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UZBEKISTAN: More Muslims jailed, tortured, arrested

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

A Tashkent court jailed Muslim prisoner of conscience Fazilkhoja Arifkhojayev for seven and half years in a labour camp for criticising state-appointed imams. He was repeatedly tortured, including after his defence lawyer Sergey Mayorov lodged formal complaints about the torture. The judge ignored his torture. "The torturers continue with impunity," Mayorov observed. The Supreme Court upheld in absentia Odilbek Khojabekov's five year labour camp sentence for returning from the haj pilgrimage with Islamic literature, and he is now in hiding. The National Guard has arrested Alimardon Sulstonov for criticising the President and state-appointed imams.

On 26 January, a Tashkent court jailed Muslim prisoner of conscience Fazilkhoja Arifkhojayev for seven and half years in a labour camp. Human rights defender Yelena Urlayeva, who chairs the Human Rights Alliance, told Forum 18 that on 25 January she and other human rights defenders were not allowed into the courtroom. She thinks that the Judge did not want human rights defenders to witness a hearing based on falsified charges.

On 26 June 2021 Arifkhojayev, a Muslim known for his criticisms on social media of the regime's religious policies, attended a Tashkent Mosque to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Arifkhojayev asked Abduazimov why he insulted Arifkhojayev and other Muslims on social media, and called Abduazimov a "hypocrite". He was subsequently arrested, given a 15-day jail term, and then held in pre-trial detention until his January 2022 sentence (see below).

Prisoner of conscience Arifkhojayev has been repeatedly tortured, including after his defence lawyer Sergey Mayorov lodged formal complaints about the torture to the Human Rights Ombudsperson and later to Tashkent Prosecutor's Office. Against Uzbekistan's legally-binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for torture. The judge in prisoner of conscience Arifkhojayev's ignored his torture (see below).

"As of today, unfortunately, there have been no answers or indication from any of the authorities that the torturers have been put on trial or punished. The torturers continue with impunity," defence lawyer Mayorov told Forum 18 (see below).

Judge Nuriddinov claimed to Forum 18 that "Arifkhojayev's statements and social media posts were extremist," when asked why he had jailed prisoner of conscience Arifkhojayev for seven and a half years in a labour camp for criticising state-appointed imams. Defence lawyer Mayorov explained to Forum 18 that "the main issue is that between 2019 and 2021 Arifkhojayev was in conflict with Abror Abduazimov." The state-appointed imam "in mosques across Uzbekistan and on social media actively defends and justifies state policies, including religious policies, using the Koran" (see below).

In July 2021, a Tashkent court handed 47-year-old Odilbek Khojabekov a five year labour camp sentence in absentia to punish him for returning from the haj pilgrimage with Islamic literature. The State Security Service (SSS) secret police then pressured ordinary police, prosecutors, and others into giving what the family insists is false testimony at a second hearing which ordered him jailed. He is in hiding fearing for his safety. On 28 January 2022 the Supreme Court in Khojabekov's absence upheld the five-year prison term (see below).

Doctor Alimardon Sulstonov, a devout Muslim known for discussing freedom of religion and belief issues, was arrested on 18 January by the National Guard and charged under Criminal Code Article 244-1, Part 3 (d) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web"). The arrest was "for criticising President Mirziyoyev, state-appointed imams and other officials." Since April 2021 Dr Sulstonov has been under continuous and unconcealed surveillance by the regime (see below).

It is very unusual for the National Guard, part of the military, to be involved in freedom of religion or belief cases, the first known such time being a November 2018 raid on Tashkent Baptists meeting for worship. A Presidential Administration official (who refused to give his name) claimed to Forum 18 that the National Guard did not arrest Sulstonov "but was there to ensure public order" (see below).

Interior Ministry Special Investigator Colonel Gairat (who refused to give his surname) is leading the case, and has refused to allow Dr Sulstonov's parents to visit him (see below).

Human rights defender Urayeva of the Human Rights Alliance commented on the cases of prisoners of conscience Arifkhoyev and Sulstonov that "these human rights defenders only want the authorities to allow Muslims freedom. They want our society be democratic. They express their opinions of how they understand Islam." She added that "imprisoning them is a clear signal from the state to society that any criticism will be severely punished" (see below).

In November 2021, police detained Muslim former prisoner of conscience Khayrullo Tursunov and other Muslims, warning them not to meet to sharing a meal and praying together. Some were tortured and one later given a long jail term (https://www.forum18.org/archive.php?article_id=2719).

Continued targeting of Muslims exercising their freedom of religion and belief

The regime has also continued to target other Muslims who exercise their freedom of religion and belief outside state control, including harassing an 18-year-old Muslim from Tashkent who wears the hijab (https://www.forum18.org/archive.php?article_id=2712). The family complained to the President and others without success and have themselves been targeted by the regime for complaining. Police told neighbours that the authorities do not like her and warned them not to associate with her. "Muslims are indignant that the state is attacking their beards and hijab, which is a very private matter for each individual," one Muslim who wished to remain anonymous for fear of state reprisals told Forum 18.

Police raided the home of Tashkent Muslim Laziz Asadov, seizing two Korans and other property after he continued to criticise the regime's religious policies (https://www.forum18.org/archive.php?article_id=2704). This included criticising for criticising the regime's actions against hijab wearers, including as it affected his secondary school age daughter. The search warrant claimed he is implicated in a criminal case against a man he does not know, and Asadov has fled abroad.

Journalists and editors from Azon.uz and Kun.uz were fined in June 2021 for publishing articles on religious themes without Religious Affairs Committee permission (https://www.forum18.org/archive.php?article_id=2673). One of the articles the Committee objected to was about the New Zealand Police adopting the hijab as part of police uniform, which Kun.uz sourced from a BBC report. The regime has told journalists that every article which the Religious Affairs Committee might be interested in must be sent to them for pre-publication "expert analysis" (https://www.forum18.org/archive.php?article_id=2699). The regime is also targeting ordinary members of religious communities who express their views (https://www.forum18.org/archive.php?article_id=2673). Officials warned Shia Muslims in Bukhara and Samarkand in late June "not to publish religious materials on their social media." One human rights defender stated that "after the warning many deleted their accounts, or deleted religious materials." A human rights defender noted that "some even stopped talking to or associating with people who had been warned".

A human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 that "the regime wants to shut people up and does not want citizens to freely exchange their thoughts or ask questions about Islam." (https://www.forum18.org/archive.php?article_id=2673) They commented that "this will not lead anything good but will lead to extremism," noting that "we need real reforms and freedoms, including freedom of religion and belief, if we do not want extremism."

Seven and a half years in labour camp for criticising state-appointed imams

On 26 January 2022, after a two-day trial, Judge Zakhiddin Nuriddinov of Tashkent's Olmazor District Criminal Court jailed Muslim prisoner of conscience Fazilkhoja Arifkhoyev for seven and half years in a labour camp.

Arifkhoyev was jailed under Criminal Code Article 244-1, Part 3 (d) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web") (https://www.forum18.org/archive.php?article_id=2699). Judge Nuriddinov ordered that Arifkhoyev's prison term be counted from 13 July 2021, when he was put under pre-trial arrest.

Human rights defender Yelena Urayeva, who chairs the Human Rights Alliance, told Forum 18 that on 25 January she and other human rights defenders were not allowed into the courtroom. "The Court at first did not want to allow anyone inside, making an excuse of the coronavirus rules." After complaints from the family, three or four relatives were allowed in, but no human rights defenders.

"I have seen Olmazor Court's hall for hearings," human rights defender Urayeva explained. "Ten people could easily sit there, provided we observe the social distancing." She thinks that the Judge did not want human rights defenders to witness a hearing based on falsified charges.

On 13 December 2021 prosecutors sent the case to the Court for criminal trial (https://www.forum18.org/archive.php?article_id=2704). Arifkhoyev's brother Jamol told Forum 18 at that time that his brother

"will probably be given a prison term for crimes he did not commit".

Such charges were in March 2021 used to jail a group of Muslim men for up to six years (https://www.forum18.org/archive.php?article_id=2692) in a labour camp after meeting together to learn how to pray and to discuss Islamic topics. Targeting men who meet to learn about Islam and pray with police agent provocateurs and jailing them has been increasing since 2019.

Arrested for criticising state-appointed imams

On 26 June 2021, Arifkhojayev, a Muslim known for his criticisms on social media of the regime's religious policies, attended Tukhtaboy Mosque in Tashkent's Olmazor District to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Arifkhojayev asked Abduazimov why he insulted Arifkhojayev and other Muslims on social media, and called Abduazimov a "hypocrite".

On 28 June, after complaints from informers working with Olmazor Police, police arrested Arifkhojayev (https://www.forum18.org/archive.php?article_id=2673), opened a case against him under Administrative Code Article 183 ("Petty hooliganism"), and searched his phone. A Religious Affairs Committee "expert analysis" (https://www.forum18.org/archive.php?article_id=2699) found what it claimed to be "religious fundamentalism" on the phone.

Also on 28 June, Judge Begzod Umirov of Tashkent's Olmazor District Criminal Court sentenced Arifkhojayev to a 15-day jail term for alleged "petty hooliganism". Other local Muslims were in 2021 given 15-day short-term jail sentences for asking whether state-appointed imams properly observe and teach Islam (https://www.forum18.org/archive.php?article_id=2673).

On 14 July 2021 a court ordered prisoner of conscience Arifkhojayev to be held in three-month pre-trial detention (https://www.forum18.org/archive.php?article_id=2704) and investigated under this charge. The judge refused to explain to Forum 18 why he did this.

Repeatedly tortured

As prisoner of conscience Arifkhojayev began his sentence his beard was shaved off, and he was tortured by being given poor food, being kept in solitary confinement, and being denied a shower and fresh clothing (https://www.forum18.org/archive.php?article_id=2673). Officers Abdurakhmon, Botyr and Saidislom (who refused to give their last names) from Tashkent Police "Struggle with Extremism and Terrorism Department" came to Arifkhojayev's cell "regularly to insult and threaten him with physical torture when he asked to see his lawyer," his defence lawyer Sergey Mayorov stated.

The duty officer in Panelni Police Detention Centre (who refused to give his name) denied that Arifkhojayev was tortured. "Nothing like that happened," he claimed to Forum 18.

Police also denied prisoner of conscience Arifkhojayev access to his own lawyer (https://www.forum18.org/archive.php?article_id=2704), and questioned him with a state-appointed lawyer he did not want as a new criminal charge was opened against him.

His lawyer Mayorov thinks that the officers from Tashkent Police "Struggle with Extremism and Terrorism Department" visited and threatened Arifkhojayev with torture during the 15-day sentence "to psychologically break Arifkhojayev to 'prepare' him for the criminal investigation" (https://www.forum18.org/archive.php?article_id=2673).

"The torturers continue with impunity"

Defence lawyer Mayorov on 23 August 2021 complained to the Human Rights Ombudsperson of the Oliy Majlis (the Parliament which does not face free and fair elections (https://www.osce.org/files/f/documents/9/3/452170_1.pdf)), about the torture of prisoner of conscience Arifkhojayev. On 26 August the Ombudsperson referred the complaint to the Prosecutor General's Office for investigation.

Against Uzbekistan's legally-binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2699), no official suspected of involvement in this torture has been arrested and put on criminal trial for torture. The regime routinely ignores this obligation (https://www.forum18.org/archive.php?article_id=2699).

The Prosecutor General's Office did not answer multiple calls from Forum 18 on 4 February 2022.

