

Translated from Russian

Reply of Uzbekistan to joint communication from the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity regarding the alleged physical attack on and prosecution of the blogger Miraziz Bazarov

Introduction

1. On 4 June 2021, the Government of Uzbekistan received a joint communication from the Special Rapporteur on the situation of human rights defenders, Mary Lawlor, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Irene Khan, and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, Victor Madrigal-Borloz, regarding the alleged physical attack on and prosecution of the blogger Miraziz Bazarov.

2. The Government of Uzbekistan appreciates the opportunity to reply to this joint communication. This reply from Uzbekistan was prepared by the National Centre for Human Rights on the basis of information provided by the Ministry of Internal Affairs and the Office of the Procurator General of Uzbekistan.

3. Uzbekistan, maintaining constructive engagement with the special mandate holders of the Human Rights Council, wishes to provide the following information further to the joint communication.

Amir Temur Square incident

4. On 28 March 2021, the blogger Miraziz Bazarov called on people via social networks to gather in front of the monument to Amir Temur in the Yunusabad district of Tashkent to protect the rights of persons belonging to sexual minorities.

5. On the same day, a group of citizens gathered in the square to express their discontent with the actions of the blogger and LGBT supporters.

6. [REDACTED] and [REDACTED] who were passing through Amir Temur Square at that moment, were attacked by [REDACTED] and [REDACTED] for “supporting LGBT” and sustained injuries that, according to forensic medical examination report [REDACTED] were found to be minor.

7. On 23 January 2021, the investigating agency for Mirabad District, a unit of the Department for the Coordination of Internal Affairs Agencies, instituted criminal proceedings under article 277, second paragraph, subparagraph (b) of the Criminal Code, “criminal mischief carried out by a group”.

8. An investigation team was set up and a crime scene examination carried out to ensure that the offences would not go unpunished and the offenders would be brought to justice.

9. [REDACTED] and [REDACTED] were questioned as witnesses in this case and identified as victims.

10. In the course of the investigation, [REDACTED] and [REDACTED] were named as suspects in the case.

11. Of the 146 persons caught at the scene of the incident by video surveillance footage, 87 were taken into custody, and the Central Internal Affairs Department forensics center was tasked with examining all the evidence in the case and the video footage to check the remaining 59 persons against its database. The necessary technical investigative measures were taken to establish the identity of those persons.

12. A confrontation was arranged between the suspects, [REDACTED], [REDACTED] and [REDACTED] and the witnesses, [REDACTED] and [REDACTED].

13. As a result of the investigation, charges were brought against [REDACTED], [REDACTED], [REDACTED] and [REDACTED] under article 277, second paragraph, subparagraph (b) of the Criminal Code and they were placed under house arrest as a preventive measure.

14. The preliminary investigation period in the criminal case was extended by five months.

15. In addition, evidence came to light tending to show that the actions of 27 persons who had taken an active part in the demonstration involved administrative offences under articles 183, 184, 194, 195 and 201 of the Administrative Liability Code and they were charged with administrative offences. In particular, 14 persons were sentenced to administrative detention by the court, 1 person was given a fine (amounting to 60 times the minimum wage) and 12 persons were given warnings.

Assault on the blogger M. Bazarov

16. According to the information from the National Trauma and Orthopaedics Clinical Research Centre received by the Department for the Coordination of Internal Affairs Agencies of the Mirabad district of Tashkent, on 28 March 2021 Mr. Bazarov was beaten by

three unidentified persons near 21 Afrosiyob Street in the Mirabad district of Tashkent. He sustained severe injuries (open head injury, brain injury, concussion, tear in the right kidney area, chest injury, blunt abdominal trauma and open left tibia fracture). This incident was registered on 28 March 2021 in the *Forma- 2 NK FM* journal of the duty unit of the Department for the Coordination of Internal Affairs Agencies of Mirabad District under No. 2895, on the basis of which preliminary inquiries were launched. The preliminary investigation was carried out by the investigating agency for Mirabad District.

