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UZBEKISTAN: Torture, prison for "illegal" religious materials

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

Courts have imprisoned two more foreign citizens – for five years and three years - for having Islamic sermons on their mobiles as they entered Uzbekistan. One was tortured. Three Tashkent Muslims were given suspended prison sentences, after the father of one was "severely tortured".

More than eight months after Uzbek border guards arrested Akmaljon Rasulov for having "illegal" religious materials on his mobile phone, Tashkent Regional Court on 6 December upheld his five-year prison sentence. Relatives of the 26-year-old ethnic Uzbek, a citizen of Kazakhstan, told Forum 18 that Uzbekistan's National Security Service (NSS) secret police tortured Rasulov during the months he was held in its pre-trial Investigation Prison.

Similarly, in mid-October an Uzbek court sentenced Russian citizen Zuhridin Abduraimjanov to a three-year labour camp term for having "illegal" religious materials on his phone (see below).

By contrast, three young Muslims from the Uzbek capital Tashkent were given suspended prison terms at their December trial for possessing religious materials, including sermons on a computer police seized in a house search. One of the three had already spent five months in pre-trial imprisonment, while his father had been imprisoned for 15 days during which officers subjected him to torture (see below).

Strict censorship, harsh punishments

Uzbekistan enforces strict censorship of all religious publications and all aspects of their distribution. The authorities also impose a de facto ban on religious literature of any belief in homes or in public places. If found such literature is frequently ordered to be destroyed. State pressure is so great that for their own safety some religious believers have destroyed their own sacred texts. The so-called "expert analyses" used to justify such freedom of religion and belief violations are often flawed, or even violate published law. The resulting court trials also often violate the rule of law (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1862).

The harshest punishments for the possession of allegedly "illegal" religious literature, including on electronic devices, are normally imposed on Muslims. For example, prisoner of conscience Bakhtiyor Khudaiberdiyev, a Russian citizen who is ethnically Uzbek, was sentenced in August to 6 years in jail. The NSS Secret Police had arrested him in January at Tashkent Airport for having suras [verses] from the Koran and other material on his mobile phone (see F18News 18 November 2016 http://www.forum18.org/archive.php?article_id=2232).

Tashkent Region: Why was Rasulov arrested?

Kazakh citizen Akmaljon Nigmatjanovich Rasulov (born 2 May 1990) was travelling on business from Shymkent in southern Kazakhstan to the Uzbek capital Tashkent. Uzbek border guards stopped him on 23 March while crossing from Kazakhstan into Uzbekistan at Gisht-Kuprik customs border point in Tashkent Region's Zangiota District. Customs Inspector A. Abbasov, who detained Rasulov, later testified against him at his July trial.

Rasulov's mobile phone had on it "fanatical sermons" by Abduvali Kori Mirzayev among others, his July court verdict alleges. Mirzayev, an Imam in Andijan, "disappeared" at Tashkent Airport in 1995 with his assistant and has never been seen since (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

Rasulov told the Court that he received these messages on his phone from others, and did "not know that they are banned in Uzbekistan". The verdict claims he "accepted the charges" and "asked for forgiveness".

However, Rasulov's relatives in Kazakhstan adamantly denied that he was guilty of or had confessed to any crime. "In one of our phone conversations with him Akmaljon told us he did not sign police reports or any statement incriminating him," relatives, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 16 December.

Investigators and other officials "kept assuring us that if he confessed to the crime he would be amnestied soon, but after all that they convicted him", Rasulov's relatives added.

Tashkent Region: Five-year prison term

Rasulov went on trial at Tashkent Region's Kuyichirchik District Criminal Court. On 21 July Judge Khakim Malikov found him guilty under Criminal Code Article 246, Part 1 of "deliberately trying to import into Uzbekistan banned religious materials".

Article 246, Part 1 punishes smuggling of a wide range of materials, including explosives, weapons, radioactive substances or drugs into Uzbekistan, as well as "materials propagating religious extremism, separatism and fundamentalism". Punishment ranges from five to ten years' imprisonment.

Judge Malikov handed Rasulov a five-year prison term. Relatives from Kazakhstan were able to attend his trial.

Asked on 19 December why Rasulov was given a lengthy prison term simply for having recordings of sermons of Imams who had fallen out of favour with the Uzbek authorities, Judge Malikov responded to Forum 18: "Did you see the results of the religious expertise of those materials?" He insisted that the materials on Rasulov's phone were "extremist".

Told that Forum 18 could not find in the verdict any "extremist" actions committed by Rasulov and that he admitted to the Court he did not know that those sermons were banned in Uzbekistan, Malikov responded: "I acted based on our Criminal Code. Let his representatives file an appeal."

