

8 July 2014

UZBEKISTAN: Almost incommunicado in Investigation Prison

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

Relatives of Tajik citizen Zuboyd Mirzorakhimov have told Forum 18 News Service that he remains almost incommunicado in an isolation cell in Uzbekistan's capital Tashkent. A meeting with his wife in January – which would have been the first since his September 2013 arrest – was blocked, the day after his 38th birthday. Although she had travelled from Tajikistan, prison officials refused to explain why she could not meet him. Hopes Mirzorakhimov would be amnestied from a five-year jail sentence appear to have been dashed. His "crime" was to have had Muslim sermons in his mobile phone. Another prisoner given the same term on similar grounds - Zoirjon Mirzayev – has been allowed a visit from relatives in prison in Karshi. And another person accused of entering Uzbekistan with "illegal" religious material in his phone, Uzbek citizen Ikhtiyor Yagmurov, has been punished instead under the Administrative Code with a fine. Serious concerns remain over both the torture of Muslim prisoners of conscience and health of Muslim and Christian prisoners of conscience jailed for exercising their freedom of religion or belief.

Almost 10 months after he was detained by customs officials in Uzbekistan for having verses from the Koran and an Uzbek-language sermon on his mobile phone, and then given a five year prison term, Tajik citizen Zuboyd Mirzorakhimov remains almost incommunicado in Investigation Prison No.1 in the Uzbek capital Tashkent (popularly known as Tashtyurma), a relative told Forum 18 News Service from the Tajik capital Dushanbe on 4 July. Relatives have no idea why he has been held since being sentenced in Investigation Prison.

Mirzorakhimov has been in an isolation cell in the prison almost incommunicado since his transfer to the Tashkent Prison, his relative stated. Only when he was able to meet the recently-appointed new lawyer did Mirzorakhimov learn that his family are working to raise his case and have him released.

Mirzorakhimov was detained on 20 September 2013 and sentenced the following month (see F18News 25 March 2014 http://www.forum18.org/archive.php?article_id=1942). Earlier hopes that he would be amnestied appear to have been dashed (see below).

Why no visits allowed?

At the beginning of 2014, Tajikistan's Embassy in Tashkent obtained permission from the Uzbek authorities for Mirzorakhimov's wife, Firuza Aliyeva, to visit her husband in the Investigation Prison, the relative told Forum 18. She travelled to Tashkent on 23 January, her husband's 38th birthday. However, the next day, 24 January, when she visited the Investigation Prison, the prison authorities told her that Mirzorakhimov "is there but they did not allow her to see him without telling her why".

The family later engaged a new lawyer in Tashkent, who was able to see Mirzorakhimov in early July. "He told us that Zuboyd is in isolation under strict control, and that the authorities are not allowing anyone, including family members, other than a lawyer to see him." The relative told Forum 18 that he is "surprised" that Mirzorakhimov is "put under such strict control."

Mirzorakhimov is "no extremist, and is not an extremely devout religious believer", the relative insisted. His only guilt is that "he had these religious materials on his phone, which anyone in Tajikistan can freely download from the internet."

Asked why Mirzorakhimov's relatives cannot see or even talk to him over the phone, and why he is being kept in isolation, the official on duty (she did not give her name) in the Interior Ministry's Department of Execution of Punishments in Tashkent, which oversees prisons, transferred Forum 18 on 8 July to Erkin Bobokulov, Deputy Head of the Department. However, Bobokulov's phones went unanswered. Called back and asked whether Forum 18 could talk to any other official on the issue, she put Forum 18 through to a different number, which also went unanswered. Subsequent calls to the officer on duty went unanswered.

Why wasn't Mirzorakhimov amnestied?

Told that Mirzorakhimov's family had earlier spoken of their hopes that Mirzorakhimov could be amnestied, and asked where they received such information or why they were hopeful, the relative told Forum 18 that Ruzikul (last name not given), a Tajik shepherd who was convicted and imprisoned in Uzbekistan for illegally crossing into the country from neighboring Tajikistan with his cattle,

had phoned Firuza Aliyeva after his release and return to Tajikistan. He told her that he had been held in the same cell with Mirzorakhimov in Investigation Prison in Khovos in Syrdarya Region in November 2013, before Mirzorakhimov was moved to Tashkent Investigation Prison.

Ruzikul told Aliyeva that both he and Mirzorakhimov signed "requests for amnesty, which were prepared for them by the Uzbek authorities." Ruzikul told her that he is "surprised to hear" that Mirzorakhimov had not been released.

Also as the relative noted, and as seen by Forum 18, Tajikistan's Foreign Ministry in its official response of 19 November 2013 told Mirzorakhimov's relatives that it had requested his lawyer to discuss with the Investigator in the case (names not given in the letter) whether amnesty for Mirzorakhimov was possible.

