

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Working Group on Arbitrary Detention and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL UZB 3/2023
(Please use this reference in your reply)

28 September 2023

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; Working Group on Arbitrary Detention and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 50/17, 51/8 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of harassment, threat, detention and targeted intimidation by State officials, including police and judicial authorities, of political activists and human rights defenders who have engaged in peaceful protests and political activities in relation to the unregistered political opposition party "the Social Democratic Party of Uzbekistan."

Among the alleged victims are **Mr. Khidirnazar Allakulov, Mr. Abdumannop Akhadov, Mr. Abdurasul Abdurakhmanov, Ms. Vazira Egamberdieva, Mr. Muhammadamin Ermatov, Ms. Lobar Karimova, Mr. Shukhrat Khadjaev, Ms. Bibisora Khudayberganova, Mr. Azat Kurbanov, Mr. Sunnatilla Muminov and Mr. Mukhtorjon Ubaydullayev.**

We would also like to highlight the context surrounding the allegations of the alleged victims mentioned above. We note that since 2016, Uzbekistan has undergone a number of socioeconomic and political reforms, including the release of dozens of political prisoners, the denouncement of exit visas for Uzbek nationals, the introduction of visa-free visits for nationals of several countries, as well as visits by international human rights organizations which had been barred from the country since 2005. However, to date, only five political parties have been registered in the country, namely, the Liberal Democratic Party of Uzbekistan (O'zLiDeP), Milliy Tiklanish Democratic Party of Uzbekistan (National Revival), the Adolat (Justice) Social Democratic Party, the People's Democratic Party (XDP) and the Ecological Party of Uzbekistan. To our knowledge, no other political party has managed to register in the country with the Ministry of Justice since 2003.

According to the information received:

In June 2020, Mr. Khidirnazar Allakulov announced his plans to establish the "Social Democratic Party of Uzbekistan (SDPU)" "Khakikat va Tarakkilot" (Truth and Progress), along with his intention to run as a presidential candidate in the elections in October 2021. In the days after this announcement, Mr. Allakulov stated that he and his family members allegedly received online and phone call threats to their lives and health. Individuals, who were believed to be affiliated with the State security apparatus, allegedly started a wide-scale smear campaign against him on social media. He subsequently reported

internet trolling, close surveillance and other intimidation, including prolonged detention for questioning and harassment from the police officers, along with physical attacks by unknown perpetrators. Mr. Allakulov tried to file complaints with state authorities, including with the Ministry of Internal Affairs and with the State Security Service, however, they allegedly refused to accept them.

When Mr. Allakulov and other party activists made an attempt to hold a constitutive assembly to begin the work of the party in November 2020, the venue of the assembly was allegedly cordoned off by law enforcement officials, people in plain clothes and emergency response workers, who prevented them from entering. In other attempts, the landlords of the buildings, who provided the venue for the assembly, including the owner of the premises of the party's office at that time, asked party activists to urgently vacate the premises without any reason.

On 26 February 2021, when Mr. Allakulov was due to preside over the constitutive assembly of the party, his apartment in Tashkent was allegedly besieged and raided by the personnel of the National Guard. Reportedly, while trying to detain Mr. Allakulov, the state personnel beat his close family members, including his daughter, her husband and the grandson, some of whom sustained concussions. Allegedly, the Yunusabad District Court further fined Mr. Allakulov's daughter and her husband for "violating public order" and "attempting to provide group resistance." Mr. Allakulov that day was allegedly arrested and transported to a different part of Uzbekistan for questioning as a suspect for publishing information online about a local resident, which allegedly violated his privacy. It is reported that the case against Mr. Allakulov was subsequently dropped.

Following the adoption of the Statute of the party and the election of its leadership, political activists started the process of gathering 20,000 signatures required by the law "On Political parties" for registration of a political party in Uzbekistan. During the same month, two unidentified individuals allegedly attacked the office of the party inflicting bodily injuries on several party activists near the building and breaking the office furniture. During the same time, about twenty people in plain clothes attacked Mr. Allakulov at the entrance of his house. The alleged perpetrators demanded that Mr. Allakulov vacate the office rented for the party and stop engaging in political affairs. The incident was video filmed by the family members of Mr. Allakulov. However, Mr. Allakulov was charged for this incident with petty hooliganism under article 183 of the Code of Administrative Offences of the Republic of Uzbekistan. In May 2021, Yunusabad District Court in Tashkent considered Mr. Allakulov's case one more time using the video recorded evidence during a closed court hearing and dropped his charges of petty hooliganism. However, the Court found Mr. Allakulov guilty of committing administrative offence of "slander" under article 40 of the Code of Administrative Offences of the Republic of Uzbekistan. Mr. Allakulov's appeals were unsuccessful.

On 7 April 2021 and subsequently on 7 June 2021, following the submission of signatures, the Ministry of Justice denied twice the registration of the party stating that the party had failed to meet the requirements set forth in the law "On political parties." The Ministry stated that around 70% of the signatures

were not legitimate and ordered the party to suspend all of its activities within three months, in accordance with article 6 of the mentioned law.

Following the gathering of the party activists at the house of **Mr. Mukhtar Ubaydullayev** on 27 June 2021, the Olmazor District Court in Tashkent found Mr. Ubaydullayev guilty of committing an administrative offence under article 202 (1) of the Code of Administrative Offences of Uzbekistan for “creating conditions for holding unauthorized meetings, rallies, street marches and demonstrations”. All appeals filed by Mr. Ubaydullayev were unsuccessful.

On 15 July 2021, around 40 people dressed in plain clothes and police uniforms allegedly forcibly prevented several party activists led by Mr. Allakulov from filing a complaint against the decision of the Ministry of Justice concerning the registration of the party at the Constitutional Court. As soon as the activists entered the building, they were stopped, while three activists, namely, **Mr. Muhammadamin Ermatov**, **Mr. Mukhtar Ubaydullayev** and **Mr. Azat Kurbanov**, were arrested and taken to the police station. While the other two activists were shortly released, **Mr. Kurbanov** was charged with “petty hooliganism” under article 183 of the Code on Administrative Offences and convicted of 15 days imprisonment. Following this incident on 24 July 2021, the Judicial Compulsory Enforcement Bureau together with police officers allegedly evicted Mr. **Ermator**, a founding member of the party, together with thirteen members of his family (wife, two sons, two daughters-in-law, daughter, son-in-law and six grandchildren) from the house they lived in for fifteen years.

Throughout 2022, police and judicial harassment and intimidation of Mr. Allakulov and other party activists allegedly continued. Due to the restrictions on the legality of the operation of the unregistered associations and political parties in Uzbekistan, Mr. Allakulov announced his intention to set up a political party with a new name - the “Social Democratic Party of Uzbekistan (SDPU)” “Hakikat, Tarakkiyot va Birdamlik” (Truth, Progress and Unity).

Following the gathering of the new party activists at the house of **Ms. Vazira Egamberdieva**, a 75-year-old female political opposition activist, on 19 January 2022, the Mirzo-Ulugbek District Court found her guilty of committing an offence under article 202 (1) of the Code of Administrative Offences for “creating conditions for holding unauthorized meetings, rallies, street marches and demonstrations”. On the day of the hearing, a number of journalists, civil society representatives and human rights defenders were protesting in front of the Court against the conviction of Ms. Egamberdieva. As a result, it is reported that a number of people were arrested, including **Mr. Ubaydullaev**, **Mr. Akhadov**, **Mr. Abdurakhmanov**, **Mr. Khodjaev**, **Mr. Muminov**, **Ms. Karimova** and **Ms. Khudaybergenova**, all of whom were allegedly found guilty by the Mirzo-Ulugbek District Court for “disturbance of order, organization of demonstrations, rallies, [and] demonstrations.” They were then reportedly either imprisoned for fifteen days or fined with 80 basic settlement units (21,600,000 UZS, equivalent of 2,000 USD).

