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UZBEKISTAN: Police agent provocateur used to entrap Muslims

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

A police agent provocateur tried to get four young men interested in Islam to support terrorism. After this failed, Tashkent City Criminal Court jailed three of the men for between five and six years. Despite telling the Court that their "confessions" were extorted by torture "this was totally ignored". Another trial of eight men is underway on similar charges at the same Court.

At the end of a trial on 13 March of four men aged between 19 and 22 who had sought to learn more about Islam, Tashkent City Criminal Court jailed three of them for between five and six years. The fourth was given a community work sentence and ten per cent deduction of his wages for a year.

In August 2019 Mirjamol Yuldashev created a Telegram messenger group to discuss Islam at the instigation of Samarjon Abdullayev, who was his private boxing coach and an undercover police agent provocateur. Yuldashev invited Muhammad Kodyrov, Botyraly Kurbonov and Khudoyberdy Dultayev to join the group (see below).

Since 2016, the four young men had been interested in finding out about Islam. But Abdullayev – apparently on police instructions - tried to get them to agree to support terrorism and go to Syria to fight (see below).

Abdullayev was not put on trial and was a witness for the state during the trial of the four young men. While giving testimony "he accidentally admitted that he received instructions from the police", a relative who wishes to remain anonymous for fear of state reprisals told Forum 18 (see below).

Police arrested the four young men – but not Abdullayev. During the pre-trial detention "Erkin Beknazarov of Tashkent Police Criminal Investigation Department (CID) and other officers tortured the three men in the police station basement and dictated the confessions to them," Yelena Urayeva, an independent human rights defender from Tashkent who chairs the Human Rights Alliance, told Forum 18 (see below).

Beknazarov of Tashkent CID would not answer when Forum 18 asked him on 2 June 2020 why he tortured the defendants. Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Uzbekistan is under a binding legal obligation to arrest and put on criminal trial for torture any official suspected of torture. This does not seem to have happened yet (see below).

On 13 March 2020, Yuldashev was jailed for six years, Kodyrov was jailed for five years, Kurbonov was jailed for five years and six months, and Dultayev was sentenced to one year of community work, with the state deducting ten per cent of his income during that year.

The defendants told Tashkent City Criminal Court that the "confessions" were extorted from them by torture, human rights defender Urayeva told Forum 18. "Instead of seriously investigating this," she complained, "both Judge Turgunova and Nurmatov of the Prosecutor's Office scolded the defendants and asking them why they did not complain about this to Interior Ministry medical personnel" (see below).

Defence lawyer Dilshod Jabbarov asked the Court and the Prosecutor's Office to investigate the informer Abdullayev's actions, and open a criminal case against him. "But this was totally ignored," a relative told Forum 18 (see below).

Eight Muslim men are currently on trial in Tashkent in a similar case. Alisher Kasymov, Shakhzodjon Zokirov, Javokhir Akhmedov, Ubaydulla Murtazoyev, Azimjon Abdusamatov, Bakhodir Jokhonov, and Abdulboriy Abdurakhmonzoda are accused of allegedly downloading "extremist sermons" and discussing Islam among themselves. They were also tortured (see below).

Discussing Islam

In August 2019 Mirjamol Yuldashev created a Telegram messenger group to discuss Islam at the instigation of Samarjon Abdullayev, who was his private boxing coach and an apparent undercover police agent provocateur, a source who knows the case

well told Forum 18 on 29 May 2020. The source wishes to remain anonymous for fear of state reprisals.

Yuldashev invited three other young men to join the group. They were Muhammad Kodyrov, who like Yuldashev is from the capital Tashkent, Botyraly Kurbonov and Khudoyberdy Dultayev from Uchkuprik District of the eastern Fergana Region.

"They did not know Yuldashev before, and were innocently looking for information on the internet about their new-found faith," a relative of one defendant, who wishes to remain anonymous for fear of state reprisals, told Forum 18 on 22 May.

Yelena Urlayeva, an independent human rights defender from Tashkent who chairs the Human Rights Alliance, told Forum 18 on 22 May that relatives told her that the young men got to know each other via social media. "They were all were looking for information on the internet about Islam, and the authorities watched them."

The State Security Service (SSS) secret police is known to carry out both covert and open surveillance of all religious communities (http://www.forum18.org/archive.php?article_id=2314).

Yuldashev, Kodyrov, Kurbonov, and Dultayev were subsequently arrested, tortured, and after being put on trial in Tashkent from 13 January to 13 March 2020 punished for their participation in the group.

The trial verdict, seen by Forum 18, states that, between 2016 and August 2019, the four young men listened to the sermons of banned imams such as Abduvali Mirzayev.

Mirzayev was an imam in Andijan in eastern Uzbekistan, whose recorded sermons became popular among Muslims across the country. He "disappeared" with his assistant at Tashkent Airport in 1995 (http://www.forum18.org/archive.php?article_id=1900) and has never been seen again.

Credible evidence exists that the regime has used false accusations of listening to his sermons, combined with the use of informers, to convict Muslims who have only met to pray and study the Koran.

Agent provocateur

Abdullayev was not put on trial and was a witness for the state during the Tashkent trial of the four young men. While giving testimony "he accidentally admitted that he received instructions from the police", a relative of one of the defendants who wishes to remain anonymous for fear of state reprisals told Forum 18.

"Abdullayev himself began provoking the young men by writing comments in the messenger such as 'Muslim men should fight for their faith', 'Muslims should join jihad in Syria and other places'," the relative told Forum 18.

"The sermons [by the imams the young men listened to] covered various Islamic topics, including the subject of jihad. Some of those imams propagate jihad as war but others preach against it. Abdullayev recommended sermons to support his idea of jihad as war," the relative told Forum 18.

Another relative told Forum 18 that the young men "argued with Abdullayev and said that they are not sure that jihad means going to war with those from other faiths or convictions. After these discussions, Dultayev asked the Imam of the local mosque he attends in Fergana about the issue, and was told that jihad does not mean war with others."

The four young men agreed to meet on 12 August 2019, but only Kodyrov and Yuldashev came. "This again was Abdullayev's idea. He manipulated Yuldashev to arrange the meeting," the second relative told Forum 18. "Abdullayev's original idea was that the four meet and discuss how they could go to Syria, promising them money, but this did not work out since only Kodyrov came to see Yuldashev."

"Kodyrov was scared after the meeting with Yuldashev and he informed his relatives about the messenger group, their discussions, and blocked Yuldashev's and Abdullayev's numbers. He also cleared all the chats in the messenger group from his phone", the second relative stated.

Two weeks after this, on 26 August 2019, Abdullayev took Yuldashev to Tashkent International airport to find out the cost of plane tickets to Turkey. Human rights defender Urlayeva told Forum 18 that Abdullayev promised on the group that he would help they buy tickets to Turkey, and if necessary would send them there as boxers of the Boxing Federation. He told them that if they decided to go to Syria to fight for Muslims, it could be easy to do so from Turkey. He recorded the conversation.

During the four men's trial, one of the defendants' relatives told Forum 18, defence lawyer Dildshod Jabborov asked Abdullayev why he took Yuldashev to the airport. "We decided to do this," Abdullayev replied. When Jabborov asked who "we" were, Abdullayev replied: "Me and the police, because they already knew about what was going on and told me that I needed to go to the airport and record the conversation."

Torture

On 29 August 2019, police detained Yuldashev and Kodyrov, and on 10 September detained Kurbonov. During the pre-trial detention "Erkin Beknazarov of Tashkent Police Criminal Investigation Department (CID) and other officers tortured the three men in the police station basement and dictated the confessions to them," human rights defender Urayeva stated.

Yuldashev "confessed" to having 995 grams of agricultural fertiliser – allegedly found by police in his home – to make a bomb with. One relative pointed out that such fertiliser is widely available. Kodyrov and Kurbonov "confessed" that they were preparing to go to Syria for jihad.

Beknazarov of Tashkent CID would not answer when Forum 18 asked him on 2 June 2020 why he tortured the defendants. He then put the phone down and did not answer subsequent calls.

Under the United Nations (UN) Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Uzbekistan is under a binding legal obligation to arrest and put on criminal trial for torture any official suspected of torture (http://www.forum18.org/archive.php?article_id=2314). This does not seem to have happened yet.

Tashkent Prosecutor's Office did not answer multiple phone calls between 29 May and 2 June.

Sentenced

On 13 March 2020, Judge Mukhtaram Turgunova of Tashkent City Criminal Court sentenced Yuldashev, Kodyrov, Kurbonov and Dultayev. The Prosecutor's Office brought the charges, and was represented by Iftikhor Nurmatov.

Yuldashev (born 14 September 1997) was convicted under Criminal Code Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") and Criminal Code Article 155-2, Part 1 ("Undergoing training to carry out terrorism"). He was jailed for six years.

Kodyrov (born 31 October 1998) was convicted under Criminal Code Article 244-2, Part 1 and was jailed for five years.

Judge Turgunova ordered the sentences of Yuldashev and Kodyrov to be counted from 12 September 2019, the day Tashkent City Criminal Court authorised their pre-trial detention.

Kurbonov (born 15 July 2000) was convicted under Criminal Code Articles 244-2, Part 1 and 244-1, Part 3 (d) ("Production and storage 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 using the mass media or telecommunication networks, as well as the world wide web") He was jailed for five years and six months.

Kurbonov's sentence will be counted from 24 September 2019, the day he was taken into pre-trial detention.

Dultayev (born 4 January 2001) was convicted under Criminal Code Article 241-1, Part 1 ("Failure to report a crime or concealing a crime") and was sentenced to one year of community work, with the state deducting ten per cent of his income during that year. Oversight of the punishment was assigned to Uchkuprik District Police in Fergana Region where Dultayev lives. He had not been held in pre-trial detention.

Most of these Criminal Code articles have been previously used to jail Muslims whose only "crime" is to meet to study their faith and pray (http://www.forum18.org/archive.php?article_id=2314).

Call to investigate informer "totally ignored"

During their trial at Tashkent City Criminal Court, the defendants testified that the "confessions" had been extorted from them by torture, human rights defender Yelena Urayeva told Forum 18. "Instead of seriously investigating this," she complained, "both Judge Turgunova and Nurmatov of the Prosecutor's Office scolded the defendants and asking them why they did not complain about this to Interior Ministry medical personnel."

One of the defendants' relatives told Forum 18 that defence lawyer Jabbarov asked the Court and the Prosecutor's Office to investigate the informer Abdullayev's actions, and open a criminal case against him. "But this was totally ignored."

Judge Turgunova on 2 June told Forum 18 that "I already gave my decision, and I will not discuss it with you". Asked when Uzbekistan will fulfil its legally binding international obligations by arresting and putting on criminal trial the suspect torturers she

put the phone down.

Defence lawyer Jabborov told Forum 18 on 28 May that "an appeal will only be possible after the lockdown loosens. The Court decision has not entered into force. We are waiting for the Court to let us know when we can file our appeal."

"Kodyrov cannot be visited in prison because of the lockdown. He told his father by phone on 18 May in a 15 minute conversation that he is being treated normally," Jabborov added.

Yuldashev, Kodyrov, and Kurbonov are currently held in Tashkent's Investigation Prison:

Ichki Ishlar Vazirligi 1-sonli Tergov Xibisxonasi

Bogzor kochasi

Zangiota tumani

Tashkent viloyati

Uzbekistan

Another informer, more criminal charges

Eight Muslim men are currently on trial in Tashkent in a similar case, including Alisher Kasymov, Shakhzodjon Zokirov, Javokhir Akhmedov, Ubaydulla Murtazoyev, Azimjon Abdusamatov, Bakhodyr Jokhonov, and Abdulboriy Abdurakhmonzoda. They are accused of allegedly downloading "extremist sermons" and discussing Islam among themselves.

On 23 November 2018, Tashkent's Sergeli District Court had given Kasymov a suspended sentence of five years' restricted freedom under Criminal Code Article 244-1, Part 2 ("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").

Murtazoyev, Tursunov, Zokirov, and Kasymov were given 15-day short-term jail terms on fabricated charges in August 2019, human rights defender Urayeva told Forum 18.

Urayeva and a relative of one of the defendants in custody told Forum 18 that the eight men "began looking for information on the Muslim faith on the internet, and soon the police began watching their social media profiles."

Four of the defendants – including one who allegedly wanted to blow up a police station and to go to Syria – are not being held in pre-trial detention. Urayeva and the relative think that police used some of the defendants to "provoke discussions of jihad".

Defence lawyer Jabborov told Forum 18 that Murtazoyev, Tursunov, Zokirov and Kasymov are in police custody, but the other four are under house arrest.

Tamara Umedova, Murtazoyev's mother, told Forum 18 on 29 May that "our son is very young as are the others. He is totally innocent, and the police fabricated the case. He was supposed to get married soon. We are very sad for his detention and also embarrassed in front of his bride and her family."

Umedova explained that the police uses as evidence of extremism the picture her son put on his Instagram account where he made himself a head cover from his scarf. "He was just playing around with his friends when the picture was taken. Some friends commented under the picture that he looked like a real Muslim." Police claim that this is evidence of a wish to be a terrorist.

Major Talat Elbekov, Senior Investigator of the Interior Ministry's CID, opened a criminal case against the eight men. On 10 January 2020, Lieutenant Colonel Sherzod Shermatov, the head of the CID, signed the indictment.

Torture

The men were tortured for 11 days in the Interior Ministry building, human rights defender Urayeva told Forum 18. Major Elbekov and other officers "severely beat the defendants to extort confessions. The officers also threatened them that their family members will be brought to the Ministry building and will be severely physically assaulted in front of them. Many of them had bodily injuries."

Lieutenant Colonel Shermatov of the Interior Ministry adamantly denied the torture. "We thoroughly investigated the case, and all

the actions of the investigators were lawful," he claimed to Forum 18 on 2 June.

When Forum 18 asked when Major Elbekov and others will be – in line with Uzbekistan's international obligations – arrested and put on criminal trial for torture Shermatov replied: "There is no need for that, since no violations took place against the defendants."

In Urgench and Namangan Regions, Protestant Christians complained about police raids and house searches without warrants, as well as police pressure on individuals to sign fabricated statements. "Investigations" in both places in 2019 found no police wrongdoing. Instead, church members faced possible punitive measures. (http://www.forum18.org/archive.php?article_id=2445)

Similarly in 2018, police officer Ravshan Sobirov, who tortured Jehovah's Witness Anvar Tajiyev and made death threats against him, was not brought to justice as Uzbekistan's international human rights obligations require. Tajiyev lost hearing in one ear and still suffers headaches (http://www.forum18.org/archive.php?article_id=2374). Many complaints to the President, national and local Prosecutor's Offices have led to no arrests or prosecutions.

Demonstration

Relatives of the defendants and human rights defender Uralyeva conducted a demonstration in Tashkent on 17 March in front of the Interior Ministry. They handed in a complaint signed by the participants demanding an investigation into the torture. During the demonstration, an unknown man attacked Uralyeva and tried to take away her camera. The participants of the demonstration protected her and the man did not succeed.

No relatives or human rights defenders wanted in court, case postponed

The case against the eight men was handed to Tashkent City Criminal Court, and the trial began on 18 March under Judge Khamid Shamshiyev.

The Judge had instructed police to deny entry to the Court to one of the relatives and human rights defender Uralyeva, but they managed to get into the court. She criticised Judge Shamshiyev for barring them from the hearing and "demanded that he should take measures about the facts of police torture of the defendants." Judge Shamshiyev "then announced a break and demanded that all the relatives and human rights defenders leave the room, which we did," Uralyeva said.

Jahongir Bobonazarov, Judge Shamshiyev's assistant, refused to answer any question from Forum 18 on 2 June, including when Uzbekistan will fulfil its legally binding international obligations by arresting and putting on criminal trial for torture the suspect torturers.

The same day the case opened, Judge Shamshiyev postponed the hearing of the case until a later date. It has now been postponed for an indefinite period because of the lockdown, Kadyrov's defence lawyer Dilshod Jabborov told Forum 18 on 28 May.

Criminal charges

The charges against seven of the eight Muslims are:

Alisher Kasymov, born 5 December 1986, charged under Criminal Code Articles 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") and 155-3, Part 1 ("Financing of terrorism");

Shakhzodjon Zokirov, born 3 August 1999, charged under Criminal Code Articles 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"), 159, Part 1 ("Attempts to change the Constitutional order"), 155 Part 2 ("Terrorism"), and 155-2, Part 1 ("Undergoing training to carry out terrorism");

Javokhir Akhmedov, born 19 August 1996, charged under Criminal Code Articles 244-2, Part 1, 244-1, Part 3 (d) ("Production and storage 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 using the mass media or telecommunication networks, as well as the world wide web");

Ubaydulla Murtazoyev, born 26 January 1996, and Bakhtiyor Tursunov, born 21 August 1997, both charged under Criminal Code Articles 244-2, Part 1, 244-1, Part 3 (d), and 159, Part 3 (a) ("Repeated attempts to change the Constitutional order");

Azimjon Abdusamatov, born 28 February 2000, charged under Criminal Code Articles 244-2, Part 1, 159, Part 1, and 155, Part 2;

Bakhodiyr Jokhonov, born 17 November 1999, charged under Criminal Code Article 244-2, Part 1;

Abdulboriy Abdurakhmonzoda, born 20 May 2000, charged under Criminal Code Articles 241, Part 1 ("Failure to report a crime or concealing a crime"), and 155-1, Part 1 ("Failure to report information on terrorist acts").

Ifthihor Nurmatov is representing the Prosecutor's Office in Court. Tashkent City Prosecutor's Office did not answer their phones between 29 May and 2 June.

Lieutenant Colonel Shermatov of the Interior Ministry CID refused on 2 June to say what actions of the defendants justified such serious charges. "Everything is clearly written out in the indictment," he mumbled. He then refused to discuss the case more. "We referred the case to the Court, and now it is up to them." (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan
(<http://www.forum18.org/archive.php?query=&religion=all&country=33>)

For more background, see Forum 18's Uzbekistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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