

13 April 2018

UZBEKISTAN: Prisoners of conscience freed, others not

By Mushfig Bayram, Forum 18

Sisters Zulhumor and Mehrinisso Hamdamova were freed after more than eight years in prison for unauthorised religious meetings. Also freed was Zuboyd Mirzorakhimov, a Tajik citizen jailed for Muslim material on his mobile. An unconfirmed report says another Muslim Farida Sobirova was freed. Yet another, Mastura Latipova, remains jailed.

At least three prisoners of conscience jailed to punish them for exercising freedom of religion or belief - all of them Muslims - have been freed early from their sentences, Forum 18 has learnt. Zulhumor and Mehrinisso Hamdamova were freed in February after more than eight years in prison. Zuboyd Mirzorakhimov - a Tajik citizen - was freed in March after serving most of a five-year sentence.

However, confusion surrounds two Muslims held in the same women's prison camp near Tashkent where the Hamdamova sisters had been held. Farida Sobirova and Mastura Latipova were both jailed in 2008 for teaching their faith and both had a further three years added to their sentences in 2016. Latipova is still imprisoned, but Forum 18 has been unable to confirm a report that Sobirova has been freed (see below).

Also among the many still imprisoned for exercising freedom of religion or belief is Muslim prisoner of conscience Khayrullo Tursunov. Attempts by relatives in early 2018 to seek his freedom were rejected (see below).

The nature of the "justice system", in which the planting of evidence and torture is normal, makes it unlikely that the authorities - or anyone else - knows how many of these prisoners are guilty of involvement in violence or other crime, or are only "guilty" of being devout Muslims who take their faith seriously. Indeed, Forum 18 has spoken to police who arrested people but were unaware of any offence the people arrested had committed. The only reason for such arrests was that a higher official had ordered someone to be arrested without stating why (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Trials with threat of jailing continue

Criminal trials against others for exercising freedom of religion or belief continue. The criminal trial of a Tashkent Muslim, Gayrat Ziyakhojayev, began on 13 April and is due to resume on 19 April. The trial was adjourned because the police investigator failed to provide him with the indictment, he told Forum 18 from Tashkent on 13 April. He now has just six days to study the charges against him and prepare his defence.

Ziyakhojayev is accused of disseminating "extremist" material after sharing a legally-published Islamic book with his hairdresser. He faces a maximum punishment of eight years' imprisonment (see F18News 6 April 2018 <http://www.forum18.org/archive.php?article_id=2367>).

On 26 March, a court in Fergana Region sentenced a Muslim scholar Musajon Bobojonov to a three-year suspended prison term on the same charges of disseminating "extremist" material. He will be under restrictions during this time. He described the punishment as "severe - virtually house arrest" (see F18News 6 April 2018 <http://www.forum18.org/archive.php?article_id=2367>).

Hamdamova sisters freed after eight years

Two Muslim sisters, Zulhumor and Mehrinisso Hamdamova, were freed on 20 February after more than eight years in prison, Aziz Abidov of Uzbekistan's Supreme Court told the state-loyal gazeta.uz news agency on 20 March.

Mehrinisso and Zulhumor Hamdamova were arrested in November 2009, together with another female relative, to punish them for holding unauthorised religious meetings. Kashkadarya Regional Criminal Court jailed the three at a closed trial in April 2010 for between six and a half and seven years (see F18News 26 April 2010 <http://www.forum18.org/archive.php?article_id=1436>).

Zulhumor and Mehrinisso Hamdamova originally were given six and half years and seven years prison terms, respectively. Both

sisters were punished under Criminal Code Article 159 ("Attempts to change the Constitutional order"), Article 244-1 ("Production, storage, distribution or display of materials containing a threat to public security and public order"), and Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations").

However, the sisters' prison terms were extended while in prison under fabricated charges (see F18News 5 October 2017 <http://www.forum18.org/archive.php?article_id=2322>).

Tashkent City Yangiyul District Court gave Zulhumor Hamdamova a further three-year prison term on 22 July 2016 under Criminal Code Article 221, Part 2, Point b ("Disobedience to the legal orders of the administration of punishment institutions or other obstruction to the administration in performing its functions by a person serving a penalty in institutions of confinement, if the person has been penalised with confinement to a solitary cell or to a prison for violation of penal security regulations within one year").

Tashkent Region Criminal Court in a cassation appeal on 20 February amended Yangiyul Court's decision. It instead prescribed Zulhumor Hamdamova a punishment of deprivation of liberty for a term of 21 months and 15 days, thus allowing her to be freed on the same day, Abidov of the Supreme Court noted.

Tashkent Region's Zangiota District Criminal Court in its turn on 15 November 2017 gave Mehrinisso Hamdamova a further three years in prison, under the same charges of alleged disobedience to prison authorities.

Tashkent Region Criminal Court also amended this decision on 20 February 2018. It instead prescribed Mehrinisso Hamdamova a punishment of deprivation of liberty for a term of 15 months and 16 days, thus allowing her to be freed on the same day, Abidov said.

Lack of medical care because of unemployment

Zulhumor Hamdamova says that she and her sister Mehrinisso are "happy to be free and home". She said that they do not have to report to police. "But because of our criminal record, government work places refuse to employ us and it is not easy to find suitable private work," she told Forum 18 on 9 April.

The 57-year-old Zulhumor Hamdamova is not eligible for a pension. She said that because of her unemployment "I cannot buy all my medicines because of lack of money".

