

REPUBLIC OF UZBEKISTAN
CRACKDOWN IN THE FARGHONA VALLEY:
ARBITRARY ARRESTS AND RELIGIOUS DISCRIMINATION

SUMMARY 3

RECOMMENDATIONS..... 6

To the Government of the Republic of Uzbekistan..... 6

To the International Community..... 7

To the European Union..... 8

To the Organization for Security and Cooperation in Europe..... 8

To the Government of the United States of America 9

BACKGROUND..... 10

The Victims 12

A State Policy of Intolerance Toward “Independent” Muslims..... 12

LEGAL OBLIGATIONS 14

Arbitrary Detention..... 15

Freedom from Physical Mistreatment 15

Freedom of Religion 15

ARBITRARY DETENTION AND ARRESTS 16

Abdulkhai and Muradulla Igamberdiev 16

Mansur Boboev..... 17

Bositkhon Ghofurov 17

Sobitkhon, Omarkhon, and Abdumalik Nazarov..... 17

FAILURE TO RELEASE PRISONERS UPON COMPLETION OF SENTENCE 18

Abdurauf Ghofurov 18

Muhamadkhon Mamadaliev 18

PLANTING OF EVIDENCE AND PHYSICAL ABUSE OF DETAINEES 18

Oqilkhon Ziyakhonov 18

Adkhom Mavlianov 19

Odil Mamatov	20
SUSPECTED STATE-SPONSORED “DISAPPEARANCES”	21
FREEDOM OF RELIGION	22
Violations of Freedom of Association	22
Closing of Mosques and Islamic Schools	23
Arbitrary Dismissals of Islamic Teachers	23
Arbitrary Expulsion of Muslim Students	23
Possible Restrictions on Prayer.....	24
Forcible Shaving Off of Beards	25
Eviction and Confiscation of Property	26
APPENDIX A: Persons Believed to Be Incarcerated Despite Completion of Sentence	27
APPENDIX B: Decree of the President of the Republic of Uzbekistan on the Amnesty connected with the Fifth Anniversary of the Declaration of Independence of the Republic of Uzbekistan, August 7, 1996	29
APPENDIX C: Decree No. 6, Muslim Board of Uzbekistan January 8, 1988.....	30
ACKNOWLEDGMENTS	31

"Such people must be shot in the head. If necessary, I'll shoot them myself."

President Islam Karimov,
referring to Islamic fundamentalists or guerillas.
Speech to Parliament, broadcast over Uzbekistan radio.
May 1, 1998, Toshkent¹

SUMMARY

¹ Reuters, May 2, 1998, cited in AAP Information Services Pty. Ltd., AAP Newsfeed, May 3, 1998.

Since gaining independence from the Soviet Union in 1991, the Republic of Uzbekistan has made little progress in moving away from Soviet-style repression of human rights.² In recent years it has acknowledged some human rights problems, such as poorly trained police officers, but as a rule the government dismisses the abuses as necessary to stabilize the country during its transition toward its stated goals of democracy and a free-market economy.³ But a government policy of intolerance toward what it perceives as the primary threat to state stability — Muslims whom the government generally refers to as “Wahhabis”⁴ — makes a travesty of the government’s assertion that the stability born of repression is necessary to achieve democracy. The human rights abuses committed during a crackdown in the Farghona Valley, an Islamic stronghold, that began intensively in early December 1997 are a natural outgrowth of the government’s unchecked repression of what can loosely be referred to as “independent” Muslims or those who chafe at state-regulated Islam. It also represents the most dramatic and worrisome escalation of human rights abuses seen in recent years in this already highly repressive country. A Human Rights Watch fact-finding investigation⁵ conducted from March 14 to March 21, 1998, in Toshkent, Namangan, and Andijan revealed that human rights violations committed during the crackdown include arbitrary detention and arrest;⁶ beatings and threats by arresting officers, particularly in the police precincts and during interrogations; fabricating evidence, particularly police planting small amounts of narcotics⁷, weapons, or bullets⁸ to falsify criminal charges; failing to release a prisoner after his sentence has been served; and violations of freedom of religion including forcing pious Muslims to shave off beards or expelling them from educational institutions.

Human Rights Watch’s concern in writing this report is that the government of the Republic of Uzbekistan uphold its obligation to guarantee that every criminal suspect be guaranteed his/her right to due process and to a fair trial, that the individual not be physically mistreated, and that he or she be able to express opinions and religious convictions freely. In addition, we wish to sound an alarm that the government, by committing serious, wide scale

² Censors screen all media, state-controlled publishers fire outspoken journalists, and security forces threaten others with professional blacklisting or violence. Since 1993, the government has banned all political parties and movements that clearly oppose government policies and has hounded and arrested their members. The government also prevents some independent human rights groups from registering, arbitrarily detains active members, and keeps them under surveillance in an effort to prevent documentation of human rights abuse from becoming public. For further documentation, see Human Rights Watch, “Uzbekistan: Violations of Media Freedom: Journalism and Censorship in Uzbekistan,” July 1997, vol. 9, no. 7 (D), Human Rights Watch, and *World Report 1998*, pp. 294-297.

³ For example, the comments of Vladimir Norov to Human Rights Watch representatives, February 24, 1998, Washington, D.C. At the time of the meeting, Mr. Norov was a state advisor to President Karimov.

⁴ Strictly speaking, a “Wahhabi” is an adherent of the highly orthodox form of Islam practiced in Saudi Arabia. The government has publicly objected to Muslims in Uzbekistan receiving assistance from Saudi Arabia, as well as other Muslim countries, but the reference is generally not seen as a strict reference to practitioners of Wahhabism. Rather, the Uzbek government and its media use the term “Wahhabi” as a pejorative catch-all for dangerous and radical adherents to Islam. Residents of the Farghona Valley interviewed for this report generally defined a “Wahhabi” as someone who considers himself one, but perceive the label as a sign of piety or nonconformity.

⁵ Unless otherwise indicated, all testimony presented in this report was taken from Russian translations from the original Uzbek.

⁶ Under international law, an arrest may be considered “arbitrary” not only if it is unlawful but also if it is imposed as a penalty for a person’s exercise of internationally protected human rights, such as peaceful expression or manifestation of religious belief.

⁷ Article 276 of the Criminal Code of the Republic of Uzbekistan prohibits “illegal manufacture, purchase, possession and other actions regarding narcotic substances or psychotropic substances without the intent to sell.”

⁸ Article 248 of the Criminal Code of the Republic of Uzbekistan prohibits “illegal possession of arms, ammunition, explosive substances or exploding devices.”

human rights abuse in this volatile area, runs the risk of provoking precisely the radical and even criminal response it has vowed to avert.

On December 2, 1997, an officer in the traffic department of the Ministry of Internal Affairs was brutally murdered in Namangan, one of the largest cities in the Farghona Valley, which borders the Republics of Kyrgyzstan and Tajikistan to the east of the capital, Tashkent. The murder — a beheading in which the head was publicly displayed — was widely seen to have overtones of Islamic extremism. In the course of several weeks, a murder suspect and three other policemen were killed during a shoot-out⁹ and a couple was reportedly beheaded.¹⁰ Beginning with the first murder, police and security forces from the notoriously brutal and corrupt Ministry of Internal Affairs arrested hundreds of men, possibly well over 1,000 in Namangan and Andijan alone, most within the first days of the crackdown.¹¹ The sweeps then spread to other cities in the Farghona Valley in January 1998 and continued at a slower rate in February and March. Even several months after the worst of the crackdown, as one Andijan activist put it at the end of March, “Now people speak in a whisper. They are scared to say openly what they think. They are afraid.”¹²

An undeclared state of emergency went into effect in the Namangan region in early December and was gradually lifted by the end of February. Road blocks and check-points subjected passengers to spot checks along the main highways, and a curfew limited free movement in Namangan and Andijan. The blockade resulted in a near-total information blackout, making comprehensive preliminary assessments of the nature and scope of the arrests difficult, and outside protection of victims of abuse almost impossible, during the worst days of the crackdown.

⁹ BBC News, *Despatches*, “Islamic group blamed for Uzbek killings,” Monica Whitlock, December 19, 1997.

¹⁰ Vitaliy Ponamarev, “Unprecedented Security Measures in Uzbekistan. Religious Fanatics Are Accused of Brutal Murders in Namangan Province,” *Nezavisimaia gazeta* (Independent Newspaper) (Moscow), January 14, 1998, p. 5, translated in *The Current Digest of the Post-Soviet Press*, February 11, 1998, vol. 50, no. 2, Pg. 19.

¹¹ A human rights activist in Namangan estimates that around 1,500 people were arrested during the crackdown in that city alone. Interview with Olimjon Khalmatov, member, Independent Human Rights Society of Uzbekistan, Namangan, March 1998. Another activist estimated “more than 1,000.” Interview with Makhamadali Karabaev, member Committee for the Defense of Human Rights, Namangan, March 18, 1998.

¹² Name withheld. March 1998. Translated from Russian. This assessment was borne out throughout Human Rights Watch's investigation. People were eager to recount events but only on condition of anonymity.

Arrests and harassment of Muslims had reportedly been going on well before the mass arrests. In Andijan, they had gone on for about a year and a half, dating roughly from the government-ordered closure of the central Jo"mi mosque and the suspected government-arranged "disappearance" of its spiritual leader, Abduvali Mirzo (Mirzoev).¹³ A similar spate of arrests began in Qoqand in the summer of 1997 and dramatically accelerated after the crackdown in Namangan in December. Arbitrary arrests also took place in Marghilon, Farghona, and Toshkent during that period.

Testimony gathered by Human Rights Watch bore out a distinct pattern of abuse in the conduct of arbitrary arrests during the mass arrests in December 1997.¹⁴ The police took some people in indiscriminately, with the result that some individuals were detained or arrested simply for being in the wrong place at the wrong time or as targets for extortion. The police also conducted targeted arrests, singling out openly pious Muslims or dissidents or their relatives to intimidate and silence them.¹⁵ Police detained suspects typically without an arrest warrant, planted small amounts of marijuana (*anasha*, in Russian) or several bullets, a handgun, or a grenade on their person, in their car, or in their home during a search, and beat them until they confessed to the crime. In some cases, the police charged them with one additional crime, such as theft, but planted drugs or weapons as back-up charges, apparently in case there was insufficient evidence to detain them on the original charge. Planting such evidence was reportedly so widespread during the crackdown that, according to local residents, men in that area tried to wear clothing without pockets to help deter such commonly used set-ups. The choice of drugs and weapons as fabricated evidence is important: they are not only reusable and small enough to plant easily, but useful in discrediting the suspect.

Trials then took place quickly, often without defense lawyers or in the presence of lawyers who were too frightened of retaliation against themselves to challenge the charges and methods of arrest and interrogation. Scores of men are thus already serving prison terms of four or five years without justification or the right to seek redress for their physical mistreatment. Some trials are ongoing as of this writing or are likely to take place soon.

From the earliest days of the crackdown, the government launched a vigorous public information campaign to portray the arrests as an effort to nip rising Islamic fundamentalism in the bud before it destabilized the state. The Uzbekistan government has repeatedly asserted that there is a significant and immediate threat to the state emanating from Islamic circles, apparently both within Uzbekistan and abroad. The government often cites the recent wars in neighboring Tajikistan and Afghanistan, in which Islam is a contentious issue, as a reason for it to maintain internal stability at all costs. Human Rights Watch has not seen the evidence behind some of the accusations of criminal anti-government activities but finds the government's allegations plausible. However, Human Rights Watch notes that legally no one may be deprived of liberty except on the basis of legal evidence, and that the burden is on the government of Uzbekistan to prove before an independent court that evidence exists of criminal activity. The absence of the rule of law and an independent judiciary in Uzbekistan makes it impossible to determine whether individuals convicted of criminal activity during the high-profile mass arrests were judged on the merits of the evidence presented or on the basis of government pressure to convict.

However, the clearly indiscriminate and, in some cases, discriminatory nature of many of the arrests suggests that, in the winter crackdown in the Farghona Valley, legitimate concern for state security has been corrupted by politically motivated repression and police abuse. Human Rights Watch does not attempt to address every arrest made during the crackdown; rather, in this report it presents several representative cases of abuse and a narrative summarizing the larger patterns of human rights violations that seem to characterize the crackdown as a whole. In these cases,

¹³ See "Suspected State-Sponsored Disappearances."

¹⁴ This report will attempt to summarize patterns of abuse borne out by independent testimonies rather than to present a comprehensive accounting of all of the casework at its disposal. The purpose is not only to condense but, at the request of the overwhelming majority of individuals who gave their testimony to Human Rights Watch, also to avoid focusing attention on individual victims for fear of reprisals against them and their relatives.

¹⁵ See "Background: Victims."

Human Rights Watch believes that the government has been able to assert a legal basis for arrest, detention, and conviction only by fabricating evidence or intimidating and beating the suspects into confessing guilt.

Our concerns are as follows: First, it appears that the police detained and arrested hundreds of people arbitrarily, without legal justification. There is overwhelming evidence that arresting officers fabricated accusations of illegal possession of drugs or weapons or both by planting the evidence themselves. Human Rights Watch is following tens of cases in which we find credible evidence that the government fabricated criminal charges. In February 1998, Human Rights Watch representatives submitted a preliminary list of these individuals to then presidential advisor Vladimir Norov with a request for a government response. None had been received as this report went to press.

Second, the government detained or arrested some individuals solely on the basis of their religious affiliation or self-expression, in violation of fundamental rights to free expression and freedom of conscience. The religious element of the repression may indeed have simply masked the larger political goal of punishing and discrediting pious Muslims. Thus, some arrests were politically motivated.

Third, independent testimony indicates that the police routinely beat or tortured suspects, regardless of whether the detentions or arrests were arbitrary or legal. The police also, reportedly, used psychological pressure, such as threats of torture or threats against their relatives, to extract confessions of guilt, and these confessions were entered as evidence in the court proceedings.

Fourth, Human Rights Watch is concerned by reports of flagrant, widespread violations of due process. Many arrested reportedly were not informed of the reasons for their detention or of the charges against them, nor were they given timely access to legal counsel. Some religious figures already serving prison sentences at the time of the crackdown continue to be held arbitrarily beyond the date of their scheduled release, in violation of their due process rights.

Fifth, we note that the recent crackdown in the Farghona Valley appears to be merely a dramatic escalation of a sporadic six-year government campaign against free expression of religion, specifically nongovernmental Islam.

RECOMMENDATIONS

To the Government of the Republic of Uzbekistan:

- Uphold its obligation to protect individuals from arbitrary arrest. Specifically, it should protect them from detention and conviction on the basis of evidence fabricated by government authorities and from being so punished simply because of their political opinion or religious beliefs and practice. As a first step, we call on the government to release immediately all individuals who have been arrested on the basis of fabricated evidence or without probable cause to believe they had committed a criminal act. We also urge the government to investigate in a prompt and impartial manner reports of arbitrary arrest and other abuses, including the arbitrary detention of human rights activists Mikhail Ardzinov, Jamol Mirsaidov, and Ergash Kasimov in December 1997, and to punish those responsible vigorously, in accordance with international standards of due process.
- Protect the right to freedom of religion by protecting its citizens' right to pray when and where and in the manner they choose, to dress in the manner they choose, and to associate with whomever they choose.
- Protect all individuals from physical mistreatment at the hands of government agents, such as the police and security services, and ensure that information and confessions coerced through such mistreatment be excluded from any court documents. In addition, ensure that credible reports of mistreatment be accorded prompt, independent review, and that those responsible be prosecuted vigorously, in conformity with international standards of due process.

- Cease immediately planting evidence on criminal suspects, such as small amounts of narcotics, bullets, or a handgun, and punish promptly and severely police officers guilty of planting false evidence in conformity with international standards of due process.
- Provide full information on the individuals believed to have been arbitrarily detained or arrested in Namangan region, including their names, charges against them, if any, and place of detention, and make that information public as a matter of priority. We urge the government to ensure that these individuals receive prompt access to legal counsel, that they receive adequate medical attention, if needed, that they be treated with humanity and with respect for the inherent dignity of the human person, and that detaining authorities cooperate with legitimate observers who request to meet with these individuals.
- Insure that all trials be open to observers.
- Immediately release Neʼmat Ahmedov, Erkin Ashurov, Abdurauf Ghofurov, Ahmadjon Iqbaliev, Oqilbek Ishanbaev, Murad Juraev, Mukhamadkhon Mamadaliev, Sodik Otajanov, and all other individuals who remain in jail arbitrarily past the completion of their prison term.
- Protect students' rights to freedom of expression and freedom of religion in the classroom and immediately readmit those students who were expelled from government institutions and universities in a discriminatory manner. As a first step, readmit Elʼjar Toshboev, Marguba Alieva, Sumbula Almanova, Gulbakhor Chorshanbieva, Fazilar Chorieva, Dilorom Ergasheva, Marguba Melʼkulova, and Dulfuza Jumanazarova to Toshkent State University and remove any mention of expulsion from their academic records.

To the International Community:

Human Rights Watch also respectfully calls on the international community (intergovernmental bodies such as the United Nations, the Organization for Security and Cooperation in Europe, and the European Union; international lending organizations; foreign businesses; and foreign governments) to:

- Convey immediately concern to the government of Uzbekistan over arbitrary arrests and other human rights violations during the crackdown in the Farghona Valley.
- Call for the immediate release from prison of Abdurauf Ghofurov and Mukhamadkhon Mamadaliev; the immediate readmission into Toshkent State University of Elʼjar Toshboev, Marguba Alieva, Sumbula Almanova, Gulbakhor Chorshanbieva, Fazilar Chorieva, Dilorom Ergasheva, Marguba Melʼkulova, and Dulfuza Jumanazarova; and the reinvigorated investigation into the whereabouts of Abdulla Uta, Abduvali Mirzo, and Ramazanbek Matkarimov.
- Examine carefully current non-humanitarian assistance programs that benefit or are channeled through the government of Uzbekistan to ensure that no support is being or could easily be misused to support government abuse.
- Devise assistance programs with the government of Uzbekistan that will help the government introduce targeted reform, such as police training programs and human rights education, but implement such programs according to the following conditions:
 - State clearly from the outset the human rights problems the program is intending to improve.
 - Set and abide by measurable benchmarks for attaining such improvements.
 - Insure that individuals suspected of having committed human rights abuses be prosecuted in full conformity with international standards of due process.

- Insure that no assistance will benefit individuals responsible for committing human rights abuses.
- State clearly from the outset and abide by the provision that failure to meet scheduled improvements will result in the suspension of the targeted non-humanitarian assistance.

- For countries with embassies in the Republic of Uzbekistan: Visit the areas affected by arbitrary arrests; meet there and in Tashkent with human rights activists and victims or their spokesmen to keep abreast of developments; monitor the trials of individuals believed to have been illegally arrested, or arrested in a discriminatory manner, during the crackdown; attempt to visit individuals in prison who are believed to have been illegally or arbitrarily arrested and report back publicly about your findings.

To the European Union:

- Issue an immediate demarche in Brussels with the delegations to the European Union from Uzbekistan regarding the crackdown in the Farghona Valley and in Tashkent.
- Issue statements by the presidency of the European Union condemning the denial of basic civil and political rights in Uzbekistan and calling for, at a minimum, the immediate release of individuals illegally incarcerated in prisons there as a precondition for continued cooperative dialogue with the European Union.
- Suspend discussion of approval of the Partnership and Cooperation Agreement with Uzbekistan pending prompt, measurable improvements in this country's human rights practices, such as the release of individuals thought to have been arbitrarily detained during the crackdown in the Farghona Valley or the readmission to universities of Muslim students who have been arbitrarily expelled for such peaceful expressions of their religion as wearing head scarves or a beard.
- Encourage European Union member states with embassies in the Republic of Uzbekistan to travel to the Farghona Valley, meet regularly with victims, their spokesmen, and human rights activists there and in Tashkent, and convey personal concern to the Uzbekistan government about ongoing human rights violations.

To the Organization for Security and Cooperation in Europe:

We respectfully urge the Organization for Security and Cooperation in Europe (OSCE) to take the following steps:

- Urge member states to support the work of the OSCE Regional Liaison Office in Tashkent, encouraging them to make regular, public human rights reports on the situation in the country, and to follow up with Uzbekistan authorities to secure a response on the list of individuals thought to have been illegally or arbitrarily detained during the crackdown in the Farghona Valley.
- The OSCE Permanent Council should request that the OSCE Regional Liaison Office in Tashkent closely monitor and report to the Permanent Council on the human rights abuses committed during the Farghona Valley crackdown and its aftermath.
- The Permanent Council should, as a matter of urgency, request a report from the Chairman-in-Office on his recent trip to Uzbekistan along with his assessment of the human rights implications of the crackdown in the Farghona Valley and attending violations of freedom of religion.
- The Permanent Council should request that the OSCE Regional Liaison Office and the Chairman-in-Office secure a response from the government of Uzbekistan regarding the cases of arbitrary arrest and other human rights violations documented in this report, call for the immediate release of Abdurauf Ghofurov and Mukhamadkhon Mamadaliev, the immediate readmission to Tashkent State University of El'jar Tashboev,

Marguba Alieva, Sumbula Almanova, Gulbakhor Chorshanbieva, Fazilar Chorlieva, Dilorom Ergasheva, Marguba Mel'kulova, and Dulfuza Jumanazarova, and for a reinvigorated investigation into the disappearances of Abdulla Uta, Abduvali Mirzo, and Ramazanbek Matkarimov.

