

6 August 1999

Further information on UA 48/99 (EUR 50/01/99, 16 March 1999) and follow-up (EUR 50/02/99, 24 March 1999, EUR 50/03/99, 25 March 1999) - Fear of forcible deportation/fear for safety

UZBEKISTAN Muhammad Bekzhon
 Yusif Ruzimuradov
 Kobil Diyarov
 Negmat Sharipov

Amnesty International is concerned that Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov face an unfair trial on charges including "threatening the president" and "threatening the constitutional order". People tried recently on related charges have received sentences ranging from 10 years' imprisonment to death. Amnesty International believes the four may have been charged solely for their relationship to Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*, or other perceived links with the democratic opposition.

They face serious charges under the Criminal Code of Uzbekistan, including articles 158 (threatening the president), 159.3 (threatening the constitutional order), 216 (organization of an illegal body), 242 (organizing a criminal conspiracy) and 248 (illegal possession of arms). Their arrests are believed to be part of a clampdown on perceived opponents of the President of Uzbekistan, and their families and associates, following a series of bomb explosions in the capital, Tashkent, on 16 February.

They went on trial together with Mamadali Makhmudov (see UA 34/99, EUR 62/02/99, 25 February 1999, and follow-ups) and Rashid Bekzhon (see UA 43/99, EUR 62/05/99, 9 March 1999, and follow-ups) on 3 August in Yangiyul district court, outside Tashkent. The start of the trial was reportedly delayed for over an hour while local human rights activists, representatives of foreign embassies and journalists argued for the right to be allowed access to the courtroom. Forty minutes into the hearing, the lawyer representing Mukhammad Bekzhon, Kobil Diyarov and two other defendants protested that his clients had not had the opportunity to acquaint themselves with the materials in their case, and the judge adjourned the trial for three days.

Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov were forcibly returned to Uzbekistan from Ukraine on 18 March 1999, in violation of Ukraine's obligations under the Convention against Torture and the European Convention on the Protection of Human Rights and Fundamental Freedoms. They were then held incommunicado. Only at the end of April did it become known that they were held in Tashkent Prison. The lawyer representing Muhammad Bekzhon and Kobil Diyarov is believed to have been able to meet them only twice. Negmat Sharipov is believed to have consistently refused the services of a lawyer on the grounds that he is innocent, and to have been allocated one on 3 August by the judge. It is not known what arrangements have been made for the defence of Yusif Ruzimuradov.

On 30 June and 1 July Uzbek TV showed a "documentary" about the trial, which had recently ended, of 22 men charged in connection with the February explosions. Six had been sentenced to death, and 16 to prison sentences of 10 to 20 years. There were reports that the defendants had been beaten or otherwise ill-treated in pre-trial detention and forced to give false evidence. Human rights monitors expressed concern that fair trial standards had not been respected, in particular that the defendants were denied the right to presumption of innocence and that the prosecution failed to present any solid evidence of their guilt.

According to a transcript produced by the BBC, the Uzbek TV programme purported to show "those who hatched the plot, the aim the perpetrators had pursued, and admissions by witnesses and participants." Muhammad Bekzhon and co-defendant Mamadali Makhmudov were both shown in a way which implied their involvement in conspiratorial meetings with Muhammad Salih.

Another group of suspects in the February bombings went on trial on 14 July at the Supreme Court in Tashkent. This trial was to be held behind closed doors. It is believed that Muhammad Bekzhon and his five co-defendants were initially included in this trial but, perhaps because of the reaction of international bodies and organizations to the conduct and outcome of the trial featured in the "documentary", their case was removed to Yangiyul district court.

Muhammad Bekzhon is a brother of Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*, and is involved in the production of the party newspaper. Muhammad Salih has been depicted as the leader of an international conspiracy uniting the former democratic opposition with extremist Islamic groups with the aim of overthrowing the existing authorities in Uzbekistan. On trial with Muhammad Bekzhon are his brother Rashid Bekzhon; Yusif Ruzimuradov, a prominent member of *Erk*; Mamadali Makhmudov, a well-known writer and former associate of Muhammad Salih; Kobil Diyarov, a former member of the banned opposition movement *Birlik*; and Kobil Diyarov's nephew, Negmat Sharipov.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/ airmail letters in Russian or in your own language:

- expressing concern at violations of fair trial rights in the case of Muhammad Bekzhon, Yusif Ruzimuradov, Kobil Diyarov and Negmat Sharipov and their co-defendants, in particular at the fact that they have been held incommunicado, apparently denied adequate time and facilities to prepare a defence, and publicly depicted as guilty before this can be proven in law;
- calling for the trial to be halted and for the investigation into their case to be conducted in a manner consistent with international standards for fair trial.

APPEALS TO:

President of Uzbekistan, Islam Abduganievich KARIMOV
700000 g. Tashkent, pr. Uzbekistansky, Rezidentsiya Prezidenta, Prezidentu Karimovu I. A., UZBEKISTAN

Telegrams: Prezidentu Karimovu, 700000 Tashkent, Uzbekistan

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Salutation: Dear President Karimov

The Oliy Majlis (Parliamentary) Commissioner for Human Rights, Ms Sayora Rashidova
700008 g. Tashkent, pl. Mustakillik, 2, Oliy Majlis Respubliki Uzbekistan
Upolnomochenoy po pravam cheloveka pri Oliy Majlis Rashidovoy S.,
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Faxes: + 998 71 139 8555

E-mail: mtillaboev@oliymajlis.gov.uz

Salutation: Dear Ms Rashidova

Minister of Internal Affairs of the Republic of Uzbekistan, Zakirzhan Almatovich ALMATOV
700029 g. Tashkent, ul. Novruz,1, Ministerstvo vnutrennikh del, Ministru vnutrennikh del Almatovu Z.A., UZBEKISTAN

Faxes: + 998 71 133 89 34

Salutation: Dear Minister

COPIES TO:

General Procurator of the Republic of Uzbekistan, Buritosh MUSTAFOYEV
700000 g. Tashkent, ul. Gogolya, 66, Prokuratura Respubliki Uzbekistan,
Generalnomu prokuroru MUSTAFOYEVU B., MUSTAFOYEV, UZBEKISTAN

Salutation: Dear Procurator General

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 17 September 1999.