On 19 June 2022, Mr. Allakulov published a video about the alleged discovery at the carwash of the surveillance, GPS tracking and tapping equipment installed in his car. Authorities allegedly refused to accept his complaints.

Mr. Allakulov's second attempt to register the party under the new name in 2023 encountered similar challenges. During the collection of signatures in June 2023, party representatives were reportedly physically attacked by a group of unidentified individuals, while Mr. Allakulov was allegedly detained and then released on the same day. On 15 June 2023 and subsequently on 16 August 2023, the Ministry of Justice twice denied the registration of the new political party "Social Democratic Party of Uzbekistan (SDPU)" "Hakikat, Tarakkiyot va Birdamlik" (Truth, Progress and Unity) stating that the majority of the submitted signatures had been forged and that they were received after the expiration date. According to Article 6 of the law "On Political Parties," the political party's activities need to stop within three months, as the operation of unregistered associations and political parties is forbidden by law.

Without prejudging the veracity of the above allegations, we wish to express our deep concern about the alleged acts of reported attacks of physical intimidation, detention and police and judicial harassment of political activists and human rights defenders. We are also concerned about the alleged lack of effective remedies and due diligence to prevent, counter, investigate and punish such actions, which could have a chilling effect on civil society actors wishing to participate in political affairs, including in peaceful political opposition.

We are particularly concerned about the multiple charges brought and judgments handed down against Mr. Allakulov, which may have unnecessarily prevented him from carrying out his legitimate human rights work in the area of justice, accountability and respect for human rights and fundamental freedoms in Uzbekistan, in addition to the political activities. We are also troubled by the prosecution of other political activists related to the party, including Mr. Ubaydullaev, Mr. Akhadov, Mr. Abdurakhmanov, Mr. Khodjaev, Mr. Ermatov, Mr. Kurbanov, Mr. Muminov, Ms. Karimova, Ms. Khudaybergenova and Ms. Egamberdiyeva, for exercising their rights to freedom of peaceful assembly, association, opinion and expression. We are particularly concerned about the broader significance and negative implications that the targeting of the political activists has for the overall freedoms of expression, peaceful assembly and association in Uzbekistan, inter alia through the chilling effect on individuals, including political activists, journalists, media workers and human rights defenders, who wish to express themselves, demonstrate peacefully and participate in public and political life in Uzbekistan.

We are worried about the cumbersome requirements for political party registration, which could result in the lack of emergence of new political entities, thus, limiting the exercise of the right to freedom of association. These requirements could also have a chilling effect on the work of civil society actors, as the operation of unregistered associations and political parties is legally forbidden. In addition, the broad discretionary powers granted to the Ministry of Justice to register or deny registrations of political parties are quite worrisome.

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.

We are issuing this appeal in order to safeguard the rights of the abovementioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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 concerning the legal grounds for the arrests and subsequent detentions of Mr. Allakulov and the facts substantiating the charges against him.
3. Please detail the factual and legal grounds underlying the prosecution of Mr. Ubaydullaev, Mr. Arkhadov, Mr. Abdulrahmanov, Mr. Khodjaev, Mr. Ermatov, Mr. Kurbanov, Mr. Muminov, Ms. Karimova, Ms. Khudaybergenova and Ms. Egamberdiyeva.
4. Please explain what measures have been taken to ensure that human rights defenders and civil society representatives can exercise their legitimate human rights work, including through the exercise of their rights to freedom of opinion and expression, of peaceful assembly and of association, and that the civic space is protected, including in relation to political affairs, without fear of reprisals, judicial prosecution or criminalization of any kind.

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

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the present communication and the regular procedure.

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.

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Matthew Gillett
Vice-Chair on Communications of the Working Group on Arbitrary Detention

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

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw your Excellency's Government's attention to articles 9, 14, 17, 19, 21, 22, 25 and 26 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by the Republic of Uzbekistan on 28 September 1995, which guarantee the rights to liberty and security of persons and to be free from arbitrary detention, to a fair trial, to privacy, to freedom of opinion and expression, to freedom of peaceful assembly, to freedom of association, to freedom to participate in public affairs, and to equality before the law and protection against discrimination.

We would like to refer your Excellency's Government to article 9 of the Universal Declaration of Human Rights (UDHR), prohibiting arbitrary detentions, and article 9 of ICCPR, which guarantee the right to liberty and security of persons, highlighting that the States parties should take appropriate measures in response to death threats against persons in the public sphere and should protect individuals from foreseeable threats to life or bodily integrity proceedings from any governmental or private actors. States parties must take measures to prevent future injury and also take retrospective measures, such as enforcement of criminal laws, in response to the past injury. Additionally, as per the jurisprudence of the Working Group on Arbitrary Detention and general comment no. 35, detention of an individual as punishment for the legitimate exercise of rights guaranteed by the Covenant is arbitrary.¹

We wish to recall article 17 of ICCPR that provides for the right of every person to be protected against arbitrary or unlawful interference with his privacy, family, home or correspondence, as well as against unlawful attacks on his honour and reputation. Surveillance, whether electronic or otherwise, interceptions of telephonic, telegraphic and other forms of communication, along with wiretapping and recording of conversations, should be prohibited (para. 8 General Comment No 16 of the CCPR).

We would like to draw your Excellency's Government's attention to article 19 of ICCPR which guarantees the right to freedom of opinion and expression and states that any restriction on the right to freedom of expression must be: (i) provided by law; (ii) serve a legitimate purpose; and (iii) be necessary and proportional to meet the ends it seeks to serve. The Human Rights Committee has affirmed that "States parties should put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression" (para. 23 of the General Comment No 34 of CCPR). The penalisation of individuals solely for expressing critical opinions about the government or the social system espoused by the government is incompatible with article 19 (para. 42 of the General Comment No 34 of CCPR). Moreover, attacks on a person done because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, are incompatible with article 19 (para. 23 of the

¹ See CCPR/C/GC/35.

General Comment No 34 of CCPR).

We would like to refer to article 21 of the ICCPR which guarantees the right to freedom of peaceful assembly and stipulates that no restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals, or the protection of the rights and freedoms of others.

We wish to recall article 22 of the ICCPR which guarantees the right to freedom of association with others. In addition, 2015 ODIHR and Venice Commission Guidelines on Freedom of Association states that “[l]egislation should make the process of notification or registration as simple as possible and, in any case, not more cumbersome than the process created for other entities, such as businesses” (para. 156). The 2020 ODIHR and Venice Commission Joint Guidelines on Political Party Regulation further clarifies that “grounds for denying a party’s registration must be clearly stated in law and based on objective criteria” (para. 87).

We would also like remind Excellency’s Government’s of the Human Rights Committee’s Concluding observations on the fifth periodic report of Uzbekistan, which states that “The Committee remains concerned that current legislation continues to impose restrictions on the right to freedom of association, including: (a) unreasonable and burdensome legal and administrative requirements for registering NGOs and political parties; (b) an extensive list of reasons to deny registration; (c) the requirement for NGOs to obtain de facto approval from the Ministry of Justice when travelling abroad or receiving funds from foreign sources; and (d) the prohibition of NGOs from participating in “political activities” (para. 48). We wish to refer to article 25 of ICCPR which guarantees the right to participate in public affairs, including the following three elements: (a) the right to take part in the conduct of public affairs; (b) the right to vote and to be elected; and (c) the right to have access to public service.

The Human Rights Committee reiterates that the “[p]ersons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation” (para. 15 of the General Comment No 25 of CCPR).

We would like to recall 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 (A/RES/53/144), 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 (art. 1 and 2). In addition, the declaration highlights the right of all persons to form, join and participate in non-governmental organizations, associations and groups, and to communicate with non-governmental or intergovernmental organizations (art. 5 (b) and (c)).