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UZBEKISTAN: Muslims sentenced for discussing Islam and praying

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

Uzbekistan in July jailed prisoner of conscience Ravshan Rahmatullayev, a devout Muslim, for six years. Five other Muslims were given two to three year suspended jail sentences, Forum 18 News Service has learnt. The six allegedly met in a local teahouse to listen to sermon recordings and discuss religion. In what the indictment appears to see as an aggravating "offence", Rahmatullayev is stated to have prayed. Police were unable to name to Forum 18 anything the six Muslims had done, apart from exercising the internationally-recognised right to freedom of religion or belief, which constituted a crime. One of the lawyers told Forum 18 that "I cannot guarantee my own safety if I talk", and human rights defender Surat Ikramov states that the six were tortured. Many Muslims are jailed in Uzbekistan, but it is normally unclear why. The mother of a recently jailed Muslim, Bahodiy Akhmedov, with many family members in jail, told Forum 18 that "I don't know why they are arresting them". A police officer who arrested him told Forum 18 that "I was only obeying orders", and did not know the reasons for the arrest.

In Uzbekistan Ravshan Rahmatullayev, a devout Muslim young man, was sentenced to six years in jail in July, and five others given two to three year suspended jail sentences, Forum 18 News Service has learnt. Relatives of the six Muslims, who wished to remain unnamed for fear of state reprisals, told Forum 18 that the six met in private for joint prayers and Koran reading, but totally denied the authorities' claims that any of the six Muslims were a threat to security. Police were unable to name to Forum 18 anything the six Muslims had done, apart from exercising the internationally-recognised right to freedom of religion or belief, which constituted a crime.

Prisoner of conscience Rahmatullayev was sentenced by Judge Khaliddin Shermukhamedov of Kibrai District Criminal Court, in the region around the capital Tashkent, on 17 July. The verdict, a copy of which Forum 18 has seen, states that Rahmatullayev was guilty of breaking Criminal Code Articles:

– 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities");

– 244-1, Paragraph 3 ("Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order"). Point a, under which Rahmatullayev was convicted, specifies "with previous planning or by a group of individuals";

– and 246 Part 1 ("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").

Judge Shermukhamedov at the same time gave suspended prison sentences to the five other Muslims: Azimjon Eminov (three years), as well as two each to Zhamshid Bazarbayev, Mirkamol Musayev, Zhavlon Umarbekov and Dilshod Shokirov. All five were found guilty under Criminal Code Article 216, and Eminov was also found guilty of breaking Article 246 Part 1.

Such sentences are normal for groups of Muslims convicted of exercising their freedom of religion or belief together (see eg. F18News 29 November 2012 http://www.forum18.org/archive.php?article_id=1773).

The case was brought by Tashkent Regional Police's Investigations Department. The indictment, a copy of which Forum 18 has seen, was prepared by Major Umid Kenzhayev and endorsed by Lieutenant Colonel Bahodiy Rakhimov, Deputy Chief of the Department, and on 1 April by A. Tursunov, Deputy Prosecutor of Tashkent Region.

Teahouse "offences"

The six Muslims allegedly gathered in a local teahouse to listen to recordings of sermons and to discuss religious topics. In what the

indictment appears to see as an aggravating "offence" by Rahmatullayev, he is claimed to be the only one who performed namaz prayers.

The six devout Muslims carried on what the verdict describes as their "illegal extremist religious activity" for about seven months, between May and December 2012. Rahmatullayev "attracted his friends" from Kibrai District to listen to the speeches and sermons of Abduvali Mirzayev and Obidkhon Nazarov, "which contain Wahhabi religious extremist ideas". ("Wahhabi" is a term used by officials to denote groups they dislike, which has even been used of Jehovah's Witnesses.) The six Muslims are also claimed to have listened to speeches by Hairulla Hamidov, a Muslim radio journalist sentenced to six years in jail in June 2010 (see F18News 4 June 2010 http://www.forum18.org/archive.php?article_id=1455).

Mirzayev was an imam in Andijan [Andijon] 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 think was an assassination attempt initiated by the Uzbek authorities. He remains in a coma.

The verdict claims that, on Rahmatullayev's request, Eminov brought from Kiev in Ukraine audio cassette tapes and CDs of sermons by Mirzayev and Nazarov. It also claims that Rahmatullayev "used the internet and connected to the website of Turkistan's Muslim Movement in order learn their ways and propagandise their ideas."

Informer?

Both the indictment and verdict mention the name of a main witness, Eldor Mahmudov, who allegedly is a Muslim believer, and was a friend of Rahmatullayev. He sold his computer to Mahmudov, but the computer had records on it of the Islamic sermons.

Independent human rights defender Surat Ikramov told Forum 18 from Tashkent on 20 November that Mahmudov did not appear before the Court during the trial. It is thought that Mahmudov may be an informer and a secret employee of Kibrai District Police.

"Fabricated" case

Human rights defender Ikramov told Forum 18 that, based on what he has been told by relatives and the Muslims' lawyers, he thinks the charges are "fabricated". He pointed out that "the guilt of the defendants was not proven during the trial", and that the defendants only partially admitted the charges.

Relatives of the six Muslims, who wished to remain unnamed for fear of state reprisals, told Forum 18 that the six met in private for joint prayers and Koran reading, but totally denied the authorities' claims that any of the six Muslims were a threat to security. They said that their relatives are "not extremist or radical, but peaceful and quiet believers."

Police were unable to name to Forum 18 anything the six Muslims had done, apart from exercising the internationally-recognised right to freedom of religion or belief, which constituted a crime. Police investigator Major Kenzhayev on 25 November would not answer Forum 18's questions on this. "There is a court decision, which proves the charges brought by us," he claimed. When Forum 18 repeated the question, he replied: "Please ask the Foreign Ministry, and if they think it appropriate we will answer you".

Unlawful arrests and searches

Human rights defender Ikramov said that arrests of the six Muslims began on 28 December 2012, and they were kept in detention until the end of January 2013. "Searches of the defendants' homes were carried out without warrants, and no illegal religious materials were found in their homes" he pointed out. Perhaps revealingly, the verdict and the indictment do not specify the results of these searches. Ikramov also noted that detentions for 30 days in the Special Detention Centre of the Interior Ministry in Tuzel was also unlawful.

Ikramov also noted numerous violations of legal procedure during the trial. These included the indictment only being given to the defendants one hour before the hearing began on 29 May, and witnesses not appearing before the Court

Defendants electrocuted and confessions extracted?

Ikramov told Forum 18 that on 7 January Rahmatullayev and his fellow Muslims were taken from the Interior Ministry's Detention Centre to the Regional Police's Investigation Ward. Police kept them there for 10 days and, he stated, "tortured them by electrocution and extracted confessions from them". The men were then taken back to Tuzel.

Others who know the defendants confirmed this to Forum 18, and said that the authorities threatened them if they told anyone about the torture.

Torture in Uzbekistan continues to be "routine", the UN Committee Against Torture has found (see eg. F18News 14 August 2012 http://www.forum18.org/Archive.php?article_id=1732).

After 30 days of detention, all except Rahmatullayev were released on condition not to leave the area and bail of 1,600,000 Soms (about 4,540 Norwegian Kroner, 550 Euros, or 740 US Dollars at the inflated official exchange rate).

Asked why the Muslim men were tortured and others were threatened if they complained, Major Kenzhayev adamantly denied this to Forum 18. "You were misinformed," he claimed, and added that "Every action was done in accordance with the law, and they can still appeal if they want to."

"I cannot guarantee my own safety if I talk"

A relative of the convicted Muslims told Forum 18 that Court officials stated that if an appeal was made, the mere fact of an appeal would mean that the six Muslims would receive longer jail terms. Also, all of them would be imprisoned instead of being given suspended sentences.

One of the lawyers told Forum 18 that "I cannot guarantee my own safety if I talk".

"I can answer your questions"

Anvar (who refused to give his last name), Judge Shermukhamedov's Assistant, on 26 November told Forum 18 that the Judge is busy, but that "I can answer your questions". Asked about whether the case was fabricated and defendants tortured, Anvar replied: "If they do not agree with the decision they can appeal".

In response to questions about threats being made by the authorities if complaints were made, he stated that making complaints "is their right, and I don't know what to tell you". He then referred Forum 18 to Tashkent Regional Court. "They are our superiors and only they can answer these questions".

Asked about the case, Sherzod Karimov, Assistant of Tashkent Regional Court's Chairman, on 26 November referred Forum 18 to the Court's Chancellery. However, the Chancellery's phone went unanswered that day.

Aybek (he refused to give his last name), an official of the Kibrai Prosecutor Office, who at first introduced himself as an official of the Chancellery, on 26 November, when asked about the violations against the defendants and breaches of legal procedure, stated: "I am not officially working here. You had better contact Usmanov himself." Iskander Usmanov, Deputy Prosecutor of Kibrai District, was the public prosecutor in the case, though he was only present in court for the delivery of the verdict.

Usmanov's phone went unanswered on 26 November, and Aybek refused to put Forum 18 through to any officials claiming "I do not know the phone numbers".

In Karshi Labour Camp

Prisoner of conscience Rahmatullayev is serving his six year prison sentence in Karshi [Qarshi] Labour Camp in southern central Uzbekistan. A person who has recently seen him stated that he was "fine and healthy", but could not give further details for fear of reprisals against Rahmatullayev. His prison address is:

Ravshan Rahmatullayev

UYa 64/61

otryad 12

Karshi

Kashkadarya Region

Uzbekistan

Fellow prisoner of conscience Bobur Khatamov – jailed for nine years in 2010 for meeting with others to study the Koran and pray – is among those also in Karshi Labour Camp (see F18News 25 June 2013 http://www.forum18.org/archive.php?article_id=1851).

Uzbekistan continues to limit the freedom of religion or belief of all prisoners, whatever their religion or belief. For example, Muslim prisoners of conscience are not allowed to openly pray or read any Muslim literature - even the Koran (see F18News 7 May 2013 http://www.forum18.org/archive.php?article_id=1832).

"I don't know why they are arresting them"

Many Muslims are jailed in Uzbekistan, usually on accusations of belonging to terrorist, extremist or banned organisations. The nature of the "justice system", in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of involvement in violence or are "guilty" of being devout Muslims who take their faith seriously.

Legal charges brought against people do not necessarily reflect what they actually did. This can lead to people being charged using laws punishing the exercise of freedom of religion or belief, when the exercise of this freedom is not involved in the actions they actually carried out (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/archive.php?article_id=1862).

A sadly typical example is Bahodiyr Akhmedov, son of Muhtabar Akhmedova, who was arrested in October in Chinaz in Tashkent Region. Six of Akhmedova's family members are jailed on a variety of charges involving alleged "religious extremism" or alleged links to violent organisations. Human rights defender Ikramov knows family members as peaceful Muslims. It remains unclear what exactly these six people did which led to them being jailed, or why Akhmedov was arrested.

Akhmedova's only free close male relatives are her husband Khakem Akhmedov and one of her sons, and her brother's son Abdullozhon Mirzayev. All three are devout Muslims and have fled Uzbekistan for fear of being jailed.

"I don't know why they are arresting them. But they have arrested almost all my male relatives, and one brother died in prison", she replied when Forum 18 asked why the authorities arrested her family members.

Akhmedova stated that her brother and son, because of the previous arrests of family members, were afraid to practice Islam or perform the namaz prayers.

Son's multiple October arrests

Bahodiyr Akhmedov, who had been working in Russia, returned to his home on 4 October because he was ill. At 5 am the next morning four officers from Chinaz Police searched the home without a warrant. They found nothing illegal but took Bahodiyr with them, releasing him that evening.

On 10 October Bahodiyr was detained again, and the authorities again searched the home without a warrant. Officials confiscated Korans from some relatives.

Akhmedova told Forum 18 that she only found out on 14 October that her son was on 10 October stopped on the street near their home. He was taken to Chinaz Police Station where he was kept overnight. The next day he was sentenced in Akkurgan Criminal Court to 15 days administrative detention for alleged "hooliganism". No relatives were informed and he was not even given a court-appointed defence lawyer.

Bahodiyr Akhmedov is still being held in the Interior Ministry's Special Detention Centre in Tuzel – as of today (26 November) 31 days beyond his sentence.

"I was only obeying orders"

Asked why he detained Akhmedov on 10 October, Rinat Galiyev, a police officer in Chinaz District Police, told Forum 18 that: "I was only obeying orders, which were to find Akhmedov and arrest him." He said that he does not know the reasons why Akhmedov was wanted.

Tashkent regional police Struggle with Extremism and Terrorism Department made two of the arrests. Lieutenant Saidkarim Nishonbekov, head of this Department, told Forum 18 on 19 November that the reason for the arrests of Akhmedov and others is that a "criminal case is opened against them". He refused to state what charges were brought against them, "as it is an investigation secret".

When Forum 18 asked why family members were arrested, Lieutenant Nishonbekov stated that "you were given wrong information" without specifying what was wrong with the information. When Forum 18 repeated the question he replied: "Why don't you come and meet us in Tashkent and we'll talk with you." He then declined to discuss the cases further.

Utkar Norbayev, Assistant to Akkurgan Criminal Court Chair Judge Kazimjon Mukhamedjonov, on 20 November repeatedly refused to explain why Bahodiyr Akhmedov was sentenced. (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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