

Office for Democratic Institutions and Human Rights

REPORT FROM THE OSCE/ODIHR TRIAL MONITORING IN  
UZBEKISTAN – SEPTEMBER/OCTOBER 2005



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<u>I. Executive Summary</u>	3
<u>II. The Andijan Events</u>	5
<u>III. Monitoring of the Andijan Trial by the OSCE/ODIHR</u>	6
<u>Background: ODIHR Human Rights Monitoring Programme</u>	6
<u>Trial monitoring as reflected in OSCE commitments</u>	7
<u>ODIHR access to monitor the Andijan trial process</u>	8
<u>Lack of access in the pre-trial stage</u>	8
<u>Invitation from Uzbekistan and commencement of ODIHR monitoring</u>	8
<u>Access to the courtroom</u>	9
<u>Access to trial protagonists and materials</u>	11
<u>IV. OSCE/ODIHR Findings on the Andijan Trial</u>	12
<u>The Indictment</u>	12
<u>Contents of the indictment</u>	13
<u>Publicly-available information on the defendants</u>	17
<u>The Trial</u>	20
<u>Arrangements in the courtroom</u>	20
<u>Absence of argument for the defence</u>	20
<u>Conduct of the defendants</u>	21
<u>Defence representation</u>	21
<u>Conduct of the state-appointed defence lawyers</u>	22
<u>Witnesses</u>	24
<u>Closing arguments</u>	26
<u>Access of relatives and human rights defenders</u>	28
<u>Kyrgyz consular access to the Kyrgyz defendants</u>	29
<u>The Judgment</u>	29
<u>Sentencing</u>	31
<u>V. Conclusions and Recommendations</u>	32
<u>Recommendations</u>	34
<u>Annex 1. Summary of the Events in Andijan on 13-14 May 2005</u>	36
<u>Annex 2: Indictment (unofficial translation)</u>	39
<u>Annex 3: Text of relevant provisions of the Criminal Code of the Republic of Uzbekistan</u>	78
<u>Annex 4: Text of selected relevant international standards</u>	90

NB.: A Russian language version of this report is available. The English version prevails in case of any remaining inconsistencies.

## I. Executive Summary

Fifteen men were tried between September and November 2005 in the Supreme Court of Uzbekistan, in connection with events in Andijan, Uzbekistan, on 13-14 May. Those events are consistently reported to have involved an armed attack on a military unit and prison in Andijan, followed by a mass gathering of unarmed civilians in the city centre, the seizure of the regional administration building and the holding of a number of hostages there, and culminating in a disputed number of unarmed persons being shot dead as they departed the square and the city. Reports that the deaths of unarmed civilians were the result of excessive force, including indiscriminate shooting and deliberate targeting by the security forces, and that the number of casualties ran to several hundred, led the international community to call for an independent international investigation. The Government of Uzbekistan has not so far complied with this call. The 15 defendants in the trial were each charged with multiple offences including murder, terrorism, the attempted overthrow of the constitutional order of the Republic of Uzbekistan, the establishment of and participation in an illegal organization, hostage taking, illegal possession of arms and ammunition, production and dissemination of materials containing threats to public security, incitement of ethnic and religious hatred, destruction and damage of property, sabotage, banditry, smuggling, resistance to authority, and others.

The monitoring of trials to assess whether the fundamental right to a fair trial is upheld is an activity endorsed in OSCE commitments and carried out within the human rights mandate of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and OSCE field missions. Trial monitoring is concerned only with the fairness of the trial in accordance with international commitments, not with questions of the guilt of the accused. Having been unable to visit Uzbekistan after the Andijan events for lack of authorization from the Uzbek Government, the ODIHR sought access to the Supreme Court trial of the fifteen men initially charged over the Andijan events (the first in what is being revealed as a series of trials, the others taking place in lower courts), taking up an invitation issued to the OSCE. That invitation was issued only one day in advance of the trial start date of 20 September, and although visas were issued to a three-person team of ODIHR trial monitors, their arrival in Tashkent was inevitably too late to monitor the opening of the trial. This was just one of a number of obstacles that the Government of Uzbekistan placed in the way of the optimal monitoring of the trial, the refusal of access to trial protagonists (including the defendants) and materials (including the full indictment) being among the other significant obstacles.

A key observation from the trial was the absence of argument for the defence. The right to prepare and present a defence is an essential element of a fair trial, but assessed solely on the basis of the conduct of the defendants in the courtroom it is difficult to determine whether this international standard was complied with, as from the trial's outset all defendants made statements fully accepting that they were guilty as charged. Their statements at the opening of the trial closely matched the description of events as given by the prosecution, sounded as if learned beforehand, and were delivered in some cases in a style of language that seemed unnatural for the defendants. In the absence of access to the pre-trial proceedings, and without direct

access to the defendants during the trial, the ODIHR monitors had no possibility to determine whether or not the confessions of guilt of the 15 defendants were made with coercion.

The right to be represented by a lawyer of one's own choosing is another essential fair-trial right, but there are indications that independent lawyers were barred from representing some of the defendants. All the defendants had state-appointed lawyers at trial, although it is unclear whether they had legal representation from as soon after their arrest as is prescribed in law. At trial, there was no attempt by the state-appointed defence lawyers to question the defendants properly, to cross-examine prosecution witnesses with the aim of establishing facts that could assist the defendants, and no witnesses for the defence were called (it is unclear whether this was the choice of the defence lawyers, or whether other factors prevented witnesses for the defence being present). The closing arguments of the defence lawyers in most cases gave no analysis of evidence presented at trial that might favour the defendants, and consciously confirmed rather than sought to refute the arguments of the prosecutors. The defence lawyers eschewed contact with the ODIHR monitors. As the monitors had no access to the defendants, the ODIHR cannot determine whether they were satisfied with the defence representation they received.

Of the 103 witnesses heard, all gave the same version of events except one, whose account more closely resembled what had been reported by the international media and human rights organizations, including the claim that security forces had deliberately shot at fleeing civilians. The Presiding Judge interrupted this witness, something he had not done during any other statement (the Judge had previously not sought to resolve contradictions between evidence given by different defendants by putting questions to them, for example), and he gave no reaction when insulting remarks were directed at this witness by other persons sitting in the courtroom. A prosecutor tried to have the witness dismissed, despite this person being a witness for the prosecution. None of the defence lawyers asked this witness a single question.

No relatives of the defendants were present in the courtroom nor appeared to be in the vicinity of the Supreme Court. It was alleged to the ODIHR monitors by local human rights defenders that local *Mahalla* (neighbourhood) committees had warned relatives not to attend and not to talk to anyone about the trial. A request by the Embassy of Kyrgyzstan for consular access to the three defendants who were Kyrgyz citizens went without written reply from the Uzbek authorities.

The trial concluded on 14 November with each of the fifteen defendants being pronounced guilty of an array of offences. The sentences ranged from 14 to 20 years' imprisonment.

There was a possibility to appeal the decision of the court within ten days of the day of delivery of the judgment. There was, however, no appeal from any of the 15 sentenced persons.

The conclusions of the ODIHR concerning whether fairtrial standards were upheld are given at the end of this document, with recommendations to the OSCE Chairman-in-Office and other OSCE partners.

## II. The Andijan Events

The basic and undisputed facts of what happened in and near the city of Andijan, eastern Uzbekistan, on 13-14 May 2005 are as follows:

- At the time, verdicts were awaited in the trial of 23 local businessmen who had been arrested in the summer of 2004 and charged with “extremism, fundamentalism and separatism” related to their association with a group called *Akramiya*.
- During the night of 12-13 May an armed group attacked a military unit based in Andijan and seized weapons. In the early hours of 13 May an armed group attacked Andijan prison and freed detainees.
- On the morning of 13 May a mass gathering began on Babur Square in Andijan, and the *Hokimiyat* (Regional Administration) building was taken over by armed persons. In the course of the day a number of people were taken hostage and held inside the *Hokimiyat*. Buildings adjacent to the square, and a number of vehicles, were set on fire.
- There were unsuccessful negotiations between the organizers of the meeting on the square and senior representatives of the Government of Uzbekistan.
- With negotiations at an end, the crowd sought to depart the square down a main city thoroughfare, Cholpon Prospect. A number of people were shot dead at this time. Members of the crowd continued to the village of Teshik-Tash, on the border with Kyrgyzstan, where there was a further shooting incident on the morning of 14 May in which civilians were killed.
- A group of around 500 participants in the Babur Square meeting crossed into Kyrgyzstan. Subsequently, 439 of them were recognized as refugees by the United Nations High Commissioner for Refugees (UNHCR) and were evacuated from Kyrgyzstan to Romania for further resettlement in third countries. Four individuals, who have been also recognized as refugees by the UNHCR, have been kept in detention in Osh, Kyrgyzstan since June 2005 following an extradition request from the Uzbek authorities.

The above is derived from a variety of sources, including information given by the Government of Uzbekistan and the findings of an OSCE/ODIHR investigation conducted among refugees in Kyrgyzstan and published some five weeks after the Andijan events.<sup>1</sup> However, the version of events given by the Government of Uzbekistan diverges from certain other accounts and analyses of the Andijan events, particularly in the matter of the conduct of its security forces, the number of civilian casualties in Andijan and Teshik-Tash, and how these civilian casualties arose. Concerned at reports based on the testimony of participants in the Babur Square demonstration that several hundred unarmed people were shot dead by Uzbek security personnel who deliberately targeted them, a number of international actors, including the OSCE and the United Nations, began calling for an independent international investigation.

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<sup>1</sup> See OSCE/ODIHR, “Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005,” Warsaw, 20 June 2005.

To date, the Government of Uzbekistan has not complied with those calls. It convened its own parliamentary commission to examine the Andijan events, but within days of the events, even before the commission was announced, Uzbek state media began broadcasting details of what has become the established official version, to the effect that those gathered on Babur Square were not peaceful demonstrators, and that the gunmen who had stormed the military base and prison and seized the *Hokimiyat* had fired on the crowd.

The OSCE/ODIHR sought access to Uzbekistan to conduct its own investigation into the events in Andijan, but was not granted visas. Therefore, an OSCE/ODIHR human rights monitoring team instead conducted interviews with the only accessible witnesses to the Andijan events, the refugees in Kyrgyzstan. The findings derived from those interviews were presented in the OSCE/ODIHR report “Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005,” issued on 20 June 2005 (a summary of that report is presented in Annex 1 of this document). The findings contained in that report differ from official accounts given by the Government of Uzbekistan about the events in Andijan. The Government of Uzbekistan reacted to the OSCE/ODIHR report in a statement at the OSCE Permanent Council on 23 June 2005, where it “categorically disagreed with the context, findings and recommendations of the ODIHR report on the events in Andijan and also with the way in which it was prepared.”<sup>2</sup>

The first prosecutions in connection with the Andijan events involved 15 men who went on trial before the Supreme Court of Uzbekistan in September 2005. Their trial is the subject of this report. In the aftermath of the events, approximately one hundred more defendants were expected to stand trial in Uzbekistan’s lower courts,<sup>3</sup> and since the completion of the Supreme Court trial some of these other trials have taken place. Since these trials have been conducted behind closed doors, information about them has been very scarce. On 12 December 2005, the Uzbek Supreme Court announced that a further 25 people had been sentenced in the lower courts in the latest round of trials. According to a Supreme Court statement<sup>4</sup> they were found guilty of “carrying out premeditated murders in aggravated circumstances, terrorist acts, infringement of the constitutional system, and other serious and very serious crimes”.

### **III. Monitoring of the Andijan Trial by the OSCE/ODIHR**

#### ***Background: ODIHR Human Rights Monitoring Programme***

Assessing the compliance of OSCE participating States with their human dimension commitments and monitoring the implementation of those commitments is a core function of the ODIHR. It focuses specifically on human rights commitments and

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<sup>2</sup> Statement by the Delegation of the Republic of Uzbekistan at the Meeting of the OSCE Permanent Council, PC.DEL/664/05, 23 June 2005.

<sup>3</sup> Human Rights Watch, *World Report 2006*, p. 424.

<sup>4</sup> <http://www.uzbekistan.org/press/archive/310/>

assists OSCE participating States and field missions in fulfilling their obligations to protect and promote human rights and fundamental freedoms.

The human-rights-monitoring functions of the ODIHR include collecting, analysing and disseminating information on the implementation of the OSCE commitments relating to human rights and fundamental freedoms, and through this process contributing to early warning, conflict prevention and improvement of the human rights situation across the OSCE region. Human rights monitoring includes targeted activities in areas such as trial monitoring, application of the death penalty, freedom of assembly and association, and human rights defenders. The ODIHR also serves as depository of notifications on the state of emergency in the OSCE region.

The monitoring programme also offers assistance and reinforcement to OSCE field missions at their request. All OSCE field missions have a human rights mandate either implicitly as part of the OSCE's comprehensive approach to security or explicitly mentioned in their mission mandate as agreed with the host government. The core functions of OSCE field operations include activities such as human rights monitoring, making inquiries with government officials, collecting publicly available information, receiving testimonies from individuals, making interventions with public officials and with other relevant organizations on the ground, and writing reports. This is done for the general purposes of engaging the host government in a dialogue on issues of concern; informing the OSCE Secretariat and relevant institutions about the situation on the ground; informing OSCE participating States through the Chairman-in-Office; and providing a basis for further action.

### ***Trial monitoring as reflected in OSCE commitments***

*The participating States, wishing to ensure greater transparency in the implementation of the commitments undertaken in the Vienna Concluding Document under the heading of the human dimension of the CSCE, decide to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before courts as provided for in national legislation and international law; it is understood that proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments.*

- Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, paragraph 12

In recognition of the fundamental nature of the right to a fair trial, the OSCE participating States have committed themselves to permit observers sent by participating States, representatives of non-governmental organizations (NGOs), and other interested persons to monitor trials. The purpose of trial monitoring is to assess the fairness of the proceedings and whether they comply with OSCE commitments and other international standards. Trial monitoring is concerned only with the fairness of the trial, in accordance with international standards, and not with the guilt or innocence of the accused. The information gathered through trial monitoring can form the basis for reform efforts, as well as feed into institution-building projects of the

ODIHR and other international organizations. The ODIHR trial-monitoring activities are based on an internationally accepted methodology developed by the OSCE Field Missions, the United Nations Office of the High Commissioner for Human Rights, Amnesty International and other credible human rights institutions. According to the methodology used by the ODIHR, trial monitoring is based on the following elements:

- Full access to information during the pre-trial stage, full access to confidential meetings with detainees;
- Full access to the pre-trial detention facility and registers kept by such institutions, as well as any relevant documents contained in case materials (including protocols on investigative activities, registers kept by police on detainees, certificates of medical examination during police detention and at the pre-trial detention facility);
- Full access to the courtroom;
- Full and confidential access to defendants;
- Full and confidential access to defence lawyers;
- Full access to the relatives of detainees/defendants;
- Full access to other relevant persons for the purposes of confidential interviews;
- Full access to relevant sites
- Full access to relevant court documents (indictments, evidence, etc.)

## ***ODIHR access to monitor the Andijan trial process***

### **Lack of access in the pre-trial stage**

From almost immediately after the 12-13 May events in Andijan the ODIHR sought access to Uzbekistan for a team from its Human Rights Department,<sup>5</sup> but all attempts to obtain visas were unsuccessful. On 5 September 2005 the OSCE Centre in Tashkent received a response from the Ministry of Foreign Affairs of Uzbekistan (MFA) advising the deferment of a visit of ODIHR human rights experts; no indication of an alternative date suitable to the MFA was provided.<sup>6</sup>

A consequence of this lack of access was that the OSCE/ODIHR was not in a position to monitor the compliance with fair trial standards during the pre-trial stage, including the custodial conditions of the 15 defendants and their access to defence counsel.

### **Invitation from Uzbekistan and commencement of ODIHR monitoring**

A Note Verbale from the MFA giving official notification that the trial would begin on 20 September 2005 was issued on 19 September 2005.<sup>7</sup> In this Note Verbale the MFA stated that representatives of the OSCE Centre in Tashkent were invited to monitor the trial from a room adjacent to the courtroom to which proceedings would be relayed by closed-circuit TV link, due to lack of space in the courtroom.

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<sup>5</sup> The first visa application was submitted on 24 May 2005.

<sup>6</sup> O'zbekiston Respublikasi Tashqi Ishlar Vazirligi, #11/5452.

<sup>7</sup> O'zbekiston Respublikasi Tashqi Ishlar Vazirligi, #03/16374.



In a Note Verbale of 21 September 2005, replying to the MFA, the OSCE Centre in Tashkent expressed regret that the invitation had been received at a very late stage (a day before the trial) and asked the MFA to issue visas to four ODIHR experts who would arrive to monitor the trial. The names of the experts were provided. The Centre also requested access for the monitors to relevant documents and trial participants (defendants, judges, prosecutors, defence lawyers).<sup>8</sup>

The invitation to monitor the trial was limited to OSCE and ODIHR staff members, and thus precluded the ODIHR from employing independent legal experts.<sup>9</sup> It was therefore not possible for the ODIHR to form the team of independent trial monitors of its choice. Furthermore, only three of the ODIHR experts received visas; the reasons for not issuing a visa to the fourth ODIHR expert are not known.

The ODIHR monitoring team of three observers arrived in Tashkent on 22 September and started monitoring trial sessions on 23 September. Consequently, they missed the first three days of the trial. At the end of October a new team of one and then additional two observers came, in order to replace the initial team.

### **Access to the courtroom**

The court building was surrounded by a large number of security personnel and police. The ODIHR monitors and other people observing the trial had to pass through two security control posts: one at 200 metres from the entrance gate and another at the gate. Ministry of Interior personnel at both posts checked identity documents and verified whether the names of the monitors and accompanying translators were on the list of persons approved to enter the court building. Mobile phones had to be switched off and left at the second control post.

Two rooms with closed-circuit television links were prepared adjacent to the court room: one for journalists and the other for international monitors and members of the diplomatic corps. Two explanations were variously offered for provision of the adjacent room for international monitors: (i) with the trial being held in the Uzbek language, simultaneous interpretation could be provided to monitors there, as this was not allowed in the courtroom; and (ii) that there were not enough places in the court room.

The ODIHR monitors insisted on being present in the courtroom itself, with their interpreters taking notes, which they would go through with the monitors afterwards. This was done in the interests of undertaking the most effective monitoring possible, as being confined to the adjacent room would have restricted the possibilities of monitoring the proceedings in the courtroom overall. Most of the time only the face of the person talking was shown on the TV screen. The monitors' presence in the courtroom allowed them to see important details such as the behaviour and

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<sup>8</sup> OSCE Centre in Tashkent, Note Verbale 589/05.

<sup>9</sup> The OSCE/ODIHR routinely engages the services of independent experts to assist in the implementation of a wide range of its activities.

demeanour of the judges, prosecutors and defence lawyers during the defendants' pleas and statements made by defendants and witnesses.

The ODIHR monitors encountered several difficulties in obtaining access to the court proceedings:

On two occasions, on 23 and 26 September 2005, they were stopped at the door of the courtroom and invited to enter the adjacent room instead. Only after reminding the MFA representatives of the agreement between the President of Uzbekistan and the OSCE Secretary General were the ODIHR monitors allowed to sit in the courtroom. These reminders had to be repeated on other occasions as MFA representatives approached the ODIHR monitors in the courtroom on a regular basis inviting them to go to the adjacent room.

On 26 October, a newly arrived ODIHR monitor was not allowed to enter the court building because her name did not appear on the list of accredited persons, despite a Note Verbale sent to the MFA on 21 October 2005 in this regard.

After contacting the OSCE Centre in Tashkent, and phone calls to the Ministry by the MFA representative present at the control post at the Supreme Court building, the ODIHR monitor was informed by the Centre in Tashkent that the MFA had not yet sent the letter requesting that the Supreme Court officials add the name of the newly arrived ODIHR monitor to the list of people accredited to observe the trial.

The MFA's explanation was that due to a break in trial proceedings there was nobody at the Supreme Court to whom they could have sent this letter. The ODIHR monitor was informed that it would be necessary for the MFA to prepare an official letter to be sent to the Chair of the Supreme Court and the Ministry of Interior representative who would then decide whether to include the new name on the list. This problem regarding access to the court was not resolved until the morning of 27 October. Even then, the ODIHR monitor was still held up for more than 30 minutes before she was finally allowed through the control post into the court.

At the end of the afternoon session on 27 October, after the prosecution and the defence had presented their closing arguments and the defendants had pronounced their final words, the Presiding Judge adjourned the court while the verdict was prepared. The public was told that they would be informed about the date of the next session of the court, when the verdict would be announced. An MFA representative assured representatives of the international community that the MFA would inform them as soon as there was information from the Supreme Court as to the date of the resumed hearing.

On the same day the ODIHR monitor sent a Note Verbale to the MFA asking for the names of two additional ODIHR monitors who were scheduled to arrive in Tashkent shortly to be included on the list for access to the trial. On 31 October, the OSCE Centre in Tashkent asked the Protocol Department of the MFA whether these people had been added to the list and would accordingly be given access to the Supreme Court building. An affirmative answer was given verbally on 6 November during a telephone conversation.

While waiting for the information on the next court session, on Sunday 6 November (an official working day in Uzbekistan) three ODIHR monitors accompanied by an interpreter went to the Supreme Court building in order to independently obtain more information on the likely date of the trial's resumption. The monitors were informed (by a person at the control post at the gates of the Supreme Court) that there would be no session that day, and that the Supreme Court's press service would inform the public about the date for the next court session through the state television and press. On the same day, 6 November, the MFA assured the ODIHR monitors during a telephone conversation that the OSCE, through its Centre in Tashkent, would be promptly informed once the date and time of the trial's resumption were known to the MFA.

Notwithstanding these assurances, by the end of the working day on Friday 11 November, the OSCE Centre in Tashkent had not received any information from the MFA, and no information had been publicized in the media. The ODIHR monitor was only able to obtain an unofficial indication that the resumed court session could take place at the beginning of the week of 14-18 November.

On the morning of Monday 14 November the ODIHR monitor arrived at the premises of the OSCE Centre in Tashkent and received a phone call from a member of an NGO informing him that the court session was about to start that morning. The OSCE Centre staff contacted the MFA and received confirmation at 9.50 am, just 10 minutes before the scheduled time of the trial's resumption. Arriving shortly before the trial resumed, the ODIHR monitor was given access to the court building, but he was not allowed into the court room as the session had by that time begun and he had to observe the trial from the adjacent room via the TV link until the lunch break.

### **Access to trial protagonists and materials**

On beginning their monitoring of the trial, the ODIHR monitors discovered that no access to trial materials and trial participants was provided. Consequently, the OSCE Centre in Tashkent sent a Note Verbale to the MFA on 28 September with a request for assistance in such access, including copies of the indictment and other trial materials as well as meetings with defendants, prosecutors and the state-appointed defence lawyers.<sup>10</sup> A response from the MFA was received on 4 October, which stated that additional activities in relation to the trial, including access to trial materials and participants of the trial could be interpreted as an attempt to interfere in the trial proceedings, which is outside the monitors' mandate.<sup>11</sup> The OSCE Centre in Tashkent repeated its request in the Note Verbale to the MFA on 7 October,<sup>12</sup> and received a further negative reply on 10 October in which the MFA expressed its surprise at the repeated request of the OSCE Centre in Tashkent, and asserted that Uzbekistan was in full compliance with the Copenhagen Document of 1990,

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<sup>10</sup> OSCE Centre in Tashkent, Note Verbale 605/05. "Upon the request of the suspect, the accused or the defendant, the participation of the defence counsel in the case shall be provided by the inquiry officer, investigator, procurator or the court". (Article 50 of the Criminal Procedure Code)

<sup>11</sup> O'zbekiston Respublikasi Tashqi Ishlar Vazirligi, #11/17304.

<sup>12</sup> OSCE Centre in Tashkent, Note Verbale 623/05.

paragraph 12,<sup>13</sup> which only mentions the presence of international monitors during court proceedings.<sup>14</sup>

The ODIHR was officially informed that the MFA would not facilitate its contacts with defence counsel, as they were independent from the state and could therefore be contacted without the state's assistance. Moreover, the ODIHR was never provided with the list of names and contact details of the defence counsel representing the 15 defendants. After court sessions and during breaks the monitors attempted to approach defence counsel and interview them, suggesting meeting at any time convenient for them. However, none of the attempts proved successful (the defence counsel also eschewed contact with the foreign media, diplomats and NGOs). The ODIHR monitors tried to pass questionnaires<sup>15</sup> to the lawyers through other Tashkent lawyers, but only two forms were received back, with little information in them.

The ODIHR is grateful to the OSCE Centre in Tashkent for all the support it was able to provide in these challenging circumstances. The Centre's mandate notably includes the support to the OSCE's institutions as well as a role in early warning and conflict prevention. The experiences with this recent chain of events have confirmed the need for the Centre to implement this mandate firmly.

## **IV. OSCE/ODIHR Findings on the Andijan Trial**

### ***The Indictment***

After the completion of the pre-trial investigation, an indictment (a formal charge of having committed a serious criminal offence) was referred to the court by the Prosecutor General of the Republic of Uzbekistan on 31 August 2005.<sup>16</sup> The ODIHR was not given access to the indictment by the Uzbek authorities, but was able to obtain parts of the indictment from other sources. The indictment is written in Uzbek and consists of two volumes. The ODIHR obtained most of the second volume, which consists of the individual indictment against the 15 defendants. Each is 69-70 pages long. The 15 defendants as they are listed in the indictment are as follows:

(1) Sabirov Muydin	(file missing)
(2) Khamidov Farkhod	(files missing)
(3) Khakimov Alisher	(pages 1032-1101)
(4) Yusupov Azizbek	(pages 1101-1170)
(5) Turapov Khusanjhon	(pages 1170-1240)

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<sup>13</sup> The Copenhagen Document of 1990, para. 12. The OSCE Centre in Tashkent's argument of the "wide authority" of the ODIHR monitors was rejected by the MFA.

<sup>14</sup> O'zbekiston Respublikasi Tashqi Ishlar Vazirligi, #11/17602.

<sup>15</sup> ODIHR questionnaires for the defence lawyers had basic questions regarding the procedural safeguards related to their clients.

<sup>16</sup> Article 372 of the Criminal Procedure Code of the Republic of Uzbekistan: "Pre-trial investigation shall be completed with a resolution to dismiss criminal case, an indictment, or resolution to refer criminal case to court for applying compulsory medical measures".

(6) Gaziev Abdulkhofiz	(pages 1240-1310)
(7) Ibragimov Abdubois	(pages 1310-1379)
(8) Turgunov Avazjhon	(pages 1379-1449)
(9) Artikov Mukhammadshokir	(pages 1449-1518)
(10) Imankulov Lochinbek	(pages 1518-1588)
(11) Burkhanov Jakhongir	(pages 1588-1658)
(12) Ergashev Valijhon	(pages 1658-1728)
(13) Nodirov Gulamjhon	(pages 1728-1797)
(14) Khajhiev Tavakkalbek	(pages 1797-1867)
(15) Khajhiev Ilkhomjhon	(pages 1867-1937)

## Contents of the indictment

By making a comparison of the available 13 individual indictments the ODIHR found that the main text of the indictment in the case of each defendant is identical, apart from the beginning, where the name and biographical details of the defendant are mentioned, and the end, where the charges are specified. The ODIHR selected one individual indictment for translation, that of Abdulkhofiz Satimovich Gaziev (indictee number 6 in the above list). The following is a summary of the case:

The case starts with outlining Gaziev's personal details:

Gaziev Abdulkhofiz Satimovich, born on 4 March 1961 in Andijan region; Uzbek by origin; a citizen of the Republic of Uzbekistan; holds certificate of secondary education; worked as a baker; married, six children; previously not convicted; lived in [...], Andijan region before his arrest on 7 July 2005 for security reasons. He is accused of becoming the member of *Akromiya* branch of the international religious extremist organization *Hizb ut-Tahrir* in 1994. With his mind poisoned by ideas to establish an Islamic state, he committed numerous capital crimes.<sup>17</sup> [...]

It gives a description of the history of radical religious movements, such as *Hizb ut-Tahrir*, *Adolat*, the Islamic Revival Party, the Islamic Movement of Uzbekistan, and the Islamic Movement of Turkestan, and their activities in Uzbekistan from the Soviet period to the present. The detailed description of the *Akromiya* group, its goal (the creation of an Islamic state or Caliphate), concept (the five stages of achieving the goal) and structure then follows. It describes the involvement of some non-governmental organizations and mass media in distributing false information in order to discredit the image of the government and to destabilize the country's democratization process.

The implementation plan of terrorist activities is described. In accordance with the plan, radical groups (in particular the Islamic Movement of Turkestan, under the leadership of Tohir Yuldoshev), were to provide weapons to *Akromiya* (under the leadership of Kobil Parpiev in Uzbekistan and A. Mamadaliev in Kyrgyzstan) to organize a coup d'état in the Fergana Valley [where Andijan is located]. The planned coup consisted of several steps: creating a positive image of *Akromiya* members; the attack on the prison ? ? ? -64/? -1 [Andijan prison], the military unit 7379 in the

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<sup>17</sup> Indictment in Uzbek language, Volume II, page 1240.

Fergana Valley and the military unit 7354 in Tashkent; and involvement of relatives to be used as a human shield at Babur Square in Andijan. The coup would then be supported by the Islamic Movement of Turkestan, which was to invade Uzbekistan from the territory of Kyrgyzstan. A list of more than 300 people to be involved in various stages of this operation is given.

There is a description of a military training camp for terrorists in Teka village, Kyrgyzstan, and a list of names of people who received training there. The transfer of cash to Uzbekistan from Ivanovo and Omsk in the Russian Federation, and from Kyrgyzstan, is also mentioned. Communication among the members of the organized group through mobile phones is then described, and the mobile phone numbers are listed. Cars (including licence plates) used by terrorists are listed. Locations of gatherings of the terrorist groups on the territory of Uzbekistan are mentioned—there is a list of about 19 groups, which were formed in order to implement particular parts of the plan, with the names of people in each group (9-22 people in each group). There is a description of how a positive image of the 23 *Akromiya* members who were on trial in Andijan from February 2005 was created. This positive image was created by spreading false information through the media, organizing pickets in front of the court building, paying picket participants, and having the members of *Akromiya* and their relatives adhere to a formal dress code.

There is a detailed description of persons and organizations that distributed false information about the trial of the 23 *Akromiya* members and how it was done (by Saidjakhon Zainabitdinov through his NGO “Appeal”,<sup>18</sup> through the BBC, the International Crisis Group and the Institute for World and Peace Reporting, among others). Other human rights defenders – Tolib Yakubov and Vasilya Innoyatova – are also mentioned.<sup>19</sup>

There is then a list of around 100 people who gathered in Andijan in May to participate in pickets. The events of 12-13 May are described, mentioning cars, weapons, persons and actions performed (attacks on the military unit weapons storage, the prison and the *Hokimiyat* building), as well as names of those killed and injured by terrorists, hostages taken, and damage to buildings. Involvement of foreign media (Associated Press, Spiegel, CNN, Ferghana.ru and Izvestiya.ru) in transmitting biased descriptions of the events is mentioned. The meeting at the main square is described, and the names provided of more than 20 people killed and more than 90 injured there. There is mention of negotiations lasting 11 hours between Kobil Parpiev and the President of Uzbekistan (who is described as having arrived in

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<sup>18</sup> Mr. Zainabitdinov was arrested in May and reportedly accused of spreading false information to the media and spreading panic among the population. In mid-January 2006 unconfirmed reports emerged that he had been tried and convicted, and on 7 February the Uzbek Government confirmed that the Tashkent City Court had on 5 January sentenced him to seven years’ imprisonment for slander (article 139(3)(g) of the Uzbekistan Criminal Code), undermining the constitutional order (article 159 (3)), preparation and distribution of materials that threaten public order (article 244-1 (3)) and membership of a “religious extremist” organization (article 244-1). See Human Rights Watch, “Uzbek Rights Defender Saidjahon Zainabitdinov in Andijan, Uzbekistan,” press release, 8 February 2006.

<sup>19</sup> Both are still active as human rights defenders, Yakubov in the HRSU (Human Rights Society of Uzbekistan), Innoyatova in the NGO Ezgulik.

Andijan at 7:00 a.m. on 13 May), as well as the terrorists' refusal to follow the government's requests.

It is noted that after the failure of negotiations, at around 6:00 p.m., the terrorists, mingling with the crowd of people, moved away from the main square and started running along Cholpon Prospect. More than 45 hostages who were killed by the terrorists at this time are listed. Over 100 terrorists are named as having fled in the direction of Kyrgyzstan, dropping their weapons on the way, and arriving at Teshik-Tash early in the morning of 14 May. The shooting in the village of Teshik-Tash is described as terrorists shooting at military officers, with five civilians killed and four civilians injured as a result of the terrorists' disorderly shooting. Then the terrorists with their families as well as hostage civilians crossed the border into Kyrgyzstan.

After the failure of the terrorists' plans to organize a coup, they started a media campaign in order to deliver a message to the world that the demonstration at the main square had been peaceful and that the government forces had shot into the crowd. A description of media sources and times of news transmission follows. Riots organized by terrorists on 14 May in the town of Korasuv, near Andijan, with the goal of reopening a bridge between Uzbekistan and Kyrgyzstan, are described, as is a failed 14 May armed attack by terrorists on Tashkent Prison.

It is mentioned that as a result of the above-described events, 60 civilians, 20 police officers and 11 military soldiers, as well as 94 terrorists were killed; 91 civilians, 49 police officers and 59 military soldiers, as well as 76 terrorists, were injured.

The charges against Abdulkhofiz Gaziev follow. The indictment states that Gaziev, "for performing terrorist acts, for the attempt to change the constitutional system and to establishing the Islamic Caliphate, for participating in the activities of the armed group, is accused of violation of the following:

Article 97, part 2, 'a', 'c', 'd', 'e', 'f', 'g', 'i', 'k', 'l', 'n', 'o', 'p' of the Criminal Code of the Republic of Uzbekistan [...];

Article 110, part 2 'c' [...];

Article 112, part 2 'b' and part 3 [...];

Article 117, part 3 'a', 'b' [...];

Article 127, part 3 'b' [...];

Article 132, part 2 [...];

Article 139, part 2, part 3 'a', 'b', 'd' [...];

Article 142 [...];

Article 145, part 1, part 2, part 3 [...];

Article 155, part 3 'a', 'b' [...];

Article 156, part 2 'a', 'b', 'e' [...];

Article 159, part 3 'b' and part 4 [...];

Article 161 [...];

Article 164, part 4 'a', 'b' [...];

Article 173, part 2 'a', 'b', 'c', part 3 'a', 'b' [...];

Article 182, part 2 'a', 'b', 'c' [...];

Article 216 [...];

Article 219, part 2 [...];

Article 220, part 2 'b' [...];

Article 28-222 part 2 'a', 'b' [...];

Article 223, part 2 ‘a’, ‘b’ [...];  
Article 242, part 1 and part 2 [...];  
Article 243 [...];  
Article 244 [...];  
Article 244, part 3 ‘a’, ‘b’;  
Article 244, part 2 [...];  
Article 245, part 2 ‘b’, ‘c’ [...];  
Article 246, part 1 [...];  
Article 247, part 3 ‘a’, ‘b’, ‘c’ [...];  
Article 248, part 2 [...];  
Article 251, part 3 ‘a’, ‘b’, ‘c’ [...];  
Article 267, part 3 ‘b’ and ‘c’ [...].”

[The texts of the relevant provisions of the Criminal Code are given below, in Annex 3.]

Apart from the individual information on Gaziev at the beginning and end, the 70 pages of his individual indictment contain seven other direct references to him, as follows:

[...] during January-April 2005 [...] Gaziev Abdulkhofiz [other names given] with a purpose to commit the planned activities, were divided into groups.<sup>20</sup> [...]

In January 2005, taking advantage of the unstable situation in Kyrgyzstan and the indifference of the state officials in Osh and Jalalabad, the leaders of the terrorist movement organized a training centre in the village of Teka in School No 23 [...] in order to conduct a military training. [...] under the guidance of persons, whose personalities were not identified, [...] Abdulkhofiz Gaziev and others took part in the military training in January-April 2005.<sup>21</sup> [...]

According to the plan, in order to participate in terrorist activities, the members of the terrorist organization were hosted [...] by Gaziev Abdulkhofiz in [...] *Mahallya Koratur* house 62.<sup>22</sup> [...].

[...] at 21:00, [...] by the cars “Damas” and “Tico” (plates not identified), [...] Gaziev A. and others came to M. Zakirov’s house.<sup>23</sup> [...]

Then the first group consisting of [...], Gaziev A., [...] tied the hands of Ruziboev I. who was on duty, took the keys of the storage from him, after which they took over 39 automatic guns AKS -71 and 5 knives.<sup>24</sup> [...]

Sabirov M and Gaziev A. shot to death the wounded Kakimov M. and Mamasidikov Z. then removed his pistol [...] and stormed into the territory of the military unit.<sup>25</sup> [...]

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<sup>20</sup> Indictment in Uzbek language, Volume II, page 1250.

<sup>21</sup> Indictment in Uzbek language, Volume II, page 1254.

<sup>22</sup> Indictment in Uzbek language, Volume II, page 1268.

<sup>23</sup> Indictment in Uzbek language, Volume II, page 1271.

<sup>24</sup> Indictment in Uzbek language, Volume II, page 1276.

<sup>25</sup> Indictment in Uzbek language, Volume II, page 1278.



Gaziev Abdulkhofiz Satimovich who participated in the above described terrorist acts, was captured by the law-enforcement officers on 8 July 2005.<sup>26</sup>

## Publicly-available information on the defendants

On 15 September 2005, five days before the trial started, a press statement by the First Deputy Prosecutor General of the Republic of Uzbekistan, Anvar Nabiev, for the first time made public the names of the first group of 15 persons accused of involvement in the events in Andijan, as well as other details of the closed investigation.<sup>27</sup> On 22 September the Russian news internet portal Utro.ru presented an article with pictures of the 15 defendants and brief information originating from the afore-mentioned press statement,<sup>28</sup> including a summary of the activities that formed the basis for the charges. This is reproduced below, in translation from Russian (the defendants are listed alphabetically by surname according to the Cyrillic alphabet, not in the order they appear in the indictment):<sup>29</sup>

### 1. ARTIKOV Mukhammadshokir Sodikjonovich



Born 02.09.1975, native of Andijan region, citizen of the Republic of Uzbekistan, unemployed, secondary education, married, has three children, lived in Andijan.

One of the closest to Akram Yuldashev, was a defendant in the criminal case in relation to the 23 members of *Akramiya*,” after illegal release from prison, having armed himself with machine gun, killed 3 military servicemen and took part in the executions of the peaceful population.

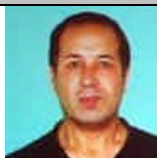
### 2. BURKHANOV Jakhongir Jurahanovich



Born 21.03.1978, native of Osh region of the Kyrgyz Republic, citizen of the Kyrgyz Republic, secondary education, has a family, two children, worked as a skilled workman in “Eviva” Ltd, and lived in Osh region.

Before events in Andijan took part in the so-called “pickets” near the court on May 10-11, took active part in the armed attack on the military unit #44086 and the penitentiary facility ? ? 64/? -1, as well as in the seizure of hostages near the municipal building and in shooting on Chulpan St.

### 3. GAZIEV Abdulkhofiz Satimovich



Born on 04.03.1961, native of Andijan region, citizen of the Republic of Uzbekistan, secondary education, baker, married, has six children, no previous convictions, lived in Andijan region.

Member of I. Khajhiev's armed group, which attacked the military unit #44086 and the penitentiary facility ? ? 64/? -1, was directly involved in murdering the police officers

<sup>26</sup> Indictment in Uzbek language, Volume II, page 1305.

<sup>27</sup> URL [http://www.uzbekistan.de/en/2005/e\\_n0924.htm](http://www.uzbekistan.de/en/2005/e_n0924.htm)

<sup>28</sup> URL <http://www.utro.ru/articles/2005/09/22/479263.shtml>

<sup>29</sup> Differences in the spelling of some place names as compared with elsewhere in this report are because of transliteration from Russian, in which names may be rendered slightly differently than in Uzbek.

Z. Mamasidikov and M. Khakimov.

4. IBRAGIMOV Abdubois Ergashevich



Born 13.11.1970, native of Andijan region, citizen of the Republic of Uzbekistan, with no previous convictions, unemployed, married, has two children, secondary education, lived in Andijan.

One of the 23 members of *Akramiya*,” after illegal release from the prison, on instructions from M. Sabirov organized the arson of the Bakirov cinema and the Bobur theatre.

5. IMANKULOV Lochinbek Abdimuminjonovich



Born 14.01.1981, native of Aravan district of Osh region of the Kyrgyz Republic, citizen of the Kyrgyz Republic, secondary education, married, worked as a retailer in Osh city, lived in Osh region.

Member of the armed group that trespassed the state border on the night of 13 May, was directly involved in seizing the municipal building and shooting the hostages in Chulpan St., forced the citizens gathered at the municipal building not to leave the so-called “meeting”.

6. NODIROV Gulamjhon Bohodirovich



Born 10.06.1974, native of Andijan, citizen of the Republic of Uzbekistan, secondary education, married, has four children, lived in Andijan.

One of the 23 members of *Akramiya*, after illegal release from the prison, armed himself with a machinegun, took part in capturing hostages near the municipal building and ill-treating them, was beating the Andijan prosecutor, Mr. G. Abdurakhimov.

7. SABIROV Muydin Imankulovich



Born 13.02.1963, native of Aravan district of the Kyrgyz Republic, citizen of the Republic of Uzbekistan, higher education, unemployed, married, has three children, no previous convictions, lived in Tashkent.

One of the organizers of the terrorist acts, member of the “head office” of terrorists, responsible for developing the plans of armed attacks and supervision over military actions of the armed group.

8. TURGUNOV Avazjhon Tulkunovich



Born 28.04.1974, native of Tashkent, citizen of the Republic of Uzbekistan, married, unemployed, lived in Tashkent.

Prior to terrorist acts took part in the so-called “pickets” near the court, member of I. Khajhiev's armed group, which committed the attack against the military unit #44086 and the penitentiary facility ?? 64/? -1, upon instructions from M. Sabirov created firing positions along the perimeter of the regional municipal building.

9. TURAPOV Khusanjhon Khakimovich



Born 13.10.1970, native of Tashkent, citizen of the Republic of Uzbekistan, secondary education, married, has three children, craftsman, lived in Tashkent.

Representative of the *Akramiya* religious extremist sect from Tashkent city, leader of the group of snipers placed on the roof of the municipal building, under the leadership of F. Khamidov took part in the attack against the military unit #7377.

10. KHAKIMOV Alisher Alimjanovich



Born 22.06.1967, native of Andijan, citizen of the Republic of Uzbekistan, unemployed, no previous convictions, secondary education, married, has four children, lived in Andijan.

Member of the terrorists' "head office," leader of an armed group that committed attacks against the battalion of the Post-and-Patrol Service of the Public Order Protection Directorate of the regional Department of Internal Affairs, and against the penitentiary facility ?? 64/? -1.

#### 11. KHAMIDOV Farkhod Umarovich



Born 14.08.1963, native of Ferghana region, citizen of the Republic of Uzbekistan, higher education, two previous convictions, worked as a coach in the sports club "Azamat-Karim" in Tashkent city, lived in Kokand city of Ferghana region.

Was an active member of the international terrorist organization "Islamic Movement of Turkestan" (formerly IMU) in 1991-1997, master of martial arts, member of the terrorists' "head office," responsible for supervising the military actions of the armed groups.

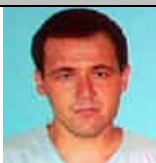
#### 12. KHAJHIEV Ilkhomjhon Numonjonovich



Born 19.04.1975, native of Andijan, citizen of the Republic of Uzbekistan, married, has two children, secondary education, worked as assistant-coach in the sports club "Abubakir-Karate", lived in Andijan.

One of the organizers of the terrorist acts, leader of an armed group that committed attacks against the military unit #44086 and the penitentiary facility ?? 64/? -1, delivered USD 200.000 from Russian Federation to Uzbekistan, that had been given by Tokhir Yuldashev, assembled residents of the neighboring communities and passers-by under gunpoint and using intimidation, forced them to take part in the so-called "meeting".

#### 13. KHAJHIEV Tavakkalbek Nuhmanjanovich



Born 10.05.1977, native of Andijan, citizen of the Republic of Uzbekistan, secondary education, married, carpenter by profession, was temporarily unemployed, lived in Andijan.

Representative of the *Akramiya* religious extremist sect located in Ivanovo city (Russian Federation), controlled the so-called "meeting" near the regional municipal building, under his supervision the terrorists burned cars on the roads leading to the municipal building.

#### 14. ERGASHEV Valijhon Yuldashevich



Born 30.09.1975, native of Osh city of Kyrgyz Republic, citizen of Kyrgyz Republic, secondary specialized education, married, has three children, worked as a skilled workman in the confectionary manufacture "Eviva", lived in Osh city.

Member of the armed group that trespassed the state border on the night of 13 May, took active part in seizing the municipal building, assembled the residents of the neighboring communities and passers-by at gunpoint and using intimidation, forcing them to take part in the so-called "meeting".

#### 15. YUSUPOV Azizbek Umarovich



Born 03.05.1977, native of Andijan, citizen of the Republic of Uzbekistan, higher education, founder of the private firm “Kanmaksan” of Andijan city, no previous convictions, married, has two children, lived in Andijan.

Member of the terrorist “head office,” leader of the intelligence group, during the terrorist acts organized surveillance over the position and movements of the government troops, passed the information of these movements to the terrorists’ “staff.”

## ***The Trial***

### **Arrangements in the courtroom**

The case was heard by three judges, the Presiding Judge being the Deputy President of the Supreme Court. The prosecution was represented by five prosecutors, including the Deputy Prosecutor General of Uzbekistan. Each defendant had a state-appointed defence lawyer—thirteen women and two men. The three judges were seated at the judges’ bench along the back wall of the room. The defendants were placed in a metal cage at one side of the room. The prosecutors were on the side of the room opposite the cage, and the defence lawyers were seated in the middle at either side of a long desk facing each other.<sup>30</sup> A few foreign (Russian) and Uzbek state news companies had been granted permission to film in the courtroom. There was a large security presence comprising both uniformed and plainclothes officers. It was the assessment of the OSCE team that no family members of the defendants were present either in the court room or outside.

### **Absence of argument for the defence**

An essential element of the right to a fair trial is the right of the defendant to prepare and present a defence. Assessed solely on the basis of the conduct of the defendants in the courtroom it is difficult to determine whether that international standard was met, given that none of the defendants sought to present a defence: all made statements fully accepting that they were guilty as charged.

The conduct of the defence lawyers as observed by the ODIHR monitors at the trial raises questions about whether the right of the defendants to defend themselves, which includes the right to do so through legal assistance, was upheld. Furthermore, information obtained by the ODIHR monitors outside the courtroom raises concerns that the right of the defendants to legal assistance of their own choosing may have been undermined.

These issues are discussed further below.

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<sup>30</sup> DR 23 September, p. 1. From this point onward, footnotes in this style refer to monitors’ notes, which are on file at the ODIHR.

## Conduct of the defendants

At the opening of the trial each defendant expressed his shame and remorse towards his family and the President of Uzbekistan.<sup>31</sup> Each of the accused made a plea of guilt—some of them speaking for almost three hours—that to a large degree matched the official government version of events as presented by the prosecution.<sup>32</sup> To the ODIHR monitors the statements sounded as if learned by heart and rehearsed beforehand. The statements were highly detailed, with phone numbers, dozens of full names, and were in a language that in the assessment of an ODIHR interpreter was “intellectual vocabulary,” not to be expected from someone who worked as a market trader as was the case of defendant Imankulov.<sup>33</sup> From the list of defendants given above it is clear that only three of the 15 have education beyond secondary level. The ODIHR monitors noticed that from time to time some defendants were reading from pieces of paper on their laps.

During testimony some begged the President for forgiveness and/or mercy.<sup>34</sup> In their final statements, the defendants stated that they deserved to be punished heavily.<sup>35</sup> Some of the defendants stated that they deserved the death penalty.<sup>36</sup> They asked for forgiveness, either generally or from the President, the people of Uzbekistan and/or the families of the victims.<sup>37</sup>

An element of the right to a fair trial is the right of a defendant not to be compelled to testify against himself or to confess guilt.<sup>38</sup> In the absence of access to the pre-trial proceedings, and without direct access to the defendants during the trial, the ODIHR has no possibility of determining whether or not the confessions of guilt by the 15 defendants were made with coercion. During the trial sessions the defendants were held continuously in the cage, seated, and with their heads bowed, looking at the floor. To the ODIHR monitors they appeared drained and resigned.<sup>39</sup>

## Defence representation

All defendants had state-appointed lawyers.<sup>40</sup> There are some indications that independent lawyers were barred from defending some of the suspects who were later indicted as defendants in this trial. Two independent lawyers who were interviewed

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<sup>31</sup> Information received by EU monitors, TL, p. 17. As noted above, the ODIHR monitors were not present at the trial’s opening.

<sup>32</sup> CS 20 Sept.-23 Sept., p. 1.

<sup>33</sup> This was said in relation to statements by Imankulov (TL, p. 11). Also statement by T. Khajhiev (CS, 26 September) and others.

<sup>34</sup> CS 20-23 September, p. 3; TL, pp. 4-5, 39, 45.

<sup>35</sup> CS 27 October 2005.

<sup>36</sup> CS 27 October 2005, pp. 2, 6, 10.

<sup>37</sup> CS 27 October 2005, pp. 2, 4-11.

<sup>38</sup> International Covenant on Civil and Political Rights, Article 14.3(g).

<sup>39</sup> CS 20 Sept.-23 Sept., p. 1.

<sup>40</sup> Art. 51 of the Uzbek Criminal Procedure Code. Mandatory participation of the defence counsel (The participation of the defence counsel is mandatory in the cases, which involve: ... (4) “persons, who are suspected or charged of the crimes for which death penalty can be imposed as a punishment”).

by ODIHR monitors on 27 and 29 September stated that the authorities hampered access to the defendants.<sup>41</sup>

One of the lawyers hired by the family of an accused gave a detailed description of his only meeting with the defendant. They met in the beginning of August, in the basement of the police detention facility, in the presence of a police investigator: “The defendant was scared, repeating like a parrot the same phrase ‘I refuse a lawyer, I want back in the cell...’ There were no signs of physical torture on his body, but it was obvious that his morale was completely destroyed. The police investigator agreed to leave the room for a few minutes, and I explained to [the accused] that I am there to help, and that his relatives hired me. In five minutes the police investigator came back, and the accused said he wanted to go back to his cell. We left the basement and in two minutes the police investigator brought a paper signed by the accused renouncing my services. This document about refusal had been prepared in advance, because one cannot write it in two minutes.”<sup>42</sup>

When the trial started, the two independent lawyers who were hired by the family of one of the defendants were denied access to the court room despite their attempt to pass through control posts by presenting their signed contracts with relatives of the defendant for provision of legal defence.<sup>43</sup>

The problems the ODIHR monitors encountered in establishing communication with the state-appointed defence lawyers, described above, meant that the monitors were unable to obtain any information as to whether the defendants had legal representation from the time of arrest or presentation of charges. Two lawyers who returned questionnaires to the ODIHR monitors indicated that they became state-appointed lawyers for their clients much later than the date that their defendants had supposedly been arrested.<sup>44</sup>

### **Conduct of the state-appointed defence lawyers**

There was no attempt by the defence lawyers to question the defendants properly, to cross-examine prosecution witnesses with the aim of establishing facts that could assist the defendants, and to bring in witnesses who could provide mitigating details relevant to sentencing. The line of questioning by defence counsel was most of the time unstructured and lacked any strategy or planning of a defence case, such as with a view to minimising the sentence that would be imposed upon their respective clients. Many questions were irrelevant, for example, defendant Burkhanov was asked

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<sup>41</sup> Monitor’s notes from meetings with independent lawyers, 27 and 29 September 2005.

<sup>42</sup> Monitor’s notes from meeting with an independent lawyer, 29 September 2005.

<sup>43</sup> As recorded during interviews with the lawyers in question. This denial of access was not directly observed by ODIHR monitors.

<sup>44</sup> Lawyer Pulathojaev indicated that he became involved from August 3, 2005, while his client Yusupov had been detained since 13 May. Pulathojaev said there had been another lawyer before him. Lawyer Dusova wrote that Turgunov was detained on May 14, while she started to defend the client from June 16, 2005. Dusova also stated that prior to that date other lawyers had been involved. ODIHR Questionnaires filled in by lawyers Pulathojaev and Dusova.

by one of the defence lawyers, “Did your parents know about your activities?” The defendant answered, “I visited my parents, talked to them about my new beliefs, my parents tried to convince me to give up, but my mind had been already poisoned.” It is unclear what the defence sought to achieve with a question like this.<sup>45</sup> In other cases questions were posed by the defence lawyers that might have been expected from the prosecution rather than the defence. The following are some examples:

Was there American money involved in the Andijan event? (question posed to defendant T. Khajhiev)<sup>46</sup>

What would you say to the youth of Uzbekistan? (question posed by Nodirov’s lawyer to the defendant)<sup>47</sup>

Did the people of Uzbekistan do any harm to you? Why did you decide to come and kill people in Uzbekistan? (question posed by the lawyer Abdikodirova to her client Imankulov)<sup>48</sup>

The detailed information given by the defendants in their guilty pleas confirmed the prosecution case that they had been planning to organize a revolution and establish a caliphate in Uzbekistan. None of the information given by the defendants relating to events prior to 12-13 May was subject to cross-examination in court. Notably, the allegation that the defendants had been trained on Kyrgyz territory in Osh region was not cross-examined by the defence, even though there had been numerous statements by the Kyrgyz Government, including articles in the media,<sup>49</sup> that its own investigation into these allegations had found no supporting evidence.

There were contradictory comments by the defendants as to whether an *Akramiya* book existed and whether it contained teachings on how to establish a caliphate. According to the evidence of one defendant, the *Akramiya* book presented only the clandestine structure of the organization and nothing else.<sup>50</sup> Another defendant gave a detailed description of the five stages of the *Akramiya* movement,<sup>51</sup> but the defence counsel did not make any attempt to examine the apparent contradictions in this evidence. The Presiding Judge did not attempt to refer back to the first statement for clarification of what the *Akramiya* book did in fact contain.

When the defence cross-examined the witnesses they often posed questions that had no bearing on the defence, but simply clarified certain details that witnesses brought up.<sup>52</sup> The defence did not bring witnesses to testify for the defence (it is not clear whether this was the choice of the defence lawyers, or whether other factors prevented

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<sup>45</sup> TL, pp. 3-4.

<sup>46</sup> TL, p. 41.

<sup>47</sup> CS, 26 September, p. 3.

<sup>48</sup> TL, p. 11.

<sup>49</sup> See for example Vladimir Isachenkov, *Associated Press*, Tuesday, September 20, 2005, p. 6.

<sup>50</sup> Transcript from statement of I. Khajhiev.

<sup>51</sup> Statement of Artikov.

<sup>52</sup> CS, 14 October.

witnesses for the defence being present). On several occasions the defence lawyers were seen crying during the testimonies of victims.<sup>53</sup>

The closing arguments of the defence in most cases give no analysis of evidence presented at trial that might favour the defendants. In fact, the defence supported and further strengthened the arguments of the prosecution, confirming rather than seeking to refute allegations made by the prosecutor.<sup>54</sup> Closing arguments were based on the prosecutors' conclusions and were not intended to argue to the contrary. Lawyer Imembergenova, defending Sabirov, was quite straightforward: "There is no need to repeat what the Procurator briefed...". The lawyer continued that her client was "*only* a military leader during the event, not an overall leader".<sup>55</sup> In her closing argument, the lawyer representing Artikov confirmed that her client was a high-ranking member of the "creative circle" that developed plans for *Akramiya*.<sup>56</sup> Gaziev's lawyer failed to challenge under what circumstances the accused had been wounded, and under what circumstances the accused had returned from Kyrgyzstan.<sup>57</sup> Nodirov's lawyer made a very short argument acknowledging that her client was a member of a religious movement.<sup>58</sup>

As the ODIHR had no access to the defendants, it cannot determine whether they were satisfied with the defence representation they received. The only relevant information available to the ODIHR is a statement from the Office of the Prosecutor General of the Republic of Uzbekistan that "Neither during the investigation, nor at the court hearings did the defendants make petition to deny their attorneys or have them replaced. According to Article 53 of the Criminal Procedure Code of Uzbekistan, choosing a defence line is an exclusive right of the attorney, and any interference into the attorneys' work was not established."

## Witnesses

There were a total of 103 witnesses heard during the trial. All witnesses were called by the Prosecutor; as noted above the defence did not call any witnesses.

All but one of the witnesses gave the same version of events, a version which concurred with the prosecution case. Only one witness gave a different version, which was more similar to what was reported by the international media and human rights organizations. When this witness, Mahbuba Zokirova (a refugee returned to Uzbekistan), appeared in court on 14 October, and started to give a different account of the events to the ones that had preceded, the ODIHR monitor noticed a discernible atmosphere of anxiety and tension in the courtroom. The Presiding Judge interrupted her statement twice, something he had not done for any other statement (previously he had listened patiently to some very long statements in which victims or witnesses gave sometimes irrelevant information). The Deputy Prosecutor tried to cut Zokirova's statement at one occasion by addressing the Presiding Judge in a raised

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<sup>53</sup> DR, 29 September, pp.1-2.

<sup>54</sup> CS, 27 October, pp. 1-5.

<sup>55</sup> CS, 26 October, p. 6.

<sup>56</sup> CS, 27 October, pp. 2-3.

<sup>57</sup> TL, p. 7.

<sup>58</sup> CS, 27 October, p. 4.



voice and requesting that the witness be dismissed. On a few occasions insulting remarks were made towards Zokirova from victims and other witnesses sitting in the courtroom. The judge did not react at any occasion (in most jurisdictions such remarks would elicit at least a warning, and if repeated would elicit an order for removal from the courtroom). The defence lawyers looked nervous, anxious and worried, staring down at the table and sometimes throwing quick glances in the direction of the ODIHR monitor. None of the defence lawyers asked this witness a single question.<sup>59</sup>

The OSCE/ODIHR is in possession of statements by one of the defendants<sup>60</sup> and one of the witnesses<sup>61</sup> in the trial, which were made while they were outside the country. These statements conflict in material respects with statements made at trial by witnesses and defendants. The main differences are that:

- Government forces (soldiers) opened fire on the demonstrators on several occasions, including when they were moving away from the square.<sup>62</sup> At trial, however, all the witnesses except Zokirova stated that neither the police nor the military had attacked.<sup>63</sup>
- The intent of the demonstrators was to protest the unfairness of a trial of 23 businessmen. It gradually turned into a demonstration against government policy (poverty, unemployment, not paying out social payments to disabled people).<sup>64</sup> The intent of the demonstrators, then, was to air grievances with the President, not to overthrow the constitutional order. At trial, however, defendants and others accused of membership in the so-called *Akramiya* movement claimed that the movement was designed to overthrow the government and establish a “caliphate”.<sup>65</sup>
- At trial, it was claimed that demonstrators had shouted “jihad”.<sup>66</sup> Those interviewed by the OSCE stated that people were shouting “Ozodlik” (“Freedom”).<sup>67</sup>

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<sup>59</sup> CS 14 October 2005, testimony of witness Mahbuba Zokirova, p. 1.

<sup>60</sup> REF. Nno KYR/JAL/37 N.B., this is not Mahbuba Zokirova.

<sup>61</sup> REF Nno. KYR/JAL/14

<sup>62</sup> REF Nno. KYR/JAL/14, p. 2, 3; REF. Nno KYR/JAL/37, pp. 3,4,5.

<sup>63</sup> E.g. the final statement of Sabirov, CS 27 October 2005, p. 2: “the military did not attack”; the testimony of witnesses Kenzhaev, CS 10 October 2005, p. 1, Nodirov, *ibid.* p. 3; Dadhuzbaev, *ibid.*, p. 5.

<sup>64</sup> REF Nno. KYR/JAL/14, p. 2: “people were speaking about their problems and injustice, and were claiming their rights. Disabled people said they have not been given wheelchairs and did not receive their social payments that they were entitled to. One woman said her [...] children had to go to search for work opportunities in Russia because of unemployment in Uzbekistan.” [...] “People demanded authorities to come on the square and solve their problems, and people were waiting for authorities.” REF.Nno.KYR/JAL/37, p. 2: “[...] he spoke to his brother and he said the people were organizing the meeting and that officials might come to listen to their problems.”

<sup>65</sup> Testimony by defendant Gaziev on 22 September about “the wish to create an Islamic caliphate in Uzbekistan”, TL, p. 6; the testimony of the fifth witness (a shopkeeper) on 14 October, saying that he “was ordered to speak after some of prior speakers talked of uprising and building a caliphate in Uzbekistan”, TL, p. 24; the statement of defendant Khajhiev, T. on 26 September that “[w]ith the ideas of Caliphate we were poisoned by ideas of some religious groups”, TL, p. 39; Also prosecutor’s closing argument, CS 26 October (morning session), p. 1.

<sup>66</sup> Testimony of witness Nozim Uzmonov, CS 14 October (afternoon session), p. 2.

<sup>67</sup> REF Nno. KYR/JAL/14, p. 3; Ref. REF Nno. KYR/JAL/37, p. 5.

The statements made to the OSCE are also consistent with the statement made at the trial by witness Mahbuba Zovirova.<sup>68</sup> For example, one of the witnesses stated to the OSCE that while fleeing the square with other demonstrators, he saw how “Special service officers in helmets (I saw four of them) were shooting at us from behind the trees in Cholpon [Prospect].”<sup>69</sup> This appears to confirm Zovirova’s statement that while the demonstrators were fleeing, “[s]oldiers from two vehicles shot at us. And all the way towards Teshik-Tash I saw them and their helmets on the trees and in the windows of homes and they were shooting at us.”<sup>70</sup>

The ODIHR monitors noted that a considerable number of victims and witnesses who were heard in court finished their statement by telling the defendants that they should be severely punished, that they did not deserve to live, and reproached them for acting against their people and President. These verbal attacks were usually long. None of the judges asked the victims to refrain from making such comments. The Presiding Judge only asked witnesses not to use profanities a few times, and then only at the end of their testimony.<sup>71</sup>

An example of such a long tirade is the testimony of victim’s representative Tobyldiev, who testified on 29 September. He was a pensioner and his son, a military man, was killed during the Andijan events. He showed a picture of his son in uniform and said that his 18-month-old grandson was left without a father and that his daughter-in-law will be a widow her entire life. Women in the court room, including several of the defence lawyers, started crying, and a man had an epileptic attack and was growling while being taken out by a number of men sitting around him. Mr. Tobyldiev then embarked upon a 20-minute speech on terrorism, addressing it to the defendants. He stated that “The global market for arms equals USD 500 bln worldwide. The USA is the leading producer of arms, UK – the 2<sup>nd</sup>, France – the 3<sup>rd</sup>, Russia the - 4<sup>th</sup>. Nowadays states do not go to war with each other because the UN is playing a preventive role. That’s why now terrorism is the only means for war. Developed countries allocate funds [*he did not mention what for*]. Terrorism is a means of war against developing countries. There is no support for you, terrorists, from the grassroots, as people here are well off, they get their pension and wages on time.” He said this after having complained earlier that he had been struggling to make ends meet.<sup>72</sup>

## Closing arguments

On 26 October the prosecutors started to present closing arguments. The first prosecutor in his introductory speech gave his view on the political situation in the country. The prosecutor developed the theory of organized groups which, according to the testimonies provided during the trial, intended to overthrow the constitutional order. The prosecutor did not refer to any of the evidence presented at the trial, but only presented his own description of the alleged events.

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<sup>68</sup> CS 14 October.

<sup>69</sup> REF Nno. KYR/JAL/14, p. 3.

<sup>70</sup> CS 14 October. p. 4.

<sup>71</sup> DR 29 & 30 September, p. 2.

<sup>72</sup> DR 29 & 30 September, p. 1 & 2.

The second prosecutor gave figures on the number of casualties among civilians, law-enforcement officers and military. The prosecutor also provided details on the amount of property damage inflicted. The prosecutor argued that the confession of defendants together with testimony of witnesses proved their guilt. This prosecutor made some references to earlier witness testimonies.

The third prosecutor described how the alleged terrorists forcibly held the civilians, and stated that no government forces were present anywhere near the places where civilians were shot.

The prosecutors asked for prison sentences ranging from 15 to 20 years. No death penalty was requested. The prosecutors asked for imprisonment in colonies of “general regime” (ordinary security) for all the defendants except Khamidov Farkhod, whom they requested should serve his sentence in a colony of “special regime” (high security).

Five defence lawyers presented their arguments during the afternoon session of 26 October. All the lawyers mentioned circumstances mitigating the guilt of the defendants, such as confession, responsibilities for family and dependants, and cooperation with the investigation. The lawyers asked to eliminate several articles from the list of charges, saying that these crimes were not proven by the evidence presented in the court. One of the lawyers started by saying that “there was no need to read my whole statement, in order not to repeat what the prosecutor had said – all charges had been already listed by him.”

On 27 October the remaining 10 defence lawyers spoke during the morning session. All of them largely read out their arguments and hardly looked up from the papers in front of them. Each lawyer spoke for 7-12 minutes: all their written speeches were later collected by the secretary of the court.<sup>73</sup>

In the afternoon of 27 October all 15 defendants were given the floor to pronounce their final words. They spoke for approximately 7-15 minutes each (the longest speech took 25 minutes). Many had written statements with them, others spoke freely. All were extremely emotional and several of the defendants cried. The gist of their final words was asking for forgiveness, confessing their guilt, thanking prosecutors for not asking for the death penalty, and asking to take into account arguments made by their defence counsels. One of the defendants said that he deserved a harsher sentence than the prosecutors had asked for.

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<sup>73</sup> During this court session ODIHR monitors noticed that there were interruptions to the transcript being kept by the court secretary, and not everything said in the court seemed to be noted down on the computer.

## Access of relatives and human rights defenders

Monitors noted that access by members of the public, including independent human rights defenders and monitors, to any trial taking place in the building of the Supreme Court was dependant upon inclusion of their name on the approved list of people to be given access to the trial in question. As a common rule and usual procedure,<sup>74</sup> members of non-governmental organizations and independent human rights defenders are required to send a request addressed to the Chair of the Supreme Court asking for permission to monitor a trial. During interviews with Uzbek human rights defenders, ODIHR monitors established that such requests were usually delivered in writing to a post box located in the courtyard of the Supreme Court building. No paper registering receipt of the letter is issued, so it is difficult to prove to the authorities that a request has been made. A written response is required from the Supreme Court in order for the monitor to gain access to the courtroom.

In view of the difficulties in obtaining such a written response, the usual practice is for human rights defenders to try to hand the letter in person to the court's secretary and wait for the answer downstairs. Since replies are rarely given on the same day, a repeat visit to the Supreme Court building is often needed.

ODIHR monitors noted that in this case the only Uzbek NGO that was officially allowed to monitor the trials was the Independent Human Rights Organization of Uzbekistan. Monitors also noted that Human Rights Watch and the American Bar Association Central European and Eurasian Law Initiative (ABA CEELI) were the only international NGOs that were allowed to send observers.

No relatives were present in the courtroom nor appeared to be in the vicinity of the Supreme Court building. According to information received by human rights defenders, relatives had been warned by local *Mahalla* committees<sup>75</sup> not to talk to anybody about their relatives on trial, and were prevented from attending trials. The ODIHR monitors did not see the names of any relatives of the defendants on the list of persons allowed to be present during the trial.

The monitors did note, however, that all benches in the court room were usually filled by predominantly male members of the public, who all had short haircuts and often wore leather jackets. These men, when observed by monitors, rarely followed the course of court proceedings, but mainly appeared to be reading newspapers, quietly talking to each other, or simply snoozing.

After the court hearings all these men were seen sitting in the same bus parked right outside the Supreme Court's gates ready to depart. It should be noted that observers did not see any civilian vehicles in the vicinity of the Supreme Court building as the whole area around the court (even as far as one or two neighbouring streets) was guarded by heavily armed members of the security forces and officers of the Ministry

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<sup>74</sup> Information given by human rights defenders interviewed by the ODIHR trial monitors.

<sup>75</sup> The term "mahalla" broadly translates from Uzbek as "neighbourhood" or "local community." However, in so far as the mahalla forms a part of the traditions of Uzbekistan, it has a rich layering of meanings. Among these, it can be seen as a physical location, a network of social relations, or a state administrative unit. Mahalla committees are "self-governing bodies" enshrined in the Uzbek constitution (article 105) and the Mahalla Law.

of Interior wearing civilian clothes, who allowed only military cars, cars with special licence plates or buses with special paper permits to pass through the control posts.

### **Kyrgyz consular access to the Kyrgyz defendants**

The Embassy of Kyrgyzstan sent a Note Verbale to the MFA before the beginning of the trial asking that a consular official be granted access to the three defendants who were Kyrgyz citizens. This right of access is prescribed by the 1963 Vienna Convention on Consular Relations, which includes among the consular functions listed in Article 5(i) “subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any other reason, such nationals are unable at the proper time to assume the defence of their rights and interests”.

The Embassy of Kyrgyzstan did not receive any written reply from the Uzbek MFA. Apparently the consul did not attempt to gain access to the defendants by coming directly to the SIZO (pre-trial facility) of Tashkent, the Embassy’s position being that it could not take such steps without the prior approval of the MFA.<sup>76</sup>

### ***The Judgment***

According to Article 463 of the Criminal Procedure Code of the Republic of Uzbekistan, “a guilty sentence may not be based on assumptions and shall be rendered only when the guilt of a person under trial was substantiated during the trial. A sentence shall be based on the reliable evidence, obtained after verifying all possible circumstances of committing an offence, meeting all the lacks in the materials of the case, removing all doubts and contradictions”.

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<sup>76</sup> Such access is regulated by the 1963 Vienna Convention on Consular Relations and Optional Protocols, Article 36:

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall also be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgment. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.

On 14 November, during the morning session, the Presiding Judge started reading out the judgment. This contained detailed information on events and actions of the defendants preceding as well as during the events of 12-13 May in Andijan, including the following:

- background information on the book “The Path of Faith” by Akram Yoldashev;
- the training of the sect members at an abandoned shooting ground, stadium and school gym in Kyrgyzstan;
- financial aid from overseas sponsors for the purchase of arms, mobile phones and vehicles;
- preparation for the overthrow of the constitutional system;
- maintaining contacts with overseas sponsors and the spiritual leader;
- the picketing of the courthouse in Andijan;
- getting blessing (*fatva*) from Akram Yoldashev;
- the attacks on the military unit, police post and the prison, and the killing of servicemen and police officers;
- arming the terrorists with weapons;
- the illegal crossing of the Kyrgyz-Uzbek border by support groups from Osh and Jalal-Abad;
- the battle at the provincial National Security Service building; occupation of the regional *Hokimiyat* building and the holding of a meeting in front of it;
- taking hostages and torturing them;
- the negotiations with government officials;
- the retreat towards the Kyrgyz border;
- settling in a refugee camp in Kyrgyzstan; and
- the subsequent arrests and surrenders of the defendants.

The Judge referred to lists of people involved in terrorist activities and read out the names of killed and injured servicemen, police officers and civilians; the names of victims; and the amount of damage inflicted on each building, house, apartment, and vehicle.

In the afternoon session the Judge read out information on the evidence collected in the course of court investigation, with reference to testimonies of the defendants, victims and witnesses; video films shot by the terrorists: as well as protocols on the examination of the sites of the events.

On the issue of the refugee camp, the Presiding Judge said that the camp was set up in advance, that the defendant Tavakkalbek Khajhiev was responsible for managing it and that he forbade the refugees to talk to reporters and representatives of international aid agencies. The Judge said that representatives of media reporters, in particular CNN, Associated Press, and *Deutsche Welle* did not confirm the truth before they released their news reports globally. BBC reporters intentionally did not mention in their reports anything about the bloody events and focused only on unarmed people trying to organize a peaceful demonstration. The judge said that when interviewing refugees in the refugee camp in Kyrgyzstan OSCE representatives and journalists encouraged them to talk only about a peaceful demonstration, and about the use of arms by the government troops and not by them, because otherwise they would not be formally recognized as refugees.

The Judge then turned to the statement of the witness Mahbuba Zokirova and said that none of her testimony was in line with everybody else’s testimonies. The judge asked the rhetorical question: “How could she not see what was happening if everybody else could see it and confirmed it in their testimonies? She pretended that she had not seen what could be seen on the videotapes examined in the court room. All the previous testimony of other witnesses confirmed a version of events that was quite opposite to the version provided by Mahbuba Zokirova.”

After the descriptive part of the judgment the Judge announced that with consideration of the evidence collected, the moral and material damage inflicted, and taking into account the confessions and testimonies made by the defendants and witnesses, the defendants’ willingness to co-operate with the investigation, as well as their personalities, age and family status, some of the Articles of the Criminal Code would not be applied to the defendants.

The Judge then listed articles under which each individual defendant was found to be guilty and announced the final terms of sentence imposed on each defendant.

All defendants were found guilty of committing crimes under practically identical articles of the Criminal Code of the Republic of Uzbekistan.

### Sentencing

Different terms of imprisonment were imposed on each defendant. All the defendants except for Farkhod Khamidov were sentenced to serve their punishment in penitentiary colonies of “general regime” (ordinary security). Farkhod Khamidov’s sentence foresees serving the first five years of his sentence in prison, with the rest to be served in a “strict regime” (high security) colony.

The chart below provides detailed information on which penalty was imposed on each defendant and how it varies from the punishment proposed by the prosecutors.

No	Defendant	Imposed	Proposed
1	ARTIKOV Mukhammadshokir Sodikjonovich	17 years	18 years
2	BURKHANOV Jakhongir Jurahonovich	14 years	16 years
3	GAZIEV Abdulkhofiz Satimovich	20 years	20 years
4	IBRAGIMOV Abdubois Ergashevich	17 years	18 years
5	IMANKULOV Lochinbek Abdimuminjonovich	14 years	17 years
6	NODIROV Gulamjhon Bohodirovich	18 years	19 years
7	SABIROV Muydin Imankulovich	20 years	20 years

8	TURGUNOV Avazjhon Tulkunovich	16 years	17 years
9	TURAPOV Khusanjhon Khakimovich	16 years	17 years
10	KHAKIMOV Alisher Alimjanovich	20 years	20 years
11	KHAMIDOV Farkhod Umarovich	20 years	20 years
12	KHAJHIEV Ilkhomjhon Numonjanovich	20 years	20 years
13	KHAJHIEV Tavakkalbek Nuhmanjanovich	17 years	18 years
14	ERGASHEV Valijhon Yuldashevich	14 years	17 years
15	YUSUPOV Azizbek Umarovich	14 years	15 years

The decision of the court can be appealed within ten days from the day of delivery of copy of the judgment.<sup>77</sup> Since this case was examined by the panel of three judges of the Criminal Chamber of the Supreme Court, an appeal could have been submitted to the Presidium of the Supreme Court, in accordance with Article 499 of the Criminal Procedure Code<sup>78</sup>.

There was no appeal from any of the 15 sentenced persons.

## V. Conclusions and Recommendations

The right to a fair trial encompasses a range of minimum standards, including the right to a fair and public hearing within a reasonable time by an independent and impartial tribunal.

Due to the lack of access to defendants, to defence lawyers and to case materials it is not possible to draw firm conclusions concerning many fair trial rights. As the monitors were unable to talk to the defendants, it is not possible to establish that they were represented by lawyers of their choice, that they had regular access to their lawyers and to other visitors such as family members (such access being an important element in safeguarding against torture and ill-treatment), that they had been informed promptly of the reasons for their arrest and of their right to legal counsel, or that rights during interrogation were upheld. Nor was it possible to confirm that they had not been coerced to confess.

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<sup>77</sup>According to the Article 497-4 of the Criminal Procedure Code of the Republic of Uzbekistan “the appellate claims and protests against the judgement of the first instance court may be lodged within 10 days from the day of the judgement announcement, whereas the convicted, acquitted, victim may lodge their appellate claim or protest within the same time from the day of delivery of copy of the judgement. [...]”

<sup>78</sup> Article 499 of the Criminal Procedure Code of the Republic of Uzbekistan” “Procedure for complaining and protesting against sentence. Sentences of the following courts, which have taken legal effect, may be appealed by the way of cassation procedure: [...] 3. the Supreme Court of the Republic of Uzbekistan – to court collegium of the same court [...]”



Due to lack of access to the defence lawyers it is not possible to establish that they had adequate time or facilities to prepare an effective defence or that they could communicate confidentially with their clients.

From the observations that the ODIHR monitors were able to make, concrete concerns arise of possible violations of the following rights:

The right to a lawyer in pre-trial stages: at least two of the state-appointed lawyers indicated in their replies to the ODIHR questionnaire that they had been appointed much later than the time of arrest of their clients.<sup>79</sup>

The right to a competent and effective counsel: several times the questions from the defence lawyers to their clients seemed to be aimed at strengthening the case of the prosecutor rather than to raise issues in the interest of their clients.<sup>80</sup> The fact that the prosecution called 103 witnesses and the defence none also calls into question the effectiveness of the defence provided.

The right to a public trial: while this was not an in camera trial and proceedings were shown on television, according to information given to the ODIHR monitors by human rights defenders, their access to the trial was closely restricted.<sup>81</sup>

The general approach of the Uzbek authorities towards international scrutiny of the Andijan events and of the resulting trials also gives rise to significant disquiet that the Uzbek authorities may be unwilling to be transparent in their conduct of the trials because they are conscious that the trials do not meet international standards. As described above, the approach of the authorities towards the ODIHR monitoring exercise was frequently deficient of the standards established by the relevant OSCE commitment - the deficiencies ranging from an unconstructively formalistic approach (as in notifying the OSCE of the Supreme Court trial's commencement only one day in advance) to being unco-operative and, on occasion, obstructive.

It is only by being fully open to scrutiny that Uzbekistan will enable its partners in the OSCE and other elements of the international community to make a confident assessment of whether Uzbekistan's trial proceedings are in compliance with its commitments as an OSCE participating State and in accordance with international standards. It is also only by being fully open to such scrutiny that Uzbekistan will demonstrate its respect for its partners in the OSCE and the legitimacy of their interest in human rights matters within Uzbekistan.

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<sup>79</sup> Principle 1 of the Basic Principles on the Role of Lawyers establishes the right to assistance at all stages of criminal proceedings, including interrogations.

<sup>80</sup> Principle 13 of the Basic Principles on the Role of Lawyers. Defence lawyers must act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession. They must advise their clients of their legal rights and obligations, and about the legal system. They must aid their clients in every appropriate way, taking such action as is necessary to protect their clients' rights and interests, and assist their clients before the courts.

<sup>81</sup> Article 10 of the Universal Declaration of Human Rights; "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him."

## Recommendations

The ODIHR report “Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005,” contained a series of recommendations, almost all of which remain relevant, and need to be followed up.

In respect of the trials of persons accused in relation to the Andijan events, the ODIHR makes the following recommendations, especially to the OSCE Chairman-in-Office, as well as to the Uzbek authorities themselves:

- The combination of identified fair trial rights violations and the non-co-operation with and obstruction of ODIHR’s trial monitoring efforts by the Uzbek authorities give cause for serious misgivings about the overall fairness of the proceedings against the 15 defendants in the Supreme Court and the safety of their convictions, notwithstanding their admission of guilt. On this basis, call for the **verdicts against the defendants to be set aside**.
- Urge the Government of Uzbekistan to proceed to **retrial** of the defendants subject to the findings of the independent impartial investigation that the Government of Uzbekistan is still urged to allow and which should take place expeditiously. Ensure that any retrial fully complies with international fair trial standards.
- Similarly, subject to the findings of that independent impartial investigation, urge that the Government of Uzbekistan be prepared to set aside the verdicts of the other trials of persons charged in relation to the Andijan events, and hold retrials as appropriate, in conditions that comply with international fair trial standards.
- Call on Uzbekistan’s authorities **to review**, together with competent international institutions, **all safeguards for fair trial in law and practice**, and in conformity with international standards, in order to address and rectify any identified shortcomings effectively.
- Call on the Supreme Court of Uzbekistan to initiate **a review into the conduct of the state-appointed lawyers** in the trial which is the subject of this report, with a view to identifying shortcomings in their performance that may be indicative of systemic problems. The objective of such a review should be to ensure that any future provision of state-appointed lawyers to defendants anywhere in the Uzbek criminal justice system complies with the international standard requiring that defendants have the right to a competent and diligent defence.
- Ask that the Government of Uzbekistan provide guarantees to the OSCE Chairman-in-Office of the **continued safety and well-being of the witness Mahbuba Zokirova**.
- Ask that the Government of Uzbekistan grant **access to persons convicted** of crimes related to the Andijan events by international bodies competent to assess their conditions of detention.

The ODIHR stands ready to assist the Chairman-in-Office and all other OSCE partners in following up on these recommendations.

## **Annex 1. Summary of the Events in Andijan on 13-14 May 2005**

*The following is taken from the OSCE/ODIHR report “Preliminary Findings on the Events in Andijan, Uzbekistan, 13 May 2005,” issued on 20 June 2005 (“Overview” section). The findings contained in that report differ from official accounts given by the Government of Uzbekistan about the events in Andijan. The Government of Uzbekistan reacted to the OSCE/ODIHR report in a statement at the OSCE Permanent Council on 23 June 2005, where it “categorically disagreed with the context, findings and recommendations of the ODIHR report on the events in Andijan and also with the way in which it was prepared.”<sup>82</sup>*

The violent events on 13 May 2005 in the Uzbek city of Andijan were closely linked to a trial of 23 popular local businessmen. These 23 businessmen had been arrested during the summer of 2004 and charged with “extremism, fundamentalism and separatism”. The trial had started on 10 February 2005 in Andijan and lasted for three months (five days a week). At each court session relatives, employees and friends of the defendants gathered outside the court building. The verdict was to be announced on 11 May; however the large crowd that had gathered outside the court on that day learnt that the announcement of the verdict would be postponed to an unknown date. On 11-12 May a number of male relatives of the defendants were detained and questioned by the National Security Service (SNB). Another group of 13 Andijan businessmen had been arrested on similar charges in the beginning of 2005, but their trial had not yet started.

In the early hours of 13 May, unidentified persons stormed Andijan Prison and freed the detainees, including the businessmen on trial, from their cells. The attackers informed the detainees that a meeting was being organized on Babur Square. Many freed detainees proceeded to the square. In the morning of 13 May the Hokimiyat (Regional Administration) building on one side of the square was seized by armed civilians, who were also seen at the square throughout the day. In the course of the day, members of the crowd took a number of hostages (at least 20) and held them inside the Hokimiyat building until the crowd left the square in the evening, taking some hostages with them. The hostages included the Head of the Prosecutors Office and the Chief of the Tax Inspection Authority.

In the morning the whole city quickly learnt about the meeting at Babur Square by word of mouth. During the day more and more people joined the meeting, and by the afternoon there was a large crowd at Babur Square and in the surrounding streets. Microphones were installed in the middle of the square at the podium of the Babur monument. People who addressed the crowd spoke about their problems of unemployment, poverty, corruption of local authorities, and injustice linked to the recent arrests and trials.

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<sup>82</sup> Statement by the Delegation of the Republic of Uzbekistan at the Meeting of the OSCE Permanent Council, PC.DEL/664/05, 23 June 2005.

Government security forces blocked the roads to the square early in the morning, but they let people through on foot. The first incident of security forces firing into the crowd gathered at the square appears to have taken place very early in the course of events, at around 0600 hrs. Subsequently, the security forces reportedly opened fire against unarmed civilians on a number of other occasions, resulting in many wounded and killed in the course of the day. Security forces fired their weapons from several vehicles of different types—Military Jeeps (UAZ-type), Armoured Personnel Carriers (BTR-type), or Military Trucks (ZIL-type)—which approached the square at various times from different directions. It is difficult to make even a rough estimation of the number of casualties arising from this, but reportedly at least 100 people were shot (dead or wounded) at the square. There was at least one episode of the armed civilians occupying the Hokimiyat and security forces exchanging gunfire.

It appears that a major reason that kept people on the square despite being repeatedly fired at by Uzbek security forces was that they were waiting for President Islam Karimov to “come, listen to [them] and solve [their] problems.” Other reasons included fear of being shot on the way home, solidarity, and belief that the security forces would not shoot if people remained together. There were also appeals from the meeting organizers not to leave. The growing crowd thus stayed on the square during the whole day.

At around 1700-1800 hrs there were an estimated 10,000-15,000 protesters on the square. At this point security forces launched a major offensive on the square, attacking simultaneously from different sides. Panic mounted in the crowd: people thought they would be shot, and they gave up hope of President Karimov’s appearing in person. The crowd started fleeing from the square down Cholpon Prospect, the only road out of the square from which there was no shooting at that moment. The crowd moved in two groups. There was an advance smaller group of mostly men, but also some women and children (approximately 300-400 people). Hostages were put in the front row. The second group was bigger and included men, women and children. Women and children were placed in the middle of the crowd. Hostages were put in front of that group as well.

About 500 metres along Cholpon Prospect the first group reached a barrier made up of buses positioned to block the road. Security forces were shooting from behind the buses, wounding and killing many, including the hostages, but at some point the shooting stopped. The crowd cleared a way through the barrier and continued walking.

As the crowd approached the junction of Cholpon Prospect and Baynal Minal Street, gunfire came from different sides. It came from another barrier installed on Cholpon Prospect across from School 15 that included one or two BTRs and security forces with automatic weapons behind sandbags. There was also sniper fire from the roofs of buildings along Cholpon Prospect. When the shooting started, people would lie on the ground. When shooting stopped, people would stand up and walk further. This sequence repeated itself at least four times. Reportedly, some people waved white cloths or pieces of clothing and begged not to be shot. It was at this point in the day that most casualties occurred.

The crowd turned into Baynal Minal Street. There may have been about 1,000 to 1,500 people in the crowd at that point. They continued moving along side streets. Some people left and went in different directions. The remaining crowd started walking towards the border with Kyrgyzstan.

The march continued for 10 hours, without other incidents reported, until the crowd reached the village of Teshik-Tash, some 30 kilometres from Andijan, between 0300 and 0400 hrs on 14 May. Reportedly, a man approached them in Teshik-Tash and offered to show a safe border crossing point. In one of the village streets the crowd was shot at by a group of 10-15 members of the security forces accompanied by a BTR. Allegedly 10-15 people were killed or wounded. People retreated and gathered in another street in Teshik-Tash. It was then decided to try to cross the bridge across the Karadarya river. The crowd moved across the bridge waving white cloths. The people were met by Kyrgyz border guards, who searched them for weapons, and let them through. Around 500 people thus entered Kyrgyzstan.

Based on testimonies from refugees, the ODIHR considers as realistic estimates that a total of 300-500 people were killed on 13-14 May in Andijan or en route from Andijan at Teshik-Tash.

## **Annex 2: Indictment (unofficial translation)**

The ODIHR was not given access to the indictment by the Uzbek authorities, but was able to obtain parts of the indictment from other sources. The indictment is written in Uzbek and consists of two volumes. The ODIHR obtained most of the second volume, which consists of the individual indictments against the 15 defendants. Each is 69-70 pages long. The ODIHR selected one individual indictment for unofficial translation (below), that of Abdulkhofiz Satimovich Gaziev.

[...]

**Gaziev Abdulkhofiz Satimovich**, born on March 4, 1961, in Andijan region, Uzbek by nationality, a citizen of the Republic of Uzbekistan holds certificate of secondary education, was engaged in a private job, a baker, married, has six children, no previous convictions, had lived in Hakan village, Andijan district and Andijan region before he was arrested on 7 July 2005 for security reasons. He is accused of committing a number of capital crimes, being a member of *Akromiya* movement of the international religious extremist organization “Hizbut Tahrir” since 1994 and having been poisoned by the ideas of establishing an Islamic state through seizing the existing state.

During the period when human rights and freedoms were violated in connection with the propagation and dominance of atheistic policy, and in the face of prosecution, some people because of their religious belief secretly carried out some religious customs. The international religious extremist organizations could see even in the 1970-80s how the people in Uzbekistan had a strong belief in Islam and how strong the religious rituals were, and that there was a gap in the religious education.

So far, the books, leaflets and other agitating means have entered the territory of Uzbekistan by the emissaries of the international extremist organization “Muslim brothers” headed by Said Qutb, “Hizb-ut-Tahrir”, headed by Taqiuddin ibn Nabkhoni, Abdul Hamid Zindoniy from Yemen, Mohamad Said from Saydia.

Sharing the religious extremist ideas, individuals such as Kadirov Rahmatilla, Mirzaev Abduvali, Kossimov Abdurashid and others translated these books into Uzbek, they spread the idea of creating the a common Islamic State, called the people who didn't obey their rules “kaffirs”, taught the young people who lacked sufficient religious knowledge about the radical Islamic states, and particularly the minds of young people were filled with these ideas and thus trained as religious partners. After obtaining independence the Constitution of Uzbekistan declared the freedom of belief in its Constitution and created all facilities to have faith in the religion.

However Mirzaev Abduvali and his disciples Yuldoshev Tohir, Hodjiev Jumaboy, as well as the supporters of religious extremist ideas Kossimov Abdurashid, Yuldoshev and others took advantage of the transitional social-economic problems and the ideological gap caused by the crisis of faith in Communist ideas, and the people's belief in Islam, to seize the existing constitutional state and to create an Islamic state. They established in 1991-1996 in the Fergana valley several religious extremist

organizations under the guidance of the world religious-extremist organizations “Al-Qout”, “Hizb-ut-Tahrir” and “Hizbi-narakatul Jihad”. In 1996 the members of the religious extremist organization “Adolat”, “Islamic renaissance party”, “Humanity” and others became the members of the religious extremist organization “Islamic Movement of Uzbekistan” set up by Tohir Yuldoshev.

Meanwhile, the international religious extremist organizations “Hizb-ut-Tahrir”, “Al-Islami” established by the active member of the Islamic organization “Muslim brothers” Takiuddin ibn Nabkhoniy secretly carried out its activities and set up its branches in the territory of Uzbekistan.

In 1991-1992, becoming the member of the religious extremist organization “Hizbut-Tahrir”, Yuldoshev Akrom, who become the strong religious partner under the influence of books impregnated with religious ideas, decided to carry out the idea of establishing the Common Caliphate in one region, specifically in the Fergana Valley, as advanced in the books of the organization “Hizbut-Tahrir”, “Nizamul Islam”, “Takattul”, “the personality in Islam”, “Islamic call”.

With a view to realizing his goals, Yuldoshev A. wrote a manual, “Road to devotion”, in 1993-1994, consisting of 12 lessons based on the extremist ideas depicted in the literature of the organization “Hizb-ut-Tahrir”, and in such a way he lay the ground for the religious extremist tendency which did not differ from the books issued by “Hizb-ut-Tahrir”. Like the “Hizb-ut-Tahrir” organization this movement advanced the idea of creating the common Islamic State first in the Fergana Valley, and then envisaged setting up the common Caliphate system of rule all over the world. With the aim of realizing his goals Yuldoshev A. firstly tried to involve the people by rendering humanitarian financial aid, and increased the size of his group. Groups consisting of 19-12 people were then organized by Yuldoshev A. in order to have them become the members of the religious extremist tendency.

A “creative circle” was set up with responsibility for guiding the members of this movement. Active members of this movement with leadership skills were involved. They brought to bear ideological influence on their criminal partners, found and showed the way to carry out criminal activities, and in order to put them into practice they created such leadership methods as “common subordinate”, “subordinate”, “brother”, “active”, “economic means”, “responsible”, “spiritual responsible”, and increased them in the geometric style. The “creative circle” comprised of 11-13 people that was guided by active members and leaders of the *Akromiya* movement.

The “creative circle” had become a consulting organ in organizing the activities, determining the objectives and solving the problems connected with the activity of the organization headed by the *Akramiya* general spiritual responsible person Yuldishev A., until he was arrested, whereupon Parpiev became the head of the organization. The duties of the “general spiritual responsible person” were to guide all the activities, to get reports from the “spiritual and financial responsible persons”, and to determine their objectives to ensure the complete fulfilling of all the orders. His status was equivalent to the Emir of an Islamic State.

“The general financial responsible person” controls the generation of 20% of the income of the *Akramiya* activities, the Baitul-Mall fund tries to widen the activity



size, to open new enterprises, to involve citizens by giving them financial assistance, and is responsible to the “general spiritual responsible person”. In its turn “the general spiritual, general financial responsible persons” at the level of the districts, regions are appointed by the “general spiritual responsible person”, Parpiev K.

According to *Akramiya* concept, there are five stages in achieving the utopian goal of building the Caliphate.

the “secret” stage to involve new members into their ranks;

the “financial” stage where financial assistance is given to impregnate the minds of the new members with the idea of creating the new Islamic State;

Ideological stage – to guide the involved people into the new organization and to direct their activities;

“The joint square” – to expand the *Akramiya* activities in a certain region;

“The Jadda” stage – to use force in seizing the existing state and to set up an Islamic State first in the Fergana Valley, then on its base to unite all the Muslims and then to create a Caliphate.

Thus the international extremist organizations “Hizb-ut-Tahrir”, “Tabligh”, “Adolat”, “The soldiers of Islam”, “Humanity”, “Islamic Movement of Turkestan” and other trends during the years 1990-2004 poisoned the minds of the poorly educated and inexperienced people by religious, extremist, separatist ideas and thus prepared a plan for attracting new terrorists as follows:

Under the guise of purifying the Islamic religion, misinterpret the sincere, peaceful, just and humane goals and principles of Islam and to prepare and spread the literature interpreting the ayats from the Quran serving their interests:

to spread information discrediting the domestic and foreign policy of the government and the activity of the state officials;

to persuade people to ignore the civilized rules of living in a secure society by encouraging them to consider them unacceptable to Islamic Sharia rules;

to make people dependent by giving them financial assistance;

to prepare governed partners with special literature and other mass media impregnated with the ideas of religious extremism and through them poisoning the minds of other persons with false religious imaginations;

to convince people to engage in armed struggle against people who do not share their ideas, calling them “kaffirs,” to encourage the use of all types of armed activities of Jihad and to stage a coup against the existing state and set up a new Islamic state.

During the period 1990-2004, the registered religion extremist organizations performed numerous capital crimes, terrorist activities causing the murdering of many innocent people aimed at seizing the constitutional state of the Republic of Uzbekistan.

For instance, the members of the religious extremist organization “Adolat” set up by Yuldoshev Tohir in the Namangan region, on the night of December 9, 1991 organized the mass riots and captured the administration building (*Hokimiyat*) of the region. On February 16, 1999 as a result of the terrorist and subversive activities organized by the international terrorist organization “Islamic Movement of Uzbekistan” 16 people were killed and 128 people were heavily injured. In 2000 the armed groups belonging to this international terrorist organization took many people

hostage, killed many citizens, the employees of enforcement organs and committed capital crimes by penetrating through Sorkondaryo and Tashkent region mountain regions with the aim of performing the subversive and terrorist acts in Uzbekistan.

Also in 2004, March 29-31, April 1<sup>st</sup> the members of the international religious terrorist organization “Al-Qoid”, “Hizb-ut-Tahrir”, “Islamic Movement of Uzbekistan” set off explosions, killed many innocent people in Tashkent city, Tashkent and Bukhara regions. As a result 14 people died, 9 of them employees of the Internal Affairs Department, and 38 people were injured, of whom 24 were the employees of the of Internal Affairs Department.

In 2004, July 30<sup>th</sup> this criminal group performed a terrorist act in front of the Israeli and USA embassy buildings, and the Central Prosecution office of Uzbekistan. As a result 4 people died, 2 of them the employees of the Internal Affairs Department, one an executive worker for MXX, and 9 people were injured, 5 of them employees of the Prosecution office and 2 employees of the Internal Affairs Department. Though many members of this criminal group were take into court, some of them, for example Yuldoshev Tohir and Hodjiev Jumaboy, deserted first to Tajikistan, then to Afganistan, Pakistan in order to avoid being charged and to continue their criminal activities abroad under the supervision of their ideological leaders and are still continuing with their criminal activities with the aim of seizing the state in Uzbekistan. At present these religious extremist and terrorist organizations and movements are united into one with one aim – to set up the single Caliphate and are carrying out extremist, terrorist and separatist activities.

At the same time, after the collapse of the Soviet Union, some foreign forces have aimed at making the newly independent Central Asian states, particularly Uzbekistan, colonies and in this respect they have performed numerous suppressive acts under a well-thought out strategic programme. These foreign forces under the guise of protecting human rights via some foreign and local non-governmental organizations and mass media distributed various false information and gossip discrediting the reputation of the government and state, they created favorable conditions for performing terrorist and suppressive acts, terrifying the people, undermining their believes in democratic reforms, and to destroy the social and political situation and achieve a resulting coloured revolution as occurred in Georgia, Ukraine and Kyrgyzstan. These forces tried to undertake acts as follows:

to distribute false information via mass media about the government, which did not share their ideas, to discredit the existing constitutional state, to expand doubt into the perspectives of the ruling governments and worldwide unity;

to arouse the spirit of popular disagreement towards the administration by means of intensifying the process of democratization.

The center runs under the guidance of the foreign forces, located in Afghanistan, Pakistan and the head-quarters of Islamic Movement of Turkestan, located in London and their branch “Akomys” religious and extremist movement created by the citizens of Uzbekistan and Kyrgyzstan tried to destabilize the political situation and afterwards to set up a puppet government serving their interests. So, in August 2004 foreign forces, also “Islamic Movement of Turkestan” headed by T.Yuldoshev, the founder of the religious extremist movement, Yuldoshev Akrom, his disciples in Kyrgyzstan and in Russia. Yuldoshev Akrom, the founder of the religious extremist movement, who was serving his sentence for religious extremist activities, his

disciples from Uzbekistan, Kyrgyzstan and Russia, Parpiev K., Sabirov M., Khamidov F., Kossimkhujaev K., Shakirov Sh., the citizen of Kyrgyzstan Mamadaliev A. and others were united, formed armed groups and planned to undertake terrorist suppressive acts in May 2005 in Uzbekistan with the aim of capturing the state.

According to “the programme” of the foreign forces taking advantage of the worsening situation in Kyrgyzstan, dominating the indifferent mood of the employees working in the administration of organs of the Osh and Jalolabad region bordering on Andijan region, terrorist acts were planned to perform in Andijan region and *Akramiya members* were selected as performers of this act.

The leaders of the criminal association – international terrorist Tohir Yuldoshev, the leader of the *Akromiya* movement Akrom Uldoshev, the leader of this movement in Kyrgyzstan and Uzbekistan Mamadaliev A., Parpiev S., in order to establish an Islamic state in the regions Fergana Valley of Uzbekistan, Osh and Jalalabad regions of Kyrgyzstan, and Soghd region of Tajikistan, outlined the following objectives. It was planned that the “Islamic Movement of Turkestan” should stage the *coup de - état* with weapons, after the start of the terrorist acts they should invade Uzbekistan territory through the Batkent region of Kyrgyzstan and continue the armed riots; The organization “Hizb-ut-Tahrir” is responsible for creating the appropriate situation and unstable environment step by step for performing the terrorist acts for the following reasons:

With the aim of awakening the people’s sympathy by means of foreign mass media and some organizations which operate under the guise of protecting human rights they spread rumours and false information stating that *Akramiya members* have been unjustly prosecuted by law-enforcement bodies and asserted that such a movement did not in fact exist; in order to spread the belief they organized the riots and dressed the participants like intelligent citizens and used these facts for mass media attack.

To co-ordinate the fighters’ activities in Andijan were religious supporters from Kyrgyzstan, Uzbekistan in Fergana Valley.

Taking advantage of the unstable situation in Kyrgyzstan, the indifferent attitude of the administrative bodies of Kyrgyzstan, to set up training grounds and bases for training terrorists in their region and to ensure the access of the association members to Uzbekistan.

To support financially the religious extremist groups located in Omsk and Ivanova regions of Russia and to organize negotiations with Chechen soldiers and to have them participate in future planned activities.

To determine the sites for riots in advance, to organize observation, to collect the necessary information, to perform riots and attacks.

To arm up all the members of the criminal association with weapons, to deprive the officials from the weapons and to liquidate the resisting forces during attacks.

They planned to capture state officials alongside ordinary people, and thus try to put conditions to the local government in case their demands are not satisfied they will encourage the crowd and increase the criminal acts. If the armed attack fails they will envisage setting up a camp in the Osh district of Kyrgyzstan bordering on Uzbekistan and to stay there as refugees.

They planned to discredit the independence of our country before the world through publishing all kind of fiction and rumours in order to accuse government bodies of performing the criminal acts and murdering innocent people.

They also envisaged expanding the riots by creating an unstable situation by involving criminal elements who were to perform the following acts: fires, robbery and riots.

On this basis they distributed the false information that the government forces undertook armed measures against the common people. According to the created conspiracy the organizers of the criminal group should:

persuade the people that *Akromiya* religious extremist movement does not exist, that *Akramiya* members in fact are people devoted to Islam and are victimized by the state bodies; with a view to involving the common people they organized pickets and had the participants dress as intelligentsia, so as to achieve the mass media attack;

To arm up the group members completely and in order to acquire the state officials' weapons first they should attack the border officials in Andijan region, then to attack the military points located in the town 44086 and 7377 and to disarm them;

To attack the jail -64/T-1 and to free the like-minded persons and to capture the main administration buildings.

They planned to attack the military unit 7379 located in Balikchi district; to seize the explosive chemicals stored there, to expose the tunnel, to capture the tele-radio company and airport, to isolate the Fergana Valley from the centre and to set up a new government;

They planned to attack the military unit No 7354 in Tashkent city and to seize the weapons; also they intended to release their leader A.Yuldoshev and N.Umarov who were serving their sentences and to return them to their ranks;

They involved their close relatives and friends in terrorist acts with threats and organized the pickets round the administration building and used them as "human shields" to show that their activities were encouraged by the common people.

Parpiev K. and the citizen of Kyrgyzstan Mamadaliev A. were appointed as the leaders to coordinate the terrorist activities. According to the plan of conspiracy the leader of the criminal association in Kyrgyzstan A.Mamadaliev, the members of *Akramiya* trend in Kyrgyzstan Republic Osh and Jalolabad regions, Mamasadikov H.K., Toichiev R.U., Teshaev A.R., Mamadaliev A.A., Mamadaliev M.A., Mamadaliev B., Mamadaliev A.A., Sabirov K., Shamshidinov T., Mavlyanov M.R., Karimov K.U., Orunbaev D.M., Mamasadikov K., Mullajanov R.R., Uraimov S.S., Kassemov S.U., Karimov, Khakimov O.H., Rahimov F.H., Turaev H.H., Urunbaev R.M., Uraimov A.C., Buraev S.S., Turdukulov J.A., Ganiev L.A., Ganiev B.A., Isamidinov A.I., Yangiboev I.I., Yuldoshev A.K., Kodirov R., Mirzoev A.K., Ashurov T.T., Kayumov T.A., Imankulov, Burkhanov J., Ergashev, Mamasodikov I.K., Kuchkarov U.E., Karimov P., and others were provided with weapons bought at the expense of the criminal association.

Like this Parpiev K. in January-April months of 2005 in Andijan, Samarqant, Tashkent, Fergana Valley and *Akramiya* members Khajhiev Ilkhom, Khajhiev Tavakall, Akbarov Gairat Jabborovich, Kossimov Lutfullo Abdullaevich, Mirzokosimov Abdukamol, Akhmedov Bahrom Nomanjonovich, Gaziev Abdulkhofiz, Shakirov Bahrom, Shokirov Asadullo, Saidamir Khanivich, Kholmirezoev Orifjon Egamberdievich, Iminov Bakhtiyar Karimovich, Shokirov Hasan Bahromovich, Tursunov Shuhratbek Saidmahmadovich, Sultonov Adilbek

Abduraimovich, Ismoilov Ibrohim, Boltuboev Abdulahat Nurridinovich, Mamadaliev Abdulaziz, Ergashev Botir Tursunboevich, Nosirov Shuhrat, Razzakov Khurshedbek, Nemat-Khajhiev Dilshodbek Numanjonovich, Akhmedov Mahmudjon Mamadkhonovich, Kayumov Mamadali Ibragimovich, Usmanov Alisher Mamadalievich, Rozzikov Shuhrat Nematjonovich, Jabborov Mirzobedil Kozimovich, Bakiev Vohid Mamadjonovich, Turdiev Bahtiyor, Bahromov Muhammadjon, Valiokhunov Sanjarbek Satvoldievich, Askarov Shohruh, Unuskhujayev Ilkhom Muhammadayasaevich, Nodirov Hallillullo Habibullaevich, Nodirov Azizullo Shukrulloevich, Nodirov Saifullo Shukrulloevich, Karimov Abdusamat, Abdukarimov Abdumhammad, Nodirov Hafizullo, Toshpulotov Ahmadjon, Muidinov Bahobur Najmiddinovich, Nodirov Rahmatillo Kutbillaevich, Nodirov Hayotullo Ahmadulloevich, Tirkashev Rasul Risliqbaevich, Dadokhujayev Nematillo Jaloliddinovich, Kachkarov Ibrahim Nurridinovich, Yakubov Abdurashid Abduvohidovich, Mamadrasulov Abulboqi Boisjonovich, Kuchkarov Ismailjon Nurridinovich, Boltuboev Abdulboqi Nurridinovich, Kazimov Zainobiddin Zohidovich, Ergashev Mahmudjon Mirzobahriomovich, Boltuboev Abdukhaliq Nurridinovich, Pirmatov Inomjon Rahimjonovich, Rahmonov Kozimjon Bozorbaevich, Mirzaev Marufjon Ergashevich, Mirzaev Mirzohidjon Ergashevich, Bakiev Nozimjon Komiljonovich, Dadhodjaev Izzatullo Nosirovich, Muinjonov Ismoil Athamovich, Tadjimatov Fahritdin, Samadov Dilshodbek Djimaevich, Pirmatov Rasul Rahimhonovich, Turgunov Utkir Odilovich, Gofirov Kobil Obidjonovich, Holmirzaev Mihitdin Muidinovich, Holmatov Kenjaboy Teshaboevich, Dadhodjaev Nasibillo Nosirovich, Turakulov Mansur Madamainovich, Ashurov Odil Rakhmonovich, Dadhodjaev Nusratullo Nosirovich, Akbaraliev Akmal, Golibov Tohir Abdurazakovich, Dadhodjaev Sherillo Nosirovich, Ashurov Kobil Kimsanovich, Yusupov Oybek Rafikovich, Husanov Latufjon Kushokmirzaevich, Mullaboev Nodir Mahkamovich, Abdurahmonov Abdusalom Turgunboevich, Rahimv Negmatullo Egamberdievich, Buvahujaev Alijon Murtazaevich, Sharofitdinov Djahongir Mamadovich, Yuldoshev Mirkomil Tursunboevich, Kurbonov Dilyor Madamainovich, Turgunov Sanatbek Oripovich, Djuraev Ozodbek, Ibrogimov Abdumalik Ergashevich, Ismailov Dilshod, Hodjiev Ikrom Numonjonovich, Umarov Yunushon Najmetdinovich, Turdiev Bahrom, Salimahonov Husan Yusufahunovich, Muminov Bahodir Kasimjonovich, Karimov Doniyor Saylaevich, Saidamirov Rusta, Saidamirov Avazhon, Egamberdiev Tavakal, Murodov Sherzod, Rasulov Maruf, Abdumalikov Abdurahmon, Kodirov Ilkhom, Ahmedov Ikbol Uzokovich, Nuritdinov Fahritdin, Mirzojonov Sharofitdin, Holinazarov Muftohitdin, Muminov Muhamadjon Gafurovich, Ergashev Turgun Odilovich, Hujanazarov Tuychiboy Hoshimovich, Djumabaev Abdurahmon Tojiboevich, Haitov Saoibjon, Shokirov Hayrullo, Botirov Mirzorahim, Kimsanbaevich Yusupov Azizbek Umarovich, Kodirov Azizbek Muhamadjonovich, Sultonov Zokir Sharipovich, Ohunov Mamadjon Tursunovich, Sultonov Mirzohid Sharipovich, Kodirov Abdulhafiz Abdumutalibovich, "Dilshod", Karimov Bahtiyor, Ismoilov Diyorbek Yusupovich, Kodirov Abdurahim Abdumutalibovich, Samadov Kobil Kodirovich, Tilloboev Abdukahor, Kazanov Nozimjon Komilovich, Muhitdinov Husan, Maripov Kobil Orifjonovich, Ismoilov Azam Gullomovich, Rajabov Obidjon Ergashevich, Ismoilov Kahramon, Dadhodjaev Omatillo Djalolitdinovich, Ruziev Umid Tilloevich, Nizomov Ikboljon Ilkhomovich, Ubaydulloev Ismatillo, Tursunov Askarjon Ermanbaevich, Hamrakullov Komil Djumaevich, Kosimov Kozim Djamolhonovich, Kodirov Djamshed Abdumutalibovich, Ahmadaliev Abdumuhtor Abdukahorovich, Mirzoboev Botir

Hursanbekovich, Zulunov Hairullo Sotiboldievich, Dadoboev Djamolitdin Sharobidinovich, Kayumov Abdumuhtor Abdumunnaboevich, Karimov Abdumajid Abdumanonovich, Matkarimov Zokir Akbarovich, Mamarasulov Abdumalik Boisjonovich, Ochilov Dilmurod Rahmatulloevich, Kodirov Hodimjon Hakimjonovich, Rahimov Odiljn Mashrapjonovich, Djaborrov Nodirbek Tulkinbekovich, Ahmedov Marufjon Mamadjonovich, Mamadjonov Gafurjon Tulkinovich, Nodirov Abduvohid, Nodirov Akram, Karimov Shodmurod, Mirzokarimov Bahtiyor Mirzokodirovich, Yuldoshev Dilshod Zulunovich, Tulakov Shokir Kobiljonovich, Arslanov Oybek Akbarovich, Bozorov Lutfullo Abdumajidovich, Rejapov Odiljon Ergashevich, Rejapov Nozim Ergashevich, Holmirzaev Odiljon Mirzorahimovich, Holmirzaev Ravshan Mirzorahimovich, Faizitdinov Abduvalli Djuraevich, Turanov Uktam, Turanov Abdurashid Abdusamadovich, Umarov Bobir Toshpulatovich, Yusupov Ilkhom Yusupovich, Rahmonov Obidjon Adashboevich, Abdumalikov Shuhrat Abduvakosovich, Mamadaminov Sandjar Ruzibekovich, Zokirov Sharobitdin Hamidulaevich, Tursunov Husanboy, Islomov Farhod Abduvohidovich, Turdiev Salohitdin Tuktasinovich, Ismoilov Husanboy Athamovich, Karimov Abdumuhtor Abduvahobovich, Abdulloev Avazbek, Ataboev Magamadsoleh Shavrukovich, Nazarov Mahmud Ahmedovich, Abdulkhamidov Ilkhom Abdulazizovich, Nishonov Muhammad Solijonovich, (Omadjon) Bozorboev Ulugbek Anorboevich, Ismoilov Abduvahob Yuldashevich, Ismoilov Omadbek Mansuralievich, Turdiev Azamhon Tuktasinovich, Isakov Salimjon Usmanovich, Hodjaev Kahramon Hurillahodjaevich, Mirzojonov Kobiljon Mullojonovich, Abdulloev Hairullo Habibuloevich, Karimov Abdumutalib, Yuldashev Abdufotoh Uzakovich, Mashrapov Komil Mamadsodikovich and others, from Samarkand region Mansurov Kahor Nematovich, Ravshanov Mahsud Ostanokulovich and others.

From Tashkent oblast Mallaev Usmonalli Boymurodovich, Mallaev Rustam Boymurodovich, Mallaev Askarali Boimurodovich, Mallaev Shorofitdin Haidalievich, Mallaev Holdor Boymurodovich, Kuysunov Issomitdin Muhamadovich, Kuzinov Halimjon Hamidullaevich, Kuzinov Akram Hamidullaevich, Omonov Farhod Yulchievich, Mallaev Hayidalli Boymurodovich, Mallaev Hudoyberdi Boymurodovich Mallaev Muhamadjon Hayitilloevich, Kuzinov Saidullo Tolibovich, Mamayunusov Tulkin, Dadabaev Athamb, Tursunov Athambek Mahsimbekovich, Ismailov Botirjon Kenjaevich, Yunusov Nabijon Tursunovich, Caidulloev Dilshod Norhudjaevich, Mamayunusov Bobir Tustamovich, Imomov Yunus Dultabosovich, Abdusamatov Zokir and others. From Fargona region Abdusamatov Zokir, Parpiev Muhamadjon Gofurovich, Ismoiljon Urmanovich, Fozilov Kosim Numonovich, Meliboev Otabek Yusupovich, Parpiev Ahmadjon Gafurovich, Kambarov Abdulatif Ergashevich, Shokirov Doniyor Zokirovich, Holikov Muhamadjon Obidovich, Toshpulatov Husan Abosovich, Mahmudov Abduhakim Erkinovich, Hamzaev Hasanjon Hamrolievich, Mamadjonov Utkir Yuldashevich, Tursunov Yusufjon Kosimovich, Erkaev Mamirjon Dehkanbaevich, Soliev Nabijon Karimovich, Turdaliev Nosir Muhammedovich, Sharipov Abdumalik Muhammedovich, Rahimov Muhtor Abdusamadovich, Erkinov Kamol Erkinovich, Kuziev Abdurahmon Ravshanovich, Parpiev Ahmadjon, Sattorov Azam Shavkatovich, Ahmedovmubashir Abdullaevich, Khakimov Muyidin Nutmanovich, Akramov Ahmad Akbarovich, Azizov Ahmadali Abdulaevich, Mamadiev Ahror Tursunovich, Abdurahmonov Alisher Anvarovich, Nabiev Erkin Tulkunovich, Madaliev Abduhamid Rafikovich, Mahmudov Ilkhom Muhamedovich, Toshmatov Shuhrat Kayumovich, Hudoyberdiev Dilshod Kurbanalievich, Mahmudov Abror Odilovich, Turanbaev Abdurashid

Tuhtasinovich, Ashurov Tohir Melikuzievich, Akromov Madolim Obidovich, Muydinov Dilshod Turgunbaevich, Pozilov Mirzobek, Gofurov Hasanboy and during the investigation it was not identified the personalities “Vohidjon”, “Erkin”, “Odil”, “Sharof” and others. From Tashkent city Maksudov Hasanboy Samsakovich, Turapov Khusanjhon Khakimovich, Aliev Ekubjon Bahtievich, Abdurazakov Gaibullo Abdullaevich, Kaminov Najot Rustamovich, Mingaliev Rashid Rahimdjanovich, Madaliev Ravshan Anvarovich, Madaliev Ibrohim Anvarovich, Turdiev Muhsinjon Muhamedjanovich, Mahmudov Umedjon Ubaidullaevich, Ibrohimov Rustam Ismailovich, Boltahodjaev Furkat Saidburhanovich, Boltahodjaev Farhod Saidburhonovich, Saidov Dilmurod Kobulovich, Bobomirzoev Madamin Dedamirzoevich, Kurbonov Bahtiyor Shavkatovich, Kurbonov Mamurjon Mahmudovich, Shoyunusov Bahodur Badalovich, Saidulloev Saidakbar Odilovich, Rahmonkulov Shamshod Rahimjanovich, Pulatov Hushnud Ilyasovich, Tuhtamatov Azizbek Avazbekovich, Oripov Dilmurod, Masharipov Edgor Sobirovich, Kaminov Sherzod Najodovich, Abdusamatov Ibrohim Hamidulloevich, Patohov Obid Negmatulloevich, Mamayunusov Tulkin Mamadalievich, Tulaganov Sherzod Muhitdinovich, Mirdadaev Zohid, Abdurahmonov Abduaziz, Abdurahimovich, Kurbanov Bahtiyor Shavkatovich, Mirrahimov Umid Yuldashevich, Yusupov DjamshedRiksibaevich, Maksudov Hairull, Saidullaev Saidmurod Ortihodjaevich, Zokirov Ravshan Rahmatjonovich, Yunushodjaev Kudrat, Muminov Rustam Erkinovich, Mallaev Bahodir, Yunushodjaev Ilkhom, Karimov Abdusamad, Abdukadirov Abdumuhamad, Saidullaev Dilshod and others were involved to perform the planned acts.

Taking advantage of the unstable situation created in Kyrgyzstan and the indifference of the state officials in Osh and Jalalabad the leaders of the terrorist movement organized the training centre in January 2005 in the village Teka in 23 school named after Panfilov for conducting the military instructions. At these bases under the guidance of unidentified persons “Mamed” from Chechnya and “Zohid from Kyrgyzstan also I.Khajhiev the members of the religious extremist movement Mamadaliev A., Mamadsadikov H.K., Tuichiev R.U., TeshaeV A.R., Mamadaliev A.A., Mamadaliev M.A., Mamadaliev B.A., Mamadaliev B.H., Sobirov Q.I., Shamsiddinov I.T., Mavlanov M.R., Karimov K.U., Orunbaev D.M., Mamadsadikov K.K., RAhimbabaev E.A., Rahmanov A.M., Mamadrahimov I.K., Yangiboev I.N., Mullajanov R.R., Uraimov S.S., Kasimov S.U., Karimov Sh.H., Uraimov A.S. Buvaev S.S., Turdiqulov J.A., Ganiev L.A., Isomoddinov A.I. Yangibaev I.I., Yuldashev U.K., brothers Sharif, Hasan and Husan Shokirovs’, A. Gaziev and others passed the military and physical training in January-April 2005.

During the training exercises the members of the association learned how to make explosive devices and use them accordingly, to use various weapons, to conduct military activities, to practice martial arts and oriental wrestling techniques. A great deal of money was allotted by foreign forces in order to finance the criminal association’s activities.

For example Yuldoshev T. passed to the member of this association Kossimkhodjaev residing in the city Ivanovo, Russia 200,000 US dollars via an unidentified person to perform terrorist acts. The member of this criminal association Khajhiev Ilkhom took this money from Kossimkhodjaev K. and arrived in Uzbekistan avoiding the customs check-point. According to the evidence of the accused Hajiev I. on July 22, 2005 one

part of this sum 46,600 US dollars were freely given to him by Abdullaev N.A. and were confiscated as material evidence.

Besides the members of this association B.Akhmedov, Usmanov J. and others who were conducting their extremist activities during 2003-2005 years in Ivanovo and Omsk cities gathered 36,000 US dollars, Mamadaliev and others from Kyrgyzstan 42,000 US dollars and this sum of money was brought into the territory of Uzbekistan and was destined for the members of the criminal association.

Mobile phones had been purchased to provide constant communication between the leaders and the members to co-ordinate the activities of the armed groups during battles. For example the mobile with the phone number 380-66-47 from joint enterprise COSCOM was given to Maksudov H., the phone number 380-66-91, 380-66-92, 380-66-93 was given to Shousunov B. from PERFECTUM MOBILE joint enterprise the mobile phone 380-73-28 was given to Abdumavlonov Z., from UZDUNROBITA joint enterprise Satimov Sh. was given mobile phone 50-59-21, Parpiev Q. was given the phone number 29-74-63, Ahmadaliev A. was given the phone number 57-70-79, Khakimov A. was given the phone number 55-96-93, 57-80-74, Asranov R. was given the phone number 55-59-93, Turaev N. was given the phone number 57-74-80, Kodiraliyeva S. was given the phone number 57-74-19, Yusupov A. was given the phone number 74-93 56, 74-93-67, 74-93-85, Maqsudov H. was given the phone number 50-73-44, Turapov Kh. was given the phone number 335-91-54, Akhmedov H. was given the phone number 50-45-35, Tukhtamatov M/ was given the phone number 55-99-63, Ruziev U. was given the phone number 57-87-99, Rasulov H. was given the phone number 57-98-20, Nematov O. was given the phone number 50-99-46, from UNITEL joint enterprise, Khajhiev I. was given the phone number 703-34-99, Jalilov S. was given the phone number 703-62-35 and Khudoiqulov H. was given the phone number 738-18-50, which were officially legalized in order to use them as a means of communication with the aim of performing terrorist acts. Also with a view to providing fast transport for the terrorist crimes the religious extremist organizations purchased automobiles in January-March 2005 "Matiz" with the state number 17 N 52-82, "Damass" with the state number 17 P 19-56, Moscvich-412 with state number 17-51-41, "VAZ-2106" with state number 17 O 31-76, "Nexia" with state number 17 G 30-40, "Tiko" with state number 17 O 93-34, "Nexia" with state number 17 O71-07, "Damass" with state number 17 O 10-82, "Tiko" with state number 16 E 10-81, "GAZ" 24-10 with state number 17 D 08-08, "Damass" with state number 17 G 36-05, "Nexia" with state number 17 AH 282

The members of the criminal association Kozokov H., Dadakjodjaev, Rahmonov B., Ibragimov E., Qurbonov D., Akhmedov M., Khodjaev B., Yuldoshev I., Nuriddinov B., Rahmonov Botir, Ibragimov E., Rahmonov Sh., Mamadov A., Salimakhunov E., Abdusamadov A. used the owners of the above cited automobiles "Tiko" with state number 17 I 61-20, "Damass" with state number 17 L 88-66, "Tiko" with state number 17 F 64-10, "Damass" with state number 17 P 73-49, "VAZ" 21-06 with state number 17 L 12-54, "Damass" with state number 30 D 90-58, "Moscvich 21-40 with state number 17 O 66-24, "Damass" with state number 17 P 22-91, "BMW" with state number 10 B 72-45 in performing the terrorist acts.

The member of this association K.Parpiev in February 2005 set up the terrorist "headquarters" in the house of A.Shakirov, in Andijan, Boqishamal district, K.Niyazi Street with the aim of guiding and co-ordinating the terrorist activities and often



changed their place of address. The leader of the terrorist “headquarters” Parpiev K. assigned Sabirov M. and Khamidov F., the members of this criminal association, ex-soldier of the Soviet Army in Afghanistan to design the plan of attack and to guide the operations, Shakirov B., Shakirov H. and Shakirov Sh. were assigned to call the necessary data to perform the idea. Rahmonov B. was assigned to prepare terrorist activities and to finance them, Usmanov J was to supply the terrorists and extremists with weapons, Ibragimov Abduvossit and Maksudov H. were responsible for consulting in organizing the operations, Mallaev I. and “Mahmud” who was not identified during the investigation were to guard the headquarters and to provide the security, Kodirov H., Dadokhujaev H., Nodirov A., Abdullaev U., Kodirov A., were to carry out the various assignments, Khakimov A., Pirmatov I., Khodjiev I., Ibragimov A., Samadov K., Askarov Sh., Rahmonqulov Sh., Salimkhonov Sh., Shokirov, Dadokhujaev Sh., Ahmadaliev A., Umarov B., Khodjaev K., Shamsiddinov I., Maksudov H. were assigned to guide the armed groups.

The leaders of the terrorist organizations hoped to seize the government at the speed of lightning. With this aim the leader of the “terrorist” association Parpiev K. and its members Sabirov M., Khamidov T. were united with *Akramiya* and made groups consisting of 9-22 people. They determined the assignments as follows: under the guidance of Pirmatov Inomjon Raimjonovich, the members of the criminal associations Rahmanov Kozimjon Bozorbaevich, Mirzaev Zarifjon, Bakiev Nozimjon, Dadokhujaev Izzatullo Nosirovich, Muminjonov Ismoil Adhamovich, Tojimatov Fahriddin Saidahmadovich, Samadov Dilshodbek, Pirmatov Rasul and others were responsible to preserve the public order in Uzbekistan to attack the special jail UYA 64/T-1 with the aim of setting free the prisoners and involve them into this organized activities.

Under the guidance of Khakimov Alisher, the members of the criminal alliance Valikhanov Utkir Sativoldievich, Ismailov Ibrahim, Boltuboev Abdulahad, Mamadiev Abdulaziz, Ergashev Botir, Nosirov Shuhrat, Razzokov Khurshedbek, Karimov Abdusalom Khajhiev Dilshod, Ahmedov Mahmudjon, Kayumov Muhammadali, Usmonov Alisher, Rozikov Shuhrat, Jabborov Mirzobedil, Bakiev Nohid, Turdiev Bahtiyor and “Abdushukur”, who was not identified, should attack the military unit No 44086 then the jail “UYA” 64/T-1.

Under the guidance of Khajhiev Ilkhom Numonjonovich the members of the criminal alliance Akbarov Gairat, Kosimov Lutfullo, Mirzokosimov Abdukamol, Turgunov Avaz, Burkhanov Jakhongir, Muminov Nurmuhammad, Karimov Ilkhom, Mahmudov Babur, Kosimov Saidabbos, Yangibaev Izzatullo, Akhmedov Bahrom, Mamadaliev Bakhtiyor, Mamadaliev Akmal, Tashaev Azizullo, Urunboev Usmon, Mamadsodikov Ibrohim, Gaziev Abdulkhofiz, Isokov Bahrom were responsible for attacking the military unit 44086 then UYA- 64/T-1.

Under the guidance of Ibragimov Abdumalik Ergashevich the members of the criminal alliance Ibragimov Abduvohid, Ismailov Dilshodbek, Khajhiev Ikromjon, Umarov Yunuskhon, Koziev Rahmon, Parpiev Muhammad, Sattorov Azam, Akhmedov Muboshir, Khakimov Muydin, Akramov Ahmad, Azizov Ahmadullo, Mamadiev Ahror, Abdurahmonov Alisher, Nabiev Erkin, Madaliev Abduhamid, Turdiev Bahrom, Diyorov Hamidullo, Pozilov Mirzobek, Gafurov Husan and others were to attack first the military unit No 44086 then the prison No 64/T-1, release the prisoners and take them into their ranks.

Under the guidance of Samatov Kobil Kodirovich the members of the criminal alliance Tillaboev Abdukahor , Kazakov Nozimjon, Muhiddinov Husanboy, Maripov Kobil, Ismoilov Azam, Rajabov Obidjon, Ismoilov Kahramon, Dadokhujaev Omatillo, Ruziev Umed, Nizomov Iqbol, Ubaidulloev Ismatullo, Tursunov Askarjon, Hamrokulov Komil, “Abdumanob”, “Abdushukur”, “Ulugbek”, “Ismoil”, “Rahmatullo”, “Abdunosir” whos were not identified during the investigation and others were to assist the leading groups in attacking the prison No 64/T-1, the building of the Committee of National Security, Andijan administration building.

Under the guidance of Askarov Shohruh the members of the criminal alliance Aliev Bahodir Shavkatovich, Yunushojaev Ilkhom, Nodirov Hallilullo, Nodirov Azizullo, Mirrahimiv Umed, Yusupov Jamshed, Maksudov Hairullo, Saidullaev Saidmurod, Dadaboev Adham, Yunusov Nabi, Nodirov Saifullo, Zokirov Ravshan, Karimov Abdusamad, Abdukodirov Abdumhammad, Mansurov Kahhor, Ravshanov Masud and others were assigned to attack the military unit No 7377.

At the head of Rahmonkulov Shamshod Rahimjonovich the members of the criminal union Pulatov Khushnid, Nodirov Rahmatullo, Tukhtamatov Azizbek, Oripov Dilmurod, Saidulloev Dilshod, Mallaev Askarali, Mallaev Sharofiddin, Masharipov Yodgor, Kaminov Sherzod, Abdusamatov Abdurahim, Nodirov Hayotullo, Patahovobid, Mamayunusov Tulkin, Tulaganov Sherzod, Mirdadaev Zohid, Tirkashev Rasul, Dadahodjaev Nematullo, Abdurahmanov Abduaziz, and “Hairulla” who were not identified during the investigation were to attack the military unit No 7377.

At the head of Kuchkorov Ibrohim Nuriddinovich the members of the criminal alliance Imomov Sodik, Yakubov Abdurashid, Mamadrasulov Abduboki, Kuzinov Halimjon, Kochkorov Ismoiljon, Abdusamadov Zokir, Kuzinov Saidullo, Mallaev Holdorali, Kuisinov Isomitdin, Kuzinov Akram, Omonov Farhod, Mallaev Haitalli, Kuisinov Isomitdin, Mallaev Hudoiberdi, Mallaev Muhamadjon, Muminov Rustam, Mamyunusov Bobir, Imomov Yunus and “Mashrab”, “Akmal” who were not identified during the investigation were to attack the military unit 7377.

Under the guidance of Salimakhunov Husan Usufokhunovich the members of the criminal alliance Muminov Bahobur, Karimov Doniyor Sailaebvich, Saidamirov Rustam, Egamberdiev Tavakkal, Murodov Sherzod, Rasulov Maruf, Abdumalikov Abdurahmon, Kodirov Ilkhom, Ahmedov Iqbol Uzokovich, Nuritdinov Fahritdin, Mirzojonov Sharofitdin, Holiknazarov Muftohjon, Muminov Muhamadjon, Ergashev Tulkin, Hujanazarov Tuichiboy, Djumaboev Abdurahmon , Botirov Mirzorahim, Haitov Sohijon, Shokirov Khairullo, Botirov Mirzorahim, “Tohir”, who was not identified during the investigation, and others were to attack the military unit 7377.

Under the guidance of Shokirov Asadullo Saidamirkhonovich, the members of the criminal alliance Shakirov Husan, Sultanov Musajon, Parpiev Muhammadjon, Usupov Ismoiljon, Fozilov Kosim, Meliboev Otabek, Parpiev Ahmadjon, Shokirov Donyor, Holikov Muhamadjon, Toshpulotov Husan, Mahmudov Abduhakim, Hamzaev Hasanjon, Tursunov Yusufjon, Shokirov Ahmadullo, “Dildhod”, “Vohidjon”, who were not identified during the investigation, were to attack the Andijan region government.

Under the guidance of “Rustam”, who was not identified during the investigation, the members of the criminal alliance Boltaboev Abdulboy, Karimov Zainobiddin, Soliev Nabijon, Turdaliev Hosir, Sharipov Abdumalik, Ergashev Mahmudjon, Rahimov Mukhtor, Erkinov Kamol were to attack the regional government.

Under the guidance of Dadakhujaev Sherillo, the members of the criminal alliance Ashurov Kobil, Yusupov Oibek, Husanov Latif, Mullaboev Nosir, Abdurahmonov Abdusalom, Buvahadjaev Alijon, Sharofitdinov Djahongir, Kurbonov Dilyor, Djuraev Ozodbek, Rahimov Nematullo, Yuldashev Mirkomil, “Donyor” and others were to attack the regional government.

Under the guidance of Ahmadaliev Abdumukhtor, the members of the criminal alliance Mirzaev Barot, Dadaboev Jamoliddin, Kayumov Abdumukhtor, Karimov Abdumalik, Matkarimov Zokir, Achilov Dilmurod, Rahimov Odiljon, Djabarov Nodirbek, Ahmedov Maruf, Mamadjonov Gofurjon, Mamadrasulov Abdumalik, Nodirov Akrom, Karimov Shomurod, “Adaham”, “Abdurahim”, “Abduvohid” and others were to attack the regional government.

Under the guidance of Mamadaliev Akrom Adhamovich and the members of the criminal alliance from Kirgizstan Sabirov K.I., Karimov P., Rahinbabaev E.A., Orimboev D.A., Karimov Sh., Mullajonov R.R., Mamadaliev A.A., Khakimov O.N., Urainov S.S., Yangibaev I.I., Yuldashev U, K., Mamadsadikov I.K., Kuchkarov U.E., Mavlyanov M.R., Ergashev V.Y., Imankulov L.A, Tuichiev R.Y., Mamadaliev M.A., Mamadaliev B.H., Karimov K.U, Isamidinov A.i., Kodirov R., Ashurov T.T., Kayumov T.A., Umarov A.A., and others were to participate in seizing the local government.

Under the guidance of Umarov Bobir Toshpulatovich the members of the criminal alliance Yusupov Ilkhom, Rahmonov Obidjon, Abdumalikov Shuhrat, Mamadaminov Sanjar, Zokirov Sharobiddin, Tursunov Husanboy, Islamov Farhod, Turdiev Salohiddin, Tursunov Hasanboy, Ismailov Farhod, Turdiev Salohitdin, Ismailov Hasanboi, Karimov Abdumukhtor, Nazarov Mahmud, Abdulkhamidov Ilkhom, Nishonov Muhammad, Ismoilov Abduvahhob, “Kamoliddin”, “Ilkhom”, who were not identified during the investigation, were to attack the regional government.

Under the guidance of Hodjaev Kahramon Hurilhodjaevich the members of the criminal alliance Mahmudov Ilkhom, Toshmatov Shuhrat, Hudoyberdiev Dilshod, Mirzjonov Kobiljon, Abdullaev Hairullo, Mahmudov Abror, Soliev Nobidjon, Turanbaev Abdurashid, ashurov Tohir, Akromov Madolim, Mashrapov Komil, Erkinov Komil, Erkaev Mamur, Muidtinov Dilshod, Karimov Abdumutalib, Yuldashev Abdufatosh, “Sharof”, “Odil”, “Erkin”, who were not identified during the investigation, were to attack the regional government building.

Under the guidance of Shamsiddinov Igor Tukhtamurodovich, the members of the criminal alliance, the citizens of Kyrgyzstan, Buvaev Caparali, Turdikulov Jamoliddin, Ganiev Ravshanbek, Mirzaev Alisher, Turaev Holdor and others were to attack the regional government.

Under the guidance of Mirzokarimov Bahtiyor Mirzokarimovich the members of the criminal union Yuldashev Dilshod, Tulakov Shokir, Arslanov Oybek, Bozorov

Lutfullo, Rejapov Odiljon, Holmirzoev Odil, Holmirzoev R., Faizitdinov Abduvalli, Turanov U., Abdullaev Avazbek, Ataboev Magamadsoli, “Shavkat”, “Odil”, “Shohruh”, “Doniyor”, “Ulugbek”, who were not identified during the investigation, were to set up the APC around the Hokimiyat building.

Under the guidance of Yusupov Azizbek Umarovich the members of the criminal alliance Kodirov Azizbek, Sultanov Z., Ohunov Muhamadjon, Sultanov M., Kodirov Abdulhafiz., Ismoilov Diyorbek., Kodirov K., “Anvar”, “Dilshod”, who were not identified during the investigation, were responsible to position the armed people around the Hokimiyat building as well as to inform regularly Parpiev K. about the situation and terrorist activities by mobile telephone.

Under the guidance of Mahmudov Husanboy the members of the criminal alliance Aliev Yokubjon, Abdurahmonov Gaibullo, Kaminov Najot., Madaliev Ravshan., Madaliev Ibrohim., Turdiev Muhsinjon, Mahmudov Umedjon, Ibrohimov Rustam, Boltahadjkaev Furkat, Boltahodjaev B., Saidov Dilmurod, Kurbonov Bahtiyor, Kurbonov Mamurjon, Shoyunusov Bahodir, Saidullaev Saidakbar were to attack the military unit 7534 Uya 64/18 and release the Yuldoshev A. and the member of “Islamic Movement of Turkestan” organization Umarov N. in order to bring them to Andijan city for participating in this terrorist act.

Meanwhile the criminal organizations tried to win over public opinion in order to realize their criminal plans.

Twenty-three members of the religious extremist movement *Akramiya*, Tajihalilov R.A. Ibragimov A., Nodirov D., Maksadaliev A.H., Nazarov T., Igamov A.T., Mamadiev M.T., Shokirov Shokirjon, Atamatov Sh., Kadirov Sh., Zokirov H.U., Maksudov M.N., Babadjanov A.D., Akbarov O.D., Akparov R.D., Khamidov A.Y., Artikov M.S., Mirzoboev M.R., Azimjonov R.T. and others were accused of attacking the constitutional system of the Republic of Uzbekistan and the trial over them were used as an information attack and as a favourable and comfortable opportunity.

According to the “programme” of the foreign forces the religious extremist movement *Akramiya* was presented as if it did not exist, that this movement was thought up by the enforcement bodies, that the people who are called Aromys are in fact intelligent businessmen, who were unjustly prosecuted by the enforcement bodies and with a view to involving the masses, in February of 2005 they organized “pickets” in front of the building of Andijan town court.

On the instructions of the leaders of the criminal alliance the participants of these “pickets”, the *Akramiya* members and their relatives, were dressed in new dark suits, trousers, shirts with ties at the expense of the finance sent from foreign forces. They wanted to show that they were intelligent people who were busy in business and not involved at all in religious extremist movements.

Moreover, certain money and food was given to the common people by the criminal alliance members Parpiev K., Maksudov H., Kodirov H., Mirzokarimov, Kurbonov, Kuchkorov and others in order to increase the number of participants in the pickets and to keep them at the pickets. Also to make these well-planned inventions look true they gave declarations that the 23 members of *Akramiya* on trial, who denied belonging to the *Akramiya* religious organization were in fact businessmen and

religious men. In its turn the supporters of the religious extremist movement, the leaders of the non-government organization “Appeal” Zainabiddinov S., his assistant Shamsutddinov together with the members were engaged in gathering information, analysing and distributing frequently information to the foreign mass media, and human rights and protecting organizations about the unjust prosecution of these people by the state and violation of their rights, and provided false information.

Based on this information the correspondents of the BBC Monika Weetlock, Jenny Nork, Matluba Azamatova, Akhmedov Sharifjon, the correspondent of “Assosiated Press” Katrin Ganon, the correspondent of “Deusche Welle” M. Bensman, Bushueva Natalia, Volkov Vitaliy, S Zainabetddinov and others using the internet sites “Fergana.ru”, “Center Asia” published these non-objective facts and articles that caused the mass media sensation.

Particularly, on February 23, 2005 the special correspondent of BBC M. Azamatova held an interview criticizing the law protecting government bodies stating that the 23 persons on trial were not guilty, their guilt was not proved, that such an alliance did not exist, and that the active participants of the *Akramiya* movement Zainabetddinov S. and Shamsuddinov L., were absolutely not guilty.

Moreover, in April 5, 2005 Azamatova M. published an article about the movement of the nation and held an interview with the chairman of the club “Braves” Tadjibaeva Mutabar. During the interview Tadjibaeva Mutabar stated that she set up the non-governmental organization “Lawful Society”, that the law enforcement agencies were taking innocent people to court, that the deputies of the Oli Medjlis (parliament) were not examining all letters from people, she called for support of the Kyrgyz opposition and following the Kyrgyzistan citizens’ activities, to organize demonstrations.

Also on May 10, 2005 at 21:00 Azamatova M. spoke on the BBC radio programme in the Uzbek language commenting that the trial of the members of the religious extremist movement in Andijan, did not mention that the relatives of the *Akramiya* religious group had been picketing the court since February 10, 2005. She said that they organized a demonstration before the court building only before the verdict was declared on May 10, and cited an incorrect number of participants in the demonstration with thousands of people. In her speech relating to the evidence of Zainabiddinov S. the representative of the “International crisis Group” a US citizen, Michael, underlined that these demonstrations were evidence of popular unrest and that they could cause economic crisis in the country.

Furthermore, on the 11 May 2005, Matluba Azamatova published an article to the correspondent of the organization “World and Peace Institutions” in which she claimed that the number of participants in the demonstration was 4,000 in favour of the 23 people in the Andijan court. In her article she said that 4,000 people were ready to attack.

Once again S. Zainabiddinov published his provocative article in April 2005 on the Fergana.ru site stating that 23 members of the movement were groundlessly accused and discredited by the officials of the Uzbek security service and this was his contribution to the mass attack.

Also S. Zainabiddinov took an active part in the trial over 23 *Akramiya* members in April 8<sup>th</sup>, 2005. At Fergana.ru site published his article called “Interpretation #1”, in which he tried to show the formation of *Akramiya* described in “Andijonnoma” (Andijan notes) which is published by regional publishing house.

Besides, in order to discredit the activity of law-enforcement officers Zainabiddinov published an article in which he tried to prove that the founder of the religious extremist movement, Yuldoshev Akram, who was serving his sentence according to the verdict of the court was jailed wrongly and that the sentence which was passed to him was unjust.

On 9 May, with the aim of arousing scepticism about the activities of the administration officials Zainabiddinov published an article saying that this movement did not exist, that the accused persons were only co-prayers and colleagues in business activities.

In view of create false ideas about three accused Akmomys and to discredit the actions of the state law-enforcement officials the correspondents of the German radio program “Deusche Welle” Nataliya Bushueva and Vitaliy Volkov distributed the article by e-mail stating that the *Akramiya* members were groundlessly accused and that they were good businessmen.

In order to give political colour to the organized pickets taking place in Andijan town guided by the leaders of the religious extremist movements and to outline that these demonstrations had been supported by the people and also to show that the accused persons were honest businessmen, on 11-12 May the BBC correspondent Jenny Norton published on the Internet an article where she claimed that the people gathering before the court building had been very active and were ready to do anything, and that consequently revolution was certain in the very near future.

Another BBC correspondent Valeri Pankrashin in his radio broadcast in Russia in 11-12 May 2005 at 6:00 a.m and 6.10 a.m commenting the trial over *Akramiya* members in Andijan city to show those people were businessmen, that there was no such *Akramiya* religious movement, that they were innocent people and like other correspondents indicated deliberately the wrong number of people gathered before the court building at from 3,000-5,000.

Moreover, at the instruction of the criminal alliance’s leader K Parpiev on 6 May 2005 the members of the religious extremist movement *Akramiya* in Tashkent Aliev Y. O, brothers Mamur and Hakim Kurbanovs, B.Kurbanov, Madaliev I, Saidulloev S, Bobomirzaev M, Boltakhujaev F, Abdurahmonov F, Mirrahimov U, and the family members of *Akramiya* held a press conference in the office of the international organization “Freedom House” in Tashkent with the participation of its leader Branka Sesto, the representative of the organization Human Rights a woman named Karlo, the BBC correspondent Azamatova M, the correspondent of “France Press” Askarov Yu., the United Press correspondent Kozlova, the “Radio Liberty” correspondent Bahamov F., the leader of the non-governmental organization “Uzbekistan human rights protection” Yakubov T, the leader of the security “Ezgulik” Innoyatova and Rizaev I – the leader of the branch of Ezgulik society in Sirdaryo.

Though the members of the criminal alliance Kurbonov B, Alieva, Shounusov B, Martaliev I, Sautulloev S, Bobomirzoev M, Boltakhyrov F, Abdurahmonov F were not arrested, they claimed at the press conference that the investigative bodies made them give evidence, arrested them unlawfully, and they tried to claim that they had

not been members of this religious extremist movement and thus attempted to discredit the law-enforcement officials and make people doubt them.

Meanwhile the members of the criminal alliance in Tashkent city and Tashkent region, in Osh and Jalalabad region of the Kyrgyz Republic, in Ivanova city in Russia began to assemble to Andijan city in order to participate in pickets.

Likewise in February – May, 2005 Sabirov M, Turgunov A, Yunushojaev I, Tuhtamatov A., Oripov D., Zokirov S., Pulatov H., Pattahonov O., Abdusamatov A., Mirdadaev Z., and others. From Tashkent, brothers Imanov Sodik, Alisher and Yunus, brothers Kuzinov Saidullo, Khalimjan and Akramal brothers Mallaev Rustam, Haitalli, Hudoybergan, Ismonali, Holdorali, and Askarali, brothers Mallaev Sharofitdin and Muhamad, Dadabaev A., Mamayunusov T., Kuisinov I., Mamaunusov B., Ismailov B., Tursunov A., Omanov F., and others. From Fergana region Akhmedov M.A., Abdurahmonov A.A., Boimatov M.N., Kadirov B.B., Kadirov M.B., Kurtasanov B.D., Karabaev M.M., Kambarov A.E., Meliev U.U., Madjidov D.I., Mamadiev A.T., Mamadaminov D.K., Madaliev A.R., Mahmudov I.M., Meliboev O.Y., Nabiev E.T., Nazarov A.K., Nishonov J.U., Parpiev M.G., Rahimov R.U., Rahimov M.A., Soliev G.K., Satarov A.Sh., Tashpulatov Sh.R., Toshmatov Sh.K., Turdaliev M.N., Tursunov Y.K., Fozilov K.N., Holikov M.O., Hudoiberdiev D.K., Shokirov D.Z., Mahmudov A.O., Hamzaev H.H., Mirzoboboev U.M., Mirzoboboev B.H., Rahmonov R.H., Urunov M.T., Yuldoshev, Yuldoshev G.V., Madaliev M.M., Ahmedov K.K., Gafurov E.T., Toshhudjaev A.A., Hamidjonov U.Yu., Yusupov U.Yu., Sultanov M.K., Akramov M.O., Ahmadvulov A.A., Kasimdjanov R.R., Hamzaev H.H., Mahmudov A.O., Amanov T., Ashurov B., Kurbonov B., Madaliev M., Iskandiyarov Z., Turanboev A., Soliev N., Ergashev A., Jumanov B., Raufov M., Mamazokirov Z., Ermatov Z., Mahmudov A., Akramov A.O., Pozilov M., Toshpulotov Sh, Kurbonov., Mahmudov A.E., and others using the vehicles, from Kyrgyzstan Republic Ergashev B., Imonkulov I., Mamasodikov, Burkhanov J., and others arrived in Andijan.

According to the plan to participate in terrorist activities the members of the criminal organization were hosted and carried out physical training in house 20 on Kory Niyozzi street-3, Boghishamol district, Andijan town, belonging to Shokirov Bahrom.

For example Ibragimov Abdumalik hosted 5 out of 15 members of the religious extremist movement. In his house at the address 13, Shermatov street, Boghishamol street, A Hadjaev hosted 4 members, in his house at the address T.Shermatova (Bikov) street 3, and 5 members were hosted in the house of D.Ismoilov by address T. Shermatov street 13 and conducted physical training in deserts in the Boghishamol district.

The leaders of the terrorist acts bought arms and weapons to be used in struggles. For example in April, 2005 at the instruction of Parpiev K the member of the criminal alliance Khajhiev Ilkhom from Shahobiddin, who was not identified during the investigation, the citizen of Kyrgyzstan bought 24 AKS and AKM sub-machine guns, 3 pistols, 24 cartridge clips and bullets for 31,000 US dollars and asked Mamadaliev A. to store these weapons until the start of the terrorist acts.

On 8 May at about 21.00 the members of the criminal alliance the citizens of Kyrgyzstan Republic Mamadaliev A, Karimov F. drove an automobile to the border with Kyrgyzstan, the Jalolkhudja district of Uzbekistan and handed them to the criminal alliance members Rahimov B, Shakirov Sh, Khakimov, Ismoilov I, Dadokhujaev O and Karimov. All these above-mentioned weapons were brought by automobile “Damas” with state number 17M 54-89 owned by Shakirov and placed in

the store-house of the “Office-Line” organization located in Boghishamol daha, of Andijan town.

At the same time, on 7 May, 2005 on the instructions of Parpiev K. the member of the criminal alliance Khamidov F. through his acquaintance Ghafurov H. made negotiations for the purchase of 10 sub-machine guns, 10 Makarov pistols, two shooting rifles and bullets from Tajikistan, but for reasons uncertain and because of the starting of the terrorist acts before the fixed time he could not complete the planned activities.

On 12 May 2005 Parpiev K and Khamidov F. met with the member of the criminal alliance from Kyrgyzstan Mamadaliev A. in Osh town and bought 2 handmade pistols for 1,500 US dollars from unidentified persons, and passed crossed by illegal rope over the “Shahrikhonsoy” canal to Andijan region.

On 4-9 May 2005, at the instruction of Parpiev K. and Sabirov M. the criminal alliance members Khujanazarov T, Nassirov Sh, Khakimov M, Kuziev R, Khakimov A and Ibragimov Abdumalik thoroughly studied the location of the military units in Andijan 44086, 7377, 7379 in Balikchi district, the Andijan region administration and the law-enforcement office, tele-radio company, airport, the public posts of the law-enforcement bodies, the criminal court of Andijan town with the aim of quickly seizing and setting up control check-points and places for storing the weapons.

During the reconnaissance the terrorists discovered the disorder, the bad atmosphere and the indifferent attitude as well as low mood of the officials serving on the above-mentioned sites and took advantage of this situation to carry out their attacks.

Furthermore, on 10-11 May on the instruction of M.Sabirov under the leadership of Ibragimov Abdumalik the members of the criminal alliance gathered in the tea-house (chaihona) “Novbahor” near the military unit #44086 and were aware of the situation in it.

Likewise on 10-12 May the members of the criminal organization, the people trained to perform terrorist acts in Tashkent, Makhsudov A.S., Shoyunusov B., Kurbonov B.Sh, Kamilov N.P., Abdurassokov G.A. and others, led observation of the military unit 7534 located in Tashkent and the Uya - 64|18 drew the plan of their locations and continued preparations for the far-reaching struggle.

On 10 May this year at 10.30.p.m. the monitor of the village community Ok-yor Valikhanov Sh., the official of the law-enforcement office of Fargana Valley Idoboev O, Andijon district law-enforcement officials Kodirov A. Pozilov A, Ismoilov M and Yuldoshev O, while checking the observation of passport rules, discovered that the criminal organization members Khodjaev, Mahmudov, Toshmatov, Khudoiberdiev, Mahmudov A., Karimov A., Mirzohonov K., Abdullaev H., “Odil”, who was not identified during the investigation, had been living in the house of Zakirov M - also a member of the criminal alliance - and their passports were confiscated.

[...] At 21:00 Pottohov O. Nodirov R. Dadahojayev, Abdurahmanov A, Saidulloev D, Mallaev Sh, Kaminov Sh, Pulatov H, Mamayunusov H, Tirkashov P. on the automobile with state number 30 D-90-58 driven by Abdusamatov A, the leader of the group Rahmankulov Sh with his members Oripov D, Mallaev M, Mirdadaev Z, on the automobile with state number 10 B 72-45 “BMW”, Nosirov Sh, Kayumov M, Khakimov A, Jabborov M, “Kahramon”, who was not identified during the



investigation, on the automobile M 15-11 “Tiko” Kabilov T, Ahmedov M, Ismoilov I, Mamadaliev A, also on the automobiles “Damas”, “Tico” the state numbers of which were not identified Khajhiev I, Ghoziev A, Turgunov A, Akbarov Gh, Isakov B, Boltiboev A, Usmonov A and others arrived to M. Zakirov’s house.

At the instruction of Sabirov M. the members of the criminal alliance Zakirov M, Mamadiev A, Boltaboev A, and others showed active resistance to the officials of the military Idiboev O, Kadirov A, Rasulov A, Ismoilov M and also to the police men who arrived to help them Ruziokhunov J, Razzakov J, Mirzaev H, O., Hodjaev D, Akramov H, Matholikov F and Haidarov, struck them heavily causing various injuries and then managed to escape.

On the instruction of Sabirov M., the leader of the criminal alliance, the members of this criminal alliance Razzakov Sh, Ismailov I, Razzakov H, Karimov A, the so-called “Abdushukur” who was not identified during the investigation and others pursued the criminal activities and in view of deliberately murdering the military employee drove Ruziokhunov J. to the canal “Hakikat” on the automobile “Damass” and threw him to the canal.

Since Ruziokhunov came out of the canal when he became conscious, the criminals did not manage to complete their goal.

On 11 May 2005, the members of the criminal organization Zakirov M, Mamadiev A and Boltaboev were arrested by the military officials for the above-mentioned criminal activities.

The leaders of the criminal organization Yuldoshev A., Parpiev K, Mamadaliev A. decided to begin their attacks on the night of 13 May fearful of being uncovered and planned to incorporate into their ranks the people who came to town mosque to pray.

For example on 12 May 2005 on the initiative of the leader of the headquarters Parpiev K, the members of the headquarters Sabirov M, Khamidov F, Shakirov B. and others gathered in house 7, Shermatov Street, owned by Ibragimov A and discussed the problems related to their colleagues Zakirov M, Mamadiev A, and Boltaboev A. who had been arrested under the state measures to prosecute “Akramus” and applied to the terrorist leader Yuldashev A to allow them to begin terrorist acts.

On this day at 22:00 Parpiev K phoned Yuldoshev and informed him that the criminal alliance members had stated that there was a need to start the terrorist acts otherwise their plan might be disclosed. Taking into account the circumstances Yuldoshev A allowed the start of the terrorist acts. Accordingly Parpiev K, Sabirov M. and Khamidov F. contacted the leaders of the criminal organization and then began the attack.

The leader of the armed group Pirmatov I. and other ordered the union members Turghemov Ashurov, Tojimatov to distributed weapons with the automobile Damas with state number 17P 19-56 and began the terrorist acts.

For example in May 12.2005 at 23:30 Zokirov M, Pirmatov I. and their 20 armed members attacked the battalion of the Department of Internal Affairs, took advantage of the ownerless atmosphere and indifference of the serving soldiers and easily seized it.

The members of the criminal organization Kodirov M, Pirmatov I, terrified Tojiboev J. who was fired at with a pistol, his automatic gun and 30 bullets were taken from him; he then entered the duty station? Where Khujjiev E. and Shokirov B. were on duty, and took two pistols and 32 bullets from them.

Then, while the doors of the store-house where weapons had been stored were being broken through, the terrorist leader Parpiev K called Sabirov M. and informed him that the additional force had been sent. Accordingly, Sabirov M. sent 20 armed fighters to the battalion that had participated in seizing the military unit 44086.

The leader of the armed group Khakimov and 20 fighters came to the battalion in automobile "Nexia" with state number 17P 12-07, "Damas" with state number 17G 36-05, driven by Rozakov, Vas-2106 driven by Ahmedov M. with state number 17031-76 and deliberately killed the representative of the organizations UYa-64| T-1 Rustamov M, Hoshimov M,H.

Then Pirmatov I, Khakimov A, Akbaraliev A, Mirzoev Z, Muminjonov I, Goibov T, Kholmirezoev M and other fighters broke in the doors of the store-house and illegally took 8 automatic guns "AKC-74M", 38 guns AKC -74U, 54 automatic guns AK-74, 1- AKMS, 22 units of AKM, 1 unit of -AKMS, 15 units of "9A-91", 138 machine-guns, 103 pistols of "Makarov", 4 units of "BCK-94", 2 units of "CVD" and 1 unit of "Karabin KS -23", 7 pistols, 1 unit of "6G-30" grenade cups, 2585 bullets cartridge 5, 45, 9,7, 62,40, 30 units of "RGD -5", 20 units of "F-1", 50 units of "Model -705" and 220 grenades, 1 unit of NDO 4x48 and 8 units of PDK 23 KPK-A, 3 units of PN-58 SVD, 4 - binnacles, 256 units "Zarya -2", "Plamya - M", "Cheryomuha -7M", "Cheryomuha - 6M", "Siren - 7M", "Siren - 12M", 96 units of helmets , 1 "Krot -2", 50 body armours, 103 "Makarov" pistols, 4 pistols "RPK-74", 4 "BCK-94" guns, 2 "CBD" guns and 1 unit Karabin 21585, bullets grenades 10 mark F1, 50 "Model" and 220 granites.

Having removed these weapons, Turakulov M., Rahmonov K., Ashurov O, Goibov T, Pirmatov R, Ghofurov K. and others went to the second floor of the building, struck and injured battalion guards Juraev K., Yakubov A, Ismoilov A, Esonov M, Tukhnazarov A, Dadokhonov A. who were kept in the room for duty and Turgunov U. with automatic guns was guarding them.

Furthermore, the member of the armed group Mirzoev M attacked the head of the law-enforcement office Ergashev A and took him hostage.

Moreover, at 23:00 four unidentified persons, members of the criminal organization, attacked on K. Tcetkina street in Andijan city Zulunov H, the driver of the automobile "Matiz" with the state number 17B 182, property of the Law Enforcement Office, and who was serving in the Law Enforcement Office, attacked him with knife, injured him and escaped.

The leader of the armed group Khakimov A, the members of the group Pirmatov I, Samatov D, Mirzoev Z, Ashurov O. and three members of the criminal group, whose were not identified by the investigation, while they were being driven to the battalion on the automobile "UAZ" with state number 17 AB 108, fired their rifles at the battalion officials Ruziev D, Tajiboev Sh, Juraboav A, Sotkinov T and released their friends. As a result Tojiboev Sh, Juraboev A, Sotkinov T. and Shahimov S. received various degrees of physical injury, the driver Ruziev D. was

shot and killed by Khakimov A. The battalion automobile was destroyed and the loss was calculated at 1, 834,386 Som.

During this attack the member of this criminal alliance Pirmatov I shot dead from his submachine-gun Rustamov N, who was serving his sentence in YA-64/1 and Mirzaev Z, Hoshimov M, Turgunov U who were the officials of the Andijan region Internal Affairs Department.

Their partner, who was not identified by the investigation, fired at the internal affairs officials Kholmatov N, Tukhtanazarov A, Zulunov A, Rasulov O, Azimov N and caused various physical injury.

Furthermore, the terrorists continued indiscriminately shooting their hand-weapons, killing and injuring many innocent people so as to make it look as if large-scale riots had begun and that the government was not able to stop these riots by of their fellow religious citizens.

For example, the citizens Saffarov R, Tashbalatov M, Yarkinov B, who appeared near the battalion quite by chance, received various degrees of physical injuries as a result of these actions by unidentified individuals.

The terrorists took the illegally seized weapons and the illegally arrested Esonov M, Kamchiev E and Ergashev to the regional government with the aim of criminal activities.

As a result of these terrorist acts the Andijan Region building incurred losses estimated at 1,622,500 Som.

The terrorists attacked the Regional Law- Enforcement Office and the prison UYa 64 [T-1, shot at the automobile TIKO with the state number 17 AB 164 driven by the police of the battalion Buvaev B. As a result, two officials Abdukayumov D Muhamedov I. received various degrees of physical injury. The automobile incurred losses estimated at 1,417,018 Som.

At 23.35 of the same day, Sabirov M., who had been appointed as the person responsible for operations, the members of the armed group Ibragimov Abdumalik, Khakimov Alisher , Khajhiev Ilkhom and 60 people armed with automatic guns, pistols and knives, on the automobiles DAMAS 17P 18-90 and NEXIA 17P 12- 07 driven by Abduvohidov A and Nosirov Sh., suddenly attacked the military unit 44086 located beside the building of the regional law-enforcement offices in Ashurov street 3 . The terrorists bursted into the control point by threatening soldiers Sharofitdinnov A., Bekmirzoev R. and Yakgashev Dj. with pistols, captured them and locked them in the room of the control point and cut of the phone lines.

Then on the instruction of Sabirov M., the members of the armed group Khajhiev A.I., Turgunov A, Akbarov G and Mirzokossimov divided into two groups, drove the automobile into battalion area through gates in order to load the weapons.

Then the first group, Sabirov M , Khajhiev I, Mirzakassimov A, Usmonov G, Gossiev A, Mahmudov B, tied the hands of Ruziboev I. who was on duty, removed the keys of the store-house from him, seized 39 automatic guns AKS -71, 5 knives. At the same time, the second group made their way through into the dormitory and threatened Kurbonboev E who was on duty with a pistol, ordered soldiers to lie down,

broke the lock of the rooms where weapons were stored, and took 24 AKS-74 automatic guns, 2 TOZ-8 rifles, 10 knives, 4064 5,45 mm bullets. During the fight they seized 63 automatic guns, 2 TOZ-8 rifles, and 4064 bullets.

Then, at the instruction of Sabirov M., the member of the armed group Mirzokossimov A loaded the weapons in the automobiles ZIL-131 -16, took Hojiboev R as a hostage on the way to jail UYA- 64 T and began shooting.

As a result of this armed attack, Dastonov I. and the guard of the military base Kirghizboev were shot dead by terrorists, the military officers Rashidov I, Akhunov R, Allanazarov A, Juraev L, Zakirov D, Urishov A, Saidov B and the citizens Rasulov I, Husanova M, Nazimov U, Jaliev U, Ibragimov B, who appeared near the military unit, sustained various physical injuries as a result of indiscriminate shooting.

As a result of this attack, organized by the members of the criminal group, the military unit building and other buildings incurred damages amounting to 868,600 Som, and the automobiles incurred damages amounting to 5,124,000 Som. Meanwhile, when Khajhiev I., Usmanov J., Akbarov G. demanded the key of the automobile "MATIZ" standing near the canteen "DAVRON" from the driver Rasulov, he started running towards the Law Enforcement Office, at this time Khajhiev I. fired him from the automatic gun and injured him, and also shot the policeman Mamadaliev U. who was driving a car "MATIZ" ? 17AB 187, as a result of which the car incurred losses of 2,600,000 Som.

Moreover, the members of the criminal organization Turgunov A, Mahmudov B, and others began shooting at the automobile Tiko ? 17 J 63-31 driven by the citizen Kholmatov Sh, stopped him and seized his car.

Also, the automobile Tiko with number 17J 72-62 driven by the citizen Kahhorov A. N was shot by the terrorists resulting in the death of two persons Kahorrov A. and Ayubov Z., the automobile incurred losses of 2,148,078 Som. After this under the guidance of Ibragimov A. Khakimov A, Khajhiev, I 60 members of the group moved in the direction of UYA- 64 – T -1.

On 13 May 2005 at 00:20, Sabirov M. who was made responsible for the operations of the criminal group, under the guidance of the members of the armed group Ibragimov A, Khakimov A. with weapons removed from the law-enforcement offices and military battalion 44086, on the automobiles DAMAS 17P 18-90, VAZ 2106 with state number 17L 12-54 driven by Dadatkhujayev I., automobile DAMAS with state number 17P 19-56 driven Dadakhujaev I. attacked the prison UYA-64/T-1 located in ESKI OSH street in Andijan city .

At first the terrorists forced the senior guards from their weapons; the member of criminal group Atabekov A shot at the guards of the law enforcement office Khakimov M. and the head of the guards Mamasidicov Z was seriously wounded.

Sabirov M and Gaziev A shot dead the wounded Khakimov M. and Mamasidikov Z. then removed his AP- 2403 pistol and burst into the military unit area. Then the member of the armed group Mirzokossimov A with the help of the automobile ZIL - 131, with state number 16-01 Ash destroyed the gates of the jail and made it possible for their colleagues to storm the unit.

Under the guidance of Sabirov M., the members of the criminal organization divided into two groups; the first group, led by Sabirov M., burst into the bedroom of the prisoners, threatened to shoot them, and urged them to go out of the building.

Having seen these scenes the guards from the third tower Z. Parpiev was shot, the terrorists broke the locks and burst into the second building. Also the remaining groups shot dead Turgunov I. who was serving at the secondary post which was situated on the way to the prisoners' quarters. They shot the leader of the night security shift Kahhorov A in the head, the special department leader Ergashev I in the left foot, the senior guard of the security department Tojiboev Sh in both feet, causing physical injury, broke the locks of the prison cells, destroyed the safes where keys of cells were stored, opened the doors of other cells, released in total 737 prisoners, 90 arrested people, 437 people who were under investigation, 22 members of the religious extremist group *Akramiya*, Shakirov Sh. B., Akbarov R.J., Zokirov H.Yu., Babadjanov A.J., Kodirov M.M., Mahsadaliev A.A., Khamidov A.Yu., Nodirov D.B., Mamadiev M.T., Igamov A.T., Nodirov G.B., Akbarov O.J., Nazarov T.I., Atamatov Sh.Sh., Maksudov N.N., Mamadiev D.H., Tojihalilov R.A., Ibragimov A.E., Mirzoboev M.R., Ibragimov A.E., Mirzoboev M.R., Artikov M.S., Shokirov Sh.B., as well as other members of the the *Akramiya* religious group Muhtorov B.A., Nematov N.I., Rashidov F.F., Abdullaev U.A., Kodirov A.A., Nuritdinov B.B., Kodirov I.A., Alimov A.A., Visokov S.N., Akbarov D.T., Rudakov M.Yu., Umarov M.M., and others., provided them with weapons and guns and send them in the direction of the Andijan Hokimiyat building with the aim of starting riots and shootings.

During the operations, the officials of the jail UYA-64| T-1 Muminov U.M, Muhamedov I.S, Abdukayumov D, Rahmonov O.O, Sulaimonov A.U were shot by unidentified members of the criminal organization.

Becoming aware of the terrorist actions, the prosecutor of the town Maksudov S. who came by automobile Nexia, was captured and taken to the government building (Hokimiyat) together with other people who were taken hostage. The automobile incurred damage amounting to 435,277 Som.

As a result of these terrorist acts, the facilities of jail UYa-64| T-1 incurred in total damage worth 10,35,000 Som. The automobile ZIL-131 16-01 Ash belonging to the military unit incurred damage worth 259,100 Som.

Also he fired at the automobile Moskvich-412, 170 25-54 driven by Hamrakulov, shot dead the driver; the automobile incurred 448,750 Som worth of damage.

At 01:00 the officials of the law enforcement office Toshmatov I. and Makhmudov S. were shot dead near the institution by unidentified members of the criminal organization. The citizens Mukhtarova M, Kossimov O, Kambarova Z. who happened to be near the prison were shot and injured by terrorists.

Moreover, at 11:00, unidentified terrorists fired at the leader of the corpus Rahmonov B.P standing at the gates, and as a result Rahmonov B.P was injured in the leg. The active members of criminal union Ibragimov Abdumalik and Aliev B. with the aim of

carrying out the terrorist acts according to the plan armed 20 people with weapons, illegally seized from the law enforcement office and military unit, led and directed the armed prisoners to the Andijan regional government building.

One part of this group at 01:10 on 13 May reached the aforementioned destination, occupied the ground and the 1<sup>st</sup> floor of the secondary school # 24, the roof of the four-storeyed house, the land in front of the town hospital and prepared a comfortable place for the operations expected with the coming of the others prisoners; later they began an armed attack on the target. However, since the officials of the government arrived at the place in time, they were forced to phone for help from the associates who had seized the regional government building.

In that case Sabirov M, who was based in the building of the Andijan Hokimiyat in order to assist the terrorists, sent the members of the group of Hajiev A with a new group of Khakimov A. to the fight taking place in the regional administration.

The member of this group Igamov A, “Abduaziz” released from the prison arrived at the region administration by the automobile Tiko.

Furthermore, at the instruction of Khajhiev T, the member of the criminal organization Pajapov O. by the automobile ZIL-130 with state number 17A 887 destroyed the entrance gates of the Andijan regional government building.

The terrorists surrounded the building from three sides and began shooting at the building, and throwing grenades. The terrorist group shot dead the military officials Otabekov A, Sobirov H and injured the military officials Farmonov B, Rahmonberdiev F, Kurbonov Sh. and also took the military officer Kodirov as a hostage and deliberately shot and killed him.

Also during the operations the citizen Akbarov A. residing in the House 62, Flat 16 was lightly injured. The citizen Usmonov A. E. and teenager Kodirova E. who turned up at the place of operations in front of the Andijan regional administrations and the citizens Nematova Z, Jumaboev B, Turaganov B, and Ismoilov M were injured to varying degrees.

Due to the active defence of the government officials, the fighters’ plan was not successful.

As a result of fighting, the Andijan regional building incurred 20,079,500 Som worth of damage, the automobile “UAZ - 3152” incurred 3,320,400 Som worth of damage, the school building #24 in Navoi street incurred 1,142,000 Som worth of damage, the private shop “Yambol” belonging to the citizen Nurritdinov A. incurred 550,500 Som worth of damage, the house of citizen Koziyeva R, in Navoi street 6 incurred 56,000 Som worth of damage, the house of citizen Tuktetasinov N incurred 90,500 Som worth of damage, the house of citizen Fozilov A. incurred 147,495 Som worth of damage, the automobile “Moscvich” incurred 600 Som worth of damage, the house of citizen Jumaboeva N incurred 40,000 Som worth of damage, the house of citizen Akbarov at 62 Navoi street incurred 31,750 Som worth of damage, the house of citizen Makhmudov N in Obidov’s street incurred 43,780 Som worth of damage, the house of Lebedev A at #30, Flat 11 in S. Obidov’s street incurred 700 Som worth of damage,

the publishing house “Hukuk Saboglari” in Navoi Shoh street 59 and House 61 incurred 142,600 Som worth of damage.

Also the terrorists removed the night observation device “Pirate” and “Lucy” from the sergeant of the military unit of the Ministry of Defence 34241 Otabekov A. who has been killed during the armed operations, and inflicted damage to the “Fiat” automobile belonging to the military unit and owned by Ergashev N. worth 703,669 Som.

During the shoot out in front of the Andijan regional government building, the automobile “Tiko” with state number 17 O 13-92 owned by a citizen was shot at by terrorists as a result of which the owner Komilov Sh. died at the place of event; the automobile incurred 412 704 Som worth of damage.

On 13 May 2005 at 00:30 the 10 called “Mujohid” Khamidov F. and the leaders of the armed group Rahmonkulov Sh., Askarov Sh. together with Aliev B, Imamov S. and S. Imamov S. with 89 members of the group armed with pistols and knives came up to the military unit 7377 situated at House 66, Baburkhon street, Andijan city.

Forty members of the group under the supervision of Rakhmonkulov Sh. and Aliev B. attacked the garage of the military unit, 20 members of the group under the leadership of Imamov S. attacked the hotels and weapons store-house, 20 members of the group under the guidance of Salimakhmudov H. attacked the control point of the military unit.

However, due to the resistance of the military unit officials against the terrorists they had to withdraw. As a result of this battle, the common soldiers Sapaev S. and Nabiev D. received various physical injuries. Also the members of the criminal organization Saidalliev D, Pattohov O, Mullaev Sh. were wounded and arrested by military officials.

Saidalliev D. died, and as a result of these terrorist acts, the military unit 7377 incurred 1,604,900 Som worth of damage.

On this day at 01:00 about 400 members of the criminal organization under the leadership of M. Sabirov, F. Khamidov, Ilkhom Khajhiev headed to the Andijan regional administration building situated at Fitrat street, House 239. During this battle the head of the guards Jalolov H. was shot dead.

Also, at 03:00 the members of the group under the guidance of Mamadaliev A, Sobirov K, Makhmudov B., Mullojonov R, Rahimboboev E., Orunboev D., Karimov Sh., Mamadaliev A., Khakimov O., Uraimov S., Uraimov O., Yangiboev I., Yuldashev U., Karimov F., Mamasadikov H., Ibrohim and Kasimjon, Rahmanov A., Rahimov F., Mamadaliev I., Kuchkorov U., Askarov O., Mavlyanoiv M., Ergashev V., Imankulov L., Ashurov T., Akramov N and 35 to 40 other members of the group took the officials of the military unit Usvaliev D, Tovallov hostage, seized many weapons and inflicted damage worth 402,500 Som.

Meanwhile at the instruction of Mamaduloev A., the members of the group of Kyrgyz citizens Sheddinov I, Buvaev S, Ganiev Azizbek, Turdikulov I, Turaev N, Modumatov R passed into Uzbekistan through the village of “Manak” in Khujabad

district, Andijan region and joined the group of Mamadaliev A. to invade Andijan town.

The members of the criminal organization Sobirov K threatened the citizen Almatov A. who was standing in S. Rahimov's farm, made him take them to the town by the automobile "Tiko" 17N 68-72 and on the way to the town were stopped by law-enforcement officials.

While checking up the automobile "Tiko" the member of the criminal organization Buvaev M who was sitting on the back seat fired several shots from his pistol with the aim of killing them. As a result, the automobile incurred 321 Som worth of damage.

At the same time unidentified members of the organization arrived in the automobile "Nexia" and began shooting at the police officers; as a result the automobile driven by Tursunov E. incurred 500,000 Som worth of damage.

As soon as the building was seized and the members of the criminal organization from Kyrgyzstan arrived, the organizers of the terrorist acts undertook the most planned measurements.

For example, on the instruction of Parpiev K, the terrorists gathered in room 203 in the second floor of the Andijan government building and from there they guided and co-ordinated the fighters' actions, to assemble the whole public and to place their unrealized demands to the government. Room 104 on the first floor, the store for weapons, was attacked and the weapons were distributed by the murderer Kudukov.

Meanwhile, Pirmatov was distributing the weapons to the members of criminal organization from his automobile "GAZ-2410" with state number 08-08. On the instruction of Parpiev K, the leader of the group Sabirov M. was responsible for deploying the fighters on the 3<sup>rd</sup> and 7<sup>th</sup> floors. In addition, he taught the fighters to use the weapons based on his military experience. Apart from this, the members of the criminal organization Artikov M, Nurritdinov, Rasulov B, Kholiknazarov M and others were preparing hand-made explosive devices and distributing the knives and metallic tubes to the people who were supporting them.

On the roof of the administration building two fighting points were set up and 8 shooters armed with CVD rifles, semi-automatic rifles, automatic 9A-9.I guns; the Kyrgyz citizen Mamadaliev V was appointed and the member of the criminal organization Mirrahimov U. was responsible for preparing bullets.

Likewise fighting points were also set up inside and around of the administration building. For example, the windows had been blocked by sofas and wardrobes, special holes were made for shooting, fighting barricades had been built and the members of the criminal organization were positioned.

In order to prevent entry to the building of the regional administration the terrorists set on fire the automobile "Tiko" state number is 17 I 61-20 and the automobile "Matiz" with state number 52-82, the automobile "Damass" with state number 17 m 54-89, the automobile "Damass" with state number 17P 51-41, the automobile VAZ - 2106



with state number 170 31-76, the automobile “Nexia” with state – number 17G 30-40, the automobile Tiko with state number 17 O 93-34.

At 06:00 at the instruction of Sabirov M. and Ibragimov A. the Babur State Drama theatre, [...] was burnt into fire by the members of the criminal organization B. Turaliev, O Abdullaev and by two more unidentified terrorists. The cinema named after Bakirov A. was set on fire by the hand-made explosives. As a result damage worth 1,112,300,000 Som and 587,800,000 Som respectively was caused to the theatre and Bakirov cinema respectively.

Though the local mass media could not succeed to report on these events, some organizations located far from Uzbekistan like the “War and Peace Institute” in London, UK, the director of its representation Bukharbaeva Galima, the US correspondents of the “Associated Press” Bukharbaeva Bagila and Lugatskiy, the correspondent of “Deusche Welle” and the “Spiegel” Markus Bensman [...] after seizing the local government at 08:00 held an interview with the criminal organization members, Shokirov Sh. and Parpiev K, began to spread information all over the world.

For example, Bukharbaeva Galima, as a correspondent of CNN, made reports from the inside of the building occupied by the terrorists. In her report she said that many people had gathered in front of the government building and they did not belong to the religious extremists groups, but that government officials were shooting at the peaceful people, as a result of which several women died and one citizen was wounded. But they did not speak about the people who had been armed and carried out armed actions.

Similarly, the correspondent of “Deusche Welle” radio Markus Bens in his report of 13 May 2005, did not mention the terrorist operations or the large quantity of weapons held by the terrorists [...].

By the end of the negotiations with the terrorists he considered the Andijan events as a national movement. In order to discredit the legal activities of the state, Zainabitdinov spread the preventive information via e-mail like this: “The non-stability in Uzbekistan...”, “The armed police seized Andijan”. In “Izvestiya ru”, he wrote: “The rain made the protesters leave the main square”.

On the same day the correspondents of “Fergana.ru” agency on the basis of Zainabitdinov’s information published an article under the title “Suppressing the riot in Uzbekistan caused hundreds of victims” in which he said that the state officials had shot dead many innocent people.

As well as the people who had been taken hostage during and after the fighting, the member of the criminal organization Nodirov G. had taken hostage many state officials, military officials and common people. For example the head of the Andijan region Defence Department, Osmanaliev B, the head of the Financial Department, Aliev B, the executive of the Andijan town DSI, Rahmonov A.N, the region DSB inspector, Komilov M.I, the chair of the town state department for teenagers, Ahmadjonov M.M., administrator Inrahimov M., the executive of the local government, Muzokov B.A., the building manager, Ararkulov T., the duty officer, Aliev N., the director of the “Yoshlik” teleradio company, Parpiev O., the lawyer,

Ergashev K., his assistant, Rahmonov O., and many others had been arrested and their hands had been tied behind their backs.

The members of the criminal alliance Nodirov G.B., Ergashev A., and others applied different interrogation and torture techniques on the persons who had been arrested and had their hand tied behind their backs.

At the same time, in line with the criminal plan, the terrorists gathered their parents, relatives, and the workers of their farms in order to show the disappointment of the quiet people and to build a “human shield”.

Also the members of the armed group Aripov Dilmurod, Kosimov Shuhratullo, Nodirov Gulom, Mamdjonov Mamurjon, Khajhiev Ilkhom, Ergashev B. and others threatened the citizens passing along the streets made them join the public demonstration in front of the government building, and when they defended the state officials among them, at the instruction of Sobirov B. were taken hostage and led inside the building.

In addition, the terrorists tried to make the residents of the houses around the government building join the meeting and gave them weapons and assembled them to participate in the demonstration. Thus the members of the criminal organization Sabirov M., Nodirov A., Hodjaev T., Salieva N., Muhitdinova H., and other members of the groups from Kyrgyzstan and other regions of the republic of Uzbekistan gathered about 1500 citizens around the government building and yelled “Allahu Akbar” altogether to show themselves as the defendants of public and called the people to mount a coup on the constitutional state with provocative words and appeals.

In order to emphasize the event, the terrorists made the town prosecutor Abdurahimov A. and tax manager Rahmonov A. turn up before the crowd and speak negatively about the government. The members of the criminal organization Parpiev K., Sabirov M., Khajhiev Ilkhom., Tavakkals, Ergashev A., and others beat and tortured the persons taken the hostage with automatic guns. The military official Kosimov O.I., who was taken hostage, was shot dead in front of the government building.

Ibragimov A. and the members of the criminal organization Zokirov N., Umarov U., Pirmatov I., Rozzиков N., and Hokimov A shot at the automobile “UAZ 169” with state number 17 AB 116 driven by Khamidov A, Juraboev A. and Daddoboev A. from their weapons. As a result of shootings A. Juraboev died, Khamidov A and Davlatov A suffered various injuries and were brought by terrorists to the building of regional administration.

Also the terrorists shot dead the law-enforcement officials Tajibaev A., military officers Usmanov S., Turgunov N., Ruziboev R., Sobirov N., and Zohulov, who helped resist the terrorists in front of the government building. They also shot dead the innocent people Tukhtasinov N., Ibragimov A., Mamatov R., Muhhitdinov U., Arakulov T., Tojiboev N., Kambarov B., Yakubov Sh., Toshmatova M., Yasinov B., Ahmadov D., Mansurov I., Rustamov O., Mamatkulov M., teenagers Abdujaborov A., Kenjaev A.,

Also during the criminal act the terrorists removed 2 automobile guns belonging to military unit 55159, 4 rifles, one screw-cutter, 1 “Gyurza” and 4 pistols “Fort”, 1 RGO, RGH -1, RGD -5 , 5 grenades , 2 night explosive devices, 1 helmet and 3 body armours.

In addition, as a result of the indiscriminate shooting of the terrorists the citizens who happened to be beside the government building Azizov A., Abdulloev U., Regapov O., Nasretidinov I., Husanov N., Yakubov, Abdurahmonov S., Ibrohimova R., Ishakov I., Tuhtasinova D., Murodov B., Ahmedjanov M., Boyboboev H., Abdurahmonov., Timurov A., Akramov B., Davlatov D., Umarov D., near the cinema Cholpon Dehkonov Sh., Karimov Sh., Haitov I., Isakov M., Umarov, Dadohodjaev R., Djumaboev A., Kipchakov R., Madumarov A., Kosimov H., Saidahmedov N., Yuldashev A., Mamadhonov, Kurbonov R., Ulughodjaev A., Mustafakuliov A., Djuraev H., Kenjaev M., Hasanov M., Khamidov N., Husanov R., Hasanov S., Sharipov V., Turaev D., Rahimhodjaev Sh., in Navoi-Shoh street Khakimov, Abdullaev J., Ahmedjanov E., Abdurahmonov B., in Soy street Djuraev U., near the cinema Okhunbabaev Davminov A., near the ciname Bakirov Ismoilov H., Mamasaliev, in Gagarina street Rahimova R., Atamatov R., around the Hokimiyat building, the soldiers Hudoykulov B., Abdurahimov, Mengiliev S., Baratov Sh., Salaev M., Panfilov A., Kurbonov, Hasanov E., Kodirgichev N., Mirkomilov O., Ruziohunov, Sayberdiev D., Mamasidikov U., Mamatov O., Atahanov O., Abdulkhamidov A., Rahimboev G., Djuraev R., Begmatov I., Sobirov I., Madierov B., Mamatov A., Egamov I., Obidov, Ahmedjonov J., Hamrokulov N., Sadirov I., Kasimov B., Haidarov H., Madrahimov I., Nuritdinov U., Sodikov B., Yusupov N., Djuraev R., Abdulloev Z., the law enforcement staff Homidov A., Kimchiev, Hodjikulov M., Yopvoldiev E., Ruziev I., Mannobov T., Turdiev, Saidov Sh., Soliev M., Mamajonov O., Ahmadokhunov K., Abdulloev K., were physically injured to varying degrees.

As a result of terrorist acts the regional government three-storeyed building incurred 104,244,300 Som worth of damage, the seven-stotryed building incurred 2,323,554,400 Som worth of damage, the damage to the regional government property was estimated at 221,000,000 Som. In total the regional government incurred 1,648,932,000 Som worth of damage.

On this day at 7 o'clock the President of Republic of Uzbekistan and his entourage arrived in Andijan town and held negotiations with Parpiev K., one of the members of the criminal organization, which lasted 11 hours, and in order to save the lives of the innocent citizens, to prevent bloodshed and to release hostages, guaranteed the free escape of the terrorists from the territory of the Republic.

However, on the telephone instruction of Afghan leaders, Parpiev K. declined the opportunity offered by the government and demanded the release from the jail of Yuldoshev A., the member of the religious extremist organization “Turkistan Islam Movement”, Umarov A. and other prisoners, and also demanded to change the state system which was chosen by the nation. At about 18:00 when the state forces surrounded the government building, the terrorists realized that their demands would not be met and felt that their plans had failed, and began at 19.30-20.00 to run along Cholpon street of the town towards the village Teshiktosh, Jalolkuduk district, which borders Kyrgyzstan.

In order to provide for the security of the people, to prevent the possible armed attack of the terrorists at the crossroad of Buhoro street, 27 officials of the military unit 52788 headed by senior lieutenant Adbujaborov D., one group consisting of military engineers, at the bridge linking Rushon and Naiman streets, 32 officials of the military unit 44086 had been positioned.

On this day at 20:00 the armed terrorists going along Cholpon Street began shooting at the military officials of the first group from behind the citizens who were leading as a "human shield". At this time captain Turaev B., in order to stop the shooting, shot warning bullets into the sky, but despite the warning the terrorists continued shooting and throwing grenades. The terrorists shot dead the citizens who were hostage in their hands because they showed resistance and prevented them from shooting. They were Rahmatov A.H., Abdurahimov F.M., Rahmonov A.M., Tavuldiev A.A., Kodirov A.S., Ergashev A.U., Muminov F.E., Shobirhonov K., Davronov N., Arakulov T., Hamrokulov U., Nosirov N., Boymerzoev M.R, Mamadjanov E.R., Djalolov S.S., Kuziev J.H., Usomonov F.H., Umirzokov O.V., Holmuhamedov O.Sh., Karaboev O.A. Soloiv O D., Kazokov K.J., Tadjibaev Ya.I., Vositjonov K.A., Nishonov A.A., Abdulloev B.H., Muidinnov S.H., Ahmadaliev J., Tojimov Sh., Dolimov H.M., Holmatov Sh.Yu., Nazarov O.T., Abdurahmonov M. Husanov O., Ergashev R.H., Turabekov H., Ataboev Sh.Z., Matkulov T., Nazarov F.A., Abdumuminov A.,Z., Hudoyberdiev K.F., Abdunazarov A.E., Razakov F.A., Gopparov M.Sh., Yuldashev O.A., Soliev O.A., Islomov A.A., Djuraev B., Yunusov H., and others.

Also the member of the criminal organization Turgunov A., and unidentified terrorists, injured citizen Tojiboev Y., the military officer Hotamov M., from Cholpon Street, Yangiboev M from Bogishamol Street, Akmadaliev B. from Baburshoh Street, Rustamov I., Ergashev K., Mamadjonov A., from A Temir street, Tukhtashev M from Oltinkul district.

Then one part of the terrorists being afraid of being captured and in order to avoid criminal punishment joined the crowd and hid themselves. The terrorists who were driving on the white automobile "Tiko" shot at the Ambulance automobile 'Damas' which was going to help wounded people . As a result the doctors O. Ahmedov, O.Rustamov and the driver I. Mansurov died on the spot. The automobile incurred 4,243,878 Som worth of damage.

The majority of them, that is A. Mamadaliev, U. Yuldoshev, Mamasodikov, K.Mamasodikov, N. Akarmov, O. Askarov, O.D. Akparov, A.A. Alimov, Sh.Sh. Atamatov, A.A Kodirov, A.A Maksadaliev, M.R. Mirzobaev, B.A Muhtarov., T.I.Nazarov, N.I. Negmatov, B.B. Nritdinov, F.F Rashidov, E. Toshboev, N.K.Bakiev, E. Ibrohimov, M.I. Kayumov, J. Maksudov, M.K. Mamadjanov, Z.E. Mirzoev, M.E. Mirzoev, I.P. Pirmatov, R.R. Pirmatov, O.M Rahimov, K.B. Rahmonov, H.Y. Salimohunov, J.M. Usmonov, A. Shokirov, S. Shokirov, H.R Elikaev, Z. N Ibragimov, B. Ergashev, M. Ibrohimova, M.R. Solimova, M.J. Faizitdinova, O.U. Karimova, Sh.B Nuritdinova, M.B. Mullojonova, E.M. Djuraev, M.M. Matkarimova, O.M. Matkarimova, R.N. Maksudova, M. J. Maksudiva, E.H. Husanova, A.A. Mirzoahmatova, F.M. Abdumalikova and his sons Abdugafor, Yahyebek, Arofat, A.P. Vahobova, G.T. Ahmadalieva, O.O. Omanova, Z.A. Faizitdinova, M.T. Moidinova, Z.K. Karimova, M.R. Azizova, K.T. Ismoilova, M.K.

Djumabaeva, H.S. Mahsudova, G.K. Parpieva, M.S. Sarimsokova, A.M. Akramova and her children Robiyahon, Abduvali, G.Sh. Askarova, M.U. Karimova, M.R. Rasulova, O.Olimova, R.K. Umarova, K.S. Kadirova, A.S. Ibrogimova, T.K. Muhtarova, M.K Umarova, M.K Ibrogimova, O. Ibrogimova, D. Yu. Mamadhanova, I.Ya. Sodirova and her grandchildren Ibrohim, Rukiya, Gulsara, Sh. Muftohidinova, M.M. Bobojonova, H. Djuraeva, Z. Muminova and her children Mamurjon, Oisha, Habiba, Rahima, H. Mamarasulova, Z. Madaminova, S. I. Sultanova, D.G. Abdukadirova, M.Yu Aliboeva, H.A. Muminova, M.S. Valieva, M.V. Sultanova, R.A. Muminova and her children Dilrabo, Dilnura, Abbos, Hadicha, N.A Sadirova, S.K. Usmanova, O.P Kahorova, M.J. Umarova, G.Akbarova, M.Jabborova, M. Kadirova, T. akramova, M.S. Abdulahatova, Ya. Yuldasheva and her son Abdullo, M. Akbarova, T.T. Kadirova, G.T. Atabaeva, M.T. Alibaeva during that night hid in the Jalolkuduk district, some of them hid their weapons from the quiet people arrived at Teshiktosh village at 04:45 on 14 May.

On 14 May at 03:30 with the aim of providing security to the village people, and to prevent the terrorists from taking the quiet people to hostage, 16 officials of the military unit 44086 at the head of the senior lieutenant Alyorov B.T. had been located. On this day at 04:30 the terrorists approaching this place began to shoot at the military officers. The military officer made one warning shot into the sky in order to stop the operation but the terrorists ignored it and continued shooting.

In order to prevent losses, the military officers retreated and abandoned this place. As a result of indiscriminate shooting by the terrorists, the citizens Dadajonov R., Rasulov Sh., Shokirov D. and Badalboeva M received various physical injuries, but the citizens Zahidova H, Teshaboeva O, Haidarov M., Jabbarova R., Turganova R died from their injuries.

After this the terrorists with their families and citizens who were guided by the terrorists crossed the border and stayed in the refugee camp located in the Suzaq district of Kyrgyzstan.

In order to avoid punishment, Ibragimov A, Khajhiev I. and Artikov M on 15 June 2005, staying in the Republic of Kyrgyzstan with the help of individuals "Shahobiddin" and "Bahodir" who have not been identified, Ibragimov A obtained a fake Kyrgyz passport in the name of "Hamraev Rustam", Artikov obtained a fake passport in the name of "Matkoziev Atabek" and made use of them, while residing in Kyrgyzstan.

According to the plan of the foreign forces, when the terrorist acts failed they published and spread rumours about the "shooting of the demonstrators", "shooting dead peaceful people" via local and foreign mass media and in this way have been trying to discredit the authority of the Republic of Uzbekistan in the eyes of the whole world. During media broadcasting the correspondents stated that a great deal of people were murdered by the fault of the government, they did not mention that many terrorists had guns from the jail, they tried to claim that the peaceful people of Andijan not being satisfied with the state's politics were shot and that the government was the main reason for the murder of a thousand people, by the way they planned to arouse suspicion and doubt about the Constitutional government.

For example, on 14 May 2005, Bukharbaeva G. published via e-mail an article “The bloody impression in Uzbekistan”. In her article she wrote that the government forces came to the crowded square in military tanks and without any warning began to shoot at peaceful demonstrators, particularly women and young children, and that during this shooting many people died.

On this day the correspondent of the “Uznews.net” agency Bukharbaeva G. based on the false information published an article titled “the provocation against Andijan correspondents”. In addition, the correspondent of “online.vremya.novosti” agency Arkadiy Dubnov based on the provocative information provided by Shamsuddinov S, in his article “against Islam Karimov” (Islam against Karimov) wrote that many people died as a result of the Andijan government forces.

Also through e-mail they claimed that many people had assembled in the centre of Andijan. On 17 May 2005 on the basis of Zainibidinov’s information they published an article entitled “The wounded that were trying to run away had been shot by one bullet”, Uzbekistan democratic reforms international e-mail agency stated that the number of dead bodies were more than 500. On 13 May, the BBC agency correspondent Monika Weetlock through BBC World television news made incorrect comments on the details of the trial of 23 *Akramiya* members from Andijan. In addition, on the BBC website Monika Weetlock published an article related to the murder of people in Andijan. In her article she tried to persuade the readers that Fergana Valley has always had independent political tendencies and therefore the government was accusing many citizens of extremist activities and keeping the population of Fergana in terror.

On 15 May 2005 Monica Weetlock again published an article on this site titled “Andijan is burying the deceased” interpreting some non-specific rituals to Uzbek people, as if the non-identified deceased people were being buried in the parks of the town.

The correspondent of the USA radio “Liberty” A. Babitsky who was in Andijan and saw all the events with his own eyes, on 16 May published an article through an E-mail site agency and wrote: “Based on the latest information 500 people died.” He stated that 1500 people had been arrested and more than 500 people were murdered by Andijan law enforcement officers. He said that corpses were buried in the secret places, and that peaceful people had been shot by military officers and that the wounded had been shot dead with a single bullet. In this way he has been following the instructions of the foreign forces.

The terrorists were engaged in killing citizens who were driving by with their automobiles; they removed their automobiles illegally by threatening to shoot them deliberately.

For example, on 13 May at 24:35 the automobile “Matiz” with the state number 17 N 64-18 driven by the citizen Z.A Abdullaev near the Andijan jail UYA- 64/T-1 was stopped by 6-8 unknown people and confiscated. As a result the car incurred 198,673 Som worth of damage.

At 01:00 the automobile “Tiko” with state number 170 66-81 driven by citizen M.S Sobirov was stopped by 5-6 people in A. Donish street near the Hokimiyat building and confiscated. The car incurred 1,843,500 Som worth of damage.

On 13 May, at 01:30 the automobile “Tiko” driven by the citizen G.Rizoev in front of the town governmental building was stopped and confiscated, as a result the car incurred 261,935 Som worth of damage.

At 01:30 a.m. the automobile “ZIL 131” with state number 17AH 889 driven by the citizen N.Yunusov before the Andijan region government building was stopped by terrorists and confiscated. The car incurred 268 730 Som worth of damage.

At 00:20 in K. Tcetkin Street, Andijan town, 15-20 terrorists withdrew the automobile “Matiz” with state number 17D 74-47 driven by citizen B. Mussoev. As a result the car incurred 473,679 Som worth of damage.

At 04:30 p.m the automobile “Damas” with state number 17G 08-35 driven by the citizen M. Akbaev was seized by terrorists in front of the Hokimiyat building of Andijan region. As a result the car suffered 814,077 Som worth of damage.

At about 05:00 the automobile “Nexia” with the state number 17J 02-02 driven by the citizen A. Ibaidulloev was shot at and seized by the terrorists and the car incurred 458,015 Som worth of damage.

At about 03:30 the automobile “Espero” with state number 17AN 273 driven by the manager of the “Omod-trans” company Mansurov K. and his friend Kurbanov R., was shot and seized by terrorists Burkhanov J. and his friends. As a result the automobile incurred 7, 632,098 Som worth of damage.

At 06:00 a.m, in front of the Okhunbabaev theatre of Andijan city the automobile “Tiko” with state number 170 17-88 driven by the citizen N.Urinboev was seized by the terrorists.

At about 07:00 a.m behind the Andijan city Hokimiyat building the automobile ‘Damass’ with state number 17 AN 227 driven by the driver M. Mirzoev was seized by the terrorists and the automobile incurred 3,061,781 Som worth of damage.

At about 07:20 a.m, in front of the Andijan city Hokimiyat building the automobile “Nexia” with state number 17AB 518 belonging to the Fergana region court driven by driver A.Koziev was seized by the terrorists and the automobile incurred 3, 061,781 Som worth of damage.

At about 08:30, in front of the Andijan region Hokimiyat building the automobile “Gaz 3120” with the state number 17 AB 518 belonging to Andijan region department of justice driven by the driver M.Khakimov was seized by the terrorists and as a result the automobile incurred 4,404,517 Som worth of damage.

At about 09:00 a.m, in front of the Andijan region Hokimiyat building, the automobile “Damass” with the state number 17D 12-47 driven by A.Aripov was seized by the terrorists and as a result automobile incurred 1, 552,223 Som worth of damage.

At about 20:00, in front of the Andijan region state building the automobile “Moskvich 412” with the state number 17O 87-19 driven by the citizen M.Atabaev was seized by two unknown terrorists and as a result the car incurred 850, 500 Som worth of damage.

On 13 May 2005 the automobile “Nexia” with state number 30E 60-55, in front of the the Law Enforcement Department building of Andijan region, belonging to citizen A. Ergashev was seized by the terrorists and as a result incurred 456,000 Som worth of damage.

On 14 May 2005, in “Ekin-Tekin” community, Andijan city, the automobile “Nexia” with state number 28-09 driven by the citizen A.Kenjaev was seized by the terrorists and the automobile incurred 4,968,031 Som worth of damage.

Also during the anti-terrorist operations the vehicles of the state law-enforcement bodies and the military, and the citizens’ private cars were shot at by the terrorists and they received various amounts of damage.

On 12 May 12 2005 in Navoi street of Andijan city the automobile “Oz-Otayul” with state number 17AF 728 driven by U. Kuchakov was shot at by the terrorists and the car incurred 17,849,475 Som worth of damage.

On 13 May 2005 at midnight 23:45 the automobile “Nexia” with state number 17AB before the military unit 44086 in Ashurov Street, driven by T.E Obloqulov was shot at and seized. The car incurred 153,703 Som worth of damage.

At about 00:35, near the Andijan region state building, the automobile “Daoll –Super –Salon” belonging to the citizen Z.Sulaimonov was shot at and seized by the terrorists; the automobile incurred 851,000 Som worth of damage.

At about 01:00, in front of the state building of Andijan region the automobile “Moskvich” with state number 17G 27-20 driven by the citizen B.Maksudov was shot at and as a result the car incurred 210,000 Som worth of damage.

At about 01:00, in front of the state building of the Andijan region the automobile “Matiz” with state number 10-35 driven by the driver B.Umarov was shot at and the automobile incurred 400,072 Som worth of damage.

At about 01:15, in front of the state building of Andijan region, the automobile “Damass” with state number 17D 19-75 driven by M. Urmanov was shot at and seized, as a result the automobile incurred 227,053 Som worth of damage.

At about 02:00, in front of the building of Andijan state security department the automobile “UAZ”3151 with state number 17AB 717 was shot at and as a result incurred 3, 848,462 Som worth of damage.

At about 12:00 in the Navoishoh street, Andijan city the automobile “Otayul” with state number 17 AN 274 belonging to the “Daewoo - Uzavto” joint enterprise driven by the citizen V.Tsoy was shot at and as a result the automobile incurred 1,183,335 Som worth of damage.



On this day in front of the building of the Andijan city state security department the automobile “Nexia” with state number 17 AY 213 belonging to the Andijan region Agro industry enterprise driven by the citizen F. Mahmudov was shot at and as a result incurred 28,000 Som worth of damage.

On the same day in front of the building of the Andijan town state security department the automobile “Moskvich -412” with state number 17B 03-72 was shot at and as a result the automobile incurred 15,675 Som worth of damage.

On this day, while preventing the riots in Andijan town the automobile “Ural” with state number 15-76 ASH belonging to the military unit #44086 incurred 105.000 Som worth of damage. On the same day while the unit was preventing the riots at prison UYA-64/ T.1, the terrorists began shooting at the automobile and as a result the automobile incurred 1,350,Som worth of damage, the automobile “Nexia” with state number 17ZA 001 incurred 524,170 Som worth of damage.

According to the conspiracy, the Kyrgyz members of the criminal organization were to ensure the transfer of the terrorists from Kyrgyzstan to Uzbekistan, to confuse the attention of the state forces in case the coup failed, to guarantee the passage of the terrorists from the refugees camp in Suzak district, to murder the family members of the resident B.Rahimov residing in Korgon-Teppa district, Karasuv town A.Timur street 101, to threaten the masses, to initiate the terrorist acts in Andijan, to restore the bridge linking Karasuv town with Karasuv district and cause mass riots in Karasuv town.

On 13 May 2005, B. Rahimov acting under oppression having learnt of the start of terrorist acts in Andijan in agreement with Mamajonov D., Badalboev A., Nishonov Sh., Tajimatov A.,Khakimov A.

On 14 May at 6 o'clock and during the whole day they fought against representatives of the local government, and set fire to many state and administration buildings causing property damage and mass riots.

For example, Rahimov I. and his criminal colleagues Mamajonov D., Badalboev A., Nishonov Sh., Tajimatov A., Khakimov O., and three other individuals were not identified, called on the citizens to organize a riot, began to restore the bridge linking Kora-suv town with Kyrgyzstan in resistance to the legal decisions of the town mayor Shermatov M., mayor of Korasu district M.Kasimov, the sergeant of law enforcement office A. Turakulov, assistant-duty of the town law enforcement office V. Nurmatov beat them up, set fire to the town government building, law enforcement office building, state tax departments building, town Education Board building, citizens court building , the Customs office “Karasuv”, the buildings of the chief of the town law enforcement office Mamasidikov M., and Olimjon R., and inflicted much damage.

Also during these events, the automobile “UAZ 31514” with state number 17 AB 195 belonging to the town law enforcement office, the automobile “Damass” with state number 17 AG 800, the automobile “UAZ 31514” belonging to the Customs department, the automobile “UAZ-31512” with state number 38-19 GS belonging to the military unit 9228, the automobile “UAZ-31514” with state number 17 AB 819,

the automobile "VAZ 2106" with state number 17 K 2698 belonging to the officer of the law enforcement office Karimov K., Normatovs automobile VAZ 2106 with state number 17M 6474, Norkuzievs automobile "Tiko" with state number 17 N 5973, the citizen Turakhujaeva G's automobile "Tiko" with state number 17 E 6871 were damaged significantly and became unuseable.

As a result of mass rioting, three citizens received physical injuries of various extent; the total damage caused to the citizens, state and social property was calculated at 203,101,500 Som.

At the instruction of the leader of the terrorists' "Head" Parpiev K., the members of the criminal organization Maksudov N.C and his colleagues were preparing an armed attack on Tashkent prison UYA -64/18 with the aim of setting free the founder of the *Akramiya* religious extremist movement Yuldoshev A., who was serving his sentence for capital crimes and breaking the Constitution of the Republic of Uzbekistan.

Accordingly, Makhsudov Azizullo, Makhsudov H's brother sent by Parpiev K. to Tashkent, currently serving his sentence in jail UYA -64/18, handed the plan of the weak points of the organization to Abdurazokov G and Aliev Y., so that they could take advantage of it. According to the criminal plan the individuals mentioned above had to attack the military unit #7534 located in Tashkent, to seize the weapons stored there and to arm, to seize the automobile "Kamaz" in the bus station near "Kuyluk" market, to break down the gates of the prison UYA-64/18 with this automobile, to release the leader of the criminal organization Yuldoshev A. and the active member of the international terrorist organization "Turkistan Islam Movement" Umarov I and deliver them to Andijan town. The beginning of the armed attacks had been designed on the basis of Parpiev K's instructions.

On 13 May 2005, Parpiev K. from the Andijan region government building, occupied by the terrorist called Makhsudov H, said that he was negotiating with Uzbekistan state officials about setting free Yuldoshev A and warned him not to begin the attack in Tashkent until they are instructed to do it, the terrorists discovered the failure of their terrorist acts in Andijan region and couldn't carry out their criminal plans and lay in hiding in secret houses.

During the armed attacks, the terrorists who threatened the peaceful people and caused the murder of a great many people Umarov B.T., Karimov S. M were shot dead during anti-terrorist operations.

60 civilians, 20 law enforcement officials, 11 military officers, were shot dead. Also 91 peaceful individuals, 49 law enforcement officials and 59 military officers were injured to varying degrees as follows:

State, public and citizens property incurred 3 billion 83 233 300 Som worth of damage;

77 automobile belonging to the Andijan town enterprises and citizens incurred 186,886,601 Som worth of damage;

15 individuals taken as a hostage were shot dead while preventing acts, 55 persons taken hostage were released;

Out of 527 prisoners who had been released by terrorists from UYA-64/T-1, 496 have been returned to prison and 25 are wanted.

As a result of the investigation's searches, 256 weapons of which 12 automatic guns, 59 pistols, 4 automatic guns, 11 rifles, 1 grenade and other weapons have been returned. During the anti-terrorist operations, 94 terrorists who had threatened and caused the murder of many innocent people have been eliminated, 76 of them received physical injuries; two deceased people have not been identified.

Gaziev Abdulkhofiz Satimovich who participated actively in the above-cited terrorist acts was captured by law enforcement officials on 8 July this year.

Gaziev Abdulkhofiz Satimovich for performing terrorist acts, for trying to change the legal state system against the constitutional order, for seizing the state with the aim of establishing an Islamic Caliphate, for belonging to an armed group, is accused of:

- Committing crimes under Article 97, Part 2, "a", "b", "c", "d", "e" of the Criminal Code of the Republic of Uzbekistan by repeatedly and deliberately attempting to take the lives of two or more persons in conditions making his responsibility severe, in helpless circumstances familiar to the accused, in dangerous conditions for a person or his relatives performing their state or civic duties during mass riots, with most cruelty, with the aim of hiding some kind of crime and facilitating the occurrence of this crime again, becoming the member of the organized group and protecting the interests of this group;
- Committing crimes under Article 110, Part 2 of the Criminal Code of the Republic of Uzbekistan for regularly beating and torturing a person in helpless circumstances ;
- Committing crimes under Article 112, Part 2, "a" and point 3 for becoming the member of the criminal group and for fighting for the interests of the criminal group, for murdering the person, who is carrying out the citizen's duty for using force and terrorist acts;
- Committing a crime, causing the death of a person or others whose life and health are in danger and who are helpless to defend themselves, under Article 117, Part 3, items "a", "b";
- Committing a crime under Article 127, Part 3 "a" of the Criminal Code of the Republic of Uzbekistan for involving two or more teenagers in crimes;
- Committing a crime under Article 132, Part 2, of the Criminal Code of the Republic of Uzbekistan for deliberately eliminating the cultural monuments under the state protection;
- Committing a crime under Article 139, Part 2, "a", "b", "c" for publishing or by other means disseminating mass information with the aim of committing capital crimes causing serious consequences;
- Committing a crime under Article 142 of the Criminal Code of the Republic of Uzbekistan for illegally encroaching on the freedom of the peaceful people;
- Committing a crime under the Article 145, Parts 1, 2, 3 by hindering the legal activities of the religious organizations, involving teenagers in a religious organization against the will of their parents, for hindering citizens to carry out their civic duties, by collecting compulsory commissions from religious people or applying means and measures that discredit the honor and dignity. Leading religious activities related to praying, participating in religious rituals by organizing religious rituals and by actions causing the light and heavy physical injuries of people;
- Committing a crime under Article 155, Part 3, items "a" and "b" for complicating international relations on terrorism, for breaking the territorial sovereignty, worsening security, causing fights and armed operations, disturbing the socio-political situation

using force to threaten the people, the state officials, the international organization, physical and legal persons in performing their duties, for constantly supplying terrorist organizations with finance, preparing terrorist acts, rendering all kinds of assistances to the people who help them, carrying out measures for involving them in the assassination of the state members deliberately provoking serious consequences;

- Committing a crime under Article 156, Part 2, items “?”,”?”,”?” of the Criminal Code of the Republic of Uzbekistan for participating in dangerous activities aimed at: causing religious hatred, discrediting the pride and the authority of the nation, humiliating the citizens;

- Committing a crime under Article 159, Part 3, items “?” and Part 4 of the Criminal Code of the Uzbekistan by attempting to seize the constitutional government, participation in an organized group and targeting its aims to dismiss the people elected by suffrage and appointed government officials from their positions appealing openly to break the integrity of the territory of the Republic of Uzbekistan against the constitution, likewise distributing papers among the people that disturb the legal activities of the state bodies, to design a conspiracy aimed at seizing the constitutional system of the Republic of Uzbekistan.

- Committing a crime under Article 161 of the Criminal Code of the Republic of Uzbekistan with the aim of disturbing the socio-political situation and the activities of the Uzbek government bodies, causing economic crises to eliminate the people, hurt their health and damage their property;

- Committing crimes under Article 164, Part 4, items “?”,”?” of the Criminal Code of the Republic of Uzbekistan for withdrawing a person’s property by attacking them in the rows of the certain armed group and defending its interests;

- Committing crimes under Article 173, Part 2, items “?”,”?”,”?” for deliberately eliminating the property and causing injuring on religious grounds by dangerous means causing much damage to people carrying out their civic duties;

- Committing a crime under Article 182, Part 2, items “a”, “?”,”?” of the Criminal Code of the Republic of Uzbekistan by transferring through the borderline of Uzbek Republic despite the agreement of the Customs or ignoring it, goods or other things of value in a large quantity. Committed a crime under Article 216 of the Criminal Code of the Republic of Uzbekistan by creating illegal public associations and participating in its activities;

- Committing a crime under Article [not visible] Part 2 of the criminal Code of the Republic of Uzbekistan in forcing the state officials to give up their civic duties and perform illegal acts;

- Committing a crime under Article 220, part 2 of the Criminal Code of the Republic of Uzbekistan in agreement with individuals who had committed capital crimes, threatening prisoners and making them fight against the administration officials to create criminal associations with the aim of attacking the jails;

- Committing a crime regarding the escape from the prison, in agreement with prisoners, causing light and heavy physical injuries, under Article 222 Part 2 points “a” and “?”;

- Committing a crime under Article 223, Part 2, items “?”,”?” of the Criminal Code of the Republic of Uzbekistan for arranging with a criminal group beforehand, and entering the Republic of Uzbekistan, breaking the existing laws and orders;

- Committing a crime under Article 228, Part 2, items “?”,”?” and under Part 3 of this Article for preparing and printing illegal documents, stamps, seals, papers and deliberately making use of them

- Committing a crime under Article 242 Part 2 of the Criminal Code of the Republic of Uzbekistan for setting up a criminal alliance, also to establish its branches and guiding them, to participate in its activities, supporting its running, guiding the activities of the armed group and participating in their activities;
- Committing a crime under Article 243 [not visible] for keeping secret income generated as a result of criminal activities, its sources, means of delivery, and its real owner;
- Committing crimes under Article [not visible] of the Criminal Code of the Republic of Uzbekistan for threatening the people by using weapons or other objects, making fires, damaging the property, for resisting the representatives of the state bodies, for organizing mass disorder and actively participating in it;
- Committing a crime under Article 244, Part 3, items “?” and ”?” of the Criminal Code of the Republic of Uzbekistan for storing and spreading materials filled with ideas of religious extremism and separatism, for spreading rumours to disturb the situation, also against religious rituals and against the security of the society on the basis of financial aid provided by international t religious errorist organizations;
- Committing a crime under Article 244, Part2 of the Criminal Code of the Republic of Uzbekistan for setting up religious, extremist, separatist and fundamentalist organizations, running their activities that provoked serious consequences;
- Committing a crime under Article 245, Part 2, items “?”,”?” of the Republic of Uzbekistan in making the government surrender, taking state officials hostage and under conditions of setting them free that provoked serious consequences;
- Committing a crime under Article 246, Part [not visible] of the Criminal Code of the Republic of Uzbekistan for obtaining weapons and bullets in the territory of Kyrgyzstan the source of which remains unknown to the investigation and for transferring them illegally through the Customs of the Republic of Uzbekistan into the territory of the Republic of Uzbekistan.
- Committing a crime under Article 247 Part 3, items “a” and ”?” of the Criminal Code of the Republic of Uzbekistan for seizing weapons and bullets from certain groups in the interests of a criminal association.
- Committing a crime under Article 248, Part 2 of the Criminal Code of the Republic of Uzbekistan for unduly storing and carrying the weapons and bullets and explosive stuff;
- Committing a crime under Article 251, Part 2, items “a”, ”?”, ”?” for seizing illegally a great deal of strong acid stuff and defending the interest of the criminal alliance.
- Committing a crime deliberately under Article 267, Part 3, points “?” ”?.” for seizing vehicles by force or by threatening in agreement with the members of the organized group to steal the vehicle again.

[...]

### ***Annex 3: Text of relevant provisions of the Criminal Code of the Republic of Uzbekistan***

#### **Article 97. Intentional Killing**

Intentional killing shall be punished by imprisonment from ten and fifteen years.

Aggravated intentional killing, that is:

of at least two persons;

of a woman known to be pregnant;

of a person known to be helpless;

of a person or his close relatives in connection with his performing a professional or civil duty;

by a way endangering other people's lives;

during a riot;

with abnormal brutality;

with rape or forced sexual intercourse in an unnatural form;

from mercenary motives;

due to ethnic or religious hatred;

due to hooliganism;

due to religious prejudices;

with the purpose of obtaining a transplant or using parts of a corpse;

with the purpose of concealing a crime or to facilitate commission thereof;

committed by a group of individuals, or by a member of an organized criminal group in its interests;

committed repeatedly or by a dangerous recidivist;

committed by a special dangerous recidivist

shall be punished with imprisonment from fifteen up to twenty years or by capital penalty.

#### **Article 110. Tormenting**

Systematic battery or other actions of tormenting, if they have not caused the consequences envisaged in Articles 104, 105 of this Code –

shall be punished with correctional labor up to two years or arrest up to six months, or imprisonment up to three years..

The same actions committed in respect of:

a juvenile;

a woman known to be pregnant;

a person known to be helpless –

shall be punished with correctional labor from two to three years or imprisonment up to five years.

#### **Article 112. Threat of Killing or of Violence**

Threat of killing or of violence, if there exists reasonable grounds to believe in commission thereof –

shall be punished with fine up to twenty five minimal monthly wages or correctional labour up to one year, or with arrest up to six months.

The same action committed by:

a special dangerous recidivist;  
a member of an organized criminal group in its interests –  
shall be punished with fine up to twenty-five minimal monthly wages or correctional labor from one to two years, or imprisonment up to one year.

The same action committed in respect to a person or his close relatives in connection with his performing a professional or civil duty –  
shall be punished with correctional labor from one to three years, or with imprisonment from one to three years.

**Article 117. Neglect of the Helpless**

Neglect of the helpless in a state when his life and health are endangered and he cannot protect himself, if a guilty person was obliged and was able to render him assistance or himself exposed a victim to danger that resulted in medium or serious bodily injury –  
shall be punished with correctional labor up to two years.

The same actions that resulted in a death of a victim –

Shall be punished by arrest up to six months or imprisonment up to three years:

The same actions that resulted in:  
death of persons;  
other grave consequences –  
shall be punished with imprisonment from three to five years.  
(As amended by the Law of 29.08.2001).

**Article 127. Inducing of Juvenile in Antisocial Conduct**

Inducing a juvenile in begging alms, drinking, usage of substances, which, being neither narcotic nor psychotropic, affect, however, will and mentality of the juvenile, committed after a previous administrative penalty for the same actions –  
shall be punished with correctional labor up to two years or arrest up to two months, or imprisonment up to three years.

Inducing a juvenile in usage of narcotic or psychotropic substances –  
shall be punished with arrest up to six months or imprisonment from three to five years.

Inducing juveniles into illegal trafficking of narcotic or psychotropic substances, as well as the actions envisaged by of Paragraph 2 of this Article, committed:  
by a person, who previously committed a crime that constitutes illegal turnover of narcotic of psychotropic substances;  
in respect of at least two juveniles;  
in educational establishments or other places that are used by schoolchildren or students for educational, sports or public events –  
shall be punished with imprisonment from five to ten years.

**Article 132. Demolition, Destruction, or Waste of Historical or Cultural Heritage**

Intentional demolition, destruction, or waste of national historical or cultural heritage committed after imposing of administrative penalty for the same actions –

shall be punished with fine up to fifty minimal monthly wages or correctional labor up to three years, or arrest up to six months.

Intentional demolition, destruction, or waste of national historical or cultural heritage that resulted in a serious damage – shall be punished with fine from fifty to one hundred minimal monthly wages or imprisonment up to three years.

In the instance of treble compensation of damages, a penalty of imprisonment shall not be imposed.  
(As amended by the Law of 20.08.1999).

### **Article 139. Denigration**

Denigration, that is, dissemination of false, defamatory information committed after a previous administrative penalty for the same action – shall be punished with fine up to fifty minimal monthly wages or correctional labor up to two years.

Denigration through a printed or otherwise copied text or through mass media – shall be punished with fine from fifty to one hundred minimal monthly wages or correctional labor from two to three years, or arrest up to six months, or imprisonment up to six years.

Denigration:  
aggravated by commission of a serious or especially serious crime;  
that resulted in grave consequences;  
committed by a special dangerous recidivist;  
from mercenary or other foul motives –  
shall be punished with imprisonment up to three years.  
(As amended by the Law of 29.08.2001).

### **Article 142. Violation of Security of Residence**

Illegal forceful entry into a dwelling against the will of dwellers – shall be punished with correctional labor up to three years or imprisonment up to five years.

### **Article 145. Violation of Freedom of Religion**

Impeding to legal activities of religious organizations or to free exercise of religion – shall be punished with fine up to fifty minimal monthly wages or deprivation of certain right up to five years, or correctional labor up to two years.

Engagement of juveniles in religious organizations, as well as teaching religion to them against their will or will of their parents or surrogate parents – shall be punished with fine from fifty to seventy-five minimal monthly wages or correctional labor from two to three years, or imprisonment up to three years.

Religious activity impeding individuals to enjoy their civil rights or to perform their civil duties, connected with compulsory collection of donations, or with application of degrading measures, or with compulsion in religious education and in defining one's



position to religion, to practise or not to practise a religion, to attend or not to attend a service, rituals, and religious ceremonies, as well as organization and holding religious services that inflicted trivial and medium bodily injuries – shall be punished with fine from seventy-five to one hundred minimal monthly wages or arrest up to six months, or imprisonment from three to five years. (Paragraphs 2 and 3 – as amended by the Law of 1.05.1998).

#### **Article 155. Terrorism**

Terrorism, that is, violence, use of force, or other acts, which pose a threat to an individual or property, or the threat to undertake such acts in order to force a state body, international organization, or officials thereof, or individual or legal entity, to commit or to restrain from some activity in order to complicate international relations, infringe upon sovereignty and territorial integrity, undermine security of a state, provoke war, armed conflict, destabilize sociopolitical situation, intimidate population, as well as activity carried out in order to support operation of and to finance a terrorist organization, preparation and commission of terrorist acts, direct or indirect provision or collection of any resources and other services to terrorist organizations, or to persons assisting to or participating in terrorist activities – shall be punished with imprisonment from eight to ten years.

Attempt to life of or infliction of bodily injury to a state official or public figure or representative of authorities, committed in connection with their state or public activities with the purpose of destabilization of situation or influence upon decision making by state bodies or impediment to political or other public activity – shall be punished with imprisonment from ten to fifteen years.

The actions punishable under Paragraphs 1 or 2 of this Article, resulted in:

- a) death of a person;
- b) other grave consequences –

shall be punished with imprisonment from fifteen to twenty years, or capital punishment.

A person who participated in preparation of terrorism shall be discharged from criminal liability in the instance if he assisted actively to the prevention of occurrence of grave consequences and attainment of terrorists' goals through his timely informing the authorities or in any other way, if his acts do not contain another elements of corpus delicti.

(As amended by Law of 29.08.2001.)

#### **Article 156. Incitement of Ethnic, Racial or Religious Hatred**

Intentional acts, humiliating ethnic honor and dignity and insulting religious or atheistic feelings of individuals, carried out with the purpose of incitement of hatred, intolerance, or division on national, ethnic, racial, or religious basis, as well as explicit or implicit setting limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs – shall be punished with imprisonment up to five years.

The same actions committed:

- a) in a way dangerous to lives of other persons;
- b) with infliction of serious bodily injuries;

- c) with forced eviction of individuals from the places of their permanent residence;
  - d) by an authorized official;
  - e) by previous concert or by a group of individuals –
- shall be punished with imprisonment from five to ten years.

**Article 159. Attempts to Constitutional Order of Republic of Uzbekistan**

Public statements to unconstitutional change of the existing state order, assumption of power, or removal of legally elected or appointed authorities from power, or to unconstitutional impairment of integrity of the territory of the Republic of Uzbekistan, as well as dissemination of materials containing such statements –

shall be punished with fine up to two hundred minimum monthly wages, or imprisonment up to five years.

(As amended by Law of 29.08.2001.)

Violent acts aimed at impediment to legal activity of constitutional bodies or replacement thereof with parallel authorities, not envisaged by the Constitution, as well as failure to execute the decisions to dismiss the authorities established in non-compliance with the procedures envisaged by the Constitution of the Republic of Uzbekistan, taken by the duly authorized state bodies –

shall be punished with fine from fifty to one hundred minimum monthly wages, or imprisonment from three to five years.

The acts punishable under Paragraphs 1 or 2 of this Article committed:

- a) repeatedly or by a dangerous recidivist;
  - b) by an organized group or in its interests –
- shall be punished with imprisonment from five to ten years.

A conspiracy with the purpose of assumption of power or overthrowing of the constitutional order of the Republic of Uzbekistan –

shall be punished with imprisonment from ten to twenty years.

(As amended by Law of 29.08.2001.)

A person who informed voluntarily the national authorities about a conspiracy, resulted in the prevention of the conspiracy through respective measures, shall be released from penalty.

**Article 161. Sabotage**

Sabotage, that is, acts aimed at destruction of people, causing harm to people's health, damage or destruction of property with the purpose of destabilization of the performance of state bodies or of sociopolitical situation or undermining the economy of the Republic of Uzbekistan –

shall be punished with imprisonment from ten to twenty years.

(As amended by Law of 29.08.2001.)

**Article 164. Banditry**

Banditry, that is, assault with the purpose of larceny committed with violence dangerous for life or health, or with threat of application of such violence –

shall be punished with imprisonment from five to eight years.

(As amended by Law of 29.08.2001.)

Banditry committed:

- ?) with weapons or other objects used as a weapon;
- b) by previous concert by a group of individuals;
- c) in large amount –

shall be punished with imprisonment from eight to ten years.

(As amended by Law of 29.08.2001.)

Banditry committed:

?) repeatedly by a dangerous recidivist or a person who has previously committed the crime punishable under Article 242 of the Criminal Code;

- b) in large amount;
- c) with illegal entering a dwelling, depository or other premise;
- d) with infliction of serious bodily injury –

shall be punished with imprisonment from ten to fifteen years.

(As amended by Law of 29.08.2001.)

Banditry committed:

- ?) in large amount;
- b) by a special dangerous recidivist;
- c) by an organized group or in its interests –

shall be punished with imprisonment from fifteen to twenty years.

(As amended by Law of 29.08.2001.)

### **Article 173. Intentional Destruction or Damage of Property**

Intentional destruction or damage of property, which caused significant damage – shall be punished with fine from fifty to seventy minimum monthly wages, or correctional labor up to two years, or arrest for up to six months.

The same actions committed:

- a) for the reasons of interethnic or racial hatred or religious prejudices;
- b) in a commonly dangerous way;
- c) with causing large damage –

shall be punished with fine from seventy-five to one hundred minimum monthly wages, or correctional labor from two to three years, or imprisonment up to three years.

The same actions committed:

a) with regard to property of person or of his immediate relatives in relation to the performance of their service or official duties;

- b) by an organized group or in its interests –

shall be punished with imprisonment from three to five years.

(Paragraphs 2 and 3 as amended by Law of 29.08.2001.)

In the instance of treble compensation for the pecuniary damage, penalty of imprisonment shall not be applied.

(As amended by Law of 20.08.1999.)

### **Article 182. Violation of Customs Legislation**

Transfer of goods and other valuables across the customs border of the Republic of Uzbekistan without passing customs control or with deceiving use of documents or

means of customs identification, or with failure to enter customs declaration or declaration with another name of goods, committed in large amount, after infliction of administrative penalty for the same acts – shall be punished with fine for up to three hundred minimum monthly wages or correctional labor for up to two years or imprisonment for up to five years.

A violation of the customs legislation committed:

a) in especially large amount;

b) by way of breakthrough, that is, open transfer of goods or other valuables across the

customs border of the Republic of Uzbekistan, and not authorized by the customs service;

c) by an organized group or in its interests;

d) with abuse of office –

shall be punished with fine from three hundred to six hundred minimum monthly wages, or correctional labor up to three years, or imprisonment from five to eight years.

(As amended by Law 29.08.2001.)

#### **Article 216. Illegal Establishment of Public Associations or Religious Organizations**

Illegal establishment or reactivation of illegal public associations or religious organizations as well as active participation in the activities thereof –

shall be punished with fine from fifty to one hundred minimum monthly wages, or arrest up to six months, or imprisonment up to five years.

(As amended by Law of 15.04.1999.)

#### **Article 216<sup>1</sup>. Inducement to Participate in Operation of Illegal Public Associations or Religious Organizations**

Inducement to participate in operation of public associations, religious organizations, movements or sects, which are illegal in the Republic of Uzbekistan, after infliction of administrative penalty for the same actions –

shall be punished with fine from twenty-five to fifty minimum monthly wages, correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

(As introduced by Law of 1.05.1998.)

(As amended by Law of 15.04.1999.)

#### **Article 216<sup>2</sup>. Violation of Legislation on Religious Organizations**

Performance of illegal religious activity, evasion from the registration of an organization's chart by leaders of religious organizations, and conducting special meetings for juveniles, labor circles, and other circles and groups, unrelated to worship, by religious leaders and members of religious organizations, after infliction of administrative penalty for the same acts –

shall be punished with fine from fifty to one hundred minimum monthly wages, or arrest up to six, or imprisonment up to three years.

Conversion of believers belonging to certain religion to other religions (proselytism) and other missionary activities, after infliction of administrative penalty for the same actions –

shall be punished with fine from fifty to one hundred minimum monthly wages, or arrest up to six months, or imprisonment up to three years.  
(As introduced by Law of 1.05.1998.)

**Article 219. Resistance to Authority or Person Fulfilling Civil Duty**

Resistance, that is, active counteraction to legitimate activity of official performing his official duties or of a person fulfilling a civil duty – shall be punished with fine up to fifty minimum monthly wages, or correctional labor up to three years, or arrest up to three months.

Any coercion of the persons referred to in Paragraph 1 of this Article to refuse to perform their official duties or civil duty as well as to commit illegal actions – shall be punished with arrest from three to six months, or imprisonment up to five years.

**Article 220. Actions Disorganizing Operation of Institution of Execution of Penalty of Imprisonment**

Actions, disorganizing the operation of an agency of execution of penalty of imprisonment, committed by a person, who serves penalty of imprisonment, manifested in terrorization of the convicted persons or assault to administration officer of such agency, as well as in organizing criminal groupings with the above purposes or active participation in activity thereof – shall be punishable with imprisonment from three to five years.

The same actions committed:

- ?) a special dangerous recidivist;
- b) a person convicted for the commission of a serious or very serious crime;
- c) by a group of individuals –

shall be punished with imprisonment from five to ten years.

**Article 222. Escape from Institutions of Confinement**

Escape from institutions of confinement or custody committed by a person serving penalty or held in pretrial detention – shall be punished with imprisonment up to five years.

Escape committed:

- ?) with infliction of trivial or medium bodily injury;
- b) by a special dangerous recidivist ;
- c) by a group of individuals –

shall be punished with imprisonment from five to eight years.

**Article 223. Illegal Exit from or Entry in Republic of Uzbekistan**

Exit from or entry in the Republic of Uzbekistan, or crossing the state border, which violate the duly set procedures – shall be punished with fine from fifty to one hundred minimum monthly wages, or imprisonment from three to five years.

The same actions committed:

- ?) by breakthrough;
- b) by previous concert by a group of individuals;

c) by an official whose exit requires a special approval – shall be punished with imprisonment from five to ten years.

Foreign nationals and stateless persons, who arrived in Uzbekistan without due formalization of entry documents in order to exercise the right to political asylum envisaged by the Constitution of the Republic of Uzbekistan, shall be excused from liability.

#### **Article 242. Organization of Criminal Community**

Organization of a criminal community, that is establishment or direction of a criminal community or divisions thereof, as well as activities aimed at ensuring their existence and operation – shall be punished with imprisonment from fifteen to twenty years.

Establishment of an armed organized group, as well direction thereof or participation therein – shall be punished with imprisonment from ten to fifteen years.  
(As amended by the Law of 29.08.2001)

#### **Article 243. Legalization of Revenue from Criminal Activities**

Legalization of revenue received from criminal activities, that is a transfer, conversion, or exchange of property, which has been obtained in result of criminal activities, as well as non-disclosure or concealment of original nature, source, location, way of disposal, movement, genuine rights in relation to the property or ownership thereof in the instance if such property has been obtained as a result of criminal activities – shall be punished with imprisonment from ten to fifteen years.  
(As amended by the Law of 29.08.2001)

#### **Article 244. Riots**

Organization of riots accompanied with personal violence, pogroms, arsons, damage and destruction of property, resistance to a representative of authority with use of or threat to use arms or other objects as arms, as well as active participation in riots – shall be punished with imprisonment from ten to fifteen years.  
(As amended by the Law of 29.08.2001)

#### **Article 244<sup>1</sup>. Production and Dissemination of Materials Containing Threat to Public Security and Public Order**

Production or keeping with the purpose to dissemination of materials that contain ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating a panic among the population, which have been committed after imposition of an administrative penalty for the same acts – shall be punished with a fine from fifty to one hundred minimum monthly wages, or correctional labor up to three years, or arrest up to six months, or imprisonment up to three years.

Any form of dissemination of information and materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction of individuals, or aimed at creating a panic among the population, as well as the use of religion in purposes of breach of civil concord, dissemination of calumnious and destabilizing fabrications, and committing other acts aimed against the established rules of conduct in society and of public security – shall be punished with a fine from seventy-five to one hundred minimum monthly wages, or arrest up to six months, or imprisonment from three to five years.

The actions foreseen in Paragraph 1 or 2 of this Article, committed:  
by previous concert or by a group of individuals;  
with use of official capacity;  
with use of financial or other material aid received from religious organizations, as well as from foreign States, organizations, and nationals – shall be punished with imprisonment from five to eight years.  
(Introduced by the Law of 1.05.1998, amended by the Law of 29.08.2001)

**Article 244<sup>2</sup>. Establishment, Direction of or Participation in Religious Extremist, Separatist, Fundamentalist or Other Banned Organizations**

Establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organizations – shall be punished with imprisonment from five to fifteen years.

The same actions that have resulted in grave consequences – shall be punished with imprisonment from fifteen to twenty years.

A person shall be discharged from liability for the offense punishable under Paragraph 1 of this Article, if he voluntarily communicated about the existence of banned organizations and assisted to detection of the offense.  
(Introduced by the Law of 1.05.1998, amended by the Law of 29.08.2001)

**Article 245. Taking Hostage**

Taking or holding a person as a hostage in purposes of forcing the State, international organization, or physical or legal entity to commit some action or abstain therefrom as a condition for release of the hostage, in the absence of criteria envisaged in Articles 155 and 165 of this Code, – shall be punished with imprisonment from five to ten years.

The same actions,  
committed in respect of a juvenile;  
committed in respect of at least two persons;  
that have resulted in grave consequences, – shall be punished with imprisonment from ten to fifteen years.

(As amended by the Law of 29.08.2001)

**Article 246. Smuggling**

Smuggling, that is carriage through the customs border of the Republic of Uzbekistan without the knowledge of or with concealment from customs control, or with using false documentation or means of customs identification, or jointed with non-

declaration or with declaration under false name of virulent, poisonous, toxic, radioactive, explosive substances, explosive assemblies, armaments, firearms, or ammunition, as well as narcotic or psychotropic substances, or materials that propagandize religious extremism, separatism, and fundamentalism – shall be punished with imprisonment from five to ten years.

Smuggling of nuclear, chemical, biological and other types of weapons of mass destruction, materials and equipment that knowingly may be used for production thereof, as well as narcotic or psychotropic substances in large amounts – shall be punished with imprisonment from ten to twenty years.

(As amended by the Laws of 30.08.1996, 1.05.1998, 29.08.1998, and 29.08.2001)

**Article 247. Illegal Occupancy of Firearms, Ammunition, Explosive Substances, or Explosive Assemblies**

Occupancy of firearms, ammunition, explosive substances, or explosive assemblies, conducted by theft or fraud –

shall be punished with correctional labor up to three years or imprisonment up to five years.

The same action that has been committed:

repeatedly;

by previous concert by a group of individuals;

by appropriation, embezzlement, or abuse of official capacity;

by robbery;

by extortion –

shall be punished with imprisonment from five to ten years.

The same action that has been committed:

by assault related to robbery;

by a special dangerous recidivist;

by an organized group or in its interests –

shall be punished with imprisonment from ten to twenty years.

(As amended by the Law of 29.08.2001)

**Article 248. Illegal Possession of Arms, Ammunition, Explosive Substances, or Explosive Assemblies**

Production, purchase, bearing, keeping, carriage, or transmission of firearms, as well as ammunition, explosive substances or explosive assemblies without a due authorization –

shall be punished with a fine up to fifty minimum monthly wages, or arrest up to six months, or imprisonment up to five years.

The same actions committed repeatedly or by a dangerous recidivist –

shall be punished with imprisonment from five to ten years.

Sale of firearms, ammunition, explosive substances, or explosive assemblies –

shall be punished with imprisonment from ten to twenty years.



A person who has voluntarily surrendered the objects envisaged in this Article shall be discharged from criminal liability.  
(As amended by the Laws of 27.12.1996 and 29.08.2001)

**Article 251. Illegal Occupancy of Strong or Poisonous Substances**

Illegal occupancy of strong or poisonous substances done by theft or fraud – shall be punished with correctional labor up to three years, or imprisonment up to five years.

The same action committed:  
repeatedly or by a dangerous recidivist;  
by previous concert by a group of individuals;  
by appropriation, embezzlement, or abuse of official capacity;  
by robbery;  
by extortion –  
shall be punished with imprisonment from five to ten years.

The same action committed:  
by assault related to robbery;  
in large amount;  
by an organized group or in its interests –  
shall be punished with imprisonment from ten to twenty years.  
(Paragraphs 2 and 3 are as amended by the Law of 29.08.2001)

**Article 267. Hijacking of Transport Vehicle**

Hijacking of a transport vehicle –  
shall be punished with imprisonment from three to five years.

The same action that has been committed:  
repeatedly or by a dangerous recidivist;  
by a previous concert by a group of individuals –  
shall be punished with imprisonment from five to ten years.

The same action that has been committed:  
by a special dangerous recidivist;  
by an organized group;  
with violence or threat to use it –  
shall be punished with imprisonment from ten to fifteen years.  
(Paragraphs 2 and 3 are as amended by the Law of 29.08.2001)

## **Annex 4: Text of selected relevant international standards**

### **OSCE COMMITMENTS**

#### **CONCLUDING DOCUMENT OF THE VIENNA MEETING, 1989**

[The participating States will]

(13.9) - ensure that effective remedies as well as full information about them are available to those who claim that their human rights and fundamental freedoms have been violated; they will, *inter alia*, effectively apply the following remedies:

(...)

the right to a fair and public hearing within a reasonable time before an independent and impartial tribunal, including the right to present legal arguments and to be represented by legal counsel of one's choice;

the right to be promptly and officially informed of the decision taken on any appeal, including the legal grounds on which this decision was based. This information will be provided as a rule in writing and, in any event, in a way that will enable the individual to make effective use of further available remedies.

(...)

(21) The participating States will ensure that the exercise of the above-mentioned rights will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured.

(...)

(23) The participating States will

(23.2) - ensure that all individuals in detention or incarceration will be treated with humanity and with respect for the inherent dignity of the human person;

(23.3) - observe the United Nations Standard Minimum Rules for the Treatment of Prisoners as well as the United Nations Code of Conduct for Law Enforcement Officials;

(23.4) - prohibit torture and other cruel, inhuman or degrading treatment or punishment and take effective legislative, administrative, judicial and other measures to prevent and punish such practices.

(...)

#### **DOCUMENT OF THE COPENHAGEN MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, 1990**

[The participating States]

(5) (...) solemnly declare that among those elements of justice which are essential to the full expression of the inherent dignity and of the equal and inalienable rights of all human beings are the following:

(5.12) - the independence of judges and the impartial operation of the public judicial service will be ensured;

(5.13) - the independence of legal practitioners will be recognized and protected, in particular as regards conditions for recruitment and practice;

(5.14) - the rules relating to criminal procedure will contain a clear definition of powers in relation to prosecution and the measures preceding and accompanying prosecution;

(5.15) - any person arrested or detained on a criminal charge will have the right, so that the lawfulness of his arrest or detention can be decided, to be brought promptly before a judge or other officer authorized by law to exercise this function;

(5.16) - in the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone will be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law;

(5.17) - any person prosecuted will have the right to defend himself in person or through prompt legal assistance of his own choosing or, if he does not have sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

(5.18) - no one will be charged with, tried for or convicted of any criminal offence unless the offence is provided for by a law which defines the elements of the offence with clarity and precision;

(5.19) - everyone will be presumed innocent until proved guilty according to law.

(...)

(11) The participating States further affirm that, where violations of human rights and fundamental freedoms are alleged to have occurred, the effective remedies available include

(11.1) - the right of the individual to seek and receive adequate legal assistance.

(...)

(12) The participating States, wishing to ensure greater transparency in the implementation of the commitments undertaken in the Vienna Concluding Document under the heading of the human dimension of the CSCE, decide to accept as a confidence-building measure the presence of observers sent by participating States and representatives of non-governmental organizations and other interested persons at proceedings before courts as provided for in national legislation and international law; it is understood that proceedings may only be held in camera in the circumstances prescribed by law and consistent with obligations under international law and international commitments.

(...)

(24) The participating States will ensure that the exercise of all the human rights and fundamental freedoms set out above will not be subject to any restrictions except those which are provided by law and are consistent with their obligations under international law, in particular the International Covenant on Civil and Political Rights, and with their international commitments, in particular the Universal Declaration of Human Rights. These restrictions have the character of exceptions. The participating States will ensure that these restrictions are not abused and are not applied in an arbitrary manner, but in such a way that the effective exercise of these rights is ensured. Any restriction on rights and freedoms must, in a democratic

society, relate to one of the objectives of the applicable law and be strictly proportionate to the aim of that law.

## **DOCUMENT OF THE MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE, 1991**

(19) The participating States

(19.1) - will respect the internationally recognized standards that relate to the independence of judges and legal practitioners and the impartial operation of the public judicial service including, inter alia, the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(23) The participating States will treat all persons deprived of their liberty with humanity and with respect for the inherent dignity of the human person and will respect the internationally recognized standard that relate to the administration of justice and the human rights of detainees.

(23.1) The participating States will ensure that  
no one will be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law;  
anyone who is arrested will be informed promptly in a language which he understands of the reason for his arrest, and will be informed of any charges against him;  
any person who has been deprived of his liberty will be promptly informed about his rights according to domestic law;  
any person arrested or detained will have the right to be brought promptly before a judge or other officer authorized by the law to determine the lawfulness of his arrest or detention, and will be released without delay if it is unlawful;  
anyone charged with a criminal offence will have the right to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;  
any person arrested or detained will have the right without undue delay, to notify or require the competent authority to notify appropriate persons of his choice of his arrest, detention, imprisonment and whereabouts; any restriction in the exercise of this right will be prescribed by law and in accordance with international standards;  
effective measures will be adopted, if this has not already been done, to provide that law enforcement bodies do not take undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to confess, otherwise to incriminate himself, or to force him to testify against any other person;  
the duration of any interrogation and the intervals between them will be recorded and certified, consistent with domestic law;  
a detained person or his counsel will have the right to make a request or complaint regarding his treatment, in particular, when torture or other cruel, inhuman or degrading treatment has been applied, to the authorities responsible for the administration of the place of detention and to higher authorities, and when necessary, to appropriate authorities vested with reviewing or remedial power  
such request or complaint will be promptly dealt with and replied to without undue delay; if the request is rejected or in case of inordinate delay, the complainant will be entitled to bring it before a judicial or other authority; neither the detained or

imprisoned person nor any complainant will suffer prejudice for making a request or complaint.

anyone who has been the victim of an unlawful arrest or detention will have a legally enforceable right to seek compensation.

## **UNITED NATIONS**

### **UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948**

#### Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

#### Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

#### Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

#### Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

#### Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

### **INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966**

#### Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

#### Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgment.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

#### Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

- (f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
- (g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

## **UNITED NATIONS CONVENTION AGAINST TORTURE and OTHER CRULE, INHUMAN or DEGRADING TREATMENT or PUNISHMENT, 1984**

### Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

### Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to and to have his case promptly and impartially examined by its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

### Article 15

Each State Party shall ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made.