

UZBEKISTAN

@Clampdown on dissent - an update: prisoners of conscience on trial

Introduction

In June 1993 Amnesty International published a report entitled *Uzbekistan: Clampdown on dissent* (AI Index: EUR 62/09/93), featuring a range of human rights violations including the detention of prisoners of conscience, a "disappearance", and violent harassment of opposition and human rights activists and independent journalists.

Since publication of that report two criminal cases involving people considered by Amnesty International to be prisoners of conscience or possible prisoners of conscience have come to trial in Uzbekistan. This report updates the information about these cases given in AI Index: EUR 62/09/93, and comments on the results of the trials.

Prisoners of conscience: The Milli Mejlis case

Six men went on trial on 1 July in the Supreme Court of Uzbekistan, sitting in the capital, Tashkent, charged in connection with their activities as organizers of the *Milli Mejlis* ("National Council"), a non-violent social organization-in-formation which they had attempted to set up in 1992 as a parliamentary-style forum uniting opposition parties and movements. Two of the defendants, Babur Shakirov and Khazratkul Khudayberdi, had been in pre-trial detention since August and December 1992 respectively, and a third, Salavat Umurzakov, was taken into detention in May; the other three defendants, Olim Karimov, Otanazar Aripov and Abdulaziz Makhmudov were not in detention when the trial started, although Otanazar Aripov and Olim Karimov had spent several weeks in detention after their arrests in December 1992 and January 1993 respectively.

The trial ended on 6 August with all six defendants being found guilty under Article 54 of the Criminal Code of the Republic of Uzbekistan ("conspiracy with the aim of seizing power"). This charge had been substituted during the trial, Babur Shakirov having been charged originally under Article 60 of the criminal code ("calling for the violent overthrow of the state and social order"), and the other five under Article 62 ("organizational activity directed towards commission of especially dangerous state crimes, and participation in an anti-government organization"). All the defendants received suspended prison sentences of varying lengths: Khazratkul Khudayberdi and Otanazar Aripov were sentenced to five years; Olim Karimov, Salavat Umurzakov and Abdulaziz Makhmudov to three years and Babur Shakirov to one year. This meant that Babur Shakirov, Khazratkul Khudayberdi and Salavat Umurzakov were released from detention. Shortly afterwards it was reported that all except Babur Shakirov were appealing against their convictions.

Before and during the trial Amnesty International called for the immediate and unconditional release of Babur Shakirov, Khazratkul Khudayberdi and Salavat Umurzakov on the grounds that they were prisoners of conscience. The organization also pointed out to the authorities that if convicted and sentenced to terms of imprisonment all six defendants would be considered prisoners of conscience. During trial proceedings the judge announced that hundreds of telegrams had been arriving from abroad complaining about the trial.

Amnesty International welcomes the release of Babur Shakirov, Khazratkul Khudayberdi and Salavat Umurzakov. However, the organization has written to the authorities in Uzbekistan expressing its disappointment that the defendants were convicted and given conditional prison sentences for the peaceful exercise of their fundamental human rights to freedom of expression, opinion and association. Amnesty International has expressed hope that the appeals against these convictions will be upheld.

Probable prisoner of conscience: Pulat Akhunov

Pulat Akhunov, a probable prisoner of conscience who was already serving a sentence of 18 months' imprisonment after being convicted of an allegedly falsified criminal charge of petty hooliganism, went on trial again in July 1993 in the Regional Court in Andizhan, eastern Uzbekistan, charged with illegal possession of narcotics and with assaulting a prison guard. On 17 August he was found guilty and sentenced to a further three years in a labour camp. Amnesty International is deeply concerned that these charges were also fabricated by the authorities to punish him for his opposition political activities. The organization is also concerned about allegations that the latest trial was not conducted fairly because Pulat Akhunov's lawyer was obstructed from calling important witnesses for the defence.

Pulat Akhunov is a deputy chairman of the opposition *Birlik* ("Unity") movement and a former deputy to the USSR Supreme Soviet. He was arrested in July 1992 and tried in December in Andizhan Regional Court for "malicious hooliganism", for which he was sentenced to 18 months in a labour camp. It has been alleged that the case, which concerned an alleged assault, was fabricated because of Pulat Akhunov's opposition political activities. The alleged victim of assault retracted his accusation against Pulat Akhunov some months after the trial, but he is reported to have subsequently retracted this retraction.

On 6 February 1993, while Pulat Akhunov was detained in a prison in Andizhan pending the outcome of an appeal against his conviction for petty hooliganism, he was accused following a search of his belongings of illegal possession of 15 grammes of anasha (a type of hashish) and syringes containing a solution of the drug promidol. He was charged under Article 216 part 1 of the criminal code ("illegally making, keeping or selling narcotic substances"), and also Article 194 part 2 ("inflicting light bodily injury on an official performing their duty"). The latter charge is reportedly based on the accusation that on 6 February, after being accused of possessing narcotics, Pulat Akhunov kicked and punched a prison guard with the aim of escaping from the prison.

It was reported by unofficial sources that at Pulat Akhunov's trial on these new charges his defence lawyer was obstructed from calling as defence witnesses fellow prison inmates who allegedly witnessed an incident on 5 February when a prison guard attempted to plant a package in a pocket of Pulat Akhunov's clothing while the latter was taking a shower.

Amnesty International called on the authorities to ensure that Pulat Akhunov was given a fair trial in accordance with international standards, and in particular that his defence lawyer was not prevented or obstructed from calling witnesses for the defence. Since learning of Pulat Akhunov's new conviction Amnesty International has expressed concern to the authorities that this may have resulted from an unfair trial.

Amnesty International is calling on the authorities to order a review by way of judicial supervision of Pulat Akhunov's conviction for illegal possession of narcotics and assaulting a prison guard. It continues to call on the authorities to order a review by way of judicial supervision of Pulat Akhunov's earlier conviction for petty hooliganism.

Amnesty International wrote at the beginning of July to the Ministry of Foreign Affairs of Uzbekistan expressing a wish to send an observer to the *Milli Mejlis* trial in Tashkent and to Pulat Akhunov's trial in Andizhan, and requesting official support for a visa application to visit Uzbekistan. The organization received no reply.