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UZBEKISTAN: Police raid mosque, teacher jailed for 15 days

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

On 27 May, Asliddin Khudaiberdiyev was jailed for teaching five boys and six adult men how to read the Koran and pray. The jailing followed a police and secret police raid on a Samarkand Region mosque as Muslims were preparing to worship. The raid came as the regime publicly announced and implemented increased restrictions across the country on under-18s attending mosques. Also, Religion Law changes are still going through parliament but the regime continues to hide the text its parliament is discussing.

On 27 May, a Judge in Samarkand Region jailed Muslim teacher Asliddin Khudaiberdiyev for 15 days to punish him for teaching men and boys in a mosque how to read the Koran and say the namaz prayer. Judge Aziz Akramov refused to explain to Forum 18 why he jailed Khudaiberdiyev for 15 days. The jailing followed a police and secret police raid on the mosque.

In the evening of 25 May, the ordinary police and State Security Service (SSS) secret police raided the Khoja-Ziadin Mosque in Ziyovuddin in Pakhtachi District in the north west of Samarkand Region, just as worshippers were preparing to read the Koran and pray (see below).

Khudaiberdiyev was teaching at the mosque when the police and SSS secret police raided. "With the knowledge of the parents, in the Mosque he teaches five boys aged between eight and 15 and six adult men how to read the Koran and how to say the namaz prayer," a local Muslim told Forum 18 (see below).

An officer who was not wearing uniform took out an Arabic alphabet book from the plastic bag one of the boys had, and began asking the boy why he is in the mosque and why he had the book. The boy is only eight years old, a local Muslim said, "and he was frightened as the police questioned him without his parents" (see below).

On the evening of 27 May, Khudaiberdiyev was summoned to the local mahalla committee, where police officers were waiting for him. He was then taken to Pakhtachi District Police Detention Centre. That day, in his absence, Judge Akramov jailed Khudaiberdiyev for 15 days under Administrative Code Article 241 ("Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately"), and Article 195 ("Resisting the orders of police officers") Judge Akramov refused to explain to Forum 18 why he jailed Khudaiberdiyev for 15 days (see below).

On 18 April, the regime-controlled media broadcast a discussion between Interior Minister Pulat Bobojonov and Prime Minister Abdulla Aripov in which among other issues they discussed what they saw as a problem of people attending mosques, in particular people under 18. Interior Minister Bobojonov stated that "we will gradually and significantly cut down the number of children attending" (see below).

The interview was allegedly to discuss coronavirus measures, however a human rights defender observed to Forum 18 that the interview did not mention night clubs. Unlike mosques, the human rights defender has observed night clubs freely functioning in Tashkent throughout 2021 without police stopping people attending and without any social distancing (see below).

Human rights defenders who wish to remain anonymous for fear of state reprisals have told Forum 18 that throughout Uzbekistan, including in Tashkent, Bukhara, Karakalpakstan, and Samarkand, police have made school headteachers call parents to tell them not to take their children and young people to mosques. Imams of the state-controlled mosques have told fathers to stop their children from attending mosques (see below).

On 4 May, the lower chamber of Parliament, the Oliy Majlis, passed amendments to the Religion Law in their second reading. They need to pass in their third reading in the Oliy Majlis before being sent to the Senate. No timetable has been announced for this (see below).

The Oliy Majlis approved the Religion Law amendments at their first reading on 15 September 2020. However, the regime has not published any texts of the draft Law for scrutiny by the wider public since it entered parliament. The only text available to the public is the draft text published in August 2020 (see below).

Human rights defenders and others Forum 18 contacted in Uzbekistan have not seen either the text presented to Parliament and passed at first reading in September 2020, or the latest May 2021 version. "Even if we saw it, it would not change anything," one Uzbek told Forum 18. "The authorities will go ahead and adopt it. Another Uzbek observed that: "It is normal for our government to do things in secret. We only find out about it later" (see below).

No regime official has been willing to discuss with Forum 18 why the Religion Law changes do not meet the regime's legally-binding international human rights obligations (see below).

Samarkand mosque raid

At 8.30 pm on 25 May, the ordinary police and State Security Service (SSS) secret police raided the Khoja-Ziadin Mosque in the small town of Ziyovuddin in Pakhtachi District in the north west of Samarkand Region, Samarkand Regional Police announced on social media the following day. The Mosque is run by the state-controlled Spiritual Administration of Muslims (https://www.forum18.org/archive.php?article_id=2314), or Muftiate.

The ordinary police and SSS secret police "broke into the mosque in the evening of 25 May when they were getting ready for prayer and Koran reading", a local Muslim who asked to remain anonymous for fear of state reprisals told Forum 18 on 26 May. Ten officials all in plain clothes then began filming everyone and writing down the details of those present.

Ten officers took part in the raid, including Captain Ikhtiyar Bakhtiyarov from the police "Struggle with Extremism and Terrorism Department", an SSS secret police officer, and eight District Police officers, a human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18.

"He was frightened as the police questioned him without his parents"

The police and SSS secret police officers raided the mosque as Asliddin Khudaiberdiyev was teaching there. "With the knowledge of the parents, in the Mosque he teaches five boys aged between eight and 15 and six adult men how to read the Koran and how to say the namaz prayer," a local Muslim told Forum 18.

An officer who was not wearing uniform took out an Arabic alphabet book from the plastic bag one of the boys had, and began asking the boy why he is in the mosque and why he had the book. The boy is only eight years old, a local Muslim said, "and he was frightened as the police questioned him without his parents."

When a mosque attendee filmed this on his mobile phone, officers tried to take it from him but stopped when they realised that the filming was being streamed online. The officer stopped questioning the boy after the attendee told police that they "cannot question the boy without his parents".

A human rights defender, who monitors the regime's use of forced labour by children and others to harvest cotton (<https://www.hrw.org/news/2020/06/25/forced-labor-persists-uzbekistans-cotton-fields>), described police questioning of the boy in the mosque without the presence and permission of parents as "psychological torture" of the boy and other children present. "It is a clear sign that the police want to scare boys away from the mosque."

The human rights defender observed to Forum 18 on 26 May that human rights defenders do not question children about forced labour without the permission and presence of parents.

Questioning at police station, charges

After this, police took Khudaiberdiyev and the other 11 to the District Police Station for questioning, holding them there between 9 pm and 11 pm. "Officers twisted the arms of some of the adult men to force them into the police car to take them to the police station."

At the Police Station Investigator Rahmatullo Jabbarov of the police "Struggle with Extremism and Terrorism Department", with other officers questioned the 11 men and boys. The boys were questioned after their parents were summoned to the Police Station.

Samarkand Regional Police's social media channels stated on 26 May that Khudaiberdiyev, "who has no special religious education, was found to be giving religious education without state permission to 11 persons – five of whom were under 18." He was detained and charged under Administrative Code Article 241 (https://www.forum18.org/archive.php?article_id=2314) ("Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately").

Police stated that they had told the parents of the children and young people "to ask qualified specialists to teach religion to your children in specialised religious institutions".

Jabbarov of the police "Struggle with Extremism and Terrorism Department", who is leading the case, told Forum 18 on 27 May that it "is up to the Court what the exact punishment will be under the charges. Khudaiberdiyev could be given a short-term jail term of 15 days." Asked why the boys cannot attend mosque for prayer and Koran reading, he stated that "this violates the Religion Law."

Investigator Jabbarov refused to explain why an eight-year old boy was questioned without his parents, and refused to explain why the ordinary police, police "Struggle with Extremism and Terrorism Department", and SSS secret police raided the mosque. He then refused to talk more to Forum 18.

15-day jail sentence

On the evening of 27 May, officials summoned Khudaiberdiyev to the local mahalla committee (https://www.forum18.org/archive.php?article_id=2314), where police officers were waiting for him. They then took him to Pakhtachi District Police Detention Centre.

That day, Judge Aziz Akramov of Pakhtachi District Court jailed Khudaiberdiyev for 15 days under Administrative Code Article 241 (https://www.forum18.org/archive.php?article_id=2314) ("Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately") and Article 195 ("Resisting the orders of police officers"). Judge Akramov tried and convicted Khudaiberdiyev in his absence.

Judge Akramov refused to explain why he added charges under Article 195, and why he jailed Khudaiberdiyev for 15 days. "I am very busy right now, call me back in 15 minutes," he told Forum 18 on 28 May and put the phone down. He did not answer subsequent calls the same day.

"Cut down the number of children attending"

Officials continue to express hostility to people – including children – attending mosques. On 18 April, the regime-controlled media broadcast a discussion between Interior Minister Pulat Bobojonov and Prime Minister Abdulla Aripov in which among other issues they discussed what they saw as a problem of people attending mosques, in particular people under 18.

"Two thousand mosques were attended by 800,000 people, and unfortunately 22,000 children attended Tarawih prayers [congregational prayers in Ramadan]," Interior Minister Bobojonov told Prime Minister Aripov, who was seen to nod his head in agreement. Bobojonov added that "we will gradually and significantly cut down the number of children attending not by ordering them but by explanatory work with their parents."

