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UZBEKISTAN: Wanted for 5-year jail term, prisoners tortured again

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

A Tashkent court handed 47-year-old Odilbek Khojabekov a five year labour camp sentence to punish him for returning from haj pilgrimage with Islamic literature. A first trial gave him a suspended sentence which was later removed for good probation behaviour. The SSS secret police then pressured ordinary police, prosecutors, and others into giving what the family insists is false testimony at a second hearing which ordered him jailed. He is in hiding fearing for his safety. Separately, two prisoners of conscience continue to be tortured and one went on hunger strike.

Fearing for his own safety, 47-year-old Odilbek Khojabekov failed to appear in a Tashkent court for a 1 July hearing which in his absence ordered his earlier five-year labour camp sentence to go into effect. A court had given him a five-year suspended sentence in January 2020 for having Islamic texts he had brought back from the haj. The new court decision followed a change in testimony by police and prosecutors, who had earlier given a positive assessment of Khojabekov. An arrest warrant has been issued against him. Neither the police nor prosecutors have explained their changed testimony.

In August 2019, officials confiscated Khojabekov's Islamic texts and mobile phone when he returned from the haj pilgrimage to Mecca in Saudi Arabia. A Religious Affairs Committee "expert analysis" that month (seen by Forum 18) claims that the books "can lead to confusion and misunderstanding among the population, and therefore their import to Uzbekistan is banned." No reason is given for these claims, and officials have refused to answer questions (see below).

In December 2019, Khojabayev was fined just over three and a half months' average wage for those in work. The court ordered the texts to be destroyed, and his mobile phone permanently confiscated (see below).

A criminal case was then opened against Khojabekov for the same "crime", as he was claimed to have erased a short Muslim text from his mobile phone before he went on the haj. He read and erased the text a long time beforehand, but the SSS secret police restored the text of the book from the mobile phone's cache files in autumn 2019. The text criticises what it sees as unnamed atheists and unnamed governments who the text says view Islam as "a religion that impedes progress", and "a danger to security". It also criticises unnamed governments which do not allow Muslims to exercise freedom of religion and belief, and is especially critical of bans on wearing the hijab (see below).

On 17 January 2020, a Tashkent court handed Khojabayev a five-year suspended prison sentence, with a two-year probation period. On 3 May 2021 this punishment was removed after Khojabekov's neighbours, the local mahalla committee (district administration), and the local police all testified that he had obeyed the law and not violated probation conditions (see below).

However, Olmazor Prosecutor's Office some time after the hearing contradicted their testimony in court and demanded that Khojabekov be jailed – allegedly for violating his probation conditions. The family deny the claims, and has heard that the SSS secret police was behind the Prosecutor's Office claims of an alleged violation. The SSS secret police, the family has heard, do not like Khojabekov because he actively practices his faith, and has privately discussed his faith and the haj pilgrimage with other Muslims. The SSS then put pressure on others to testify against Khojabekov (see below).

When he heard about the regime's decision to jail him, Khojabekov then sought further testimony from others that he had not violated his probation. One such testimony was given in writing on 23 June by Sojida Obidova, Chair of the Shifokorlar mahalla committee in Olmazor District where Khojabekov lived.

The letter (seen by Forum 18) states: "Khojabekov is known by the whole residential area as a family-oriented man and a loving father. He is friendly with all his neighbours and has generously contributed to the needs of the families in the neighbourhood, and actively participated in the public events of the area." Obidova's letter continues that "during the probation period given by Olmazor Court, we have not observed any violations of the law by him" (see below).

Separately, two prisoners of conscience continue to be tortured. Fazilkhoja Arifkhojayev, who is in custody awaiting criminal trial,

has been threatened by the head of Tashkent's police "Struggle with Extremism and Terrorism Department" that he will "never see daylight or his family again". His lawyer Sergey Mayorov thinks this was done to scare him into signing statements prepared by the police. Such threats continue, and the "Struggle with Extremism and Terrorism Department" has not answered Forum 18's questions (see below).

Prisoner of conscience Tulkun Astanov was in August tortured in prison again, by being "beaten by prison guards several times and tortured by pushing his head under water to suffocate him". He went on a hunger strike for 20 days between July and August to stop the torture (see below).

Astanov's wife complained in writing to the Interior Ministry's Chief Directorate for the Enforcement of Punishments in charge of the prisons on 18 August, but she has not received any notification of the results of the investigation (see below).

Against Uzbekistan's legally-binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for torture. The regime routinely ignores this obligation (see below).

Instead of answering questions about alleged "expert analyses", apparently false testimony in court, and the torture of prisoners – including following binding legal international human rights obligations – the Religious Affairs Committee, Olmazor Prosecutor's Office, and the Interior Ministry's Chief Directorate for the Enforcement of Punishments answer is to play what seems to be the same recorded message. This has male voices speaking in Uzbek, French, and other languages saying: "Hello. Who are you? Who are you calling? Yes I can hear you. Sorry, bye." Some of the recordings include a female voice laughing in the background (see below).

It is unclear whether officials will give the same "answer" to serious questions to others, such as the UN Special Rapporteur on Freedom of Religion and Belief on a planned visit to Uzbekistan.

Fined for having Islamic literature

On 17 August 2019, Odilbek Yusupbekovich Khojabekov (born 21 March 1974) returned to Uzbekistan via Istanbul from taking part in the haj pilgrimage to Mecca in Saudi Arabia. On arrival in Tashkent International Airport he was stopped, and Arabic-language Islamic religious books and pamphlets he was given in a Saudi mosque and his mobile phone were confiscated, relatives told Forum 18.

A Religious Affairs Committee "expert analysis" (https://www.forum18.org/archive.php?article_id=2314) of 26 August (seen by Forum 18) claims that the books "can lead to confusion and misunderstanding among the population, and therefore their import into Uzbekistan is banned". No reason is given for these claims.

Religious Affairs Committee officials, including Chair Sodiq Toshboyev and his Chief Specialist Begzod Kadyrov, refused to speak to Forum 18 on 24 September. When Forum 18 introduced itself, the officials immediately switched on a recorded message with voices speaking in Uzbek, French, and other languages. In each language used, a male voice says: "Hello. Who are you? Who are you calling? Yes I can hear you. Sorry, bye." Some of the recordings include a female voice laughing in the background.

The regime has often seized Korans and other Muslim literature at Tashkent Airport (https://www.forum18.org/archive.php?article_id=2280) from pilgrims returning from Mecca. Customs officials throughout the year routinely search travellers and confiscate any religious literature they find (https://forum18.org/archive.php?article_id=2241), including on mobile phones.

The regime also imposes severe restrictions on all haj pilgrims (https://www.forum18.org/archive.php?article_id=2520), including using exit ban lists to bar devout Muslims, arbitrarily restricting who can go on the pilgrimage. Controls are complex and multilayered, involving the State Security Service (SSS) secret police, the Muftiate, and the government's Religious Affairs Committee. The system's complexity facilitates corruption.

On 24 December 2019, Judge Gholib Davlatov of Tashkent's Sergeli District Administrative Court fined Khojabekov 4,460,000 Soms, then just over three and a half months' average wage for those in work. The Judge also ordered that the confiscated books and pamphlets be destroyed. The Judge also ordered Khojabekov's mobile phone to be permanently confiscated.

Khojabekov was charged under Administrative Code Article 184-2 (https://www.forum18.org/archive.php?article_id=2314) ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Judge Davlatov's decision states that the State Security Service (SSS) secret police on 26 November 2019 decided that Khojabekov should be prosecuted under the Administrative Code, not the Criminal Code.

Criminal case brought for same "crime"

Despite this, the regime opened a criminal case against Khojabekov for the same "crime". The reason given for this to the family was that Khojabekov had erased a short Muslim text from his mobile phone before he went on the haj. He read and erased the text a long time beforehand, but the SSS secret police restored the text of the book in autumn 2019 from the mobile phone's cache files.

Forum 18 has seen the same Uzbek-language text, entitled "Ilmoniyya va uning achik samaralari" (Knowledge of the Universe and its benefits). The text criticises what it sees as unnamed atheists and unnamed governments who the text says view Islam as "a religion that impedes progress", and "a danger to security". It also criticises unnamed governments which do not allow Muslims to exercise freedom of religion and belief, and is especially critical of bans on wearing the hijab.

The regime has been hostile to wearing the hijab (https://www.forum18.org/archive.php?article_id=2658) or any discussion of this (https://www.forum18.org/archive.php?article_id=2673). However, the July amendments to the Religion Law (https://www.forum18.org/archive.php?article_id=2670) removed the ban on non-clerics wearing religious clothes in public. The Education Ministry announced on 4 September that "as an exception", girls would be allowed to wear light-coloured headscarves in school.

The text also tells Muslims that they must "wholeheartedly follow Islam", and tells unspecified "unbelievers" and others the author views as opposing Islam that Allah will punish them after they die. The text makes no threat of death or other violence against any state or living person.

The Religious Affairs Committee "expert analysis" (https://www.forum18.org/archive.php?article_id=2314) claims that the text "can be interpreted in a fundamentalist context and is deemed as banned material". It does not explain what the "fundamentalist context" is, or why or when the ban was imposed.

Khojabekov was charged under Criminal Code Article 246, Part 1 (https://www.forum18.org/archive.php?article_id=2314) ("Smuggling, that is carriage through the customs border .. without the knowledge of or with concealment from customs control .. materials that propagandise religious extremism, separatism, and fundamentalism"). This carries a punishment of imprisonment between five and 10 years, and has since 2013 been used to prosecute and jail Muslims carrying the Koran and Islamic sermons on mobile phones.

On 17 January 2020 Judge Shukhrat Bakayev of Tashkent's Sergeli District Criminal Court gave Khojabekov a five-year suspended prison sentence, with a two-year probation period.

Sergeli District Court's Chancellery officials (who refused to give their names) told Forum 18 on 24 September 2021 that Judge Bakayev now works for Mirzo-Ulugbek District Criminal Court and refused to talk about the case. When Forum 18 called again on later days and introduced itself, officials turned on the same recorded message the Religious Affairs Committee used on 24 September.

Judge Bakayev did not answer his mobile phone, and Mirzo-Ulugbek Court officials who refused to give their names on 24 September claimed to Forum 18 that he is on holiday.

Khojabekov freed from punishment

If there has been no violation of probation conditions, the law allows a convicted person to be freed from their punishment. So on 3 May 2021, Judge Begzod Umirov of Tashkent's Olmazor Criminal Court at Khojabekov's request freed him from his punishment as his neighbours, the local mahalla committee (https://www.forum18.org/archive.php?article_id=2314) (district administration), and the local police all testified that he had followed his probation conditions and had not broken the law.

The Senior Deputy Prosecutor of Olmazor District, Muzaffar Komilov, and police Inspector Khurshid Ikromov both spoke in favour of Khojabekov during the hearing.

SSS secret police behind prosecutor claiming probation violation, calling for jailing

However, Olmazor Prosecutor's Office some time after the hearing contradicted their testimony in court and demanded that Khojabekov be jailed – allegedly for violating his probation conditions. Prosecutors claimed that – contrary to their testimony in court on 3 May 2021 – that on 16 September Khojabekov violated his probation by "late at night going to a public event in a teahouse in Yunusabad District". The claim does not say what exact time the alleged violation took place.

The family deny the claims, pointing out that Khojabekov attended a wedding that day but "came back home on time before the curfew". They state that at no time did Khojabekov violate his probation rules, and question why the police did not make their latest claim at the time the alleged violation took place.

Relatives have heard that the SSS secret police was behind the Prosecutor's Office claims of an alleged violation, and their call for Khojabekov to be jailed. An SSS secret police officer, Izzat Azamov, is said to have pressured people Khojabekov knew to write statements against him. The pressure included late night interrogations by SSS officers. This happened in June, after the 3 May court decision freeing Khojabekov from his punishment.

The SSS secret police, the family has heard, do not like Khojabekov because he actively practices his faith, and has privately discussed his faith and the haj pilgrimage with other Muslims.

SSS secret police headquarters in Tashkent did not answer their phones on 27 September.

"We have not observed any violations of the law by him"

When he heard about the regime's decision to jail him, Khojabekov then sought further testimony from others that he had not violated his probation. One such testimony was given in writing on 23 June by Sojida Obidova, Chair of the Shifokorlar mahalla committee in Olmazor District where Khojabekov lived.

The letter (seen by Forum 18) states: "Khojabekov has a wife and five children. Khojabekov is known by the whole residential area as a family-oriented man and a loving father. He is friendly with all his neighbours and has generously contributed to the needs of the families in the neighbourhood, and actively participated in the public events of the area." Obidova's letter continues that "during the probation period given by Olmazor Court, we have not observed any violations of the law by him".

Khojabekov's lawyer, Sergey Mayorov, told Forum 18 on 22 September that Olmazor Police probation officers gave Khojabekov a disciplinary warning on 25 June, and told him he would be tried on 1 July.

Khojabekov did not appear at court for his hearing. His wife, Dilbar Khojabekova, told the hearing that he left their home on 28 June at 2 pm and has not been heard of since. His lawyer thought that Khojabekov fled because he apparently feared for his safety and life if he was jailed.

Prisoners suffer bans on praying the namaz and reading the Koran, torture for praying the namaz or fasting during Ramadan, denials of medical care (https://www.forum18.org/archive.php?article_id=2635), failure to carry out medical treatment families have paid for, and inadequate and insanitary conditions.

"Why did the authorities punish him simply for praying the namaz? What day and age do we live in?" one tortured prisoner's relatives asked. "There are no problems in Uzbekistan's prisons today," Aziza Kenzhayeva of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed to Forum 18 in February 2021 (https://www.forum18.org/archive.php?article_id=2635).

New hearing, testimonies reversed

Judge Mirziyat Abidov of Tashkent's Olmazor District Criminal Court heard the case on 1 July in Khojabekov's absence.

Senior Deputy Prosecutor of Olmazor District Komilov, who had testified for Khojabekov on 3 May, testified against Khojabekov on 1 July. Olmazor Prosecutor's Office did not answer questions on 24 and 27 September. When Forum 18 introduced itself, the officials immediately switched on what was apparently the same recorded message in several languages used by the Religious Affairs Committee on 24 September.

Ordinary police Inspector Ikromov, who had testified for Khojabekov on 3 May, refused on 24 September to discuss his testimony or why police probation officers at first supported Khojabekov on 3 May and on 1 July claimed he had violated his probation. "We are not allowed to talk to you over the phone," Ikromov claimed.

Judge Abidov jailed the 47-year-old Khojabekov for five years in a labour camp and issued an arrest warrant, relatives told Forum 18 on 17 September. The Judge ordered that the sentence will start from the day of Khojabekov's arrest, and that when arrested he should first be held in pre-trial detention prison No.1 in Zangiota in Tashkent Region.

Judge Abidov on 24 September refused to speak to Forum 18. When it introduced itself he put the phone down and did not answer later calls.

Why did regime change its mind?

Lawyer Mayorov suggested that the decision to jail Khojabekov for five years could be because he on Facebook criticised imams in state-controlled mosques (https://www.forum18.org/archive.php?article_id=2314) (the only permitted imams and mosques), describing the 8 March International Woman's Day as "an Islamic holy day of mothers". Khojabekov stated that "considering 8 March as a holy day is a sin for a Muslim". The Religious Affairs Committee in an "expert analysis" on this post states that it is

"banned to spread such extremist ideas," Mayorov noted.

The regime is hostile to any public discussion of Islamic issues (https://www.forum18.org/archive.php?article_id=2673). For example, a Tashkent court ordered Fazilkhoja Arifkhojayev held in three-month pre-trial detention after an initial 15-day term after he questioned a regime-supporting imam. Officials denied him access to his lawyer and tortured him during his 15-day sentence. He is still held in custody pending criminal trial and has been tortured again (see below).

Officials have also warned Shia Muslims not to publish religious material (https://www.forum18.org/archive.php?article_id=2673), and "some even stopped talking to or associating with people who had been warned".

Prisoner of conscience Arifkhojayev tortured again, still in custody

Prisoner of conscience Fazilkhoja Arifkhojayev has been held in three-month pre-trial detention after an initial 15-day term (https://www.forum18.org/archive.php?article_id=2673) after he questioned a regime-supporting imam. Officials denied him access to his lawyer and tortured him during his 15-day sentence.

