

Sunni Muslims

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Conclusions

Of the 1.6 billion Muslims worldwide, between 80 to 90% are followers of Sunni Islam. Sunnis comprise the majority religious group in more than 40 countries ranging geographically from Morocco to Indonesia.

The differences between Sunni and Shia Islam can be traced back to the 7th century CE, when disagreements within the Muslim community (*Ummah*) arose following the death of Prophet Muhammad. Sunnis believe that Mohammad's father-in-law, Abu Bakr, was elected by the community to succeed the Prophet and to lead the Islamic government (*Caliphate*), whereas the Shias maintain that the Prophet himself chose his cousin, Ali ibn Abi Talib, to be his successor.

Sunni Islam subsequently split into four separate schools which encompass the rules and conduct of Islam: the Maliki, Hanafi, Hanbali, and Shafi'i, each named for the teachings of its founders. Within the four schools there is little consensus on the rules of Islam. The more liberal scholars emphasise an interpretation of Islamic rules based on particular situations and, therefore, reject any *Fatwa*, which is an edict issued by a religious figure. However, some of the more fundamentalist movements within Sunni Islam oppose any secular interpretation of Islam and endeavour to maintain what they consider to be 'traditional Muslim values'. Overall, Sunni Islam places greater emphasis on the role of the *Sunna* (tradition of the prophet) and *Hadith* (Islamic oral law) than Shia Islam.

Teachings

Sunni Muslims adhere to the six pillars of *Iman*, components that are necessary to the faithful practice of Islam: belief in one true God, belief in angels, belief in the authority of the holy books, following God's prophets, belief in the resurrection and the day of judgement, and acceptance of the will of God in all things.

In contrast to Shias, Sunni believers do not accept the concept of *Wilayat*, where an Islamic jurist is given custodial power over the public. Instead, Sunnis entrust leadership to imams and base their authority solely on the Quran and the traditions of Mohammed (*Sunna*). For this reason, Sunni religious figures exercise far less authority over their followers in comparison to their Shia counterparts.

Consequently, Sunnis place more emphasis on the importance of selecting their local leaders and tend to be less hierarchical in their leadership structures than the Shias, who have historically viewed Mohammad's choice of Ali as the governing principle of the faith community. This difference in attitude toward authority is exhibited in various ways throughout the Muslim world. For example, in some secular countries with a Muslim majority, such as Turkey, the opinions of religious figures are not considered to be binding and are instead regarded as moral guidelines.

In the transnational Sunni community, there are groups that identify themselves with a different name, such as Sufis, Said Nursi followers and Tabligh Jamaat followers. These groups have been addressed in separate sections of this report.¹

¹ For various reasons highlighted in this report, Sunni Muslims are in prison in a number of countries such as China, Kazakhstan, Pakistan, Tajikistan and Uzbekistan. There are also some isolated cases of Sunni detainees in Egypt, Indonesia, Kyrgyzstan and Saudi Arabia that are documented in HRWF's Prisoners' Database. These cases have not been included in this report because there is no known established trend of imprisoning Sunnis in those countries. See <https://hrwf.eu/prisoners-database/>.

CHINA: Reasons for the Persecution of Uyghur Sunni Muslims

In 2018, the US government estimated China's population to be about 1.4 billion people. Out of those, approximately 2% are Muslim. It is estimated that there are 10 ethnic minorities in which the majority practices Sunni Islam, and these 10 groups total more than 20 million persons. The two largest Muslim ethnic minority groups are Hui and Uyghur, with Hui Muslims concentrated primarily in the Ningxia Hui Autonomous Region and Qinghai, Gansu, and Yunnan Provinces. China's State Administration for Religious Affairs (SARA) estimates the Muslim Hui population at 10.6 million.²

Because they share a similar culture and language with the majority Han ethnic group, the Hui and Han have generally enjoyed good relations with one another.

The other largest predominantly Muslim ethnic group, the Uyghurs, accounts for 6-8 million people of Turkic descent. They are primarily located in the Xinjiang region and do not have the benefit of so many similarities with the Han. Consequently, they have suffered extreme persecution, with Chinese authorities inflicting extensive arrests, arbitrary detention, torture and other grave restrictions on their right to religious freedom. All of this is part the government's 'counter-terrorism' and 'anti-separatism' campaign against the Uyghurs.

Since Xi Jinping acceded to power in 2012, the believers of all religions have suffered from an increasingly repressive regime in China under the motto of 'sinicization'.³ Uyghur Sunnis are no exception. In the last few years, between one and two million of them have been put in various forms of detention facilities for 'political and religious re-education' for unknown periods.

The legal basis established to justify their internment is the so-called 'De-Extremism Regulations' adopted in April 2017 by the government of the Xinjiang Uygur Autonomous Region (XUAR) to counter extremism and terrorism. These

² For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: China 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/china-includes-tibet-xinjiang-hong-kong-and-macau/>.

³ This word has been used since the 17th century to indicate the assimilation of minorities in the Chinese empire into Chinese culture and language. It was adopted by Nationalist China to signify the effort to replace the foreigners who managed business, religions and civil society organisations with Chinese citizens. However, the CCP gives the word 'sinicization' a different meaning. It is not enough that organisations operating in China, including religions and churches, have Chinese leaders. In order to be accepted as 'sinicized', they should have leaders *selected by the CCP* and operate within a framework of strategies and objectives indicated by the CCP. In Tibet and Xinjiang, the CCP pursues a politics of 'sinicization' in the traditional sense of the word, trying to assimilate Uyghurs and Tibetan Buddhists into Chinese culture.

Source: "HOME. Sinicization," Bitter Winter, accessed April 2020. <https://bitterwinter.org/Vocabulary/sinicization/>.

regulations have been criticised by UN Special Procedures mandates for their lack of compliance with international human rights standards.⁴

Due to the Uyghurs' long struggle for self-determination, it is very difficult to distinguish between activities that are primarily motivated by religion or belief, and those that the communist regime considers 'politically motivated'.

The official objective of the Chinese Communist Party (CCP) is allegedly to 'sinicize' Uyghur culture, religion and identity, but its true agenda is to absorb and control Uyghur religious structures within its political project for the XUAR.

The CCP seeks to gain maximum control over every aspect of societal activities that it considers a threat to its legitimacy, by using every means possible. Although the Chinese Constitution guarantees freedom of religion, the CCP's objective is to control the lives of all Muslims, their mosques and all their other institutions. The communist regime's religious repression includes interference in the Uyghur Muslims' religious affairs. It monitors and bans participation in Friday prayer, prohibits religious education of minors, destroys mosques and erases any visible presence of Islam in the public space.

In the case of the Uyghurs' identity, religious beliefs and their political struggle for autonomy are closely intertwined. Some pro-independence activists have joined jihadist and armed groups outside of China. This is perceived as a threat to the security and territorial integrity of the country by Beijing, which in turn is instrumentalised by the CCP to justify its harsh repression of all individual freedoms.

Due to the strong link in Islam between religious identity and politics as well as the Uyghurs' ambition for independence, the CCP considers Uyghurs as a whole to be intrinsically opposed to socialism and to the Chinese state.

In May 2014, Chinese authorities launched the 'Strike Hard against Violent Extremism' campaign, using wide-scale, internationally linked threats of terrorism as a pretext to justify pervasive restrictions on human rights, including religious freedom, in the XUAR.⁵

The objective of Xi-Jinping's current campaign is to repress the Uyghurs' historical Muslim identity and culture and to replace it with a form of 'Islam with

⁴ United Nations, *Comments on the effect and application of the Counter-Terrorism Law of the People's Republic of China promulgated on 27 December 2015*, (OL CHN 18/2019), November 1, 2019. https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf.

