

13 April 2023

UZBEKISTAN: 15-day jail for haram yoghurt videos

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

Hojiakbar Nosirov, a 25-year-old consumer rights activist from Tashkent, posted a video on social media on 5 April declaring that the red colouring agent carmine he had found in locally-sold yoghurt is haram (forbidden) for Muslims. Police investigated and commissioned an "expert analysis" from the regime's Religious Affairs Committee that claimed Nosirov had expressed "enmity, intolerance or discord". A 3-minute closed online trial jailed him for 15 days. "The experts quickly conducted a literary examination, wrote down the conclusion and decided the fate of an individual", his lawyer complained.

A Tashkent court has jailed a young activist Hojiakbar Nosirov for 15 days for two short social media videos that claim that an animal-derived product used for colouring yoghurt red is haram (forbidden) for Muslims and therefore so is yoghurt containing the colouring which he found on sale in the city.

Nosirov, who is 25, posted his videos on his Telegram channel on 5 and 6 April. The police immediately began investigating, commissioned an "expert analysis" from the regime's Religious Affairs Committee and brought administrative charges against him. On 8 April, the court had found him guilty in a 3-minute online hearing and jailed him for 15 days (see below).

Judge Bobir Rakhimov found Nosirov guilty on charges of "Production, storage or distribution of works promoting national, ethnic, racial, or religious hatred" and "Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order" (see below).

A Tashkent police statement on the case issued the same day complained that Nosirov had spoken about the colouring in several brands of yoghurt "based on his personal religious views without obtaining conclusions from relevant experts" (see below).

Hojiakbar Nosirov's lawyer, Sirojiddin Ishpulatov, immediately lodged an appeal against his client's sentence and jail term to Tashkent City Criminal Court. He rejected accusations that his client had distributed materials "promoting religious enmity". "Is there evidence of this in the case file?" he asked. "Has anyone complained about their religion being insulted?" He accused the police and Religious Affairs Committee officials of "imprisoning innocent people for no reason" (see below).

The lawyer Ishpulatov also questioned how on the same day the "expert analysis" could be commissioned, the request sent to the Religious Affairs Committee, "the experts quickly conducted a literary examination, wrote down the conclusion and decided the fate of an individual", and the analysis sent to the police. Ishpulatov noted that "expert analyses" are normally produced in between 15 to 30 days (see below).

Ishpulatov also expressed concern about Nosirov since the hasty trial. "That day was the last time I saw Hojiakbar Nosirov," he wrote in the appeal. "Until now, they have been hiding Hojiakbar's whereabouts and preventing him from meeting his lawyer" (see below).

Lieutenant J. Kobilov of the Police's Criminal Investigation Department – who appears to have initiated the case and interrogated Nosirov at the police station - did not answer his phone each time Forum 18 called and did not answer written questions (see below).

Telephones at the Religious Affairs Committee in Tashkent went unanswered each time Forum 18 called (see below).

The regime imposes prior compulsory censorship of all material on religion, including of printed and electronic publications, social media posts and journalistic articles on religious themes (see below).

Books, materials, social media posts, journalism on religion censored

The Religion Law imposes prior compulsory state censorship (https://www.forum18.org/archive.php?article_id=2699) of all "materials of religious content". Article 10 defines these as all printed and electronic materials, including on the internet, as well as signs and symbols, "expressing the dogmatic bases, history and ideology of the teaching and commentary on it, the practice of rituals of different religious faiths, as well as an evaluation from a religious position of individual personalities, historical facts and events".

Religious literature can only be produced, distributed or imported after it has undergone state censorship and received a positive "expert analysis" (https://www.forum18.org/archive.php?article_id=2699) from the regime's Religious Affairs Committee in Tashkent. Those who violate these provisions face punishment. Books confiscated in the course of such cases are often ordered destroyed.

After Uzbek customs officials at the land border seized Bibles and other Christian books on 20 February from a Baptist visiting from Kazakhstan, Nikolai Smirnov, they sent the books to the Religious Affairs Committee in Tashkent for an "expert analysis". Although it found there was nothing illegal in the books, Smirnov is facing prosecution for "illegally" importing the books (https://www.forum18.org/archive.php?article_id=2824).

Journalists and editors from Azon.uz and Kun.uz were fined in June 2021 for publishing articles on religious themes (https://www.forum18.org/archive.php?article_id=2673) without Religious Affairs Committee permission.

