



AMNESTY INTERNATIONAL UZBEKISTAN: APPEAL CASE

6 December 2005: AI Index: EUR 62/031/2005; public

Journalist sentenced to six months' imprisonment

On 26 August the Namangan Regional Court sentenced **Nosir Zokirov**, a Namangan-based correspondent for Radio Free Europe/Radio Liberty (RFE/RL), to six months' imprisonment for allegedly insulting an official of the Uzbekistani National Security Service (SNB).

Nosir Zokirov, an experienced correspondent in his mid-fifties, has worked for RFE/RL for eight years. Since the 13 May Andizhan events, he has allegedly been harassed by the local, official media who have reportedly published slanderous articles regarding his family, lifestyle and his work. In early August, Nosir Zokirov conducted a radio interview with a local poet, Khaidarali Komilov. Part of Khaidarali Komilov's poem was broadcasted, which criticized the Uzbekistani government's handling of the 13 May Andizhan events, when security forces reportedly fired indiscriminately into crowds of people gathering in Andizhan's central square, killing and wounding hundreds of people. On 6 August Nosir Zokirov called the SNB in Namagan to complain about the harassment that Khaidarali Komilov had suffered following the radio interview. During the phone conversation, pressure was reportedly put on Nosir Zokirov to persuade Khaidarali Komilov to lie about the meaning of the poem so as not to implicate the authorities. Nosir Zokirov refused and reportedly insulted the official, although he himself claims he did not use any offensive language. This phone call allegedly led to charges being filed against Nosir Zokirov for "slander" under Article 140 Part 3a of the Uzbekistani Criminal Code.

Nosir Zokirov reportedly did not have legal representation at his trial on 26 August, nor were the defence witnesses heard. He appealed the court's decision, but on 19 September the Appeal Court in Namangan took 15 minutes to make their decision to reject his appeal.

Amnesty International recognizes that anyone who believes they have been the victim of defamation has the right to seek redress through the courts. The organization takes no position on the legitimacy or otherwise of the complaint of slander in the case against Nosir Zokirov. However, Amnesty International argues that using criminal proceedings in slander cases implies that the defendant is responsible for an injury to society at large. Amnesty International disputes the fact that the alleged slander in this case constitutes any such injury to society. It believes that slander complaints such as this should be addressed in civil proceedings in which a complainant can seek redress for personal injury to their reputation. Criminal legislation should not be used in such a way as to stifle criticism of public officials, or to intimidate those who voice legitimate concerns about the actions or practices of public officials.

Amnesty International has complained in the past to the authorities in Uzbekistan about the inappropriate use of criminal libel charges in cases such as these involving journalists. The organization regards such prosecutions as an attack on the human right to freedom of expression. Amnesty International considers Nosir Zokirov to be a prisoner of conscience, detained solely for carrying out his peaceful and legitimate human rights work and calls for his conviction on the charge of slander to be quashed and for him to be released from detention immediately and unconditionally.

Background Information

In 1993, when Nosir Zokhir was the chairman of the Namangan region of *Birlik* (Unity), which is one of the main secular opposition parties, he was arrested on what were alleged to be false criminal charges brought in order to punish him for his non-violent political activities in opposition to the Government of Uzbekistan.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Uzbek or your own language:

- stating that Amnesty International does not regard slander as a criminal offence and considers Nosir Zokirov to be a prisoner of conscience and calls for his immediate release;
- expressing concern that Nosir Zokirov did not have legal representation at his trial;
- urging the Uzbekistani authorities to ensure that Nosir Zokirov is given free access to his relatives and to a lawyer of his choice.

APPEALS TO: (Please note that it can be difficult getting through to fax numbers in Uzbekistan. If a voice answers, repeat “fax” until you hear the signal; otherwise leave your fax machine on auto-redial if possible. Fax machines may be switched off outside office hours – 5 hours ahead of GMT):

President

Islam A. KARIMOV, Rezidentsia prezidenta; ul. Uzbekistanskaia, 43; Tashkent; UZBEKISTAN
Fax: + 998 71 139 53 25, email: presidents_office@press-service.uz
Salutation: Dear President Karimov

General Procurator of the Republic of Uzbekistan

Rashidzhon KODIROV, Prokuratura Respubliki Uzbekistan, ul. Gulyamova 66, Tashkent, UZBEKISTAN
Fax: + 998 71 133 39 17/ 133 73 68, e-mail: prokuratura@lawyer.com
Salutation: Dear Procurator General

COPIES TO:

Head of the National Centre for Human Rights,

Akmal Saidov, Natsionalny tsentr po pravam cheloveka, 5/3, Mustakillik Maidoni, Tashkent 700029, UZBEKISTAN
Fax: +998 71 139 13 56
Salutation: Dear Senator Saidov

Chairman of the National Security Service of the Republic of Uzbekistan

Rustam INOYATOV, Natsionalnaya sluzhba bezopasnosti Respubliki Uzbekistan; ul. Novruz 1; Tashkent, UZBEKISTAN
Fax: + 998 71 133 72 39

Procurator of the Namangan Region

Prokuratura Namanganskoi Oblasti; Namangan 716000; UZBEKISTAN

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 February 2006.

PLEASE SEND ANY REPLIES FROM THE UZBEKISTAN AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL (Eurasia Research and Campaign Team, Amnesty International, I Easton Street, London WC1X 0DW, United Kingdom)