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## **Trials of protestors in Karakalpakstan reminiscent of stalin-era court proceedings**

**ADC Memorial publishes an article by Alisher Ilkhamov, Director of Central Asia Due Diligence, analyzing the absurd charges brought against the participants of the protests (July 2022) in Karakalpakstan. Since November 28, 2022, a trial has been underway in the Bukhara Regional Court; there are 22 defendants including Daulet Tazhimuratov, who is considered an informal leader of the protests, and Lolagul Kallikhanova, a journalist who supported Tazhimuratov's calls to defend the sovereignty of the Republic of Karakalpakstan with her video message.**



Photo

– <https://t.me/AzizAbidov>, Official channel of the head of the Public and Mass Media Relations Department of the Supreme Court of the Republic of Uzbekistan

The trial of 22 participants in the events that took place in Karakalpakstan on July 1-2, 2022 started in Bukhara Oblast Court on Nov. 28, 2022. The defendants include Daulet Tajimuratov, who is considered the informal leader of the protests, and Lolagul Kallykhanova, a journalist who supported Tajimuratov's calls to stand up for the Republic of Karakalpakstan's sovereignty in her video addresses.

Readers are reminded that the protests erupted in response to Taskent's intention to strip Karakalpakstan of its constitutional status as a sovereign republic in Uzbekistan and of its constitutional right to secede from the country if a majority of the population voted in favor of this at a referendum. The central government sent security units to Nukus to suppress the protests. According to official information, 21 people, including four representatives of security agencies, died as a result of the heavy-handed suppression. Local doctors, however, put the number of fatalities at over 70. The authorities did not release the names of the security officers who were killed, even though this would have been in their interests from the standpoint of public relations and justifying the harsh methods used to suppress the protests. They also did not announce funerals for these officers. This gives rise to serious doubts about the accuracy of the official statistics about this group of victims. It is more likely that the fatalities occurred only among the population of Karakalpakstan.

## Transparency of the trial

Transparency of court hearings and public and press access to them has improved slightly in comparison with the times of the Islam Karimov regime. Even though the press was not allowed into the courtroom itself this time, it was still allocated a separate space in the same building where screens and computer monitors were installed so that journalists could follow the proceedings live on video and even make recordings to post on their publications' websites. Local media company Gazeta.uz, which provided detailed and conscientious reporting on the events in Nukus in early July, took full advantage of this opportunity to post a series of fairly exhaustive reports on its website. This material is mostly based on these reports.

At the same time, the very fact that the hearings were held in the building of the Bukhara Oblast Court and not in Nukus or even neighboring Xorazm Oblast made it more difficult for the defendants' relatives and friends and members of the public to attend. The published photos show that the courtroom had five to six rows of chairs for people who wished to be present at the hearing. Some of the defendants' relatives [complained](#) that with their meager family budgets they had to incur great expenses for travel to Bukhara and their stay there during the trial. Some had to return to Karakalpakstan because of the expense of living in Bukhara during this period.

## Analysis of the charges

The content of the hearings and the charges against the defendants do not paint the rosier of pictures. Both the charges and the defendants' testimony closely resemble the court proceedings that took place under the Stalin regime or under Islam Karimov in an atmosphere of mass repressions and total arbitrariness. Below I will cite arguments that support this characterization of the trial. These arguments mainly concern the arbitrary and biased interpretation of articles of the Uzbek Criminal Code used by the Prosecutor's Office and the

opaque content of several other Criminal Code articles that the office cited that allowed it to build its extremely prejudicial indictment.

First of all, it is notable that, at least at this stage, charges have only been filed against protestors and not against any of the security officers guilty of the deaths of such a large number of people on July 1-2. The fact that over 70 people died indicates that the security agencies did not limit themselves to riot control weapons to break up the demonstrators, but also used firearms. Concrete examples of deaths caused by combat weapons were cited during the investigation and the court hearings. For example, one of the defendants, Polat Nurniyazov, [spoke](#) about an acquaintance named Samat who died from a shot to the chest:

“We came out near the Artizan restaurant. We saw 100 to 150 people moving along Beruni Street in the direction of the Nukus Department of Internal Affairs. We went with them. I live in the neighboring 23rd microdistrict, and I thought that I would go right home. People were throwing rocks, [cartridges] with tear gas were flying out from there. Then shots could be heard. We ran into the microdistrict. People had gathered near the entrance to it. I approached and saw my acquaintance Samat lying on the ground. He had been hit in the chest with a bullet; blood was flowing onto the ground, he was dying. We called an ambulance, but it never came, so we put him in a white Lacetti and drove off. Then we transferred him to an ambulance.”

In his statement, Daulet Tajimuratov [cited](#) case materials he reviewed containing testimony that “one person had a grenade fragment in his head, another was shot in the head, and a third was shot in the chest.”

Overall, the defendants were charged under 11 Criminal Code articles ranging from hooliganism to offenses against the constitutional system. The largest package of charges were [filed against](#) Daulet Tajimuratov and Lolagul Kallykhanova:

Dauletmurat Tajimuratov (1979), a lawyer at *El Xizmetinde* (In Service of the People) newspaper bureau and the former editor-in-chief of the eponymous newspaper, is being charged under Article 104(3)(a) through Article 28 (complicity in intentional grave bodily injury caused by two or more persons), Article 159 (4) (conspiracy to seize power or overthrow the constitutional system of the Republic of Uzbekistan), Article 167(3)(a) (misappropriation or embezzlement in an especially large amount), Article 243 (legitimization of income obtained from a criminal act), Article 244(3) (organization of mass unrest accompanied by violence against a person, pogroms, arson, damage or destruction of property, resisting a public official with the use or threat of the use of weapons or other objects that can be used as a weapon, as well as active participation in mass unrest), and Article 244-1(a), (b), and (d) (preparation, storage, dissemination, or display of materials containing a threat to public safety and public order committed by prior agreement or a group of persons; taking advantage of official position; or using the media, a telecommunications network, or the internet).

Lolagul Kallykhanov (1989), a journalist and founder of the *Makan.uz* website, is being charged under Article 104(3)(a) through Article 28 (complicity in intentional grave bodily injury caused by two or more persons), Article 159 (4) (conspiracy to seize power or overthrow the constitutional system of the Republic of Uzbekistan), Article 244(3) (organization of mass unrest accompanied by violence against a person, pogroms, arson, damage or destruction of property, resisting a public official with the use or threat of the use

of weapons or other objects that can be used as a weapon, as well as active participation in mass unrest), and Article 244-1(a), (b), and (d) (preparation, storage, dissemination, or display of materials containing a threat to public safety and public order committed by prior agreement or a group of persons; taking advantage of official position; or using the media, a telecommunications network, or the internet).

**Almost all the charges are absurd and politically motivated. Below I will cite arguments in favor of this conclusion:**

1. One of the key charges cites two Criminal Code articles at the same time, Article 104(3) and Article 28, and links them arbitrarily. By projecting the combination of these two articles onto this case, the Prosecutor's Office is asserting that Tajimuratov and Kallykhanova are allegedly guilty of "complicity in intentional grave bodily injury." In my opinion, this kind of cleverly constructed conclusion is absolute nonsense from a legal standpoint, opening up space for the most prejudicial interpretations of the law. Let's look at what these two Criminal Code articles stipulate.

Article 104(3) refers to "intentional grave bodily injury: a) caused by two or more persons." Meanwhile, Article 28 reads: "accomplices to a crime, along with the actual perpetrators of the crime, are organizers, instigators, and abettors." Then where does Tajimuratov's and Kallykhanova's guilt lie in this connection? After all, they did not instigate anyone to perform specific violent acts against anyone. Tajimuratov called for people to come out to the demonstration only on July 5 and had intended to coordinate this demonstration with the authorities. Even if people came out onto the streets under the influence of his speech and acts of violence occurred during the street protests, he still cannot bear legal liability for this. Liability in this case lies exclusively with the people who committed these acts and with those who called for these acts. Incidentally, the people who should have been charged under Article 104 were the ones who shot at the protesters, and the ones who should have been charged under Article 28 were the ones who gave the order for this shooting, that is, the ones who "instigated" and "organized" it, to use the article's language.

2. The indictment cites Article 159(4) (conspiracy to seize power or overthrow the constitutional system of the Republic of Uzbekistan). This article, incidentally, was used quite frequently under the dictator Islam Karimov against critics of his regime. Apparently Tajimuratov and Kallykhanova called for the violent seizure and overthrow of the constitutional system. But the court was not presented with evidence that they specifically called for such violent actions. As he himself admitted, Tajimuratov only proposed that he be elected leader of Karakalpakstan – a normal practice for democratic and rule-of-law states, when party leaders run for leadership positions in the government by means of elections. This is most likely what Tajimuratov meant when he proposed that citizens of Karakalpakstan elect him their leader. As far as changes to the constitutional system are concerned, the call for the Republic of Karakalpakstan to secede from Uzbekistan is fully in line with norms of the current Constitution: The cancellation of these norms was never approved in a referendum planned by the Uzbek parliament. Thus, there are absolutely no grounds for citing this Criminal Code article in this case.

3. The application of Article 244(3) (organization of mass unrest accompanied by violence against a person, pogroms, arson, damage or destruction of property, resisting a public official with the use or threat of the use of weapons or other objects that can be used as a weapon, as well as active participation in mass unrest) is equally groundless. Again, Tajimuratov's and Kallykhanova's speeches and video messages do not contain calls to violence, pogroms, arson, and so forth, but only a call for peaceful demonstration, which is fully in line with the Constitution's norms on freedom of assembly. For example, Article 33 of Uzbekistan's Constitution says: "Citizens have the right to engage in public life by holding rallies, meetings, and demonstrations in accordance with the laws of the Republic of Uzbekistan." As I have already noted, Tajimuratov only intended to ask the authorities about holding a demonstration on July 5. This means that he was following the letter and spirit of the law.
4. References to Article 244-1(a), (b), and (d) (preparation, storage, dissemination, or display of materials containing a threat to public safety and public order committed by prior agreement or a group of persons; taking advantage of official position; or using the media, a telecommunications network, or the internet) are also extremely problematic. The Criminal Code provision on a "threat to public safety and public order" is particularly troublesome. This wording makes the article sound ambiguous and allows the prosecution and the court to represent any criticism of the government and calls for meetings and demonstrations as a "threat to national security." Accusing anyone of making such calls as a "threat to public security and public order" contravenes Article 29 of the Constitution, which says: "Everyone has the right to freedom of thought, speech, and convictions. Everyone has the right to seek, obtain, and disseminate any information except that which is directed against the existing constitutional system and in some other instances specified by law." In this case, Tajimuratov's and Kallykhanova's calls were in line with constitutional norms, namely Article 74, which guarantees the Republic of Karakalpakstan's right to secede from Uzbekistan.
5. Finally, the indictment's references to Article 167(3)(a) (misappropriation or embezzlement in an especially large amount) and Article 243 (legitimization of income obtained from a criminal act) are puzzling. The use of these kinds of "non-political" Criminal Code articles against dissidents and politically undesirable persons was quite widespread under Karimov. At the time, drugs were often planted on dissidents to charge them with criminal acts under "non-political" articles along with "political" ones (under other parts of the indictment). This was apparently done to increase prison terms for these people and discredit them in the eyes of society. If Tajimuratov and Kallykhanova were involved in legitimizing illegal income or misappropriation or embezzlement, then why weren't they charged with these crimes prior to the events of July 1-2? The fact that these charges appeared at the same time as the case regarding their participation in protests was opened gives rise to serious suspicions that these aspects of the indictment were openly fabricated.

Thus, there are serious issues with each point of the indictment against Tajimuratov and Kallykhanova. A similar picture can be observed in the indictments of the other defendants. All these charges, or almost all of them, should be classified as fabricated and politically motivated.

## Were the defendants tortured?

It is also notable that almost all the defendants [acknowledged](#) their guilt, some, like Daulet Tajimuratov, only in part, and others in full. In addition, a number of defendants that Tajimuratov considered his associates or friends before the trial [gave evidence](#) against him, accusing him of provoking them to participate in the protests and [even of fraud](#). Not one of them, however, was able to present concrete evidence supporting their accusations against him. At the same time, and in spite of the false accusations, Tajimuratov said that he [believes](#) they are all innocent of the charges against them.

What caused such cowardly behavior on the part of some of the defendants? There are two explanations: They were either subjected to torture and pressure by the investigation, or they were promised a lighter punishment or amnesty in exchange for admitting their guilt or incriminating Tajimuratov. The defendants themselves [told](#) the court, and, before that, the public commission, that they were not tortured. However, one detail emerged during the hearings that showed that everything could have been different in reality. Tajimuratov [said](#) that he had been beaten at least twice by security officers during two of his arrests – once on July 1 and again on July 4, after he was re-arrested (when he was released on July 1, he spent three days trying to avoid arrest, but he was ultimately detained).

Whatever the case, the abovementioned expeditious admissions of guilt and the incrimination of Tajimuratov, which were clearly made at the investigation's order, also remind us of Stalin-era politically court proceedings and the practice of self-incrimination and incrimination of others.

## Conclusion

In conclusion, there is a high likelihood that the court will find all the defendants guilty and sentence all (or most) of them to long prison terms. These sentences will undoubtedly be politically motivated sentences handed down from on high. Yes, in these kinds of politically motivated proceedings in Uzbekistan, the president and his immediate circle generally de facto decide on verdicts and sentences. This is because Uzbek courts are still not independent of the president and his administration in practice, even though they are, de jure, an independent branch of power in accordance with articles 11 and 106 of the Constitution.

If the court issues a guilty verdict and sentences the defendants to long prison terms, this will be the highest manifestation of injustice. The injustice here lies in the fact that this entire story with constitutional amendments depriving Karakalpakstan of the status of sovereign republic, especially without any preliminary agreement with its people, was cooked up from the very beginning to provide a reason for resetting Shavkat Mirziyoyev's first two presidential terms to zero and extending his rule for another term. It was specifically these planned amendments that provoked the unrest and protests. But as soon as these protests began to develop along lines that the president had not conceived of, plunging the country into a major political crisis, he made the correct decision to recall these constitutional amendments. Even so, blood was spilled because the president allowed his security agencies to use excessively violent measures against the protestors. After the protests were suppressed, he apparently decided to place responsibility for the numerous fatalities on someone else to lift it from himself and his subordinates.

**In this situation Mirziyoyev has one correct path if he truly intends to minimize the consequences of the crisis and continue following the path of reform. This path involves:**

- ensuring fair trials which would mean the acquittal of all 22 defendants;
- preventing the opening of new criminal cases against other protest participants, possibly excluding those who really did participate in acts of violence against law enforcement and security agencies, which would be conclusively proven in accordance with all the rules of impartial justice;
- opening criminal cases against security officers who gave the order to use weapons against the protestors and must bear liability for the protestors' deaths.

**If we are speaking about the tasks of a broader plan that follow from this court case, then the president should:**

- take long-overdue measures to reform the judicial system, freeing it from the dictate of the executive branch and ensuring the equality of all citizens, including himself and members of the ruling elite, before the law; it would exempt the society from the need to appeal once again to the president for a fair decision and would allow in such cases to rely solely on the decision of a court that enjoys the trust of society;
- coordinate with society and community representatives on solving the most important problems affecting their key interests before these solutions are adopted.

And this is just the minimum set of demands stemming from this court proceeding.

<https://adcmemorial.org/en/articles/trials-of-protestors-in-karakalpakstan-reminiscent-of-stalin-era-court-proceedings/>