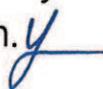




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UZ/22 – 122

The Permanent Mission of the Republic of Uzbekistan to the United Nations Office and other International Organizations in Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights (OHCHR) and, in response to the joint communication from special procedures, dated 7 April 2022 (Ref. No. AL UZB 1/2022), has an honour to convey enclosed herewith an information of the competent authorities of Uzbekistan concerning the case of Ms. Karomat Ashirova and Ms. Zukhra Abdurakhmanova.

The Permanent Mission of the Republic of Uzbekistan avails itself of this opportunity to renew to the OHCHR the assurances of its highest consideration. 



Geneva, 22 June 2022

Enclosure: as stated 6 pages.

Attn.: Special Procedures Branch

Office of the United Nations
High Commissioner for Human Rights
GENEVA

Reply of Uzbekistan to the joint communications of 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 Working Group on discrimination against women and girls concerning the reported smear campaign against and arbitrary detention and criminalization of Ms. K. Ashirova and Ms. Z. Abdurakhmanova

Introduction

1. On 7 April 2022, 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 Working Group on discrimination against women and girls, represented by Chair-Rapporteur Melissa Upreti, sent a communication to the Government of Uzbekistan concerning the reported smear campaign against and arbitrary detention and criminalization of Ms. K. Ashirova and Ms. Z. Abdurakhmanova.

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

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

(1) Additional information and/or comments on the case of citizens Ms. K. Ashirova and Ms. Z. Abdurakhmanova

4. Ms. Karomat Ashirova, born on [REDACTED], known to the public as “Karomat Yozuvchi”, or “Karomat the Writer”, having entered into a criminal agreement with Ms. Zuhra Abdurakhmanova for illicit enrichment, on 6 January 2021 threatened to dismiss the Acting Director of Angren Dekhkon Bazar LLC, [REDACTED], from his position, and by extortion took possession of a two-storey shop belonging to Angren Dekhkon Bazar LLC. Furthermore, Ms. Ashirova and Ms. Abdurakhmanova forged documents for the two stores allocated to Angren Dekhkon Bazar LLC on the basis of a lease agreement and fraudulently seized monetary assets in the amount of 39 million Uzbek sum.

In addition, Ms. Ashirova and Ms. Abdurakhmanova, continuing their criminal activity for the purposes of illicit enrichment, from 1 January 2019 to 21 June 2021, held continuous demonstrations in front of the building housing the Office of the President, threatening the mayor (*hokim*) of the city of Angren, [REDACTED], and his deputies, [REDACTED], with dismissal from their positions, and thereby through extortion registered residential and non-residential property that was at the disposal of the regional administration to their close relatives.

(2) Provide information on the legal basis for the arrest and detention of Ms. Ashirova and Ms. Abdurakhmanova, searches and seizure of documents at their homes, criminal cases against them and full information about the verdicts against them, including the legal grounds and the complete list of restrictions imposed on them.

On 21 June 2021, the Department of Internal Affairs of the city of Angren initiated a criminal case against Ms. Ashirova and Ms. Abdurakhmanova under article 165 (2) (a) and (c) of the Criminal Code (Extortion committed repeatedly or by a dangerous recidivist, by prior conspiracy with a group of persons), among others.

According to the case file, on 21 June 2021, with the authorization of the procurator of Angren city, the Investigative Department of the Department of Internal Affairs of the city of Angren conducted a search at the residences of Ms. Ashirova and Ms. Abdurakhmanova, during which approximately 200 appeals for housing allocation from Angren city residents and posters for demonstrations were confiscated.

On 23 June 2021, Ms. Ashirova and Ms. Abdurakhmanova were detained in accordance with article 221 of the Code of Criminal Procedure (Grounds for detention) and

charged under article 165 (2) (a) and (c) of the Criminal Code (Extortion committed repeatedly or by a dangerous recidivist by prior conspiracy with a group of persons), among others, in respect of which a preventive measure was selected in the form of arrest. Under article 36 of the Code of Criminal Procedure (Powers of the investigator), the power to select a preventive measure lies with the investigator. In the interests of the confidentiality of investigations, the investigator is entitled to not allow the accused to receive visits.

On 12 July 2021, the criminal case was transferred to the Office of the Procurator of the city of Angren for investigation. On 1 December 2021, the criminal case file, together with the indictment, was sent for consideration to the Tashkent Regional Criminal Court. In order to ensure a more complete, objective and timely consideration of the criminal case, in accordance with article 393 of the Code of Criminal Procedure (Transfer of case jurisdiction), by decision of the presiding judge of the Tashkent Regional Court, the case was transferred to the Criminal Court of the town of Almalyk.

By decision of the Almalyk Criminal Court of 18 February 2022, Ms. Ashirova was found guilty under article 165 (3) (a), and article 229 of the Criminal Code (Extortion on an especially large scale. Taking the law into one's own hands). Based on articles 57, 59 and 61 of the Criminal Code (Application of a lighter sentence. Sentencing for multiple offences. Rules of sentence reduction for combined sentences), she was sentenced to 5 years of restriction of liberty and a fine amounting to 15 base calculation units. Ms. Abdurakhmanova was found guilty under article 165 (2) (a) and (c) and article 229 of the Criminal Code (Extortion committed repeatedly or by a dangerous recidivist by prior conspiracy with a group of persons. Taking the law into one's own hands). Based on articles 57, 59 and 61 of the Criminal Code (Application of a lighter sentence. Sentencing for multiple offences. Rules of sentence reduction for combined sentences), she was sentenced to 4 years and 6 months of restriction of liberty and a fine amounting to 15 base calculation units.

