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UZBEKISTAN: Shia Muslim fined for having Shia material

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

A Samarkand court fined Shia Muslim Rashid Ibrahimov about two weeks' average wages for having Shia religious material on his mobile phone. The phone was confiscated. A court official said Shia Muslims were punished because of the Religion Law. A prisoner of conscience jailed for exercising freedom of religion and belief has been tortured with beatings on the soles of his feet. Another prisoner of conscience, Tulkun Astanov, has been given medical treatment, but his current location is unknown.

Police in Samarkand replaced Criminal Code charges against Shia Muslim Rashid Ibrahimov with Administrative Code charges. On 25 March, a Samarkand court fined him about two weeks' average wages for having Shia religious material on his mobile phone. The phone was ordered to be taken as state property. Ibrahimov – in line with the international human rights law the regime is obliged to respect – has told his friends that he does not think that having religious materials on his mobile phone is an offence.

Aziz Khakimov, Chief of the Court Chancellery, claimed to Forum 18 that Shia Muslims are punished for having Shia material because of the Religion Law (see below).

Rasul Khojaev of the Religious Affairs Committee refused to explain why Shia Muslims are punished for having Shia material, or why the Committee claimed that Ibrahimov had "illegal religious material" on his mobile phone (see below).

Relatives of a prisoner of conscience jailed for exercising their freedom of religion and belief have told Forum 18 this month (April 2021) that, from 2020, their relative "was beaten several times on the soles of his feet". The relatives wish to remain anonymous for fear of state reprisals on themselves and their relative. Despite the torture, the Chief Directorate for the Enforcement of Punishments has claimed that the prisoner is healthy (see below).

Prisoner of conscience Tulkun Astanov, who was jailed for defending Muslims' freedom of religion and belief, has finally after four months been given medical treatment he needs. His condition was seriously worsened by being given extra punishments in jail and being held in poor conditions. However, the regime is refusing to tell his lawyer or family where he is (see below).

Prisoner of conscience Astanov's lawyer has filed an appeal to the Constitutional Court in Tashkent aimed at reinstating an October 2019 suspended sentence, but no date has been set for the hearing (see below).

Vasil Rustamov, a Deputy Chief of the Chief Directorate for the Enforcement of Punishments, refused to answer any of Forum 18's questions about continuing torture in prisons, or the treatment of prisoner of conscience Astanov (see below).

Shia Muslim fined for having Shia material on phone, phone confiscated

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. The case was opened the same day that Traffic Police stopped Ibrahimov as he was taking his children to a doctor's appointment (https://www.forum18.org/archive.php?article_id=2626). Officers questioned him twice at a police station, without a written summons, and copied all the material on his phone.

Police sent material from Ibrahimov's phone, including texts of sermons, to the Religious Affairs Committee for "expert analysis" (https://www.forum18.org/archive.php?article_id=2314) – even though the Committee has no "experts" on Shia Islam (https://www.forum18.org/archive.php?article_id=2626). The Committee is responsible for compulsory state censorship of all religious material (https://www.forum18.org/archive.php?article_id=2314).

The regime is hostile to Shia Muslims exercising their right to freedom of religion or belief. Officials pressured those who launched a petition in 2019 (https://www.forum18.org/archive.php?article_id=2527) for 15 long-closed Shia mosques in Bukhara to be reopened. 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. All mosques must be controlled by the state-controlled Spiritual Administration of Muslims, or Muftiate, though no law seems to require this (https://www.forum18.org/archive.php?article_id=2314).

The Religious Affairs Committee found that Ibrahimov had allegedly "illegal religious material" on his mobile phone.

Sources who asked to remain anonymous for fear of state reprisals told Forum 18 on 21 April 2021 that the police dropped the criminal case they initially opened, and charged Ibrahimov under Administrative Code Article 184-2 (https://www.forum18.org/archive.php?article_id=2314) ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). Shia Muslims think the change from criminal to administrative charges was caused by media attention to the case.

On 25 March, Judge Furkat Rakhmanov of Samarkand Criminal Court fined Ibrahimov 1,115,000 Soms, or about two weeks' average wages for those in work. The Judge also ordered that Ibrahimov's mobile phone, which police had already confiscated, should become the state's property.

This is the same level of fine as was imposed on 18 January on Tashkent Baptist Tatyana Akhmadiyeva for offering Christian magazines to neighbours in her home (https://www.forum18.org/archive.php?article_id=2649). The magazines were ordered to be destroyed.

Ibrahimov – in line with the international human rights law the regime is obliged to respect – has told his friends that he does not think that having religious materials on his mobile phone is an offence.

Shia Muslims punished because of Religion Law

Aziz Khakimov, Chief of the Court Chancellery, claimed that Judge Rakhmanov cannot answer questions as he is "on holiday". Khakimov claimed that Shia Muslims are punished for having Shia material because of the Religion Law.

"If Ibrahimov has a problem with the decision, he can challenge it," Khakimov claimed to Forum 18 on 29 April. "If he has a problem with the Religion Law, then he should ask the authorities responsible for the Law." Khakimov then refused to talk more.

A Venice Commission and OSCE ODIHR opinion on a draft Religion Law the regime has produced has criticised it for failing to respect the regime's international human rights obligations. Officials have not explained why a draft which they knew seriously failed to implement human rights was sent for review (https://www.forum18.org/archive.php?article_id=2609). "We need to understand that the draft Law is only an advertisement for Uzbekistan aimed at international organisations and foreign states," one Muslim told Forum 18. "If the authorities wanted real freedom for the people, then the draft Law would have been very different."

Similarly, members of religious communities and human rights defenders have criticised the draft new Criminal Code due to come into force on 1 January 2022 (https://www.forum18.org/archive.php?article_id=2644). This continues to punish those who exercise freedom of religion or belief without state permission. A "disguised old Criminal Code with no real changes", Protestants complain. Muslims describe it as "our government's old tricks". Solmaz Akhmedova of the Human Rights Alliance noted that "they just made some decorative changes, and used less religious terminology."

Rasul Khojaev of the Religious Affairs Committee refused on 29 April to explain why Shia Muslims are punished for having Shia material, or why the Committee claimed that Ibrahimov had "illegal religious material" on his mobile phone.

Prisoner of conscience tortured

Despite Muslim prisoners continuing to be tortured for praying the namaz or fasting during Ramadan, Aziza Kenzhayeva of the International Section of the Interior Ministry's Chief Directorate for the Enforcement of Punishments claimed to Forum 18 in February (https://www.forum18.org/archive.php?article_id=2635): "There are no problems in Uzbekistan's prisons today."

Relatives of a prisoner of conscience jailed for exercising their freedom of religion and belief have told Forum 18 this month (April 2021) that, from 2020, their relative "was several times beaten on the soles of his feet". The relatives wish to remain anonymous for fear of state reprisals on themselves and their jailed relative. Despite the torture, the Chief Directorate for the Enforcement of Punishments has claimed that the prisoner is healthy.

Vasil Rustamov, a Deputy Chief of the Chief Directorate for the Enforcement of Punishments, refused on 26 April 2021 to answer any of Forum 18's questions about continuing torture in prisons, or the treatment of prisoner of conscience Tulkun Astanov.

Prisoner of conscience finally given medical treatment, regime refuses to say where he is

After repeatedly defending Muslims' freedom of religion and belief, including demonstrating outside President Shavkat Mirziyoyev's residence in Tashkent, a court jailed prisoner of conscience Astanov in November 2020 for five years (https://www.forum18.org/archive.php?article_id=2631). His appeal against the sentence was rejected in January 2021.

The 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 (https://www.forum18.org/archive.php?article_id=2513). A November 2020 state report accused Astanov of following "sources of biased news such as Radio Free Europe", and publishing "unsubstantiated and exaggerated" information (https://www.forum18.org/archive.php?article_id=2631).

Prisoner of conscience Astanov was banned in jail from reading the Koran and praying the namaz (https://www.forum18.org/archive.php?article_id=2635).

Prisoner of conscience Astanov suffers from poor health and internal bleeding, and faces both special punishments such as being placed in a cold area under a video camera because of his exercise of freedom of religion and belief, and poor prison conditions (https://www.forum18.org/archive.php?article_id=2635). Despite repeated appeals by his wife Mukhayyo, Astanov was repeatedly denied appropriate medical treatment and instead punished (https://www.forum18.org/archive.php?article_id=2635), despite losing 7 kilos in two months and suffering from internal bleeding from a haemorrhage in his stomach.

Finally, prisoner of conscience Astanov was placed in the Interior Ministry Hospital in Tashkent on 10 April, his wife told Forum 18 on 24 April. "He again had internal bleeding, and was not doing well," she stated. "At first doctors in the hospital told our lawyer Rukhiddin Komilov on 15 April that Tulkun needs an operation, but they could not do it as his heart is weak." However, four days later on 19 April Astanov was operated on. The surgery went well, the lawyer was told, and it was claimed that Astanov was doing well.

Lawyer Komilov visited prisoner of conscience Astanov on 21 April, but since then the authorities have refused to tell his lawyer or family whether Astanov is still in hospital or has been sent back to prison.

The duty officer at Bukhara Prison No. 1, where Astanov was held, refused to answer Forum 18's questions on 29 April. Prison Governor Farrukh Ismatov did not answer his phone that day. Deputy Governor Farrukh Astanov (no relation) had claimed in February (https://www.forum18.org/archive.php?article_id=2635): "All of it is a lie. We have running hot water, it is not cold in the barracks, and Astanov's health is fine."

"He should be freed as he is not guilty of any crimes, or placed under house arrest"

On 22 April, Astanov's lawyer Komilov filed a cassation appeal to the Constitutional Court in Tashkent aimed at reinstating the October 2019 suspended sentence (https://www.forum18.org/archive.php?article_id=2513). "He should be freed as he is not guilty of any crimes, or placed under house arrest," Komilov told Forum 18 on 29 April.

The Constitutional Court has not yet appointed a date for the hearing.

Restricted freedom sentence reimposed

On 12 April, Judge Rano Kamalova of Beruny District Criminal Court reinstated the restricted freedom sentence of Doctor Alimardon Sultonov, a devout Muslim known for discussing freedom of religion and belief issues (https://www.forum18.org/archive.php?article_id=2604).

On 3 March, Ellikala District Criminal Court in Karakalpakstan freed him from the sentence (https://www.forum18.org/archive.php?article_id=2649), but prosecutors appealed against this on false grounds.

Dr Sultonov told Forum 18 on 29 April that the restrictions cannot be applied until after an appeal he made to the Supreme Court on 28 April is heard. No date has been set for the hearing.

Judge Kamalova refused on 29 April to discuss the case with Forum 18. (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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY