

UZBEKISTAN

Ismail Adylov - Human Rights Defender and Prisoner of Conscience



Introduction

On 29 September 1999, 49-year-old Ismail Adylov, a member of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU) and the opposition movement *Birlik*, was sentenced to six years' imprisonment on charges of attempting to overthrow the constitutional order, sabotage and possessing material constituting a threat to public security and order (Articles 159, 161 and 244.1 of the Uzbek Criminal Code). His appeal to Syrdaryinsky Regional Court was unsuccessful as the sentence was upheld on 26 October 1999. A further is now pending with the Supreme Court. All the charges related to documents allegedly found during a search of his home, but which Ismail Adylov states were planted there. (*Amnesty International has frequently received allegations that incriminating material is planted by the Uzbek police in order to provide grounds for the detention and conviction of individuals whom the authorities wish to remove from circulation.*)

According to reports, the material consists of a plan of Tashkent City Prison and leaflets attributed to the illegal Islamic organization *Hizb-ut-Tahrir*, many of whose members, and supposed members, have in recent months received long prison sentences after what appear to be unfair trials. Earlier in the year, in June, during a trial of members of *Hizb-ut-Tahrir* which Ismail Adylov was observing as a member of NOPCHU, the presiding judge reportedly threatened to charge him with membership of *Hizb-ut-Tahrir*.

Ismail Adylov is one of a small group of independent human rights defenders who have been monitoring the wave of arrests and trials which followed bomb explosions in the capital, Tashkent, in February 1999, and murders of officials in the Fergana Valley in late 1997. As a member of the opposition movement *Birlik*, he was among the many opposition democrats who were harassed in the early 1990s in connection with their activities. The authorities have accused both "Islamic terrorists" and the secular opposition of involvement in the February explosions, and have also sought to implicate members of NOPCHU.

Prisoner of conscience

Amnesty International believes that the real reason for Ismail Adylov's detention is his human rights activity as a member of NOPCHU, and his support for the democratic political opposition. Amnesty International considers Ismail Adylov to be a prisoner of conscience and is calling for his immediate and unconditional release.

The organization is concerned for Ismail Adylov's state of health, as he suffers from a chronic kidney disease which makes him extremely susceptible to infections which require treatment with antibiotics rarely, if ever, available within the Uzbek prison service (he is officially registered as a second-category (out of three) invalid).

Case information

Ismail Adylov was born on 20 January 1950. He and his wife, Mamura, have five grown up children. He has been involved in human rights defence activities since 1992, as a member first of the Human Rights Organization of Uzbekistan (OPCHU) and then, from 1997, as a member of NOPCHU. He joined the political opposition movement *Birlik* (Unity) in 1988 and in 1989 was elected a member of the *Birlik* council.

The arrest of Ismail Adylov

According to reports, on the evening of 10 July 1999 two plainclothes officers from the Ministry of Internal Affairs (MVD) and an officer from the local police station came to Ismail Adylov's home in Tashkent. They asked to see his passport, and told him that someone at the local neighbourhood administration wanted to speak to him. He and his wife went out to the street, where three cars were waiting. The officers put Ismail Adylov into one of the cars and told

his wife they were taking him to the MVD, and that she would be able to see him there at 11am the next day. The following day, however, officers at the MVD refused to tell her where Ismail Adylov was being held. All efforts by the family, local activists and the representative in Tashkent of the US-based non-governmental organization Human Rights Watch to locate him were unsuccessful. His whereabouts remained unknown until 21 July 1999 when the lawyer engaged by his family found him in the Investigation Isolation cells (Sizo) of Tashkent City Prison.

An hour and a half after Ismail Adylov was detained, 30 plainclothes MVD officers reportedly arrived at his home, which was surrounded by soldiers. The MVD officers showed no search warrant, and Ismail Adylov's wife tried to prevent them searching the house while her husband was not there, but they threatened her until she let them in. The officers reportedly removed documents relating to Ismail Adylov's activities as a member of NOPCHU. They also claimed to have found leaflets relating to the illegal Islamic organization *Hizb-ut-Tahrir*, but it is alleged that the officers planted these during the search.

Amnesty International's concerns at the time of the arrest/pre-trial detention

The organization was particularly concerned for Ismail Adylov's well-being, as he suffers from a chronic kidney disease which makes him susceptible to infections which require treatment with antibiotics. The death in custody some two weeks earlier of fellow member of

NOPCHU Akhmadkhon Turakhanov, also a chronic invalid, and the severe beating meted out to NOPCHU President Mikhail Ardzinov on 25 June 1999 by officers from the Tashkent City Department of Internal Affairs (GUVD) led Amnesty International to believe that Ismail Adylov was at risk of medical neglect and ill-treatment.

Amnesty International was also concerned that the real reason for Ismail Adylov's detention might be his activities as a member of NOPCHU (which despite several attempts to register with the Uzbek authorities, the latest in April this year, remains unregistered). While he was monitoring a recent trial of members of the illegal Islamic organization *Hizb-ut-Tahrir* on behalf of NOPCHU, Ismail Adylov was reportedly threatened with being himself charged with membership of *Hizb-ut-Tahrir*. Amnesty International believed that Ismail Adylov's detention could also be related to his support for the opposition movement *Birlik*. In the early 1990s he suffered frequent harassment in connection with his peaceful political opposition activities and in 1994 he was briefly detained in relation to the distribution in Uzbekistan of an opposition newspaper produced abroad.

Pre-trial

The investigation into Ismail Adylov's case was reportedly completed by 7 September 1999, some three weeks before his trial. According to unofficial sources, the subsequent delay in bringing Ismail Adylov to trial was caused by an attempt to find a suitable court in which to try him. The trial was reportedly initially intended to take place in the court nearest to Ismail Adylov's place of residence in Tashkent,

Shaykhantokhur District Court. However the case was subsequently passed to Tashkent City Court, the Supreme Court, Syrdarya Regional Court and thence to Syrdarya District Court, where several trials of alleged members of *Hizb-ut-Tahrir* have recently taken place.

The trial

Ismail Adylov's trial began on 28 September 1999 in Syrdarya District Court (Syrdarya is some 60 kilometres south of Tashkent). The charges he faced were "undermining the constitutional order in the interests of an organized group" (Article 159, part 3 of the Uzbek Criminal Code, which refers to public calls for an unconstitutional change to the existing state structure, seizure of power or removal from power of legally elected or nominated authorities or for an unconstitutional change to the territorial integrity of the country; or distribution of materials to this effect); "actions aimed at the death or harm to individuals or property with the aim of disrupting the work of the authorities, society as a whole or the economy" (Article 161 "Diversiya" [Sabotage]); and "possession of material constituting a threat to public security and public order" (Article 244, part 1, introduced into the criminal code following adoption of the May 1998 Law on Freedom of Conscience and Religious Organizations. This part of the article concerns the production, or possession with the aim of distribution, of material advocating religious extremism, separatism and fundamentalism, or containing calls to violence, or designed to create panic among the population, after an administrative proceeding has been brought against such activity).

According to reports, the trial was due to start at 9am. It was officially designated an open trial and Ismail Adylov's wife and son had come to Syrdarya in order to attend, as also had two NOPCHU activists, a representative of the US Embassy and local freelance reporters for foreign news media (BBC, RFE and AFP). A long delay, however, ensued, for the ostensible reason that Ismail Adylov had not yet arrived. (He had been transferred some days previously from Tashkent City Prison to the Investigation Isolation cells of the prison in the town of Khavast, which is at least 60 kilometres south of Syrdarya and thus more than 120 kilometres from his previous place of detention in Tashkent.) When the trial finally began at around 5.30pm only family, witnesses and the lawyer were allowed into the court room. The NOPCHU activists and US Embassy representative were refused entry. The journalists had already left, assuming that the trial would not start that day.

When he was being brought into the court, Ismail Adylov was apparently able to communicate briefly with family and friends. As is common in Uzbekistan, his family had reportedly not seen him since he was detained some 11 weeks earlier; his lawyer had seen him three times since 21 July. Ismail Adylov conveyed that the conditions under which he had been detained in both Tashkent and Khavast were extremely bad, with overcrowded cells, poor sanitation, bad food and cold temperatures. He asked for warm clothes and expressed worry that in the case of infection (given his chronic kidney condition) he had no access to the necessary antibiotics. He was, however, in reasonably good health and stated that he had not been ill-treated.

According to reports, three prosecution witnesses were questioned, including an official from the council in Ismail Adylov's neighbourhood who, following the search of Ismail Adylov's home, had been summoned by the police to witness to their discovery of incriminating leaflets. According to Ismail Adylov's lawyer, the presiding judge asked the witness leading questions, instructing him to "tell it the way the court needs it". A series of unsuccessful challenges by the defence lawyer led to him threatening to disrupt the proceedings unless the judge desisted, which the latter eventually agreed to do. The official's testimony reportedly failed to establish that the leaflets had been found in Ismail Adylov's room or that they belonged to him. During the proceedings the procurator reportedly referred to Ismail Adylov an Islamic fundamentalist. The hearing ended for the day at 8pm.

The hearing on 29 September, the second day of the trial, was reportedly due to begin at 10am, but started at 11am. As on the previous day, only family members, witnesses and the lawyer were allowed into court. Two representatives of NOPCHU and a Radio Liberty freelance reporter attempted to enter the court but were turned away. The President of NOPCHU Mikhail Ardzinov was eventually permitted to attend the reading of the verdict at the end of the day.

According to reports, the state's case rested on the contents of the leaflets allegedly found in the possession of Ismail Adylov and the plan of a prison allegedly also found among his effects. The charge of sabotage (under Article 161) related to the plan of Tashkent Prison. Ismail Adylov denies ownership of any of these documents or supporting the aims of *Hizb-ut-Tahrir*. (The overall aim of the organization, according to *Hizb-ut-Tahrir* documentation seen by Amnesty International, is to establish Islamic rule of law in Uzbekistan and other Muslim countries by non-violent means.) Ismail Adylov's case was reportedly not linked with any other *Hizb-ut-Tahrir* cases.

At around 4pm Ismail Adylov was sentenced to a total of six years' imprisonment under Articles 159, part 3, Article 161 and Article 244, part one of the Criminal Code of the Uzbek Republic (five years on each of the three charges).

Appeal

On 26 October 1999 Syrdarya Regional Court turned down Ismail Adylov's appeal against his sentence. A further appeal is pending with the Supreme Court of Uzbekistan. In December Ismail Adylov was transferred to a corrective labour colony in Chirchik, some 40 kilometres from Tashkent.

The government clampdown following the February 1999 explosions

The government has used a series of bomb explosions in February 1999 in the capital, Tashkent, to justify a clampdown on individuals and groups it perceives as a threat to its stability and authority. Hundreds of supposed conspirators have been detained, including members and presumed members of independent Islamic congregations, members and presumed members of *Hizb-ut-Tahrir*, members of banned opposition parties or movements and their relatives. The authorities have blamed the bombings on violent, foreign-trained Islamic groups operating in concert with the exiled secular, democratic opposition. Heavy sentences, including death sentences, have been handed down after trials whose conduct gives serious cause for concern and during which the defendants have made credible allegations of torture.

Persecution of other members of NOPCHU

On 13 July 1999 NOPCHU member **Makhbuba Kasymova** was sentenced to five years' imprisonment for "concealing a crime" and "misappropriation of funds" at the end of a three-hour trial described by a Human Rights Watch observer as "a farce", a trial of which Makhbuba Kasymova had no prior notice and which went ahead in the absence of defence witnesses and a lawyer of the accused's choice. The "crime" which she is alleged to have concealed has yet to be established, as its alleged perpetrator has not been tried, even less convicted on any charge.

On 12 May 1999 a group of plainclothes officers from the Yunusobod district department of Tashkent city police had entered the flat of Makhbuba Kasymova and searched it. She was not there at the time. Ravshan Khamidov, who was staying in the flat, was detained after a hand grenade and small quantity of drugs were allegedly found. At the time of writing his case is not known to have come to court. On 19 May Makhbuba Kasymova was taken under guard directly from the office of the GUV D investigator, where she was undergoing questioning, to the assembly hall of her local

neighbourhood council (*mahallya*) where some 200 people had been gathered to publicly denounce her. She and members of NOPCHU were reportedly represented as supporters of terrorism. Shortly afterwards Makhbuba Kasymova was formally charged with concealing a crime, and at the beginning of June an additional charge of financial impropriety was brought against her. She remained at liberty under licence until 13 July when, after her trial, she was taken straight to Tashkent City Prison. (For further information, see *Uzbekistan: Makhbuba Kasymova, Prisoner of Conscience* EUR 62/22/99).

On 17 August 1999 Tashkent City court turned down Makhbuba Kasymova's appeal against her conviction and sentence after a hearing lasting 14 minutes, and at which she was not present. Her lawyer intended to appeal to the Supreme Court, and both her and her family have been able to visit her at Tashkent City Prison. Makhbuba Kasymova is reported to be suffering from heart problems.

Amnesty International considers Makhbuba Kasymova to be a prisoner of conscience and is calling for her immediate and unconditional release.

Around 19 June 1999 51-year-old NOPCHU member **Akhmadkhon Turakhanov** died in the medical wing of Tashkent prison. The cause of death may have been diabetes, from which he had suffered for many years, or the tuberculosis which he is believed to have contracted while in prison. He had been in detention since 29 December 1998.

Akhmadkhon Turakhanov had been sentenced on 4 March 1999 to six years' imprisonment for "hooliganism... committed at a mass gathering" and "attempting to overthrow the state". According to the verdict, Turakhanov's guilt was based on his having interrupted a meeting of 75 people in a school hall on 5 December 1998 and loudly criticized the local authorities for failure to deal with such problems as the gas and water supply. Again according to witness statements cited in the verdict, he publicly stated his discontent with the prevailing government; called for an Islamic state; and propagandised "Wahhabism" (a strict form of Islam) in local mosques. The verdict notes that two witnesses who had previously testified that Akhmadkhon Turakhanov called for the establishment of an Islamic state "if necessary via *Jihad* (Holy War)" withdrew their statements in court. The verdict states that Akhmadkhon Turakhanov admitted having spoken loudly and critically at the December meeting, at which he said only about 30 people were present, but denied having ever called for the overthrow of the state or supported Wahhabism. Amnesty International believed Akhmadkhon Turakhanov to be a possible prisoner of conscience. (For further information see *Urgent Actions* EUR 62/04/99 and 62/11/99 of 8 March and 25 June 1999.)

On 25 June 1999 chairman of NOPCHU and former prisoner of conscience **Mikhail Ardzinov** was seriously injured during a search of his apartment by officers from the Tashkent City Department of Internal Affairs (GUVD) and subsequent questioning at the GUVD. His injuries, as detailed in a medical certificate issued the next day by the

medical officer of the United States Embassy in Tashkent, included two broken ribs, concussion and contused kidneys, as well as cuts and bruises. His computer and other equipment, human rights archive and personal documents were removed during the search of his home. As of the time of writing they had still not been returned and Mikhail Ardzinov's attempts to obtain redress had met with no substantive response from the responsible authorities. Meanwhile all talk of the criminal case for alleged "hooliganism" which was the ostensible reason for Mikhail Ardzinov's ordeal appeared to have ceased. (For further information see *Urgent Action* EUR 62/12/99 of 28 June 1999.)