One of the articles the Committee objected to was about the New Zealand Police adopting the hijab as part of police uniform, which Kun.uz sourced from a BBC report. The regime has told journalists that every article which the Religious Affairs Committee might be interested in must be sent to them for pre-publication "expert analysis" (https://www.forum18.org/archive.php?article_id=2699).

The regime also targets ordinary members of religious communities who express their views (https://www.forum18.org/archive.php?article_id=2673). Officials warned Shia Muslims in Bukhara and Samarkand in June 2021 "not to publish religious materials on their social media." One human rights defender stated that "after the warning many deleted their accounts, or deleted religious materials." A human rights defender noted that "some even stopped talking to or associating with people who had been warned".

A human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 in June 2021 (https://www.forum18.org/archive.php?article_id=2673) that "the regime wants to shut people up and does not want citizens to freely exchange their thoughts or ask questions about Islam." They commented that "this will not lead anything good but will lead to extremism," noting that "we need real reforms and freedoms, including freedom of religion and belief, if we do not want extremism."

Two short videos on yoghurt colouring

Hojiakbar Nosirov, a 25-year-old consumer rights activist from the capital Tashkent, investigates the quality of food on sale and posts film of his investigations on the Activist UZ Telegram channel and on YouTube.

On 5 April, Nosirov posted a 51-second video filmed in a supermarket with a trolley containing yoghurts from various companies. He held up to the camera the lists of ingredients for several of them, showing that they contained the colouring carmine, which is usually made from dead insects. He said this was haram (forbidden) for Muslims and so too therefore was yoghurt using carmine as a colouring. He pointed to three websites containing information on what food is halal or haram.

On 6 April, Nosirov posted a 3-minute video discussing the yoghurts he had found on sale in Tashkent that contain carmine. He pointed again to the three websites, as well as to WorldofIslam.info. (WorldofIslam.info puts carmine in the "doubtful" category, while noting that Islamic scholars in the UK and South Africa considered it haram but others do not.) Nosirov clarified that the carmine itself was haram, not the other ingredients of the yoghurt.

Police, Religious Affairs Committee "expert analysis"

Shaykhontohur District police commissioned a "religious studies expert analysis" (https://www.forum18.org/archive.php?article_id=2699) of Nosirov's videos on carmine in yoghurt from the regime's Religious Affairs Committee. The same day, B. Karimov prepared a 2-page analysis (seen by Forum 18).

This analysis found that Nosirov's videos did not promote extremism, fanaticism, separatism, extermination or displacement of people, or create panic in the population. However, Karimov found that they cause "enmity, intolerance or discord against population groups, aimed at humiliating national honour and dignity, insulting the feelings of citizens based on their religious beliefs".

The analysis also claimed that Nosirov's views "do not have a scientific basis" and that he was "blindly absorbing his religious views".

Dilshod Mamadkulov, a Deputy Chair at the Religious Affairs Committee, sent the analysis to Shaykhontohur District police the same day.

In his subsequent appeal, Nosirov's lawyer Ishpulatov questions how on the same day the "expert analysis" could be commissioned,

the request sent to the Religious Affairs Committee, "the experts quickly conducted a literary examination, wrote down the conclusion and decided the fate of an individual", and the analysis sent to the police. Ishpulatov noted that "expert analyses" (https://www.forum18.org/archive.php?article_id=2699) are normally produced in between 15 to 30 days.

Telephones at the Religious Affairs Committee in Tashkent went unanswered each time Forum 18 called on 12 and 13 April.

Police then brought a case against Nosirov under two Administrative Code Articles:

- Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial, or religious hatred"). Punishments under this Article are a fine of between 50 and 100 base units (about 5 to 10 months' average wages) for individuals, or for officials between 100 and 150 base units (about 10 to 15 months' average wages) or up to 15 days in jail, plus confiscation of the materials.

- Article 194, Part 1 ("Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order"). Punishments under this Article are a fine of between 1 and 12 base units (about 3 days' to 1 month's average wages).

Summons, case handed for trial

On 7 April, the day it received the "expert analysis", Shaykhontohur District police summoned Nosirov for interrogation (though they failed to write his name on the summons).

The following day Nosirov went to Shaykhontohur District police with his lawyer Sirojiddin Ishpulatov, where they were received by Lieutenant J. Kobilov of the Criminal Investigation Department.

Lieutenant Kobilov and about seven other officers questioned Nosirov about his videos. Although the Interior Ministry orders that all such interviews should be filmed, officers interrogated Nosirov in a room with no cameras, according to his subsequent appeal. Officers pressured Nosirov and shouted at his lawyer to shut up, the appeal notes. Officers refused to allow Nosirov to write a statement setting out his position.

Lieutenant Kobilov did not answer his phone each time Forum 18 called on 12 and 13 April. He did not answer written questions sent on 12 April.

The administrative case against Hojiakbar Nosirov was handed to Tashkent's Shaykhontohur District Court. However, the police insisted that the court case should immediately be heard online, with Nosirov and his lawyer Ishpulatov in the police station.

Jailed for 15 days in closed 3-minute online hearing

At the hastily-arranged hearing on the afternoon of 8 April, Nosirov's lawyer Sirojiddin Ishpulatov insisted that the defence wanted the case to be heard not online but in person at Shaykhontohur District Court. Judge Bobir Rakhimov summarily rejected Ishpulatov's request to hold the hearing in person and on another day when he had had time to familiarise himself with all the materials in the case. The Judge claimed (wrongly) that Ishpulatov had refused to acquaint himself with the case materials.

Judge Rakhimov found Nosirov guilty of violating Administrative Code Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial, or religious hatred") and Article 194, Part 1 ("Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order").

The Judge handed down on Nosirov a 15-day jail term under Article 184-3 and a fine of 300,000 Soms (3 days' average wage) under Article 194, Part 1. The judge then combined these punishments into a 15-day jail term, according to the decision seen by Forum 18. The 15-day term was deemed to begin at 4 pm that day.

A Tashkent police statement on the case issued the same day complained that Nosirov had spoken about the colouring in several brands of yoghurt "based on his personal religious views without obtaining conclusions from relevant experts". It claimed he had violated others' constitutionally-guaranteed right to privacy "as well as the right to be protected from interference in their personal life". It also claimed those whose business reputation has been harmed have the right to bring a case in court and demand compensation.

No business is known to have brought a case against Nosirov because of his videos on yoghurt.

The Tashkent police statement noted that Article 10 of the Religion Law bans the distribution of religious materials which have not undergone state censorship and received a positive religious studies "expert analysis". (The Religious Affairs Committee's "expert analysis" made no mention of any violation of this Article.)

"Where are the promises of constitutional changes in our country, which are supposed to ensure freedom of speech?" a post on Nosirov's Telegram channel noted that day. "We are waiting for the reaction of the relevant authorities in this situation. We ask them

to prove exactly which word or content used by Hojiakbar is related to religious extremism."

Appeal

Hojiakbar Nosirov's lawyer, Sirojiddin Ishpulatov, immediately lodged an appeal (seen by Forum 18) against his client's sentence and jail term to Tashkent City Criminal Court. He complained that Judge Rakhimov had considered the case against Nosirov "superficially". He called for the case to be examined in person in an open hearing with Nosirov being present and for the conviction to be overturned.

On behalf of Nosirov, Ishpulatov rejected accusations that his client had distributed materials "promoting religious enmity". "Is there evidence of this in the case file?" he asked. "Has anyone complained about their religion being insulted?" He accused the police and Religious Affairs Committee officials of "imprisoning innocent people for no reason".

Ishpulatov rejected accusations in the police statement that Nosirov had offended businesses. "None of the yoghurt companies asked or demanded that he delete or reject the video," he pointed out.

Ishpulatov also argued that because of the procedural violations over the 7 April interrogation of his client, materials from that interrogation should be ruled inadmissible. He noted that the Interior Ministry refused to allow him to file a complaint about the violations against the officers who interrogated Nosirov.

Ishpulatov objected to the characterisation of the trial as open. "How can an open court hearing be held inside a police building?" he asked. "An open court hearing means that any citizen can freely enter and observe the court."

Ishpulatov also expressed concern about Nosirov since the hasty trial. "That day was the last time I saw Hojiakbar Nosirov," he wrote in the appeal. "Until now, they have been hiding Hojiakbar's whereabouts and preventing him from meeting his lawyer."

Tashkent City Criminal Court has not yet set a date for the appeal hearing. (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)

Follow us on Twitter @Forum_18 (https://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<https://www.facebook.com/Forum18NewsService>)

Follow us on Telegram @Forum18NewsService (<https://t.me/s/forum18newsservice>)

All Forum 18 material may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY