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UZBEKISTAN: Jail, restricted freedom sentences, for discussing faith

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Tashkent Criminal Court on 14 August punished eight Muslims who discussed their faith on social media, jailing five for up to 11 and a half years, giving the other three restricted freedom sentences. The men knew each other mainly on social media "where they were asking questions about Islam", the mother of one of those jailed said. Prosecutors also handed a criminal case against four more Muslims to court.

After a five-month trial, Tashkent City Criminal Court on 14 August gave lengthy sentences to eight Muslim men who discussed their faith on social media. The Judge jailed five of the men for up to 11 and a half years. The other three were given restricted freedom sentences, during which among other restrictions they are under a curfew each night, they cannot drive, cannot use the internet or other means of communication, cannot visit places of entertainment or attend public events, and cannot contact persons "inclined toward committing crimes or those being prosecuted".

Human rights defender Yelena Uralyeva, who chairs the Human Rights Alliance, and a relative of one of the defendants told Forum 18 in June that the eight men "began looking for information on the Muslim faith on the internet, and soon the police began watching their social media profiles" (see below).

"This whole case is a fabrication," Tamara Umedova, mother of Ubaydulla Murtazoyev, who received a 10 and a half year jail term, told Forum 18. "The young men did not even know each other well. Most of them met for the first time on social media where they were asking questions about Islam" (see below).

The Judge refused to comment to Forum 18 on his decision, or say why the Court did not investigate the torture of the defendants in pre-trial detention. This torture remains unpunished, despite Uzbekistan's international human rights obligation to arrest and prosecute officials responsible for torture (see below).

In another similar case, prosecutors handed the criminal case against four Muslims - Ravshan Igamberdiyev, his brother in law Iskandar Iskandarov, Akbar Absalov and Fariduddin Abduvokhidov – to Tashkent City Criminal Court on 27 August. The men's trial is expected to begin on 9 September. The four were part of a group who met regularly to discuss their faith while drinking tea or having a meal. They were arrested and put in pre-trial custody on 7 January (http://www.forum18.org/archive.php?article_id=2586) as part of a raid and arrest of up to 25 of them, most of whom were later released.

In an earlier similar case, on 13 March the same Tashkent City Criminal Court jailed three of four Muslim men for between five and six years. The fourth was given a community work sentence and a fine of 10 per cent of his wages for one year (http://www.forum18.org/archive.php?article_id=2575). Since 2016, the four young men had been interested in finding out about Islam. But one man – apparently on police instructions - tried to get them to agree to support terrorism and go to Syria to fight. The agent provocateur was not put on trial and was a witness for the state during the trial of the four young men.

In a case in the north-western Karakalpakstan autonomous republic, Interior Ministry officials on 3 September again questioned Doctor Alimardon Sultonov, a local Muslim who works as a trauma surgeon for Ellikkala Central State Hospital. Police told him that his criminal case will soon be heard by the Court, he told Forum 18 (see below).

Dr Sultonov is known for publicly discussing Muslims' freedom of religion and belief, and on 31 March called the local medical emergency service to ask whether there were any coronavirus cases in Karakalpakstan. Officials came to the hospital to question him about whether he had any religious texts, and later detained him before putting him under house arrest (http://www.forum18.org/archive.php?article_id=2564). Dr Sultonov has already been charged under a new Criminal Code Article 244-5 ("Dissemination of knowingly false information about an infectious disease"). Interior Ministry officials told him that "those who wear a beard are terrorists" (http://www.forum18.org/archive.php?article_id=2586).

Investigators have changed the accusations against Dr Sultonov several times, and is currently also accused of illegal storage or

distribution of religious literature for having Muslim sermons on his phone. He denies any wrongdoing (see below).

Police asked two senior hospital officials to testify against Dr Sultonov. Both claimed that he had more than once said he wanted to go to the war zone in Syria. Dr Sultonov accuses the men of lying. One of the officials repeated his claim to Forum 18 (see below).

Five jail terms, three restricted freedom sentences

On 14 August, at the end of a five-month trial, Judge Khamid Shamshiyev of Tashkent City Criminal Court gave lengthy prison terms and restricted freedom sentences to eight Muslim men who discussed their faith on social media. Deputy Prosecutors Jasur Usmonov and Shahboz Shohmirzoyev represented the prosecution in the final hearing, according to the verdict seen by Forum 18.

Prosecutors accused the eight men of allegedly downloading "extremist sermons" and terrorism-related offences. Human rights defender Yelena Uralayeva, who chairs the Human Rights Alliance, and a relative of one of the defendants told Forum 18 in May (http://www.forum18.org/archive.php?article_id=2575) that the eight men "began looking for information on the Muslim faith on the internet, and soon the police began watching their social media profiles".

Police arrested four of the men between August and October 2019. They were held in Tashkent's Investigation Prison both before and during the trial, which began on 18 March 2020 (http://www.forum18.org/archive.php?article_id=2586). The four men appeared at the trial via videolink from prison.

The other four defendants – including one who allegedly wanted to blow up a police station and to go to Syria – were not held in pre-trial detention. Human rights defender Uralayeva and the relative of one of the eight think that police used some of the defendants to "provoke discussions of jihad" (http://www.forum18.org/archive.php?article_id=2575).

Five jail terms

On 14 August, Judge Shamshiyev of Tashkent City Criminal Court handed down ordinary regime prison terms to five of the men, with the prison terms counted from the men's date of arrest:

- 1) Alisher Anvarovich Kasymov, born 5 December 1986, 11 years 6 months in labour camp, counted from 10 October 2019. Kasymov was convicted under Criminal Code Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") and Article 155-3, Part 1 ("Financing of terrorism").
- 2) Ubaydulla Ruzimurod ogli Murtazoyev, born 26 January 1996, 10 years and 6 months in labour camp, counted from 5 September 2019. Murtazoyev was convicted under Article 244-2, Part 1, Article 244-1, Part 3, Point d ("Production or storage with the purpose of distribution of materials that contain ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent expulsion of citizens, or aimed at creating a panic among the population, as well as production, storage with the purpose of distribution or demonstration of attributes or symbols of religious-extremist terrorist organisations", committed "with use of the media or telecommunication networks as well as the internet"), Article 159, Part 1 ("Attempts to change the Constitutional order") and Article 159, Part 3, Point a (the same acts "committed repeatedly or by a dangerous recidivist").
- 3) Shakhzodjon Tokhirjon ogli Zokirov, born 3 August 1999, 7 years and 6 months in labour camp, counted from 8 October 2019. Zokirov was convicted under Article 244-2, Part 1, Article 155-3, Part 1 and Article 159, Part 1.
- 4) Bakhtiyor Bakhodir ogli Tursunov, born 21 August 1997, 7 years and 6 months in labour camp, counted from 5 September 2019. Tursunov was convicted under Article 244-2, Part 1, Article 244-1, Part 3, Point d, Article 159, Part 1 and Article 159, Part 3, Point a.
- 5) Azimjon Avaz ogli Abdusamatov, born 28 February 2000, 6 years 3 months and 19 days in labour camp, counted from 14 August 2020 (he was arrested in the court room at the end of the trial). Abdusamatov was convicted under Article 244-2, Part 1, and Article 159, Part 1.

Three restricted freedom sentences

On 14 August, Judge Shamshiyev of Tashkent City Criminal Court handed down restricted freedom sentences to the other three Muslims:

Bakhodir Murotjon ogli Jakhonov, born 17 November 1999, 4 years 3 months and 20 days restricted freedom. Jakhonov was convicted under Criminal Code Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations").

Javokhir Ghanijon ogli Akhmedov, born 19 August 1996, 4 years and 20 days restricted freedom. Akhmedov was convicted under Article 244-2, Part 1 and Article 244-1, Part 3, Point d ("Production or storage with the purpose of distribution of materials that

contain ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent expulsion of citizens, or aimed at creating a panic among the population, as well as production, storage with the purpose of distribution or demonstration of attributes or symbols of religious-extremist terrorist organisations", committed "with use of the media or telecommunication networks as well as the internet").

Abdulboriy Akhmadali ogli Abdurahmonzoda, born 20 May 2000, 4 years restricted freedom. Abdurahmonzoda was convicted under Article 241, Part 1 ("Failure to report a crime or concealing a crime") and Article 155-1, Part 1 ("Failure to report information on terrorist acts").

