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UZBEKISTAN: "The Court decided so"

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

Uzbekistan continues punishing peaceful religious activity and imprisoning prisoners of conscience, Forum 18 News Service has learned. Three Muslims have been given five years in prison, with one Protestant being given 10 days in jail. Six Muslims have been fined 70 times the minimum monthly salary, and one Protestant has been fined almost 10 times the minimum monthly salary.

Defending his decision to punish the nine Muslims, Judge Bakhtiyor Rustamov told Forum 18 that the defendants read the works of Said Nursi, which are banned in Uzbekistan. When asked why long prison terms were imposed, Rustamov stated that "I cannot tell you over the phone, it's a long case". Judge Bahadyr Shahanov would not say why he punished the Protestants, but said it was an administrative penalty. "The Court decided so," he said. When asked why the jailed Protestant, Rustam Kalbayev, was not given a copy of the verdict, Judge Shahanov claimed that "he has signed a paper that he received it." Kalbayev denies this claim, and his fellow-believers point out that the conduct of the trial breached Uzbek legal procedures.

Uzbekistan continues punishing peaceful religious activity and imprisoning prisoners of conscience, Forum 18 has learned. Three Muslims have been given five years in prison, with six others given large fines. And in a case in the north-west of the country, a Protestant was jailed for 10 days on fabricated charges of distributing religious literature, and another given a large fine.

Jailed and fined readers of Said Nursi's works

Judge Bakhtiyor Rustamov, of the capital Tashkent's Regional Criminal Court, on 16 August imposed prison terms of five years each on Zhasur Hassanov, Farhod Hassanov and Dilmurod Rahmatov, under the Criminal Code's article 244-2 ("creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). Rustamov also fined Tohir Vakkasov, Oybek Latipov, Sherzod Khaytboyev, Jamshid Zhabborov, Jahongir Tillayev and Asilkhuzha Turayev 70 times the minimum monthly salary, or 3,164,000 Soms (12,005 Norwegian Kroner, 1,513 Euros, or 1,948 US Dollars at the inflated official exchange rates), each. These three were charged under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities").

Since 1 December 2009 the minimum monthly salary has been 37,680 Soms (143 Norwegian Kroner, 18 Euros, or 23 US Dollars at the inflated official exchange rates). Reliable economic data is a state secret in Uzbekistan, but it is known that much of the population is economically poor.

All nine defendants are former classmates and graduates of a Turkish lyceum in the town of Angren in Tashkent Region, and are accused of reading the works of Muslim theologian Said Nursi. All the defendants are between 31 and 32 years of age, have graduated from higher education institutions in Uzbekistan, are married, and have children. Uzbekistan frequently sentences followers of the approach to Islam of Said Nursi to long prison terms (see eg. F18News 8 July 2010 http://www.forum18.org/Archive.php?article_id=1465).

Why such harsh punishments?

Judge Rustamov defended his decision to punish the nine Muslims, stating that the defendants read the works of Nursi, which are banned in Uzbekistan. When asked why long prison terms were imposed, Rustamov told Forum 18 on 17 August that "I cannot tell you over the phone, it's a long case".

Judge Rustamov refused to explain why the works of Nursi are banned in Uzbekistan. "You did not participate in the trial so you cannot judge that," was the Judge's response when told that readers of Nursi are known for peaceful religious activity.

"The Court did not prove the guilt of the defendants," human rights defender Surat Ikramov told Forum 18 on 17 August. "The lawyers told us that their clients were subjected to moral and psychological pressure during the pre-trial investigation to extract confessions."

Ikramov further stressed that the case was "fabricated" by law-enforcement agencies. "These people are peaceful, and visited each other because they are friends and have studied together in the Turkish colleges," he said. "They may have on occasions prayed

together or discussed religion," he said. "It was nothing dangerous or disturbing."

Protestant jailed for 10 days

Judge Bahadyr Shahanov of Kungrad [Qunghiro] District Court in the north-western Karakalpakstan [Qoraqalpoghiston] Region on 5 August imposed a 10-day administrative arrest sentence on Rustam Kalbayev. Judge Shahanov also fined Gulbahar (last name not given), from the same Pentecostal church, almost 10 times the minimum monthly salary or 370,000 Soms (1,403 Norwegian Kroner, 177 Euros, or 228 US Dollars at the inflated official exchange rates), a source from Kungrad told Forum 18.

State-imposed restrictions on freedom of religion or belief are particularly tight in Karakalpakstan, and all non-Russian Orthodox and non-state-controlled Muslim activity is banned and a criminal offence (see eg. F18News 23 April 2010 http://www.forum18.org/Archive.php?article_id=1435).

Both the defendants are members of a Full Gospel Pentecostal Church. Fellow believers told Forum 18 on 18 August that Kalbayev was released from Kungrad District Police Station, where he was jailed, on 15 August. "He was not treated badly while under arrest but we are disturbed and concerned for the punishment," one believer complained. They added that Kalbayev still does not have a copy of the verdict, despite asking for this.

Statements written under pressure

Murad Paluanov, Deputy Prosecutor of Kungrad District, officially summoned Kalbayev at the end of July. Once in the Prosecutor's Office, it was claimed to him that Gulbahar had written a statement stating that a Bible and CD disks found in her house and confiscated from her were given to her by Kalbayev. Both were placed under pressure by police to write statements, and Kalbayev denied the claims in his statement.

The authorities in Uzbekistan often use violence and torture, or threats of this against those they detain (see eg. F18News 5 August 2010 http://www.forum18.org/Archive.php?article_id=1476).

Both defendants were released, but then on 5 August summoned again to the Prosecutor's Office. When they arrived, they were taken directly taken to the court to be punished.

Kalbayev was verbally told that he was being charged under Administrative Code Article 241 ("teaching religious beliefs without specialised religious education and without permission from the central organ of a [state-registered] religious organisation, as well as teaching religious beliefs privately"). However – against Uzbek law – he was not given a copy of the indictment.

"The Court decided so"

Deputy Prosecutor Paluanov refused to comment on the case on 18 August. "I cannot give any comments on this case, please ask all your questions to the court, which made the decision," he told Forum 18. He then put the phone down when Forum 18 asked why he summoned the Protestants to his office.

Judge Shahanov of Kungrad District Court would not say why he punished the defendants, but said it was an administrative penalty. "The Court decided so," he said when asked why both were not summoned to the Court for the trial, but were taken there from the Prosecutor's Office.

Judge Shahanov also objected when asked why Kalbayev still does not have a copy of the Court decision, claiming that "he has signed a paper that he received it." Kalbayev denies this claim. Judge Shahanov declined to answer any more questions, claiming to Forum 18 that he was busy.

Ongoing trial

Tashkent's Sobir-Rakhimov District Criminal Court under Judge Rahimzhon Aliyev is conducting a criminal case against eleven Muslims under the Criminal Code's Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"). Abdukahor Aripov, Hassan Sadykov, Komilzhon Inagamov, Hassan Usmonov, Mirzokir Muhamedsaidov, Muminzhon Zakirov, Bakhtiyor Kadyrov, Murad Manapov, Mirsharof Mirzayev, Farhod Abdusattarov, Zhura Irgashev are accused in the indictment, which Forum 18 has seen, of having "met in private flats and homes, held private lessons on religion, and learned about various religious movements such as 'wahhabism', 'Islamic armies', 'repentance', 'Islamic conviction'". A verdict is expected soon (see F18News 23 September 2010 http://www.forum18.org/Archive.php?article_id=1491). (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1170.

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>.

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

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY