

UZBEKISTAN

Islam Karimov was president of the Republic of Uzbekistan from its independence from Soviet rule in 1991 until his death in 2016. While in office he served four terms despite the constitutionally mandated two-term limit. Prime Minister Shavkat Mirziyoyev was appointed by the Supreme Assembly of Uzbekistan to serve as interim president.

In principle, the Constitution of Uzbekistan guarantees the freedom to worship, freedom from religious persecution, and the freedom to establish religious schools and train clergy. However, the 1998 Law on Conscience and Freedom of Religion stipulated that these rights are not universal and only given to a select number of ‘registered’ religious groups.¹ In fact, even registered groups can face restrictions for activities that the state considers to be in conflict with national security or the best interests of the nation.

Uzbekistan’s population is just over twenty-nine million, at least 88% of which are Sunni Muslim. An estimated 9% of the population is Eastern Orthodox and 3% represent other beliefs.² Strict state control of religion has resulted in imprisonment, fines, torture, and intimidation of Uzbek citizens. All religious publications and materials must be approved by the government, and proselytizing is illegal.³

In 2016, Muslims and Protestants of various sects were imprisoned and mistreated because of their religious beliefs and practices.

Muslims in Prison

Furkat Abdullayev was arrested in 2010 in Navoi for meeting with others to study the Qu‘ran and to pray. Officials charged Abdullayev with Criminal Code Article 244-1 Part 3, ‘production and dissemination of materials containing a threat to public security and public order’ and Article 244-1 Part 1, ‘creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organizations.’ On 28th June 2010, Abdullayev was sentenced to twelve years of detention.

Mansurkhon Akhmedov was charged with Criminal Code Article 244-2 Part 1 when he was arrested for possession of a music CD that supposedly contained a sermon on the Islamic Caliphate. On 25th May 2016, Akhmedov was sentenced to five years in prison alongside **Jonibek Turdiboyev**. Prosecutors used the testimony of a jailed relative **Madatjob Inamutdinov**, which was likely acquired through torture.

Nodyr Barnayev was arrested in 2010 in Navoi for meeting with others to study the Qu‘ran and to pray. Officials used Criminal Code Article 244-1 Parts 1 and 3 to charge him with

¹ Annual Report 2014: Uzbekistan. United States Commission on International Religious Freedom

² The World Factbook Central Asia: Uzbekistan. Central Intelligence Agency

³ Uzbekistan International Religious Freedom Report 2013. United States Department of State

extremism and threatening the public order. On 28th June 2010, Barnayev was sentenced to nine years detention.

In November 2009, **Mehrinisso Hamdamova** was arrested for ‘attempts to change the constitutional order of Uzbekistan’ (Article 244-1). Hamdamova claims she was simply teaching Islam in a mosque in Karshi. In April 2010, she was sentenced to six and a half years in jail at the female prisoners’ camp in Zangiota District. On 5 November 2016, the day she was supposed to be released, she was moved to a new and unknown prison location to await trial for unknown charges.

Zulhumor Hamdamova was arrested in 2009 for ‘attempts to change the constitutional order of Uzbekistan’ (Criminal Code Article 159, 244-1). On 10th April 2010, she was sentenced to six and a half years in jail at the female prison camp in Zangiota. She was due to be released in May 2016, but her sentence was increased by three years on unknown charges. Her new location is currently unknown.

Between May and July 2012, **Gayrat Khusanov** and **Shuhray Yunusov** were arrested in Tashkent for meeting to read the Qu’ran, discuss questions of faith, and learn how to pray. They were charged under Criminal Code Article 244-1 Part 3. On 22nd November 2012, they were sentenced by the Yukorichirchik District Court to seven years of detention at the Yangibazar Detention Center.

In the spring of 2010, there were numerous arrests of Muslims that were gathering privately to pray and to read the Qu’ran. **Abdugani Kamolov, Zukhriddin Kamolov, Rakhmatillo Khamdamov, Shakirzhon Khamdamov, Bobur Khatamov, Rakhmatilla Makhmudov, Ulugbek Otakuziyev, Mukhmadin Sotivoldiyev, Avazbek Turayev, Rakhmonzhon Turabayev,** and **Ravshanbek Umarbayev** were among those who were arrested. The defendants were charged with Criminal Code Article 244-1, Part 3. On 28th June 2010, each was sentenced to nine years of detention. For being leaders at the meetings, Tubaryev was sentenced to thirteen years and Umarbayev was sentenced to fourteen. See full prisoners list for more information.

