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UZBEKISTAN: Criminal trial for teaching religion to restart?

By Mushfig Bayram, Forum 18

The criminal trial in Uzbekistan of Protestant Christian Aimurat Khayburahmanov is expected to resume tomorrow (Tuesday 23 September), Forum 18 News Service has been told by church members. Khayburahmanov has been detained since 14 June, and is being tried for teaching religion without official approval, and establishing or participating in a "religious extremist" organisation. If convicted, he faces a possible sentence of between five and 15 years' imprisonment. Elsewhere, Alisher Abdullaev, a Baptist, has been fined after police found him distributing free-of-charge Christian literature, which was confiscated. At his trial, it was decided to give the Russian-language literature to the state Religious Affairs Committee, as it could possibly be used by registered religious organisations, and to destroy the literature in Uzbek. The court reasoned that this could be used for missionary activity, which is a criminal offence. The Judge's assistant refused to discuss this with Forum 18.

After repeated delays the criminal trial of Aimurat Khayburahmanov is due to resume tomorrow (Tuesday 23 September), church members have told Forum 18 News Service. The Protestant has been detained since 14 June in Nukus, the capital of Karakalpakstan [Qoraqalpoghiston] Region in north-western Uzbekistan. He is being tried under the Criminal Code for teaching religion without official approval and establishing or participating in a "religious extremist" organisation. If convicted he faces a possible sentence of between five and 15 years' imprisonment. Elsewhere in Uzbekistan, punishments under the Administrative Code for peaceful religious activity continue to be imposed, Forum 18 has learnt.

Karakalpakstan Region operates a particularly harsh religious policy, with all non state-controlled Muslim and non-Russian Orthodox activity being a criminal offence (see eg. F18News 17 September 2007 <http://www.forum18.org/Archive.php?article_id=1019>).

Khayburahmanov's trial began on 15 August at Nukus city criminal court under Judge Yelena Medetova (see F18News 21 August 2008 <http://www.forum18.org/Archive.php?article_id=1176>). The court was expected to pass sentence on 21 August, but on that date the trial was postponed. Judge Medetova refused to talk to Forum 18 on 21 August and since then.

Jandos Kuandikov, a fellow Protestant of Khayburahmanov, told Forum 18 on 20 September from Nukus that the trial was postponed several times after that. "It was supposed to resume on 18 September but the court again postponed it," explained Kuandikov. "The court decided now to hear more witnesses." The trial is now due to resume on 23 September, he added.

Kuandikov himself was fined by the same court in a related case, for breaking Administrative Code articles: 240-2 "breaking the Religion Law"; 241 "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"; and 184-2, which punishes repeat offences. He was fined 104,325 Soms (425 Norwegian Kroner, 53 Euros, or 79 US Dollars) (see F18News 21 August 2008 <http://www.forum18.org/Archive.php?article_id=1176>).

Meanwhile, two members of the local Full Gospel Pentecostal Church in the southern city of Karshi [Qarshi] have reportedly again been punished for their peaceful religious activity. The City Criminal Court held a hearing on the administrative case against Sergei Shadybaev and Andrei Serdyuk, the Regnum news agency reported on 13 September. The agency reported an interview with a court official on 13 September, but did not give the date or other details of the court case. In an earlier case, Shadybaev and Serdyuk had been fined (see F18News 29 May 2008 <http://www.forum18.org/Archive.php?article_id=1135>).

Forum 18 called Karshi City Court on 15 September to find out whether this was a new court case against Shadybaev and Serdyuk. Zulfiyya - she did not give her last name - from the Court's Chancellery stated that Kashkadarya Regional Criminal Court had heard an appeal and returned the case to the City Court for further investigation. "I cannot talk to you on the case," she said, referring Forum 18 to Judge Boybilov, who had presided over the earlier case.

Forum 18 reached Judge Boybilov's secretary the same day, who stated that "we have not heard anything about the appeal or a new investigation by the City Court."

A member of Shadybaev and Serdyuk's Full Gospel Church, who participated in the case, told Forum 18 on 15 September that they

would not give any details on the new developments for fear of reprisals by the authorities. "The church in Karshi has tried several times to register with the authorities, but each time we were turned down," they complained to Forum 18. "That is the real problem - the courts can easily find faults with us since we are not officially registered."

Unregistered religious activity is - against international law and the country's human rights commitments - a criminal offence in Uzbekistan. It is in theory possible for a community to register with 100 adult citizen members, though in practice it has been very difficult for many communities to gain registration (see Forum 18's Uzbekistan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1170>).

Mamatkul Rajabov, the official at the city Hokimiyat (Executive authority) responsible for religious organisations, was not available on 15 September. Forum 18 was referred to Alisher Isokov in the Karshi Justice Department. He claimed that the Church was not registered because it is an "international organisation", and therefore needs to be registered by the Ministry of Justice in the capital Tashkent. "Let their lawyer come and talk to us," Isokov said, when Forum 18 pointed out that the Church was registered in Tashkent. "We may register them," he claimed.

In the central Navoi [Navoiy] Region local Baptist Alisher Abdullaev has been again punished for peaceful religious activity. On 29 June, Judge Elmira Kayumova at Navoi city Criminal Court found Abdullaev and another Baptist, Ilya Rakhimov, guilty of violating Article 240 Part 1 of the Code of Administrative Offences, which punishes breaking the Religion Law. Abdullaev and Rakhimov were each fined 1,043,250 Soms (4,010 Norwegian Kroner, 510 Euros or 790 US Dollars).

Council of Churches Baptists - to which Abdullaev's congregation belongs - refuse to apply for state registration on principle.

Abdullaev was sentenced on 25 April under Article 240 of the Administrative Code and given the same magnitude of fine (see F18News 29 May 2008 <http://www.forum18.org/Archive.php?article_id=1135>). Baptists told Forum 18 that, after Navoi Regional Court later cancelled the 25 April decision, Abdullaev was later caught conducting "illegal" religious activity. On 7 June police found Abdullaev and Rakhimov, who was visiting from Karshi, offering passers-by free-of-charge Christian literature to read at an outdoor book-table. They were taken to a police station and forced to write statements. Police confiscated all their books and then released the two men.

The Court found that Russian-language religious literature seized from Abdullaev and Rakhimov could possibly be used by registered religious organisations, and so should be given to the state Religious Affairs Committee. However, the Court ruled that Christian literature in Uzbek could be used for missionary activity and so should be destroyed.

Sharing beliefs is - against international law and the country's human rights commitments - a criminal offence in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=1170>). Extremely strict censorship of religious literature of all kinds and all faiths is enforced, and the authorities have frequently burned books, including the Bible, confiscated in raids (see F18News 1 July 2008 <http://www.forum18.org/Archive.php?article_id=1153>).

Judge Kayumova's assistant, who did not give his name, said that Kayumova was not available to talk. "Abdullaev was fined the same amount again by the court," he told Forum 18 on 19 September. Asked why the court decided to destroy the Uzbek-language literature he put the phone down.

In the eastern Fergana [Farghona] Region, a Council of Churches Baptist, Eduard Kim, has won his appeal against a fine imposed earlier this year to punish him for his peaceful religious activity. In a rare decision of its kind, on 8 August Judge Mahmudjon Obidov at Fergana Regional Court cancelled an earlier decision to fine him for "illegal religious meetings" (see F18News 8 August 2008 <http://www.forum18.org/Archive.php?article_id=1169>).

Baptists told Forum 18 that the earlier trial had breached a two months time limit from the day of the violation to imposing a fine under the Administrative Code. Judge Obidov told Forum 18 on 18 September that Kim had violated the law covering holding public events. However, "we cancelled the City Court decision because the court breached the procedures," he explained. Asked why courts in Uzbekistan often impose extremely high fines, which may be very difficult to pay, Obidov stated that fines were not decided by the courts. "However, we try to cut down the fines considering people's family and financial status," Obidov insisted. "We are also human." (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=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 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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