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UZBEKISTAN: Extradited and given 12 years' imprisonment

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

Extradited back to his native Uzbekistan from Kazakhstan in March, against the express wishes of the United Nations Committee Against Torture, 38-year-old Muslim Khayrullo Tursunov was sentenced in early June to a long prison term - thought to be 12 years - for alleged "extremist" religious activity. Relatives outside Uzbekistan complained to Forum 18 News Service that the case had been "fabricated" to punish him for exercising his freedom of religion or belief. In a separate case, Dilbar Turabayeva and other parents of 13 young Muslim men from Namangan in eastern Uzbekistan given long prison terms in 2010 for learning how to read the Koran and to pray the namaz in a private home have lamented their failure to have their sons freed or the case re-examined. They note that the Investigator – who they claim threatened witnesses and dictated statements - and the Judge have both been removed on corruption charges. "The fact that Turabayeva wrote complaints does not mean that she will receive a positive response," Senator Svetlana Artikova – one of the many recipients of their complaints - told Forum 18.

In early June, less than three months after he had been extradited back from Kazakhstan, a court in south-eastern Uzbekistan sentenced 38-year-old Muslim Khayrullo Tursunov to a long jail term - thought to be 12 years - for alleged "extremist" religious activity, relatives from outside Uzbekistan told Forum 18 News Service on 24 June. They condemned the whole case as "fabricated" and designed to punish him for exercising his freedom of religion or belief. They said that some relatives attended the trial at Kashkadarya Regional Criminal Court, but the court has not yet provided them with a copy of the verdict.

Some relatives suspect that the authorities may have sought Tursunov in revenge for his wife's escape from Uzbekistan. Nodira Buriyeva fled Uzbekistan after being interrogated and threatened with rape before a relative was jailed for being a devout Muslim (see F18News 1 May 2013 http://www.forum18.org/archive.php?article_id=1829).

In a separate case, since 2010 Dilbar Turabayeva and other parents of 13 young Muslim men from Namangan in eastern Uzbekistan serving lengthy jail terms for their religious activity have appealed for a pardon for their sons or at least to have the criminal case and sentences re-examined. However, the authorities have rejected all their appeals, insisting that the punishments handed down in June 2010 were "objective" (see below).

Punishment follows forcible return

Tursunov and his family had escaped to neighbouring Kazakhstan in 2009, fearing that the Uzbek authorities could punish them for their peaceful practice of religion in his home town of Karshi [Qarshi]. His wife and children then left for a third country, which granted them refugee status, but Tursunov was arrested by the Kazakh authorities at Uzbekistan's request. He was extradited back to Uzbekistan in March 2013 against the express wishes of the United Nations Committee Against Torture (see F18News 8 May 2013 http://www.forum18.org/archive.php?article_id=1833).

Officials at Kashkadarya Regional Court – including the assistant to the chair of the court and the court secretary - refused to tell Forum 18 exactly when the verdict against Tursunov had been handed down, which judge had heard the case and why relatives have not been able to get a copy of the verdict. One court official insisted that "if the defendant or his relatives wish they have the right to appeal".

Tursunov "at the moment is not thinking of filing an appeal since he cannot afford to pay a lawyer, and he also does not believe it will change anything," a foreign-based relative told Forum 18. Tursunov is believed still to be held in a prison in Karshi.

Uzbekistan continues to limit the freedom of religion or belief of all prisoners, whatever their religion or belief. For example relatives of imprisoned Muslim prisoners of conscience, jailed for exercising their religious freedom, told Forum 18 that prisoners "cannot openly pray, or read any Muslim literature - even the Koran" (see F18News 7 May 2013 http://www.forum18.org/archive.php?article_id=1832).

Jailed for Koran reading and praying

The 13 young Muslim prisoners of conscience were handed their long prison sentences on 28 June 2010 by Judge Melikhon

Tashboyeva of Namangan Regional Criminal Court, according to the verdict seen by Forum 18.

Such sentences for meeting together to study the Koran and pray continue to be imposed, for example in the cases of Gayrat Khusanov and Shuhrat Yunusov. These two Muslim prisoners of conscience were given seven year jail terms in November 2012, for meeting with seven others to read the Koran and pray together, and the appeals of all nine men were rejected on 20 December that year (see F18News 20 December 2012 http://www.forum18.org/archive.php?article_id=1785).

In 2010 Ravshanbek Umarbayev (born 1969) and Turabayeva's son Rakhmonzhon Turabayev (born 1984), the alleged leaders of the "illegal extremist religious organisation," were sentenced to 14 and 13 years in general regime prisons respectively.

The other 11 men – Ulugbek Otakuziyev, Rakhmatilla Makhmudov, Avazbek Turayev, Mukhamadin Sotivoldiyev, Rakhmatillo Khamdamov, Shakirzhon Khamdamov, Zukhriddin Kamolov, Nodir Barnayev, Furkat Abdullayev, Abdugani Kamolov and Bobur Khatamov – each received a nine year general regime prison term. They were all born between 1980 and 1988. The two Khamdamovs are first cousins. The Kamolovs appear not to be related.

All 13 were convicted under Criminal Code Article 244-1, Part 3 (a) ("Production and dissemination of materials containing a threat to public security and public order") and Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). Umarbayev, in addition to those charges, was also convicted under Criminal Code Article 159, Part 4 ("Violent attempts to change the Constitutional order").

Such accusations are frequently used against Muslims, whether or not they have advocated violence. Other accusations are used to imprison members of religious minorities, such as the Baptist prisoner of conscience Tohar Haydarov. He is serving a ten-year sentence on alleged drugs charges his fellow church members insist were fabricated (see F18News 2 August 2011 http://www.forum18.org/archive.php?article_id=1600).

Their "only crime was to peacefully gather"

Turabayeva and other parents of the jailed men, who did not want their names published for fear of state reprisals, as well as Surat Ikramov, a Tashkent-based human rights defender, adamantly denied the charges to Forum 18. They insisted the 13 are "innocent" and their "only crime was to peacefully gather at times in private homes" to pray the namaz together and learn how to say Muslim prayers and read the Koran.

Most of the convicted men were her son's classmates, Turabayeva told Forum 18 on 14 June. They were learning Koran reading and Muslim prayers from Umarbayev, who is older than the rest and is a "simple and good man" involved in agriculture. "I used to work as the head of the local collective farm serving the government, and personally knew most of these young men, who can in no way be extremists," Turabayeva lamented. "They just became victims of corrupt local officials."

Turabayeva also lamented that she, her son's unemployed wife and two underage children were dependent on her only son, and are left without his support.

Human rights defender Ikramov told Forum 18 on 24 June that though he had not attended the trial, "I listened to Turabayeva's complaint and carefully studied the case materials. I can say that the authorities absolutely had no right to open a criminal case, and that the young men are no criminals." He insisted there was no evidence of any criminal or extremist activity. "The authorities are just afraid of any organised free-thinking people, whose activity they think may in future lead to criticism of those in power. They just want to get rid of them by arresting them."

Prisons where the 13 prisoners of conscience are held

Turabayev is being held in strict regime prison 64/51 in Koson near Karshi. Umarbayev is in strict regime prison 64/33 in Karshi. Rakhmatillo Khamdamov is in strict regime prison 64/49 in Shaikh-Ali near Karshi. Khatamov is in prison 64/61 in Karshi. Abdullayev and Barnayev are in prison 64/29 in Navoi [Navoiy]. Abdugani Kamolov is in strict regime prison 64/46 in Navoi. Shakirzhon Khamdamov and Zukhriddin Kamolov are in strict regime prison 64/47 in Kyzyltepe, Navoi Region. Makhmudov is in prison 64/65 in Zangiota, Tashkent Region. Otakuziyev is in prison in Almalyk [Olmaliq], Tashkent Region (believed to be strict regime prison 64/45). Sotivoldiyev is in Chirchik [Chirchiq], Tashkent Region (believed to be strict regime prison 64/6). Turayev is in prison in Tashkent Region.

Turabayeva said that though she is "very unhappy" that her son was "unjustly put in prison", she is "satisfied" that she can visit him in prison every three months and spend "a day or two" with him in the specifically designated visiting room and can bring him home-made food. She told Forum 18 that she last visited him on 14 April, and that his health is "normal".

Mother's appeals and amnesty requests rejected

Parents of eight of the 13 sentenced men – including Turabayeva - wrote on 24 March 2011 to President Islam Karimov asking for

his help in getting the case re-examined. They wrote that their sons were involved in "peaceful prayers", that the pre-trial investigation and the trial were "fabricated", and that their sons became "victims of a group of greedy officials". They wrote that through two lawyers, Investigator Orif Rakhimov "extorted" from the defendants' parents large sums of money promising he would help acquit the defendants.

Turabayeva also sent other appeals against her son's sentence between 2010 and 2012 and in 2012 requested amnesty for him to the Regional and Central authorities. However, all were rejected, in responses seen by Forum 18. For instance, in his rejection in March 2011, Prosecutor M. Tuychiyev of Namangan Region insisted that the Court decision was "lawful". In its January and June 2012 responses, the Regional Prosecutor's Office wrote that her son cannot be amnestied since the principle of amnesty "cannot be applied to his crime".

Similarly, Uzbekistan's Prosecutor General's Office and Supreme Court rejected her appeals and requests for amnesty.

The Supreme Court upheld the sentences given to the 13 men on 13 October 2010. In its responses to Turabayeva's further appeals, the Supreme Court claimed (in the words of its 16 December 2010 response) that it found the sentences "objective" and "correct".

Turabayeva in 2010 also appealed to Senator Svetlana Artikova of Uzbekistan's Parliament, who oversees complaints on legal issues, and Sayora Rashidova, Human Rights Ombudsperson. However, they simply referred her complaints to the Supreme Court.

Pressured to sign statements

Witnesses in the case, whose names are also mentioned in the Namangan Court verdict, sent hand-written complaints to the Supreme Court, seen by Forum 18. They complained that they had been pressured - while jailed for between 10 and 15 days they were given between March and May 2010 - to write statements against Umarbayev and Turabayev and the other detainees. When some refused to do so, they were pressured to sign blank statement papers.

Witness Dilshod Kuchkarov wrote in his complaint that Umarbayev did "not teach them extremism" and that he is a "peaceful" person. Witnesses Olim Dulanov, Akmal Sotivoldiyev and Muzaffar Abdurakhmanov wrote that "I was pressured by the Police to sign a blank statement with my name on it." Witnesses Batyr Khoshimov and Ismoil Egamov wrote that "we never spoke against the government" in their common prayers with Umarbayev. Witnesses Bakhrom Yunusbayev and Doniyor Khabibullayev wrote that their purpose was to "learn from Umarbayev how to read the Koran and perform namaz prayers".

Witnesses denied prosecution accusations

During the June 2010 trial, all the defendants denied the charges against them, according to the verdict. They stated that they did not discuss the creation of an Islamic state in Uzbekistan, that they are not against state policies, and that they signed the statements against them under pressure from the Police.

Umarbayev admitted that since 2008, he had taught others how to read the Koran and perform the namaz prayer, according to the verdict.

The witnesses called to testify in court stated that they "learned how to read the Koran" and "how to perform namaz prayers" in four groups led by the defendants, the verdict notes. They stated that they also "received teachings on sharia law that every Muslim must spread their faith by speaking to others", "ask their wives or women friends to wear the hijab [headscarf]", "help the poor", "respect their mother and father", and "abstain from narcotic drugs, alcohol and adultery".

Each of the witnesses testified to the Court that the defendants did "not speak against the State the government or its policies, or for forceful change of the government".

However, the Court claims that the defendants are proven guilty by the fact they admitted in the pre-trial investigation that they spoke of creating an Islamic state by way of jihad. The defendants were accused of creating four religious extremist groups that met on various days of the week between 2008 and 2010, discussed how to spread Islam among the ordinary population and high level politicians, including members of Parliament, and thus create an Islamic state in Uzbekistan.

The verdict concludes by declaring that "the testimonies of the witnesses during the hearing and other case materials, including CDs, which contain ideas of the 'Wahhabi' extremist Islamic movement, as well as statements signed by the witnesses, prove the guilt of the defendants".

Turabayeva and one other parent adamantly denied this to Forum 18. "The witnesses under Investigator Rakhimov's threat that they could also end up in jail, signed blank statements or wrote statements under his dictation," they said. The same complaints were included in the hand-written complaints of some of the witnesses to the Supreme Court. Turabayeva also told Forum 18 that her son did "not know where the CDs came from, what they really contained or how they ended up in the case files".

No comment

Judge Davlatmyrza Kamilov, Chair of Namangan Regional Criminal Court, refused to comment on the case. "Judge Tashboyeva issued the decision before I came to work here and no longer works at the Court," he told Forum 18 on 24 June. Judge Kamilov denied that Judge Tashboyeva had been arrested for corruption, saying only that "she was removed from her position, and retired from work." He also refused to comment on why Investigator Rakhimov was removed from his position. "I do not know anything about him."

Judge Kamilov played down Turabayeva's concern that the authorities are not willing to re-examine the case objectively or pardon her son. Told that Turabayeva wrote numerous complaints to Uzbekistan higher authorities, including the Supreme Court, which were all rejected, and asked why the authorities will not re-examine the case, especially taking into account that both Judge Tashboyeva and Investigator Rakhimov who led the case had been removed from office, Judge Kamilov responded: "Our Criminal Procedural Code works - let her file another complaint to the Supervisory Board of the Supreme Court."

Responses from Central authorities

Senator Artikova on 14 June told Forum 18 that "we referred her complaint to the Prosecutor General's office." Told of Turabayeva's several complaints to the Prosecutor General, which were rejected, the Senator stated: "The fact that Turabayeva wrote complaints does not mean that she will receive a positive response."

Told that both the Police Investigator Rakhimov and Judge Toshbayeva, who led the case were arrested, according to Turabayeva, on corruption charges, and that this may cast doubts on their objectivity, Senator Artikova told Forum 18: "Turabayeva must indicate these facts in her complaints."

Eldar Mansurov, Uzbekistan's Deputy Ombudsperson, also downplayed Turabayeva's concerns that the trial of her son had been unfair and that he had been given a lengthy prison term. Turabayeva "may tell you whatever she likes to tell you but we have the State organs and Prosecutor General, who make sure that justice prevails," he claimed to Forum 18 on 14 June.

Prosecutor General's and Supreme Court officials (who did not give their names) on 14 June refused to comment on the case to Forum 18.

Raid, short-term jailings precede criminal case

The long prison sentences on the 13 followed a police raid on a private flat in Namangan Region's Uychi District on 19 March 2010, Turabayeva told Forum 18. Twelve District Police officers "some of whom were in masks and with sub-machine guns" broke in while the 13 young men - and 33 others, who later figured as witnesses in the case - were eating pilaf rice and talking. "The police illegally took all them to the police station allegedly for acts of hooliganism, and the same day the local court handed down jail terms of between 10 and 15 days to all 46 of them."

Turabayeva said that later 33 of them were released after they signed police reports and statements. Police Investigator Lieutenant Colonel Orif Rakhimov "fabricated a criminal case against them, and later asked for bribes to release our sons." She told Forum 18 that Investigator Rakhimov was later arrested by the National Security Service (NSS) secret police after parents' complaints.

Turabayeva also told Forum 18 Judge Tashboyeva was "arrested later also for corruption" but in "a totally different case."

The 13 prisoners were all formally arrested on criminal charges between 13 March and 5 May 2010, according to the verdict. The indictment was presented to the defendants only on 15 June 2010, roughly two and half months for most of them after they were initially charged with administrative violations.

One prisoner released

Meanwhile, Tashkent Muslim Abdulaziz Dadakhonov was freed from prison in April 2012, friends of his told Forum 18. He was among a group of residents of the capital associated with the Irmoq (Spring) journal, arrested by the NSS secret police in 2008 on "suspicion of being sponsored by a Turkish radical religious movement Nursi". They were all given long prison sentences in February 2009 (see F18News 6 April 2009 http://www.forum18.org/archive.php?article_id=1280).

After his appeal against his eight-year sentence was rejected, Dadakhonov was transferred to serve his term in a labour camp in Navoi. However, in what turned out to be a prelude to his early release, he was transferred in late 2011 to a prison near Tashkent, from which he was eventually freed.

Forum 18 has not heard that any of the other Muslims sentenced with him - Bakhrom Ibrahimov, Davron Kabilov, Rovshanbek Vafoyev and Botyrbek Eshkuziyev – have been freed and all four are presumed still to be imprisoned. (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.

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