

20 June 2017

UZBEKISTAN: Muslims' long prison terms, Protestants' short terms

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

A Tashkent court jailed eleven Muslims who met to pray and discuss their faith for up to six years. Several testified about torture (including officers' threat to rape the wife of one in front of him). The court ignored the testimony. Four Protestants were given 15-day terms.

A court in the Uzbek capital Tashkent handed down prison sentences of five to six years on 26 May to 11 Muslim men for meeting in homes and teahouses to discuss their faith. The men met for joint prayers between 2008 and 2016, but the only time when all 11 met together was in spring 2008.

One of the 11, Khusnuddin Rizayev, a 39-year old professor of Tashkent's State Pedagogical University, had already been sentenced in a separate case on 25 January. That sentence has been combined with the sentence handed down on 26 May (see below).

"All the defendants appealed against the verdict on 15 June," Shohida Inagamova, mother of one of the defendants, Khusnuddin Inagamov, told Forum 18. "The appeal will be heard on 30 June at Tashkent City Court." However, Rizayev's lawyer Dilmurod Akhmedov told Forum 18 he has not been informed of any date for the appeal hearing.

The 11 men are all being held in the Interior Ministry's Detention Centre No. 1 in Tashkent.

The authorities claim that in a 2008 meeting, some of the men spoke against then President Islam Karimov, talked about the need to establish an Islamic Caliphate in Uzbekistan, and planned to overthrow the government. They also accused them of supporting a banned radical Islamic movement and of listening to recorded sermons of an Imam the authorities "disappeared" 22 years ago (see below).

However, Surat Ikramov, an independent human rights defender, dismissed these accusations. "The defendants only ate, rested, and prayed together," he insisted to Forum 18 from Tashkent on 15 June. He complained that the case is "fabricated, and the authorities produced no evidence except the confessions extracted from the defendants by torturing them during the investigation."

Relatives complain that the Court refused to hear the defendants' testimony of torture in detention, including threats that officers would rape the wife of one of the prisoners in front of him (see below).

Officials of various state agencies involved in imprisoning the 11 men, including the police Struggle with Extremism and Terrorism Department, National Security Service (NSS) secret police, Prosecutor General's and Tashkent City Prosecutor's Office, and Judge Iroda Mukhamedova of the Tashkent Court, refused to discuss the case with Forum 18 between 15 and 16 June.

In late April, the authorities in the north-western Karakalpakstan [Qoraqalpoghiston] autonomous region gave short prison terms to four Protestant men (see below).

Lengthy prison terms for praying together and discussing religion

Judge Iroda Mukhamedova of Tashkent City Criminal Court on 26 May gave lengthy prison terms to 11 Muslim men, according to the decision seen by Forum 18. They will serve the sentences in ordinary regime labour camps. The months each spent in pre-trial detention will count towards their sentence. Tashkent's Mirobod District Prosecutor Alisher Karimov was the State Prosecutor in the case.

The defendants were deemed guilty for listening while they worked together to CDs of Imam Mirzayev's sermons, which the authorities deem "extremist". The prosecution claimed the sermons contained calls to "establish Islamic religious rules" in Uzbekistan.

The 11 Muslims Judge Mukhamedova sentenced (full name, date of birth, Criminal Code Articles, term of imprisonment, date sentence is counted from):

1. Davron Yuldashevich Fayziyev; born 20 October 1977; Criminal Code Article 244-2, Part 1; 6 years' imprisonment (counted from 3 November 2016).
2. Latip Talipovich Yusupov; born 22 December 1970; Criminal Code Articles 159, Part 3, Point a; 244-2, Part 1; 6 years' imprisonment (counted from 1 October 2016).
3. Khusnuddin Tokhtamurodovich Rizayev; born 9 December 1977; Criminal Code Article 244-2, Part 1; 6 years' imprisonment (counted from 25 August 2016).
4. Dilshod Khikmatullayevich Kamilov; born 9 July 1975; Criminal Code Article 244-2, Part 1; 6 years' imprisonment (counted from 3 November 2016).
5. Abdurashid Abdulkhayevich Rashidov; born 16 October 1972; Criminal Code Article 244-2, Part 1; 6 years' imprisonment (counted from 3 November 2016).
6. Khusnuddin Abdukhakimovich Inagamov; born 24 March 1973; Criminal Code Article 244-2, Part 1; 6 years' imprisonment (counted from 3 November 2016).
7. Afzaljon Azatovich Urunov; born 26 March 1973; Criminal Code Articles Article 159, Part 1; 244-1, Part 2; 244-2, Part 1; 5 and a half years' imprisonment (counted from 13 October 2016).
8. Ravshan Mukhamadovich Mirzayev; born 2 May 1969; Criminal Code Articles 159, Part 1; 244-1, Part 2; 244-2, Part 1; 5 and a half years' imprisonment (counted from 3 November 2016).
9. Sobirjon Sotvoldiyevich Khasanov; born 25 November 1970; Criminal Code Article 244-2, Part 1; 5 years' imprisonment (counted from 3 November 2016).
10. Bakhadyr Bakhtiyarovich Sadykov; born 18 October 1971; Criminal Code Articles 244-1, Part 2; 244-2, Part 1; 5 years' imprisonment (counted from 13 October 2016).
11. Ravshan Bakhtiyarovich Sadykov (Bakhadyr Sadykov's young brother); born 24 September 1976; Criminal Code Article 244-2, Part 1; 5 years' imprisonment (counted from 3 November 2016).

The NSS secret police charged the defendants under Criminal Code Articles 159 (offence against the Constitutional order), 244-1 (production, storage, distribution or demonstration of religious extremist materials containing threat to public security and public order) and 244-2 (creation of, leadership, participation in extremist religious, separatist, fundamentalist, or other banned organisations).

Part 1 of Article 159 (public calls or dissemination of materials containing such calls for illegal change of the State order) carries punishments including a fine up to 600 times the minimum monthly wage, or deprivation of liberty of between two and five years, or imprisonment of up to five years.

Part 2 of Article 159 (violent acts aimed at impediment of the activity of State organs) carries punishments including a fine of 200 to 600 times the minimum monthly wage, or deprivation of liberty between three and five years or imprisonment from three to five years.

Point (a) of Part 3 of Article 159 (acts punishable under Part 1 or Part 2 of Article 159 committed repeatedly or by a dangerous recidivist) carries punishments of imprisonment for between five and ten years.

Part 2 of Article 244-1 carries punishments including a fine of 300 to 400 times the minimum monthly wage, or arrest for up to six months, or limitation of liberty of between three and five years, or deprivation of liberty of between three and five years.

Part 1 of Article 244-2 carries punishments of deprivation of liberty of between five and fifteen years.

Part 2 of Article 241 (failure to report about or concealment of serious crimes) carries punishments including a fine up to 75 times the minimum monthly wage, or correctional labour of up to three years, or deprivation of liberty of between two and five years or imprisonment of up to five years.

The former NSS secret police officer Azimjon Urunov faced charges under Criminal Code Article 241, Part 2 (failure to report about or concealment of serious crimes). However, charges against him were dropped on 23 May during the penultimate hearing of the

trial and he was freed from pre-trial detention. The Court questioned him as a witness in the case.

For Rizayev, this was the second sentence in 2017. He was among a group of four men who went on trial under Judge Davron Norboyev at Tashkent City Criminal Court on 12 December 2016. On 25 January 2017, the Judge sentenced Rizayev to five and a half years' imprisonment, according to the verdict seen by Forum 18. He was convicted under Criminal Code Article 216 (illegal organisation of public or religious organisations) and Article 241. The May trial consolidated the two sentences into one.

First Judge removed

The initial trial of the 11 Muslims began on 27 February under Judge Azim Khudoyberganov. After complaints from the lawyers and defendants that the Judge "was drunk during the hearing and violated procedure", he was removed from the case, Ikramov told Forum 18.

After the appointment of Judge Mukhamedova, the trial was completed in three short hearings, each one lasting between two and three hours. "The Court rushed to carry out the orders from the executive authorities," Ikramov complained.

No answers

The official who answered Judge Mukhamedova's phone on 15 June confirmed her name to Forum 18 but when asked about the case, claimed she was not Mukhamedova. She asked Forum 18 to call back later and then put the phone down. Officials between 15 and 16 June kept telling Forum 18 that the Judge was busy, and asked to call back later.

Phones at the headquarters in Tashkent of the NSS secret police went unanswered between 15 and 16 June.

Botyr Kudratkhoyayev headed Tashkent City Prosecutor's Office in 2016 and signed the indictment against the 11 Muslims. On 7 June 2017 he was appointed Uzbekistan's Deputy Prosecutor General. Reached on 16 June, Kudratkhoyayev refused to talk to Forum 18. He put the phone down when asked about the case. Subsequent calls on 16 June to the Prosecutor General's phones went unanswered.

NSS Investigator Major Sh. Markayev had prepared the indictment, which was then endorsed by the Chief of the NSS Investigation Department Colonel Oleg Busygin.

Alisher Maksudov, Chief Assistant of the Prosecutor of Tashkent City, declined to discuss the case. "We cannot inform you about the case over the phone. Please, send your questions in writing," he told Forum 18 on 16 June. However, he claimed that the defendants had not been tortured. "I know the case, and nothing of the sort happened."

Asked about the case on 16 June, Tashkent City Police officials (no names were given) referred Forum 18 to Lieutenant Colonel Mukhammad from the police Struggle with Extremism and Terrorism Department, who investigated the case. They did not give his last name.

