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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 promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE: AL G/SO 214 (67-17) G/SO 214 (107-9)  
UZB 4/2013

31 October 2013

Dear Mr. Obidov,

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 and Special Rapporteur on the situation of human rights defenders pursuant to Human Rights Council resolutions 16/4 and 16/5.

In this connection, we would like to bring to your Government's attention information we have received concerning the alleged arrest and detention of an independent journalist, Mr. **Sergei Naumov**.

According to the information received:

On 21 September 2013, Mr. Sergei Naumov was reportedly arrested by local police officers at his home in the city of Urgench in Northwestern Uzbekistan and held in detention for 12 days. He was released on 3 October 2013 following a summary trial where he had no legal representation.

Mr. Naumov is an independent journalist reporting on environmental and human rights issues for international media organizations and regional media such as Ferghana news agency. He also collaborated with Uzbekistani and international human rights defenders.

The police initially denied holding him in detention, and to date claims that they have no record of him. His lawyer was only able to locate Mr. Naumov's whereabouts on 24 September 2013 that he was held in the Urgench temporary detention facility. The lawyer also received court documents confirming that Mr. Naumov was sentenced to a 12-day administrative detention under Article 183 of the Administrative Code of Uzbekistan ("Disorderly conduct and disturbing the peace") by the Urgench City Court on the day of his arrest.

According to the information received, Mr. Naumov was accused of verbally insulting and physically assaulting a woman on the street in Urgench. Mr.

Naumov stated in court that he did accidentally bump into the woman, however, did not harass or assault her. His lawyer will appeal against the sentence.

Upon his release, Mr. Naumov claimed that it was him, not her, who was physically and verbally assaulted. It is further reported that the administrative detention of Mr. Naumov may have been linked to his monitoring of the cotton harvest and it may have been orchestrated to prevent him from meeting with the independent monitors from the International Labour Organization that are carrying out inspections of the 2013 cotton harvest throughout Uzbekistan.

The conditions in the cotton fields in Uzbekistan have been criticized by human rights organizations for the use of forced labour, including that of children, during the harvest season.

Grave concerns are expressed at the alleged arrest and administrative detention of Mr. Sergei Naumov. Further concerns are expressed that his detention might be related to his journalistic activities exercising his legitimate right to freedom of opinion and expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to appeal to your Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), that Uzbekistan acceded to on 28 September 1995, which provides that “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

We would further like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which “condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;” and “calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies.”

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, 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 Government the following provisions of the Declaration:

- article 6 point a) which provides that everyone has the right, individually and in association with others to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms, including having access to information as to how those rights and freedoms are given effect in domestic legislative, judicial or administrative systems.
- article 6 points b) and c) which provide that everyone has the right, individually and in association with others as provided for in human rights and other applicable international instruments, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters.
- 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.

Regarding the right to access and communicate with international bodies, we would draw the attention of your Government article 5, paragraph c) of the Declaration which states that in order to promote and defend human rights and freedoms fundamental everyone has the right, individually or collectively, both nationally and internationally, "c) to communicate with non-governmental or intergovernmental organizations." Similarly, Article 9, paragraph 4, states that "(a) (...) everyone has the right, individually or collectively, in conformity with applicable international instruments and procedures, to unhindered access to and communication with international bodies with general or special competence to receive and consider communications on matters of human rights and fundamental freedoms."

Moreover, 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. Since we are expected

to report on these cases to the Human Rights Council, 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?
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 judicial investigation, or any criminal charges, and other inquiries carried out in relation to the above case.
4. Please provide the details on how the actions undertaken by public officials regarding this case are compatible with the international norms and standards of the right to freedom of opinion and expression.

We would appreciate a response within sixty days. Your 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 Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person 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 Government adopt effective measures to prevent the recurrence of these acts.

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

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders