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UZBEKISTAN: Latest prosecution for teahouse Islam discussion

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

Former prisoner of conscience Oybek Khamidov is on trial after his younger brother fled Andijan, following police questioning over five days after a teahouse discussion of Islam with friends. Khamidov was threatened that if he did not help police find his brother, he would be put on criminal trial. The family have no knowledge of his brother's current whereabouts. The indictment claims Khamidov "did not learn his lesson" and began again "storing and distributing religious materials".

The criminal trial of Andijan Muslim Oybek Khamidov is due to resume on 12 April. Arrested in January, he is on trial on accusations of sharing "illegal" religious materials with his wife and other persons, and storing on his mobile phone "extremist" sermons by "disappeared" Imam Abduvali Mirzayev. The indictment states that Khamidov "did not learn his lesson after he served a previous sentence, and once again stepped into criminal ways by storing and distributing religious materials threatening public security and order".

At the end of November 2021, Andijan Muslim Muhammadaziz Turgunov and two of his friends went to a teahouse and discussed Islamic topics. A police informer overheard the conversation, and five days later Andijan Police detained Turgunov and his friends for five days. Throughout the five days in police custody, officers questioned all three Muslim men about their conversation. They were then released, but fearing another arrest Turgunov without telling his family fled Andijan (see below).

Colonel Alisher Khalmatov, head of Andijan police "Struggle with Extremism and Terrorism Department", refused to explain to Forum 18 on 8 April why people in a teahouse should be arrested for discussing Islam and then questioned over five days (see below).

On 4 January 2022, Turgunov's older brother Oybek Khamidov (who is a former prisoner of conscience) shared an audio file of an Islamic sermon with his wife. The same day police arrested him, took him to Andijan Police Station, and claimed the voice on the file was that of his brother. Khamidov rebutted police claims (see below).

On 9 January eight police officers visited the flat where Khamidov lives with his parents. They told him that "if you do not help us to find Turgunov we will open a criminal case against you". On 10 January, officers summoned Khamidov and his parents to Andijan Police Station where they found two people they did not know - "citizens Karamatullo Mamatkulov and Shokhabbos Shamsutdinov" being used by police as "witnesses" (see below).

Police then claimed to have found on Khamidov's phone sermons by an Imam who was "disappeared" at Tashkent Airport in 1995. Claims of listening to his and other banned imams' sermons have been used to jail Muslim men interested in discussing Islamic topics (see below).

On 15 January, Andijan Police opened a criminal case against Khamidov under Criminal Code Article 244-1, Part 3 (d) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web").

The indictment (seen by Forum 18) states that Khamidov "did not learn his lesson after he served a previous sentence, and once again stepped into criminal ways by storing and distributing religious materials threatening public security and order" (see below).

Khamidov was arrested and taken into custody on 17 January, and has been in Andijan's Pre-trial Detention Prison No. 3 since then. His trial began on 28 March, on accusations of sharing "illegal" religious materials with his wife and other persons, and storing on his mobile phone "extremist" sermons by "disappeared" Imam Mirzayev. The case is due to continue on 12 April, when the "witnesses" Mamatkulov and Shamsutdinov are due to appear (see below).

On 1 April the latest trial of Muslim prisoner of conscience Khasan Abdirakhimov began. He has been jailed since November 2021, and is now on trial for allegedly distributing Islamic material that the regime claims constitute "a threat to public security and public order". Abdirakhimov faces up to a further eight years' jail if convicted (see below).

Police took the 40-year old Abdirakhimov into police custody on 22 November 2021. Three days later, a January 2021 restricted freedom sentence, where he lived at home under a curfew, was changed to a prison term. Police claimed he had violated his curfew restrictions. His wife Iroda Nekboyeva says he did not appeal against the November 2021 court verdict that sent him to prison as police said he would be released soon if he did not "make a noise". "But apparently we were all deceived and now they opened a new case and want to give him a long sentence" (see below).

On 25 March, Tashkent Muslim prisoner of conscience Fazilkhoja Arifkhojayev was transferred to a prison in Navoi Region. In January he was jailed for seven and half years in a labour camp for criticising state-appointed imams. He was repeatedly tortured, including after his defence lawyer Sergey Mayorov lodged formal complaints about the torture. The judge ignored his torture. "The torturers continue with impunity," Mayorov observed (see below).

Doctor Alimardon Sultonov, a devout Muslim known for discussing freedom of religion and belief issues, is still in custody after being arrested on 18 January by the National Guard. He now faces charges under five different Criminal Code articles, and if convicted faces a possible maximum 10-year jail term. It is expected that the indictment will be completed in May (see below).

Teahouse discussion of Islam leads to five days' questioning

At the end of November 2021, Andijan Muslim Muhammadaziz Turgunov and two of his friends went to a teahouse and discussed Islamic topics. A police informer overheard the conversation, and five days later Andijan Police detained Turgunov and his friends for five days. Throughout the five days in police custody, officers questioned all three Muslim men about their conversation. They were then released.

Colonel Alisher Khalmatov, head of Andijan police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699), refused to explain to Forum 18 on 8 April why people in a teahouse should be arrested for discussing Islam and then questioned over five days. He put the phone down after Forum 18 asked the question.

From November-December 2021, the regime carried out a nationwide campaign against Muslims wearing the hijab or beards (https://www.forum18.org/archive.php?article_id=2712), including harassing an 18-year-old Muslim woman from Tashkent who wears the hijab. Many Muslim men were detained and questioned, and former prisoners of conscience were particularly targeted because of the respect their neighbours have for them (https://www.forum18.org/archive.php?article_id=2723) and their willingness to discuss Islamic topics.

Such targeting of Muslims exercising their freedom of religion and belief continues in 2022. 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 (https://www.forum18.org/archive.php?article_id=2729), and afterwards planned to have a meal together. On 11 March Numanov was given a 15-day jail sentence and the teahouse owner was fined about 10 months' average wages.

Separately, former prisoners of conscience Gaybullo Jalilov and Laziz Vokhidov were fined for having allegedly "illegal" religious materials on their phones.

Into hiding for fear of state reprisals

Turgunov suspected that police might arrest him again, and without telling his family left Andijan for an unknown destination. The family had no knowledge that he would do this, and do not know where he is, his father Dilshod Khamidov told Forum 18 on 8 April.

Other Muslims have also gone into hiding for fear of state reprisals. For example 47-year-old Odilbek Khojabekov without telling his family went into hiding in June 2021 fearing for his safety (https://www.forum18.org/archive.php?article_id=2688). This was before he was in his absence on 1 July given a five year labour camp sentence for returning from the haj pilgrimage with Islamic literature. A first trial gave him a suspended sentence which was later removed for good probation behaviour. The State Security Service (SSS) secret police then pressured ordinary police, prosecutors, and others into giving what the family insists is false testimony at a second hearing which ordered him jailed in absentia.

Turgunov has a different surname from his father as Dilshod renamed his son in honour of his own father, whose first name was Turgun. This way of honouring relatives is common in Central Asia.

Former prisoner of conscience older brother then targeted

On 4 January 2022, Turgunov's older brother Oybek Khamidov used Telegram social media to share an audio file with his own wife. The Uzbek-language Muslim sermon, spoken by an unknown man, criticises Muslims who use the courts in Uzbekistan to settle disputes with other Muslims. The speaker says: "It is fine to ask for a social help from the public but not the state authorities or secular courts. .. We cannot stop people from sinning, but we can decide who we should associate with. Those who ask the secular

courts to decide disputes between Muslims, even if they observe namaz prayers and fasting, will be deemed as pagans."

The same day police arrested Khamidov and took him to Andijan Police Station. According to the indictment in the case (seen by Forum 18), Criminal Investigation Department (CID) Investigator Begzod Komilov claimed to Khamidov that the voice on the audio file sounds like Muhammadaziz Turgunov, Khamidov's younger brother. Khamidov in the indictment disputes Investigator Komilov's claims, stating: "It was a recording of religious material made by an unknown person."

Dilshod Khamidov pointed out to Forum 18 that his son Oybek had not threatened anyone, or called on other Muslims to violate public security or order as police claim he did in response to the audio file.

On 23 May 2012 Oybek Khamidov had been given a six-year prison term under Criminal Code Article 244-2 (https://www.forum18.org/archive.php?article_id=2699) ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). His only "crime" was to store and distribute Islamic material to friends. This is forbidden under the regime's strict state censorship of all religious texts and public discussion of religious topics.

Khamidov's six year jail sentence ran from his pre-trial arrest on 20 December 2011 to his release on 20 December 2017.

Dilshod Khamidov also pointed out that Oybek Khamidov "committed no crime in either 2012 or today". He observed that "Oybek has only listened to and shared with his friends on social media sermons in Uzbek on Islam and the life of a Muslim in this world."

On 9 January, eight police officers visited the flat where Khamidov lives with his parents, and told him that "if you do not help us to find Turgunov we will open a criminal case against you".

"Witnesses"?

On 10 January, officers summoned Khamidov and his parents to Andijan Police Station where "with citizens Karamatullo Mamatkulov and Shokhabbos Shamsutdinov as witnesses", police claimed to have found sermons by Andijan Imam Abduvali Mirzayev on Khamidov's phone.

Mamatkulov and Shamsutdinov – which may not be their real names - are totally unknown to Khamidov and his family.

Imam Mirzayev "disappeared" at Tashkent Airport in 1995 (https://www.forum18.org/archive.php?article_id=515) with his assistant and was never seen again. Claims of listening to his and other banned imams' sermons have been used to jail Muslim men (https://www.forum18.org/archive.php?article_id=2719) interested in discussing Islamic topics. In such cases, the regime has also used torture and police agent provocateurs (https://www.forum18.org/archive.php?article_id=2575) to produce false and fabricated evidence.

On 12 January 2022, the Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2699) claimed in an opinion to police that the audio file Khamidov shared is "extremist material".

Criminal case opened, older brother detained, "did not learn his lesson"

On 15 January, Andijan Police Criminal Investigation Department (CID) Investigator Begzod Komilov opened a criminal case against Khamidov under Criminal Code Article 244-1, Part 3 (d) (https://www.forum18.org/archive.php?article_id=2699) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web"). Investigator Komilov also prepared the indictment.

The indictment (seen by Forum 18) states that Khamidov "did not learn his lesson after he served a previous sentence, and once again stepped into criminal ways by storing and distributing religious materials threatening public security and order".

Investigator Komilov did not answer his phone to Forum 18 on either 7 or 8 April.

Khamidov was arrested and taken into custody on 17 January, and has been in Andijan's Pre-trial Detention Prison No. 3 since then. His parents were able to see him on 28 January and 16 February.

On 28 February, Andijan Prosecutor Farkhodbek Rakhmonov approved the indictment. The Prosecutor's Office did not answer phones to Forum 18 on either 7 or 8 April.

On 28 March, Andijan City Court began hearing the criminal case against Oybek Khamidov, who is being accused of sharing "illegal" religious materials with his wife and other persons, and storing on his mobile phone "extremist" sermons by "disappeared" Imam Mirzayev.

Judge Sardorbek Rasulov is hearing the case, and the prosecution is represented by Avazbek Bozorbayev of Andijan Prosecutor's

Office.

The case is due to continue on 12 April, when the "witnesses" Mamatkulov and Shamsutdinov are due to appear. Prisoner of conscience Khamidov's prison address is:

Uzbekistan

Andijon viloyati

Andijon shaxri

Jazoni ijro etish departamentinin

3 sonli tergov xibisxonasi

Eski ush kuchasi 202 uy 3

Oybek Dilshod ogli Khamidov

New charges against prisoner of conscience Abdirakhimov

On 1 April, the latest trial of Muslim prisoner of conscience Khasan Abdirakhimov began. He has been jailed since November 2021, and is now on trial for allegedly distributing Islamic material (https://www.forum18.org/archive.php?article_id=2719) that the regime claims constitute "a threat to public security and public order". Police completed the criminal investigation on 16 February. Abdirakhimov faces up to a further eight years' jail if convicted.

Police took the 40-year old Abdirakhimov into custody on 22 November 2021. Three days later, a January 2021 restricted freedom sentence (https://www.forum18.org/archive.php?article_id=2719), where he lived at home under a curfew, was changed to a prison term. Police claimed he had violated his curfew restrictions.

In late January 2022, Kashkadarya Regional Police opened a new criminal case against prisoner of conscience Abdirakhimov (https://www.forum18.org/archive.php?article_id=2719). His wife Iroda Nekboyeva says he did not appeal against the November 2021 court verdict that sent him to prison as police said he would be released soon if he did not "make a noise". "But apparently we were all deceived and now they opened a new case and want to give him a long sentence."

The regime appears to be trying to link prisoner of conscience Abdirakhimov's case with three former prisoners of conscience, Gaybullo Jalilov, Khayrullo Tursunov, and Laziz Vokhidov. All three were repeatedly questioned about Abdirakhimov (https://www.forum18.org/archive.php?article_id=2723) between November 2021 and January 2022.

Police Investigator Nurullo Norkulov "questioned all three of us whether we had a connection with Syria and Islamic extremists and terrorists there," Jalilov told Forum 18 on 16 February (https://www.forum18.org/archive.php?article_id=2719). "He told us that Khasan [Abdirakhimov] had shared Islamic materials with us through his mobile phone on the Telegram messaging platform. Allegedly, police found that Khasan was messaged by an Uzbek man, his former classmate from school, who currently lives in Syria."

Abdirakhimov's lawyer Mumin Lutfulloyev told Forum 18 (https://www.forum18.org/archive.php?article_id=2719) that "I do not agree with the notion [the regime employ in similar cases] that receiving a message to one's phone from a suspected terrorist or reading or listening to Islamic materials or even extremist materials makes one an extremist or a terrorist".

False accusations of "terrorism" and similar charges have been repeatedly, used along with police agent provocateurs, to jail groups of Muslim men who meet together to pray and to study Islam.

Prisoner of conscience Abdirakhimov's latest criminal case begins

On 1 April 2022, Karshi District Criminal Court began hearing the latest criminal case brought against prisoner of conscience Abdirakhimov. He is being charged under Criminal Code Article 244-1, Part 3 (d) (https://www.forum18.org/archive.php?article_id=2699) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web").

Investigator Laziz Yuldoshev of Karshi Regional Police Criminal Investigation Department (CID) on 26 November 2021 opened the case and prepared the indictment. On 19 February 2022, Regional Prosecutor U. Sadullayev approved the indictment. Officials in both Karshi CID and the Regional Prosecutor's Office on 7 April refused to answer Forum 18's questions on the case.

Investigator Norkulov, who led the pre-trial investigation, told Forum 18 that "if Abdirakhimov is not happy with my investigation, he can file a complaint to the court".

The next hearing will be on 13 April. "It may be the last hearing, and we hope that he will not receive harsh punishment," Abdirakhimov's family told Forum 18 on 7 April.

Prisoner of conscience Abdirakhimov is being held in Karshi's Investigation Prison No. 5. Its address is:

Uzbekistan

Kashkadarya viloyati

Karshi tumani

Shayxali qurqoni

IIB JIEB 5-sonli tergov xibisxonasi

Prisoner of conscience Arifkhojayev transferred to Navoi jail

On 26 January, Tashkent Muslim prisoner of conscience Fazilkhoja Arifkhojayev was jailed for seven and half years in a labour camp (https://www.forum18.org/archive.php?article_id=2716) for criticising state-appointed imams. He was repeatedly tortured, including after his defence lawyer Sergey Mayorov lodged formal complaints about the torture. The judge ignored his torture. "The torturers continue with impunity," Mayorov observed.

Prisoner of conscience Arifkhojayev was transferred to a prison in Navoi Region on 25 March. His prison address is:

Uzbekistan

Navoi viloyati

5-sonli Jazoni ijro etish bulimi (JIEB)

Trauma surgeon still in detention, faces multiple criminal charges

On 18 January, the National Guard arrested Doctor Alimardon Sultonov, a devout Muslim known for discussing freedom of religion and belief issues (https://www.forum18.org/archive.php?article_id=2716). He was charged under Criminal Code Article 244-1, Part 3 (d) (https://www.forum18.org/archive.php?article_id=2699) ("Production, storage, distribution or display of materials containing a threat to public security and public order" "using the mass media or telecommunication networks, as well as the world wide web"). The arrest was "for criticising President Mirziyoyev, state-appointed imams and other officials".

Since April 2021 Dr Sultonov has been under continuous and unconcealed surveillance by the regime.

It is very unusual for the National Guard, part of the military, to be involved in freedom of religion or belief cases. A Presidential Administration official (who refused to give his name) claimed to Forum 18 that the National Guard did not arrest Sultonov (https://www.forum18.org/archive.php?article_id=2716) "but was there to ensure public order".

Interior Ministry Special Investigator Colonel Gairat (who refused to give his surname) is leading the case, and has refused to allow Dr Sultonov's parents to visit him (https://www.forum18.org/archive.php?article_id=2716). However, from 4 April visits were allowed.

Rakhima Masharipova, Sultonov's mother, told Forum 18 on 7 April that he is still being held in Nukus Pre-trial Detention Prison, and his case is under investigation.

In addition to the initially known charge under Criminal Code Article 244-1, Part 3 (d) (https://www.forum18.org/archive.php?article_id=2699), multiple additional charges are now known to have been brought against Dr Sultonov. On 18 January, Karakalpakstan Interior Ministry Lieutenant Colonel Gairat Kulymbetov of the Investigation of Special Crimes Department opened cases under these Criminal Code articles:

- Article 112, Part 3 ("Threat of killing or violence");

- Article 156, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Deliberate 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".

This Article has been used against members of smaller religious communities. As Protestants within Uzbekistan have noted, the regime's own incitement of religious intolerance and hatred (https://www.forum18.org/archive.php?article_id=2699) violates this part of the Criminal Code. No officials are known to have been prosecuted under this Article.

- Article 173, Part 2 ("Intentional destruction of or damage to property"), Point (b) ("committed in a dangerous way");
- and Article 219, Part 2 ("Resistance to authority or person fulfilling civil duty").

If Dr Sultonov is convicted, the maximum penalty for all these charges combined is 10 years' jail. It is expected that the indictment will be completed in May.

Dr Sultonov's prison address is:

Uzbekistan

Karakalpakstan

Nukus shahri

Mir ko'chasi

Jazoni ijro etish departamentinin

Tergov xibisxonasi No. 2

(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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