

21 July 2021

UZBEKISTAN: "The regime wants to shut people up"

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

A Tashkent court ordered Fazilkhoja Arifkhojaye held in three-month pre-trial detention after an initial 15-day term after he questioned a regime-supporting imam. Officials denied him access to his lawyer and tortured him during his 15-day sentence. Officials tortured prisoner of conscience Tulkun Astanov in jail for praying, and he has lost 25 kg in weight since January. Officials have warned Shia Muslims not to publish religious material, and "some even stopped talking to or associating with people who had been warned".

On 26 June Fazilkhoja Arifkhojaye, a Muslim known for his criticisms on social media of the regime's religious policies, attended Tukhtaboy Mosque in Tashkent's Olmazor District to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Arifkhojaye asked Abduazimov why he insulted Arifkhojaye and other Muslims on social media, and called Abduazimov a "hypocrite".

After complaints from informers working with Olmazor Police, police arrested Arifkhojaye, opened a case against him under Administrative Code Article 183 ("Petty hooliganism"), and searched his phone. A Religious Affairs Committee "expert analysis" found what it claimed to be "religious fundamentalism" on the phone, and on 28 June he was sentenced to a 15-day jail term. The judge refused to explain why he did this (see below).

As prisoner of conscience Arifkhojaye began his sentence his beard was shaved off, and he was tortured by being given poor food, being kept in solitary confinement, and being denied a shower and fresh clothing. Officers Abdurakhmon, Botyr and Saidislom (who refused to give their last names) from Tashkent Police "Struggle with Extremism and Terrorism Department" came to Arifkhojaye's cell "regularly to insult and threaten him with physical torture when he asked to see his lawyer," his defence lawyer Sergey Mayorov stated. The duty officer in Panelni Police Detention Centre (who refused to give his name) denied that Arifkhojaye was tortured. "Nothing like that happened," he claimed to Forum 18 (see below).

Officers denied prisoner of conscience Arifkhojaye access to his lawyer, and questioned him with a state-appointed lawyer he did not want as a new criminal charge was opened against him. Lawyer Mayorov thinks that the officers from Tashkent Police "Struggle with Extremism and Terrorism Department" visited and threatened Arifkhojaye with torture during the 15-day sentence "to psychologically break Arifkhojaye to 'prepare' him for the criminal investigation" (see below).

Dilmurod Mirsadikov, head of Tashkent Police Criminal Investigation Department (CID), claimed to Forum 18 that "Arifkhojaye did not object when we invited a lawyer." When Forum 18 pointed out that the police already knew that he had his own lawyer, Mirsadikov of Tashkent CID repeated his claim (see below).

On 14 July a court ordered prisoner of conscience Arifkhojaye held in three-month pre-trial detention as he is investigated 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 judge refused to explain why he did this (see below).

Judge Sanjar Makhmetov of Mirobod District Criminal Court claimed in his decision that Arifkhojaye photoshopped photos of Abduazimov and other "respected Uzbek scholars" and "depicted them in police uniform". Police stated that the photoshopping was done by another person, but that Arifkhojaye's claimed sharing of it was "a threat to public security."

A human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 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."

On 21 June journalists and editors from Azon.uz and Kun.uz were fined for publishing articles on religious themes 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 (see below).

The regime has told staff that every article which the Religious Affairs Committee might be interested in must be sent to them for pre-publication "expert analysis". A human rights defender observed to Forum 18 that they had noted that Kun.uz articles the Religious Affairs Committee might object to were no longer being published. The Religious Affairs Committee has refused to answer Forum 18's questions on the case (see below).

A human rights defender who wished to remain anonymous for fear of state reprisals observed that "these punishments for exercising freedom of religion and belief have, in reality, nothing to do with respecting laws. They are imposed by biased courts", adding that "the regime wants total censorship of religious information" (see below).

Prisoner of conscience and human rights defender Tulkun Astanov has been tortured by being "beaten on his body on 30 June for praying the namaz in prison". His wife Mukhayyo Astanova stated that "we wrote complaints to so many Uzbek agencies when he was tortured before, and no one was punished for that." She told Forum 18 that "he has lost 25 kg of weight since he was jailed" (see below).

Against Uzbekistan's legally-binding human rights obligations, no-one has been arrested and put on criminal trial for torturing prisoners of conscience (see below).

The regime is also targeting ordinary members of religious communities who express their views. Officials warned Shia Muslims in Bukhara and Samarkand in late June "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" (see below).

Officials have also warned Muslim Dr Alimardon Sultonov that he may be jailed if he does not stop criticising the regime. Protestants told Forum 18 on 14 July that "we currently publish religious materials online without interference. But we think that the regime may now punish us for this anytime they choose to do this" (see below).

15-day jail term for calling regime-supporting imam "hypocrite"

On 26 June Fazilkhoja Arifkhoyayev, a Muslim known for his criticisms on social media of the regime's religious policies, attended Tukhtaboy Mosque in Tashkent's Olmazor District to hear visiting preacher Abror Abduazimov preach and lead a discussion on Islamic topics. Arifkhoyayev asked Abduazimov why he insulted Arifkhoyayev and other Muslims on social media, and called Abduazimov a "hypocrite".

A human rights defender, who asked to remain anonymous for fear of state reprisals, told Forum 18 that other local Muslims have recently been given 15-day short-term jail sentences for asking whether state-appointed imams (https://www.forum18.org/archive.php?article_id=2314) properly observe and teach Islam. They had also criticised Abduazimov for earlier in 2021 "travelling to Egypt to visit Al-Azhar University to reach an agreement with them not to accept students from Uzbekistan". The human rights defender declined to give details for fear of state reprisals.

In April 2019 Muslim human rights defender Tulkun Astanov was jailed for 15 days after Deputy Chief Mufti Abdulaziz Mansur accused him of being a "hooligan" (https://www.forum18.org/archive.php?article_id=2471) and being disrespectful to Muftiate "spiritual leadership".

On 28 June, after complaints from informers working with Olmazor Police, police arrested Arifkhoyayev, his defence lawyer Sergey Mayorov told Forum 18 on 14 July. Police detained Arifkhoyayev in Panelni Police Detention Centre, opened a case against him under Administrative Code Article 183 ("Petty hooliganism"), and searched his phone. A Religious Affairs Committee "expert analysis" (https://www.forum18.org/archive.php?article_id=2314) found what it claimed to be "religious fundamentalism" on the phone.

Also on 28 June, Judge Begzod Umirov of Tashkent's Olmazor District Criminal Court sentenced Arifkhoyayev to a 15-day jail term for alleged "petty hooliganism". Judge Umirov on 15 July refused to explain to Forum 18 why he ordered Arifkhoyayev to be jailed. "I cannot answer you over the phone, you need to come to my office," he claimed.

Torture, threats of more torture

Olmazor Police forcibly shaved off Arifkhoyayev's beard before they took him to Panelni Police Detention Centre to serve his 15-day sentence. This is a common punishment imposed on devout Muslim men (https://www.forum18.org/archive.php?article_id=2649).

Officials at Panelni Police Detention Centre tortured Arifkhoyayev by keeping him "in pitch darkness in solitary confinement", his lawyer Mayorov complained. They did not allow Arifkhoyayev to eat in the canteen for prisoners, but brought food to his cell. However, "Arifkhoyayev could not eat this food and asked to be given water only". They did not allow him to shower or change his

clothes throughout his 15-day sentence.

Against Uzbekistan's legally-binding international human rights obligations under the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (https://www.forum18.org/archive.php?article_id=2314), no official suspected of involvement in torture has been arrested and put on criminal trial for torture. The regime routinely ignores this obligation (https://www.forum18.org/archive.php?article_id=2635).

Officers Abdurakhmon, Botyr and Saidislom (who refused to give their last names) from Tashkent Police "Struggle with Extremism and Terrorism Department" came to Arifkhojayev's cell "regularly to insult and threaten him with physical torture when he asked to see his lawyer," lawyer Mayorov stated. "This is also torture."

The duty officer at Panelni Police Detention Centre (who refused to give his name) denied that Arifkhojayev had been tortured. "Nothing like that happened," he claimed to Forum 18 on 12 July.

Denied access to own lawyer, criminal charges

"For the whole of Arifkhojayev's 15-day sentence I was not allowed to see him, despite my complaints to various state agencies including the General Prosecutor's office," lawyer Mayorov stated.

Mayorov was only allowed to see his client when at the end of Arifkhojayev's 15-day sentence he was moved to Tashkent's Investigation Prison No. 1. The move was because Mirobod District Prosecutor's Office on 14 July opened a new case against Arifkhojayev under Criminal Code Article 244-1, Part 3 (d) (https://www.forum18.org/archive.php?article_id=2644) ("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").

In the early morning of 14 July, Tashkent Police questioned Arifkhojayev in a police station with a state-appointed lawyer he did not want. "Tashkent Police and all other related agencies knew perfectly well that I was hired as their lawyer by the family, as I wrote six letters of complaint to Tashkent Police," lawyer Mayorov commented.

Police finally allowed Arifkhojayev to see his own lawyer that afternoon.

Dilmurod Mirsadikov, head of Tashkent Police Criminal Investigation Department (CID), on 16 July claimed to Forum 18 that "Arifkhojayev did not object when we invited a lawyer." When Forum 18 pointed out that the police already knew that he had his own lawyer, Mirsadikov of Tashkent CID repeated his claim.

Mirsadikov claimed that lawyer Mayorov was not allowed to see Arifkhojayev "because the head of the prison is under treatment in hospital," claiming that "we have a pandemic."

Lawyer Mayorov observed that if the pandemic was the reason for him being denied access to his client, this did not explain why other visitors were allowed to see Arifkhojayev.

"To psychologically break Arifkhojayev"

Mayorov thinks that the officers from Tashkent Police "Struggle with Extremism and Terrorism Department" visited and threatened his client with torture during the 15-day sentence "to psychologically break Arifkhojayev to 'prepare' him for the criminal investigation".

Mirsadikov of Tashkent CID refused to explain to Forum 18 why criminal charges were brought against Arifkhojayev.

Three months pre-trial detention as "respected Uzbek scholars .. depicted in police uniform"

Judge Sanjar Makhmetov of Tashkent's Mirobod District Criminal Court on 14 July ordered Arifkhojayev held in three-month pre-trial detention as the criminal case against him is investigated. The Judge claimed in his decision that Arifkhojayev photoshopped photos of Abduazimov and other "respected Uzbek scholars" and "depicted them in police uniform" on his Facebook page on 6 March.

Police stated that the photoshopping was done by another person, but that Arifkhojayev's claimed sharing of it was "a threat to public security".

Judge Makhmetov refused on 19 July to explain his detention order to Forum 18, claiming that "I cannot answer you" before putting the phone down.

On 17 July, Tashkent Criminal Court rejected an appeal against the three month detention order submitted by lawyer Mayorov on 16 July. The Court Chancellery refused on 19 July to explain the appeal's rejection.

Prisoner of conscience Arifkhoyayev is being held in Tashkent's Investigation Prison No. 1. His address is:

Ichki Ishlar Vazirligi 1-sonli Tergov Xibisxonasi

Bogzor kochasi

Zangiota tumani

Tashkent viloyati

Uzbekistan

"The regime wants to shut people up .. we need real reforms and freedoms"

A human rights defender who wished to remain anonymous for fear of state reprisals told Forum 18 on 29 June 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."

Fined for publishing without written Religious Affairs Committee permission

On 21 June Chilanzar District Criminal Court fined journalists and editors from Azon.uz and Kun.uz for publishing articles without Religious Affairs Committee permission. The Committee – particularly Deputy Chair Dilshod Eshnaev – began to pressure both news agencies from February to remove articles from their websites.

All religious literature and texts (including electronic items such as Shia texts (https://www.forum18.org/archive.php?article_id=2655)) produced in or imported into Uzbekistan are kept under strict pre-publication and distribution state censorship (https://www.forum18.org/archive.php?article_id=2314). Religious Affairs Committee "expert analyses" are a key part of the censorship, as are court orders to destroy religious texts such as Baptist magazines (https://www.forum18.org/archive.php?article_id=2649).

Kun.uz told local media that the Religious Affairs Committee "ruled that the contents of the materials were not illegal." However, "an article on the adoption by the New Zealand Police of uniforms incorporating the hijab should not have been published." The article was sourced from a BBC report (<https://www.bbc.co.uk/news/world-asia-54983393>). All seven Kun.uz articles the Religious Affairs Committee objected to remain online as of 21 July.

Azon.uz's editor, Abdulaziz Raimov, described this to gazeta.uz on 22 June as "an attempt to silence us." He said that the Interior Ministry's "Struggle with Extremism and Terrorism Department" opened the court case under Administrative Code Article 184-2 (https://www.forum18.org/archive.php?article_id=2314) ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"), and after "expert analysis" by the Religious Affairs Committee.

Raimov noted that Religious Affairs Committee officials had in the past given verbal permission without written permission for articles to be published, but the prosecution was brought while Azon was waiting for written permission.

The Religious Affairs Committee "expert analysis" had said, Raimov told gazeta.uz, that some Azon articles "may hurt Uzbekistan's relations with some foreign countries". Examples given included articles criticising the Russian, Israeli, Chinese and Syrian governments. Raimov observed that "the Committee has no competence to give such an evaluation".

The Interior Ministry summoned Raimov for a "prophylactic talk" before the court hearing. "I arrived at 9 am as I was ordered, but was received by a Ministry official at 9 pm [after 12 hours of waiting]." The official did "not introduce himself or show his identification documents," but "he made me write a statement which they used in my court case".

On 21 June, Judge Oybek Kurbanov fined Abdulaziz Raimov, Akhmad Mubashir, Farkhod Tokhirov, Gairatkhoja Sayidaliyev, and Maqsdjon Asgarov for publishing religious materials without written permission from the Religious Affairs Committee.

Sayidaliyev is the director of Azon which includes an internet television channel (Azon TV), Asgarov is Editor of Kun.uz and the other three are Azon journalists. The three journalists were fined 4.9 million Soms each, and Director Sayidaliyev and Editor

Asgarov were each fined 12.25 million Soms.

Tashkent Criminal Court upheld the fines on 9 July.

The average monthly salary in Tashkent in 2020 was about 4 million Soms, according to official figures.

Chilanzar Court officials (who refused to give their names) on 15 July refused to discuss the case with Forum 18.

Human rights defenders, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 1 July that the regime punished the journalists for criticising the regime's total control of Islam. One noted that Akhmad Mubashir in his articles had called for mosques to be allowed to provide religious education.

On 27 May, Asliddin Khudaiberdiyev was jailed for 15 days for teaching five boys and six adult men (https://www.forum18.org/archive.php?article_id=2660) how to read the Koran and pray. The jailing followed a police and secret police raid on a Samarkand Region mosque as Muslims were preparing to worship. The raid came as the regime publicly announced and implemented increased restrictions across the country on under-18s attending mosques.

Allowing religious education outside state control is one of many things people in Uzbekistan have repeatedly stated that they would have liked to have seen in a new Religion Law (https://www.forum18.org/archive.php?article_id=2609) and the regime's actions. However, just like its legally-binding international human rights obligations, the regime has ignored these criticisms by the people it rules in its new Religion Law which came into force on 6 July (https://www.forum18.org/archive.php?article_id=2670).

All articles to be sent for pre-publication Religious Affairs Committee "expert analysis"

"The Court did not take into account any of our witness statements," Azon.uz's editor Abdulaziz Raimov told gazeta.uz. The Court also ignored a lawyer's request for Religious Affairs Committee staff to be questioned in court about their "expert analysis".

Raimov stated that "pressure on the journalists continues through the attacks of [regime] social media trolls."

Azon.uz staff did not wish to discuss the fines with Forum 18 on 12 July, but are understood to be planning another appeal. The regime has told staff that every article which the Religious Affairs Committee might be interested in must be sent to them for pre-publication "expert analysis".

Kun.uz did not wish to discuss the censorship or fines, and is not appealing against them. A human rights defender observed to Forum 18 that they had noted that the website was no longer publishing articles the Religious Affairs Committee might object to.

Begzod Kadyrov, chief specialist of the Religious Affairs Committee, refused to answer any questions from Forum 18 on 15 July about why censorship, including pre-publication article censorship, is required. He then put the phone down. Other Committee officials also refused to discuss the issue.

A human rights defender who wished to remain anonymous for fear of state reprisals observed on 1 July that "these punishments for exercising freedom of religion and belief have, in reality, nothing to do with respecting laws. They are imposed by biased courts", adding that "the regime wants total censorship of religious information."

Prisoner of conscience tortured again

After repeatedly defending Muslims' freedom of religion and belief, including demonstrating outside President Shavkat Mirziyoyev's residence, human rights defender Tulkun Astanov was in January 2021 jailed for five years (https://www.forum18.org/archive.php?article_id=2631). A state report accused him of following "sources of biased news such as Radio Free Europe", and publishing "unsubstantiated and exaggerated" information. Prisoner of conscience Astanov has been banned in jail from reading the Koran and praying the namaz.

Prisoner of conscience Astanov's health has seriously deteriorated as the regime has deliberately kept him in poor prison conditions (https://www.forum18.org/archive.php?article_id=2635), and he is being held over 440 kilometres (275 miles) from his home.

His wife Mukhayyo Astanova told Forum 18 that Astanov was "beaten on his body on 30 June for praying the namaz in prison." She stated that "we wrote complaints to so many Uzbek agencies when he was tortured before, and no one was punished for that."

She told Forum 18 that she found out the torture during her stay with her husband in the prison between 2 and 4 July. "I did not see the traces of the beating on his body, but he complained about his continuing headaches. He has lost 25 kg of weight since he was jailed."

Farrukh Ismatov, head of Bukhara Prison No.1, refused to explain why Uzbekistan's legally-binding binding human rights

obligations have been broken by no-one being arrested and put on criminal trial for torturing Astanov (https://www.forum18.org/archive.php?article_id=2635) or other prisoners. "Please send your questions in writing to the Foreign Ministry," he told Forum 18 on 15 July.

Prisoner of conscience Astanov's address is:

Uzbekistan

Buxoro viloyati

Kagan tumani

Ichki Ishlar Bulimi JIEB

1-sonli jozoni ijro etish kolonoiyasi

Tulkun Tashmuradovich Astanov

Prisoner of conscience freed

Muslim prisoner of conscience Khayrullo Tursunov was freed from prison on 16 June, relatives outside Uzbekistan told Forum 18. In March 2013 he was illegally extradited from Kazakhstan by Uzbekistan, against a direct statement of the UN Committee Against Torture (https://www.forum18.org/archive.php?article_id=1829). In June 2013 he was sentenced to 16 years in jail (https://www.forum18.org/archive.php?article_id=1851) for meeting privately with other Muslims without state permission to study the Koran and pray. Later in 2013, he was apparently deliberately exposed by the regime to the potentially fatal disease of tuberculosis (https://www.forum18.org/archive.php?article_id=1893).

In 2016 prisoner of conscience Tursunov was apparently tortured (https://www.forum18.org/archive.php?article_id=2149), and on 17 April 2019 he was tortured again to extract statements against a distant relative (https://www.forum18.org/archive.php?article_id=2477). Before his 16 June 2021 release he was earlier in 2021 still not allowed to read the Koran or pray the namaz (https://www.forum18.org/archive.php?article_id=2635).

Targeting ordinary people expressing opinions publicly

The regime is also targeting ordinary members of religious communities who express their views. Officials warned Shia Muslims in Bukhara and Samarkand in late June "not to publish religious materials on their social media", Muslims who asked to remain anonymous for fear of state reprisals told Forum 18 on 29 June. One human rights defender stated that "after the warning many deleted their accounts, or deleted religious materials."

"Some even stopped talking to or associating with people who had been warned," a human rights defender noted.

Some Protestants told Forum 18 on 14 July that "we currently publish religious materials online without interference. But we think that the regime may now punish us for this anytime they choose to do this."

The regime has blocked Shia Muslims' attempts to reopen mosques (https://www.forum18.org/archive.php?article_id=2669) in Bukhara with property excuses, and in Samarkand attempts have not been made as "they are afraid of the authorities." Other religious communities' recent applications to exist have either been rejected or ignored. "Nothing has changed," a Protestant church which has applied for registration told Forum 18.

Karakalpakstan doctor threatened with jail

On 12 April, Judge Rano Kamalova of Beruny District Criminal Court reinstated the restricted freedom sentence of Doctor Alimardon Sultonov (https://www.forum18.org/archive.php?article_id=2655), a devout Muslim known for discussing freedom of religion and belief issues. On 17 May Karakalpakstan's Supreme Court upheld the sentence.

Four police officers on 18 June raided Sultonov's flat to warn him to stop criticising the regime. Nemat Abdullayev, head of Karakalpakstan Regional Police "Struggle with Extremism and Terrorism Department", Bakhtiyor Abdullayev, Deputy Head of Ellikala Police, and probation officers Khujanazar and Bakhadyr (who refused to give their last names) from Eliikala Police "arrived at our flat. I was at work but my parents were home. They called my work and summoned me," Sultonov told Forum 18 on 30 June.

"They talked with me loudly and insulted me in front of my parents. They warned me that if I do not stop using internet and do not stop my criticism of the regime, they can turn my restricted freedom to imprisonment."

None of the police officers were willing to talk about the raid to Forum 18 on 15 July. (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=2314)

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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