

# Uzbekistan's Religious and Political Prisoners

ADDRESSING A LEGACY OF REPRESSION



UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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Cover Photo: The view from a cell window in the now-closed Jaslyk prison complex. In August 2019, the Uzbek government announced the closure of the notorious prison—the site of consistent reports of torture—where many religious prisoners, including individuals in this report, were held. Picture taken September 28, 2003. Shamil Zhumatov REUTERS

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# MAP OF UZBEKISTAN



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# EXECUTIVE SUMMARY

“I still remember standing on the grass when they came to arrest me. Little did I know I was being taken away for over half my life. ... They wanted me to give up names of people in Hizb ut-Tahrir. When I refused to name names, I was beaten brutally. In just a year, five members of my family, including three brothers and two cousins, were arrested and sentenced to prison. Hope kept me alive.”

– Rustam R., Margilon, Uzbekistan, December 2020.

How many religious prisoners are currently jailed in Uzbekistan? How many have been released since the death of former authoritarian president Islam Karimov in August 2016? These fundamental questions about the freedom of conscience and belief and the prison system in Uzbekistan have long topped the list of human rights concerns of Uzbekistan’s embattled human rights defenders, the United States government, European Union, and United Nations bodies, but were virtually impossible to examine in depth during Karimov’s 27-year, ironfisted rule.

Now, following a year-long investigation sponsored by the U.S. Commission on International Religious Freedom (USCIRF), based on more than 113 in-depth interviews and extensive on-the-ground research in Uzbekistan, this report finds that despite the release of more than 1,000 religious prisoners through presidential pardons and the natural expiration of jail sentences since late 2016, **the Uzbek government continues to imprison over 2,000 peaceful religious believers—more than the entire population of religious prisoners in all the former Soviet states combined and one of the largest in the world.**

Uzbekistan’s religious prisoners—a term defined below—are held on charges of “attempting to overthrow the constitutional order,” possession or distribution of banned literature, or membership in banned groups—criminal law provisions so vague and overbroad that they violate Uzbekistan’s binding international human rights and religious freedom obligations. Significantly, there is no credible evidence that Uzbekistan’s religious prisoners, including the **81 individual religious prisoners of concern (RPOCs)** profiled in detail in this report, participated in or were connected to violence, threats of violence, or incitement to violence or any other criminal conduct. Notwithstanding some improvements in Uzbekistan’s record on religious freedom under the presidency of Shavkat Mirziyoyev, imprisonment of persons on religiously and politically motivated charges in Uzbekistan remains widespread.

Uzbekistan’s long-serving authoritarian president Karimov helped pioneer and introduce to post-Soviet space some of the most aggressive and repressive laws on religious practice in existence. Beginning in the early 1990s and then exponentially increasing by the end of the decade, Karimov’s security services’ tactics led to the imprisonment of thousands of peaceful independent Muslims—those who exercise their religion outside of strict state controls. **At its height, Karimov’s policy of religious persecution led to the imprisonment of as many as 7,000 to 10,000 religious and political prisoners—a number higher than all the former Soviet states combined.** Heroic efforts by Uzbekistan’s human rights defenders and groups like the Russian human rights organization Memorial tracked the exponential growth of this population of religious prisoners beginning from 1998 onward up until Karimov’s death.

Since 2016, President Shavkat Mirziyoyev initiated a series of reforms, including the release of certain categories of religious and political prisoners and the removal of over 20,000 independent Muslims and their relatives from notorious “blacklists” of alleged potential religious “extremists.” To date, the Mirziyoyev government has released more than 65 high-profile political prisoners and a larger undetermined group of religious prisoners. However, with respect to religious prisoners, ignoring repeated calls by UN mechanisms, the government has never published the numbers or identities of those released and those still incarcerated.

Therefore, the aim of this report is to provide credible information regarding the estimated number and current conditions of Uzbekistan’s religious prisoners, in particular, to determine how many have been released since 2016 and incarcerated on charges of “religious extremism” or membership in banned religious groups that do not entail credible evidence or allegations of violence, threats of violence, incitement to violence, or involvement in other criminal activity. This report also seeks to establish whether

the charges against religious prisoners were made based on, or in connection with, the peaceful practice or expression of those individuals' religion or beliefs, or whether they were made arbitrarily or spuriously, and to assess the Uzbek government's efforts to review sentences and take appropriate action.

In September 2020, in order to obtain accurate information on the current number of religious prisoners and releases since 2016, the author sent a questionnaire and requests for official meetings in Tashkent to several Uzbek government agencies and in November 2020, together with U.S. embassy representatives, met with several government officials tasked with implementing Uzbekistan's prison administration or defining the space for permitted religious activity. While the government did not provide written answers to this author's information requests, citing that such information was classified, several agencies provided partial answers on the overall prison population. They also agreed to allow this author and USCIRF to visit prisons in the future in order to meet with religious prisoners of concern.

The quantitative and statistical conclusions presented here regarding the exact numbers of political and religious prisoners in Uzbekistan are by no means definitive. Nonetheless, the research illustrates the **disturbing truth of the continued imprisonment of a large population of individuals on religious and political grounds who should be immediately and unconditionally released**, including the individual prisoners of concern profiled in this report. Beyond the report's quantitative findings, this research uncovered several substantive abusive trends and patterns among the cases of religious prisoners:

**First**, the vast majority of the individual prisoners profiled here have made credible allegations of **torture and ill-treatment** and denial of due process or access to counsel

during arrest and trial. In addition, among the cases there is a disturbing pattern of **arbitrary lengthening and resentencing** of religious prisoners to terms of imprisonment during their incarceration.

**Second**, a key pattern is the staggering length of sentences Uzbekistan's religious prisoners have endured or will endure. Half or more imprisoned during Karimov's rule have been released or pardoned, but thousands of religious prisoners are still imprisoned and have now served sentences of more than 20 years. This makes Uzbekistan's religious prisoners some of the longest religion-related sentences on record in the world.

**Third**, beside torture, resentencing, and the length of sentences, repression **often affects entire families** and is multi-generational.

**Fourth**, the research confirms that vast numbers of Uzbekistan's remaining religious prisoners are serving lengthy criminal sentences based *solely* on alleged membership in banned groups without credible evidence of involvement in or connection to violence or other criminal activity.

**Fifth**, the research establishes that repression of religious believers is also **transnational**. Many of those imprisoned currently were forcibly returned from abroad, in some cases, in violation of due process and other human rights norms.

**Finally**, Uzbekistan's criminal and administrative laws—which authorities have used for decades to punish peaceful religious believers as well as political opponents—continue to restrict the freedom of conscience and religion and freedom of expression, which are guaranteed under Uzbekistan's Constitution and the International Covenant on Civil and Political Rights (ICCPR) and several other binding international instruments.

# RECOMMENDATIONS

USCIRF recommends the U.S. Government should work with the Uzbek Government to:

- **Release** all persons imprisoned on religious or politically motivated charges—criminal code Articles 159, 216, 216-1, 216-2, 244-1 and 244-2 and other related charges—including all the individuals whose cases are profiled in this report;
- **Conduct** a speedy and thorough independent judicial review of all people convicted under other criminal code articles that are associated with serious religious freedom and human rights concerns, such as criminal code Articles 155, 156, 157, 158, 160, 242, either exclusively or in combination with the above articles, and **review** all convictions based solely on confessions, recognizing that many may have been obtained through torture or ill-treatment;
- **Make public or, in light of privacy concerns, available to international partners and rights bodies, a complete list of all people convicted** in Uzbekistan under the criminal code articles listed previously, including identifying information such as the convicted person’s full name, city of origin, date of birth, date of arrest, date of conviction, term of sentence, all charges on which he or she was convicted, location in custody or date of release, and **make public or available to relevant partners a complete list of all those convicted under the aforementioned articles who were released** pursuant to presidential amnesty or pardon decrees;
- **Repeal repressive provisions of Uzbekistan’s existing criminal code and proposed amendments** that have been used to convict persons on religious or politically motivated charges such as Articles 159 (anti-constitutional activity), 216 (Illegal Establishment of Public Associations or Religious Organizations), 216-1 (Inducement to Participate in Operation of Illegal Public Associations or Religious Organizations), 216-2 (Violation of Legislation on Religious Organizations), 244-1 (Production and Dissemination of Materials Containing Threat to Public Security and Public Order), 244-2 (Establishment, Direction of or Participation in Religious Extremist, Separatist, Fundamentalist or Other Banned Organizations) **and ensure other provisions are no longer misused to arbitrarily lengthen the sentences of religious prisoners** such as Articles 155 (terrorism), 156 (incitement), 157 (treason), 158 (offenses against the President), 160 (espionage) and 242 (organization of a criminal group) in accordance with Uzbekistan’s binding international human rights obligations;
- **Adopt a policy on the reparation or rehabilitation of religious and political prisoners, or wrongfully convicted persons** as part of a larger policy for transitional justice in Uzbekistan, establishing a fully independent commission inclusive of civil society and independent experts to carry out its mandate, applying Article 83 of Uzbekistan’s Criminal Procedure Code on rehabilitation, and providing for appropriate compensation for victims of human rights abuses;
- **Repeal legislative barriers for the registration and operation of independent nongovernmental organizations (NGOs)**, including those working on freedom of religion and the criminal justice sector, in line with international standards;
- **Fully implement** the recommendations of the UN Human Rights Committee (2020), UN Committee against Torture (2019), the UN Special Rapporteur on freedom of religion or belief (2018), the UN Special Rapporteur on the independence of judges and lawyers (2019), and the Venice Commission/ODIHR joint opinion (2020) on revisions to the recently adopted law “On Freedom of Conscience and Religious Organizations” (hereafter religion law).

# METHODOLOGY

This report is based on more than 113 in-depth interviews with recently released religious and political prisoners, family members of current prisoners, human rights activists, journalists, lawyers, government officials, religious leaders, representatives of international organizations, and other experts between July 2020 and August 2021. Among these interviews, 73 were conducted in person during a research mission to Uzbekistan from October through December 2020. An additional 40 interviews were conducted prior to and after the research mission via telephone with individuals inside Uzbekistan and other countries, including Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkey, and the United States, where former prisoners, relatives of current prisoners, their lawyers, and other activists now reside.

Interviews were conducted in English and in Russian by the author who is fluent in both languages. Some interviews were conducted in Uzbek, during which a translator (a native speaker of Uzbek) aided in translation into English and Russian. The author explained to each interviewee the purpose of the interview and how the information gathered would be used. No compensation was offered or paid for any interview.

To protect their security, all individuals with whom the author spoke were given the option to remain anonymous in the report, to exclude information that might reveal their identities, or to leave their stories out of the report altogether. Interviews were conducted in nearly every region of Uzbekistan. For areas where the author could not travel, arrangements were made to invite representatives to the capital, Tashkent. All interviewees were advised of the purpose of the research and how the information would be used. They were advised of the voluntary nature of the interview and that they could refuse to be interviewed, refuse to answer any question, and terminate the interview at any point.

Where in-person or telephone interviews in Uzbekistan are cited in the report, some names, dates, and locations of sources have been omitted. While most interviewees' real names are used, others' identities have been withheld due to concern for their security or at their own request. These interviewees have been assigned a pseudonym consisting of a randomly chosen first name and a last initial that is the same as the first letter of the first name (for example, "Alisher A."). The interviews took place in a range of settings and involved interviewees who had never had contact with one another, and yet they reported similar experiences.

In September 2020, in order to obtain accurate official information on the current number of individuals imprisoned on charges of "anti-constitutional activity" and other charges related to "religious extremism," the number of those imprisoned on such charges released since 2016, and other related topics, the author sent a detailed questionnaire and requests for official meetings in Tashkent to several Uzbek government agencies, including Uzbekistan's Main Administration for the Execution of Punishments, Ministry of Internal Affairs, the Prosecutor-General's office, the Ministry of Justice, the National Center for Human Rights, the Office of the Ombudsman for Human Rights, the Muslim Board of Uzbekistan (Muftiate), and the State Committee for Religious Affairs.

In November 2020, the author, together with representatives of the U.S. embassy, met with representatives of the above government agencies, all of which are directly tasked with implementing Uzbekistan's prison administration, human rights protection, or play a role in defining the space for permitted religious activity.

While the Uzbek government agencies did not provide written answers to the requests for information in the questionnaire (included in the Appendix C), citing that such information was classified, several agencies did provide partial answers to questions on the overall prison population and prison facilities. They also agreed to allow USCIRF and the report's author further opportunities to visit prisons to meet with prisoners of concern. Earlier, in December 2018, with the assistance of the Ministry of Foreign Affairs and the Office of the Ombudsman for Human Rights, the author in his then capacity as a representative of Human Rights Watch also visited two maximum security prisons and interviewed prisoners about the conditions of their imprisonment.

The author conducted an in-depth review of Uzbekistan's relevant criminal law and legislation on religion and extremism, which provide the legal underpinnings for criminalizing dissent and the free exercise of religion and belief. In lieu of official data on categories of prisoners currently incarcerated and released since 2016, the author also conducted interviews with recently released prisoners and relatives of current ones to help inform an estimate of the population of Uzbekistan's network of prisons (closed prisons and open-air resettlement colonies) and estimates of the subsets of prisoners in each institution charged with Articles 159, 216, 216-1, 216-2, 244-1, 244-2, and other relevant criminal statutes.

The author also reviewed court indictments and judgments of persons convicted on politically and religiously motivated charges, press reports citing government statements and official statistics on the prison population, and the reports of UN bodies. Some of these documents were provided by family members and local human rights defenders. The court documents helped to corroborate the pattern and practice of politically or religiously motivated sentencing presented in the report. Another important source for the estimates of the religious and political prisoner population relied on in this study is the extensive multi-volume collection of thousands of individual cases amassed over the years by the leading Russian human rights organization Memorial, which is cited in this report's footnotes.

Some of the individuals profiled here are cases the author has monitored for many years. Others were identified by colleagues and organizations in the human rights community in and outside the country, including Agzam Turgunov, Ahmadjon Madmarov, Amnesty International, the Association for Human Rights in Central Asia, the Committee to Protect Journalists, Ezgulik, Forum 18, Frontline, the Human Rights Society of Uzbekistan, the Human Rights Alliance, Huquqi Tayanch, the Initiative Group of Independent Human Rights Defenders (led by the late Surat Ikramov), the International Federation for Human Rights (FIDH), Jahongir Kulijanov, Memorial, Vitaly Ponomarev, and others not named here. The contribution of these individuals and groups to this research has been invaluable.

# TERMINOLOGY

## POLITICAL AND RELIGIOUS PRISONERS

This report uses the term “political prisoner,” set forth in Parliamentary Assembly of the Council of Europe Resolution 1900 (2012).<sup>1</sup> As Uzbekistan is not a party to the European Convention on Human Rights and Fundamental Freedoms (ECHR) referred to in the definition, the definition here draws on the International Covenant on Civil and Political Rights (ICCPR), to which Uzbekistan is a party and contains an almost identical definition of certain key rights, including the freedoms of thought, conscience and religion, expression, peaceful assembly and association (Arts. 18, 19, 21, 22 of the ICCPR).<sup>2</sup>

This report uses the term “politically motivated” to describe the charges, prosecution, and imprisonment of a variety of religious believers and leaders, human rights activists, political opposition figures, journalists, perceived government critics, and others because these individuals’ nonviolent expression of religious belief, political opinion, or opinion on politically sensitive issues in various formats was the catalyst for their prosecution by government authorities. In this definition, “religiously motivated” charges are also “politically motivated,” making up a sub-category of a larger group of charges that fall under the definition just presented.

The term “religious prisoner” lacks a precise definition in international law. It is used here to describe a *sub-category of the overall population of political prisoners* in Uzbekistan—cases where the exercise of freedom of religion or belief

was a catalyst or premise for prosecution by government authorities. To be clear, *religious prisoners are political prisoners*. Their imprisonment is based on criminal statutes in Uzbekistan’s criminal code such as “anti-constitutional activity” (Art. 159), participation in “banned religious, extremist” groups, or possession of “banned literature” (Arts. 216, 242, and 244)—statutes which contain provisions so vague or overbroad that they are wholly incompatible with international human rights norms.

## INDEPENDENT MUSLIMS

This report uses the term “independent Muslims” to refer to Muslims who practice Islam outside of strict state controls and do not defer to the government’s prescribed religious practices, expression, or beliefs. This group makes up a core of Uzbekistan’s population of religious prisoners, arrested and accused of extremism in waves beginning in the late 1990s up through the present time, although in fewer numbers today. Being “independent” does not necessarily imply rejecting traditional religious practice nor an intent to join the political opposition or overthrow the government. Rather, these individuals are treated as inherently suspect by the state because they express their religious beliefs outside specifically set parameters. Authorities’ campaign against independent Islam has instead targeted Muslims who have shown no resistance to the state but were nonetheless viewed as “too pious” and therefore subversive.

<sup>1</sup> Parliamentary Assembly of the Council of Europe Resolution 1900 (2012) states: “A person deprived of his or her personal liberty is to be regarded as a ‘political prisoner’: a. if the detention has been imposed in violation of one of the fundamental guarantees set out in the European Convention on Human Rights and its Protocols (ECHR), *in particular freedom of thought, conscience and religion, freedom of expression and information, freedom of assembly and association*; b. if the detention has been imposed for purely political reasons without connection to any offense; c. if, for political motives, the length of the detention or its conditions are clearly out of proportion to the offence the person has been found guilty of or is suspected of; d. if, for political motives, he or she is detained in a discriminatory manner as compared to other persons; or, e. if the detention is the result of proceedings which were clearly unfair and this appears to be connected with political motives of the authorities.” (SG/Inf(2001)34, paragraph 10) (emphasis added).

<sup>2</sup> Thus, a person deprived of liberty falls under the definition of a “political prisoner” if:

1. Imprisonment was imposed in violation of a fundamental right guaranteed by the ICCPR, such as freedom of thought, conscience, and religion; freedom of expression, freedom to peacefully assemble and freedom of association;
2. Deprivation of liberty has been applied for explicitly political reasons without regard to any offense;
3. For political reasons, the duration of detention and its conditions are clearly disproportionate in relation to an offense where the person has been convicted or suspected;
4. A person is deprived of liberty for political reasons in a discriminatory manner in comparison with others;
5. Deprivation of liberty is the result of a trial with clear violations of procedural safeguards due to the political motives of the authorities.

The assumption that the person is a “political prisoner” should be confirmed by *prima facie* (“prime”) evidence and may be reviewed if the government proves that the conclusion is fully compliant with the ICCPR, that the principles of proportionality and non-discrimination have been observed, and that the deprivation of freedom was the result of a fair trial.

### Prison Terminology

The scope of this report is limited to *prisoners*—persons deprived of their personal liberty against their will following the conviction of a crime. It excludes *detainees*—those kept in jail even though they have not yet been convicted of a crime. As such, the research only includes data on the treatment and conditions in prisons rather than jails or detention centers. Abbreviations in the report refer to closed prisons, Colonies for the Execution of Punishments (CEP), and open-air Resettlement Colonies (RC). In recent years, authorities changed Uzbekistan’s prison numeration from the Soviet system, which consisted of a series of two-part designations (64/46) to a system ranging from #1 through #51. In an effort to provide the fullest information possible that might lead to the identification of a prisoner’s whereabouts, this report draws on both the older and newer numeration systems.

# KEY FINDINGS

Newly released government data, on-the-ground interviews with government officials, recently released prisoners, lawyers, rights defenders, and relatives of current prisoners conducted between July 2020 and August 2021 and reviews of court documents demonstrate that **despite the release of thousands of prisoners since late 2016, Uzbekistan continues to imprison approximately 2,000 persons on vague and overbroad charges of “attempting to overthrow the constitutional order,” possession of banned literature, or membership in banned groups in violation of its binding international obligations.**

As described fully in the report, combining the approximate number of religious and political prisoners in Uzbekistan’s closed prisons (1,176) and resettlement colonies (1,000) leads to a finding that **there are approximately 2,176 religious prisoners still serving sentences in Uzbekistan’s prisons (1,176 + 1,000 = 2,176), or approximately 2,200 religious prisoners.** By late 2020, officially there were 22,867 prisoners in Uzbekistan’s 43 prisons. Of the 43 prisons, 18 are “closed colonies” (also called “zones”), and 25 are open-air, “resettlement” colonies—prison facilities to which prisoners are transferred after a certain percentage of their sentence has been served and where they are granted a greater degree of personal autonomy and offsite work, visitation, and communication privileges. The approximate number of 2,200 is based on interviews with recently released religious and political prisoners, relatives of current prisoners who regularly visit prison facilities, lawyers, and human rights activists and was informed by this author’s meetings with Uzbek government officials and a review of official government press releases regarding prisoner releases and the prison population. If an accurate projection, it means that roughly **10 percent of Uzbekistan’s prison population is religious prisoners.**

A wide range of interviews collected by this author helped contribute to an estimate of the number of persons currently imprisoned on religious and politically motivated charges. **The vast majority of cases, including the 81 current religious prisoners who are profiled in this report, lack any credible evidence of the individual’s participation in, or connection to, violence, threats of violence, or incitement to violence or any other criminal conduct.** Accordingly, religious and political prisoners’ cases raise **serious human rights and religious freedom concerns** and should be examined urgently by the government with a view to their **immediate and**

**unconditional release.** These cases should also be prioritized by Uzbekistan’s international partners, including the U.S. government, the EU, UK, UN mechanisms and diplomatic missions in Uzbekistan.

Beyond the report’s quantitative findings, this research uncovered several substantive abusive trends and patterns among the cases of religious prisoners:

**First,** most of the individual prisoners profiled here have made credible allegations of **torture and ill-treatment** and denial of due process or access to counsel during arrest and trial. In addition, among the cases there is a disturbing pattern of **arbitrary sentence lengthening and resentencing** of religious prisoners during their incarceration. In particular, despite the discontinuation of the notorious Article 221—a criminal provision often used during Karimov’s rule to arbitrarily lengthen prison sentences of religious and political prisoners—a **substantial number of Uzbekistan’s religious and political prisoners are currently still imprisoned due to resentencing on new charges while in prison.** Resentencing occurs in violation of fair trial standards.

The government has not provided specific data on these repeat sentences for religious prisoners. But this research illustrates that resentencing encompasses many prisoners sentenced under Articles 159, 216, 244, and other articles of Uzbekistan’s Criminal Code related to extremism and results in fresh prison terms ranging from six to 18 years for such prisoners. As such, as a matter of urgency this report recommends that the government specifically examine every current prisoner whose case involved an Article 221 extension or resentencing while incarcerated.

Current prisoners in this report who have been resentenced on lengthy trumped-up prison terms include **Fayzulla Agzamov, Jahongir Kamolov, Tohir Djumanov, Miraziz Mirzakhmedov, Ravshan Karimov, Jamshidbek Atabekov, Shamsiddin Giyasov, Rustam Nosirov, Turnazar Boymatov, Zabikhullo Muminov, Mashrap Rabiev, Nomoz Normurodov, Bakhromjon Inogomov, Shukhrat Usmanov, Erkinjon Oripov, Nematullo Ibragimov,** and many others profiled in this report. Nematullo Ibragimov was sentenced on charges of “anti-constitutional activity” (Art. 159) on three separate occasions. Prisoner **Avaz Tokhtakhodjaev** had his prison sentence extended a head-spinning five times since his original sentencing in 1999.

## Key Findings

**Second**, a key pattern is the staggering length of sentences Uzbekistan’s religious prisoners have endured or will endure. Half or more imprisoned during Karimov’s rule have been released or pardoned, but thousands of religious prisoners are still imprisoned. A critical mass was jailed in the early 2000s. By now, these prisoners have served sentences of over 20 years. While most prisoners’ cases date back to the Karimov era, a significant number have also landed in prison during the Mirziyoyev presidency, such as **Umar Badalov** (detained in 2017), **Muhammad Rashidov** (2018), and many others. The ongoing imprisonment of ex-diplomat **Kadyr Yusupov**, arrested on politically motivated treason charges in December 2018, raises serious religious freedom and human rights concerns, as he has suffered punishment in prison in retaliation for raising prisoners’ requests to observe the fast during Ramadan.

A majority of the 81 individual prisoners profiled here have served or will serve sentences over 15, 20, or even 25 years on religiously motivated charges, making Uzbekistan’s religious prisoners some of the longest religion-related sentences on record in the world. This on its own requires urgent attention from human rights bodies.

Take, for example, the case of **Fayzulla Agzamov**. Behind bars since 2001, if he serves out his entire sentence, he will have served 30 years behind bars—perhaps the longest known politically motivated prison sentence in the world. If religious prisoner **Avaz Tokhtakhodjaev**, in prison since 1999, serves out his full sentence he will have served 25 years behind bars. Former religious prisoner **Habibullah Madmarov**, released in June 2021 and arrested in December 1999, served more than 21 years behind bars.

**Third**, beside torture, resentencing, and the length of sentences, repression **often affects entire families** and is multi-generational. It is common for religious prisoners who were imprisoned during Karimov’s rule to have served sentences alongside several generations of relatives, often their direct siblings, parents, or children, amounting to a type of collective punishment. This phenomenon is found in the cases of religious prisoners **Fayzulla Agzamov**, **Muhammad Rashidov**, **Ravshan Igamberdiyev**, **Iskandar Iskandarov**, and **Muhamadjon Akhmadjonov**. In other cases, some religious prisoners were arrested, served out their terms, were released or amnestied only to be arrested and sentenced years or decades later on remarkably similar, fabricated allegations.

**Fourth**, as mentioned previously, the research confirms that vast numbers of Uzbekistan’s remaining religious prisoners are serving lengthy criminal sentences based *solely* on alleged membership in banned groups, without credible evidence of involvement in or connection to violence or other criminal

activity. Each year, dozens suspected of membership in Hizb ut-Tahrir are arrested. As in the earlier Karimov period, authorities continue to criminalize suspected adherents of Hizb ut-Tahrir and other banned groups based on their purported *ideas rather than evidence of involvement in violence* or attempted violence. In other words, the government treats peaceful Muslim adherents of what might be considered a radical *ideology* as *violent* extremists solely based on their religious beliefs.

Clear from the language used in official pardon announcements is a philosophy that religious prisoners are individuals who have been “misled” or “deceived” or are the “victims” of extremist groups, rather than of the government’s vague and overbroad policy of religiously motivated imprisonment. These formulations only reinforce the finding that Uzbekistan imprisons peaceful members of banned groups who have not committed acts of violence. Indeed, Uzbek government policy is to release religious or political prisoners contingent on them admitting guilt, which in many cases may violate their religious beliefs and absolves the government of having to investigate past and present problems that led to their unlawful imprisonment in the first place. It is clear that the government must examine, with a view to immediate release, all cases where criminal liability is founded on membership in groups the Uzbek government considers “extremist” or “terrorist.”



International Islamic Academy, Tashkent, Uzbekistan  
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**Fifth**, the research establishes that repression of religious believers is also **transnational**. Many of those imprisoned currently were forcibly returned from abroad, in some cases, in violation of due process and other human rights norms. Such individuals include **Muhamadjon Akmaljon ogly Akhmadjonov**, extradited from the United Arab Emirates, and **Umar Badalov**, arrested following his return from Russia where he had been a migrant worker. Former religious

prisoners described to the author that the role of a foreigner, or a tie to a foreign government or organization, often played a role in the fabricated confessions they were forced to make in such cases.

**Finally**, Uzbekistan’s criminal and administrative laws—which authorities have used for decades to punish peaceful religious believers as well as political opponents—place abusive restrictions on the freedom of conscience and religion and freedom of expression, including the rights to meet or worship in community with others, learn or teach one’s beliefs, and possess religious literature or other materials which are guaranteed under Uzbekistan’s Constitution and the International Covenant on Civil and Political Rights (ICCPR) and several other binding international instruments.

Centering on **ill-defined concepts of extremism and terrorism**, an elaborate collection of provisions in the criminal code, intersecting with Uzbekistan’s religion law, has served as an easy way for authorities to target religious individuals or others. Many provisions of Uzbekistan’s criminal code, including revisions proposed in March

2021 and those relating to “religious extremism” and “anti-constitutional activity,” are so vague and overbroad that they violate international human rights law. In the view of this author and leading human rights groups such as Memorial, the sentences of individuals imprisoned on these charges are hence invalid and should be dismissed or overturned on this basis alone.

As this report was being prepared for publication, Uzbekistan was in the process of updating and revising both the religion law and its criminal code, which at their core offer little meaningful reform of the Uzbek legal framework’s deeply restrictive and punitive approach to these issues. Also, in March 2021, seven months ahead of presidential elections, the president signed into law several provisions that extended existing criminal laws to social media platforms, and which punish “public disturbances.” There is a serious concern that such provisions further restrict religious freedom and free expression and could be used to further imprison independent Muslims and others.

# UZBEKISTAN'S CURRENT POPULATION OF RELIGIOUS AND POLITICAL PRISONERS

## OFFICIAL INFORMATION ON PRISONS AND PRISONERS

Uzbekistan's prison system is under the jurisdiction of the Ministry of Internal Affairs (MIA) and is administered by the ministry's Main Administration for the Execution of Punishments (more commonly referred to by its Russian acronym GUIN). On May 22, 2020, the Cabinet of Ministers published a decree instructing the ministry to publish information regarding the number of persons detained in penitentiary institutions and pretrial detention institutions; the number of penitentiaries and pretrial detention institutions; information on types of manufactured goods and monetary value of such goods produced in the penitentiary facilities; information on the number of deaths among persons detained in penitentiary institutions and pretrial detention facilities; and information on the number of convicts kept in penitentiary institutions that are subject to compulsory medical measures.<sup>3</sup>

Based on decree (No. 316) of the Cabinet of Ministers, this author and members of the U.S. embassy requested a meeting with representatives of Uzbekistan's GUIN. In November 2020, Bakhrombek Adylov, the then head of the GUIN, met with the author and U.S. embassy representatives to exchange information on Uzbekistan's population of religious and political prisoners.<sup>4</sup> Adylov reported that as of November 27, 2020, there were **22,867 prisoners in the penal system**—a figure publicly reported in August 2020.<sup>5</sup>

In Uzbekistan, there are 43 prisons and 11 pre-trial detention centers.<sup>6</sup> Of the 43 prisons, 18 are “closed colonies” (also called “zones”) and 25 are open-air, “resettlement” colonies—prison facilities to which prisoners are transferred after a certain percentage of their sentence has been served and where they are granted a greater degree of personal autonomy and offsite work, visitation, and communication privileges.<sup>7</sup>

(A list of closed and resettlement colonies is provided in Appendix A.)

Among the closed colonies, there are general-regime facilities, strict-regime, and another facility designated as a “special” regime prison.<sup>8</sup> The ministry runs a separate facility for female inmates (Zangiota), as well as separate prisons for minors and persons diagnosed with tuberculosis.<sup>9</sup> According to the Ministry of Internal Affairs, as of late 2020, prison capacity was at 56 percent. Of the nearly 23,000 prisoners in Uzbekistan's 43 prisons, over 14,000 are serving their sentences in the 18 closed colonies and more than 7,000 are held in 25 resettlement colonies.<sup>10</sup>

The closed colonies mainly house prisoners in barracks—a building or groups of buildings where prisoners reside and sleep in large communal rooms—rather than in individual prison cells, which characterized the now closed, notorious Jaslyk prison colony. Uzbekistan's 25 open-air resettlement colonies are structured differently and house fewer inmates.

The official figure of 22,867 prisoners in Uzbekistan's prisons is the equivalent to 67 inmates for every 100,000 citizens. It does not include, however, those detained in Uzbekistan's 11 pre-trial detention centers, among which are pre-trial detention centers belonging to Uzbekistan's State Security Services (SSS). No official data has been released on the number of pre-trial detainees in Uzbekistan overall or by facility.

During an August 15, 2020, interview with a state news agency, Interior Minister Pulat Bobojonov said that data on Uzbekistan's penitentiary system is to be made publicly available on official websites, including information about the deaths of people in prisons and pre-trial detention centers. Bobojonov stated that transparency would enable researchers to have access to more information about

<sup>3</sup> See Decree No. 316 from May 22, 2020, of the Cabinet of Ministers of the Republic of Uzbekistan.

<sup>4</sup> Interview with Bakhrombek Adylov, head of Main Administration of the Execution of Punishments (GUIN), Tashkent, November 27, 2020.

<sup>5</sup> See also “Number of prisoners announced in Uzbekistan,” *Kun.uz*, January 17, 2021. [В Узбекистане обнародовано количество заключённых] <https://kun.uz/ru/05654825>.

<sup>6</sup> Interview with Bakhrombek Adylov, head of Main Administration of the Execution of Punishments (GUIN), Tashkent, November 27, 2020.

<sup>7</sup> Interview with Bakhrombek Adylov, head of Main Administration of the Execution of Punishments (GUIN), Tashkent, November 27, 2020.

<sup>8</sup> “On the Basis of Humanism: The Activities of the Penal System of the Republic of Uzbekistan,” *Narodnoe Slovo*, September 2000. “General-regime” corresponds roughly to minimum security, “strict-regime” to medium security, and “special-regime” to maximum security. The type of regime to which one is sentenced depends on the convict's criminal record and the type of crime committed, and determines the level of prisoner privileges.

<sup>9</sup> *Id.*

<sup>10</sup> See also “Number of prisoners announced in Uzbekistan,” *Kun.uz*, January 17, 2021. [В Узбекистане обнародовано количество заключённых] <https://kun.uz/ru/05654825>.

Uzbekistan's prisons and thereby make their subsequent evaluations more objective. The minister also for the first time confirmed publicly that Uzbekistan's prisons are sites for the manufacture of more than 100 different products. Around 80 percent of inmates are employed in production facilities and are paid monthly salaries equivalent to between \$70 and \$200 USD, depending on the worker's level of specialization.

## ESTIMATES OF RELIGIOUS PRISONERS DURING KARIMOV'S RULE

Uzbek authorities have never been transparent about the actual numbers of arrests and imprisonment. At least up until the Andijan massacre of 2005, local human rights defenders, international human rights organizations based inside Uzbekistan, and the diplomatic community were able to collect modestly accurate data and receive periodic briefings from Uzbek government officials. But as noted previously, this became impossible following the government's inward turn after May 2005 and the expulsion of most media and international human rights groups from the country.<sup>11</sup> During the latter half of Karimov's rule, with virtually no one left to witness, official Tashkent stopped providing information on religious and political prisoners.<sup>12</sup>

### Official Figures until 2016

Tashkent has never published official information on the general prison population or the exact number of those charged with "religious extremism" crimes. One government-aligned newspaper reported in 1999 that 10,700 "supporters of religious fundamentalism" had been put on a special list and were being monitored by the *mahallas* (neighborhood councils), while 1,570 persons had confessed their guilt and more than 2,000 had been charged with administrative charges.<sup>13</sup>

This was an early reference to the blacklists that authorities devised for individuals deemed suspicious by police or security services either due to an outward display of religiosity or suspected ties to banned religious groups. Landing on a blacklist meant that a person was required to report periodically to the police about his or her whereabouts

and activities, pledge not to engage in banned religious practices or groups, and be subjected to certain travel and work restrictions.

On September 5, 2000, a Supreme Court spokesman said during a televised address that the number of prisoners convicted for "crimes against the state" was approximately 2,000 people.<sup>14</sup> Mikhail Gurevich, head of the Main Administration for the Execution of Punishments of the Ministry of Internal Affairs (GUIN), stated in October 2001 that there were 3,500 "political prisoners."<sup>15</sup> In June 2001, the well-respected late Tashkent-based human rights lawyer Polina Brauner estimated that Uzbekistan had jailed 4,500 prisoners on religious grounds.



Khast Imom Mosque Complex, Tashkent  
© Steve Swerdlow, November 2020.

Both the government's and Brauner's figures appeared artificially low as they did not fully account for all of Uzbekistan's regions, the wide spectrum of criminal charges authorities use, and the number of individuals detained following extradition from Russia, Kyrgyzstan, or other nearby states to face imprisonment on trumped up charges. By the end of 2003, according to Memorial, the government had already imprisoned at least 5,900 persons on political or religious grounds.<sup>16</sup> In 2004, Human Rights Watch found that the government's campaign of religious persecution had already resulted in the arrest, torture, and incarceration of

<sup>11</sup> The change and distance for diplomatic representatives could be felt in the phrasing and greater generality of the annual country human rights reports of the U.S. State Department, which shifted from citing the embassy's own on-the-ground interviews and estimates of the political prisoner population to citing "reports" of other organizations and rights defenders. Departing from prior years, the annual country human rights reports issued in 2005 and 2006 for the first time did not contain estimates of the numbers of imprisoned political activists and religious believers. United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 2006 - Uzbekistan*, March 6, 2007, <https://www.refworld.org/docid/45f0569511.html>.

<sup>12</sup> "No One Left to Witness: Torture, Habeas Corpus and the Destruction of the Independent Legal Profession in Uzbekistan," Human Rights Watch, 2011, <https://www.hrw.org/sites/default/files/reports/uzbekistan1211webwcover.pdf>.

<sup>13</sup> See A. Rakhmatov, *Vigilance - A Sacred Duty ('Bditel'nost')*, Tashkent, 2000, 74 pgs.

<sup>14</sup> See "List of Persons Arrested and Convicted on Political and Religious Motives in Uzbekistan: December 1997-December 2003," Memorial Human Rights Center, May 2004, p. 10.

<sup>15</sup> Gurevich's statement clarified that these individuals were imprisoned for "membership in illegal religious organizations."

<sup>16</sup> "Uzbekistan: Authoritarian President Karimov Reported Dead," Human Rights Watch, September 2, 2016, <https://www.hrw.org/news/2016/09/02/uzbekistan-authoritarian-president-karimov-reported-dead#:~:text=By%20the%20end%20of%202003,of%20new%20arrests%20each%20year.>

an estimated 7,000 people.<sup>17</sup> In March 2004, the government acknowledged the existence of 2,836 inmates convicted of involvement in extremist religious organizations. Estimates of the U.S. Department of State for the same period amounted to 5,000–5,500 people.

Following Andijan and reduced access to information, the change in phrasing and greater generality can be felt in the U.S. State Department annual country human rights reports. The reports shifted from citing the embassy's own on-the-ground interviews and estimates of the political prisoner population to citing "reports" of other organizations and rights defenders.<sup>18</sup> Departing from prior years, the annual country human rights reports issued in 2005 and 2006 for the first time did not contain estimates of the numbers of imprisoned political activists and religious believers.<sup>19</sup>

By 2010, a rare admission was made in the official Uzbek government report to the July 2014 by the Initiative Group of Independent Human Rights Defenders, led by the late rights activist Surat Ikramov, which estimated the total number of religious prisoners to be approximately 12,000, with more than 200 newly convicted in 2013 alone.



Human rights defender and expert on religious freedom Surat Ikramov (right) died on May 3, 2021. In September 2020 he met released religious prisoner and prominent cleric Rukhitdin Fakhritdinov following his release earlier in the month © Surat Ikramov, September 2020.

## HIZB UT-TAHRIR, WAHHABIS, AND OTHER DEMOGRAPHICS

Over the course of the last two decades, more than half of Uzbekistan's religious and political prisoners tended to be branded as adherents of *Hizb ut-Tahrir* (Party of Liberation), whether or not that was the case. Dozens of current religious prisoners profiled in this report, including **Avaz Tokhtakhodjaev**, **Tohir Djumanov**, and **Jahongir Kamolov**, were originally imprisoned on suspicion of membership in the group. Founded in 1953 as a political organization in Jerusalem by Taqi al-Din al-Nabhani, an Islamic scholar, Hizb-ut-Tahrir is a religious organization that advocates for the establishment of a pan-Islamic caliphate, as well as the observance of its interpretation of pious Islamic practice.

The group's doctrine renounces violence in the achievement of this goal. Banned in Uzbekistan, thousands have been jailed for belonging to the group since the early 2000s. At the heart of the government's persecution of Hizb ut-Tahrir is the contention that the group's support for an alternative form of Islamic government is a direct call to overthrow the state. The Uzbek government has frequently claimed that the Islamic Movement of Uzbekistan (IMU) and Hizb ut-Tahrir, together with those it refers to as Wahhabis, form a united movement, though it has never presented any material evidence to prove this is the case. Furthermore, authorities view Hizb ut-Tahrir's teachings in favor of an Islamic state as extremist but have never produced credible evidence that its members have engaged in or espoused violence or other criminal activity.<sup>20</sup>

This author's analysis of court judgments shows that actual and perceived Hizb ut-Tahrir members bore the brunt of Karimov's crackdown on religion.<sup>21</sup> But authorities considered a wider spectrum of groups to be "Wahhabi."<sup>22</sup> All became targets for imprisonment, including former members of the Islamic Renaissance Party *Adolat* ("Justice"), *Islom Lashkarlari* ("Islamic armies"), *Tovba* ("Repentance"), suspected members of the IMU, and suspected participants of the Islam-inspired confrontations in Namangan in December 1991. A much smaller number of those arrested in this period

<sup>17</sup> "Creating Enemies of the State: Religious Persecution in Uzbekistan," Human Rights Watch, March 29, 2004, p.111, <http://www.hrw.org/reports/2004/03/29/creating-enemies-state>.

<sup>18</sup> United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 2006 - Uzbekistan*, March 6, 2007, <https://www.refworld.org/docid/45f0569511.html>. CITE – Memorial, "In the context of this then we cannot agree with the statements contained in the report of the U.S. State Department on religious freedom in 2010, that in Uzbekistan, 'unlike in previous years there were no credible reports ... that the authorities refer to religious extremism as cause for prosecuting moderate religious people who are not members of banned organizations.' Such a statement actually justifies the repressive actions of the authorities, a-priori acknowledging that charges of belonging to 'banned groups' are reasonable, and all those convicted often possess a sort of 'excessive religiosity.' In fact, charges of belonging to 'banned organizations' in 2009–2010 were largely arbitrary, and victims of persecution were both radical and moderate believers."

<sup>19</sup> United States Department of State, *U.S. Department of State Country Report on Human Rights Practices 2006 - Uzbekistan*, March 6, 2007, <https://www.refworld.org/docid/45f0569511.html>.

<sup>20</sup> Vitaly Ponomarev, "List of Persons Arrested on Political or Religious Motives in Uzbekistan (January 2004-December 2008)," (Moscow: Memorial Human Rights Center, 2009), p. 10.

<sup>21</sup> Memorial Central Asia expert Vitaly Ponomarev has argued that the crackdown on independent Muslims had the perverse effect of increasing the sense of persecution among pious believers, pushing an even greater number of believers to underground, unsanctioned, or even radical ideologies such as the Islamic Movement of Uzbekistan (IMU). Authorities' actions may have unwittingly grown the ranks of Hizb ut-Tahrir even further.

<sup>22</sup> Uzbek law contains no precise definition of Wahhabism. In practice, authorities arrested men who wore beards or were followers of "suspicious mosques"—primarily those closed between 1994 and 1998 due to their imams' refusal to deliver sermons dictated by the state.

were part of the movements known as *Akromiya*, *Nur*, and *Tablighi Jamaat*.

While persons from every region of the country were caught up in successive waves of arrests, the majority of those arrested came from Tashkent and the Tashkent region as well as the Andijan, Namangan, and Fergana regions of the Fergana valley. Notably, 84 percent of religiously motivated sentences involved charges under Article 159 for “anti-constitutional activity.”<sup>23</sup> Other leading charges among the religious prisoner population include Article 216 (organization of illegal public associations and religious organizations), Article 244-1 (distribution of materials containing a threat to public safety and public order), and Article 244-2 (the creation, management, and participation in religious extremist, separatist, fundamentalist, or other banned organizations). A list of groups banned in or labeled as terrorist in Uzbekistan is provided in Appendix B.

The overwhelming majority of the thousands imprisoned have been independent Muslims, but dozens of others were peaceful opposition activists, journalists, and human rights defenders. Very few Christians were jailed during Karimov’s rule, but hundreds were subjected to raids and administrative fines.<sup>24</sup>

## PARDONS FOR RELIGIOUS AND POLITICAL PRISONERS AFTER 2016

Since the death of former president Karimov, the Uzbek government has been more forthcoming about sharing data on the number and categories of prisoners it has released. But the information it provides is still incomplete, episodic, and at times contradictory.

Beginning in September 2016, President Mirziyoyev has issued a series of pardons that have significantly reduced the overall prison population. While further research is required to confirm a firm change in policies, it appears that President Mirziyoyev has departed from his predecessor, who applied amnesties to groups of prisoners, and instead exclusively relied on the presidential pardon power to reduce sentences and release prisoners.

This shift is noteworthy for several reasons. On the one hand, Mirziyoyev’s use of the pardon power to release religious prisoners, who were almost always excluded from amnesties

issued by Islam Karimov, has certainly been a positive development. On the other hand, however, as discussed in more detail in the following paragraphs, the use of the pardon power in Uzbekistan is problematic as it is contingent on a prisoner *admitting guilt*, rather than on the government acknowledging the unlawful nature of an arrest or conviction.

According to official statistics, Uzbekistan’s overall prison population dropped from approximately 44,000 prisoners in 2014 to 22,867 in late 2020—an almost 50 percent reduction over six years. Unfortunately, the Ministry of Internal Affairs still refuses to provide a precise breakdown of the individual prisoners released or the specific categories of charges included. Nonetheless, government pardon announcements routinely include references to prisoners convicted on charges of “religious extremism” or membership in “banned religious organizations”—a formulation that includes a broad spectrum of politically or religiously motivated charges.<sup>25</sup>

On August 26, 2020, for example, a Ministry of Interior press service released a video announcing that some prisoners would be pardoned or released in honor of Independence Day in September 2020.<sup>26</sup> The Ministry of Foreign Affairs noted that many pardons included those convicted on “religious extremism” charges. The video and accompanying press declared the government had released or pardoned 4,500 prisoners since Karimov’s death in 2016, including 1,584 religious prisoners (of these, 1,215 were released and 369 received reduced sentences). On August 27, 2020, in advance of the country’s Independence Day, an additional 113 prisoners received pardons, including 105 religious prisoners. On December 7, 2020, to mark Constitution Day, the government released 104 prisoners, including 21 religious prisoners, and then in late March, to mark the Navruz holiday, it released 14 religious prisoners.<sup>27</sup> In May 2021, on the eve of the Eid al-Fitr, an Islamic holiday marking the end of the holy month of Ramadan, President Mirziyoyev pardoned 100 inmates of which, according to state media, only three inmates were completely released from prison, 43 were released on parole, and ten convicts had their sentences replaced with more lenient ones. The statement said that among the releases and reductions of sentences, 52 were people convicted for taking part in the activities of “banned groups.” This brings the total number of religious prisoners *released or with reduced sentences* since 2016 to 1,776.

<sup>23</sup> “List of Persons Arrested and Convicted on Political and Religious Motives in Uzbekistan: December 1997-December 2003,” Memorial Human Rights Center, May 2004.

<sup>24</sup> Between 1999 and 2000, authorities freed nine Christian prisoners. See “Creating Enemies of the State: Religious Persecution in Uzbekistan,” Human Rights Watch, 2004.

<sup>25</sup> See “With latest pardon, Uzbekistan continues to rehabilitate those deceived by extremists,” Caravanserai, Maksim Yeniseyev, December 10, 2019, [https://central.asia-news.com/en\\_GB/articles/cnmi\\_ca/features/2019/12/10/feature-01](https://central.asia-news.com/en_GB/articles/cnmi_ca/features/2019/12/10/feature-01).

<sup>26</sup> Video available on request.

<sup>27</sup> U.S. State Department, Office of International Religious Freedom, Twitter Post, March 26, 2021, <https://twitter.com/StateIRF/status/1375499540283949058>.

Given the general formulations used in these announcements, it is difficult to establish whether the approximately 1,800 prisoners reflect the total number released during the past four and a half years of Mirziyoyev's presidency. Furthermore, authorities have not clarified how many religious and political prisoners have been released due to a new court ruling reducing their sentences rather than a release due to pardon, as has happened in the cases of several prominent released human rights defenders.<sup>28</sup> Still, they indicate something about the pace of releases and the size of the prisoner groups pardoned during successive waves.

Uzbek law provides for a commission that reviews the cases of prisoners sentenced on charges of religious extremism and is made up of by representatives from the prison administration, security services, presidential administration, Prosecutor General's office, and Supreme Court.<sup>29</sup> Another commission reviews the petitions of persons "who mistakenly became members of banned organizations." These commissions have the power to exonerate citizens from all criminal liability through their recommendations to the Presidential Apparatus and to take a proactive role in reducing or eliminating Uzbekistan's ongoing imprisonment of religious and political prisoners. But activists, lawyers, and relatives of current prisoners report that they do not exercise this power in the majority of cases the commissions review.<sup>30</sup> Since Tashkent's increased contact with international human rights groups post-2017, advocates have recommended that the commissions permanently include civil society representatives and Parliament and conduct their work more transparently and with explicit reference to Uzbekistan's human rights commitments.<sup>31</sup> In a positive development, the office of the Ombudsperson for Human Rights told this author that as of 2020 the Ombudsperson now has a seat on the commission that reviews and recommends pardons to the Presidential Administration.<sup>32</sup>

In October 2020, the author sent the government a detailed questionnaire inquiring about the number of prisoners serving sentences in connection with politically or religiously motivated charges, including Articles 155, 156, 157, 158, 159, 216, 216(1), 216(2), 221, 223, 242, 244, 244-1, 244-2.<sup>33</sup> The questionnaire (see Appendix C) requested the government list the number of individuals who have been released, pardoned, amnestied, or freed on other grounds after serving such charges since September 2016.

In response, the government agreed to arrange meetings with a broad range of relevant government agencies. However, it did not respond in writing to the author's questionnaire, citing secrecy and national security concerns. Still, during official meetings, the GUIN provided the total number of prisoners in Uzbekistan (22,867 as of November 2020) and provided a list of the names and locations of each prison facility.<sup>34</sup>

Other official sources provide clues as to the current population of individuals imprisoned on politically or religiously motivated charges. In November 2020, at the ninth plenary session of the Senate, the upper house of the Oliy Majlis, Kutbiddin Burkhanov, chairman of the Senate Committee for Defense and Security, delivered a presentation on the Action Strategy for Five Priority Directions for the Development of Uzbekistan (2017–2021).<sup>35</sup> Article 251 of the state program discusses efforts to create a system of "social rehabilitation and adaptation of citizens who became victims of the idea of religious extremism."

According to Burkhanov, the government has paid special attention to pardoning prisoners who were "lost under the influence" (заблудших под влиянием) of religious movements, have "repented" for their actions, and are firmly on the path to correction. The state program focuses on "the return to a healthy life for those citizens who were involved in religious extremism as well as the identification and resolution of their social problems and prevention of the activity of harmful religious conceptions among

<sup>28</sup> "On measures for the preparation of materials on pardoning convicted persons serving sentences in an institution for the execution of sentences, in connection with the 25th anniversary of the adoption of the Constitution of the Republic of Uzbekistan," The President, February 10, 2017. [О мерах по подготовке материалов о помиловании осужденных, отбывающих наказание в учреждении для исполнения наказаний, в связи с 25-летием принятия Конституции Республики Узбекистан », - Президент, февраль] <https://president.uz/ru/lists/view/1095>;

"Shavkat Mirziyoyev pardoned 104 convicts," *Kun.uz*, July 12, 2020. [«Шавкат Мирзиёев помиловал 104 осужденных»] <https://kun.uz/ru/news/2020/12/07/shavkat-mirziyoyev-pomiloval-104-osujdennyx>;

"I won't stop," Andrey Kubatin's sister- about torture compensation, appeal," *Gazeta.uz*, December 14, 2020. [«Я не остановлюсь, сестра Андрея Кубатина, о компенсации за пытки, апелляция»] <https://www.gazeta.uz/ru/2020/12/14/kubatin/>.

<sup>29</sup> Interview with Deputy Prosecutor General Svetlana Artykova, Tashkent, November 25, 2020.

<sup>30</sup> Interview with lawyer Sergei Maiorov, Tashkent, November 24, 2020; Interview with Tatyana Dovatova, Tashkent, December 8, 2021; Interview with "Sayida S." Fergana, December 5, 2020.

<sup>31</sup> Steve Swerdlow, "Uzbekistan Needs a Navruz for Human Rights," *The Diplomat*, March 1, 2021, <https://thediplomat.com/2021/03/uzbekistan-needs-a-navruz-for-human-rights/>.

<sup>32</sup> Interview with former Human Rights Ombudsperson Ulugbek Muhammadiyev, Tashkent, November 19, 2020.

<sup>33</sup> See Appendix C.

<sup>34</sup> See Appendix A.

<sup>35</sup> "It Became Known How Many People in Uzbekistan Have Not 'Asked Forgiveness' for the Ideas of Terrorism and Religious Extremism," [Стало известно, сколько человек в Узбекистане не «раскаялись» за идеи терроризма и религиозного экстремизма Сообщается, что данные лица находятся в местах заключения и не отказываются от своих идей] *repost.uz*, November 22, 2020, <https://repost.uz/ne-otkazalis>.

the population.”<sup>36</sup> Furthermore, the program focuses on providing employment, education, and social protection to this category of released prisoners.

Consistent with the aforementioned numbers published by the Foreign Ministry, Burkhanov said that presidential decrees have led to the pardoning of 4,611 prisoners. He added that as of November 2020, 750 individuals were imprisoned for crimes connected with terrorism and extremism that have not taken the “path of correction” nor refuted their ideas.<sup>37</sup> Burkhanov’s statement points to *at least 750 persons* that are currently imprisoned in Uzbekistan on charges related to religious extremism, such as Articles 244 and 159.

Clear from the language employed in these official announcements is a philosophy that religious prisoners have been *deceived* or are the *victims of extremist groups*, rather than of the government’s vague and overbroad policy of religiously motivated imprisonment.

## PARDONS AND (NON)VIOLENT EXTREMISM

Burkhanov’s formulation that these 750 prisoners are those who have not refuted their views nor acknowledged wrongdoing is significant. First, it illustrates that like the Karimov period the current government criminalizes adherents of Hizb ut-Tahrir and other banned groups *based on their ideas rather than evidence of involvement in violence* or attempted violence. In other words, the government treats peaceful Muslim adherents of what might be considered a radical *ideology as violent* extremists solely based on their religious beliefs. These formulations reinforce the conclusion that Uzbekistan continues to imprison peaceful members of banned groups who have not committed acts of violence. Second, it confirms that current government policy is to release religious or political prisoners *contingent on them admitting guilt*, which in many cases may violate their religious beliefs and absolves the government of having to investigate past and present problematic practices that led to imprisonment in the first place.

