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UZBEKISTAN: Devout Muslim jailed after return to country

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

Prisoner of conscience and devout Muslim, 52-year-old Alijon Mirganiyev has been transferred to a strict regime prison to serve a 6 and a half year sentence imposed after he returned to Uzbekistan from Turkey. He was promised he would not be arrested if he returned to end criminal charges brought against him for his exercise of freedom of religion and belief, but was arrested on arrival at Tashkent Airport. "This is one of the numerous fabricated cases made against influential Muslims," says human rights defender Yelena Urlayeva.

On 12 April, 52-year-old prisoner of conscience Alijon Mirganiyev was transferred to Zarafshon's strict regime prison No. 12 in Navoi Region. After losing his appeal, Mirganiyev is serving a 6 and a half year strict regime prison term imposed for forming a "criminal conspiracy" with his family to go to Turkey to "raise his children in the spirit of extremism", "to engage their children in drug use and drug trafficking", and "created and participated in the activity of an extremist religious organisation". No evidence was produced for any of these allegations.

The drugs-related charges were dropped on appeal as the Judge found no evidence of this, but other charges were upheld, including the same charge he had earlier been jailed in 2006 under - Criminal Code Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") (see below).

Prisoner of conscience Mirganiyev and his family moved to Turkey in 2013, "to follow our faith could be risky for us, and we were also not sure of the future of our family in Uzbekistan," his wife told Forum 18. Human rights defender Alisher Ubaydulloyev, who knows the family, told Forum 18 that Mirganiyev, as a former prisoner, could not easily find employment in Uzbekistan, and could not provide for his family. While in Turkey, Mirganiyev faced a failed 2019 extradition attempt which was rejected by a Turkish court as Uzbekistan had produced no evidence (see below).

After a criminal case was opened against him in February 2014 by Uzbekistan's Yangiyul District Police "Struggle with Extremism and Terrorism Department," and repeated calls to him in Turkey from Uzbek officials, Mirganiyev decided to return to Uzbekistan to end the criminal case. Uzbek officials had promised him that he would not be arrested, but immediately he arrived at Tashkent Airport on 11 June 2022 he was arrested. He has been in detention ever since (see below).

Police Lt Col Davron Mirzakhojayev could not explain to Forum 18 what, if any, evidence there was for any of the charges. Captain Murat Mamirov of the CID also did not want to discuss the case with Forum 18 on 25 May 2023, claiming that he could not hear Forum 18's questions. Tashkent Regional Prosecutor's Office did not answer its telephones between 23 and 25 May (see below).

Mirganiyev's arrest on return despite being promised this would not happen parallels a case involving a Muslim reader of theologian Said Nursi's works, Bobirjon Tukhtamurodov. He was promised he would not be jailed if he returned from Russia, but was arrested at Tashkent Airport on arrival on 11 April 2022 and on 23 June jailed for 5 years 1 month (see below).

Mirganiyev was brought to trial on 18 October 2022, and an appeal hearing was held on 10 March 2023. Human rights defender Yelena Urlayeva, who chairs the Human Rights Alliance, attended Alijon Mirganiyev's appeal hearing. "This is one of the numerous fabricated cases made against influential Muslims," Urlayeva, who is also familiar with the 2006 case, told Forum 18 on 25 May. "The authorities do not like strong examples of devout Muslims because they can influence the masses" (see below).

Targeted, jailed in 2006 for being devout Muslim

On 28 June 2006, Alijon Makhmudovich Mirganiyev (born 17 September 1970), a Muslim from Zangiota District in Tashkent Region, was given a five and half year jail term by Tashkent City Criminal Court. He was jailed 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") and was accused of being a disciple of Imam Obid Nazarov.

Imam Nazarov is a popular Muslim theologian who has strongly criticised the regime's restrictions on Muslims (https://www.forum18.org/archive.php?article_id=758) exercising their freedom of belief. He is in exile and has political asylum in

Sweden, where he was the target of an assassination attempt (<https://www.rferl.org/a/uzbekistan-imam-nazarov-recovering-attack-sweden/28322492.html>) in 2012.

In the years around 2006, Muslims the regime saw as respected by other Muslims and linked with Imam Nazarov, such as former Tashkent imam Ruhiddin Fahrutdinov (https://www.forum18.org/archive.php?article_id=853), were given long jail terms. Prisoner of conscience Fahrutdinov was freed in August 2020 (https://www.forum18.org/archive.php?article_id=2598), but has to pay 20 per cent of his earnings to the regime.

Mirganiyev's wife Khanifa Mirganiyeva told Forum 18 on 23 May 2023 that the family think Mirganiyev was targeted in 2006 as she was teaching female family members to read the Koran, Mirganiyev was praying and discussing Islam with other men, and their children were being raised as Muslims.

