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UZBEKISTAN: Legally-published religious literature "extremist"?

By Mushfig Bayram, Forum 18

The Tashkent trial is due to begin on 13 April of a Muslim accused of giving his hairdresser a legally-published Muslim book. A Fergana Region court handed a Muslim scholar a three-year suspended prison term for possessing for scholarly purposes a Muslim work he did not completely agree with.

A Tashkent Muslim, Gayrat Ziyakhoyev, is accused of disseminating "extremist" material after sharing a legally-published Islamic book with his hairdresser. The criminal trial is due to begin on 13 April. He faces a maximum punishment of eight years' imprisonment.

On 26 March, a court in Fergana Region sentenced a Muslim scholar Musajon Bobojonov to a three-year suspended prison term on the same charges of disseminating "extremist" material. He will be under restrictions during this time. He described the punishment as "severe - virtually house arrest".

After Bobojonov lent his computer to a relative, police found on it a copy of an Islamic book which he had partially read. He told Forum 18 he had the book for the purpose of research and writing, and did not agree with some passages in it (see below).

Tashkent Regional Court has upheld fines on nine Jehovah's Witnesses for offering religious literature in a local village (see below).

After scouring social media posts of a Protestant in Urgench, police tried to pressure her to become an informer. She refused. Forum 18 has been unable to find out if police intend to take further action against her (see below).

Large fine or jail for Muslim found with Islamic literature?

The criminal trial in Tashkent of Gayrat Ziyakhoyev, a Muslim who was found with Islamic literature which had passed the compulsory state censorship, appears imminent. Uchteppa District Criminal Court told Ziyakhoyev on 4 April that his trial under Judge Shamsiddin Tojiyev will begin on 13 April.

Judge Tojiyev's phone went unanswered on 5 April. Court Chancellery official Zakhiddin Nuriddinov told Forum 18 on 5 April that Judge Tojiyev was in a meeting, and asked that Forum 18 call him back that afternoon. When Forum 18 called back the Judge's phone went unanswered.

The case was initiated by Uchteppa District Police's Struggle with Extremism and Terrorism Department.

Hairdresser Abduboki Yunusov and his regular customer Ziyakhoyev have been repeatedly questioned since April 2017 after police stopped one of Yunusov's cousins late at night on the street and searched him. They found Islamic materials on his phone. Between April and October 2017, police repeatedly interrogated Yunusov, his family, and Ziyakhoyev, who are all Muslims.

Some years ago Ziyakhoyev bought a book entitled "Islam between Two Fires", which had passed state censorship and was published by the still-operating Mavoronnahr publishing house. He had shared the book, which is critical of non-Islamic missionary movements, with Yunusov. Police found the book on Yunusov's phone and then summoned Ziyakhoyev for questioning (see F18News 27 October 2017 <http://www.forum18.org/archive.php?article_id=2329>).

Ziyakhoyev told Forum 18 that in January 2018 he wanted to travel to Moscow to meet human rights defenders from the Russian human rights group Memorial. However, the authorities stopped him on 24 January at the Gisht-Kuprik border crossing point with Kazakhstan. "I had to return to Tashkent and was summoned to Uchteppa Police on 25 January. The police handed me a copy of the Religious Affairs Committee's 'expert analysis' and the case details," he told Forum 18 on 16 March.

Uzbekistan uses exit visas and the secret police to stop people the authorities dislike - for example human rights defenders - from travelling abroad. Religious Affairs Committee "expert analyses" are used to justify the destruction of religious literature and the punishment of people exercising the freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey

<http://www.forum18.org/archive.php?article_id=2314>).

Ziyakhojayev is facing trial under Criminal Code Article 244-1 ("Production, storage, distribution or display of materials containing a threat to public security and public order"), Part 2 ("Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order").

Punishments under this Article, which is normally used against Muslims exercising their freedom of religion and belief, are a fine of up to 400 times the minimum monthly wage and deprivation of liberty for between five and eight years (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Uchteppa Court's Chancellery asked Ziyakhojayev to bring a positive testimonial from his local mahalla committee. A Chancellery official "hinted to me that most probably I will receive a fine." The official told him that "prison sentences are not given nowadays in such cases".

Mahalla (local district) committees, theoretically independent but in practice under state control, are used to impose restrictions on anyone trying to exercise their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Police force witness to rewrite evidence

Ziyakhojayev told Forum 18 that "it looks like Abduboki Yunusov will be called by the Court as a witness in my case." Yunusov was summoned to Uchteppa Police on 31 December 2017 and told to rewrite his previous statement.

"Police put 31 December as the date of opening of the case, which originally was opened in October," Ziyakhojayev told Forum 18. "I don't know exactly what Yunusov wrote under police dictation, or if he wrote anything incriminating me. It looks like Yunusov's previous statement was not convincing enough for the police."

Forum 18 asked the police why they wrongly recorded 31 December 2017 as the opening date of the case against Ziyakhojayev, and ordered Yunusov to change his statement. Senior Lieutenant Akhmedov from Uchteppa Police Struggle with Extremism and Terrorism Department claimed to Forum 18 on 5 April that "on that date we did not open a new case but only referred it to the police investigators."

Senior Lieutenant Akhmedov refused to tell Forum 18 the investigators' names. He said that Ziyakhojayev will "most probably be given a fine". Asked why the case was brought and why Muslims cannot read or carry Islamic literature on their phones, Akhmedov did not answer. He refused to talk further with Forum 18.

Rigged trials with flagrant breaches of the rule of law and due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Muslim scholar given suspended prison term

On 5 February the trial began in the eastern Fergana [Farghona] Region of Musajon Bobojonov, a Muslim and researcher on Muslim theology. Bobojonov also works as a human rights defender, and is Director of the local branch of Ezgulik (Goodness) human rights organisation in Andijan [Andijon].

On 26 March, Judge Bobokhon Vakhobov of Kuva District Criminal Court handed down a three-year suspended prison term for storing extremist religious materials on his notebook computer and sharing them with others, according to the verdict seen by Forum 18.

Bobojonov was convicted under Criminal Code Article 244-1 ("Production, storage, distribution or display of materials containing a threat to public security and public order"), Part 2 ("Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order").

The decision imposes a curfew on Bobojonov, ordering him to be at home between 9 pm and 6 am for three years. He will have to report to police in Marhamat District of Andijan Region, where he lives. He cannot leave the District without the police's written permission.

Bobojonov described the case against him as "a fabrication". "Those who know me know that I am not an extremist," he told Forum 18 on 5 April. He said he had the materials on his computer for his research and writings.

Bobojonov told Forum 18 that he as a graduate of Tashkent State University's Oriental Studies faculty as well as Cairo University in Egypt. "I have carried out extensive studies on the effects of extremist religious literature on Islam, and my works were previously published in the Uzbek media."

Bobojonov described the punishment as "severe - virtually house arrest". He said he appealed against the decision to Fergana Regional Court on 2 April. "I am waiting for the Court to announce the appeal date," he told Forum 18.

Why the case?

On 1 August 2017 Fergana Regional National Security Service (NSS) secret police (now the State Security Service) raided the home of one of Bobojonov's relatives in an unrelated non-freedom of religion case. Officers confiscated her mobile and notebook computer, on which the Muslim religious materials were found, according to the court verdict.

Bobojonov told Forum 18 that his relative had used his computer in the past and had copied the materials from it.

At his trial, the court questioned the relative, as well as another relative who had also copied the same materials into her mobile phone. The court was particularly interested in the book by Imam Abdulloh-domla, "Those Who Love Paradise". It qualified the book as "extremist", citing "expert analyses" from 29 September and 11 October 2017.

Bobojonov explained to Forum 18 that he received the book and the sermons of Abdulloh-domla from a relative who asked him for his opinion on them. He told Forum 18 that he thinks that Abdulloh-domla lives and works as Imam in Osh in Kyrgyzstan. Bobojonov said that he does not know whether this is the Imam's real name and also does not know his last name.

The Chief Imam of Osh Region in Kyrgyzstan said that he knows of the book, but does not know the author. "There are many Imams in Osh by the name Abdullo-domla," Niyazali Aripov told Forum 18 on 5 April. "I don't know who you are talking about." He added that he does not know whether any of them were charged with "extremism".

It is not specified in the Court decision, but Bobojonov told Forum 18 that Judge Vakhobov evaluated one comparison of Abdullo-domla as extremist. "Abdullo-domla allegedly said in that passage that women of our day should take as an example the woman, a contemporary of Prophet Muhammad, who offered her two sons to the Prophet for holy war," Bobojonov recounted. "I have read almost half the materials, and there was no such statement in what I read."

Bobojonov said that even if the statement was there, "I don't know in what context he had said it, and that is not my proposition anyway."

Asked on 5 April why Muslims cannot read religious literature freely and express their opinions on it, Judge Vakhobov told Forum 18: "I cannot give you information on the case." When Forum 18 asked why the Court handed such a punishment to Bobojonov knowing him as a scholar who writes on Islam, he responded only: "He has already appealed." Judge Vakhobov declined to talk further to Forum 18.

Bobojonov "not an extremist"

Human rights defenders told Forum 18 they are convinced that the charges are unjustified. Bobojonov's colleague from Ezgulik in Tashkent, Abdurakhmon Tashanov, told Forum 18 on 4 April that Bobojonov "is a kind man, and has helped many whose rights were violated. He is no extremist".

