

28 August 2024

UZBEKISTAN: Given punishment cell "so he will stay in prison longer"

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

The prison administration in Akhangaran sent 26-year-old Faryozbek Kobilov to the punishment cell for two days in early August. He was hoping for early release in September. Prison authorities told his parents he now has no chance for early release because he violated the prison regime. "The authorities imprisoned him for no crimes and now they are trying to keep him there for longer." Prisoner of conscience Alimardon Sultonov was sent to a punishment cell for five days in July. The prison Governors refused to explain the punishments.

Prison authorities have put Muslim prisoners of conscience in the punishment cell for several days each in summer 2024 in an apparent move to prevent them being eligible for early conditional release or to make it easier to transfer them back to a harsher-regime prison. Among those given such spells in punishment cell were Faryozbek Kobilov in Akhangaran District Labour Camp No. 48 in August, and Alimardon Sultonov in Navoi Prison No. 36 in July.

The 26-year-old Kobilov, a student at Andijan State University at the time of his March 2022 arrest, is serving a five-year jail term for attending one shared meal with five other Muslims where religious themes were discussed. His family say he was hoping for early release on 29 September 2024 (see below).

Kobilov's parents said that the prison authorities told them that their son "will not now have the chance for early release because he violated the prison regime. The authorities imprisoned him for no crimes and now they are trying to keep him there for longer" (see below).

Akhror Mirzokarimov, Governor of Akhangaran prison, answered his phone but refused to talk to Forum 18. Asked about Kobilov's case he put the phone down (see below).

The 40-year-old Sultonov, a trauma surgeon and independent blogger from Karakalpakstan and a defender of the rights of Uzbekistan's Muslims, was sentenced to a seven-year jail term in May 2022 for criticising President Shavkat Mirziyoyev and state-appointed imams (see below).

"The excuse they used against me was that I allegedly insulted another inmate, who has a mental disability," Sultonov told Forum 18. The prison authorities did not make the fellow inmate testify against him, "but the prison guards told me verbally that that was the reason". He believes "this was done so that the authorities could have a reason to send me back to a harsher regime prison" (see below).

The Governor of Navoi prison, Ulugbek Aliyev, refused to discuss with Forum 18 Sultonov's case and cases of other Muslim prisoners of conscience in his prison (see below).

After he was released from the punishment cell, Sultonov wrote complaints to Shukhrat Jurayev, the representative in Navoi of the Ombudsperson's Office, and Alisher Raupov, the Special Prosecutor on the affairs of prisoners in Navoi Region. He asked why the prison authorities illegally punished him and asked to clear the punishment from his prison record. He has had no response to the complaints (see below).

The Prosecutor's Office official who went to the prison to take Sultonov's statement told Forum 18: "I am not sure we have the complaint. If we do not he may have to write another one." An Assistant to the Ombudsperson's Representative Jurayev claimed to Forum 18 that he was "not aware" of a complaint from Sultonov and refused to put it through to Jurayev (see below).

Officials at the Interior Ministry's Department for the Enforcement of Punishments in Tashkent – which oversees prisons - refused to put Forum 18 through to its Head, Rustam Tursunov, or to answer questions (see below).

In addition to targeting Muslim prisoners of conscience for spells in the punishment cells, prison administrations routinely punish

Muslim prisoners who seek to pray the namaz, particularly when they do so with others (see below).

"Not competent" to answer questions on prison punishments

Forum 18 tried to find out why Muslim prisoners of conscience appear to be singled out for punishment, including by being placed in prison punishment cells. Terms in punishment cells may be for only several days, but are recorded on prisoners' records and can affect whether they are eligible for conditional early release.

Telephones of Rustam Tursunov, Head of the Interior Ministry's Department for the Enforcement of Punishments in Tashkent – which oversees prisons – as well as at the reception went unanswered each time Forum 18 called on 27 and 28 August.

On 27 August, Tursunov's Assistant (who did not give his name), who answered Tursunov's mobile phone, wrote down Forum 18's details and its question why Faryozbek Kobilov in Akhangaran District Labour Camp No. 48 and Alimardon Sultonov in Navoi Prison No. 36, as well as other prisoners of conscience, were put in punishment cells. He also wrote down Forum 18's question as to what is behind the nationwide campaign against Muslims in prisons. "The Chief is busy and I will refer your questions to him."

Aleksandra Gordienko from the International Relations section of the Interior Ministry's Department called Forum 18 back the same day. When Forum 18 asked the same questions, she wrote them down and promised that she would refer them to Tursunov. However, she declined to answer herself. "I am not competent to answer these questions and the procedure for you to receive answers from us is to send your questions to our Foreign Ministry."

Given punishment cell "so he will stay in prison longer"

Muslim prisoner of conscience, Faryozbek Vosiljon ugli Kobilov (born 21 November 1997), was placed in a punishment cell between 8 and 9 August in Akhangaran District Labour Camp No. 48 in Tashkent Region.

Arrested in the eastern city of Andijan in March 2022, Kobilov is serving a five-year jail term to punish him for attending a meal once with a group of five other Muslim men where religious themes were discussed (see below).

"Faryozbek did nothing wrong to be imprisoned," Kobilov's parents complained to Forum 18 on 20 August. "And now, when he could be released from prison in September, the prison authorities fabricated a punishment for him so he will stay in prison longer."

Time spent in the punishment cell is among items added to a prisoner's record, which affects decisions on conditional early release.

Did Kobilov lose chance to be released from prison in September?

Kobilov's parents explained to Forum 18 that their son was transferred from Karshi Prison to the Labour Camp in Akhangaran on 27 January "for his exemplary behaviour". They added that "we were hoping that he would be released from prison on 29 September".

Kobilov was held in police detention between 29 March and 16 October 2022 before he was transferred to the strict regime Karshi Prison. He was held in Karshi Prison until 27 January 2024. "Under the Law, all this adds up to the two thirds of his five-year term, and he could have been released early on 29 September without serving the final third of his term," Kobilov's parents told Forum 18.

Kobilov's parents said that the prison authorities told them that their son "will not now have the chance for early release because he violated the prison regime. The authorities imprisoned him for no crimes and now they are trying to keep him there for longer."

Akhror Mirzokarimov, Governor of Akhangaran prison, answered his phone on 28 August but refused to talk to Forum 18. Asked about Kobilov's case he put the phone down. He did not answer further calls on the same day.

Kobilov's address in Akhangaran District Labour Camp:

Toshkent viloyati

Oxangaron tumani

Gala kuduk kurgonchasi

48-sonli manzillik koloniyasi

Kobilov Faryozbek Vosiljon ugli

Kobilov among six Muslims imprisoned for attending meal where religion discussed

On 29 March 2022, Andijan Police arrested Faryozbek Kobilov along with five other young Muslim men, all residents of Andijan Region:

- Hayrullo Minhajiddinov (born 26 May 1991);
- Muhammadjon Kahharov (born 13 April 1992);
- Hikmatullo Kahharov (born 13 November 1996);
- Aliakhrorbek Umurzakov (born 8 November 2000);
- and Muhammadali Akhmedov (born 2 August 2001).

Kobilov's parents say they do not know the other Muslim men. "We only know that one friend of his invited Faryozbek to the common meal, where they eat rice pilaf," they told Forum 18. "The participants discussed religious issues, like whether it is right for Muslims to go to the war in Iraq and Syria, how Muslims should pray the namaz, or keep their beards. Faryozbek was there only once and he only listened to what was said."

"Faryozbek was a third-year student in Andijan State University and we were preparing to marry him," Kobilov's parents told Forum 18. "He is no extremist or terrorist. He has good testimony among the people in our mahalla and in his University."

Residents of the mahalla (residential area) in Andijan where Kobilov was born and raised gave positive testimonies about him to Forum 18. "We were shocked about his arrest and are saddened to hear that the authorities continue to punish him even in the prison," one resident not related to the family told Forum 18, asking not to give their name for fear of state reprisals. "He is a kind and smart young man."

Also praising Kobilov was a former classmate from secondary school. "Faryoz was a very smart student and always received excellent marks from his classes. He was not particularly religious before his arrest and I never heard him saying anything extremist or speaking about jihad or anything like that." The classmate also asked Forum 18 not to give their name for fear of state reprisals.

Imprisoned, Appeal Court reduced sentences

Faryozbek Kobilov and the other five Muslim men were accused of allegedly organising an extremist and terrorist organisation. Police opened a case against them under Criminal Code Article 159, Part 1 ("Attempts to change the constitutional order"), Article 244-1, Part 3 ("Production, storage, distribution or display of materials containing a threat to public security and public order"), and Article 244-2 Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). The six were held in detention for three and half months until the case was heard.

On 15 July 2022, Judge Abdurashid Isakov of Markhamat District Criminal Court of Andijan Region found Kobilov and the other five men guilty under all three charges, according to the decision seen by Forum 18. Judge Isakov handed the six men prison terms of between 7 and 8 years. Kobilov initially received seven years in ordinary regime prison.