While still in custody pending criminal trial he has been tortured again his lawyer Mayorov told Forum 18 on 17 September. "I met him in a Tashkent Police building on 21 July where he was brought for police questioning," Mayorov said. "He told me that Otabek Jamolov [head of Tashkent's police "Struggle with Extremism and Terrorism Department"] threatened that he will 'never see daylight or his family again'." Lawyer Mayorov thinks this was done to scare him into signing statements prepared by the police.

Arifkhojayev's relatives told Forum 18 on 17 September that Tashkent Police "Struggle with Extremism and Terrorism Department" head Jamolov has repeatedly continued to make such threats "up to today".

Against Uzbekistan's legally-binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2314) under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for torture. The regime routinely ignores this obligation (https://www.forum18.org/archive.php?article_id=2635).

Tashkent Police "Struggle with Extremism and Terrorism Department" head Jamolov refused on 27 September to answer questions about his torture of Arifkhojayev. Called back several times the same day he did not answer his phone.

Legally, the police "Struggle with Extremism and Terrorism Department" cannot, without the permission of the Interior Ministry or the local police station's head, contact the defendant if a case is pending trial or being investigated by the police Criminal Investigation Department (CID). The CID is investigating the case, but in reality police "Struggle with Extremism and Terrorism Departments" have been observed to contact defendants without the permission they legally require.

Jamolov's Deputy Aziz (who refused to give his last name) claimed to Forum 18 on 27 September that the torture "is a lie, and nothing like that happened". Asked why his police department contacted a defendant without the legal permission they must have, Aziz muttered: "I do not know, I need to ask Jamolov." Aziz then refused to talk further.

Prisoner of conscience Astanov tortured again, goes on hunger strike to stop torture

After repeatedly defending Muslims' freedom of religion and belief, including demonstrating outside President Shavkat Mirziyoyev's residence, a Tashkent court jailed human rights defender Tulkun Astanov was in January 2021 for five years (https://www.forum18.org/archive.php?article_id=2631). A state report accused him of following "sources of biased news such as Radio Free Europe", and publishing "unsubstantiated and exaggerated" information. Astanov has been banned in jail from reading the Koran and praying the namaz.

Prisoner of conscience Astanov's health has seriously deteriorated as the regime has deliberately kept him in poor prison conditions (https://www.forum18.org/archive.php?article_id=2635), and he is being held over 440 kilometres (275 miles) from his home.

Officials have tortured prisoner of conscience Astanov in jail for praying (https://www.forum18.org/archive.php?article_id=2673), and between January and July he had lost 25 kg in weight.

In August, prison officials tortured Astanov again, his wife Mukhayyo Astanova told Forum 18 on 22 September. She has recently been told by ex-prisoners that "he was beaten by prison guards several times and tortured by pushing his head under water to suffocate him." They told Astanova that "Tulkun is in really bad shape, and that he has gone on hunger strike for 20 days between July and August to stop the torture".

Astanova complained in writing to the Interior Ministry's Chief Directorate for the Enforcement of Punishments in charge of the prisons on 18 August, and on 24 August received a letter from D. A. Ibragimov, Deputy Head of an unspecified Department at the Interior Ministry's Chief Directorate for the Enforcement of Punishments. This claimed that her complaint is being investigated. She

has not received any notification of the results of the investigation.

Against Uzbekistan's legally-binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2314) under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for torture. The regime routinely ignores this obligation (https://www.forum18.org/archive.php?article_id=2635).

The duty officer (who refused to give his name) of General Regime Prison No. 1 refused to answer any questions from Forum 18.

The Interior Ministry's Chief Directorate for the Enforcement of Punishments in Tashkent also did not answer questions on 27 September. When Forum 18 introduced itself, instead of answering questions about fulfilling legally-binding obligations to stop torture officials turned on the same recorded message the Religious Affairs Committee and Olmazor Prosecutor's Office began using on 24 September.

Prisoner of conscience Astanov's prison address is:

Uzbekistan

Buxoro viloyati

Kagan tumani

Ichki Ishlar Bulimi JIEB

1-sonli jozoni ijro etish kolonoiyasi

Tulkun Tashmuradovich Astanov

(END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey (https://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
(https://www.forum18.org/archive.php?article_id=1351)

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