Galima Bukharbayeva, a journalist in Almaty in Kazakhstan, also pointed to Bobojonov's record defending the rights of labour migrants. "How can he be an extremist violating the rights of others when he himself defends religious and non-religious individuals?" she told Forum 18.

Jehovah's Witness fines for distributing religious literature upheld

On 10 December 2017 police stopped nine Jehovah's Witnesses from distributing religious literature to passersby in the village of Zarkent in Parkent District in Tashkent Region. Police took Yevgeni Kupayev, Natalya Kupayeva, Mukhriddin Nuraliyev, Gulnora Islamova, Samariddin Usmonaliyev, Sabina Amirbekova, Sara Jafarova, Anna Mirzababayeva and Shohsanam Turoпова to a police station. "There they were compelled to write statements, and sign the police report," Jehovah's Witnesses told Forum 18 on 3 April.

Police also confiscated mobile phones from several of the Jehovah's Witnesses, a tablet device from Turoпова, and a mobile and a tablet device from Kupayev. They were released the same day.

On 8 January 2018, Parkent District Administrative Court fined all nine Jehovah's Witnesses 10 times the minimum monthly wage each. All were punished under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the

intent to distribute or actual distribution, of religious materials by physical persons"), and Article 240 ("Violation of the Religion Law"), Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity").

On 9 February, Tashkent Regional Administrative Court rejected the Jehovah's Witnesses' appeals against the convictions and fines.

Protestant harassed, compelled to cooperate with police

Officers of the Police Struggle with Extremism and Terrorism Department in Urgench [Urganch] in the north-western Khorezm Region harassed Protestant Nargiza Khusainova. They also pressured her to become a police informer, which she refused to do, local Protestants, who asked not to be named for fear of state reprisals, told Forum 18 on 9 March.

The secret police often try to recruit spies or send informers to religious communities (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Khusainova belongs to the Church led by Pastor Ahmadjon Nazarov. He and many church members have repeatedly been punished (see F18News 27 October 2017 <http://www.forum18.org/archive.php?article_id=2329>).

On 17 January, two plain-clothed officers, Captain Mukhammad Rakhimov and Senior Lieutenant Timur Tojiyev, approached Khusainova on the street in Urgench's Gulchilar Mahalla. "The officers told Khusainova that they represent Urgench Police, and that they would like to talk with her," Protestants told Forum 18.

The officers told Khusainova that "they have a DVD-disc with materials on it compromising her." They said that they have "recorded her correspondence over the internet, in the Russian social network odnoklassniki.ru, with her classmate who lives in Russia, in which they discussed the Bible and the apocalyptic events described in the Bible." They "warned Khusainova that if they send the materials to the Religious Affairs Committee in Tashkent for 'expert analysis' she will be punished."

The two officers offered Khusainova to cooperate with them and tell them about her visits to the Russian Federation from 2012 to 2014. They asked her about the purpose of her visits, who she travelled with, the addresses she visited in Russia, what activity exactly she was engaged while in Russia, which parts of Russia she visited, who her religious contacts in these places were, how long each stay was, and what her exact religious beliefs are.

Khusainova "refused to write a statement but signed the official record that she knew of the contents of the DVD."

Protestants told Forum 18 that, as of 5 April, they have not heard that the police have taken further action against Khusainova.

Neither Officer Rakhimov nor Officer Tajiyev would tell Forum 18 on 5 April whether they have opened a case against Khusainova. When Forum 18 asked each of them why they harassed Khusainova and offered her to work as informer for the police, they immediately put the phone down. They did not answer their phones when called back several times the same day.

Interior Ministry media and internet monitoring

In 2017 the authorities formalised their monitoring of internet communications. Prime Minister Abdulla Aripov issued a decree on 30 October 2017 ordering the Interior Ministry to establish a new Chief Department of Information Analysis.

The decree says that alongside with the function of public relations, the Department "will monitor the media and the world wide web, the internet, round the clock in order to reveal objectionable information, which offends the authority of organs of internal affairs, and will immediately prepare a response."

A human rights defender, who wished to remain anonymous for fear of state reprisals, complained to Forum 18 on 4 April that "this decree makes it lawful for the authorities to intrude into the private social media accounts to find 'evidence' to punish individuals."

The authorities have long scoured private electronic communications and social media accounts for materials to punish individuals for exercising freedom of religion or belief (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>). (END)

For more background, see Forum 18's Uzbekistan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=2314>.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=33>>.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic

religious extremism in Uzbekistan, see <http://www.forum18.org/Archive.php?article_id=338>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Uzbekistan is available at <<http://www.nationalgeographic.org/education/mapping/outline-map/?map=Uzbekistan>>.

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f18news @ editor.forum18.org

Forum 18
Postboks 6603
RodelÅ, kka
N-0502 Oslo
NORWAY