

Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

7 April 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 43/16, 43/4 and 41/6.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning information we have received concerning **the reported smear campaign against, and arbitrary detention and criminalisation of Ms. Karomat Ashirova and Ms. Zukhra Abdurakhmanova**, which are reportedly related to their human rights activities, as well as **searches in their homes and seizure of documents reportedly proving human rights violations**.

Ms. **Karomat Ashirova** is a woman human rights defender from the city of Angren in the Tashkent region, also known by the local residents as "*Sister Writer*." She drew up complaints to various state authorities on behalf of people whose rights were violated, accompanied the applicants to meetings with the authorities, and helped them to achieve justice.

Ms. **Zukhra Abdurakhmanova** is a woman human rights defender from Angren. Together with Ms. Karomat Ashirova, she advised victims of domestic violence on available remedies, helped them to find temporary shelter and employment, advocated for the right to housing and health, as well as openly denounced corruption, embezzlement, and tax evasion.

According to the information received:

In the course of her human rights work, Ms. Ashirova has written many letters to the President of Uzbekistan concerning the alleged arbitrariness of the Angren authorities, including the current and former city majors, the city prosecutor, the head of the tax inspectorate, and a number of other officials.

On 7 April 2021, after collecting documents reportedly proving the corruption of local officials, including the city major and the former director of the food market, Ms. Ashirova, supported by Ms. Abdurakhmanova, appealed to the Prosecutor of the Tashkent Region for an investigation. The Prosecutor supported Ms. Ashirova and Ms. Abdurakhmanova and, on 3 May 2021, issued a decision to open a criminal case against "unidentified persons" under article 229 of the Criminal Code ("Arbitrariness").

Moreover, in June 2021, Ms. Ashirova was reportedly collecting evidence to send a statement to the President of Uzbekistan about a crack in the dam of the Angren reservoir, which could lead to a flood. She reportedly took the city major and several other people to the site, informing them of the situation.

On 21 June 2021, Ms. Ashirova and Ms. Abdurakhmanova were detained and forcibly removed from their homes in Angren, allegedly by a group of approximately 40 armed law enforcement officers in black uniforms led by a police investigator. The law enforcement officers reportedly had a search warrant but no arrest warrant. They allegedly searched the homes of the women human rights defenders and seized all documents supporting Ms. Ashirova's allegations of corruption and the dam crack, along with some personal documents belonging to her and her family.

Since 21 June 2021, Ms. Ashirova and Ms. Abdurakhmanova have reportedly been held in Tashkent prison "Zangiata", reportedly on the Angren City Court orders dated 22 June 2021 and 15 September 2021. During this time, the women human rights defenders have reportedly not been allowed any family visits.

According to the indictment issued by the Angren City Prosecutor's Office investigator on 24 November 2021, the women human rights defenders were reportedly charged under the following provisions of the Criminal Code: article 165 para. 2 (a) and (c) and para. 3 (a) ("Extortion"), article 168, para. 3 (b) ("Fraud"), article 228, para. 2 (b) ("Production, forgery of documents, stamps, seals, blanks, their sale or use"), article 229 ("Arbitrariness"), and article 244¹, para. 3 (a) ("Production, storage, distribution or demonstration of materials containing a threat to public safety and public order"). Ms. Ashirova had reportedly been "making unlawful demands to the state and local authorities on issues of citizens unrelated to her, and engaged in illegal rallies to satisfy these demands, discrediting the Angren city administration and other state organisations."

In addition, announcements have reportedly been disseminated on the streets of Angren, in which, on behalf of the City Prosecutor's Office, citizens were warned about the "dangerous criminal swindler" Ms. Ashirova and her equally dangerous "accomplice" Ms. Abdurakhmanova, including photos of the women human rights defenders. The announcements appealed for the public to immediately contact the Prosecutor's Office and the police department if, they were victims of fraudulent actions as a result of the "group conspiracy" of Ms. Ashirova and Ms. Abdurakhmanova and assured that "the confidentiality of whistle-blowers will be preserved." The announcements also reportedly indicated that Ms. Ashirova and Ms. Abdurakhmanova were accused under article 165, para. 3 (a) ("Extortion") and several other articles of the Criminal Code, and as a "legal" preventive measure, they were taken into custody.

