

5 November 2013

UZBEKISTAN: Prisoner of conscience exposed to TB

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

Two months after his appeal against a 16-year jail sentence was rejected, Muslim prisoner of conscience Khayrullo Tursunov's relatives have still not received a copy of the decision. Without copies of the decision, no further appeals can legally be made. Relatives living abroad, who asked to remain anonymous for fear of state reprisals, told Forum 18 News Service that the original verdict was similarly delayed by the authorities, limiting the appeal options and causing relatives to think the sentence was 12 years. Tursunov, who was jailed for exercising his freedom of religion or belief, has been moved to a prison for tuberculosis (TB) sufferers. This is a potentially fatal disease, and foreign-based relatives think "the Uzbek authorities intend to get him infected with TB". Neither relatives nor human rights defender Mutabar Tadjibayeva of the Fiery Hearts Club, who had close contact with him before he was jailed, think he suffered from TB or any other serious illness before his extradition from Kazakhstan. The authorities have denied all wrongdoing to Forum 18.

Two months after his appeal against a 16-year jail sentence was rejected, prisoner of conscience Khayrullo Tursunov's relatives have still not received a copy of Kashkadarya Regional Criminal Court's 6 September cassation appeal decision. Without copies of the decision, no further appeals can legally be made. "The Court refuses to provide our relatives in Karshi or Khayrullo's lawyer with a copy", relatives living abroad, who asked to remain anonymous for fear of state reprisals, told Forum 18 News Service on 4 November.

Tursunov, a 38-year-old devout Muslim, was sentenced in early June to a long prison term – thought then to be 12 years - for alleged "extremist" religious activity. Relatives outside Uzbekistan complained to Forum 18 that the case had been "fabricated" to punish him for exercising his freedom of religion or belief (see F18News 25 June 2012 http://www.forum18.org/archive.php?article_id=1851).

"Tursunov is a devout follower of Islam, and in Uzbekistan he peacefully practiced his faith outside state-controlled Islam", exiled human rights defender Mutabar Tadjibayeva of the Fiery Hearts Club told Forum 18.

Some foreign-based relatives suspect that the authorities may have sought Tursunov in revenge for his wife's escape from Uzbekistan. Nodira Buriyeva fled from the country after being interrogated and threatened with rape before a relative was jailed for being a devout Muslim (see F18News 1 May 2013 http://www.forum18.org/archive.php?article_id=1829).

Tursunov himself was extradited from Kazakhstan back to Uzbekistan in March, against the express wishes of the United Nations (UN) Committee Against Torture (see F18News 8 May 2013 http://www.forum18.org/archive.php?article_id=1833).

Zulfiyya Ochilova, Head of Kashkadarya Regional Court's Chancellery, claimed to Forum 18 on 4 November that "we already sent copies of the decision to Tursunov and his lawyer, but we cannot provide the decision to relatives." Told that Tursunov's lawyer also has not received it, she replied: "It cannot be true, I will look into it and respond." She asked Forum 18 to also put its questions in writing to her.

Moved to a prison for tuberculosis patients

Foreign-based relatives also told Forum 18 that Tursunov was first moved to a prison in the capital Tashkent. After about a month he was then sent to a high security prison in Korovulbazar in Bukhara Region, where he was supposed to serve his sentence. But after one day he was then moved to an open prison in Kogon, in the same region, where prisoners who suffer from tuberculosis are held.

Tuberculosis (TB) is an infectious and, if left untreated, potentially fatal disease. It spreads between people through exposure to sufferers from the disease. The bacterium that causes TB can survive for long periods outside the human body, so being in a building which has contained TB sufferers is potentially dangerous. Treatment with modern antibiotics can last at least six months.

"Authorities intend to get him infected with TB"

Both the foreign-based relatives and Tadjibayeva of the Fiery Hearts Club have told Forum 18 that, during their close contact with

Tursunov from when he was in Kazakhstan, he did not complain of or show signs of any serious disease including TB.

The foreign-based relatives stated that "we remember that, before he was arrested in Kazakhstan and taken to Uzbekistan, he did not show signs of TB or any other serious disease." They "suspect that the Uzbek authorities intend to get him infected with TB".

Tadjibayeva of the Fiery Hearts Club also noted that there was no mention in any official correspondence she saw, involving the UN or the Kazakh authorities, of Tursunov suffering from TB or another serious disease.

Prison authorities explained the move to relatives and Tursunov's lawyer by stating that he had been diagnosed with TB.

Foreign-based relatives complained to Forum 18 that they are afraid that Tursunov may become infected with TB, as he was "in the same barracks with several hundred prisoners among whom many have a serious form of TB".

A prison official who identified himself as Acting Prison Governor Rustam Sharapov, asked why Tursunov was moved to his open prison, told Forum 18 on 4 November that "all the inmates who are in our prison have various degrees of TB, and because he was diagnosed with it he was moved here".

No TB treatment?

The foreign-based relatives complained to Forum 18 that other relatives found, during a visit to the prison in mid-September, that Tursunov had severe headaches. He was also not being given any medication to treat his headaches or his alleged TB. "We don't know whether or not he really has TB, but even if he has he is not being treated for it," they complained.

Prison official Sharapov adamantly denied this. "We definitely treat everybody, and for this we even receive medication in the form of humanitarian aid from Tashkent."

"Torture and inhuman treatment"?

Foreign-based relatives also told Forum 18 that they fear that Tursunov "may be subjected to torture and inhumane treatment" in the prison. After a prison visit by a relative, they suspect that "he may have been threatened not to complain about his prison conditions and treatment".

Prison official Sharapov denied any inhumane treatment of Tursunov. "By no means do we threaten or beat the inmates," he claimed to Forum 18. Torture in Uzbekistan continues to be "routine", the UN Committee Against Torture has found (see F18News 14 August 2012 http://www.forum18.org/Archive.php?article_id=1732).

Punishment cell, appeals blocked

Foreign-based relatives told Forum 18 that Tursunov, within less than four months in Kogon prison, has been twice put in a punishment cell. This has allegedly been for breaking prison regulations. "We are afraid that the prison authorities may be thinking of increasing his sentence," relatives said. "We know that prison authorities often put inmates they dislike in a punishment cell several times before increasing their sentence."

They also state that appeals Tursunov wrote against his sentence and his treatment in the prison apparently "did not leave the boundaries of the prison, and were kept by the prison authorities".

Prison official Sharapov did not wish to discuss these issues with Forum 18, referring all further questions to the Department of Execution of Punishments in Tashkent

Tursunov, a devout Muslim, may also be being denied his right to practice his faith. Uzbekistan continues to limit the freedom of religion or belief of all prisoners, whatever their religion or belief. For example, relatives of imprisoned Muslim prisoners of conscience, jailed for exercising their religious freedom, told Forum 18 that prisoners "cannot openly pray, or read any Muslim literature - even the Koran" (see F18News 7 May 2013 http://www.forum18.org/archive.php?article_id=1832).

Tursunov's prison address is:

Khayrullo Tursunov

UYa 64/62

Konchilar Street 1

g. Kogon

Bukhara Region

Uzbekistan

Decision also not provided in original post-extradition case

The Chair of the Criminal Court in the southern city of Karshi [Qarshi], Judge Arif Elmurodov, sentenced Tursunov to a 16 year jail term on 6 June. Elmurodov in his decision categorised Tursunov as an "especially dangerous repeat offender", and ordered that his jail term be counted from 7 April 2012, and that he be put in a high security prison.

At that time officials refused to give details of the trial and sentence to relatives and Forum 18, and it was thought the jail sentence was for 12 years (see F18News 25 June 2012 http://www.forum18.org/archive.php?article_id=1851).

The foreign-based relatives told Forum 18 that, originally, they received the information that Tursunov was given a 12-year jail term. At the end of the final hearing on 6 June, one of Tursunov's sisters fainted, so the other relatives present took her outside. While they were outside, Judge Elmurodov read out his 16-year sentence – but a court official told the relatives the sentence was 12 years.

The relatives did not know until mid-July, when Tursunov's lawyer was given a copy of the decision, that the jail term was 16 years. The 6 June decision, seen by Forum 18, gave Tursunov 10 days to file an appeal – but this was impossible as his lawyer was not given the decision in time.

The only option open in the "justice" system was for a cassation appeal to be made. As noted above, this was turned down on 6 September – and once again the decision has not been given to the lawyer or relatives.

Denials and evasions

Judge Elmurodov "is on holiday", a Karshi court official told Forum 18 on 4 November. He referred Forum 18 to acting Chair Judge Otabek Mustafayev. Asked why the original June decision was given to the relatives so late, Mustafayev claimed: "The Court is not obliged to provide the relatives with a copy of the decision." He claimed that Tursunov himself and the Judge who sentenced him were given copies.

Judge Mustafayev also denied that the Court misinformed relatives about the length of the jail term. "The Court gave correct information to the relatives," he claimed. It is unclear what evidence Mustafayev had for his claim.

Asked why Tursunov was given such a severe punishment, Mustafayev refused to comment. In contrast to his claim to know the details of how relatives were informed of the sentence, he claimed that he is "not familiar with the details of the case". He added that "no one else will give any comments over the phone", without stating why.

Asked why Tursunov, who had been sentenced to a high security prison, was moved to an open prison with TB patients, Mustafayev referred Forum 18 to the prison authorities.

Christian prisoner of conscience

The only currently known non-Muslim prisoner of conscience jailed for practicing their faith is Tohar Haydarov. The Baptist is serving a 10-year sentence on alleged drugs charges, which his fellow church members insist were fabricated (see F18News 2 August 2011 http://www.forum18.org/archive.php?article_id=1600).

Haydarov - who marked his 31st birthday in prison on 24 October - has no chance for an amnesty or early release, "because he was charged for alleged drug possession, and there is no pardon for that kind of charge", his fellow Baptists told Forum 18 from Tashkent.

"Every two months we visit him," Baptists state, "and the last time we found out that because of back pain he was confined to the prison." Haydarov "cannot go into town for work with other prisoners which can be depressing for him. He did not speak of having any problems with the prison authorities or inmates."

Haydarov's prison address is:

Tohar Haydarov

UYa 64/49

otryad 13

pos. Shaikh-Ali

g. Karshi

Kashkadarya Region

180020 Uzbekistan

(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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