



2012 OSCE Human Dimension Implementation Meeting

***Written Intervention by the Initiative Group of Independent Human Rights Defenders of Uzbekistan, International Partnership for Human Rights and the Netherlands
Helsinki Committee***

Working Session 5 (Rule of Law II), Wednesday 26 September 2012:

Human rights abuses in the fight against “religious extremism” in Uzbekistan

The Uzbek authorities continue their repressive campaign against Muslim believers who practice their faith outside strict state controls. During many years of monitoring IGIHRDU has documented a persistent pattern of violations of fundamental rights in the fight against “religious extremism.” These violations include:

- Mass arrests of believers. Only in the last two years IGIHRDU has documented more than 250 arrests in the Tashkent, Kashkadarya, Dzhizak and Fergana regions of Uzbekistan. In an increasingly common practice, law enforcement authorities first fabricate minor administrative cases against those detained, e.g. on charges of “minor hooliganism” or “failure to comply with the lawful orders of a police officer” to get courts to sanction administrative arrests of 10-15 days. The period the detainees are held under administrative arrest is used to build criminal cases on “religious extremism” charges against them.
- Restrictions of the contacts of detainees with lawyers and family members. Lawyers are often not even allowed to be present in court, in particular when decisions on administrative arrests are made. Relatives are often not informed where their close ones are held and are not provided any copy of the court decisions on administrative arrests.
- The use of torture and other ill-treatment to force detainees to “confess” or testify against others. Courts continue to accept statements made under pressure as evidence against defendants in “religious extremist” trials.
- Trials that are held behind closed doors and characterized by serious procedural violations. Defendants are sentenced to lengthy prison sentences without evidence on the basis of vaguely worded Criminal Code articles, such as articles that ban the participation in “illegal” religious groups (article 216), the involvement in “religious extremist” and other “prohibited” groups (article 244-2), the production and distribution of materials considered to create a threat to public order and security (article 244-1), as well as “anti-constitutional” activities (article 159).
- Torture and ill-treatment against prisoners who are serving sentences on “religious extremism” charges. Every year IGIHRDU receives information about cases where religious prisoners allegedly have died as a result of abusive treatment. In a typical pattern, the bodies of these prisoners are secretly brought to their relatives for quick burial.

- New punishments against religious prisoners whose prison sentences are nearing an end. Such prisoners are convicted of failing to comply with the “legal requests” of the prison administration (under article 221 of the Criminal Code) and given new prison terms in unfair trials that frequently are held behind closed doors inside of the prison territory.

The Uzbek authorities also continue to seek the extradition of purported “religious extremists” who have sought protection in other countries. In June 2012, the UN Committee against Torture found that the Kazakhstani government violated its obligations under the Convention against Torture when it extradited 29 individuals accused of “religious extremism” to Uzbekistan in 2011.

- The Committee concluded that it had been “sufficiently demonstrated” that these individuals faced a “foreseeable, real and personal risk of torture” upon return to Uzbekistan given the known pattern of “gross, flagrant or mass violations of human rights” and “the significant risk of torture” in this country, “in particular for individuals practising their faith outside the official framework.” With respect to the Kazakhstani government’s argument that it had requested diplomatic assurances for the protection of the extradited individuals, the Committee pointed out that such assurances “cannot be used as an instrument to avoid the application of the principle of non-refoulement.”¹ IGIHRDU has received information that three of the extradited individuals subsequently were convicted of various religious “extremism” offences and sentenced to prison in trials held behind closed doors.² Currently it has no information about the fate of the others.

In a case that attracted much attention earlier this year, a well-known exiled Uzbek imam, who has been accused of “religious extremism” by Uzbek authorities, was subject to an attempt on his life. His followers suspect that Uzbek secret services may be behind the attack:

- In February 2012, Obid Quori Nazarov was shot in his head several times outside of his home in a northern town of Sweden, where he has lived as a refugee since 2006. He remains in coma as a result of the injuries he sustained. The individual suspected of carrying out the attack is wanted by Swedish authorities. A former Tashkent imam, Nazarov fell out of favor with the Uzbek authorities in the mid-1990s after criticizing official religious policies³. After he was charged with “religious extremism” and fled Uzbekistan out of fear of persecution, Nazarov has continued to criticize the current Uzbek regime and recently he has openly supported the Uzbek political opposition in exile. He has categorically denied the accusations of Uzbek authorities that he has connections to violence.

Recommendations to the authorities of Uzbekistan:

- Stop using repressive measures against Muslim believers who practice their faith peacefully, albeit outside strict state control, including unlawful arrests, fabricated administrative and criminal cases, closed and unfair trials and torture and other illegal treatment.
- Adopt effective measures to implement recommendations made by international human rights bodies with respect to ensuring respect for the rights of detainees, the right to a fair trial and the right not to be subjected to torture and ill-treatment.

Recommendations to other OSCE participating States:

- Do not extradite individuals accused of “religious extremism” by Uzbek authorities to Uzbekistan given the evident risk that these individuals may be subject to torture and other gross human rights violations upon return to that country. When relevant, take adequate and effective measures to provide physical protection to Uzbek refugees living in their countries who have fled Uzbekistan for fear of persecution on the basis of their religious beliefs and practices and/or their criticism of Uzbek authorities.

Recommendation to the authorities of Sweden:

- Make all efforts to bring to justice those responsible for the attempt on the life of Obid Quori Nazarov, including those who possibly ordered it.

¹ Decision adopted by the Committee against Torture on communication 444/2012 at its forty-eighth session, 7 May-1 June 2012, http://www2.ohchr.org/english/bodies/cat/docs/jurisprudence/CAT-C-48-D-444-2010_en.pdf

² See IGIHRDU statement from 30 September 2011, «Результаты судебных процессов по 28-ми экстрагированных беженцев из Алматы».

³ “The Karimov Regime is Accused of Terrorist Activities: An Attempt on the Life of Political Émigré Obidkhon Nazarov,” 29 February 2012, at <http://nadejda-atayeva.blogspot.com/>