The court judgment imposes certain restrictions on Ms. Ashirova and Ms. Abdurakhmanova from 8 p.m. to 6 a.m.

Under article 48¹ of the Criminal Code (Restriction of liberty), the restriction of liberty consists of a court imposing on convicted persons a total ban on leaving their residence for any reason, or restrictions on leaving their residence at certain times of day.

Taking into account the specifics of the applicable prohibition (or restriction), the court may impose the following additional prohibitions (or restrictions) on convicted persons:

- not to visit certain places;
- not to participate in public and other events;
- not to engage in certain activities;
- not to keep or possess certain items;
- not to operate vehicles;
- not to change their place of residence, place of work and/or study and not to leave the relevant administrative territory without the consent of the body that supervises convicted persons;
- not to make contact with certain persons;
- not to use means of communication, including the Internet;
- not to consume alcoholic beverages.

In view of the above, the restrictions imposed by the court on Ms. Ashirova and Ms. Abdurakhmanova as part of the enforcement of their sentences do not contradict the norms of the main substantive criminal law – the Criminal Code.

Under article 19 of the Code of Criminal Procedure (Public court hearings of criminal cases), on the initiative of the court or at the request of participants in criminal proceedings, public court hearings of criminal cases may be conducted using audio and video recording or videoconferencing.

During the hearing of this criminal case by the court of first instance, no requests for audio or video recording were received from the participants in the criminal proceedings, which is confirmed by the court records.

Since the beginning of the hearing of the criminal case (23 December 2021), in accordance with article 418 of the Code of Criminal Procedure (Postponement of the court hearing of a criminal case), the court sessions have been postponed seven times due to the failure of witnesses to appear. This too is confirmed by the court records.

Based on the above, the postponement of the court hearings by the court was a necessary measure to ensure the full and comprehensive consideration of the case on the merits, as established by the criminal procedure law.

The criminal case is currently being considered by the Appeals Chamber of the Judicial Board for Criminal Cases of the Tashkent Regional Court.

(3) Provide detailed information on the state of health of Ms. Ashirova and whether she receives all necessary medical assistance and medications while serving the restriction of liberty.

At pretrial detention facility No. 1, employees of the preventive care department conducted medical examinations of Ms. Ashirova and Ms. Abdurakhmanova, which did not reveal any bodily injuries. Since Ms. Ashirova has been suffering from [REDACTED] for several years and has been diagnosed with [REDACTED], during her detention she was treated as an inpatient in a medical care unit.

In accordance with Article 48¹ of the Criminal Code (Restriction of liberty), Ms. Ashirova is serving her sentence at [REDACTED], that is, she is free to access any medical care and medication herself.

(4) Provide information regarding the measures taken to ensure that human rights defenders in Uzbekistan, including those working against corruption, are able to carry out their work without fear of intimidation, threats, attacks and reprisals.

The Presidential Decree on measures to upgrade the role of civil society institutions in the democratic renewal of the country was adopted on 4 May 2018. It became an important step in eliminating the problems of and various bureaucratic barriers to the activities of non-governmental non-profit organizations (NGOs) over the years and building a free civil society in the country. The decree greatly simplified the requirements and procedures for the activities of NGOs.

First, the procedure for agreeing activities with the registration body was abolished, and a procedure was introduced for the notification of planned activities. Previously, under article 8 of the Non-Governmental Non-Profit Organizations Act, NGOs had been required to coordinate every event with the justice authorities and a special coordination procedure had been in place.

Second, money and property received from foreign States, international and foreign organizations or foreign nationals or on their behalf from other persons in the accounts of NGOs for the accomplishment of the tasks mandated in their statutes (or regulations) are used without hindrance, after consultation with the registration body regarding their withdrawal according to an established procedure.

Third, grant funding for NGOs is paid into accounts specifically opened for that purpose at any banking institution in Uzbekistan. This abolished a 14-year-old procedure which required the opening of special accounts only at Asakabank or the National Bank for Foreign Economic Activity.

Fourth, the flat social-payment rate for NGOs, which pay wages out of contributions not earned through any business activity, is to be set at a level not to exceed 15 per cent. It is thus equal to the rate for microenterprises and small businesses.

Fifth, the overall annual amount spent on administrative expenses and for the remuneration and the compensation of expenses of members of the supervisory boards and

audit committees of public foundations must not exceed 30 per cent of their total expenditure. Previously, this figure had been 20 per cent.

Sixth, pensioners who are employees of NGOs are paid their pensions in full, provided that their work in these organizations is their sole employment.

Seventh, the Procedure for monitoring and studying the activities of NGOs was approved (Cabinet of Ministers Decision No. 635 of 8 August 2018). It sets out the forms, timing, frequency and other mechanisms for implementation. This Procedure has replaced the Regulations on the procedure for approval of activities of non-governmental non-profit organizations.

Eighth, the reporting forms submitted to the registration, tax and statistical authorities have been simplified and shortened (reg. No. 3027 of 27 June 2018). Whereas previously reporting took place each half year, it is now presented only at the year's end, up to 1 February of the following year.

Ninth, from 1 January 2019, an electronic system was introduced for:

- State registration and re-registration of NGOs and their logos;
- Notification of planned NGO activities;
- Annual reports of NGOs on their activities;
- Agreement of NGOs to receive foreign funds and property.

Tenth, an advisory council for the development of civil society under the authority of the President of Uzbekistan was established. The council includes 35 representatives of NGOs.

Eleventh, "NGO Houses" are being set up in the district capitals of the Republic of Karakalpakstan and the provinces and in Tashkent, based on local needs, and using empty and underused State property. NGOs operating in socially important spheres are accommodated there at zero rent.