

***Statement by the Initiative Group of Independent Human Rights Defenders of  
Uzbekistan and the International Partnership for Human Rights to the OSCE  
Supplementary Human Dimension Meeting on Freedom of Religion or Belief,  
Vienna, 9-10 December 2010***

**PERSECUTION OF INDEPENDENT MUSLIMS  
IN THE FIGHT AGAINST RELIGIOUS “EXTREMISM” IN UZBEKISTAN**

In its fight against religious “extremism”, the government of Uzbekistan continues to crack down on Muslims who exercise their faith outside of strict state controls without making any distinction between individuals who endorse or advocate violence and individuals who practice their beliefs in peaceful ways. During many years of monitoring and interviews conducted with victims, relatives and lawyers, the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) has documented a reoccurring pattern of human rights violations perpetrated by Uzbek authorities in their campaign against independent Muslims.

Independent Muslims are arrested and charged with “extremism” because of non-violent religious activities, such as praying in non-sanctioned mosques, studying non-approved literature<sup>1</sup> or meeting with other believers in their homes. The trials in these cases are typically characterized by gross procedural violations. For example, courts do not consider the cases before them in an independent or thorough way, systematically reject petitions made by the defense, and dismiss allegations that defendants have been subjected to ill-treatment and torture during the investigation. The trials are often held behind closed doors and sometimes even lawyers who have been privately engaged by the defense are not allowed to attend. Moreover, despite Supreme Court resolutions prohibiting the admissibility of testimonies obtained under torture, confessions extracted as a result of such treatment are frequently admitted as evidence and defendants are found guilty even if there is no substantial evidence to support the charges against them. The sentences handed down against purported religious “extremists” often amount to lengthy prison terms.

This is an example of a case where the IGIHRDU documented numerous human rights violations:

*On 27 May 2010, a district court in the Tashkent province delivered its verdict in a case involving 19 individuals charged with establishing or participating in unregistered religious organizations (article 216 of the Criminal Code of Uzbekistan), preparing or distributing material that constitutes a threat to public order and security (article 244-1), and creating, leading or belonging to religious extremist organizations (article 244-2). Four of the defendants were sentenced to six years in prison, and another two to four years in prison, while nine were given three-year suspended sentences, and four were fined.*

*The trial was closed to the public and relatives of the defendants, journalists, human rights defenders and international monitors were not allowed into the court room. Most of the defendants were not allowed assistance by lawyers appointed by their families, and none of the petitions made by defense was granted. The court did not pay attention to allegations made by*

*defendants that they had been subjected to torture and ill-treatment in detention. As a result of ill-treatment, a number of the defendants confessed in the course of the investigation but later withdrew their statements in the courtroom.*

*It appeared that a major factor used to justify the arrest and prosecution of the defendants was their participation in a private gathering organized to celebrate the birth of a baby, where a discussion of different Islamic movements took place. The security services reportedly seized a private recording of this event,<sup>2</sup> which was declared “extremist” in nature.*

*Among those found guilty and given the heaviest penalty was well-known journalist Khayrullo Khamidov who previously led radio- and TV programs and issued a journal on religious themes. Religious audio and video recordings, as well as religious literature that he used in his journalist work were confiscated by police in his home and presented as “evidence” against him. Khamidov had previously been warned by police to stop addressing religious topics.*

In its prolonged campaign against independent Muslim believers, the Uzbek authorities have cracked down on various Muslim groups branded “extremist”. In the past two years, among those most frequently targeted are suspected members of a movement based on the teachings of Turkish Muslim theologian Said Nursi, who religious experts consider to have represented a moderate and non-violent interpretation of Islam. Dozens of individuals suspected of being his followers have been arrested, charged with “extremist” crimes and sentenced to prison terms of up to 12 years in unfair trials.<sup>3</sup>

This is only one of example of a case against Nursi followers:

*On 16 August 2010, the Tashkent regional criminal court convicted nine young men suspected of involvement in the Nursi movement.*

*Three of the men, Zhasur Hassanov, Farhod Hassanov and Dilmurod Rahmatov, were sentenced to five years in prison under the Criminal Code articles that prohibit the preparation or distribution of material that constitutes a threat to public security and order (article 244-1), as well as creating, leading or participating in religious extremist organizations (article 244-2). The other six, Tohir Vakkasov, Oybek Latipov, Sherzod Khaytboyev, Jamshid Zhabborov, Jahongir Tillayev and Asilkhuzha Turayev, were found guilty under the Criminal Code provision that prohibits the illegal establishment of religious organizations and fined 70 minimum salaries (about EUR 1.500). No real evidence to support the charges against the men was presented at the trial, while allegations that they had been subjected to pressure by interrogators were not taken into account.*

*Monitoring undertaken by the IGIHRDU indicates that the men, who are all friends from the city of Angren and previously studied together in a Turkish lyceum in this city, were targeted for prosecution simply because they often met at each other’s places and prayed together or discussed religion. During a search in the men’s home, police found only non-prohibited religious literature<sup>4</sup>. Following the announcement of the verdict, the defense expressed its intention to appeal the sentences, but as of this writing no appeal hearing had yet taken place.*

In addition to being subjected to torture and ill-treatment in pre-trial detention, individuals charged of religious “extremism” are frequently singled out for abuse when serving prison sentences. The IGIHRDU continues to receive reports about such treatment in particular from the Jaslyk prison, which is a high-security prison located in north-west Uzbekistan. Individuals convicted of religious “extremist” crimes are, for example denied the same rights as other prisoners with respect to receiving parcels, sending letters and having visitors; they are held in isolation cells for prolonged periods of time; and they are subjected to brutal beatings and other forms of torture, often with the aim of punishing them for their beliefs and pressuring them to renounce their faith. In some

cases reported to the IGIHRDU, prison officials have recruited inmates convicted of other, “common” types of crimes to carry out torture against religious prisoners. In recent years, there have also been numerous cases of death of religious prisoners under suspicious circumstances.

In another practice aimed at further punishing religious prisoners, new charges are initiated against prisoners whose sentences are nearing an end because they have allegedly failed to comply with prison regulations. Following trials held behind closed doors at the premises of prison facilities, prisoners have their prison sentences prolonged without having had any effective opportunity to challenge the charges against them.<sup>5</sup>

The following case reported to the IGIHRDU illustrates both the problem of renewed charges against religious prisoners and torture with a deadly outcome:

*Alimhodzhaev Shavkat, a resident of Tashkent born in 1973, was arrested in 1999 on suspicion of involvement in religious “extremism”. He was subsequently sentenced to 16 years in prison for anti-constitutional activities (Criminal Code article 159) and participation in religious extremist organizations (article 244-2). The trial against him was manifestly unfair and the judge did not pay attention to allegations that law enforcement officials had subjected him to torture for the purpose of forcing him to confess to the charges against him. On appeal, his sentence was decreased to nine years’ imprisonment.*

*In 2008, when only 50 days remained of Shavkat’s prison term, new charges were initiated against him in the prison colony in the city of Navoi where he was held at the time. He was accused of disobeying the orders of the prison administration by reading his prayers outside the time slot allocated for this purpose. Following trial, he was given another eight-year prison sentence.*

*After being held for more than a year in a prison in the city of Andijan, Shavkat was transferred back to the facility in Navoi at the beginning of July 2010. On 15 July 2010, his mother visited him in this prison. During the visit, he did not complain of any problems with his health. However, five days later he died.*

*Prior to Shavkat’s burial, which prison officials demanded that be quickly organized, his mother saw the face of his body and noticed that it bore visible signs of torture. The upper part of the skull was open, the right eye was swollen and there were bruises on his face. She was not allowed to see the rest of the body. According to the death certificate, Shavkat died of “anemia”. When his mother petitioned to the country’s main prison administration service, she was told that her son had suffered a natural death.*

Most cases of ill-treatment and torture in Uzbekistan, whether or not they involve individuals accused of religious “extremism”, are never properly investigated and prosecuted. According to official statistics, in 2004-2008, criminal cases were opened into a total of only 34 complaints about torture, and a total of no more than 45 law enforcement officials were convicted for torture and ill-treatment. Out of those convicted, 13 were later amnestied.<sup>6</sup> The failure of Uzbek authorities to take more effective measures to investigate and prosecute cases of torture and ill-treatment has resulted in widespread impunity for such treatment. This situation has been repeatedly criticized by international human rights bodies.<sup>7</sup>

