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UZBEKISTAN: Muslims jailed long-term, short-term Christian jailings re-start

By Mushfig Bayram, Forum 18

Uzbekistan continues to jail Muslims and Christians for exercising their freedom of religion or belief, Forum 18 News Service has learned. Labour camp terms of between six and a half and seven years have been given to three Muslim women for leading and taking part in unauthorised religious meetings, and a Baptist's appeal against a 10-year prison sentence – on apparently fabricated drugs charges – has been rejected. Relatives of the three jailed Muslim women have been pressured not to appeal against the convictions. The state has also re-started its policy of short-term jailings of religious minorities, with two Protestants and one Jehovah's Witness being each jailed for between 10 and 15 days. Criminal cases are still pending against a Muslim journalist, along with 38 other Muslims, as well as against 40 readers of the approach to Islam of Said Nursi. Officials have mostly refused to comment on the cases. The UN Human Rights Committee has expressed its concern over Uzbekistan's "limitations and restrictions on freedom of religion and belief".

Uzbekistan continues to punish Muslims and Christians with jail for their religious activity, Forum 18 News Service has learned. The policy of short-term jailings of people for exercising their freedom of religion or belief has been re-started, with two Protestants being jailed on 23 April for 10 and 15 day terms, and a Jehovah's Witness receiving a 15-day term the following day. Elsewhere, labour camp terms of between six and a half and seven years were given on 12 April to three Muslim women for leading and taking part in unauthorised religious meetings. Also, a Baptist's appeal against a ten-year prison sentence failed on 13 April. A criminal case against a Muslim journalist, along with other 38 Muslims in the same case, is still pending. Also pending is the trial of some 40 readers of the approach to Islam of Said Nursi in Bukhara.

The state Religious Affairs Committee has refused to comment on these cases. As soon as Forum 18 introduced itself to several officials at the Religious Affairs Committee on 21 April, each one put the phone down. No officials were available on 26 April.

Long-term labour camp terms for Muslim women

Judge Rozikul Beknazarov of Kashkadarya Regional Criminal Court on 12 April handed down long-term prison sentences to Mehriniso Hamdamova, Zulhumor Hamdamova (Mehriniso's sister) and Shahlo Rakhmonova (a relative of the sisters). All three were worshippers at the Kuk-Gumbaz mosque in Karshi [Qarshi], the region's central city.

Mehriniso Hamdamova was punished with seven years in a labour camp, and the other two women were each given six and half years in a labour camp. They were all accused of breaking Criminal Code article 159 ("attempts to change the constitutional order of Uzbekistan"), and article 244-1 ("preparation or distribution of materials threatening public security and public order").

"Kashkadarya regional National Security Service (NSS) secret police officials intimidated close relatives of the defendants not to appeal against the decision," Surat Ikramov, a human rights defender from Tashkent, told Forum 18 on 21 April. The relatives have been told that, if they appeal, the court "will give longer sentences."

A source from the Kashkadarya region, who did not want to be identified for fear of the authorities, told Forum 18 on 23 April that the relatives of the defendants have been told by the authorities that Hamdamova and her co-defendants have refused to appeal and that they are "satisfied" with the decision. The source said that a copy of the court verdict was not given either to the lawyers or the relatives. An appeal without a copy of the verdict is not possible under Uzbek law. The relatives have been told that the defendants have a copy of the verdict in the labour camp.

Conditions in labour camps can be particularly harsh, with unsanitary and dangerous living and working conditions, beatings by guards, and criminal gangs having a ruthless hold over other prisoners (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=982). Prisoners in labour camps and jails are 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 (see F18News 17 July 2009 http://www.forum18.org/Archive.php?article_id=1329).

Judge Beknazarov confirmed the sentences to Forum 18 on 20 April and claimed that the defendants' representatives were given a copy of the verdict. "They are free to appeal," he responded when asked why the defendants were punished for peaceful worship. He refused to talk to Forum 18 more, saying that "we are not allowed to give any comments."

