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UZBEKISTAN: "Go on dreaming!" prison governor replies to tortured prisoner of conscience's medical need

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Prisoner of conscience Fazilkhoja Arifkhojayev is being forced to do work he cannot medically do, damaging his spine even more. He has been repeatedly tortured, and when the family asked Prison Governor Oybek Tishayev personally whether they could arrange medical care at their own cost, or as required by the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules) the prison could arrange the necessary specialist medical care. Tishayev replied: "Go on dreaming!"

Prisoner of conscience Fazilkhoja Arifkhojayev, a Muslim known for his criticisms of the regime's religious policies, was on 26 January 2022 jailed for seven and half years in a labour camp.

Defence lawyer Sergey Mayorov explained to Forum 18 that "the main issue is that between 2019 and 2021 Arifkhojayev was in conflict with Abror Abduazimov." The state-appointed imam "in mosques across Uzbekistan and on social media actively defends and justifies state policies, including religious policies, using the Koran" (see below).

Prisoner of conscience Arifkhojayev has been repeatedly tortured, including after his defence lawyer Mayorov before the trial lodged formal complaints about the torture to the Human Rights Ombudsperson and later to Tashkent Prosecutor's Office. "The torturers continue with impunity," defence lawyer Mayorov told Forum 18.

Against Uzbekistan's legally-binding international human rights obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for prisoner of conscience Arifkhojayev's torture (see below).

Prisoner of conscience Arifkhojayev is in poor health and constant pain, and has a deformed spine, yet the regime is forcing him in prison to do physical work in a brick factory. This is further damaging his spine. The family also suspect that he had a stroke while being tortured before his trial. Yet despite the family's repeated requests, and against the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3), the Medical Division of the Interior Ministry's Chief Directorate for the Enforcement of Punishments (which is responsible for prisons) has repeatedly denied prisoner of conscience Arifkhojayev the specialised medical care he needs. Regime officials have also denied any knowledge of the Mandela Rules (see below).

On 2 August 2022 the family asked Prison Governor Oybek Tishayev personally whether they could arrange medical care at their own cost, or as required by the Mandela Rules the prison could arrange the necessary specialist medical care. Tishayev replied: "Go on dreaming!" (see below).

Major Fayzullo Aliyev oversees the work of medical units under the Interior Ministry's Chief Directorate for the Enforcement of Punishments. He claimed to Forum 18 that the Chief Directorate had a verbal conversation with the family after they complained about lack of medical care. "We told them that if they want an operation on his spine, Arifkhojayev needs to write a request to us and sign it." The family denies these claims, noting that there first needs to be a proper medical examination before medical decisions can be taken – and the prison and the Chief Directorate for the Enforcement of Punishments denies Arifkhojayev a proper medical examination by a specialist (see below).

Prisoner of conscience Arifkhojayev is also being attacked by other prisoners with highly offensive insults. This is being ordered by a prison officer, according to a fellow-prisoner at the instigation of a senior regime official. The family think this is done to provoke Arifkhojayev to have a fight with another prisoner, to give the regime an excuse to punish Arifkhojayev more for violating prison rules (see below).

On 27 May trauma surgeon Alimardon Sultonov, a devout Muslim known for discussing Muslim freedom of religion and belief issues, was jailed under five different Criminal Code articles for seven years in a labour camp. On 4 August his sentence was reduced to six years and nine months. His father described the appeal verdict to Forum 18 as "ridiculous." He noted that: "My son is

no terrorist or extremist. His only fault was to criticise the authorities for punishing Muslims" (see below).

On 23 June a Bukhara Region court jailed 47-year-old Bobirjon Tukhtamurodov for five years one month for participating in a group that met to study the works of Muslim theologian Said Nursi. Judge Akrom Rakhimov told Forum 18 that prisoner of conscience Tukhtamurodov was jailed as: "He not only read literature, but spread his beliefs and met others." Prisoner of conscience Tukhtamurodov chose not to appeal against the conviction. On 4 August prisoner of conscience Tukhtamurodov was transferred to Prison No. 6 in Namangan Region (see below).

