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UZBEKISTAN: Muslims and Jehovah's Witness tried, praying prisoner "committed suicide"

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Around 40 associates of a group of readers of the works of Muslim theologian Said Nursi in Uzbekistan were arrested by police in January, Forum 18 News Service has learnt. "These were not necessarily participants in reading Nursi's works, but were witnesses in the earlier case, neighbours and friends," one source stated. Among other recent arrests are those of 25 alleged Nursi readers serving in the army, with 12 due to face a military tribunal, a human rights defender told Forum 18. However, a Jehovah's Witness convicted but not imprisoned for teaching religion illegally was amnestied. No Muslim, Jehovah's Witness or Christian prisoner of conscience is known to have been amnestied. Also, Uzbekistan has categorically denied to the UN that prisoners are punished for praying. The denial came after three UN Special Rapporteurs wrote about reports of two brothers being tortured. One, Nigmat Zufarov, began a hunger strike demanding to be allowed to pray. The government claimed that he then "committed suicide".

Around 40 associates of a group of readers of the works of the late Muslim theologian Said Nursi were arrested by police in the central Uzbek city of Bukhara [Bukhoro] on about 20 January, Forum 18 News Service has learnt. Sources who asked not to be identified for fear of state reprisal told Forum 18 that "these were not necessarily participants in reading Nursi's works, but were witnesses in the earlier case, neighbours and friends," one source stated. An officer at Bukhara's Interior Ministry investigation prison confirmed to Forum 18 that those arrested are being held there, and insisted that they are being well treated. A total of 25 alleged Nursi readers serving in the army in the capital Tashkent have been arrested, with 12 due to face a military tribunal, a human rights defender told Forum 18. Arrests of five Nursi readers have also been reported in Fergana [Farghona] Region of eastern Uzbekistan.

However, a Jehovah's Witness in Andijan [Andijon] convicted under the Criminal Code for teaching religion illegally in November 2009 was amnestied in the court room.

Among many others recently arrested for peaceful religious activity are a Muslim journalist, Hairulla Hamidov (see F18News 17 February 2010 http://www.forum18.org/Archive.php?article_id=1410), and members of an unregistered Protestant Church (see F18News 24 February 2010 http://www.forum18.org/Archive.php?article_id=1413).

Bukhara Nursi arrests

The around 40 associates of Nursi readers arrested in Bukhara in January are still under investigation and are expected to face criminal prosecution. They are being held in the investigation prison of the Interior Ministry in Bukhara. It is believed a lawyer has been appointed in their case.

The Bukhara prison guard who answered the phone on 9 March at Bukhara Interior Ministry investigation prison - who refused to give his name - told Forum 18 that he did not know how long those arrested would be held in the prison. However, he insisted: "We are keeping them in excellent conditions." He refused to answer any further questions.

The arrests are related to the arrests in December 2008 and subsequent sentences of between nine and five and a half years' imprisonment handed down to nine Nursi readers in Bukhara. The nine had their appeals against their harsh jail terms rejected in June 2009 (see F18News 4 June 2009 http://www.forum18.org/Archive.php?article_id=1306).

Fergana Nursi arrests

Arrests of alleged readers of Nursi's works also began in Fergana Region in early February, the Moscow-based ferghana.ru news website reported on 1 March. It said five residents of Rishton, Kuva and Kuvasai districts were arrested and are believed to be held in Fergana's Interior Ministry investigation prison. It said they face charges under Criminal Code Article 159 ("attempts to change the constitutional order") and 244-2 ("establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organisations"). It identified the investigator in the case as Otabek Habibullaev of the Fergana Region Internal Affairs Department. Ferghana.ru said three other suspects managed to evade arrest.

The officer who answered the phone of Investigator Habibullaev on 9 March presented himself as Abduhabib Gaidnazarov (Forum 18 understands that the spelling of his last name may not be precise as it was not clearly heard over the phone), Head of the Investigation Department. When Forum 18 asked about the five Nursi readers, the officer said he was "actually not the Head of Department," and gave another number to call. The officer at the other number said neither Habibullaev nor the Head of the Department were available to talk.

Nursi arrests among soldiers

A member of the Khorezm-based human rights group Najot (Rescue) told Forum 18 on 9 March that one soldier from the region is among 12 soldiers reportedly facing charges in a military tribunal in Tashkent for alleged membership of the "Nurchilar" movement. Nursi readers insist that no such organised movement exists. The human rights defender said their trial before a military court has not yet begun. The defender added that 13 other soldiers also serving in Tashkent have been arrested on similar accusations.