The regime is hostile to all three of these expressions of freedom of religion and belief, and has fined and jailed Muslims (https://www.forum18.org/archive.php?article_id=2699) who have engaged in them. The regime warned the family to stop doing this, "but we did not and then they arrested and imprisoned Alijon." His wife thinks she was not arrested as there would have been no-one to look after the family's children.

Family moves to Turkey, still targeted by Uzbekistan

Alijon Mirganiyev was released from prison in June 2011 at the end of his sentence. In 2013, the family moved to Turkey as in Uzbekistan "to follow our faith could be risky for us, and we were also not sure of the future of our family in Uzbekistan".

The family moved to Turkey because "they wanted to have religious freedom to practice their faith without interference from the state authorities," human rights defender Alisher Ubaydulloyev, who knows the family, told Forum 18 on 25 May 2023. He added that Mirganiyev, as a former prisoner, could not easily find employment in Uzbekistan, and could not provide for his family.

On 5 February 2014, Major B. Mirzakobilov of Yangiyul District Police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699) opened a criminal case against Mirganiyev.

Turkish Border Police stopped the family at Istanbul's Ataturk International Airport on their way to and from the Haj pilgrimage in February 2019. "Both times we were warned that Uzbekistan has opened a criminal case against us, but we were released after a few hours after police found that there were no reasons to detain us," Mirganiyev's wife told Forum 18. "It was very unpleasant and troublesome for us."

Also in 2019, Uzbekistan tried to extradite Mirganiyev from Turkey. Istanbul Regional Administration brought a case in the Istanbul Administrative Court, which on 28 November 2019 rejected the case in a decision Forum 18 has seen.

Mirganiyev's wife noted that Mirganiyev and his family were accused by Uzbekistan of being with Daesh in Syria and Iraq. However, the family was able to prove to the Turkish authorities that they were not with Daesh but in Turkey when Uzbekistan accused the family of being with Daesh. Mirganiyev was also accused of encouraging Uzbeks in Turkey to join Daesh in Syria and Iraq. No evidence was produced, and the family adamantly deny the allegations.

The Court found that Mirganiyev was legally resident in Turkey, that Uzbekistan had provided "no evidence of extremist activity [by Mirganiyev]", and there was a risk of unjust imprisonment if he was extradited to Uzbekistan.

Lieutenant Colonel Davron Mirzakhojayev of Tashkent Criminal Investigation Department (CID) could not explain to Forum 18 what concrete acts of terrorism Mirganiyev was alleged to have committed, and why Uzbekistan could not provide the Turkish authorities with any evidence of these allegations. "I am in a meeting at the moment, could you call me back in 15 minutes," Lt Col Mirzakhojayev told Forum 18 on 25 May 2023. He did not answer his phone whenever Forum 18 called him back.

Mirganiyev arrested on return to Uzbekistan

Throughout 2018 and 2019, officials of Uzbekistan's Interior Ministry and possibly also the State Security Service (SSS) (https://www.forum18.org/archive.php?article_id=2699) secret police called Mirganiyev. They invited him to return to Uzbekistan "to clear our names from the criminal case opened against us in 2014", his wife told Forum 18. The officials promised that he would not be arrested. The family does not know how the officials found his phone number.

Mirganiyev eventually decided to put an end to problems with Uzbekistan, and "returned believing the promises of the authorities that he will not be arrested". Officials arrested him on 11 June 2022 at Tashkent's International Airport on arrival from Turkey.

"They [police] told me he would be held in Tashturma [Tashkent's central prison] for three days," Mirganiyev's brother told Human Rights Watch (<https://www.hrw.org/news/2023/05/24/uzbekistan-backsliding-religious-freedom-promises>). "They promised that he would be questioned and then released. But once they detained him, they didn't release him again."

In a similar case, in 2010 amid a wave of arrests and jailings of Muslim readers of theologian Said Nursi's works, Bobirjon Tukhtamurodov fled from Uzbekistan to Russia where he was arrested after an extradition request from Uzbekistan (https://www.forum18.org/archive.php?article_id=1490). Tukhtamurodov managed to overturn the extradition order, but was ordered to leave Russia in February 2022. Despite assurances from the Uzbek authorities that he would not be arrested if he returned (https://www.forum18.org/archive.php?article_id=2740), officials arrested him at Tashkent Airport on arrival on 11 April 2022.

On 23 June 2022, the 47-year-old Tukhtamurodov was jailed for 5 years 1 month for participating in a group that met in 2010 to study the works of Nursi. Judge Akrom Rakhimov told Forum 18 (https://www.forum18.org/archive.php?article_id=2762) that prisoner of conscience Tukhtamurodov was jailed as: "He not only read literature, but spread his beliefs and met others."

Charges

Tashkent Regional Police took over the criminal case against Alijon Mirganiyev after his arrest on 11 June 2022. CID Investigator Otabek Begmatov questioned Mirganiyev.

Mirganiyev was accused of drugs-related charges (dropped on appeal as there was no evidence of this – see below), illegally leaving the country, and the same charge he was jailed in 2006 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").

The family has evidence – seen by Forum 18 - that the accusations of leaving the country illegally and entering other countries illegally are false.

Mirganiyev was accused of "continuing his criminal activities after having served his punishment in 2006 by participating in the activity of a religious extremist organisation named 'Jihadist' created by Imam Obid Nazarov (https://www.forum18.org/archive.php?article_id=758)."

Investigators also accused Mirganiyev of forming a "criminal conspiracy" with his family to go to Turkey to "raise his children in the spirit of extremism", "to engage their children in drug use and drug trafficking", and "created and participated in the activity of an extremist religious organisation". No evidence was produced for any of these allegations.

Deputy CID Chief Lt Col Karim Raimjanov, CID Lt Col Mirzakhojayev, and CID Senior Lieutenant (now Captain) Murat Mamirov signed the indictment on 30 July 2022. Deputy Tashkent Regional Prosecutor Abdukhomid Kamilov endorsed it on 4 August 2022.

CID Lt Col Mirzakhojayev could not explain to Forum 18 what, if any, evidence there was for any of the charges. Captain Mamirov of the CID also did not want to discuss the case with Forum 18 on 25 May 2023, claiming that he could not hear Forum 18's questions. Tashkent Regional Prosecutor's Office did not answer its telephones between 23 and 25 May.

Seven-year jail term

On 18 October 2022, Judge Aziz Khonkeldiyev of Tashkent Region's Zangiota District Criminal Court found Mirganiyev guilty of all charges, and gave him a seven year prison term, according to the decision seen by Forum 18.

Neither Judge Khonkeldiyev nor the Court answered their telephones between 23 and 25 May 2023.

Family members in Turkey told Forum 18 that they could not attend the trial, and cannot visit Mirganiyev in prison as they are afraid they too could be arrested and imprisoned.

"One of the numerous fabricated cases against influential Muslims"

Human rights defender Yelena Uralyeva, who chairs the Human Rights Alliance, attended Alijon Mirganiyev's appeal hearing. She also protested outside the General Prosecutor's Office in Tashkent in February 2023.

"This is one of the numerous fabricated cases made against influential Muslims," Uralyeva, who is also familiar with the 2006 case, told Forum 18 on 25 May. "The authorities do not like strong examples of devout Muslims because they can influence the masses."

The regime has consistently targeted devout Muslims (https://www.forum18.org/archive.php?article_id=2699) exercising their freedom of religion and belief outside state control, including Muslims who are respected by their fellow-believers (https://www.forum18.org/archive.php?article_id=2723).

Appeal

On 10 March 2023, Judge Khayrilla Rakhmonov of Tashkent Regional Court heard prisoner of conscience Alijon Mirganiyev's appeal. The Judge decided on 12 March that "not enough evidence was found" to substantiate the drugs charges, and reduced the sentence by six months to a six and a half year jail term. He upheld the other charges.

The appeal decision - seen by Forum 18 - says that Mirganiyev can appeal against the verdict to the Supreme Court, and the family intend to do this.

Mirganiyev's wife observed that, as he was arrested on 11 June 2022, her husband will be in prison for another five and half years.

Neither Judge Rakhmonov nor his Assistant (who refused to give his name) wanted to discuss the case or answer Forum 18's questions on 24 or 25 May 2023.

Transfer to strict regime prison

On 12 April, prisoner of conscience Mirganiyev was transferred to Zarafshon's strict regime prison No. 12 in Navoi Region. "His two sisters visited him in prison on 16 May, and stayed with him there in a special room for visits," his wife told Forum 18. "They told me that his health is fine, that he is allowed to do namaz prayer, but is not allowed to have his own Koran as they have it in the library. Alijon sleeps at night in a barracks with other prisoners."

Prison conditions can be harsh (https://www.forum18.org/archive.php?article_id=2635). Open Prison No. 49 in Olmalyk banned prisoners from fasting during 2023's Ramadan (https://www.forum18.org/archive.php?article_id=2824), threatening those that do.

Prisoner of conscience Mirganiyev prison address is:

Uzbekistan

Navoiy viloyati

Zarafshan shaxri

Sharq ko'chasi, uy No. 1

Navoiy viloyati

Ichki ishlar boshqarmasi

Jinoyati Ijro Etish Bo'limi

12-sonli Jinoyati Ijro Etish Kolonoyasi

Alijon Makhmudovich Mirganiyev

The duty officer at Zarafshon Prison confirmed to Forum 18 on 24 May that Mirganiyev is in the prison and confirmed the conditions Mirganiyeva described to Forum 18. He refused to discuss other questions or put Forum 18 through to Prison Governor Farhod Qobilov. (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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