

*(Translated from Russian)*

### **Information on the criminal case against Bobomurod Abdullayev**

The allegations made in the joint communication by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, David Kaye, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Nils Melzer, and the Vice-Chair of the Working Group on Arbitrary Detention, Elina Steinerte, concerning the unlawful arrest and detention and serious risk of torture of Bobomurod Abdullayev are unfounded for the reasons stated below.

The investigation department of the National Security Service of the Republic of Uzbekistan is currently handling criminal case No. 9708, which was brought against Bobomurod Abdullayev, a citizen of the country.

The criminal case was initiated on the basis of official media (Internet) data showing that articles publicly calling for the change of the constitutional order of Uzbekistan by unconstitutional means, the seizure of power and the ousting of lawfully elected or appointed officials were being published online under the pseudonym [REDACTED].

A further investigation into the matter established that these articles were being published from a personal computer located at Mr. Abdullayev's residential address.

On 29 September 2017, Mr. Abdullayev's home (located at [REDACTED]) was searched, and a personal computer and other information-storage devices were found and seized. The inspection of these devices uncovered a plan, entitled the Reaping Project, for a revolution and the violent overthrow of the country's constitutional order.

The plan to subvert the constitutional order was to be carried out in three phases, involving the use of key officials in the Government (the National Security Service, the Ministry of Internal Affairs and the Ministry of Defence), the enlistment of wide public support and the conduct of military operations in cities with province status (Tashkent, Fergana, Navoiy, Urgench and others). Appended to the plan were photographs and floor plans of the homes of various government ministers and heads of government agencies and estimates of the number of people needed to abduct them and the costs that would be incurred in the realization of this criminal plot, which suggests that it was in fact likely to have been realized.

Various articles and texts calling for the change of the constitutional order by unconstitutional means, the seizure of power and ousting of lawfully elected or appointed officials were also found.

In accordance with existing national legislation, the Procurator General was informed of the search by Notification No. 3/7552 of 30 September 2017.

The electronic devices and materials that were found and seized have all been handed over to the relevant expert bodies in order to obtain opinions.

Mr. Abdullayev was arrested and taken to a National Security Service remand centre on the grounds that the Reaping Project and other texts prepared by him pointed to an offence under article 159 (4) of the Criminal Code.

On the day of his arrest, 29 November 2017, Mr. Abdullayev was offered the opportunity to exercise his right under article 48 of the Code of Criminal Procedure to telephone a close relative or lawyer to inform them of his detention and whereabouts. However, he did not exercise this right, explaining that he did not want to alarm those closest to him, as was documented in the relevant record, and filed an application for State-appointed counsel, which was granted that same day.



At a public hearing on 1 October 2017, Yunusobod District Criminal Court in Tashkent ordered that, in view of the gravity of the offence, Mr. Abdullayev should be placed in pretrial detention as a preventive measure. Following an oral petition by Mr. Abdullayev, he was granted a meeting with his wife, [REDACTED], that same day.

Since the day of his arrest, Mr. Abdullayev has received three parcels — on 2 October 2017, 17 October 2017 and 1 November 2017 — in accordance with the Pretrial Detention during Criminal Proceedings Act. They contained foodstuffs weighing a total of 15.5 kg, toiletry articles and essential items.

Pursuant to the Act, persons held at a National Security Service remand centre undergo a daily medical examination. To date, no complaints have been received from Mr. Abdullayev regarding his health.

Mr. Abdullayev is not being tortured or subjected to other humiliating or degrading treatment.

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