Many Nursi trials throughout 2009

From late 2008, the Uzbek authorities have arrested a large number of Nursi readers. Forum 18 knows of 47 named individuals who received prison sentences in 2009 amounting to a combined total of around 380 years (see F18News 31 August 2009 http://www.forum18.org/Archive.php?article_id=1344). However, many other Nursi-related cases appear to have gone unreported.

The fate of several other men put on trial in 2009 for following Nursi's approach to Islam still remains unknown, despite requests by Forum 18 to the relevant courts for information (see F18News 27 January 2010 http://www.forum18.org/Archive.php?article_id=1399).

In its annual report on human rights abuses in the western Khorezm Region in 2009, published on 2 February 2010, the Najot human rights group noted the heavy sentences handed down on ten Nursi readers in Khorezm in July 2009 (see F18News 31 August 2009 http://www.forum18.org/Archive.php?article_id=1344).

Najot questions the Nursi convictions, insisting that, after its own analysis of various verdicts, no proof of guilt was established in court. It added that Nursi readers are being sentenced on charges of religious extremism "solely for practising their religion outside the framework of the traditional trend of Islam propagated and controlled by the state".

Najot points out that action against Nursi readers has been wider even than the trials that have taken place. "Najot's observations have shown that across the whole country in 2009 the police and secret police have conducted a 'purge' in a range of state bodies, organisations, enterprises and institutions, including higher education institutions and the armed forces, of suspected members of the Nurchilar religious group," the group's annual report declared.

Uzbekistan routinely targets all peaceful religious activity outside state control, from Muslims who read Nursi (see eg. F18News 31 August 2009 http://www.forum18.org/Archive.php?article_id=1344) to Protestants (see eg. F18News 24 February 2010 http://www.forum18.org/Archive.php?article_id=1413). Non-state registered religious activity is – in defiance of international human rights standards – a criminal offence in Uzbekistan.

Jehovah's Witness sentenced and amnestied

On 13 November 2009, Judge Umidahon Imomova of Andijan City Criminal Court found 55-year-old Jehovah's Witness Lyudmila Nikolskaya guilty of illegally teaching her faith, the court verdict seen by Forum 18 reveals. It said that she was caught teaching her faith to four women in a private home in Andijan on 5 April 2009, thus violating Criminal Code Article 229-2 ("teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately").

Andijan City Prosecutor handed her the formal charge only on 16 October 2009, Jehovah's Witnesses told Forum 18. It remains unclear why she was charged more than six months after the alleged offence.

Nikolskaya insisted in court that when police broke into the private home, she and the other four women were drinking tea and talking. However, police confiscated her Bible and two brochures, "Organised to Do Jehovah's Will". The verdict does not reveal why the police decided to raid the private home while the women were talking. However, it says the confiscated books were subjected to a "judicial-psychological, philosophical and religious expert analysis".

Nikolskaya was found guilty of this "crime", and the verdict noted that she had previously received an Administrative Code punishment for a previous "offence" on 20 February 2009. However, the verdict goes on to state that as she "is a woman and has not previously been sentenced [under the Criminal Code] and that her actions do not figure among serious crimes", the court decided to amnesty her from any punishment under the August 2009 Cabinet of Ministers amnesty.

This means that Nikolskaya now has a criminal record, even if no term of imprisonment or fine was imposed. The court ordered that the two brochures be destroyed

Chirchik [Chirchiq], which is close to Tashkent, is the only place in Uzbekistan where the Jehovah's Witnesses have a legally registered community and place of worship. If they lose registration, Jehovah's Witnesses have feared that all their religious activities in Uzbekistan will be banned. The congregation there has long been under pressure (see eg. F18News 8 April 2009 http://www.forum18.org/Archive.php?article_id=1282).

Prisoners of conscience not freed under amnesty

Jehovah's Witnesses lamented that their three prisoners of conscience, who are serving sentences for "illegal" religious activity, were not freed under amnesty. The three are: Abdubannob Ahmedov, Sergei Ivanov, and Olim Turaev. Another prisoner of conscience, Pentecostal Pastor Dmitry Shestakov, is serving a four year sentence (see F18News 6 April 2009 http://www.forum18.org/Archive.php?article_id=1280).

There are at least 47 Nursi readers who are prisoners of conscience, who were in 2009 given prison sentences totalling around 380 years (see F18News 31 August 2009 http://www.forum18.org/Archive.php?article_id=1344).

None of these prisoners of conscience were freed under the amnesty.

Prisoner who wanted to pray "committed suicide"

Meanwhile, the Uzbek government has categorically denied to the United Nations (UN) that prisoners are punished for praying while imprisoned. On 9 September 2009, three UN Special Rapporteurs wrote to the government about reports they had received that two brothers, Nigmat and Sobit Zufarov, had been tortured separately in prison. The three Special Rapporteurs who jointly wrote were: Philip Alston, SR on extrajudicial, summary or arbitrary executions; Manfred Nowak, SR on torture and other cruel, inhuman or degrading treatment or punishment; and Asma Jahangir, SR on freedom of religion or belief.

The Special Rapporteurs (SRs) noted that in mid-May 2009, while in Labour Camp UYa-64/48 in Zarafshan, Nigmat Zufarov began a hunger strike demanding that he be allowed to pray. "After six days, he was force-fed by prison authorities, who also performed a forced enema on him, using pepper solution. The beatings allegedly continued after his hunger strike," The SRs state. He was found dead on 15 July 2009, with the authorities claiming he committed suicide. However, his family noted what the SRs told the Uzbek government were signs of torture on his body. Nigmat Zufarov had been sentenced back in April 2000.

The Special Rapporteurs also expressed concern for Sobit Zufarov's "physical and psychological integrity" after receiving reports that he "was being ill-treated in prison, including being placed in an isolation cell for up to six months as punishment for praying". Imprisoned since 2000, he was imprisoned in Tashkent Region before being transferred in February 2008 to labour camp UYa-64/46 in Navoi.

Prisoners continue to be denied their right to freedom of religion or belief – for example to pray visibly, to have religious literature, or to receive visits from religious clergy. These denials of religious freedom affect not only prisoners of conscience of all faiths, jailed or imprisoned in a labour camp for their religious activity, but also prisoners jailed for other reasons. Prison and labour camp conditions are harsh, and even the communities regarded as the main "traditional" faiths – the state-controlled Muslim Board and the Russian Orthodox Church – appear to have only limited access to prisoners. Other faiths told Forum 18 they have almost no access. Prisoners are often punished for religious activity in jails or labour camps, religious believers and human rights defenders have told Forum 18, however officials insist that prisoners' religious freedom is respected (see F18News 17 July 2009 http://www.forum18.org/Archive.php?article_id=1329).

In its 13 October 2009 response, posted on the website of the Office of the UN High Commissioner for Human Rights, the Uzbekistan Permanent Mission in Geneva rejects absolutely all the allegations of torture or maltreatment of the Zufarov brothers. It claimed that neither staff nor anyone else at the labour camp had ever used physical violence against Nigmat Zufarov. It denied that he had ever held a hunger strike and insisted he had committed suicide.

"In connection with the unfounded accusations in the complaint sent by the UN special procedures, it must be noted that in accordance with criminal implementation legislation, in all penal establishments all conditions have been created for those sentenced to carry out religious rituals," the response claims in Nigmat Zufarov's case. It maintains that prisoners are allowed to carry out religious rituals, and use religious objects and literature, provided they do not violate camp rules or violate other prisoners' rights.

"In UYa-64/48, as well as in all other penal institutions, no punishments are imposed on prisoners for conducting religious rituals, no torture is used on them and they are not sent to the disciplinary unit."

The Uzbek government response admitted that Sobit Zufarov had been disciplined while in camp, and had received an extra sentence in 2008, but insisted that he had been punished for refusing to take part in educational activity and to admit his guilt.

In a 5 June 2009 response to an earlier enquiry by three UN Special Rapporteurs, the Uzbek government likewise denied that another prisoner, Amangeldi Zulpakharov, had been beaten while being held in UYa-64/51 in Koson in Bukhara [Bukhoro] Region. The rapporteurs noted reports that he had been punished in March 2009 for praying the namaz (see F18News 17 July 2009 http://www.forum18.org/Archive.php?article_id=1329).

The government's blanket denials of any punishments for prisoners who practise their faith – also echoing such denials to Forum 18 – is in stark contrast to the frequent reports of such punishments, especially for Muslims who try to pray the namaz in their cells (see F18News 17 July 2009 http://www.forum18.org/Archive.php?article_id=1329).

Detainees under investigation who have not yet been formally jailed often describe the use of violence against them by state officials. The UN Committee Against Torture found in November 2007 that the use of torture by state officials is "routine" in Uzbekistan (see F18News 24 February 2010 http://www.forum18.org/Archive.php?article_id=1413). (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1170.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

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