Jailed and tortured for criticising regime propagandist

On 26 June 2021 Fazilkhoja Arifkhoyayev, a Muslim known for his criticisms of the regime's religious policies, attended a Tashkent Mosque to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Abduazimov's mosque visits are directed by the Religious Affairs Committee, local Muslims have told Forum 18.

Arifkhoyayev asked Abduazimov why he insulted Arifkhoyayev and other Muslims critical of the regime on social media, and called Abduazimov a "hypocrite". He was subsequently arrested, given a 15-day jail term, and then held in pre-trial detention (https://www.forum18.org/archive.php?article_id=2673) until he was in January 2022 sentenced to seven and half years in a labour camp (https://www.forum18.org/archive.php?article_id=2716). Defence lawyer Sergey Mayorov explained to Forum 18 that "the main issue is that between 2019 and 2021 Arifkhoyayev was in conflict with Abror Abduazimov." The state-appointed imam "in mosques across Uzbekistan and on social media actively defends and justifies state policies, including religious policies, using the Koran".

Prisoner of conscience Arifkhoyayev has been repeatedly tortured, including after his defence lawyer Mayorov lodged formal complaints about the torture (https://www.forum18.org/archive.php?article_id=2716) to the Human Rights Ombudsperson and later to Tashkent Prosecutor's Office. Even after defence lawyer Mayorov's formal complaint, prisoner of conscience Arifkhoyayev was tortured again (https://www.forum18.org/archive.php?article_id=2688).

Against Uzbekistan's legally-binding international human rights obligations under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2699), no official suspected of involvement in this torture has been arrested and put on criminal trial for prisoner of conscience Arifkhoyayev's torture. The regime routinely ignores this human rights obligation (https://www.forum18.org/archive.php?article_id=2699), and the judge in prisoner of conscience Arifkhoyayev's case, Zakhiddin Nuriddinov, ignored Arifkhoyayev's torture (https://www.forum18.org/archive.php?article_id=2716).

"As of today, unfortunately, there have been no answers or indication from any of the authorities that the torturers have been put on trial or punished. "The torturers continue with impunity (https://www.forum18.org/archive.php?article_id=2716)," defence lawyer Mayorov told Forum 18 in February 2022.

On 26 January 2022, prisoner of conscience Arifkhoyayev was in a hearing at Tashkent's Olmazor District Criminal Court jailed for seven and half years in a labour camp (https://www.forum18.org/archive.php?article_id=2716). Human rights defender Yelena Urayeva, who chairs the Human Rights Alliance, told Forum 18 that on 25 January she and other human rights defenders were not allowed into the courtroom. She thinks that the Judge did not want human rights defenders to witness a hearing based on falsified charges.

Judge Nuriddinov claimed to Forum 18 that "Arifkhoyayev's statements and social media posts were extremist," when asked why he had jailed prisoner of conscience Arifkhoyayev (https://www.forum18.org/archive.php?article_id=2716) for seven and a half years in a labour camp for criticising state-appointed imams.

Denied medical care

While prisoner of conscience Arifkhoyayev was in pre-trial detention, he was in November 2021 held in the medical unit of Tashkent's Investigation Prison No. 1, family members told Forum 18. This was because he had developed haemorrhoids causing him severe problems, and has herniated discs on his back in two places.

While in the medical unit these medical problems became worse "and he can barely stand up normally at times" (https://www.forum18.org/archive.php?article_id=2704) his family said. A 25 November certificate from the medical unit, signed by the unit's head M. R. Atajanov and seen by Forum 18, states that Arifkhoyayev has serious back problems including a deformed spine. Yet the certificate claims that "he received the necessary treatment and was discharged and sent back to Investigation Prison No. 1."

Rule 27 of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) states: "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialised treatment or surgery shall be transferred to

specialised institutions or to civil hospitals."

Denials of medical care are common in the regime's prisons (https://www.forum18.org/archive.php?article_id=2635).

