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UZBEKISTAN: Muslim jailed for four extra years, Nursi reader arrested

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

Muslim prisoner of conscience Khasan Abdirakhimov was on 28 April jailed for four extra years in an ordinary regime labour camp. The Judge told Forum 18 he was jailed "because he put likes under [religious] materials, and shared them with others on the internet". On 11 April Muslim Bobirjon Tukhtamurodov who met others to read theologian Said Nursi's works returned from exile in Russia to Uzbekistan. Despite previous assurances he was arrested, and is being held for six months in pre-trial detention.

On 28 April, Karshi District Criminal Court jailed 40-year-old Muslim prisoner of conscience Khasan Abdirakhimov for four years in an ordinary regime labour camp. Judge Orzimurod Shukurov told Forum 18 on 11 May that he jailed prisoner of conscience Abdirakhimov "because he put likes under [religious] materials, and shared them with others on the internet".

Abdirakhimov had already been serving a four-year jail term for listening to and sharing the sermons of banned imams. The 28 April decision combines both sentences into one punishment. The Judge deemed the four-year jail term to run from 24 January 2022 (see below).

Abdirakhimov's wife Iroda Nekboyeva told Forum 18 in February 2022 that he did not appeal against the November 2021 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." After Abdirakhimov's 28 April 2022 four-year jail sentence, the family said that they will not appeal against the new sentence. "We are afraid that if we appeal the authorities could extend his prison term," they told Forum 18 on 11 May (see below).

On 12 April, a hearing in the criminal trial of former and current prisoner of conscience Oybek Khamidov was postponed to an unknown date. Andijan City Court told the family that they will be given the date of the next hearing three days in advance. He is accused of sharing "illegal" religious materials with his wife and other persons, and storing on his mobile phone "extremist" sermons by "disappeared" Imam Abduvali Mirzayev (see below).

Prisoner of conscience Khamidov was arrested after his younger brother fled Andijan, following police questioning over five days after a teahouse discussion of Islam with friends. Officers threatened Khamidov that if he did not help police find his brother, he would be put on criminal trial. The family have no knowledge of his brother's current whereabouts. The indictment claims Khamidov "did not learn his lesson" and began again "storing and distributing religious materials" (see below).

In 2010, Bobirjon Tukhtamurodov, an Uzbek Muslim reader of the works of the late Turkish Muslim theologian Said Nursi, fled Uzbekistan. He fled after being warned his arrest was likely, after his brother, another reader of Nursi's works, was given a six-year jail sentence. In February 2022, the Russian authorities refused to extend the 46-year-old Tukhtamurodov's leave to remain in Russia, and ordered to him to leave the country. "He had no place to go other than Uzbekistan," Muslims who know the case told Forum 18 (see below).

Tukhtamurodov, the Muslims said, then contacted Uzbekistan's government, which assured him that he would not be arrested. "Despite this, he was arrested when he arrived in Tashkent International airport on 11 April and immediately transferred to a Bukhara prison." Tukhtamurodov is being investigated under Criminal Code articles 244-1 ("Preparation or distribution of materials threatening public security and public order"), and 244-2 ("Creation, leadership or participation in religious extremist, separatist or fundamentalist or other banned organisations") (see below).

Apart from Tukhtamurodov, it does not appear that in 2022 the regime is specifically targeting other Muslims who have met to study Nursi's works (see below).

Court and police officials refused on 11 May to answer Forum 18's questions on Tukhtamurodov's case. "The family hopes that Bobirjon will either be amnestied or given a suspended sentence," Muslims who wished to remain anonymous for fear of state reprisals told Forum 18. "The authorities in Bukhara told them that he must be tried because the case needs to be closed, but that

they will not imprison him" (see below).

On 12 May, Ellikala District Criminal Court held the opening session in the criminal trial of Doctor Alimardon Sultonov, a devout Muslim known for discussing freedom of religion and belief issues. He faces charges under five different Criminal Code articles, and if convicted faces a possible maximum 10-year jail term. Judge Orazbay Maulenov set the next hearing for 20 May (see below).

The National Guard arrested Sultonov on 18 January 2022. His family stated that he was arrested "for criticising President Mirziyoyev, state-appointed imams and other officials". Police also stated that they had warned Dr Sultonov that he should stop doing this, but he carried on (see below).

Khasan Abdirakhimov given extra four years in prison

On 28 April, Karshi District Criminal Court jailed Muslim prisoner of conscience Khasan Doniyorovich Abdirakhimov (born 18 October 1981) for four years in an ordinary regime labour camp. Judge Orzimurod Shukurov also with the same decision (seen by Forum 18) ordered the confiscation of Abdirakhimov's computer and mobile phones.

Judge Shukurov told Forum 18 on 11 May that he jailed prisoner of conscience Abdirakhimov "because he put likes under [religious] materials, and shared them with others on the internet".

Abdirakhimov had already been serving a four-year jail term (see below). The 28 April decision combines both sentences into one punishment. The Judge deemed the four-year jail term to run from 24 January 2022.

Prisoner of conscience Abdirakhimov faced charges under Criminal Code Article 244-1, Part 3 (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"). His trial began on 1 April (https://www.forum18.org/archive.php?article_id=2730).

On 26 January 2022, the same charges Abdirakhimov faced were used to jail Muslim prisoner of conscience Fazilkhoja Arifkhoyev (https://www.forum18.org/archive.php?article_id=2716) for seven and half years in a labour camp for criticising state-appointed imams.

Prisoner of conscience Abdirakhimov had on 26 January 2021 been sentenced to four years' restricted freedom (https://www.forum18.org/archive.php?article_id=2719) under Criminal Code Article 244-2 (https://www.forum18.org/archive.php?article_id=2699) ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") for listening to and sharing with others the sermons of banned imams.

Such claims of listening to sermons were used to jail in March 2020 four young men (https://www.forum18.org/archive.php?article_id=2575) who were interested in Islam. 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".

On 22 November 2021, police took Abdirakhimov into custody, and three days later the January 2021 restricted freedom sentence, where he lived at home under a curfew, was changed to a prison term (https://www.forum18.org/archive.php?article_id=2719). Police claimed he had violated his curfew restrictions.

In late January 2022, Kashkadarya Regional Police opened a new criminal case against prisoner of conscience Abdirakhimov. His wife Iroda Nekboyeva told Forum 18 in February 2022 (https://www.forum18.org/archive.php?article_id=2719) that he did not appeal against the November 2021 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."

After Abdirakhimov's 28 April four-year jail sentence, the family said that they will not appeal against the new sentence. "We are afraid that if we appeal the authorities could extend his prison term," they told Forum 18 on 11 May.

Judge Shukurov through the defence lawyer warned the family not to file an appeal, a Muslim who knows the case and the family, who wishes to remain anonymous for fear of state reprisals, told Forum 18 on 11 May. Judge Shukurov on 11 May adamantly denied this, telling Forum 18 that "they can still appeal during the next 20 days, however I cannot guarantee what a higher court will decide."

Any appeal would be heard at Kashkadarya Regional Court. The verdict does not go into force until any appeal has been heard or the deadline for an appeal to be lodged has passed.

Prisoner of conscience Abdirakhimov has not yet been sent to a labour camp to serve his sentence and is still being held in Karshi's Investigation Prison No. 5. Its address is:

Uzbekistan

Kashkadarya viloyati

Karshi tumani

Shayxali qurqoni

IIB JIEB 5-sonli tergov xibisxonasi

Trial of prisoner of conscience Oybek Khamidov postponed

On 12 April, a hearing in the criminal trial of former and current prisoner of conscience Oybek Khamidov was postponed to an unknown date. Andijan City Court told the family that they will be given the date of the next hearing three days in advance, they told Forum 18 on 11 May.

Arrested on 17 January, Khamidov is on trial on accusations of sharing "illegal" religious materials with his wife and other persons, and storing on his mobile phone "extremist" sermons by "disappeared" Imam Abduvali Mirzayev. He faces charges under Criminal Code Article 244-1, Part 3 (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"). Andijan City Court began hearing the case on 28 March (https://www.forum18.org/archive.php?article_id=2730).

Khamidov is on trial after his younger brother fled Andijan, following police questioning over five days after a teahouse discussion of Islam with friends. Officers threatened Khamidov that if he did not help police find his brother, he would be put on criminal trial (https://www.forum18.org/archive.php?article_id=2730). The family have no knowledge of his brother's current whereabouts. The indictment claims Khamidov "did not learn his lesson" and began again "storing and distributing religious materials".

Prisoner of conscience Khamidov's prison address is:

Uzbekistan

Andijon viloyati

Andijon shaxri

Jazoni ijro etish departamentinin

3 sonli tergov xibisxonasi

Eski ush kuchasi 202 uy 3

Oybek Dilshod ogli Khamidov

Muslim fugitive arrested, given six months' pre-trial detention

In 2010, Bobirjon Baratovich Tukhtamurodov (born 9 July 1975), an Uzbek Muslim reader of the works of the late Turkish Muslim theologian Said Nursi, fled Uzbekistan. He fled after being warned his arrest was likely, after his brother, another reader of Nursi's works, was given a six-year jail sentence.

The Russian authorities then arrested him after a request from Uzbekistan (https://www.forum18.org/archive.php?article_id=1490).

In 2021, Police in Bukhara put up Wanted posters of Tukhtamurodov in the neighbourhood of the city where his family lives. The posters described him as an "extremist" and offered an unspecified reward for those helping to locate him.

In February 2022, the Russian authorities refused to extend Tukhtamurodov's leave to remain in Russia, and ordered to him to leave the country. "He had no place to go other than Uzbekistan," Muslims who know the case told Forum 18.

Tukhtamurodov, the Muslims said, then contacted Uzbekistan's government, which assured him that he would not be arrested. "Despite this, he was arrested when he arrived in Tashkent International airport on 11 April and immediately transferred to a Bukhara prison."

Tukhtamurodov is being investigated under Criminal Code articles 244-1 (https://www.forum18.org/archive.php?article_id=2699) ("Preparation or distribution of materials threatening public security and public order"), and 244-2 ("Creation, leadership or participation in religious extremist, separatist or fundamentalist or other banned organisations").

On 25 December 2019, the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2699) harshened the existing severe state censorship system for all religious texts by approving an updated list of "extremist" texts, including all texts by the late Turkish theologian Said Nursi (https://www.forum18.org/archive.php?article_id=2699). In the past Muslims who met to study Nursi's works have been jailed, but all the known Nursi reading prisoners of conscience were freed by 2017 (https://www.forum18.org/archive.php?article_id=2341).

Apart from Tukhtamurodov, it does not appear that in 2022 the regime is specifically targeting other Muslims who have met to study Nursi's works.

Bukhara Region Police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699) is leading the investigation into Tukhtamurodov after Bukhara City Criminal Court gave him six months' pre-trial detention on 6 May. Court officials refused on 11 May to answer Forum 18's questions on the case, including why prisoner of conscience Tukhtamurodov was arrested and imprisoned when he was assured this would not happen.

Officials claimed on 11 May that the head of Bukhara Region Police "Struggle with Extremism and Terrorism Department", Colonel Sayfiddin Mukhamedov, was busy. His Deputy, Lieutenant Colonel Akbar Bafoyev, put the phone down as soon as Forum 18 introduced itself the same day. Subsequent calls went unanswered.

"The family hopes that Bobirjon will either be amnestied or given a suspended sentence," Muslims who wished to remain anonymous for fear of state reprisals told Forum 18. "The authorities in Bukhara told them that he must be tried because the case needs to be closed, but that they will not imprison him."

Prisoner of conscience Tukhtamurodov's prison address is:

Uzbekistan

Buxoro viloyati

4-sonli tergov hibsonasi

Buxoro shahri, Afrosiyob ko'chasi 96

Tukhtamurodov Bobirjon Baratovich

Charged in Russia in 2017, charges dropped in 2018

Along with Russian Muslims, Tukhtamurodov was in 2017 charged with being a "participant" in meetings to read Nursi's works (https://www.forum18.org/archive.php?article_id=2339). However, in 2018 Russian prosecutors closed the case (https://www.forum18.org/archive.php?article_id=2373).

European Court's earlier concern about potential extradition to Uzbekistan

In 2014, Bobirjon Tukhtamurodov appealed to the European Court of Human Rights (ECtHR) in Strasbourg to protect himself from extradition to Uzbekistan, fearing that he would face torture if returned there. In its final judgment on 12 February 2015 (Application No. 21762/14 (<https://hudoc.echr.coe.int/eng?i=001-152504>)), the ECtHR ruled that there was no longer a need to consider Tukhtamurodov's case as, on 4 September 2014, the Russian authorities had renewed his temporary refugee status in Russia for a further year.

At the same time, the ECtHR expressed its continuing concern about any possible extradition to a country where torture is feared. The Court pointed to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("No one shall be subjected to torture or to inhuman or degrading treatment or punishment").

"The Court reiterates that expulsion by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the individual concerned, if deported, faces a real risk of being subjected to treatment contrary to Article 3," the ECtHR noted.

After Russia's expulsion from the Council of Europe for its renewed invasion of Ukraine, on 22 March 2022 the ECtHR declared that Russia will formally leave the jurisdiction of the European Convention

(https://echr.coe.int/Documents/Resolution_ECHR_cessation_membership_Russia_CoE_ENG.pdf) on 16 September.

An ECtHR spokesperson told Forum 18 on 11 April that the Court will continue to examine cases lodged against Russia (https://www.forum18.org/archive.php?article_id=2731) before 16 September 2022. The Court will also examine cases lodged within four months of 16 September 2022, provided domestic legal remedies have been exhausted before 16 September 2022.

Sultonov's trial began on 12 May

On 12 May, Judge Orazbay Maulenov of Ellikala District Criminal Court held the opening session in the criminal trial of Alimardon Islamovich Sultonov (born 26 October 1983), a devout Muslim known for discussing freedom of religion and belief issues. He faces charges under five different Criminal Code articles (https://www.forum18.org/archive.php?article_id=2730), and if convicted faces a possible maximum 10-year jail term. The Judge set the next hearing for 20 May.

Prisoner of conscience Sultonov, his family said, refused to use state provided lawyers as he does not trust them, and cannot afford a lawyer. Nodirakhon (who refused to give her last name), Judge Maulenov's Assistant told Forum 18 on 11 May that the hearing would be postponed if Sultonov is not represented by a lawyer. However, a temporary lawyer came from Tashkent to represent Sultonov at the opening hearing, but is unlikely to be able to represent him throughout the trial.

The Judge heard Sultonov's previous trial, and on 24 November 2020 gave him a 14-month restricted freedom sentence (https://www.forum18.org/archive.php?article_id=2626).

The National Guard arrested Sultonov on 18 January 2022 (https://www.forum18.org/archive.php?article_id=2730). His family stated that he was arrested "for criticising President Mirziyoyev, state-appointed imams and other officials" (https://www.forum18.org/archive.php?article_id=2716). Police also stated that they had warned Dr Sultonov that he should stop doing this, but he carried on.

Karakalpakstan Interior Ministry Lieutenant Colonel Gairat Kulymbetov of the Investigation of Special Crimes Department, who led the pre-trial investigation, refused to talk about the case. He put the phone down when Forum 18 introduced itself on 11 May and did not answer subsequent calls.

Although Sultonov could pray in prison during the Muslim holy month of Ramadan, he was not able to keep the fast as the prison's evening meal was served before the fast should be broken, his family told Forum 18 on 11 May. (Ramadan in Uzbekistan in 2022 started on the evening of 1 April and ended with the festival of Uraza Bayram or Id al-Fitr from the evening of 2 May.)

Urazbay Kurbanbayev, Chief of the Nukus detention prison where Sultonov is kept, refused to discuss Sultonov's difficulties in prison. "I cannot talk to you on his situation, you need to ask the central state agencies in Tashkent," Kurbanbayev said without specifying which state agencies. He then refused to discuss the case more with Forum 18.

Prisoner of conscience Sultonov's prison address is:

Uzbekistan

Karakalpakstan

Nukus shahri

Mir ko'chasi

Jazoni ijro etish departamentinin

Tergov xibixonasi No. 2

(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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