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UZBEKISTAN: Torture, prayer bans, but "No problems in Uzbekistan's prisons"?

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

Prisoners suffer bans on praying the namaz and reading the Koran, torture for praying the namaz or fasting during Ramadan, denials of medical care, failure to carry out medical treatment families have paid for, and inadequate and insanitary conditions. "Why did the authorities punish him simply for praying the namaz? What day and age do we live in?" one tortured prisoner's relatives asked. "There are no problems in Uzbekistan's prisons today", claimed Aziza Kenzhayeva of the Interior Ministry's Chief Directorate for the Enforcement of Punishments.

Uzbekistan continues its long-standing denials of the freedom of religion and belief and other human rights to prisoners. Human rights violations within prisons include torture, denials of medical care, and denials of the possibility to read sacred texts and pray openly.

In one of a number of recent cases, in November 2020 prison guards tortured a Muslim man for praying the namaz (Islamic daily prayers). "The prison officers beat him up really badly, leaving bruises on his body and face," family members who wished to remain anonymous for fear of state reprisals told Forum 18. "Why did the authorities punish him simply for praying the namaz? What day and age do we live in?" (see below).

The United Nations (UN) Human Rights Committee has documented its concern at the continuation of human rights violations in prisons. However, Aziza Kenzhayeva of the International Section of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed to Forum 18 on 11 February 2021 that "there are no problems in Uzbekistan's prisons today". She would not answer when asked if there was any case of prison authorities being punished for torture (see below).

Against Uzbekistan's binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in torture in any of these cases has been arrested and put on criminal trial for torture (see below).

Similarly, prison authorities have banned other prisoners from reading the Koran or praying the namaz, and torturing others for fasting in the Muslim holy month of Ramadan (see below).

In other cases, prison authorities have repeatedly denied medical treatment, and not used money demanded for treatment for this, violating the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules). Inadequate and insanitary prison conditions also continue (see below).

Prisoner of conscience Tulkun Astanov, jailed in 2021 for defending Muslims' freedom of religion and belief, has been put under special surveillance in prison. Prison authorities removed copies of the Koran, Constitution, and Criminal Code from the prison library when they realised he wanted to read them (see below).

Prison authorities also send prisoners to prisons far from their homes as an apparent part of their punishment (see below).

A human rights defender told Forum 18 of what they described as "a scandalous visit by a foreign delegation", which did not challenge prison officials' claim that saying a phrase used in Muslim daily prayers was "religious extremism". An official then told the delegation that prisoners are not allowed to read the Koran or pray the namaz as, the official claimed without evidence, "those prisoners either tend to create chaos in prison or commit suicide" (see below).

Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, has challenged the human rights violations this "extremism" approach produces in her 2020 annual report (see below).

Long-standing denials of human rights in prisons

There are long-standing denials of the freedom of religion and belief and other human rights of prisoners by the regime. These human rights violations within prisons include torture, denials of medical care, and denials of the possibility to read sacred texts and pray openly (https://www.forum18.org/archive.php?article_id=2238).

Tortured for praying

In November 2020, prison guards tortured a Muslim man for praying the namaz (Islamic daily prayers) in General Regime Prison No. 1 in Jomart, Kogan District, Bukhara Region. "The prison officers beat him up really badly, leaving bruises on his body and face," family members, who wished to remain anonymous for fear of state reprisals, told Forum 18 in late 2020. "Why did the authorities punish him simply for praying the namaz? What day and age do we live in?"

After the family complained about the torture, the prison authorities moved the prisoner to a different prison "where he is treated normally", the family told Forum 18. The authorities "asked us not to complain further."

The United Nations (UN) Human Rights Committee's May 2020 Concluding Observations on Uzbekistan (CCPR/C/UZB/CO/5) (<https://www.undocs.org/CCPR/C/UZB/CO/5>) state: "The Committee is concerned about continued reports of torture and ill-treatment, including sexual violence and rape, by prison officials and law enforcement personnel against persons deprived of liberty, including individuals detained on what appear to be politically motivated charges. It is also concerned about reports of reprisals against those who report these abuses. It is further concerned about the high level of impunity that exists in these cases .."

Prisoner of conscience Imam Khayrullo Tursunov was illegally extradited from Kazakhstan by Uzbekistan (https://www.forum18.org/archive.php?article_id=1829) in March 2013, against a direct statement of the UN Committee Against Torture (https://www.forum18.org/archive.php?article_id=1833). He was sentenced in June 2013 to 16 years in jail (https://www.forum18.org/archive.php?article_id=1851) for meeting privately with other Muslims without state permission to study the Koran and pray. Later in 2013, he was apparently deliberately exposed by the regime to the potentially fatal disease of tuberculosis (TB) by being moved to a prison for TB sufferers (https://www.forum18.org/archive.php?article_id=1893).

In 2016 he was apparently tortured (https://www.forum18.org/archive.php?article_id=2149), and on 17 April 2019 he was tortured again to extract statements against a distant relative (https://www.forum18.org/archive.php?article_id=2477).

Aziza Kenzhayeva of the International Section of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed to Forum 18 from Tashkent on 11 February 2021 that "there are no problems in Uzbekistan's prisons today". Asked why prisoners are tortured for exercising their freedom of religion and belief, she claimed: "I cannot confirm such facts. I do not know why they tell you this." She would not answer when asked if there was any case of prison authorities being punished for torture.

Against Uzbekistan's binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in torture in any of these cases has been arrested and put on criminal trial for torture (https://www.forum18.org/archive.php?article_id=2314).

Prisoners of conscience still banned from reading Koran

In defiance of the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3) (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf), prisoner of conscience Tursunov is still not allowed to read the Koran or pray the namaz in Navoi's Prison No. 11, people who know him but asked to remain anonymous for fear of state reprisals told Forum 18 on 29 January 2021.

Tursunov's prison address is:

Uzbekistan

Navoiy viloyati

Karmana tumani

210100 Sputnik Kurgoni

Ichki Ishlar Bulimi JIEB

11-sonli jozoni ijro etish koloniyasi

Khayrullo Turdiyevich Tursunov

After repeatedly defending Muslims' freedom of religion and belief, including demonstrating outside President Shavkat Mirziyoyev's residence in Tashkent, Tulkun Astanov has been jailed for five years, his appeal being rejected on 5 January (https://www.forum18.org/archive.php?article_id=2631). A state report accused him of following "sources of biased news such as Radio Free Europe", and publishing "unsubstantiated and exaggerated" information.

Prison authorities have also banned prisoner of conscience Astanov from reading the Koran and praying the namaz (https://www.forum18.org/archive.php?article_id=2631), and this is still continuing, his wife Mukhayyo Astanova told Forum 18 on 1 February.

When Astanova visited her husband in General Regime Prison No. 1 in Bukhara Region, prison guards did not allow her to give a Muslim prayer carpet to Astanov. "They even took away the Koran and copies of the Constitution and the Criminal Code which I brought for him."

Guards had removed copies of the Koran, the Constitution, and the Criminal Code from the prison library when they found that Astanov wanted to read them.

Astanov's prison address is:

Uzbekistan

Buxoro viloyati

Kagan tumani

Ichki Ishlar Bulimi JIEB

1-sonli jozoni ijro etish kolonoiyasi

Tulkun Tashmuradovich Astanov

Muhammad Kodyrov was one of three young men who met to discuss Islam online, and who were jailed for between five and six years In March 2020 (https://www.forum18.org/archive.php?article_id=2575). The regime had used a police agent provocateur in a failed attempt to get them to support terrorism. They were jailed despite testifying that their "confessions" were extorted by torture.

Prisoner of conscience Kodyrov is being allowed to pray the namaz, and can read at least one Muslim book in Prison No. 3 in Kashkadarya Region. "I don't know if Muhammad can read the Koran," his father Shukhrat Kodyrov told Forum 18 on 1 February. "But I sent him a book on Islam written by our current Mufti and he received it. He is allowed to read that book."

"Initially some prison guards and other inmates were against Muhammad praying the namaz in the barrack in the mornings," Shukhrat Kodyrov added. "They told him not to do it since he disturbed their sleep. But then they allowed him." Kodyrov said that he does not know whether or not there is a prayer room in the prison and, if so, whether prisoners are allowed to use it.

Kenzhayeva of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed that all prisons have prayer rooms. She then claimed: "Uzbek Muslims do not need special prayer rooms like Christians, they can pray anywhere, in the room, outside, and even on the street."

Kodyrov's prison address is:

Uzbekistan

Kashkadaryo viloyati

Karshi shaxri

3-sonli Jinoyati Ijro Etish Kolonoyasi

The UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) require that the freedom of religion and belief and other human rights of prisoners are respected. This includes the freedom to pray individually and to meet for worship with others, as well as access to religious texts.

The UN Human Rights Committee's Concluding Observations (CCPR/C/UZB/CO/5 (<https://www.undocs.org/CCPR/C/UZB/CO/5>)) state that Uzbekistan should: "ensure that conditions in places of detention are in line with the United Nations Standard Minimum

Rules for the Treatment of Prisoners".

Tortured for fasting during Ramadan

In April 2020, five prisoners - Gairat Karimov, Farrukh Omonov, Sayfiddin Ortikov, Erkin Mirzamakhmudov, and Ozod Komilov - were tortured within hours of starting to fast at the beginning of the Muslim holy month of Ramadan, Nadezhda Atayeva of the exiled Association for Human Rights in Central Asia told Forum 18 on 2 February 2021.

When the men began fasting in Prison No. 5 in Navoi, they were "sent on the same day to Prison No. 4 in Navoi Region for punishment", Atayeva told Forum 18. A letter from the prisoners states that on arrival and after being searched, "prison governor Lieutenant Colonel Sunnat Dustboyev took us to his office. Officers Dilmurod, Laziz, Jasur and Saidullo (last names unknown) handcuffed and beat us with rubber batons with all their might." The prison authorities then put the men into solitary confinement for 15 days.

Guards told the prisoners that they should not complain about being tortured, stating that "if we register your complaint we will all be fired tomorrow".

The duty officer at Prison No. 4, who refused to give his name, told Forum 18 on 12 February 2021 that Lieutenant Colonel Dustboyev had been transferred to another prison, but not as a punishment. The new prison governor, Shodyor Jianov, took over on 1 May 2020, he added. The duty officer confirmed that the suspect torturers worked at the prison but refused to give their last names.

The duty officer also refused to discuss the torture, or put Forum 18 through to other officials. He said all questions must be sent in writing to the Chief Directorate for the Enforcement of Punishments in Tashkent.

Against Uzbekistan's binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, none of the officials suspected of involvement in torture has been arrested and put on criminal trial for torture (https://www.forum18.org/archive.php?article_id=2314).

The prison address is:

Navoi viloyati

Navoi Shakhri

4-sonli Jinoyati Ijro Etish Kolonoyasi

Uzbekistan

Kenzhayeva of the Interior Ministry's Chief Directorate for the Enforcement of Punishments denied that Muslim prisoners have been banned from reading the Koran and praying the namaz, or tortured for praying. "That is not true", she claimed. "Reading the Koran and praying namaz are allowed in all prisons."

Aziz Yuldashev, who answered the phone of regime-appointed Ombudsperson Feruza Eshmatova in Tashkent, refused to answer question on human rights violations and told Forum 18 on 12 February to call back in 10 minutes. When Forum 18 called again, it was told to send all questions in writing.

Muzaffar Khusanov of the Presidential Administration in Tashkent refused to answer any questions on 12 February but claimed he would "pass your questions to the appropriate persons". Later the same day, he claimed all questions should be sent in writing to the Foreign Ministry.

Medical treatment denied

Prisoner of conscience Tursunov was shortly after his 2013 sentence apparently deliberately exposed by the regime to the potentially fatal disease of tuberculosis (https://www.forum18.org/archive.php?article_id=1893). His health has been poor throughout his imprisonment (https://www.forum18.org/archive.php?article_id=2598).

"Tursunov has for a long time been ill with stomach pains and toothache, and as a punishment the prison authorities do not give him medical treatment," a human rights defender, who asked not to be named for fear of state reprisals, told Forum 18 on 10 February 2021.

Tursunov told his family that "he has a dangerous infection in his tooth which has infected his jawbone also". The family fears that he may die.

In early 2020, the prison authorities told his family to send them money for treatment of his teeth, which they did. But no treatment was carried out. It is unclear what has happened to the money the family sent. Uzbekistan scored poorly, at 146 out of 180 countries, in Transparency International's 2020 Corruption Perceptions Index (<https://www.transparency.org/en/cpi/2020/index/uzb>).

Tursunov's sisters visited him in prison on 16 January 2021, and complained to the prison authorities about the lack of medical attention. No medical treatment has been given since.

The duty officer at Prison No. 11, who refused to give his name, refused to explain why Tursunov is being denied medical treatment, or put Forum 18 through to other officials. He said that all questions must be sent in writing to the Chief Directorate for the Enforcement of Punishments in Tashkent.

Prisoner of conscience Astanov's wife Mukhayyo told Forum 18 (https://www.forum18.org/archive.php?article_id=2631) that he has "lost 7 kilos in two months that he has been in the prison, and he has internal bleeding from a haemorrhage in his stomach."

The prison authorities are giving Astanov some treatment, but the problem still persists. The prison barrack is very cold, and the guards force him to shave his face clean and his head bald every morning in icy cold water as there is no running hot water in the entire prison. "We asked the Prison Chief to send him to a hospital in Tashkent for proper treatment, but he told us it is not possible," Astanova said. "I am afraid for his life."

The prison duty officer, who refused to give her name, claimed to Forum 18 on 12 February that "everything is fine and you were not told the truth". Prison Deputy Governor Farrukh Astanov (no relation) claimed: "All of it is a lie. We have running hot water, it is not cold in the barracks, and Astanov's health is fine." He then refused to talk more.

Rule 27 of the UN Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) states: "All prisons shall ensure prompt access to medical attention in urgent cases. Prisoners who require specialized treatment or surgery shall be transferred to specialized institutions or to civil hospitals. Where a prison service has its own hospital facilities, they shall be adequately staffed and equipped to provide prisoners referred to them with appropriate treatment and care. Clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff."

Inadequate, insanitary prison conditions

Muhammad Kodyrov lives in a prison barrack with 45 other inmates. "The sanitary conditions and hygiene in the prison are unsatisfactory, the food in the prison is poor quality, and the water is not clean," his father complained to Forum 18. "Prisoners have got diarrhoea from that water."

His father sends the prison bank account between 200,000 and 500,000 Soms every month for water, and for treats like chocolate and biscuits. The average monthly wage for those in work is about 2,667,000 Soms.

Kodyrov's father sends food and medicines by post. "But it takes more than two weeks to get to his prison from Tashkent," he noted. "When I sent the medicine he had a cold, but he is fine now."

The UN Human Rights Committee's Concluding Observations (CCPR/C/UZB/CO/5 (<https://www.undocs.org/CCPR/C/UZB/CO/5>)) state that: "the Committee remains concerned about the poor conditions of detention, including inadequate food and drinking water, poor sanitary conditions and inadequate access to medical care".

