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UZBEKISTAN: No proof, but imam sentenced

By Igor Rotar, Forum 18 News Service <<http://www.forum18.org>>

Astonishment and uproar greeted the six-year prison sentence imposed on 6 July on Alokxon Ishankhojayev, imam of the central mosque in Novy Margelan, a satellite town near Fergana in the Uzbek section of the Fergana valley. Those present in court began to shout that the imam had been found guilty simply for being a law-abiding Muslim, local human rights activist Akhmajon Madmarov told Forum 18 News Service. The court could present no proof of the charges that Ishankhojayev undermined the constitutional basis, set up a criminal organisation or led a banned organisation. The imam rejected accusations that a gun "found" by police in a search had been his. In the first case in Central Asia known to Forum 18 where the official Muslim clergy have supported individuals accused of Islamic radicalism, the chief imam of Fergana region spoke in court in Ishankhojayev's defence.

Despite what observers say was a lack of any proof, the imam of the central mosque in Novy Margelan, Alokxon Ishankhojayev, was sentenced by Margelan court on 6 July to six years' imprisonment, local human rights activist Akhmajon Madmarov told Forum 18 News Service on 7 July from Margelan, a satellite town near Fergana [Farghona], in the Uzbek section of the Fergana valley. Given the failure to prove the charges against the imam, when judge Burkhan Usmanov pronounced the verdict there was astonishment and uproar in court. Ishankhojaev was found guilty under four articles of the criminal code: Article 159 (undermining the constitutional basis of the republic of Uzbekistan), Article 242 (setting up a criminal organisation), Article 244 part 2 (setting up, leading and participating in separatist, fundamentalist or other banned organisations) and Article 248 (unlawful possession of firearms).

According to Madmarov, in the chaos that ensued once the sentence had been pronounced even the police officer guarding Ishankhojayev could not hold back his tears. Against orders he unlocked the iron cage in which the accused are held during a court case in Uzbekistan and allowed Ishankhojayev to say farewell to his mother. Those present in court began to shout that the imam had been found guilty simply for being a law-abiding Muslim. Ishankhojayev's mother fainted and the judge had to call an ambulance.

A graduate of the Tashkent medresseh, Ishankhojayev had been appointed imam of Novy Margelan's central mosque and was due to take up his post on 1 April. However, on 31 March officers of the secret police (the National Security Service or NSS) and the police came to his house with a search warrant. In the course of their search, the officers claimed to have discovered a gun and bullets and immediately arrested him. At court on 17 June, where Forum 18 was also present, Ishankhojayev declared that the weapon had been planted on him.

All the witnesses questioned categorically denied that Ishankhojayev had turned them against the constitutional order. One witness Isroja Muminov, who had earlier signed a statement that Ishankhojayev had turned him against the constitutional order, told the court on 17 June that he had been drunk when he was called into the NSS offices and signed the papers without even reading them. He testified that he did not even know Ishankhojayev (see F18 News 29 June 2004 http://www.forum18.org/Archive.php?article_id=351).

Also unclear is how Ishankhojayev could have set up a criminal organisation (as specified in Article 242) or have taken part in the activity of fundamentalist organisations (Article 244, part 2) when prosecutors could find no other members of this supposedly active organisation.

The material evidence that the prosecution argued demonstrated Ishankhojayev's extremist views - an anonymous manuscript found at his home during the search - is also intriguing. An expert analysis conducted by staff at the philosophy department of the Fergana Polytechnic Institute concluded that "the manuscript preaches Islamic radicalism and a return to the times of the caliphate". In support of their claim the experts cited the following quotation: "People's ailments stem from the fact that they have departed from Islam and are not striving for spiritual improvement." However, the manuscript appeared to be a standard work of Islamic theology and the court could produce no proof that Ishankhojayev had distributed it.

Madmarov pointed out that even the chief imam of Fergana region, Sobir hoja Eminov, appeared as a witness on Ishankhojayev's behalf. "Ishankhojayev has never been known to hold extremist views and he was awarded the post of imam-hatyb on my recommendation," Eminov told the court. He also said he believed the former imam-hatyb of Novy Margelan mosque had

denounced Ishankhojayev to the law enforcement agencies, apparently accusing his successor of being a "Wahhabi" (a term widely used in Central Asia to denote Islamic fundamentalists). This is the first case in Central Asia known to Forum 18 where the official clergy have supported individuals accused of Islamic radicalism.

Madmarov also reported that the trial of a group of Muslims arrested by the police in Margelan was still under way in Fergana. In the wake of the terrorist attacks in various Uzbek cities at the end of March and beginning of April, the Margelan police arrested ten former members of the radical Islamic group Hizb-ut-Tahrir who had previously been released from prison under an amnesty (see F18 News 13 April 2004 http://www.forum18.org/Archive.php?article_id=298). Police claim that all those arrested had been found with a gun cartridge packed with drugs. Madmarov describes these similar finds as "absurd" and argues that this demonstrates that both the weapons and drugs were planted on the Muslims.

Moreover, Madmarov told Forum 18 that the wife of one of those arrested, Mukudas Yusupova, told the court that instead of a search warrant the police had mistakenly handed her a document showing the results of the search, even before it had been carried out.

For more background, see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=105

A printer-friendly map of Uzbekistan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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