Hamdamova and many family members were arrested for holding unauthorised religious meetings, by 12 officials from the NSS secret police and the ordinary police. The arrests happened following a 6 am raid on her home on 5 November 2009 (see F18News 18 November 2009 http://www.forum18.org/Archive.php?article_id=1376).

Nurbek Kulturayev – Hamdamova's 25 year-old son-in-law - was arrested later, after women forced to give testimony against Hamdamova by the threat of rape disappeared (see F18News 27 January 2010 http://www.forum18.org/Archive.php?article_id=1399). Kulturayev was kept in detention for fifteen days and was then released. He is understood to have left the country, for fear of the authorities.

Hearings in the regional court, which started on 11 March, were closed to the public and were conducted with "gross violations" of the Criminal Procedural Code, human rights defender Ikramov told Forum 18. "All 21 witnesses in the case, who attended prayers with Hamdamova, testified to the defendants' innocence, and the defendants rejected all the charges brought against them." Ikramov lamented that the "whole case was fabricated, and that the court did not establish even one proof of the defendants' guilt."

Hamdamova's family intends to lodge an appeal, Ikramov added.

Baptist's appeal against long-term sentence fails

Syrdarya Regional Criminal Court, chaired by Judge Myrza Pardayev, rejected on 13 April an appeal by Tohar Haydarov, a member of an unregistered Baptist church, against a 10 year jail term. Baptists who know him well are adamant that the case – in which he was convicted of drugs offences – has been fabricated, vehemently insisting that Haydarov is "a man with a pure conscience and an honest Christian" (see F18News 11 March 2010 http://www.forum18.org/Archive.php?article_id=1419).

According to the 9 March verdict seen by Forum 18, Haydarov had been sentenced to five and a half years' imprisonment in January 2001 on criminal charges of theft and "attracting minors into anti-social activity". However, he was freed under amnesty in October 2001 and the conviction expunged. Baptists who know Haydarov insisted to Forum 18 that even these charges – long before he became a Christian – had been fabricated.

"Haydarov's lawyer presented to the court written documents proving that the case was totally fabricated, and that records of the case contained 243 violations of procedural norms and regulations," Baptists complained to Forum 18 on 20 April.

Forum 18 has seen the full list of these violations. They include two alleged witnesses of a police search of Haydarov's home and his arrest - Zuhridin Boltaboyev and Said Azizov – for some reason signing case documents with signatures which change within the files, having no resemblance to previous alleged signatures. Enquiries by Haydarov's lawyer to law-enforcement agencies could not establish the existence of these claimed witnesses.

Other major violations include contradictions in the police records and the alleged witnesses' written statements of where drugs were found on Haydarov, and the colour of his coat. There is also a difference of half a kilogramme [over one pound] between the police record of the weight of the drugs allegedly found, and forensic examination records. Also, Haydarov was not given a chance to examine case files, and did not sign any statements or police records.

"Despite all these violations, and the lawyer asking for the case to be referred for further investigation, the court decided to uphold the previous decision," Baptists complained.

Attempts to reach Judge Pardayev for comments were unsuccessful. An official of the Syrdarya Court (who did not give his name) who answered the phone on 20 April asked Forum 18 to call back the next day. On 21 April, Forum 18 was told that Judge Pardayev was not available before the phone was put down.

Short-term jailings resume

Short-term imprisonment of religious believers to punish them for their religious activity has resumed, Forum 18 notes. Two Protestants in the southern Surkhandarya Region, Azamat Rajapov and Abdusattor Kurbonov, were imprisoned on 23 April for 15 and 10 days respectively as part of a wider crackdown on a local Protestant church, local Protestants told Forum 18. A Jehovah's Witness was given a 15-day sentence in Tashkent the following day (see F18News 29 April 2010 http://www.forum18.org/Archive.php?article_id=1438).

The 10- and 15-day sentences represent the resumption of short-term imprisonments as an additional punishment for religious activity the government does not like. The last such short-term sentences known to Forum 18 were of two Jehovah's Witnesses in February, one of whom received a 15-day sentence and the other 10 days (see F18News 11 March 2010

http://www.forum18.org/Archive.php?article_id=1419).