Yusup Bahodiy, Deputy Head of the Medical Division of the Interior Ministry's Chief Directorate for the Enforcement of Punishments, denied to Forum 18 on 14 December that the worsening of Arifkhojayev's medical problems indicates that he should be sent to an appropriate hospital for examination and possible surgery. Bahodiy claimed that "most people today have some kind of hernia on their spine and they are not having surgery". He added that Arifkhojayev "is not carrying heavy stuff in the prison, and so he will be fine" (https://www.forum18.org/archive.php?article_id=2704).

Bahodiy told Forum 18 that he had never heard of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules), when asked what steps the Interior Ministry's Chief Directorate for the Enforcement of Punishments (which is responsible for prisons) is taking to implement the Mandela Rules. "I have never heard of the Rules" (https://www.forum18.org/archive.php?article_id=2704). Please e-mail them to us," he replied.

Regime tortures prisoner of conscience using work he cannot do

While in Prison No. 5 in Kyzylteppa District in Navoi Region, Arifkhojayev has been assigned to do hard physical work including cleaning in a brick factory, his family told Forum 18 on 14 September 2022. "He has to use a cane to walk, he is too weak for the work, and it is harming his spine. This is torture for him."

Arifkhojayev has since June "lost weight, often gets rashes on his body, and has pains in the area of his liver." He has constant pains in his spine, and the family suspect he may have had a stroke while he was tortured in Tashkent's Investigation Prison No. 1. Arifkhojayev feels weak, and cannot keep his head straight on his shoulders."

In June the family began to complain in writing about lack of proper medical care to the prison authorities and the Interior Ministry's Chief Directorate for the Enforcement of Punishments. No replies have been received as of 15 September.

Rules 30 and 96 of the Mandela Rules

(https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf) require that prisoners' fitness to work must be determined by a physician or other qualified health-care professional, and Rule 31 requires that: "The physician or, where applicable, other qualified health-care professionals shall have daily access to all sick prisoners, all prisoners who complain of physical or mental health issues or injury".

"Go on dreaming!"

On 2 August the family asked Prison Governor Oybek Tishayev personally whether they could bring a specialist from Tashkent at their own cost to examine Arifkhojayev, or as required by the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3

(https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) the prison could send him to Tashkent for a specialist medical examination of his spine. Tishayev replied: "Go on dreaming!"

Prison Governor Tishayev on 14 September refused to answer Forum 18's questions on why prisoner of conscience Arifkhojayev is given work which damages his spine even more, and why he is not being given specialist medical treatment as required by the Mandela Rules.

Major Fayzullo Aliyev oversees the work of medical units under the Interior Ministry's Chief Directorate for the Enforcement of Punishments. On 14 September Major Aliyev claimed to Forum 18 that the Chief Directorate had a verbal conversation with the family after they complained about lack of medical care. "We told them that if they want an operation on his spine, Arifkhojayev needs to write a request to us and sign it."

The family denied Major Aliyev's claims that a conversation happened, noting that there first needs to be a proper medical examination before medical decisions can be taken – and the prison and the Chief Directorate for the Enforcement of Punishments denies Arifkhojayev a proper medical examination by a specialist.

Major Aliyev refused to answer Forum 18's questions on why prisoner of conscience Arifkhojayev is given work which damages his spine even more, and why he is not being given specialist medical treatment as required by the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)).

Tortured on regime instructions?

Prison officer Navruz (whose last name is unknown), the family said, orders other prisoners to repeatedly attack Arifkhojayev and

his mother with highly offensive insults. The family think this is done to provoke Arifkhojayev to have a fight with another prisoner, to give the regime an excuse to punish Arifkhojayev more for violating prison rules.

Prison Governor Tishayev refused to answer Forum 18's questions on why Officer Navruz tortures Arifkhojayev in this way, and why he is not on criminal trial for torture as required by Uzbekistan's legally-binding international human rights obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2699).

Major Aliyev of the Chief Directorate for the Enforcement of Punishments also refused to answer Forum 18's questions on why Officer Navruz tortures Arifkhojayev in this way, and why he is not on criminal trial for torture as required under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

A fellow prisoner told Arifkhojayev that "some high level regime official has told the prison authorities to keep you under constant pressure and harass you. This is why Navruz is putting pressure on the other prisoners to do this."

The family told Forum 18 that they think this instruction must be from the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2699), as prisoner of conscience Arifkhojayev challenged their propagandist Abror Abduazimov (https://www.forum18.org/archive.php?article_id=2673).

Religious Affairs Committee officials, who refused to give their names, refused on 14 September to answer any questions about the torture of prisoner of conscience Arifkhojayev. As soon as Forum 18 asked about this they put their phones down.

Prisoner of conscience Arifkhojayev's prison address is:

Uzbekistan

Navoi viloyati

Kyzylteppa tumani

5-sonli Jazoni ijro etish bulimi (JIEB)

Prisoner of conscience Sultonov's 7-year prison sentence reduced by 3 months

On 27 May trauma surgeon Alimardon Sultonov, a devout Muslim known for discussing Muslim freedom of religion and belief issues, was jailed under five different Criminal Code articles for seven years in a labour camp. Prisoner of conscience Sultonov was arrested "for criticising President Mirziyoyev, state-appointed imams and other officials" (https://www.forum18.org/archive.php?article_id=2745). Police also stated that they had warned Dr Sultonov that he should stop doing this, but he carried on. During Sultonov's trial, Judge Maulenov refused to hear his complaints that he was tortured after being arrested. Two regime "parliamentarians" were along with torture used to try to get prisoner of conscience Sultonov to admit "guilt".

On 4 August Judges Askar Bekmanov, Sultonmurod Davletmuradov, and Luiza Otegenova of Karakalpakstan's Supreme Court heard prisoner of conscience Sultonov's appeal. They found that he should not have been charged under Criminal Code Article 173, Part 2 ("Intentional destruction of or damage to property"), Point (b) ("committed in a dangerous way") (https://www.forum18.org/archive.php?article_id=2730) as he did not damage property. However the other charges were upheld so the judges reduced prisoner of conscience Sultonov's sentence from seven years to six years and nine months.

Court officials who refused to give their names refused to discuss the appeal with Forum 18 on 14 September.

Islam Raimov, Sultonov's father, on 13 September described the appeal verdict to Forum 18 as "ridiculous." He noted that the "main serious charges against my son are all fabricated, but the Court made a show that they are allegedly working hard and found something wrong with the sentence. They swallowed the camel but spat out the fly."

"My son is no terrorist or extremist. His only fault was to criticise the authorities for punishing Muslims" (https://www.forum18.org/archive.php?article_id=2604)."

On 18 August prisoner of conscience Sultonov was transferred to Kashkadarya's Prison No 3. His prison address is:

Uzbekistan

Kashkadaryo viloyati

Karshi shaxri

Prisoner of conscience Tukhtamurodov transferred

On 23 June a Bukhara Region court jailed 47-year-old Bobirjon Tukhtamurodov for five years one month for participating in a group that met to study the works of Muslim theologian Said Nursi. Judge Akrom Rakhimov told Forum 18 that prisoner of conscience Tukhtamurodov was jailed as: "He not only read literature, but spread his beliefs and met others (https://www.forum18.org/archive.php?article_id=2762)". Prisoner of conscience Tukhtamurodov had returned from exile in Russia after Uzbekistan's regime told him he would not be jailed.

Prisoner of conscience Tukhtamurodov chose not to appeal against the conviction. "He thinks there is no point in appealing," a friend told Forum 18 after the verdict. "He also fears they could increase his punishment (https://www.forum18.org/archive.php?article_id=2762)". The time limit for making an appeal has now expired.

On 4 August prisoner of conscience Tukhtamurodov was transferred to Prison No. 6 in Namangan Region. His prison address is:

Ikkinchi mintakaviy xudud 6-son JIEK

Pop tumani Uygursoy kurgoni

Namangan viloyati

Tuxtamurodov Bobirjan Baratovich

(END)

More reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?country=33>)

For background information, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2699)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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