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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 and has the honour to convey enclosed herewith Uzbekistan's response to the joint communication by the Special Rapporteur on the situation of human rights defenders, the Working Group on Arbitrary Detention and the Special Rapporteur on the rights to freedom of peaceful assembly and of association (*Ref. №: AL UZB 2/2023 dated 2 August 2023*).

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

Enclosure: 1 file.



Geneva, 24 January 2024

*Attn.: Special Procedures Branch*

Office of the United Nations  
High Commissioner for Human Rights  
GENEVA

**REPLY OF UZBEKISTAN TO THE JOINT COMMUNICATION OF THE SPECIAL RAPPORTEUR ON THE RIGHTS TO FREEDOM OF PEACEFUL ASSEMBLY AND OF ASSOCIATION, THE WORKING GROUP ON ARBITRARY DETENTION AND THE SPECIAL RAPPORTEUR ON THE PROMOTION AND PROTECTION OF THE RIGHT TO FREEDOM OF OPINION AND EXPRESSION CONCERNING THE CASE OF D. TAJIMURATOV**

**INTRODUCTION**

1. On 2 August 2023, Mr. C. Voulé, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Mr. M. Gillett, the Vice-Chair on communications of the Working Group on Arbitrary Detention and Ms. I. Khan, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a joint communication to the Government of Uzbekistan regarding the case of D. Tajimuratov.
2. Uzbekistan fulfils its international human rights obligations in good faith and maintains a constructive dialogue with the mechanisms of the United Nations Human Rights Council, including the special procedures, which are a vitally important aspect of a strong and effective international human rights protection system.
3. This reply was prepared by the National Centre for Human Rights on the basis of information provided by the Supreme Court, the Office of the Procurator General and the Ministry of Internal Affairs.
4. Uzbekistan, acting in a spirit of constructive engagement with the special mandate holders of the Human Rights Council, submits the following information in response to the joint communication.

**1. General information and comments**

5. On 24 June 2022, the deputies of the Jokargy Kenes (parliament) of the Republic of Karakalpakstan introduced a draft constitutional act amending and supplementing the Constitution of the Republic of Uzbekistan for public discussion.
6. On 25 June 2022, D. Tajimuratov and others, having arbitrarily interpreted the amendments proposed by the bill, posted a message on their social network page stating, “The rights of the people of Karakalpakstan were violated and deputies adopted a decision without the people's consent”.
7. On 29 June 2022, D. Tajimuratov instructed members of an organized group to mobilize people up and down the country for participation in mass riots and to demand his release, if he were taken into custody.
8. On 30 June 2022, D. Tajimuratov began his message with the rallying cry, “...We must appeal to the Almighty. There is no hope in the deputies of Jokargy Kenes of the Republic of Karakalpakstan. Let us wait until July 5, support me as leader, ...”.
9. D. Tajimuratov, using his sphere of influence through the publication on the Internet and in the press of material libelling government bodies and civil

servants, initiated actions aimed at seizing control of the authorities and power.

10. The above-mentioned draft constitutional act was used as a pretext by D. Tajimuratov to seize power and realize his goals by separating the Republic of Karakalpakstan from the Republic of Uzbekistan.

11. On 1 July 2022 D. Tajimuratov exhorted people who were leaving Friday prayers to hold a rally to demand the declaration of independence of the Republic of Karakalpakstan and call for his appointment as head of Karakalpakstan. He gave the cue for civil unrest.

12. On the same day, at 3.40 p.m., after D. Tajimuratov had been taken by law enforcement officers to the Department of Internal Affairs in Nukus for a preventive conversation, [REDACTED], circulated an audio message on *Makan.uz* and other channels that he had been arrested and [REDACTED] called on the people to rally in his support and defence.

13. As a result, more than 60 people, who had gathered in front of the D. Tajimuratov's home to support him and demand his release, set off towards detention centre No. 2.

14. At the same time, [REDACTED], who were leading the mob demanding the release of D. Tajimuratov, set off for the Nukus farmers' market and started marshalling people in front of it.

15. At around 6 p.m., some 10,000 people gathered in front of the Nukus farmers' market, surrounded the official car of the Chairman of the Jokargy Kenes and demanded the release of D. Tajimuratov and the proclamation of Karakalpakstan's "independence".

16. Law enforcement officers took D. Tajimuratov to the market to pacify the rioters. However, he did not calm the mob, but climbed onto the roof of a car and demanded the proclamation of Karakalpakstan's independence, thereby further stirring up the rioters.

17. On the same day, at 9 p.m., D. Tajimuratov and members of the organized group set off for the Jokargy Kemes in the Chairman's official car with the aim of taking over the parliament. They were also followed by about 10,000 rioters.

18. Mass unrest was prevented by law enforcement officers using riot control weapons.

19. On the same day, at 11.30 p.m., about 200 rioters gathered in front of D. Tajimuratov's home. He addressed them saying that it was his duty to separate Karakalpakstan from the Republic of Uzbekistan and that, if he was arrested, mass riots must continue in order to free him.

20. On 2 July 2022, at 3.40 a.m., D. Tajimuratov ran away from his home and hid at an unknown destination in order to feign arrest.

21. As a result, on 2 July 2022, mass riots continued in some districts of the Republic of Karakalpakstan, with participants from disturbances outside the

capital joining the participants of mass riots in the city of Nukus. In particular, about 300 people in Shumanay district, approximately 20 people in Mo'ynaq district, about 60 people in Taxtako'pir district, about 200 people in Nukus district, about 1,500 people in Xo'jayli district, about 300 people in Kegeyli district, about 20 people in Qorao'zak district, about 400 people in Shimbay district and about 200 other locals rioted in the central streets of the district where they lived.

22. As a result of the riots, 27 cars and 3 lorries were burned at intersections and roads were blocked. The building of the Department of Internal Affairs and the International Airport at Nukus were attacked, as was the administrative prison. Molotov cocktails were thrown at law enforcement officers at six locations. Temporary checkpoints set up in 23 locations and other sites where law enforcement officers were on duty were attacked, as a result of which 203 law enforcement officers received bodily injuries of varying degrees of severity. 3,879 weapons and 3 items of special equipment (handguns) belonging to law enforcement officers and military personnel were stolen.

23. As a result of the riots, 171 participants were injured, 19 of whom died. Damage to public and state property amounted to 6.7 billion sum.

24. A total of 172 persons who organized and actively participated in the riots were charged in the course of the investigation.

## **2. Holding protests without obtaining official authorization from the relevant government bodies**

25. D. Tajimuratov was not arrested; a preventive conversation was merely held with him about his taking measures to calm his dissatisfied supporters in order to prevent undesirable consequences.

26. No written application to hold a rally, which needed to be authorized by the Jokargy Kenes, was submitted in accordance with the lawful procedure.

27. These facts are confirmed by D. Tajimuratov's own testimony, as well as by his supporters and many witnesses and by video material associated with the criminal case. The court found that these facts justified the prosecution of D. Tajimuratov and his accomplices.

28. Trials before courts of first instance and appeal led to the conviction of a total of 22 persons, of whom 7 were sentenced to deprivation of liberty, 12 to restriction of liberty, 2 were given a conditional discharge and the case against 1 person was dropped. These court decisions have not been appealed or challenged on points of law (cassation procedure).

## **3. The detention of D. Tajimuratov**

29. D. Tajimuratov was not subjected to arbitrary arrest. On 1 July 2022, a preventive conversation was merely held with him to ensure that he took appropriate steps to keep his supporters in order so as to avoid possible undesirable consequences. No unlawful measures were taken by the law enforcement agencies against D. Tajimuratov.

