

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES NATIONS UNIES**  
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**PROCEDURES SPECIALES DU**  
**CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS**  
**OFFICE OF THE UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE**  
**HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association  
and the Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL Assembly & Association (2010-1) G/SO 214 (107-9)  
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5 July 2013

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the rights to freedom of peaceful assembly and of association and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolution 15/21 and 16/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning alleged denial of entry and deportation of **Ms. Tolekan Ismailova**. Ms. Ismailova, a Kyrgyz citizen, Director of the Human Rights Centre "Citizens Against Corruption" (CAC), in Kyrgyzstan, and Vice President of the International Federation for Human Rights.

According to the information received:

On June 24 2013, Ms. Ismailova was denied entry into Uzbekistan and was detained at the airport in Tashkent until next day. During this time, she was reportedly kept in a closed and confined room, with limited access to amenities. She was then deported from Uzbekistan the following day, on 25 June 2013. It is reported that Kyrgyz citizens do not need a visa to enter Uzbekistan.

It is reported that the border police explained that Ms. Ismailova is on a black list following her visit to Uzbekistan in 2009. This is when she travelled to accompany Ms. Mutabar Tajibaeva, a well-known Uzbek human rights defender, former prisoner of conscience and currently President of the non-governmental organization Human Rights "Fiery Hearts Club". During that trip, Ms. Ismailova was reportedly followed by the Uzbek intelligence services but was allowed to move around the country and could leave without any incidents.

Concern is expressed at allegations received indicating that the denial of entry and deportation of Ms. Ismailova may be linked to her peaceful activities to promote and defend human rights, and her engagement with human rights defenders in Uzbekistan. Further concern is expressed at allegations indicating the existence of a “black list” held by border police officers that would be used to unduly obstruct the movement and legitimate work of human rights defenders.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We wish to refer your Excellency’s Government to article 22 of the International Covenant on Civil and Political Rights, which provides that “[e]veryone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”.

In this connection, we would like to refer to Human Rights Council resolution 21/16, and in particular operative paragraph 1 that “reminds States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline, including in the context of elections, and including persons espousing minority or dissenting views or beliefs, human rights defenders, trade unionists and others, including migrants, seeking to exercise or to promote these rights, and to take all necessary measures to ensure that any restrictions on the free exercise of the rights to freedom of peaceful assembly and of association are in accordance with their obligations under international human rights law.”

Regarding allegations indicating that the denial of entry and deportation of Ms. Ismailova was linked to her work in defence of human rights, we would also like to refer your Excellency’s Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that “everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice”.

Furthermore, we would like to bring to the attention of your Excellency’s Government article 12 paras 2 and 3 of the Declaration which provide 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 Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary of the case accurate? If this is the case, kindly provide the legal basis for the denial of entry and deportation of Ms. Ismailova and how this decision is compatible with international norms and standards, mainly article 13 of the International Covenant on Civil and Political Rights.

2. Has a complaint been lodged by or on behalf of the alleged victim?

3. Please provide the details, and where available the results, of any investigation, or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

4. Please kindly indicate what measures are in place to ensure that human rights defenders are able to carry out their legitimate work without fear of obstructions or acts of intimidation or harassment of any sort.

We would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Ms. Tolekan Ismailova are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

Maina Kiai  
Special Rapporteur on the rights to freedom of peaceful assembly and  
of association

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders