



EUROPEAN PARLIAMENT

2014 - 2019

Plenary sitting

21.10.2014

B8-0179/2014

MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Human rights in Uzbekistan
(2014/2904(RSP))

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on behalf of the ALDE Group

B8-0179/2014

**European Parliament resolution on Human rights in Uzbekistan
(2014/2904(RSP))**

The European Parliament,

- having regard to its previous resolutions on Uzbekistan and in particular to its resolutions of 15 November 2007 and of 27 October 2005,
 - having regard to the seventh round of the Human Rights Dialogue between the European Union and Uzbekistan held on 8 November 2013 in Samarkand,
 - having regard to the Conclusions of the Council of the European Union of 25 June 2012 issued by the Foreign Affairs Council on the European Union Strategy on Central Asia,
 - having regard to the Conclusions of the Council of the European Union of 27 October 2009 issued by the External Affairs Council and respectively to those of 25 October 2010 issued by the Foreign Affairs Council relating to the respect of human rights and rule of law in Uzbekistan,
 - having regard to the EU Strategy for a New Partnership in Central Asia of 31 May 2007 where dialogue and cooperation with Uzbekistan acquired a new scope and quality,
 - having regard to the partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Uzbekistan, of the other part, which entered into force on 1 July 1999,
 - having regard to the ratification of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Uzbekistan in 28 September 1995,
 - having regard to the ratification of the United Nations International Covenant on Civil and Political Rights by Uzbekistan in 28 September 1995,
 - having regard to the November 2013 recommendations of the United Nations Committee against Torture and the February 2003 recommendations issued by the United Nations special rapporteur on torture following his visit to Uzbekistan in 2002,
 - Having regard to its resolution on a Digital Freedom Strategy in EU Foreign Policy, adopted on 15 November 2012,
 - Having regard to the EU Human Guidelines on freedom of expression online and offline, adopted by the Foreign Affairs Council on 12 May 2014
- A. whereas Uzbekistan's record of cooperation with UN human rights mechanisms is arguably among the worst in the world. For the past 12 years, it has denied access to all 11 UN special monitors who have requested invitations and has rejected virtually all recommendations for human rights improvements international expert bodies have made,
- B. whereas May 13th 2015 will mark the 10 year anniversary of the 2005 Andijan massacre in which

- government forces shot and killed hundreds of protestors, most of them unarmed,
- C. whereas the human rights situation in Uzbekistan has worsened since the lifting of European Union sanctions five years ago,
 - D. whereas the sanctions were lifted *‘with a view to encourage the Uzbek authorities to take further substantive steps to improve the rule of law and the human rights situation on the ground’*,
 - E. whereas Uzbekistan is virtually closed to independent scrutiny, torture is endemic, freedom of expression is severely limited and the authorities have intensified their crackdown on human rights defenders, opposition members and journalists,
 - F. Whereas Uzbekistan is ranked 166th on the World Freedom of the Press Index 2014 by Reporters Without Borders, out of 180 countries and Freedom House rates the country, its press and internet as 'not free'. Whereas digital freedoms are systematically curbed and violated in Uzbekistan
 - G. Whereas there are reports of European made spying and infiltration technology being used by the Uzbek regime to spy on its own citizens, enabling repression and the persecution of human rights defenders, journalists, bloggers, activists and others,
 - H. whereas Human Rights Watch launched a report last month on politically motivated prisoners in Uzbekistan detailing the ill-treatment of 34 of Uzbekistan’s most prominent political prisoners,
 - I. whereas at least 29 of the 34 current prisoners in the report have made credible allegations of torture or ill-treatment such as having been beaten with rubber truncheons or plastic bottles filled with water and tortured with electric shocks, hung by wrists and ankles, threatened with rape and sexual humiliation, asphyxiated with plastic bags and gas masks, and denied food or water,
 - J. whereas at least 18 have been denied access to legal assistance including at critical times when additional prison times were added to their original sentences,
 - K. whereas at least eight prisoners have been held in incommunicado detention for at least some period of time longer than allowed by Uzbek and international law,
 - L. whereas at least six prisoners have been imprisoned for 15 years or longer with two of them Murod Juraev and Samandar Kukanov behind bars for more than 20 years, and 22 receiving sentences that are at least 10 years or longer,
 - M. whereas the Uzbek government has had a policy of extending the sentences of political prisoners on insignificant and baseless grounds which they call "violation of prison rules", such as in the case of Murod Juraev, for infractions including “incorrectly peeling carrots” in the prison kitchen,
 - N. whereas of the 34 current prisoners and 10 former prisoners profiled in the Human Rights Watch report, at least 14 have had their sentences arbitrarily extended in prison, many more than once often in proceedings that occurred without due process,
 - O. whereas there are no registered opposition political parties and all official parties support president Islam Karimov who has won the last four presidential elections virtually uncontested,
 - P. whereas authorities in Uzbekistan routinely fail to conduct effective investigations into allegations of torture and other ill-treatment, and routinely fail to implement the recommendations of international human rights bodies,

- Q. whereas in 2008, Uzbekistan instituted habeas corpus reforms into domestic law, requiring judges to show cause for detention of prisoners rather than prosecutors holding them arbitrarily and incommunicado,
- R. whereas under Uzbek law, police and investigators can hold suspects up to 72 hours before bringing them before a judge for a habeas corpus hearing, a period incompatible with human rights norms,
- S. whereas Uzbek courts approve prosecutors' applications for detention in the vast majority of cases and they often adopt government-proposed sentences verbatim, without independent review,
- T. whereas on January 1, 2009 a new law restructuring the legal profession took effect, abolishing the previously independent bar associations and subordinating their replacement to the Uzbek government,
- U. whereas the new law requires all lawyers to re-apply for their licenses to practice law, and retake a bar examination every three years and whereas since then highly experienced lawyers have failed while junior colleagues have passed the examination,
- V. whereas several lawyers who consistently took on politically sensitive cases or raised allegations of torture have been disbarred,
- W. whereas the definition of torture provided in Article 235 of the Uzbek Criminal Code does not comply with article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,
- X. whereas some of the crimes committed in Uzbekistan related to the Andijan massacre and the crime of torture are subject to universal jurisdiction,
1. Reiterates the importance of EU-Uzbekistan relations and acknowledges Uzbekistan's crucial role in the Central Asia region, but stresses that those relations must be based on mutual respect for the principles of democracy, rule of law and human rights, as is clearly laid down in the EU-Uzbekistan Partnership and Cooperation Agreement,
 2. Urges the Uzbek government to immediately and unconditionally release all persons whose cases are detailed in the report and all other prisoners held for peaceful expression of their political views, civil society activism, journalistic activity, or religious views,
 3. Calls for a thorough and impartial investigation into the circumstances surrounding every case of torture and other cruel, inhuman or degrading treatment or punishment and calls for those responsible to be brought to trial and penal and/or administrative sanctions applied as per international standards,
 4. Calls on the Uzbek authorities to cease the practice of arbitrarily exempting prisoners held on politically motivated charges who qualify for amnesty from annual amnesty declarations and of arbitrarily lengthening prison sentences for minor offences or "violations of prison rules" under article 221 of the criminal code on "disobedience to the terms of punishment",
 5. Urges the Uzbek government to ensure that habeas corpus is implemented in line with international standards, that procedural rights such as access to counsel are protected, and that the

independence of the legal profession is upheld,

6. Stresses that the Uzbek government should comply with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ratify the Optional Protocol to the Convention against Torture,
7. Calls on the EU High Representative, the EEAS and EU Member States to immediately put in motion a strategy with the aim of pressing Uzbekistan for concrete human rights improvements over the coming months setting next year's 10 year anniversary of the Andijan massacre anniversary as a deadline for progress; concrete improvements should include those conditions laid out by EU Foreign Ministers in 2010 which are 1) releasing all imprisoned human rights defenders and prisoners of conscience, allowing unimpeded operation of non-governmental organisations in the country 2) cooperating fully with all relevant UN Special Rapporteurs 3) guaranteeing freedom of speech and the media 4) proceeding with practical implementation of conventions against child labour and by fully aligning its election processes with international standards; considers that should there be no progress then the EU should take the lead and table a UN Human Rights Council resolution under item 4 establishing a dedicated UN mechanism for Uzbekistan ensuring UN monitoring, public reporting and Human Rights Council debate about the disastrous human rights situation in Uzbekistan,
8. Calls on the European Commission and EU Member States to rapidly move ahead with the update to EU dual-use export control regulation, to address the impact that the export of dangerous technologies from the EU to third countries has on human rights and the EU's own security,
9. Furthermore calls on the EU, since there is no need to supply the Cooperation Council with relevant information about the situation being this a case of special urgency and in accordance with article 2 and article 95 of the Partnership and Cooperation Agreement, to put Uzbekistan on notice that unless there is progress on the above mentioned human rights concerns within the next six months then the EU will impose targeted punitive measures, including travel bans and asset freezes against those responsible for grave violations of international human rights law and impunity for such atrocities. Requests the EEAS to report back to Parliament on Uzbekistan officials considered responsible for human rights crimes and impunity including the 12 against whom the EU had imposed sanctions in response to the Andijan massacre which were subsequently lifted,
10. Calls on the EU, in line with its own regulations and guidelines, to impose an immediate ban on export of arms and any security or IT equipment to Uzbekistan that can be used for internal persecution and repression,
11. Calls on the Council to address the issue of the human rights situation in Uzbekistan at the next meeting of the Foreign Affairs Council, especially as the European Union is planning to hold its annual human rights dialogue with Uzbekistan in the coming November,
12. Instructs its President to forward this resolution to the European External Action Service, the European Council, the Commission, the Governments and Parliament of Uzbekistan, the Council of Europe, the OSCE and the UN Human Rights Council.