

**Initiative Group of
Independent Human Rights Defenders
of Uzbekistan**

Human Rights Violations in the Fight against Religious “Extremism” in Uzbekistan

Contribution to EU-Uzbekistan Human Rights Dialogue

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The authorities of Uzbekistan continue their indiscriminate campaign against alleged members of independent Muslim groups that are considered “extremist”, in this failing to make a distinction between individuals who endorse or advocate violence and individuals who practice their beliefs in peaceful ways. The campaign is characterized by violations of the right to freedom of religion, the right to freedom of expression, association and assembly, the right to due process and a fair trial, the prohibition on torture and ill-treatment, and other fundamental rights.

Background

The authorities of Uzbekistan strictly control religious practice. The country’s legislation requires all religious groups to register in order to legally conduct services and other activities, limits religious instruction to officially sanctioned religious schools, and provides for state approval of religious literature.¹

The Criminal Code of Uzbekistan establishes penalties for the organization and participation in “illegal” religious groups (article 216), as well as “religious extremist” and other “prohibited” groups (article 244-2). Any unregistered religious groups are considered “illegal”. Even informal groups of people that regularly meet and discuss religious matters can be construed as such. The terms “religious extremist” and “banned” organizations are not defined by national legislation, which leaves room for arbitrary and politically motivated interpretations of article 244-2.² Other vaguely worded provisions of the Criminal Code that may be widely interpreted and used to punish legitimate religious activities include article 159 (which bans “anti-constitutional” activity) and article 244-1 (which bans the production and distribution of materials considered to create a threat to public order and security).³

Hundreds of individuals have been arrested and convicted for involvement in organizations deemed “extremist” by Uzbek authorities in 2010-2011.⁴ Many have been accused of being “jihadists” or “wahhabists”, both of which are politically charged terms that do not have a clear meaning and often are used to depict members of movements that are perceived to express and promote “radical” views and ideas.⁵ Others have been accused of belonging to a movement based on the teachings of Turkish Muslim theologian Said Nursi or the movement Tablighi Jamaat. While views of Nur’s ideology range from progressive to conservative, this movement has consistently condemned violence.⁶ Tablighi Jamaat is a world-wide Muslim missionary society, which has been described as strictly non-political and never linked directly to violence.⁷

A continued pattern of human rights violations

Through monitoring, as well as interviews conducted with victims, relatives and lawyers, the Initiative Group of Independent Human Rights Defenders of Uzbekistan (IGIHRDU) has documented a persistent pattern of human rights violations in the fight against “religious extremists”.

Muslims believers continue to be arrested and charged with “extremist” crimes because of non-violent religious activities, such as praying in mosques that function outside strict state control, studying religious literature that has not been approved by authorities or meeting with other believers and discussing religious ideas. They are accused of involvement in organizations deemed “extremist” even if there is no evidence that they have participated in the activities of these organizations and/or these organizations do not have any known connection to violence and function openly in other countries. There are reportedly “black lists” containing the names of individuals whom local security and law enforcement authorities are ordered to “target” in the fight against “religious extremists”.

Individuals who are accused of being “religious extremists” are often arbitrarily detained. In some cases, they are initially detained on the basis of dubious charges of administrative violations, which are punishable by 10 or more days of arrest. This makes it possible for law enforcement authorities to comply with the requirement of judicial control of detention (*habeas corpus*) before criminal cases are initiated. Individuals accused of “religious extremism” are also often tortured and ill-treated in detention. They are, for example, beaten, kicked and/or subjected to moral pressure in an attempt to force them to “confess”. Their right to have access to a lawyer is often violated, and contacts with family members are restricted.

After being criminally charged, purported “religious extremists” are, as a rule, sentenced in trials that do not meet basic international standards of fairness. Trials are often held behind closed doors, as a result of which relatives of the defendants, lawyers who have been privately engaged by them and even defense witnesses are not allowed to attend. Allegations of torture and ill-treatment made by defendants are often ignored by judges. Confessions extracted through such treatment are also often admitted as evidence, and used as the main basis for guilty sentences, in spite of Supreme Court resolutions prohibiting the admissibility of testimonies obtained under duress.

The sentences handed down against individuals accused of “religious extremism” frequently amount to lengthy prison terms.

Below follows the description of three cases against individuals accused of “religious extremism”, which have been documented by the IGIHRDU in the past 12 months.