Even after defence lawyer Mayorov's formal complaint, prisoner of conscience Arifkhojayev was also tortured again in September 2021 by being threatened by Otabek Jamolov, head of Tashkent's police "Struggle with Extremism and Terrorism Department", that he will "never see daylight or his family again" (https://www.forum18.org/archive.php?article_id=2688). Lawyer Mayorov thinks

this was done to scare prisoner of conscience Arifkhojayev into signing statements prepared by the police.

On 26 October, defence lawyer Mayorov in writing asked Tashkent City Prosecutor's Office to investigate the torture of prisoner of conscience Arifkhojayev and punish the responsible police officers.

Tashkent City Prosecutor Ulugbek Kosimov and his assistant Jalol Nodirov on 4 February 2022 refused to comment to Forum 18 on the failure to arrest suspect torturers and put them on criminal trial.

In November 2021 Tashkent Police officers once again tortured prisoner of conscience Arifkhojayev (https://www.forum18.org/archive.php?article_id=2704), family members told Forum 18. They threatened him with extremely insulting statements, and threatened that police would carry out an extreme physical assault on his wife in his presence.

Tashkent Police officers (who refused to give their names) on 9 December refused to discuss the torture, or whether the suspect torturers are being brought to justice in line with Uzbekistan's international human rights obligations.

"As of today, unfortunately, there have been no answers or indication from any of the authorities that the torturers have been put on trial or punished," defence lawyer Mayorov told Forum 18 on 3 February 2022. "The torturers continue with impunity."

Judge ignores torture, claims criticism of state-appointed imams "extremist"

Judge Nuriddinov claimed to Forum 18 on 4 February that "Arifkhojayev's statements and social media posts were extremist," when asked by Forum 18 why he had jailed prisoner of conscience Arifkhojayev for seven and a half years in a labour camp for criticising state-appointed imams (https://www.forum18.org/archive.php?article_id=2699).

"I gave my decision, I will not comment further," Judge Nuriddinov added. "Ask the Supreme Court for comments." He refused to explain why he ignored the fact that Arifkhojayev was tortured during the pre-trial investigation.

Judge Nuriddinov in his verdict (seen by Forum 18) claimed that prisoner of conscience Arifkhojayev "partially admitted his guilt" by telling the Court that he had between 2019 and 2021 criticised state officials and state appointed Imams about various political, social, and religious issues.

The verdict claims that Arifkhojayev commented on "the deficiencies of state reforms" and stated that Imams had made false statements in mosques and on social media, including insulting Arifkhojayev and other human rights defenders.

"The main issue.."

Prisoner of conscience Arifkhojayev's lawyer Sergey Mayorov told Forum 18 on 2 February 2022 that "the case is a fabrication. His social media posts and other comments are a secondary issue." Mayorov explained that "the main issue is that between 2019 and 2021 Arifkhojayev was in conflict with Abror Abduazimov."

The state-appointed imam (https://www.forum18.org/archive.php?article_id=2699) "in mosques across Uzbekistan and on social media actively defends and justifies state policies, including religious policies, using the Koran."

"I told the Court that Abduazimov and Arifkhojayev argued with each other on the meanings of Koranic passages," Mayorov told Forum 18. "The culmination of this was when Arifkhojayev confronted Abduazimov in person in Tukhtaboy Mosque (https://www.forum18.org/archive.php?article_id=2673) and in the hearing of others called him a liar."

Defence lawyer Mayorov also told the Court that the authorities have not investigated Abduazimov's insulting statements on social media against Arifkhojayev, family members and other human rights defenders.

Prisoner of conscience Arifkhojayev is still being held in Tashkent's Investigation Prison No. 1, the address of which is:

Ichki Ishlar Vazirligi 1-sonli Tergov Xibisxonasi

Bogzor kochasi

Zangiota tumani

Tashkent viloyati

Uzbekistan

Supreme Court upholds five-year sentence imposed in defendant's absence

In July 2021, a Tashkent court handed 47-year-old Odilbek Khojabekov a five-year labour camp sentence (https://www.forum18.org/archive.php?article_id=2688) in absentia to punish him for returning from the haj pilgrimage to Mecca with Islamic literature.

On 28 January 2022 the Supreme Court in Khojabekov's absence upheld the five-year prison term. The Supreme Court did not answer multiple calls from Forum 18 on both 3 and 4 February.

A Religious Affairs Committee "expert analysis" (https://www.forum18.org/archive.php?article_id=2688) of Islamic texts and his mobile phone claimed that the books he had brought back from the haj "can lead to confusion and misunderstanding among the population, and therefore their import to Uzbekistan is banned". No reason is given for these claims, and officials refused to answer questions.

A first trial in 2019 gave Khojabekov a suspended sentence which was later removed for good probation behaviour.

A criminal case was in 2020 opened against Khojabekov for the same "crime", as he was claimed to have erased a short Muslim text from his mobile phone before he went on the haj. The State Security Service (SSS) secret police then pressured ordinary police, prosecutors, and others into giving what the family insists is false testimony at a second hearing which ordered him jailed (https://www.forum18.org/archive.php?article_id=2688). He is in hiding fearing for his safety.

Trauma surgeon arrested by National Guard

Doctor Alimardon Sulstonov, a devout Muslim known for discussing freedom of religion and belief issues (https://www.forum18.org/archive.php?article_id=2604), works as a trauma surgeon at Ellikkala Central State Hospital in the north-western Karakalpakstan Region. On 18 January the National Guard arrested him, and charges have been brought him under Criminal Code Article 244-1, Part 3 (d) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web") (https://www.forum18.org/archive.php?article_id=2699), his parents told Forum 18.

Police told Sulstonov's parents that the arrest was "for criticising President Mirziyoyev, state-appointed imams" (https://www.forum18.org/archive.php?article_id=2699) and other officials". Police also stated that they had warned Dr Sulstonov that he should stop doing this, but he carried on.

Previous prosecution and sentence

In March 2020 Dr Sulstonov questioned why local authorities had publicly stated that there were no coronavirus cases in Ellikalala (https://www.forum18.org/archive.php?article_id=2614), as he suspected that the authorities had concealed the real figures. "I had access to the statistics centre database," he noted, "and have read that the number of deaths was 20."

After Dr Sulstonov called, five ordinary police, Interior Ministry, and State Security Service (SSS) secret police officers came from the regional capital Nukus to question him (https://www.forum18.org/archive.php?article_id=2604), confiscate a computer with religious texts, and then open a criminal case against him. Interior Ministry officials told Dr Sulstonov that "those who wear a beard are terrorists" (https://www.forum18.org/archive.php?article_id=2586).

After considering a range of charges against Dr Sulstonov, prosecutors finally brought charges (https://www.forum18.org/archive.php?article_id=2564) 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=2699), as well as under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature").

Dr Sulstonov denied the charges, but on 24 November was given a 14-month restricted freedom sentence (https://www.forum18.org/archive.php?article_id=2626). The restrictions meant that Dr Sulstonov had to report regularly to Ellikalala District Police and having to be at home from 10 pm to 6 am every day. He could not leave the District without police permission, and was banned from using "means of communication" including the internet. He also could not participate in public events or festivities. He kept his job at the hospital, but was not able to do night shifts for the duration of his sentence.

On 3 March 2021 Dr Sulstonov was freed from his sentence (https://www.forum18.org/archive.php?article_id=2649), but on 12 April 2021 his restricted freedom sentence was reinstated (https://www.forum18.org/archive.php?article_id=2673). On 18 June police raided Sulstonov's flat. "They talked with me loudly and insulted me in front of my parents," (https://www.forum18.org/archive.php?article_id=2673) Sulstonov told Forum 18 on 30 June. They warned me that if I do not stop using internet and do not stop my criticism of the regime, they can turn my restricted freedom to imprisonment."

"I am constantly being followed"

Since April 2021 Dr Sulstonov has been under continuous and unconcealed surveillance by the regime. Unknown individuals on foot and in cars have openly loitered and parked outside his home and watched him. In one example, on 14 January he commented that "I am constantly being followed. When I went yesterday to Urgench outside Karakalpakstan Region a car with several men followed our car all the way to Urgench and back."

"Alimardon always struggled for the rights of the Muslims," his parents commented to Forum 18. "He is no extremist, yet is harassed with continuous police pressure."

National Guard arrest

On 17 January 2022, six National Guard officers came from Nukus to Ellikkala Central State Hospital, claiming they only wanted to search Dr Sulstonov's office and confiscate his computer.

The National Guard, founded in 1992 by the then President Islam Karimov, is part of the military and is regarded as equal to the Navy, Army, and Air Force. Among its roles is guarding high-ranking regime officials such as the President. It is very unusual for it to be involved in freedom of religion or belief cases, the first known such time being a November 2018 raid on Tashkent Baptists meeting for worship (https://www.forum18.org/archive.php?article_id=2433). Asked why the military were involved, officials said "it is a special operation".

An official (who refused to give his name) who answered the phone of Muzaffar Khusanov of the General Section of the Presidential Administration, claimed to Forum 18 on 4 February that Khusanov is not available, and that "the National Guard did not arrest him but was there to ensure public order. Arresting individuals is not within its competence."

An official (who refused to give his name) who answered the phone of Mukhtorjon Yusupov, Chief of the Karakalpakstan Directorate of the National Guard, on 4 February refused to discuss Dr Sulstonov's arrest.

Sulstonov suspected the National Guard came to arrest him and refused to let them into his office. The next day, 18 January, the National Guard came to his home claiming they only wanted to talk to him at the nearest police station. "I myself drove him there in our car," his mother stated. "But when we arrived at Buston Police Station they immediately handcuffed him."

Parents not allowed visits, senior Interior Ministry Special Investigator leading case

Sulstonov's parents have not been allowed to visit him, and Interior Ministry Special Investigator Colonel Gairat (who refused to give his surname) told them on 1 February that only his lawyer can see him. The Investigator refused to give any reasons and said that Dr Sulstonov had refused to see a state-appointed lawyer.

Interior Ministry Special Investigator Colonel Gairat on 1 February refused to explain why Sulstonov was arrested. "I cannot discuss the case with you," he claimed to Forum 18. An official of the Ministry's Press Service on 3 February confirmed that Colonel Gairat is leading the case.

"A clear signal .. that any criticism will be severely punished"

Human rights defender Urayeva of the Human Rights Alliance commented on the cases of prisoners of conscience Arifkhojayev and Sulstonov that "these human rights defenders only want the authorities to allow Muslims freedom. They want our society to be democratic. They express their opinions of how they understand Islam." She added that "imprisoning them is a clear signal from the state to society that any criticism will be severely punished".

Human rights defender Urayeva also said that she thinks that "the state wants to imprison those who actively defend other Muslims' rights, who are active human rights defenders, and who influence public opinion. This is true for example of Sulstonov who cooperated with us. It is sad."

Detention, torture, and imprisonment of Muslims in Kashkadarya

Muslim former prisoner of conscience Khayrullo Tursunov was freed from prison on 16 June 2021 (https://www.forum18.org/archive.php?article_id=2673). He had been in June 2013 sentenced to 16 years in jail for meeting privately with other Muslims without state permission to study the Koran and pray (https://www.forum18.org/archive.php?article_id=1851).

While in prison Tursunov was repeatedly tortured, including by being not allowed to read the Koran or pray the namaz (https://www.forum18.org/archive.php?article_id=2635).

Police in the southern Kashkadarya Region detained former prisoner of conscience Tursunov and other Muslims in November 2021, warning them not to meet to sharing a meal and praying together. Some were tortured

(https://www.forum18.org/archive.php?article_id=2723) and one later given a long jail term, with another criminal case being opened (https://www.forum18.org/archive.php?article_id=2719). (END)

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

For background information, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2699)

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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