

UZBEKISTAN:
Makhbuba KASYMOVA, prisoner of conscience

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On 12 May 1999 a group of plainclothes officers from the Yunusobod district department of Tashkent City police entered the flat of human rights defender Makhbuba Kasymova and searched it. She was not there at the time. The officers questioned her husband, two of her daughters and Ravshan Khamidov, who was staying in the flat. The latter was detained after a hand grenade and small quantity of drugs were allegedly found. No warrant was shown, nor did the officers state who they were, as the law requires.

Four months later, after a grossly unfair trial process, Makhbuba Kasymova is serving a five-year prison sentence for "concealing, or failing to report a crime", while Ravshan Khamidov has not been tried, even less convicted, in relation to the crime Makhbuba Kasymova is alleged to have concealed.

Fifty-year-old Makhbuba Kasymova, a mother of six and a former teacher, 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 this year, and murders of officials in the Fergana Valley in late 1997. The organization of which she is a member is the Independent Human Rights Organization of Uzbekistan (NOPCHU). It is unregistered.

Makhbuba Kasymova is also a member of the democratic opposition movement *Birlik*, and 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 democratic opposition of involvement in the February explosions and have also sought to implicate members of NOPCHU.

Amnesty International believes that Makhbuba Kasymova is a prisoner of conscience, and that the real reason for her conviction is her peaceful, legitimate activity as a member of the unregistered Independent Human Rights Organization of Uzbekistan (NOPCHU), and her links with the democratic opposition. Amnesty International is calling for Makhbuba Kasymova's immediate and unconditional release.

Case details

Makhbuba Kasymova was born on 13 April 1949 in the Fergana region of Uzbekistan. She lives in Tashkent. She is married and has six children: five girls, one of whom is a minor aged 12 years, and one boy. Makhbuba Kasymova worked as a teacher until about 10 years ago, when she became involved in the democratic opposition movement and human rights monitoring.

At around midday on 12 May 1999 a group of five police officers in civilian clothes raided Makhbuba Kasymova's apartment. Ravshan Khamidov, from Kokand and also a member of NOPCHU, was staying in the flat. During the search the police officers stood Ravshan Khamidov with his face to the wall; one of them put his hand in Ravshan Khamidov's pocket and withdrew a small amount of opium. Meanwhile another officer put his hand in a bag of clothing belonging to Ravshan Khamidov and withdrew a hand grenade. When Ravshan Khamidov protested his innocence, the officers allegedly hit him in the face. (Amnesty International has frequently received allegations that small amounts of drugs and/or bullets are 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.) Ravshan Khamidov was taken away, and some three days later (around 15 May) a criminal case was formally opened against him. Makhbuba Kasymova was told that the charges against him were "illegal possession of weapons" and "illegal possession of drugs".

In the days following the search of her home, Makhbuba Kasymova was repeatedly questioned at the City Department of Internal Affairs (GUV D). On several occasions the interrogations lasted for many hours without a break and ended late at night. On 17 May, for example she was questioned for 10 hours, from 2pm to midnight.

On 19 May Makhbuba Kasymova was taken under guard directly from the office of the GUV D investigator to the assembly hall of her local neighbourhood council (*mahallya*) where some 200 people had been gathered to publicly denounce her. Relatives of some of the victims of the February bombings were reportedly present, and Makhbuba Kasymova was pointed out to them as "one of the sort of people who killed your sons". It is reported that excerpts from this meeting were shown on national television, in the news program *Ahborot*, and that Makhbuba Kasymova and NOPCHU were presented as supporters of terrorism.

During the period when Makhbuba Kasymova was undergoing interrogation, President of NOPCHU Mikhail Ardzinov was also called in for questioning in connection with the case.

Shortly after the "show trial" Makhbuba Kasymova was formally charged with concealing a crime. She remained at liberty under licence.

At the beginning of June, while the criminal investigation was still under way, an additional charge was brought against Makhbuba Kasymova, of alleged misappropriation of money. It is not clear from the court documents whether this is supposed to relate to a loan arrangement between Makhbuba Kasymova and one of her neighbours, or to a sum of money handed over by the same neighbour for the legal defence of an imprisoned relative.

On 13 July Makhbuba Kasymova was asked to attend Yunusobod District Court. She supposed that this was in order to formally acquaint herself with the documents in her case, as is required before the trial can take place. As there was no indication that the trial was imminent, she had not yet engaged a lawyer. At the last minute she decided to bring with her to the court building the Human Rights Watch representative in Uzbekistan. What ensued was described by the Human Rights Watch representative as "a farce" designed to silence independent human rights activists. The trial of Makhbuba Kasymova began, without prior notice, in the absence of defence witnesses and with a lawyer assigned by the court. Three hours later the proceedings concluded with the handing down of a five-year prison sentence for concealing a crime and misappropriation of funds (four years under Article 241 and three years under Article 168 of the Uzbek criminal code), and the removal of Makhbuba Kasymova straight from court to Tashkent City Prison.

On 17 August Tashkent City Court heard Makhbuba Kasymova's appeal against her conviction and sentence. The grounds for appeal presented by her lawyer were -- absence of proof that any crime had taken place. Makhbuba Kasymova was not present in court. After a hearing lasting 14 minutes, the appeal was turned down.

Makhbuba Kasymova's lawyer is now preparing an appeal to the Supreme Court. Both he and Makhbuba Kasymova's relatives have visited her in Tashkent City Prison. She is reported to be suffering from heart problems.

The case of Ravshan Khamidov was, as of 17 September, still under investigation.

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 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

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 TB which he is believed to have contracted while in prison. He had been in detention since 29 December 1998. (See Urgent Actions EUR 62/04/99 and 62/11/99 of 8 March and 25 June 1999.)

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.

On 25 June 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 17 September they had still not been returned. Meanwhile all talk of the criminal case for alleged “hooliganism” which was the ostensible reason for Mikhail Ardzinov’s ordeal appeared to have ceased. (See Urgent Action EUR 62/12/99 of 28 June 1999.)

As of 17 September 1999 member of NOPCHU 49-year-old **Ismail Adylov** was awaiting trial on charges of attempting to overthrow the constitutional order, sabotage and distributing material constituting a threat to public security and order (Articles 159, 161 and 244 of the Uzbek criminal code). There was serious concern for his state of health as he suffers from a chronic kidney disease and requires constant medical attention. There was also fear that he would not receive a fair trial.

Ismail Adylov was detained by officers from the Ministry of Internal Affairs on 10 July 1999. During a search of his home, conducted in his absence and without a warrant, MVD officers reportedly removed documents relating to Ismail Adylov’s activities as a member of NOPCHU and claimed to have found leaflets relating to the illegal Islamic organization *Hizb-ut-Tahrir*. At the time he was detained Ismail Adylov had been monitoring a trial of members of *Hizb-ut-Tahrir* on behalf of NOPCHU and had reportedly been threatened with being himself charged with membership of the organization. (See Urgent Action EUR 62/13/99 of 12 July 1999.) Amnesty International considers him to be a possible prisoner of conscience.