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UZBEKISTAN: Five years jail for defending Muslims' freedom of religion and belief

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

After repeatedly defending Muslims' freedom of religion and belief, including demonstrating outside President Shavkat Mirziyoyev's residence, Tulkun Astanov has been jailed for five years. A state report accused him of following "sources of biased news such as Radio Free Europe", and publishing "unsubstantiated and exaggerated" information. Prisoner of conscience Astanov is being banned in jail from reading the Koran and praying the namaz.

After repeatedly defending the freedom of religion and belief of Muslims, including demonstrating outside President Shavkat Mirziyoyev's residence in the capital Tashkent, a city court has jailed 49-year-old Tulkun Astanov for five years. Tashkent City Criminal Court rejected his appeal on 5 January.

The jail sentence followed an October 2019 five-year suspended prison term for visiting the state-controlled Muslim Board to discuss restrictions on Muslims' freedom of religion and belief. Deputy Chief Mufti Mansur accused Astanov of being a "hooligan", and being disrespectful to the Muftiate's "spiritual leadership". Astanov was then jailed for 15 days but continued defending Muslims' freedom of religion and belief (see below).

In November 2020 Astanov left the boundaries of the city of Tashkent, against the terms of his suspended sentence, to visit Muslims in Yangikurgan in Namangan Region and Chinaz in Tashkent Region "who asked him to represent them as a public defender before the authorities", his lawyer Umid Davlatov told Forum 18. "He did not agree with his punishment given to him for defending the freedom of religion and belief of Muslims" (see below).

The Agency of Information and Mass Communications under the Presidential Administration (AIMC) on 26 November 2020 produced a report based on social media activity claiming that prisoner of conscience Astanov follows "sources of biased news such as Radio Free Europe", and published "unsubstantiated and exaggerated" information. No official was prepared to discuss the claims with Forum 18 (see below).

Judge Karimov on 21 January 2021 refused to tell Forum 18 why he imposed a jail term instead of a lesser punishment such as a warning. He was at first hesitant, and then told Forum 18: "Please, understand me correctly, I am not authorised to give you comments on the case. You need to write an official letter to us through the Supreme Court" (see below).

On 1 December prisoner of conscience Astanov was transferred to General Regime Prison No. 1, even though this legally can only follow an appeal hearing. "My client was taken to prison in violation of the law without waiting for the result of the appeal," lawyer Davlatov told Forum 18 (see below).

Judge Karimov told Forum 18 that "based on the Law they should have waited for the appeal decision, but I do not know all the regulations for the Interior Ministry's Chief Directorate for the Enforcement of Punishments" (see below).

Prisoner of conscience Astanov is not being allowed to read the Koran or pray the namaz (daily prayers). Such violations of a prisoner's human rights are not permitted under the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules), which the regime routinely ignores (see below).

Prison officials refused on 22 January to Forum 18 why they are violating prisoner of conscience Astanov's freedom of religion and belief, and told Forum 18 that the head of the prison Farrukh Ismatov "does not want to talk to you" (see below).

Prisoner of conscience Astanov's wife Mukhayyo Astanova told Forum 18 that "we have several minors in the family with some teenagers. I work as a doctor and take night shifts sometimes in the hospital because of the coronavirus pandemic. It is very difficult for me to deal with all the family problems alone." She added that "this is so unfair to punish us for only trying to be good Muslims" (see below).

In another case, Doctor Alimardon Sultonov has unsuccessfully challenged a 14-month restricted freedom sentence. On 7 January judges refused his appeal, despite the prosecutor being described as "more emotional, yelling and behaving unprofessionally in a disrespectful manner to the Court and defendant" (see below).

During his restricted freedom sentence, Dr Sultonov will live under restrictions, having to report regularly to Ellikala 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 (see below).

Probation Officer Khujanazar told Sultonov on 12 January that among other places he cannot attend mosque for Friday prayers (though he is able to go at other times). Khujanazar told Sultonov that mosque prayers are a public event, and he cannot attend public events. Dr Sultonov can work on night shifts, as the Supreme Court of Karakalpakstan on 7 January provided him with a special written permit allowing him to do this (see below).

Probation Officer Khujanazar told Forum 18 on 22 January that he had not told Dr Sultonov that he cannot go to a mosque. "I have not said that to him. I told him that he can attend a mosque, but not a mass event on the street" (see below).

Suspended sentence

On 18 October 2019, Tashkent City Criminal Court gave human rights defender Tulkun Tashmuradovich Astanov (born 25 April 1971) a five-year suspended prison term for visiting the state-controlled Muslim Board (https://www.forum18.org/archive.php?article_id=2513) to discuss restrictions on Muslims' freedom of religion and belief. This followed Astanov's observation of a trial where two Muslim women, Luiza Muminjanova and Nazimakhon Abdukakharova, tried unsuccessfully to challenge the ban on wearing the hijab (http://www.forum18.org/archive.php?article_id=2472) (Muslim head covering).

At an 8 April 2019 meeting, Astanov asked Deputy Chief Mufti Abdulaziz Mansur among other things why the hijab is banned (https://www.forum18.org/archive.php?article_id=2513), why imams have to be appointed by the state and preach sermons prepared for them by the state, and why the Muftiate does not help Muslims when their freedom of religion and belief is violated. Deputy Chief Mufti Mansur accused Astanov of being a "hooligan", and being disrespectful to the Muftiate's alleged "spiritual leadership". Police were called and later in the day officers arrested Astanov (http://www.forum18.org/archive.php?article_id=2471), who was then jailed for 15 days (http://www.forum18.org/archive.php?article_id=2471).

Continued defence of Muslims' freedom of religion and belief

After being released at the end of his short-term jailing, Astanov continued to defend Muslims' freedom of religion and belief (https://www.forum18.org/archive.php?article_id=2586), for example in cases where Muslims who discussed their faith with others were tortured and agent provocateurs used to bring false charges.

In November 2020, Astanov left the boundaries of the city of Tashkent to visit "Muslims in Yangikurgan in Namangan Region and Chinaz in Tashkent Region who asked him to represent them as a public defender before the authorities," his lawyer Umid Davlatov told Forum 18 on 20 January 2021. He said that Astanov "asked a probation officer for permission to visit those places, but they refused."

Astanov still visited the Muslims who asked for his help, breaking the terms of his five-year suspended prison term (https://www.forum18.org/archive.php?article_id=2513), "as he did not agree with his punishment given to him for defending the freedom of religion and belief of Muslims." Lawyer Davlatov said, however, that Astanov did "not violate the curfew hour and he returned home every day on time".

Mukhayyo Astanova, Astanov's wife, told Forum 18 on 20 January that the "Uchteppa Police knew of the cases, and Tulkun was officially summoned as a witness to Chinaz Administrative Court to a hearing. The case was brought against some local parents whose daughters attended the secondary schools in hijab." Astanov and the parents were "successful in cancelling the fines".

Astanova also told Forum 18 that her husband visited police and Prosecutor's officials to ask why the parents and daughters were detained and questioned, and why their phones were confiscated, and whether any other cases were opened against them.

Protest in front of President's residence

Human rights defender Yelena Uralyeva, who chairs the Human Rights Alliance, told Forum 18 on 19 January 2021 that on 17 November 2020 she - together with Astanov and the wife of an arrested Koran reader, 25-year old Oyatullo Khoshimov – staged a demonstration outside President Shavkat Mirziyoyev's residence in Tashkent. They called for Khoshimov's immediate release from police custody.

Khoshimov is a winner of a regime-organised competition to find Koran Hafizes (individuals who have memorised the Koran). This is one source used to identify Muslims for regime surveillance and warnings (https://www.forum18.org/archive.php?article_id=2520), and the State Security Service (SSS) secret police then question winners. Imams have also told Forum 18 that some of the competition winners were fined, but declined to give details for fear of state reprisals.

In December 2018 Imam Fazliddin Parpiyev had to flee Uzbekistan (https://www.forum18.org/archive.php?article_id=2451) "for my safety" after he appealed to President Mirziyoyev over violations of freedom of religion or belief for the country's Muslims. Religious Affairs Committee, SSS secret police, ordinary police, Prosecutor's Office and Muftiate officials immediately pressured and threatened him and his father. Targeting Muslims for memorising the Koran in a state-run competition was one of the issues Imam Parpiyev protested about.

Khoshimov is still (on 22 January 2021) in police custody, and it is unclear why he is still detained.

Surveillance

Five days after the protest in front of President Mirziyoyev's residence, on 22 November 2020 Astanov was arrested and detained in police custody.

On 26 November, Probation Officer A. Yuldoshiyev of Tashkent's Uchteppa District Police filed a report that Astanov's confiscated mobile phone revealed that on 11 November he visited the police and Prosecutor's Office in Yangikurgan. The report states that he "made a video statement in front of the Chinaz Administrative Court building saying that actions brought against girls for wearing a hijab are illegal." It also states that the authorities "summoned Astanov as a witness in those cases".

"Sources of biased news such as Radio Free Europe"

The Agency of Information and Mass Communications under the Presidential Administration (AIMC), which President Mirziyoyev established in February 2019, was set up to "monitor the national information space" among other tasks. On 26 November 2020 a report about Astanov's activities defending freedom of religion and belief was signed by AIMC Deputy Director Gairat Bozorov.

The seven-page report, seen by Forum 18, uses Astanov's social media activities and states that Astanov follows "sources of biased news such as Radio Free Europe (<https://www.rferl.org/Uzbekistan>) [RFE]".

The AIMC also claims that Astanov produced more than 500 videos on political and religious topics. In one such video, Astanov interviewed a Muslim man who on 8 September 2020 was stopped by Buvaydo District Police with other mosque attendees and taken for questioning to the local police station. At the police station their phones were confiscated and officials made "fun of my beard". Astanov commented that "if these crimes continue and are not stopped how will it end? How long will these crimes against Muslims will continue?"

The AIMC report also states that Astanov criticised the actions of the SSS secret police, the ordinary police, prosecutors, the judiciary and prison guards, and claims that Astanov published "unsubstantiated and exaggerated" information on the activity of the regime's agencies.

Saipov of the AIMC (who refused to give his full name), prepared the report and would not answer Forum 18's questions on 21 January 2021. "You need to talk to my superiors," he claimed. Dilshod Saidjanov, First Deputy Head of the AIMC, refused to speak to Forum 18 and referred to Tukhtasim Gaybulloyev, who was claimed to be responsible for international relations. He told Forum 18 that the police asked the AIMC to examine Astanov's social media activity.

Gaybulloyev of the AIMC refused to answer why the regime monitors social media pages affecting freedom of religion and belief issues, why the AIMC claimed Astanov published "unsubstantiated and exaggerated" information, and why the AIMC referred to "sources of biased news such as Radio Free Europe [RFE]". He asked Forum 18 to wait while he consulted other officials, and then refused to talk more.

Sardor Suyunov of the "expert analysis" section of the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2314), on 21 January refused to tell Forum 18 why the AIMC looks at social media affecting freedom of religion and belief issues. "I cannot tell you anything. You need to ask them." Asked why the AIMC is so secretive, he did not answer and put the phone down.

Jailed for five years

On 27 November 2020 Captain Fazliddin Isroilov, Probation Officer of Uchteppa District Police, asked Uchteppa Court in writing (which Forum 18 has seen) to change Astanov's suspended sentence to a jail term. Captain Isroilov alleged that Astanov violated the probation regime by outside the boundaries of Tashkent city by meeting local police and Prosecutor's officials in Yangikurgan,

Buvaydo District in Fergana Region, and visiting Chinaz Administrative Court in Tashkent Region daily between 12 and 17 November.

Captain Isroilov refused to talk to Forum 18 on 21 January 2021.

On 27 November 2020 Judge Bobomurod Karimov of Tashkent's Uchteppa District Criminal Court sentenced Astanov to a five year prison term. The hearing took place while Astanov was detained at the Uchteppa District Police between 26 and 30 November 2020. Astanov then appealed against the decision.

Judge Karimov on 21 January 2021 refused to tell Forum 18 why he imposed a jail term instead of a lesser punishment such as a warning. He was at first hesitant, and then told Forum 18: "Please, understand me correctly, I am not authorised to give you comments on the case. You need to write an official letter to us through the Supreme Court."

"My client was taken to prison in violation of the law"

On 1 December 2020, officials transferred prisoner of conscience Astanov to General Regime Prison No. 1 in Jomart, Kogan District, Bukhara Region. His address is:

Uzbekistan

Buxoro viloyati

Kagan tumani

Ichki Ishlar Bulimi JIEB

1-sonli jozoni ijro etish koloniyasi

Tulkun Tashmuradovich Astanov

Lawyer Davlatov explained that according to the law a defendant must receive a written copy of the verdict on the same day it is announced. However, it often takes up to 15 days for the defendant to be given a copy of the written verdict.

From 12 January 2021, changes to the Criminal Procedure Code give the defendant 20 days to file an appeal instead of the previous 10 days. The appeal must be heard within two months unless the Supreme Court extends this for three more months by one month at a time.

Only after an appeal is heard does the decision enter into force and only then can a defendant be transferred to prison. "My client was taken to prison in violation of the law without waiting for the result of the appeal," Davlatov told Forum 18.

Judge Karimov told Forum 18 that "based on the Law they should have waited for the appeal decision, but I do not know all the regulations for the Interior Ministry's Chief Directorate for the Enforcement of Punishments. You need to ask the Chief Directorate."

Farkhod Normatov of the Chief Directorate claimed to Forum 18 on 21 January that Colonel Bakhrombek Adylov, Deputy Interior Minister and head of the Ministry's Chief Directorate for the Enforcement of Punishment is "busy and cannot answer the phone." He refused to explain why prisoner of conscience Astanov was taken to prison in violation of the law.

"So unfair to punish us for only trying to be good Muslims"

On 5 January 2021, Judge Alisher Jalilov of Tashkent City Criminal Court in an appeal case upheld Judge Karimov's decision to jail Astanov.

Court officials who refused to give their names between 20 and 21 January refused to talk to Forum 18 or put it through to Judge Jalilov.

Astanova told Forum 18 that "we have several minors in the family with some teenagers. I work as a doctor and take night shifts sometimes in the hospital because of the coronavirus pandemic. It is very difficult for me to deal with all the family problems alone." She added that "this is so unfair to punish us for only trying to be good Muslims."

Not allowed to read Koran or do namaz prayer

Prisoner of conscience Astanov is not being allowed in General Regime Prison No. 1 to read the Koran or pray the namaz (daily

prayers). Such violations of a prisoner's human rights are not permitted under the United Nations Standard Minimum Rules for the Treatment of Prisoners (known as the Mandela Rules, A/C.3/70/L.3 (https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)).

The regime routinely ignores the provisions of the Mandela Rules (https://www.forum18.org/archive.php?article_id=2314).

Prison officials refused on 22 January to Forum 18 why they are violating prisoner of conscience Astanov's freedom of religion and belief, and told Forum 18 that the head of the prison Farrukh Ismatov "does not want to talk to you".

Astanova has written to the Interior Ministry's Chief Directorate for the Enforcement of Punishments in Tashkent to complain about her husband not being allowed to read the Koran and pray.

Farkhod Normatov of the Chief Directorate on 21 January refused to explain why Astanov is not allowed to read Koran or pray, and told Forum 18 that "we cannot talk to you."

Doctor Sultonov appeal against restriction of freedom

On 24 November 2020 Doctor Alimardon Sultonov was sentenced to 14 months' restricted freedom (https://www.forum18.org/archive.php?article_id=2626) under Criminal Code Article 244-5 ("Dissemination of knowingly false information about an infectious disease"), and Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature").

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.

During his restricted freedom 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.

Probation Officer Khujanazar told Sultonov on 12 January that among other places he "cannot attend mosque" for Friday prayers (though he can go to the mosque at other times). Khujanazar told Sultonov that it is a public event and he cannot attend public events. Dr Sultonov can work on night shifts, as the Supreme Court of Karakalpakstan on 7 January provided him with a special written permit allowing him to do this.

Probation Officer Khujanazar told Forum 18 on 22 January that he had not told Dr Sultonov that he cannot go to a mosque. "I have not said that to him. I told him that he can attend a mosque, but not a mass event on the street."

Prosecutor "yelling and behaving unprofessionally"

Judges Abdukamol Abdukarimov, Timur Turdimuratov, and Askar Begmanov of Karakalpakstan Supreme Court's appeal board on 29 December 2020 heard the appeal case. On 7 January 2021 they announced that they upheld Sultonov's sentence.

Davlatmurod Khajimurodov, Editor of the local Karakalpakstan newspaper "El Khizmeti" witnessed Sultonov's appeal hearing. "The prosecution seemed to me biased," he told Forum 18 on 19 January. "Instead of justifying their action based on the law, the Prosecutor was more emotional, yelling and behaving unprofessionally in a disrespectful manner to the Court and defendant." Khajimurodov then stated that this all that he can say and no more.

Gulnara Bazarbayeva, Chair of the Supreme Court, refused to discuss the case with Forum 18 on 20 January "as the Judges who made the decision are independent". Other Supreme Court officials refused to give any comments, and all three Judges did not answer their phones on 20 and 21 January.

Human rights defender Solmaz Akhmedova of the Human Rights Alliance on 20 January told Forum 18 that she participated in the appeal hearing, and that Dr Sultonov was targeted "because of his defence of Muslims' freedom of religion and belief".

No "expert analysis" yet

On 18 December 2020, police from the "Struggle with Extremism and Terrorism Department" in the central city of Samarkand opened a case against Shia Muslim Rashid Ibrahimov (https://www.forum18.org/archive.php?article_id=2626), the regional police "Struggle with Extremism and Terrorism Department" head Ulugbek Gainazarov confirmed to Forum 18. He refused to discuss details of the case.

Officials opened the case 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.

A source who knows the case and asked not to be named for fear of state reprisals, told Forum 18 on 20 January that the authorities are still waiting for the "expert analysis" of the Religious Affairs Committee in Tashkent.

Sardor Suyunov of the "expert analysis" Section of the Religious Affairs Committee, on 21 January refused to give Forum 18 any information on the "expert analysis". "I cannot share that information with you," he told Forum 18.

Such "expert analyses" (https://www.forum18.org/archive.php?article_id=2314) are frequently used to justify regime freedom of religion and belief violations. (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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