

27 May 2022

UZBEKISTAN: Two more prisoners of conscience jailed, one for 7 years

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

Today (27 May), trauma surgeon Alimardon Sultonov jailed for 7 years in labour camp "for criticising President Mirziyoyev, state-appointed imams .." Both torture and 2 regime "parliamentarians" were used to try to get him to admit "guilt". On 17 May Muslim former prisoner of conscience Oybek Khamidov sentenced to 5 years' jail. Against published law neither Prosecutor nor "witnesses" were in court. The Judge did not want to talk to Forum 18 about the apparent illegality of the court proceedings, or the jailing.

Today (27 May), a court in Karakalpakstan jailed trauma surgeon Alimardon Sultonov, a devout Muslim known for discussing Muslim freedom of religion and belief issues, for seven years in a labour camp. Prisoner of conscience Sultonov was arrested "for criticising President Mirziyoyev, state-appointed imams and other officials". Police also stated that they had warned Dr Sultonov that he should stop doing this, but he carried on.

Sultonov was jailed under five different Criminal Code articles (https://www.forum18.org/archive.php?article_id=2730), including 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").

This Article was used on 17 May to jail Muslim prisoner of conscience Oybek Khamidov for five years, after an unfair trial which broke published law (see below).

During Sultonov's trial, Judge Maulenov refused to hear his complaints that he was tortured after being arrested. The family told Forum 18 that Judge Maulenov did not listen to positive testimonies from the family and others, and ignored the arguments of the defence lawyer. "The hearing [on 27 May] lasted only an hour, and Judge Maulenov was in a hurry. He made everybody say what they had to say very fast" (see below).

Judge Maulenov's Assistant Nodirakhon (who refused to give her full name) put the phone down as soon as she heard the name Forum 18. Neither Judge Maulenov nor any other court official answered their phones after the jailing (see below).

Prisoner of conscience Sultonov told the court that he was tortured after he was taken to Nukus Police Station by the National Guard on 18 January, before he was transferred to Nukus Pre-trial Detention Prison on 20 January. "I saw the traces of the wounds on his body, with at least four scars on his stomach and arms," his mother Rakhima Masharipova told Forum 18. "The police tortured me to force me to claim I am 'guilty', and ask President Shavkat Mirziyoyev to forgive and pardon me," prisoner of conscience Sultonov told his mother. "I refused, and they kept torturing me for two days" (see below)

Human rights defender Yelena Urlayeva, who chairs the Human Rights Alliance, was present in court. "Judge Maulenov ignored Sultonov's complaints of torture, and proceeded like nothing happened," she told Forum 18. "He did not hear the complaints" (see below).

After the attempt to torture Sultonov into admitting "guilt" failed, two members of Karakalpakstan's Jokargi Kenes (parliament), Diloram Aitbayeva and Aysha Matniyazova, made an unexpected visit to Sultonov's family home on 18 May. (No election in Uzbekistan has ever been found to be free and fair by OSCE election observers.) "We will come to the court hearing ourselves, and ask the Court to be lenient on Alimardon," Aitbayeva and Matniyazova told Sultonov's mother. "He is such a nice fellow and he should not be given a harsh punishment. But he needs to ask President Mirziyoyev for forgiveness." Neither Aitbayeva and Matniyazova came to a court hearing. "I am not surprised," Sultonov's mother commented. "They just wanted to make him look guilty" (see below).

Matniyazova told Forum 18 that she could be sure that Judge Maulenov would have taken an admission of "guilt" into account and give a more lenient punishment, as: "We know him, he is a good Judge." Matniyazova refused to answer when asked how she knows

Judge Maulenov and what are the relations between them (see below).

On 17 May, Judge Sardorbek Rasulov of Andijan City Criminal Court handed down a five-year strict regime prison sentence to former Muslim prisoner of conscience Oybek Khamidov. His mobile phones and a confiscated DVD disk were also ordered to be destroyed (see below).

Former prisoner of conscience Khamidov was put 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" (see below).

Judge Rasulov claims in his 17 May verdict that Prosecutor Yorbek Siddikov and his new "witnesses" "A. Kholmatov and F. Khojiyev" (who are, like two previous "witnesses", unknown to the family) were present in court. Yet the family told Forum 18 on 26 May that neither the Prosecutor nor the latest "witnesses" were present in court (see below).

Prosecutor Siddikov refused to discuss why neither he nor the alleged "witnesses" were present in court. "I can only speak for myself, and say that it was not necessary for me to participate based on the Criminal Procedure Code," he told Forum 18. He was unable to say which part of the Code stated this, adding that "you can search the Code yourself". The Criminal Procedure Code states that "The trial of a criminal case shall be postponed if the prosecutor fails to appear at the court session." The Code also requires witnesses to be present in court (see below).

The Judge did not want to talk to Forum 18 about the apparent illegality of the court proceedings, or why he jailed prisoner of conscience Khamidov for five years, and the phone was then put down. Subsequent calls went unanswered (see below).

On 11 April, Muslim Bobirjon Tukhtamurodov, who met others to read theologian Said Nursi's works, returned from exile in Russia to Uzbekistan. Despite previous assurances he was arrested, and on 24 May his trial began in Vobkent District Criminal Court in Bukhara Region (see below).

Prisoner of conscience Sultonov jailed for seven years in labour camp

On 12 May, Judge Orazbay Maulenov of Ellikala District Criminal Court began the criminal trial (https://www.forum18.org/archive.php?article_id=2740) of Alimardon Islamovich Sultonov (born 26 October 1983), a devout Muslim known for discussing Muslim freedom of religion and belief issues. Today (27 May) the Judge jailed prisoner of conscience Sultonov for seven years in a labour camp.

Sultonov faced charges under five different Criminal Code articles (https://www.forum18.org/archive.php?article_id=2730), including 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"). This Article was used on 17 May to jail Muslim prisoner of conscience Oybek Khamidov for five years, after an unfair trial which broke published law (see below).

During the hearing, Judge Maulenov refused to hear prisoner of conscience Sultonov's complaints that he was tortured after being arrested (see below).

The family told Forum 18 on 27 May that Judge Maulenov did not listen to positive testimonies from the family and others, and ignored the arguments of the defence lawyer. "The hearing [on 27 May] lasted only an hour, and Judge Maulenov was in a hurry. He made everybody say what they had to say very fast."

At the end of the hearing, "Judge Maulenov read out his verdict speaking very fast. We were so shocked to hear it."

Judge Maulenov's Assistant Nodirakhon (who refused to give her full name) put the phone down on 27 May as soon as she heard the name Forum 18. Neither Judge Maulenov nor any other court official answered their phones after the jailing of prisoner of conscience Sultonov.

National Guard arrest "for criticising President Mirziyoyev, state-appointed imams .."

The National Guard arrested Sultonov on 18 January 2022 (https://www.forum18.org/archive.php?article_id=2730). 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 (https://www.forum18.org/archive.php?article_id=2716) that the National Guard did not arrest Sultonov "but was there to ensure public order".

Prisoner of conscience Sultonov's family stated that he was arrested "for criticising President Mirziyoyev, state-appointed imams and

other officials" (https://www.forum18.org/archive.php?article_id=2716). Police also stated that they had warned Dr Sultonov that he should stop doing this, but he carried on.

Karakalpakstan Interior Ministry Lieutenant Colonel Gairat Kulymbetov of the Special Crimes Investigation Department, who led the pre-trial investigation, has repeatedly refused to talk (https://www.forum18.org/archive.php?article_id=2740) about the case.

"I refused, and they kept torturing me for two days"

Prisoner of conscience Sultonov told the first court hearing on 12 May (https://www.forum18.org/archive.php?article_id=2740) that he was tortured after he was taken to Nukus Police Station by the National Guard on 18 January. He was then transferred to Nukus Pre-trial Detention Prison on 20 January.

Sultonov's mother Rakhima Masharipova visited him between 12 and 18 May in the police Detention Prison in Beruny District (where he was held during the trial). "I saw the traces of the wounds on his body, with at least four scars on his stomach and arms," she told Forum 18.

Prisoner of conscience Sultonov stated that he was tortured several times during two days by Lieutenant Colonel Nemat Abdullayev, head of Karakalpakstan Regional Police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699). "The police tortured me to force me to claim I am 'guilty', and ask President Shavkat Mirziyoyev to forgive and pardon me" he told his mother. "I refused, and they kept torturing me for two days."

Lieutenant Colonel Abdullayev used his baton and hands to hit prisoner of conscience Sultonov on his stomach, arms and legs, he said. It was "so painful that I thought that I will die".

Human rights defender Yelena Uralyeva, who chairs the Human Rights Alliance, was present in court. "Judge Maulenov ignored Sultonov's complaints of torture, and proceeded like nothing happened, she told Forum 18 on 27 May, "that he did not hear the complaints."

Judge Maulenov's Assistant Nodirakhon (who refused to give her full name) on 27 May put the phone down as soon as she heard the name Forum 18. Judge Maulenov did not answer his phone.

Karakalpakstan Interior Ministry Lieutenant Colonel Gairat Kulymbetov of the Special Crimes Investigation Department, who led the pre-trial investigation, put the phone down on 26 May as soon as he heard Forum 18's name.

Prisoner of conscience Sultonov's family told Forum 18 that they intend to make a written complaint about the torture to the authorities.

Against Uzbekistan's legally-binding international human rights obligations (https://www.forum18.org/archive.php?article_id=2699) under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, no official suspected of involvement in this torture has been arrested and put on criminal trial for torture.

The regime routinely ignores this obligation. For example, jailed Muslim prisoner of conscience Fazilkhoja Arifkhojayev was repeatedly tortured (https://www.forum18.org/archive.php?article_id=2716), including after his lawyer Sergey Mayorov lodged formal complaints about the torture. The judge ignored his torture. "The torturers continue with impunity," Mayorov observed.

"Parliamentarians" try to pressure prisoner of conscience's family

The regime has also used its "parliamentarians" to try to gain a "confession" from prisoner of conscience Sultonov. No election in Uzbekistan has ever been found to be free and fair (<https://www.osce.org/odihr/elections/uzbekistan>) by OSCE election observers.

After the attempt to torture Sultonov into admitting "guilt" failed, two members of Karakalpakstan's Jokargi Kenes (parliament), Diloram Aitbayeva and Aysha Matniyazova, made an unexpected visit on 18 May to Sultonov's family home in Ellikala District. (Aitbayeva and Matniyazova supposedly represent the District.)

The two insisted that they must speak to Sultonov's mother, even though she was away. They insisted that her daughter-in-law call her and tell her to come back. "I returned from my trip," Sultonov's mother Rakhima Masharipova told Forum 18 on 27 May, "to see what this urgent visit was all about."

Aitbayeva and Matniyazova told Sultonov's mother that "we will come to the court hearing ourselves, and ask the Court to be lenient on Alimardon." The two said that "he is such a nice fellow and he should not be given a harsh punishment. But he needs to ask President Mirziyoyev for forgiveness."

Sultonov's mother said that Aitbayeva and Matniyazova "asked me to ask my son as a mother" as "he will not listen to anyone

except me."

Neither Aitbayeva and Matniyazova came to any of the court hearings. "I am not surprised," Sultonov's mother commented. "They just wanted to make him look guilty."

Matniyazova claimed to Forum 18 on 27 May that Sultonov's mother asked them for help, and stated that they asked that Sultonov admit "guilt" "because we thought Judge Maulenov will take this into account."

When Forum 18 asked how she could be sure that Judge Maulenov would have taken an admission of "guilt" into account and give a more lenient punishment, Matniyazova answered: "We know him, he is a good Judge." She refused to answer when asked how she knows Judge Maulenov and what are the relations between them. She also refused to answer when asked whether other authorities had asked Aitbayeva and Matniyazova to interfere in the case. "I cannot answer you now," she answered.

Aitbayeva did not answer her phone when Forum 18 called on 27 May.

Previous charges and sentence

In March 2020 Dr Sultonov – a trauma surgeon at Ellikkala Central State Hospital - questioned why local authorities had publicly stated that there were no coronavirus cases (https://www.forum18.org/archive.php?article_id=2614) in Ellikala, as he suspected that the authorities had concealed the real figures. "I had access to the statistics centre database," he noted, "and have read that the number of deaths was 20."

After Dr Sultonov called, five ordinary police, Interior Ministry, and State Security Service (SSS) secret police officers came from the regional capital Nukus to question him, confiscate a computer with religious texts, and then open a criminal case against him. Interior Ministry Lieutenant Colonel Kulymbetov was one of the five officials. Interior Ministry officials told Dr Sultonov that "those who wear a beard are terrorists" (https://www.forum18.org/archive.php?article_id=2586).

Judge Maulenov – who has today (27 May 2022) jailed prisoner of conscience Sultonov - heard that case, and on 24 November 2020 gave prisoner of conscience Sultonov a 14-month restricted freedom sentence (https://www.forum18.org/archive.php?article_id=2626).

Prisoner of conscience Sultonov's current prison address is:

Uzbekistan

Karakalpakstan

Nukus shahri

Mir ko'chasi

Jazoni ijro etish departamentinin

Tergov xibisxonasi No. 2

Five-year sentence for former prisoner of conscience

On 17 May, Judge Sardorbek Rasulov of Andijan City Criminal Court handed down a five-year strict regime prison sentence to former Muslim prisoner of conscience Oybek Khamidov. His mobile phones and a confiscated DVD disk were also ordered to be destroyed.

Prisoner of conscience Khamidov was arrested in January 2022 after his younger brother Muhammadaziz Turgunov fled Andijan, following police questioning after a teahouse discussion of Islam (https://www.forum18.org/archive.php?article_id=2730) with two friends. A police informer overheard the conversation, and all three Muslims were questioned in police custody over five days in November 2021.

Police then released the three, but fearing another arrest Turgunov without telling his family fled Andijan. The family have no knowledge of Khamidov's brother Turgunov's current whereabouts.

On 4 January 2022, after his brother fled Andijan, former prisoner of conscience Khamidov shared an audio file of an Islamic sermon (https://www.forum18.org/archive.php?article_id=2730) 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. 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", and he was then released.

On 10 January, officers summoned Khamidov and his parents to Andijan Police Station where they found two people they did not know (https://www.forum18.org/archive.php?article_id=2730) - "citizens Karamatullo Mamatkulov and Shokhabbos Shamsutdinov" being used by police as "witnesses". On 17 January Khamidov was arrested and taken into police custody.

The indictment, which Forum 18 has seen, claims Khamidov "did not learn his lesson" (https://www.forum18.org/archive.php?article_id=2730) and began again "storing and distributing religious materials". 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").

"Witnesses"

Judge Rasulov claims in his 17 May verdict that Prosecutor Yorbek Siddikov and his new "witnesses" "A. Kholmatov and F. Khojiyev" (who are, like the previous two "witnesses" (https://www.forum18.org/archive.php?article_id=2730), unknown to the family) were present in court. Yet the family told Forum 18 on 26 May that neither the Prosecutor nor the latest "witnesses" were present in court.

Prosecutor Siddikov refused on 26 May to explain to Forum 18 why prisoner of conscience Khamidov was prosecuted or what a prison sentence was demanded.

No due process

Prosecutor Siddikov also refused to discuss why neither he nor the alleged "witnesses" were present in court, claiming that: "I can only speak for myself, and say that it was not necessary for me to participate based on the Criminal Procedure Code." He was unable to state which part of the Code stated this, adding that "you can search the Code yourself."

Criminal Procedure Code Article 412 ("Consequences of Non-Appearance of the Prosecutor, Defence Counsel, Public Accuser, and Public Defender") states: "The trial of a criminal case shall be postponed if the prosecutor fails to appear at the court session." The Code also requires witnesses to be present in court.

No evidence

No evidence of any "crime" was presented, Forum 18 was told, apart from accusations of sharing "illegal" religious materials (https://www.forum18.org/archive.php?article_id=2730) with his wife and other persons, and storing on his mobile phone "extremist" sermons by Imam Abduvali Mirzayev.

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 other Muslim men interested in discussing Islamic topics (https://www.forum18.org/archive.php?article_id=2719). 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 that the audio file Khamidov shared is "extremist material" (https://www.forum18.org/archive.php?article_id=2730).

Judge Rasulov's Assistant Shavkat Kholmatov refused on 26 May to discuss the lack of due process in the trial or the verdict with Forum 18. Judge Rasulov told Kholmatov that he did not want to talk to Forum 18 about the apparent illegality of the court proceedings, or why he jailed prisoner of conscience Khamidov for five years, and the phone was then put down. Subsequent calls went unanswered.

Khamidov's family said that they are preparing to appeal against the five-year prison sentence soon.

Prisoner of conscience Khamidov's current 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

Another Muslim prisoner of conscience's trial begins

On 11 April, Muslim Bobirjon Tukhtamurodov who met others to read Muslim theologian Said Nursi's works returned from exile in Russia to Uzbekistan. Despite previous assurances he was arrested (https://www.forum18.org/archive.php?article_id=2740), and was ordered held for six months in pre-trial detention.

On 24 May, Tukhtamurodov's trial (https://www.forum18.org/archive.php?article_id=2762) began at Vobkent District Criminal Court in Bukhara Region.

Prisoner of conscience Tukhtamurodov's prison address is:

Uzbekistan

Buxoro viloyati

4-sonli tergov hibsxonasi

Buxoro shahri, Afrosiyob ko'chasi 96

Tukhtamurodov Bobirjon Baratovich

(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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