

23 December 2020

UZBEKISTAN: Extremism charges against Samarkand Shia Muslim?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The Samarkand police "Struggle with Extremism and Terrorism Department" has opened a case against Shia Muslim Rashid Ibrahimov, twice questioning him without a written summons. Officers sent material from his phone, including texts of sermons, to the Religious Affairs Committee for "expert analysis". "Depending on that, they may bring administrative or criminal charges against him," a source told Forum 18. Officials are hostile to Shia Islam. Human rights defender Doctor Alimardon Sulonov is challenging his 14-month restricted freedom sentence.

On 18 December, police from the "Struggle with Extremism and Terrorism Department" in the central city of Samarkand opened a case against Shia Muslim Rashid Ibrahimov, the regional police "Struggle with Extremism and Terrorism Department" head Ulugbek Gainazarov confirmed to Forum 18. He refused to discuss details of the case. The case was opened the same day that Traffic Police stopped Ibrahimov as he was taking his children to a doctor's appointment. Officers questioned him twice at a police station, apparently without a written summons, and copied all the material on his phone.

The police "sent the texts of the sermons, which Ibrahimov and others other preached, and which were found on the phone confiscated from him on 18 December, to the Religious Affairs Committee in Tashkent," a source familiar with the case told Forum 18. The regional police are waiting for the Committee's "expert analysis". "Depending on that, they may bring administrative or criminal charges against him" (see below).

The Religious Affairs Committee conducts the prior, compulsory state censorship of all "materials of religious content" (https://www.forum18.org/archive.php?article_id=2314). It is illegal to distribute religious materials which have not undergone the Religious Affairs Committee censorship (see below).

The case against Ibrahimov comes amid state hostility to Shia Muslims exercising their right to freedom of religion or belief. Officials pressured those who launched a petition in 2019 for 15 long-closed Shia mosques in Bukhara to be reopened (https://www.forum18.org/archive.php?article_id=2527). Only four Shia mosques have been allowed the compulsory state registration (https://www.forum18.org/archive.php?article_id=2622), without which it is illegal to meet for worship. Officials demand that all mosques come under the state-controlled Spiritual Administration of Muslims, or Muftiate, though no law seems to require this (see below).

In the north-western region of Karakalpakstan, hospital doctor and human rights defender Dr Alimardon Sulonov is seeking to overturn his conviction for seeking information about the prevalence of the coronavirus locally, and for possessing religious materials. His appeal at Karakalpakstan Supreme Court is set to resume on 29 December (see below).

On 24 November, a lower court handed Dr Sulonov a 14-month restricted freedom sentence. During his sentence, he will live under restrictions, having to report to police regularly and having to be at home every night. He cannot leave the district without police permission. He will also be banned from using "means of communication", including the internet. He also cannot participate in public events or festivities. He is not sure if he will be allowed to attend mosque (see below).

Little change in long-promised new Religion Law?

The draft of the long-promised new Religion Law – adopted in the first reading in the lower house of parliament on 15 September (https://www.forum18.org/archive.php?article_id=2604) – would retain almost all existing state controls on exercising freedom of religion or belief.

The draft was severely criticised by local human rights defenders as well as in a Joint Opinion by the Council of Europe's Venice Commission and the Organisation for Security and Co-operation in Europe's (OSCE) Office of Democratic Institutions and Human Rights (ODIHR) (https://www.forum18.org/archive.php?article_id=2609).

Since the 15 September first reading approval, Parliament has given no indication of when the draft new Law might be considered in second reading.

Traffic Police stop taxi, "Struggle with Extremism and Terrorism Department" forcibly detains Ibrahimov

Samarkand regional police "Struggle with Extremism and Terrorism Department" opened a case on 18 December against Rashid Ibrahimov, a member of a Shia mosque community in the central city of Samarkand, the head of the police "Struggle with Extremism and Terrorism Department" Ulugbek Gainazarov confirmed to Forum 18 on 23 December. However, he refused to give details. Asked why Ibrahimov was detained and questioned and whether Shia Islam is banned in Uzbekistan, Gainazarov told Forum 18: "We cannot discuss the case over the phone."

Gainazarov then referred Forum 18 to Uzbekistan's Foreign Ministry, and declined to talk further.

On the morning of 18 December, Samarkand Traffic Police stopped the taxi in which Ibrahimov, his wife and their two children were travelling to a doctor's appointment. The police "claimed to the taxi driver that he has unpaid fines, and asked him to park the car on the roadside," an individual familiar with the situation and who asked to remain unnamed for fear of state reprisals told Forum 18 on 19 December. "While the taxi driver was arguing with the police that he has does not have fines, another police car with three "Struggle with Extremism and Terrorism Department" officers arrived."

"Struggle with Extremism and Terrorism Department" head Gainazarov, and two other officers – Sukhrob Usmonov and another officer (name was not given) – told Ibrahimov that he had to go with them to the Samarkand police "Struggle with Extremism and Terrorism Department". Usmonov claimed to Ibrahimov that a complaint had been filed against him.

The officers told Ibrahimov that he had to get in the police car and go with them. However, Ibrahimov refused to do so. "He told the officers that he has to take his family home, and that the police should come to him with an official order, which they did not have."

When the three officers began threatening him with arrest, Ibrahimov tried to make a phone call to his relatives. The officers then "forcibly took away the phone from him". Officer Usmonov told Ibrahimov "not to make a fuss on the street. We will talk to you in our office and if we cannot find anything illegal on your phone we will let you go."

When Ibrahimov still refused to go with the police, "Struggle with Extremism and Terrorism Department" head Gainazarov and the third officer (who would not give his name) "pushed him into the police car forcibly by twisting his arms". Police then took him to the "Struggle with Extremism and Terrorism Department", "leaving his scared wife and children on the street".

First police questioning

At the police station on 18 December, officers forced Ibrahimov to unlock his mobile phone "by threatening him with arrest". The officers then copied all the data from it. "These files had Shia Muslim sermons including Ibrahimov's own preaching," the source told Forum 18.

Officers asked Ibrahimov why the community had gathered for Ashura [Shia ceremony of mourning the deaths of Imams Hassan and Hussein] in late August during the pandemic.

The police made Ibrahimov write a statement saying that "he is sorry about what happened", and that "he promises that he will not participate in future in such gatherings for Ashura". After this officers released Ibrahimov to return home.

Second police questioning, possible filming

At 8 am the next morning, 19 December, Officer Usmonov phoned Ibrahimov and summoned him again to the police station. When Ibrahimov told Officer Usmonov that he needed to hire a lawyer, the officer responded: "No need to make a fuss. We will only fine you." It appears that, as on the previous day, officers gave Ibrahimov no written summons.

When Ibrahimov arrived, Usmonov asked him to repeat to the camera what he wrote in the statement. Ibrahimov refused to do so. The source told Forum 18 that Ibrahimov is not sure whether or not he was filmed at the police station. Officer Usmonov then released Ibrahimov after he signed a document that he will not leave Uzbekistan while the investigation proceeds.

How can Committee conduct "expert analysis" of Shia materials?

Samarkand Police told the lawyer that Ibrahimov hired that the files from Ibrahimov's phone were sent for "expert analysis" to the Religious Affairs Committee in the capital Tashkent. "I wonder how the Committee will conduct their expert analysis," the source commented. "There are no Shia religious experts there."

The Religious Affairs Committee conducts the prior, compulsory state censorship of all "materials of religious content"

(https://www.forum18.org/archive.php?article_id=2314). It is illegal and punishable to distribute religious materials which have not undergone the Religious Affairs Committee censorship.

Asked on 23 December whether the Religious Affairs Committee in Tashkent has experts on Shia religious materials, Mukhiddin Khakimov, the Committee official responsible for work with mosques, could not answer. He referred Forum 18 to the Committee Chief Specialist Begzod Kadyrov.

Khakimov told Forum 18 adamantly that Shia Islam is "not banned in Uzbekistan". When Forum 18 asked why Shia Muslims are being punished for gathering for prayer or reading their religious books, and why their mosques are denied registration, he again referred Forum 18 to Kadyrov. The phones of Kadyrov and other officials went unanswered on 23 December.

State hostility to Shia Islam

The case against Ibrahimov comes amid long-standing state hostility to Shia Muslims exercising their right to freedom of religion or belief. Officials pressured those who launched a petition in 2019 for 15 long-closed Shia mosques in Bukhara to be reopened (https://www.forum18.org/archive.php?article_id=2527), and officials have denied Shia mosques the compulsory state registration (https://www.forum18.org/archive.php?article_id=2622), without which it is illegal to meet for worship.

Officials demand that all mosques come under the state-controlled Spiritual Administration of Muslims, or Muftiate (https://www.forum18.org/archive.php?article_id=2314), though no law seems to require this.

Shia Muslims have several communities but no registered mosques of their own, but one is intending to apply for registration. An official in Bukhara claimed to Forum 18 on 14 December (https://www.forum18.org/archive.php?article_id=2622) that Shias "have never asked for registration".

Sultonov challenges restriction of freedom sentence

Doctor Alimardon Sultonov is seeking to overturn his conviction for seeking information about the prevalence of the coronavirus locally (https://www.forum18.org/archive.php?article_id=2564) and having religious materials.

Dr Sultonov is a devout Muslim known for discussing freedom of religion and belief issues (https://www.forum18.org/archive.php?article_id=2604), and works as a trauma surgeon at Ellikkala Central State Hospital. In March 2020 he questioned why local authorities had publicly stated that there were no coronavirus cases in Ellikkala, as he suspected that the authorities had concealed the real figures (https://www.forum18.org/archive.php?article_id=2614). "I had access to the statistics centre database", Dr Sultonov noted, "and have read that the number of deaths was 20".

After Dr Sultonov called, five police, Interior Ministry, and State Security Service (SSS) secret police officers came from the regional capital Nukus to question him, confiscate a computer with religious texts (https://www.forum18.org/archive.php?article_id=2604), and then open a criminal case against him.

After considering a range of charges against Dr Sultonov, prosecutors finally brought charges under a new Criminal Code Article 244-5 ("Dissemination of knowingly false information about an infectious disease") (https://www.forum18.org/archive.php?article_id=2564), as well as under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature"). Dr Sultonov denied the charges.

Dr Sultonov's trial began under Judge Orazbay Maulenov at Ellikkala District Criminal Court on 14 October (https://www.forum18.org/archive.php?article_id=2614). At the final hearing on 24 November, the Judge handed him a 14-month restricted freedom sentence, according to the decision seen by Forum 18.

Each day of Sultonov's three-month pre-trial house arrest counts as one day of his restricted freedom sentence.

Court Chancellery Chief Kalendarov confirmed to Forum 18 that Sultonov's time under house arrest will be taken into account. However, he said that the term of punishment will be counted from the date the court decision enters into force. Kalendarov further declined to comment on the case or put Forum 18 through to other Court officials.

During his sentence, Sultonov will live under restrictions, having to report regularly to Ellikkala District Police and having to be at home from 10 pm to 6 am every day. He cannot leave the District without police permission. He will also be banned from using "means of communication", including the internet. He also cannot participate in public events or festivities.

Sultonov is unsure if he will be allowed to attend mosque. "We'll see," he told Forum 18.

Although Dr Sultonov retains his job at the hospital, he will be unable to undertake night shifts for the duration of his sentence because of his night-time curfew.

Prosecutor F. Sabirov, and police Investigators Colonel Bakhadyr Uzakbayev and A. Utemuradov, "demanded that he be jailed and backed up their accusations with false witness testimony", the Human Rights Alliance of Uzbekistan – which sent three observers to the final hearing in the trial – noted on 25 November.

Appeal began on 22 December

On 3 December, Sulstonov filed an appeal against his sentence to Karakalpakstan Supreme Court in Nukus (the highest Court there). The sentence will enter into force if he loses his appeal. He told Forum 18 that he hopes that the Court will either cancel or reduce the sentence.

On 22 December a panel of three judges at the Court - Abdukamol Abdukarimov, Timur Turdimuratov and Askar Begmanov - began hearing the appeal. They then postponed the case until 29 December.

"My activity will be silenced"

"Taking into account that I was under house arrest for three months between 29 June and 29 September, my sentence will be completed at the end of 2021 or the beginning of 2022," Sulstonov told Forum 18.

Sulstonov is concerned that, given the curfew and the ban on communication, if the sentence remains in force "my activity will be silenced this way". (END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey (https://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
(https://www.forum18.org/archive.php?article_id=1351)

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