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UZBEKISTAN: "The law prohibits holding prayers in a public place"

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

On 2 March, Nosir Numanov and his friends went to their local mosque for evening prayer. As there were too many other worshippers and many police outside the mosque, they went to a local teahouse to say their prayers, and afterwards planned to have a meal together. On 11 March a Judge handed Numanov a 15-day jail sentence and fined the teahouse owner about 10 months' average wages. Separately, a Judge fined former prisoners of conscience Gaybullo Jalilov and Laziz Vokhidov for having allegedly "illegal" religious materials on their phones.

On 11 March, a court in the eastern Syrdarya Region jailed Muslim Nosir Numanov for 15 days for praying with friends in a local teahouse as the nearby mosque was full. The court fined the teahouse owner about 10 months' average wages. A police officer told them that the law prohibits holding prayers in a public place. While in jail, Numanov met another Muslim jailed for 10 days for teaching a relative to read the Koran in Arabic.

On 2 March Numanov and his friends went to their local mosque in Guliston for evening prayer. "We realised that there were too many worshippers, some of whom had come in preparation for the Umra pilgrimage [to Mecca]," he told Forum 18. "There were also many police officers around the mosque."

So Numanov and his friends went to a local teahouse to say their prayers there, and afterwards planned to have a meal together. "I was standing in front and led the prayer," Numanov stated. "When we finished the prayer, we saw that there were about eight officials in plain clothes in the teahouse." The officials made Numanov write a statement about what he did, and asked his friends and teahouse owner Abdumannon Kadyrov for their names (see below).

Nine days after prayers were said in the teahouse, on 11 March Numanov was given a 15 day jail sentence and Kadyrov was fined about 10 months' average wages. "I told the Court that I did not think we violated anything," Numanov told Forum 18, "as we conducted the prayer with the teahouse owner's permission and did not disturb anyone else." He added that "I also told the Court that the Religion Law itself violates the Constitution and our freedom of religion and belief. The Judge could not answer me" (see below).

While in prison, Numanov met another man who had been given a 10-day jail sentence for teaching a relative how to read the Koran in Arabic. (Arabic is the only language which Muslims read the Koran in during worship.) The police found out about this because another relative filmed a lesson, and then published a film clip on social media (see below).

Separately, on 25 March a court in Karshi in the southern Kashkadarya Region fined former prisoners of conscience Gaybullo Jalilov and Laziz Vokhidov for having allegedly "illegal" religious materials found on phones confiscated during November 2021 raids on them and other Muslims. The 11 March 2022 charges are illegal, Vokhidov told Forum 18, as Administrative Code charges can only be brought within two months of the date of the start of the actions which led to the charges (see below).

Vokhidov stated that the fines are "unlawful and we did not commit any crime. We have very small means to live on, and prices have become very high in Uzbekistan because of the war in Ukraine. I do not have any money to pay a fine" (see below).

Criminal cases are currently being brought (https://www.forum18.org/archive.php?article_id=2730) against other Muslims who read Islamic materials electronically.

Punished for praying outside state-approved location

On 2 March Nosir Numanov and his friends went to their local mosque in Guliston in the eastern Syrdarya Region for evening prayer. "We realised that there were too many worshippers, some of whom had come in preparation for the Umra pilgrimage [to Mecca]," he told Forum 18. "There were also many police officers around the mosque."

So Numanov and his friends went to a local teahouse to say their prayers there, and afterwards planned to have a meal together. "I was standing in front and led the prayer," Numanov stated. "When we finished the prayer, we saw that there were about eight officials in plain clothes in the teahouse." One official, who did not show his identification document, told Numanov and his friends that he is from the Police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699). "We also recognised a State Security Service (https://www.forum18.org/archive.php?article_id=2699) (SSS) secret police officer," Numanov stated.

The officers made Numanov write a statement about what he did, and asked his friends and teahouse owner Abdumannon Kadyrov for their names. "They talked to us calmly, without rudeness and in a civilised manner," Numanov said. "They told us that the law prohibits holding prayers in a public place (https://www.forum18.org/archive.php?article_id=2699)."

Lieutenant Colonel Abukosym Latipov of the police "Struggle with Extremism and Terrorism Department" on 31 March refused to say why officials questioned Muslims for saying prayers, and why Numanov and teahouse owner Kadyrov were prosecuted. "We are not allowed to talk to the media," Lieutenant Colonel Latipov told Forum 18.

The trial

Nine days after prayers were said in the teahouse, on 11 March Numanov and Kadyrov were summoned to Guliston City Criminal Court to be tried under Administrative Code Article 201, Part 2 (https://www.forum18.org/archive.php?article_id=2699). This punishes "Violation of the procedure for holding religious meetings, street processions, or other religious ceremonies" with a fine between 80 and 100 base units (about 8 to 10 months' average wages) or up to 15 days in jail.

"I told the Court that I did not think we violated anything," Numanov told Forum 18, "as we conducted the prayer with the teahouse owner's permission and did not disturb anyone else." He added that "I also told the Court that the Religion Law (https://www.forum18.org/archive.php?article_id=2699) itself violates the Constitution and our freedom of religion and belief. The Judge could not answer me."

Punishments

Judge Ibrokhim Karabayev imposed a 15-day jail sentence on Numanov, and fined teahouse owner Kadyrov 27 million Sums (about 10 months average wages), Numanov told Forum 18 on 30 March.

Officials of Guliston City Criminal Court Chancellery (who refused to give their names) refused to comment on the punishments. One official asked Forum 18 to call back at 6 pm to talk to Judge Karabayev. At 6 pm Judge Karabayev's Assistant (who refused to give his name) claimed to Forum 18 that the Judge was not available.

Police had earlier warned Numanov's friends against saying prayers outside state-approved locations (https://www.forum18.org/archive.php?article_id=2699) such as state-controlled mosques.

Teahouse owner Kadyrov is not the only business owner targeted for allowing Muslim prayers. In Tashkent, Farkhod Rakhmonov, a businessman who has his own car showroom in the central Yakkasaray District had his premises raided by police (https://www.forum18.org/archive.php?article_id=2727) on 12 January. Police found that he had allowed his employees to conduct Muslim prayers at work, and on 14 February he was fined about eight months' average wages. Like Kadyrov, Rakhmonov was charged under Administrative Code Article 201, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Violation of the procedure for holding religious meetings, street processions, or other religious ceremonies").

Judge Sanjar Rasulov of Syrdarya Regional Court upheld Numanov's short-term jailing on 15 March, in an appeal decision seen by Forum 18.

Akbar Azimov, Chief of the Syrdarya Regional Court's Chancellery, refused to explain to Forum 18 on 31 March why Muslims and a teahouse owner were punished for prayers being said. Azimov also refused to put Forum 18 through to Judge Rasulov.

Short-term jailing

Numanov served his 15-day sentence in full and was released on 26 March. "The detention prison is a new building and the conditions are normal," he told Forum 18. "It is a clean place and we were fed three times a day. And we were allowed to say our namaz prayers [Islamic daily prayers]."

Long-term prisoners have been tortured for saying namaz prayers (https://www.forum18.org/archive.php?article_id=2699).

Jailed for teaching relative how to read Koran

While in prison, Numanov met another man who had been given a 10-day jail sentence for teaching a relative how to read the Koran

in Arabic. (Arabic is the only language which Muslims read the Koran in during worship.) The police found out about this because another relative filmed a lesson, and then published a film clip on social media.

Teaching others how to read the Koran without state permission (https://www.forum18.org/archive.php?article_id=2699) is banned.

Former prisoners of conscience still targeted

Former prisoners of conscience Gaybullo Jalilov and Laziz Vokhidov were among Muslims in the southern Kashkadarya Region raided, tortured and questioned by police (https://www.forum18.org/archive.php?article_id=2723) in November 2021.

"I think they targeted us during the November campaign specifically to discredit us in front of our neighbours and the general public," Jalilov told Forum 18. "They see that time in prison did not break our determination to continue practising our faith. We still attend Mosque regularly, we still wear beards, and we are still respected by our community as examples of good Muslims."

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=2712). Since early 2022, Tashkent Police targeted Muslims with raids, house searches, detentions, arrests, administrative punishments (https://www.forum18.org/archive.php?article_id=2727) (for allowing prayers to take place on business premises, and for teaching religion without state permission), and criminal investigations.

Cases opened

In mid-March, Jalilov and Vokhidov received text messages from the police warning them that cases had been opened against them both on 11 March under Administrative Code Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial, or religious hatred"). Punishments under this Article are a fine between 50 and 100 base units (about 5 to 10 months' average wages) for individuals, or for officials between 100 and 150 base units (about 10 to 15 months' average wages) or up to 15 days in jail.

On 12 March, local police officer Elyor Mahmudov visited Vokhidov in his flat. "He told me," Vokhidov told Forum 18 on 25 March, "that if I agree in court that I violated the law and agree to pay a fine I will be fined." Vokhidov added that Mahmudov told him that if he did not agree to this he would be jailed for 15 days.

Police officer Mahmudov did not answer his phones when Forum 18 called on 28 March.

Illegal charges

Vokhidov pointed out that the charges were brought for allegedly "illegal" religious materials found on phones confiscated during the November 2021 raids (https://www.forum18.org/archive.php?article_id=2723). The 11 March 2022 charges are illegal, as Administrative Code charges can only be brought within two months of the date of the start of the actions which led to the charges. "This start date is when the police confiscated our phones in November 2021," Vokhidov observed he had been told by lawyers.

Hearing, fines

The text messages summoned Jalilov and Vokhidov to Karshi District Criminal Court on 15 March. However, Judge Fakhridin Choriyeve eventually heard the cases on 25 March. Despite the charges being illegal, he fined both men 1,350,000 Sums, or about 5 months' average wages. The Judge also ordered the destruction of the phones confiscated from both men.

"The Judge verbally told us that we should be careful and not use the internet at all," Vokhidov told Forum 18. "This is a clear violation of our freedom of religion and belief. What a day and age we live in."

As is legally possible, the Judge reduced the level of the fines below the minimum 5 months' average wages punishment because of the men's economic circumstances. Vokhidov stated that the fines are "unlawful and we did not commit any crime. We have very small means to live on, and prices have become very high in Uzbekistan because of the war in Ukraine. I do not have any money to pay a fine."

Local police officer Mahmudov supported this and told the Court: "They were recently released from prison, and have no financial means."

Both Vokhidov and Jalilov told Forum 18 that they will not pay the fines. "When we said that we will still not pay the fines," Vokhidov told Forum 18, "the Judge warned us that in that case, bailiffs will confiscate property from us to cover the fine."

No copy of court decision

Under the Administrative Procedure Code a copy of a court decision must be given within three days to those found guilty. Without

this no appeal can be made, and appeals must be made within 10 days of the original decision.

Ruslan Khudoyberdiyev, head of Karshi District Criminal Court's Chancellery, told Forum 18 on 28 March that Vokhidov and Jalilov can receive copies of the Court decision "tomorrow" (29 March). However, Vokhidov on 29 March told Forum 18 that Jalilov went to the Court to obtain a copy of the Court decision on the same day, but the Chancellery refused to give it. "Khudoyberdiyev through his Assistant told Jalilov that the decision is not ready and that he should come next week."

"They violated the law", more cases in progress

Judge Choriyev did not answer his phone on 28 March. Chancellery head Khudoyberdiyev justified punishing Muslims for reading Islamic materials electronically by saying: "They violated the law, which prohibits storing extremist religious materials on mobile phones."

State censorship of all religious materials is harsh. The regime regularly punishes with fines and jail terms Muslims who have Islamic texts of any kind on their mobile phones (https://www.forum18.org/archive.php?article_id=2699).

Chancellery head Khudoyberdiyev would not explain to Forum 18 why judges and other legal officials do not ask for the abolition of repressive laws which violate human rights.

Criminal cases are currently being brought against other Muslims who read Islamic materials electronically. These include Khasan Abdirakhimov who is in custody awaiting trial (https://www.forum18.org/archive.php?article_id=2730) for listening to and sharing Islamic sermons (https://www.forum18.org/archive.php?article_id=2723). (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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