Told that Uzbekistan's Criminal Code violates fundamental human rights and international human rights agreements by punishing those exercising the right to freedom of religion or belief, and asked why people are imprisoned simply for having religious texts, Judge Malikov brushed off Forum 18. "This is Uzbekistan, we have our own laws, and Criminal Code."

Tashkent Regional Court dismissed Rasulov's appeal against his conviction on 6 December.

Tashkent Region: Rasulov tortured during pre-trial investigation

Rasulov's relatives – who Forum 18 could hear crying on the phone - complained that he was kept for four months and tortured in an NSS secret police Investigation Prison between the end of March and 21 July, when he had his first trial in Kuyichirchik. "We saw that Akmaljon had signs of deep burns on his feet during the first trial on 21 July," they told Forum 18.

Relatives were able to talk to Rasulov after the July trial. "When we asked what happened, he said he burnt himself when he had tea," they told Forum 18. "But we know that he was afraid to tell us he was tortured."

Relatives added that later, during a phone call to Rasulov in prison, he asked them "to be careful and not to ask unnecessary questions".

Rasulov is being held in prison UYa 64/65 in Zangiota, Tashkent Region.

Andijan Region: 3-year labour camp sentence

Similarly convicted in mid-October for having "illegal" Islamic religious materials on his mobile phone was a 29-year-old Muslim, Zuhridin Abduraimjanov. Uzbekistan's border officials arrested him in Andijan Region in May.

Zuhridin Abduraimjanovich Abduraimjanov (born 21 May 1986) is an ethnic Uzbek born in Kyrgyzstan, who is a Russian citizen.

An Uzbek court sentenced Abduraimjanov to a three-year term of imprisonment in a labour camp, Radio Free Europe noted on 9 December. He appealed against his conviction, but in November the appeal was rejected.

After his sentence, Abduraimjanov was transferred to a labour camp in Karshi [Qarshi] in Kashkadarya Region, relatives told Forum 18. Relatives expressed concern over his health, as he had a liver operation shortly before his arrest.

Abduraimjanov's prison address is:

Uzbekistan

Kashkadarya Region

g. Karshi

The state-sponsored news agency Uzbekistan News (nuz.uz) published an article on 24 October on complaints and letters to then Prime Minister (and current President) Shavkat Mirziyoyev. In the comments section, a woman who identified herself as Abduraimjanov's sister, Mavlyuda (she gave no last name), insisted that her brother had been "convicted for nothing". She asked Mirziyoyev to "help him to return to his family if there is justice in this wide world".

Mavlyuda said Abduraimjanov was due to fly to South Korea from Tashkent on 25 May to try to earn money to support his family. Uzbek border guards stopped him that day at the Dustlik Kyrgyzstan-Uzbekistan customs border point in Andijan Region. Officers confiscated his mobile phone and arrested him.

Abduraimjanov's mother, wife and children live in the southern Kyrgyz city of Osh. "We have only one provider for the family," Mavlyuda wrote to Mirziyoyev. "His mother is severely ill, and suffers from diabetes. She asks every day about her son. He has underage children and a wife."

Tashkent: Three suspended prison sentences

Judge Ulugbek Muhamadiyev of Tashkent City Criminal Court on 13 December gave suspended prison sentences to 22-year-old Ziyomiddin Sunnatullayev, 19-year-old Ilhomjon Beknazarov and Odiljon Tojiboyev. The three Muslim men were punished for possession of "illegal" religious materials.

All three were convicted under Criminal Code Article 244-1, Part 2 ("production, storage, distribution or demonstration of materials containing threat to public security and public order"). This Article carries a maximum five year prison term. Sunnatullayev was also convicted under Criminal Code Article 159, Part 1 ("offence against the Constitutional order"). This also carries a maximum five-year prison term.

Ziyomiddin Sunnatullayev received a suspended prison term of three years and seven months. Beknazarov and Tojiboyev each received a suspended prison term of three years, Surat Ikramov, an independent human rights defender from Tashkent, told Forum 18 on 13 December.

Tashkent City Police arrested Ziyomiddin Sunnatullayev on 13 July and held him in a Police Detention centre for five months before he was tried. The other two defendants were held under house arrest, Ikramov explained.

Tashkent City Police's Criminal Investigation Department Investigator Captain Salikh Rakhmanov led the case against the three men. The indictment – seen by Forum 18 - was signed by Lieutenant Colonel Muzaffar Rakhmatullayev, Chief of the Criminal Investigation Department, as well as Jasur Okhunov, Deputy Prosecutor of Tashkent City. The copy of the indictment provided by the Police to Ikramov does not give the date when it was signed.

The indictment also clearly indicates that the three were punished for exercising freedom of religion or belief.

Tashkent: Why suspended sentences?

Ziyadullo Sunnatullayev, father of Ziyomiddin Sunnatullayev, told Forum 18 on 13 December that "we are happy that our son was released". He said that his son had written to newly-elected President Mirziyoyev that "he is not an extremist," and that "he was simply involved in unauthorised religious activity".

Ziyomiddin Sunnatullayev wrote in the same letter that "he understood his mistake, and he will not be involved in religious activity in future." He asked Mirziyoyev for a "lenient punishment".

Tashkent: Sunnatullayev "prayed in unorthodox manner"

As seen in the indictment, Ziyomiddin Sunnatullayev along with Beknazarov and Tojibayev shared their Islamic beliefs with others while they worked together. Their only guilt is that they "illegally taught religion" in homes, and shared "their sectarian beliefs about an Islamic caliphate".

The three men also listened to sermons of "disappeared" Imam Mirzayev, as well as exiled Imam Obid Nazarov (the subject of a 2012 murder attempt in Sweden, for which his family accuse the Uzbek government of responsibility), and former prisoner of conscience and Muslim sports journalist Khairullo Hamidov (who was released in February 2015) (see F18News 4 March 2015 http://www.forum18.org/archive.php?article_id=2045).

The three young men downloaded these sermons onto the mobile phones of others, according to the indictment. Sunnatullayev also prayed in an "unorthodox manner (..) by not putting his hands to his ears as accepted but putting his arms on his chest".

Asked about the case, Siroj (who did not give his last name), Assistant to Judge Muhamadiyev, told Forum 18 on 16 December that the Judge was attending training and would only be available on 19 December. Called back on 19 December, Siroj claimed that Muhamadiyev is "still in the training session".

Farhod Shaykulov, Chief of Tashkent Court's Chancellery, declined to discuss the case with Forum 18 on 15 December. "The Judge gave the decision based on the Law," was all he would say. He asked Forum 18 to send further questions in writing.

Tashkent: "Illegal arrests and fabrication of the case"

Trouble for the three men began in July, human rights defender Ikramov told Forum 18.

As also seen in the indictment, Tashkent City Police officers raided the Sunnatullayev family's flat in the city's Yunusabad District at 7 am on 5 July. "Three Police officers broke in, and only one of them gave his first name as Botir," Ikramov told Forum 18. After the "unapproved search" in the flat, officers seized a laptop computer, detained Ziyodullo Sunnatullayev and took him to the Police Station.

As Ikramov explained, and as seen in the indictment, Police found recordings of sermons on the computer they seized from the Sunnatullayev family's flat. The sermons were by Imams Nazarov, Mirzayev and journalist Hamidov, whose works and sermons are banned in Uzbekistan.

Once at the Police Station, officers "fabricated an administrative case against him", Ikramov complained to Forum 18. They took Ziyodullo Sunnatullayev that day to Yunusabad District Criminal Court, where a Judge handed down a 15-day prison term. "During the hearing there were no witnesses, lawyer or Sunnatullayev's family members," Ikramov added.

Ziyodullo Sunnatullayev was then taken to Tashkent Police Detention Centre, where he was held for 15 days, and released on 20 July.

Tashkent: Officers torture father in detention

Investigators at the Detention Centre "beat and tortured Ziyodullo Sunnatullayev while in detention in order to obtain a confession of extremist religious activity", Ikramov complained to Forum 18. "Ziyodullo was so severely beaten that it took a week for him to come to his senses after he was released from detention."

Asked why a criminal case had been opened against the three men, and why the father of one of them, Ziyodullo Sunnatullayev, was tortured during his administrative detention, Criminal Investigation Department Chief, Lieutenant Colonel Rakhmatullayev on 16 December claimed: "I do not know such names."

When Forum 18 told him it has seen his signature under the indictment, based on which the Court gave its verdict, Lieutenant Colonel Rakhmatullayev replied: "I need to ask my superior's permission to talk to you." He asked Forum 18 to call back later. Called back on 19 December he refused to discuss the case, and asked Forum 18 to send questions in writing.

Tashkent: Father released, son arrested instead

"When the Police understood that Ziyadullo Sunnatullayev is not a religious person, then they began suspecting his son of religious activity," Ikramov told Forum 18.

The same Officer Botir summoned Sunnatullayev's son Ziyomiddin Sunnatullayev to the Police Station at 8 am on 13 July and arrested him. He again "fabricated an administrative case and obtained through the Court a 15-day arrest for the son", Ikramov added.

The father was released on 20 July one week after the son's 13 July arrest. The Investigators charged the son for possessing "illegal" religious materials on the computer. The criminal prosecution, with the two others, then followed. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1862.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at http://www.forum18.org/Archive.php?article_id=1351.

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