17. It was established that, at approximately 8.30 p.m. on 28 March 2021, Mr. Bazarov and his acquaintance, ██████████ arrived at 21 Afrosiyob Street in the Mirabad district of Tashkent in a Chevrolet Cobalt. Three unidentified persons went up to Mr. Bazarov near the entrance to the house at 21 Afrosiyob Street and they caused him bodily harm ██████████ ██████████ witnessed the incident and took Mr. Bazarov to hospital.

18. In connection with the incident, on 29 March 2021 the investigating agency for Mirabad District initiated criminal proceedings under article 105, second paragraph, subparagraph (i) of the Criminal Code, “intentional moderate bodily harm committed by a group of persons or a member of an organized group or in its interests”.

19. In order to solve the crime, an investigation team was formed within the investigating agency for Mirabad District on 29 March 2021.

20. The scene of the crime was examined and copies of footage captured by video surveillance cameras in the immediate vicinity of the scene were seized.

21. Mr. Bazarov was questioned as a witness and identified as a victim. More than 50 citizens living and working in the immediate vicinity of the crime scene were also questioned as witnesses.

22. On 30 March 2021, the investigation services of the internal affairs bodies were given special instructions to identify the perpetrators of the crime. Based on Mr. Bazarov's testimony, a facial composite of one of the suspects was made. Six persons were identified from the composite. However, the victim did not recognize any of them as his assailants.

23. According to the findings of forensic medical examination No. 244, Mr. Bazarov sustained serious bodily injury, and on 31 March 2021 the criminal case was reclassified as involving an offence under article 105, second paragraph, subparagraph (i) of the Criminal Code, “Intentional moderate bodily harm committed by a group of persons or a member of an organized group or in its interests”, to one under article 104 (k) “Intentional grievous bodily harm committed by a group of persons”.

24. The video cameras installed around El Olio restaurant on Said Barak Street in Mirabad District detected 41,748 white cars, and the investigative bodies have been assigned to look into their involvement in the case. A total of 170 citizens were questioned as witnesses in the criminal case.

25. The unidentified assailants who attacked Mr. Bazarov are wanted.

Criminal proceedings brought against Mr. Bazarov

26. The deputy director of secondary school No. 110 in Mirabad District filed a report with the Tashkent City Department of Internal Affairs alleging that the blogger M. Bazarov had spread defamatory information about teachers at school No. 110 on his social media pages and requested that appropriate legal action be taken against him in response.

27. It has been found that Mr. Bazarov insulted the teachers of the school by calling them failures and called for children not to be sent to this school for their education. In particular, M. Bazarov spoke out as follows: “The teachers have been making a mockery of us ..., some [female] failures are teaching your children to become failures and this, of course, is sad and regrettable ... and will teach your children to be failures and slaves ... I urge you to keep your children away from the school”.

28. In addition, Mr. Bazarov insulted women professing the Islamic religion in his video broadcasts over social networks, accusing them of adultery. In particular, he said: “especially these Uzbek women, these Muslim women regularly cheat on their husbands ...”.

29. In connection with Mr. Bazarov's dissemination of information aimed at discrediting bloggers ██████████ ██████████ and ██████████ ██████████ submitted an application to the investigation bodies for legal action to be taken against Mr. Bazarov for spreading defamatory information about them in social networks.

30. The forensic-linguistic analysis of the materials published by Mr. Bazarov on TikTok, Instagram, Telegram, Facebook, YouTube and other social networking sites brought to light actions that discredited and affronted the honour and dignity of third persons and statements of a defamatory nature.

27.* In this connection, on 23 April 2021, a criminal case was brought against Mr. Bazarov under article 139, third paragraph, subparagraph (d) of the Criminal Code, “dissemination of false, defamatory information committed after a previous administrative penalty for the same action and for mercenary or other base reasons”, and he was identified in the case as a suspect.

* Paragraph numbering follows the original.

28. Pursuant to a decision of the Mirabad District Criminal Court of 29 April 2021, the suspect, M. Bazarov, was placed under house arrest.

29. On 8 May 2021, M. Bazarov was charged under article 139, third paragraph, subparagraph (d) of the Criminal Code. The pretrial investigations are under way.