A total of 25 people are known to have, in 2009, suffered jail sentences of between 5 and 15 days to punish them for their religious activity (see F18News 14 January 2010 http://www.forum18.org/Archive.php?article_id=1394).

More Muslim Nursi reader trials still pending

Some 40 associates of people imprisoned already in Bukhara [Bukhoro] for reading the works of Muslim theologian Said Nursi are under arrest and awaiting trial. A total of 25 soldiers alleged to be Nursi readers are also reported to have been detained (see F18News 9 March 2010 http://www.forum18.org/Archive.php?article_id=1418). A relative of a jailed Nursi reader on condition of anonymity told Forum 18 on 23 April that the trial of the Bukhara group is still pending. Previously convicted "He [his relative] was moved from the prison to the detention centre in Bukhara to be questioned about this group," he said.

Muslim Journalist's case and cases of 38 others still pending?

The trial in Tashkent of Hayrullo Hamidov, a Muslim commentator and sports journalist, and 38 other Muslims charged with breaking Criminal Code articles 244-1 ("preparation or distribution of materials threatening public security and public order"), has been referred for further investigation, human rights defender Ikramov told Forum 18 (see F18News 17 February 2010 http://www.forum18.org/Archive.php?article_id=1410).

The judge in the case, Shukrullo Inagamov, told Forum 18 that he is not hearing Hamidov's case, but that it was not referred back for investigation and that it has not been heard yet. "I cannot give you any further information on this," he told Forum 18 on 22 April. He then put the phone down.

Abdurakhmon Tashanov of the Ezgulik (Goodness) human rights organisation said that twelve of the defendants may already have received punishments. But "Hamidov's files along with 26 others were referred back to the investigative agencies," he told Forum 18 on 21 April. Tashanov thought that the hearings may start within a week.

UN Human Rights Committee concern

The United Nations Human Rights Committee expressed its concern in March over Uzbekistan's "limitations and restrictions on freedom of religion and belief, including for non-registered religious groups", in particular "persistent reports on charges and imprisonment of such individuals" (see http://www2.ohchr.org/english/bodies/hrc/docs/co/Uzbekistan98_AUV.doc).

The Committee also expressed concern over the "criminalisation" of spreading one's faith, specifically pointing to punishment under Article 216-2 of the Criminal Code for "attracting believers of one faith to another (proselytism) and other missionary activity" (which carries a maximum three years' imprisonment). The same Article also punishes conducting "illegal religious activity", including "refusal by leaders of religious organisations to register their statute", which likewise carries a maximum three years' imprisonment (see F18News Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1170).

"The State party should amend its legislation, in particular, article 216-2 of the Criminal Code, in line with the requirements of article 18 of the [International Covenant on Civil and Political Rights or ICCPR]," the Committee told Uzbekistan. It reminded Uzbekistan of the Committee's General Comment 22, adopted in 1993, which amplifies many of a country's religious freedom commitments under Article 18 of the ICCPR.

The Human Rights Committee made the remarks in its Concluding Observations adopted in New York on 25 March in the wake of its consideration of Uzbekistan's record under the ICCPR (CCPR/C/UZB/CO/3 http://www2.ohchr.org/english/bodies/hrc/docs/co/Uzbekistan98_AUV.doc).

The Committee also called for Uzbekistan to abolish exit visas, which are at times withheld from active religious believers to punish them for their activity (see F18News 8 June 2009 http://www.forum18.org/Archive.php?article_id=1307).

It also called for Uzbekistan to expand the scope of conscientious objection to military service. "The Committee is concerned that, at present, only members of a limited number of registered religious groups can apply for an alternative to military service," it noted. "In this context, the Committee is concerned that the low number of conscientious objectors (seven) that performed alternative service in 2003-2007 may reflect a fear of adverse consequences for those who might take advantage of the existing provisions for alternative service." The Committee called for conscientious objection to be available to all, including to those who object on ethical grounds, and for a law to enshrine this right. (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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