodirov; ul. Gulyamova 66, 700047 Tashkent, Republic of Uzbekistan, Fax: + 998 71 133 3917 / + 998 71 133 7368
- National Centre for Human Rights, Senator Akmal Saidov, Natsionalny tsentr po pravam cheloveka, 5/3, Mustakillik Maidoni, g. 700029 Tashkent, Republic of Uzbekistan. Fax: + 998 71 139 1356 / + 998 71 139 4516
- Permanent Mission of the Republic of Uzbekistan to the United Nations in Geneva, PO Box 1853, 1215 Geneva 15, Switzerland, Fax: + 41 22 799 4302, E-mail: uzbekistan@bluewin.ch

Please also write to the diplomatic representations of Uzbekistan in your respective countries.

Paris-Geneva, December 3, 2010

Kindly inform us of any action undertaken quoting the code of this appeal in your reply.

The Observatory, a FIDH and OMCT venture, is dedicated to the protection of Human Rights Defenders and aims to offer them concrete support in their time of need. The Observatory was the winner of the 1998 Human Rights Prize of the French Republic.

To contact the Observatory, call the emergency line:

E-mail: Appeals@fidh-omct.org

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