On 29 September 2022, Judge Nosirjon Rasulov of Andijan Regional Criminal Court heard the appeal brought by the families of the arrested men. Judge Rasulov upheld the charges under Criminal Code Article 244-1, Part 3 and Article 244-2 Part 1, but overturned the charges under Article 159, Part 1. He reduced the sentences to between five years and 5 years and 6 months, according to the decision seen by Forum 18. Kobilov's final sentence was five years in ordinary regime labour camp.

Kobilov began serving his sentence on 16 October 2022 in Karshi Prison No. 3. His term is counted from 29 March 2022, the date of the men's arrest.

Prisoner of conscience Sulstonov placed in punishment cell

The administration of Navoi Prison No. 36 placed prisoner of conscience Alimardon Islamovich Sulstonov (born 26 October 1983) in a punishment cell between 11 and 14 July. "The excuse they used against me was that I allegedly insulted another inmate, who has a mental disability," Sulstonov told Forum 18. He explained that that prisoner "has difficulty holding a normal conversation and it could be hard for him to know who really insulted him or talked to him normally".

The prison authorities did not make the fellow inmate testify against Sulstonov, "but the prison guards told me verbally that that was the reason".

Sulstonov, a trauma surgeon and independent blogger from Karakalpakstan and a defender of the rights of Uzbekistan's Muslims, was sentenced to a seven-year jail term (https://www.forum18.org/archive.php?article_id=2745) on 27 May 2022 for criticising President Shavkat Mirziyoyev and state-appointed imams.

Sultonov explained that the conditions in the punishment cell are "not as bad as they used to be". He said that unlike in the past, when the punishment cell had a concrete floor, it now has a wooden floor. It is possible to sleep in a bed between 9 pm and 5 am. "I was not allowed to lie on the bed during the day and they allowed me to go out for a walk for one hour," he told Forum 18. "But I stayed in the cell since it was scorching hot outside the punishment cell."

Sultonov said that in Navoi prison, a labour camp where he has been held since 3 February 2024, "conditions are more relaxed, I can walk in the territory of the prison, I work here, and most of all my parents can come and stay with me for a day or two during their visits from Ellikala [Karakalpakstan]. But all of this is non-existent in ordinary regime or more strict regime prisons."

Sultonov explained that "I am afraid this was done so that the authorities could have a reason to send me back to a harsher regime prison." He added that, under the charges he was imprisoned for, there is "no chance for me to be released from prison earlier. I'll have to serve my entire sentence."

The Governor of Navoi prison, Ulugbek Aliyev, confirmed on 27 August that he knows the cases but refused to discuss with Forum 18 Sultonov's case and cases of other Muslim prisoners of conscience in his prison. Asked why the prison authorities put Muslim men in punishment cells, he responded: "I cannot talk to you about these issues over the phone. You can send questions in a letter to the prison."

Authorities "reluctant to investigate" Sultonov's case

Prisoner of conscience Alimardon Sultonov said that immediately after he was released from the punishment cell in mid-July, he wrote complaints to Shukhrat Jurayev, the representative in Navoi of the Ombudsperson's Office, and Alisher Raupov, the Special Prosecutor on the affairs of prisoners in Navoi Region. He asked why the prison authorities illegally punished him and asked to clear the punishment from his prison record.

"Mekhriddin (who did not give his last name), a representative of the Special Prosecutor, came to the prison on 24 July," Sultonov noted. "He asked me to write a statement giving my reasons for the complaint. He took the statement and left, and I did not hear from the Prosecutor's Office afterwards."

Sultonov added that he has also had no response to his complaint to the Ombudsperson's representative in Navoi.

Prosecutor's Office official Mekhriddin (who did not give his last name) refused to put Forum 18 through on 21 August to Prosecutor Raupov or his Deputy Ikrom Baratov. "They are busy. I will put your questions to them and call you back."

Mekhriddin wrote down Forum 18's questions why the prison authorities illegally punished Sultonov, and if and when the Prosecutor's Office will take measures against the responsible officials. Hearing the question, Mekhriddin responded: "Well, I am sure if we have his complaint the case will be investigated."

Told that he or another of his colleagues visited Sultonov in the prison and took the complaint personally in written form, Mekhriddin claimed: "I am not sure we have the complaint. If we do not he may have to write another one."

Mekhriddin then declined to talk further, saying that either Baratov or Raupov would call it back without specifying when.

Called again on 27 August, Special Prosecutor's official Mekhriddin answered the phone and put Forum 18 through to another official. He claimed that Forum 18 called a "wrong number".

Adkham Ochilov, Assistant to the Ombudsperson's Representative in Navoi, Shukhrat Jurayev, claimed to Forum 18 on 21 August that he is "not aware" of a complaint from Sultonov and refused to put it through to Jurayev. "I will tell him about your call and you call back in one hour," he told Forum 18, when asked why the Ombudsperson's Representative will not investigate the case. Ochilov did not call back.

Sultonov's prison address:

Navoi viloyati

Tomdi tumoni

Bessapon kishlogi

36-sonli manzillik koloniyasi

Sultonov Alimardon Islamovich

Supreme Court rejects Sulstonov's final appeal

Rakhima Masharipova, Alimardon Sulstonov's mother, appealed on her son's behalf to the Supreme Court in Tashkent against the Court decisions to imprison him. Judge Ilkhomjon Rakhmankulov of the Supreme Court on 22 May rejected the appeal. The first instance Court and appeal Courts tried the case "in accordance with the law and gave the adequate punishment and there exist no reasons to reconsider the decisions," states Rakhmankulov's decision, seen by Forum 18.

Telephones of the reception of the Chair, Panel of Criminal Cases and Press Service at the Supreme Court in Tashkent went unanswered each time Forum 18 called on 27 and 28 August.

After his arrest, Sulstonov was initially held in Nukus City Investigation prison No. 2. In July 2022 he was transferred to Urganch prison No. 11 where he was kept for one month until his appeal was heard. The Appeal Court reduced his sentence by three months and on 24 August 2022 he was transferred to Karshi prison No. 3 in Kashkadarya Region to an ordinary regime prison.

In Karshi prison, inmates live in cells with an open toilet inside the cell. Inmates are allowed to take a walk for one hour during the day inside the prison building, and visitors are not allowed to stay with the prisoners.

On 26 January 2024, Sulstonov was transferred to Navoi prison. En route he spent one day in Tashkent's investigation prison No. 1 and one week in a Navoi prison for recidivists, popularly known as Red Scorpion (Sulstonov does not know the exact name of it). He finally reached Navoi prison on 3 February, where he is currently held, Sulstonov told Forum 18.

Nationwide campaign to put Muslim prisoners of conscience in punishment cells?

"I cannot confirm this but I heard rumours that the authorities some time ago decided to take harsh measures against Muslim prisoners of conscience," Alimardon Sulstonov told Forum 18. "They have been placing Muslim men in the punishment cells in various prisons across Uzbekistan."

An independent human rights defender from Tashkent and several other Muslims, who asked not to be identified for fear of state reprisals, confirmed this to Forum 18 in mid-August.

"I heard and believe that particularly because of Russia's war in Ukraine and after the terrorist attack in Moscow in March 2024, and maybe at the request of the Russian authorities, Uzbekistan's authorities decided to take tough measures against Muslim prisoners of conscience," the human rights defender told Forum 18.

Muslims whose relatives were placed in punishment cells in 2024, and who talked to the human rights defender, declined to discuss the cases or give details of them for fear of state reprisals.

Prison pressure on Muslims

In addition to targeting Muslim prisoners of conscience for spells in the punishment cells, prison administrations routinely punish Muslim prisoners who seek to pray the namaz (Islamic daily prayers), particularly when they do so with others.

Prisoner of conscience Alimardon Sulstonov, human rights defenders and Muslims whose relatives are in prisons told Forum 18 that prison guards generally turn a blind eye when Muslim men pray individually and discreetly in barracks or their cells. However, if they find prisoners praying in groups, they immediately stop and punish them. Imams are not allowed to visit prisoners.

Officials at Tashkent's main Investigation Prison have been pressuring Muslims who pray the namaz, a Muslim told Forum 18 from Tashkent in mid-July.

Prison administrations have long punished prisoners for open observance of religious rituals. In November 2020, prison guards tortured a Muslim man for praying the namaz (https://www.forum18.org/archive.php?article_id=2699). "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?"

Rule 2 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)) notes: "The religious beliefs and moral precepts of prisoners shall be respected." Rule 65 declares: "Access to a qualified representative of any religion shall not be refused to any prisoner." (END)

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

For background information, see Forum 18's Uzbekistan religious freedom survey

(https://www.forum18.org/archive.php?article_id=2699)

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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