

Uzbekistan: Human rights activist Aziz Yusupov on trial on spurious charges

(Update 11 November 2022)

The trial of Aziz Yusupov, an Uzbek human rights activist, independent journalist and former political prisoner from the city of Ferghana in Uzbekistan, is expected to start in the next few days. He was arrested on 25 September 2022 and charged with drug possession. The Association for Human Rights in Central Asia (AHRCA), the Helsinki Foundation for Human Rights (HFHR), International Partnership for Human Rights (IPHR), the Norwegian Helsinki Committee (NHC) and the World Organisation Against Torture (OMCT) believe the charges were fabricated in order to penalise him for his human rights activities, in particular his recent prison monitoring work focusing on vulnerable groups of prisoners. Furthermore, his detention came just after the authorities learned that he was applying for a Polish visa in order to travel to the OSCE Human Dimension Conference in Warsaw and appeared to be aimed at preventing him from attending this major human rights event.¹

We call for the immediate and unconditional release of human rights defender, independent journalist and former political prisoner Aziz Yusupov in Uzbekistan. All charges against him should be dropped and he should be allowed to continue his peaceful human rights work.

Two days after Yusupov's detention, on 27 September 2022, Ferghana Criminal Court sanctioned his pre-trial detention for three months on charges of the possession of drugs, an offense which is punishable by up to five years' imprisonment under Article 276.1 of the Criminal Code.

Aziz Yusupov was detained when driving out of Fergana city on Sunday 25 September 2022 with his girlfriend and her mother. Two days earlier he had applied for a Polish visa to the Polish Consulate in Tashkent, in order to travel to the OSCE Human Dimension Conference. At this conference, which gathered representatives of governments, international organisations and civil society, he intended to participate in discussions about the human rights situation in Uzbekistan. According to available information, two hours before his detention Aziz Yusupov had told a friend that he was being followed by unknown people.

When detained, Yusupov was searched by a police officer and a dark brown substance similar to the drug marijuana was allegedly found in his trouser pocket. The alleged seizure of the narcotic substance was witnessed by Aziz Yusupov's girlfriend and her mother, as well as officers of the Fergana Main Department of Internal Affairs (MVD) of the Anti-Terrorism and Extremism Unit. However, it is believed that the drugs were planted on him and that the charges were fabricated in order to punish Yusupov for his human rights activities, especially as the charges are similar to earlier charges initiated against him on politically motivated grounds.²

1 See joint NGO statement from 28 September 2022, <https://www.iphronline.org/uzbekistan-activist-detained-on-trumped-up-charges-before-major-human-rights-conference.html>.

2 See joint NGO statement from 28 September 2022 on Yusupov's arrest <https://www.iphronline.org/wp-content/uploads/2022/09/Final-joint-statement-on-arrest-of-HRD-in-Uzbekistan-September-2022.pdf>

INTERROGATION OF OTHER HUMAN RIGHTS DEFENDERS AND ONLINE TROLLING

Additionally, other independent human rights defenders who intended to attend the Human Dimension Conference in Warsaw, were interrogated and detained for several hours:

Abror Dzhuraev, son of the late MP and political prisoner Murad Djuraev, who also intended to participate in the Warsaw conference was detained for several hours on 25 September by police in Kashkadarya Region. Abror's mother, **Holbika Dzhuraeva**, was also **summoned** to by the security services in the early hours of 25 September and held for several hours. She was advised that Abror should **not travel to the conference** and was given a promise that her son would be found employment with a decent salary. On 26 September, human rights activist **Klara Sakharova**, who had also applied for a visa at the Polish embassy along with Aziz Yusupov was summoned to the **Prosecutor-General's Office** for questioning. After Yusupov's arrest and the intimidating interrogations four other conference participants cancelled their trip to Warsaw.

At the same time, an **anonymous article was posted on the internet**, insulting **those who had applied for a Polish visa on 23 September**. The publication is still being replicated by trolls and agents of the Uzbekistani security services on social media.

INVESTIGATION CONCLUDED

At the time of writing, the investigation into the case against Yusupov has been concluded and he has been charged with using marijuana without intent to sell under **Article 276-part 2 paragraph b** of the Criminal Code, which provides for up to five years in prison for «illegal production, purchase, storage and other activities with narcotic drugs, their analogues or psychotropic substances without intent to sell». His case is expected to go to court before the end of November. The indictment against Yusupov also states that he was previously convicted on charges of inflicting bodily harm in 2005 and 2009, although his relatives categorically **deny any knowledge** of these convictions and Yusupov's defence intends to challenge this.

FORCED CONFESSION UNDER PRESSURE

According to the criminal case, during interrogation Aziz Yusupov explained the origin of the marijuana allegedly found in his pocket him as follows: On 5 September 2022, he was driving along the Abdullah Kadiri massif of Fergana City near his house, next to quarry by an area where different herbs, including wild cannabis, grow. Allegedly, he picked some, collected the juices and wrapped it in black cellophane and stored 0.95 grams of this substance in a cigarette packet.

Human rights activists believe that these self-incriminating statements were made under threat of violence against family members as happened in the past. According to available information, as soon as Yusupov tried to report that a packet of marijuana had been planted on him during his detention, a law enforcement officer told him that he would be charged with drug trafficking if he persisted with the complaint and would face a more serious prison term. They told him that as he has previous convictions for drug trafficking in 2016, there "would be no problem" putting him behind bars again.

FORENSIC EXAMINATIONS AND OTHER EVIDENCE

Two forensic examinations showed that Aziz Yusupov had **no cannabinoid ethyl alcohol in his blood**, but nevertheless the final conclusions stated that he has **second-degree addiction** without specifying the criteria and symptoms of addiction included in the international classification of diseases. Moreover, the substances allegedly seized from him have not been subjected to a chemical analysis, although the

indictment says that Yusupov “unlawfully seized and uprooted wild-growing cannabis.” Neither forensic experts nor the investigators established whether the qualitative characteristics of the seized substance and the wild-growing cannabis, which Yusupov had allegedly picked, were the same or not. There was no examination of the pocket in which Yusupov allegedly carried the narcotic substance. Wild-growing cannabis is generally not used for consumption due to its poor quality, so forensic evidence is important as it forms the basis for the prosecution.

BACKGROUND

Aziz Yusupov has recently been involved in **monitoring the situation of prisoners** in Uzbekistan, especially vulnerable groups such as women and children, and providing assistance to them. In the past year, Aziz Yusupov conducted some 20 interviews amongst prisoners and former prisoners including those serving sentences on politically motivated grounds and victims of torture. This information was used in submissions to UN and other bodies, including UN Committee for the Rights of the Child in August 2022.

Yusupov’s family moved to Uzbekistan from Tajikistan in the 1990s after the civil war broke out in Tajikistan. He is the **brother of independent journalist Farrukh Yusupov (Yusufiy)**, who has worked for many years with Radio Free Europe/Radio Liberty and has often criticised the Uzbekistani authorities. Yusufiy also participated in investigations of corrupt business companies controlled by the daughter of the former Uzbekistani president, Gulnara Karimova. In 2017, a film denouncing Yusufiy was aired on state television accusing him of treason and drug trafficking.

In 2016 Aziz Yusupov was arrested and unfairly sentenced to eight years’ imprisonment for allegedly drug dealing (Article 273 Part 5 of the Criminal Code), in a case believed to have been initiated by the authorities to put pressure on his brother Yusufiy. Yusupov was allegedly tortured in detention and the only evidence against him was his written admission of guilt, which he signed under pressure after the police investigator **reportedly** threatened to rape his mother and spouse if he did not sign a confession.

Aziz Yusupov was widely recognized as a political prisoner by human rights groups. Following international pressure, he was released from prison on parole early in February 2019 due to poor health. He had to follow several courses of medical treatment after release.