

# UZBEKISTAN

## @Further prosecutions in the "Milli Mejlis" case: prisoners of conscience Otanazar Aripov and Salavat Umurzakov

### *Introduction*

Otanazar Aripov and Salavat Umurzakov, two of the six defendants in the so-called *Milli Mejlis* case, were tried again separately in March and April 1994 and ordered to begin serving the previously suspended prison sentences of, respectively, five and three years passed on them in August 1993 for "conspiracy with the aim of seizing power". They were considered to have violated a condition under which their sentences had been suspended by continuing their active involvement in the now outlawed opposition party *Erk* (Freedom). Amnesty International considers that Otanazar Aripov and Salavat Umurzakov are prisoners of conscience, and is calling for their immediate and unconditional release.

Background to the *Milli Mejlis* case is given in the Amnesty International report *Uzbekistan: Clampdown on dissent* (AI Index: EUR 62/09/93), published in June 1993. Information about the July-August 1993 trial of the *Milli Mejlis* organizers is given in *Uzbekistan: Clampdown on dissent - an update: prisoners of conscience on trial* (AI Index: EUR 62/26/93), published in September.

### *Background information on the Erk party*

The Freedom Democratic Party - *Erk* - was founded in April 1990 following a split in 1989 from the opposition *Birlik* (Unity) movement (for more information about *Birlik*, and about Uzbekistan's political parties and movements in general, see AI Index: EUR 62/09/93). *Erk* was officially registered as Uzbekistan's first opposition political party in September 1991 (the ruling party in Uzbekistan is the People's Democratic Party, the former Communist Party), and party chairman Muhammad Salih contested Uzbekistan's presidential election in December 1991. The party claims 54,000 registered members (not 10,000 as reported in AI Index: EUR 62/09/93).

During 1992, *Erk* took an increasingly radical opposition stance in the face of harassment from the authorities. Since October 1993 *Erk* has been effectively banned after it did not meet the terms of a decree issued in March requiring all political organizations to re-register by 1 October (the *Birlik* movement was also outlawed as a result of this decree). The *Erk* party newspaper, also called *Erk*, was banned in 1993. At the beginning of 1994 a group of *Erk* activists began to publish the newspaper in Moscow, the Russian capital, and to distribute it clandestinely inside Uzbekistan.

**Official harassment and prosecutions of *Erk* activists - Clampdown against the *Erk* newspaper**

As has been the case with all opposition parties and movements in Uzbekistan, a number of *Erk* members, especially senior party figures, have been targeted for arrest or other persecution by the authorities. Muhammad Salih has gone into exile after a criminal investigation was initiated against him in April 1993 in connection with the *Milli Mejlis* case. In early October 1993 Samat Muradov, who had been elected first secretary of *Erk* at the party's fourth congress at the end of the previous month, was seized from a street in the town of Karshi, Kashkadarya region (southern Uzbekistan) by suspected government agents and driven to the town rubbish dump, where he was beaten unconscious.

The official clampdown against *Erk* has intensified in 1994, apparently provoked by official dismay at the widespread clandestine distribution of the *Erk* newspaper (the first edition of 1994 had a print-run of 20,000 and was reportedly distributed throughout the country). In late February and March at least 10 leading party activists were held for questioning following raids on their homes in Tashkent, Karshi, Samarkand and other locations by police apparently looking for copies of the newspaper. The latest edition featured an article by Muhammad Salih strongly criticizing President Islam Karimov, an article about the second anniversary of the shooting by police of student demonstrators in Tashkent in January 1992, and a list of people persecuted during 1993 for their political opposition to the Government of Uzbekistan. The arrests of Otanazar Aripov and Salavat Umurzakov were part of this clampdown. Of the others detained, some were released shortly afterwards, but three people arrested in Tashkent on 3 March were held in custody until 19 March, and one man arrested on 26 February, Samarkand regional *Erk* chairman Suleiman Muradov, was reportedly not released until around 25 March. There were further arrests in April, apparently concentrated in Kashkadarya region. At least four of those arrested in April were believed still to be in detention at the end of May [see the appendix to this document].

The apparent determination of the authorities to close down the *Erk* newspaper is demonstrated by the treatment of Yusuf Ruzimuradov, one of the party activists involved in the newspaper's publication and distribution. He was arrested by police in Karshi on 11 April, and was taken to Tashkent and then across the border into Kazakhstan, first to the city of Chimkent and then to Almaty, the Kazakhstani capital. Evidently believing that the newspaper was being published in Kazakhstan, Yusuf Ruzimuradov's police captors demanded to be shown the place where the newspaper was produced. He claims that in Chimkent and Almaty his captors had the use of apartments where he was kept for three days. On 14 April Yusuf Ruzimuradov managed to escape from his captors on a street in Almaty [for the May 1994 arrest of Yusuf Ruzimuradov's brother Sherali Ruzimuradov see the appendix to this document].

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*Rearrest and further trial of Otanazar Aripov and Salavat Umurzakov*

Otanazar Aripov is a professor of physics and a secretary of the *Erk* central committee. He was first recognized as a prisoner of conscience by Amnesty International following his arrest in December 1992 in connection with his membership of the organizing committee of the *Milli Mejlis* (National Council), an alternative parliamentary-style forum. He was conditionally released in February 1993 pending trial. Originally charged under Article 62 of the Criminal Code ("organizational activity directed towards commission of especially dangerous state crimes, and participation in an anti-government organization"), during the trial of six *Milli Mejlis* defendants in July-August 1993 a charge under Article 54 ("conspiracy with the aim of seizing power") was substituted. Otanazar Aripov was convicted under Article 54 and sentenced to five years' imprisonment, suspended for three years.

Otanazar Aripov was rearrested at his home in Tashkent in the first week of March following a police search. At first he was charged with possession of a small quantity of narcotics which had allegedly been found in his apartment. However, he was subsequently charged instead under Article 62, apparently on the grounds of his having continued his active involvement in opposition politics, in violation of an undertaking he had signed while under investigation for the *Milli Mejlis* case to give up his political activities and leave *Erk* (such an undertaking appears to be of dubious validity, since it violates Otanazar Aripov's constitutional right to freedom of association, and furthermore was obtained allegedly under duress). In particular, the authorities pointed to his having chaired the fourth *Erk* congress at the end of September 1993, and reportedly produced as evidence against Otanazar Aripov photographs of him taken at the congress and at meetings of the *Erk* central committee. At a closed trial in Tashkent at the beginning of April (it is not known on exactly what date this took place, or in which court) he was found guilty and was ordered to serve the outstanding four years and 10 months of the sentence passed on him in 1993 (the period spent in pre-trial detention was deducted)<sup>1</sup>.

Unofficial sources report that Otanazar Aripov has been sent to serve his sentence at a strict regime labour colony at Zarafshan, Navoi region (central Uzbekistan). (There are four categories of labour colony in Uzbekistan, which increase in severity: ordinary, reinforced, strict and special.) Prisoners at this colony reportedly work in a chemical factory, and there

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<sup>1</sup> The Criminal Code of Uzbekistan states that, when a person who has been given a conditional sentence of imprisonment commits during the period when that sentence is suspended another crime for which that person is again sentenced to imprisonment, the unserved part of the first sentence is added in full or in part to the new term of imprisonment. Article 62 does not carry a specific punishment, but must be qualified as another "especially dangerous crime against the state" (i.e. Articles 54-61), and is punishable according to sentences which can be imposed for those articles. This appears to explain why Otanazar Aripov and Salavat Umurzakov have been ordered to serve only the sentences outstanding from 1993, without additional prison sentences resulting from their new convictions. Possibly their earlier convictions under Article 54 have been invoked to qualify their convictions under Article 62.

is concern about the effect this might have on the health of Otanazar Aripov, who suffers from asthma.

Salavat Umurzakov, aged 38, is a journalist and member of both *Erk* and the *Birlik* movement. He was arrested in connection with membership of the *Milli Mejlis* organizing committee in May 1993 and remained in detention until the conclusion of the trial in August. He too was charged originally under Article 62 but had a charge under Article 54 substituted during the trial. Salavat Umurzakov's sentence was three years' imprisonment, suspended for three years.

Salavat Umurzakov's rearrest on 23 March 1994 reportedly took place in similar circumstances to that of Otanazar Aripov, although an unofficial source claims that incriminating evidence was crudely planted on him: allegedly, when Salavat Umurzakov was taken from his home by the officers arresting him and was put in a police car five copies of the *Erk* newspaper were already lying on the seat, but he was accused of having had them in the pocket of his jacket. He went on trial the day after his arrest, reportedly in the Khamza district people's court in Tashkent. He was convicted of Article 62 and sentenced to serve the outstanding two years and nine months of the sentence passed on him in 1993.

Salavat Umurzakov has reportedly been sent to an ordinary regime labour colony to begin serving his sentence, but at the end of May his exact whereabouts were not known to Amnesty International.

## APPENDIX

### OTHER PRISONERS OF CONSCIENCE IN UZBEKISTAN

The following list includes probable prisoners of conscience whose cases were featured in the June 1993 Amnesty International report *Uzbekistan: Clampdown on dissent* (AI Index: EUR 62/09/93) and who were still in detention at the end of May 1994. Also listed are prisoners of conscience and probable prisoners of conscience whose cases have been taken up by Amnesty International in the year since publication of that report.

Some of those listed below were detained for short periods under "administrative arrest". This can be imposed by a single judge for up to 15 days without a trial or right of appeal, and has been used frequently in Uzbekistan to punish people who have sought to exercise non-violently their rights to freedom of expression and association.

Most of the others listed below are in detention pending possible trial. Uzbekistan's code of criminal procedure allows for a suspect to be detained for up to 10 days before criminal charges are brought. Pre-trial detention can be for up to two months in the first instance, but to Amnesty International's knowledge procurators' orders may extend that period gradationally to a maximum 18 months.

#### **Abdunabi and Arif Abdiyev**

Abdunabi Abdiyev, a correspondent for the banned *Erk* newspaper, and his brother Arif were arrested on 20 April 1994 in Bakhoriston district, Kashkadarya region. Unofficial sources report that they were subsequently transferred to Tashkent, where at the end of May they were believed to be still in detention in the basement remand cells of the directorate of internal affairs. It is not clear what charges have been brought against Abdunabi and Arif Abdiyev, but unofficial sources allege that they were arrested for possession of the *Erk* newspaper. Amnesty International believes that these men may be prisoners of conscience.

#### **Nemat Akhmedov**

Nemat Akhmedov is a local *Erk* activist in Kashkadarya region. He was arrested on 13 April 1994 in the town of Mubarek in Kashkadarya region, but was reportedly taken to Tashkent, where at the end of May he was believed to be still in detention in the basement remand cells of the directorate of internal affairs. It is not clear what charges have been brought against Nemat Akhmedov, but unofficial sources allege that he was arrested for possession of the banned *Erk* newspaper. Amnesty International believes that Nemat Akhmedov may be a prisoner of conscience. [See also Shavkat Khalbayev, below.]

#### **Pulat Akhunov**

Probable prisoner of conscience Pulatzhon (Pulat) Akhunov, a deputy chairman of *Birlik*, is serving a total of four and a half years' imprisonment after being convicted of allegedly fabricated charges of malicious hooliganism, illegal possession of narcotics and assaulting a prison guard. He was transferred in September 1993 to a reinforced regime corrective labour colony at Kyzyltepa in central Uzbekistan. Unofficial sources reported that the Kyzyltepa colony was used to detain especially dangerous criminals, and that conditions there were considered to be among the worst in Uzbekistan. Amnesty International feared that this transfer had been arranged by the authorities deliberately to place Pulat Akhunov at risk of violence from fellow inmates.

According to unofficial reports, on 8 March 1994 Pulat Akhunov was placed in a punishment cell for five days, the official reason being that he had assaulted another prisoner. Upon his release from the punishment cell he was immediately placed in solitary confinement for two months, for reasons that are unclear to Amnesty International.

[For reports of Pulat Akhunov's trials in November-December 1992 and July-August 1993 see AI Index: EUR 62/09/93 and EUR 62/26/93.]

#### **Mikhail Ardzinov**

A *Birlik* member and deputy chairman of the unregistered Human Rights Society of Uzbekistan, Mikhail Ardzinov was arrested at Tashkent railway station on 14 May 1994 as he was about to leave for a human rights conference in Almaty, Kazakhstan. He was reportedly charged with "petty hooliganism" and sentenced to 15 days' "administrative arrest". Amnesty International believes that the charge was brought solely to punish Mikhail Ardzinov for his non-violent political and human rights activities and to prevent him from travelling. He was a prisoner of conscience. [See also Vasiliya Inayatova and Talib Yakubov, below.]

Mikhail Ardzinov had served 10 days' "administrative arrest" in July 1992, and in the following August a bomb attack on his apartment was suspected to be the work of government agents [see AI Index: EUR 62/09/92].

#### **Maksud Bekzhan**

Poet Maksud Bekzhan is the brother of *Erk* leader Muhammad Salih. He was arrested on 7 March 1994 at the airport in the town of Urgench, Khorezm region, northwest Uzbekistan, reportedly in connection with possession of the *Erk* newspaper. He was living in Khorezm region after having been evicted in February from his apartment in Tashkent, an action interpreted by opposition sources as part of a pattern of harassment against relatives and associates of Muhammad Salih. Maksud Bekzhan was reportedly taken from Urgench to Tashkent, where he was detained in the basement remand cells of the directorate of internal affairs. Amnesty International considered him a possible prisoner of conscience. In early May Amnesty International learned that Maksud Bekzhan had been released.

#### **Vasiliya Inayatova**

Poet and *Birlik* presidium member Vasiliya Inayatova was arrested on 12 May 1994. She was on her way to a human rights conference in Almaty, Kazakhstan, and her arrest by Uzbek police reportedly took place after she had crossed the border into Kazakhstan. The car in which she was travelling was stopped by Uzbek police who had apparently been in pursuit in unmarked cars. Vasiliya Inayatova and her companions were taken back to Tashkent where they were interrogated at the police headquarters for some five hours. Her companions were released following the interrogation, but Vasiliya Inayatova was charged with "insulting a police officer" and held under "administrative arrest" for around three days. She was a prisoner of conscience. [See also Mikhail Ardzinov, above, and Talib Yakubov, below; for a report on Vasiliya Inayatova's February 1993 trial for "infringement upon the honour and dignity of the President" see AI Index: EUR 62/09/93.]

#### **Shavkat Khalbayev**

A local *Erk* activist in Kashkadarya region, Shavkat Khalbayev was arrested on 13 April 1994 in the town of Mubarek. Reportedly, he was subsequently taken to Tashkent, where at the end of May he was believed to be still in detention in the basement remand cells of the directorate of internal affairs. It is not clear what charges have been brought against him, but unofficial sources allege that he was arrested for possession of the banned *Erk* newspaper. Amnesty International believes that Shavkat Khalbayev may be a prisoner of conscience. [See also Nemat Akhmedov, above.]

#### **Mamadali Makhmudov**

Mamadali Makhmudov, a well-known writer, was arrested on 3 March 1994 at his home in Tashkent. Initial reports suggested that a pistol had been found at his home during a police search, and that this had allegedly been planted on him by police. However, sources subsequently suggested that he was being investigated for embezzlement connected with his position as Chairman of the Uzbek Culture Fund. Mamadali Makhmudov was not a member of a political party, but his arrest appeared to be connected with the intensifying clampdown against *Erk*: sources alleged that the authorities were trying to fabricate a criminal charge against Mamadali Makhmudov to punish him for his association with Muhammad Salih, the exiled *Erk* leader. At the end of May Mamadali Makhmudov was still in detention in Tashkent. Amnesty International believes that Mamadali Makhmudov may be a prisoner of conscience.

#### **Sherali Ruzimuradov**

A student at Karshi University, member of *Erk* and younger brother of Yusuf Ruzimuradov [see above], Sherali Ruzimuradov was arrested in Karshi on 24 May 1994. At the end of May it was not clear where he was being held nor what charges have been brought against

him, but unofficial sources alleged that he was arrested for promoting *Erk*. Amnesty International believes that Sherali Ruzimuradov may be a prisoner of conscience.

#### **Nasrullo Saidov**

Nasrullo Saidov is the secretary of *Erk* in Bukhara region (central Uzbekistan). Unofficial sources reported that at around 11pm on 22 February 1994 around 30 law enforcement officers came to his home at Vabkent, just outside Bukhara city, and began a simultaneous search of all the rooms. Four police officers who went into a children's bedroom emerged some time later with a hand grenade wrapped in a child's T-shirt, as a result of which Nasrullo Saidov was arrested immediately. He was reportedly charged with illegal possession of a weapon and taken to the directorate of internal affairs in Bukhara city. Sources alleged that the law enforcement officers conducting the search themselves planted the grenade in order to fabricate a criminal charge of illegal possession of a weapon to punish Nasrullo Saidov for his opposition political activities. Amnesty International considered him to be a possible prisoner of conscience. In early May Amnesty International learned that Nasrullo Saidov had been released, and that the charge against him had apparently been dropped.

#### **Akhmadkhon Turakhonboy-ugly**

Akhmadkhon Turakhonboy-ugly, an Islamic cleric, is the chairman of the local *Birlik* organization in the city of Namangan, eastern Uzbekistan. On the evening of 27 November 1993 plain clothes officers believed to be from the National Security Service came to his home, and reportedly stated that they wished to conduct a search of the apartment for illegal documents. In the course of the search a single hand grenade was reportedly discovered (an almost identical sequence of events reportedly took place on the same evening at the home in Namangan of Nosyr Zokhir, also a *Birlik* activist - see below). Sources alleged that the grenade had been planted by the National Security Service officers themselves in order to fabricate criminal charges of illegal possession of a weapon to punish Akhmadkhon Turakhonboy-ugly for his opposition political activities. He was believed still to be in detention at the end of May. Amnesty International believes that Akhmadkhon Turakhonboy-ugly may be a prisoner of conscience.

#### **Inamzhon Tursunov**

In September 1993 Amnesty International received from the office of the procurator of Fergana region (eastern Uzbekistan) a reply to its inquiries about the case of Inamzhon Tursunov. The chairman of the *Erk* regional organization in Fergana region, Inamzhon Tursunov was serving a sentence of two years' imprisonment passed on him in February 1993 for hooliganism and resisting a police officer, charges which unofficial sources alleged



had been fabricated. Amnesty International believed that Inamzhon Tursunov might be a prisoner of conscience [see AI Index: EUR 62/09/93].

The Fergana regional procuracy rejected Amnesty International's appeal for a judicial review of Inamzhon Tursunov's criminal conviction, and offered a detailed explanation of the basis of the criminal charges against Inamzhon Tursunov which differed substantially from information previously obtained by Amnesty International from unofficial sources. Amnesty International therefore sought further information with which to clarify the circumstances of Inamzhon Tursunov's arrest.

In March 1994 Amnesty International received allegations that Inamzhon Tursunov was being held in isolation at a prison in Tashkent. Amnesty International wrote to the authorities seeking clarification of the conditions of Inamzhan Tursunov's detention, noting that prolonged isolation of prisoners could have serious effects on their physical and mental health and might constitute cruel, inhuman or degrading treatment.

#### **Talib Yakubov**

Talib Yakubov, a former university professor and member of the presidium of *Birlik*, was arrested on the evening of 10 May 1994 at a relative's apartment in Tashkent. He was subsequently sentenced to 10 days' "administrative arrest", reportedly for "petty hooliganism". The real reason for his arrest appears to have been to prevent him travelling to a human rights conference in Almaty, Kazakhstan. He was a prisoner of conscience. [See also Mikhail Ardzinov and Vasiliya Inayatova, above.]

#### **Nosyr Zokhir**

Nosyr Zokhir, a musician, is the chairman of the *Birlik* regional organization in Namangan region. On the evening of 27 November 1993 plain clothes officers believed to be from the National Security Service came to his apartment in Namangan city and reportedly stated that they wished to conduct a search of the apartment for illegal documents. In the course of the search a single hand grenade was reportedly discovered. Sources alleged that the grenade had been planted by the National Security Service officers themselves in order to fabricate criminal charges of illegal possession of a weapon to punish Nosyr Zokhir for his opposition political activities, including interviews he had given to the United States-funded Radio Liberty, based in Germany. At the end of May Nosyr Zokhir was believed to be in detention in the basement remand cells of the National Security Service in Tashkent. Amnesty International believes that Nosyr Zokhir may be a prisoner of conscience. [See also Akhmadkhon Turakhonboy-ugly, above.]

**Amnesty International is calling on the responsible authorities in Uzbekistan to:**

- ◆ conduct a judicial review of Pulat Akhunov's criminal convictions, provide details of the circumstances of his detention, and guarantee his safety and well-being;
- ◆ provide information about the exact charges against Abdunabi Abdiyev, Arif Abdiyev, Nemat Akhmedov, Shavkat Khalbayev, Mamadali Makhmudov, Sherali Ruzimuradov, Akhmadkhon Turakhonboy-ugly and Nosyr Zokhir;
- ◆ provide clarification of the circumstances of Inamzhon Tursunov's detention;
- ◆ put an end to the practice of placing people under "administrative arrest" for seeking peacefully to exercise their fundamental human rights, as was the case in May 1994 with Mikhail Ardzinov, Vasiliya Inayatova and Talib Yakubov.