

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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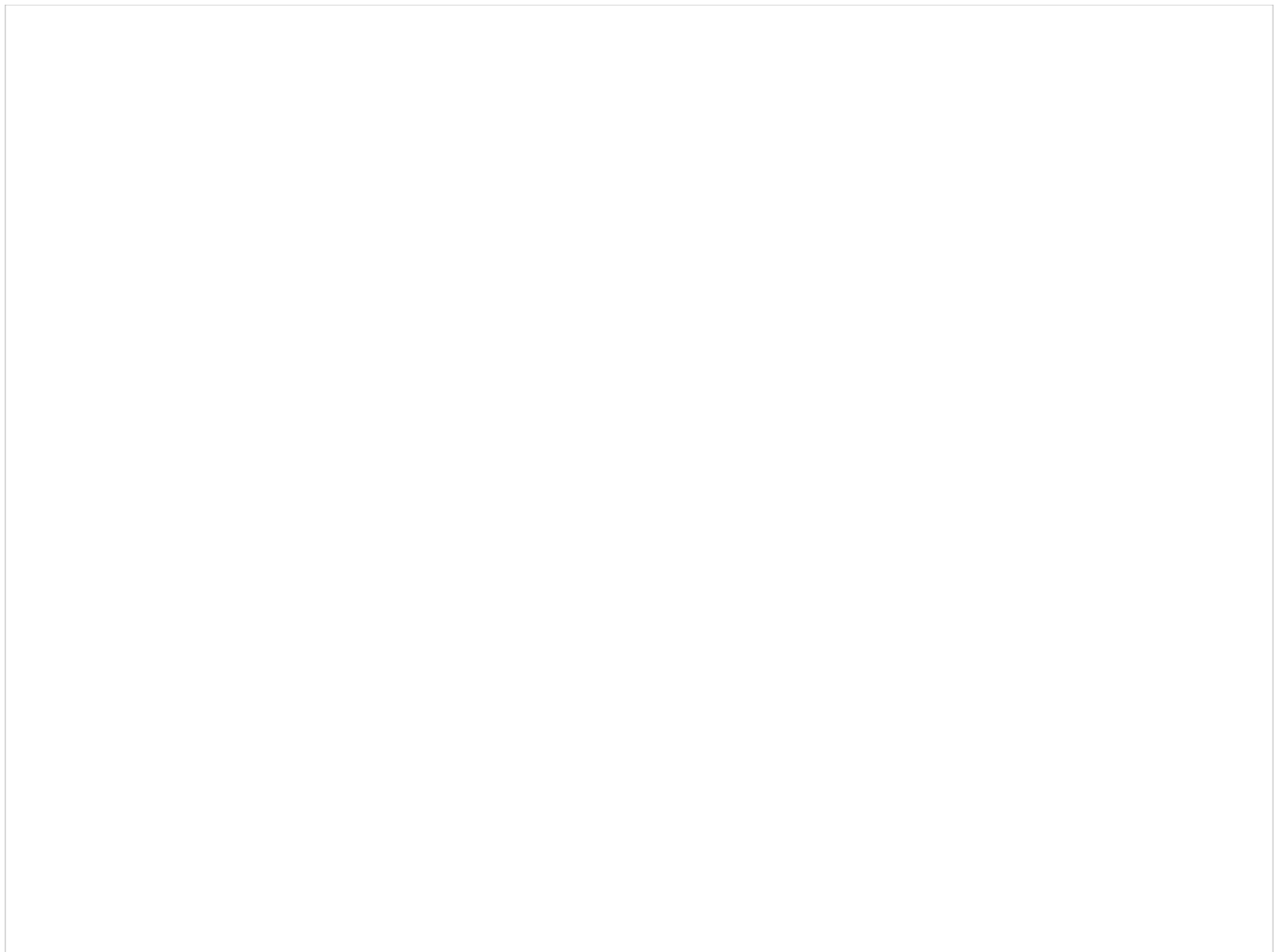
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(Paris) Uzbek authorities should immediately and unconditionally release an Afghan citizen whose 13-year imprisonment and alleged torture in custody have only recently become known, the Association for Human Rights in Central Asia, International Partnership for Human Rights, and Human Rights Watch said today.

Muhammad Hasan ogli Abdulhamid, 45, a citizen of Afghanistan, was detained in Pakistan in 2005 at the request of Uzbek security services and sent to Uzbekistan. According to reliable sources, he was subjected to ill-treatment, accused of ties with an Uzbek opposition figure, and sentenced to 15 years in prison on vague charges of extremism. He has been held despite significant violations of due process, including of the right to appeal his sentence. Several sources close to Abdulhamid provided information about his imprisonment to the rights groups in April 2018.



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A guard in a solitary confinement block at an unidentified prison in Uzbekistan. Prisoners in solitary confinement in Uzbekistans prisons experience cramped cells without bedding some in total darkness, others with permanent bright lights.
Fiery Hearts Club

Credible allegations that a foreign national has been imprisoned on vague extremism charges for 13 years without being able to challenge his detention and subjected to ill-treatment raise serious concerns that Tashkent should immediately investigate, said [Steve Swerdlow](#), Central Asia researcher for Human Rights Watch. Abdulhamids case underlines how important it is for the Uzbek government disclose information about the thousands of people imprisoned since the 1990s on such charges and to examine each case.

In 2005, Abdulhamid was traveling to Afghanistan via Pakistan, where he was detained at the request of Uzbek authorities and sent to Tashkent. Sources close to Abdulhamid reported that after his arrival in Uzbekistan, officers from Uzbekistans National Security Services tortured him. The security services, known commonly by the Russian acronym SNB, have recently been renamed the State Security Services, or SGB. His interrogators accused him of being associated with an exiled opposition figure Muhammad Salih, who is now based in Turkey.

At the time of his arrest, Abdulhamid asked to be allowed to meet with Afghan consular officials but was refused, the sources said. In 2006, Abdulhamid was charged under article 159 of the Uzbek criminal code concerning threats to the constitutional order, convicted, and sentenced to 15 years in prison.

Three people who were imprisoned with him in Uzbekistans Bekobod prison No. 64/21 told the rights groups that Abdulhamid told them that he had never met or even heard of Salih, never communicated with him, and had not previously travelled to Uzbekistan. The former prisoners said that Abdulhamid has never been given a copy of the sentence in his case that would allow him to appeal or challenge his detention.

One of these sources also said that on more than one occasion he had heard Abdulhamid cry out in pain from another room where he was being interrogated. The sources said that officials with the International Committee of the Red Cross (ICRC) visited Abdulhamid at Bekobod in 2010 and 2011. However, in the following years, on the eve of ICRC prison visits, the sources said, authorities had moved him to a separate, detention center to hide him from the delegation.

Uzbek authorities should expeditiously examine Abdulhamids case and immediately release him given the multiple violations of due process, the groups said. They should also establish a national independent mechanism to ensure that each such case connected with the application of extremism charges (articles 159, 216, 244-1, and 244-2 of the criminal code) is re-examined and that anyone wrongfully convicted is released and fully rehabilitated.

Abdulhamids case is troubling on so many levels and riddled with violations of due process, beginning with his arrest in Pakistan and continuing on through his trial and ill-treatment in prison, said Nadejda Atayeva of the Association for Human Rights in Central Asia. Uzbekistans convictions of people on extremism charges will continue to raise concerns as long as authorities continue to keep these

cases shrouded from public scrutiny.

Since assuming the presidency in September 2016, the Uzbek government led by President Shavkat Mirziyoyev has released approximately 30 people imprisoned on politically motivated charges, including journalists, human rights defenders, and other activists. But thousands of people imprisoned on such charges, including for extremism, remain behind bars.

Among them are Andrei Kubatin, Akrom Malikov, Rustam Abdumannapov, scholars; Mirsobir Hamidkariev, a film producer; Aramais Avakyan, a fisherman; Ruhiddin Fahriddinov (Fahrutdinov), a religious figure; Ravshan Kosimov, Viktor Shin, and Alisher Achildiev, soldiers; Nodirbek Yusupov, a deportee from the US; and Aziz Yusupov, the brother of a Radio Free Europe/Radio Liberty journalist.

The Uzbek government should immediately release everyone imprisoned on politically motivated charges, or detained following serious violations of due process, providing them with full rehabilitation and access to adequate medical treatment, the groups said. The Uzbek government should amend its criminal code provisions relating to extremism that are commonly used to criminalize dissent and bring the criminal code into compliance with Uzbekistans international human rights obligations.

In November 2017, Mirziyoyev signed a decree prohibiting the courts from using evidence obtained through torture, and forbidding legal decisions based on any evidence not confirmed during trial. The decree, which came into force in March 2018, states that prosecutors will be required to check whether physical or psychological pressure was exerted on a defendant or their relatives. If enforced, the decree could help prevent torture and other ill-treatment in detention in Uzbekistan.

Uzbek officials have indicated an openness to cooperate with United Nations experts by inviting the UN special rapporteur on the independence of lawyers and the judiciary to visit the country. The Uzbek government should combat systematic torture by allowing the UN special rapporteur on torture to visit the country as well during 2018. The authorities should also close Jaslyk prison and ratify the Optional Protocol to the international Convention Against Torture, all longstanding recommendations by UN bodies.

Uzbekistans convictions on extremism charges will continue to raise concerns as long as there are due process violations and a lack of transparency, said Rachel Gasowski of IPHR. The governments agreement to allow the UN special rapporteur on the independence of judges and lawyers to visit is a positive step, and we hope that his visit will facilitate revision of criminal cases on fabricated charges, including the case of Muhammad Hasan ogli Abdulhamid.

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