

26 July 2022

UZBEKISTAN: Judge jails Muslim as he "read literature .. spread his beliefs .. met others"

By Felix Corley, Forum 18 (<https://www.forum18.org>)

A Bukhara Region court jailed 47-year-old Bobirjon Tukhtamurodov for 5 years 1 month for participating in a group that met to study the works of Muslim theologian Said Nursi. Judge Akrom Rakhimov told Forum 18 that prisoner of conscience Tukhtamurodov was jailed as: "He not only read literature, but spread his beliefs and met others." He had returned from exile in Russia after Uzbekistan's regime told him he would not be jailed.

On 23 June, a court in Bukhara Region jailed Muslim Bobirjon Tukhtamurodov for five years and one month in ordinary regime labour camp to punish his participation in a group that studied the works of the late Turkish Muslim theologian Said Nursi between 2006 and 2010. The Judge set Tukhtamurodov's remaining jail term at nearly four and a half years, taking account of time he had spent in custody in Russia.

In 2010, amid a wave of arrests and jailings of fellow Nursi readers (among them his brother), Tukhtamurodov fled to Russia where he was detained for seven months. He was finally ordered to leave Russia in February 2022. Despite assurances from the Uzbek authorities that he would not be arrested if he returned, officials arrested him at Tashkent airport on arrival on 11 April (see below).

Vobkent District Prosecutor Umid Nurullayev, who led the prosecution case in court, refused to answer any of Forum 18's questions on 25 July (see below).

The Judge in the case, Akrom Rakhimov, told Forum 18 that prisoner of conscience Tukhtamurodov was jailed as: "He not only read literature, but spread his beliefs and met others." When Forum 18 asked why he should be punished for exercising his rights to freedom of expression and freedom of religion or belief, the Judge replied: "I put all this in the verdict. If he is not satisfied with the decision he can appeal" (see below).

Prisoner of conscience Tukhtamurodov, who is now 47, chose not to appeal against the conviction. "He thinks there is no point in appealing," a friend told Forum 18. "He also fears they could increase his punishment" (see below).

In 2016, Uzbekistan's Supreme Court banned Nurchilar (which means Nursi followers) along with 21 other organisations. All of them were labelled "terrorist", even though only some – such as Al-Qaida and Islamic State – are internationally recognised as such. Five UN Special Rapporteurs in 2021 jointly criticised the use by the regime of "terrorism" and "extremism" claims "as an excuse to suppress peaceful minority groups and their members" (see below).

Muslims who meet to study Nursi's books deny that any formal organisation such as Nurchilar has ever existed. Typically, such Muslims meet in homes to study Islam, with one or more expounding on Nursi's works. They also pray, eat, and drink tea together, and do not seek state permission to meet (see below).

Such Muslims were apparently unaware of the Supreme Court decision, which does not appear to have been published, a Muslim who knows such cases told Forum 18. Forum 18 asked the Supreme Court on 25 July for a copy of the decision, but it had not responded by the end of the working day on 26 July (see below).

The Interior Ministry declared in a 23 July statement that joint action with unnamed "foreign partners" had halted prisoner of conscience Tukhtamurodov's activity as a member of the "religious extremist organisation Nurchilar". Russia – where Tukhtamurodov fled – in 2016 also banned what it describes as Nurdzhular, and some Muslims who met with others to study the works of theologian Nursi are on criminal trial in Russia on "extremism" charges (see below).

Uzbekistan's Interior Ministry claimed that Tukhtamurodov had recruited "talented young people" to the movement, "educating them against democratic rule in the country, as well as by distributing materials and literature full of extremist ideas". No election in Uzbekistan has ever been found to be free and fair by OSCE election observers (see below).

Apart from prisoner of conscience Tukhtamurodov, it does not appear that in 2022 the regime is currently specifically targeting other Muslims who have met to study Nursi's works (see below).

Other recent prisoners of conscience jailed for exercising freedom of religion or belief

The regime continues to jail other Muslims to punish them for exercising freedom of religion or belief. On 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 (https://www.forum18.org/archive.php?article_id=2745). He had been tortured in pre-trial detention.

On 17 May, Andijan City Criminal Court handed down a five-year strict regime prison sentence (https://www.forum18.org/archive.php?article_id=2745) to former Muslim prisoner of conscience Oybek Khamidov. He was jailed again to punish him for sharing an audio sermon with his wife.

On 28 April, Karshi District Criminal Court jailed Muslim prisoner of conscience Khasan Abdirakhimov for four years in an ordinary regime labour camp (https://www.forum18.org/archive.php?article_id=2740). Judge Orzimurod Shukurov told Forum 18 that he jailed prisoner of conscience Abdirakhimov "because he put likes under [religious] materials, and shared them with others on the internet".

The regime attempts to impose complete state control of all expressions of Islam (https://www.forum18.org/archive.php?article_id=2699), including from 2018 ordering mosques to pay for surveillance cameras controlled by the regime to be installed (https://www.forum18.org/archive.php?article_id=2736) inside and outside mosques. In early 2022, the Interior Ministry also ordered non-Muslim communities to install the cameras (https://www.forum18.org/archive.php?article_id=2736). Muslim and non-Muslim religious communities and followers have told Forum 18 that some people have stopped attending meetings for worship, for fear of being identified and then facing state reprisals. A Muslim commented that "we want to concentrate on our meetings for worship, and not be afraid".

2016 Supreme Court ban on Nursi reading groups

On 26 September 2016, Uzbekistan's Supreme Court banned Nurchilar (which means Nursi followers) along with 21 other organisations. All of them were labelled "terrorist" (https://www.forum18.org/archive.php?article_id=2564), even though only some – such as Al-Qaida and Islamic State – are internationally recognised as such.

On 29 July 2021, five UN Special Rapporteurs made a joint statement strongly criticising among other things the Religion Law's multiple violations (https://www.forum18.org/archive.php?article_id=2699) of international human rights law. The Special Rapporteurs on: freedom of religion or belief; the promotion and protection of the right to freedom of opinion and expression; the rights to freedom of peaceful assembly and association; minority issues; and the promotion and protection of human rights and fundamental freedoms while countering terrorism, among numerous other things jointly criticised (OL UZB 4/2021 (<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26562>)) the use of "terrorism" and "extremism" claims "as an excuse to suppress peaceful minority groups and their members".

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Such Muslims were apparently unaware of the Supreme Court decision, which does not appear to have been published, a Muslim who knows such cases told Forum 18. Forum 18 asked the Supreme Court on 25 July for a copy of the decision, but it had not responded by the end of the working day on 26 July in Tashkent.

Apart from prisoner of conscience Tukhtamurodov, it does not appear that in 2022 the regime is currently specifically targeting other Muslims who have met to study Nursi's works.

2019 ban on Nursi's books

On 25 December 2019, the regime's Religious Affairs Committee harshened the existing severe state censorship system for all religious texts (https://www.forum18.org/archive.php?article_id=2699) by approving an updated list of banned "extremist" texts (https://www.forum18.org/archive.php?article_id=2564).

Around 200 texts from a very wide range of Muslim backgrounds were banned, including all texts by the late Turkish theologian Said Nursi, all texts by adherents of the Tabligh Jamaat Muslim missionary group, and texts by Ahmadi Muslims. A wide range of other Islamic authors are also banned.

Arrested on enforced return to Uzbekistan

In 2006 and after, groups of Muslim young men from Bukhara met to study their faith in groups using the works of the late Turkish Muslim theologian Said Nursi. The regime began mass arrests of Nursi readers in December 2008.

Botir Tukhtamurodov was among nine Muslim men jailed in Bukhara in April 2009 in the first of three group trials of Nursi readers in the city. Nine more were sentenced in Bukhara in June 2010 and a further nine or ten in the following months.

In January 2010, Bobirjon Baratovich Tukhtamurodov (born 9 July 1975), Botir Tukhtamurodov's brother and also a Nursi reader, fled Uzbekistan after being warned his arrest was likely.

The Russian authorities arrested Bobirjon Tukhtamurodov in August 2010 after a request from Uzbekistan (https://www.forum18.org/archive.php?article_id=1490). In 2011 he succeeded in having an extradition order back to Uzbekistan overturned in court.

In 2021, police in Bukhara put up Wanted posters of Tukhtamurodov in the neighbourhood of the city where his family lives. The posters described him as an "extremist" and offered an unspecified reward for those helping to locate him.

In February 2022, the Russian authorities refused to extend Tukhtamurodov's leave to remain in Russia, and ordered to him to leave the country (https://www.forum18.org/archive.php?article_id=2740). "He had no place to go other than Uzbekistan," Muslims who know the case told Forum 18.

Tukhtamurodov, the Muslims said, then contacted Uzbekistan's government, which assured him that he would not be arrested. "Despite this, he was arrested when he arrived in Tashkent International airport on 11 April (https://www.forum18.org/archive.php?article_id=2740) and immediately transferred to a Bukhara prison."

On 6 May, Bukhara City Criminal Court gave Tukhtamurodov six months' pre-trial detention (https://www.forum18.org/archive.php?article_id=2740). Court officials refused on 11 May to answer Forum 18's questions on the case, including why prisoner of conscience Tukhtamurodov was arrested and imprisoned when he was assured this would not happen.

State Security Service (SSS) secret police Chief Investigator for Bukhara Region Captain I. Nematov then investigated Tukhtamurodov under Criminal Code articles 244-1 (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"), and 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations").

Bukhara Region Police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699) continued the investigation into Tukhtamurodov.

Officials claimed on 11 May that the head of Bukhara Region police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699), Colonel Sayfiddin Mukhamedov, was busy. His Deputy, Lieutenant Colonel Akbar Bafoyev, put the phone down as soon as Forum 18 introduced itself (https://www.forum18.org/archive.php?article_id=2740) the same day. Subsequent calls went unanswered.

The indictment was completed on 20 April.

"The family hopes that Bobirjon will either be amnestied or given a suspended sentence," Muslims who wished to remain anonymous for fear of state reprisals told Forum 18 before the trial. "The authorities in Bukhara told them that he must be tried because the case needs to be closed, but that they will not imprison him (https://www.forum18.org/archive.php?article_id=2740)."

Video trial

Prosecutors brought charges against Tukhtamurodov under:

- Criminal Code Article 244-1 (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"), Part 3 (a) carried out by a group of people, with a punishment of 5 to 8 years' imprisonment;
- and 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"), Part 1, with a punishment of 5 to 15 years' imprisonment.

Prosecutors handed the case to the District Criminal Court in Vobkent, 30 kms (20 miles) north of Bukhara. The case was assigned to Judge Akrom Rakhimov. The trial began on 24 May, with Tukhtamurodov represented by a state-appointed lawyer from Vobkent,

Gulom Niyozov.

It remains unclear why Tukhtamurodov's case was sent to trial in Vobkent and not in Bukhara, where he and his family live. "No one knows why," one friend told Forum 18. "It was very strange."

People who know the case complained to Forum 18 on 27 May that it is a "violation of Tukhtamurodov's rights to conduct the trial in Vobkent, which is 30 kms from Bukhara where he was born and where his family lives as well as where the alleged crime took place."

They explained that Tukhtamurodov is "not even brought to the courtroom but there is a video link to him from Otbozor prison [in Bukhara], where he is kept". They complained that witnesses who would like to speak for him and his family "had to travel a long way from their home".

Judge Rakhimov insisted that criminal cases can be heard in any court in the region. "This was dictated by the flow of cases in the region," he told Forum 18 on 25 July.

Judge Rakhimov defended Tukhtamurodov's participation in the trial by videolink from the Investigation Prison in Bukhara. "He didn't object to this," Judge Rakhimov told Forum 18. "It's not the first trial where people have participated via video." He said the hearings had been open and Tukhtamurodov's wife, brother and other relatives, as well as neighbours, had been able to be present in the courtroom. "There were no restrictions."

Forum 18 could not reach the state-appointed lawyer Niyozov. His phone went unanswered on 25 July.

Five years and one month jail term

On 23 June, at the end of the trial at Vobkent District Criminal Court, Judge Rakhimov found Tukhtamurodov guilty on both charges. He sentenced him to five years' imprisonment on each charge, with a combined total jail term of five years and one month in ordinary regime labour camp, according to the decision seen by Forum 18.

The Judge then took into account the time Tukhtamurodov had spent in detention in the Russian city of Novosibirsk between August 2010 and March 2011. He set the remaining prison term that Tukhtamurodov must serve as four years, five months and 25 days.

Judge Rakhimov told Forum 18 that Tukhtamurodov should be punished as: "He not only read literature, but spread his beliefs and met others." When Forum 18 asked why he should be punished for exercising his rights to freedom of expression and freedom of religion or belief, the Judge replied: "I put all this in the verdict. If he is not satisfied with the decision he can appeal."

Vobkent District Prosecutor Umid Nurullayev, who led the prosecution case in court, refused to answer any of Forum 18's questions on 25 July.

The Interior Ministry declared in a 23 July statement that joint action with unnamed "foreign partners" had halted Tukhtamurodov's activity as a member of the "religious extremist organisation Nurchilar".

Russia – where Tukhtamurodov fled – in 2016 also banned what it describes as Nurdzhular, and some Muslims who met with others to study the works of theologian Nursi are on criminal trial in Russia (https://www.forum18.org/archive.php?article_id=2747) on "extremism" charges.

"Educating them against democratic rule"

Uzbekistan's Interior Ministry claimed that Tukhtamurodov had recruited "talented young people" to the movement, "educating them against democratic rule in the country, as well as by distributing materials and literature full of extremist ideas".

No election in Uzbekistan has ever been found to be free and fair by OSCE election observers (<https://www.osce.org/odihr/elections/uzbekistan>).

"No point in appealing"

Prisoner of conscience Tukhtamurodov chose not to appeal against the conviction. "He thinks there is no point in appealing," a friend told Forum 18. "He also fears they could increase his punishment."

After prisoner of conscience Abdirakhimov's 28 April four-year jail sentence, the family said that they will not appeal against the new sentence. "We are afraid that if we appeal the authorities could extend his prison term (https://www.forum18.org/archive.php?article_id=2740)," they told Forum 18.

Tukhtamurodov is at present in the Investigation Prison in Bukhara, popularly known as Otbozor because of its location. He is likely to be sent to serve his sentence in a labour camp soon. In late July, Tukhtamurodov's wife was allowed to visit him in the Investigation Prison.

Prisoner of conscience Tukhtamurodov's address in Investigation Prison is:

Uzbekistan

Buxoro viloyati

4-sonli tergov hibxonasi

Buxoro shahri, Afrosiyob ko'chasi 96

Tukhtamurodov Bobirjon Baratovich

Charged in Russia in 2017, charges dropped in 2018

In 2017, Russian prosecutors charged Tukhtamurodov, among Russian Muslims, with being a "participant" in meetings to read Nursi's works (https://www.forum18.org/archive.php?article_id=2339). However, in 2018 Russian prosecutors closed the criminal case (https://www.forum18.org/archive.php?article_id=2373).

Russia removed the block on Tukhtamurodov's Russian bank accounts in June 2018 when the case was closed.

European Court's earlier concern about potential extradition to Uzbekistan

In 2014, Bobirjon Tukhtamurodov appealed to the European Court of Human Rights (ECtHR) in Strasbourg to protect himself from extradition to Uzbekistan, fearing that he would face torture if returned there. In its final judgment on 12 February 2015 (Application No. 21762/14 (<https://hudoc.echr.coe.int/eng?i=001-152504>)), the ECtHR ruled that there was no longer a need to consider Tukhtamurodov's case as, on 4 September 2014, the Russian authorities had renewed his temporary refugee status in Russia for a further year.

At the same time, the ECtHR expressed its continuing concern about any possible extradition to a country where torture is feared. The Court pointed to Article 3 of the European Convention for the Protection of Human Rights and Fundamental Freedoms ("No one shall be subjected to torture or to inhuman or degrading treatment or punishment").

"The Court reiterates that expulsion by a Contracting State may give rise to an issue under Article 3, and hence engage the responsibility of that State under the Convention, where substantial grounds have been shown for believing that the individual concerned, if deported, faces a real risk of being subjected to treatment contrary to Article 3," the ECtHR noted.

After Russia's expulsion from the Council of Europe for its renewed invasion of Ukraine, on 22 March 2022 the ECtHR declared that Russia will formally leave the jurisdiction of the European Convention (https://echr.coe.int/Documents/Resolution_ECHR_cessation_membership_Russia_CoE_ENG.pdf) on 16 September.

An ECtHR spokesperson told Forum 18 on 11 April that the Court will continue to examine cases lodged against Russia (https://www.forum18.org/archive.php?article_id=2731) before 16 September 2022. The Court will also examine cases lodged within four months of 16 September 2022, provided domestic legal remedies have been exhausted before 16 September 2022.

On 11 June 2022, Russia amended its various laws governing the implementation of ECtHR decisions, meaning that any which came into force after 15 March 2022 will not be upheld, and ECtHR rulings can no longer be used as grounds for overturning the decisions of Russian courts.

Compensation payments related to decisions which came into force before 15 March 2022 (inclusive) will be paid only in Roubles and cannot be paid to foreign bank accounts in states deemed unfriendly to Russia. (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=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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