⁵ Rubio, Marco, "Text - S.178 - 116th Congress (2019-2020): Uyghur Human Rights Policy Act of 2019," Congress.gov, December 4, 2019. <https://www.congress.gov/bill/116th-congress/senate-bill/178/text?format=txt>.

so-called Chinese characteristics’ that is in line with Chinese socialism. The religious laws currently in place allow state intervention into religious affairs, and detail which religious activities are unlawful. Moreover, legal religious activities must carry out the political goals of safeguarding ethnic unity and preserving socialism.

Sunni Muslims in Prison in China

It is estimated that between 1-2 million Uyghur Muslims have been interned in various types of detention facilities for the purpose of ‘political and religious re-education’ during indefinite periods because they are collectively suspected of not adhering to the values of Chinese socialism. Considering the scale of this detention and the lack of information due to CCP censorship, HRWF has only documented a limited number of cases of Muslim prisoners belonging to the Uyghur ethnic group where an exclusive link to the exercise of freedom of religion could be established.

Sunni Muslims behind bars: some statistics

As of 1 June 2020, HRWF documented **17 cases** of Sunni Muslims in its Prisoners’ Database.⁶ Of these cases, three individuals were sentenced to life in prison, nine were sentenced to ten or more years, four to eight years and the last one has never gone to trial despite being detained since 2017.

While in detention facilities, individuals are subjected to ‘torture, rape, sterilization, and other abuses’,⁷ including food deprivation, lack of medical care, poor living conditions and ‘denial of religious, cultural, and linguistic freedoms’.⁸ Additionally, there have been reports that imprisoned Uyghur Muslims may not be allowed contact with their families and friends, who may not even know where they are being held.⁹

Articles of the Penal Code

It is very common for Uyghur Sunni Muslims to be detained without official charges. Prisoners are often accused of:

⁶ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China 2020*, 2020. https://www.uscifr.gov/sites/default/files/China_0.pdf.

⁸ Rubio, Marco, “Text - S.178 - 116th Congress (2019-2020): Uyghur Human Rights Policy Act of 2019,” Congress.gov, December 4, 2019.

<https://www.congress.gov/bill/116th-congress/senate-bill/178/text?format=txt>.

⁹ United Nations, *Comments on the effect and application of the Counter-Terrorism Law of the People’s Republic of China promulgated on 27 December 2015*, (OL CHN 18/2019), November 1, 2019. https://www.ohchr.org/Documents/Issues/Terrorism/SR/OL_CHN_18_2019.pdf.

endangering state security; involvement with unregistered and thus illegal religious schools or instruction; inciting extremism; displayed signs of religious extremism such as wearing headscarves; committing acts of separatism; or charges of ‘terrorism’ or ‘extremism’ more broadly.

In cases where there is a criminal charge, the authorities often use **Article 103** which is to allegedly ‘organize, plot or carry out the scheme of splitting the State or undermining unity of the country’. Punishment under Article 103 depends on one’s role: ‘the ringleaders and the others who commit major crimes shall be sentenced to life imprisonment or fixed-term imprisonment of not less than 10 years; the ones who take an active part in it shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; and the other participants shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention, public surveillance or deprivation of political rights’.¹⁰

International advocacy

On 8 July 2019, 25 countries issued a joint statement at the 41st session of the **UN Human Rights Council** expressing alarm at the rate of arbitrary detention and ‘widespread surveillance and restrictions’ targeting Uyghur Muslims in China. This statement read:

We call on China to uphold its national laws and international obligations and to respect human rights and fundamental freedoms, including freedom of religion or belief, in Xinjiang and across China. We call also on China to refrain from the arbitrary detention and restrictions on freedom of movement of Uighurs, and other Muslim and minority communities in Xinjiang.¹¹

On 19 December 2019, **the European Parliament** adopted a resolution on the situation of the Uyghurs in China, acknowledging, among other things, that ‘the situation in the Xinjiang Uyghur Autonomous Region, where more than 10 million Muslim Uyghurs and ethnic Kazakhs live, has rapidly deteriorated in the last few years, not least since the launch of the “Strike Hard against Violent Terrorism” campaign in 2014’.¹²

¹⁰ “Criminal Law of the People’s Republic of China”, adopted July 1, 1979, and promulgated March 14, 1997 after revision, *National People’s Congress of the Republic of China*, 1997. <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/5375/108071/F-78796243/CHN5375%2520Eng3.pdf>.

¹¹ ‘Letter to the President of the Human Rights Council of the United Nations on the credible reports of arbitrary detention in large-scale places of detention, as well as widespread surveillance and restrictions, particularly targeting Uighurs and other minorities in Xianjiang’, United Nations, July 8, 2019. https://www.hrw.org/sites/default/files/supporting_resources/190708_joint_statement_xinjiang.pdf.

¹² European Parliament, Resolution on the cases of the Uyghurs in China (China Cables)(2019/2945(RSP)) December 19, 2019. https://www.europarl.europa.eu/doceo/document/TA-9-2019-0110_EN.html.

The resolution also raised concerns regarding China's systematic brainwashing of hundreds of thousands of Muslims in a network of high-security prison camps.

Finally, the resolution:

- welcomed 'the adoption by the US Congress of the Uyghur Human Rights Policy Act and the recent decision by the Foreign Affairs Council to start working on an EU global sanctions regime for human rights violations';
- called 'on the Council to adopt targeted sanctions and assets freezes, should they be deemed appropriate and effective, against the Chinese officials responsible for devising and implementing the policy of mass detention of Uyghurs and other Turkic Muslims in Xinjiang and for orchestrating a severe repression of religious freedom, freedom of movement and other basic rights in the region'.¹³

On the day before the adoption of this resolution, Ilham Tohti's daughter, Jewher Ilham, accepted the 2019 Sakharov Prize for Freedom of Thought on behalf of her jailed father. Ilham Tohti, a Uyghur scholar fighting for the rights of China's Muslim Uyghur minority, has been in jail since 2014 on separatism-related charges.

During the ceremony in Strasbourg, Jewher Ilham said:

Today, there is no freedom for Uyghurs in China... Not at school, not in public, not even in private homes. My father, like most Uyghurs, has been labelled a violent extremist, with a disease that needs to be cured and a mind that needs to be washed. It is under this false label of extremism that the government has put one million people – probably more – into 'concentration camps' where Uyghurs are forced to give up their religion, language and culture, where people are tortured and some have died.¹⁴

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that China be re-designated as a Country of Particular Concern (CPC) for 'engaging in systematic, ongoing, and egregious violations of religious freedom'. USCIRF also noted that in October 2019, the US Department of Commerce placed restrictions on exports to 28 Chinese companies and organisations. Additionally, the US State Department

¹³ European Parliament, Resolution on the cases of the Uyghurs in China (China Cables) (2019/2945(RSP)) December 19, 2019. https://www.europarl.europa.eu/doceo/document/TA-9-2019-0110_EN.html.

¹⁴ 'Sakharov Prize: daughter of 2019 laureate Ilham Tohti receives prize on his behalf,' European Parliament, December 19, 2019, accessed May 2020. <https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20191213STO69021/sakharov-prize-daughter-of-2019-winner-ilham-tohti-receives-prize-on-his-behalf>.

announced visa restrictions on Chinese officials involved in the mass internment of Uyghur Muslims.¹⁵

CASE STUDIES

Dual Canadian Chinese citizen sentenced to life in prison

Huseyin Celil is a Uyghur activist who obtained Canadian citizenship in 2005. In 2006, he took a family trip to Uzbekistan where he was subsequently arrested and detained. His wife was six months pregnant at the time.

Huseyin Celil was extradited to China in 2007. In a trial that Canada denounced, he was convicted to life imprisonment on terrorism and separatism charges despite no evidence being presented. Since then, Chinese authorities have continuously refused to acknowledge his Canadian citizenship and rights to access consular services.

Huseyin Celil was targeted by Chinese authorities due to past issues as a Uyghur Sunni Muslim and his political activism. Specifically, in 1994, when he was a 25-year-old imam in Xinjiang, he was placed in prison for 48 days after using a megaphone to amplify the Muslim call to prayer. After his release, he fled to Uzbekistan. There he met and married Kamila Telendibaeva. Later, they moved to Turkey and had three boys.

In 2001, the UNHCR granted Huseyin Celil refugee status. His family moved from Turkey to Canada and, four years later, he became a citizen. His wife, who still lives in Canada with their four boys, and NGOs including Amnesty International Canada have campaigned for his release for the past 13 years.¹⁶

Sentenced to 10 years imprisonment for allegedly promoting the wearing of headscarves, despite never wearing one herself

In September 2017, a court in Kashgar city sentenced **Horigul Nasir** to ten years in prison. She had been arrested in Xinjiang's Kashgar city after one of her friends said that she had promoted the wearing of headscarves. This friend had been arrested and interrogated by the police.

¹⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: China 2020*, 2020. https://www.uscifr.gov/sites/default/files/China_0.pdf.

¹⁶ Elliot, Josh, "Wife of Canadian Citizen Jailed 13 Years in China Fears He's Been 'Forgotten' amid Huawei Crisis," *Global News*, January 24, 2019, accessed June 2020.

<https://globalnews.ca/news/4874245/canadian-detained-china-huseyin-celil/>, and, "Huseyin Celil," Uyghur Human Rights Project, July 12, 2015, accessed June 2020. <https://uhrp.org/political-prisoners-2015/huseyin-celil>.

Her brother, Yusupjan Nasir, said that this friend was likely scared and so fabricated this claim to be released from custody. Yusupjan Nasir says his sister doesn't wear a headscarf nor pray five times a day, both practices required of devout Muslims. Her family was not allowed to attend her trial.

Yusupjan Nasir was an assistant officer at Yengisar county's Saghan township police station but was demoted to a security guard at the township's Family Planning Department after his sister's sentencing. This case supports reports that Chinese authorities have been targeting Uyghur police officers and their family members.¹⁷

Sentenced to life in prison for providing religious education to children

On 14 April 2008, **Merdan Seyitakhun** was arrested for teaching Islam to street children. He was accused of 'acts of separatism' for these 'illegal religious activities'.

On 24 March 2009, the Ili Intermediate Court found Merdan Seyitakhun guilty under Article 103 and sentenced him to life in prison. His trial was behind closed doors, although authorities did allow one family member to attend.¹⁸

KAZAKHSTAN: Reasons for the Persecution of Sunni Muslims

As of July 2018, the US government estimated the total population of Kazakhstan to be 18.7 million. Kazakhstan's national census reports that approximately 70% of the population is Muslim, most of whom follow the Sunni Hanafi school. Other Islamic groups include Shafi'i Sunni, Shia, Sufi, and Ahmadi Muslims. It is estimated that 26% of the population is Christian (primarily Russian Orthodox).¹⁹

Kazakhstan is a secular country with the majority of the population practicing Islam, but the government views religion as a potentially destabilizing force and

¹⁷ "Families of Uyghur Police Officers Among Those Detained in Xinjiang's Kashgar," Radio Free Asia. Radio Free Asia, November 6, 2017, accessed June 2020.

<https://www.rfa.org/english/news/uyghur/families11062017162834.html?searchterm:utf8:ustring=%20Nasir%20Horigul>, and,

"China Jails Uyghur Woman for 10 Years over Headscarf Claim," Union of Catholic Asian News, September 20, 2017, accessed June 2020.

<https://www.ucanews.com/news/china-jails-uyghur-woman-for-10-years-over-headscarf-claim/80298>.

¹⁸ "Merdan Seyitakhun," Uyghur Human Rights Project, July 12, 2015, accessed May 2020.

<https://uhrp.org/political-prisoners-2015/merdan-seyitakhun>, and,

Irwin, Peter, "Issue 17: Detentions on Religious Charges: Merdan Seyitakhun," World Uyghur Congress, June 1, 2018, accessed May 2020.

<https://www.uyghurcongress.org/en/issue-17-detentions-on-religious-charges-merdan-seyitakhun/>.

¹⁹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Kazakhstan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/kazakhstan/>.

considers religious extremism and missionary activity to be high concerns. The state gives preference to ‘what it considers the “traditional” Hanafi school of Sunni Islamic jurisprudence’.²⁰

Sunni Muslims in Prison in Kazakhstan

Muslims practicing Islam in a way not sanctioned by the state or allegedly belonging to groups deemed to be extremist are targeted by authorities.

Since the religion law was passed in 2011, any religious activity that is not pre-authorized by the government can be penalised. With the vague criminal and administrative statutes of this law, the state is now able to maintain close surveillance on religious groups and both harass and fine ‘observant Muslims’. Additionally, female students are banned from wearing hijabs in school and only state-controlled Sunni Hanafi mosques are allowed.²¹

In a 2018 report, Forum 18 noted that there has been an increasing number of individuals imprisoned for exercising their freedom of religion or belief in Kazakhstan. Unfair trials, wide-ranging laws and torturing prisoners for ‘confessions’ have contributed to this increase.²²

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **26 cases** of Sunni Muslims in its Prisoners’ Database.²³ Of these cases, 14 Sunnis were imprisoned in 2018. All 26 of these individuals are serving prison sentences that range from three to eight years.

There are reports of ill-treatment and torture in Kazakh prisons including: not being allowed to read religious literature or pray, forced shaving of beards, placement in solitary confinement, unnecessary psychiatric internment and beatings.²⁴

²⁰ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2018*, 2018.
<https://www.uscirf.gov/sites/default/files/Kazakhstan.pdf>.

²¹ Ibid, and,
Corley, Felix, “KAZAKHSTAN: Religious Freedom Survey, September 2018,” Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020.
http://www.forum18.org/archive.php?article_id=2409.

²² Corley, Felix, “KAZAKHSTAN: Religious Freedom Survey, September 2018,” Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020.
http://www.forum18.org/archive.php?article_id=2409.

²³ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

²⁴ Corley, Felix, “KAZAKHSTAN: Religious Freedom Survey, September 2018,” Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020.

Articles of the Penal Code

Prisoners are typically charged under these Articles of the Kazakh Criminal Code:

Article 174 is the ‘incitement of social, national, clan, racial, or religious discord, insult to the national honour and dignity or religious feelings of citizens, as well as propaganda of exclusivity, superiority or inferiority of citizens on grounds of their religion, class, national, generic or racial identity, committed publicly or with the use of mass media or information and communication networks, as well as by production or distribution of literature or other information media, promoting social, national, clan, racial, or religious discord’. **Part 1** is specific to individuals committing these acts and **Part 2** is specific to groups. Punishment ranges from 2-10 years’ imprisonment.

Additionally, those that are convicted under Article 174 are added to the Finance Ministry Financial Monitoring Committee List of individuals. This blacklist is for individuals who are allegedly ‘connected with the financing of terrorism or extremism’ and enables the authorities to freeze all of their bank accounts. The authorities may grant their dependent family members access to their accounts, but only in small and controlled amounts. After their release, they remain on this list for six to eight years.

Article 256, Part 2 which is ‘propaganda of terrorism or public calls to commit terrorism’. This includes ‘the production, storage for distribution or distribution of [unspecified in the Article] specified materials - committed by an individual using a state or non-state official position, or with the use of the mass media or other communication networks, or with foreign support, or in a group’. It is punishable by seven to 12 years’ imprisonment as well as confiscation of property.

Article 405 which includes ‘organising or participating in the activity of a social or religious association or other organisation after a court decision banning their activity or their liquidation in connection with extremism or terrorism they have carried out’. **Part 1** is the organisation of these activities, while **Part 2** is participation in them. Punishment includes fines and imprisonment for up to six years.²⁵

http://www.forum18.org/archive.php?article_id=2409.

²⁵ Corley, Felix, “KAZAKHSTAN: Religious Freedom Survey, September 2018,” Forum 18: KAZAKHSTAN: Religious freedom survey, September 4, 2018, accessed June 2020.

http://www.forum18.org/archive.php?article_id=2409, and,

Corley, Felix, “KAZAKHSTAN: Ever Harsher Jailings for Religious Talks,” Forum 18: KAZAKHSTAN: Ever harsher jailings for religious talks - October 30, 2018. http://forum18.org/archive.php?article_id=2427.

International advocacy

On 14 March 2019, the **European Parliament** adopted a resolution on human rights in Kazakhstan in which it:

11. (...) urges Kazakhstan to stop persecuting people for their legitimate exercise of freedom of conscience and religion; demands the immediate release of persons convicted for holding a belief.²⁶

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US Government urge Kazakhstan to cease the detention and sentencing of individuals for their peaceful religious expression and practice. Additionally, it recommended Kazakhstan for placement on the State Department's Special Watch List (SWL) for severe violations of freedom of religion.²⁷

CASE STUDIES

Eight Sunni Muslims sentenced to between 5½ - 8 years imprisonment for WhatsApp group chat

In October 2018, eight Sunni Muslims were arrested for participating in a religious discussion chat group through WhatsApp: **Bolatbek Dyusenbekovich Nurgaliyev, Ernar Samatovich Samatov, Beket Tastanbekovich Mynbasov, Nazim Alimzhanovich Abdrakhmanov, Samat Asylkhanovich Adilov, Zhasulan Meiramovich Iskakov, Esim Kadirzhumanovich Suleimenov and Azamat Gaidarovich Umbetaliyev.**

During their trial, prosecutors claimed that some messages in the chat amounted to 'propaganda of terrorism' and 'incited hatred'. All eight men pled innocent.

On 5 August 2019, they were all found guilty under Article 174, Part 2. Nurgaliyev, Samatov and Mynbasov were also convicted under Article 256, Part 2 and so were sentenced to eight years, seven and a half years, and seven and a half years imprisonment respectively. The five men convicted solely under Article 174 were sentenced to five and a half years in labour camps each. Additionally, the men were ordered to pay the court fees and 48,100 Tenge (about

²⁶ European Parliament, Resolution on the human rights situation in Kazakhstan (2019/2610 (RSP)) March 14, 2019. https://www.europarl.europa.eu/doceo/document/TA-8-2019-03-14_EN.html#sdcta1.

²⁷ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Kazakhstan 2018*, 2018. <https://www.uscirf.gov/sites/default/files/Kazakhstan.pdf>

one month's average wage for those in formal work) into the Victims' Compensation Fund each despite no victims being named in this case.

All eight men appealed their sentences and went on hunger strikes from September to October 2019 in protest of their convictions. On 20 November 2019, Almaty City Court rejected their appeals in absentia, as they were not allowed to attend the appeal hearing.

Seven of these men have been transferred to prisons scattered across Kazakhstan which makes it very challenging and expensive for their families to visit. Furthermore, they will most likely be added to the Finance Ministry Financial Monitoring Committee List.²⁸

Kuanysh Bashpayev sentenced to 4 ½ years in prison for online sermons about Islam

On 13 October 2016, **Kuanysh Bashpayev** was arrested at Astana Airport upon arriving from Saudi Arabia for a short trip to visit family in Kazakhstan.

He was charged under Article 174, Part 1 for audio and video sermons about Islam that he had done which were posted online in 2008 and 2011. According to Forum 18, Kuanysh Bashpayev never called for violence or to violate the rights of others during these recordings, but they were deemed to be 'inciting religious hatred' nonetheless. It is possible he was targeted for having critiqued the state-controlled Muslim Board during these recordings.

On 7 April 2017, Pavlodar City Court No. 2 sentenced Kuanysh Bashpayev to four and a half years in prison, despite his pleas of innocence. In fact, the recordings had been posted online without his knowledge. He was added to the Finance Ministry Financial Monitoring Committee List on 1 July 2017.

Kuanysh Bashpayev obtained a Master's degree in Islamic theology from Medina University in Saudi Arabia. Previously, Saudi authorities detained him on the request of Kazakh authorities from December 2015 to autumn 2016. He was freed with no formal criminal charges and the Saudi authorities apologised for his detention.

He has a wife and six children.²⁹

²⁸ Corley, Felix, "KAZAKHSTAN: Appeals rejected in absentia," Forum 18, November 28, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2524.

²⁹ Corley, Felix, "KAZAKHSTAN: Eight Muslim prisoners of conscience sentenced," Forum 18, April 11, 2017, accessed June 2020. http://forum18.org/archive.php?article_id=2272, and, Mushfig, Bayram, 'KAZAKHSTAN: Criminal cases for meeting, criticising Muslim Board,' Forum 18, accessed June 2020. http://www.forum18.org/archive.php?article_id=2253.

Supreme Court annuls guilty conviction, then orders a new trial

On 23 April 2018, **Dadash Mazhenov** was arrested for posting talks about Islam by Kuanysh Bashpayev on his social media in 2015. Dadash Mazhenov removed these posts before they were banned as extremist in 2017, but he was accused of ‘propaganda of terrorism’ by one of three experts commissioned by the court. The other two experts found that these talks ‘did not incite religious or other hatred and discord or the violent overthrow of the government’.

On 16 November 2018, Burabai District Court convicted Dadash Mazhenov under Article 256, Part 2 and sentenced him to seven years and eight months in a general regime labour camp. Additionally, he was ordered to pay a fee of 60,790.14 Tenge (about 134 EUR) and was added to the Finance Ministry Financial Monitoring Committee List on 25 February 2019. His fee was later reduced to 1,255 Tenge (about 3 EUR).

Dadash Mazhenov appealed this decision, but his appeal was rejected on 30 January 2019. He then appealed at the Supreme Court on the basis that the court expert claiming that these talks incited terrorism was not qualified to provide expert testimony. On 21 January 2020, the original guilty verdict was annulled, but instead of acquitting him, the Supreme Court ordered he undergo a new trial at the Akmola Regional Court.

In the summer of 2019, Dadash Mazhenov claimed to be tortured by prison officials in a labour camp in Shymkent for marking Eid al-Fitr and praying the *namaz*. Officials claimed to conduct a criminal case regarding his torture but concluded that his injuries were self-inflicted.

The first hearing of Dadash Mazhenov’s new trial was held online on 19 March 2020 due to preventative measures related to the COVID-19 pandemic. He participated from Almaty’s Investigation Prison as he is currently being held in pre-trial detention.³⁰

PAKISTAN: Reasons for the Persecution of Sunni Muslims

In July 2018, the US government estimated the total population of Pakistan to be 207.9 million. 96% of Pakistanis are Muslim, of which between 85–90% are Sunni, 10–15% are Shi’a and 1% are Ahmadi. The remaining 4% of the

³⁰ Corley, Felix, “KAZAKHSTAN: Conviction annulled, yet still jailed on trial,” Forum 18, May 7, 2020, accessed June 2020. http://www.forum18.org/archive.php?article_id=2569, and, Corley, Felix, “KAZAKHSTAN: 18 prisoners of conscience, 11 restricted freedom sentences,” Forum 18, April 18, 2019, accessed June 2020. http://www.forum18.org/archive.php?article_id=2469.

population identify as Hindus, Christians, Sikhs, Buddhists, Baha'is, and Zoroastrians/Parsis.³¹

All Sunni Muslims who are detained have been sentenced to death or life in prison on blasphemy charges. Blasphemy laws are controversial in Pakistan. They have created a hostile environment not only for members of non-Muslim religious groups but also among Muslims. These blasphemy laws are usually misused as a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property.

Sunni Muslims in Prison in Pakistan

In 1956, Pakistan was established as an Islamic Republic. Islam is the official state religion, but the Constitution protects religious freedom by banning faith-based discrimination and upholding the right to religious practice and education.

However, controversial blasphemy laws have created a hostile environment not only for members of non-Muslim religious groups but also among Sunni Muslims. These blasphemy laws are usually misused as a quick way of resolving conflicts arising from business rivalry, honour disputes, and disagreements over money and property.

Inadvertently burning pages of the Holy Quran, allegedly vandalising a poster with verses of the Quran and posting allegedly derogatory remarks about the Prophet are some of the incidents reported to the police by jealous neighbours against business competitors. In several cases, mentally ill Sunni Muslims were victims of these blasphemy laws and imprisoned for years.

There are lengthy delays with trials related to blasphemy as these cases are often moved between judges and lawyers are too afraid to defend the accused. Final court decisions are usually life in prison or the death sentence.³²

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **15 cases** of Sunni Muslims in its Prisoners' Database.³³ In all of these cases, the convicted were found to be guilty of blasphemy. Ten were sentenced to life in prison, three received the death

³¹ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Pakistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/pakistan/>.

³² United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

³³ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

sentence and in two cases, the sentence was not available from open sources. Additionally, seven of these individuals have been detained since 2010 and eight between 2003 and 2010.

Articles of the Penal Code

Prisoners are typically charged under the blasphemy laws in the Pakistani Penal Code:

Section 295-A: ‘Deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs. Whoever, with malicious and deliberate intention of outraging the religious feelings of any class of the citizens of Pakistan, by words, either spoken or written or by visible representations, insults or attempts to insult the religion or religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both’.

Section 295-B: ‘Defiling the Holy Qur’an. Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur’an or of an extract there from or used it in any derogatory manner or for any unlawful purpose shall be punishable with imprisonment for life’.

Section 295-C: ‘Use of derogatory remarks in respect of the Holy Prophet. Whoever, by words either spoken or written, or by visible representation, or by imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Mohammad (peace upon him) shall be punished by death and shall also be liable to fine’.³⁴

In the past 20 years, Pakistani authorities have not executed individuals sentenced to death on blasphemy charges;³⁵ instead they are incarcerated indefinitely.

International advocacy

In a resolution dated 15 June 2017 about human rights defenders and the death penalty in Pakistan, the **European Parliament** expressed its deep concerns about ‘the continued use of the “blasphemy law”’ and believed this was heightening the climate of religious intolerance. It noted the findings of the Supreme Court of Pakistan that individuals accused of blasphemy ‘suffer beyond proportion or

³⁴ Pakistan Penal Code <http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html> & <https://www.refworld.org/pdfid/49b920582.pdf>

³⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Pakistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Pakistan.pdf>.

repair’ in the absence of adequate safeguards against misapplication or misuse of such laws. It called ‘on the Pakistani Government to repeal Sections 295-A, 295-B and 295-C of the Penal Code, and to put in place effective procedural and institutional safeguards to prevent the misuse of “blasphemy” charges’.³⁶

On 19 January 2018, the **European Commission** released a report for the European Parliament and Council regarding *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 – 2017*. In this report, the European Commission raised concerns about Pakistan’s blasphemy laws being used to persecute individuals on religious grounds several times, and the state of religious freedom in Pakistan more broadly. The European Commission stated that:

Pakistan is requested to follow up on the recommendation to repeal all blasphemy laws or to amend them in compliance with the strict requirements of the Covenant; and to ensure the investigation and prosecution of those involved in incitement of or engagement in violent acts against others based on allegations of blasphemy.³⁷

In its 2020 Annual Report, the **United States Commission on International Religious Freedom** (USCIRF) recommended that the US State Department designate Pakistan as a Country of Particular Concern (CPC) for ‘engaging in systematic, ongoing, and egregious violations of religious freedom’. Despite being listed as a CPC in 2019, the US State Department waived Pakistan from any sanctions due to the “‘important national interest of the United States’”. USCIRF recommended that this waiver is rescinded in 2020 in light of the extreme abuses of religious freedom in Pakistan.

USCIRF also recommended that the US government:

- release blasphemy prisoners and other individuals imprisoned for their religion or beliefs;
- and repeal the blasphemy and anti-Ahmadiyya laws. Until repeal is possible, enact reforms to make blasphemy a bailable offense, require evidence by accusers, ensure proper investigation by senior police officials, allow authorities to dismiss unfounded accusations, and enforce existing Penal Code articles criminalizing perjury and false accusations.³⁸

³⁶ European Parliament, Resolution on Pakistan, notably the situation of human rights defenders and the death penalty (2017/2723(RSP)), https://www.europarl.europa.eu/doceo/document/TA-8-2017-0268_EN.html.

³⁷ European Commission, *The EU Special Incentive Arrangement for Sustainable Development and Good Governance ('GSP+') assessment of Pakistan covering the period 2016 -2017 (SWD (2018) 29 final)*, Joint Staff working document, January 19, 2018. https://trade.ec.europa.eu/doclib/docs/2018/january/tradoc_156544.pdf.

³⁸ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for*

CASE STUDIES

Mentally ill Sunni Muslim sentenced to life imprisonment

In October 2008, **Rehmat Ali** was arrested in Faisalabad for allegedly throwing pages of the Quran into a drain. He is mentally ill and has been a psychiatric patient in the past.

A passer-by claimed to witness this act and alerted other passers-by on the street. Together, they beat Rehmat Ali until the police arrived. However, the mob followed the police and Rehmat Ali, protesting for his death and storming the station where he was detained. The police had to use sticks and tear gas to force the mob to disburse.

Rehmat Ali was sentenced under Article 295, Sections A and B to life imprisonment.³⁹

Professor receives death sentence after being held in solitary confinement for five years

Junaid Hafeez was a university professor in the city of Multan until he was accused of blasphemy for allegedly posting derogatory remarks against the prophet Mohammed on social media. He was arrested in March 2013 and, in 2014, he was placed in solitary confinement. He was held in solitary confinement until receiving the death sentence five years later in December 2019.

His lawyer, who had received death threats during his trial, was killed in 2014.

It is believed that Junaid Hafeez was viewed as a threat from Islamic political parties in Pakistan (such as Islami Jamiat Talaba, Jamaat-e-Islami, and Tehrik-tahafaz-e-Namoos-e-risalat). He was likely targeted because he was a Fulbright scholar to Jackson State University in the US and studied medical training and English literature.⁴⁰

countries of particular concern: Pakistan 2020, 2020.

<https://www.uscirf.gov/sites/default/files/Pakistan.pdf>.

³⁹ Felix, Qaiser, "A Christian Man and His Daughter Arrested, Almost Lynched for Blasphemy," Asia News.it, October 15, 2018, accessed May 2020.

<http://www.asianews.it/news-en/A-Christian-man-and-his-daughter-arrested,-almost-lynched-for-blasphemy-13466.html>.

⁴⁰ "Pakistani Professor Sentenced to Death for Blasphemy," Jonathan Turley, December 21, 2019, accessed May 2020. <https://jonathanturley.org/2019/12/21/pakistani-professor-sentenced-to-death-for-blasphemy/>, and, "Pakistani professor sentenced to death for blasphemy," France 24, December 12, 2019, accessed May 2020. <https://www.france24.com/en/20191221-pakistani-professor-sentenced-to-death-for-blasphemy>.

Sunni Muslim sentenced to life imprisonment for trying to rescue pages of Quran from fire

On 24 March 2003, **Muhammad Shahzad** was arrested in Garjakh-Gujranwala for allegedly being an accomplice to an act of blasphemy. According to Muhammad Shahzad, he was working at his mill shop when he saw Mouhammad Yousaf, a mentally ill individual, burning the Quran. He rushed to stop Mouhammad Yousaf, but he arrived too late.

Muhammad Shahzad attempted to rescue pages from the flames and collected the burnt pages, but people who saw him mistakenly assumed that he was an accomplice in this act.

Despite pleading his innocence, he was sentenced under Article 295, Section B to life imprisonment on 18 January 2011.⁴¹

TAJIKISTAN: Reasons for the Persecution of Sunni Muslims

In July 2018, the US government estimated the total population of Tajikistan to be 8.6 million. According to local academics, the population is more than 90% Muslim and the majority adheres to the Hanafi school of Sunni Islam. Approximately 4% of Muslims are Ismaili Shia, the majority of whom reside in the Gorno-Badakhshan Autonomous Region located in the eastern part of the country.⁴²

Tajikistan has enshrined the separation of religion and state in its Constitution and claims to be a secular state. However, in practice, the government controls all religious activities and is especially repressive towards the Muslim majority. The Tajikistani government elects and controls the Muslim clergy as well as all religious literature importation or production. Religious education is banned for children and parents are not allowed to bring their children to religious activities except for funerals.

Piety is suspicious as it is interpreted as a potential sign of radicalism. Arrests and sentences to prison terms are justified by alleged concerns of Islamic extremism and adherence to Salafism, a movement that has been banned since 2009, or to the Egyptian Muslim Brotherhood, which has been banned since 2006.

⁴¹ United States Commission on International Religious Freedom, Annual Report 2014, *List of known blasphemy prisoners*, 2014.

<https://www.uscirf.gov/sites/default/files/2014%20Annual%20Report%20Prisoners%20Lists.pdf>.

⁴² For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Tajikistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/tajikistan/>.

Muslim men with beards and Muslim women wearing the hijab as well as any Muslims teaching or spreading Islam are harassed and penalised. Additionally, the government actively targets imams who received training in another country and restricts any imported literature or practices deemed to be ‘foreign’.⁴³

Sunni Muslims in Prison in Tajikistan

Most Sunni Muslim prisoners are convicted on charges related to their real or supposed belonging to a banned religious movement that is not state-sanctioned nor state-controlled.

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **15 cases** of Sunni Muslims in its Prisoners’ Database.⁴⁴ Of these cases, all had been detained since 2016 except for three: one Sunni Muslim has been detained since 2015, one since 2017 and one since 2019. The last individual is still awaiting trial, but the rest are serving sentences ranging from five to sixteen years for allegedly adhering to Salafism or to the Egyptian Muslim Brotherhood. Limited access to information in Tajikistan makes it impossible to confirm or deny these accusations.

Since 2016 there have been reports of mass raids and arrests of Sunni Muslims who have been accused of following banned movements.⁴⁵ This strategy has resulted in ‘[an] unknown number of individuals imprisoned under dubious charges of religious extremism and terrorism’. Subsequently, Tajikistan has an overcrowded prison system, which has led to riots and created a potential breeding ground for ISIS recruiters.⁴⁶

Articles of the Penal Code

Prisoners are typically charged under these articles of Tajikistan’s Criminal Code:

Article 189, Part 1 which is ‘inciting national, racial, local or religious hatred or dissension, humiliation of national dignity, as well as propaganda of the

⁴³ Mushfig, Bayram, “TAJIKISTAN: Religious freedom survey, January 2016,” Forum 18, January 7, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2138, and,

United States Commission on International Religious Freedom, *Tajikistan: USCIRF-Recommended for Countries of Particular Concern (CPC)*, 2020. <https://www.uscirtf.gov/sites/default/files/Tajikistan.pdf>.

⁴⁴ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

⁴⁵ Mushfig, Bayram, “TAJIKISTAN: Nine long jail terms – for what?,” Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

⁴⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Tajikistan.pdf>.

superiority of citizens based on their religion, national, racial, or local origin, if committed in public or using the mass media’.

Articles 307, Part 1 which includes ‘public calls for extremist activity’. **Part 2** is the ‘organisation of an extremist association’. **Part 3** is the ‘participation in the activity of political parties, social or religious organisations, or other organisations, liquidated or banned by a court for extremist activity’.

These articles are punishable by prison terms between five and 12 years.⁴⁷

International advocacy

On 13 October 2017, the *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission to Tajikistan* was presented to the **UN General Assembly**. This report found that ‘[freedom] of expression in the religious sphere is under serious threat’ and that ‘the legislative framework that is currently in place is counterproductive to meet any genuine challenges of religious extremism’. In conclusion, the Special Rapporteur made a list of recommendations for the Tajikistani government, including:

84. The Special Rapporteur is deeply concerned by the allegations of undue interference by government authorities in manifestations of religious expression and education. He is particularly disturbed by the allegations of repression of individuals based on their apparent adherence to certain religious groups.

85. In that regard, the Special Rapporteur calls upon the Government to recognize, both in law and in practice, the expression of religious freedom as an individual right, subject only to those restrictions that are permitted under international human rights law. The Special Rapporteur urges the authorities to revise counter-terrorism legislation and its implementation to prevent its application to the legitimate exercise of freedom of religion as a private or collective matter.⁴⁸

The **US State Department** has designated Tajikistan as a Country of Particular Concern (CPC) since 2016, and the **United States Commission on**

⁴⁷ Mushfig, Bayram, “TAJIKISTAN: Nine long jail terms – for what?,” Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

⁴⁸ General Assembly of the United Nations, *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression on his mission (A/HRC/35/22/Add.2)*, October 13, 2017. <https://undocs.org/en/A/HRC/35/22/Add.2>.

International Religious Freedom (USCIRF) recommended that the US State Department re-designate it as a CPC in 2020 in its annual report.⁴⁹

CASE STUDIES

Four Sunni Muslims sentenced to up to 16 years imprisonment

On 14 April 2016, Dushanbe's Ismoli-Somoni District Court convicted **Romish Boboyev, Otabek Azimov, Abdurahmon Ismoilov** and **Khurshed Suvanov** of being members of the Salafi movement and participating in 'extremist activity'. The Judge claimed that all members admitted guilt except for Otabek Azimov, but that the investigation proved his guilt as well.

Romish Boboyev received the harshest sentence of 16 years, then Otabek Azimov with 14 years. Abdurahmon Ismoilov and Khurshed Suvanov were sentenced to three years imprisonment. They have both served their time at the time of writing.

There is no knowledge of what exactly these four men did to merit such lengthy prison terms. Human rights defenders in Tajikistan shared with Forum 18 that 'The purpose of the arrests and imprisonments is to publicise widely the harassment and lengthy prison terms' with the purpose of '[scaring] the population away from the Salafi movement and Islamic Renaissance Party, or any active movement teaching or preaching and spreading Islam'.⁵⁰

An Imam and four members of his mosque sentenced to up to eight years

In January 2016, five Sunni Muslims were arrested: **Khamid Karimov, Muhammadsayid Sayidov, Abdumajid Abdukadirov, Mirzomuhammad Rahmatov** and **Farhod Karimov**. On 18 April 2016, Sogd Region's Bobojon Gofurov District Court found all five men guilty under Article 307 Part 3. Khamid Karimov was also convicted under Article 189, Part 1.

Khamid Karimov was the Imam of the mosque in Unji-Bobojon village, and the four other men were members of his mosque. Khamid Karimov was sentenced to eight years imprisonment while the four others were sentenced to seven years in prison. They appealed their sentencing and have claimed innocence.

⁴⁹ Pompeo, Michael, *United States Takes Action Against a Violators of Religious Freedom*, Press Statement of U.S. Department of State.

<https://www.state.gov/united-states-takes-action-against-violators-of-religious-freedom/>, and, United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Tajikistan 2020*, 2020. <https://www.uscirtf.gov/sites/default/files/Tajikistan.pdf>.

⁵⁰ Mushfig, Bayram, "TAJIKISTAN: Imprisonments 'designed to scare the population'," Forum 18, May 19, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2180.

Police alleged to have discovered literature and materials in the men's homes about the Salafi movement, but the only evidence presented to the court was 'that they prayed differently and taught not according to the Hanafi but the Salafi school'. Khamid Karimov testified that his 'only guilt was active propagation of Islam in Sogd and teaching others to do so'.⁵¹

An Imam and four members of his mosque sentenced to five and a half years each

Five Sunni Muslims, an Imam and four members of his mosque, were arrested in September 2016 and held in pretrial detention until their trial on 20 November 2016. The Guliston City Court in the Sogd Region convicted all of them to five and a half years' imprisonment under Article 307, Part 3.

The only person identified publicly is Imam **Ilkhomiddin Abdulloyev**, who graduated from Kuwait Islamic University. He was accused of allegedly spreading 'the ideas of the banned Salafi movement' within his mosque. However, a human rights defender said Abdulloyev is 'not an extremist at all', and instead it's believed that he was targeted because he was a 'disciple' of another Imam who has been charged with similar accusations.⁵²

UZBEKISTAN: Reasons for the Persecution of Sunni Muslims

The majority of Uzbekistan's 33 million inhabitants identify as Muslim (between 93% and 94%), and most of these Muslims adhere to Sunni Islam of the Hanafi School. Just 1% are Shia.⁵³

Despite being the majority religion, most of the individuals imprisoned due to the exercise of their freedom of religion or belief are Sunni Muslims who were accused of religious extremism or of being followers of banned movements.

Uzbekistan's Constitution declares it a secular state and enshrines the right to FoRB.⁵⁴ However, the government of Uzbekistan controls every aspect of religious life for all faith communities through a repressive legal framework, extreme surveillance and alarming rates of state sanctioned violence. Religious

⁵¹ Mushfig, Bayram, "TAJIKISTAN: Imprisonments 'designed to scare the population'," Forum 18, May 19, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2180.

⁵² Mushfig, Bayram, "TAJIKISTAN: Nine long jail terms – for what?," Forum 18, December 4, 2017, accessed May 2020. http://www.forum18.org/archive.php?article_id=2336.

⁵³ For more religious statistics, see U.S. Department of State, Office of International Religious Freedom, Bureau of Democracy, Human Rights, and Labor, *Report on international Religious Freedom: Uzbekistan 2018*, 2018. <https://www.state.gov/reports/2018-report-on-international-religious-freedom/uzbekistan/>.

⁵⁴ Shaheed, Ahmed, *Report of the Special Rapporteur on Freedom of Religion or Belief on his mission to Uzbekistan*, United Nations, 2018. <https://digitallibrary.un.org/record/1481445?ln=en#record-files-collapse-header>.

literature, places of worship, and religious leaders are controlled by the government. Additionally, it is forbidden to have religious literature in private homes and/or to meet in homes to pray and study together.⁵⁵

Due to fears of radicalisation and terrorism, the government targets visibly devout Muslims or those that interpret Islam more conservatively. For example, there have been reports of the authorities forcing Muslim men to shave their beards or forbidding Muslim women from wearing hijabs in the name of combatting terrorism.⁵⁶

Sunni Muslims in Prison in Uzbekistan

Sunni Muslims serving lengthy sentences are often accused of alleged separatism, extremism, planning to overthrow the government and/or belonging to a banned Islamist movement. However, they are not known to have committed acts of violence and the absence of the rule of law in Uzbekistan (for example, unfair trials and witness testimony obtained through torture) raises concerns that these charges are fabricated.⁵⁷

Sunnis behind bars: some statistics

As of 1 June 2020, HRWF documented **26 cases** of Sunni Muslims in its Prisoners' Database.⁵⁸ 19 of these individuals were arrested and detained before 2017 and are serving prison sentences that range from five to sixteen years. Four Sunni Muslims were detained in 2019, all of whom are still awaiting trial, and three have been imprisoned so far in 2020.

In 2019, there were 38 cases recorded in HRWF's database. There were ten more cases in 2018. Between late August and early September 2018, the authorities arrested many bloggers criticising the lack of religious freedom in an attempt to stop public discussions on such issues. At least eight of them were jailed for two weeks.⁵⁹ Some Sunni imams were also prosecuted for criticising the state controlled *Muftiate* and the ban on the wearing of hijabs in schools.

⁵⁵ Mushfig, Bayram, "UZBEKISTAN: Religious freedom survey September 2017," Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

⁵⁶ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Uzbekistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Uzbekistan.pdf>.

⁵⁷ Mushfig, Bayram, "UZBEKISTAN: Religious freedom survey September 2017," Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

⁵⁸ Our Database is updated on a regular basis. For more details about imprisoned Sunni Muslims, see <https://hrwf.eu/prisoners-database/>.

⁵⁹ Mushfig, Bayram, "UZBEKISTAN: Jailings 'to intimidate all who speaks about freedoms'," Forum 18, September 20, 2018, accessed May 2020. http://www.forum18.org/archive.php?article_id=2416.

Articles of the Penal Code

Prisoners are typically charged under these articles of the Uzbekistani Criminal Code:

Article 156, Part 2 which includes ‘deliberate acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs’.

Article 159 which is ‘attempts to change the Constitutional order’, including acts of violence. It is punishable by up to 10 years in prison.

Article 244-1, Part 1 which is ‘the production, storage, distribution or display of materials containing a threat to public security and public order’. **Part 2** is the ‘dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order’. **Part 3 (a)** specifies when these acts are premeditated or by a group of people, **Part 3 (b)** specifies when they are committed by officials, and **Part 3 (c)** specifies when they have received ‘financial or other material aid from religious organisations, as well as foreign states, organisations, and citizens’.

Article 244-2, Part 1 which is the ‘creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations’.

Article 246, Part 1 which includes ‘smuggling, that is carriage through the customs border - without the knowledge of or with concealment from customs control - materials that propagandise religious extremism, separatism, and fundamentalism’. It is punishable by between 10 to 20 years in prison.⁶⁰

Additionally, Sunnis may be charged under these articles of the Uzbekistani Code of Administrative Offences:

Article 240, Part 1 which includes the ‘carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, and the organisation and conduct of special children's and

⁶⁰ Mushfig, Bayram, “UZBEKISTAN: Religious freedom survey September 2017,” Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

youth meetings, as well as vocational, literature and other study groups not relating to worship'. Individuals found in violation of this article may be jailed for up to 15 days or required to pay fines that are 50 to 100 times the minimum monthly wage.

Article 241 includes 'teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately'. Individuals found in violation of this article may be jailed for up to 15 days or required to pay fines that are 50 to 100 times the minimum monthly wage.⁶¹

International advocacy

On 22 February 2018, the *Report of the Special Rapporteur on freedom of religion or belief on his mission to Uzbekistan* was presented to the **UN General Assembly**. In this report, the Special Rapporteur, Ahmed Shaheed, shared findings from his mission in October 2017, which included:

67. The number of detainees imprisoned on vague charges relating to 'religious extremism', 'anti-constitutional' activity or membership in an 'illegal religious group' — also known as 'religious detainees' — is unconfirmed. The estimate ranges between 5,000 and 15,000 individuals⁶², while the official data is unknown. Thousands of Muslims have allegedly been imprisoned on accusations of belonging to terrorist, extremist or banned organizations or exercising the right to freedom of religion or belief. It is hard to know whether those detainees were indeed involved in violence or other crimes or whether they were only 'guilty' of taking their faith seriously.⁶³

In February 2019, Principal Deputy Assistant Secretary for the **US Bureau of South and Central Asian Affairs** Alice G. Wells visited Uzbekistan. She raised

⁶¹ Mushfig, Bayram, "UZBEKISTAN: Religious freedom survey September 2017," Forum 18, September 11 2019, accessed May 2020. http://www.forum18.org/archive.php?article_id=2314.

⁶² The statistics mentioned by the Special Rapporteur were not supported by any source and the government of Uzbekistan fiercely denied such figures in its comments sent to the Special Rapporteur. However, USCIRF 2020 annual report was quoted as saying 'Estimates from international and local human rights organizations generally range from 1,500 to 5,000 prisoners. According to human rights activists in Uzbekistan, many of the remaining religious prisoners were sentenced in connection with real or fabricated membership in the Islamist organization Hizb ut-Tahrir, which is banned in Uzbekistan'. See United States Commission on International Religious Freedom, Annual Report, USCIRF-Recommended for countries of particular concern: *Uzbekistan 2020*, 2020. <https://www.uscifr.gov/sites/default/files/Uzbekistan.pdf>.

⁶³ Shaheed, Ahmed, *Report of the Special Rapporteur on Freedom of Religion or Belief on his mission to Uzbekistan*, United Nations, 2018. <https://digitallibrary.un.org/record/1481445?ln=en#record-files-collapse-header>.

concerns about religious freedom issues and specifically cited the release of prisoners of conscience as a positive step the government could take.⁶⁴

The **US State Department** removed Uzbekistan from its list of Countries of Particular Concern (CPC) and placed it on its Special Watch List (SWL) for the first time in December 2018. It did so again in November 2019. Before this, Uzbekistan was designated as a CPC due to egregious violations of religious freedom.

The **United States Commission on International Religious Freedom's** (USCIRF) 2020 Annual Report recommended that the US State Department keep Uzbekistan on the Special Watch List.⁶⁵

CASE STUDIES

Two cousins sentenced to five years in prison each for music CD

On 25 May 2016, cousins **Mansurkhon Akhmedov** and **Jonibek Turdiboyev** were each sentenced to five years in prison. They were charged under Article 244-2, Part 1 for possession of a music CD. Despite both defendants pleading innocent, state experts alleged that the CD contained a recording of a sermon on the Islamic Caliphate.

Both men were tortured during detention and forced to sign confessions by the police. Additional 'evidence' was obtained through another relative of theirs who was already imprisoned. The defense lawyer for these two Sunni Muslims asserts that the police violated legal procedures throughout their investigation and presented fabricated evidence to the court.

There is reason to believe that Jonibek Turdiboyev was arrested because his mother refused to remove her hijab after being asked repeatedly by authorities.⁶⁶

Davron Komoliddinov tortured to confess guilt then sentenced to seven years

Davron Komoliddinov was living in Russia with his family until 4 March 2015 when Russian authorities detained him and extradited him back to Uzbekistan.

⁶⁴ 'Principal Deputy Assistant Secretary for South and Central Asian Affairs Alice Wells Travels to Kyrgyzstan and Uzbekistan,' U.S. Department of State, February 24, 2019. <https://www.state.gov/principal-deputy-assistant-secretary-for-south-and-central-asian-affairs-alice-wells-travels-to-kyrgyzstan-and-uzbekistan/>.

⁶⁵ United States Commission on International Religious Freedom, *Annual Report, USCIRF-Recommended for countries of particular concern: Uzbekistan 2020*, 2020. <https://www.uscirf.gov/sites/default/files/Uzbekistan.pdf>.

⁶⁶ Mushfig, Bayram, "UZBEKISTAN: Prisoners of conscience jailed, one extradited," Forum 18, June 24, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2191.

His whereabouts were unknown until 18 September 2015 when his relatives learned he was being held in a detention facility in Uzbekistan that is well-known for torture and treating prisoners poorly.

The reason Uzbekistani authorities requested his extradition was that he had been in contact with two Uzbekistani citizens in Russia three years earlier. Following that encounter, these two men were imprisoned in Uzbekistan in October 2012 and provided testimony against Davron Komoliddinov.

On 10 November 2015, Davron Komoliddinov was sentenced to seven years in prison under Articles 156, 159 and 244, Part 2. He appealed, but his appeal was rejected on 19 January 2016.

It is believed that he has been subjected to torture and mistreatment, both during his investigation to force a confession and while imprisoned. When his brother visited him on 24 February 2016, he reported that Davron Komoliddinov was covered in bruises and sores.⁶⁷

Khayrullo Tursunov serving 16-year sentence

On 13 March 2013, **Khayrullo Tursunov**, a devout Sunni Muslim, was extradited from Kazakhstan to Uzbekistan and then sentenced to 16 years in prison.

Khayrullo Tursunov's wife, Nodira Buriyeva, fled Uzbekistan after being interrogated and threatened with rape by the authorities for holding religious meetings in her home. He joined her and their three children in Kazakhstan where they applied for refugee status.

However, on 18 January 2012, Khayrullo Tursunov was charged by Uzbekistani authorities under Article 244-2, Part 1. A request for his return to Uzbekistan was sent to Kazakhstan on 13 April 2012. He was then arrested in Kazakhstan and held in a detention centre until being extradited back to Uzbekistan on 13 March 2013. This was in direct violation of an official request from the United Nations High Commissioner for Refugees (UNHCR) to not send him back.

On 6 June 2013, Khayrullo Tursunov was sentenced to 16 years in prison for alleged 'extremist' religious activity. The Judge claimed that he was an 'especially dangerous repeat offender' in his sentencing. Prior to this conviction, Khayrullo Tursunov had been jailed twice for exercising his freedom of religion

⁶⁷ "Torture concerns for prisoner in Uzbekistan," Association for Human Rights in Central Asia, April 25, 2016, accessed June 2020. <http://ahrca.eu/uzbekistan/torture-prevention/888-torture-concerns-for-prisoner-in-uzbekistan>.

or belief, once in October 2004 for five months and again in August 2009 for ten days.

Khayrullo Tursunov appealed this harsh sentence, but his appeal was rejected. His wife was granted refugee status and now lives in Europe with their children.⁶⁸

Conclusions

Sunnis with specific characteristics are oppressed in different political contexts due to one common denominator: they are perceived, rightfully or not, as a threat to the security or the territorial integrity of the countries where they are repressed.

In Communist China, they belong to the Uyghur ethnic community living in the Western part of the country which is rich in mineral resources such as uranium, oil, coal. This region is where an armed group of secessionist political activists, the East Turkestan Islamist Movement, claims independence and has had affiliations with violent jihadist movements.

In the Sunni Muslim majority countries of Central Asia (Kazakhstan, Tajikistan and Uzbekistan), the authorities claim that Sunnis are vulnerable to a foreign current of Sunni Islam which would instrumentalise them to overthrow their country's regimes and replace them with a Salafist Sunni theocracy.

Finally, Sunni Islam is generally associated by these countries to the Islamic State of Iraq and Syria (ISIS) and other jihadist and terrorist groups mainly active in the Middle East, Asia, Africa, Europe and North America.

HRWF advises that the aforementioned repressive regimes should not lump together groups involved in political or violent activities with the majority of Sunni Muslims, who are peaceful. Governments should only prosecute individuals who use or incite violence.

⁶⁸ Mushfig, Bayram, "UZBEKISTAN: Devout Muslim 'may receive up to 15 years' jail," Forum 18, May 1, 2013, accessed May 2020. http://www.forum18.org/archive.php?article_id=1829,

Mushfig, Bayram, "UZBEKISTAN: Prisoner of conscience exposed to TB," Forum 18, November 5, 2013. http://www.forum18.org/archive.php?article_id=1893, and,

Mushfig, Bayram, "UZBEKISTAN: Prisoner of conscience 'saying his last goodbye to his sisters,'" Forum 18, February 17, 2016, accessed May 2020. http://www.forum18.org/archive.php?article_id=2149.