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UZBEKISTAN: Prisoners of conscience jailed, one extradited

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

Uzbekistan jails two prisoners of conscience for five years for allegedly possessing Islamic sermon on music CD, and a third for seven years after Russian extradition for social media sermons. They were tortured and tried unfairly, the NSS secret police helping choose one lawyer.

Muslim cousins 30-year old Jonibek Turdiboyev and 29-year old Mansurkhon Akhmedov have been jailed for five years each for possession of a music CD on which state "experts" claimed to have found a sermon on the Islamic Caliphate recorded. Both prisoners of conscience insist that the CD only contained music, was bought as a music CD, and they have no knowledge of anything else on it. They also state they were tortured to obtain "confessions". Human rights defender Shukhrat Rustamov vehemently asserts the prisoners of conscience's innocence and pointed out violations of legal procedure and fabricated evidence. The mother of one of the two cousins states that they "were arrested because our family are practising Muslims" and that a local official told her that one reason for the arrest "was because I refused to take off the hijab". Other close family members have also been jailed for exercising freedom of religion and belief.

In another case, Davron Komoliddinov has been jailed for seven years after being extradited from Russia, for posing sermons on a Russian social media network. Human rights defender Nadezhda Atayeva of Association Human Rights for Central Asia (AHRCA) told Forum 18 that he was being tortured after an unfair trial. His state-appointed defence lawyer, who relatives state did not participate in hearings, told Forum 18 that he was asked to participate by the NSS secret police.

Jailed for five years each

Judge Tahirjon Safarov of Bekabad City Criminal Court in Tashkent Region on 25 May jailed two cousins for five years each: 30-year old Jonibek Turdiboyev and 29-year old Mansurkhon Akhmedov. The two Muslims were jailed under Part One of Criminal Code Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). The alleged organisation concerned was not stated.

The "evidence" the prosecution claimed, in the verdict seen by Forum 18, was that a music CD was found on which state "experts" claimed to have found a sermon on the Islamic Caliphate recorded under music files recorded on the CD. Prisoners of conscience Turdiboyev and Akhmedov have insisted that the CD contained only music, Turdiboyev having bought it as a music CD, and the cousins had no knowledge that anything else that may have been previously recorded on the CD.

"Confessions" extracted under torture

Prosecutors also produced as "evidence" testimony from a jailed relative, Madatjon Inamutdinov, and "confessions" from the two defendants. Inamutdinov was convicted under Criminal Code Article 244-2 on 22 December 2015 and given a five-year prison term, human rights defender Shukhrat Rustamov told Forum 18 from Tashkent on 8 June.

Human rights defender Rustamov represented Turdiboyev and Akhmedov in court as part of the defence team, with a defence lawyer. He insisted that the "confessions" were obtained through torture and that the two Muslims are innocent of the charge brought against them. The two prisoners of conscience insisted during their trial that police forced them to sign their "confessions" against their will.

Torture, or threats of this, is "routine" in Uzbekistan the United Nations (UN) Committee Against Torture has found (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

There were also violations of legal procedure and the fabrication of evidence during the trial (see below).

Reached at the court on 24 June, Judge Safarov claimed not to hear Forum 18's questions and put the phone down.

The defence team appealed against the verdict on 2 June. The appeal is due to be heard by Tashkent Regional Criminal Court, but no

date has yet been set for this.

Jailed because family are practising Muslims?

Oygul Kuldashaeva, prisoner of conscience Turdiboyev's mother, told Forum 18 on 8 June that he "is a very good person, not an extremist". He and his cousin, she commented, "were arrested because our family are practising Muslims".

Human rights defender Rustamov noted to Forum 18 that Bekabad District – where the family live - "is known to be populated predominantly by practising Muslims. The authorities have in the past arrested many from the District."

Kuldashaeva told Forum 18 that she has "many times been warned not to wear the hijab [Islamic headscarf] by our local mahalla [local district] administration and police". Rakhima Safarova, adviser to the head of the mahalla administration, told Kuldashaeva recently that "one of the reasons Jonibek [her son] was arrested was because I refused to take off the hijab".

Uzbekistan is hostile to people manifesting their freedom of religion and belief by wearing the hijab. For example, teacher Gulchohra Norbayeva was in 2012 fired her from her job for insisting on wearing the hijab. She still faces police summonses, a house search for religious literature, accusations she was teaching the Koran "illegally", and pressure to sign statements incriminating Muslim men she does not know (see F18News 14 April 2015 http://www.forum18.org/archive.php?article_id=2055).

Mahalla adviser Safarova denied that she or her administration put pressure on the family or demanded that Kuldashaeva take off hijab. "We are not against them," she claimed to Forum 18 on 8 June. "They are a good family." Asked why the authorities arrested and imprisoned Turdiboyev and Akhmedov, Safarova replied: "We do not know. I cannot say more than I have said."

Family targeted by the authorities

Other members of the same family have been imprisoned, including Inamutdinov's father Abdukarim Inamutdinov. On 27 May 2010, after being tried with 18 other devout Muslims, he was jailed for six years. In the same trial – which was stated at the time by Tashkent-based human rights defender Surat Ikramov to be fabricated – Abdukarim Inamutdinov's son Umid Inamutdinov was given a three year suspended jail sentence (see F18News 4 June 2010 http://www.forum18.org/archive.php?article_id=1455).

But after prisoner of conscience Abdukarim Inamutdinov's jail term ended, he was in May 2016 given three more years in jail, human rights defender Rustamov told Forum 18.

Evidence fabricated

Human rights defender Rustamov noted that Tashkent Police violated legal procedures in the investigation, but that this was ignored by Prosecutor's Office and the Court. Rustamov also pointed to evidence he stated was fabricated, such as:

- signatures of the police investigators in the indictment were not endorsed by a police seal, and are false;
- Turdiboyev was claimed to be initially detained on 16 November 2015, but was really detained on 12 November;
- police claimed Turdiboyev was interrogated on 26 June 2015, but on this date he was unaware of any police investigation of himself and was not questioned;
- and a signature claimed to be Turdiboyev's on a 30 January 2016 report claiming he was informed of the "expert analysis" of the CD is not Turdiboyev's signature.

"Expert analyses" are often used to secure convictions and evidence is often claimed to be fabricated by the authorities (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Asked on 24 June why police falsified Turdiboyev's signatures and other statements, Investigator Otabek Begmatov stated to Forum 18: "We did our investigation, and if you have questions you can ask the court." He then declined to talk further.

Muslim extradited from Russia and given seven-year jail term

Davron Komoliddinov, a 24-year old Muslim man, was given a seven-year prison term on 10 November 2015. On 19 January 2016 Fergana [Farghona] Regional Criminal Court upheld the sentence. He is now being held in a labour camp in Karshi [Qarshi] in Kashkadarya Region. In August 2015 he had been extradited from Russia (see below).

Nadezhda Atayeva of Association Human Rights for Central Asia (AHRCA), a human rights group based in France, told Forum 18 on 20 June that charges against Komoliddinov were "based on the sermons and photographs of independent Uzbek Imams, which he put on his social media account. They were also based on statements from two Uzbek citizens, who were imprisoned in Uzbekistan

in 2012, with whom Komoliddinov had conversations while in Russia."

Obid Nazarov was the subject of a 2012 murder attempt in Sweden, which his family accuse the Uzbek government of being responsible for. Abduvali Mirzayev "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).

Komoliddinov was charged under Criminal Code Articles 156 ("Acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs"), 159 ("Attempts to change the Constitutional order"), and 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations").

Extradited from Russia

Komoliddinov had travelled to Russia for work, but was arrested in Krasnoyarsk on 4 March 2015. On 27 March a Krasnoyarsk Court decided to extradite him to Uzbekistan at that government's request. This only became known later, and on 2 August he was deported to Uzbekistan.

Uzbekistan has also sought the return from Russia of people who fled because they feared the consequences of exercising freedom of religion and belief (see eg. F18News 15 April 2014 http://www.forum18.org/archive.php?article_id=1947).

Atayeva of AHRCA told Forum 18 that Uzbekistan "often uses Uzbek labour migrants to Russia who share the same work premises and places of residence to incriminate people". She noted that the authorities usually extort confessions from one or two such labour migrants against others, and then use Interpol to search for those they want. Atayeva said that "in many cases such persons are arrested, extradited to Uzbekistan, and given lengthy prison terms".

Human rights defenders have strongly criticised this kind of misuse of Interpol (see eg. <http://www.nhc.no/en/side-event-off-demonising-dissidents-how-interpol-is-being-abused-by-dictatorships/>).

No information, unfair trial

After his extradition to Uzbekistan on 2 August 2015, it was not initially known where Komoliddinov was detained. On 18 September, it became known that he was being held by the National Security Service (NSS) secret police in Fergana. He was then taken from there to the Tashtyurma Detention Centre in Tashkent.

No Fergana Regional Court or NSS secret police official was willing on 24 June to discuss the case with Forum 18.

During the trial Komoliddinov's state-appointed defence lawyer, Nasimbek Talipov, did not participate in the hearing, relatives said. When they tried to find an independent lawyer to appeal against the prison sentence, they could not find one, as "no-one wanted to take up his case as they are afraid of the authorities". Relatives also complained that neither they nor Kamoliddinov were given copies of the initial or appeal verdicts.

Talipov claimed to Forum 18 on 24 June that he did participate in the hearing. He said that in September 2015 the NSS secret police had asked him to be the defence lawyer, and that he could not say anything in defence of Komoliddinov "because he had agreed and signed the charges brought against him". Talipov also claimed that "there was no pressure on Komoliddinov". Talipov further claimed to have participated in the appeal hearing, but could not remember when this was.

Torture

Atayeva of AHRCA told Forum 18 that "We are deeply concerned that Komoliddinov was tortured, that a confession was extorted from him, that his right to fair trial was violated, and that he was not provided an independent and efficient legal defence."

She added that "the authorities extorted confessions from Komoliddinov about crimes he did not commit" and that he had been seen with his body "covered with sores and bruises". She said that "we have reasons to think that Komoliddinov may still be being tortured in prison".

Torture, or threats of this, is in Uzbekistan "routine" the UN Committee Against Torture has found (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Komoliddinov's prison address is:

Uzbekistan

Kashkadarya Region

g. Karshi

UYa 64/61

Other prisoners of conscience jailed for exercising their freedom of religion are also held in this prison (see eg. F18News 17 February 2016 http://www.forum18.org/archive.php?article_id=2149).

Threats

The authorities have apparently threatened that if a further appeal is made Komoliddinov's situation will be made worse. (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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