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UZBEKISTAN: Jailed for discussing their faith and learning to pray

By Mushfig Bayram, Forum 18 News Service <<http://www.forum18.org>>

Nine Muslim men from Uzbekistan's Tashkent Region, who met to discuss their faith and to learn how to pray, have been sentenced after a criminal trial, Forum 18 News Service has learnt. Gayrat Khusanov and Shuhrat Yunusov were each given seven year jail terms on 22 November, and the other seven defendants received three year suspended prison terms. Relatives of the men told Forum 18 that they simply met sometimes to read the Koran and pray together. They also shared meals together and occasionally helped each other repair their homes. "Only Gayrat [Khusanov] and Shuhrat [Yunusov] wished to give a closing statement," Sherzod Khusanov, a brother of Gayrat, told Forum 18. "They told Judge Mirzayev that Allah knows that we are not guilty of any crime, and that the Judge and those who prosecute them will answer before their conscience and Allah one day." Also, court officials have refused to accept an appeal by three relatives against fines imposed on them for a peaceful protest against the trial in front of President Islam Karimov's residence.

The criminal trial of nine Muslim men from Uzbekistan's Tashkent Region, for meeting to discuss their faith and to learn how to pray, has ended with prison terms for two of the defendants and suspended sentences for the other seven, Forum 18 News Service has learnt. Judge Mashrab Mirzayev of Yukorichirchik District Court handed down seven year prison terms to Gayrat Khusanov and Shuhrat Yunusov on 22 November, Sherzod Khusanov - brother of defendant Gayrat - told Forum 18 the same day. The seven other defendants received three year suspended prison terms.

Sherzod Khusanov told Forum 18 that his brother and Yunusov are still being held at Yangibazar Detention Centre in Tashkent Region, but are likely to be transferred to a labour camp soon. He added that those who received suspended sentences will, instead of being jailed, have to report to police regularly for the next three years.

"All they have done is learn how to read the Koran.."

Relatives of the nine Muslim men told Forum 18 in late September and early October that the men simply met sometimes to read the Koran and pray together. They also shared meals together and occasionally helped each other repair their homes. These relatives insisted to Forum 18 that the men are peaceful and love their families, and all they do is to take care of their families. "How can they be extremists when they have not offended anyone?" one relative asked. All nine are residents of Tashkent Region's Parkent District, and were arrested by the National Security Service (NSS) secret police at varying times between mid-May and 26 July

The relatives' comments have been echoed by human rights defenders such as Shukhrat Rustamov, who has maintained contacts with relatives of the defendants. "All they have done is learn how to read the Koran from Khusanov, and they sometimes prayed together," he told Forum 18 in October (see F18News 5 October 2012 <http://www.forum18.org/Archive.php?article_id=1751>).

"Allah knows that we are not guilty of any crime"

Sherzod Khusanov said that the court again allowed only two relatives of each defendant into the court to hear the verdict, in addition to lawyers and human rights defender Abduvahid Mahmudov of the International Human Rights Society.

"Only Gayrat [Khusanov] and Shuhrat [Yunusov] wished to give a closing statement," Sherzod Khusanov told Forum 18. "They told Judge Mirzayev that Allah knows that we are not guilty of any crime, and that the Judge and those who prosecute them will answer before their conscience and Allah one day."

The Court promised to provide copies of the verdicts to the relatives on 23 November, Sherzod Khusanov told Forum 18. He said that as soon as he gets the copy of his brother's verdict he will lodge an appeal.

An official who would not give his name of the Court Chancellery told Forum 18 on 22 November that the relatives of the nine men "can come and receive copies of the verdict". But he refused to discuss why the men had been punished or give any details of the case. Asked if Forum 18 could speak on the case with Akhmet Batyrbekov, Head of the Chancellery or any other official, he said, "I cannot tell you, I am a trainee here," before putting down the phone.

However, Sherzod Khusanov complained to Forum 18 that when Yunusov's father went to the Court to get a copy of the decision on 23 November, he was told - contrary to what Forum 18 was told by the Court officials: "Only the defendants can receive copies and make their appeals from the prison."

Human rights defenders condemn trial

Several human rights defenders who sought to help the nine men have condemned both the verdicts and the way the investigation and trial were conducted.

Tashkent-based human rights defender Surat Ikramov of the Initiative Group of Independent Human Rights Defenders told Forum 18 on 23 November that the "whole case is fabricated based on the words of lawyers and observers." He said that "neither the Judge nor the Prosecutor reacted to the complaints of the defendants that confessions were extracted from them during the pre-trial investigation." Ikramov said Jahongir Shosalimov from their organisation had participated in the final hearing.

Similarly another independent rights defender Yelena Urayeva told Forum 18 on 22 November that the case is "fabricated and ordered". She pointed out that even the Prosecutor Muzaffar Egamberdiyev "was mostly absent during the hearings".

Urayeva also criticised the activity of lawyers in such cases. "Lawyers in most cases turn out to be actors and swindlers - they take the money but do not render proper defence." She added as in this case and many other cases known to her, the lawyers asked the defendants to remain silent about forced confessions, and to write letters "where they confess guilt and beg for amnesty".

Sherzod Khusanov said he is "angry" about how "deceitful" their first lawyer in the case Nazira Kamilova - and Yunusov's lawyer Anvar (last name not given) - were. "They deceived us, saying that once they confessed their guilt and wrote letters for amnesty they would be pardoned," he complained "But where is she now?" He said that the lawyers "swindled them out of their money and helped the Prosecution to put my brother and Yunusov in prison for a long time".

Appeal against fine for protesting at prosecution refused

Sherzod Khusanov and two other relatives were given administrative fines for a peaceful protest against the trial in front of President Islam Karimov's residence in the capital Tashkent (see F18News 15 November 2012 <http://www.forum18.org/Archive.php?article_id=1767>).

Khusanov told Forum 18 that they had already lodged an appeal against the fines, but said they have not heard from Kibrai District Court when the appeal will be heard.

Human rights defender Rustamov, who assisted the three in preparing the appeal, said that they received the Court decision late and since they were also busy with their relatives' criminal trial and they could only file the appeal on 20 November. This was the last day allowed by the legal procedure, as appeals need to be lodged within 10 days.

However, Rustamov told Forum 18 that once at the Court the men were told by the Court officials that they were late with the appeal, and refused to accept their appeal. On Rustamov's advice, they then sent the appeal to the Court by registered post.

Kibrai District Court officials refused to tell Forum 18 on 23 November whether and when the Court will hear the appeal. An official at the Court's Chancellery claimed: "Sorry, it's the regional water channel." When Forum 18 repeated the questions, the official asked: "What do you want?" Asked about the case he repeated his previous answer. When Forum 18 called back another official (who also did not give his name) took down Forum 18 questions and put the phone down.

Guilty of learning to pray

The indictment against the men focuses on their alleged ownership of recordings of sermons by several Muslim clerics, Abduvali Mirzayev, Obidkhon Nazarov and Muhammad Sodik Muhammad Yusuf. Mirzayev was an imam in the town of Andijan [Andijon] in eastern Uzbekistan whose recorded sermons became popular among Muslims across the country. He "disappeared" with his assistant at Tashkent Airport in 1995 and has never been seen again. Nazarov was a Tashkent-based imam who fled Uzbekistan in 1998. He gained asylum in Sweden in 2006. On 22 February 2012 he was shot in the Swedish town of Strömsund in what some believe was an assassination attempt initiated by the Uzbek authorities. He remains in a coma. Muhammad Yusuf is a former Uzbek chief mufti who remains in Tashkent and is allowed some independence to preach and publish.

From about 2000, the indictment alleges, the nine men under Gayrat Khusanov's leadership, the nine men "conducted unofficial collective worship (prayers, namaz), religious discourses and talks". It described them as having "disregarded public order, having secretly created an illegal religious community, and having participated in meetings, for the purpose of propagating various religious world-views until May 2012".

It also claims that Dilshod Salimov fully admitted his guilt. "His guilt is that he learned namaz privately from Khusanov and

[Shukrat] Yunusov."

Khusanov, Yunusov and the seven other men - Botir Ikramov, Alisher Rahimboyev, Otabek Oripov, Muzaffar Miraliyev, Hasan Abdiyev, Fazliddin Mukhamedov and Dilshod Salimov - were all prosecuted under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"). This carries a maximum punishment of five years' imprisonment.

Four or five (Khusanov, Yunusov, Ikramov, Rahimboyev and possibly Salimov) were also prosecuted under Article 244-1, Part 3, Point a. This punishes "production and dissemination of materials containing a threat to public security and public order". As they are charged with acting "by previous planning or by a group of individuals", they face a punishment of between five and eight years' imprisonment (see F18News 5 October 2012 <http://www.forum18.org/Archive.php?article_id=1751>). (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=1170>.

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 can be found at <http://www.forum18.org/Archive.php?article_id=1351>.

A printer-friendly map of Uzbekistan is available at <<http://education.nationalgeographic.com/education/mapping/outline-map/?map=Uzbekistan>>.

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