Officer Mukhammad identified himself to Forum 18 on 16 June. But when asked about the case and why he and his colleagues tortured Rizayev while interrogating, he replied, "I do not understand your questions," and put the phone down. Called back he claimed to Forum 18 that it is a "wrong number".

Arrests, searches

As seen from the indictment, the 11 Muslims worked in groups of between four and six renovating flats in Tashkent and elsewhere in Uzbekistan between 2008 and 2016. They also met separately in homes and teahouses to pray together and discuss religion.

The NSS secret police without credible evidence accused the 11 of being members of the Muslim radical movement Hizb ut-Tahrir, disseminating its extremist ideas and plotting to overthrow the government. (Hizb ut-Tahrir is an international political movement vowing to re-establish a single Islamic state, or caliphate, and claiming to be entirely peaceful. However, Forum 18 notes Hizb-ut-Tahrir's denial of key human rights, including freedom of religion and belief, and that Hizb ut-Tahrir has called for Jews to be murdered. Hizb ut-Tahrir's Draft Constitution prescribes execution for Muslims who change their faith, along with serious restrictions on other human rights (see F18News 29 October 2003 http://www.forum18.org/Archive.php?article_id=170).

Khusnuddin Rizayev - a professor of Tashkent State Pedagogical University - was arrested and put in pre-trial detention on 8 August 2016. The other ten Muslims were arrested in October and November 2016.

In autumn 2016 officers searched the flats of Mirzayev and Fayziyev, according to the indictment seen by Forum 18. They seized from the two a computer hard disc and DVDs containing religious materials. The indictment claims that the materials contained teachings of the Hizb ut-Tahrir radical Muslim movement.

Officials accused Mirzayev of "making efforts to organise a Muslim religious community to spread his religious beliefs which he learned from Andijan Imam Abduvali Mirzayev."

Abduvali Mirzayev, an Imam in Andijan, "disappeared" at Tashkent Airport in 1995 with his assistant and was never seen again. Many Muslims have since been punished for having recordings of his sermons (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

Tokhtamurod Rizayev told Forum 18 that the authorities also searched the family home and seized his son's books and computer. "They found nothing illegal."

Why were Muslims arrested?

Tashkent police Struggle with Extremism and Terrorism Department initially opened the case on 5 August 2016 against Abdugofur Usmonov, according to the indictment. Uzbekistan's Prosecutor General handed the case on 13 October 2016 to the NSS secret police for further investigation.

Usmonov had been arrested in February 2016, Khusnuddin Rizayev's father, Tokhtamurod Rizayev told Forum 18 on 15 June. Using Usmonov's statements, police arrested Khusnuddin Rizayev on 8 August. Usmonov admitted to Police that he "spoke against the government and shared his complaints with my son," Tokhtamurod Rizayev told Forum 18.

In early 2016, prior to Usmonov's arrest, Usmonov and Khusnuddin Rizayev worked together renovating a flat. As well as teaching drawing and graphic arts at Tashkent State Pedagogical University, Rizayev also worked for clients on interior design of flats.

"Soon after the conversation, my son warned [Usmonov's] father about his statements, and told him to stop his son from making such statements," Tokhtamurod Rizayev told Forum 18. He lamented that the Court did "not take this into account and argued that he should have informed the Police but did not do so."

Azimjon Urunov, a former NSS officer (and brother of one of those convicted, Afzaljon Urunov), was accused of knowing about the alleged activities of the group and not reporting to the authorities. The 11 men had gathered in Urunov's summer house in Tashkent Region's Zangiota District in the spring of 2008.

"It is no surprise to me that a former NSS man was involved in the group," Tashkent-based human rights defender Ikramov complained to Forum 18. "Only he of the twelve was released."

"Nothing illegal in their activity"

Tokhtamurod Rizayev defended his son, saying that he is a Muslim believer but was "not involved in religious propaganda and did not give religious literature to others." He lamented that his son was "supposed to receive his Doctor of Science degree in 2016 but alas could not."

Khusnuddin Rizayev's lawyer Akhmedov explained to Forum 18 that "since 2008 they [the 11 men] had regular gatherings for prayers but Rizayev met with them on one or two occasions." He was adamant that the defendants did "not commit anything criminal and there is no evidence of anything criminal in their activity."

Rizayev actively shared his Muslim beliefs on social media

Khusnuddin Rizayev – who is married with three children - actively shared his Islamic beliefs on his Facebook account. As seen by Forum 18, he wrote on the importance for Muslims of reading the Koran, saying namaz prayers, being righteous, being good towards others, being kind, not avenging evil, not being jealous and not being lovers of high positions in society.

Rizayev also shared that Muslims should be kind toward strangers, refugees, orphans, the needy, poor and hungry especially during the Muslim fasting month of Ramadan. He maintained one should not be preoccupied with one's own table of food when breaking the fast.

Yasin Ismadiyarov, Dean of the School of Professional Education of Tashkent State Pedagogical University, told Forum 18 on 15 June that Rizayev "worked in a different faculty until the summer of 2016 when their faculty was subordinated to us." He explained that "I do not know him well but I did not hear bad reports about him from his colleagues."

Nurlan Tashimov, Head of the Department of Drawing and Graphic Arts where Rizayev worked, told Forum 18 on 15 June that he and his colleagues were "shocked when they heard that Khusnuddin was arrested." He described Rizayev as a "good and responsible man who always fulfilled his duties on time". He added that "He never shared any radical ideas with us. We are still confused and shocked about this arrest."

Tashimov told Forum 18 that neither he nor his colleagues participated in the trial. But at the request of Rizayev's father his Department provided the Court with a positive reference letter.

Khusnuddin Rizayev's father lamented to Forum 18 that the authorities "made my son criminally responsible for no crimes he committed." He said that "His only guilt was that nine years ago in 2008 ago he visited Urunov's summerhouse where they swam in the pool, ate and prayed together."

Previously convicted of Hizb ut-Tahrir membership

As seen from the indictment, Yusupov, Inagamov, Rashidov, Kamilov and Fayziyev were convicted in the early 2000s for allegedly being members of the banned radical religious movement Hizb ut-Tahrir. They were all released between 2004 and 2007. Inagamov, sentenced to nine years in prison for alleged extremist religious activity in 2001, was pardoned and released in 2004.

Inagamov's mother, Shohida Inagamova, told Forum 18 on 15 June that "I cannot say anything about his imprisonment in 2001, but this time he was arrested for no reason." She was adamant that her son is "innocent, and has committed no crime, nor even planned anything against the government."

She explained that Inagamov's lawyer asked the Court "what exactly crimes my son committed but the Court ignored it."

"All these years after he was released from prison in 2004, he did not even attend mosque for fear of the authorities," she lamented. "My son's only guilt is that he continued his namaz prayers."

Court refused to investigate torture and violated procedures

Inagamova complained to Forum 18 the Court did "not investigate the torture of my son and others by the Police and secret police to make them confess they were guilty."

Both Police and NSS secret police officers during the investigation "subjected each defendant to severe torture to make them confess they were guilty", human rights defender Ikramov told Forum 18. He recounted that during the hearing Rizayev told the Court that police Struggle with Extremism and Terrorism Department Investigators Otabek and Mukhammad (last names not known) beat him up and threatened him that unless he confesses his guilt they will bring his wife and rape her in front of him."

Rizayev lost consciousness while telling this to the Court, Ikramov added. An ambulance was called, and the Court adjourned for thirty minutes. After the Court hearing resumed, Judge Mukhamedova and Prosecutor Karimov did "not react at all to the facts of torture". Ikramov expressed to Forum 18 that "Perhaps they live in the dark ages, and according to their mentality this is all normal."

The Court also ignored the testimony of Ravshan Sadykov, one of the defendants, about his torture during the investigation, Ikramov added. "Police choked him by putting a plastic bag over his head, and electrocuted him in his earlobes to make him confess he was guilty."

Violence and torture, or threats of this, by police and other officials are "routine", the United Nations Committee Against Torture found in 2007 (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Ikramov added that the Court also did "not hear the six witnesses who were supposed to give testimonies of the defendants' innocence."

Four Protestants given short prison terms

Meanwhile on 20 April, the authorities in the north-western Karakalpakstan [Qoraqalpoghiston] autonomous region gave short prison terms to four Protestant men – Marat, Joldasbai, Atamurat and Salamat (last names not given). Judge Sailaubai Mambetkadyrov of the Criminal Court in Nukus, Karakalpakstan's regional capital, handed down the 15-day administrative prison terms to punish them for meeting for worship in a home.

The four Protestants were freed from custody on 5 May, Protestants from Nukus, who asked not to be named for fear of state reprisals, told Forum 18 in mid-May. The men were "starved" while in NSS secret police custody, independent news agency centre1.com reported on 28 April, based on sources from Nukus.

"There is a wider persecution [of Protestant Christians] going on in Karakalpakstan now," Protestants told Forum 18. "Many believers were dismissed from their jobs." Because of the fear of the authorities, they did not want to discuss with Forum 18 the jailings or other cases.

The authorities have refused state registration (and therefore the right to exist) to all religious communities in Karakalpakstan except mosques of the state-backed Muslim Board and one Russian Orthodox parish. Officers frequently raid and punish local Protestants

(see F18News 17 May 2017 http://www.forum18.org/archive.php?article_id=2280). (END)

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief 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 is at http://www.forum18.org/Archive.php?article_id=1351.

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