The interview was allegedly to discuss coronavirus measures, however a human rights defender observed to Forum 18 that the interview did not mention night clubs. Unlike mosques, the human rights defender has observed night clubs freely functioning in Tashkent throughout 2021 without police stopping people attending and without any social distancing.

The regime has often targeted children and young people attending places of worship (https://www.forum18.org/archive.php?article_id=2314). Mosques during Ramadan have been a particular focus for regime hostility to the freedom of religion and belief of people under 18 and their parents and guardians. For example, in the southern Bukhara Region the ordinary police and State Security Service (SSS) secret police have openly watched people who go to mosques (https://www.forum18.org/archive.php?article_id=2424), especially during Friday prayers, and stopped males under the age of 18 attending mosques.

Shokhrukh Sadriddinov of the Interior Ministry in Tashkent, who on 20 May answered the phone of the head of the International Relations Department Nodir Makhmudov, refused to explain why people under 18 must be stopped from attending mosques. Sadriddinov asked Forum 18 to call back in 40 minutes, but later calls on the same day were not answered.

"Is it necessary for your son to go in?"

A police officer in Bukhara pressured a Muslim not to take his school-age son into a mosque to pray and celebrate the end of Ramadan on 12 May, the man's brother told Forum 18. "My brother went to a mosque with his 16-year old son, but the police officer who was standing at the entrance stopped them and asked 'is it necessary for your son to go in?' As my brother didn't want any problems with the state he asked his son to go home and pray there."

The Bukhara Muslim explained that the mosque can easily contain 200 people, and as only 40 people including some boys were present there was plenty of free space for social distancing. "Coronavirus measures have nothing to do with the restrictions on under-18s attending mosques," the Muslim commented. The Muslim observed that most people did wear masks in public places, including in mosques during Ramadan.

"In some cases, the ordinary police and SSS secret police have directly questioned children and young people in mosques about why they are there," a human rights defender who asked not to be identified for fear of state reprisals told Forum 18.

Human rights defenders have observed that police are present at mosque entrances throughout the year. But particularly during Muslim festivals and holidays, officers try to reduce the numbers of school-aged boys attending. This continues, even after the end of Ramadan on 13 May.

Human rights defender Gulnora Fayziyeva (widow of human rights defender Surat Ikramov) told Forum 18 on 25 May that in some cases in Tashkent, police at mosque entrances have still allowed boys in. In those mosques social distancing measures have been in force.

Increase in targeting under-18s, parents, guardians from early 2021

Human rights defenders who wish to remain anonymous for fear of state reprisals have told Forum 18 that throughout Uzbekistan, including in Tashkent, Bukhara, Karakalpakstan, and Samarkand, police have made school headteachers call parents to tell them not to take their children and young people to mosques. Imams of the state-controlled mosques have told fathers to stop their children from attending mosques.

One human rights defender told Forum 18 on 26 May that they had observed an apparent increase in such restrictions from early 2021 onwards, and that under 18s and their families are reluctant to discuss this for fear of state reprisals.

In late April the Deputy Headteacher of a Bukhara school rang Muslim parents to say that the ordinary police and the State Security Service (SSS) secret police had visited to ask "how religiously devout families and children are" (https://www.forum18.org/archive.php?article_id=2658). Parents were warned of unspecified consequences if they teach Islam to their children, or any of their children wear the hijab.

Human rights defenders have heard unconfirmed accounts that the ordinary police and SSS secret police are making similar visits to schools in other parts of the country to ask similar questions.

Religion Law amendments still in Parliament

On 4 May, the lower chamber of Parliament, the Oliy Majlis, passed amendments to the Religion Law (https://www.forum18.org/archive.php?article_id=2609) in their second reading. Shakhrukh (who refused to give last name), an official of Parliament's upper chamber, the Senate, said that the Religion Law amendments need to pass in their third reading in the Oliy Majlis before being sent to the Senate. "It has not gone through the final reading in the Oliy Majlis yet," he told Forum 18 on 27 May.

As Organisation for Security and Co-operation in Europe (OSCE) election observers have found, "genuine organized political opposition is absent (https://www.osce.org/files/f/documents/9/3/452170_1.pdf) and none of the parties can yet be considered as in opposition to the president. Indeed, all five registered parties are supportive of presidential policies and, in general, do not propose different plans and actions to his."

The Oliy Majlis has not yet announced when the third reading of the Religion Law amendments is due. Neither the Press Service nor the Chancellery of the Oliy Majlis answered their telephones on 27 May.

The Oliy Majlis approved the Religion Law amendments at their first reading on 15 September 2020 (https://www.forum18.org/archive.php?article_id=2604). However, the regime has not published any texts of the draft Law for scrutiny by the wider public since it entered parliament.

A Venice Commission and OSCE Office of Democratic Institutions and Human Rights (ODIHR) opinion on the draft Religion Law published in October 2020 was welcomed by human rights defenders and members of religious and belief communities (https://www.forum18.org/archive.php?article_id=2609). Officials have not explained why a draft which they knew seriously failed to implement human rights was sent for review. "We need to understand that the draft Law is only an advertisement for Uzbekistan aimed at international organisations and foreign states," one Muslim noted to Forum 18. "If the authorities wanted real freedom for the people, then the draft Law would have been very different."

The only text available to the public is the draft text of the new Religion Law published on the parliamentary website (https://www.forum18.org/archive.php?article_id=2596) in Uzbek and Russian on 19 August 2020 "for public discussion". Human rights defenders and others Forum 18 contacted in Uzbekistan have not seen either the text presented to Parliament and passed at first reading in September 2020, or the latest May 2021 version.

"Even if we saw it, it would not change anything," one Uzbek told Forum 18. "The authorities will go ahead and adopt it disregarding our wishes (https://www.forum18.org/archive.php?article_id=2604)."

Another Uzbek observed that: "It is normal for

our government to do things in secret. We only find out about it later."

Why do Religion Law changes not meet regime's human rights obligations?

Regime officials have repeatedly told American diplomats and officials and other international observers that the regime will not allow "unregistered religious activity, private religious education, and missionary activity," the United States Commission on International Religious Freedom's 2021 Annual Report (<https://www.uscirf.gov/sites/default/files/2021-05/Uzbekistan%20Chapter%20AR2021.pdf>) noted.

The state-controlled National Centre for Human Rights's Director is Akmal Saidov, who requested the Venice Commission/OSCE ODIHR legal review (https://www.forum18.org/archive.php?article_id=2609) and claimed to the United Nations Human Rights Committee in March 2020 that the new Religion Law "would reflect the standards enshrined in the Covenant [International Covenant on Civil and Political Rights]" (https://www.forum18.org/archive.php?article_id=2576). Saidov, who is also First Deputy Speaker of the Oliy Majlis, did not answer his phones on 20 May.

Saidov's Assistant Akhmatjan (who refused to give his last name) claimed to Forum 18 that Saidov is "busy and cannot talk", and would not discuss why the Religion Law changes do not meet the regime's legally-binding international human rights obligations.

Deputy Shukhrat Bafayev, Head of the lower chamber's Committee on Democratic Institutions, Non-Governmental Organisations and Citizens' Self-Government Bodies, also refused on 20 May to explain why the regime's Religion Law changes do not meet legally binding international human rights obligations. "I do not have even 30 seconds to talk to you," he claimed, adding that he cannot say when he can talk about the issues.

Deputy Bafayev had refused on 24 September 2020 to explain why the draft ignores international human rights obligations (https://www.forum18.org/archive.php?article_id=2604). He claimed however that "we are still ready to accept their opinion".

The staff of the regime-appointed Commissioner for Human Rights or Ombudsperson Feruza Eshmatova also refused on 20 May to explain why the regime's Religion Law changes do not meet legally binding international human rights obligations.

The staff of the Religious Affairs Committee were similarly unwilling on 27 May to explain why the regime's Religion Law changes do not meet legally binding international human rights obligations. Chief specialist Begzod Kadyrov claimed that all questions should be sent to the Foreign Ministry.

The phones of Sodiq Toshboyev, the new Chair from 8 April of the Religious Affairs Committee, were not answered each time Forum 18 called. "From 2018 until today he worked as Deputy Hokim [Chief of Administration] of Andijon Region on public and religious organisations," his official biography notes.

"A disguised old Criminal Code with no real changes"

In addition to the Religion Law, the regime is planning to adopt a new Criminal Code (https://www.forum18.org/archive.php?article_id=2644). The regime published the text of the draft on 22 February, inviting comments by 9 March. If adopted by Parliament and signed by President Shavkat Mirziyoyev, the new Code is set to come into force on 1 January 2022.

The regime has not sought a Venice Commission/OSCE ODIHR legal review of the revised Criminal Code.

Members of religious communities and human rights defenders have criticised the draft new Criminal Code. This would continue to punish those who exercise freedom of religion or belief without state permission. A "disguised old Criminal Code with no real changes" (https://www.forum18.org/archive.php?article_id=2644), Protestants complained. Muslims described it as "our government's old tricks". Solmaz Akhmedova of the Human Rights Alliance noted that "they just made some decorative changes, and used less religious terminology." (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?query=&religion=all&country=33>)

For more background, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2314)

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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If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY