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UZBEKISTAN: Detention, fine, literature confiscation was "hospitality we got for bringing mandarins"

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

Forced to remain under restrictions in Uzbekistan for more than two months at their own cost after two Muslim books and Islamic recordings were found on mobile phones as they entered the country, two Russian lorry drivers were eventually deported on 5 February, one of them told Forum 18 News Service. One was fined in Karakalpakstan 50 times the minimum monthly wage for "smuggling". The phones were ordered destroyed and the books confiscated. Two Muslims were fined in 2014 in Karakalpakstan for importing Islamic books from neighbouring Kazakhstan (one of them was subjected to an "anti-terror" raid on his home). Nurullo Zhamolov of Karakalpakstan's Religious Affairs Department claimed to Forum 18 that "no-one should be fined or punished" for importing a Koran, Bible or other "legally allowed" religious literature into Uzbekistan. He was unable to say why the two lorry drivers from Russia or the two local Muslims had been punished.

After more than two months living under restrictions, one of two Russian lorry drivers was fined for "illegally" importing religious literature, Forum 18 News Service has learned. On 5 February, both were deported from Uzbekistan. The two were detained and confined near Karakalpakstan Autonomous Republic in northwestern Uzbekistan as the criminal case proceeded. Nurullo Zhamolov, Chair of Karakalpakstan's Religious Affairs Department, claimed to Forum 18 on 11 February that "no-one should be fined or punished" for importing a Koran, Bible or other "legally allowed" religious literature into Uzbekistan. However, he was unable to say why the lorry drivers were held for more than two months and one fined for having religious literature.

Asked whether he does not think Uzbekistan's strict restrictions on the import, production, storage and distribution of religious literature are in violation of its international religious freedom commitments, Zhamolov refused to comment. "Our role is only to give an expert analysis of confiscated religious literature when the authorities ask us. We can't do much when Prosecutors take action or the Courts punish individuals."

Karakalpakstan's authorities also in 2014 handed down large fines on at least two local Muslim men for importing Islamic literature printed in neighbouring Kazakhstan. They confiscated the books, after the home of at least one of them was raided, a local state-sponsored newspaper also reported. Asked why the authorities fined one of them for possessing the Koran and two books of Hadith, collections of sayings attributed to the Islamic prophet Muhammad, Zhamolov claimed: "I don't know the details of the case" (see below).

Meanwhile, in Uzbekistan's capital Tashkent numerous homes of Jehovah's Witnesses were raided between September 2014 and January 2015. At least 10 people were fined for "illegally" storing religious books in their homes as well as meeting for worship without state permission (see below).

Police and secret police officers frequently raid religious meetings in private homes. Religious literature is frequently seized in such raids, as well as by customs officials on the border and at airports. Penalties – often heavy – frequently follow (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Customs seize two Islamic books and three mobile phones

Trouble began for the two Russian lorry drivers, 39-year old Magomedsayid Khasayev and his 21-year old nephew Alisultan Abakarov, when they crossed into Uzbekistan from Kazakhstan on 28 November 2014, Khasayev told Forum 18 on 10 February 2015. The two were detained at Uzbekistan's Daud-Ata customs checkpoint in Kungrad [Qunghirot] District of Karakalpakstan.

Khasayev was transporting mandarins from Georgia to Urgench in Uzbekistan. He took his nephew Abakarov with him so he could make a pilgrimage to historical Muslim sites in Bukhara and Samarkand.

Officers seized two Arabic-language Muslim books published in the Lebanese capital Beirut: "Al-Mutamad" (Those who Depend on Allah) by Muhammad az-Zuhayli and "Sirazhulvazh" (Burning Light) by Muhammad Zuhri. Khasayev told Forum 18 that he had bought the books in an Islamic shop in Makhachkala, the capital of his native Dagestan in Russia's North Caucasus.

"When the customs officers asked if we had any religious books or materials with us, I immediately handed over my two Islamic books, which I took with me to read during the journey," Khasayev explained to Forum 18. "But when I handed over my books, they also wanted to see our mobile phones, and found Islamic songs and sermons on them."

The officials then told Khasayev and Abakarov that they "illegally smuggled religious materials into Uzbekistan," which also is indicated in the subsequent Court decision. However, Khasayev explained that his nephew Abakarov had not mentioned the songs and sermons on his phones in the customs declaration "because he did not know Uzbekistan's Laws".

According to the court decision (seen by Forum 18) Kuat Saparbekov, Customs Officer at the Daut-Ata border crossing point confiscated the two Islamic books and three mobile phones from Khasayev and Abakarov. They opened a preliminary customs investigation against the two under Criminal Code Article 246, Part 1, which punishes "smuggling".

Police drop charges against one

On 29 November 2014, the day after the detained the two men, customs officials handed the criminal case to Nukus police. They ordered the two men not to leave Uzbekistan while the investigation proceeded. They said the case would be brought before the court after the "expert analysis" of the confiscated religious materials, which were sent to the government's Religious Affairs Committee in the capital Tashkent.

"At first one Investigator was leading the cases, and he questioned me as well as my nephew," Khasayev told Forum 18. "But then Investigator Major Adilbek Utegenov, to whom the cases were handed, cancelled my case, and told me that I had not violated anything as I turned in the books immediately at the border." However, the criminal case against Abakarov proceeded for allegedly smuggling religious materials into Uzbekistan on his mobile phones. The trial was held in Nukus, Karakalpakstan's capital.

Fined and freed after 67 days

On 26 January 2015, Judge Sultan Atamuratov of Nukus City Criminal Court found Abakarov guilty under Criminal Code Article 246, Part 1 and Article 57. The Judge fined him 50 times the minimum monthly wage or 5,381,750 Soms (16,000 Norwegian Kroner, 1,900 Euros or 2,000 US Dollars at the inflated official exchange rate).

Punishments under Article 246, Part 1 (smuggling) range between five and seven years' imprisonment for, among others, smuggling religious materials propagating "religious extremism". However, according to Article 57 (imposition of a more lenient penalty) imposition of a penalty below the minimum specified in a particular Article is possible in special circumstances.

In deciding to fine Abakarov instead of imprisoning him, Judge Atamuratov took into consideration the positive letters sent on his behalf by officials and Dagestan's chief mufti, the fact that he is a fifth-year student of Dagestan State University, and that he was not previously convicted of a crime, the court decision noted.

The court decision makes no reference to the advocacy on the two men's behalf by the Russian human rights group Memorial (which lobbied Russia's Foreign Ministry and the Russian Consulate in Uzbekistan) and coverage by the North Caucasus news website Kavpolit and Radio Free Europe.

The Court decision also notes that Khasayev did "not mention in the customs declaration about the religious books." Though Judge Atamuratov's decision indicates that the Religious Affairs Committee's "expert analysis" claimed the materials found on Abakarov's phones propagate "extremism and the ideas of jihad", it does not specify what the "expert analysis" of the books said.

Judge Atamuratov ordered the destruction of the mobile phones and the transfer of the books to the government's Religious Affairs Committee in Tashkent.

The uncle and nephew were freed from their restrictions – after 67 days - only after Abakarov paid the fine on 30 January, the day he received the verdict, Khasayev told Forum 18. Nukus Police returned the two men's passports on 4 February, and they left Uzbekistan on the night between 4 and 5 February.

Major Utegenov insisted to Forum 18 on 11 February that Khasayev and Abakarov were "not under arrest" as the criminal case proceeded. Asked why charges had not been dropped against Abakarov as they had been against Khasayev, he responded: "I cannot answer such questions over the phone." Forum 18 asked why Abakarov - who was not familiar with Uzbek legal restrictions on religious materials - was punished, and whether he could not have been warned for the first time. Utegenov repeated his previous answer and asked Forum 18 to send questions in writing.

Nukus City Court officials (who did not give their names) both from the Chancellery's office and reception of the Court's Chairman on 11 February refused to comment on the case or put Forum 18 through to Judge Atamuratov or any other officials.

Lorry remained in Urgench, investigation in Nukus

On 30 November 2014, customs officials had accompanied Khasayev's lorry to Urgench customs checkpoint, to the final destination of the delivery of the goods. "There together with Urgench customs, they broke the seal and inspected the goods," Khasayev told Forum 18. "After being assured that we had indeed transported mandarins, they released the cargo. We then delivered and received payment for the goods."

However, the customs officials in Urgench demanded that the lorry remain in the town until the criminal case concluded. "We decided that we would rent a place in Urgench so we could watch the lorry, and my nephew Alisultan would travel between Urgench and Nukus for his case." Khasayev said that Abakarov made numerous trips by taxi between Urgench and Nukus – a journey of 165 kms (100 miles) - in the two months when the case was under investigation and in the court.

"We lost more than 6,000 Dollars"

"We lost more than 6,000 (US) Dollars of our personal money in Uzbekistan, which we spent on rent of a flat, taxis and food, including 400 Dollars to our lawyer, as well as the fine given to Alisultan," Khasayev complained. "This was the Uzbek hospitality we got for bringing mandarins," he said with irony.

Khasayev told Forum 18 that Yugtrans, the Russian cargo company which hires him as a driver, "will not compensate our loss, but it will also not penalise me for the loss occurred to the company while the lorry stood idle for several weeks."

Other Karakalpak religious literature import fines

State-sponsored newspaper "Erkin Karakalpakstan" (Karakalpakstan News) also reported fines given in 2014 to two local Muslim men for importing Islamic literature printed in Kazakhstan.

On 20 February 2014, the authorities confiscated from Islambek Baymurotov, a resident of Nukus, Said bin Ali bin Waqf al-Qahtani's "Fortress of a Muslim", an Islamic collection of prayers published in Kazakhstan in 2004. Baymurotov was later punished under Administrative Code Article 184-2 (Illegal production, storage, import or distribution of religious materials), the paper noted on 30 September 2014. It did not specify what the punishment was, nor when it was handed down. Maximum punishment for individuals under this Article is 100 times the minimum monthly wage and confiscation of the literature.

In a separate case, "during an anti-terror operation" in summer 2014, the authorities raided the Nukus home of Kuyandyk Ibadullayev, the newspaper noted on 12 November 2014. Police confiscated from him two books of Hadith, collections of sayings attributed to the Islamic prophet Muhammad. One of the collections was by al-Bukhari. Also seized was an edition of the Koran with parallel texts in Arabic and Kazakh transcription. The books were published in Kazakhstan from where Ibadullayev brought them into Karakalpakstan.

The newspaper said that though "religious extremist or fundamentalist ideas were not found in these books," Ibadullayev had imported them in violation of the Law, and he was "fined according to the requirements of the Law." It gave no other details of the case.

Tashkent raids and fines

Meanwhile, in the afternoon of 21 January, 18 officers of the police and other agencies raided the home of Jehovah's Witness Tanzilya Karkayeva in Tashkent's Yakkasaray District, Jehovah's Witnesses outside Uzbekistan told Forum 18 on 6 February. Officers confiscated religious books, copies of the Jehovah's Witness magazine "The Watchtower", notebooks with personal notes, as well as CDs and DVDs. "We do not know the exact amount of the confiscated materials," Jehovah's Witnesses complained. "None of the officers presented their documents to Karkayeva, or showed a search warrant."

A court later fined Karkayeva one month's minimum wage. "The case was heard without Tanzilya Karkayeva being in the room - she was out in the corridor of the court building and she only heard the decision from the local police officer," Jehovah's Witnesses told Forum 18. "Karkayeva hasn't even received the written text of the decision. The local believers told us that she decided for personal reasons not to complain," They said they do not know the exact date of the hearing or other details of the Court case.

Another Criminal Court in Tashkent's Yashnobod (formerly Khamza) District on 30 September 2014 fined nine other Jehovah's Witnesses under Administrative Code Article 240 and Article 241, Jehovah's Witnesses told Forum 18. They explained that they do not know the exact details but that prior to the Court decision the local authorities raided a worship meeting and opened administrative cases against at least some of those present.

Article 240 punishes "violation of the Religion Law", including by holding unregistered religious meetings or sharing one's faith with others. Punishments are arrest for up to 15 days or a fine of between 50 and 100 times the minimum monthly wage.

Article 241 punishes "violation of the procedure for teaching religious doctrines" with arrest of up to 15 days or a fine of 5 to 10 times the minimum monthly wage.

Nailya Gapparova, Zukhra and Nigora Shoakbarova received fines of 30 times the minimum monthly wage. Zulfiyya Shipova was fined 20 times, while Tatyana Tenyayeva, Elmira Adigamova, Alena Shakirova, Rita Mirzayeva and Oksana Kotova were each fined ten times the minimum monthly wage.

"Don't call me again"

Rizkul Jabborov of Yashnobod District's Anti-terrorism Police, responsible for controlling the District's religious communities, refused to say why the Jehovah's Witnesses were raided and punished. "If you do not agree with the official decisions, please file your complaint officially," he told Forum 18 from Tashkent on 11 February.

When Forum 18 asked why religious believers, including these Jehovah's Witnesses, cannot peacefully gather and hold meetings for worship, he responded angrily: "Please, don't call me on this number again. I can also make it uncomfortable for you. You are an educated person, and I hope you get my message." (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.

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