The case of former religious prisoner Habibullah Madmarov, an independent Muslim and the son of Margilon-based human rights defender Ahmadjon Madmarov, sentenced in April 2000 on charges of “attempting to overthrow the constitutional order” (Art. 159(3)(b)), (Art. 216), (Art. 244(1)(3)(a)), and (Art. 244(2)) to nine years imprisonment that was subsequently extended arbitrarily into a 27-year sentence, is a good example of this continued policy. Throughout 21 years of Madmarov’s imprisonment, authorities never provided

any credible evidence of his involvement in or connection to violence. In 2004, prison officials pressured him to seek “forgiveness” despite his insistence that he was not guilty.



Former religious prisoner Habibullah Madmarov, imprisoned from December 1999 through June 2021, served more than 21 years on fabricated extremism charges. This photo shows him shortly before arrest (on laptop screen) and just one week after his release. © Steve Swerdlow, Margilon, July 2021.

At the time, a prison official named Rafik Abdullaev pressured Madmarov to sign a “pardon” statement—something Madmarov reluctantly agreed to do in exchange for the prospect of being set free. After signing the statement Abdullaev reportedly summoned and instructed him that he must drink vodka and eat pork as conditions for his release—practices that violate his beliefs as an observant Muslim. The conditions were a form of psychological pressure some prison officials used to demonstrate their total control over a prisoner’s life. On this occasion, prison officials also beat Madmarov. Madmarov was eventually resentenced in prison to another specious sentence that he received after a closed trial in prison on transparently false “extremism” charges. In June 2021, following 21 years of unlawful imprisonment and an extensive international campaign for his release, Madmarov was finally released. Meeting with this author in his Margilon home in July 2021, Madmarov said, “I survived all these years thanks to my faith and the unending determination of my family to seek justice on my behalf.” Madmarov expressed a desire to clear his name and hopes for official rehabilitation.

Another case that exemplifies this practice is that of former religious prisoner Khayrullo Tursunov, 46 years old, extradited from Kazakhstan and imprisoned in 2013 on a 16-year sentence in the Bukhara region on extremism charges, simply for meeting privately with other Muslims without

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

state permission to study the Qur'an.<sup>38</sup> In 2018, Tursunov's family reported that they tried to convince him to write to the president to ask for a pardon. But Karaulbazar labor camp officers told him that "even if you write a letter, it will not help you. No one will release you."<sup>39</sup> Family members further reported that prison officials tortured Tursunov on April 17, 2019.<sup>40</sup> Following an international campaign for his release, Tashkent released Tursunov in June 2021. They should ensure his full and immediate rehabilitation.

## UNOFFICIAL ESTIMATES OF UZBEKISTAN'S RELIGIOUS AND POLITICAL PRISONER POPULATION

Despite the lack of publicly available information, recently released religious and political prisoners, relatives of current prisoners, criminal defense lawyers, and human rights activists interviewed by this author provided their best estimates of the current number of political and religious prisoners.

Their estimates are based on first-hand experience inside multiple prisons and on direct contact with current prisoners. Twenty-five interviewees provided estimates of the size of the prison population in each of Uzbekistan's 43 prisons, including both closed and resettlement colonies, and of the number of political and religious prisoners held in each facility.

### Closed Prisons or Zones

Several sources estimated that on average an individual closed prison barrack—the building or group of buildings used to house a specific group of prisoners, usually in austere conditions—contains an average of 70–95 prisoners. Closed facilities have varying numbers of barracks, which according to various relatives and activists, range between 12 and 16.

Multiple sources reported that in contrast to policies during the Karimov administration when religious and political prisoners were segregated from the remaining prison population and unable to have contact with others, current GUIN policy is to integrate them across the prison population by placing small groups of such prisoners into individual prison barracks. Sources report that currently a typical prison barrack in a closed facility contains approximately five or six prisoners convicted on charges of "anti-constitutional"

activity, "extremism," or "membership in banned organizations."

Basing their calculations on conversations with a current long-term inmate, a prisoner's relative estimated that Olmalik (Almalyk) prison, a strict regime facility in the Tashkent region, contains sixteen barracks. Each barrack houses approximately 70–80 prisoners (16 barracks x 75 prisoners = 1,200 total prisoners). Each contains approximately five to six prisoners charged with crimes related to extremism<sup>41</sup> in each barrack. (6 prisoners x 16 barracks = 96 religious prisoners).

Similarly, a visitor to Koson prison, a strict regime colony in Qashqadaryo oblast in southern Uzbekistan, reported following a November 2020 visit that the prison contains approximately 12 barracks, with each containing between 90 and 100 prisoners. This brings the estimated population of the prison to 1,140 (12 barracks x 95 prisoners = 1,140 total prisoners). Basing her calculations on conversations with multiple inmates in Koson, the visitor estimates that there are approximately five to six religious prisoners in each barrack. This leads to an estimate of 72 religious and political prisoners in the colony (12 barracks x 6 religious prisoners = 72 religious prisoners in Koson).

According to various rights defenders, relatives, and lawyers, certain closed facilities have historically not housed religious prisoners such as the separate prisons for minors and persons diagnosed with tuberculosis. Also, activists believed that typically government policy was to avoid detaining religious prisoners at the Pap region facility located in the Fergana valley since the campaign against independent Muslims had been largely directed at this region of Uzbekistan in addition to Tashkent.

Assuming that 14 out of 18 closed facilities hold religious prisoners, sources estimated that facilities in 12 other closed prisons contain an average of 14 barracks with approximately six religious prisoners in each one. This leads to a rough estimate of 1,008 religious prisoners (12 prisons x (14 barracks x 6 religious prisoners) = 1,008 religious prisoners in closed facilities). Combining this estimated figure with available data on the Olmalik and Koson facilities (168 prisoners), there are approximately 1,176 religious prisoners across Uzbekistan's closed facilities. A complete list of these facilities, referred to as prison colonies for the execution of punishments (CEP), and resettlement colonies is provided in Appendix A.

<sup>38</sup> Mushffig Bayram, "UZBEKISTAN: Prisoner requests meeting with sister "maybe for last time," Forum 18, September 3, 2020, [https://www.forum18.org/archive.php?article\\_id=2598](https://www.forum18.org/archive.php?article_id=2598).

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Authorities did not provide written answers to the author's October 2020 questionnaire about the number of individuals imprisoned on extremism related charges and likewise have provided no evidence of terrorism or extremism where there is credible evidence of an individual's involvement in or connection to violence. Therefore, the estimates provided in this section encompass religious and political prisoners and *none* with a proven link to foreign terrorist organizations or connection to or involvement in violence or other criminal activity.

## Resettlement Colonies

During the Mirziyoyev administration, a significant number of religious prisoners—many who have served lengthy sentences and are already in their second decade of imprisonment—have been transferred from strict and general closed prison facilities into resettlement colonies. Rather than release all such prisoners whose lengthy imprisonment, politically motivated charges, and due process violations raise serious human rights concerns, the Uzbek government has instead opted largely to transfer some prisoners from closed prisons to 25 resettlement colonies.

For any prisoner in a closed prison, transfer to a resettlement colony is highly coveted. Resettlement colonies are considered a significant improvement given that inmates are permitted more flexible schedules and living arrangements, may work outside the prison, and have greater visitation privileges. One central feature of the resettlement colonies is the expanded options prisoners have for working outside the prison in off-site facilities for extended periods of time. Around 80 percent of inmates are employed in production facilities and are paid monthly salaries the equivalent of between \$70 and \$200 USD, depending on the worker's level of specialization.

According to various interviewees, religious prisoners are often regarded as reliable and preferable laborers among the prison population in that they tend to be known not to consume alcohol and are viewed as self-disciplined.<sup>42</sup> Therefore, some former prisoners stated that there is a strong economic incentive on the part of prison officials to continue to imprison religious prisoners in resettlement colonies (and deny them pardons or early release) in order to outsource their cheap labor to various factories, agricultural production, and other institutions where they may derive a cut of the profits. “This is one hidden reason authorities keep us from being pardoned or find other ways to resentence and extend our sentences—they make good money off of us,” said one recently released prisoner.<sup>43</sup>

As with Uzbekistan's closed prisons, Uzbek authorities did not respond to the author's request for detailed information regarding the number of political and religious prisoners who have been released since September 2016 or regarding the number still serving prison sentences in resettlement colonies. But activists, lawyers, and relatives provided various estimates for the number of such prisoners spread across a system that officially includes more than 7,000 prisoners. According to a leading expert on human rights and prison conditions,

in contrast to the 60 to 90 religious prisoners held at each closed prison, there are approximately 40 religious prisoners in each resettlement colony. Across 25 resettlement facilities, this points to approximately 1,000 religious prisoners out of 7,000 total prisoners (25 resettlement colonies x 40 religious prisoners = 1,000 religious prisoners in resettlement colonies).

## How Many Current Religious Prisoners Are There in Uzbekistan?

When combined with the approximate number of religious and political prisoners in Uzbekistan's closed prisons, this leads to a conclusion that **there are approximately 2,176 religious prisoners still serving sentences in Uzbekistan's prisons (1,176 + 1,000 = 2,176), or approximately 2,200 religious prisoners.** This estimate is consistent with the figures provided by other civil society activists who, following the reforms, releases, and pardons over several years, place the total population of religious prisoners at approximately 1,900 to 2,100 persons. If accurate, this number shows that **roughly 10 percent of Uzbekistan's prison population consists of religious prisoners.**

Based on numerous interviews with activists and authorities, this estimate illustrates that Uzbekistan continues to hold a large number of individuals on politically and religiously motivated charges—a **population larger than the religious prisoner populations of all the other former Soviet states combined and one of the largest in the world.**<sup>44</sup> While half or more of the population of long-term religious prisoners imprisoned during Karimov's rule appear to have been released or pardoned, thousands are still imprisoned. Each case deserves careful and urgent examination given the myriad human rights concerns just listed and further throughout this report.

## CLOSURE OF JASLYK

In August 2019, the government announced the closure of the notorious Jaslyk prison, an important step forward and a course of action that numerous UN bodies, USCIRF, and rights groups had long recommended. Many of the prisoners the author interviewed for this report, including Chuyan Mamatkulov, Azam Farmonov, Yusufboy Ruzimuradov, Muhammad Bekjanov, and others, have spent time in Jaslyk. In response to concerns that Jaslyk might have been converted into a pre-trial detention facility and still used, former GUIN head Bakhrombek Adylov pledged in a meeting with

<sup>42</sup> See e.g., Interview with “Dilmurod D.” Samarkand, November 11, 2020; Phone interview with former political prisoner “Yusufboy Y.” April 21, 2021.

<sup>43</sup> Telephone interview with “Alisher A.” Bukhara, April 1, 2021.

<sup>44</sup> Human Rights House Oslo, “New Memorial's Report: Political Repression in Uzbekistan,” Human Rights House, March 20, 2011, <https://humanrightshouse.org/articles/new-memorials-report-political-repression-in-uzbekistan-2009-2010/>.

this author and U.S. embassy representatives in November 2020 that “no one will ever be housed in Jaslyk prison again.”<sup>45</sup>

Abdurakhman Tashanov, head of the Ezgulik human rights group and a member of the Human Rights Ombudsperson prison monitoring group told *Kun.uz* in May 2021 that up to 100 prisoners may still be held there at present.<sup>46</sup> At the time of the public announcement about Jaslyk's closure Interior Minister Pulat Bobojonov stated that Jaslyk held 1,100 prisoners at maximum capacity. Bobojonov also stated that 10 percent of Jaslyk was made up of those convicted on charges relating to religious extremism.

Tashanov explained that at the time of the president's 2019 decree prison authorities were not prepared to fully implement the prison's full closure, which requires the transfer of hundreds or more prisoners to other facilities. According to Tashanov and an unnamed official source, authorities are reportedly building another closed colony in Qiziltepa in Navoi oblast for the transfer of some of the remaining Jaslyk prisoners.

## FROM RASKRUTKA TO RESENTENCING

As noted previously, the arbitrary extension of prison sentences for religious and political prisoners was one of the most notorious features of Uzbekistan's criminal justice system and enabled the spike in the population of religious prisoners from year to year. Colloquially known as *raskrutka*, prison officials wielded enormous power over religious and political prisoners' destinies through the application of Article 221, often for non-existent or incredibly mild infractions of prison rules. In practice, authorities used *raskrutka* to keep religious and political prisoners behind bars *indefinitely*.

Following years of criticism over this practice authorities first announced in March 2018 that they had stopped applying Article 221. In November 2020, GUIN officials told this author that Article 221 has not been in use and would be eliminated from Uzbekistan's revised criminal code. However, authorities have not committed to examine each prison sentence that was previously extended under Article 221.

Equally important, authorities have yet to acknowledge or address the unlawful pattern and practice of prison administrators charging religious prisoners with *new* offenses

while in prison, such as “organizing criminal communities” or participating in “banned organizations.”<sup>47</sup> Uzbek law allows prison officials to file new charges against prisoners, resulting in new prison terms.<sup>48</sup> Often, incarcerated religious prisoners such as Miraziz Mirzakhmedov, Ravshan Karimov, Jamshidbek Atabekov, Shamsiddin Giyasov, Rustam Nosirov, Turnazar Boymatov, Zabikhullo Muminov, Mashrap Rabiev, Nomoz Normurodov, Bakhromjon Inogomov, Shukhrat Usmanov, Erkinjon Oripov, Nematullo Ibragimov, and many others profiled in this report have been resentenced to new prison terms on the *exact same charges* for which they were originally convicted. In fact, Ibragimov was sentenced on charges of “anti-constitutional activity” (Art. 159) on three separate occasions.

The practice of *resentencing* in Uzbekistan's prisons raises serious human rights concerns because in many cases defendants are not represented by independent counsel, the trials are closed and take place in prison, and there is an inequality of power between the state and the incarcerated defendants who are unable to effectively present a defense. Referred to here as *resentencing*, this practice was widely used during the Karimov era and continues today.

Several rights defenders and relatives of current prisoners reported to the author that authorities have not acknowledged the practice of resentencing as a human rights abuse distinct from Article 221 extensions. For example, during 2020, at least 11 religious prisoners, each serving 20-year sentences, received an additional prison term of ten years under this practice.<sup>49</sup> Uzbek authorities should revise the criminal code provisions that have been used to resentence religious and political prisoners, examine all prison sentences that have come about due to the practice, and bring its practices into line with international human rights commitments.

<sup>45</sup> Interview with Former GUIN head Bakhrombek Adylov, Tashkent, November 27, 2020.

<sup>46</sup> “In Jaslyk there could be 100 prisoners left – human rights activist,” [В «Жаслык» могут оставаться около 100 заключённых — правозащитник] *Gazeta.uz*, April 17, 2021, <https://www.gazeta.uz/ru/2021/04/17/jaslyk/>.

<sup>47</sup> See, e.g., Interview with “Rustam R.,” Margilon, December 6, 2020; Interview with “Mukhtarali M.,” Margilon, December 7, 2020; Interview with human rights defender Ahmadjon Madmarov, Tashkent, November 7, 2020; Interview with human rights defender Abdurakhman Tashanov, Chairman, Ezgulik Human Rights Society, Tashkent, November 6, 2020; Interview with Jahongir Kulijanov, Bukhara, July 6, 2021.

<sup>48</sup> Confusingly, activists and relatives also often refer to this as an “extension” (*raskrutka*) of a prison term; in reality, it is a new sentence imposed on a current prisoner.

<sup>49</sup> See U.S. Department of State, *2021 Country Reports on Human Rights Practices*, released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, March 30, 2021, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>.

## Reentering Society after 20 Years behind Bars: An Interview with Recently Released Religious Prisoner

"I still remember standing on the grass when they came to arrest me. Little did I know I was being taken away for over half my life."<sup>50</sup> It was April 1999. Just 27 years old with a new wife and young son, Rustam R. had traveled from his native Margilon, in Uzbekistan's Fergana valley, across the border to Osh in southern Kyrgyzstan to train and coach a soccer team. Having graduated from Fergana State University, Rustam R. had many professional directions he could have taken. But soccer was both his talent and his passion. The coaching job he had been offered seemed like a path to a promising career. Like so many young Uzbek men growing up in the post-Soviet Fergana valley and beyond at this time, Rustam R. came from a family that prized educational and professional achievement but was also deeply rooted in a Muslim identity—something denied them during Soviet rule.

Uzbekistan's security services arrested Rustam R. in southern Kyrgyzstan in April 1999, suspecting him of membership in Hizb ut-Tahrir, a political and religious group the government regards as extremist but without any evidence of its involvement in violence. Authorities charged him with criminal charges under Articles 159, 242, and 244-1 and 244-2. Describing his interest in Hizb ut-Tahrir, Rustam R. said,

*It was a popular ideology in the late 1990s. The group was clear in how they delivered their messages about how to construct a just society. There was a collapse of institutions all around us at that time and [president] Karimov was viewed as cruel and out of touch with the needs of the people. We gravitated toward those who were encouraging us to look deeper into the religious traditions that had been forbidden to us for so long.*

Veteran human rights activist and specialist on religious prisoners in Uzbekistan Ahmadjon Madmarov says that he has tracked at least 1,000 cases of individuals imprisoned based on alleged membership in Hizb ut-Tahrir. But, Madmarov says, "none of these cases included credible evidence of involvement in or calls to commit violence."

Rustam R. was at soccer training in Kyzyl-kia near Osh in a stadium when the police suddenly appeared to arrest him. Rustam R. could not have predicted that he would be taken away from his family, especially his new wife and baby son, for half his lifetime.

Now 48 years old, Rustam R. was sentenced to 18 years in prison by the Fergana region court. In a conversation about Hizb ut-Tahrir's (HT) ideology, Rustam R. recognized that Hizb ut-Tahrir subscribes to anti-Semitic ideas but said that what was most important to him was HT's prescription for helping to order society in a way that inherently made sense amidst the chaos that was life in 1990s post-Soviet Uzbekistan.

"Those of us who were arrested at the time were not hardcore Hizb ut-Tahrir members and many of those who were swept up in the arrests were not even formal members of the organization," said Rustam R. "For the most part, my activity boiled down to taking part in the discussions of the group's philosophy, nothing more."

Rustam R. said that security services took custody of him following his extradition from Kyrgyzstan and transferred him to the security services facility in Margilon, where he was tortured during pre-trial detention. They beat him with truncheons. "They wanted me to give up more names of people in Hizb ut-Tahrir. When I refused to name names, I was brutally beaten."

Rustam R. was later transferred from the Margilon security services pre-trial detention facility to the Fergana city security services pre-trial detention facility. Five members of Rustam R.'s family were arrested in the span of one year. He served in five different prisons over his two decades behind bars. "Our family was not an exception." Rustam R. says he knows of several instances where entire families were destroyed by the arrest of nearly every male member of the family under 40.

According to Rustam R., after the May 2005 Andijan massacre, the torture of religious prisoners increased. Rustam R. was serving an 18-year prison sentence which the Supreme Court eventually reduced to 16 years. Yet in a cruel but quite routine occurrence, in the final year of his sentence, prison authorities fabricated "violations of prison rules" to lengthen his sentence by three years, bringing his sentence to a total of 19 years. Rustam R.'s "violation" was allegedly not completing "physical exercise" in his cell. "Hope kept me alive," he said. Rustam R. was released from prison in 2019 and now attends quarterly meetings with a state-approved mullah who provides him lectures on "proper Islam." "The conversations are fairly superficial," says Rustam R. Rustam R. is back again at coaching soccer at a local school in the Fergana valley. "I am slowly rebuilding my life," he says. "Luckily, my wife took me back. I hope we never have to revisit those dark times in Uzbekistan again."

<sup>50</sup> Interview with Rustam R., Margilon, December 8, 2020.

## NOTABLE RELIGIOUS PRISONER RELEASES

Beginning in September 2016, almost immediately following Karimov's death and following years of international pressure, the government began releasing high-profile political prisoners, approximately 65 as of April 2021, including long-held journalists and human rights defenders, in addition to releasing an undetermined number of religious prisoners.<sup>51</sup> In contrast to the releases of imprisoned human rights defenders and journalists—where authorities took steps to publicize the release of high-profile cases of interest to international human rights organizations and foreign governments—far less is known about the release of religious prisoners since President Mirziyoyev assumed the presidency. However, some notable cases have come to light and illustrate something about Mirziyoyev's approach to religious prisoners.



Jahongir Kulijanov, a peaceful Shiite believer and human rights defender, spent over two years behind bars solely for his religious beliefs. He was released in 2018 and is currently pursuing full legal rehabilitation. © Jahongir Kulijanov.

Bukhara police and security services officers arrested **Jahongir Kulijanov** and other members of Bukhara's Shia Muslim community who attended the city's Khoji mir Ali Shia Mosque on February 2, 2017. Initially held for 15 days, they were tortured with kicking and severe beatings. Security services re-arrested Kulijanov on May 30, 2017, and charged him with Article 244-1, Part 3 (a) and (d) ("production, storage, distribution or display of materials containing a threat to public security and public order" by a group of people and using the media or the internet), deeming him a leader of the Shia community. Investigators deemed "extremist" a Russian-language audio file they found on Jahongir Kulijanov's phone, recounting the story of the Battle of Karbala in 680 (61 in the Islamic Calendar), when Husayn ibn Ali, the grandson of the Muslim prophet Muhammad, was killed. Shia Muslims regard the battle as a tragedy and Husayn as a martyr. The Bukhara Region Criminal Court

jailed Kulijanov in October 2017 on charges of storing "extremist religious materials" on his mobile phone and computer, sentencing him to a five-year term. Following engagement by the U.S. government and rights groups, Kulijanov was freed on parole in February 2019.



Aramais Avakyan. © 2017.

In February 2020, authorities released Christian fisherman Aramais Avakyan from wrongful detention, after he had served more than five years in prison on fabricated charges, including "anti-constitutional activity," sabotage, production or dissemination of threatening materials, and participation in a religious extremist organization.<sup>52</sup> Even though Avakyan is a practicing Christian and Armenian, investigators accused him of establishing and leading a radical Islamic group and of planning to join ISIS. Avakyan's case, which included extensive evidence of torture, exemplifies the extent to which extremism is often built on fabricated, highly suspect charges and often lack credible evidence or even coherent allegations.

<sup>51</sup> Those released include Yusuf Ruzimuradov and Muhammad Bekjanov—two of the world's longest imprisoned journalists, in jail for 19 and 18 years, respectively—human rights defenders Agzam Turgunov and Azam Farmonov, and peaceful political dissidents like Samandar Kukanov, Uzbekistan's first vice-chairman of Parliament after independence. Unlawfully jailed for 24 years, Kukanov had been one of the world's longest jailed political activists, after Nelson Mandela.

<sup>52</sup> Freedom Now, "Uzbekistan: Aramais Avakyan Released from Prison," February 6, 2020. <https://www.freedom-now.org/uzbekistan-aramais-avakyan-released-from-prison/>.



Top left, Iskandar Khudayberganov; top right, Ruhiddin Fahriddinov, lower left, Rustam Abdumannapov; lower right, Akrom Malikov. © Radio Ozodlik, Uzbek service of Radio Free Europe (September 2020).

On August 27, 2020, in advance of Uzbekistan's September 2020 Independence holiday and following a letter by several U.S. senators to President Mirziyoyev highlighting the unlawful imprisonment of four religious and political prisoners, authorities released Iskandar Khudayberganov, the brother of Sweden-based activist Dilobar Erkinzoda; scholar and activist Akrom Malikov; activist Rustam Abdumannapov; and prominent independent cleric Ruhiddin Fahriddinov.<sup>53</sup>

### Ruhiddin Fahriddinov: Profile of an Independent Cleric



Independent religious cleric Ruhiddin Fahriddinov, following his release from prison in September 2020. © Radio Free Europe/ Radio Liberty, Uzbek service, 2020.

Ruhiddin Fahriddinov (also referred to in some documents as Fakhritdinov or Fakhrutdinov), 53, is a religious scholar and one of Uzbekistan's most prominent released religious prisoners still located in the country. A pupil of the prominent Imam Obidhon-qori Nazarov who fled to Sweden in 1998, Fahriddinov survived an assassination attempt in 2012 linked to Uzbekistan's security services, becoming a widely popular imam at several Tashkent mosques between 1992 and 1996. Fearing for his safety because of the crackdown on independent Muslims, he fled to Kazakhstan in 1998.

In 2001 his wife was arrested, ill-treated, and sentenced to seven years in prison. His stepdaughter was repeatedly detained and pressured to provide information about his whereabouts. Security service officers unlawfully detained Fahriddinov and four other men in Shymkent, Kazakhstan in November 2005 and forcibly returned them to Uzbekistan. Fahriddinov was tortured in custody, and serious due process violations marred his closed trial.

The "kitchen sink" approach with respect to the charges against him is emblematic of many current religious prisoners in Uzbekistan. Among the 22 criminal offenses brought against him were terrorism, sabotage, organization of illegal religious groups, anti-constitutional activity, and the dissemination of materials that threaten state security. Authorities further accused him of recruiting and sending young people to "terrorist" training camps in Tajikistan and Pakistan and collecting money for "Wahhabi" extremist religious sects and the Islamic Movement of Uzbekistan—all allegations which Fahriddinov firmly denied.

On September 15, 2007, the Chirchiq Criminal Court in Tashkent province convicted Fahriddinov on ten counts and sentenced him to 17 years in prison.<sup>54</sup> After his release, municipal authorities offered him a job at a window factory. The terms of his release require him to contribute 20 percent of his salary to the state.<sup>55</sup>

<sup>53</sup> "The President of Uzbekistan pardoned 113 convicts. Among them- 4 prisoners convicted for religious and political reasons," Uzbekistan, August 28, 2020. [Президент Узбекистана помиловал 113 осужденных. Среди них - 4 заключенных, осужденных по религиозным и политическим мотивам », Узбекистан, 28 августа 2020 года] <https://rus.ozodlik.org/a/30806178.html>.

<sup>54</sup> During trial, Fahriddinov's wife, who had already been released, reported to several news sources and the Initiative Group of Independent Human Rights Defenders that a police officer raped the couple's six-year-old daughter, Oysha, on March 31, 2006. Trial transcripts indicate that Fahriddinov denied involvement in any religious organizations espousing extremist ideology, and the published sentence lacked any specific evidence of Fahriddinov's guilt on any of the charges alleged. Three witnesses for the prosecution rejected their previous witness statements in court and said that investigators had intimidated them. Other witnesses on whose testimony the prosecution relied on were not called to testify and could not be cross-examined by the defense. Fahriddinov's relatives said that prison officials tortured him repeatedly in custody, including by beating him unconscious with a shovel. Other prisoners disfigured his right arm, admitting that they were forced to do this by prison guards.

<sup>55</sup> "Uzbekistan: Pardons come too late for many recipients," Eurasianet, August 28, 2020, [https://eurasianet.org/uzbekistan-pardons-come-too-late-for-many-recipients?utm\\_source=dvr.it&utm\\_medium=twitter](https://eurasianet.org/uzbekistan-pardons-come-too-late-for-many-recipients?utm_source=dvr.it&utm_medium=twitter); "Uzbekistan: Sentenced for Wahhabism – or independence?" Forum 18, October 11, 2006, [https://www.forum18.org/archive.php?article\\_id=853](https://www.forum18.org/archive.php?article_id=853).

In November 2020, Utkir Hasanboyev, deputy chairman of the Muslim Board of Uzbekistan, told this author and U.S. embassy representatives about the release of Hafizullo Nosirov earlier in 2020. In March 2000, Nosirov was convicted for being the reputed head of Hizb ut-Tahrir in Uzbekistan. In late December 2000, his brother, Habibullah Nosirov, a Hizb ut-Tahrir member imprisoned since 1999, reportedly died from injuries sustained during beatings in prison.



Yusup Kasymakhunov, 56 years old, was reportedly released from custody in Uzbekistan in December 2020 after serving eight years in prison on fabricated religious extremism charges after being kidnapped from Moscow. © Courtesy photo, Memorial.

On March 17, 2021, Memorial reported on the release of 56-year-old Yusup Kasymakhunov, who was reportedly released from prison in Uzbekistan three months earlier.<sup>56</sup> According to Memorial, Kasymakhunov was among the first convicted in a case in Russia against the organization Hizb ut-Tahrir. Like Uzbekistan, Russia has designated it a terrorist organization and banned it on its territory and in occupied Crimea. Kasymakhunov and his wife were imprisoned in Russia from 2004 until 2011 on charges of being members in the organization, but following their release, Kasymakhunov was kidnapped from Moscow in December 2012 and forcibly taken to Uzbekistan where he was imprisoned in various prisons, including Jaslyk. He spent three years in a single cell, isolated from all contact with other prisoners and the wider world. In two separate rulings, the European Court of Human Rights rebuked Russia over Kasymakhunov's forced return and kidnapping as a violation of Article 3, which prohibits states from sending a person to a country where he or she could face torture.

The release of these religious and political prisoners was not random. They are the individuals whose unlawful imprisonment the U.S. government, EU, and human rights groups had been publicly raising for years, illustrating that even in the hardest cases pressure does—eventually—work. But sustained engagement by the U.S. government, the EU, and other actors will be necessary to achieve this objective.

## INDEPENDENT MONITORING OF PRISONS

In 2018, the Human Rights Ombudsman's Office began conducting public monitoring in penal institutions that for the first time included a small group of civil society activists along with representatives of Uzbekistan's National Center for Human Rights. By 2020, this group had expanded to include the government-run NGO Yuksalish and included assessments of the level of protection against COVID-19.

This author visited two of Uzbekistan's strict-regime colonies in 2018, becoming the first international observer invited by the Ombudsman for Human Rights to examine prisons since the International Committee of the Red Cross (ICRC) stopped doing so in 2013 after years of government interference.<sup>57</sup> These visits did not constitute a formal examination of prison conditions. However, they allowed the opportunity to interview approximately 20 religious prisoners, including about the circumstances of their arrests and pre-trial detention, which revealed serious human rights concerns.

At present, the Human Rights Ombudsman Monitoring team includes human rights activists Azam Farmonov (Huquqiy Tayanch); Sayyora Khodzhaeva, Director of the NGO Institute for Democracy and Human Rights; Shukhrat Ganiev (Humanitarian Legal Centre); and Abdurakhman Tashanov (Ezgulik). The monitoring group should be expanded to include more *independent civil society activists* such as Tatyana Dovlatova and Agzam Turgunov, who have demonstrated expertise in prison and criminal justice issues and whose independent analysis would provide more information on the conditions for religious prisoners. The government should also make every effort to restore access for the ICRC to visit prisoners.

Prison officials typically allow family members to visit prisoners for up to four hours, two to four times per year. Depending on the type of prison facility, officials also permit longer visits of one to three days, two to four times per year, as well as overnight stays. But according to human rights

<sup>56</sup> "Former Russian political prisoner Yusup Kasymakhunov released from prison in Uzbekistan," [Бывший российский политзаключённый Юсуп Касымаханов освобождён из тюрьмы в Узбекистане] Memorial Human Rights Center, March 17, 2021, [https://memohrc.org/ru/news\\_old/byvshiy-rossiyskiy-politzaklyuchyonnyy-yusup-kasymakhunov-osvobozhdyon-iz-tyurmy-v](https://memohrc.org/ru/news_old/byvshiy-rossiyskiy-politzaklyuchyonnyy-yusup-kasymakhunov-osvobozhdyon-iz-tyurmy-v).

<sup>57</sup> Navbahor Imamova, "Reporters Notebook: Inside a Prison in Uzbekistan," Voice of America, February 1, 2020, <https://www.voanews.com/south-central-asia/reporters-notebook-inside-prison-uzbekistan>.

activists, during the COVID quarantine and restrictive movement measures instituted in March 2020, family members of prisoners stopped receiving mail, were restricted from visiting the prisons, and were denied telephone calls.<sup>58</sup>

## RIGHTS OF RELIGIOUS PRISONERS AND CONDITIONS OF IMPRISONMENT

Authorities state that prisoners have the right to practice any religion,<sup>59</sup> but some former prisoners interviewed for this report and current prisoners complained to family members that prison officials forbid them from observing religious rituals that conflict with the prison's schedule.<sup>60</sup> Such rituals include traditional Islamic morning prayers. While some activists reported this situation has improved, others said the restriction has continued.<sup>61</sup> Although GUIN officials told this author and U.S. embassy representatives that since 2016 prisoners are no longer forbidden to observe religious holidays,<sup>62</sup> such as Ramadan, multiple former prisoners and relatives of current religious prisoners said this was false and that fasting, among other rituals, is still not allowed.<sup>63</sup> Although some prison libraries had copies of the Qur'an and the Bible, family members continued to complain that authorities did not allow all religious prisoners access to religious materials.

Prison conditions were in some circumstances harsh and life threatening due to food shortages, gross overcrowding, physical abuse, and inadequate sanitary conditions and medical care.

Officials generally provided inmates access to poor quality potable water and food. Visiting family members often brought provisions to detained family members. According to the Ministry of Internal Affairs, prisoners are entitled to outdoor exercise during nonworking hours, psychological treatment, and safe working conditions. In addition, prisoners are eligible for salaries and other work benefits. In the event of serious illness, prisoners can receive additional telephone privileges and family visits upon a physician's advice. The rules also state that prisoners should undergo a medical examination upon request and at intervals of not more than

six months. No information on implementation of these rules was publicly available.

## TORTURE IN PRISON

Upon release, numerous and political prisoners in the last two to three years have reported being beaten and otherwise tortured and ill-treated, including being held in stress positions, while in pre-trial detention and in prison. **The vast majority of the 81 current religious prisoners profiled in this report contain credible allegations of torture or ill-treatment** while in pre-trial detention or in prison, which is discussed in detail later in the section entitled "Religious Prisoners of Concern." Nearly every prisoner on this list has credibly alleged experiencing some form of physical or psychological torture—an egregious violation of Uzbekistan's international human rights commitments under the ICCPR and Convention against Torture (CAT) in addition to numerous other binding legal obligations. While most of the torture allegations here occurred during pre-trial detention—as detailed in the following paragraphs—three examples illustrate the continuing problem of torture in prisons.

Religious prisoner **Tohir Djumanov** (b. 1963), imprisoned since 1999 on allegations of distributing Hizb ut-Tahrir literature on Articles 156, 159, 216, 242-2, 244, and 246, has had his sentence unlawfully extended on multiple occasions. Human rights activists and his relatives report that a prison official named Maruf Abdullaev tortured Djumanov on May 10, 2018, at a prison in Navoi (CEP 64/46). Authorities have never investigated Djumanov's claims of torture.

Religious prisoner **Nematullo Yakubovich Ibragimov** (b. 1963), imprisoned first in 1998 and again since 2005 on Articles 159, 244-1, 244-2 on suspicion of being a "Wahhabi," has reported to human rights groups that his sentence has been arbitrarily extended numerous times and that he has experienced torture in several prison where he has served his sentences over nearly a quarter century.<sup>64</sup> Ibragimov has served time in prisons CEP 64/29 in Navoi, CEP 64/1 in Zangiota, CEP 64/33 in Qarshi, CEP 64/25 in Karaulbazar, Bukhara, and in Zarafshan where he is believed to be at present.

<sup>58</sup> Relatives of Kadyr Yusupov, a political prisoner held in Navoi who has been punished for speaking out in support of the rights of religious prisoners, reported that they were denied several visits with him throughout the year. They also appealed to the president for his release or transfer to house arrest on humanitarian grounds, citing serious medical concerns, risks of COVID-19 exposure, and his age.

<sup>59</sup> Interview with Shukhrat Vafaev, head of the Parliamentary committee on democratic institutions and NGOs and local governance, Tashkent, November 12, 2020; Interview with Committee on Religious Affairs representative.

<sup>60</sup> Interview with "Azimjon A.," Navoi, November 6, 2020; Interview with "Shukhrat S.," Kokand, November 10, 2021; Telephone interview with relatives of Kadyr Yusupov, May 24, 2021.

<sup>61</sup> *Id.*

<sup>62</sup> Interview with Bakhrombek Adylov, head of Main Administration of the Execution of Punishments (GUIN), Tashkent, November 27, 2020.

<sup>63</sup> See e.g., Interview with Ahmadjon Madmarov, Tashkent, November 5, 2021; Interview with "Azimjon A.," Navoi, November 6, 2020; Interview with "Shukhrat S.," Kokand, November 10, 2021; Telephone interview with relatives of Kadyr Yusupov, May 24, 2021.

<sup>64</sup> Interview with Surat Ikramov and Gulnora Fayzieva, Tashkent, November 20, 2021.

**Farrukh Yuldashev** (b. 1979) 42 years old, a religious Muslim, was originally arrested in 2000 during waves of arrests of independent Muslims following the February 1999 Tashkent bombings. A Tashkent court sentenced him in 2000 to seven years' imprisonment. In 2007, before he was to be released, prison authorities arbitrarily extended his prison sentence by four years and 15 days for fabricated "violations of prison rules" (*raskrutka*). Prison authorities resented him yet again on another set of extremism charges in 2008, adding another eight years to his prison sentence. The trial took place in prison and did not meet fair trial standards. Relatives reported that he was later handed yet another sentence of five years. On June 11, 2020, Yuldashev called his family to say that he had been tortured in the Navoi prison (CEP 64/46) where he is currently detained. Relatives stated that the phone line cut off immediately after Yuldashev mentioned the word "torture." Yuldashev asked relatives to report the torture to the Office of the President through the presidential reception centers located around the country and open to the public. Dilshod Jabborov, a lawyer for the family, said that he has filed a motion for a forensic examination of his client for signs of torture, but the petition has been denied.<sup>65</sup>

Prison administration officials reported an active World Health Organization tuberculosis program in the prisons and an HIV/AIDS treatment and prevention program. International experts noted, however, that the rate of infectious diseases in prisons was not public knowledge and believed that the rates of tuberculosis and HIV/AIDS were likely higher in prisons than in the general population.<sup>66</sup> At least two religious prisoners profiled here, **Khayrullo Tursunov** and **Ibrohim Kholmatov**, have raised concerns about the development of tuberculosis in Uzbekistan's prisons.



**Ibrohim Kholmatov** (b. 1980), 41 years old, is a religious Muslim from Yangiyul, Tashkent region. Kholmatov was arrested in 2000 in what human rights groups labeled a fabricated criminal case on charges of "anti-constitutional activity" (Art. 159), "illegal formation of public associations or religious organizations" (Art. 216), and the "preparation or distribution of materials containing a threat to public security or public order" (Art. 244). According to his family and human rights advocates, Kholmatov suffered torture in detention.<sup>67</sup> He was sentenced to ten years in prison and sent to serve his sentence in a prison in Qarshi in 2001. In May 2002, following the discovery of an advanced stage of tuberculosis, authorities issued him a suspended sentence, releasing him early from prison. Eighteen years later, however, authorities have again targeted Kholmatov on strikingly similar charges, arresting him on January 8, 2020. He was charged with "terrorism" (Art. 155(1)) and once again with "illegal formation of public associations or religious organizations" (Art. 216). Relatives told human rights defenders that during his interrogations Kholmatov was held in a cell with a temperature of -10 Celsius to force his false confession. Even though Kholmatov's case was not related to any secret issues, the trial, held in September 2020, was closed to the public and reporters; even his relatives were not allowed to attend. A Tashkent court sentenced Kholmatov to four years and one-month imprisonment in an open-air resettlement colony.

Former religious prisoner Khayrullo Tursunov (b. 1975) reported to his family that he was "beaten and put under psychological pressure" by security service officers in order to extract a false confession.<sup>68</sup> Although his family reported the torture, no one has been held accountable due

<sup>65</sup> Telephone interview with Dilshod Jabborov, Tashkent, February 21, 2021;

Interview with Surat Ikramov and Gulnora Fayzieva, Tashkent, November 20, 2021.

<sup>66</sup> See U.S. Department of State, *2021 Country Reports on Human Rights Practices*, released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, March 30, 2021, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>.

<sup>67</sup> Interview with Surat Ikramov and Gulnora Fayzieva, Tashkent, November 20, 2021; Telephone interview with "Barnohon B.," Yangiyul, Tashkent region, May 15, 2021.

<sup>68</sup> Mushfig Bayram, "UZBEKISTAN: Prisoner requests meeting with sister 'maybe for last time,'" Forum 18, September 3, 2020, [https://www.forum18.org/archive.php?article\\_id=2598](https://www.forum18.org/archive.php?article_id=2598).

to the lack of investigation. Forum 18, which extensively documented human rights violations in his case, also reported concerns of Tursunov possibly being deliberately exposed to tuberculosis.<sup>69</sup> After an extensive international campaign to secure to his freedom, Uzbek authorities released him in June 2021.

Human rights activists such as Tatyana Dovlatova and the rights group Open Line have raised concerns that prison officials were not adequately addressing COVID-19-related safety measures and specifically noted that older and medically compromised prisoners were at a higher infection risk due to lack of such measures.<sup>70</sup>

## NO REHABILITATION

The releases of religious and political prisoners have raised hopes that the government is serious about religious and political reform. The number of prisoner releases over the past four and a half years stands in stark contrast with the one or two prisoners released each year on average during Karimov's reign and signals some hope that the Uzbek government could free all religious and political prisoners in Uzbekistan.

But authorities have not provided former religious and political prisoners with avenues for legal redress, including overturning unjust convictions, or access to adequate medical treatment even though many remain in terrible health due to their decades-long ordeals. They have not had their arbitrary detention and wrongful imprisonment in any way acknowledged by the authorities.

According to the Criminal Code, there are currently five ways for prisoners to be released prior to the expiration of their sentence: pardon, amnesty, acquittal, sickness, and parole.<sup>71</sup> While only acquittal gives rise to the right to rehabilitation and reparations,<sup>72</sup> all of the releases of religious and political prisoners have taken the form of pardons or amnesties, precluding rehabilitation as a matter of law. In some cases, prisoners have been asked to reaffirm their guilt or to formally ask for forgiveness, in writing, making their subsequent attempts at acquittal or rehabilitation impossible.<sup>73</sup> Many have been released conditionally.<sup>74</sup> Some were asked

to sign away their rights to compensation and other forms of reparation. Many employers are reluctant to hire former religious or political prisoners because they fear penalties or the loss of lucrative government contracts; others are not convinced that the potential employee was not a common criminal. The offers of employment sponsored by the government are often inadequate with respect to the person's qualifications and at times humiliating. Even if hired for a state-sponsored job, most former prisoners are required to contribute 20 percent of their salary to the state.<sup>75</sup>

Obtaining exonerated status after release is extremely difficult in practice, with very few released religious prisoners able to secure re-examination of their cases or gain rehabilitation. A handful of released religious prisoners, like Jahongir Kulijanov, have challenged their unjust convictions in court and received only partial legal rehabilitation. Kulijanov is currently appealing the remaining criminal articles in his case and hopes to win full rehabilitation. Akram Ikramov, a former religious prisoner imprisoned for 18 years on charges related to membership in Hizb ut-Tahrir, including at Jaslyk, also succeeded in winning rehabilitation under Article 83 of the Criminal Procedure Code.<sup>76</sup>

To date, the government has given no indication it intends to pursue a meaningful strategy of truth and reconciliation that would lead to rehabilitation of those freed or to an examination of the policies of religious repression that caused so much harm to so many citizens. A meaningful national dialogue about past abuses that includes public participation, including on cases of religious and politically motivated imprisonment, will be essential for long-term reforms to be successful.

<sup>69</sup> *Id.*

<sup>70</sup> See U.S. Department of State, *2021 Country Reports on Human Rights Practices*, released by the Bureau of Democracy, Human Rights, and Labor, U.S. Department of State, March 30, 2021, <https://www.state.gov/reports-bureau-of-democracy-human-rights-and-labor/country-reports-on-human-rights-practices/>.

<sup>71</sup> This remedy has never been applied to religious and political prisoners. See criminal code Article 163 - Cases of early release from serving a sentence, Article 18 - Article 18. Protection of rights and freedoms of citizens, <https://lex.uz/docs/163627#168609>.

<sup>72</sup> Article 301, read in conjunction with Article 83 of the Criminal Procedure Code of Uzbekistan.

<sup>73</sup> State party's replies to its list of issues, CAT/C/UZB/Q/5/Add.1, 20 September 2019 Para. 15-24, 116, <https://undocs.org/CAT/C/UZB/Q/5/ADD.1>

<sup>74</sup> "Uzbekistan: Release and Rehabilitate Political Prisoners," Human Rights Watch, November 17, 2018, <https://www.hrw.org/news/2018/11/17/uzbekistan-release-and-rehabilitate-political-prisoners>.

<sup>75</sup> Decree 'On the pardon of a group of people serving a prison sentence, who have sincerely repented of what they did and have firmly embarked on the path of correction,' <http://uza.uz/ru/documents/ukazom-prezidenta-pomilovany-113-grazhdan-27-08-2020>, accessed April 16, 2021.

<sup>76</sup> Interview with Ahmadjon Madmarov, Tashkent, Uzbekistan, November 9, 2020.

# RELIGIOUS PRISONERS OF CONCERN



Usman Darvyshov © Courtesy photo, family

1. **Usman Darvyshov** (b. 1963), 57 years old, a religious Muslim and resident of Namangan, worked as a boxing coach at an athletics school. On February 18, 2009, Uzbek security services detained him as he was returning home. Initially, they charged him with “petty hooliganism” and sentenced him to 15 days’ administrative arrest. During his detention security services officers took him into custody to the Namangan region security services pre-trial detention center where they accused him of being an “extremist.” Authorities charged Darvyshov with spurious allegations of “incitement of national, racial, ethnic, and religious hatred” (Art. 156), “attempts to overthrow the constitutional order” (Art. 159), “organizing a criminal group” (Art. 242), and “creation, leadership of, participation in religious extremist, separatist, fundamentalist, or other banned organizations” (Art. 244-2). Darvyshov’s son, Umarkhon Yokubjonov, testified that security service officers, including an officer named Shohnazar, tortured Darvyshov in detention to obtain a false confession. Darvyshov was sentenced to 16 years’ imprisonment following a closed trial that lacked due process. In 2018, having served nine years in a Qarshi prison, Darvyshov was transferred to an open-air prison resettlement colony.
2. **Fayzulla Saidkarimovich Agzamov** (b. 1969), 42 years old, was arrested in 2001 on charges related to “attempts to overthrow the Constitutional order” (Art. 159) and membership in a banned organization (Art. 244) and was sentenced to 17 years’ imprisonment. Human rights activists report that authorities targeted Agzamov simply because he fit the profile of an observant Muslim who practices his religion outside the strict controls imposed by the government. In the ensuing two decades, Uzbek authorities have detained and imprisoned several of Agzamov’s relatives, including his wife and son, on similar charges, though all but Agzamov have now been released. In 2014, less than three years before he was to be released, authorities charged him anew in prison, adding an additional 16.5 years to his sentence. Relatives allege that authorities subjected Agzamov to torture earlier in the course of his imprisonment. If Agzamov serves out his entire term he will be released in 2030. According to the latest information from Agzamov’s family, he is currently serving his sentence in a strict prison colony in Karaulbazar, Bukhara (CEP 17).
3. **Tohir Djumanov** (b. 1963), 57 years old, was arrested on August 6, 1999, in Tashkent on allegations of distributing Hizb ut-Tahrir literature. A Sirdaryo region court sentenced him to 10 years’ imprisonment on various criminal statutes, including Articles 156, 159, 216, 242-2, 244, and 246. Djumanov has had his sentence unlawfully extended on multiple occasions. The first occasion was in 2009 when his sentence was extended arbitrarily under Article 221 for “violations of the prison regime” at Zarafshon prison (CEP 64/48) for which he received an additional three years and seven days of imprisonment. As his term was expiring in 2012, officials in his Qarshi prison colony sentenced him to another ten years. Human rights activists and his relatives report that a prison official named Maruf Abdullaev tortured Djumanov on May 10, 2018, at a prison in Navoi (CEP 64/46). Authorities have never investigated Djumanov’s claims of torture.
4. **Ravshan Kosimov** is a soldier who studied on an exchange program at the U.S. military academy West Point. In 2008, security services arrested and tortured him while interrogating him on allegations of “religious extremism.” According to Ravshan’s mother, Malika Kosimova, security services singled him out because he was an observant Muslim who kept a copy of the Qur’an in his possessions. After detaining him, officials threatened to imprison him on charges of “unconstitutional activity” (Art. 159) before switching to a charge of treason (Art. 157). Kosimova states that Kosimov was tortured brutally during pre-trial detention to force a false confession.

Kosimova and her husband's attorney Sergei Mayorov report that authorities have manufactured various "violations of prison rules" on numerous occasions to render Kosimov ineligible for amnesty or release. His current term of imprisonment expires in 2023. Kosimova also states that prison officials at Kosimov's open-air resettlement colony in Piskent (RC 50) cited him in 2020 on false grounds that she fears will serve as a pretext for his transfer back to a stricter, closed prison colony. Mayorov believes authorities may be retaliating against Kosimov because he testified in recent years as a witness against officials accused of torture in another case, where the defendant was seeking rehabilitation. "They probably want to finish him off," Kosimova said.



Avaz Tokhtakhodjaev © Courtesy Photo, Private

5. **Avaz Abduvakhovich Tokhtakhodjaev** (b. 1949), 72 years old, is an economist. Security service agents arrested him at his home in Tashkent on November 26, 1999, on suspicion of membership in Hizb ut-Tahrir and conducted a search of his home without a warrant. Security service officers charged him under Articles 156, 159, 216, 244-1, 244-2, 246. During his pre-trial detention, security service officers subjected Tokhtakhodjaev to extensive torture to secure a false confession. Among other methods, security service officers beat Tokhtakhodjaev with a rubber truncheon until he lost consciousness. In March 2000, the Tashkent region court sentenced him to 13 years in prison. Using various false pretexts, prison authorities have arbitrarily extended Tokhtakhodjaev's sentence five times (in 2001, 2002, 2004, 2007, and 2013), adding more than 12 years to his original sentence and rendering him ineligible for release under amnesty. In prison for 22 years and counting, Tokhtakhodjaev has served time in prisons in Navoi, Andijan, and Bukhara and has suffered numerous health ailments including a stroke in August 2018.

6. **Umar Badalov** (b. 1978), 43 years old, a resident of Tashkent and pious Muslim, was originally arrested at age 21 on March 4, 1999, in the wave of arrests following the February 1999 Tashkent bombings and sentenced on August 6, 1999, by the Jizzakh region court to 17 years in prison on charges of possession of extremist literature (Art. 244) and other charges of "religious extremism." During his pre-trial detention, security services personnel brutally tortured him, pulling off fingernails and toenails. Badalov was released under an amnesty issued in 2003. Following his release, police and security services monitored him closely and, according to the Initiative Group of Independent Human Rights Defenders, planned to arrest him in connection with an explosion outside a Tashkent mosque in 2015—despite the fact that numerous witnesses said they saw Badalov and his wife at a maternity hospital 22 miles away at the time of the explosion. According to his family, following his release from prison in 2003, he had entirely cut off contact with other religious Muslims, prayed only at home, and avoided all mosque attendance. Badalov then worked as a migrant worker in Moscow, Russia on construction sites for many years. After two coworkers moved to the Middle East on unclear grounds, Uzbek security services began to show interest in him once again. On January 19, 2017, authorities arrested Badalov on his return to Tashkent international airport on suspicion of involvement in religious extremism, and he has been detained or imprisoned ever since.



Nematullo Ibragimov © Courtesy Photo, Private

7. **Nematullo Yakubovich Ibragimov** (b. 1963), 57 years old, a resident of Namangan, was originally arrested and sentenced in 1998 on various charges, including Articles 159, 242, 248. At the time of arrest police accused him

of being a “Wahhabi” because he was a pious Muslim. Ibragimov served his sentence until his release under an amnesty issued in 2004, along with a large group of religious prisoners. Authorities arrested Ibragimov again following the May 2005 Andijan massacre in another wave of mass arrests of suspected “extremists” and sentenced him to six years’ imprisonment on similar charges (Arts. 159, 244-1, 244-2). In 2011, just one month prior to his release, officials *resentenced* him a third time on charges of Art. 159, 244-1, 244-2 for an additional ten years, extending his sentence through 2021. Relatives have reported to human rights defenders that Ibragimov has been tortured in several of the prisons where he served his sentences and that his trials occurred with serious due process violations. They also report that Ibragimov is at risk of having his prison term extended yet again on arbitrary grounds. Ibragimov has served time in prisons 64/29 in Navoi, 64/1 Zangiota, 64/33 Qarshi, 64/25 Karaulbazar, Bukhara, and in Zarafshan, where he is believed to be at present.

8. **Muhammad Abdukarimovich Rashidov** (b. 1985), 36 years old, is a Tashkent resident who was arrested in 2018 along with four of his relatives on trumped-up charges of religious extremism. A Tashkent city court sentenced all five defendants on July 9, 2018. While the other four defendants were released on suspended sentences or confined to house detention, Rashidov was given eight years in prison. Human rights defenders who attended the trial reported that the prosecution failed to present any credible evidence of criminal behavior.
9. **Sanat Sunnataliyevich Salimov** (b. 1992), 28 years old, is a resident of Navoi who was working as a migrant worker in Russia until he was arrested after a return flight to Uzbekistan. Salimov was sentenced in April 2016 to seven years in prison. Police from the Navoi Department of Internal Affairs Division of Terrorism and Extremism detained him after allegedly discovering Arabic songs on his mobile phone. Police detained him first on administrative charges before charging him criminally for religious extremism. Human rights defenders and relatives report that during Salimov’s pre-trial detention in Navoi several police officers put a sack over his head and beat him unconscious. They tied a water bottle to his genitalia and beat him with rubber truncheons. They also applied electric shocks to his hands and feet. During his interrogation by the police, they also threatened to rape his sister. Human rights advocates state that Salimov’s prosecution lacked any evidence of Salimov’s guilt or connection to violence; instead, it rested entirely on Arabic-language songs discovered on Salimov’s telephone,

which Salimov says were falsified by security services officers in Navoi.

10. **Jahongir Djaparovich Kamolov** (b. 1975), 41 years old, was arrested on May 18, 2000, by police in Tashkent on suspicion of membership in Hizb ut-Tahrir. He was tortured during pre-trial detention. Human rights activists report that the police fabricated the allegations and case against him. On September 22, 2000, a Tashkent court sentenced him to 16 years’ imprisonment under Articles 159, 216, and 244-1. Although his sentence was reduced on appeal to ten years, authorities added eight years to his sentence on false charges with just two years left on his sentence for alleged “violations of prison rules” (Art. 221). In August 2016, citing Kamolov for “not fixing his bed,” prison officials in Navoi extended his sentence for another four years and seven months. Kamolov’s relatives told human rights defenders that he has been tortured in several prisons where he has served time.
11. **Ibrohim Tojiakhmatovich Kholmatov** (b. 1980), 41 years old, is a religious Muslim from Yangiyul, Tashkent region. Kholmatov earlier was arrested in 2000 in what human rights groups labeled a fabricated criminal case on charges of “anti-constitutional activity” (Art. 159), “illegal formation of public associations or religious organizations” (Art. 216), “preparation or distribution of materials containing a threat to public security or public order” (Art. 244). According to his family and human rights advocates, Kholmatov suffered torture in detention. He was sentenced to ten years in prison and sent to serve his sentence at a prison in Qarshi in 2001. In May 2002, following the discovery of an advanced stage of tuberculosis, authorities issued him a suspended sentence, releasing him early from prison. Eighteen years later, however, authorities have again targeted Kholmatov on strikingly similar charges, arresting him on January 8, 2020. He was charged with “terrorism” (Art. 155(1)) and once again with “illegal formation of public associations or religious organizations” (Art. 216). Relatives told human rights defenders that during his interrogations Kholmatov was held in a cell with a temperature of -10 Celsius to force his false confession. Even though Kholmatov’s case was not related to any secret issues, the trial, held in September 2020, was closed to the public and reporters; even his relatives were not allowed to attend. A Tashkent court sentenced Kholmatov to four years and one month of imprisonment in an open-air resettlement colony.
12. **Alisher Muminov** (b. 1986), 35 years old, a resident of Margilon and pious Muslim, was arrested in Tashkent on March 26, 2016, and charged with violations of Articles

159(1), 159(3), and Article 244 for allegedly distributing banned religious literature, among other allegations. Muminov was working as a shoemaker in Tashkent when he met a woman online on the website [Odnoklassniki.ru](http://odnoklassniki.ru) and began corresponding with her. According to Muminov's relatives, the woman was working on behalf of the security services and specifically aimed to elicit Alisher's opinions on Islam. The two had a series of telephone conversations during which the woman questioned him on his views on an Islamic caliphate, the Islamic State, and the war in Syria. Muminov's relatives said that in one conversation the woman asked him: "Aren't you going to go fight in Syria?" The woman then set up a time and date to meet Muminov in person: March 26, 2016. When Muminov arrived at the meeting place security services were waiting there to detain him. Some of the evidence security services alleged to be "extremist" found in Muminov's phone were poems of the popular religious figure, poet, and sportscaster Hayrullo Hamidov (himself imprisoned for extremism between 2010 and 2015) and recordings of the popular imam Abdulloh Domla. Muminov told relatives he was forced to sign a confession and was not provided access to a lawyer. Following a closed trial, Muminov was initially sentenced to 15 years, which was reduced after intervention by the Office of the Ombudsperson for Human Rights to a shorter sentence of seven and a half years. Muminov has served prison time in Jaslyk (2016–2019), followed by the Pap prison in Namangan and is currently serving out his sentence in the Hasanboy resettlement colony.

Forum 18 reported that **Alisher Kasymov** (b. 1986), **Shakhzodjon Zokirov** (b. 1999), **Javokhir Akhmedov** (b. 1996), **Ubaydulla Murtazoyev** (b. 1996), **Azimjon Abdusamatov** (b. 2000), **Bakhodyr Jokhonov** (b. 2000), **Abdulboriy Abdurakhmonzoda** (b. 2000), and **Bakhtiyor Tursunov** (b. 1997) were all arrested in **August and September 2019** on religiously motivated charges of allegedly downloading "extremist sermons" and other religious extremism-related offences and were put together on trial that resulted in sentences of varying length. The court jailed five of the men for up to **11 and a half years**. The other three were given restricted freedom sentences, during which among other restrictions they are under a curfew each night, they cannot drive, cannot use the internet or other means of communication, cannot visit places of entertainment or attend public events, and cannot contact persons "inclined toward committing crimes or those being prosecuted."

13. **Alisher Kasymov** (b. 1986), 35 years old, was imprisoned for a term of 11 and a half years under Articles 244-2 and

155-3 for allegedly participating in religious extremist, separatist, fundamentalist, or other banned organizations and for "financing terrorism."

14. **Shakhzodjon Zokirov** (b. 1999), 21 years old, was imprisoned for a term of seven and a half years under Articles 244-2, 155-3, and 159-1 for allegedly participating in religious extremist organizations, attempting to "change the constitutional order," undergoing training to be a terrorist, and "carrying out acts of terrorism."
15. **Javokhir Akhmedov** (b. 1996), 24 years old, was charged under criminal code Articles 244-2 and 244-1 for allegedly producing and storing materials containing ideas of religious extremism.
16. **Ubaydulla Murtazoyev** (b. 1996), 25 years old, was arrested on September 5, 2019, and charged with violations under Articles 159-1, 159-3, 244-1, and 244-2. Forum 18 reports that police detained Murtazoyev for allegedly storing with the purpose of distributing materials that contain ideas of religious extremism and was sentenced to ten years and six months in a prison or resettlement colony in the Tashkent region.
17. **Azimjon Abdusamatov** (b. 2000), 21 years old, was arrested on August 14, 2020, in the courtroom immediately after his trial ended. He was sentenced to six years and three months in a labor camp in Tashkent under Articles 244-2 and 159-1 for allegedly possessing and producing for the purpose of distributing materials that contain ideals of religious extremism and for "attempting to change the constitutional order."
18. **Bakhodir Jakhonov** (b. 1999), 21 years old, was given "restricted freedom" for four years and three months and was convicted under criminal code Article 244-2.
19. **Abdulboriy Abdurakhmonzoda** (b. 2000) was given restricted freedom for four years and was convicted under criminal code Articles 241 and 155-1 for allegedly withholding information on terrorist acts. The restricted freedom means that between 9 a.m. to 7 a.m. he must stay home, is banned from attending any entertainment centers, attending public events, using public transportation, driving vehicles, and using the internet or other communication platforms.
20. **Bakhtiyor Tursunov** (b. 1997), 24 years old, was imprisoned on September 5, 2019, for a term of seven and a half years. He is being held in a labor camp in Tashkent. He was detained under Articles 244-2, 244-1, and Article 159 for allegedly possessing and producing for the purpose of distributing materials that contain ideals of religious extremism and for "attempting to change the

constitutional order,” which is considered high treason and espionage according to Uzbek criminal codes.

Forum 18 has reported on numerous other cases of independent Muslims jailed on religion and extremism related charges, including the arrest of several men in January 2020 who met to discuss Islam, including **Ravshan Igamberdiyev, Iskandar Iskandarov, Akbar Absalov, and Fariduddin Abduvokhidov**. Prosecutors charged those arrested with violations of Article 244-1 (“Production, storage, distribution or display of materials containing a threat to public security and public order”), Article 244-2 (“Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organizations”), and Article 155 (“Terrorism”) and tried them in September 2020. Among those arrested and sentenced were:

21. **Ravshan Igamberdiyev** (b. 1987), who received three years and two months of a restricted sentence under Articles 155-3 Part 1 and Part 2, 244-1 Part 3 Point (d), and 244-2 Part 1.
22. **Iskandar Iskandarov** (b. 1988), 33 years old, who was sentenced for four years under criminal code Articles 155-3, 244-1, and 244-2
23. **Akbar Absalov** (b. 1987) 34 years old, who was sentenced for four years under criminal code Articles 155-3, 244-1, and 244-2
24. **Fariduddin Abduvokhidov** (b. 1994), 25 years old, who was sentenced for 11 years under criminal code Articles 155-3 and 228.
25. **Murodjon Tohirjonovich Khayitov** (b. 1984), 37 years old, is an observant Muslim and a resident of Andijan, who was arrested in 2009 on fabricated charges of religious extremism simply for the peaceful exercise of his religious beliefs. In 2009, the Andijan region court sentenced him on extremism charges, including Articles 155, 156, 159, 242, 244-1 and 244-2, to 15 years in prison. Relatives reported that he has spent time in prison in Koson in the southern Qashqadaryo region (colony for the execution of punishments (CEP) 64/51) and as of March 2018 has been transferred to a resettlement colony in the Zafarobod district of the Jizzakh region.
26. **Farrukh Yuldashev** (b. 1979), 42 years old, a religious Muslim, was originally arrested in 2000 during waves of arrests of independent Muslims following the February 1999 Tashkent bombings. A Tashkent court sentenced him in 2000 to seven years’ imprisonment. In 2007, before he was to be released, prison authorities arbitrarily extended his prison sentence by four years and 15 days for trumped-up “violations of prison rules” (*raskrutka*). Prison authorities *resentenced* him yet again on another set of extremism charges in 2008, adding another eight years to his prison sentence. The trial took place in prison and did not meet fair trial standards. Relatives reported that he was later handed yet another sentence of five years. On June 11, 2020, Yuldashev called his family to say that he had been tortured in the Navoi prison (CEP 64/46) where he is currently detained. Relatives stated that the phone line cut off immediately after Yuldashev mentioned the word “torture.” Yuldashev asked relatives to report the torture to the Office of the President through the presidential reception centers located around the country and open to the public. Dilshod Jabborov, a lawyer for the family, said that he has filed a motion for a forensic examination of his client for signs of torture, but the petition has been denied.
27. **Muhamadjon Akmaljon ogly Akhmadjonov** (b. 1992), 29 years old, is a religious Muslim and the son of a religious prisoner, Nasiba Usmonova, who along with her relatives was charged with membership in the *Jihadchilar* (“Jihadists”), which Uzbek authorities characterize as a banned extremist organization. Uzbek authorities sought Akhmadjonov’s extradition from the United Arab Emirates and then later from Azerbaijan, and he was returned in 2017. On May 20, 2017, a court sentenced Akhmadjonov on charges of possession of extremist literature (Articles 219, 244-1, and 244-2) to 13 years’ imprisonment.
28. **Akbar Saidakhmedovich Ikramov** (b. 1981), 40 years old, was convicted on April 17, 2000, by the Margilon city court under Articles 159, 216, and 244 to a term of eight years in prison for no reason other than his peaceful exercise of his religious beliefs. On February 18, 2008, just two months before his sentence was set to expire, the Navoi region court resentenced him under Article 159 to another six years and six days. Then on August 15, 2008, the Navoi region court resentenced him yet again under Articles 159, 242, and 244 for a term of 17 years. In order to lengthen Ikramov’s sentence, the court applied Article 34 to his case, labeling him a “dangerous recidivist,” despite the fact that Ikramov’s resentencing was based on an entirely fabricated case. Ikramov is currently being held in prison (CEP 11) in Navoi.
29. **Miraziz Goziboevich Mirzakhmedov** (b. 1970), 51 years old, was convicted on June 5, 2000, by the Tashkent region court under Articles 159, 216, and 244 for a term of 13 years as part of massive sweeps of religious Muslims following the February 1999 Tashkent bombings. Mirzakhmedov was then resentenced on August 15, 2008,

- by the Navoi region court under Articles 159, 242, and 244 for 17 years. He is currently being held in prison (CEP 6) in Chirchiq, Tashkent region.
30. **Ravshan Rakhimzhanovich Karimov** (b. 1973), 48 years old, was convicted on May 22, 2000, by the Tashkent city court under Articles 159, 216, and 244 and sentenced to a term of 13 years' imprisonment. Authorities targeted Karimov based on a suspicion that he was a member of Hizb ut-Tahrir without any evidence of his involvement in violence or other criminal activity. The Navoi region court resented Karimov on August 15, 2008, under Articles 159, 242, and 244 to another 16 years and six months. Relatives report that Karimov is currently being held in prison (CEP 12) in Zarafshon.
  31. **Jamshidbek Iboydullaevich Atabekov** (b. 1973), 48 years old, is a religious Muslim who was convicted on March 30, 1998, by the Jizzakh city court under Article 276 and again on July 3, 1999, by the Jizzakh region court under Articles 159, 248, and 276 to a period of 11 years' imprisonment. Human rights defenders report that his criminal case was entirely fabricated. The Navoi region court resented him on August 15, 2008, under Articles 159, 242, and 244 for a period of 16 years and six months. He is currently being held in the Qashqadaryo region in prison (CEP 10) in Koson.
  32. **Shamsiddin Fazlitdinovich Giyasov** (b. 1983), 38 years old, is a religious Muslim who was convicted on January 4, 2002, by the Tashkent city court under Articles 159 and 244 for six years and six months. Giyasov's family reports that he was targeted for no other reason than the peaceful exercise of his religious beliefs. He was resented on September 12, 2007, by the Navoi region court under Articles 159 for six years and nine months. Giyasov was resented again on August 15, 2008, by the Navoi region court under Articles 159, 242, and 244 for another 17 years. Human rights defenders report that he is currently being held at a resettlement colony in Ohangaron.
  33. **Rustam Akhmedovich Nosirov** (b. 1967), 54 years old, is a religious Muslim targeted for arrest based on his outward religiosity. The Chinaz district court convicted Nosirov on September 30, 1998, under Article 109 for a period of two years and then convicted again on January 25, 2000, by the Chinaz district court in the Tashkent region under Articles 159, 216, and 244 to nine years' imprisonment. Nosirov was resented yet again on August 15, 2008, by the Navoi region court under Articles 159, 242, and 244 to a term of 16 years and three months. He is currently being held in prison (CEP 14) in Olmaliq.
  34. **Turnazar Mukhammadievich Boymatov** (b. 1973), 48 years old, was convicted on March 27, 2000, in the Surkhandaryo region by the court under Articles 159 and 244 for a period of nine years. He was resented on August 15, 2008, by the Navoi region court under Articles 159, 242, and 244 for a period of 16 years and three months. According to human rights defenders and relatives, the court applied Article 34 to declare him a "recidivist" and thus lengthen his term of imprisonment. Boymatov's current whereabouts are not known.
  35. **Zabikhullo Khairullaevich Muminov** (b. 1968), 53 years old, is a religious Muslim originally arrested in 1999 in the aftermath of the Tashkent bombings. His family reported that police fabricated a case against him because he was a pious Muslim. The Tashkent city court convicted him on October 12, 1999, under Articles 159 and 216 to 11 years. The Navoi region court resented him on August 15, 2008, under Articles 159, 242, and 244 to another 16 years and six months. Muminov is currently imprisoned, but his exact whereabouts are not known.
  36. **Mashrap Farkhodovich Rabiev** (b. 1981), 40 years old, is a peaceful religious believer who was sentenced on May 20, 2003, by a court in the Surkhandaryo region under Articles 159 and 244 to a prison term of nine years. The Navoi region court resented him on August 15, 2008, applying Articles 159, 242, and 244 for an additional prison term of 17 years. At the present, relatives report that he is being held at CEP 10 in Koson in the Qashqadaryo region.
  37. **Murod Khalilovich Muminov** (b.1971), 50 years old, was convicted on September 18, 2002, by a Tashkent city court under Articles 159 and 244 for a period of 11 years. Along with other peaceful religious believers in this list, the Navoi region court resented him to another 16 years and six months on August 15, 2008. Human rights defenders report that there is no evidence of his involvement in any criminal activity. His current whereabouts in prison are unknown.
  38. **Nomoz Uralovich Normurodov** (b.1974), 47 years old, is a peaceful religious believer who was sentenced on July 13, 2000, by the Surkhandaryo region court under Articles 159, 244, and 248 for a period of 11 years' imprisonment. He was resented on September 17, 2008, by the Navoi region court under Articles 159, 242, and 244 for an additional 17 years. He is currently being held in custody at Koson CEP 10 of the Qashqadaryo region.
  39. **Bakhromjon Umarjonovich Inogomov** (b. 1981), 40 years old, is a peaceful religious believer who was convicted on May 1, 2001, by the Tashkent city district court under

Articles 159 and 244 to a term of 11 years. Inogomov was resentenced on September 17, 2008, by the Navoi region court under Articles 159, 242, and 244 to an additional 18 years following a closed trial with numerous due process violations. He is currently being held at CEP 14 in Olmaliq in the Tashkent region.

40. **Shukhrat Erkinovich Usmanov** (b.1976), 45 years old, is a peaceful religious believer who was sentenced on May 21, 1999, by the Tashkent region court under Articles 159, 216, and 244 to 12 years' imprisonment. Usmanov was resentenced on September 17, 2008, by the Navoi region court under Articles 159, 242, and 244 for an additional 18 years. Usmanov's current whereabouts in prison are unknown.
41. **Erkinjon Rakhimjonovich Oripov** (b. 1974), 47 years old, was convicted on August 8, 2000, by Tashkent's Shaykhontakhur district court under Articles 159, 216, and 244 for a period of nine years. Human rights defenders report that Oripov was arbitrarily detained by police because of his reputation as a pious Muslim in the community and that he was never involved with any criminal or extremist activity. Oripov was resentenced in a closed trial in prison on September 17, 2008, by the Navoi region court under Articles 159, 242, and 244 for an additional period of 18 years. He is currently imprisoned, but his whereabouts are unknown.
42. **Abror Abduganievich Akhmedov** (b. 1976), 45 years old, is a religious Muslim. On January 23, 2003, the Qashqadaryo region court sentenced him to seven years' imprisonment under Articles 159 and 244. Despite no evidence of involvement in criminal activity prior to his 2003 arrest or while in prison, the Navoi region court resentenced him on September 17, 2008, under Articles 159, 242, and 244 to an additional 18 years, applying Article 34 to lengthen his sentence. His current whereabouts in prison are unknown.
43. **Dilrukh Isakov** (b.1973), 48 years old, was convicted on March 2, 2004, by the Sabir Rakhimov district court in Tashkent under Articles 159 and 244 for six years. Isakov is a peaceful religious believer targeted for arrest because of suspicion in the banned Hizb ut-Tahrir organization. Following a closed trial that occurred in prison without meaningful access to counsel the Navoi region court resentenced him on September 17, 2008, under Articles 159, 242, and 244 to an additional 18 years' imprisonment. His current whereabouts in prison are unknown.
44. **Nabijon Mamadaminovich Valiev** (b. 1967 – deceased) was convicted on August 3, 1999, by the Fergana region court under Articles 159, 216, 242, and 244 for a term of 16 years. On September 17, 2008, the Navoi region court resentenced him under Articles 159, 242, and 244 to an additional seven years. Human rights activists reported that Valiev died as a result of torture in 2012 in the Qashqadaryo pre-trial detention facility. Relatives reported that Valiev was buried in Margilon in the presence of employees of the Ministry of Internal Affairs.
45. **Abdulkhomid Kurbonalievich Allaberdiev** (b.1972), 42 years old, is a peaceful religious believer. On February 8, 2001, he was sentenced by the Surkhandaryo region court under Articles 159 and 244 to a term of imprisonment of 12 years. Along with other religious prisoners, Allaberdiev was resentenced on September 17, 2008, by the Navoi region court under Articles 159 and 244 to an additional 17 years. Allaberdiev's current whereabouts are unknown.
46. **Mukhiddin Musaevich Jalolov** (b. 1975), 46 years old, is a religious Muslim arrested in the wake of mass arrests of Muslims following terrorist attacks in Tashkent in February 1999. He was convicted on December 29, 1999, by the Namangan region court under Articles 156 and 244 for the period of ten years. He was resentenced on September 17, 2008, by the Navoi region court under Articles 159 and 244 for 18 years. He is currently imprisoned, but his whereabouts are unknown.
47. **Bakhtiyor Muratovich Sharipov** (b. 1974), 47 years old, is a peaceful religious believer arrested in 2002 on religiously motivated grounds in what rights activist say was a fabricated case. On May 18, 2002, the Fergana region court sentenced him under Articles 159 and 244 to a period of ten years' imprisonment. Along with many other religious prisoners in this list, human rights defenders reported that prison authorities were determined to keep him indefinitely imprisoned and fabricated new charges against him again under Articles 159 and 244 for allegedly forming an extremist group while in prison. Lacking meaningful access to counsel during this second trial, which occurred in prison, Sharipov was resentenced by the Navoi region court on September 17, 2008, to an additional 17 years behind bars. His current whereabouts in prison are unknown.
48. **Rakhmatjon Khusanovich Ernazarov** (b. 1974), 47 years old, was sentenced on September 12, 2000, by the Fergana city court to nine years' imprisonment following a trial that included numerous due process violations. As with many Muslim religious prisoners, Ernazarov was resentenced on what appear to be specious charges. The Navoi region court applied Article 221 for "violations of prison rules" to lengthen his prison term by an additional

- six years and two months. The Navoi region court resented him yet again on September 17, 2008, under Articles 159, 242, and 244 for an additional 18 years in prison. Ernazarov's current whereabouts in prison are unknown.
49. **Mukhammadjon Khabibullaevich Ibadullaev** (b. 1970), 51 years old, is a religious believer and a medical surgeon originally sentenced sometime between 2000 and 2003. According to human rights defenders, he was arrested on religiously motivated charges. He was resented for no reason other than the peaceful exercise of his religious beliefs in prison, receiving an additional term of 19 years in August 2008 from the Tashkent city court. Human rights activists report that he is currently held in Karaulbazar (CEP 17) in the Bukhara region.
50. **Ravshan Ochilov** (b. 1978), 43 years old, was arrested between 2000 and 2001. Ochilov is a peaceful religious believer who relatives say was targeted for arrest on suspicion of membership in Hizb ut-Tahrir. There is no credible evidence of his involvement in criminal activity. The Qashqadaryo region court resented him to an additional 19 years' imprisonment in August 2008, applying Article 34 to award a lengthier sentence. Ochilov's current whereabouts in prison are unknown.
51. **Umid Boltaboev** (b. 1980), 41 years old, was originally arrested on fabricated charges related to his religious belief in 2000 or 2001. Human rights defenders report that he was subjected to religiously motivated resentencing by the Fergana region court in August 2008, adding 17 years' imprisonment to his sentence. Boltaboev's current whereabouts in prison are unknown.
52. **Umar Nishonbaev** (b. 1966), 55 years old, is a peaceful religious believer originally arrested in 2000 or 2001. Aiming to prevent his release along with other religious prisoners, prison authorities manufactured charges against him in August 2008, and he was resented by Tashkent region court in Chinaz to an additional five years and six months. As of 2019, Nishonbaev was being held at CEP 64/46 in Navoi.
53. **Jamoliddin Khaidarov** (b. 1973), 48 years old, is a peaceful religious believer imprisoned since 2000 or 2001. He was resented on fabricated grounds to an additional 16-year term by the Surkhandaryo region court prior to his release. Khaidarov's current whereabouts in prison are unknown.
54. **Abduvohid Ishmuratov** (b. 1969), 52 years old, imprisoned since 2000 or 2001, was resented on fabricated charges to an additional 16 years by the Chinaz city court in the Tashkent region in August 2008. Ishmuratov's current whereabouts in prison are unknown.
55. **Olim Mirzaev** (b. 1980), is a 41-year-old religious prisoner behind bars since 2001 or 2002. Human rights defenders report that his arrest was trumped up and fabricated because he was a pious Muslim. To prevent his release from prison, authorities manufactured charges against him in prison, and the Tashkent region court resented him to an additional term of 17 years in August 2008. Mirzaev is currently imprisoned in CEP 10 in Koson in the Qashqadaryo region.
56. **Dilmurod Kholmurodovich Tuleev** (b. 1975), 46 years old, is a religious prisoner behind bars since 2000 or 2001 on religiously motivated charges. Human rights activists report that the Qashqadaryo region court resented Tuleev in August 2008 to an additional 16-year prison term. Tuleev's current whereabouts in prison are unknown.
57. **Ismon Tobakelovich Usinbaev** (b. 1977), 44 years old, was resented by the Fergana region in August of 2008 for 14 years. He is currently imprisoned, but his whereabouts are unknown.
58. **Muhammadamin Hamdamovich Abdurazzokov** (b. 1974), 47 years old, was convicted on June 19, 1999, by the Fergana region court under Articles 159, 242, and 244 to 14 years' imprisonment in what appear to be orchestrated charges in retaliation for his identity as a pious religious Muslim. In 2013, applying Article 221 ("violations of prison rules") authorities added four years to his sentence in CEP 64. This practice was repeated in 2017, just prior to his release, when authorities used Article 221 to add another three years to his prison term in Olmaliq. Authorities resented Abdurazzokov once again in 2020, applying Articles 159 and 244 to add another nine years to his sentence at Navoi prison (CEP 11), where he is believed to be currently held. Abdurazzokov's full sentence amounts to 30 years.
59. **Ikromjon Yardamjonovich Akhmajonov** (b. 1972), 49 years old, is a peaceful religious believer. In 1999, the Margilon city court sentenced him to nine years' imprisonment under Articles 159, 242, and 244. Released under an amnesty in 2002, Akhmajonov was arrested and sentenced in 2004 by the Fergana region court under Articles 159, 242, and 244 to 11 years' imprisonment. While detained in CEP 17 in Bukhara, authorities resented him in 2011 under Articles 159, 242, and 244 to an additional 13 years. Akhmajonov is currently held in CEP 10 in Koson in the Qashqadaryo region.

60. **Azizjon Salimjonovich Bannopov** (b. 1967), 54 years old, was convicted in 2001 by the Margilon city court under Articles 159 and 244 to nine years in prison. Bannopov was resentenced on fabricated charges in 2008 for a period of seven years and then again in 2017 to another five years. He is currently being held in CEP 14 in Olmaliq in the Tashkent region.
61. **Odilkhoja Dadakhojaev** (b. 1969), 52 years old, is a peaceful religious believer originally convicted in 2000 by the Margilon city court under Articles 159 and 244 for a period of six years on what appeared to be trumped-up charges in retaliation for his religious beliefs. Dadakhojaev was resentenced in 2008 to another 16 years and is currently held in CEP 10 in Koson.
62. **Akrom Kamolovich Zokirov** (b. 1981), 40 years old, was convicted in 2000 in the Margilon city court to 20 years' imprisonment. Released religious prisoners reported that he was tortured in prison and that the cases against him were brought solely because he is a religious Muslim. Zokirov was resentenced to an additional 18-year sentence in 2009. Zokirov is currently held in CEP 64/25 in Karaulbazar in the Bukhara region.
63. **Kobiljon Malikovich Zokirov** (b. N/A), a peaceful religious believer, was sentenced in 2000 by the Andijan city court under Articles 156, 158, 159, 216, and 244 to 17 years' imprisonment. He was resentenced along with eight others by the Tashkent region court in 2010 to an additional 12 years and eight months behind bars. Zokirov is currently held in CEP 64/25 Karaulbazar in the Bukhara region.
64. **Ibrokhimjon Akhtamovich Isaboev** (b. 1973), 48 years old, was arrested and then convicted in late 2000 by the Margilon city court under Articles 159 and 244 for a period of 11 years. Relatives told human rights defenders that Isaboev was not involved in any criminal activity. Rather, he appeared to be targeted by security services because he fit the profile of a religious believer whom authorities sought to detain purely based on his religious identity. Rather than releasing him when his term expired, authorities in 2011 added three years to Isaboev's sentence for so-called "violations of prison rules" at CEP 64. Applying the same statute to him in 2014 (Article 221), authorities added another three years and six months to his sentence. In 2017, Isaboev was resentenced for an additional three years at CEP 64/33 in Qarshi. Finally, he was resentenced again for an additional 11 years in 2019 under Articles 159, 242, and 244. Isaboev is currently being held in CEP 17, Karaulbazar.
65. **Husnitdin Erkinovich Umaraliev** (b. 1968), 53 years old, was arrested in July 1999 when he filed an application with the military prosecutor's office about the murder of his brother, Umaraliev Khasanboy Erkinovich. Accused of "religious extremism" as retaliation for his quest for justice in the death of his brother, authorities arrested him under Articles 159 and 244. On July 5, 1999, the Fergana region court sentenced him on these charges to 17 years' imprisonment. He was resentenced for an additional three and a half years in 2010 under Articles 221 by the Kungrad district court for "violations of prison rules" and then resentenced in prison in May 2012 on unspecified charges for an additional 13 years. Umaraliev is currently located at CEP 44 in Ohangaron.
66. **Avazjon Akhatovich Umurzakov** (b. 1979), 42 years old, is a peaceful religious believer who was detained on March 25, 1999, and convicted on August 5, 1999, by the Fergana region court under Articles 156, 159, 216, 242, and 244 for a period of 16 years. He was resentenced in 2014 to another four years under Article 221 for so-called "violations of prison rules" in CEP 64/25 in Karaulbazar. Again in 2018, while serving his sentence in Navoi prison, Umurzakov was resentenced to an additional six years and six months under Articles 159, 242, and 244. He is currently being held in CEP 64/14 in Olmaliq.
67. **Tabek Nabievich Madaminov** (b. 1972), 49 years old, was sentenced on November 5, 1999, by the Shakhrikhan district court in the Andijan region under Articles 159 and 244 to 12.5 years imprisonment in a case that rights defenders say was retaliation for being a peaceful religious Muslim. Madaminov was resentenced in 2010 for an additional ten years and again in 2020 to another nine years by the Navoi region court under Articles 159 and 244. He is currently being held in CEP 64/12, Zarafshon, in the Navoi region.
68. **Ahmadjon Mukhammadjonovich Madumarov** (b. 1971), 50 years old, is a peaceful religious believer who was arbitrarily detained on suspicion of membership in banned extremist organizations absent any credible evidence of involvement in criminal activity. Madumarov was convicted on February 16, 2003, by the Fergana region court under Articles 159, 244, and 242 for 11 years and then resentenced in 2014 to an additional 11 years in CEP 64/25, Karaulbazar, under Articles 159, 242, and 244. He is now being held in CEP 64/14, Olmaliq.
69. **Zukhriddin Mampirjanovich Madmarov** (b. 1968), 53 years old, was sentenced in April 2000 by the Margilon city court under Articles 159 and 244 to nine years imprisonment. Human rights defenders say that he

- was arrested on suspicion of membership in a banned extremist group and that there was no credible evidence of his involvement in or connection to violence or other criminal activity. Madmarov was resented in 2008 for an additional 16 years by the Bukhara region court without meaningful access to counsel. He is currently being held in CEP 14 in Olmaliq.
70. **Nurmukhammad Odiljonovich Mamadjonov** (b. 1976), 45 years old, was convicted in October 1999 by the Margilon city court under Articles 159 and 242 for a term of six and a half years. He was resented for an additional three and a half years and again for an additional 18 years under Articles 159, 242, and 244. Mamadjonov is currently being held in CEP 64/14 in Olmaliq.
71. **Ulugbek Ismoilovich Nasimov** (b. 1980), 41 years old, was convicted in May of 2005 by the Samarkand region court under Articles 159, 242, and 244 for a period of five years. He was resented in 2008 for an additional seven years under Articles 159 and 244 by the Qarshi city court. He was resented again in 2011 to an additional eight years imprisonment at CEP 64/25, Karaulbazar. He is currently being held in CEP 64/14, Olmaliq.
72. **Shavkat Abdukhamidovich Khakimov** (b. 1969), 52 years old, is a peaceful religious believer who was sentenced in 2004 by the Urgut district court under Articles 159 and 244 to seven years' imprisonment. Using Article 221 for "violations of prison rules," authorities added three years and six months years to his sentence and again for another four years. Khakimov was later resented on new charges related to "religious extremism" and is currently being held in CEP 64/46 in Navoi.
73. **Mirrakhim Mirturgunovich Mirsultonov** (b. 1975), 46 years old, is a religious believer who was sentenced in 1999 by the Angren district court under Articles 159 and 248 to a period of eight years' imprisonment. In 2007, just prior to his release, prison authorities used Article 221 ("violations of prison rules") to arbitrarily extend his sentence by three years. Then in 2008, authorities brought new fabricated extremism charges against him under Articles 159 and 244, and the Qashqadaryo region court sentenced him to an additional eight years and four months. Mirsultonov is currently serving his sentence in CEP 64/11 in Navoi.
74. **Sodikjon Solievich Abdullaev** (b. 1970), 51 years old, is a peaceful religious believer who authorities arrested and targeted solely due to his religious identity. In December 1999, the Fergana region court sentenced him to eight years' imprisonment under Articles 159, 216, and 244. In 2007, the Bostonliq district court in the Tashkent region arbitrarily extended his sentenced by three and a half years under Articles 221. In 2010, the Navoi region court resented him anew under Articles 159, 242, and 244 to an additional ten years and nine months. In 2019, the Navoi region court again resented him on charges of "anti-constitutional activity" and membership in a banned extremist group (Articles 159 and 244) to an additional ten years. His current whereabouts are unknown, but he is believed to be serving a sentence in Navoi.
75. **Feruz Murtazo ogly Shodiev** (b. 1993), 28 years old, is a religious Muslim who was convicted on August 15, 2017, for a period of 25 years under Articles 97 (murder) by the Qashqadaryo region court. Human rights defenders have raised questions regarding his sentencing on extremism charges less than two years later on March 12, 2019, under Articles 159 and 244 for an additional 24 years.
76. **Ibrohim Khakimovich Asronkulov** (b. 1962), 59 years old, is a peaceful religious believer who was convicted in 1998 by the Altyariskim district court in the Fergana region under Articles 276 for a period of one and a half years. Asronkulov was convicted and sentenced again in 1999 by the Fergana region court under Articles 156, 159, 242, and 244 to 19 years and six months' imprisonment. (It is notable that Article 159 was only introduced and started to be widely used in 1998 and that often Uzbek authorities used narcotics possession charges as a pretext to detain peaceful Muslims.) On September 13, 2013, Asronkulov was resented under Articles 159 and 244, ostensibly for engaging in extremist activity inside prison. Asronkulov was denied meaningful access to counsel at his second trial, as well as his first, and alleged that he was tortured following arrest. On October 18, 2018, the Bukhara region court reviewed his cassation appeal but left his sentence unchanged. Asronkulov is currently being held in the Bukhara region.
77. **Abdulbosit Kamoliddin ogly Akhmajonov** (b. N/A), is a peaceful religious believer who was convicted on June 11, 2017, by the Fergana region court under Articles 154, 155, 159, and 244 for a period of 15 years. Rights activists say that the case was trumped up and based on nothing more than his profile as a religious Muslim.

78. **Mukhitdin Saidovich Irgashev** (b. July 3, 1968), 53 years old, is a religious Muslim who worked as a physical fitness trainer and trader in both his native Bukhara and Yekaterinburg, Russia. Irgashev is married to Zumrat Irgasheva and has three children, Sardorbek, Otabek, and Khodjiakbar (b. November 26, 2009). The two older sons, Sardorbek and Otabek, who are both imprisoned along with their father, are described in the following entries. For several years before their arrest, Mukhitdin and his two older sons were under surveillance by Russian and Uzbek security services, both in Bukhara, Uzbekistan, and in Yekaterinburg, Russia. On one occasion Mukhitdin and his son Otabek were detained while they attended a mosque in Russia in 2013. Uzbek security services arranged for several informants to visit Mukhitdin Irgashev's home, both in Russia and in Uzbekistan, and secretly record conversations with the Irgashev family on religious topics, including the news regarding Syria. Officers arrested Mukhitdin, along with his son Otabek, in Bukhara on April 1, 2015, charging them with administrative offenses, before charging them with extremism-related offenses. Mukhitdin's wife, Zumrat, reports that both her husband and Otabek were subjected to severe torture in custody between April and September 2015, when the trial was held. Both were tortured by security services officers who attempted to force them to sign false confessions to the crime of financing terrorism. In September 2015, a Tashkent court sentenced Mukhitdin to 15 years, Sardorbek to 12 years, and Otabek to 11 years' imprisonment. According to Zumrat, all three were subjected to torture during pre-trial detention. The three are currently serving sentences in different prison colonies.



Zumrat Irgasheva and her husband, Mukhitdin Irgashev, imprisoned since 2015. © Zumrat Irgasheva.

79. **Sardorbek Irgashev** (b. November 24, 1990), age 31, along with his brother Otabek (see following entry) and father, Mukhitdin (see previous entry), was under surveillance

by Russian and Uzbek security services both in Bukhara, Uzbekistan, and in Yekaterinburg, Russia, for several years prior to arrest. On May 9, 2015, Yekaterinburg police officers detained Sardorbek, deporting him 11 days later to Tashkent. In September 2015, a Tashkent court sentenced Sardorbek to 12 years, his father to 15 years, and his brother Otabek to 11 years' imprisonment. According to his mother, Zumrat, all three were subjected to torture during pre-trial detention. The three are currently serving sentences in different prison colonies.



Sardorbek Irgashev, imprisoned since 2015, along with his father and brother. © Zumrat Irgasheva.

80. **Otabek Irgashev** (b. May 30, 1994), age 27, along with his older brother Sardorbek and father, Mukhitdin (see previous entries), was under surveillance by Russian and Uzbek security services both in Bukhara, Uzbekistan, and in Yekaterinburg, Russia, for several years prior to arrest. On one occasion Mukhitdin and his son were detained while they attended a mosque in Russia in 2013. Officers arrested Otabek and his father in Bukhara on April 1, 2015, charging them with administrative offenses before charging them with extremism-related offenses. Otabek's mother, Zumrat, reports that both her husband, Mukhitdin, and Otabek were subjected to severe torture in custody between April and September 2015, when the trial was held. Both were tortured by security services officers

who attempted to force them to sign false confessions to the crime of financing terrorism. In September 2015, a Tashkent court sentenced Otabek's father, Mukhitdin, to 15 years, his brother Sardorbek to 12 years, and Otabek to 11 years' imprisonment. According to Otabek's mother, Zumrat, all three were subjected to torture during pre-trial detention. The three are currently serving sentences in different prison colonies.



Otabek Irgashev, imprisoned since 2015, along with his father and brother. © Zumrat Irgasheva.



Kadyr Yusupov and his family © Courtesy Photo, Private

81. **Kadyr Yusupov** (b. 1951), 69 years old, is a former diplomat who served in various roles including as Uzbekistan's permanent representative to the

Organization for Security and Cooperation in Europe (OSCE) and deputy ambassador to the United Kingdom. Yusupov was detained shortly after a suicide attempt in December 2018, when he was interrogated by security officials while hospitalized. He was convicted of treason and sentenced to five and a half years in prison in January 2020 following a closed trial. The purported basis for his conviction was a confession he purportedly made from his hospital bed outside the presence of counsel. After his December 2018 arrest, Yusupov was held for over four months in incommunicado detention in the Tashkent security services pre-trial detention center. He was repeatedly denied access to counsel and subjected to severe psychological torture, including threats of harm and rape to his immediate family members. Yusupov suffers from schizophrenia, and there were questions from the start over his fitness for questioning and whether anything he said while recovering could legally be used as evidence. Yusupov is currently serving his sentence in CEP 4 in Navoi. During Ramadan in April 2020, Yusupov raised concerns with the head of the prison that prisoners were being denied the right to observe the Ramadan fast. He additionally raised questions about difficult working conditions at the prison factory. In retaliation for raising these legitimate concerns, prison officials placed Yusupov and other prisoners into solitary confinement for 15 days where he was kept in highly unsanitary conditions. Yusupov told relatives that his solitary confinement cell contained mice, dirt, and that he was fully covered in feces by the time he was removed 15 days later. He held a hunger strike that lasted five days. Recently released prisoners who served sentences with Yusupov praised him for his representation of the interests of other prisoners. Yusupov's family has been denied visitation with him on several occasions since the start of his detention. In June 2021, based on many of the human rights violations just described, the UN Working Group on Arbitrary Detention concluded in an opinion that Yusupov's detention is arbitrary and called on Uzbekistan to immediately release him.

# UZBEKISTAN'S HISTORY OF RELIGIOUS REPRESSION

Uzbekistan's population of thousands of religious and other political prisoners did not emerge overnight but rather over a quarter century during official Tashkent's often tortured relationship with Islam. Former authoritarian president Islam Karimov's campaign to suppress both real and imagined political opposition and independent Muslims—those who practice Islam outside strict state controls—took different forms, both religious and political, from the early 1990s onward. A chronology of religious and political persecution in Uzbekistan sheds critical light on how and why the population of religious and political prisoners grew to be so large, dwarfing those of other post-Soviet states.<sup>77</sup>

The waves of arrest, imprisonment, and more rarely, release, during the rule of Islam Karimov fit into roughly four periods: crackdown on political opposition (1992–1997); persecution of independent Muslims (1997–2016); the May 13, 2005 Andijan massacre and its immediate aftermath (2005–2007); and a longer period extending until Karimov's death in 2016 of the persistent persecution of earlier targets and an expanding focus on other perceived critics or threats such as migrants returning to Uzbekistan from abroad, the followers of the late Kurdish theologian Said Nursi from Turkey, and dozens suspected of treason for loose affiliations with the West or neighboring states like Tajikistan.<sup>78</sup>

## ISLAM IN UZBEKISTAN FOLLOWING THE SOVIET COLLAPSE

Uzbekistan is more than 96.3 percent Muslim. The majority of the country's Muslims are Sunni and regard themselves as followers of the Hanafi branch of Sunnism. In the Stalin era, Muslim clerics suffered persecution, as did Christian clerics throughout the Soviet Union, because they opposed the Soviet regime. During World War II, the Soviet government forged a rapprochement with clerics and established the Spiritual Administration of Muslims of Central Asia and Kazakhstan.

In the later Soviet period, just prior to independence, overt expressions of piety were strongly discouraged and could disqualify a person from educational or career opportunities.

As the core of “official” Islam, coopted by Communist party leadership, the Spiritual Administration primarily regulated the registration of mosques, appointed imams, and dictated the content of sermons and the nature of “proper” Islamic practice. Despite these controls, there were decades during which Central Asian Muslims practiced a private, underground form of Islam in secret, beyond the state's gaze.<sup>79</sup>

The Soviet collapse in 1991 brought with it the prospect that religious Muslims in Uzbekistan could practice religion more openly and in accordance with their beliefs. Communities across Uzbekistan drew on donations and sometimes foreign aid to construct new mosques, appointing their own imams, and open religious schools, prompting some talk of a “Muslim renaissance.”<sup>80</sup>

The Islamic revival appeared in a variety of forms. Most citizens while nominally Muslim led primarily secular lives, adopting the Muslim appellation without increasing open religious practice. Many Uzbeks began openly to observe holidays, rituals, and Friday prayers, but altered little else in their lifestyle. Others, however, particularly younger Muslims chose a stricter form of religious practice, pursuing religious education and adopting religious dress they believed were prescribed in a more conservative interpretation of Islam. A still smaller minority within this group saw Islam as the basis for an alternative political system in the country.

Just after independence, then-President Karimov, former first secretary of the Uzbek Communist Party, viewed Islam as a useful tool in building national identity and solidifying his monopoly on power. He referred to Islam in speeches, even holding the Qur'an in one hand and the country's constitution in the other during inauguration.

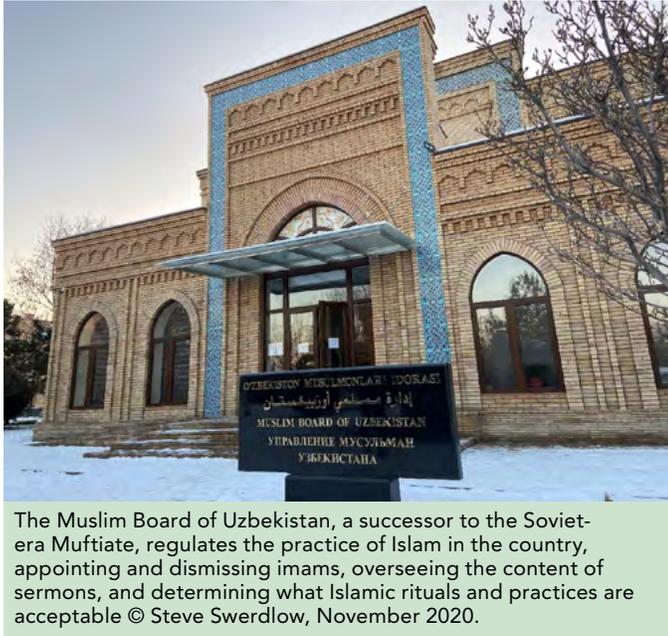
<sup>77</sup> Human Rights House Oslo, “New Memorial's Report: Political Repression in Uzbekistan,” Human Rights House, March 20, 2011, <https://humanrightshouse.org/articles/new-memorials-report-political-repression-in-uzbekistan-2009-2010/>.

<sup>78</sup> This breakdown of Islam Karimov's campaign against Islam and independent Muslims into distinct historical phases was first introduced in Human Rights Watch's 2014 report *Until the Very End: Politically-Motivated Imprisonment in Uzbekistan*, [https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#\\_ftn17](https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#_ftn17), but is expanded and clarified here.

<sup>79</sup> Olivier Roy uses the term “parallel” Islam. He writes, “The Soviets adopted a two-tiered policy toward Islam: to undermine and even attempt to destroy popular Islam, particularly the connections between national and religious identities, and to create a token, regulated, officially appointed clergy in order to manage the few remaining religious institutions and, after 1955, to improve relations with friendly Muslim countries.” See, “Islam in Tajikistan,” Open Society in Central Eurasia Occasional Paper Series, no. 1, July 1996.

<sup>80</sup> “Uzbekistan and Islam,” Human Rights Watch Briefing Paper, June 1998.

But the state's relationship with Islam changed little in comparison with the Soviet era. By 1992, the Soviet-era Spiritual Administration of Muslims was disbanded, and a Muslim regulatory board (Muftiate) was established in Uzbekistan and each Central Asian state. The Karimov government quickly came to regard independent Islamic practices as a threat, particularly based on Karimov's belief about the causes of the violence, civil war, and instability wracking neighboring Tajikistan and Afghanistan.



The Muslim Board of Uzbekistan, a successor to the Soviet-era Muftiate, regulates the practice of Islam in the country, appointing and dismissing imams, overseeing the content of sermons, and determining what Islamic rituals and practices are acceptable © Steve Swerdlow, November 2020.

## DISMANTLING THE OPPOSITION, CONTROLLING RELIGION (1992–1997)

Eliminating political Islam became central to President Karimov's efforts to consolidate his authoritarian rule.<sup>81</sup> In 1992, he moved to eradicate the nascent political and religious

opposition.<sup>82</sup> He justified the tightening of controls on Islam as an effort to prevent Uzbekistan following the path of Tajikistan, which was descending at that time into a deep civil war.<sup>83</sup>

Karimov aimed to stamp out a perceived threat of Islamic extremism by arbitrarily imprisoning thousands of independent Muslims.<sup>84</sup> His first targets were independent religious leaders, whom he viewed as subversive, among other reasons, for their refusal to follow the ban on using loudspeakers for the Muslim call to prayer, not praising him during sermons, discussing the benefits of Sharia law, or refraining from cooperating with the National Security Services (known more commonly by its Russian acronym, SNB).<sup>85</sup> Disloyal imams were labeled “Wahhabi,” allowing police and security services to go after their congregants or anyone with a close or even casual connection to them.<sup>86</sup> Anyone was vulnerable to detention—even people who had merely attended a religious service. The list of suspicious religious activity included engaging in private prayer, studying Islam, refraining from alcohol, attending Friday prayers, praying five times per day, observing religious holidays, learning Arabic, or wearing beards or headscarves. The government banned Uzbekistan's Islamic Renaissance Party *Adolat* and in December 1992 its head, Abdullo Utaev, “disappeared.”<sup>87</sup> The campaign picked up steam in 1994–1995, with the arbitrary detention of independent Muslims in Tashkent and major cities of the Fergana valley. Authorities targeted men wearing beards and followers of popular independent Muslim clerics such as Sheikh Abduvali Qori Mirzo (Mirzoev), who like Utaev was “disappeared” in 1995, allegedly at the hands of the government.<sup>88</sup> Authorities further tightened controls, closing mosques and Islamic studies departments in universities, and directed state media to stigmatize observant Muslims as “terrorists.”

<sup>81</sup> In 1993 the government handed two institutions, the Muslim Board of Uzbekistan and the Cabinet of Ministers' Committee on Religious Affairs, the power to define acceptable Islamic practices and weed out Islamic leaders who refused to conform to them. The Muslim Board of Uzbekistan retained much of its Soviet predecessor's authority. It could register mosques and madrassas, appoint, and dismiss individual imams, dictate the content of sermons, and issue religious edicts. Human Rights Watch, *Creating Enemies of the State: Religious Persecution in Uzbekistan*, March 2004, <http://www.hrw.org/reports/2004/03/29/creating-enemies-state>.

<sup>82</sup> Earlier that year, in January, President Karimov dealt the secular opposition a blow when a student demonstration in Tashkent turned violent. Security forces opened fire on the protesters, killing at least two students.

<sup>83</sup> Even after the Tajik civil war ended, Karimov continued to refer to Islamic fundamentalist activity in Tajikistan to justify draconian controls on religion. Human Rights Watch, *Creating Enemies of the State*, March 29, 2004, p. 20, <http://www.hrw.org/reports/2004/03/29/creating-enemies-state>.

<sup>84</sup> For a detailed analysis of the Uzbek government's multi-year campaign against independent Muslims through 2004, see Human Rights Watch, *Creating Enemies of the State*, March 29, 2004. <http://www.hrw.org/reports/2004/03/29/creating-enemies-state>; see e.g., Interview with Abdurakhman Tashanov, Tashkent, November 6, 2020; Interview with Agzam Turgunov, Tashkent, June 25, 2021; Interview with Surat Ikramov, Tashkent, November 22, 2020; Interview with Ahmadjon Madmarov, Margilon, July 7, 2021.

<sup>85</sup> In 2018, the Uzbek government renamed the National Security Services as the State Security Services (the common Russian acronym SNB has now become SGB).

<sup>86</sup> There is a common misconception, often encouraged by Uzbek authorities, that within Islam there are three schools: Sunni, Shi'a, and Wahhabi. In fact, Wahhabism, a revivalist movement that grew out of the Hanbali school, is a *Sunni* Muslim movement practiced in Saudi Arabia and elsewhere. The name derives from its 18th-century founder, Muhammad ibn 'Abd al-Wahhab (1703–1792). Wahhabism advocates a purification of Islam, rejects Islamic theology and philosophy developed after the death of the Prophet Muhammad, and calls for strict adherence to the letter of the Qur'an and hadith (the recorded sayings and practices of the Prophet). In promoting what its adherents view as the precepts of early Islam, Wahhabism maintains a strict and puritanical view of religious rites. Mehrdad Haghayeghi, *Islam and Politics in Central Asia* (New York: St. Martin's Press, 1995). The term is used in Central Asia to suggest radicalism and militancy. It is often used pejoratively. The Central Asian conception of “Wahhabism” retains a linkage to “foreignness” in general, including to Saudi Arabia. To complicate matters, the Uzbek government has moved further away from the historical usage of the term and misapplied and politicized it to serve the government's agenda.

<sup>87</sup> Prior to Utaev's “disappearance” in 1992, the Uzbek government banned the IRP in accordance with Article 57 of the constitution, which prohibits the establishment of “political parties with national or religious features.”

<sup>88</sup> On August 29, 1995, Sheikh Mirzo and his assistant Ramazanbek Matkarimov were reportedly detained by security agents at the Tashkent airport, as they prepared to go to Moscow to attend an international Islamic conference.

## NAMANGAN AND THE CRIMINAL CODE (1997–1999)

In December 1997, the government used the murder of a police officer in Namangan as a premise to arrest hundreds of suspected “Islamic fundamentalists.”<sup>89</sup> For the first time, following amendments to Uzbekistan’s law “On Freedom of Conscience and Religious Organizations” (hereafter “religion law”) and criminal code in 1998, authorities began to employ the vague and overbroad Article 159 (“encroachment upon the constitutional system of the Republic of Uzbekistan”) also known as “anti-constitutional activity” to push the religious crackdown into overdrive. To this day, prisoners sentenced under Article 159 make up the *largest* segment of Uzbekistan’s religious and political prisoner population.<sup>90</sup>

By mid-1998, the imprisonment of independent Muslims *numbered in the thousands*.<sup>91</sup> By now thoroughly infiltrated by security services officers, Muftiate officials strengthened a censorship apparatus designed to stem the circulation of religious materials from abroad and removed prominent independent religious leaders such as the popular Imam Obidhon-qori Nazarov, like they had done earlier with Abduvali Qori Mirzo and Utaev.<sup>92</sup>

## FEBRUARY 1999 TASHKENT BOMBINGS AND JASLYK

Following terrorist attacks in Tashkent on February 16, 1999, which caused between ten and 20 deaths, religious and political repression dramatically worsened. Karimov blamed the attacks on the Muslim and secular opposition, including the Islamic Movement of Uzbekistan (IMU)<sup>93</sup> and *Erk* opposition party, despite no credible evidence of their involvement.<sup>94</sup> Political

activists and independent Muslims were swept up in raids and charged with “anti-constitutional activity,” “religious extremism,” and possession of banned literature.

Many religious and political prisoners ended up in the new prison built in Uzbekistan’s far northwest of Karakalpakstan: *Jaslyk*. Ironically meaning “youth” in the Karakalpak language, *Jaslyk* quickly became the locus of a consistent stream of reports of torture, especially directed at religious prisoners, becoming the symbol of Uzbekistan’s worsening human rights record.<sup>95</sup> The religious figure Akram Yuldashev and human rights defenders Chuyan Mamatkulov and Azam Farmonov were tortured in *Jaslyk*. Yuldashev was the founder of an Islamic religious movement the government termed *Akromiya* (based on his first name) and was accused, without evidence, of masterminding a massacre of hundreds in Andijan in 2005. But torture was not limited to *Jaslyk*. It was employed against religious and political prisoners, in addition to other prisoners, across the entire prison system.<sup>96</sup>

## EXTENDING UNLAWFUL SENTENCES: ARTICLE 221

During this period, Karimov introduced another pernicious practice that had far-reaching consequences on the growth of the population of religious and political prisoners. Authorities introduced Criminal Code Article 221 (“Disobedience to Legitimate Orders of Administration of Institution of Execution of Penalty”), which allowed the arbitrary extension of prisoners for three, five, or more years on spurious grounds.

Known in prison jargon as *raskrutka*, prison officials used Article 221 to lengthen the sentences of prisoners for so-called “violations of prison rules” often just one year or even

<sup>89</sup> Reports of torture and disappearances already plagued Uzbekistan’s human rights record, but the arrests of hundreds of people in 1997 dramatically increased the scale of abuses, prompting human rights groups such as the Moscow-based-Memorial, Human Rights Watch, and local human rights defenders to monitor a widening crackdown.

<sup>90</sup> This period also witnessed police, security services, and prosecutors using trumped-up narcotics or weapons possession charges to deliver even longer prison sentences.

<sup>91</sup> Arrests centered largely in Tashkent, Tashkent oblast, and the Fergana valley, consisting of Fergana, Namangan and Andijan oblasts—parts of Uzbekistan, in addition to Khorezm in the west, that were rumored to contain more opposition to Karimov.

<sup>92</sup> Nazarov was feared to have been “disappeared” or to have gone into hiding in March 1998. Security services would relentlessly pursue and persecute Nazarov, his relatives, and followers, eventually catching up with him in 2013 in Sweden where he had sought refuge. Individuals tied to the Uzbek security services were later tried for a chilling assassination attempt that left Nazarov in a coma. See “The Long Arm of the Dictator,” Al Jazeera, People and Power, 2013, <https://www.youtube.com/watch?v=TaruF1hQjNw>

<sup>93</sup> The Islamic Movement of Uzbekistan (IMU, Uzbek: Ўзбекистон исломий аракати/O zzbekiston islomiy harakati) was a militant Islamist group formed in 1998 by the Islamic ideologue Tahir Yuldashev, and former Soviet paratrooper Juma Namangani—both ethnic Uzbeks from the Fergana Valley. Its original objective was to overthrow President Karimov and to create an Islamic state under Sharia; however, in subsequent years, it reinvented itself as an ally of Al-Qaeda. The group also maintained relations with the Afghan Taliban in 1990s. However, later on, relations between both the Afghan Talibans and IMU started declining. In mid-2015, its leadership publicly pledged allegiance to the Islamic State of Iraq and the Levant (ISIL) and announced that the IMU was part of the group’s regional branch. In 2016, it was reported that a new faction of IMU emerged after the group became part of Islamic State (IS). The new faction retained the group’s name and was independent of the IS. It has also indicated that it is loyal to al-Qaeda and the Taliban and shared their views against the IS.

<sup>94</sup> Gulnoza Saidzimova, “Uzbekistan: Islam Karimov vs. The Clans,” Radio Free Europe/Radio Liberty, April 22, 2005, <https://www.rferl.org/a/1058611.html>.

<sup>95</sup> Abuses included beatings, electric shock, solitary confinement, deprivation of food and sleep, forced labor, rape and sexual humiliation, asphyxiation with plastic bags and gas masks, medical experimentation, and even forced sterilization of women prisoners. See e.g., Farangis Najibullah, “Uzbekistan’s ‘House of Torture,’” Radio Free Europe/Radio Liberty, August 5, 2012, <https://www.rferl.org/a/uzbekistans-house-of-torture/24667200.html>; “UN Anti-Torture Experts Rebuke Uzbekistan for Its Abysmal Record,” International Federation for Human Rights press release, December 13, 2013, <https://www.fidh.org/en/region/europe-central-asia/uzbekistan/14394-un-anti-torture-experts-rebuke-uzbekistan-for-its-abysmal-record>; “UN urges Uzbekistan to investigate torture and ill-treatment of human rights defender forcibly sterilized in detention,” International Federation for Human Rights press release, August 10, 2015, <https://www.fidh.org/en/region/europe-central-asia/uzbekistan/un-urges-uzbekistan-to-investigate-torture-and-ill-treatment-of-human>.

<sup>96</sup> For example, 29 out of 34 political prisoners interviewed by Human Rights Watch between 2010 and 2013 reported being tortured in various police stations and prisons, illustrating the widespread nature of torture in Uzbekistan. Other common features of the crackdown on independent Muslims and political opposition were the denial of the right to fair trial, access to counsel, family visits, access to adequate medical care, and visits by the International Committee of the Red Cross (ICRC). “Until the Very End,” Human Rights Watch, September 25, 2014, [https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#\\_ftn17](https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#_ftn17)

one month prior to the completion of a prisoner's sentence. Violations were typically on fabricated or farcical allegations such as the failure to properly peel carrots, clean the prison cell, place shoes in the proper area, perform physical exercise, or for being late for roll call.<sup>97</sup> Living in constant fear that *raskrutka* could be applied at any moment on any ground, Article 221 constituted a type of psychological torture for religious and political prisoners and their families.

The combination of already lengthy sentences (six to 20 years) with the introduction of *raskrutka* in the late 1990s contributed heavily to a *skyrocketing* population of religious prisoners in Uzbekistan, dwarfing the numbers of such prisoners in all other post-Soviet states.<sup>98</sup> Between 1998 and 2003, as Memorial stated, political repression in Uzbekistan had become “an integral part of everyday life, creating obvious associations with Stalinism.”<sup>99</sup> It was hard to find any corner of Uzbekistan left untouched by Karimov's campaign to identify “enemies of the people.” New waves of repression continued throughout 2004, especially in the wake of small-scale terrorist attacks in March and July in Tashkent.

## ANDIJAN

Repression reached its zenith on May 13, 2005, when government forces shot and killed hundreds of largely unarmed protesters in Andijan to suppress mass demonstrations on the city's main square that included up to 10,000 people.<sup>100</sup> Armored personnel carriers and soldiers fired live rounds indiscriminately into the crowd, killing hundreds of unarmed civilians, including children.<sup>101</sup> The events were rooted in months-long protests over the trial of 23 local businessmen who were devout Muslims and

adherents of a peaceful religious community inspired by the mathematician-cum-Islamic thinker Akram Yuldashev.<sup>102</sup>

The government painted the protests as an Islamist threat in order to justify a disproportionately violent response, declaring that gunmen among the demonstrators had killed all the casualties. But independent research based on eyewitness testimonies showed no evidence that the protesters or the gunmen had an Islamist agenda.<sup>103</sup> The European Union and the United States called on Tashkent to allow an international independent investigation—demands that President Karimov defiantly rejected—after which they imposed sanctions. To date, no investigation into the killings, which would help identify those who gave orders to fire indiscriminately upon civilians without warning, or at a minimum to identify the victims, has ever been conducted.<sup>104</sup>

Authorities imprisoned hundreds, indiscriminately labeling them *Akromiya* members in the aftermath.<sup>105</sup> Hundreds of others *not even present in Andijan* during the events were charged for conspiracy to commit terrorism and imprisoned, including hundreds of Uzbek nationals detained abroad in Kazakhstan, Kyrgyzstan, and Russia before being extradited to the country.<sup>106</sup> After Andijan, the government tightened the screws on civil society, jailing anyone suspected of having participated in or witnessing the massacre.<sup>107</sup>

Authorities also cracked down on independent media and NGOs.<sup>108</sup> As the space for civil society narrowed and relations with Western embassies and UN bodies deteriorated, it became exponentially harder to conduct the in-country monitoring and individual interviews necessary to track the pace of arrests and the conditions of religious and political prisoners. The ICRC had its prison monitoring activities severely hampered until it

<sup>97</sup> Article 221 of Uzbekistan's Criminal Code – Violation of Prison Rules.

<sup>98</sup> Human Rights House Oslo, “New Memorial's Report: Political Repression in Uzbekistan,” Human Rights House, March 20, 2011, <https://humanrightshouse.org/articles/new-memorials-report-political-repression-in-uzbekistan-2009-2010/>.

<sup>99</sup> Human Rights House Oslo, “New Memorial's Report: Political Repression in Uzbekistan,” Human Rights House, March 20, 2011, <https://humanrightshouse.org/articles/new-memorials-report-political-repression-in-uzbekistan-2009-2010/>.

<sup>100</sup> Mike Yardley, “Thousands of Uzbeks Fleeing,” CNN, May 15, 2005, <http://edition.cnn.com/2005/WORLD/asiapcf/05/14/uzbekistan/index.html?eref=sitesearch> (Accessed August 17, 2021).

<sup>101</sup> *Uzbekistan: The Andijon Uprising*, Crisis Group Briefing No. 38: Europe & Central Asia, May 25, 2005, p. 16.

<sup>102</sup> An informal religious movement allegedly inspired by former adherent of Hizb ut-Tahrir, Akram Yuldashev. *Uzbekistan: The Andijon Uprising*, Crisis Group Briefing No. 38: Europe & Central Asia, May 25, 2005, p. 2. See also <https://www.hrw.org/report/2005/06/06/bullets-were-falling-rain/andijan-massacre-may-13-2005>. Twenty-two defendants faced charges of organizing a criminal group, attempting to overthrow the constitutional order of Uzbekistan, membership in an illegal religious organization and possession or distribution of literature containing a threat to public safety, Articles 242, 159, 244-1 and 244-2 of the Criminal Code of the Republic of Uzbekistan, and one defendant was charged with abuse of power relating to his professional position, Article 205 of the criminal code.

<sup>103</sup> Interviews with numerous witnesses revealed that protesters spoke about economic conditions in Andijan, government repression, and unfair trials—and not the creation of an Islamic state. Human Rights Watch, “Saving Its Secrets: Government Repression in Andijan,” May 2008, p. 4, <http://www.hrw.org/reports/2008/uzbekistan0508/4.htm>.

<sup>104</sup> CCPR/C/UZB/CO/5, May 1, 2020, para. 16.

<sup>105</sup> Vitaly Ponomarev, *List of Persons Arrested on Political or Religious Motives in Uzbekistan (January 2004-December 2008)*, (Moscow: Memorial Human Rights Center, 2009), p. 10.

<sup>106</sup> *Id.*, p. 16.

<sup>107</sup> One of these was Isroiljon Kholdorov, the former chairperson of the Andijan branch of Ezgulik, the only independent human rights organization then registered in Uzbekistan. In the days after the massacre, Kholdorov spoke to international media about mass graves in and around Andijan. In June 2006, Uzbek security services kidnapped Kholdorov in Osh, Kyrgyzstan, and forcibly returned him to Uzbekistan. He was then sentenced to six years in prison on Article 159 charges of “threatening the constitutional order” and “unlawful entry into or exit from Uzbekistan,” among others, with his sentence extended to nine years on arbitrary grounds. “Until the Very End,” Human Rights Watch, 2014, p. 4, [https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#\\_ftn17](https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan#_ftn17).

<sup>108</sup> Between 2005 and 2012, more than 400 private organizations and NGOs, and about 50 international media outlets and NGOs, including Voice of America, Radio Free Europe/Radio Liberty, Institute for War and Peace Reporting (IWPR), and Human Rights Watch were shut down and expelled from the country. Universal Periodic Review of Uzbekistan, *Uzbek Bureau on Human Rights and Rule of Law (UBHRRL) Report*, [https://www.fidh.org/IMG/pdf/ubhrrl\\_report\\_2013.pdf](https://www.fidh.org/IMG/pdf/ubhrrl_report_2013.pdf).

eventually announced publicly in 2013 that it had been forced to terminate its visits to detainees.<sup>109</sup>

### A TURN INWARD: 2007–2016

Following the Andijan massacre, the persecution of human rights defenders, journalists, independent lawyers, and independent Muslims continued as Uzbekistan descended further into authoritarianism. Promoting the view that Western and other external powers were attempting to overthrow Karimov and the government, security services expanded the dragnet of arrests to include new targets,<sup>110</sup> including among religious believers and various Islamic sects and minorities.

As Karimov's increasingly paranoid rule turned the country inward, there were numerous prosecutions of former officials, Uzbek employees of embassies in Tashkent, members of the military, and other "internal enemies" that the government accused of treason.<sup>111</sup> Many of those sentenced were also charged or threatened with charges of religious extremism. Also targeted were followers of Turkish-Kurdish theologian Said Nursi (*Nurchilar* in Uzbek) and former students of Turkish lycées that had been founded by cleric Fethullah Gülen in the early 1990s across Central Asia.<sup>112</sup> Shiite communities also experienced persecution, often prevented from registering or operating mosques.<sup>113</sup>

Ravshan Kosimov, whose case is profiled earlier in this report, is an example of this trend. A soldier who studied on an exchange program at the prestigious American West Point military academy, Kasimov was arrested and tortured by security services after his return in 2008. Officials interrogated him on allegations of "religious extremism," threatening to imprison him on charges of "unconstitutional activity" (Art. 159) before switching to treason (Art. 157). Malika Kosimova, Ravshan's mother, states that Kosimov was tortured brutally during his pre-trial detention to force him to make a false confession. During his interrogation, security services officers cynically offered him a "choice" between admitting to being involved in extremism or accepting a charge of treason. Kosimov's sentence ends in 2023.



Ravshan Kosimov, circa 2019, following his transfer to a resettlement colony. His sentence expires in 2023. © Malika Kosimova.

### DEATH OF A DICTATOR AND A NEW PRESIDENCY: 2016–PRESENT

Shavkat Mirziyoyev assumed the presidency in September 2016, following Karimov's death. In the five years since, Uzbekistan's government has taken some decisive steps to address some of the worst human rights abuses associated with his predecessor, including the relaxation of restrictions on the media, the release of high-profile political prisoners, efforts to combat forced labor in the cotton sector, and in adopting a stance of increased accessibility of the government to citizens. But despite some reforms, serious human rights abuses persist.

As President Mirziyoyev headed toward his re-election in October 2021, he continued to invoke rights-respecting language, for example, during his February 2021 address to the UN Human Rights Council.<sup>114</sup> In his address, among other pledges, he committed to ratifying the Optional Protocol to the Convention against Torture and the UN Convention on the Rights of Persons with Disabilities and pledged to "radically increase the role of women in the public, political, and business life of the country."<sup>115</sup>

While these are unmistakably positive developments, heavy-handed tactics and a lack of civic space for peaceful

<sup>109</sup> Letter from Human Rights Watch to the United Nations Committee Against Torture, "Human Rights Watch Submission to the United Nations Committee Against Torture on Uzbekistan," October 28, 2013.

<sup>110</sup> The authorities imprisoned other journalists, activists, and ordinary citizens for raising other politically sensitive topics such as corruption, ecological problems, and the legal status of the autonomous republic of Karakalpakstan. See also "Organizations Recognized as Terrorist and Banned in the Republic of Uzbekistan," [Организации, признанные террористическими и запрещенные в Республике Узбекистан], 26 сентября 2016 года] September 26, 2016. Link available upon request.

<sup>111</sup> Security services misused criminal code Articles 157 and 160, high treason and espionage, respectively, to target former officials and members of the military in closed trials that were marred by due process concerns and reports of torture. There were dozens of espionage cases, many involving Tajik nationals, or Uzbeks who lived along and regularly crossed the Uzbek-Tajik border.

<sup>112</sup> Telephone interview with "Bakhtiyor B.," Namangan, Uzbekistan, July 31, 2021.

<sup>113</sup> Interview with Jahongir Kulijanov, Bukhara, Uzbekistan, July 14, 2021.

<sup>114</sup> 46th Session of the UN Human Rights Council, speech, President of the Republic of Uzbekistan Shavkat Mirziyoyev, February 22, 2021, <https://president.uz/en/lists/view/4179>.

<sup>115</sup> *Id.* Also in February 2021, Mirziyoyev took live, unscripted questions from reporters during a visit to Namangan—the first time an Uzbek president had answered live questions from journalists in this way in nearly 20 years. He also invited the UN Special Rapporteur on Torture for a country visit.

political opposition are threatening to derail earlier reforms. In 2021 alone, the government has cracked down on media freedom<sup>116</sup> and continued its long-standing practice of refusing registration to independent NGOs and political opposition parties.<sup>117</sup> A July 2021 law on religion and draft laws on assemblies, “informatization,” and a proposed criminal code also troublingly exhibit classic authoritarian features. The government’s unwillingness to rein in the outsized influence of the security services, to openly acknowledge past abuses, and rehabilitate the wrongfully imprisoned are fueling a sense that the government supports the status quo, or worse, wants to turn back the clock.

## CHANGING RELATIONSHIP BETWEEN RELIGION AND STATE

In the area of religion, the Uzbek government has moved to address some long-standing religious freedom concerns since late 2016, adopting a stance of engagement with the U.S. government and other partners that consistently raise religious freedom concerns. President Mirziyoyev has taken some steps to show a break with Karimov’s policy of open hostility toward Islam and religious Muslims, in particular.

Early actions included the rehabilitation of the respected Uzbek Sheikh Muhammad Sodik Muhammad Yusuf; permission for mosques to broadcast the call to prayer through the loudspeaker; the opening of dozens of new mosques (albeit primarily for the mainstream Hanafi Sunni community); an official statement by the Ministry of Internal Affairs on the free access of underage children to attend mosques; and a significant increase in the number of pilgrims able to conduct the Hajj. Touting a vision of Uzbekistan as the home of the Islamic enlightenment, President Mirziyoyev has also hailed the construction of a “Center for Islamic Civilization.”<sup>118</sup>

For many years, the government maintained a “blacklist”—made up of thousands of individuals suspected of belonging to unregistered religious or extremist groups. Those on the list are barred from obtaining various jobs and travel and must report regularly for police interrogations. In August 2017, authorities announced a reduction in the number of people on the “blacklist” from 17,582 to 1,352. In public remarks accompanying the move, President Mirziyoyev

emphasized the need to rehabilitate citizens who had been “misled” by radical groups. Later, the government announced that all persons had been removed from the “blacklists,” but this is hard to verify independently.



Since the death of authoritarian president Islam Karimov, authorities have relaxed controls regarding religious dress, such as the hijab, and stores selling Islamic clothing have popped up in cities across the country. Left photo © Steve Swerdlow, November 2020; right photo © Steve Swerdlow, July 2021.

Another notable development relevant to the prevention of violent extremism (PVE) has been Operation “Mehr,” beginning in May 2019, during which more than 400 women and children, Uzbek citizens or their children, captured on ISIS-controlled territories in Syria have been evacuated back to Uzbekistan and measures taken to allow for their rehabilitation and social reintegration. Uzbekistan has been praised for a repatriation effort that many Western European nations have yet to take toward their own citizens. Tashkent has pledged that its repatriation will include men and foreign fighters, but to date no repatriations have taken place. Advocates of the human rights-based approach to PVE hope that the government’s repatriation of individuals it considers were involved in terrorist or extremist groups could evince a willingness to revisit the lengthy incarceration of persons convicted on extremism-related charges who have no proven connection to or involvement in violence.

However, some aspects of this government’s record on religious freedom have witnessed little improvement or even regressed. Security services have detained Muslim men growing beards<sup>119</sup> and—up until a change in policy announced in September 2021—girls have been prevented from wearing hijabs even in educational institutions dedicated to the study of Islam.<sup>120</sup>

<sup>116</sup> Agnieszka Pikulicka-Wilczewska, “Uzbekistan: The Long Struggle for Freedom of Expression,” *The Diplomat*, November 19, 2020, <https://thediplomat.com/2020/11/uzbekistan-the-long-struggle-for-freedom-of-expression/>.

<sup>117</sup> “Forced or international bureaucracy? Regulation of civil society in Uzbekistan,” [ Вынужденная или международная бюрократия? Регулирование гражданского общества в Узбекистане ] *Gazeta.uz*, February 17, 2021, <https://www.gazeta.uz/ru/2021/02/17/ngos/>.

<sup>118</sup> “Center of Islamic Civilization: Harmony of Religion, Science and Modernity,” Office of the President of Uzbekistan, January 29, 2021, <https://president.uz/en/lists/view/4115>.

<sup>119</sup> “Uzbek Men Reportedly Detained, Forced to Shave Beards,” *Radio Free Europe/Radio Liberty*, August 26, 2019, <https://www.rferl.org/a/uzbek-men-reportedly-detained-forced-to-shave-beards/30129899.html>

<sup>120</sup> See, e.g., “Muslims seek voice in changing Uzbekistan,” *Agence France Presse*, May 27, 2019, <https://www.arabnews.com/node/1502866/amp>; “Uzbekistan: Schoolgirls allowed to wear headscarves,” *Eurasianet*, September 6, 2021, <https://eurasianet.org/uzbekistan-schoolgirls-allowed-to-wear-headscarves>.

Following Karimov's death and years of international pressure, the government almost immediately began releasing political prisoners, more than 65 as of September 2021, including long-held journalists and human rights defenders, in addition to an undetermined number of religious prisoners. The number of prisoner releases over the past nearly five years stands in stark contrast with the one or two prisoners released each year on average during Karimov's reign and has signaled some hope the government could free all remaining religious and political prisoners. As described already, thousands of religious and political prisoners remain behind bars on vague charges of extremism. The following section charts the restrictive legal framework Uzbek authorities implemented beginning several years into President Karimov's rule that enabled such a large volume of arrests and lengthy sentences to persist. While not a comprehensive legal analysis, it points to several areas where Uzbek laws should be amended, repealed, and brought into line with Uzbekistan's binding human rights obligations.

# RELEVANT INTERNATIONAL AND DOMESTIC LEGAL PROVISIONS

Uzbekistan's imprisonment of thousands of religious prisoners, including the 81 prisoners described earlier in this report, has been enabled by a restrictive legal framework on religious practice and the exercise of freedom of expression. Beyond releasing and rehabilitating individual religious prisoners, the government can only end its policy and practice of religiously and politically motivated imprisonment by bringing its legislation into line with its international and domestic legal obligations.

**Many provisions of Uzbekistan's criminal and administrative codes, including some of the revisions proposed in March 2021 such as those relating to "religious extremism" and "anticonstitutional activity," are so vague and overbroad that they violate international human rights law.** Authorities have used them for decades to punish peaceful religious believers as well as political opponents by placing abusive restrictions on the rights to meet or worship in community with others, learn or teach one's beliefs, and possess religious literature. Built on illdefined concepts of extremism and terrorism, these restrictive provisions intersect with Uzbekistan's religion law to target arbitrarily religious individuals and others.<sup>121</sup> In the view of this author and leading human rights groups such as Memorial, the **sentences of individuals imprisoned on these charges are invalid and should be dismissed or overturned.**

As this report was being prepared for publication, Uzbekistan was in the process of updating and revising both the religion law and its criminal code, which offer little meaningful reform of Uzbekistan's deeply restrictive and punitive legal framework.<sup>122</sup> On July 5, 2021, President Mirziyoyev signed

the religion law, which came into force on July 6. The new law maintains almost all the restrictions on freedom of religion that existed in the previous legislation. Also, in March 2021, the president signed into law several provisions that extended existing criminal laws to social media platforms and punish "public disturbances." These amendments raise serious concerns that authorities could further imprison independent Muslims and others.<sup>123</sup>

Some of the serious abuses Uzbekistan's restrictive legal framework has given rise to in the individual cases profiled in this report include illegal searches, arbitrary arrest and detention, denial of access to counsel, violations of the right to a fair trial, and most disturbingly, torture in custody. Despite some improvements in the prison system during the Mirziyoyev administration, many conditions in which religious and political prisoners serve their sentences violate the UN Standard Minimum Rules for the Treatment of Prisoners (Mandela rules). The following analysis is meant to provide a roadmap for legislative and criminal law reforms.

## FREEDOM OF RELIGION IN INTERNATIONAL LAW

Uzbekistan's laws violate numerous standards protecting freedom of conscience and religion and freedom of expression, which are guaranteed under Uzbekistan's Constitution and the ICCPR, signed and ratified in 1995 and 1996, respectively, and several other binding international instruments.<sup>124</sup> ICCPR Articles 18 and 19 allow states to place certain limitations on the exercise of these rights on the manifestation of religion and the exchange of information, but only in particularly narrow, time-bound

<sup>121</sup> In addition, Uzbek law continues to limit or outright ban several manifestations of religious belief, including worship, building houses of worship, religious dress, religious teaching, the freedom to choose religious teachers and schools, and the freedom to publish and distribute religious texts. Even where domestic law conforms to international standards, Uzbek government practice violates them in how the laws are implemented.

<sup>122</sup> "The draft of the new edition of the criminal code provides for the exclusion of a number of crimes and the establishment of responsibility for certain acts." [Проект новой редакции Уголовного кодекса предусматривает исключение ряда преступлений и установление ответственности за определенные действия] [Kun.uz](https://kun.uz/ru/84231371), February 2, 2021, <https://kun.uz/ru/84231371>.

<sup>123</sup> "Mirziyoyev approved criminal liability for calling for riots," [Мирзиёев утвердил уголовную ответственность за призыв к массовым беспорядкам] [Kun.uz](https://kun.uz/ru/news/2021/03/31/mirziyoyev-utverdil-ugolovnyuyu-otvetstvennost-za-prizyv-k-massovym-besporjadkam), March 31, 2021, <https://kun.uz/ru/news/2021/03/31/mirziyoyev-utverdil-ugolovnyuyu-otvetstvennost-za-prizyv-k-massovym-besporjadkam>; "Uzbekistan tightens rules for media as president braces for re-election," Eurasianet, March 31, 2021, <https://eurasianet.org/uzbekistan-tightens-rules-for-media-as-president-braces-for-re-election>.

<sup>124</sup> Article 18 of the ICCPR guarantees rights to freedom of thought, conscience, and religion. It states:

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. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

All state parties must also ensure the protection of freedom of expression as stated in ICCPR's Article 19:

Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

circumstances.<sup>125</sup> Indeed, the UN Human Rights Committee’s General Comments on Articles 18 and 19 clarify the scope of the rights to religious belief, practice, and expression and make clear that freedom of thought, including freedom of conscience and religious conviction, is a right that *cannot be limited* (emphasis added).<sup>126</sup>

Commenting on the rights of prisoners—who are particularly vulnerable to such coercion—the UN Human Rights Committee stated that, “Persons already subject to certain legitimate restraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint.”<sup>127</sup>

## DOMESTIC LEGAL FRAMEWORK

Uzbekistan’s religious and political prisoners are largely those charged under articles of the criminal code relating to “anti-constitutional” activity, illegal distribution of religious literature, membership in a banned religious organization, and the unsanctioned teaching of religion. While arrests of independent Muslims began in the early 1990s, the adoption by Uzbekistan’s parliament in May 1998 of the previous Law on Freedom of Conscience and Religious Organizations (religion law) following a crackdown in late 1997 introduced a legal framework on which the massive arrests and sentences of subsequent years would be constructed.<sup>128</sup> In addition to the religion law, amendments to the criminal and administrative codes introduced harsher and lengthier punishment.

During Karimov’s rule, the religion law and the criminal and administrative codes were amended several times, with each change imposing stricter punishment for the free exercise of religious belief and association. Statements by late president Islam Karimov at the time of the law’s original passage demonstrate a clear intent to stifle religious freedom. In Karimov’s words, the law was necessary because

“[t]oday’s main task is to fight against all appearances of Islamic fundamentalism and religious extremism.”<sup>129</sup> Another official at the time stated that the law was needed to fight “aggressive Wahhabism.”<sup>130</sup> Most violations of Uzbekistan’s religion law, if a first infraction, are administrative offenses. But amendments to the criminal code allowed lengthy imprisonment for violations classified as repeat offenses.<sup>131</sup>

As this report was being prepared for publication lawmakers were revising and adopting both the religion law<sup>132</sup> and the criminal and administrative codes. At the time of writing, it is expected that the draft criminal code will soon be submitted to Uzbekistan’s lower house of Parliament, the Oliy Majlis, for consideration. The president signed the new religion law into force in July 2021. While the new religion law and draft criminal code contain some moderate improvements,<sup>133</sup> they retain many provisions that violate the rights to freedom of religion, speech, and association, in particular the rights to hold and manifest religious beliefs, to freedom of association and assembly, and to freedom of expression, including the right to receive and impart information.<sup>134</sup>

## “EXTREMISM” AND “FUNDAMENTALISM”

Article 5 of the 1998 religion law criminalizes so-called “religious extremism,” “separatism,” and “fundamentalism,”<sup>135</sup> and Article 9 para. 2 of the 2021 religion law provides that the state “does not allow religious fundamentalism and extremism, actions aimed at opposition and aggravating relations, inciting of enmity between different confessions.” Nowhere does Uzbek law define what is “extremist” or “fundamentalist,” rendering the law’s provisions grossly vague and overbroad. Interviews with former and current religious and political prisoners illustrate that authorities have repeatedly used these vague ideological labels to imprison people whose views the government considers religiously or politically subversive.

<sup>125</sup> See “United States Commission on International Religious Freedom Legislation Factsheet – Limitations on the Freedom of Religion or Belief,” June 2020, [https://www.uscirf.gov/sites/default/files/2020%20Legislation%20Factsheet%20-%20Limitations%20on%20FoRB\\_0.pdf](https://www.uscirf.gov/sites/default/files/2020%20Legislation%20Factsheet%20-%20Limitations%20on%20FoRB_0.pdf). With regard to freedom of conscience, Article 18 allows only those limitations that are “prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.” In the same vein, regarding the right to exchange information and ideas, Article 19 allows only those limitations that are provided by law and are necessary for respect of the rights or reputations of others, the protection of national security, or of public order, public health, or morals.

<sup>126</sup> General Comment 10 on Article 19 states that there is “no exception or restriction” on the right to “hold opinions without interference.” Human Rights Committee, General Comment 10, Article 19 (Nineteenth session, 1983). Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 11 (1994). The ICCPR also prohibits state parties from coercing an individual to recant his or her religion or belief. Article 18 (2) states, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

<sup>127</sup> Human Rights Committee, General Comment 22, Article 18 (Forty-eighth session, 1993). Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 35 (1994).

<sup>128</sup> The 1998 law replaced the law on religion enacted at the end of the Soviet era on June 14, 1991, three months prior to independence.

<sup>129</sup> Uzbek Radio first program, May 11, 1998, English translation in BBC Monitoring, May 11, 1998.

<sup>130</sup> BBC Worldwide Monitoring, quoting *Interfax*, May 1, 1998.

<sup>131</sup> An examination of numerous cases of imprisoned independent Muslims reveals, however, that many cases were falsified to imprison them even for first-time offenses.

<sup>132</sup> Republic of Uzbekistan, Draft Law on Freedom of Conscience and Religious Organizations, September 9, 2020, [https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF\(2020\)065-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2020)065-e).

<sup>133</sup> For example, some second or repeat offenses in the draft religion law will nonetheless be dealt with through administrative penalties.

<sup>134</sup> <https://www.osce.org/files/f/documents/3/0/467682.pdf>

<sup>135</sup> Article 5, Law on Freedom of Conscience and Religious Organizations, May 1, 1998.

There is no consensus at the international level on a normative definition of “extremism,” “violent extremism,” or “fundamentalism.”<sup>136</sup> The Organization for Security and Cooperation in Europe’s (OSCE) Office of Democratic Institutions and Human Rights (ODIHR), the Venice Commission, and other international bodies have raised concerns pertaining to “extremism”/“extremist” and “fundamentalism” as legal concepts and the vague and imprecise nature of such terms, particularly in the context of criminal legislation.<sup>137</sup>

In practice, the vagueness of such terms may allow states to adopt highly intrusive, disproportionate, and discriminatory measures,<sup>138</sup> as demonstrated by the findings of international human rights monitoring mechanisms, which point to persistent problems, in particular, with so-called “extremism” charges and the implications on the rights to freedom of religion or belief, expression, association, and peaceful assembly as well as the occurrence of unlawful arrests, detention, torture and other ill-treatment in Uzbekistan.<sup>139</sup> Several international bodies have recommended to refrain from enacting legal or other measures that are founded on or make reference to concepts such as “extremism” or “religious extremism,” given the vagueness of these terms and the potential for their misuse in excessively discretionary or discriminatory ways.<sup>140</sup> The broad and imprecise wording of this provision gives too wide a margin of discretion to the authorities tasked with its implementation.

## ARTICLES 244-1 AND 244-2

Human rights groups and international bodies have repeatedly called on Uzbekistan to amend criminal code provisions on extremism (current Arts. 244-1 and 244-2), which following their adoption in 1998 and 1999, emerged as cornerstones of the campaign against independent Muslims used to criminalize peaceful dissent and freedom of religion and belief. But the revisions to the criminal code currently being proposed only remove the reference to the “religious” nature of extremism in each article. They otherwise retain the provisions in full and do not provide a definition of what constitutes “extremism.”

Hundreds of Uzbekistan’s current religious prisoners, if not more, especially those accused of membership in Hizb ut-Tahrir, are still held under these provisions. Among other current religious prisoners profiled in this report, Shakhzodjon Zokirov, Alisher Kasymov, Bakhtiyor Tursunov, Ubaydulla Murtazoyev, Azimjon Abdusamatov, and Alisher Muminov are all imprisoned under Articles 244.1 or 244.2 or both. Article 244-1—corresponding to the restrictions under Article 19 of the 1998 religion law.<sup>141</sup> These provisions made producing and storing, with the goal of distributing, materials that contain “ideas of religious extremism, separatism and fundamentalism” a crime, punishable by up to three years in prison.<sup>142</sup> Distribution of literature that falls into one of these categories may carry up to five years in prison. Aggravated

<sup>136</sup> See e.g., UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (hereinafter “UN Special Rapporteur on Counter-terrorism and Human Rights”), 2015 Thematic Report, A/HRC/31/65, 22 February 2016, paras. 11 and 21, noting that “[d]espite the numerous initiatives to prevent or counter violent extremism, there is no generally accepted definition of violent extremism, which remains an ‘elusive concept.’”

<sup>137</sup> See e.g., UN Special Rapporteur on Counter-Terrorism and Human Rights, 2020 Report on the human rights impact of policies and practices aimed at preventing and countering violent extremism, 21 February 2020, A/HRC/43/46, paras. 12–14; UN Special Rapporteur in the field of cultural rights, Report on the phenomena of fundamentalism and extremism, 16 January 2017, A/HRC/34/56, paras. 10–11; and UN Special Rapporteur on Freedom of Religion or Belief, 2018 Report on the Mission to Uzbekistan, A/HRC/37/49/Add.2, 22 February 2018, para. 51, where it is emphasized that “when employed as criminal legal categories, vague terms such as ‘extremism’ and ‘fundamentalism’ terms are irreconcilable with the principle of legal certainty as well as being incompatible with the fundamental rights mentioned.” See also op. cit. footnote 18, pp. 31–32 and 35 (2019 OSCE/ODIHR Policy Guidance on Freedom of Religion or Belief and Security), which states that “extremism” is “an imprecise term without a generally accepted definition, which leaves it open to overly broad and vague interpretations and opens the door to arbitrary application of the law”; OSCE/ODIHR, Opinion on the Law on Countering Extremist Activity of the Republic of Moldova (30 December 2019), paras. 13–16; OSCE/ODIHR, Comments on the Law on Countering “Extremism” of the Republic of Uzbekistan (22 November 2019), paras. 12–16; OSCE/ODIHR, Preliminary Opinion on the Draft Amendments to the Legal Framework “On Countering Extremism and Terrorism” in the Republic of Kazakhstan (6 October 2016), paras. 21–24; Venice Commission, Opinion on the Federal Law on Combating Extremist Activity of the Russian Federation, CDL-AD(2012)016-e, 15–16 June 2012, para. 30. See also OSCE/ODIHR, Guidelines on the Protection of Human Rights Defenders (2014), paras. 100, 205 and 213; OSCE/ODIHR, Guidelines for Addressing the Threats and Challenges of “Foreign Terrorist Fighters” within a Human Rights Framework, September 2018, pp. 21 and 31; and OSCE, Preventing Terrorism and Countering Violent extremism and Radicalization that Lead to Terrorism: A Community-Policing Approach (2014), Sub-Section 2.3.1.

<sup>138</sup> See also UN Special Rapporteur on Counter-Terrorism and Human Rights, Report to the UN Commission on Human Rights, UN Doc. A/HRC/40/52, 1 March 2019, para. 19.

<sup>139</sup> See CCPR, Concluding observations on the fifth periodic report of Uzbekistan, 1 May 2020, CCPR/C/UZB/CO/5, paras. 20–21 and 42; UN Special Rapporteur on Freedom of Religion or Belief, 2018 Report on the Mission to Uzbekistan, A/HRC/37/49/Add.2, 22 February 2018, paras. 98 and 101; and UN General Assembly, Report of the Working Group on the Universal Periodic Review Uzbekistan, A/HRC/39/7 (9 July 2018).

<sup>140</sup> See e.g., op. cit. footnote 18, pp. 31–32 and 35 (2019 OSCE/ODIHR Policy Guidance on Freedom of Religion or Belief and Security); and UN Special Rapporteur on Counter-Terrorism and Human Rights, 2020 Report on the human rights impact of policies and practices aimed at preventing and countering violent extremism, 21 February 2020, A/HRC/43/46, para. 52 (b). The use of the terms “extremism” and “fundamentalism” may substantially increase state control over religious or belief communities and criminalize perfectly legitimate activities performed by them. See also the remarks of the UN Special Rapporteur on Freedom of Religion or Belief, E/CN.4/2005/61/Add.1, para. 152; and OSCE/ODIHR, Joint Opinion on Freedom of Conscience and Religious Organizations in the Republic of Kyrgyzstan, CDLAD(2008)032-e, para. 14.

<sup>141</sup> Article 19 of the Law on Religion states that persons who produce, store, and distribute materials—including printed documents, video and audio cassettes, films, and photographs—that “contain ideas of religious extremism, separatism and fundamentalism” will be held accountable under the law. However, nowhere does Uzbek law define at what point religious literature is viewed as “extremist” or “fundamentalist,” rendering the law’s provisions grossly vague and overbroad. Interviews with former and current political and religious prisoners show that authorities used these vague ideological labels to imprison and silence numerous individuals whose views the government considered subversive.

<sup>142</sup> Article 244-1 states: “Preparation or possession, with the aim of disseminating, of materials containing ideas of religious extremism, separatism or fundamentalism, calling for pogroms or forcible eviction of citizens, or intended to create panic among the population, committed after administrative punishment has been levied...” carries punishment ranging from a fine equal to 50 times the minimum wage to three years in prison. Meanwhile, “Preparation or possession, with the aim of disseminating, of materials containing ideas of religious extremism, separatism or fundamentalism, calling for pogroms or forcible eviction of citizens, or intended to create panic among the population, as well as use of religion to disturb the harmony of the citizenry, spreading slander, destabilizing the situation through deception, and committing other acts aimed against the established regulations for public conduct and public safety” are punishable with up to five years in prison. Those people found to have committed the above infractions under aggravating circumstances—“by preliminary agreement or as part of a group, by using one’s official position, or with the financial or other material help of a religious organization or foreign government, organization or citizen”—can be sentenced to up to eight years in prison. Law of the Republic of Uzbekistan on Amendments and Additions to some Legal Acts of the Republic of Uzbekistan, May 1, 1998.

circumstances such as dissemination after agreeing with a group of people to do so, by using one’s official position, or using financial assistance from a religious organization, foreign state, group, or person, may be punishable by up to eight years in prison.<sup>143</sup> The relevant terms and phrases, however, were nowhere defined in Uzbek law.

More problematically, and reflective of a larger problem plaguing the government’s approach to the prevention of violent extremism, Article 244-1 does not distinguish between the peaceful expression of “fundamentalist” ideas and outright calls for violence. For example, the provision conflates the concepts just mentioned with “calls for massacres or the forced eviction of citizens” and materials aimed at “sowing panic.” The misleading conflation of two different types of expression associate the concept of “fundamentalism” with calls for violence, in effect smearing certain religious ideas and groups.<sup>144</sup>

Article 244-2, which references the same undefined term “extremist,” adds stricter criminal penalties for membership in certain groups: “Setting up, leading and participating in religious extremist, separatist, fundamentalist or other banned organizations are punishable by five to fifteen years of imprisonment with the confiscation of property.”<sup>145</sup> If they cause “serious consequences,” these acts are punishable by 15 to 20 years of imprisonment. This charge, when combined with Article 216, which bans participation in an illegal religious organization, results in the maximum punishment of 20 years in prison. This essentially criminalizes holding a set of outlawed ideas with others. The draft criminal code contains the notable improvement of removing the offense of “Illegal production, storage, import or distribution of religious materials” (current Art. 244-3) but retains it in the administrative code.

In addition to Articles 244-1, 244-2, and others amended in 1998 and 1999, authorities widely used the provisions on “anti-constitutional” activity (Art. 159)—sometimes translated as “subversion”—along with the crime of the organization of a criminal group (Art. 242), and sometimes the incitement of ethnic, racial, or religious enmity (Art. 156) to prosecute and imprison independent Muslims for lengthy terms.

## ARTICLE 159: ATTEMPTS TO OVERTHROW THE CONSTITUTIONAL ORDER

Along with Article 244, the criminal statute under which most religious and political prisoners in Uzbekistan are sentenced is Article 159, entitled “Encroachment on the Constitutional Order of the Republic of Uzbekistan,” also sometimes translated as “subversion” or “anti-constitutional activity.” In the years since Article 159 was added to the criminal code Uzbek courts have systematically used the statute to imprison perceived or actual religious and political opponents.<sup>146</sup> Unfortunately, it has also been used even *after* President Mirziyoyev came to power, such as in the prosecution of journalist Bobomurod Abdullaev, reflecting the continuing outsized influence of Uzbekistan’s security service.<sup>147</sup>

Article 159 punishes “[p]ublic appeals to unconstitutionally change the existing governmental system, to seize power to remove from office legally elected or appointed representatives, or to unconstitutionally disrupt the territorial unity of the Republic of Uzbekistan, as well as distribution of material with such content are punishable with a fine of up to fifty times the minimum wage or imprisonment up to three years.”

Article 159 provides for punishment of up to five years in prison for violent actions against “constitutional” authorities. But when carried out repeatedly or as part of a group, an individual can receive up to ten years’ imprisonment. Particularly important are Article 159’s conspiracy provisions which can land an individual in prison for ten to 20 years. In addition, as the cases of numerous religious prisoners of conscience here demonstrate, any call to establish an Islamic state, including Hizb ut-Tahrir’s advocacy for the restoration of a Caliphate, absent any threats or acts of violence, is punishable under Article 159. A significant number of Uzbekistan’s religious prisoners, including the 81 profiled in this report, have remained behind bars for two decades or more due to Article 159’s conspiracy or recidivism provisions. For example, religious prisoners Avaz Tokhtakhodjaev and Tohir Djumanov, both profiled earlier in this report, are currently imprisoned on Article 159 charges relating to alleged Hizb ut-Tahrir membership.

<sup>143</sup> The 1998 amendments to the criminal code also included new language outlawing the import of literature “propagating religious extremism, separatism and fundamentalism,” labeling it as contraband, and setting a penalty of up to ten years in prison. Article 246 of the criminal code, *as amended* in 1998.

<sup>144</sup> Law of the Republic of Uzbekistan on Amendments and Additions to some Legal Acts of the Republic of Uzbekistan, May 1, 1998.

<sup>145</sup> Several punishments spelled out in Uzbekistan’s criminal code include confiscation of property. Execution of this sentence can result in negative consequences for members of the convicted person’s family as well as for the individual.

<sup>146</sup> The primary exception to the application of Article 159 to those charged with religious infractions is in cases involving membership in Hizb ut-Tahrir under so-called mitigating circumstances. Specifically, if a person charged with membership in the group claims that he or she became a member “accidentally,” that he or she is in fact not a member at all, or that he or she stopped attending the group’s study sessions and did not participate in distribution of the group’s literature, then that person has, in some cases, avoided prosecution under Article 159 and is most routinely charged under Article 216, punishing membership in an illegal religious organization, which carries a shorter maximum prison term.

<sup>147</sup> “Uzbekistan: Prisoner of conscience freed after being sentenced to community service,” Amnesty International, May 7, 2018, <https://www.amnesty.org/en/latest/news/2018/05/uzbekistan-prisoner-of-conscience-freed-after-being-sentenced-to-community-service/>.

Over the past two decades authorities have often used Article 159 to prosecute persons for discussing the idea of building a society in accordance with Islamic principles. Under Article 159, discussions between individuals are misconstrued as “public calls for the seizure of power,” which violates the ICCPR’s guarantee of the right to free expression (Art. 19 ICCPR). Neither Article 159 nor 244-1 differentiates clearly between *actual* acts of violence and *calls* for violence. The former is legitimately a criminal offense while the peaceful expression of opinions and views should be decriminalized.

### ARTICLE 216: ORGANIZING AN ILLEGAL OR RELIGIOUS ORGANIZATION

Article 216 criminalizes the organization of illegal public associations or religious organizations as well as active participation in their activities (up to five years’ imprisonment). Under this provision, religious associations’ unregistered groups or informal communities whose members meet regularly and discuss religious issues with others are considered illegal. On its face, Article 216 violates the right to freedom of thought, conscience, and religion, peaceful assembly, and association (Arts. 18, 21, and 22 of the ICCPR). Uzbekistan’s draft criminal code removes the offense of “violating the religious organizations law” (current Art. 216-2) and “violating rules for teaching religion” (current Art. 229-2), but these offenses would still exist as infractions under the administrative code.

### ARTICLE 242: ORGANIZING A CRIMINAL GROUP

In addition to Article 216, authorities have widely used the similar Article 242, which imposes punishment for “organizing a criminal group.” Treated as a crime against national security, it prohibits establishing or leading a “criminal society or group” with up to 20 years in prison.

### ARTICLE 156: INCITING NATIONAL, RACIAL, OR RELIGIOUS ENMITY

Applied less frequently than Articles 159, 244, 242, or 216, but significant among the population of religious prisoners is Article 156, which outlaws the incitement of national (ethnic), racial, or religious enmity<sup>148</sup> and carries a penalty of five years’ imprisonment.<sup>149</sup> Moreover, if carried out in collusion with or by a group, or under other aggravated circumstances, an individual may be imprisoned for up to ten years.

Like several provisions described previously, authorities have applied Article 156 broadly to the possession or distribution of banned literature, interpreting some literature as denigrating a group or individual’s honor even though these concepts are not defined explicitly, leaving ample opportunity for arbitrary application. Under this statute, the government has charged and convicted numerous independent Muslims, including perceived or actual members of Hizb ut-Tahrir, prosecuting them for the exchange of opinions, including those in favor of a Caliphate.

Current religious prisoner Usman Darvyshov, 57 years old, whose case is profiled earlier in this report, exemplifies the use of this charge. A resident of Namangan and an observant Muslim, Darvyshov worked as a boxing coach at an athletics school. Security services detained him in February 2009 as he was returning home. Initially, they charged him with “petty hooliganism” and sentenced him to 15 days’ administrative arrest. During his detention security service officers took him into custody in the Namangan region security services pre-trial detention center where they further charged Darvyshov with trumped-up allegations of “incitement of national, racial, ethnic, and religious hatred” (Art. 156), “attempts to overthrow the constitutional order” (Art. 159), “organizing a criminal group” (Art. 242), and “creation, leadership of, participation in religious extremist, separatist, fundamentalist, or other banned organizations” (Art. 244-2).

Darvyshov’s son Umarkhon Yokubjonov testified that security service officers, including an officer named Shohnazar, tortured Darvyshov in detention to obtain a false confession. Darvyshov was sentenced to 16 years’ imprisonment following a closed trial that did not meet international standards for fair trials. In 2018, having served nine years in a Qarshi prison, Darvyshov was transferred to an open-air resettlement colony. Darvyshov should be released immediately.

<sup>148</sup> The religious enmity part of this charge qualifies as a blasphemy law, which USCIRF and other leading bodies on freedom of religion have pointed out violate international human rights standards, are often vaguely worded and ripe for abuses as they inappropriately make governments the arbiters of ultimate truths or religious doctrines, are used disproportionately against religious minorities or dissenting members of the majority community and tend to carry draconian penalties. See “Selected Blasphemy Cases,” USCIRF, September 2017, <https://www.uscirf.gov/publications/selected-blasphemy-cases>.

<sup>149</sup> In addition to outlawing acts that directly infringe on the rights of others or lead to the physical harm of others, Article 156 states that “[w]illful action that denigrates national (ethnic) honor or dignity or which offends citizens on the basis of their religious (or atheistic) beliefs, committed with the goal of inciting animosity, intolerance, or discord ... is punishable by imprisonment of up to five years.”

## DRUGS AND WEAPONS CHARGES

Research shows that many cases of current religious prisoners in Uzbekistan combine the previously described political or religious charges with non-political or lesser offenses that are trumped up or fabricated. Law enforcement or security services have often used such charges to increase the length of a prison sentence, discredit a detainee, or otherwise distract from the actual underlying religious or political motivation of a prosecution. Some common charges among religious prisoners' cases reviewed for this report and lacking in evidence of guilt include illegal possession of narcotics (criminal code Arts. 273 and 276) or illegal possession of weapons or ammunition (criminal code Arts. 248). The cases of current religious prisoners Jamshidbek Iboydullaevich Atabekov and Ibrohim Khakimovich Asronkulov, which include Article 276, are prime examples of this phenomenon.

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Steve Swerdlow, Esq., is Associate Professor of the Practice of Human Rights in the Department of Political and International Relations at the University of Southern California in Los Angeles, California. A human rights lawyer and expert on the former Soviet region, Swerdlow was Senior Central Asia researcher at Human Rights Watch, heading the organization's work on Uzbekistan and Tajikistan and founding its Kyrgyzstan field office. Swerdlow has taught human rights as an Adjunct Professor at Webster University Tashkent and worked as a consultant with the United Nations Development Programme (UNDP) and the International Labour Organization (ILO). Earlier, Swerdlow was a fellow in the U.S. State Department's Young Leaders for Public Service program in Russia and worked as a human rights monitor for

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# APPENDIX A: LIST OF PRISONS IN UZBEKISTAN

## NAMES AND LOCATIONS OF PRISON COLONIES FOR THE EXECUTION OF PUNISHMENTS (CEP) AND RESETTLEMENT COLONIES (RC)

Main Administration for Execution of Punishments – Ministry of Internal Affairs Uzbekistan (presented to the author of this report in December 2020)

#	Name of Institution	Location
<b>Prison Colonies</b>		
1.	CEP №1	Kogon district, Bukhara oblast
2.	CEP №2	Qarshi, Qashqadaryo oblast
3.	CEP №3	Qarshi, Qashqadaryo oblast
4.	CEP №4	Navoi, Navoi oblast
5.	CEP №5	Qiziltepa, Navoi oblast
6.	CEP №6	Pap district, Namangan oblast
7.	CEP №7	Bostonliq district, Tashkent oblast
8.	CEP №10	Koson district, Qashqadaryo oblast
9.	CEP №11	Navoi, Navoi oblast
10.	CEP №12	Zarafshon, Navoi oblast
11.	CEP №13	Chirchiq, Tashkent oblast
12.	CEP №14	Olmaliq (Almalyk), Tashkent oblast
13.	CEP №17	Karaulbazar district, Bukhara oblast
14.	CEP №20	Kogon, Bukhara oblast
15.	CEP №21	Zangiota district, Tashkent oblast
16.	CEP №22	Zangiota district, Tashkent oblast
17.	Specialized hospital for prisoners No. 23	Yashnobod district, Tashkent
18.	Educational colony No. 24	Zangiota district, Tashkent oblast
<b>Open-air Resettlement Colonies</b>		
19.	RC №27	Kungrad district, Republic of Karakalpakstan
20.	RC №28	Kungrad district, Republic of Karakalpakstan
21.	RC №29	Jizzakh, Jizzakh oblast
22.	RC №30	Zafarobod district, Jizzakh oblast
23.	RC №31	Zafarobod district, Jizzakh oblast
24.	RC №32	Muborak district, Qashqadaryo oblast
25.	RC №33	Muborak district, Qashqadaryo oblast
26.	RC №34	Kamashin district, Qashqadaryo oblast
27.	RC №35	Qarshi, Qashqadaryo oblast
28.	RC №36	Zarafshon, Navoi oblast
29.	RC №37	Pastdargom district, Samarkand oblast
30.	RC №38	Samarkand, Samarkand oblast
31.	RC №39	Sardoba district, Sirdaryo oblast
32.	RC №40	Gulistan district, Sirdaryo oblast
33.	RC №41	Sherabad district, Surkhandarya oblast
34.	RC №42	Zangiota district, Tashkent oblast
35.	RC №43	Buka, Tashkent oblast
36.	RC №44	Ohangaron, Tashkent oblast
37.	RC №45	Olmaliq, Tashkent oblast
38.	RC №46	Zangiota district, Tashkent oblast
39.	RC №47	Yuqorichirchiq district, Tashkent oblast
40.	RC №48	Ohangaron district, Tashkent oblast
41.	RC №49	Olmaliq city, Tashkent oblast
42.	RC №50	Piskent district, Tashkent oblast
43.	RC №51	Yashnobod district, city of Tashkent

# APPENDIX B: LIST OF ORGANIZATIONS DESIGNATED AS TERRORIST OR BANNED IN UZBEKISTAN

In connection with a ruling of Uzbekistan's Supreme Court issued on September 26, 2016, the following organizations have been designated as terrorist groups or their activities are banned in Uzbekistan:<sup>150</sup>

1. Akromiya
2. Islamic Movement of Turkestan
3. Islamic Jihad
4. Hizb ut-Tahrir
5. Al Jihad
6. Al Qaeda
7. Global Jihad Fund (Всемирный фонд Джихада)
8. Muslim Brotherhood
9. Tablighi Jamaat
10. Jamaat-e-Islami-i-Pakistan
11. The Organization for the Emancipation of East Turkestan
12. Islamic Movement of Eastern Turkestan
13. Grey Wolves (Боз гурд)
14. Abu Sayyaf
15. Jamiat Ulema-e-Islam
16. Islamic State
17. Tawhid va Jihod
18. Katibat Imam al-Bukhari
19. Jamaat e-Nasrulloh
20. Jabhat al Nusra
21. Jihadists
22. Nurchilar

Note: The U.S. government has only designated a few of these as Foreign Terrorist Organizations (FTOs), including Abu Sayyaf, Al Qaeda, IMU, ISIS, Al Nusra, etc. <https://www.state.gov/foreign-terrorist-organizations/>

<sup>150</sup> List of designated terrorist organizations prohibited in Uzbekistan, issued by the Supreme Court of Uzbekistan, September 26, 2016, Link available upon request.

# APPENDIX C: QUESTIONNAIRE SUBMITTED TO REPRESENTATIVES OF RELEVANT GOVERNMENT AGENCIES IN UZBEKISTAN

1. In accordance with news reports of 2019 that indicate the government has made this information publicly available, please state the total number of prisoners imprisoned in Uzbekistan.
2. In accordance with news reports of 2019 that indicate the government has made this information publicly available, please provide the number of prison colonies and settlements in Uzbekistan and list the names of each facility.
3. In accordance with news reports of 2019 that indicate the government has made this information publicly available, please state the total number of prisoners imprisoned in Uzbekistan on the following charges, listing the number of prisoners separately for each specific charge:
  - a. Article 155
  - b. Article 156
  - c. Article 157
  - d. Article 158
  - e. Article 159
  - f. Articles 216
  - g. Article 216.1
  - h. Article 216.2
  - i. Article 221(b)
  - j. Article 223
  - k. Article 242
  - l. Article 244
  - m. Article 244.1
  - n. Article 244.2
4. Please indicate the total number of prisoners imprisoned on the charges listed in Question #3 that have been released from prison due to amnesty, acquittal, pardon, or other method since September 2016.
5. Please indicate the names of each prisoner imprisoned on charges listed in Question #3 who has been released from prison due to amnesty, acquittal, pardon, or other method since September 2016.
6. Please indicate the name of the government entity that formulates recommendations regarding the grant of release, pardon, or amnesty of prisoners to the Presidential Apparatus.

USCIRF would greatly appreciate receiving complete answers to the above questions as expeditiously as possible, as this information is immediately relevant to the compilation of USCIRF annual report on religious freedom. Thank you for your kind assistance.



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