



## **Uzbekistan: overturn the unfounded criminal sentence against blogger Otabek Sattoriy and release him**

### **Annex: Detailed background to the case**

On 20 December 2020, Otabek Sattoriy and journalist Farhad Ismailov, (from “Effect.Uz”<sup>1</sup>) visited Sherabad market to report on food prices on the eve of the New Year holidays, after President Mirziyoyev had issued instructions on 16 December 2020 not to hike prices on food during the holiday. As Sattoriy filmed the prices on the food stalls on his phone, he was attacked by two market employees who snatched his mobile phone, disabled the phone and refused to return it.

Sattoriy lodged a complaint with Sherabad District local authority (hokimiyat) and met the head of Sherabad District Administration<sup>2</sup>, who contacted the Director of the Sherabad market (Lochin Turaev), and the acting head of the Sherabad Regional Police Department, Sherkhan Allamuradov, asking them to investigate the theft.<sup>3</sup>

Officials questioned the two market employees about the robbery and Sattoriy's phone was returned to him but it was damaged. The police officer failed to open a criminal case into the incident (theft).<sup>4</sup> On 28 January 2021, the Deputy Head of Sherabad District Administration asked Sattoriy if he had been given a new phone, and called the Sherabad market director to ask when he would replace the damaged phone. On 29 January 2021 Sattoriy broadcast a statement on youtube<sup>5</sup> saying that he had been summoned to court, and that he feared it was an act of provocation. He was arrested the next day.

On 30 January 2021, the Sherabad Market director, Lochin Turaev, arranged to meet Sattoriy at his house to give him the new phone, and they met and talked in the director's car. When the meeting ended, at about 5.00 p.m., Sattoriy began to walk away holding the new phone when he was surrounded by some 30 law enforcement officials who detained him, handcuffed him and took him to another car. At 9 p.m. that evening the house where Sattoriy lived with his parents was searched by several dozen officials.<sup>6</sup>

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<sup>1</sup> <https://effect.uz/>

<sup>2</sup> Ziyodullo Davlatov was removed from his post in January 2023

<sup>3</sup> article 166 of the Criminal Code of Uzbekistan.

<sup>4</sup> in violation of Article 324 (“Statement of persons”) of the Criminal Procedure Code. The original team of investigators from Surkhandarya Regional Police Investigative Department were N. Normuminov, B. Khushbokov, A. Atamurodov, F. Aliboev and M. Mamatkoriev.

<sup>5</sup> <https://www.youtube.com/watch?v=Pxl2CfjCY-g>

<sup>6</sup> There was also a search of a Captiva car belonging to an employee of the American company Khayotbakhsh Zamin. This car was not indicated in the search warrant and therefore the seizure of documents and things from the car was not legal.

Sattoriy's family were informed of his whereabouts only two days later. Sattoriy's mother, said: *"Neighbours told us that people in civilian clothes had grabbed our son and taken him away against his will. We watched the recording on our house security camera. We did not understand who these people were, and why they had taken Otabek away. We looked for him everywhere, called the police, but could not find out anything."*

On 2 February 2021, senior police investigator P. Mamatmuratov took on the criminal investigation against Sattoriy, despite not being initially named as an investigator.<sup>7</sup>

On 3 February 2021, the head of the Investigation Department under the Sukhandariya Regional Department of Internal Affairs issued a decision to set up another investigative group under Mamatmuratov, involving all (over 100) police investigators and operational officers in Surkhandarya region in the case, as if Sattoriy stood accused of a serious crime.<sup>8</sup>

During the first seven days of his detention, nine victim complaints were allegedly lodged against Sattoriy, although not one had been registered before he was arrested. Later, those who lodged complaints against Sattoriy admitted that they were all put under pressure to make these false statements.

There are also credible reports that Sattoriy was subjected to torture and ill-treatment during pre-trial detention from 30 January to 11 March 2021 at Termez Police Station. He was not allowed family visits, nor to receive parcels of food, clothes or medicines. In early February his relatives passed him some food packages, but on 16 February the police investigator called them and told them to take the parcel back.

According to Sattoriy's family, from 30 January to 20 February 2021, he was kept in a cold cell wearing only a T-shirt. An ambulance was called to him, but he was not treated. He suffered from headaches, cystitis, kidney infections, high fever and convulsions, exacerbating his asthma and allergies. He caught Covid-19 but his relatives were not allowed to pass him medicines.

Sattoriy was threatened during questioning. The head of Termez City Police department reportedly told him "You'll be behind bars for the rest of your life".

Sattoriy's first state-appointed lawyer represented him from 31 January to 1 March 2021 but failed to take action to protect Sattoriy. Sattoriy was not allowed a lawyer of his own choosing at this point.

From 31 January 2021 until the end of the year, Sattoriy's family came under pressure from police officers: including by being under surveillance and having cars parked outside the house.

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<sup>7</sup> A violation of procedural law, as he was not part of the already established investigative group.

<sup>8</sup> This investigative decision does not explain the decision to involve "all" 100 investigators and operational officers in the region in the investigation into this one case.

On 10 May 2021 Muzrabadsky Regional Court of Sukhandarinsky region found Sattoriy <sup>9</sup> guilty of extortion of a mobile phone from the Director of the Sherabad market, of two counts of Slander (Article 139 part 2 point g) and three of Extortion (Article 165). He was sentenced to six and a half years behind bars.

### ***Legal defence***

In Uzbekistan, few lawyers agree to defend bloggers and critics of the authorities for fear of reprisals. According to our information, high ranking officials took an interest in Sattoriy's trial, including threats towards the family and lawyers. Sattoriy was initially provided with a state-appointed lawyer, who failed to act in the interests of his client and allowed him to sign documents against his interests.

A second lawyer failed to speak out on procedural violations committed during the investigation and trial. The lawyer reportedly received threats from persons who reportedly knew the khokim of Termez City, and then became less active in the caes.

From 26 March to 11 May 2021, lawyer Khursanoy Kuchayeva from Termez represented Sattoriy during the trial.

At the appeal stage, lawyer Shakhriddin Kholmuradov joined Sattoriy's defence team and in October 2021 lawyer Shavkat Tadjiev. Tadjiev has studied the materials of the criminal case, met Sattoriy several times, and on 10 December 2021 filed a cassation complaint with the Supreme Court of Uzbekistan. Four lawyers Shavkat Tajiyev, Shakhriddin Kholmuradov, Shavkat Ergashev and Umidbek Davlatov participated in Sattoriy's defence at the cassation court.

### ***Trumped up charges***

The verdict found Sattoriy guilty of five of the nine counts that were considered during his trial.

-The **first** concerns about the extortion of a mobile phone (Article 165 part 2 point "a")

Lochin Turaev, the Market Director (market Chinara Gul Baraka LLC), filed a complaint with the Surkhandarya Department of Internal Affairs accusing Sattoriy of extorting a Vivo-X50 mobile phone worth 5 million soums (about \$500). The court relied solely on Turaev's testimony and that of the investigation. According to the defence, the court did not fully and objectively examine records of correspondence, an analysis of which indicates that changes have been made to the information that fixes the time of messages and other chronological information in favour the prosecution. The court also refused to consider Sattoriy's claim that his phone had been damaged during a robbery at the market.

-The **second count** concerns extortion of two apartments (Article 165, part 3 "Extortion of property on a large scale")

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<sup>9</sup> <https://www.youtube.com/watch?v=YN7VR4TUhEQ>

In 2020, Otabek Sattoriy became the owner of two apartments in a multi-storey building. The court sentenced him for extortion of someone else's property on a large scale, in relation to these two apartments.

Sattoriy registered these two apartments as his property at the request of his mother and sister, after they received housing as compensation for two demolished houses.<sup>10</sup>

On 4 October 2018, a trilateral agreement was concluded between the head of the Termez City Administration Israil Khudaiberdiev, the developer Tulkin Shopulatov, and Sattoriy's mother and sister (Hidolat Islamova and Sitora Sattoriy) establishing that they would receive two apartments in lieu of their demolished houses, but without specifying the size of the apartments. This document stated that the amount outstanding for these apartments would be paid by the local authority budget. This transaction was formalized with a notary.

After Sattoriy complained, the developer called him to give him a warrant for the possession of a three-room and two-room apartments.

On that day, Otabek's mother was sick and unable to move because she had high blood pressure, she asked to reschedule the date of the meeting, but the developer insisted on signing the documents on that day. His pregnant sister also felt unwell, and they agreed that the developer would issue warrants for the two apartments to Otabek Sattoriy, as they trust him. However, the Sattoriy family did not obtain the registration for these flats until Summer 2020 and therefore Otabek Sattoriy continued to write complaints to the President.

On 4 February, 2021, the developer Shopulatov issued a demand for the return of the two apartments, as his company had not received full payment from the local authorities and the contract of the sale was thus terminated.

At Otabek Sattoriy's trial, Shopulatov testified in the Muzrabad court (first instance) that he had no claims against Otabek Sattoriy and that he had written the original complaint against Sattoriy under pressure from the khokim of Termez, Khudaiberdiev. However, the court did not take this into account. At the appeal stage Shopulatov changed his testimony in support of Khudaiberdiev. The court also heard from a notary that Sattoriy had paid for the two flats in full.

The accusation of extortion on a large scale of two apartments, in fact relates to legal compensation for two demolished houses. Otabek Sattoriy did not take someone else's property. According to the materials of the criminal case, Sattoriy complained to the virtual

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<sup>10</sup> In October 2018, by decision of the administration of the city of Termez, two houses were demolished. Hidolat Islamova (mother of Otabek Sattoriy) was the owner of the house on Salomatlik street No. 1 (151 sq. m.) and Sitora Sattoriy (Sattoriy's sister) - on Salomatlik street 1 "A" (46 sq. m.). As compensation, the administration of Termez initially allocated one-room and two-room apartments to the owners, with an area much smaller than their demolished houses. In response to this decision of the khokimiyat, Otabek Sattoriy sent a complaint in the interests of his mother and sister to the online reception of the President of Uzbekistan Shavkat Mirziyoyev. Only after the fourth complaint in 2020, the khokimiyat revised the decision and allocated a three-room apartment of 88 sq.m for Khidolat Islamova and a two-room apartment of 72 sq.m. m. for Sitora Sattoriy.

complaint service and did not meet with officials (the hokim and the developer), therefore, the accusation of extortion on an especially large scale is unfounded.

-The **third count refers** –to extortion of 10 000 US dollars (Article 165 part 2 point "a" Extortion on a large scale)

After Sattoriy was arrested, Utkir Turdiyev, Deputy Director of the Surkhandarya regional territorial branch of the joint-stock company "Hududgaztaminot", (gas company) stated that he was seeking 10 000 US dollars in damages from Sattoriy for posting videos on social networks about the distribution of gas cylinders to the population using fraudulent schemes. Although no evidence of extortion was presented in court, Sattoriy was sentenced on this charge.

- The **fourth count concerns** Article 139 ("Slander") of part 3, paragraph "a", "d", slander, in order to commit a grave or especially grave crime from mercenary or other vile motives

Mastona Akhmedova, Head of Human Resources of the Surkhandarya branch of the Republican Specialized Scientific and Practical Medical Center of Oncology and Radiology, in Termez City, claimed that Sabokhat Ravshanova, with whom she is in conflict, caused her reputation "irreparable damage" when she criticized her in a video statement that distributed by Sattoriy.

The statement referred to doctors from the hospital holding a banquet while patients were waiting for them. The court did not accuse Ravshanova of slander, making the accusations against Sattoriy absurd and unfounded.

- **The fifth count concerns** slander, out of selfish or other vile motives (Article 139 ("Slander"), part 3, paragraph "d").

Sattoriy posted a video statement from Saodat Vakhidova about Nasiba Norbayeva, former registry office employee at the Public Services Agency of Denau district in Surkhandarya region. He posted the statement on the Khalk Fikri (People's Opinion) telegram channel and in the Facebook group of the same name. This statement claims that Norbayeva accepted bribes in relation to this, additional charges were brought against Sattoriy on 24 February 2021 (under Articles 139 ("Defamation") and 140 ("Insult"). During the trial, the court rejected the accusations of insult due to lack of evidence of his guilt and left the accusations of libel.

On several occasions, Sattoriy and his lawyers asked for a legal assessment of the correspondence between Sattoriy and market director Turaev, who accused him of extorting the mobile phone. Analysis of this correspondence shows that the case file contains fragments of correspondence, with distorted information in the chronology of messages and individual statements.

The court sentenced Sattoriy for soliciting a \$10,000 bribe on the basis of perjury.

Sattoriy's trial illustrates that the judicial authorities in Uzbekistan, including the Supreme Court, are not independent from the executive.

The evidence presented by Sattoriy's defence team clearly points to violations of Article 95-1 ("Evaluation of Evidence") of the Criminal Procedure Code of Uzbekistan, which states that evidence is subject to assessment in terms of relevance, admissibility and reliability.

According to paragraph 1 of article 484 of the Criminal Procedure Code of Uzbekistan, incomplete or one-sided investigations provide a basis for annulment or amendments of a court decision.

An additional reason for annulment of the sentence is the fact that Otabek Sattoriy was subjected to illegal detention, as confirmed by the conclusions of the UN Working Group on Arbitrary detentions, on 10 February 2023, indicating violations of international obligations that Uzbekistan has undertaken to fulfill.

Currently, Otabek Sattoriy is being held in KIN-4 in the city of Novoi, having already served one third of his sentence. He is suffering from stress and poor health.

Based on the above, we call on Uzbekistan to release Otabek Sattoriy.