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UZBEKISTAN: Torture and death threats unpunished

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

Police officer Ravshan Sobirov, who tortured Jehovah's Witness Anvar Tajiyev and made death threats against him, has not been brought to justice as Uzbekistan's international human rights obligations require. Tajiyev lost hearing in one ear and still suffers headaches. Many complaints to the President, national and local Prosecutor's Offices have led to no arrests or prosecutions.

Despite Uzbek President Shavkat Mirziyoyev's claims and legal changes claiming to ban torture and punish the perpetrators, no arrests or prosecutions have been made of those responsible for torturing Jehovah's Witness Anvar Tajiyev. He was tortured in October 2017 by police in Urgench [Urganch] in the north-western Khorezm Region.

More than six months after the police torture, Tajiyev still suffers headaches and has lost hearing in one ear.

But his complaints to many state agencies – including to the President – have ended back with Urgench Prosecutor's Office, which wrote on 3 March: "We found that the police officers' actions were not unlawful."

"The authorities refuse to punish Urgench Police and Officer Ravshan Sobirov responsible for the torture," Jehovah's Witnesses told Forum 18 on 27 April.

Officer Sobirov denied to Forum 18 that he tortured Tajiyev or was involved in his case. "I do not know that person," he claimed (see below).

Officials of the national, regional and city prosecutor's Offices, the Presidential Administration, and the state-sponsored National Human Rights Centre all refused to tell Forum 18 why the officer who tortured Tajiyev has not been brought to justice and why he has been given no compensation. Uzbekistan has an international obligation to arrest and prosecute those suspected of torture (see below).

Urgench Police also threatened the lives of Tajiyev, his family and fellow believers when it questioned him on 10 October 2017 about his exercise of freedom of religion and belief. They then forced him to sign a statement that they had not tortured him (see below).

Relatives were too afraid to take Tajiyev to a hospital in Urgench. In the capital Tashkent, one state hospital and a private clinic refused to treat him, apparently because police had caused the injuries. Only one state hospital was even prepared to even make and issue a diagnosis (see below).

Jehovah's Witnesses are considering filing an appeal to the United Nations (UN) Human Rights Committee, they told Forum 18.

Human rights defenders remain sceptical about government claims and legal changes allegedly banning torture and punish torturers. One human rights defender told news agency centre1.com: "Many still keep silent about their torture because state agencies threaten them and their family members, telling them that their complaints will only worsen the situation" (see below).

Torture and impunity for torturers

Tajiyev's case is not the only recent case of torture with impunity for torturers. For example, Uzbekistan has neither arrested nor prosecuted the officials responsible for torturing Shia Muslims arrested in February 2017, held in detention and tortured, and fined in August 2017 for exercising their freedom of religion and belief. One of the Muslims was also jailed for having works on Shia history (see F18News 29 March 2018 http://www.forum18.org/archive.php?article_id=2365).

An Urgench Protestant Pastor under surveillance was followed to a neighbouring region, where a meeting was raided and one person was tortured. Police replied to complaints about torture: "We do not care, you can complain anywhere" (see F18News 19 October 2017 http://www.forum18.org/archive.php?article_id=2326).

Torture with impunity for torturers has been directed against Muslims, Protestants, Jehovah's Witnesses and people of other faiths. Women are targeted for assault, and in another torture case police told a Jehovah's Witness that complaining makes no difference as "we will remain unpunished" (see F18News 12 October 2017 http://www.forum18.org/archive.php?article_id=2325).

Under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Uzbekistan acceded to in 1995, the government must arrest and prosecute under criminal law anyone suspected of committing torture (see Forum 18's Uzbekistan religious freedom survey http://forum18.org/archive.php?article_id=2314).

Torture as punishment for registration application?

Jehovah's Witnesses think that the police tortured Tajiyev "because our local community in Urgench between January and March 2017 had unsuccessfully asked for state registration".

In 2006 after officials rejected the registration application of the Jehovah's Witness community in Kagan, police threatened 10 members with death and a court later fined them (see F18News 9 January 2008 http://www.forum18.org/archive.php?article_id=1068).

Exercising freedom of religion or belief without local state registration is illegal and punishable (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Illegal police raid

On 3 October 2017 Urgench Police officers carried out an "unlawful search" of Tajiyev's Urgench flat without showing the legally-required warrant, Jehovah's Witnesses told Forum 18. When the police raided his home, Tajiyev was away in Tashkent. Present during the raid were Rinat Sultanov, Tajiyev's fellow believer and tenant of the same flat, and Murat Ayliyev, another local Jehovah's Witness.

The raiding officers confiscated Tajiyev's tablet device and notebook with personal notes on it. Officers forced Sultanov to tell them the password to open the tablet device, Jehovah's Witnesses stated.

"Police later returned the tablet to Tajiyev, but did not inform him whether or not a case was opened against him," Jehovah's Witnesses added.

"The General Prosecutor's Office wrote to us that the police terminated the administrative case against Tajiyev since no illegal religious materials were found on his tablet device," Muradova of the National Centre for Human Rights, told Forum 18 on 25 April 2018.

Officer tortures Tajiyev, threatens his, his family's and fellow believers' lives

As soon as Tajiyev arrived back in Urgench from Tashkent on 10 October 2017, local police Senior Lieutenant Mamur Sobirov phoned him at 11.30 am, and summoned him to the Committee of his local mahalla (city district), Jehovah's Witnesses told Forum 18.

Mahalla committees, theoretically independent but in practice under state control, are used to maintain controls over anyone trying to exercise freedom of religion and belief in their local district (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

When Tajiyev arrived at the Mahalla Committee at 4.45 pm, four officers were present: Mamur Sobirov; Mukhammad Rakhimov and Shavkat Bekjanov from Urgench Police's Department for the Struggle with Extremism and Terrorism; and Officer Ravshan Sobirov.

"The officer gave his name as Ravshan Sobirov, but is possible that this is not his real name. He is the one who tortured Tajiyev," Jehovah's Witnesses told Forum 18. "We think he is an undercover secret police officer."

Officers of the then-National Security Service (NSS) secret police (from March 2018 renamed the State Security Service (SSS)) target and punish people and communities exercising their right to freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

While questioning him "Sobirov made powerful blows to Tajiyev's head and face during the whole process, which went on for nearly four hours until 10.30 pm," Jehovah's Witnesses stated. Sobirov "humiliated Tajiyev, his wife, and his female fellow-believers with swear words, and also issued threats, saying that we will destroy all of you."

During their interrogation, officers also named several female Jehovah's Witnesses, describing them to Tajiyev as "immoral

women". In Central Asia, the authorities brand female members of religious organisations they do not like as "immoral women".

The authorities use threats to rape female members of religious communities they do not like to put psychological pressure on the leaders and members of such communities (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Asked about the case, duty officers at Urgench Police (who did not give their names) referred Forum 18 on 23 April to Officer Ravshan Sobirov. He denied to Forum 18 that he tortured Tajiyev or was involved in his case. "I do not know that person," Sobirov claimed to Forum 18 on 23 April. "I did not question him."

Told that Jehovah's Witnesses complained about him to the authorities numerous times, and asked why he questioned and tortured Tajiyev, Sobirov repeated his previous answer. He then refused to talk further to Forum 18.

"Officer Mukhammad Rakhimov along with other officers of our Department carried out their responsibility to investigate the case," Major Khamro Masimov, Chief of Urgench Police's Department for the Struggle with Extremism and Terrorism, told Forum 18 on 23 April. "But our officers did not violate the law."

Asked what role Officer Ravshan Sobirov played in the investigation, Major Masimov refused to answer. "I do not know you, and I cannot discuss the case with you over the phone." He then refused to talk further with Forum 18 and asked for questions to be sent in writing.

In January 2018 officer Rakhimov harassed local Protestant Nargiza Khusainova on the street, and tried to pressure her into becoming a police informer (see F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2367).

Forced to sign police report denying torture

After four hours of interrogation and beating on 10 October 2017, officers "under threats of more severe injuries to his body", forced Tajiyev to sign the police report saying that he had no complaint against the police, and that officers had not beaten or psychologically pressured him, Jehovah's Witnesses told Forum 18. Tajiyev "was afraid that the police officers could cause him physical or mental disabilities".

State emergency medical centre refuses medical examination

Tajiyev's relatives were afraid to take him to Urgench Hospital because of the police. They instead took him to Tashkent the next day, 11 October 2017, Jehovah's Witnesses told Forum 18. They brought him to the Republican (State) Centre of Emergency Medical Services in Tashkent. "When Ayliyev (a fellow Jehova's Witness) told medical workers that the injuries were caused by police in Urgench, they refused to examine Tajiyev."

Gulchohra Turayeva, medical worker on duty who answered the phone of the Republican Centre of Emergency Medical Services on 24 April, told Forum 18 that "by law we have to examine patients and only then inform the police if need be. We cannot refuse patients, particularly with serious injuries." Asked why then Tajiyev was refused medical examination in the Centre, she referred Forum 18 to the Centre's Administration.

Asylbek Khudayarov, General Director of the Emergency Centre, claimed to Forum 18 on 25 April that Tajiyev "wanted to be hospitalised, but we can only do diagnosis, which is why we refused services to him."

When Forum 18 asked why the Centre did not examine Tajiyev and whether police involvement was the reason, Khudayarov did not answer. "Please, send your questions in writing," he said and refused to talk more to Forum 18.

Private clinic also refuses treatment

Relatives then contacted one of Tashkent's private clinics, Medical Diagnostics Services. But it too refused to examine Tajiyev.

Lola Kaharova, General Director of Medical Diagnostics Service, told Forum 18 on 24 April: "We as a private clinic do not usually refuse services to patients unless we do not have the exact specialists."

Asked why Tajiyev was refused diagnosis of his brain, Kaharova responded: "Maybe we did not have the specialists on that particular day." Asked whether this happened because of police involvement in Tajiyev's case and whether she could check their records for 11 October 2017, she told Forum 18 that Tajiyev "must write us a complaint".

Diagnosed with concussion of brain

Only after a search for available hospitals, the following day, 12 October 2017, Tashkent Hospital No. 7 accepted Tajiyev. There he

was diagnosed with closed cranium cerebral injury (concussion of the brain), Jehovah's Witnesses told Forum 18.

Complaints and official responses

On 30 October 2017, Jehovah's Witnesses asked Urgench Prosecutor's Office for a copy of the Prosecutor's approval of the police search of Tajiyev's home. On 10 November 2017, Prosecutor Umurbek Madrakhimov passed on the request to Urgench Police. But the police did not reply.

On 15 November 2017, Jehovah's Witnesses complained to President Mirziyoyev and the National Centre of Human Rights in Tashkent. The following day they filed a further online complaint through the presidential website.

On 25 November 2017, Urgench Prosecutor's Office summoned Tajiyev, subjecting him to a four-hour interrogation. "During the questioning he was warned not to go on writing complaints but was promised that the authorities will punish Officer Sobirov."

On 28 November 2017, Akmal Saidov, Director of the National Centre for Human Rights, referred the Jehovah's Witness complaint to Khorezm Regional Prosecutor's Office.

On 13 December 2017, Oybek Shamuratov, Khorezm Region's Deputy Prosecutor, in response to the complaint to President Mirziyoyev, wrote to the Jehovah's Witnesses: "We found no unlawful actions carried out by Officer Mukhammad Rakhimov." Jehovah's Witnesses objected to Forum 18: "We did not complain against Officer Rakhimov but against Officer Sobirov."

On 16 December 2017, Urgench Prosecutor's Office merely referred Jehovah's Witnesses to Prosecutor Shamuratov's 13 December response. The letter was signed again by Prosecutor Madrakhimov.

Seeing the inaction of the Regional authorities, Jehovah's Witnesses refiled their complaint on the presidential website in late December. They complained about the Regional authorities' unwillingness to investigate the torture properly and punish the responsible officials. They also drew the President's attention to the fact that "Tajiev was beaten not by Officer Rakhimov but by Officer Sobirov."

On 7 January 2018, Deputy Prosecutor of Khorezm Region, Shamuratov again responded that Officer "Rakhimov did not violate the law". Jehovah's Witnesses pointed out to Forum 18 that again the Regional Prosecutor's Office indicated a "wrong name."

On 17 January, Jehovah's Witnesses again complained to the National Centre for Human Rights, which it referred to the General Prosecutor's Office. This in turn told the Centre on 29 January that it had referred the complaint to Khorezm Regional Prosecutor's Office.

On 28 February, Deputy Prosecutor of Khorezm Shamuratov told Jehovah's Witnesses: "We halted the investigation of the complaint, because there are no new circumstances of the case."

The last response Jehovah's Witnesses received was on 3 March from Urgench Prosecutor's Office: "We found that the police Officers' actions were not unlawful."

"No new cases of torture took place" ?

The government has recently claimed that it has finally banned torture and will prosecute perpetrators, but human rights defenders are not optimistic that any significant difference has been made (see below). Prosecutor Samir Rakhmanov of the General Prosecutor's Office would not answer any specific question when asked by Forum 18 why the General Prosecutor's Office will not properly investigate Tajiyev's case in the light of the Presidential anti-torture Decree and changes to the Criminal Code. "No new cases of torture took place after the [November 2017] Decree, otherwise we would have investigated and published information on that," he claimed to Forum 18 on 26 April.

Asked why the authorities will not properly investigate Tajiyev's torture and arrest and put the perpetrators on criminal trial, despite many complaints from Jehovah's Witnesses including between December 2017 and March 2018, Rakhmanov referred Forum 18 to Prosecutor Vakhib Sharopov.

As noted above, Forum 18 had already talked to Sharopov of the General Prosecutor's Office on 24 April about the torture of Tajiyev. Called again on 26 April, he claimed to Forum 18 that: "I passed on your information to the appropriate Prosecutors, who are at the moment studying the case to prepare action. We will need at least 10 days for this."

Asked why the authorities will not register Jehovah's Witness communities across Uzbekistan, why police and other authorities keep pressuring and torturing people exercising freedom of religion and belief, and why the authorities will not arrest and put on criminal trial officials responsible for the torture of Tajiyev and others, officials at the reception and press service of the Presidential Administration on 26 April referred Forum 18 to Shakhzod Islamov, who oversees religious issues, and Sardor Ibrahimkhojayev,

who oversees legislative issues.

Both Islamov and Ibrahimkhajayev refused to respond to Forum 18's questions on 26 April. Ibrahimkhajayev referred Forum 18 to the Justice Ministry.

Asked the questions, Shakhrukh Nuraliyev, Press Secretary of the Justice Ministry, referred Forum 18 on 26 April to Akmal Khamdamov of the Ministry section overseeing religious organisations.

"I don't know why the President's Office referred you to us, because we are not an investigative organ," Khamdamov told Forum 18 on 26 April. Asked why the authorities will not register Jehovah's Witness communities across Uzbekistan, he was quick to answer, "They have registration in Uzbekistan."

Told that Jehovah's Witnesses are registered only in one town in Tashkent Region, Chirchik, while their other communities across Uzbekistan have been denied registration, and that it is illegal to meet for worship without registration, and asked what they should do, Khamdamov was silent. He then said, "I cannot say anything, I do not know why they referred you to us."

National Centre for Human Rights "not competent to investigate human rights violations"

Dilnoza Muradova, Assistant to Akmal Saidov, Chair of the state-run National Centre for Human Rights in Tashkent, told Forum 18 on 24 April that it had sent an enquiry to the General Prosecutor's Office about Tajiyev's torture. However, the General Prosecutor's Office response "did not say anything about any the investigation of the police actions".

Told that Jehovah's Witnesses twice complained to her Human Rights Centre, and asked what steps it took – if any - to help Tajiyev, Muradova replied: "The Centre is not competent to investigate human rights violations – it's the duty and competence of the state organs, to which we always refer complaints."

Asked what the role of the Centre is, and how it can help victims whose rights were violated, Muradova responded: "We inform the authorities about the violations, and they inform us on the course of their investigation."

Asked why the authorities will not begin implementing the new anti-torture acts by punishing the police officers and compensating Tajiyev for damages he suffered, Muradova replied: "He needs to write to us and the authorities about it."

Told that Tajiyev already wrote numerous complaints to her Centre and other state agencies, Muradova was quick to reply, "We will now prepare another letter asking the General Prosecutor's Office to open a new investigation into the police actions."

Prosecutor's officials refuse to discuss torture

Prosecutor Timur Gofurov answered the phone on 23 April of Gulnoza Rakhimova, Chief of the General Prosecutor's Office Public Relations and Legal Information Section in Tashkent. Asked why the General Prosecutor's Office will not properly investigate Tajiyev's case and make Officer Sobirov who tortured Tajiyev and the other police officers responsible, Gofurov claimed to Forum 18 that Khorezm Regional Prosecutor's Office "investigated that case properly and replied to the complaints."

"If Jehovah's Witnesses are not satisfied, they can still file a new complaint," Gofurov added.

Urgench Prosecution officials (who did not give their names) refused to discuss the case with Forum 18 between 23 and 24 April and told Forum 18 that Prosecutor Madrakhimov had been "transferred to Tashkent to the General Prosecutor's Office." They also refused to put Forum 18 through to any other officials.

Asked whether Prosecutor Madrakhimov was indeed transferred to the General Prosecutor's Office, Sharopov of the Prosecutor General, claimed to Forum 18 on 24 April: "I do not know, since there are so many departments and officials in the Office."

Asked about Tajiyev's case, Sharopov took down the details and promised Forum 18 that "We will do our best to properly investigate the case."

Khorezm Prosecutor's officials (who did not give their names) between 23 and 24 April refused to discuss the case with Forum 18 or put it through to Prosecutor Shamuratov or other officials.

Will new ban end "routine" torture?

Human rights defenders are not optimistic that recent state claims to have finally banned torture and to prosecute perpetrators have made any significant difference. Yelena Urlyayeva, a human rights defender from Tashkent, told centre1.com, an independent Uzbek news agency, on 11 April that "there are still many cases of torture by state agencies". The ban on torture initiated by President Mirziyoyev does "not work in reality, because only a few [officials] want to change," she added.

Tatyana Dovlatova, another local human rights defender, told the agency that "many still keep silent about their torture because state agencies threaten them and their family members, telling them that their complaints will only worsen the situation."

Torture, or threats of this, by police and other officials are "routine" in Uzbekistan, the UN Committee Against Torture found in 2007. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Uzbekistan acceded to on 28 September 1995, obliges states to arrest and prosecute anyone suspected of committing torture (see Forum 18's Uzbekistan religious freedom survey http://forum18.org/archive.php?article_id=2314).

After its most recent consideration of Uzbekistan's record, in October and November 2013, the UN Committee Against Torture's Concluding Observations (CAT/C/UZB/CO/4) again expressed its repeated concerns: "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 http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUZB%2fCO%2f4&Lang=en).

Uzbekistan told the UN Committee Against Torture in its report which was due in 2017, but was submitted on 16 January 2018 (CAT/C/UZB/5), that 29 state officials were convicted in 2015 for committing torture, 21 in 2016 and 8 in the first quarter of 2017. Sentences ranged from a fine to suspended sentences to prison terms. Thirteen state officials were sacked between January 2016 and June 2017 after criminal cases of torture were lodged against them.

However, the government's report also states that few complaints against "illegal actions" by police were upheld. Only 23 of 438 in 2016 and 5 of 39 in January-March 2017, the report claims.

The government's report claims that legislation has been tightened "to strengthen procedures for compensating the victims of crime, including torture". On 30 November 2017, President Mirziyoyev signed a Decree on "supplementary measures for reinforcement of guarantees of rights and freedoms of citizens in judicial-investigative activity". This banned using evidence obtained by torture and other inhuman treatment, as well as making inadmissible the use of such evidence by the judiciary or other investigative organs.

Further amendments came in April 2018. On 4 April, President Mirziyoyev signed into law changes and new provisions in the Criminal Code criminalising torture, including psychological pressure, during investigation by police and other state agencies. The amendments came into force on 5 April on publication in the state-controlled newspaper "Halq Suzi" (People's Tribune).

According to the new legal provisions, officials who are aware of torture and take no action will also be made responsible as accomplices. Punishments for torture include imprisonment of between 3 and 10 years. (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.

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