The trial hearings against Ms. Ashirova and Ms. Abdurakhmanova reportedly started on 20 December 2021 at the Almalyk City Criminal Court. The reason for not holding the trial in Angren and moving it to Almalyk (51 km away) was allegedly to prevent attendance by their supporters. In addition, video and audio recordings were reportedly prohibited during the trial.

Ms. Ashirova and Ms. Abdurakhmanova were reportedly brought to the hearings in a truck from Zangiata prison, and between the hearings were kept in the local detention centre, which allegedly lacked humane conditions – the cells were cold, there was a stench in the toilet, and there was no running water. They were reportedly taken to the courtroom in handcuffs. During the hearings, Ms. Ashirova, who had reportedly suffered a heart attack shortly before the detention and is 70 years old, appeared pale and emaciated. At least two hearings were reportedly postponed without explanation.

Among the victims were reportedly local officials. They accused Ms. Ashirova and Ms. Abdurakhmanova of “slandering the authorities” and “humiliating the dignity and authority” of officials, as well as of numerous “raids” on someone else’s property “through threats and blackmail.” Additionally, officials accused Ms. Ashirova of “group extortion” (as part of a “criminal gang” with Ms. Abdurakhmanova), blackmail, and violent acts aimed at forcing victims to sign over their own or state property to the name of a “racketeer”.

The hearings have allegedly revealed many contradictions between the testimonies recorded in the investigation materials and the testimonies of the same witnesses and victims, which they gave directly in the courtroom.

On 18 February 2022, both Ms. Ashirova and Ms. Abdurakhmanova were convicted to four years of restriction of liberty minus the days they had spent in custody. The sentence, among other restrictions, reportedly requires them not to use phones and the internet and to stay at home from 8 pm to 8 am.

Without wishing to prejudge the accuracy of the information received, we express concern about the alleged smear campaign, arbitrary detention and criminalisation of Ms. Ashirova and Ms. Abdurakhmanova. They appear to have been targeted for their legitimate human rights work and exercising their right to freedom of expression. We are also concerned about searches in their homes and seizure of documents reportedly proving human rights violations. Finally, we are gravely concerned about Ms. Ashirova’s health, considering her age and that she was allegedly subjected to inhuman detention conditions following a heart attack.

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

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the legal basis for the arrest and detention of Ms. Karomat Ashirova and Ms. Zukhra Abdurakhmanova, searches and seizure of documents at their homes, criminal cases against them and

full information about the verdicts against them, including the legal grounds and the complete list of restrictions imposed on them.

3. Please provide detailed information on the state of health of Ms. Karomat Ashirova and whether she receives all necessary medical assistance and medications while serving the restriction of liberty.
4. Finally, please also provide information regarding the measures taken to ensure that human rights defenders in Uzbekistan, including those working against corruption, are able to carry out their work without fear of intimidation, threats, attacks and reprisals.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Melissa Upreti
Chair-Rapporteur of the Working Group on discrimination against women and girls

Annex

Reference to international human rights law

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

We would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Uzbekistan on 28 September 1995, that guarantees the rights to freedom of opinion and expression. The right to freedom of expression includes freedom to seek, receive and impart information and ideas of all kinds through any media.

As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, political discourse, commentary on one's own and on public affairs, and discussion of human rights (paragraph 11), and all forms of expression and the means of their dissemination are protected (paragraph 12). Article 19 requires the States to guarantee the right to freedom of expression (paragraph 11). It is the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). An attack on a person, because of the exercise of their freedom of opinion or expression, including such forms of attack as arbitrary arrest, can under no circumstance be compatible with article 19 (paragraph 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (Id.).

We would also like to remind your Excellency's Government that any restrictions to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19 (3) of the ICCPR. Under these standards, restrictions must be provided for by law and conform to the strict tests of necessity and proportionality.

Furthermore, we would like to refer your Excellency's Government to articles 9, 14 and 17 of the ICCPR, which guarantee everyone the right to liberty and security of person, the right to a fair trial, and the right not to be subjected to arbitrary or unlawful interference with their privacy, family, home or correspondence, as well as to unlawful attacks on their honour and reputation.

We would also like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in article 7 of the ICCPR and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, acceded to by Uzbekistan on 28 September 1995.

Moreover, we would like to remind your Excellency's Government of its obligations under the International Covenant on Economic, Social and Cultural Rights, acceded to by Uzbekistan on 28 September 1995, in particular, article 12, which enshrines the right of everyone to the enjoyment of the highest attainable standard of

physical and mental health, and the UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules).

We would like to reiterate to your Excellency's Government of the obligations of Uzbekistan through its accession in 1995 of the International Convention on the Elimination of Discrimination against Women (CEDAW), in particular article 7 which provides that States shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country, including the right to participate in non-governmental organizations and associations concerned with the public and political life of the country.

As stressed by the Working Group on discrimination against women and girls in one of its reports to the Human Rights Council (A/HRC/23/50), stigmatization, harassment and outright attacks are used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. Women defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. Violence against women defenders is sometimes condoned or perpetrated by State actors. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women's human rights and to improve the enabling conditions for women's participation in political and public life.

In a joint declaration, the Working Group on discrimination against women and girls emphasised that women human rights defenders face unique challenges, driven by deep-rooted discrimination against women and stereotypes about their appropriate role in society. Today's rising fundamentalisms of all kinds and political populism, as well as unchecked authoritarian rule and uncontrolled greed for profit-making further fuel discrimination against women, intensifying the obstacles facing women human rights defenders. In addition to the risks of threats, attacks and violence faced by all human rights defenders, women human rights defenders are exposed to specific risks, such as misogynistic attacks, gender-based violence (including sexual violence), lack of protection and access to justice as well as lack of resources.

We would also like to refer to General Assembly resolution 68/181, adopted on 18 December 2013, on the protection of women human rights defenders. Specifically, we would like to refer to articles 7, 9 and 10, whereby States are called upon to, respectively, publicly acknowledge the important role played by women human rights defenders, take practical steps to prevent threats, harassment and violence against them and to combat impunity for such violations and abuses, and ensure that all legal provisions, administrative measures and policies affecting women human rights defenders are compatible with relevant provisions of international human rights law.

Furthermore, we would 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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the

protection and realisation 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.

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

- Article 6 (a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms
- Article 6 (b) and (c), which provides for the right to freely 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 to draw public attention to those matters.
- Article 9 (3), which provides for the rights to complain about the policies and actions of individual officials and governmental bodies about violations of human rights and fundamental freedoms, by petition or other appropriate means, to competent domestic judicial, administrative or legislative authorities or any other competent authority provided for by the legal system of the State, which should render their decision on the complaint without undue delay; to attend public hearings, proceedings and trials so as to form an opinion on their compliance with national law and applicable international obligations and commitments; and to offer and provide professionally qualified legal assistance or other relevant advice and assistance in defending human rights and fundamental freedoms.
- Article 12 (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 their 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, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

The Human Rights Council, in its resolution 13/13 (A/HRC/RES/13/13), urged the 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. In resolution 22/6 (A/HRC/RES/22/6), the Council urged States to create a safe and enabling environment in which human rights defenders can operate free from hindrance and

insecurity (paragraph 2). In its resolution 31/32 (A/HRC/RES/31/32), the Council further called upon all States to take all measures necessary to ensure the rights and safety of human rights defenders (paragraph 2).

Finally, we would like to refer your Excellency's Government to the recent report of the Special Rapporteur on the situation of human rights defenders (A/HRC/49/49), which stresses that protection frameworks applicable to human rights defenders should apply to human rights defenders working against corruption and suggests specific ways to protect them and promote their work.