

## **Uzbekistan**

### **Letter of allegations**

2371. On 11 May 2010, the Special Rapporteur, together with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, sent a letter of allegation concerning the sentencing of Mr. Maxim Popov, psychologist, founder and director of the non-governmental organization Izis, founded by young medical professionals which works on HIV/AIDS prevention. Izis has also implemented HIV prevention activities, including under contracts with UNICEF, UNFPA and UNAIDS.

2372. According to the information received, Mr. Maxim Popov was arrested in January 2009 and convicted in July 2009. His conviction was publicly disclosed only at the end of February 2010. Mr. Popov was sentenced to 7 years imprisonment for charges which included theft by embezzlement, concealment of foreign currency, tax evasion, inducing minors to antisocial behaviour, indecent assault without violence against a minor and inducing engagement in the use of narcotic drugs or psychotropic substances.

2373. It is believed that Mr. Popov was convicted in connection with writing and distributing HIV/AIDS prevention materials. Mr. Maxim Popov is the author of the brochure "HIV and AIDS today", a publication funded by UNAIDS and UNICEF. He was also convicted for distributing HIV prevention materials published by UNAIDS and other UN agencies to adolescents that explicitly refer to drug use, sex work and homosexuality.

2374. Concern was expressed that the arrest and sentencing of Mr. Maxim Popov may be related to his peaceful activities in defence of human rights, in particular his work on HIV/AIDS prevention

### **Response from the Government**

2375. In a letter dated 30 June 2010, the Government responded to the communication sent on 11 May 2010 as follows. IZIS, a voluntary organization, was registered in 2003 with the Tashkent Justice Department as a legal entity, with Maxim Popov, an Uzbek national, as director. The organization's basic aims were to work on problems relating to the education, health and social protection of children and to assist in the social integration of the aged, the poor or other vulnerable sections of society.<sup>2376</sup> In accordance with article 21 of the Non-State Non-Commercial Organizations Act, the Tashkent Justice Department, as the registering body, carried out checks on IZIS in 2008 to ensure that it was carrying out its statutory aims and purposes and acting in accordance with the law. The checks showed that the organization conducted its activities under agreements concluded with a number of international organizations, including the local office of the foreign non-governmental organization Population Service International (PSI), and with United Nations agencies in Uzbekistan, such as the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF). In partnership with these organizations, IZIS carried out a wide variety of projects, aimed largely at injection-drug users and persons living with HIV.

2377. In the course of the verification process, it was found that the requirements of the statute had been breached and that there had been violations of Uzbek law, some of them of a criminal nature.

2378. In order to avoid untoward consequences and to take the proper legal action against IZIS, the materials of the verification process were handed over to the public prosecutor's office.

2379. According to information provided by the law enforcement agencies, criminal charges were brought against IZIS and, once the preliminary investigation had been completed, the case was transferred to Chilanzar District Criminal Court.

2380. On 9 June 2009, the Chilanzar District Criminal Court found Maxim Vladimirovich Popov, the director of IZIS, guilty. It sentenced him to seven years' deprivation of freedom and stripped him of the right to hold any office involving the direction of an organization or economic administration for two years.

2381. In view of the above, and given the evidence of a number of breaches of the statute and the law in the activities of IZIS, the Tashkent Justice Department, as the registering body, applied to the Tashkent Civil Court for IZIS to be wound up. This application was granted on 30 September 2009.

2382. In accordance with the Court's decision of 29 October 2009, the Central Administrative Board of the Tashkent Justice Department adopted the decision to terminate the activities of IZIS and to remove it from the register as a legal entity.

#### *The case of Maxim Popov*

2383. Maxim Vladimirovich Popov, an Uzbek national and executive director of the voluntary organization IZIS, was found guilty by the Chilanzar District Criminal Court on 9 June 2009 of committing offences under articles 167, paragraph 3 (a); 178, paragraph 2 (a) and (c); 184, paragraph 3; 127, paragraph 3 (b) and (c); 129, paragraph 1; 274, paragraph 2 (c); and, in accordance with articles 45, 59 and 61 of the Criminal Code, was sentenced to seven years' deprivation of freedom and stripped of the right to occupy any office relating to the direction of an organization or economic administration for two years. This sentence was upheld by the Tashkent Criminal Court, Appeal Division, on 14 July 2009.

2384. Popov's criminal activities did not end there. Knowing that the rent of the IZIS office was paid for the period from January to December 2008 under the tripartite agreement, at a cost of \$700 a month, Popov, acting in collusion with Kostyuchenko and in abuse of his official position, claimed \$200 a month for the office rental for the period January-December 2008, with no justification, thus embezzling the grant resources entrusted to him in the amount of 802,000 sum.

2385. Over the period 4 June 2008 to 11 December 2008, Popov misappropriated material goods placed in his charge, in the form of 990 Shield contraceptives, valued at 47,900 sum, purchased with the funds provided by UNDP, 24 T-shirts worth 132,000

sum and 263 vouchers worth 15,100 sum provided by the UNICEF office, at a total value of 193,100 sum.

2386. Moreover, in pursuance of his vile beliefs, which led him to entice young people into using narcotic drugs and psychotropic substances and to encourage an antisocial and amoral way of life by acting on their unformed minds and outlook, Popov distributed in Uzbek educational establishments attended by schoolchildren and students engaging in academic, sporting or communal activities a book that promoted narcotic drug use and antisocial behaviour among the young over the period 2006–2007. The book was entitled *Healthy Lifestyles. Teacher's Guide XXI*, 200 copies of which he had received under the contract with PSI. Popov was well aware of the nature of the book's contents.

2387. Knowing what the book contained, Popov deliberately distributed this book with a view to the promotion of depraved acts by persons whom he knew to be under 16. The book contained texts instructing young people in sexual activities and propaganda for homosexuality, prostitution and pornographic images among young people, including those attending educational institutions in Uzbekistan.

2388. Popov's guilt in respect of the offences in question is confirmed by witness statements, expert conclusions, checks, inventories, receipts and transfers, inspection and confiscation reports using material evidence, bills and other records required for a criminal case. The Supreme Court is not in possession of any information relating to the use of impermissible investigation methods. The sentence imposed on Popov has now become enforceable.

## **Observations**

2402. The Special Rapporteur wishes to thank the Government for the responses provided to her communications dated 23 February, 23 March, 30 June and 11 August 2010. The Special Rapporteur remains seriously concerned at the situation of human rights defenders in Uzbekistan, including reports of acts of intimidation, arbitrary arrest and heavy sentencing.

2403. The Special Rapporteur is particularly concerned at allegations concerning denial of medical treatment in detention and the reported disappearance of Ms. Umida Ahmedova, which she considers as unacceptable. She thanks the Government for its reply indicating the fate and whereabouts of Ms. Ahmedova but urges the authorities to ensure that the arrest, detention and treatment of those detained are in full compliance with international norms and standards.

2404. The Special Rapporteur regrets that her request to carry out a country mission to Uzbekistan has been outstanding for over ten years despite repeated follow-up and hopes that the Government will consider this request favourably in the near future.