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UZBEKISTAN: "His only fault was to have some sermons on his mobile phone"

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

Three months after Uzbekistan's National Security Service (NSS) secret police arrested Kyrgyzstan-born Russian citizen Bakhtiyor Khudaiberdiyev at Tashkent Airport and opened a criminal case against him, relatives fear he might face long imprisonment if tried and convicted. Relatives adamantly denied to Forum 18 News Service that Khudaiberdiyev had any extremist materials on his phone. "Bakhtiyor had only some suras [verses] from the Holy Koran, some sermons of mullo Ulugbek Kary and some video clips of the Osh events he downloaded from the internet," relatives told Forum 18. Fears are that Khudaiberdiyev might face torture in secret police detention. The Consular Section of the Russian Embassy in Tashkent refused to tell Forum 18 what steps – if any - the Embassy or other Russian state bodies are taking to raise his case with the Uzbek authorities. Uzbekistan imposes rigid control over all religious materials, whether on paper or on electronic devices. At least two Muslims are serving five-year prison terms for the Koran and sermons in their mobile phones, while Customs authorities detained a Baptist for two days in mid-March for carrying religious materials on electronic devices and who now faces administrative charges.

On 9 January Uzbekistan's National Security Service (NSS) secret police arrested ethnic Uzbek Russian citizen Bakhtiyor Khudaiberdiyev at Tashkent Airport for religious and other materials in his mobile phone. "For almost three months he has been kept in the detention centre of the NSS secret police in Yunusabad District of Tashkent," relatives who wished to remain unnamed for fear of state reprisals complained to Forum 18 on 1 April. He faces possible criminal prosecution, with a long prison term if convicted. Fears are that he might be tortured.

Khudaiberdiyev faces charges under Criminal Code Article 244-2 (establishment, direction of or participation in religious extremist, separatist, fundamentalist or other banned organisations) and Article 159 (offence against the Constitutional order). Punishments under these Articles range up to twenty years' imprisonment.

"We are afraid that he may receive a lengthy prison term in Uzbekistan," Khudaiberdiyev's relatives lamented to Forum 18.

Officials of the Uzbek government's Religious Affairs Committee, including Bekzod Kadyrov, Chief expert, refused absolutely to discuss the case. "No comments over the phone, please, send questions in writing," Kadyrov told Forum 18 from Tashkent on 7 April.

Rigid control of religious materials

The Uzbek authorities impose rigid control of religious materials entering and being transported within the country not only on paper but on mobile phones, tablets, personal computers, memory sticks and other electronic devices and media. At least two Muslims - Zuboyd Mirzorakhimov and Zoirjon Mirzayev - are serving five-year prison terms for the Koran and sermons in their mobile phones. A Baptist from neighbouring Kazakhstan was held for two days at Tashkent Regional Customs Department in mid-March for carrying religious materials on electronic devices and now faces administrative charges (see F18News 21 March 2016 http://www.forum18.org/archive.php?article_id=2160).

A January 2014 Cabinet of Ministers Decree on religious literature requires the State Customs Committee and the State Borders Protection Committee (part of the National Security Service secret police) to seize all religious materials being imported. They are to be sent for "expert analysis" by the Religious Affairs Committee. Only if it approves them are such materials allowed to be handed back to travellers (see F18News 12 February 2014 http://www.forum18.org/archive.php?article_id=1928).

Printed literature, videos and DVDs of religious content have long been subjected to harsh prior compulsory state censorship. Police and secret police officers frequently raid homes and confiscate religious literature from their owners, including Arabic-language Korans, and Uzbek and Russian-language Bibles and New Testaments. Courts frequently order that such confiscated religious literature be destroyed, as happened to Bibles and New Testaments in Tashkent in December 2015.

In March 2016, Latipzhon Mamazhanov, a Christian in Fergana [Farghona], was jailed for 15 days after a police search for religious

literature (see F18News 18 March 2016 http://www.forum18.org/archive.php?article_id=2159). Mamazhanov was imprisoned for one day more than his 15 day term and was tortured during the prison term. He also faces new administrative charges (see F18News 13 April 2016 http://www.forum18.org/archive.php?article_id=2167).

Airport arrest

Uzbek Customs officials detained Khudaiberdiyev at Tashkent Airport on 9 January as he was changing planes in transit from South Korea to Osh, Kyrgyzstan, relatives told Forum 18. He had travelled from his home in Russia to South Korea to earn money. On the return journey he decided to visit his mother and wife, who currently live in Osh, Kyrgyzstan. "He travelled via Tashkent because it was cheaper to do so."

Customs officials at the airport detained Khudaiberdiyev for carrying on his mobile phone allegedly "extremist" religious materials, as well as video materials about the ethnic conflict between ethnic Kyrgyz and Uzbeks in his native Osh in Kyrgyzstan in June 2010, which left hundreds dead.

However, relatives adamantly denied to Forum 18 that Khudaiberdiyev had any extremist materials on his phone. "Bakhtiyor had only some suras [verses] from the Holy Koran, some sermons of mullo Ulugbek Kary and some video clips of the Osh events he downloaded from the internet." They said that the Uzbek authorities allow Imam Ulugbek Kary, who lives and works in Andijan Region, "to preach at weddings and other ceremonies. His sermons are sold freely at markets in Uzbekistan".

"Everybody in the region knows about the Osh events," relatives added. "Bakhtiyor did not participate in the conflict - he only downloaded the videos from the internet."

The 34-year-old Khudaiberdiyev, a Kyrgyzstan-born ethnic Uzbek who later took Russian citizenship, has a wife and two daughters aged 4 and 2. "He left behind his old mother and his wife, both of whom are unemployed, as well as his two small daughters," relatives told Forum 18. "It is hard for them to survive with no income."

Relatives find out about arrest only after 25 days

Relatives learned of Khudaiberdiyev's arrest only after 25 days, they complained to Forum 18. "Bakhtiyor made a phone call to his mother and wife in Osh from Tashkent airport saying where he was and that he was about to visit them." Because he did not arrive in Osh that day or soon after, relatives called various Uzbekistan authorities to find out Khudaiberdiyev's whereabouts, but without success.

Finally, his mother travelled on 3 February to Tashkent Airport, where Airport Customs officials told her that they had referred her son's case to the NSS secret police and that Khudaiberdiyev was being kept at the NSS' Yunusabad Detention Centre. She went to the prison the same day.

At Yunusabad District NSS, Investigator Mansur Irgashev told her in person that Khudaiberdiyev is being accused of religious extremism and inciting inter-ethnic hatred under the two Criminal Code Articles.

Father asked to witness against son

Meanwhile on 17 March, more than two months after Khudaiberdiyev's arrest and more than a month after his mother visited him at the NSS secret police detention centre in Yunusabad, two persons who presented themselves as Police officials visited Khudaiberdiyev's father who resides in Vladivostok, Russia. They told him that Uzbekistan is searching for his son, relatives told Forum 18.

The father could not remember the names or workplace of the persons in their identification documents since "they just let him have a quick glance at their IDs", relatives added. The officials asked the father whether his son is involved in any extremist religious activity and who his friends are. However, the father told them that Khudaiberdiyev "is no extremist" and that "he does not pray or even go to mosque regularly. His only fault was to have some sermons on his mobile phone."

No comments from officials

Investigator Bahodyr (who did not his last name) of Tashkent Airport's Customs Investigation Department on 5 April declined to tell Forum why Khudayberdiyev was stopped by customs officials and exactly what he violated. He passed the phone to another official (who refused to give his name), who wrote down Khudayberdiyev's details, and after pausing for a moment told Forum 18: "We cannot discuss the case with you over the phone." He then referred Forum 18 to Uzbekistan's Foreign Ministry.

Uzbekistan's NSS secret police headquarters in Tashkent did not answer the phones between 5 and 7 April.

Ilham Usmanov, Prosecutor of Tashkent's Yunusabad District, declined to talk to Forum 18 on 6 April. He asked it to talk to him

through his Assistant. The Assistant's phone went unanswered on 6 and 7 April. Subsequent calls to Prosecutor Usmanov on 6 and 7 April went unanswered.

Phones went unanswered at Tashkent City Prosecutor's office each time Forum 18 called on 7 April.

Because Kadyrov of the Religious Affairs Committee refused to talk to Forum 18, it was unable to find out whether the works of Imam Ulugbek Kary are banned in Uzbekistan.

An official of the Consular Section of the Russian Embassy in Tashkent, who did not give his name, took down the details of Khudaiberdiyev's arrest on 1 April. However, he refused to tell Forum 18 what steps – if any - the Embassy or other Russian state bodies are taking to raise his case with the Uzbek authorities. He asked Forum 18 to send questions in writing. Forum 18 wrote to the Embassy on 5 April, but had received no reply by the end of the working day in Tashkent on 7 April.

Nadezhda Atayeva of the Association for Human Rights in Central Asia (AHRCA) told Forum 18 from France on 6 April that her organisation, together with the International Partnership for Human Rights (IPHR), has not received a response to letters about Khudaiberdiyev's case they sent on 25 March to Russia's Foreign Ministry as well as the Permanent Representative of Russia in the United Nations.

"We are seriously concerned that Khudaiberdiyev may be tortured"

During her February visit, Khudaiberdiyev's mother was allowed to see her son for one and half hours. "Bakhtiyor told her that he is being fed and treated normally, and that she should not worry," relatives told Forum 18. "He several times repeated that he does not know why he is being accused of extremism and why he was arrested. But he couldn't complain about his arrest or say anything displeasing the authorities since the meeting took place in the room where Investigator Irgashev was present and he was taking down notes of their conversation."

The mother after the meeting was accompanied away by Investigator Irgashev. "She had to leave Uzbekistan already on 5 February since she could not register privately as a guest, and all foreigners without a visa or registration cannot stay in Uzbekistan for more than three days."

Atayeva told Forum 18 that "we are seriously concerned that Khudaiberdiyev may be tortured or physically abused while in NSS detention."

The use by the authorities of physical violence and torture, or threats of this, is widespread in Uzbekistan. Most victims are, for extremely good reasons, unwilling to publicly discuss their experiences (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1862).

"We don't know what is happening to Bakhtiyor and have no way to find out"

One relative wept over the phone and told Forum 18 that "we don't know what is happening to Bakhtiyor and have no way to find out."

The relatives lamented to Forum 18 that neither they nor Khudaiberdiyev's mother or wife can afford to travel to Tashkent, nor do they have anyone legally defending him. "Even the lawyer appointed by the Uzbek authorities called the mother and told her that he is no longer representing her son."

They said that air travel is the only option left to travel to Tashkent. "It is now the only way of communication open between Kyrgyzstan and Uzbekistan after the land border-crossing points were closed after the recent border incident between the two countries."

Relatives added that, even if they could travel to Tashkent, they could stay there only for three days since they have no relatives or friends in Uzbekistan with whom could register to stay there longer.

Sherzod (who refused to give his last name), who was assigned as Khudaiberdiyev's lawyer, refused to discuss the case. "You are only a human rights defender and not his legal representative," he told Forum 18 from Tashkent on 7 April. "So I can't give you any information. Besides, this is a highly secret case." He then put the phone down. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1862.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at http://www.forum18.org/Archive.php?article_id=1351.

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