

9 September 2011

UZBEKISTAN: Religious fines lead to travel bans

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

Seven months after a fine for "illegally" bringing Christian magazines into Uzbekistan was overturned on appeal, passport officers stopped Tashkent Baptist Lidiya Guseva from leaving Uzbekistan, fellow Baptists complained to Forum 18 News Service. She was taken off a late-night train and had to return to Tashkent by taxi. Bailiff Sanjar Sultanov told Forum 18 that the failure to cancel her exit ban was the fault of the Court for failing to tell them it had cancelled the fine. The Court insisted to Forum 18 it had told the Bailiffs. This was the second case known to Forum 18 since the beginning of September of an individual punished by an administrative court for their religious activity being denied permission to leave the country. Power to place individuals on the exit ban list for unpaid fines was handed from the courts to bailiffs at the end of 2010, one told Forum 18.

Late on 3 September, Uzbek passport control officers took Lidiya Guseva, a member of an unregistered Baptist Church, off a train from Tashkent for Russia. The officials told Guseva that she had an unpaid administrative fine and could not leave Uzbekistan, Church members who wished to remain unnamed for fear of state reprisals told Forum 18 News Service on 5 September. This was the second case known to Forum 18 since the beginning of September of an individual punished by an administrative court for their religious activity being denied permission to leave the country. In Guseva's case, the fine she had received had already been overturned on appeal seven months earlier.

Guseva had been fined on 24 December 2010 by Tashkent Region's Zangiota District Criminal Court for allegedly violating the Religion Law and the Customs Law for bringing Christian books and magazines from neighbouring Kazakhstan into Uzbekistan. Church members told Forum 18 that the fine was cancelled on 4 February 2011 by Muhabbat Khodjayeva, Chair of the Court, after Guseva appealed. "We don't understand why the Bailiffs imposed an exit ban on her," they said.

In addition to exit bans imposed by Bailiffs for unpaid fines, local Departments of Entry, Exit and Legalisation of Citizenship sometimes withhold Exit Visas from known active religious believers, as well as from human rights defenders and opposition activists. Exit Visas are needed to travel to almost any foreign country apart from some former Soviet republics, and are valid for only two years at a time (see F18News 23 February 2011 http://www.forum18.org/Archive.php?article_id=1545).

Ban is the "Court's fault"

Guseva had to wait until Monday 5 September, after the weekend, to try to find out why she was on the exit ban list. At the Bailiffs Department in Tashkent's Yakkasaray District, where her passport is registered, Bailiff Sanjar Sultanov told her that the Department had imposed the ban because of the December 2010 administrative fine. When she presented a copy of the Court's February decision cancelling the fine, and asked why the ban had not been lifted seven months later, Sultanov told Guseva that her name would soon be removed from the exit ban list.

Bailiff Sultanov told Forum 18 on 8 September that "within a few days" Guseva's exit ban will be lifted. Asked why she had been banned from travelling abroad and why the ban had not been lifted seven months after the fine had been cancelled, Sultanov claimed that it was the "Zangiota Court's fault since they did not send their final decision to the Bailiffs."

Dildora (who refused to give her last name), Assistant to Khodjayeva, Chair of the Court, told Forum 18 on 9 September that Khodjayeva was busy hearing a case. She rejected Bailiff Sultanov's claim that the Court was at fault. "That cannot be true - the Court is obliged to provide the defendant and the Bailiffs with copies of the decision within 10 days, and we did so already in February."

Will authorities compensate Guseva?

Guseva was travelling to Russia to visit relatives. Her train had departed from Tashkent at 10:15 pm, and stopped for passport control 20 kms (12 miles) later at Kiles on the border with Kazakhstan. By the time Guseva had been taken off the train and told to return to Tashkent, it was midnight, the Baptists complained. "She could not catch any trains that late at night and had to take a taxi back to the city." At the station she returned the tickets but was not reimbursed the full cost of them.

Baptists lamented that Guseva lost more than 130,000 Soms (404 Norwegian Kroner, 54 Euros or 74 US Dollars at the inflated official exchange rate), at least 100,000 Soms on the tickets and 30,000 Soms for the taxi. "Now she will not visit her relatives since only tickets for distant dates are available, and she cannot afford it."

Asked on 7 September why Guseva is being punished in such a way and who will compensate for her losses, Bailiff Sultanov and Anvar (who did not give his last name), Head of Zangiota Court's Chancellery, could not say. Sultanov repeated his claim that "the Court is at fault".

Fined in her absence

In a 24 December 2010 decision seen by Forum 18, Judge Khudoyberdy Khojiev of Zangiota District Criminal Court found Guseva guilty in her absence under Administrative Code Article 184-2 (illegal production, storage, import and distribution of religious materials) and Article 227, Part 1 (violation of the Customs Law). Guseva was fined 226,075 Soms (then worth 850 Norwegian Kroner, 104 Euros or 138 US Dollars at the inflated official exchange rate). The Judge also ordered 65 Baptist magazines and 6 Christian books confiscated from Guseva to be sent to the state Religious Affairs Committee in Tashkent for an "expert analysis".

The Court decision notes that Guseva was stopped at Navoi City Customs Checkpoint on 24 November 2010 while she was entering Uzbekistan from Kazakhstan, and the religious literature she carried on her was confiscated.

Although Judge Khojiyev says, in the decision, that Guseva did not appear before the Court for the hearing and did not notify the Court why she was absent, the Baptists complained to Forum 18 that the Court had not notified her of the hearing. They say she only heard about the fine a month later, on 24 January, when Bailiff Sultanov called and demanded that she pay the fine. The Bailiffs Office then handed her a copy of the January court decision and on 3 February she lodged her appeal.

Fine cancelled but confiscated literature not returned

In her 4 February decision, seen by Forum 18, Judge Khodjayeva of Zangiota District Court not only cancelled the fine, but ordered that the religious literature to be returned to Guseva and referred the case back to Tashkent Regional Customs authorities for further investigation. Judge Khodjayeva noted that Guseva was not notified in time to appear before the Court, that the religious books confiscated from her were not for sale but for her personal use, and that according to the State Religious Affairs Committee's expert analysis that the confiscated literature did not contain calls against the constitutional order of Uzbekistan.

The Baptists told Forum 18 that although the Court's decision was a positive move, the literature had not been returned to Guseva by early September.

Taken off flight

On 2 September, the day before Guseva had been taken off the train, Border officials at Tashkent Airport prevented Tashkent Protestant Murot Turdiyev from boarding a Turkish Airlines flight to Istanbul, claiming he had an unpaid administrative fine. He had already checked in for the flight, Turdiyev complained to Forum 18 on 7 September.

Turdiyev on 25 October 2008 was fined 500,800 Soms (then worth 2,616 Norwegian Kroner, 292 Euros or 376 US Dollars) by Fergana Region's Okhunbabayev District Criminal Court under Administrative Code Article 184-2 (illegal production, storage, import or distribution of religious materials). With the same decision, 100 DVD discs of the "Jesus" film confiscated from him were also ordered destroyed, he said.

Although he had not paid the fine at the time - and it should have been cancelled, since almost three years had elapsed since the Court imposed it - he chose to pay it on 2 September. Turdiyev explained that because his passport is registered in Angren in Tashkent Region, he paid it at Angren City Bailiffs Department. "The Bailiffs promised me that soon my name would be removed from the exit ban list," he told Forum 18.

Between the date of the fine in 2008 and January 2011 Turdiyev exited Uzbekistan several times, he said.

Removed from exit ban list but why was ban imposed?

The Angren City Bailiff's Department decision, signed on 5 September by Ravshan Umirzakov, Chief of the Department and Bailiff Sarvar Sydykov, says that the "temporary exit ban" on Turdiyev was lifted. The decision, seen by Forum 18, says the ban was imposed on him on 15 March.

"At the end of 2010 the right to impose exit bans for unpaid fines was transferred from the Courts to the Bailiffs," Sydykov explained told Forum 18 on 8 September. "Turdiyev's ban was imposed in early 2011."

Told that more than two years had elapsed between the fine and the imposition of the ban, and asked why it was not cancelled and

why such a ban was imposed on Turdiyev, Sydykov at first was silent and then said, "I sent the information to our Head Department in Tashkent to inform the Border Service that Turdiyev already paid the fine, and his name should be taken off the Border Service's database within 10 days." He refused to discuss anything further with Forum 18.

Turdiyev complained to Forum 18 that he did not understand why he was being punished by the authorities for peaceful religious activity. Although Turkish Airlines returned him the full cost of the ticket, "the authorities prevented me from travelling to Istanbul for vacation and seeing my friends, and compelled me to pay the fine." He also complained that the Bailiffs made him travel the 120 kms (75 miles) from Tashkent to Angren three times between 2 and 5 September, which meant "a waste of my time and money on a taxi."

Appeals fail

Appeals by eight of nine Baptists given administrative fines in July in Gulistan in Syrdarya Region have failed. And Tashkent City Prosecutor notified a local Protestant that no grounds existed to protest against the administrative fine given to him in April.

In a 5 August decision seen by Forum 18, Judge N. Karshibayev of Gulistan City Criminal Court upheld the same Court's 28 July decision to fine Bayram Murodov, a member of the local Baptist Church. In a separate decision on 18 August, also seen by Forum 18, Judge Karshibayev upheld the fines on seven other members of the same Church – Denis Bocharov, Dialfruz Muradova, Lyubov Bobkova, Ivan Prokhin, Yelena Aminova, Sarvar Jambazov and Zinaida Sadykova.

The 18 August decision indicates that Marat Utyaganov, a member of the same Baptist Church also fined by the Court on 28 July, did not appeal against his fine.

The nine Baptists were given fines in the wake of Gulistan City Police's raid on the Church's 19 June Sunday morning worship service. They were punished under Administrative Code Article 240, Part 1 (unregistered religious activity) and Article 241 (illegal teaching of religious doctrines). On 28 July, Muradov and Bocharov were given large fines, with smaller fines on the rest (see F18News 26 August 2011 http://www.forum18.org/Archive.php?article_id=1605).

Also Tashkent Protestant Anvar Rajapov on 2 September received an official letter signed on 20 August by Tashkent City Prosecutor Mirzahid Obidov that the decisions of the City's Yakkasaray District Criminal Court from 14 April, of the City Court from 20 May and from 30 June were upheld. "The Court when imposing a penalty took into account the nature and degree of the public danger of the committed violations and imposed a penalty proportionate to the acts. There are no grounds for protesting the decisions."

Rajapov had been fined after a raid on his home, during which religious literature and his computer hard disk were confiscated (see F18News 2 August 2011 http://www.forum18.org/Archive.php?article_id=1600).

Other case dropped

Meanwhile, in Khorezm Region of western Uzbekistan, the authorities dropped charges against Zoya Varakina, member of a local unregistered Baptist Church.

On 4 September, Investigator Sh. Igamov of Khiva [Khiwa] District Police, wrote to Varakina – in a letter seen by Forum 18 – to inform her that "based on the Court decision the Police conducted an investigation, and concluded that there are no signs of criminal or administrative violation in your actions. Therefore, a decision was made not to open a criminal case."

On 13 April Khiva District Court had fined Varakina 49,735 Soms (158 Norwegian Kroner, 20 Euros, or 29 US Dollars at the inflated official exchange rate) under Administrative Code Article 184-2 for "illegally" distributing New Testaments. The Court also ordered the books to be destroyed (see F18News 15 June 2011 http://www.forum18.org/Archive.php?article_id=1581).

Varakina appealed against the fine and two months later, on 16 June, Judge B. Palvanov of the Region's Shovot District Court cancelled the case and referred it back to Khiva District Prosecutor's office to qualify her actions as criminal violations, and open a criminal case against her, the Baptists told Forum 18. They welcomed the dropping of the case. (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=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 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/education/mapping/outline-map/?map=Uzbekistan>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY