

Trial by Torture: Uzbekistan

The criminal justice system is a harsh tool of political repression under the secular totalitarian regime that governs Uzbekistan. **Cynthia Cox** witnessed the trials of defendants accused of 'terrorism' and met their families.

Only the bravest defence lawyers stand in an Uzbek courtroom to defend their clients – the rest stand there simply to survive. In a system dominated by corruption from the president down to territorial judges and prosecutors, a defence lawyer's devices are limited by the whims of judges. From the ability to state evidence to the simple right of a defendant to speak in his own defence and to call witnesses, lawyers and their clients operate under the harshest of constraints, within the strictest parameters.

A typical Uzbek defence lawyer might state of a client accused of terrorism: "He was born in 1969, is highly educated, has two small children, and a 100-year-old grandfather. His family is well-respected, and his family did a lot for our country." Rather than challenging the procedural violations, the lack of evidence and the confessions extracted under horrific forms of torture, lawyers sometimes suggest the defendant might apologise as an alternative to prison.

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Local rights activists estimate that tens of thousands of practising Muslims and rights activists sit in Uzbek prisons. The primary targets are conservative Muslim groups - but anyone who holds prayer meetings or deviates from the strictly secular government brand of Islam risks arrest, torture, rape and death.

In the 1990s, Uzbek President Islam Karimov created an essentially totalitarian society, denying freedoms to any political party which opposed him. Following the demise of opposition political parties whose members are now silenced or in jail, the government is presently pursuing the eradication of any activity associated, however remotely, with the fighting which has plagued the Ferghana Valley and regions across the border in Kyrgyzstan during the past few years.

Even during Soviet times the Ferghana Valley was a hotspot of religious activity closely monitored by the Russians. While it's not clear when the religious arrests began,

in the past few years the Uzbek government has stepped up the campaign at an alarming rate. In February 1999, an unknown assailant exploded five bombs in Tashkent. The government attributed the bombs to the Islamic group Hizb-ut Tahrir and convicted the accused in a show trial with no evidence, no witnesses and no formal investigation. Since the bombings, fighting in the Batken region of neighbouring Kyrgyzstan has heightened concerns about regional security.

Group trials of as many as 30 men at a time who are accused of membership in illegal religious organizations, such as Hizb-ut Tahrir, occurred around the country. Hizb-ut Tahrir aims to replace the current regime with a government based on the Islamic law of the Caliphate. Police will often plant Hizb-ut leaflets on men they plan to arrest, and use the possession of these leaflets in the case against them. The leaflets address the status of the movement in Uzbekistan and other countries. Prosecutors tout the leaflets as evidence of anti-state activity. One such

leaflet entitled "Uzbek Government Continues Campaign of Oppression Against Muslims" described the arrests of thousands for their religious activity.

While monitoring trials in Tashkent last summer, I listened as prosecutors claimed that 17 defendants' involvement in the printing and distribution of leaflets indicated their 'terrorist' activity. The court handed down sentences of three to nineteen years in Uzbekistan's harsh prisons, even after one defendant described in detail how the investigators raped and tortured him into confessing. Because the defendant could not name his rapist, the judge deemed the information false and denied an inquiry.

Mothers, wives and sisters of the defendants gathered outside Tashkent courthouses each day, waiting for news. Women tearfully relayed the experience of their sons, husbands and brothers, whom state police and prison guards tortured. Access to defence counsel and visits by family were also frequently denied. The women waited for hours outside the courthouse for the trials to start, and usually they wanted to talk with me. Several women wanted to tell their stories in hopes that the world outside Uzbekistan might notice and take action where they cannot. As one defendant's wife said, "They do whatever they want to us, and we're scared to tell the truth."



Cynthia Cox photo



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Relatives wait for a glimpse of the defendants as they are taken into the courtroom.

“Worse than fascists”— that was how one mother described the tactics used against her son Dilshad. The investigators burned Dilshad with lighters, and beat him with a board covered in nails. They sodomised him until he bled profusely. This information did not reach the ears of monitors from OSCE (the Organisation for Security and Cooperation in Europe), or any other international body, because the trial was closed, but the mother of the defendant spoke succinctly about her son’s testimony. She described in detail the scars and swelling on his body that he showed to the judge in a Tashkent court. Dilshad stated in court that he refused to recognise a constitution that did not recognise human rights. As a result his lawyer was kicked out of the jail by the authorities. “They are like toys,” his mother said of defence lawyers. “It’s really only between the judges and the prosecutors.”

Although Uzbek law opens all trials to international monitors, judges often impede trial monitors and journalists by using bureaucratic obstacles or simply refusing access. The judge in one trial I attempted to monitor had a particular interest in keeping the case quiet: multiple defenders testified in court that guards repeatedly raped and tortured them. The defendants, on trial for their perceived subversive religious activity, also wrote letters and smuggled them out to their families. In the letters, written on scraps of paper in faltering pale blue ink, they described how guards and other state-affiliates forced them “to sit on a bottle”. Guards used electric shocks to torture prisoners, and put gas masks on their heads, turning off the valve to leave them with no air.

On a searing August afternoon, as daily reports of fighting continued to filter out of Kyrgystan, I returned to the court where the families of 17 men, including that of Dilshad, awaited a verdict. Women dressed in hijab gathered outside the courtroom and climbed atop a fence to get glimpses of the men as a truck brought them in for the trial.

They asked me if I would speak at the trial. But we are only allowed to monitor, not participate, I say, using the word I have only recently learned in Russian: *‘ksozhelenie’*. Regretfully.

One woman holding an infant wanted only to place the child in her husband’s arms. I remember the first day I attended this trial. A defendant’s mother, overcome by the heat and the anxiety, passed out onto the floor. Later, as the trial concluded for the day, a tiny young woman, cloaked in hijab, glared at the guards as they ordered her to leave the court. She held a small baby up in the air towards the cage where her husband sat. It was impossible to tell which man was her husband, for they all stood close to the bars, calling out to their families before being led away.

Hundreds of exiled Uzbeks have fled to Tajikistan and Afghanistan to join Islamic movements during recent years. The Uzbek government estimated that thousands of Uzbek fighters clustered on the Tajik side of the border during the last summer’s fighting. They identified themselves as members of the Islamic Movement of Uzbekistan.

Drought assaulted the crops throughout Central Asia last autumn further impoverishing Uzbekistan. An ensuing arduous winter likely provided further support to the religious movements, who garner much of their support from poor rural regions. When militants surged into Kyrgystan last August, they stated their aim of liberation for religious prisoners, but as justice in Uzbekistan remains elusive, in all likelihood so shall peace. ■

Cynthia Cox was in Uzbekistan working with Human Rights Watch as a summer fellow from the University of California at Berkeley’s Human Rights Center.