On 9th January 2016, **Bakhtiyor Khudaiberdiyev** was arrested at Tashkent Airport for possession of extremist materials and charged under Criminal Code article 244-2 Part 2 and article 159. In August 2016, he was sentenced to six years imprisonment at an unknown location.

On 4th March 2016, 24 year old **Davron Komoliddinov** was arrested in Krasnoyarsk, Russia, for ‘inciting ethnic, racial or religious hatred’ (Article 156), attempting to undermine the constitutional order of Uzbekistan (Article 159) and participation in a religious extremist organization (Article 244-2). Komoliddinov’s defense stated that while in Russia he had accessed online sermons, teachings, and photos of Uzbek religious leaders. The Fergana Regional Court found him guilty on all three charges and sentenced him to seven years in prison. His sentence was upheld by a court of appeals. Komoliddinov is being held in Prison

Colony 64/61 in Karshi, and torture has reportedly been used against him to force false confessions.

On 8th April 2014, **Zoirjon Mirzayev** was arrested in Tashkent for possession of extremist materials and smuggling them across the border (Criminal Code Article 246 Part 1). Officials found twenty-nine sermons on his mobile phone which were considered extremist. He was sentenced to five years in prison.

On 20th September 2013, **Zuboyd Mirzorakhimov** was arrested in the Bekabad District of Tashkent for possession of extremist materials and smuggling them through the customs border (Article 246 Part 1). Sermons that had been downloaded to his mobile phone were considered extremist. On 16th October 2013, he was sentenced to five years in prison and an appeal was rejected in November.

Around 28th December 2012, **Ravsah Rahmatullayev** was arrested for the ‘illegal establishment or reactivation of illegal public associations or religious organizations, as well as active participation in their activities.’ (Criminal Code Article 216, 244-1, and 246 Part1) On 17th July 2013, he was sentenced to six years in prison in the Karshi [Qarshi] Labor Camp.

Shahlo Rakhmanova was arrested in November of 2009 for ‘attempts to change the constitutional order of Uzbekistan’ (Criminal Code Article 159 and 244-1). She claims she was simply teaching Islam in a mosque in Karshi. In April 2010, she was sentenced to six and a half years in prison.

On 7th April 2012, **Khayrullo Tursunov**, a resident of Almaty Kazakhstan, was arrested for practicing faith outside of state-run mosques and then fleeing to Kazakhstan. On 9th April 2012, the Aktobe City Specialized Administrative Court approved his detention and he was extradited to Uzbekistan. After several appeals, Tursunov’s extradition was upheld and in June 2013 he was sentenced to twelve years in prison by the Kashkadarya Regional Criminal Court. He was detained at Aktobe until February 2013 when he was moved to Almaty. He is now located in Tashkent.

On 1st of June 2016, four **Sufi leaders**, whose names are currently unknown, were arrested in Bukharan under Criminal Code Article 216 or ‘illegal establishment or reactivation of illegal public associations or religious organizations, as well as active participation in their activities.’ They were sentenced the same day to four years in prison.

Said Nursi Followers in Prison

In early 2010, **Nutfullo Aminov, Mukhtar Hotamov, Umidjon Jumayev, Ilkhom Rajabov, Tukhtakul Shodiyev, Isandar Ubaydov, and Anvar Zaripov** were arrested for participation in an extremist organization (Criminal Code Article 244-1 Part 3 and 244-2 Part 1). Aminov, Jumayev, Ubaydov, and Zaripov were each sentenced to six years in prison, Shodiyev received seven, and Hotamov and Rajabov received eight years.

Until April 2009, **Ikrom Merajov** was a university lecturer. He was arrested in Bukhara after studying the works of Said Nursi for participation in an extremist organization (Criminal Code Article 244-1 Part 3 and 244-2 Part1). Merajov was sentenced to nine years in prison and is being held at a labor camp near Chirchik in the Taskent Region.

