

Mandates the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

REFERENCE: AL
UZB 3/2015:

10 December 2015

Dear Mr. Nurmetov,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Government information we have received concerning allegations of arrest, alleged beating, judicial investigation and harassment of human rights defender Mr. Dmitry Tikhonov.

Mr. Dmitry Tikhonov is a human rights defender and member of the Human Rights Defenders Alliance of Uzbekistan. He advocates for access to justice for victims of violations relating to torture, peaceful protest and freedom of assembly in the city of Angren.

According to the information received:

On 20 September 2015, Mr. Dmitry Tikhonov was arrested by plain clothes police near a local administrative building in the city of Angren in the Tashkent region of Uzbekistan. The arrest occurred while he was in the process of documenting the transfer of teachers and industrial workers from the city to cotton fields in the Buka district of the Tashkent region.

Upon arrest, Mr. Tikhonov was taken to the Criminal Investigation Unit of the Angren city police station. Whilst held at the police station, he was beaten on the head by a high-ranking police officer, and threatened with further physical violence because of his monitoring activities of the cotton picking. Mr. Tikhonov was then examined by a medical officer, who denied that he had been beaten. He

was released five hours after his arrest, allegedly after having been forced to sign a statement clearing the police officers of any wrongdoing.

On 19 October 2015, Mr. Tikhonov was informed that an investigation had been opened against him under article 183 of the Administrative Code, for alleged disorderly conduct. The investigation had been triggered by a complaint submitted by three representatives of district committees responsible for the organization of cotton picking.

On 20 October 2015, the office of Mr. Tikhonov, at his home in Angren, was burnt down. The fire resulted in the loss of technical equipment including laptops, cameras and external hard drives, on which Mr. Tikhonov had been documenting human rights violations in the region, including the alleged practice of forced recruitment for cotton picking. No other room in Mr. Tikhonov's home was damaged during the incident; however, approximately 100 copies of a handbook on forced child labour, written by Mr. Tikhonov, which had been stored in a separate room in the house, were missing following the fire.

Serious concern is expressed at the alleged arbitrary arrest of Mr. Tikhonov and the ill-treatment whilst held in police custody. Further concern is expressed at the investigation opened against him, and the circumstances surrounding the fire which took place at his house on 20 October 2015. It is feared that these incidents constitute a direct attempt to dissuade Mr. Tikhonov from continuing his work as human rights defender, exercising his rights to freedom of opinion and expression and to freedom of association, documenting violations related to practices surrounding the picking of cotton in Uzbekistan.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information as to the legal basis for the arrest of Mr. Tikhonov on 20 September 2015, and how the actions against him conform to international norms and standards, as stated, inter alia, in the Universal Declaration of Human Rights and International Covenant on Civil and Political Rights.
3. Please provide details of the steps taken to ensure the physical integrity of Mr. Tikhonov whilst held in police custody following his arrest on 20 September 2015.

4. Please provide the details, and where available, the results of any investigation carried out in relation to the ill-treatment of Mr. Tikhonov. If no actions have been taken, please explain why. Please also explain the steps taken to identify, and bring to justice, the responsible officers. If no actions have been taken, please explain why.
5. Please provide the details, and where available, the results of any investigation carried out in relation to the fire at the premises' of Mr. Tikhonov, which took place on 20 October 2015.
6. Please kindly indicate what measures have been taken to ensure that human rights defenders are able to carry out their legitimate work in a safe and enabling environment, in the exercise of their rights to freedom of opinion and expression and to freedom of association, without fear of threats or acts of intimidation and harassment of any sort.
7. Please explain any measures taken to ensure the right of Mr. Tikhonov to a fair and adequate compensation.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Nurmetov, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

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

Michel Forst
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or
punishment

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the following human rights standards:

We would like to refer to articles 9 and 10 of the Universal Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uzbekistan on 28 September 1995, that guarantee the right not to be deprived arbitrarily of one's liberty and the right to fair proceedings before an independent and impartial tribunal. We further like to refer your Government to articles 19 and 21 of the ICCPR that guarantee the rights to freedom of opinion and expression and freedom of association.

We would also like to refer to Human Rights Council resolution 24/5, and in particular its operative paragraph 2, in which the Council "reminds States of their obligation to respect and fully protect the rights of all individuals to associate and assemble peacefully, ... including persons espousing minority or dissenting views or beliefs... 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".

With regard to the alleged beating and threats s, we wish to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and ill-treatment, as codified, inter alia, in the UDHR, ICCPR, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to by Uzbekistan on 28 September 1995. In this context, article 12 of the CAT requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, and article 7 of the CAT requires State parties to prosecute suspected perpetrators of torture. Paragraph 7b of Human Rights Council resolution 16/23 urges States to take note of the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to combat torture.

Furthermore, we would like to refer your 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, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

Furthermore, we would like to bring to the attention of your Government the following provisions of the UN Declaration on Human Rights Defenders:

- article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms; and

- article 12, paragraphs 2 and 3, which provides that the State shall take all necessary measures to ensure the protection of everyone 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.

We would also like to refer to Human Rights Council resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.