30. The Special Rapporteurs' joint communication states that, on 1 July 2022, between the hours of 6 p.m. and 7 p.m., D. Tajimuratov was again detained. However, according to the data provided by the responsible authorities of Uzbekistan, he was on the loose during this period of time and was at the Nukus farmers' market, where he was inciting people to join the demonstrators.

31. In view of his repeated unlawful actions to disrupt and destabilize the sociopolitical situation, D. Tajimuratov was detained on 5 July 2023. During his detention, he was informed of all his procedural rights, including those provided for in the Constitutions of the Republic of Uzbekistan and the Republic of Karakalpakstan and in the Code of Criminal Procedure of Uzbekistan.

32. A court, acting in accordance with the requirements of the Code of Criminal Procedure, approved D. Tajimuratov's arrest.

#### **4. The criminal proceedings against D. Tajimuratov**

33. On 31 January 2023, a court of the Republic of Karakalpakstan found D. Tajimuratov guilty of committing crimes under articles 159 (4) (breaches of the constitutional order of the Republic of Uzbekistan), 167 (3) (a) (theft by misappropriation or embezzlement), 243 (money-laundering), 244 (3) (sowing civil unrest) and 244-1 (3)(a), (b) and (d) (production, storage, circulation or demonstration of material containing a threat to public security and public order) of the Criminal Code and it sentenced him to 16 years' imprisonment under article 59 of the Code

34. In the same judgement, D. Tajimuratov was further ordered to compensate the State for material damage in the amount of 228,846,240 sum. He and the other convicted persons were jointly ordered to pay compensation for material damage in the amount of 6,555,887,965 sum.

35. The court found that, in order to disseminate information, D. Tajimuratov established the newspaper *El khyzmetinde* through the private enterprise *El khyzmetinde gazetasi redaktionasi*. At the same time, in 2019, he began blogging as a means of influencing some people.

36. To that end, he conspired with [REDACTED], with whom he regularly compiled adverse reports about the management of enterprises, organizations and institutions in an attempt to discredit them and he posted videos on social networks that damaged their business reputation and reflected fundamentalist and separatist ideas. In particular, he colluded with officials of the Ministry of Education of the Republic of Karakalpakstan and secured the transfer of funds from the education budget to the editorial office of the newspaper *El khyzmetinde*, in other words he committed theft by embezzling budgetary appropriations in the amount of 228,846,240 sum, which he subsequently laundered.

37. Furthermore, D. Tajimuratov, using his sphere of influence through the publication on the Internet and in the press of materials libelling government bodies and civil servants, initiated actions aimed at seizing control of the

authorities and power. Thus, for D. Tajimuratov and [REDACTED] and others the draft constitutional act amending and supplementing the Constitution of the Republic of Uzbekistan served as a pretext and an opportunity to seize power and realize their goals by separating the Republic of Karakalpakstan from the Republic of Uzbekistan.

38. D. Tajimuratov and [REDACTED] posted material on social networks which was inconsistent with reality thereby causing the people of Karakalpakstan to feel disaffected and discontented with the reforms being carried out. It also contained calls to overthrow the Government and inciting mass unrest, with the aim of seizing control and then separating the Republic of Karakalpakstan from the Republic of Uzbekistan.

39. In addition, as a result of the riots organized by D. Tajimuratov 361 people were hurt, of whom some 200 law enforcement officers received bodily injuries of various degrees of severity, more than 150 facilities were damaged, 99 light and special vehicles were burned, and 3,343 items of special equipment were stolen.

40. In accordance with the requirements of the criminal procedure legislation of Uzbekistan, measures were taken to ensure an open trial. In particular, arrangements were made at the Bukhara Provincial Court to enable members of the Commission of Inquiry into the facts and events that occurred in the Republic of Karakalpakstan in July 2022, civil society activists and the media to attend the trial.

41. A media centre was set up to enable representatives of the media, international organizations, human rights defenders, bloggers and others wishing to attend the court hearing to observe proceedings directly by videoconference. The media centre had all the necessary technological equipment for observers, including computers, printers and a free high-speed Wi-Fi Internet connection.

42. On 28 November 2022, 93 direct observers visited Bukhara Provincial Court. They included 54 relatives or acquaintances of the defendants, 3 members of the Commission of Inquiry, 1 human rights activist, 16 journalist - bloggers and 19 other observers.

43. The trial was observed by journalist-bloggers from the television channels *Uzbekiston 24*, *Bukhoro* and *Zo'r TV*, the Information and Mass Communications Agency, the inspectorate of *Uz.com* and representatives of the Internet resources *Xabarlar.uz*, *UZ.A*, *Tezkor yangiliklar*, *Bukhara.news* and *Bukhara.best*. In particular, the journalist [REDACTED] from Voice of America and the British journalist [REDACTED] attended the trials.

**5. The appeal of the D. Tajimuratov's lawyer regarding detention conditions in pretrial detention centre No. 11, as well as allegations of psychological harassment by the staff of this institution.**

44. The joint communication notes that, shortly before the consideration of D. Tajimuratov's appeal against the charges brought against him, the lawyer acting for him publicly called on the authorities to stop persecuting his client.

His lawyer also stated that the conditions in which he had been held in pretrial detention centre No. 11 violated the rights accorded to him under international law.

45. However, we would like to inform you that the conditions of detention in places of deprivation of liberty and custody are as close as possible to world standards. Food and clothing are provided at the expense of the state budget. Representatives of local human rights organizations and other civil society institutions, who have repeatedly visited pretrial detention centre No. 11 and studied the conditions of detention have attested to this. The conditions of detention in places of deprivation of liberty are currently monitored by representatives of civil society on a regular basis.

46. The Government is taking measures to improve conditions in places of deprivation of liberty and custody and to ensure the protection of the rights, freedoms and legitimate interests of persons held there.

47. A thorough internal investigation is conducted into every complaint regarding the use of physical force, ill-treatment or the infringement of the rights or legitimate interests of persons held in places of deprivation of liberty and custody and the reports on the review must be forwarded to the procuratorial authorities.

48. No instances of mental or physical torture took place. During the monitoring visit, members of the above-mentioned Commission of Inquiry testified that suspects' rights had not been violated while they were held in the detention centre, or in the course of the investigation. No complaints about health or conditions of detention were received from these persons.

49. At meetings with members of the Commission, D. Tajimuratov and [REDACTED] confirmed that they had not been subjected to torture, pressure or harassment during the investigations or in the detention centre.

50. At the invitation of the Government of Uzbekistan, R. Komenda, the Regional Representative of the Office of the United Nations High Commissioner for Human Rights for Central Asia visited Uzbekistan between 3 and 7 October 2022. During this visit to the Republic of Karakalpakstan, meetings were organized with the Chairman of the Jokargy Kenes, in which the Minister of Internal Affairs of Karakalpakstan, the Minister for the Support of the Mahalla and the Older Generation of the Republic of Karakalpakstan and members of the independent Commission of Inquiry participated. Uzbekistan sent information on the outcome of R. Komenda's visit to the OHCHR Regional Office for Central Asia.

51. Visits to Nukus to look into the events that took place in the Republic of Karakalpakstan in July 2022 were organized on 14 March 2023 for V. Türk, the United Nations High Commissioner for Human Rights and on 13 November 2023 for M. Mecacci, the Director of the Office for Democratic Institutions and Human Rights of the Organization for Security and Cooperation in Europe. They held meetings in Nukus with the leaders of the

Jokargy Kenes, the Council of Ministers of the Republic of Karakalpakstan and representatives of the Amudaryo mahalla.

#### **6. Consideration of the criminal case against D. Tajimuratov at the appeal stage**

52. On 31 January 2023, the criminal chamber of the court of the Republic of Karakalpakstan found 22 persons guilty of offences under article 244 and other articles of the Criminal Code, of whom 17 were sentenced to deprivation of liberty, 3 were sentenced to restriction of liberty and 2 were given a conditional discharge.

53. The ruling on appeal by the criminal chamber of the Supreme Court of the Republic of Uzbekistan of 5 June 2023, partially modified the sentence in that 9 persons were sentenced to deprivation of liberty, 11 were sentenced to restriction of liberty and 2 were given a conditional discharge.

54. The above-mentioned ruling upheld the verdict on D. Tajimuratov.

55. The court of first instance and the appeal court made an appropriate legal assessment of D. Tajimuratov's actions, which consisted in an attack on the constitutional order of the Republic of Uzbekistan (article 159 of the Criminal Code), misappropriation of property (article 167 of the Criminal Code), money-laundering (article 243 of the Criminal Code), sowing civil unrest (article 244), and the production, storage, distribution and demonstration of materials containing a threat to public security and public order (article 244–1 of the Criminal Code) and, taking into account his personality and character and the degree of danger to public security stemming from his crimes, as well as all mitigating and aggravating circumstances, the sentence of deprivation of liberty was warranted and within the range of penalties provided for by the articles under which he was found guilty.

56. Chapter 56 of the Code of Criminal Procedure lays down the procedure and grounds for reviewing judicial decisions on points of law.

57. Under the rules of current legislation, in the event of disagreement with court decisions, D. Tajimuratov has the right to appeal personally or through a defence counsel on points of law. To date, no appeal or challenge on points of law has been filed against the above-mentioned court decisions.

#### **7. The criminal prosecution of D. Tajimuratov allegedly in connection with his exercise of human rights activities and the right to freedom of opinion and expression, peaceful assembly and association.**

58. No one is convicted in Uzbekistan in connection with the exercise of their lawful human rights activities, of the right to freedom of opinion and expression or the right to peaceful assembly and association.

59. All criminal cases are examined in strict compliance with the rules of the Code of Criminal Procedure. When passing sentence, the court in a separate (deliberation) room determines, in accordance with the provisions of article 457 of the Code, namely whether the act of which the defendant is accused took place; whether the act constitutes a crime and under which

particular article of the Criminal Code; whether the defendant committed the act; whether the defendant is guilty of committing an offence and what punishment should be imposed on the defendant.

60. Article 455 of the Code of Criminal Procedure requires the verdict to be lawful, well-founded and fair. According to article 463 of the Code, a conviction may not be based on assumptions and is handed down only provided that, during the trial, the defendant is proven guilty of committing an offence. A guilty verdict must rest on reliable evidence obtained as a result of an examination of all possible circumstances related to the commission of the crime in question, that fills in any lacunae detected in the case file and that disposes of any doubts or inconsistencies.

61. On the basis of the above, the allegations that D. Tajimuratov was sentenced to a lengthy deprivation of liberty on account of his lawful human rights activities and the exercise of his right to freedom of opinion and expression and right to peaceful assembly and association, are unfounded.

**8. Information on reports of cruel treatment of D. Tajimuratov, possibly amounting to torture, in particular reports of physical and psychological abuse in the form of beatings, threats and intimidation.**

62. A ruling on appeal of the criminal chamber of the Supreme Court of 15 May 2023 granted D. Tajimuratov's petition for a legal assessment of whether the actions of law enforcement officers and the bodily injuries inflicted by them during his detention constituted torture and violence and an internal investigation was ordered.

63. An internal investigation conducted by the Ministry of Internal Affairs of the Republic of Uzbekistan established that officials of the Ministry of Internal Affairs of Uzbekistan and those of the Ministry of Internal Affairs of Karakalpakstan had not broken the law during D. Tajimuratov's detention and custody.

64. Moreover, the findings of the internal investigation conducted by the State Security Service of the Republic of Uzbekistan established that, on the basis of the ruling of the Ellikqala District Criminal Court of the Republic of Karakalpakstan, D. Tajimuratov was admitted to the temporary detention facility of the State Security Service of the Khorezm region on 5 July 2022 and was held there until 19 November 2022. Over this period, no traces or signs of torture, violence or physical injuries had been found on D. Tajimuratov's body, nor did the administration of the detention facility receive any complaints about his state of health. No physical or mental pressure was exerted by State security officers.

**7. Additional measures taken within the framework of the criminal prosecution of D. Tajimuratov and other persons connected with the organization of riots in the Republic of Karakalpakstan.**

65. An independent commission was established to examine the developments and events that occurred in the Republic of Karakalpakstan. The

Commission looked into the mass disturbances that took place in Karakalpakstan and then issued a report thereon.

66. The independent Commission of Inquiry met D. Tajimuratov and other suspects who had been arrested. D. Tajimuratov stated that he had not been subjected to torture during the preliminary investigation or while he was in custody, that he had been attended by a lawyer, that he had received packages and parcels from close relatives in a timely manner and that he had held telephone conversations with them at the appointed time.

**8. Measures taken to enable human rights defenders to carry out their peaceful and legitimate activities without fear of prosecution, violence or other restrictions, in particular those working on issues affecting the status of minorities, such as constituents of the autonomous Republic of Karakalpakstan.**

67. To date, more than 9,000 NGOs are registered in the country. 3,517 new NGOs were registered between 2017 and 2023. They include 659 trade unions, 331 NGOs working in the field of protecting women's rights and supporting women and 653 working in the field of youth.

68. Within a short period of time Uzbekistan has carried out a reform to develop civil society. Seven legal acts have been adopted to provide legal guarantees for the establishment and activities of non-governmental organizations. The Policy Framework for the Development of Civil Society 2021–2025 has been adopted.

69. As a result of the reform to develop civil society:

- the deadline for considering an application for the state registration of an NGO has been shortened from two months to one month;
- the deadline for renewing the registration of NGOs and registering their symbols has been halved to 15 days;
- a judicial procedure for winding up NGOs or restricting their activities has been introduced;
- a notification procedure for the conduct of measures in respect of NGOs has been introduced;
- the types of reports required from NGOs by registration, tax and statistical authorities have been reduced and report forms have been simplified;
- as part of an NGO support programme, so-called “NGO houses” where 500 NGOs are installed have been established in provincial centres;
- procedures for receiving funds from foreign donors and grants to the accounts of NGOs in any banking institution have been simplified. Now, when NGOs receive an amount of up to 100 basic calculation values (BCV) (approximately \$2,500) per year (previously BCV 20), they may simply notify the registration authority, with no need to obtain its consent;

- A single interactive portal "Transparent Charity" (*shaffoxayriya.uz*) has been launched to ensure a completely transparent process of collecting and distributing charitable donations, as well as public monitoring of their targeted use;

- the institution of a permanent NGO representative has been introduced in the Legislative Chamber of the Oliy Majlis;

- a transparency index of NGO activities has been introduced.

70. The legislation makes no provision for a separate legal status for human rights defenders. However, any NGO is engaged to some extent in the protection of human rights, so most of them can be considered to be human rights defenders.

71. NGOs operating in Uzbekistan in the area of human rights protection include: the *Ezgulik* Human Rights Society of Uzbekistan, the *Khukukiy Tayanch* Human Rights Association of Uzbekistan, the Uzbek Association of International Law, the Committee for the Protection of Individual Rights of Uzbekistan, the Centre for the Study of Human Rights and Humanitarian Law, the Centre for Human Rights Culture, the Institute for Democracy and Human Rights, the Independent Organization for Human Rights in Uzbekistan, the Centre for Youth and Children with Disabilities and the Association of Persons with Disabilities.

72. In pursuance of article 4 of the Non-Governmental Non-Profit Organizations Act, the State ensures respect for the rights and legitimate interests of these NGOs and creates equal legal opportunities for them to participate in the life of society.