In 2010, **Kamal Odilov** was arrested for participation in an extremist organization (Criminal Code Article 244-1 Part 3 and 244-2 Part 1). He was sentenced to six years in prison. Just as Odilov's prison term was due to expire in January of 2016, authorities imposed a further prison term. When Odilov's parents arrived on 1st February 2016 to his place of detention, they were told that he had gotten into a fight the day before. It is unknown which court issued Odilov the extended sentence or under which Criminal Code Article the extension was justified.

In April of 2009, **Botir Tukhtamurodov** was arrested in Bukhara for participation in an extremist organization (Criminal Code Article 244-1 Part 3 and 244-2 Part 1). He was sentenced to six years, but in 2015 his sentence was extended by another three years in a labor camp. Officials told Tukhtamurodov and his relatives that he would not be freed until his brother Bobirjon Tukhtamurodov returned from Russia, where he sought refuge in January 2010.

Protestants in Prison

On 18th January 2010, **Tohar Haydarov** was arrested for illegal production, storage and other operations with narcotic drugs or psychotropic substances (Criminal Code Article 276 Part 2a.m) and later sentenced to ten years in prison at Karshi, Kashkadarya Region. Haydarov claims that the police planted the drugs on him after relatives asked local police to help them force him, a convert to Christianity, to return to Islam.

Doniyor Akhmedov was arrested on 16th March 2016 on his way to Namangan Region for 'illegal distribution' of religious literature when he offered a religious leaflet to a passer-by. Akhmedov was prosecuted using Administrative Offences Code Article 240 ('violation of the Religion Law', including by holding unregistered religious meetings or sharing one's faith with others. He was imprisoned for fifteen days at the Ahangaran Police Station and Tashkent Region detention center, and then released with a fine of three-year official minimum wage.

Dmitri Inyushev and **Shokir Rahmatullayev** were arrested on 9th November 2016 in Termez for possession of religious literature outside the premises of the state approved belief community. (They had been keeping literature at their private homes.) They were prosecuted with the Criminal Code Article 184-2, or 'illegal production, storage, or import, with the intent to distribute or actual distribution of religious materials by physical persons' as well as Article 240 Part 1, or 'carrying out of unauthorized religious activity'. The judge gave the men five-day prison sentences and ordered them to pay 15% of one-month minimum salary as 'compensation' for the costs of jailing them. They were released on 14th November 2016.

On 12th March 2016, **Latifzhon Mamazhanov** was arrested in Fergana for illegally storing Christian books in his home (Administrative Offences Code Article 184-2). He was detained for fifteen days under harsh and overcrowded conditions. He was also subjected to torture several times and placed in a cell with informers who tried to convince him to claim responsibility for unsolved crimes.

The full list of documented cases of FoRB prisoners for each denomination is available on the USB key attached to this report and on our website: <http://hrwf.eu/forb/forb-and-blasphemy-prisoners-list/>.

Laws Used to Criminalize Religious Activities

The Constitution of the Republic of Uzbekistan ensures its citizens the right to ‘profess or not to profess any religion’ as well the right to practice this religion without discrimination. Despite these constitutional guarantees, the government of Uzbekistan has used the following articles from its Criminal Code to target and imprison individuals and members of religious groups:

Article 156: Incitement of Ethnic, Racial or Religious Hatred

Article 159: Attempts to change the constitutional order of Uzbekistan

Article 216: Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities

Article 244-1

Part 1: Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations

Part 3: (a) Production and dissemination of materials containing a threat to public security and public order⁴

National Standards for Detention Conditions

The following articles in Chapter 7 (‘Personal Rights and Freedoms’) of the Constitution of Uzbekistan define the rights of its citizens in the event of an arrest. These rights were ignored in many of the cases of religious prisoners mentioned above.

Article 25. Everyone shall have the right to freedom and inviolability of the person.

No one may be arrested or taken into custody except on lawful grounds.

⁴ The Criminal Code of the Republic of Uzbekistan

Article 26. No one may be adjudged guilty of a crime except by the sentence of a court and in conformity with the law. Such a person shall be guaranteed the right to legal defense during open court proceedings.

No one may be subject to torture, violence or any other cruel or humiliating treatment.

No one may be subject to any medical or scientific experiments without his consent.³

Families of prisoners may visit for up to four hours, two to four times per year; however, some families have reported that they were denied these visits or that permission to visit was dependent on bribes to prison officials. Communication between close family members and the prisoner is allowed through letters or phone calls, but this right is sometimes withheld. The government also allows prisoners to practice their religion, but some rituals, such as Islamic morning prayers, are often denied because they conflict with the prison schedule.

Minors, women, prisoners over the age of 60, foreigners, and those with mental handicaps qualify for amnesty and are sometimes granted either complete release or release to a work camp; however, prison officials are given discretion in this matter and prisoners are frequently denied amnesty for violation of prison rules or procedures.⁵

International Reports on Prison Conditions in Uzbekistan

The most qualitative data that is available to the public on prison conditions in Uzbekistan comes from letters or conversations between prisoners and their relatives. International inspectors have been granted access to select prison facilities while leaving others unseen by all but a few prison guards.

Reports by various NGOs and international agencies have indicated that conditions in Uzbek prisons are far from acceptable and are not in compliance with international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners.

Human Rights Watch recently published a study of thirty-four prisoners in Uzbekistan which incorporated numerous testimonies of family members, former government officials, scholars, and other sources. Of those thirty-four prisoners whose cases were examined, at least eighteen were denied legal counsel, eleven had their sentences arbitrarily extended, and fifteen suffered from critical health problems. All had experiences of overcrowded cells, poor food and water quality, and inadequate medical treatment. At least twenty-nine of the thirty-four prisoners made credible allegations of torture or ill-treatment:

They have been beaten with rubber truncheons or plastic bottles filled with water and tortured with electric shock, hanging by wrists and ankles, threats of rape and sexual

⁵ Uzbekistan: Country Reports on Human Rights Practices for 2015, Uzbekistan. Bureau of Democracy, Human Rights and Labor.

humiliation, asphyxiation with plastic bags and gas masks, threats of physical harm to relatives, and denial of food or water.

Azam Farmonov, a rights activist behind bars since 2006, alleges that police placed a sealed mask on his head to simulate suffocation and beat him on his legs and feet to force a false confession. He said that during pretrial custody, he had been beaten on the head with plastic bottles filled with water and that Uzbek security services officers threatened to drive nails into his toes, as well as to harm his loved ones.⁶

Tragically, these reports have done little to amend relations between Uzbekistan and Western powers, as the latter's policies have valued the geo-strategic importance of Uzbekistan over its people.⁷

The Association for Human Rights in Central Asia (AHCRA) reports that Uzbek prisons are seriously overcrowded while the number of prisons continues to decline. Even still, reliable data on the actual number of prisoners is hard to come by and some international organizations have been expelled from the country.⁸ The US State Department has documented reports of prisoners being held in cells without ventilation that reached temperatures below freezing in the winter and excruciating heat in the summer. They may be subjected to torture, psychological and sexual abuse, food deprivation, and electric shock.

Those convicted of 'religious extremism' are routinely denied their freedom at the end of their prison terms. Prison authorities extend sentences by accusing religious prisoners of additional crimes, violating prison rules, or claiming that they represented a continuing danger to society.⁹

Conclusions

Uzbekistan is a country whose politics and culture are still greatly influenced by its history of Soviet domination from 1924 to 1991. It is a democracy on paper but not in practice. The recent death of Islam Karimov marks the end of an era, where religious freedom was severely limited. It is also an opportunity to leave that dark period behind and establish a new respect for the fundamental rights and freedoms for all citizens of Uzbekistan.

The leadership of Uzbekistan would do well to begin by releasing prisoners that are being held for the peaceful exercise of their human rights, including religious affiliation or practice. Police and other officials who were perpetrators of torture and other mistreatment of prisoners should also be held to account for these offenses against the people of Uzbekistan. It is only in addressing the country's painful history and forging a new path toward development,

⁶ 'Until the Very End' Politically Motivated Imprisonment in Uzbekistan. Human Rights Watch

⁷ Uzbekistan: Prison, Torture for Critics. Human Rights Watch

⁸ 'How many prisoners are there in Uzbekistan?' Association for Human Rights in Central Asia

⁹ Uzbekistan: Country Reports on Human Rights Practices for 2015. Bureau of Democracy, Human Rights, and Labor

international cooperation, and respect for human rights that Uzbekistan will be ready to face the challenges ahead.