On 27 May 2010, the Jangijul'ski criminal court in the Tashkent region delivered its verdict in a case involving 19 individuals charged with establishing or participating in “illegal” religious organizations (CC article 216), preparing or distributing material considered to create a threat to public order and security (CC article 244-1), and creating, leading or belonging to “religious extremist” or other “banned” organizations (CC 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,⁸ 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.

Khamidov is known to be held in a prison colony in the settlement Tavaksoy in the Tashkent region.

On 16 August 2010, the Tashkent regional criminal court convicted nine young men (all born in 1978-1979) suspected of involvement in the Nursi movement. Three of them, Zhasur Hassanov, Farhod Hassanov and Dilmurod Rahmatov, were sentenced to five years in prison for the preparation or distribution of material considered to create a threat to public order and security (CC article 244-1), as well as creating, leading or participating in “religious extremist” or other “banned” organizations (CC article 244-2). The other six, Tohir Vakkasov, Oybek Latipov, Sherzod Khaytboyev, Jamshid Zhabborov, Jahongir Tillayev and Asilkhuzha Turayev, were found guilty of participation in “illegal” religious organizations (CC article 216) and fined 70 minimum salaries each (about EUR 1.500). Allegations that the men had been subjected to pressure by interrogators were not taken into account by the court. The sentence was upheld on appeal.

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 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.

On 24 January 2011, the Kashkadarya regional criminal court convicted Rustam Klichev (born 1975), Sherzod Hadzhiev (born 1984), Ihtijor Bekmuradov (born 1983) and Shavkat Jernazarov (born 1981) of “anti-constitutional” activities (CC article 159), the preparation or distribution of material considered to create a threat to public order and security (CC article 244-1), and participation in “religious extremist” or other “banned” organizations (CC article 244-2). Their sentences ranged from 5.5 to 10 years in prison. The four men, who were accused of being “jihadists”, were arrested by police and security officials in their home city Karshi in October 2010. They were all allegedly subjected to torture in pre-trial detention in an attempt to obtain confessions. An initial public hearing in their case was held on 18 January 2011. However, after this, the trial was moved to a pre-trial detention facility in the city of Bukhara (part of colony number 64/25), where it continued behind closed doors, as a result of which relatives of the defendants and monitors were not allowed to attend. According to information obtained by IGIHRDU, only one hearing took place in this facility. The hearing on 24 January 2011 lasted only ten minutes, in the course of which the verdicts were read out.

One of those convicted, Sherzod Hadzhiev, was initially arrested together with his brother Feruz Hadzhiev (born 1988) on 16 October 2010 as they were on their way home from work in Karshi. In a quickly organized process, where no lawyer was present, the Karshi city court convicted them of “hooliganism” and sentenced them to 10 days’ administrative arrest. While serving this sentence, they were allegedly seriously ill-treated. The officials interrogating them beat with their batons and hands on the head, stomach and other parts of the body and kicked them with their feet. After 10 days, on 27 October, Feruz Hadzhiev was released, after allegedly being pressured to sign a statement not to tell anyone about his arrest, conviction or ill-treatment. A criminal case was opened against Sherzod Hadzhiev.

The mother of the two brothers, Dilorom Hadzhieva, has submitted numerous appeals to the president, the general prosecutor and different regional authorities about her sons, indicating the names of officials believed to have been involved in ill-treating and torturing them. However, she has not received any answer, and when turning to the country’s human rights ombudsman, she was merely advised to contact other authorities. Local police and security services have reportedly tried to put pressure on her to stop writing complaints.

Thousands of individuals are currently serving sentences on “religious extremism” charges in Uzbek prisons.⁹ These are frequently singled out for discriminatory treatment and abuse. They 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. The IGIHRDU has received information about numerous cases in the past year where people serving sentences on “religious extremism” charges allegedly died in prison as a result of torture. In such cases, the bodies of the prisoners are typically brought in secret to their relatives for burial and the relatives are warned not to speak to journalists or human rights defenders.

While torture remains systematic in Uzbekistan, most cases of ill-treatment and torture, including those resulting in death, are never properly investigated and prosecuted. Family members of individuals accused of religious “extremism” often relate to the IGIHRDU that they have received no responses to complaints about ill-treatment and torture submitted to relevant authorities, even if they have included the names of the alleged perpetrators. 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, most recently by the United Nations Human Rights Committee in March 2010.¹⁰

In a practice that appears to be used increasingly often, new criminal charges are initiated against individuals imprisoned for “religious extremism” when their original sentences are nearing an end. In many cases, charges are brought under article 221 of the Criminal Code, which prescribes liability in the form of imprisonment for disobedience to prison administration orders. In cases reported to the IGIHRDU, prisoners have, for example, been accused of marching badly, not shaving, or praying at times not allocated for this purpose. Trials are typically held behind closed doors at the premises of prison facilities, and prisoners have their prison sentences prolonged with several years without having had the chance to consult a lawyer or prepare their defense.

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

Alimhodzhaev Shavkat, a Tashkent resident born in 1973, was sentenced to 16 years in prison for “anti-constitutional” activities (CC article 159) and participation in “religious extremist” or other “banned” organizations (CC article 244-2) in a 1999 trial which fell short of international standards. The judge did not pay attention to allegations that he had been tortured in pre-trial detention. On appeal, his sentence was decreased to nine years’ imprisonment.

In 2008, when only 50 days remained of Shavkat’s prison term, new criminal charges were initiated against him in the prison colony in the city of Navoi where he was held at the time. The main accusation against him was that he had disobeyed the orders of the prison administration (CC article 221) 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 (number 785, issued on 21 July 2010 in the city of Navoi) 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.

Recommendations

The Initiative Group of Independent Human Rights Defenders of Uzbekistan appeals to the EU to raise the concerns outlined in this document in its discussions with the authorities of Uzbekistan. The EU should call on the authorities of this country to:

- Amend Criminal Code articles 216, 244-1, 244-2 and 159 to ensure that these provisions cannot be used to prosecute and punish the legitimate exercise of freedom of religion and other fundamental rights;
- Stop arresting, criminally charging and convicting independent Muslim believers for non-violent religious engagement outside of institutions and organizations strictly controlled by the state, and release from prison those who have been imprisoned on such grounds;
- Take concrete measures to implement recommendations made by international human rights review bodies for how to safeguard respect for due process and fair trial rights, as well as for how to prevent, investigate and punish ill-treatment and torture of detainees and prisoners.
- As requested, report in detail to the United Nations Human Rights Committee on steps taken to put into practice key recommendations made by this body following its review of Uzbekistan last year.¹¹

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 members across Uzbekistan.

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¹ For more background information on legislation regulating religious practice, see for example US Department of State, *International Religious Freedom Report 2010*, at <http://www.state.gov/g/drl/rls/irf/2010/148810.htm>

² See Memorial, *Political Repression in Uzbekistan 2009-2010* (in Russian), p.8-9, at <http://www2.memo.ru/uploads/files/540.doc>

³ See the previous footnote.

⁴ The IGIHRDU obtained copies of indictments and verdicts concerning a total of 280 individuals charged on these grounds in 2010. This number is, however, believed to represent only a part of the total number of individuals who were arrested and convicted.

⁵ Memorial, *Political Repression in Uzbekistan 2009-2010*, p. 17, 44.

⁶ See US Department of State, *International Religious Freedom Report 2010*, at <http://www.state.gov/g/drl/rls/irf/2010/148810.htm>

⁷ See International Crisis Group, *Islamist Terrorism in the Sahel: Fact or Fiction?* (2005), p. 8 at <http://www.crisisgroup.org/~media/Files/africa/west-africa/Islamist%20Terrorism%20in%20the%20Sahel%20Fact%20or%20Fiction.ashx>

⁸ 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

⁹ Memorial has compiled a data basis of more than 6000 individuals who were convicted on politically motivated grounds in 1998-2008. Most of these were convicted for religious activities. See Memorial, *Political Repression in Uzbekistan 2009-2010* (in Russian), p. 13.

¹⁰ *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>.

¹¹ The authorities of Uzbekistan were, among others, requested by the Committee to report back within one year (by March 2010) on measures taken to implement the following recommendations on how to address the problem of torture and ill-treatment: (a) make sure that an inquiry is conducted by an independent body in each case of alleged torture; (b) strengthen measures to put an end to torture and other forms of ill-treatment, to monitor, investigate and, where appropriate, to prosecute and punish all perpetrators of acts of ill-treatment, so as to avoid impunity; (c) compensate the victims of torture and ill-treatment; (d) envisage audio-visual recording of interrogations in all police stations and places of detention; (e) make sure that the specialized medical-psychological examination of alleged cases of ill-treatment is carried out in line with the *Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (Istanbul Protocol); and (f) review all criminal cases based on allegedly forced confessions and use of torture and ill-treatment and verify whether these claims were properly addressed.