Zulhumor Hamdamova told Forum 18 that her sister Mehrinisso "despite her tumour works in private homes doing cleaning works." She said that it is "because she also needs medical care and food, and she has no other options."

Mehrinisso Hamdamova, who is now 48, was held in labour camp despite suffering from a myoma (a tumour associated with uterine cancer). Relatives who visited her in labour camp in August 2017 expressed concern about her health (see F18News 5 October 2017 <http://www.forum18.org/archive.php?article_id=2322>).

Tajik prisoner of conscience freed

Another prisoner of conscience, Zuboyd Mirzorakhimov - a Muslim from Tajikistan imprisoned for having Muslim sermons on his mobile phone - was freed from prison in March, six months before the end of his sentence, his relatives told Forum 18 from Tajikistan's capital Dushanbe on 10 April.

Mirzorakhimov, who is now 42, does not want to discuss his time in prison, they added. "All he is doing at the moment is resting. He is resting to recuperate from the psychological shock and come back to his senses. He is also treating the various ailments he developed in that cold prison."

The Uzbek authorities arrested Mirzorakhimov in September 2013 for carrying the Koran and Muslim sermons on his mobile phone as he transited through Tashkent. He was sentenced the following month to five years' imprisonment under Criminal Code Article 246, Part 1 ("Smuggling, that is carriage through the customs border .. without the knowledge of or with concealment from customs control .. materials that propagandise religious extremism, separatism, and fundamentalism"). Tashkent Regional Criminal Court rejected his appeal in November 2013 (see F18News 17 February 2016 <http://www.forum18.org/archive.php?article_id=2149>).

Muslim prisoner of conscience "not freed"

Muslim prisoner of conscience Khayrullo Tursunov "was not freed by the latest Presidential amnesty act", relatives from abroad, who asked not to be identified for fear of state reprisals, told Forum 18 on 10 April. "Many prisoners of conscience prosecuted under similar charges were freed, but Khayrullo was not."

Nigora Tursunova, his sister, wrote to the General Prosecutor Otabek Muradov on 18 February. In the letter, seen by Forum 18, she

asked him "in light of the positive changes under the new policies of President Shavkat Mirziyoyev" to begin the procedure for cancelling the court verdicts for Tursunov's release.

"The General Prosecutor's Office did not reply to the letter, but apparently referred it to the Office of President Mirziyoyev, because Nigora received a response from Kashkadarya Regional Criminal Court," relatives told Forum 18.

Judge Ablkosim Ruzikulov, Chair of Kashkadarya Criminal Court, stated in his 7 March reply that "if your brother, Tursunov, is not satisfied with the Court decisions, he can file an appeal to the Supreme Court."

"Nigora does not believe anything can help in this situation, but we are ready to help pay the services of a lawyer," relatives told Forum 18. "However, we don't know any qualified lawyers who could competently prepare the appeal and file it in the Supreme Court."

Tursunov was extradited back to his native Uzbekistan from Kazakhstan in March 2013 against the express wishes of the United Nations Committee Against Torture. That June a court in Kashkadarya Region handed him a 16-year jail sentence for the alleged "extremist" exercise of freedom of religion and belief (see F18News 5 November 2013 <http://www.forum18.org/archive.php?article_id=1893>).

Tursunov - who has just marked his 43rd birthday - was exposed to the potentially fatal disease of tuberculosis (TB), when in December 2013 the authorities moved him to a TB prison. Later he was moved back to Karavulbazar Prison 64/25, and the authorities claimed to Forum 18 that he was cured (see F18News 18 February 2014 <http://www.forum18.org/archive.php?article_id=1930>).

Women's prison terms "still in force"

A number of women serving long jail terms to punish them for teaching their Muslim faith have been held in the women's labour camp at Zangiota in Tashkent Region (Prison 64/1) where the Hamdamova sisters were held.

The names of two of them are known: Farida Sobirova, who is from Tashkent and believed to be in her late thirties, and Mastura Latipova, who is from Samarkand and in her late fifties. Sobirova and Latipova were arrested and each given nine years in prison in 2008.

Zangiota Criminal Court in 2016 extended both Sobirova's and Latipova's prison terms by an extra three years each, when they had served their original prison terms and were supposed to be released, a court official told Forum 18.

One source told Forum 18: "I believe Sobirova was released, but Latipova still remains in prison."

An official of Zangiota Criminal Court Chancellery, who declined to give his name, told Forum 18 on 12 April that Sobirova was given an extra three years in labour camp on 17 May 2016. He added that Latipova also was given an extra three years in labour camp on 27 May 2016. Both were given the extra prison terms under Criminal Code Article 221.

"There have been no cassation appeals for either Sobirova or Latipova," the Chancellery official told Forum 18. "Their prison terms are still in force." When Forum 18 asked whether Sobirova was pardoned, the official responded: "I cannot confirm that."

Zangiota prison address:

Uzbekistan

Tashkent Region

Zangiota tumani

Uchr. 64/1

(END)

For more background, see Forum 18's Uzbekistan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=2314>.

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>>.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic

religious extremism in Uzbekistan, see <http://www.forum18.org/Archive.php?article_id=338>.

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

A printer-friendly map of Uzbekistan is available at <<http://www.nationalgeographic.org/education/mapping/outline-map/?map=Uzbekistan>>.

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