

Mandates of the Working Group on Arbitrary Detention; 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; and the Special Rapporteur on the situation of human rights defenders

REFERENCE: UA
UZB 4/2015:

22 December 2015

Dear Mr. Nurmetov,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; 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; and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, and 25/18.

In this connection, we would like to bring to the attention of your Government information we have received concerning the arbitrary arrest, incommunicado detention and charging of human rights defender and journalist **Mr. Uktam Pardayev**.

Mr. Uktam Pardayev is a human rights defender and chairperson of the Djizak regional branch of the Independent Human Rights Society of Uzbekistan (IHRSU). He monitors human rights within Uzbekistan, and provides legal counselling to those who have suffered from human rights violations. He investigates and writes journalistic articles on human rights issues and has been active in the documentation of working conditions in cotton fields in Uzbekistan.

According to the information received:

On 16 November 2015, at approximately 6.30 a.m., a police search was carried out at the home of Mr. Pardayev in Djizak. During the search, which was conducted by ten police officers and a representative of the prosecutor general's office, Mr. Pardayev's technical and electronic equipment, including a camera, a

computer, USB memory sticks and CDs, were confiscated. He was subsequently arrested and detained at a temporary detention facility at Dustlik district police station. It is reported that the reason for his arrest and detention is his work as a human rights defender and journalist.

On 18 November 2015, Mr. Pardayev was charged with fraud and bribery under articles 168 and 211 of the Criminal Code of Uzbekistan. The charges are alleged to have been brought against him in connection with unfounded testimonies by nine individuals, who claim that he defrauded them of money.

On 20 November 2015, Mr. Pardayev was permitted to access his lawyer after being detained incommunicado for four days at the pre-trial facility of the Dustlik district police station. It is alleged that, as of the sending of this communication, the family of Mr. Pardayev have not been permitted to access him by any means. He is currently being detained at the Department of Internal Affairs in Dustlik.

There have been episodes in the past where Mr. Pardayev has been detained and beaten by police officers, held for 15 days on charges of “hooliganism” and then released. He was recently denied an exit visa from Uzbekistan and filed a complaint with Uzbek authorities.

Serious concern is expressed that the arbitrary arrest, incommunicado detention and judicial processes initiated against Mr. Pardayev constitute a direct act of harassment in retaliation for his longstanding, peaceful human rights work and legitimate social activism. Additional concern is expressed about the broader impact of the above allegations, which may have a chilling effect on the right to freedom of expression and freedom of association in the country, particularly for human rights defenders and journalists.

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

Without expressing at this stage an opinion on the facts of the case and on whether the deprivation of liberty of Mr. Pardayev is arbitrary or not, we would like to appeal to your Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with 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), ratified by Uzbekistan on 28 September 1995.

Furthermore, we would like to remind your Excellency's Government of the right to freedom of opinion and expression and the right to freedom of association, as contained in articles 19 and 22 of the ICCPR respectively.

We would also like to refer to 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 articles 1, 2, 6 and 12.

Additionally, we would like to remind your Excellency's Government of the UN Human Rights Council resolution 27/5 on the safety of journalists adopted on 2 October 2014, and resolution 24/5 on the rights to freedom of peaceful assembly and of association adopted on 8 October 2013.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As 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 observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide details of the legal grounds for the search of the home of Mr. Pardayev, his arrest and detention, and the charges brought against him, and how these measures are compatible with international human rights norms and standards, as stated, *inter alia*, in the UDHR and ICCPR.
3. Please kindly indicate what measures have been taken to ensure that human rights defenders and journalists in Uzbekistan are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

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 of 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.

José Guevara
First Vice-Chair of the Working Group on Arbitrary Detention

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