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UZBEKISTAN: Another 5 year prison term for sermons in mobile

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

Nine years after he moved to Russia to find work, Zoirjon Mirzayev was arrested at a Tashkent Region train station on his return to his native Uzbekistan after customs officials found 29 recordings of Muslim sermons in his mobile phone. The Religious Affairs Committee said the recordings were "extremist" and on 8 April Mirzayev received a five-year prison term, according to the verdict seen by Forum 18 News Service. Assistant Prosecutor B. Kamilov, who led the case in court, told Forum 18 "it's the minimum punishment that we could ask the court for". He was unable to say who had banned the sermons as "extremist" and when. "The sentence is not just and Mirzayev's relatives are preparing to file an appeal," human rights defender Surat Ikramov told Forum 18. Uzbek citizen Ikhtiyor Yagmurov was arrested on similar grounds at Tashkent airport and is awaiting trial, but officials refused to tell Forum 18 what charges he faces.

Uzbekistan continues to prevent any distribution of religious materials outside strict state censorship. In early April, another five-year prison term for smuggling "illegal" Muslim recordings on a mobile phone was handed down in Tashkent Region, Forum 18 News Service has learned. Officials have told Forum 18 that another citizen returning to Uzbekistan also faces court hearings on similar charges, but they refused to say if these are criminal or administrative charges.

Inspections for religious materials continue at airports and other border crossings, train stations, on the street as well as in individuals' private homes. Muslims and Christians have told Forum 18 in the recent past that their computers and mobile phones, including external memory devices, are thoroughly checked at airports and land borders when they depart from or arrive in Uzbekistan.

A growing number of individuals are being detained at Uzbek customs posts for "illegal" religious works and recordings. Tajik citizen Zuboyd Mirzorakhimov was arrested in September 2013 for having verses from the Koran and an Uzbek-language sermon on his mobile phone. The following month he was given a five year prison term. Three other Tajik citizens were freed in February 2014 after being detained without charge on similar grounds (see F18News 25 March 2014 http://www.forum18.org/archive.php?article_id=1942).

Meanwhile, Protestants across Uzbekistan have received fines for "illegally storing" Christian books and materials in their homes. Also two Baptists' homes in Samarkand were raided, and their property confiscated by Court Bailiffs for unpaid fines, which were given in 2012, and which according to the Baptists must have expired back in 2013 (see F18News 9 May 2014 http://www.forum18.org/archive.php?article_id=1954).

Five-year prison term

27-year old Zoirjon Mirzayev, originally from Fergana Region in eastern Uzbekistan, was returning from Russia where he had been working since 2005. He was stopped on 19 January 2014 at Keles Train station in Tashkent Region on board the Moscow to Tashkent train. "Customs officials, who were specifically looking for religious messages or texts on passengers' phones, found sermons on Mirzayev's phone," human rights defender Surat Ikramov told Forum 18 from Tashkent on 29 April.

Mirzayev was then arrested, and the recordings were sent for "expert analysis" to the State Religious Affairs Committee. It ruled on 23 January – four days after his arrest – that they were "extremist".

On 8 April Judge Kosymjon Mukhamedjanov of Tashkent Region's Okkurgan District Criminal Court sentenced Mirzayev, a Muslim, under Criminal Code Article 246, Part 1, for "illegally smuggling into Uzbekistan sermons and speeches on his phone which are banned in Uzbekistan." He was given a five-year ordinary regime prison term, according to the verdict seen by Forum 18.

Article 246, Part 1 punishes "Smuggling – that is carriage through the customs border of the Republic of Uzbekistan, without the knowledge of or with concealment from customs control, using false documentation or means of customs identification, as well as coupled with non-declaration or with declaration under false name of virulent, poisonous, toxic, radioactive, explosive substances, explosive assemblies, armaments, firearms, or ammunition, as well as narcotic or psychotropic substances, or materials that promote religious extremism, separatism, and fundamentalism." Punishment is a prison sentence of five to ten years.

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The decision says that - based on the State Religious Affairs Committee's "expert analysis" - the "materials on Mirzayev's phone, which included 29 sermons by Abduvali Kori [Mirzayev], Kobil Kori and Khairullo Hamidov, are extremist."

Ikramov notes that Mirzayev's phone also contained sermons by Obidkhon Nazarov [Obid Kori]. He said all of these were Muslim preachers "Uzbekistan's authorities punished and banned in the past. The sentence is not just and Mirzayev's relatives are preparing to file an appeal."

"Minimum punishment we could ask the court for"

Mirzayev's case was initially endorsed by Prosecutor M. Muzaffarov of Tashkent Regional Transport Prosecutor's Office. However, in the 8 April hearing the prosecution was represented by B. Kamilov, Assistant Prosecutor of Tashkent Region's Okkurgan District.