"We need to keep an eye on you"

Prisoner of conscience Astanov's name is written with a red pen on the list of prisoners guards check every day (https://www.forum18.org/archive.php?article_id=2631). He noticed that "even the names of dangerous criminals are written with a normal blue pen, along with the names of other prisoners". When Astanov asked why, "he was told that it is a note for other guards to keep a close eye on him".

Guards have given prisoner of conscience Astanov a bed next to the door of the barrack. "As it is cold where he sleeps he asked for a bed elsewhere in the barrack, as there are many free beds in the barrack." Guards refused. "You have to be here at this spot since the camera at the door can see you up close. We need to keep an eye on you," guards told Astanov.

Prisoners sent to distant prisons as part of punishment?

Prisoner of conscience Astanov is held over 440 kilometres (275 miles) from his home. His wife has written to the Chief Directorate for the Enforcement of Punishments asking for her husband to be moved to a prison near their home. "It is very difficult for me to leave my children and travel so far to Bukhara to see my husband," she told Forum 18. She regards the decision to send Astanov to a distant prison "as a part of the punishment".

When Astanova visited her husband, prison guards put her at the end of queue of visitors to enter the special area where meetings take place. "The guards allowed the inmates to come into the area one by one, and Tulkun came last. The whole procedure took more than three hours. We had come a long way from Tashkent in the morning and were so tired. I think they did it on purpose."

Prisoner of conscience Kodyrov is held over 400 kilometres (250 miles) from his home. "Neither I nor my wife can travel there, as it is too far from Tashkent," his father told Forum 18. "I have to work every day and even at weekends. My wife cannot leave our small children to go and see him there. Muhammad understands us. However, it would be better if he was in a prison not so far away."

Kenzhayeva of the Interior Ministry's Chief Directorate for the Enforcement of Punishments stated in relation to Astanov and Kodyrov being sent to distant prisons: "I do not know the exact cases, but if they were sent to those particular prisons, then it must be part of their punishment."

Rule 59 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules – A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)) states: "Prisoners shall be allocated, to the extent possible, to prisons close to their homes or their places of social rehabilitation."

"Scandalous visit by a foreign delegation"

A human rights defender who knows Astanov's case told Forum 18 of what they described as "a scandalous visit by a foreign delegation". The delegation recently visited the prison Astanov is held in, and asked prison officials what the term "religious extremism" means to them. One official answered: "Saying Allahu-Akbar aloud, for instance." This is an Arabic phrase (meaning "God is greatest") used by Muslims as they say the namaz prayers five times a day.

The official then told the delegation that prisoners are not allowed to read the Koran or pray the namaz as, the official claimed without evidence, "those prisoners either tend to create chaos in prison or commit suicide".

The human rights defender stated that "the delegation did not correct the officials". They noted that, during the visit, prisoners "gained the impression that important visitors support policies against devout Muslims".

"Extremism" has "no purchase in international law"

Fionnuala Ní Aoláin, UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (<https://www.ohchr.org/EN/Issues/Terrorism/Pages/SRTerrorismIndex.aspx>), challenged the human rights violations this "extremism" approach produces in her 2020 annual report (A/HRC/43/46 (<https://undocs.org/A/HRC/43/46>)). The report "notes in particular the lack of precise legal definitions of extremism and violent extremism and the widespread abuses of human rights that that produces. Violations of derogable and non-derogable rights are experienced particularly by religious groups, minority groups and civil society."

The Special Rapporteur observed: "Simply holding or peacefully expressing views that are considered 'extreme' under any definition should never be criminalized, unless they are associated with violence or criminal activity. The peaceful pursuance of a political, religious or any other agenda – even where that agenda is different from the objectives of the Government and considered to be 'extreme' – must be protected."

Ní Aoláin recommended that "freedom of religious belief must be respected at all times; religious practice must be protected and never be criminalized", and that: "States that regulate 'extremism' in their laws, policy, programmes or practice should repeal such provisions, which have no purchase in international law, and domestic law must comply with the principles of legality, necessity and proportionality". (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?query=&religion=all&country=33>)

For more background, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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