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UZBEKISTAN: Death row prisoners denied clergy access

By Igor Rotar, Forum 18 News Service <<http://www.forum18.org>>

Uzbekistan is denying clergy access to death row prisoners, Tamara Chikunova, head of the Uzbek NGO Mothers Against the Death Penalty and Torture, has told Forum 18 News Service. This denial violates two articles of the Uzbek Criminal Code, which specifically allow those sentenced to death the right to meet a member of the clergy. Fr Nikolai Rybchinsky, of the Central Asian diocese of the Russian Orthodox Church, told Forum 18 that in the case of two death row prisoners "so far at least, Orthodox priests have not been allowed access to these prisoners. We have made an official appeal on this matter to the state administration for carrying out punishments, but have received no reply from there." Fr Rybchinsky also said that "in general, priests face significant difficulties gaining access to prisons." Forum 18 has learned that death row prisoners are denied access to religious literature. When a Muslim death row prisoner asked a senior prison official to give him a Koran, the official reportedly replied: "Are you joking? After all, that is a political thing."

Uzbekistan's prison administration is denying clergy access to death row prisoners, Tamara Chikunova, head of the non-governmental Uzbek organisation Mothers Against the Death Penalty and Torture, told Forum 18 News Service on 6 December in the capital Tashkent. She complained that the denial of access violates Article 12 of the Criminal-Implementation Code, which declares that those sentenced to death have the right to a meeting with a member of the clergy, as well as Article 137 of the same code, according to which "a person sentenced to death may, before the sentence is carried out, be offered the opportunity to perform the rituals required in such a situation and may call in a minister".

Uzbekistan retains the death penalty for a range of offences, but statistics on the number executed remain a state secret. In a November report on the death penalty in Uzbekistan, Amnesty International said it knew of 32 people executed in 2001, the same number in 2002 and at least 14 in the first seven months of 2003. However, it cited estimates that the true figure could be as high as 400 each year.

Chikunova maintains that her organisation's attempts to win from the authorities the right of access for clergy to death row prisoners is supported by Orthodox, Catholic, Protestant and Jewish ministers. However, she reports that the Spiritual Administration of Muslims in Uzbekistan takes a "wait-and-see" position on this issue, not wishing to be at odds with the authorities.

A senior official of the Muslim spiritual administration denies Chikunova's assertion. "The spiritual administration is not opposed to working with death row prisoners, but so far no-one has made an appeal on this issue," Abdulla Ismailov, the head of its international department, told Forum 18 on 4 December at a conference on freedom of conscience in Central Asia organised by the Organisation for Security and Cooperation in Europe in the Kyrgyz city of Osh.

However, Chikunova insisted to Forum 18 that many Muslims sentenced to death would like to see members of the clergy, but cannot make their request known to them.

There are today two official appeals on record for visits from clergymen from prisoners sentenced to death. The secretary of the Central Asian diocese of the Russian Orthodox Church, Fr Nikolai Rybchinsky, told Forum 18 that death row prisoners Yevgeni Gugin and Vazgen Arutyunyants had appealed to him to send priests to them. "Yet, so far at least, Orthodox priests have not been allowed access to these prisoners," he noted sadly. "We have made an official appeal on this matter to the state administration for carrying out punishments (SACP), but have received no reply from there." Fr Rybchinsky also stressed that "in general, priests face significant difficulties gaining access to prisons", and he "could not recall an instance where clergy had been allowed access to death row prisoners".

Chikunova told Forum 18 that Arutyunyants had swallowed two crosses in protest against the refusal to allow a priest access to him, and was now in the prison hospital.

But SACP deputy head Norbobo Mirahimov denied any difficulties. "There are no obstacles to access by clergy to prisoners in Uzbekistan," he told Forum 18 on 9 December. He confirmed he had received an appeal from the Central Asian diocese concerning access by priests to Gugin and Arutyunyants.

"Arutyunyants communicated his request to allow a priest access to him through his lawyer, but according to the regulations he should write a request on this subject direct to the director of the prison in which he is situated," Mirahimov claimed. "So he must do everything in line with the proper procedures before a priest will be allowed to see him. As far as Gugnin is concerned, there is no problem with him. We have sent a letter to the diocese stating that they can send a priest to Gugnin." When Forum 18 commented that the diocese had not received a letter from the SACP, Mirahimov responded: "That means it hasn't got there yet."

However, speaking to Forum 18 on 9 December, Chikunova expressed scepticism over whether the SACP had indeed allowed a priest access to Gugnin. "So long as no letter has arrived, it's too early to come to any conclusion," she declared. "You can't believe a word these people say."

As well as refusing death row prisoners access to clergy of their choice, the authorities have also prevented them from having copies of the scriptures or other religious literature of their choice. Lawyers and families told Amnesty International that it is impossible to pass on religious literature through the prison administration. When death row prisoner Iskander Khodoberganov's family asked a senior prison official to pass on a copy of the Koran to him, the official reportedly responded: "Are you joking? After all, that is a political thing."

Chikunova - whose own son Dmitry was denied access to a priest and a copy of the Bible before his secret execution in July 2000 - has faced obstruction from the authorities in her work for death row prisoners. An international conference her organisation was to host in Tashkent on 5 December on the death penalty in Uzbekistan was cancelled at the last minute by the authorities, who claimed it could not go ahead as Mothers Against the Death Penalty and Torture is not registered with the authorities. The authorities have denied repeated registration applications, and Amnesty International reports that the authorities have issued death threats against some of Mothers Against the Death Penalty and Torture's prominent members.

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=105

A printer-friendly map of Uzbekistan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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