- OSCE member states, especially the United States, Canada, Norway, and the European Union, should use the Permanent Council weekly meetings to express deep concern about human rights violations associated with the crackdown in the Farghona Valley and request that the government of Uzbekistan investigate allegations of falsified charges, coercion, and physical abuse by investigating officials and, as a matter of urgency, report back to the Permanent Council within a specified time period.

To the Government of the United States of America:

- Human Rights Watch notes the following provision of Section 570 of the FY 1998 Foreign Operations Appropriations Act: "None of the funds made available by this act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice.... provided further, that in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may be resumed." Human Rights Watch calls on the U.S. Government to enforce this provision in the following manner:

- In the context of any program of assistance or training for Uzbekistan security forces, state clearly from the outset that the U.S. government has credible evidence of serious abuses committed by security forces in Uzbekistan and that it intends to implement its security programs in Uzbekistan consistently with Section 570. Specifically, implement assistance to Uzbekistan in such a way as to (1) insure that those who benefit from the assistance have not been responsible for such abuses; (2) monitor the conduct of those who benefit from assistance; (3) insist on accountability for members of the security forces responsible for abuses; and (4) bring about improvements in practices that have led to the abuses.

- Set and abide by measurable benchmarks for attaining such improvements.

- Insure that individuals suspected of having committed human rights abuses be prosecuted in full conformity with international standards of due process.

- State clearly from the outset that failure to meet scheduled improvements will result in the suspension of the targeted non-humanitarian assistance; in the event that the Uzbekistan government fails to make these improvements, suspend such assistance.

BACKGROUND

Officially, the mass arrests were triggered by the murder by beheading in Namangan on December 2, 1997, of Vaqijon Obaidullaev, a captain in the Namangan Provincial State Motor Vehicle Inspectorate (GAI), a branch of the Ministry of Internal Affairs, and reportedly the relative of an important local figure.¹⁶ Two other people in Namangan — Nobirjon Abdullaev, a former chairman of a collective farm, and his wife — were reportedly beheaded on December 11, and on December 19 three policemen died in a shoot-out with a criminal suspect.¹⁷ The fact that well over 1,000 people were arrested within a few days apparently in connection with only a handful of murders suggests that the arrests as a whole were conducted in a grossly indiscriminate manner.¹⁸

The region at the center of the crackdown — the Farghona Valley — is volatile for several reasons. First, it is densely populated and poor. Second, as a geographically distinct and relatively isolated region of the country — a valley accessible only through mountain passes — it has retained a relatively high degree of cultural integrity, including its centuries-old Islamic traditions. Third, the Farghona Valley was the cite of inter-ethnic violence in 1989 between ethnic Uzbeks and Meskhetian Turks that left civilian casualties and heightened fears that it could again be a flashpoint for violence.

Fourth, Uzbekistan borders two countries that have gone through devastating wars in recent years. Afghanistan, to the south, is in upheaval from the Soviet invasion and subsequent civil war and now controlled mainly by the highly repressive Taliban. Tajikistan, to the east, remains chaotic and violent after a civil war in 1992-97 that left tens of thousands dead. Uzbekistan supported some military factions in Tajikistan, and nationality has played a role in local power struggles that characterized the war. Drugs and weapons from those countries enter Uzbekistan in large part through the Farghona border region.

Some theories that tie the timing of the government's overreaction to violence in Namangan with events in neighboring Tajikistan are compelling. In the months leading up to the December crackdown in Uzbekistan, the security situation across the border in Tajikistan had deteriorated dramatically. Heavy fighting broke out in August 1997, affecting the capital city, Dushanbe, and paralyzing the territory up to the border with Uzbekistan. In addition, the Tajikistan government was in transition to a coalition government that would formally give partial power to an Islamic political group. With the threat of armed conflict close to home, it is likely that the Uzbekistan government perceived the murder of a single civil servant (the beheaded traffic officer in Namangan) as a threat to the stability of the state as a whole and therefore sent in large numbers of police officers.

¹⁷ Vitalyi Ponamarev, "Unprecedented Security Measures in Uzbekistan. Religious Fanatics Are Accused of Brutal Murders in Namangan Province," *Nezavisimaia gazeta* (Moscow). Accounts of local violence differ greatly. Interestingly, there was significant confusion among residents in Namangan, Andijan, and Tashkent about who had been murdered and how. Sources often cited completely different murders (of a local actress, of a policeman who had been shot) as the trigger for the arrests.

¹⁸ Only sketchy information is available, but the following nine men have been identified as having been implicated in the murder: Sohib Halimov, Odiljon Obidkhanov, Ilhom Amadaliev, Alisher Najmiddinov, Bohodyr Raimjonov, and four men identified only by their first names: Ibrohim, Khaitboi, Muhammadjon, and Dilshod. All but Mr. Halimov were reportedly arrested on December 6, 1997, in and around Namangan city. Sohib Halimov reportedly was shot to death in a gun battle with police on December 19, 1997. BBC News, *Despatches*. Another man, Odil Mamatov, reportedly was originally implicated in the murder of the beheaded traffic official but was not formally charged with that crime.

The Uzbek government's wariness of war offers some insight into why it has kept a firm grasp on Islam at the same time as it has maintained a relatively laissez-faire attitude toward other religions.¹⁹ Since early 1992, it has periodically tightened its grip, forcing practicing Muslims to choose between official Islam, controlled and funded by the Spiritual Directorate (Muslim Board of Uzbekistan), and non-alignment with Uzbekistan's state-controlled Islamic structures.

It is noteworthy that all of the individuals known to have been arbitrarily arrested are men. Human Rights Watch has received reports that local police have harassed, detained, and intimidated woman who wore veils in public but has been unable to confirm these reports. Indeed, we saw a handful of women on the streets of the old town in Andijan openly wearing full-body veils. We are, however, aware of at least eight women who were expelled from Toshkent State University for failing to remove headscarves.

In addition, we note that the mass arbitrary arrests of men have created a special punishment for women: a loss of income. By arresting the breadwinner in the family, the government impoverishes his dependents, notably wives. (In this part of Uzbekistan, few women are employed.) During an interview with Human Rights Watch, a disabled, unemployed widow whose two brothers are currently serving four-year prison terms on fabricated narcotics charges, became overwrought at the thought that there is now no one to generate income for her and that, indeed, she alone is now responsible for providing for her brothers' six children in addition to her own three. "Everyone here [in the Valley] is afraid," she said. "I'm probably the only one who isn't afraid because I don't want to live anymore."²⁰ With hundreds of men now being sentenced to years in prison, the plight of their thousands of dependents is dire.

Widespread economic privations in the area may be not only a result of the crackdown but also a cause. Clearly, there was a powerful and explicit political motivation behind many of the arrests. But there was also a decided randomness; the sweeps caught up both visible religious leaders and lowly Muslims, affluent businessmen and unemployed invalids alike. Poverty and unemployment in that part of Uzbekistan are staggering. Human Rights Watch representatives were struck by how often people in the region reported to them that they had not been able to buy even bread in days, sometimes weeks. People were selling their tables, refrigerators, and stoves, and even their homes and apartments simply to keep from starving, they said. As one activist put it poignantly, "I wish they would put me in prison. Then I wouldn't have to see my children and know I couldn't feed them."²¹

Many blame the government for these privations. The brutal and arbitrary arrests add insult to injury, and some reported that they have sought faith and solace in religion. As a result, some theorize, the government may have launched the crackdown as a preventative strike against potential discontent with the government, particularly among those who rally around an organized structure such as Islam, with leaders, hierarchy, and funding. Arbitrary arrests, in addition to strictly targeted, political ones, not only preclude local nonconformists from fomenting open disloyalty to the government but also serve as a reminder to average citizens that they, too, must fear the government and be silent.

The Victims

¹⁹ Human Rights Watch has documented that the government has also targeted some Christian sects for harassment. Citing events of 1997, for example: "A Baptist preacher in the region of Karakalpakistan, Rashid Turibaev, was charged with conducting illegal church services, facing a possible sentence of three years. His congregation, the Full Gospel Christians, was prevented from holding further meetings and was reportedly placed under surveillance. In a move to counter what they regard as illegal proselytizing by predominantly Protestant groups, the Uzbekistan authorities announced in January that they had confiscated 25,000 copies of the New Testament in Uzbek translation, seized while being imported by rail the previous month." Human Rights Watch, *Human Rights Watch World Report 1998*, p. 295.

²⁰ Human Rights Watch interview with Rano Pirmatova, Andijan, March 17, 1998.

²¹ Human Rights Watch interview with Zafarmirzo Iskhakov, Andijan, March 16, 1998.

The nature of the victims of arbitrary arrest vary, suggesting that indiscriminate, unchecked police actions were perhaps as much to blame for the arbitrary arrests as repressive government directives.

Most victims appear to have been practicing Muslims whom the government and local authorities commonly refer to as "Wahhabis." Police were able to identify these men because, for example, they were known in their neighborhood to attend mosques not under the direct control of the Muslim Board of Uzbekistan, or to support an Islamic school, or to wear a beard, often considered a sign of piety.

But the police and security services also appear to have taken advantage of the sweeps to settle personal or political scores or to extort money. For example, several local businessmen with no apparent affiliation with Islam were detained under threat of serious criminal charges in order to extort ransom money from their relatives. Another apparently common perception — correct or not — is that "Wahhabis" have access to money donated for religious purposes from Muslim nations such as Saudi Arabia. This perception by local police would make a "Wahhabi" an attractive target for extortion. Given the volatile nature of the Farghona Valley region as a whole, it is not inconceivable that the government may have deliberately turned a blind eye to police brutality and extortion -- things the central government itself would not have benefitted from -- in order to gain or maintain the favor and loyalty of the local authorities.

Still other victims of arbitrary arrest appear simply to have been in the wrong place at the wrong time, caught up in arbitrary sweeps of arrests that happened to take place near where they were standing at the time. It is likely that the authorities continue to detain them in the hopes that they will be forced to buy their way out, with the profits going to the police.

Human rights activists make up the final category of victims. The early history of the independent Republic of Uzbekistan saw numerous incidents of the government routinely detaining human rights activists arbitrarily, mostly to prevent them from attending human rights gatherings or meeting with visiting dignitaries. No such incidents had come to the attention of Human Rights Watch in approximately two years, however, giving rise to hope that the government might have renounced the practice. However, three activists were arbitrarily detained in Samarqand beginning on December 21, 1997, in connection with the founding of a human rights group in that city. While there is no apparent connection between these detentions and those in the Farghona Valley, Human Rights Watch is concerned that it may portend a more widespread return to this appalling practice. Moreover, several activists in Toshkent, Andijan, and Namangan reported that the local police and security services keep them under close surveillance and had threatened them with continued professional blacklisting or even imprisonment for gathering and publicizing information about human rights abuses.

A State Policy of Intolerance Toward "Independent" Muslims

Human Rights Watch protests all manner of arbitrary arrest. However, we are particularly concerned by the political and anti-religious motivations behind many of the Farghona Valley arrests.

Since independence, the government of the Republic of Uzbekistan has conducted an ambiguous policy toward freedom of religion. It has supported the reopening of many churches, synagogues, and mosques closed under Soviet atheist policy and, in stark contrast to the Soviet government's rabid atheism, has taken pride in the religious renaissance. At the same time, it has maintained centralized control over all religious affairs (Islam there is formally funded and controlled by the Muslim Board of Uzbekistan). Moreover, the government has been hostile toward Islamic institutions, clerics, and believers that do not adhere to state-controlled Islam.

A distinction advanced by French scholar Olivier Roy may be instructive in understanding the paradox. Roughly paraphrased, Dr. Roy notes that the government supports Islam when it functions as a vehicle for national pride but opposes it when its priority is a cause other than promoting the Uzbek state. In his words, "An authentic,

national and moderate Islam was proposed as a bulwark against radical ideologies imported from abroad.”²² Thus, the Uzbek government has responded particularly aggressively to restrict freedom of religion where it intersects with politics. (See “Freedom of Religion: Freedom of Association.”)

President Karimov has repeatedly and vigorously justified broad-scale arrests in the Farghona Valley region by blaming the “extremist actions” of “extremists and terrorists, actually killers and butchers.” He has identified a general attempt to destabilize the country by individuals who, he asserts, underwent military training in camps in Afghanistan and Pakistan, then returned to the Farghona Valley to carry out their goal.²³ In February 1998, Foreign Minister Komilov called on the Pakistani authorities to close down what he described as illegal camps on Pakistani soil for some 400 citizens of Uzbekistan, Tajikistan, and Kyrgyzstan. “Fighter units for staging attacks, destabilizing the situation, toppling constitutional governments and forming extremist states in Central Asia are formed there,” he was quoted as saying, while pointing out that the government of Pakistan was not involved. (The Ministry of Internal Affairs of Pakistan has denied knowledge of such camps.) “The training focuses on ideas of jihad, an Islamic holy war, and the Wahhabi extremist views.”²⁴

According to first-hand reports, the police appear to have targeted “independent” Muslims or their relatives for detention well in advance of the crackdown and used the murder of the policeman as an excuse to take action. The detention, harassment, or arrest of close relatives of at least three prominent individuals who are out of favor with the government — sheikh Obidkhon Nazarov, Abdurauf Ghofurov, and Tokhir Yuldashev — may be politically motivated.²⁵

Furthermore, the government made it plain that it was looking for “Wahhabis,” explicitly defining the link between government repression and intolerance toward individuals of a certain religious faith. For example, Human

²² Olivier Roy, “The Ties That Bind,” *Index on Censorship*, February 1998, p. 133.

²³ See, for example, President Karimov’s statements at a press conference on March 26, 1998, in Tashkent, as reported by Interfax of that date.

²⁴ Interfax News Agency, Moscow, February 16, 1998, translated by British Broadcasting Corporation, February 18, 1998.

²⁵ Mr. Nazarov is a prominent Islamic leader based in Tashkent who enjoys a loyal and relatively vocal following. His father and a brother were detained in March and released; his youngest brother, Abdumalik, was arrested on charges of illegal possession of narcotics and weapons.

Abdurauf Ghofurov, who was born in 1941 and whose career was in construction, served as the government-approved “qozi” (Muslim leader) of the Farghona Valley since 1991. He was arrested on November 9, 1993, and on May 5, 1994, was sentenced to three years of imprisonment after being convicted of misuse of state or public property. His thirty-two-year-old son, Bositkhon Ghofurov, was arrested on December 12, 1997. No official charges are known to have been lodged against him. He is currently being held in the pre-trial detention facility in Namangan (See below). Uzbekistan security officials reportedly held him incommunicado in neighboring Tajikistan for more than a month, without allowing him access to a lawyer, before bringing him to Tashkent to face charges. While in Tashkent prison in 1994, Mr. Ghofurov was charged with possession of proscribed drugs. This accusation was made only three weeks before an amnesty under which Mr. Ghofurov would otherwise have been released. He completed his full sentence on November 9, 1996, but instead of releasing him officials at Qizil-Tepe prison obtained the sanction of the prosecution service to hold him pending investigations that were coincidentally under way. In December Mr. Ghofurov went on trial in Qizil-Tepe, accused of repeatedly breaking jail regulations under Article 221 of the Criminal Code. These alleged offences included visiting the prison library without permission, seeing the prison doctor for a leg injury, again without permission, and joining other prisoners in cooking some pilau rice to mark a national holiday. Mr. Ghofurov had already been punished for these charges with various spells in the prison’s isolation cells. On December 25, 1996, Mr. Ghofurov was sentenced to two more years in prison. He continues to be held in Qizil-Tepe. He has a wife and six children.

Tokhir Yuldashev is the leader of the banned Warriors of Islam group, who reportedly left Uzbekistan in 1992 and is widely rumored in Uzbekistan to be preparing armed resistance to the Uzbek government. Two of his brothers are currently serving prison terms. Madamin Yuldashev was arrested on March 29, 1997, and is currently serving a 2.5-year prison term for illegal possession of arms. A gun was reportedly planted in his home by arresting authorities. He was born in 1961 and has a wife and four children. Zokhidjon Yuldashev is currently serving a three-year term on similar charges. A reliable source reported in March 1998 that the government had arbitrarily added a year to the sentence of at least one brother, and possibly both.

Rights Watch has received numerous reports, one independently confirmed, of police and security agents forcing individuals to shave off their beards, either during detention at the police precinct or once they returned home, in fear of reprisals if they failed to comply.

In practice, the police in the Farghona Valley reportedly have been executing what they themselves describe as orders to arrest on the basis of a religious or political profile. At least one human rights activist in Andijan reported that the security services proposed that if he served as go-between to deliver bribes and provided them with lists of local "Wahhabis" he would be provided with a salary and a "nice position." If he refused, they said, he would never work anywhere and they would send him to "the Russian cemetery," an apparent reference to the prison that is located nearby it.²⁶

Equally alarming, the government has taken an openly hostile stance against independent investigations of reports of human rights violations perpetrated during the Farghona crackdown. The president has ridiculed "human rights activists who are so zealously watching that, God forbid, these extremists and terrorists, actually killers and butchers, are not offended by us."²⁷ Second, his personal, public guarantee that the trials of those arrested during the Farghona events would be open and that journalists and diplomats were welcome to attend them has already proven false. The judge in a trial that Human Rights Watch representatives attempted to monitor in Andijan effectively barred the monitors: she created artificial delays and gave the representatives incorrect information about the trial.²⁸

Thus, government resistance to even the notion that abuses took place in the crackdown obstructs investigation into reported human rights abuses and precludes any improvement in the human rights situation that might have resulted from such investigations.

LEGAL OBLIGATIONS

The number of detentions and arrests made in the Namangan crackdown in particular, and in other cities in general during the crackdown in the Farghona Valley, and the speed at which they were made, strongly suggests that many were indiscriminate and therefore illegal. Police brutality, politically motivated arrests, and restrictions on freedom of religion also violate the Republic of Uzbekistan's domestic and international human rights obligations. We further note that no state of emergency has been declared which would justify derogation from some of these obligations, and that with respect to torture and freedom of religion, no derogation is permitted under any circumstances, even in a state of emergency.

Arbitrary Detention

The Republic of Uzbekistan is required to guarantee protection against arbitrary detention. Article 25 of the Constitution of the Republic of Uzbekistan states that "Everyone shall have the right to freedom and inviolability of the person. No one may be arrested or taken into custody except on lawful grounds." Article 9 of the International Covenant

²⁶ Name withheld. March 1998. Translated from Russian.

²⁷ In President Karimov's view, these human rights investigators "defend even terrorists who have been arrested in Namangan, forgetting that throughout the world terrorism has been declared outside of the law." Statements at a press conference following the Interstate Council of the republics of Uzbekistan, Kazakstan, and Kyrgyzstan, with Tajikistan's participation. March 26, 1998, in Tashkent, as reported by Interfax of that date.

²⁸ Upon the unexpected arrival of Human Rights Watch's monitors at the trial of Abdulkhai and Muradullo Igamberdiev, the judge, Ra'khon Mamarasulova, stopped the proceedings on the excuse that the courtroom was too dirty and that there was no flag hanging on the wall. When monitors reassured her that the trial should nonetheless continue, the judge falsely asserted that the trial could now not proceed because neither the lay judges (*narodnye zasedateli*) nor the procurator was in attendance. The procurator had been there before the judge interrupted the proceedings. The judge told the monitors the trial would start the following day in a different court at 2:00 p.m. However, when the monitors arrived as instructed, the entire courthouse was empty.

on Civil and Political Rights (ICCPR), to which Uzbekistan is party, states that “no one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedures as are established by law.” Article 9 (5) further guarantees that “anyone who has been victim of unlawful arrest or detention shall have an enforceable right to compensation.”

Arbitrary arrests are not simply unlawful arrests but deprivation of liberty because of a person’s exercise of fundamental human rights such as freedom of religion or freedom of speech. Where the state fabricates evidence or arrests without probable cause to believe the suspect committed a crime, it has grossly violated that individual’s right to liberty. Such mistreatment when used by state agents for the purpose of coercing incriminating or self-incriminating evidence is torture.

Freedom from Physical Mistreatment

Article 26 of the Constitution states that “No one may be subject to torture, violence or any other cruel or humiliating treatment.” This echoes Uzbekistan’s international obligations, according to Article 7 of the ICCPR, to guarantee that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Both domestic Uzbekistan and international law prohibit beatings and other forms of physical abuse. Such mistreatment when used for the purpose of coercing incriminating or self-incriminating evidence is that much more reprehensible.

Freedom of Religion

Article 31 of the Constitution of the Republic of Uzbekistan states that “freedom of conscience is guaranteed to all. Everyone shall have the right to profess or not to profess any religion.” Article 18 (1) of the ICCPR stipulates that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.”

Freedom of religion encompasses a variety of manifestations of religious belief. In the case of the free exercise of Islam, the right would include wearing certain types of dress or a beard, praying, and attending mosque.

ARBITRARY DETENTION AND ARRESTS²⁹

Human Rights Watch gathered testimony on numerous cases of openly pious Muslims who were arrested on falsified charges during the December crackdown. The testimony, gathered independently and without forewarning or explanation of the reason for our questions, were eerily similar — a compelling indication of both credibility and of a pattern of abuse.

Abdulkhai and Muradulla Igamberdiev

Abdulkhai Igamberdiev, a forty-one-year-old unemployed invalid, and his thirty-four-year-old brother, Muradulla, a shoemaker, were arrested in Andijan on January 10, 1998, on apparently fabricated charges as punishment for having refused to shave off their beards.

According to their sister, Rano, about fifteen days prior to their arrest they had been taken to the local police precinct and told to shave. They did not. On January 10, three cars, each with four men in plainclothes in them, were waiting on the street outside the home of the elder brother. When they walked out, one of the men waiting reportedly called to one of the brothers that he had insulted him and wanted to get even. The brother stopped to respond that he didn't know the man, but the men in the cars came over and began hitting him. They handcuffed him and reportedly put something in his pocket. At the police station, ten bullets and seven grams of marijuana (*anasha*) were found there. Since neighbors who witnessed the arrest were willing to testify that it had been a set-up, the police apparently had to invent additional charges in order to keep the brothers in detention. They charged both of them with violating Article 276 (illegal possession of narcotics); Abdulkhai was also charged with violating Article 248 (illegal possession of weapons or ammunition); and Muradulla was charged with violating Article 134 (outrage against a grave).³⁰ Human Rights Watch representatives confirmed that neither had a beard at the time of their trial in March.

On March 31, Judge Ra"khon Mamarasulova of the Andijan district court convicted the men and sentenced each one to four years in prison. The men are currently appealing the court's decision. Each man leaves a wife and three children.

²⁹ Since the early days of the independent Republic of Uzbekistan, the government has routinely detained human rights activists. The purpose was both to prevent them from participating in human rights activities, such as demonstrations or organizational meetings of their human rights groups, and to deter others from activism. Happily, Human Rights Watch is not aware of any such arbitrary detentions in several years, raising hope that the government had abandoned the practice. However, during the crackdown in Namangan, on December 21, 1997, three members of the nongovernmental, unregistered Independent Human Rights Organization of Uzbekistan — Mikhail Ardzinov, Ergash Kasimov, and Jamol Mirsaidov — reportedly were stopped by police officers in Samarqand on their way to the founding meeting of the nongovernmental National Cultural Center of Tajiks of Samarqand. These three men reportedly were the principal organizers of the move to establish the National Cultural Center of Tajiks. All three men were forced to remain in the police building until after their scheduled meeting had ended.

There is no indication that there was a connection between the events in Namangan and these detentions; we merely note with alarm that the detentions of the human rights activists may be the first indication that arbitrary arrest may be encouraged or tolerated more broadly in other parts of the country during a moment of crisis.

³⁰ The latter charge apparently was based on an incident several years ago in which, according to a relative, the brother removed the headstone from the grave of one of his parents for religious reasons. The police did not charge him with any criminal behavior, however, until the time of his arrest on other charges in January 1998.

Mansur Boboev

On December 23, 1997, Mansur Boboev was arrested in Andijan. Sources close to him report that Mr. Boboev, a thirty-one-year-old baker and farmer with a wife and three children, considered himself a "Wahhabi." He wore a beard, made a point of attending Islamic ceremonies in his community, and prayed independently with some fourteen others since he was not allowed to pray in the government-controlled mosques. According to reliable sources, the day after he was detained policemen came to his house, presented a search warrant, and searched the premises. During their second tour of one of the rooms, police reportedly found some unspecified narcotics in a candy wrapper under the couch.

At his one-day trial at Andijan City Court on January 23, 1998, Mr. Boboev reportedly stated that he had confessed in order to save himself and his family from repercussions, but that he was in fact innocent. He was sentenced to two years in prison. Human Rights Watch was unable to confirm the charges against him; apparently, the court provided neither him nor his relatives with a copy of the sentence or any other due documentation of the legal basis for the case.

According to knowledgeable sources, within a day or so of Mr. Boboev's arrest, the prayer group gathered for prayer as usual, unaware of what had happened. Security service agents were waiting for them there. They reportedly took them to the precinct and forced all of them to shave off their beards. Two other senior members of the informal prayer group were also arrested in December 1997. Reportedly, those prayer group members remaining at liberty no longer even acknowledge each other on the street.

Bositkhon Ghofurov

Bositkhon Ghofurov is a thirty-one-year-old merchant from Namangan. He is also the son of prisoner of conscience and leading pro-government Islamic figure Abdurauf Ghofurov (see below, "Failure to Release Prisoner Upon Completion of Sentence"). On December 12, 1997, he was reportedly at home when someone called him outside. The next day he was found in custody in the local police station. That evening, police officers came to his home and, without presenting a warrant, searched the house. According to eyewitnesses, the light suddenly went off during the search and then the police "found" a firearm (*samodel'noe oruzhie*). The police also confiscated tapes and accounting books belonging to his father. (They later returned the tapes and books). As of late March, he was still in police custody in Namangan, but individuals close to him were unable to confirm what the charges, if any, were against him.

Sobitkhon, Omarkhon, and Abdumalik Nazarov

The father (Sobitkhon) and two brothers (Omarkhon and Abdumalik) of leading independent imam Obidkhon Nazarov were all caught up in the sweep. The three men were detained in the Farghona region at 8:30 a.m. on December 26, 1997. (Police claim that the arrest of the three men occurred on December 28, 1997.) Reportedly, the men and their car were searched upon their arrival at the Farghona Ministry of Internal Affairs; nothing was found in this search and no record of it was made. Some personal items and the keys to the car were confiscated by police, however, and a second search conducted on the evening of the same day reportedly turned up twelve grams of marijuana in the trunk, according to arresting officials. Sobitkhon (the father) and Omarkhon Nazarov were released within days of their detention, apparently in response to public pressure and were not believed to have been charged with a crime.

Obidkhon Nazarov's youngest brother, Abdumalik, was arrested on December 31 on charges of illegal possession of twelve grams of an unnamed drug. According to individuals present at his interrogation, investigators told him that if he did not plead guilty he would be charged under stiffer charges that carry lengthier sentences, up to twenty years, and that he is being held so that "at least one Nazarov" would be under state control. His case is reportedly now under the direct control of the National Security Service and the President's office, which is highly unusual for a case involving these charges. His trial was about to begin in Toshkent as this report went to press.

FAILURE TO RELEASE PRISONERS UPON COMPLETION OF SENTENCE

Human Rights Watch is concerned that the government has failed to honor the 25 percent reduction in sentences it promulgated, with force of law, as a presidential amnesty decree of August 7, 1996. Non-enforcement of the decree in a discriminatory manner, for example to punish an individual for his or her political beliefs, is a human rights abuse.

Human Rights Watch believes the government has failed to release at least eight men in conformity with this presidential amnesty. These men are Ne"mat Ahmedov, Erkin Ashurov, Abdurauf Ghofurov, Ahmadjon Igitayev, Oqilbek Ishanbaev, Murad Juraev, Muhamadxon Mamadaliev, and Sodiq Otajanov. Mr. Ghofurov and Mr. Mamadaliev (see below) are victims of the most recent arbitrary extensions of sentences. See Appendix A for information on these cases.

Abdurauf Ghofurov

Shortly before the expiration of his three-year prison term in 1996, Uzbek authorities charged imprisoned Islamic leader Abdurauf Ghofurov, as well as several other religious activists, with violations of minor prison regulations and sentenced him to an additional two years, ending March 9, 1998. But that date, too, came and went, and Mr. Ghofurov is still being held. This time, prison officials have charged that he attempted to kill a cell mate. Individuals close to Mr. Ghofurov dispute this, saying he merely broke a glass when he fell on the way to the toilet. They note he is so ill with advanced cancer that he can travel no farther than the toilet on his own, and even then has to use crutches. Sources report he currently weighs about forty kilos; his normal weight is about 100 kilos.

Muhamadxon Mamadaliev

Sixty-six-year-old Muhamadxon Mamadaliev, a school teacher with seven children, has been in prison since he was arrested on February 26, 1993. He was charged with illegal possession of weapons, insulting the president, and an unclear charge involving allegations that he turned one room of the school where he worked into a mosque. People close to the case report that he has asserted his innocence on all charges and that the motivations behind the charges are unclear.

After prison authorities added a term to his sentence for three alleged violations of prison regime, including not keeping his cell clean, he was scheduled for release on February 26, 1998, from the prison in Karshi. As of late March, however, he had not been released, and the authorities reportedly had offered no explanation for his continued incarceration.

PLANTING OF EVIDENCE AND PHYSICAL ABUSE OF DETAINEES

Repeated independent testimony detailed a pattern of serious and widespread police misconduct. Most remarkable was a single consistent allegation: that police had planted evidence — small amounts of narcotics or a small firearm, a single grenade, or a handful of bullets — on the suspect or in his house or car during the arrest or during a subsequent search. These allegations are consistent with the well-documented pattern of planting evidence in Uzbekistan.

Oqilkhon Ziyakhonov

Oqilkhon Ziyakhonov, who is forty-six years old, was arrested on January 18, 1998, in Toshkent. An eyewitness described the house search that took place the following day:³¹

Around 1:00 p.m.... about ten to fifteen people broke in [to the apartment]. They were not in uniform, but policemen in uniform were standing in the courtyard. They came in and presented a search warrant. [His mother] answered that he wasn't home, that she's an old lady and isn't going to let them

³¹ Name withheld. March 1998.

in since she had heard on the radio, and people were saying, that [now] the police come in and plant narcotics and bullets. [But] they insisted and won out.... The police spread out through the rooms.

Another eyewitness continued.³²

They didn't introduce themselves, didn't explain themselves, they [just] said they had to conduct a search... They immediately spread out into all four rooms... They went into the children's room. There is a book shelf there and on one side of the shelf there was a tea pot (*zavarka*) and some candy. [The policeman] was in a hurry and bullets fell out of his sleeve. Right there they (there were two of them) said between themselves, "Did you get them all?" The second one said, "I got fifteen of them." And the first one said, "There should be sixteen..."

[Mr. Ziyakhanov's brother] saw this, but he was frightened and didn't say anything there, but when they found a magazine from a Kalashnikov in the garage he started to cry and said, "You planted things there and here. I just cleaned up here this morning." They didn't answer him.

The brother confirmed this story for Human Rights Watch, adding that he had cleaned out the garage, including the pail the magazine was found in, that morning, and nothing had been there.³³

Narcotics reportedly were planted on Mr. Ziyakhanov at the police precinct. Mr. Ziyakhanov has been charged with illegal possession of ammunition and narcotics. Sources close to him believe that he was framed as punishment for being a practicing Muslim and for having met with leading government-opposed cleric Obidkhon Nazarov. As one put it, "I personally think he was detained only because of his religious convictions, because he often met with religious people and was very respected. He follows the rules of Islam... He observed traditional Islam, but not more than that... He prays but doesn't go to the mosque often."³⁴

Adkhom Mavlianov

Twenty-six-year-old Adkhom Mavlianov was arrested on December 8, 1997, and charged with theft (Article 164, part 4), illegal possession of narcotics (Article 273), and illegal possession of bullets (Article 248). An eyewitness to the house search reported the following to Human Rights Watch:

"His brother stepped to the side and stood in the corner, and the couch (*kurpaga*) was next to him. [The police] walked over to the couch and said that they have to look inside it [to see] whether there was a box there or not. [The eyewitness said:] There is a box there and that empty bottles are kept there. And they asked [me] to lift it up. And the [brother] saw one police officer nudge the other with his elbow, giving the order, and [the first one] planted the wrapped bullets... between the mattresses. [The eyewitness said to the police,] "I made up the couch this morning and [the packet of bullets] wasn't there, so you must have put it." I had heard of [plantings] again and again and I knew what was coming."

Following his detention, Mr. Mavlianov reportedly was held incommunicado for five days. During that time, a person close to him who went to the police station to make inquiries told Human Rights Watch: "When I got there, there was a crowd of relatives [who had similar stories about] the police planting evidence on their relatives. The sense of fear abated for me a bit because I knew I was not alone."

³² Name withheld. March 1998.

³³ Name withheld. March 1998.

³⁴ Names withheld. March 1998.

According to an informed source, Mr. Mavlianov wrote in a note from the investigative cell that he had signed a confession because he could no longer bear the beatings he was subjected to in detention. At his trial, he reportedly repudiated his confession, citing coercion and mistreatment.³⁵

Human Rights Watch has not been able to confirm the outcome of the trial, which should have concluded in late March.

Odil Mamatov

Twenty-nine-year-old Odil Mamatov was working two jobs to make ends meet for himself and his wife, whom he had wed only nine days before his arrest. He is charged under Article 248, part 1 (illegal possession of arms, ammunition, explosive substances, or explosive devices), and Article 276, part 1 (illegal manufacture, acquisition, possession, and other actions regarding narcotic substances or psychotropic substances without the intent to sell).

Mr. Mamatov was arrested on December 8, 1997, at his home in Namangan. Arresting officers told a person close to Mr. Mamatov that he was suspected of involvement in the murder of the policeman. According to an eyewitness to the house search,

about twenty people came in from the Ministry of Internal Affairs, and about twelve from the security service. They walked in like the Gestapo, didn't take their shoes off, went through the whole house. They had an arrest warrant. They kicked everyone out of the [main] room onto the veranda and made us stand with our faces to the wall... Then they planted hand grenades, marijuana (*anasha*), and bullets in the bed — the bed the newlyweds hadn't even slept in yet.³⁶

A person who claimed to have seen Mr. Mamatov after his arrest stated: "They beat him until he was bloody during the first days following his arrest." [The eyewitness confirmed seeing signs of beatings.] "He told me twelve people beat him. They put a gas mask on him,³⁷ and he had bruises. But he didn't confess even though they tortured him..."³⁸ They tried to get him on charges of killing the policeman, but when he didn't confess they charged him just with [illegal possession of] arms and drugs."

Individuals close to him hypothesized that he was targeted as a criminal suspect because he had a criminal past, and it saved the police the trouble of doing an actual investigation to find the real culprit.³⁹ Human Rights Watch has no information that would explain the arrest.

SUSPECTED STATE-SPONSORED "DISAPPEARANCES"

One of the most sinister aspects of the escalation of human rights violations in Uzbekistan since December 1997 is a handful of "disappearances" of Islamic leaders, all allegedly at the hands of the state. In two cases — the disappearances of Abduvali Mirzo and Ramazanbek Matkarimov — there is eyewitness testimony to confirm the

³⁵ Human Rights Watch interview, name withheld. March 1998.

³⁶ It is unclear on what basis the witness asserts the police planted the evidence since that person's claims to have been facing the wall at the time.

³⁷ A common torture in the former Soviet Union is to place a gas mask over a suspect's face and close off the air valves, suffocating the victim.

³⁸ Mr. Mamatov had spent five years in prison previously on a conviction of violation of Article 227. It is plausible that he had learned to withstand physical abuse during that time.

³⁹ Name withheld. March 1998.

detentions. In the other cases, there is no such conclusive link to the government, however, the pattern is worrisome: all are Islamic leaders who were unpopular with the local or federal government. However, the government reportedly has been unable to determine their whereabouts, although it would be in their immediate interest to do so; and all reportedly had suffered government harassment. Moreover, if these men had simply moved away suddenly or fled, it is likely, particularly in the older cases, that some word would come of their whereabouts by now, but to date no further information is available.

Two men affiliated with nongovernmental Islamic communities are currently believed to have been "disappeared" by the state in Uzbekistan.⁴⁰ The popular leader of the now closed Jo"mi mosque in Andijan, sheikh Abduvali Mirzo (Mirzoev), was reportedly detained along with his assistant, Ramazanbek Matkarimov, in August 1995. According to eyewitness reports, security agents detained the two men as they were boarding an airplane to Moscow to attend an international Islamic conference. The Uzbek government reports it has conducted careful investigations into the disappearances but cannot identify the cause of the disappearances or the men's current whereabouts.⁴¹

Since the crackdown in December, four additional cases of alleged government-instigated disappearances of Islamic figures have come to the attention of Human Rights Watch. Preliminary information does not bear out the allegations of government "disappearance" but we continue to follow the cases. Among them are Obidkhon Nazarov (see below) and his son, Khusnutdin, who reportedly have not been seen since March 5. Mr. Nazarov, the former imam of the now-banned Tukhtaboi mosque in Tashkent, has been the informal leader of some Muslims who are disgruntled with Uzbek government policies toward Islam. He has also been the victim of repeated government harassment and of fabricated charges that would allow the government to confiscate his home.

Obidkhon Nazarov reportedly has not been seen since 9:00 a.m. on March 5, 1998. His son, Khusnutdin, apparently became missing on the same day. There is no confirmation of their whereabouts; it is not known whether the police have formally begun a search. Some human rights activists suspect that at least the elder Mr. Nazarov is in hiding. A source close to the men asserts he was taken into custody. That source told Human Rights Watch:⁴²

There is a constant tail and surveillance cars around the house where the Nazarov family lives... [On the day Obidkhon Nazarov was last seen,] there were two cars outside that monitored constantly: one yellow Dagan with no license plate, and a white Zhiguli 6 which also had no plates. They would follow me constantly when I would go around town. When Obidkhon left the house and got into a car, they went after the car O. Nazarov was in, following closely, and after a while the Dagan came back [to the house] but not the Zhiguli. That's why we imagine that it was they who grabbed him on the road, and he disappeared.

The same day that he left, on March 5, around one hundred people drove up from the MVD [Ministry of Internal Affairs] [and] the SNB [National Security Service] in more than twenty cars, including two trucks, and started searching [the house] without presenting any search papers. They searched and didn't find anything. [They also searched an apartment on the sixth floor of the building where he lives, where the family stored some of their things.] [The police] broke the door down and went into the apartment and conducted a search there. They didn't let anyone in. They kicked out all the neighbors, of course, from the stairway. They even made people in nearby houses close the windows

⁴⁰ Some believe that Abdulla Uta (Utaev), the chairman of the Uzbekistan branch of the banned Islamic Renaissance Party, who disappeared in 1992, was "disappeared" by the government. However, there is no evidence, such as an eyewitness account, that would clearly support this conclusion. The Procurator General's office informed Human Rights Watch in 1995 that it had conducted a vigorous investigation, but that the results had been inconclusive. Meeting with Human Rights Watch, December 1995, Tashkent.

⁴¹ *Ibid.*

⁴² Name withheld. March 1998.

and doors and not come out of their entranceways.... What they took, whom they took, no one knows... The lawlessness continues here.

The women who were standing out on the street heard that the police can [sic] arrest Khusnutdin, the son, who is twenty-two years old.... [Khusnutdin was dropped off by car] at Chilanzar metro station. But now no one knows where he is. He was also always followed by the yellow Dagan and the white Zhiguli.... To this day, no one has seen either the father or the son. We suspect that both were taken away by the power structures.

It is not possible to confirm these witness accounts. However, the failure of the government to give plausible explanations for the constant presence of the two cars, coupled with the massive police presence at the time of his disappearance, create the impression that Mr. Nazarov and his son may have been abducted as part of the police action against the family home. The allegations merit a rigorous, impartial investigation.

FREEDOM OF RELIGION

Uzbekistan is a secular government whose constitution guarantees freedom of conscience (Article 31). The state maintains centralized control over religious life through the governmental Spiritual Directorate, which allocates state money for building and renovating religious structures and for religious education and issues decrees regarding orthopraxy. Uzbekistan's majority religion is overwhelmingly Sunni Islam.

The government of Uzbekistan has promoted the opening of mosques and religious schools, which had been all but eradicated under Soviet rule. However, almost since Uzbekistan's birth as an independent state, the government has conducted periodic crackdowns against Muslims whose loyalty it questions. It has arbitrarily detained or arrested hundreds of people, arbitrarily dismissed the pious from state employment (the vast majority of available employment in Uzbekistan),⁴³ impoverished people by putting them on professional blacklists, closed centers of Islamic education, sent law enforcement agents to conduct arbitrary and intimidating interrogations, prohibited some individuals from teaching Islam and related religious materials, threatened detainees and their relatives, and beaten others. But since 1996 the government reportedly has escalated its restrictions on Islam and its more independent adherents.

Violations of Freedom of Association

The government's violation of freedom of religion is most explicit in its intolerance of organized religion that is unregulated by the state. For example, Article 57 of the Uzbekistan Constitution bans "The formation and functioning of... political parties based on the (sic)... religious principles," in clear violation of other constitutional guarantees and international protections. Moreover, the restriction is enforced. The government banned the nascent Uzbekistan chapter of the Islamic Renaissance Party in 1992. Its leader, Abdulla Uta (Utaev), disappeared in 1992, and there has been no information on his whereabouts since then.

⁴³ Accurate statistics on the number of such dismissals are not currently available. Victims rarely report them because they have been threatened with repercussions if they do so and because politically motivated dismissals are almost impossible to reverse.

Most recently, on May 1, 1998, President Karimov called on parliamentarians to adopt a law that reportedly sets additional restrictions on the registration of religious congregations.⁴⁴ The Uzbek parliament traditionally supports the passage of legislation approved by the president. Human Rights Watch had not seen the text of the draft law as this report went to press but is concerned that, if true, these restrictions will lead to further violation of the right of individuals, including the pious, to associate freely.

Closing of Mosques and Islamic Schools

Beginning around 1995, the government has closed leading mosques in large population centers like Tashkent and Andijan. Local human rights activists report that the government has closed all non-government *madrasas* (Islamic primary and secondary schools), a process it began in earnest in 1997. Students at those madrasas were forced to abandon a religious education and instead to enroll in regular, secular schools.

Arbitrary Dismissals of Islamic Teachers

Human Rights Watch has received several reports that the local Muslim Board fired independent imams from their positions at the mosque. We have been able to independently confirm one such instance and we remain concerned about the possibility that more have indeed lost their jobs arbitrarily.

Sheikh Obidkhon Nazarov, head of the Tukhtaboi mosque in Tashkent, was fired in 1996 along with several other independent-minded Islamic clerics. The official reason for the dismissals was that they had failed requalification tests administered by the government. It is impossible to assess independently the professional competence of the men fired, but given the fact that, according to the U.S. Department of State, the test included "questions about political and economic policy outside the traditional sphere of a religious cleric," it is highly likely that the test was used as a way to weed out unwanted clerics.⁴⁵ The allegations that Mr. Nazarov was fired gains credibility when judged in the context of other serious government harassment against Mr. Nazarov, such as attempts to confiscate his property, arbitrary detention or arrest of several relatives and associates in the religious community, and unrelenting surveillance of him and his family and followers.

Arbitrary Expulsion of Muslim Students

Human Rights Watch is also aware of reports that school administrations have punitively expelled students in secular and religious educational institutions for wearing head scarves or beards. The case of nine students who were in their final year at the secular Tashkent State University appears to be representative of other cases, as well (see below). Since the school is government owned and funded, these arbitrary expulsions are direct efforts by the government to curb open expressions of Islamic faith.

It is crucial to recall that the very threat of expulsion is often enough to coerce students to remove their head scarves or beards. As one activist commented, "It's enough for [the authorities] to hint that they will expel them from the university [and the students] remove everything. It's no joke to be kicked out for that. [The students] after all paid a lot of money [in bribes] to be accepted [at the university or institute]. People here are very afraid."⁴⁶

⁴⁴ See, for example, Reuters, May 2, 1998, cited in AAP Information Services Pty. Ltd., AAP Newsfeed, May 3, 1998.

⁴⁵ U.S. Department of State, *1997 Country Reports on Human Rights Practices*.

The students⁴⁷ report that they were expelled on March 30, 1998. The one man in the group, El'iar Toshboev, was a student in the Economics Department; the eight women were in the Philological Department. Reportedly, other students were also expelled for the same reason but do not figure in the list. The following is excerpted from an open statement reportedly written by the students:⁴⁸

[After going to several authorities, including the Minister of Education and the Prime Minister,] on April 2 Dean [T.N.] Dolimov received the students. The students said that they had been expelled illegally and cited Article 7, parts 29-31 of the Constitution of Uzbekistan as having been violated. The Dean said, "Don't teach me. I know better than you. If you want to study, go to the Islamic madrasa." The student [whose last name is] Almanova said, "Please tell [us], is there a law that says pious students cannot study in universities or institutes? I don't think there is such a law." Dean Dolimov replied, "As long as I am dean here, people like you are not going to study here. The conversation is over."

After this conversation the students returned to the [state-run] dormitory and the head of the dormitory, Ms. Movjuda, said that they had to clear out of their rooms quickly. They went to the director of the University campus (*studencheskii gorodok*), Adkham Ergashev, and said that they were in a difficult position since they didn't have relatives in Toshkent, and they asked him to give them at least three days to find appropriate accommodations. Ergashev refused. Then the students went to the Vice Dean, Anvar Kholmatovich Iunosov. Iunosov said that the students had to leave the dormitory on April 3. The students went to the chairman of the [unclear which -Tr.] department, A. Rasulov, and said, "You know us very well. We have been studying here for five years and during that time there have been no complaints [against us]." He said the students were accused of being Wahhabis. The students said they didn't even know what a Wahhabi is.

Then the students went back to Dean Dolimov and said, "You have expelled us. What should we do now?" He replied, "If you want to continue studying, come back on August 1 with a statement requesting readmission to the university. And take off the clothing [presumably a reference to the white head scarves the women were wearing]. We will put together a commission, you say you are sorry, and each one of you should pay 85,000 som fine.⁴⁹ Maybe then we will readmit you." Some of the students were writing down what the dean said in a notebook. The dean noticed they were taking notes and said, "You are writing down what I say? Write what you want and go where you want. I know where you're going to go: to the BBC, to Radio Liberty. I know you are agents of these radio stations and that they are going to pay you in dollars for your information. I already got a call from the BBC and from a human rights organization. I know how to answer them myself. I have an order, and it's useless for you to sue. You can't do anything anyway. This is the end of the conversation. Go away."⁵⁰

Possible Restrictions on Prayer

⁴⁷ The students are El'iar Toshboev, Marguba Alieva, Sumbula Almanova, Gulbakhor Chorshanbieva, Fazilar Chorieva, Dilorom Ergasheva, Marguba Mel'kulova, and Dulfuza Jumanazarova.

⁴⁸ Letter received by Human Rights Watch, April 1998. Translation from Russian from the original Uzbek.

⁴⁹ This is approximately U.S. \$1,000 according to the current official exchange rate, or slightly less than three years' average salary. According to the unofficial exchange rate, the fine is approximately U.S. \$470 or roughly the equivalent of fifteen months' average salary.

⁵⁰ The BBC confirmed that these individuals were not in the employ of the BBC or had given them remuneration for information. Electronic mail correspondence, April 29, 1998.

On January 8, 1998, the Muslim Board of Uzbekistan ordered all mosques to remove all loudspeakers that are usually used to broadcast the call to prayer that is issued five times a day and to punish severely (possibly dismiss from work) clerics who do not enforce the decree. (The full text of the decree is provided in Appendix B). It does not state that the aim of the ban is to curb the practice of religion; it merely explains the measure as being “in the interests of supporting social order” and that “the use of loudspeakers is not in accordance with the rules (*arkonlari*) of Islam.”

While the decree in and of itself does not violate human rights, it has nonetheless had the effect of limiting free worship. Moreover, the timing of the ban suggests that such a reduction may indeed have been the unspoken goal of the decree. Loudspeakers have been used by all mosques for years without the government ever before having either noted their harmful effects on “social order” or that it is in contradiction to “the rules of Islam.” Moreover, the Muslim Board does not point to any pressing rationale for such an extreme measure, such as the need to enforce quiet around hospitals or schools. Such objections were issued only in the immediate aftermath of a dramatic crackdown against Muslims who were punished for as little as wearing a beard.

Forcible Shaving Off of Beards

A beard is considered a sign of piety in Uzbekistan. Human Rights Watch has received numerous reports that police in cities in the Farghona Valley coerced Muslims wearing beards to shave the beards off against their will during the crackdown and subsequent to it. According to the allegations, police would detain one man or more, threaten them, and order them to shave. In some reported cases, the police provided the razor and forced the men to shave at the precinct as a precondition for their release. One Andijan resident who has been monitoring the events reported speaking with a local barber who told him the authorities would often bring in “many” people; the authorities then made him shave off their beards and paid him for his services. The source reported that often police officers would seize bearded men at random at the bazaar for such mass shavings.⁵¹

Most of the alleged victims were in detention or in prison at the time the Human Rights Watch representatives were in Uzbekistan or reportedly were too afraid to give testimony. However, we did speak with one person, in Andijan, who claimed to have been forced to shave following the crackdown. According to him, on February 22, 1998, following the worst of the crackdown, two policemen with billy clubs detained him as he was walking in the Old Town. He was wearing a beard at the time:⁵²

I was going to the bazaar. They gestured to one another, like, “he’s got a beard,” and grabbed my arms. I asked, “Who are you?” Their rule is that if you ask them a question they will answer you with a club so they can then say “They refused, they resisted...” The street cops turned out to be totally green and the old people [in the crowd at the bazaar] said to them, “You should be ashamed. Let him go, he’s not a Wahhabi.” And they [answered]: “And the beard?” I told them beards are not forbidden. I said, “I can shave — they should just calm down.” I left and went over to a policeman [in my neighborhood]. I told him what had happened to me, that [the whole neighborhood] knows me, every dog knows me, but that I went into [another part of town] and got caught, and if I go to [yet another part of town], will they just put me in jail? “How much can you hassle people with beards?” [The policeman] said, “You have a short beard. You can go.” I said, “What? [In my own neighborhood] it’s short but there it’s long?... In my passport photo I have a beard. One look at the passport and they will start bothering me again.” He said, “Shave and tell them that [you] had some sort of infection on your face and no one will say anything. But don’t go anywhere,” he said. I ultimately did shave, with great sadness and pain.⁵³

⁵¹ Name withheld. March 1998.

⁵² Name withheld, March 1998. Translation from Russian.

