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UZBEKISTAN: "Illegal extremists" or peaceful Muslims?

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

Nine Muslim men from Tashkent Region are facing criminal trial for meeting to learn how to pray the namaz and to discuss their faith, according to case documents seen by Forum 18 News Service. Some face up to eight years in prison if convicted, the rest up to five years. Uzbekistan's National Security Service (NSS) secret police arrested the men between May and July. Although seven have been bailed, two remain in a Tashkent prison awaiting trial. "These are innocent and peaceful people - their only guilt is to be practicing Muslims," human rights defender Yelena Urlyayeva told Forum 18. Three officials leading the case - Prosecutor Muzaffar Egamberdiyev of Tashkent Region, Lt.-Col. Shukhratullo Khusanov of Parkent District Police, and Police Investigator Nodir Saidov - all refused to discuss it with Forum 18.

Nine Muslim men, all residents of Parkent District of Tashkent Region, were arrested by Uzbekistan's National Security Service (NSS) secret police between May and July on charges of establishing, leading and participating in an illegal extremist religious organisation, according to case documents seen by Forum 18 News Service. They face up to eight years' imprisonment if convicted. Seven have been bailed, but two of the nine remain in custody. Officials have refused to say when and where the case will be heard. "These are innocent and peaceful people - their only guilt is to be practicing Muslims," Yelena Urlyayeva, head of the Human Rights Alliance, told Forum 18 from the Uzbek capital Tashkent on 4 October.

Urlyayeva complained that security agencies arrest "multitudes of peaceful Muslims" each year under the guise of fighting terrorism. "They have a plan to catch extremists and terrorists, and so they must arrest somebody," she said. "Then in prison these poor people are tortured to death."

Tashkent Prison

The nine men facing prosecution - Gayrat Khusanov, Shukhrat Yunusov, Botir Ikramov, Alisher Rahimboyev, Otabek Oripov, Muzaffar Miraliyev, Hasan Abdiyev, Fazliddin Mukhamedov and Dilshod Salimov - are between the ages of 34 and 41. Several were farmers or market traders, though others were teachers and one - Rahimboyev - was a senior economist at Uzbekistan's Central Bank.

The first to be arrested - in mid-May - were Khusanov (who was arrested on 16 May when police searched his home in the village of Boykozon) and Yunusov. The two were beaten during their initial 15-day administrative arrest in the Detention Centre in the town of Tuzel in Tashkent Region, as police pressured them to admit their guilt, Urlyayeva told Forum 18. Ikramov was arrested on 30 May, the indictment reveals, with others later. Salimov was arrested on 26 July.

After paying bail, seven of the nine were later released and are awaiting trial at home. Urlyayeva told Forum 18 that the remaining two, Khusanov and Yunusov, are being held in Detention Centre No.1 in Tashkent, popularly known as Tashtyurma (Tashkent Prison). She said relatives are not allowed to see them or pass them food or clothing until the trial.

Urlyayeva's colleague Shukhrat Rustamov sent complaints on 13 September on behalf of Khusanov, Yunusov and Salimov at the request of relatives to President Islam Karimov, the Prosecutor General and Prosecutor Muzaffar Egamberdiyev of Tashkent Region, he told Forum 18 on 3 October. However, he said they had received no response. Rustamov said that he asked the Tashkent Prosecutor's office to provide the indictment, and copies of police records which have not been provided to any of the defendants until now from the time of their detention in the summer.

Charges

All nine men are facing prosecution under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"), according to the unsigned indictment seen by Forum 18. This carries a maximum punishment of five years' imprisonment. Four or five (Khusanov, Yunusov, Ikramov, Rahimboyev and possibly Salimov) are also facing prosecution under Article 244-1, Part 3, Point a. This punishes "production and dissemination of materials containing a threat to public security and public order". As they are charged with this "by previous planning or by a group of individuals", they face a punishment of between five and eight years' imprisonment.

Parkent District Police sent notifications, seen by Forum 18, to family members of Khusanov, Salimov and Yunusov saying that the NSS secret police had brought a criminal case against them under Criminal Code Article 244-1, Part 3, Point a, and Article 216. All three notifications were signed on 14 September by Lt.-Col. Shukhratullo Khusanov of Parkent District Police (no relation of Gayrat Khusanov). The notifications said Khusanov and Yunusov were being held at Detention Centre No.1. The notification about Salimov makes no reference to any arrest.

The indictment focuses on the men's alleged ownership of recordings of sermons by several Muslim clerics, Abduvali Mirzayev, Obidkhon Nazarov and Muhammad Sodik Muhammad Yusuf.

Mirzayev was an imam in the town of Andijan in eastern Uzbekistan whose recorded sermons became popular among Muslims across the country. He "disappeared" with his assistant at Tashkent Airport in 1995 and has never been seen again. Nazarov was a Tashkent-based imam who fled Uzbekistan in 1998. He gained asylum in Sweden in 2006. On 22 February 2012 he was shot in the Swedish town of Strömsund in what some believe was an assassination attempt initiated by the Uzbek authorities and remains in a coma. Muhammad Yusuf is a former Uzbek chief mufti who remains in Tashkent and is allowed some independence to preach and publish.

"The relatives were told that the hearing would begin on 22 September, but I guess realising that human rights defenders and the media are interested in the case, it was postponed indefinitely," Uralayeva told Forum 18.

Why the arrests?

Several relatives of the defendants told Forum 18 in late September and early October that the men simply met sometimes to read the Koran and pray together. They also shared meals together and occasionally helped each other repair their homes. The relatives insisted to Forum 18 that the men are peaceful and love their families, and all they do is to take care of their families. "How can they be extremists when they have not offended anyone?" one relative asked.

Their comments were echoed by Rustamov, Uralayeva's colleague who has also maintained contacts with relatives of the defendants. "All they have done is learn how to read the Koran from Khusanov, and they sometimes prayed together," he told Forum 18 from Tashkent.

Did they admit guilt?

The unsigned and undated indictment, presented to the defendants by Lawyer Nazira Kamalova, alleges that all nine Muslims voluntarily admitted their guilt and that they violated the Law. The indictment has the names of Prosecutor Egamberdiyev and Police Investigator Nodir Saidov on it, but not their signatures.

Khusanov told prosecutors that in 1996 he met Imam Volijon Gulomov, who answered some of his questions about Islam. In 1997 he started praying the namaz together with his classmates from secondary school Miraliyev and Ikromov, and attending Beshkapa Mosque in Parkent. In 1999 Oripov also joined their namaz. In 2000 their meeting for joint prayers became regular, they also attended Boykozon Mosque. In 2002 Rahimboyev, Abdiyev, Mukhamedov joined them for private prayer meeting, in 2003 Yunusov and Salimov.

In 2003 Khusanov asked Ikromov what he knows of Mirzayev and his recorded religious sermons. Ikromov tells him that if he has his discs he should destroy them, because he heard that the authorities consider him an extremist. Khusanov did not destroy them. Their private prayer meetings later stopped. When police searched his home on 16 May 2012, he gave three discs of Mirzayev's sermons which he had and was arrested.

Ikromov, who is disabled, told prosecutors he listened to the audio cassettes of the clerics Mirzayev and Nazarov. He said after hearing on television in 2002-3 that Mirzayev was "against our State's policies" he destroyed the tapes. In 2005 he again listened to Mirzayev's discs where the imam says that Muslims should keep their beards and perform the namaz. Private prayer meetings continued until 2009. During the 30 May 2012 police search of his home, officers seized 17 religious discs, among which were the sermons of Muhammad Sodik Muhammad Yusuf.

Rahimboyev told prosecutors he learned namaz from Ikromov since they were friends and visited his and Miraliyev's homes where they discussed religious topics in 2002-3. In 2009 he stopped attending the prayer meetings since he worked at the Central Bank and had no time.

Oripov said he learned how to read the Koran with some of the other defendants, watched films of the life prophet Muhammad discussed together various aspects of Islam, for example that jihad means that one should struggle against one's own temptations. He told prosecutors he supported President Karimov's policies and asked for forgiveness for "my mistakes of youth".

Miraliyev told prosecutors that he met and had meals with the other defendants, where they discussed religion. He said he stopped

attending in 2000 since he had no time. He said he read Muhammad Sodik Muhammad Yusuf's books.

"Illegal religious community"

The indictment alleges that from about 2000, under Khusanov's leadership, the nine men "conducted unofficial collective worship (prayers, namaz), religious discourses and talks". It described them as having "disregarded public order, having secretly created an illegal religious community, and having participated in meetings, for the purpose of propagating various religious world-views until May 2012".

The indictment also alleges that Khusanov and Ikromov until 2008 stored a disc with Mirzayev's sermons "for the purpose of sharing it in meetings".

The indictment claims that Khusanov fully admitted his guilt. It also claims that Yunusov partially admitted his guilt. He allegedly "told the investigation that his only guilt is that he met Khusanov a few times and participated in his meetings".

It claims that Salimov fully admitted his guilt. "His guilt is that he learned namaz privately from Khusanov and Yunusov."

Khusanov is accused in the indictment of "committing acts against the public order, i.e., in establishing an illegal religious organisation, participation in it against the security and order of the public, as well he stored discs with extremist and separatist ideologies aimed at destroying people or creating violence or panic among population."

Who appointed lawyer?

Human rights defender Uralayeva told Forum 18 that the men's first lawyer, Kamalova, was appointed by the authorities. She said that Kamalova received hundreds of thousands of Soms from Khusanov's and Salimov's relatives but did nothing to defend them. "Just the opposite - she compelled them to sign the indictment," Uralayeva said. She added that relatives have since hired new lawyers.

Kamalova denied that she compelled the two defendants to sign the indictment, insisting to Forum 18 on 3 October that the relatives of the defendants hired her. However, she declined to comment on the case saying that the defendants' relatives have hired new lawyers, and that she is not competent to comment.

Imam comments on arrests

Neither Khusanov nor the other accused, some of whom attended his mosque, offended him or any other Muslims attending their mosque, Imam Gulomov of Boykozon Mosque told Forum 18 on 2 October. He said that Khusanov and the other accused behaved "normally", did not speak against the government or try to divide people attending the mosque. Imam Gulomov added that he did not see the accused being involved in any strange activity.

"I only know that discs of Mirzayev, which are banned in Uzbekistan, were found with them," Imam Gulomov told Forum 18. "Mirzayev is known in Uzbekistan as an extremist." The Imam could not say how and when Mirzayev's recorded sermons were banned. He also could not say whether and when such a ban had been announced publicly.

No comment

Lt.-Col. Khusanov of Parkent District Police refused to comment on the case to Forum 18 on 5 October.

Asked why the police arrested the nine Muslims, and what exactly they did to qualify as extremists, the Investigator in the case, Saidov, responded that Mirzayev's discs were seized from them. "Mirzayev is an extremist religious figure," he insisted to Forum 18 on 21 September.

Asked how, when and which authority decided that Mirzayev is an extremist and banned his works, Saidov was unsure. "I know he is banned, but I don't know exactly when and who by." Told that the nine men might not know of the ban, and asked why such serious charges have been brought against them, Saidov put the phone down. Subsequent calls to his number between 21 September and 2 October went unanswered.

Egamberdiyev, Prosecutor of Tashkent Region who indicted the nine men, declined to comment on the case to Forum 18 on 21 September. He said he did "not remember the details" of the case. He asked Forum 18 to call back in two hours. When called back on the same day, his Assistant who answered his phone (who declined to give his name) told Forum 18 that he does not want to talk about the case, and that questions should be sent in writing.

Are Mirzayev's works banned?

Forum 18 tried to find out whether Mirzayev's recorded sermons are banned. "I cannot give you such information since it is an investigatory secret," Rakhimov (he did not give his first name) Chief Assistant of Prosecutor General, who receives complaints from citizens, told Forum 18 on 3 October. Asked how individuals are supposed to know whether or not Mirzayev's works are banned, he responded: "I don't know Mirzayev, and please send us your questions in writing."

Asked whether and when the Prosecutor General will consider the complaints written by the relatives of the arrested Muslim men, Rakhimov said: "I cannot tell you that but let the relatives come to my office with their passports."

Similarly Supreme Court officials refused to tell Forum 18 whether Mirzayev's sermons are officially banned. One Judge of the Court (he refused to give his name) on 3 October took down Forum 18's question, and then said "I cannot give that kind of specific information over the phone." When Forum 18 insisted, asking how people can know about the ban, he retorted, "We are not an information bureau," and put the phone down.

Other officials also on 3 October refused to answer the question and referred Forum 18 to the Supreme Court's International Relations Department. An official there who introduced himself as Bulat (he refused to give his last name) told Forum 18 that he cannot answer questions over the phone, and asked to send them in writing.

The official who on 3 October answered the phone at the state Religious Affairs Committee of Sobitkhon Sharipov, head of the Committee's Expertise of religious literature Department, confirmed that it was Sharipov. However, after listening to Forum 18's question, he said that Sharipov was not in the office and that he could not answer Forum 18's question. When Forum 18 insisted, asking how Uzbek citizens are supposed to know whether or not Mirzayev's works are banned, he put the phone down.

Urlyayeva and relatives of the defendants told Forum 18 that Mirzayev's discs or the other discs with religious content had verses from the Koran and their translation into Uzbek, as well as material on how to read the Koran.

When and where will trial take place?

Relatives of the arrested Muslims told Forum 18 that the case against the nine Muslims may be heard by Tashkent Region's Yukorichirchik District Criminal Court but they do not know when.

Rustamov, however, said that it might be heard in Tashkent Regional Court but that he was not sure. "Often in such cases the authorities have told human rights defenders and relatives of the defendants that a case will be heard in such and such a court. Then when all flock in front of that court, they find out that actually it is being heard in a completely different court a long way away."

Rustamov said that he believes that the reason why the hearing did not begin yet is that the authorities do "not want public attention to the case, and that they may be looking for ways to fabricate more serious evidence against the defendants. The discs with citations from the Koran are not serious enough to bring such serious charges."

Akhmed Batyrbekov, Chief of the Chancellery of Yukorichirchik Court, declined to comment on the case on 3 October and could not say when the hearing would take place. He referred Forum 18 to the Chair of the Court. At the number given by Batyrbekov, the official (who did not give his name) took down Forum 18's question before saying it was a wrong number and putting the phone down. Reached again, the same official put the phone down as soon as he heard Forum 18's name. (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=1862.

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://education.nationalgeographic.com/education/mapping/outline-map/?map=Uzbekistan>.

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