"Now we are not sure what went on, and why Zuboyd was not amnestied or released," a relative told Forum 18.

The address of the prison Mirzorakhimov is being held in is :

UYa 64/IZ-1

Tashkent

Uzbekistan

Credible information about torture of detainees held within Investigation Prison No. 1 has been presented by the Paris-based Action des Chrétiens pour l'Abolition de la Torture (ACAT) (see below).

Tajik Consul testified against his countryman

According to the copy of the 30 October 2013 Bekabad District Court decision sentencing Mirzorakhimov to five years' imprisonment, seen by Forum 18, Nurullo Bulbulov, who works in Tajikistan's Tashkent embassy as Consul General, testified in Court that the religious materials found on Mirzorakhimov's phone were "also banned in Tajikistan."

Ruzikul, Mirzorakhimov's former cell-mate in detention, told Aliyeva during the phone conversation that Mirzorakhimov told him that, instead of defending him, the Tajik Consul had testified against him in court, which affected the Court decision negatively. Mirzorakhimov told Ruzikul that he was "enraged in the Court room when he heard the sentence, and that Tajik embassy officials present at the hearing had said nothing in his defence."

Called several times between 4 and 8 July, Tajikistan embassy officials or Consul General Bulbulov did not answer Forum 18's question why Bulbulov testified against Mirzorakhimov during the hearing or why he or other officials had said nothing in Mirzorakhimov's defence.

Has Tajik Embassy done anything to help family?

Nurullo Bulbulov, Tajikistan's Consul General in Tashkent, confirmed to Forum 18 on 4 July that in early January, following a request from Mirzorakhimov's family to visit him in the place of custody, the Embassy received a note from Uzbekistan's Foreign Ministry permitting a visit. It stated that Mirzorakhimov was being held at Investigation Prison No.1.

When Forum 18 asked whether the Embassy investigated why Firuza Aliyeva was not allowed to see her husband and what further steps it took to make a visit by the family possible, the call was terminated at the Embassy's end. Subsequent immediate calls to the Embassy went unanswered. When the phone was answered again about 10 minutes later, a secretary (who would not give her name) said that Bulbulov is busy in a meeting, and she took down Forum 18's questions. She then asked Forum 18 to call back later.

Called back on 8 July, the same secretary told Forum 18 that "Bulbulov told me to tell you that you should call the Uzbek authorities, not him or the Tajik Embassy, with questions on this case."

Imprisoned in Karshi

Another individual imprisoned for "smuggling" religious materials, Zoirjon Mirzayev, is serving his sentence in Karshi [Qarshi] Labour Camp in southern central Uzbekistan in Kashkadarya Region. He was arrested at a Tashkent Region train station on returning to his native Uzbekistan, after customs officials found 29 recordings of Muslim sermons in his mobile phone. On 8 April he was given a five-year prison term (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

Mirzayev's family visited him in early summer, and his health "seemed to be fine", relatives who wished to remain unnamed for fear of state reprisals told Forum 18 on 7 July. Relatives can visit him once in three months.

The address of the prison Mirzayev is held in is:

UYa 64/61

otryad 12

Karshi

Kashkadarya Region

Uzbekistan

Other Muslim prisoners of conscience jailed for exercising their freedom of religion or belief are also held in Karshi Labour Camp (see eg. F18News 26 November 2013 http://www.forum18.org/archive.php?article_id=1900). Uzbekistan continues to limit the freedom of religion or belief of all prisoners, whatever their religion or belief. For example, Muslim prisoners of conscience are not allowed to openly pray or read any Muslim literature - even the Koran (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/archive.php?article_id=1862).

Fine for possessing "illegal" religious materials

Many people passing through Uzbek customs have been detained and punished when officers discover they have religious materials, including in their phones and computers. Some – such as Mirzorakhimov and Mirzayev – receive prison sentences under the Criminal Code.

However, officials chose to punish another individual, Uzbek citizen Ikhtiyor Yagmurov, using the Administrative Code instead, which carries lesser penalties. Travelling from Russia's Kaliningrad Region to Tashkent, he was detained by customs officials at Tashkent Airport and prosecuted for carrying "illegal" Muslim religious materials on his phone (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

On 27 March, Judge Iroda Avazmetova of Tashkent's Sergeli District Criminal Court found Yagmurov guilty of violating Administrative Code Articles 227-12 and 184-2. She fined him 20 times the minimum monthly wage or 1,922,100 Soms (about 5,200 Norwegian Kroner, 615 Euros, or 850 US Dollars at the inflated official exchange rate), Noila Yakhshiboyeva, a Court Chancellery official, told Forum 18 from the court on 8 July.

Article 227-12 punishes failure to present customs with receipts for imported items. Article 184-2 punishes "Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons" with fines for individuals of 20 and 100 times the minimum monthly wage, together with confiscation of the materials involved. Uzbekistan implements a severe state censorship regime (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/archive.php?article_id=1862).

Yakhshiboyeva of the Court's Chancellery declined to comment on the decision, referring Forum 18 to Judge Avazmetova. The Judge's phone went unanswered on 8 July.

Health concerns for prisoners of conscience

The state of health of three Muslim prisoners of conscience, all jailed for exercising their right to freedom of religion or belief, continues to cause their relatives concern (see F18News 18 February 2014 http://www.forum18.org/archive.php?article_id=1930). Khayrullo Tursunov and his relatives Mehrinisso and Zulhumor Hamdamova (who are sisters) are all still in need of medical treatment.

Relatives of the Hamdamova sisters told Forum 18 on 7 July that they visited them in prison in mid-April and that their next visit is scheduled for mid-July. Mehrinisso Hamdamova needs surgery for a myoma in her uterus, and Zulhumor Hamdamova recently developed a "constant pain in the back of her eyes, inside her head, and she thinks it could be some serious disease." Relatives will try to help Mehrinisso Hamdamova have the operation and send medicines to Zulhumor Hamdamova. But they are not sure whether the prison authorities will allow this.

The Hamdamova sisters have previously been targeted for torture and threats by male officials (see below).

Tursunov was visited by relatives in mid-June. He told them that his health is generally fine, but that he suffers regular headaches. He asked them to bring him some medicinal herbs, with which he will try to cure himself.

Tursunov was exposed to the potentially fatal disease of tuberculosis (TB), when in mid-December 2013 the authorities moved him to a TB prison from Karavulbazar Prison 64/25 in Bukhara Region. 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).

Torture

The United Nations (UN) Committee Against Torture found in 2007 that torture in Uzbekistan is "routine". In November 2013 the Committee reiterated its concerns, including over rape threats against the Hamdamova sisters. "The Committee is concerned about numerous, ongoing and consistent allegations that torture and ill-treatment are routinely used by law enforcement, investigative and prison officials, or at their instigation or with their consent, often to extract confessions or information to be used in criminal proceedings," (see F18News 18 February 2014 http://www.forum18.org/archive.php?article_id=1930).

Women such as the Hamdamova sisters seem to be particularly targeted for torture and threats by male officials (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

One of the 29 Uzbek refugees deported back to Uzbekistan by Kazakhstan against their will – and against international law – has told relatives of being tortured in Uzbek prisons. The men were extradited back to Uzbekistan in 2011 and all were detained. Most were given long prison sentences (see F18News 8 May 2013 http://www.forum18.org/Archive.php?article_id=1833).

At least 25 of the 29 are still in detention, Action des Chrétiens pour l'Abolition de la Torture (ACAT) – which represents the 29 men – noted on 17 June 2014. ACAT published a translation of letters from relatives on 21 December 2012 (see http://www.acatfrance.fr/public/acatcomments_followup_cat444-2010.pdf).

"How could we say that we were tortured, while we are on their hands? Therefore we were compelled to say that we were not tortured and that we are not under pressure now," one of the extradited and imprisoned refugees told relatives about his time in Tashkent Investigation Prison No. 1, where they were visited by a Kazakh government delegation.

"But you must deliver to the UN by any possible ways and make it publicly available that in reality we were subjected to unbearable tortures during the investigation," the relative continued. "There were all types of tortures. They used electric chair (tortured with electrocution). Therefore we were sentenced with fabricated charges (we were forced to confess those charges). Oppression is still continuing in prison camps."

The prisoner could not complain, he said, but told relatives he wanted the information made public. "There were all kind of torture, electric chair, plastic bag and other unbearable tortures .. When plastic bag is put on head and closed, it will suffocate a person. It will be held some time and released, to keep the person alive. And it is repeated. It is also very painful."

Hoping for transfer

Meanwhile imprisoned Baptist Tohar Haydarov is still serving as 10-year prison sentence given him in 2011 on drugs charges. His fellow-Baptists insist were fabricated to punish him for exercising his freedom of religion or belief (see F18News 2 August 2011 http://www.forum18.org/archive.php?article_id=1600).

Andrei Serin, a fellow Baptist, told Forum 18 on 4 July that his brother Gleb and Haydarov's brother visited him in May. Serin told Forum 18 that there is "no change in the term or conditions" of Haydarov's imprisonment. "But he is praying and hoping that when, in 2015, he will have served half his prison term, he will be able to qualify for a change of the rest of his sentence to house arrest. He could then go to work from home and pay the state for the rest of his punishment."

Haydarov "is physically not doing well at the moment, has problems with his spine and cannot do hard work without pain in his back," Serin told Forum 18. (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=1862.

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.

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