⁵³ Name withheld. March 1998. Beginning around 1995, the government also closed the main mosques in large population centers like Tashkent and Andijan.

See also the cases of Mansur Boboey, Abdulkhai and Muradulla Igamberdiev, all from Namangan, for additional examples.

Eviction and Confiscation of Property

The government has been waging a battle to confiscate the home of leading Islamic teacher Obidkhon Nazarov. On April 22, 1998, police reportedly arrived at the home of Mr. Nazarov to evict the family as part of the enforcement of the court ruling that would repossess the family's apartment. Since Mr. Nazarov had not yet exhausted all appeals available to him, however, the ruling was being illegally enforced. According to someone present, scores of sympathizers, along with representatives of the Organization on Security and Cooperation in Europe's regional liaison office, diplomats from the American Embassy, and at least one BBC journalist, came out to observe or to protest the action and collectively prevented the authorities from carrying out the eviction.

APPENDIX A: Persons Believed to Be Incarcerated Despite Completion of Sentence

Two men are known to be held in detention as of this writing although they have served their full prison terms (Abdurauf Ghofurov and Muhamadkhom Mamadaliev). In addition, Human Rights Watch is aware of six other men whose sentences were reduced but remain in jail, apparently to serve the full sentence originally imposed. We are concerned that the government has failed to honor the 25 percent reduction in sentence it promulgated, with force of law, as a presidential amnesty decree of August 7, 1996. Enforcement of the decree in a discriminatory manner, for example to punish an individual for his or her political beliefs, is a human rights abuse.

1. Ne"mat AHMEDOV

Arrested on April 14, 1994, currently serving a ten-year sentence after being convicted in Case No. 300, which leveled criminal charges against members of the banned Democratic Party "Erk." Accused of breaking prison regulations in Navoi penitentiary on four occasions, Mr. Ahmedov also failed to be granted a 25 percent reduction in his remaining term.

2. Erkin ASHUROV

Arrested on June 17, 1994, and convicted with the other defendants in Case No. 300 on March 31, 1995. He is currently serving a ten-year sentence.

During his arrest (he was kidnapped by security agents in neighboring Kazakstan and forcibly taken to Uzbekistan to stand trial), he reportedly was severely beaten, suffering contusions, bruising, and the loss of several teeth. Mr. Ashurov reportedly suffers from diabetes, and it is feared that the severe conditions of prison will do irreversible damage to his health.

Mr. Ashurov would have been due a 25 percent reduction in his remaining sentence under the August 1996 amnesty. He was not granted it, reportedly because of four breaches of prison rules. He was moved from Bekabad (Toshkent region) to Kasan prison (in Kashkadarya) some time in 1996.

3. Abdurauf GHOFUROV

Shortly before the expiration of his three-year prison term in 1996, Uzbek authorities charged imprisoned Islamic leader Abdurauf Ghofurov, as well as several other religious activists, with violations of minor prison regulations and sentenced him to an additional two years. But that date, too, (March 9, 1998) came and went, and Mr. Ghofurov is still being held. This time, prison officials have charged that he attempted to kill a cell mate. Individuals close to Mr. Ghofurov dispute this, saying he merely broke a glass when he fell on the way to the toilet. They note he is so ill with advanced cancer that he can travel no farther than the toilet on his own, and even then has to use crutches. Sources report he currently weighs about forty kilos; his normal weight is about 100 kilos.

4. Ahmadjon IGITALIEV

Mr. Igitatiev was head of the Kamal-Kadhi madrasa in Qoqand when he was arrested on November 25, 1994. On October 13, 1995, he was sentenced to twelve years of imprisonment on charges of embezzlement. A number of alleged breaches of prison regulations prevented him, too, from gaining the 25 percent reduction in his remaining sentence to which he would have been entitled in August 1996. Born in 1935, he is currently serving his sentence in Farghona City.

5. Oqilbek ISHANBAEV

Mr. Ishanbaev, a Muslim activist in Namangan, was arrested on May 15, 1994, and found guilty of drugs and weapons charges (Articles 210, 216 of the Criminal Code) on November 25 of that year. He was given three years in prison. Prison authorities should have applied the August 1996 amnesty to him, too, giving him a 25 percent reduction in his remaining term, but did not do so, because he was accused of repeatedly breaking prison rules. He was born in 1953 and worked as a public servant.

6. Murad JURAEV (DZHURAEV)

Arrested on June 17, 1994, and currently serving a nine-year (originally twelve-year) sentence on charges of attempted terrorist acts and related accusations, Mr. Juraev was convicted on March 31, 1995, in Criminal Case No. 300, in which a number of members of the banned Erk party were accused of having arranged military training for young Uzbeks in Turkey, in what was alleged to be a planned attempt to subvert the Uzbekistan government.

Mr. Juraev was kidnapped by security agents in neighboring Kazakstan and forcibly taken to Uzbekistan to stand trial. During his arrest, Mr. Juraev reportedly was severely beaten, suffering numerous contusions. It is also reported that his rib was broken during arrest, although it is not clear whether it was from physical abuse or from the car accident he was in as he was being taken from Kazakstan to prison in Uzbekistan.

Mr. Juraev would have been eligible for a 25 percent reduction in his remaining sentence under an August 1996 presidential amnesty. However, he failed to receive the reduction, reportedly because he was earlier accused of breaching prison rules on four occasions (he spent up to ten days in an isolation cell on some occasions). The amnesty decree automatically precludes a full amnesty or any reduction in sentence if the prisoner concerned has "persistently" broken prison regulations. Mr. Juraev is incarcerated in Qizil-Tepe severe-regime prison.

7. Muhamadkhon MAMADALIEV

Sixty-six-year-old Muhamadkhon Mamadaliev, a school teacher with seven children, has been in prison since he was arrested on February 26, 1993. He was charged with illegal possession of weapons, insulting the president, and an unclear charge involving allegations that he turned one room of the school where he worked into a mosque. People close to the case report that he has asserted his innocence on all charges and that the motivations behind the charges are unclear.

After prison authorities added a term on to his sentence for three alleged violations of prison regime, including not keeping his cell clean, he was scheduled for release on February 26, 1998, from the prison in Karshi. As of late March, however, he was not released, and the authorities reportedly had offered no explanation for his continued incarceration.

8. Sodiq OTAJANOV

Mr. Otajanov, who was deputy imam of the Jo"mi mosque in Qoqand City, was arrested on August 24, 1994, and sentenced on June 30 of the following year to twelve years of imprisonment on charges of violating Articles 78, 132, 210 part 2, and 216 part 2 of the Criminal Code. That term was later reduced to eight years. The additional 25 percent reduction in sentence that should have applied to him was not invoked because prison authorities alleged he had violated prison regulations. He is currently serving his term in Farghona City. He was born in 1964 and has a wife and four children.

APPENDIX B: Decree of the President of the Republic of Uzbekistan on the Amnesty connected with the Fifth Anniversary of the Declaration of Independence of the Republic of Uzbekistan, August 7, 1996⁵⁴

In connection with Fifth anniversary of independence of the Republic of Uzbekistan, and guided by humanitarian principles, under paragraph 20, article 93 of the Constitution of the Republic of Uzbekistan I decree:

1. The following categories of convicted persons are to be released from punishment in the form of imprisonment, and also from punishment not involving imprisonment:
 - a) participants in the second world war and persons with equivalent status, a well as persons who took part in dealing with the consequences of the disaster at the Chernobyl nuclear power station;
 - b) women and minors;
 - c) men over 60;
 - d) first and second-degree invalids.
2. Persons sentenced to imprisonment for a term of up to three years inclusive, on a first offense, and also persons sentenced to other punishments not involving imprisonment are to be released from punishment.
3. Persons sentenced to imprisonment for a term of up to five years inclusive, on a first offense, and who have served at least one third of their terms are to be released from punishment.
4. People sentenced to imprisonment for a term of up to ten years inclusive for committing crimes of negligence and who have served at least half of their terms are to be released from punishment.
5. All cases of crimes under investigation and cases not considered by courts relating to crimes committed before the present decree came into force by the following categories of persons are to be suspended;
 - a) by persons listed in article 1 who do not fall within the category in article 7 of this decree;
 - b) by persons who committed crimes which did not present any great public danger.
6. Persons who are not due for release under this decree are to have the remaining term of their sentence reduced:
 - a) by half, for those convicted of a premeditated crime and sentenced to a term of more than five years.
7. Articles 1-5 of the present decree do not apply to those convicted of especially serious crimes (with the exception of persons convicted under paragraph A, part 4 of article 167 of the Criminal Code), of crimes involving firearms or the sale of narcotic substances, and to especially dangerous recidivists, nor does it apply to those who persistently violate the terms of their sentence.
8. The decree comes into force from the date it is published and is to be executed within four months.

President of the Republic of Uzbekistan I. Karimov
City of Toshkent, 7th August 1996.

⁵⁴ Published in *Narodnoe Slovo* (National Word) (Toshkent), August 8, 1996, p. 1.

APPENDIX C: Decree No. 6, Muslim Board of Uzbekistan January 8, 1988⁵⁵

Muslim Board of Uzbekistan
Toshkent, 700002, Zarqainar kuchasi, 103
telephone 40-39-33, fax 40-08-31

No. _____, 8 January 1998

Decree
No. 6

In order to realize in actuality the recommendations of the Council of the Ulema of the Muslim Directorate of Uzbekistan, which had been adopted earlier, regarding the loudspeakers (microphones and radio speakers (*radiodkarnailar*)) set up in all mosques throughout the territory of the republic, in the interests of supporting social order and also taking into consideration that the use of loudspeakers is not in accordance with the rules (*arkonlari*) of Islam, I order [the following]:

1. Effective today, to remove all loudspeakers (microphones and radio devices) from all mosques throughout the republic.
2. To put before the next meeting of the Council of the Ulema the question of the dismissal of imams of the mosques that do not obey this decree.
3. To place responsibility for supervising the enforcement of this decree on the representatives of the Muslim Directorate of Uzbekistan in all oblasts, in the Republic of Karakalpakistan, and in the City of Toshkent.

[signature]

Mufti Abdurashid Qori Bahromov, Mufti, Chairman of the Muslim Board of Uzbekistan
Toshkent, 700002, ul. Zarkainar, 103
tel. 40-39-33
fax 40-08-31

⁵⁵ Translated from the original Uzbek.

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*Human Rights Watch
Europe and Central Asia Division*

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We enlist the public and the international community to support the cause of human rights for all.

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