### **Recommendations:**

On the basis of the concerns highlighted in the statement, the IGIHRDU and the IPHR would like to make the following recommendations to the authorities of Uzbekistan:

- Stop the repressive campaign against Muslim believers who are involved in non-violent religious activities outside of organizations subject to strict state control, including by ensuring that no one is convicted for merely exercising his or her internationally protected right to freedom of religion and by releasing from prison those who have been imprisoned on such grounds;
- Take necessary measures to establish and guarantee the independence of the judiciary in conformity with relevant international standards, especially the Basic Principles on the Independence of the Judiciary (adopted by the UN General Assembly), and to ensure that trials are conducted in accordance with international principles and requirements for a due process and a fair trial;
- Take effective measures to implement recommendations made by international human rights bodies, in particular the UN Committee against Torture and the UN Special Rapporteur on Torture for how to prevent and punish torture, including by
  - ensuring that all allegations of torture, as well as all deaths in custody, are investigated promptly and thoroughly by an independent body and those responsible for acts of torture and ill-treatment are brought to justice and given penalties that are commensurate with the level of the crime;
  - ensuring in practice that confessions obtained by torture may not be invoked as evidence in any judicial proceedings; and
  - allowing for independent monitoring of all places of detention and imprisonment by international and national NGOs.

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<sup>1</sup> The production and import of religious literature is strictly controlled in Uzbekistan. All religious literature is subject to compulsory censorship prior to publication and distribution. Even mainstream Islamic theological works are often banned as “extremist”. For more information, see Forum 18, *Religious freedom survey*, August 2008, at [http://www.forum18.org/Archive.php?article\\_id=1170](http://www.forum18.org/Archive.php?article_id=1170)

<sup>2</sup> As reported by Forum 18, “Roadblocks around trial, more Nursi readers arrested”, 10 May 2010, at [http://www.forum18.org/Archive.php?article\\_id=1442](http://www.forum18.org/Archive.php?article_id=1442)

<sup>3</sup> Amnesty International, Uzbekistan: *A briefing on current human rights concerns - May 2010*, at <http://www.amnesty.org/en/library/asset/EUR62/003/2010/en/ad98e2f4-de4f-4017-a25b-e8cca380b0ec/eur620032010en.pdf>

<sup>4</sup> See endnote 1.

<sup>5</sup> *Human Rights Watch Concerns on Uzbekistan Submitted to the UN Human Rights Committee on the occasion of its March 2010 Review of Uzbekistan*, <http://www.hrw.org/en/news/2010/02/05/human-rights-watch-concerns-uzbekistan>; *Torture in Uzbekistan: Still Systematic and Unpunished*, submission by a coalition of Uzbek NGOs to the UN Human Rights Committee, [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/JointStatement\\_Uzbekistan98.pdf](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/JointStatement_Uzbekistan98.pdf)

<sup>6</sup> Submission by the Expert Working Group (Uzbekistan) to the UN Human Rights Committee, January 2010, at <http://www2.ohchr.org/english/bodies/hrc/hrcs98.htm>

<sup>7</sup> See, among others, *Concluding observations of the Human Rights Committee: Uzbekistan*, New York, 8-26 March 2010, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/415/25/PDF/G1041525.pdf?OpenElement>; *Conclusions and recommendations of the Committee against Torture: Uzbekistan*, Geneva, 5 - 23 November 2007, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/406/89/PDF/G0840689.pdf?OpenElement>; and *Report of the Special Rapporteur on the question of torture, Theo van Boven, on mission to Uzbekistan*, 3 February 2003, at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G03/107/66/PDF/G0310766.pdf?OpenElement>

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**The Initiative Group of Independent Human Rights Defenders of Uzbekistan** is an independent non-governmental organization that defends and promotes human rights in Uzbekistan. It is based in Tashkent and has nine regional branches and 156 members across Uzbekistan.

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The **International Partnership for Human Rights** is a Brussels-based NGO that is committed to empowering local civil society groups and assisting them in making their concerns about human rights violations heard at the international level. In particular, the IPHR cooperates with local partner organizations with the aim of advancing the rights of vulnerable groups who are subject to discrimination and abuse.

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