

9 August 2013

UZBEKISTAN: State tries to take one children's summer camp, raids another

By Mushfig Bayram, Forum 18

Uzbekistan is attempting to deprive the registered Baptist Union of land it owns and uses to run summer camps for children and families, Forum 18 News Service has learned. The state is claiming – without any apparent legal foundation – that the land was "illegally" bought in 2000. Baptists have complained to the Prosecutor-General that "the future of Uzbekistan cannot be built on the plundering of religious organisations". Separately in Samarkand Region, an unrelated children's camp organised by local Protestants was raided. The raid on a camp of 31 adults and children involved 30 ordinary police, 20 riot police, and 30 officials from the regional tax authorities, Fire Brigade, Sanitary-Epidemiological Department, and the regional administration. Police "began brandishing their rubber batons, and collected statements from everyone – even from small children separated from their parents". After over six hours of questioning and raids on the alleged organisers' homes, it is expected that charges will be brought against six Protestants. Police have refused to discuss the raid with Forum 18.

Uzbekistan is attempting to deprive the registered Baptist Union of a plot of land it owns and uses to run summer camps for children and families, Forum 18 News Service has learned. The state is claiming – without any apparent legal foundation – that the land was "illegally" bought in 2000. The hearing of an appeal by the Baptist Union against the state's allegations has been postponed to 15 August.

Separately in the central southern Samarkand [Samarqand] Region, an unrelated children's camp organised by local Protestants was raided. The authorities also raided the organisers' homes, confiscating books and other material for "expert analysis" by the state Religious Affairs Committee in the capital Tashkent. It is thought that legal charges and punishments against the organisers will follow.

Police have also recently violently physically assaulted a local Protestant, and the state is imposing large scale restrictions on Muslims marking Ramadan throughout the country (see F18News 2 August 2013 http://www.forum18.org/archive.php?article_id=1861).

Summer camp for children and families

The plot of land the Baptists use for summer camps for children and families is in Tashkent Region's Bostanlyk District. It was on 12 October 2000 bought from the Chirchik Restaurant Chain, in an auction organised by the Tashkent regional branch of Uzbekistan's Property Exchange. The restaurant chain had bought the land in 1993 from the state's regional Department of Privatisation and Deregulation of Property (DPD).

The land itself has an area of a little more than one hectare [two and a half acres], and has buildings on it with a total floor area of just over 145 square metres [1,560 square feet].

The Baptists have, throughout the time they have owned the land and buildings, fulfilled all related legal obligations such as paying utility bills on time. However, the summer camps for children and families were raided – and subjected to legal cases, pressure on children and parents, and media attacks - in 2009 (see F18News 15 October 2009 http://www.forum18.org/Archive.php?article_id=1362), 2011 (see F18News 3 August 2011 http://www.forum18.org/Archive.php?article_id=1600), and 2012 (see F18News 24 September 2012 http://www.forum18.org/archive.php?article_id=1746).

The 2009 raids and legal cases were connected with the state, for unknown reasons, pressuring the registered Baptist Union into changing its leadership (see F18News 7 December 2009 http://www.forum18.org/Archive.php?article_id=1384).

Summer camp land bought illegally?

The DPD – which sold the land to the restaurant chain in 1993 – now claims that in 2004 (four years after the Baptists bought the

land) some local residents complained that "in violation of religious and legal norms Baptists use the land, which in the past was a cemetery, as a resort area".

On 18 June the DPD brought a legal case based on these claims to the Tashkent Economic Court, arguing that the Baptist Union must return the land to the state as the Baptists' purchase of it was illegal. The DPD's head, Jamshid Tursunov, personally brought the claim before the Court. His claim was based on the April 2006 Deregulation and Privatisation of Property Law.

Baptists, who wish to remain unnamed for fear of state reprisals, noted to Forum 18 on 5 August that:

it is unlawful to base claims on a law that entered into force six years after the alleged illegality;

no such claims or complaints were ever brought against the restaurant chain between 1993 and 2000;

the restaurant chain was given state permission to build the buildings the Baptists now use;

no documents or other evidence (eg. archaeological remains) appears to exist proving the existence of what Baptists describe as the "mythical cemetery";

even if the "mythical cemetery" exists, its existence should in law have been asserted within 20 years – i.e. by 2003 – of the original transfer of land from state ownership;

the DPD has not explained why it waited nine years until 2013 before raising the allegations;

and that the DPD's action is unlawful, as under the statute of limitations in Civil Code Article 150, such actions must be brought within three years of the land purchase – i.e. by 2003.

In short, the Baptists argue that there are very strong legal grounds to immediately dismiss the DPD's case. Judge Malika Kalandarova of Tashkent City Economic Court on 6 August postponed to 15 August the hearing of the case brought by the DPD.

Judge Kalandarova on 5 August declined to comment to Forum 18 on the case saying that "only after we make a decision we can comment." Kamoliddin Toirbekov, Deputy Head of the DPD also declined to discuss the case with Forum 18 on 5 August, referring enquiries to the DPD's lawyer Bobyr Mukaddamov.

Asked why the DPD insists on confiscating the Baptists' land, Mukaddamov on 6 August told Forum 18 that "you will see when the Court makes a decision." Asked how he justified the DPD's breach of the Constitution and published laws, he replied: "Let's wait until the end of the case. Let the Court conclude whether or not our claim is unfounded."

Other officials in Tashkent Region between 5 and 7 August refused to discuss the case with Forum 18. Similarly, Shovkat Khamdamov, Press Secretary of the Religious Affairs Committee, on 7 August refused to comment on the case.

"Uzbekistan cannot be built on the plundering of religious organisations"

The Baptists in mid-July wrote to the Prosecutor General, complaining about the DPD's actions without apparent legal foundation. They also stated that the DPD had broken the Constitution Law and other laws, including the Religion Law and the 2012 Law on the Protection of Private Property and Guarantee of the Rights of Owners. They note that "the future of Uzbekistan cannot be built on the plundering of religious organisations".

No reply has been received from the Prosecutor-General.

Children's camp in Samarkand Region raided

On 23 July in Samarkand Region, police raided a children's camp in the village of Mironkul organised by local Protestants, a Protestant who wished to remain unnamed for fear of state reprisals told Forum 18 on 6 August. "Four full buses with 80 officials and police, 30 of whom wore police uniforms and 20 in black OMON riot police uniforms arrived." The other 30 officials were from the Samarkand regional tax authorities, Fire Brigade, Sanitary-Epidemiological Department, and the regional administration.

The raid began at 11 am in the morning and those in police uniforms "began brandishing their rubber batons, and collected statements from everyone – even from small children from their parents". After six hours of questioning, the police took all nine adults and 22 children from the camp to Mironkul Police Station for further questioning before eventually releasing them.

The officials also confiscated two laptop computers, four mobile phones, a Yamaha electric guitar, a Toshiba overhead projector, a Canon camera, one sound amplifier, one speaker, one microphone, an internet modem, four memory chips, as well as two New Testaments in Uzbek, 10 private notebooks, and four posters.

Passport confiscation without informing Ukrainian Embassy

Police also took away passports of two Ukrainian citizens without informing their Embassy. The passports were taken as the two, husband and wife Aleksandr and Oksana Tarasyuk were detained at the children's camp.

"I don't understand your question"

Senior Lieutenant Gayrat Norov, the local police officer in Mironkul, on 7 August refused to discuss the case with Forum 18. Asked about the reasons of the raid, he told Forum 18 that he "cannot hear well," although Forum 18's end of the line was very clear. He then hung up the phone.

Police Captain Shaukat Zaripov from Samarkand District, to whom Senior Lieutenant Norov reports, on 7 August also refused to discuss the case with Forum 18. Asked why the police and other authorities raided and harassed the Christian campers in Mironkul, he claimed to Forum 18, "I don't understand your question." When Forum 18 repeated the question giving the details of the case, he put the phone down. Subsequent calls to him went unanswered.

Samarkand Regional Administration on 7 August referred Forum 18 to Shukhrat Kulmatov, Deputy Hokim (Head of Administration) overseeing religious issues. Isroil Jabbarov, an official from the Religious Affairs Division of the Administration on 7 August told Forum 18 Kulmatov was not available to comment, and that he also could not comment on the case. He asked Forum 18 to call the number of one of the Assistants of Kulmatov. The Assistant (who refused to give his name) on the same day also refused to comment saying that he "had not heard about the case".

Shovkat Khamdamov, Press Secretary of the Religious Affairs Committee, on 7 August refused to comment on the case.

Police search homes of camp organisers

After releasing the camp participants, police raided the private homes in Samarkand itself of the four adults the police consider to have organised the camp: Damir Hojaev, Eldor Muzapparov, Farida Hojaeva and Gulshan Kamalov.

From Hojaev's home the police confiscated two Christian books, including a personal Uzbek-language New Testament, two magazines, a laptop computer, and a copier machine.

From Muzapparov's home the police confiscated a desktop computer, 19 Christian books, including a personal Uzbek-language New Testament, 10 private notebooks, 62 leaflets with words of wisdom from the Bible, 52 CD and DVD disks of various fiction movies and video clips openly available in Uzbekistan.

From Hojaeva's home police confiscated 78 Christian books, including a personal Russian-language Bible and New Testament in Uzbek, and other books in Uzbek, Russian and English.

From Kamalov's home police confiscated a desktop computer, 18 Christian books, including a personal Russian-language Bible and 2 Uzbek-language New Testaments.

Charges and punishments to follow?

The Protestant told Forum 18 that all the confiscated materials were sent to the Uzbekistan's Religious Affairs Committee in Tashkent for "expert analysis". It is thought that charges will then be brought against the four alleged organisers and Ukrainian husband and wife the Code of Administrative Offences.

The articles local Protestants think will be used are:

- 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials"). Punishments are a fine of between 50 and 150 times the minimum monthly wage, "with confiscation of the religious materials";

- 240 ("Violation of the Religion Law") Part 1 ("..unauthorised religious activity .. the organisation and conduct of special children's and youth meetings.."). Punishments range from fines of 50 to 100 times the minimum monthly salary to being jailed for up to 15 days;

- and 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"). Punishments range from fines of 5 to 10 times the minimum monthly salary, or being jailed for up to 15 days.

It is also expected that the Ukrainian couple may be deported. The court case and punishments are expected to take place at some

point between now and mid-September. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1862.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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

All Forum 18 News Service material may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY