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UZBEKISTAN: "They simply prayed together"

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

Although Uzbekistan's criminal trial of nine Muslims from Tashkent Region for meeting to read the Koran and pray together appears to have been completed, the verdicts have repeatedly been postponed. "The Prosecutor is asking for seven years' imprisonment for my brother [Gayrat Khusanov] and Shukhrat [Yunusov], and suspended prison terms for the rest," Sherzod Khusanov complained to Forum 18 News Service. Human rights defender Shukhrat Rustamov told Forum 18 that he thinks the "authorities know that the local and international human rights organisations give great attention to the case, and they want to drag it out to bury it." Court officials refused to discuss the case with Forum 18. Three relatives of some of the defendants have been fined for a 9 November protest outside President Islam Karimov's residence against the criminal trial of the nine. A court official told Forum 18 that the three had received "adequate punishment". He did not reply when Forum 18 asked how else the defendants could bring their demands for a fair trial for their relatives to public attention.

Although Uzbekistan's criminal trial of nine Muslim men from Tashkent Region for meeting to discuss their faith and to learn how to pray the namaz appears to have been completed, the verdicts have repeatedly been postponed. Judge Mashrap Mirzayev of Yukorichirchik District Criminal Court of Tashkent Region, who is hearing the case, on 13 November postponed the announcement indefinitely, human rights defenders and relatives of the defendants told Forum 18 News Service. "The Prosecutor is asking for seven years' imprisonment for my brother [Gayrat Khusanov] and Shukhrat [Yunusov], and suspended prison terms for the rest," Sherzod Khusanov complained to Forum 18 on 9 November.

Human rights defender Shukhrat Rustamov told Forum 18 on 15 November that of the nine defendants, only Gayrat Khusanov and Yunusov are being held in custody. The other seven are at home and come to court hearings when required.

Rustamov said he thinks the "authorities know that the local and international human rights organisations give great attention to the case, and they want to drag it out to bury it."

"They simply prayed together"

Ruhiddin Kamilov, leader of the independent International Human Rights Society, insisted to Forum 18 on 14 November that the court cannot hand down a verdict at the moment "because the prosecution arguments are weak". And he added: "These people are not extremists and led no religious organisation -they simply prayed together on occasion."

According to court documents seen by Forum 18, Gayrat Khusanov, Shukhrat 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) are also facing prosecution 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>).

Yukorichirchik Court officials refused to discuss the case with Forum 18. An official of the Court on 14 November confirmed to Forum 18 that he was from the Court Chancellery. But when told about the case and asked if Judge Mirzayev could comment on it he said that it was not a Court and that it was a wrong number. Subsequent calls on the same day went unanswered. On 15 November, another court official put the phone down as soon as she heard Forum 18 ask for Judge Mirzayev.

Relatives fined for protesting

Meanwhile, three relatives of some of the defendants have been fined for a 9 November protest against the criminal trial of the nine. On 10 November, Tashkent's Kibrai District Court fined Sherzod Khusanov 30 times the minimum monthly wage under Administrative Code Article 201, Part 1, as he told Forum 18 on 14 November. He said Tajiboy Salimov and Payziboy Yunusov

were each fined 20 times the minimum monthly wage under the same Article.

Article 201, Part 1 punishes "violation of the procedure for organising and conducting meetings, street processions or demonstrations" with a fine of between 60 and 80 times the minimum monthly wage or administrative arrest of up to 15 days. Since 1 August, the minimum monthly wage has been 72,355 Soms (about 215 Norwegian Kroner, 30 Euros, or 40 US Dollars at the inflated official exchange rate).

The three men were afraid that their relatives would receive lengthy prison terms and so asked Yelena Uralyeva, head of the Human Rights Alliance, to make their plea known to the President Islam Karimov, she told Forum 18. "So we made a poster which literally said 'We demand freedom for Khusanov and Yunusov, a stop to illegal prosecutions of Muslim believers, and to make Judge Mirzayev, Investigators Saidov and Kenzhayev [first names not known], the Prosecutor and Lawyers and Public Defender Makhmudov liable'."

Uralyeva said she and the three men went on 9 November to the President's residence in Kibrai District. There the four opened up the poster, which they did "not demonstrate elsewhere," and photographed themselves with the poster in front of the President's residence, she told Forum 18.

"We did not make noise or verbal statements and did not disturb the public," Uralyeva insisted. She said that the purpose of their brief action was "only to document our plea and let the President and the public know about this".

Uralyeva said that she then handed a written complaint from the relatives to President Karimov to the guards at the entrance to the residence, after which the Police arrived and took the four to Kibrai Police Station.

Violence

Uralyeva told Forum 18 that at Kibrai Police Station the four were questioned separately in the presence of the District Police Chief, Lieutenant Colonel Shavkat Mavlyanov. She said that a police officer "struck her on the head" when she refused to give police the memory card from her camera. Then the officer took the memory card from her "using physical force". The Police then drew up reports while they "puffed cigarette smoke into my face, and insulted me".

Human rights defender Uralyeva said that after calls from international organisations and foreign embassies she was freed from the Police Station at 8 pm on 9 November, after being held for five hours. She said that police deleted all the photos and information on the memory card before releasing her.

The duty officer at Kibrai District Police told Forum 18 on 15 November that neither Police Chief Mavlyanov nor any of his deputies were available to comment on the case, asking Forum 18 to call back two hours later. When Forum 18 called back, First Deputy Police Chief Nodyr Uktamov said that neither he would comment nor anyone else.

The use of informal physical violence and torture, or threats of this, by the authorities is widespread in Uzbekistan. Most victims are for extremely good reasons unwilling to publicly discuss their experiences. One exception was Jehovah's Witness paediatrician Gulchehra Abdullayeva, who was tortured for exercising her freedom of religion or belief (see F18News 14 August 2012 <http://www.forum18.org/Archive.php?article_id=1732>).

"We gave adequate punishment"

Although police released Uralyeva in the evening of 9 November, the three men were kept at Kibrai District Police from 3 pm to 10 pm. They were then taken to Parkent District Police of Tashkent Region, where they are officially registered as resident. The men were kept there till the next morning and then taken directly to Kibrai District Court where they were handed down the fines and released.

Anvar Myrzakhmetov, an official of Kibrai District Court, who introduced himself as secretary of the Chair of the Court, told Forum 18 on 14 November that the Court "correctly qualified the actions" of the three and "we gave adequate punishment".

Asked what law the three men violated by holding written signs in defence of their relatives which did not insult anyone or disturb the public, Myrzakhmetov responded: "If they do not like the decision they can make an appeal."

When Forum 18 asked how else the defendants could bring their demands for a fair trial for their relatives to public attention, Myrzakhmetov did not respond. He repeated a few times that he could not hear well (although Forum 18's end of the line was clear), and then put the phone down.

Repeated postponement

In the case of the nine Muslims who met to read the Koran and pray together, the court had twice been expected to hand down its

verdict for this "offence" on 8 and 13 November. But each time the Court postponed the announcement, Sherzod Khusanov pointed out. "The last time on 13 November the Judge even said he does not know when the verdict will be announced," he told Forum 18.

Khusanov as well as independent human rights defenders Rustamov and Urayeva complained to Forum 18 on 9 November that the Court had "only two hearings for such a serious case" prior to 8 November when it was going to announce the verdict.

"Only parents of the defendants and Khusanov's brother [since his parents are not both still alive] were allowed in the courtroom during the hearings," Rustamov told Forum 18. "No other relatives, including wives, neither anyone from our organisation were allowed in, though we each time waited several hours in front of the Court, and tried to get in."

Relatives of the defendants complained to Urayeva that during the 8 November hearing, Judge Mirzayev "ignored the complaints of Khusanov, Yunusov and Salimov that during pre-trial investigation, the law-enforcement agencies used violence against them to extract confessions that they established an illegal religious organisation."

"In fear of harsher punishments"

Urayeva also told Forum 18 that the lawyers in the case, provided by the State, did "not say a word in their defence" during the hearings. The defendants - including Khusanov, Yunusov and Salimov - when they were asked to make their closing statements on 13 November, "in fear of harsher punishments hanging their heads just kept telling the Court, 'please forgive us, we will serve our motherland, we want to be amnestied'".

That the lawyers in the case did not defend their clients was confirmed to Forum 18 by Kamilov. He told Forum 18 his International Human Rights Society sent its representative Abdurahid Mahmudov to the hearings as a public defender for Khusanov, Yunusov and Salimov, who had refused the services of the State-provided lawyers.

Mahmudov also "cannot effectively defend the three", Kamilov admitted to Forum 18. "But at least he is there to see any procedural violations or whether the lawyers are giving an adequate defence."

Authorities violate legal procedures

The nine Muslims who met to read the Koran and pray together were first detained on various dates during the summer and given 15-day administrative detention in May. During this they were pressured to admit to the alleged violations (see F18News 5 October 2012 <http://www.forum18.org/Archive.php?article_id=1751>).

Relatives of the defendants and human rights defenders told Forum 18 that, in violation of legal procedures, the authorities have "not to this day [15 November] provided the defendants or their legal representatives with copies of Court decisions when they were given 15-day administrative arrests the first time, written reasons why they were arrested the first time, and why a criminal investigation was started against them later".

Human rights defender Urayeva pointed out that Judge Mirzayev had also ordered the May 15 day administrative jailings. (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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