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UZBEKISTAN: Five-day jail, fines for unapproved worship

By Mushfig Bayram, Forum 18

Nabijon Bolikulov was jailed in Karshi for five days and three fellow Baptists were fined for meeting for worship without state permission. The Judge told Bolikulov: "Do your prayers at home. It is against the law of our state to meet for worship without state registration."

A court in the southern city of Karshi [Qarshi] has punished four members of a Baptist congregation for meeting for worship without state permission. One Baptist was jailed for five days after pointing out that he and his fellow Baptists did not break the Constitution or international human rights law, and the other three were fined several days' average wages. The Judge illegally did not specify exactly what part of the law the Baptists had broken.

"Each time they come they film us and record our names," Nabijon Bolikulov told Forum 18 after his release from a five-day jail term. "And then they gradually punish our people whose names they record." During his trial, the Judge told Bolikulov: "Do your prayers at home. It is against the law of our state to meet for worship without state registration" (see below).

In Urgench [Urgench] in the north-western Khorezm Region, two officers from the local police Department for the Struggle with Extremism and Terrorism broke into the home of a Protestant. They handed him an official warning that he must not participate in unlawful religious meetings, must not keep religious literature in his home, must not teach religious doctrines, and must not violate the Religion Law. Local Protestants pointed out to Forum 18 that the warning given to Saidjon Urazov is itself illegal (see below).

In the capital Tashkent, a Baptist has failed to overturn on appeal an illegal fine and the destruction of a memory chip with family photos. The original court illegally put Alina Chernikova on trial without informing her that a trial was taking place. Both the original court and the appeal court also illegally failed to supply her with copies of their decisions within the legally specified time (see below).

And also in Urgench, a court lowered a fine illegally imposed on a Protestant, but left unchanged an order that confiscated religious literature including a Bible should be destroyed and her phone confiscated. Illegally, neither the police who opened the case, nor the Court which heard it, had informed Shakhzoda Rajabova about the original trial. She also had her mobile phone taken for the authorities to use themselves, the first time she heard of the trial being 82 days later (see below).

All exercise of freedom of religion and belief with others without state permission is illegal, including sharing any beliefs with anyone, and meeting with others for worship or the study of sacred texts in homes. "Law enforcement" officials raid with impunity people of all faiths meeting together to exercise freedom of religion and belief. Those taking part in such meetings are very often threatened, detained, subjected to violent physical assault and torture, given large fines, and have religious literature - including Islamic texts and the Bible - confiscated and destroyed (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Jasur Akramov, the new Chair of the Religious Affairs Committee, has evaded answering Forum 18's questions about why people exercising their freedom of religion and belief continue to be jailed and fined, and also have their own religious literature confiscated and destroyed (see below).

Karshi: Raid, seven and a half hour interrogations, trial

On 23 May Karshi Police officers (who would not give their names) raided the homes of both Khamid Rakhmonov and Ziyatullo Rakhmonov (not related to Khamid) in Yakkabog District of Kashkadarya Region. Officers took the two men to Karshi Police Station, where they questioned them on why they attend Baptist worship meetings which do not have state permission, and who invites them to these meetings, a local Protestant told Forum 18 on 13 June.

Police also on 23 May summoned for questioning Nabizhon Bolikulov and other local Baptists, including Viktor Tashpulatov, Mikhail Balykbayev, Munira Gaziyeva, and Svetlana Andreychenko. All the Baptists were held at the Police Station for seven and half hours, from 11.30 am to 7 pm. When they were released, police told the Baptists to come to the Police Station at 2 pm the next

day, 24 May.

When the Baptists arrived at the Police Station on 24 May, officials took them directly to Karshi Administrative Court. The authorities did not allow other Baptists enter the Court to support their fellow-believers.

Judge tries to stop Baptist worship meetings without state permission

During the 24 May hearing, Judge Azamat Khushvakhtov asked Bolikulov questions such as: "Who invited you to the worship meetings?"; "Where did you get Bibles?"; and "Will you go on attending the meetings?".

When Bolikulov answered that he bought his Bible in Tashkent from the officially registered Bible Society, and that he will continue attending the meetings, Judge Khushvakhtov replied: "Do your prayers at home". The Judge then told him that "it is against the law of our state to meet for worship without state registration".

Council of Churches Baptist congregations exercise their right under international human rights law not to apply for state permission to meet for worship. However, Uzbekistan against international law makes state permission compulsory for exercising freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Judge Khushvakhtov also threatened the Baptists that if they continue holding meetings for worship without state permission, he "will file a petition to the Prosecutor's office to open a criminal case against Tashpulatov, Balykbayev, Gaziyeva and Andreychenko".

Bolikulov protested at the Judge's attempt to coerce the Baptists into stopping meeting for worship, pointing out to the Judge that the Baptists are exercising their rights as recognised in both Uzbekistan's Constitution and the country's binding legal international human rights obligations. He pointed out that the Baptists are not violating either the Constitution or international human rights law by holding their worship meetings.

However, Judge Khushvakhtov jailed Bolikulov for five days on 24 May. "Immediately after the Judge announced the verdict, the officers handcuffed me, and took me to Karshi Police's detention centre," Bolikulov stated. "I was kept there for five days and was released on 29 May." While he was in custody the police officers on duty "treated me normally" he added.

The Judge also fined Khamid Rakhmonov, Ziyatullo Rakhmonov (not related to Khamid) and Jamol Bobomurodov one month's minimum monthly wage each, or 172,240 Soms, Bolikulov told Forum 18 on 13 June. These fines represent about three days' average wages for those in formal work.

The Judge punished all four Baptists under Administrative Code Article 240 ("Violation of the Religion Law"), but did not against the law did not specify what exactly they had done to violate this Article. All the parts of this Article ban the exercise of freedom of religion and belief without state permission, as well as restricting what aspects of this freedom can be exercised with state permission (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Judge Khushvakhtov refused on 13 June to answer Forum 18's questions about the punishments he imposed on the Baptists. As soon as Forum 18 introduced itself he put the phone down immediately. He did not answer further phone calls on the same day.

"Each time they come they film us .. then they gradually punish our people"

Bolikulov told Forum 18 that the punishments also follow previous raids and fines imposed on Karshi Baptists for meeting for worship (see eg. F18News 18 November 2015 <http://www.forum18.org/archive.php?article_id=2122>). "Each time they come they film us and record our names," he explained. "And then they gradually punish our people whose names they record."

Police carry out both covert and open surveillance of all religious communities (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Urgench: Illegal warning not to exercise freedom of religion and belief

Captain Mukhammad Rakhimov and another officer of Urgench Police's Department for the Struggle with Extremism and Terrorism from Urgench in the north-western Khorezm Region on 11 June broke into the flat of Saidjon Urazov. Captain Rakhimov gave Urazov, a Protestant, an official warning that he must not participate in unlawful religious meetings, must not keep religious literature in his home, must not teach religious doctrines, and must not violate the Religion Law.

Urazov refused to sign the warning Protestants from Urgench, who asked not to be identified for fear of state reprisals, told Forum 18 on 15 June. The Protestants pointed out that the warning was illegal, as such warnings can only be given within one year of a conviction of breaking the Code of Administrative Offences.

Major Khamro Masimov, Chief of Urgench Police's Department for the Struggle with Extremism and Terrorism, and his deputy Captain Rakhimov did not answer their phones on 18 June. Duty officers at Urgench Police, who would not give their names, would not put Forum 18 through to any officials to discuss the case. Major Masimov and Captain Rakhimov have also raided and threatened Urgench Baptists with criminal prosecution for meeting for worship at Easter (see F18News 24 May 2018 <http://www.forum18.org/archive.php?article_id=2380>).

Urazov was one of the Protestants present when on 23 July 2017 police armed with automatic weapons raided a church meeting for worship in Pastor Ahmadjon Nazarov's flat. All those present were arrested and taken to Urgench Police Station, where the women were strip searched. Women in the church have been particularly targeted by officials (see F18News 7 August 2017 <http://www.forum18.org/archive.php?article_id=2304>).

Tashkent: Illegal fine upheld, another illegality committed by court

On 22 January police in the capital Tashkent claiming to be conducting a passport check raided the home of Aleksandr Khokhlov, a member of the local state-registered Baptist Church. Kholkov's step-daughter and fellow-Baptist Alina Chernikova was arrested and taken for questioning. On 7 February Bektemir District Administrative Court in Tashkent illegally put Chernikova on trial without informing her that a trial was taking place.

Chernikova was convicted without the chance to defend herself and fined 20 times the minimum monthly salary under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). The court also ordered the confiscation and destruction of a memory chip with personal family photographs. The decision was given to her 33 days after the legally specified time for such decisions to be delivered (see F18News 19 March 2018 <http://www.forum18.org/archive.php?article_id=2361>).

Unjust trials with flagrant breaches of due process are normal (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>).

Chernikova paid the fine without waiting for the result of cassation appeal on her case, Protestants who wished to be anonymous for fear of state reprisals told Forum 18 on 18 June. On 8 May Judge Jakhongir Jurayev of the Cassation Appeals Board of Tashkent Administrative Court upheld the original decision. That Court delivered its decision to her on 12 June, 31 days later than the three day limit the law requires.

Dadakhon Saidakhbarov, an official of the Court's Chancellery, on 18 June refused to comment on either court's multiple illegal actions or put Forum 18 through to Judge Jurayev. "If you want an explanation you need to come to the Court" he claimed before putting the phone down.

Urgench: Illegal fine lowered, but illegal Bible destruction order unchanged

On 23 July 2017, Shakhzoda Rajabova, a Protestant from Urgench, was present when 25 police armed with automatic weapons raided a church meeting for worship in Pastor Nazarov's flat. All those present were arrested and taken to Urgench Police Station, where the women were strip searched (see F18News 7 August 2017 <http://www.forum18.org/archive.php?article_id=2304>).

On 18 December 2017 Rajabova was given a large fine for having Christian books, and texts including the Bible were ordered to be destroyed. She also had her mobile phone taken for the authorities to use themselves. Yet in a flagrant violation of Uzbek law neither Urgench Police who opened the case, nor the Court which heard it, had informed Rajabova that she was on trial. The first Rajabova heard of the case and punishments was 82 days later in 10 April 2018, when she received a copy of the court decision. The Judge refused to answer when Forum 18 asked him why the police and his court had broken the law, ordered a Bible and other texts to be destroyed, and taken Rajabova's mobile phone (see F18News 31 May 2018 <http://www.forum18.org/archive.php?article_id=2383>).

On 6 June 2018, Judge Zhamilya Sultanova, Chair of Khorezm Regional Administrative Court, lowered the fine from 80 times the minimum monthly wage to 5 times the minimum monthly wage, or 748,875 Soms. Despite the illegality of the original court hearing, Judge Sultanova did not rescind the order to confiscate and destroy Rajabova's Bible and other religious literature.

Judge Sultanova told Forum 18 on 18 June that she did nothing apart from lower the fine "because Rajabova has filed an appeal to the Supreme Court". The Judge put the phone down as soon as Forum 18 asked why Rajabova was fined for exercising her right to freedom of religion and belief by meeting other Protestants for worship, and why her Bible and other literature was ordered destroyed.

Women in Pastor Nazarov's church have been particularly targeted by the authorities, in addition to the original strip search by male officials with one female police officer (see F18News 31 May 2018 <http://www.forum18.org/archive.php?article_id=2383>).

No answers from new Religious Affairs Committee head

Jasur Akramov, the new Chair of the Religious Affairs Committee, has evaded answering Forum 18's questions about why people exercising their freedom of religion and belief continue to be jailed and fined, and also have their own religious literature confiscated and destroyed.

Ulugbek Jurayev, Akramov's Assistant, would not put Forum 18 through to Akramov on 18 June. Each time he was called back, Jurayev asked Forum 18 to call again in another hour. He refused to indicate when Akramov might be available for questioning.

Akramov's appointment as the new Religious Affairs Committee head was made public on 18 April. He replaced Artykbek Yusupov, who had headed the Committee since 2006. Akramov leads a team of 51 Committee officials, according to a 16 April Presidential Decree.

The Committee's main role is to stop people exercising their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey <http://www.forum18.org/archive.php?article_id=2314>). (END)

For more background, see Forum 18's Uzbekistan religious freedom survey at <http://www.forum18.org/Archive.php?article_id=2314>.

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>>.

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

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

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

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