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UZBEKISTAN: Legal status denials and unregistered activity fines continue

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

A Protestant church in Uzbekistan's capital Tashkent has been denied legal status four times in the last 10 months, Forum 18 News Service has learnt. The latest registration denial to Eskhol Full Gospel Church comes after an appeal against fines, imposed after a police and NSS secret police raid, was refused. The city Justice Department stated that the two "letters of guarantee", or permission to function in a geographic area, required from the Hokimat (local administration) and from the Mahalla (residential district) Committee did not meet official requirements. To gain state registration, religious organisations must submit two letters of guarantee: one from the district Hokimat, confirming that the organisation to be registered has a building which corresponds to public health and fire safety requirements; and one from the mahalla committee, stating that other mahalla residents do not object to the organisation. Fines for unregistered religious activity – some of them exorbitantly large for a very poor country – continue to be imposed nationwide. Officials have refused to talk to Forum 18 about the denial of legal status and fines for unregistered activity.

A Protestant church in the Uzbek capital Tashkent has been denied legal status four times since October 2007, Forum 18 News Service has learnt. Eskhol Full Gospel Church has previously been denied state registration on 23 October 2007, 11 January 2008, and 25 April and – the most recent denial – on 22 July. All four registration denials were signed by the Deputy Chair of the Tashkent city Justice Department, Zukhra Azimova.

The latest denial follows an appeal against fines imposed on church members being turned down. Church members had hoped that the appeal might succeed, as police had falsified documents and witnesses' signatures (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1135). The fines were imposed after a police and National Security Service (NSS) secret police raid on the church (see F18News 10 April 2008 http://www.forum18.org/Archive.php?article_id=1112).

Azimova of the city Justice Department argued in her latest registration denial, which Forum 18 has seen, that Serik Kadyrov, the church's pastor, needed to prove that his theological college, Silk Road Protestant Theological Seminary in Kyrgyzstan, was state registered in Kyrgyzstan. Vadim Djagaryan, the Director of the Seminary, confirmed that it was registered with the Kyrgyz Ministry of Justice in 1996. "I have sent the necessary papers to Serik Kadyrov today," he told Forum 18 on 8 August.

She also stated that the Church's "letters of guarantee", or formal permission to function in a geographic area, from the Hokimat (local administration) of Tashkent's Chilanzar district and from the First Katta Mahalla (residential district) Committee did not correspond to official requirements.

To gain state registration, religious organisations must submit two letters of guarantee: one from the district Hokimat, confirming that the organisation to be registered has a building which corresponds to public health and fire safety requirements; and one from the mahalla committee, stating that other mahalla residents do not object to the organisation. Public health, fire safety and similar requirements are sometimes used to provide excuses to harass religious organisations (see eg. F18News 11 January 2006 http://www.forum18.org/Archive.php?article_id=714). Mahalla committees are used by the authorities as a key instrument in their attempts to control Uzbek society (see eg. F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698). Uzbek officials wrongly claim that the alleged unwillingness of local residents allows the state to, under international law, stop religious organisations from operating (see eg. F18News 9 January 2008 http://www.forum18.org/Archive.php?article_id=1068).

Azimova of the city Justice Department refused to talk to Forum 18 on 6 August about her repeated registration denials to the Church. "I do not want to talk to someone who is in no way related to the organisation in question", she stated before ending the telephone call.

Fines for unregistered religious activity continue to be imposed throughout Uzbekistan. The Karshi [Qarshi] city Criminal Court in Kashkadarya Region fined four Council of Churches Baptists for unregistered religious activity on 16 July. Sergei Shishov was fined 625,950 Soms (2,460 Norwegian Kroner, 308 Euros, or 465 US Dollars), Lazar Andreychenko 417,300 Soms (1,640 Norwegian Kroner, 205 Euros, or 310 US Dollars) and Svetlana Andreychenko 312,975 Soms (1,230 Norwegian Kroner, 150 Euros, or 230 US Dollars). Judge Alexei Zhalilov who presided over the hearing – which was held without the Baptists being present - also ordered

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that 147 books, among them Bibles and New Testaments, 30 CDs and 6 audio-tapes should be confiscated.

The fines imposed are extremely difficult for most Uzbek people to pay, as most are very poor. On 21 July, President Islam Karimov decreed that - as of 1 September 2008 - the minimum monthly wage will rise to 25,040 Soms (99 Norwegian Kroner, 12 Euros, or 19 US Dollars).

Judge Zhalilov's secretary – who did not give his name - told Forum 18 on 6 August that Zhalilov was not available to talk about the case. "I do not know why the Baptists were fined", he said. Asked whether the confiscated books and materials would be returned, he said he did not know. He also did not know when Zhalilov could be contacted about the case.

Courts to which appeals against such fines are made normally automatically uphold the fines. However, in a recent case in Navoi [Nawoiy] in central Uzbekistan, the regional criminal court has referred a case involving a Baptist, Alisher Abdullaev, back to the original court for further investigation. Abdullaev had earlier been fined and had books confiscated from him (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1135).

Judge Nemat Khatamov on 13 June referred the case back for "investigation with a different definition." In the ruling, which Forum 18 has seen, Judge Khatamov found that Abdullaev's date of birth was not correctly recorded, and the court had neither established whether or not the confiscated books were illegal, nor whether or not Abdullaev was a leader or a member of the organisation in question.

Khatamov also found that Abdullaev's arguments that police officers acted unlawfully while searching his flat had not been disproved by questioning the police officers concerned, or other witnesses. He also noted that the Navoi regional Justice Department responsible for the registration of the religious organisations were not questioned.

Judge Khatamov was not available to talk to Forum 18 on 8 August.

However, in the Kashkadarya Region of southern Uzbekistan, Judge Oruz Umarov of the regional criminal court on 30 May upheld large fines imposed on two Baptists in Mubarek, Said Tursunov and Vladimir Khanyukov, for unregistered religious activity. Khanyukov is unemployed. Church members had strongly complained about the conduct of the raid which led to the fines, the lack of due process in court procedure, and police and a schoolteacher threatening the children of Baptists at a school. The children were told that if they attended churches they would be put into prison (see F18News 29 May 2008 http://www.forum18.org/Archive.php?article_id=1135).

Judge Umarov was not willing to talk to Forum 18 on 6 August. "Please, understand me," he said, "I cannot talk to you over the phone about these issues."

Also in central southern Uzbekistan, Samarkand [Samarqand] Regional Criminal Court turned down on 17 July an appeal against a fine imposed on a local Protestant, Parvina Khodjaeva. She was fined 104,325 Soms (410 Norwegian Kroner, 51 Euros, or 78 US Dollars) for breaking Article 241 of the Criminal Code, "teaching religion without official permission."

Judge Ravshan Ochilov, who presided, categorically told Forum 18 on 5 August that "Khodjaeva knew exactly what she was fined for." Asked whether the fine was justifiable, he stated that "I do not want to talk to you about this. Talk to Khodjaeva – she has received a copy of the decision."

In an ongoing appeal case, Eduard Kim, a member of a Council of Churches Baptist congregation in Fergana [Farghona], in eastern Uzbekistan, failed in his attempt to have his punishment for unregistered religious activity overturned. Kim was fined 372,600 Sums (1,468 Norwegian Kroner, 186 Euros or 287 US dollars) on 26 February by Fergana city Criminal Court. This represents about nine months' average wages for the city (see F18News 12 March 2008 http://www.forum18.org/Archive.php?article_id=1099).

Judge Ruzmat Saidakhmedov of Fergana regional Criminal Court upheld on 30 June the original conviction of Kim, for holding prayer meetings for about a year in his house. Kim had also stated that – like other members of the Council of Churches Baptists – registering religious activity with the state is against his convictions.

Judge Saidakhmedov, however, told Forum 18 that the legal process is not yet over yet. "Kim has made an appeal and the case is continuing", he stated on 6 August. Asked by Forum 18 why permission is needed to pray with fellow believers, Saidakhmedov said he was not sure that Kim only had prayer meetings in house. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths 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=777.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at

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http://www.forum18.org/Archive.php?query=&religion=all&country=33.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Uzbekistan is available at http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki.

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