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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

18 February 2022

UZBEKISTAN: New trial imminent for Muslim prisoner of conscience?

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

Muslim prisoner of conscience Khasan Abdirakhimov, jailed since November 2021, awaits a new criminal trial for allegedly distributing Islamic material that the regime claims constitute "a threat to public security and public order". Police completed the investigation on 16 February. Abdirakhimov faces up to a further eight years' jail if convicted. Police Investigator Nurullo Norkulov, who leads the case, refused to discuss it. Abdirakhimov's wife Iroda Nekboyeva says he did not appeal against the court verdict that sent him to prison as police said he would be released soon if he did not "make a noise". "But apparently we were all deceived and now they opened a new case and want to give him a long sentence."

A jailed Muslim from the southern Kashkadarya Region, Khasan Abdirakhimov, is facing a new trial for allegedly distributing Islamic material that the regime claims constitute "a threat to public security and public order". Police completed the criminal investigation on 16 February. Once the Regional Prosecutor endorses the indictment, expected in the next week, the case seems set to go to trial, possibly at Karshi City Criminal Court.

Kashkadarya Police Criminal Investigation Department (CID)'s Investigator Captain Nurullo Norkulov confirmed that he leads the criminal case against Abdirakhimov but refused to discuss it. "I don't know you, so I can't say anything to you about the case," he told Forum 18 (see below).

Police took the 40-year old Khasan Abdirakhimov into police custody on 22 November 2021. Three days later, a court changed his sentence in an earlier criminal conviction for listening to and sharing Islamic sermons from a restricted freedom sentence, where he lived at home under a curfew, to a prison term. Police claimed he had violated his curfew restrictions. He was sent to a prison in Bukhara Region (see below).

Abdirakhimov's wife Iroda Nekboyeva explained that the family did not arrange an appeal against the 25 November 2021 Court verdict that sent him to prison. "Khasan was deceived by the Kashkadarya Police that he would be released soon if he did not make a noise about his sentence and did not appeal," she told Forum 18. "But apparently we were all deceived and now they opened a new case and want to give him a long sentence" (see below).

Abdirakhimov's jailing in November 2021 has left his family in financial difficulties. He is the sole breadwinner for his wife and their five children (see below).

Abdirakhimov's detention and transfer to prison came as police in Kashkadarya Region between 25 and 26 November 2021 detained and questioned some hundred Muslim men (https://www.forum18.org/archive.php?article_id=2723), including three former prisoners of conscience, Gaybullo Jalilov, Khayrullo Tursunov (https://www.forum18.org/archive.php?article_id=2673), and Laziz Vokhidov (https://www.forum18.org/archive.php?article_id=444).

After their initial questioning on 25 November 2021, the three former prisoners of conscience were questioned about Abdirakhimov several times between then and January 2022 by Kashkadaraya Regional Police Investigator Nurullo Norkulov, who leads Abdirakhimov's case.

Abdirakhimov's lawyer Mumin Lutfulloyev told Forum 18 that "I do not agree with the notion [the regime employ in similar cases] that receiving a message to one's phone from a suspected terrorist or reading or listening to Islamic materials or even extremist materials makes one an extremist or a terrorist". False accusations of "terrorism" and similar charges have been repeatedly, used along with police agent provocateurs, to jail groups of Muslim men who meet together to pray and to study Islam (see below).

Continued targeting of Muslims exercising their freedom of religion and belief

For many years the regime has severely restricted all exercise of freedom of religion or belief (https://www.forum18.org/archive.php?article_id=2699), particularly by Muslims exercising this freedom outside state control.

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In November-December 2021, the regime carried out a large campaign against Muslims wearing the hijab or beards (https://www.forum18.org/archive.php?article_id=2716), 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 regime does 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."

One human rights defender, who wished to remain anonymous for fear of state reprisals, told Forum 18 in February 2022 that the regime "wants to keep Islam on a level of state-controlled Islam". Another told Forum 18 that the regime launched the crackdown "because every once in a while, the regime wants to give a lesson Muslims nationwide that they should not stick their heads out, and keep their faith to themselves. This was the next campaign in this series."

Abdirakhimov's new criminal case

In late January, Kashkadarya Regional Police opened a new criminal case against Khasan Doniyorovich Abdirakhimov (born 18 October 1981), two months after he had been handed a prison term in the earlier criminal case. "I guess they were not satisfied with the length of sentence and want to give him a lengthy sentence," Abdirakhimov's lawyer Mumin Lutfullayev told Forum 18.

Judge Fakhriddin Choriyev of Karshi City Criminal Court – who convicted Abdirakhimov in January 2021 and, in November 2021 changed the sentence to a prison term - confirmed to Forum 18 on 8 February that a new criminal case had been opened against him. However, he declined to discuss it.

Abdirakhimov is facing prosecution under Criminal Code Article 244-1, Part 3, Point (d) (https://www.forum18.org/archive.php?article_id=2699) ("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"). Punishment is a jail term of five to eight years.

On 26 January 2022, after a two-day trial, the same charges Adirakhimov faces were used to jail Muslim prisoner of conscience Fazilkhoja Arifkhojayev for seven and half years in a labour camp for criticising state-appointed imams (https://www.forum18.org/archive.php?article_id=2716). 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 Sultonov under Criminal Code Article 244-1 for criticising the President and state-appointed imams (https://www.forum18.org/archive.php?article_id=2716).

Police completed the investigation of Abdirakhimov on 16 February. "After the Regional Prosecutor endorses the indictment in the next week, the case will be referred to the Court," Lutfulloyev said. It is yet not known which Court will hear the case, the family and Lawyer Lutfulloyev told Forum 18.

"I cannot comment more at the moment," Lutfulloyev added. "But already I can say that I do not agree with the notion [the regime

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employs in similar cases] that receiving a message to one's phone from a suspected terrorist or reading or listening to Islamic materials or even extremist materials makes one an extremist or a terrorist."

False accusations of "terrorism" and similar charges have been repeatedly, used along with police agent provocateurs, to jail groups of Muslim men who meet together to pray and to study Islam. For example, on 19 March 2021 four Muslim men were jailed on "terrorism" charges for up to six years in a labour camp after meeting together to learn how to pray, to discuss Islamic topics (https://www.forum18.org/archive.php?article_id=2692) such as prayer, fasting, peaceful jihad, good deeds and other matters, and to attend a mosque. This was the latest known case where Muslim men who met to pray and discuss their faith have been jailed with the use of a police agent provocateur.

Investigation Prison in Karshi

Under the new case, Abdirakhimov was transferred in late January from prison in Bukhara Region to Investigation Prison No. 5 in Karshi, known locally as Shaykhali prison after the village where it is located. He will be kept there until any trial in the new case and any appeal.

Furkat Umarov, Chief of Investigation Prison No. 5, refused to talk about Abdirakhimov's health or prison conditions. After greeting Forum 18 on 18 February 2022, he put the phone down as soon as Forum 18 asked the question. Umarov did not answer subsequent calls.

The address of the Investigation Prison is:

Uzbekistan

Kashkadarya viloyati

Karshi tumani

Shayxali qurqoni

IIB JIEB 5-sonli tergov xibisxonasi

Why the new criminal case against Abdirakhimov?

Gaybullo Jalilov is among those Police Investigator Nurullo Norkulov questioned in the new criminal case against Abdirakhimov, together with Tursunov and Vokhidov.

"Norkulov questioned all three of us whether we had a connection with Syria and Islamic extremists and terrorists there," Jalilov told Forum 18 on 16 February. "He told us that Khasan [Abdirakhimov] had shared Islamic materials with us through his mobile phone on the Telegram messaging platform. Allegedly, police found that Khasan was messaged by an Uzbek man, his former classmate from school, who currently lives in Syria."

Jalilov stated that "neither Khasan nor any of us have anything to do with what is going on in Syria".

Jalilov told Forum 18 that when Investigator Norkulov asked him why he had not opened Telegram messages sent from Abdirakhimov to him, he responded: "I do not use the Telegram messaging app exactly for this reason in order not to be blamed by the regime and made responsible." He added: "I do not even use a smartphone, just an old analogue mobile phone so the regime cannot download onto my phone anything to accuse me of extremism or terrorism."

Jalilov explained that "many Muslims nowadays are afraid to use smartphones and have switched to analogue phones".

Iroda Nekboyeva, Abdirakhimov's wife, told Forum 18 on 15 February that Abdirakhimov was indeed messaged by his former classmate from Syria "a couple of years ago but there was no discussion of religion or politics. We do not know how he found Khasan's phone number. He wrote that he is in Syria with his family and that he is doing well and asked Khasan to give his greetings to his elderly parents."

Nekboyeva asked: "How could he not promise him that he would give his greetings to his parents? Khasan was sorry for him that he was in Syria and that he could not even see or say hello to his parents."

Nekboyeva explained that the regime is trying to use that message on his phone against her husband, in addition to the sermons he listened to in previous years, for which he had received a restricted freedom term in January 2021.

Asked about Abdirakhimov's case, Kashkadarya Regional Police CID referred Forum 18 to Nurullo Norkulov. Kashkadarya CID's

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Police Investigator Captain Nurullo Norkulov confirmed that he leads the case but refused to discuss it. "I don't know you, so I can't say anything to you about the case," he told Forum 18 on 18 February.

Asked why Kashkadarya Police targeted Muslim men, including Jalilov, Tursunov and Vokhidov, in November 2021 and why Muslims cannot talk to or share their faith or religious materials with each other to learn about their faith and why should it be such a serious crime, Norkulov tried to avoid the question. "I do not know what they have told you, but the investigation is still going on."

Asked when Abdirakhimov's case will be referred to Court, and which Court will hear it, he repeated his previous answer and declined to talk further.

Kashkadarya Police CID officials (who did not give their names) refused to put Forum 18 through on 18 February to Lieutenant Colonel Khurshid Atanazarov, Chief of the CID.

Calls to Colonel Shuratjon Satvoldiyev, Chief of Kashkadarya Police, and Major Javlon Bakhtiyev, Press Secretary of the Police, went unanswered on 17 and 18 February.

Abdirakhimov's previous criminal case

Judge Fakhriddin Choriyev of Karshi City Criminal Court convicted Abdirakhimov on 12 January 2021 under Criminal Code Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") (https://www.forum18.org/archive.php?article_id=2699),Part 3, for listening to and sharing with others the sermons of Imams banned in Uzbekistan, according to the verdict seen by Forum 18.

Criminal Code Article 244-2 Part 1 imposes a possible maximum penalty of 15 years' imprisonment. However, Part 3 allows individuals to "be freed from responsibility, for the crime foreseen in Part 1 of this Article, in case, on their own free will, they informed the authorities about the existence of a banned organisation and helped the authorities to solve the crime".

Judge Choriyev handed Abdirakhimov a restricted freedom sentence of four years. However, the Judge reduced the term by just over three months because Abdirakhimov had signed a pledge not to leave the Region in October 2020 while his case was under investigation.

Abdirakhimov's only "crime" was to download to his mobile phone, listen to and share with others on social media between 2017 and November 2020 the sermons of Uzbek Imams which are banned in the country.

These banned sermons included: "If you want to know who is lost, you need to know on whose side they are" – Imam Abdulloh Zufar; "Know Allah" – Imam Sodik Samarkandiy; "Those who are slaves to their lusts" – Imam Abdullokkh Bukhoriy; and "Those who are believers only in words" – the Andijan Imam Abduvali Mirzayev.

Imam Mirzayev "disappeared" at Tashkent Airport in 1995 (https://www.forum18.org/archive.php?article_id=515) with his assistant and was never seen again.

Such claims of listening to sermons were used to in March 2020 jail four young men who were interested in Islam (https://www.forum18.org/archive.php?article_id=2575). Also, a police agent provocateur tried to get the four men 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".

The Court decision mentions Abdirakhimov's wife, as well as unknown Uzbeks who were fellow labour migrants with Abdirakhimov in Russia in 2017. It claimed they were part of a group which shared these sermons with each other. It does not say whether cases were opened against the other individuals or whether they were punished in any way.

Curfew restrictions given to Abdirakhimov under restricted freedom sentence

Under the 12 January 2021 restricted freedom sentence, Abdirakhimov was obliged to observe a curfew under which he:

- "must be inside his flat in Karshi District, where he is registered, between 10 pm and 6 am the next morning each day";

- "must not attend night clubs, discotheques, bars and other similar public places";

- "must not change his place of residence without endorsement from the Probation Police";

- "must inform the police Probation Officers of his new address of residence or work place, if he changes them";

Why was Abdirakhimov sentenced to prison in November 2021?

Judge Fakhriddin Choriyev of Karshi District Criminal Court with a decision of 25 November 2021, seen by Forum 18, changed the restricted freedom sentence he had given Abdirakhimov to a labour camp sentence. His prison term was set at three years eight months and 22 days, counting from 25 November 2021, the day of the decision.

Asked on 8 February 2022 why he changed Abdirakhimov's sentence to a prison term, Judge Choriyev replied: "Abdirakhimov violated the curfew restrictions."

Asked why he gave Abdirakhimov a restricted freedom sentence initially, Judge Choriyev replied: "Because he read and shared banned materials." Told that reading or sharing religious materials does not make one an extremist or terrorist, Judge Choriyev paused for a moment and then put the phone down. Subsequent calls to him on the same day went unanswered.

Following the new sentence, the regime sent Abdirakhimov to a prison in Bukhara Region.

"We were all deceived"

Nekboyeva explained that the family did not arrange an appeal against the 25 November 2021 Court verdict that sent him to prison. "Khasan was deceived by the Kashkadarya Police that he would be released soon if he did not make a noise about his sentence and did not appeal," she told Forum 18. "But apparently we were all deceived and now they opened a new case and want to give him a long sentence."

Nekboyeva told Forum 18 that while in prison in Bukhara between November 2021 and January 2022, Abdirakhimov "was warned by the Investigators that he should tell us that we stop complaining to President [Shavkat] Mirziyoyev and the foreign media, that otherwise he will be punished for it."

The regime is hostile to those who complain to the President when their human rights are violated, 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 regime does not like her and warned them not to associate with her.

Why did Judge Choriyev change restricted freedom sentence to prison term?

Late in the evening of 22 November 2021, police detained Abdirakhimov and put him in custody. Three days later Karshi District Criminal Court handed down the prison verdict.

According to Judge Choriyev's decision, the prison sentence was given to him because of Abdirakhimov's absence from home during curfew hours. "Abdirakhimov was not found in his home when Karshi District Police's probation Inspector went to check up on him in 2021 on 15 and 16 July, 21 and 22 November after 10 pm each time," it reads.

Nekboyeva, Abdirakhimov's wife, told Forum 18 that her husband indeed "was not at home on those dates. On 15 July we visited his family in Syrdarya Region, when his grandmother died. We were there between 15 and 16 July. He just did not have time to inform the police about it before leaving. On 21 November, he received a late private order to transport vegetables in his car for payment and went out. The following evening, on 22 November, he was detained by the police on the street after 10 pm."

Nekboyeva told Forum 18 that the police "did not visit their home to check up on Khasan but we suspect one of our neighbours, who cooperates with the police reported on him".

Nekboyeva explained that "Khasan transports goods in his car to earn a living. He is the only provider of the family, and we have no other source of income. All of us, including our five children [three underage] depend on these orders." She told Forum 18 that her husband "did not deserve to be put in prison just because he did not inform the police about having to be with his family after his grandmother's death."

"Can you imagine, our stress knowing that Khasan will be given a long prison sentence, our situation with the five children without food every day?" she said. (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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