

17 July 2009

UZBEKISTAN: Prisoners' freedom of religion or belief denied

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Prisoners in Uzbekistan continue to be denied their right to freedom of religion or belief – for example to pray visibly, to have religious literature, or to receive visits from religious clergy, Forum 18 News Service has found. These denials of religious freedom affect not only prisoners of conscience of all faiths, jailed or imprisoned in a labour camp for their religious activity, but also prisoners jailed for other reasons. Prison and labour camp conditions are harsh, and even the communities regarded as the main "traditional" faiths – the state-controlled Muslim Board and the Russian Orthodox Church – appear to have only limited access to prisoners. Other faiths told Forum 18 they have almost no access. Prisoners are often punished for religious activity in jails or labour camps, religious believers and human rights defenders have told Forum 18, however officials insist to Forum 18 that prisoners' religious freedom is respected. These claims, along with other inaccurate information, are also in Uzbekistan's report to the United Nations Human Rights Committee, which is due to be considered in Geneva on 27 July.

Prisoners in Uzbekistan continue to be denied their right to freedom of religion or belief – for example to be able to pray visibly, to have religious literature of their own or to receive visits from religious representatives. Prisoners are often punished for offending prison administrations by visible religious activity, religious believers and human rights defenders have told Forum 18 News Service from Uzbekistan. Officials are reluctant to discuss the issue, but insisted to Forum 18 that prisoners' freedom of religion or belief is not restricted. Such claims are also contained in Uzbekistan's report to the United Nations Human Rights Committee, which is due to be considered by the Committee in Geneva on 27 July.

The Uzbek government report – which was submitted to the United Nations on 21 March 2008 and made public by the UN on 4 June 2008 (UN reference CCPR/C/UZB/3) – is on how Uzbekistan claims it is implementing its commitments under the International Covenant on Civil and Political Rights (ICCPR). The report includes a number of errors over the size of fines for religious activity, failing to take account of ten-fold increases in 2006 (see F18News 27 January 2006 http://www.forum18.org/Archive.php?article_id=720).

The ICCPR, which Uzbekistan ratified in 1996, states that, "All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person" (Article 10, Paragraph 1). This specifically includes those held in prisons, detention camps or correctional institutions (General Comment 21 on the same article).

Among the other relevant UN standards is the 1955 Standard Minimum Rules for the Treatment of Prisoners, which state: "Access to a qualified representative of any religion shall not be refused to any prisoner" (Rule 41, Part 3). The regulations also stipulate that, "So far as practicable, every prisoner shall be allowed to satisfy the needs of his/her religious life by attending the services provided in the institution and having in his/her possession the books of religious observance and instruction of his/her denomination" (Rule 42).

Uzbekistan has imprisoned and continues to hold prisoners of conscience for their peaceful religious activity. These have included Muslims, Protestant Christians and Jehovah's Witnesses. Most recently, the authorities have targeted followers of the Turkish Muslim theologian Said Nursi, with at least 25 people receiving sentences in the past year totalling some 200 years (see F18News 4 June 2009 http://www.forum18.org/Archive.php?article_id=1306).

In addition to these religious prisoners of conscience are a much larger group of prisoners numbering up to about 8,000, who have been handed long sentences on wide-ranging charges of belonging to illegal, religious extremist organisations or calling for the overthrow of the state. Human rights defenders insist many of the cases are fabricated. Many of these prisoners are Muslims, but it very often remains unclear whether they have been punished for peaceful religious activity, for peaceful anti-government political activity, or for other reasons.

Bland official assurances

Officials appeared reluctant to discuss the freedom of religion or belief of prisoners with Forum 18. Officials at the Interior Ministry's Chief Directorate for the Enforcement of Punishments – which has responsibility for prisons – told Forum 18 on 16 July that its head, Abdugarim Shodiev, was not in the office.

One of his deputies, Bahram Arafat, insisted to Forum 18 that prisoners "can practice their faith", but repeatedly refused to discuss specific complaints that prisoners have been punished for praying and fasting, and have been denied access to clergy and religious literature. "Talk to the Foreign Ministry," he told Forum 18. Told that his Directorate has responsibility for prisons, not the Foreign Ministry, he then handed Forum 18 over to Aziza Penjaeva, head of the International Department.

Penjaeva repeated Arafat's bland assurance. "We do everything in accordance with the law and in accordance with the Criminal Enforcement Code," she told Forum 18. "Everything the Code says on this is carried out."

Saidbahrom Gulyamov, head of the international department at the state-controlled Muslim Board in Tashkent, also gave a problem-free picture, insisting to Forum 18 on 14 July that prisoners can have religious literature, receive visits from imams and pray freely in prison.

Punished for praying

Surat Ikramov, a Tashkent-based human rights defender, says prisoners – particularly those sentenced for "religious offences" - are often punished for religious activity in prison. "If they pray in prison officials say this is a violation of the prison regime," he told Forum 18 on 14 July. "Those who read the namaz [Muslim prayer] are punished."

Ikramov cites examples of those he says have been punished for religious activity in prison, including Amangeldi Zulpakharov, a Muslim from Tashkent Region who has been imprisoned since 1999.

Zulpakharov's wife Urazgul travelled to the strict regime labour camp 64/51 in the town of Koson in Bukhara [Bukhoro] Region in April 2009, but was refused a meeting with him, Ikramov declared. Camp officials had subjected Zulpakharov to "brutal torture" in March 2009 to punish him for praying the namaz and had sent him to the punishment isolation cell. Ikramov said the man's hands and collar-bone had been broken as a result of the torture.

Urazgul Zulpakharova appealed to the camp administration, but they threatened her not to take her complaints further. Local police where she lives followed up with the same threats. Ikramov describes her as being "in despair".

Ikramov complains that the administration of the camp ordered the guards in September 2008 to beat all those in the prison sentenced under religious extremism charges for reading the namaz during the Muslim holy month of Ramadan. He added that on 18 March 2009, ahead of the spring festival of Novruz, such prisoners were ordered into the yard of the camp where they were harshly beaten. He said one of these prisoners, Botir Abdukosimov, was hit so hard on the larynx that he could not breathe and lost consciousness.

In 2006, the wife of a Muslim prisoner punished for the "offence" of praying complained to labour camp governor Mukhiddin Abdullayev, who explained to her that prisoners in his labour camp are "categorically forbidden" to say prayers. She added that other prisoners have been beaten to force them to renounce their Muslim faith. Farukh Mukhammedov, the then head of the Interior Ministry's Chief Directorate for the Enforcement of Punishments, claimed to Forum 18 that prisoners who wish to recite the Muslim prayers at dawn (currently banned) are allowed by their faith to postpone these prayers.

The government's then senior religious affairs official, Shoazim Minovarov, admitted to Forum 18 that the problem exists. He said they would discuss it with the Directorate "and find a solution which will be acceptable to prisoners" (see F18News 2 May 2006 http://www.forum18.org/Archive.php?article_id=772).

In the wake of his sentencing while he was being held ahead of his unsuccessful appeal against his four year sentence for his religious activity, Protestant prisoner of conscience Pastor Dmitry Shestakov, was banned by the prison governor from kneeling to pray (see F18News 23 March 2007 http://www.forum18.org/Archive.php?article_id=935).

Told that Forum 18 has received repeated reports over many years of denial of access to clergy and religious literature and beatings and other punishments for visible prayer or fasting by prisoners, Penjaeva of the Interior Ministry Directorate retorted: "Beatings for praying? This can't be. You've just been told this, but you've not seen it – you should see the situation for yourself." Asked whether journalists can freely visit prisons and speak individually to prisoners, she claimed: "There is access to prisons for foreign journalists via the Foreign Ministry, if you are accredited here."

The official who answered the telephone on 16 July at the government-sponsored National Human Rights Centre of Uzbekistan told Forum 18 its head, Akmal Saidov, was not in the office. The official – who would not give his name, merely describing himself as Saidov's assistant – confirmed that the Centre had coordinated all the work on the report to the UN.

Asked about the frequent reports of prisoners being beaten or punished in other ways for practicing their faith, the official responded: "Where do you get this information? I strongly recommend you to deal with information from official sources. You could so easily get wrong information and get confused."

Told that Forum 18 had received frequent such reports from religious communities and human rights defenders over many years, especially over beatings of Muslim prisoners who wished to pray and fast during Ramadan, the official responded: "I don't possess this information. We would know if there were cases of prisoners being beaten for praying in Ramadan. It's not true."

Ikrom Saipov, the head of the department that handles individual complaints at the Human Rights Centre, insisted to Forum 18 the same day that "of course" prisoners have the right to pray "as long as they fulfil the internal regulations that govern behaviour". "If they don't violate the regulations, they can undertake this."

Asked about reports of Muslims being punished for praying in prison, especially in Ramadan, Gulyamov of the Muslim Board responded: "I've not heard such things – we have no information on this."

Will Human Rights Centre protect prisoners punished for praying?

Told of the frequent punishments imposed on prisoners who pray visibly, Saipov of the government's Human Rights Centre responded: "I don't know of such cases – no one appealed to us, and I'm head of the department that receives such appeals."

Forum 18 told him of the punishment imposed on Zulpakharov and other prisoners at the camp in Koson in Bukhara Region. "His relatives could appeal to us under the procedure and we will check out their appeal and reach our conclusion," he told Forum 18. "If appropriate, we will go to the Interior Ministry or the Prosecutor's Office. If anyone exceeded their powers by obstructing people from praying, they should answer before the law. Whether a citizen or an official, anyone who violates the law should be punished. If I got such a complaint I would deal with it personally at once."

Saipov said that over the years his office has received complaints of other religious freedom violations. "Within the bounds of our powers, we helped them," he told Forum 18. "We instructed the relevant government bodies responsible in writing to resolve the issue." Asked what such complaints were about and how frequently they reached his department, he said he could not remember.

Can prisoners have religious literature?

Human rights defender Ikramov told Forum 18 prisoners are generally allowed no religious books, including the Koran or the Bible.

The same prison governor who banned Protestant Pastor Shestakov from kneeling to pray also ordered the confiscation of his copy of the New Testament confiscated. Forum 18 found that he was offered the Koran to read instead.

Yet Gulyamov of the state-controlled Muslim Board in Tashkent claimed that imams visiting prisons can bring copies of the Koran for prisoners "without obstacle". An official of the Board in Khorezm Region told Forum 18 that prisoners can read the Koran in the prison library.

Asked by Forum 18 why those arrested have religious literature confiscated and why many prisoners have complained about denial of access to religious literature during their imprisonment, Penjaeva of the Interior Ministry Directorate responded: "Of course they can have it. It is available in prison libraries and they can freely go and read it. And of course they can have a personal Koran or Bible."

Saipov of the government Human Rights Centre insisted to Forum 18 that prisoners can have and use their own Koran or Bible or other personal religious literature, though "only books approved by the Religious Affairs Committee". (Uzbekistan operates a system of religious censorship, where all religious literature requires specific approval from the Committee – see F18News 1 July 2008 http://www.forum18.org/Archive.php?article_id=1153).

Can prisoners receive religious visits?

The two religious communities the government regards as the main "traditional" faiths – the state-controlled Muslim Board and the Russian Orthodox Church – appear in practice to have only limited access to prisoners. Other faiths told Forum 18 they have almost no access.

Forum 18 spoke in mid-July to Muslim Board representatives in eight of Uzbekistan's fourteen Regions. Only three – in Fergana [Farghona], Khorezm and at the headquarters in Tashkent – were prepared to discuss the issue. Two of the others referred Forum 18 to the headquarters in Tashkent, refusing to say what access imams have locally to prisoners. One other referred Forum 18 to the Interior Ministry. The rest refused to discuss the issue.

Mufti Yusuf Burhan told Forum 18 from Fergana that it is possible for imams to visit prisons if they get permission from the head of the prison. "I have never been though and I don't know the last time anyone went."

Only in Khorezm Region did a local Muslim Board official say such visits happen. "This year several such visits took place, twice

this month in Urgench." However, the official said the prison administration organises these visits, holding one big meeting for prisoners. "Sometimes the imam can speak to prisoners individually, but not independently." Asked if a prison ever gets in contact to say a prisoner wishes for an imam to visit, the official responded: "Not that I can recall."

Gulyamov of the Muslim Board in Tashkent claimed to Forum 18 that imams can visit prisons freely, talk to prisoners individually and in groups and bring in Korans. He said each Tashkent Region prison had received a visit from an imam three or four times this year. He said the Muslim Board has no special department handling religious work among prisoners.

Fr Igor Balukhachin of the Russian Orthodox diocese in Tashkent told Forum 18 on 16 July that priests can only visit prisoners when they get a specific request sent on by the Interior Ministry Directorate. "We can't go in as of ourselves." Told that in Russia the Orthodox Church frequently organises services in prisons, Fr Balukhachin declared: "The situation here is a bit different."

He admitted that visits as a result of such requests "do not happen often". "There were none this year or last. In 2007, I personally went to one prison in Tashkent."

Another Orthodox official in Tashkent told Forum 18 that he recalled baptisms of individual prisoners in the 1990s, but not now. He added that sometimes visits can be undertaken if relatives tell the church and the church appeals to the Interior Ministry. "Such appeals are never refused."

Penjaeva of the Interior Ministry Directorate told Forum 18 that each quarter a plan is drawn up for visits to prisons by imams "in accordance with procedure". She declined to say how often an imam might visit each individual prison, whether once they are there they have private access to individual prisoners, or whether the imam can lead communal prayers in the prison. She also would not say whether clergy of other faiths – such as Russian Orthodox priests, Protestant pastors or representatives of other faiths – have the right to conduct such visits.

Asked how prison administrations handle requests by individual prisoners for a visit by clergy, Penjaeva said prisoners write a request to the head of the prison, who sends on the correspondence to her Directorate. "We decide this here in Tashkent. We often get such appeals." Asked how many such appeals have been received this year and how many of them were approved, Penjaeva retorted: "I don't have the right to give you such details" and put the phone down.

Asked about whether prisoners can have visits from clergy, Saipov of the government's Human Rights Centre said he did not know.

Religious prisoners singled out

Newly-arrived prisoners are forced to write a statement declaring that they "with a pure heart repent of the crimes they have committed against Uzbekistan" as well as renouncing their membership of "banned religious organisations."

This term is used to refer to not only the banned Islamist political movement Hizb ut-Tahrir (see F18News 29 October 2003 http://www.forum18.org/Archive.php?article_id=170) and the terrorist group the Islamic Movement of Uzbekistan, but also to any other religious group the government does not like. After writing this statement, a prisoner is then forced to stand in front of the other prisoners on the parade ground to repeat their renunciation of membership of such groups in front of other prisoners sentenced for "religious" offences.

Former prisoners say that those sentenced on charges of "religious extremism" (such as Pastor Shestakov) are held separately. They are allocated the heaviest and most dangerous work.

What Uzbekistan told the United Nations

In its report to the UN Human Rights Committee, the Uzbek government claimed that "considerable attention is given to exercise of the right to freedom of conscience by convicted prisoners".

The report points to Article 12 of the 1997 Criminal Enforcement Code, which proclaims that "those sentenced are guaranteed freedom of conscience. They have the right to profess any religious or none." It declares that prisoners have the right to invite clergy of state registered religious organisations, conduct religious rituals and use "objects of worship and religious literature". It adds that any such religious rituals should not break "the rules of internal order of the institution carrying out the punishment" or "harm the rights and legal interests of others".

Strangely, the Uzbek government report claims this is a "new article" added to the Code, even though it has been present since 1997. The only change since its adoption was the removal of one clause of Article 12 of the original 1997 version of the Code which guaranteed the rights of those sentenced to death to carry out "the necessary religious rituals in the given situation with the invitation of a religious servant" before the sentence was carried out. This clause was removed after the abolition of the death penalty in Uzbekistan in January 2008.

However, before the death penalty was abolished, death row prisoners who wished to have access to clergy before their execution were almost always denied this (see F18News 11 December 2003 http://www.forum18.org/Archive.php?article_id=211).

Yet the freedom of religion or belief of former death-row prisoners are highly unlikely to have improved since their transfer to life or very long sentences. Human rights defender Ikramov told Forum 18 they were transferred to a separate new closed prison near the notorious labour camp at Jaslyk in Karakalpakstan [Qoraqalpoghiston]. "The 200 or so prisoners have only highly restricted access to their families and the Red Cross is allowed no access. I doubt conditions for practising their faith are any easier."

Asked whether this Article of the Code is enforced, Ikramov responded decisively: "Absolutely not! The Code should be enforced on this and on many other points, but it isn't." (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths 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=1170.

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 survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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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