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UZBEKISTAN: "This is absurd – he wouldn't have fought with anyone, still less on his last day"

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

Sunni Muslim prisoner of conscience Kamol Odilov was given an extra prison term in late January, just days before he completed his six-year prison term handed down to punish him for exercising his freedom of religion or belief. He and his fellow Muslims had met to discuss the works of the late Turkish Muslim theologian Said Nursi. Prison authorities claim he got into a fight. "This is absurd – he wouldn't have fought with anyone, still less on his last day," a Muslim familiar with the case told Forum 18 News Service. In 2015 a three-year extra prison term was handed to another Sunni Muslim prisoner of conscience from Bukhara, Botir Tukhtamurodov, after he too had completed a six-year prison term. Officials told Tukhtamurodov and his relatives that he will not be freed until the authorities get back his brother Bobirjon Tukhtamurodov from Russia, where he sought refuge in 2010. The Deputy Head of the Interior Ministry's Chief Directorate for the Enforcement of Punishments – which has responsibility for Uzbekistan's prisons – refused to discuss the situation of these prisoners of conscience with Forum 18.

Just as his six year prison term was due to expire in late January, Uzbekistan's authorities imposed a further prison term on Sunni Muslim prisoner of conscience Kamol Odilov. "Kamol's parents arrived at the camp near Tashkent on 1 February to collect him at the end of his sentence, but officials told them that on the last day he had got into a fight," fellow Muslims told Forum 18 News Service. "This is absurd – he wouldn't have fought with anyone, still less on his last day."

Odilov marked his 38th birthday in labour camp on 10 February, about two weeks after the new sentence was handed down. Forum 18 has been unable to find out which court sentenced Odilov, the length of the extra sentence or the Criminal Code Article he was sentenced under.

In 2015, another Sunni Muslim prisoner of conscience from Bukhara, Botir Tukhtamurodov, had his term of imprisonment extended. The authorities sentenced him to an extra three years' imprisonment in labour camp, fellow Muslims told Forum 18. Forum 18 has been unable to find out when or where Botir Tukhtamurodov was tried and given a further sentence, or what Criminal Code Article he was sentenced under.

Officials told Botir Tukhtamurodov and his relatives that he will not be freed until the authorities get back his brother Bobirjon Tukhtamurodov from Russia, where he sought refuge in January 2010. "This has left his parents in a very difficult position as they love both their sons," a fellow Muslim told Forum 18.

For prisoners the authorities wish to keep in prison after their sentences expire, officials often bring extra charges under Criminal Code Article 221. This punishes "Disobedience to the legal orders of the administration of punishment institutions or other obstruction to the administration in performing its functions by a person serving a penalty in institutions of confinement, if the person has been penalised with confinement to a solitary cell or to a prison for violation of penal security regulations within one year". Punishment is imprisonment of up to three years, with longer additional prison terms for "especially dangerous recidivists" or those originally sentenced for "especially serious crimes".

Extradition sought

Bukhara City Court ordered Bobirjon Tukhtamurodov's arrest on 22 April 2010 for alleged membership of a religious "extremist" organisation Nurjular (Muslims who read the works of the late Turkish Muslim theologian Said Nursi) and distributing religious "extremist" materials. He was accused under Uzbek Criminal Code Article 244-1, Part 3a and Article 244-2, Part 1. Unable to find Bobirjon Tukhtamurodov, the Uzbek authorities sought his arrest internationally.

The Russian authorities arrested Bobirjon Tukhtamurodov in August 2010 and sought to extradite him to Uzbekistan. Bobirjon Tukhtamurodov then applied for refugee status in Russia, which Russia's Federal Migration Service initially denied.

Bobirjon Tukhtamurodov appealed to the European Court of Human Rights (ECtHR) in Strasbourg to protect himself from extradition to Uzbekistan, fearing that he would face torture if returned there (Application No. 21762/14). The Court told Russia in

March 2014 that he "should not be expelled or otherwise involuntarily removed from Russia to Uzbekistan or another country" while his case there was considered (see F18News 15 April 2014 http://www.forum18.org/archive.php?article_id=1947).

In its final judgment on 12 February 2015, the ECtHR ruled that there was no longer a need to consider Bobirjon Tukhtamurodov's case as, on 4 September 2014, the Russian authorities had renewed his temporary refugee status in Russia for a further year.

At the same time, the ECtHR expressed its continuing concern about any possible extradition to a country where torture is feared, pointing to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("No one shall be subjected to torture or to inhuman or degrading treatment or punishment").

"The Court reiterates that expulsion by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the individual concerned, if deported, faces a real risk of being subjected to treatment contrary to Article 3," the ECtHR noted in Bobirjon Tukhtamurodov's judgment.

International obligations

In July 2015, after considering Uzbekistan's record under the International Covenant on Civil and Political Rights, the United Nations (UN) Human Rights Committee expressed concern about "unlawful arrests, detentions, torture and ill-treatment and convictions on religious extremism related charges of independent Muslims practising their faith outside registered structures", as well as "arrest for 'illegal religious activity', detention, fines and prison sentences" for others who practice their faith "outside registered structures".

"The State party should guarantee in practice the freedom of religion and belief and freedom to manifest a religion or belief," the UN Human Rights Committee insisted in its report (CCPR/C/UZB/CO/4) (see F18News 18 November 2015 http://www.forum18.org/archive.php?article_id=2122).

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Uzbekistan acceded to on 28 September 1995, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity".

Uzbekistan has grave international obligations under the CAT, including the obligation to arrest, try under criminal law and if found guilty severely punish officials guilty of torture (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Long prison sentences

Both Odilov and Botir Tukhtamurodov were among an estimated more than 100 readers of Nursi's works to be given long prison sentences to punish them for exercising their right to freedom of religion or belief.

Botir Tukhtamurodov was among a group of Muslims arrested in Bukhara on 22 December 2008. He was formally arrested on 30 December 2008 and placed in pre-trial detention. He was sentenced to a six-year prison term at the end of a trial of nine men in Bukhara in April 2009, the first of three such trials in the city. Their appeals were rejected in June 2009 (see F18News 4 June 2009 http://www.forum18.org/Archive.php?article_id=1306).

Given that the sentence of imprisonment is deemed to run from the date of arrest, Botir Tukhtamurodov should have completed his sentence at the end of 2014.

Odilov was arrested in Bukhara in January 2010. He was among nine Muslims who read Nursi's works sentenced in Bukhara in June 2010, the second of three such trials in the city. He was given a six-year prison term (see F18News 8 July 2010 http://www.forum18.org/archive.php?article_id=1465).

Thousands imprisoned, but no official comment

There is reliable information that thousands more Muslims are imprisoned, usually on accusations of belonging to terrorist, "extremist" or banned organisations, or on other charges which may appear to relate to the exercise of freedom of religion or belief. But the nature of the Uzbek "justice system", in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of involvement in violence or some other crime, are disliked by the authorities or an official for some other reason, or are "guilty" of being devout Muslims who take their faith seriously. Indeed, Forum 18 has spoken to police who arrested people but were unaware of any offence

the people arrested had committed. The only reason for such arrests was that a higher official had ordered someone to be arrested without stating why (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Among the many other prisoners of conscience imprisoned for exercising the right to freedom of religion or belief is Muslim prisoner of conscience Khayrullo Tursunov. When his sisters recently visited him in prison "he sounded like he was saying his last goodbye to his sisters because he thought the end of his life is coming", relatives told Forum 18. Meanwhile officials have told Baptist prisoner of conscience Tohar Haydarov that he will not be released on parole this summer as he had hoped (see F18News 17 February 2016 http://www.forum18.org/archive.php?article_id=2149).

No one at the Interior Ministry's Chief Directorate for the Enforcement of Punishments – which has responsibility for prisons – would discuss the situation of any of the prisoners of conscience punished for exercising freedom of religion or belief. Abdulaziz (who did not give his last name), who presented himself as Deputy Head of the Chief Directorate, told Forum 18 from Tashkent on 16 February that he cannot discuss anything over the phone, and asked Forum 18 to send its questions in writing.

Still imprisoned

Among the Muslim readers of Nursi's works still imprisoned is 43-year-old Ikrom Merajov. He was given a nine-year sentence in Bukhara in April 2009 in the same trial where Botir Tukhtamurodov was sentenced (see F18News 29 April 2009 http://www.forum18.org/archive.php?article_id=1289). Merajov's sentence was left unchanged on appeal in June 2009.

Merajov is being held in a labour camp near Chirchik in Tashkent Region. "Ikrom is able to write letters and to receive visits from his parents and other relatives," a Muslim who knows him told Forum 18.

Imprisoned?

Tajik citizen Shukhrat Sharipov was arrested by the Uzbek authorities on 7 February 2010 as he entered Uzbekistan after being deported from Kazakhstan, local journalist Shuhrat Ismailov wrote on the Centrasia.ru website on 17 February 2010. Uzbek customs officials had found Sharipov carrying "illegal" religious literature. Among the nine religious books in Russian, Kazakh, Turkish and Arabic, were three related to Nurjular, including one by Nursi, as well as "The Light of Islam" by Sheikh Ali ibn Saab al Husaini.

Prosecutors began preparing a criminal case against Sharipov under Article 246 ("contraband", carrying a 5 to 10 year term of imprisonment for "religious extremist" materials) and Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations", carrying a 5 to 15 year term of imprisonment).

Forum 18 has been unable to establish if Sharipov was brought to trial and sentenced or, if he was, whether he is still imprisoned.

Sharipov – who would now be 34 – moved to work in Kazakhstan in October 2009, where he worked on a food stall. However, he was detained for working in the country illegally and ordered deported from Kazakhstan by Almaty's Specialised Administrative Court on 18 January 2010, according to the decision seen by Forum 18.

Other Nursi prisoners of conscience amnestied

In contrast to the added sentences imposed on Odilov and Tukhtamurodov, at least 16 other Muslim prisoners of conscience jailed for reading Nursi's works have been amnestied in recent years.

Alisher Jumaev, Bobomurod Sanoev and Jamshid Ramazonov were amnestied in spring 2012 (see F18News 4 July 2012 http://www.forum18.org/archive.php?article_id=1717). Freed early in April 2012 was Abdulaziz Dadakhonov (see F18News 25 June 2013 http://www.forum18.org/archive.php?article_id=1851). Muzaffar Allayorov, Shuhrat Karimov, Salohiddin Kosimov, Yadgar Juraev, Abdukakhkhor Alimov, Mirshod Kakhkharov and Mirzo Allayorov (Muzaffar's brother) were amnestied in spring 2014 (see F18News 24 March 2014 http://www.forum18.org/archive.php?article_id=1941). Rashid Sharipov, Akmal Abdullayev, Ahmad Rakhmonov, Ahmadjon Primkulov and Kudratullo (last name unknown) were freed in February 2015 under a Presidential prisoner amnesty declared in December 2014, and had served most of their long jail terms (see F18News 4 March 2015 http://www.forum18.org/archive.php?article_id=2045). (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 is at http://www.forum18.org/Archive.php?article_id=1351.

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