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UZBEKISTAN: Mother of torture victim heavily fined, but not now given hard labour

By Igor Rotar, Forum 18

Just hours before US defence secretary Donald Rumsfeld was due to arrive in the Uzbek capital Tashkent, Forum 18 News Service has learnt that an appeals court today (24 February) commuted a six-year sentence of hard labour imposed on a 62-year-old Muslim grandmother, Fatima Mukhadirova, to a fine roughly equivalent to 2/3rds the average annual salary. She is the mother of Muzafar Avazov, a religious prisoner tortured to death in August 2002. It has been suggested by Human Rights Watch that the authorities prosecuted Mukhadirova to take revenge, primarily because she tried to get a genuine investigation into the murder of her son and because she is an "independent Muslim woman". Her lawyer, Alisher Ergashev, told Forum 18 that "She is free now, but the court has not declared her innocent, so I am not satisfied with the ruling."

After intense international pressure and just hours before US defence secretary Donald Rumsfeld was due to arrive in the Uzbek capital Tashkent, an appeals court today (24 February) ruled that a six-year term of hard labour imposed on a 62-year-old Muslim grandmother be commuted to a large fine. Fatima Mukhadirova had been sentenced in a closed court hearing in Tashkent on 12 February for possession of unapproved religious literature, membership of a prohibited religious organisation, and "attempted encroachment on the constitutional order". Her lawyer, Alisher Ergashev, maintains that she is innocent of the charges against her. "She is free now, but the court has not declared her innocent," he told Forum 18 News Service in Tashkent on 24 February. "So I am not satisfied with the ruling."

Ergashev said Mukhadirova had been convicted under two articles of the Criminal Code: 159 (attempted encroachment on the constitutional order) and 244 (1) (preparation or distribution of documents containing a threat to public safety and public order). "However in fact under both articles the accusations were unproven."

He said the Tashkent city court where Mukhadirova's appeal was heard took into account the fact that she is a woman, as well as her old age, and decided to free her with a fine of 280,000 sums (2,006 Norwegian kroner, 229 Euros or 288 US dollars). This is more than two thirds of the estimated average annual salary.

Mukhadirova is the mother of the late Muzafar Avazov, a religious prisoner who died from torture in August 2002 in the notorious prison camp at Jasyk in Karakalpakstan in northwestern Uzbekistan. An investigation into his death by the United Nations Special Rapporteur on Torture concluded that Avazov had been submerged in boiling water. Those who saw his body also reported that there was a large, bloody wound on the back of his head, heavy bruising on his forehead and the side of his neck, and that his hands had no fingernails. Prison officials claimed he died after other inmates threw hot tea at him.

The Uzbek authorities alleged that Mukhadirova is a member of Hizb-ut-Tahrir (Party of Liberation), a Muslim group that advocates the establishment of an Islamic state in Uzbekistan and elsewhere. An estimated 4,000 members of the group have been jailed in Uzbekistan for possession and distribution of unapproved religious materials and for affiliation with the group. Mukhadirova, whose youngest son is also in prison on charges of Hizb-ut-Tahrir membership, had spoken out against the arrests of independent Muslims and the torture and death of her eldest son.

Allison Gill, Human Rights Watch's representative in Uzbekistan, told Forum 18 on 20 February that the authorities have simply taken revenge on Mukhadirova, primarily because she had tried to get a genuine investigation into the murder of her son and because she is an "independent Muslim woman".

"Mukhadirova was a simple believer who told the whole world about the excesses being perpetrated in Uzbek prisons," Vasilya Inoyatova, head of the independent human rights organisation Ezgulik (Good Deed), told Forum 18 on 20 February in Tashkent. "The authorities have taken revenge on her for this."

Yet a senior religious affairs official strongly denied this. "People are not convicted for their religious beliefs in Uzbekistan - I can say this with complete authority," the head of the government's committee for religious affairs Shoazim Minovarov told Forum 18 on 21 February in Tashkent. "I will not make any comment on Mukhadirova's case."

The previous Human Rights Watch representative in Uzbekistan, Matilda Bogner, told Forum 18 several months ago that the Uzbek authorities would not tolerate "independent" Muslims who avoid the Spiritual Administration of Muslims in Uzbekistan, which is virtually at one with the state apparatus.

"Formally no-one in Uzbekistan is imprisoned because of their religious activity, but often it is quite hard to draw the line between politics and religion," Bogner told Forum 18. "The 'crime' of many so-called Hizb-ut-Tahrir members consists solely in the fact that they met in people's homes and talked about religious matters." According to Human Rights Watch calculations, Uzbekistan has around 6,000 Muslim political prisoners.

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=105

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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