The restricted freedom sentences for all three include these requirements:

- During curfew hours between 9 pm and 7 am the next morning, they must be at home;
- They are banned from attending any entertainment places, such as cafes, restaurants, bars and night clubs;
- They are banned from attending public events such as festivities during national holidays, public demonstrations and meetings;
- They are banned from driving vehicles;
- They are banned from contacting persons "inclined toward committing crimes or those being prosecuted";
- They are banned from using the internet or other means of communication;
- They are banned from changing their registered places of work and residence without the prior permission of the police supervising the execution of their sentence.

"Do not phone me again"

Judge Shamshiyev reached at his office on 28 August, did not wish to comment on his decision, or say why the Court did not investigate the torture of the defendants or why he ignored the motion of Lawyer Dilshod Jabborov, who represented two of the defendants. "Do not phone me again," he told Forum 18 and put the phone down. He did not answer further calls on the same day. Other phones, including the one for the Court Chancellery, went unanswered on 28 August.

The phones of Tashkent City Yunusabad District Prosecutor's Office were not answered between 28 August and 7 September.

The phones of the Investigation Department of the Interior Ministry in Tashkent were not answered between 2 and 7 September.

"My son is no terrorist or extremist, let alone someone who could think of overthrowing the government!"

"This whole case is a fabrication," Tamara Umedova, Ubaydulla Murtazoyev's mother, told Forum 18 on 17 August. "The young men did not even know each other well. Most of them met for the first time on social media where they were asking questions about Islam."

Umedova said that she and some of the other parents think that some of the men who received only restricted freedom sentences "have cooperated with police in exchange for not getting prison sentences".

She said that "we were shocked" to see in the Court verdict that her son Murtazoyev and others were also convicted under Criminal Code Article 159 for allegedly planning to overthrow the regime.

"My son is no terrorist or extremist, let alone someone who could think of overthrowing the government!" Umedova told Forum 18, crying on the phone. "He is an innocent young man. His only fault was to discuss his faith with others on social media." She lamented that her son Murtazoyev was planning to get married in 2019 and instead was arrested.

"We are very desperate, and don't even know what to do"

Umedova told Forum 18 that the family want to file an appeal, but added: "We are very desperate, and don't even know what to do. Our lawyer could not do a good job to help free our son, and now we would like to hire a better lawyer but we cannot afford one. I am hurting so badly and sometimes I feel that I will lose my mind."

No punishment for torture

The eight Tashkent Muslims were tortured for 11 days in the Interior Ministry building in the city, human rights defender Yelena Uralayeva told Forum 18 in May (http://www.forum18.org/archive.php?article_id=2586). Major Talat Elbekov and other officers "severely beat the defendants to extort confessions. The officers also threatened them that their family members will be brought to the Ministry building and will be severely physically assaulted in front of them. Many of them had bodily injuries."

Lieutenant Colonel Sherzod Shermatov of the Interior Ministry told Forum 18 in June (http://www.forum18.org/archive.php?article_id=2586) that no arrests or trials of suspect torturers will happen as "all the actions of the investigators were lawful".

This torture of the eight Muslims remains unpunished, despite Uzbekistan's international human rights obligation to arrest and prosecute those responsible for the torture (http://www.forum18.org/archive.php?article_id=2374).

Trial imminent for Muslim doctor?

Karakalpakstan Autonomous republic's Interior Ministry on 3 September again questioned Doctor Alimardon Sultonov, a local Muslim who works as a trauma surgeon for Ellikkala Central State Hospital. The police told him that his case will soon be heard by the Court, he told Forum 18 on 4 September.

Colonel Bakhadyr Uzakbayev, Chief Investigator of the Interior Ministry, came from Nukus, capital of Karakalpakstan, to interrogate Dr Sultonov in the building of Ellikala District Police, Dr Sultonov told Forum 18. Two Ellikala police officers, Investigator Asadbek (last name not given) and Odilbek Amatov of the police "Struggle with Extremism and Terrorism Department", were also present.

Usman Sitmuratov, Chief of Ellikala Police, refused to talk to Forum 18 about the case. On 4 September he introduced himself, but after Forum 18 asked why Dr Sultonov was questioned at his police station he put the phone down. Numerous calls to his phone on the same day went unanswered.

The previous day, 3 September, duty officer Nurkilichov of Ellikala Police and other officers who refused to give their names similarly refused to talk about the case to Forum 18.

Police officer Amatov told Forum 18 on 4 September that the "case will be referred to court," but declined to say when. Asked why police opened the case, he responded: "I do not know." He would not explain why he participated in the questioning on 3 September. Then he put the phone down.

"Illegal" sermons on kindness

"Colonel Uzakbayev explained to me that religious sermons were found on my devices and that it was illegal for me to carry those religious materials," Dr Sultonov told Forum 18. He said he knew he had some sermons of Fozil Sobirov (known as Fozil kori), a well-known Imam who died in 2009.

"These sermons were devoted to the issues of religious education of children, how to bring them up in the spirit of kindness, respect to elders, and on the duties and obligations of parents before their children," Dr Sultonov told Forum 18.

Police report

The police officers claimed to Dr Sultonov on 3 September that he would only be fined, and that there would be no prison sentence. "They asked me to sign the police report, but I refused because I do not know what is on my memory chip now since they have had it for all this time."

Dr Sultonov insists that the sermons contained no extremist remarks or topics. "The imam did not even talk about such a sensitive issue as jihad, which can be interpreted many ways," Sultonov told Forum 18. "But I am afraid that the police could have added materials to the memory chip confiscated from me. The police have done this to others many times (http://www.forum18.org/archive.php?article_id=2314), and I have defended some to whom this has been done."

Officials (who would not give their names) of the Investigations Department of Karakalpakstan's Interior Ministry did not comment on the case to Forum 18. The number they gave for Colonel Uzakbayev went unanswered on 4 and 7 September.

Changing charges

Colonel Uzakbayev told Dr Sultonov that charges against him under Criminal Code Article 155-2, Part 2 ("Recruitment of individuals for the purpose of undergoing training for carrying out terrorist activity or for the purpose of going abroad through the territory of Uzbekistan to participate in terrorist activity"), and Criminal Code Article 158, Part 3 ("Public insult or slander of the President") (http://www.forum18.org/archive.php?article_id=2564), had been dropped.

"But he showed me my new case files where I saw that criminal charges under Criminal Code Articles 244-3 and 244-5, Part 2 remained," Dr Sultonov said.

Criminal Code Article 244-3 punishes "Illegal production, storage, import or distribution of religious literature". Investigators also initially brought charges against Dr Sultonov under Criminal Code Article 244-5, Part 2 ("Dissemination of knowingly false information about an infectious disease in the media or on the internet") (http://www.forum18.org/archive.php?article_id=2564).

On 22 June, investigators added new charges under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature") and the now-dropped charges under Criminal Code Article 158, Part 3 ("Public insult or slander of the President") (http://www.forum18.org/archive.php?article_id=2586).

"It was the police who asked us to be witnesses"

Dr Sultonov told Forum 18 that Mukhammad Bekchanov and Ziyovaddin Rakhimov, Director and Head Doctor respectively of Ellikkala Central State Hospital where Dr Sultonov works, claimed to investigators that Sultonov had said he intended to travel to the war zone in Syria.

"Ellikkala Police arranged cross-questioning of me versus Mukhammad Bekchanov and Ziyovaddin Rakhimov, where they looked into my eyes and without any shame stated that I told them several times that I wanted to go to the war zone in Syria," Dr Sultonov told Forum 18.

Bekchanov and Rakhimov "were angry at me because in the past I spoke against forced labour, and I criticised them for coercing polyclinic employees to go to collect cotton in the fields for the state" (http://www.forum18.org/archive.php?article_id=2314). And so they gladly gave the false testimony", Sultonov said.

One of the two hospital officials insisted to Forum 18 on 4 September that "Alimardon [Sultonov] told me many times he wanted to go to Syria". When Forum 18 asked the hospital official whether he lied to police, and if so why, he did not answer.

When Forum 18 asked the hospital official whether he thinks Dr Sultonov is a good or bad person, the official replied, "it's hard to say."

Asked why both hospital officials went to the police to testify against Dr Sultonov, the official answered: "It was the police who asked us to be witnesses. We did not go there of our own accord." He told Forum 18 that he is "not sure" if he will be in Court when it hears the case. "I have more important things to do than Alimardon's affairs."

The other hospital official did not answer his phone on 4 and 7 September. (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan
(<http://www.forum18.org/archive.php?query=&religion=all&country=33>)

For more background, see Forum 18's Uzbekistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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