The indictment endorsed by Prosecutor Muzaffarov on 28 February and signed by Lieutenant N. Iskandarova, Investigator of Tashkent Transport Police, seen by Forum 18, reads that the case was opened on 29 January under Criminal Code Article 246, Part 1. Mirzayev was charged with "concealing the smuggling" of his phone by "not indicating in the customs declaration" that he carried a mobile phone, which had "illegal religious information" on it.

The indictment says that Mirzayev told Investigator Iskandarova during the pre-trial investigation that the religious recordings were already on the phone when he bought it in 2013 from a Kyrgyz citizen in Russia. Mirzayev told the investigation that he listened to the sermons after he discovered them on the phone, but did not know that they were banned in Uzbekistan.

Asked why the prosecution asked for such harsh punishment for Mirzayev simply for having sermons on his phone, Assistant Prosecutor Kamilov (he refused to give his first name) insisted to Forum 18 on 30 April that "it's the minimum punishment that we could ask the court for under this Article." Told that Mirzayev insisted he had bought the phone with the recordings already on it, and that he was not aware that the sermons were banned in Uzbekistan, Kamilov dismissed Forum 18's questions. "If you are not happy with the decision, you or Mirzayev's relatives can file an appeal." He then put the phone down.

Mirzayev is still being held at Tashkent's Detention Centre No. 1 (popularly known as "Tashtyurma" - Tashkent prison), relatives of Mirzayev, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 30 April. They have not been able to see him since officials told them he is "under quarantine". Mirzayev is likely to be transferred to labour camp to serve his sentence.

Appeal obstructed

"We could not lodge an appeal so far because all six [state registered] defence lawyers in Fergana Region refused to take on the case to file an appeal," Mirzayev's relatives lamented to Forum 18. The lawyers claimed to the relatives that they could not take on the case because Mirzayev "admitted" to the investigators his guilt by saying that he knew that religious messages were on his phone but did not indicate that in his customs declaration.

When relatives pressed the lawyers as to the real reasons for their refusal to take on the case, some admitted that they "just do not want to deal with this case," without giving any specifics. The relatives, for the safety of the lawyers, did not give the lawyers' names.

The relatives insisted to Forum 18 that Mirzayev is not a smuggler or extremist. "He is a Muslim, like most of us, who believes in God but does not know how to perform the namaz prayer and did not attend mosque regularly. We want to save him but don't know who to write a complaint to and who can help us to defend him."

On 2 May an official who answered Judge Mukhamedjanov's number introduced himself as Judge Mukhamedjanov. Told about the 8 April decision, and asked whether Abduvali Mirzayev, Obid Nazarov and Khairullo Hamidov's works are banned in Uzbekistan, he responded "No, I don't know." Asked how then he could give a five-year prison term to Mirzayev, he claimed that he is not Judge Mukhamedjanov, and that he is the Judge's secretary Bahodyr Nazarov. He told Forum 18 to call back in an hour. Called back an hour later the female official who had answered the phone on previous days said that both Judge Mukhamedjanov and his secretary are busy and cannot answer the call.

"Banned" sermons

Kobil kori is a prominent Tashkent imam, whose recordings circulate widely.

Abduvali Mirzayev (not known to have been related to Zoirjon) was an imam in Andijan [Andijon] in eastern Uzbekistan, whose recorded sermons became popular among Muslims across the country. He "disappeared" with his assistant at Tashkent Airport in 1995 and has never been seen again. Nazarov was a Tashkent-based imam who fled Uzbekistan in 1998. He gained asylum in Sweden in 2006. In February 2012 he was shot in the Swedish town of Strömsund in what some think was an assassination attempt initiated by the Uzbek authorities. He remains in a coma. Hamidov was a Muslim radio journalist and sports commentator sentenced

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to six years in jail in June 2010 (see F18News 26 November 2013 http://www.forum18.org/archive.php?article_id=1900).

"The sermons of Abduvali Kori and Obid Kori were freely sold in Uzbekistan until the late 1990s," Ikramov told Forum 18. "Many people bought these recordings and transferred them onto their phones and other devices. Many Uzbeks, especially those who have been outside Uzbekistan for some time, are not aware that they were banned, and that they may get into trouble with these sermons."

Ikramov added that Hamidov was not a Muslim cleric "but he also fell out of favour with the authorities, and after his arrest, I guess his works became 'extremist' for the authorities."

However, Ikramov said that he is not aware of any court decision or other official decision banning these individuals' religious writings or recordings. "Maybe in various cases, the authorities base their decisions on the expert analysis of the Religious Affairs Committee," he added.

Ikramov added that he personally has not read or seen anything extremist in the sermons of Imams Mirzayev or Nazarov. He also said that as a journalist himself, he was shocked when fellow journalist Hamidov was arrested, because he neither preached nor said anything extremist, and nor did he speak against the government. "He is a highly educated, intelligent person, and a very interesting sports commentator. People still say good things about him."

When and who banned Imams' and journalist's sermons?

Asked why she opened the case against Mirzayev, Investigator Iskandarova insisted to Forum 18 on 1 May that "banned extremist religious information was found on his phone". Asked when and by whom the sermons of Imams Mirzayev and Nazarov and Muslim journalist Hamidov were banned, she refused to say. "Send an official letter," she said and then put the phone down.

Assistant Prosecutor Kamilov also told Forum 18 that Mirzayev was arrested "because banned religious extremist messages of Abduvali Kori, Obid Kori and Khairullo Hamidov were found on his phone." He was unable to tell Forum 18 when and by which authority the authors' sermons and works were banned.

Uzbekistan's Supreme Court and State Religious Affairs Committee officials also refused to tell Forum 18 on 1 May whether and if so, when and by which authority the works of the authors were banned.

Bahodyr (he did not give his last name), Assistant of Sobytjon Sharipov, head of the Religious Affairs Committee's "Expert Analysis" Department, declined to respond to Forum 18's question by phone and asked it to send the question in writing. Forum 18 sent the question in writing on 1 May but had received no answer by the afternoon in Tashkent on 2 May.

Supreme Court officials referred Forum 18 to its Chancellery. The official there who answered the phone (who refused to give his name) refused to tell Forum 18 whether or when such a ban was issued. "If the defendant does not like the decision, he can appeal to the District Court." He then put the phone down.

Tashkent Airport detention

Detained by customs officials at Tashkent Airport was Ikhtiyor Yagmurov, according to a 5 April article posted on the State Customs Committee website. An Uzbek citizen, Yagmurov was travelling from Russia's Kaliningrad Region to Tashkent and "had a mobile phone which contained religious materials". It said his case was being investigated.

The article does not specify what the materials were, though it says they were confirmed as illegal by the Religious Affairs Committee. Nor does it specify which religious community Yagmurov belongs to or what punishment he might have received.

Investigator Aliyev (he did not give his first name) of the Customs Department at Tashkent Airport confirmed to Forum 18 on 2 May that a case was opened against Yagmurov for "carrying illegal Muslim religious materials on his phone". He said the case had been handed to court and a hearing is due. Asked whether the charges were brought under Criminal Code Article 246, he said "No." Aliyev refused to say what court will hear the case, when the hearing will be, if the case is criminal or administrative, or whether Yagmurov is currently in pre-trial detention.

Investigator Aliyev said that when customs officers detect "illegal" religious materials, Customs Investigation Departments open cases based on an "expert analysis" of the materials by the State Religious Affairs Committee.

Mass confiscations of religious literature

The State Customs Committee has confiscated more than 13,600 pieces of religious literature across the country at airports and other customs posts since the beginning of 2014 in 284 separate incidents, the 5 April article also notes.

The article boasts about the successful prevention by the authorities of the free distribution of religious information, as hinted in the

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title "shattering the illusions" of those who wanted to import or transfer religious information on mobile devices. It cites the 1997 Presidential Decree on "Additional measures of enhancing export of goods (works, services)," which states that "import into Uzbekistan of (..) print products, manuscripts, pictures, photographs, photo-films, negatives, movie, video, and audio products, audio materials, aimed at undermining of State and public order, violation of territorial integrity, of political independence and state sovereignty, which propagate (..) religious hatred (..) is banned." It adds that according to the Religion Law, "delivery and sale of religious literature produced abroad" can only take place after it has been subjected to "expert analysis".

The article laments that "despite the measures taken", "illegal import" of religious literature into Uzbekistan continues.

Investigations for "illegally" importing religious materials

The Customs Committee article also laments that Tashkent City Post Office customs officials "often come across citizens living abroad, who attempt to send religious publications to the addresses of residents of our Republic." It says such materials are confiscated at the Post Office. It adds that the cases are being investigated, but gave no specific details.

Confiscated were two consignments of 48 copies of "Holy Scriptures" sent from Germany, one to A. Kalitovskaya and the other to A. Morozov (first names not given).

Inspector Kafarova (who did not give her first name) of Uzbekistan's International Post Office in Tashkent told Forum 18 on 2 May that the publications sent to Kalitovskaya and Morozov were Jehovah's Witnesses literature. She refused to tell Forum 18 what charges were brought against the two individuals and other details of the cases, and referred Forum 18 to Tashkent City Customs Department. (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 can be found at http://www.forum18.org/Archive.php?article_id=1351.

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