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UZBEKISTAN: Fined for discussing their faith and praying together

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

Uzbekistan continues to fine and raid people meeting to discuss their faith and pray together. In Tashkent Region a Protestant was fined 100 times the minimum monthly wage for allegedly illegally distributing religious literature, and books including Bibles and New Testaments were been ordered to be destroyed, Forum 18 News Service has learned. Legal procedures were violated, the official who produced "expert analyses" allegedly managing to within one working day read 1,300 books, 2,100 brochures, 450 leaflets, 50 magazines, watch 200 videos, and listen to 350 audio cassettes. "This beats the Guinness Book of Records", a local Protestant observed to Forum 18. In the central Samarkand Region, three Baptists were given one fine of 50 times the minimum monthly wage and two fines of 10 times the minimum monthly wage for allegedly distributing religious literature. They deny this, telling Forum 18 that "we had some of our neighbours, friends, and relatives with us. About 10 people met to read the Bible and pray together." Legal procedures were also violated in this case.

Uzbekistan continues to violate the right to freedom of religion or belief by fining and raiding people meeting to discuss their faith and pray together. In Tashkent Region a Protestant has been fined 100 times the minimum monthly wage for allegedly illegally distributing religious literature, and books including Bibles and New Testaments have been ordered to be destroyed, Forum 18 News Service has learned. The court that punished the Protestants' "offence" also violated Uzbek legal procedures. In another case in the central Samarkand [Samarqand] Region, three Protestants have been given one fine of 50 times the minimum monthly wage and two fines of 10 times the minimum monthly wage for allegedly distributing religious literature. They deny this, telling Forum 18 that their real "offence" is to meet with others to read the Bible and pray.

Also, Protestant churches with state permission to exist in the capital Tashkent have been told that they must change their charters and apply for re-registration – and so state permission to exist - within one month. Exercise of freedom of religion or belief without state permission is a criminal offence (see F18News 20 December 2012 http://www.forum18.org/Archive.php?article_id=1785).

The trials of Protestants took place in the same month that nine Muslim men from Tashkent Region, who met to discuss their faith and to learn how to pray, were sentenced after a criminal trial. Gayrat Khusanov and Shuhrat Yunusov were each given seven year jail terms on 22 November, and the other seven defendants received three year suspended prison terms. Relatives of the men told Forum 18 that they simply met sometimes to read the Koran and pray together (see F18News 23 November 2012 http://www.forum18.org/Archive.php?article_id=1770).

Books confiscated, possibly fabricated statement?

In the central town of Chirchik [Chirchiq], on 7 November Police Officer Aziz Zhurayev demanded that Vadim Shim open the boot of his car and confiscated Christian books that were found. Later the same day Officer Zhurayev confiscated more Christian books and materials from a garage belonging to Lyubov Tambovtseva. But on 7 November Officer Zhurayev stated in his report that all the religious materials were confiscated from Shim.

A very strict censorship regime is applied against religious literature and other material of all faiths that is published, distributed, or imported, or that people possess (see F18News 1 July 2008 http://www.forum18.org/Archive.php?article_id=1153).

Officer Zhurayev's report also includes an undated statement from another woman who has been verified to be not resident at the address given in the statement. The woman is herself wanted for an offence by the police.

Chirchik police officers on 28 November referred Forum 18 to Officer Ulugbek Zhurayev to discuss the case. Zhurayev said that Forum 18 should talk to Officer Aziz Zhurayev at the town's police Criminal Investigation and Struggle against Terrorism Division. This division oversees cases involving violations of freedom of religion or belief.

However, the officer who answered the Zhurayev's phone, adamantly denied to Forum 18 that anyone called Zhurayev works for Chirchik Police. Told that his colleagues referred Forum 18 to his number, he said that it is a "wrong number" and put the phone down.

Fined, Bibles and New Testaments ordered destroyed

On 9 November Judge Ikrom Obidov of Tashkent Region's Bostanlyk District Criminal Court fined Shim 7,235,500 Soms (about 21,500 Norwegian Kroner, 3,000 Euros, or 4,000 US Dollars at the inflated official exchange rate), 100 times the minimum monthly wage.

Shim, a member of an unregistered local Protestant Church called Mir (Peace), was fined under the Code of Administrative Offences' Article 184-2, which bans "Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons". Punishments are a fine of between 50 and 150 times the minimum monthly wage, "with confiscation of the religious materials and the relevant means of their production and distribution".

Judge Obidov with the same decision, which has been seen by Forum 18, ordered the destruction of the confiscated Christian literature and materials: 1,379 books, 2,103 brochures, 448 leaflets 48 magazines, 193 video-tapes, 354 audio cassette-tapes. Among the confiscated books were three Bibles in Russian and 30 New Testaments – 20 in Uzbek and 10 in Russian.

Courts have long frequently ordered that confiscated religious literature - including Bibles and Islamic texts - be destroyed (see eg. F18News 16 March 2011 http://www.forum18.org/Archive.php?article_id=1679).

Asked about the case, Judge Obidov's Assistant (who would not give his name) on 27 November told Forum 18 that he will not respond to questions. "Please call the Chancellery," he said. A Chancellery official (who also did not give his name) on the same day told Forum 18 that he "cannot give comments over the phone, please come to the Court."

Official "beats the Guinness Book of Records"

Local Protestants, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 15 November that the court ignored legal violations in two "expert analyses" prepared by Begzod Kadyrov, Chief Specialist of the government's Religious Affairs Committee. Shim expressed his amazement in the court hearing that Kadyrov managed to check all the thousands of books and materials confiscated in one day. The confiscation took place on 7 November, the "expert analyses" (which Forum 18 has seen) were dated 8 November, and the court hearing took place on 9 November.

Allegedly, Kadyrov within one working day managed to read 1,300 books, 2,100 brochures, 450 leaflets, 50 magazines, watch 200 video cassette tapes, and listen to 350 audio cassette-tapes. "This beats the Guinness Book of Records", a local Protestant observed to Forum 18.

Kadyrov's "expert analyses" also violated Article 184 of the Criminal Procedure Code by failing to give his full name, his education, speciality, his work experience within his speciality, whether he does or does not have a higher degree, and his occupation within the Religious Affairs Committee. Violations of legal procedure are commonplace in such cases, such as when a court ordered a Bible and New Testament destroyed after an "expert analysis" by an official of the local Muslim Board. This occurred even though the Religious Affairs Committee is the only body authorised to conduct such "analyses" (see F18News 24 September 2012 http://www.forum18.org/Archive.php?article_id=1746).

The "expert analyses" also did not – as they should under Criminal Procedure Code Article 184 – why the materials are banned from import into and distribution in Uzbekistan, Protestants observed.

Protestants also pointed out that Kadyrov's "expert analyses" include the titles of books which were not confiscated from Shim, and that the police report does not name any titles which were confiscated. Both break Uzbek legal procedures.

The "expert analyses" conclude that the confiscated literature which has been licensed - such as Bibles and New Testaments in Russian - can only be used inside officially registered organisations. Protestants described this as "nonsense" Forum 18. "This means that an Uzbek citizen who buys a Koran, Talmud or Bible cannot store or read it at home privately, which is against the religious freedoms guaranteed in the Constitution."

Such alleged "expert analyses" are routinely used as an excuse to confiscate any book the authorities decide to confiscate (see eg. F18News 20 May 2009 http://www.forum18.org/Archive.php?article_id=1298).

An official (who would not give his name), who answered the phone of the Expertise Department of the Religious Affairs Committee on 28 November, said that he could not answer Forum 18's questions. Asked whether Forum 18 could talk to Sobitkhon Sharipov, Head of Kadyrov's Department, he said that he was "not available". When Forum 18 asked who else could comment, he said that "no-one else can talk to you".

Large fines for meeting "to read the Bible and pray together"

On 8 November a court in Samarkand upheld large fines imposed by a lower court on three Baptists from a church which is not

registered with the state and so does not have permission to exist. Veniamin Nemirov was fined 3,617,750 Soms (about 10,750 Norwegian Kroner, 1,500 Euros, or 2,000 US Dollars), 50 times the minimum monthly wage. Alisher Abdullayev and Lyubov Lyubivaya were fined 723,550 Soms (about 2,150 Norwegian Kroner, 300 Euros, or 400 US Dollars), 10 times the minimum monthly wage.

The fines were imposed for a 12 August meeting in Nemirov's home. "We had some of our neighbours, friends, and relatives with us", he told Forum 18 on 15 November. "About 10 people met to read the Bible and pray together".

Raid, conviction, legal procedures violated

As the friends were meeting, about 12 officials who did not identify themselves, four or five in police uniforms with the rest in plain clothes, "using brutal force and pushing me aside and broke into my home", Nemirov complained. Local police officer Captain Azamat Pulatov was with the officials, who searched and filmed the home. They then confiscated four Russian Bibles and some Christian songbooks.

On 11 October Judge Azam Sayfitdinov of Samarkand City Court fined Nemirov under Part 1 of the Administrative Code's Article 240 ("Violation of the Religion Law"). Part 1 bans: "Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, the organisation and conduct of worship by religious ministers and of special children's and youth meetings, as well as vocational, literature and other study groups not relating to worship". Punishments range from fines of 50 to 100 times the minimum monthly salary to administrative arrest for up to 15 days.

Nemirov was also fined under Article 241, the only Article Abdullayev and Lyubivaya were fined under. This Article bans: "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 administrative arrest for up to 15 days.

Nemirov told Forum 18 that Judge Sayfitdinov "violated legal procedures", by not inviting to the hearing the witnesses of the prosecution and the police. "We asked the Judge to invite them as well as asked for a time to prepare our defence. But the Judge rejected our petition, justifying this by stating that the two-month period given under the law to try the case was running out. So it must be heard quickly." The case was opened on 12 August, and the initial hearing took place on 11 October.

Warned to stop "gathering my friends and neighbours in my home"

On 18 October Captain Pulatov, with another official in plain clothes, came to Nemirov's home. "They suggested that I sign a police report that I am being warned to stop missionary activity, proselytism, and gathering my friends and neighbours in my home", Nemirov told Forum 18. "Otherwise criminal charges will be brought against me." Nemirov refused to sign the report.

Captain Pulatov refused to talk to Forum 18 on 27 November. As soon as heard Forum 18's question he put the phone down. Subsequent calls to him on the same day went unanswered.

Judge Sayfitdinov on 27 November told Forum 18 that he "does not know anything" about the threat to Nemirov. Asked whether a criminal case will be opened against him, Sayfitdinov replied: "I don't know who threatened him, but he can file a complaint against this."

Appeal rejected in 10 minutes, defence arguments ignored

Judge Habib Chiniyev of Samarkand Regional Criminal Court on 8 November upheld the fines. Nemirov complained to Forum 18 that the hearing lasted only 10 minutes, and the Court did not take note of defence arguments that the three Baptists did not violate the law.

Samarkand Regional Court officials referred Forum 18 to Judge Chiniyev but an official who answered Chiniyev's phone at first said it was a "wrong number". When Forum 18 put its questions he said that he is a different judge and that Chiniyev is "not available to talk."

Nemirov and his church's exercise of freedom of religion or belief has long attracted state hostility. For example, in August 2010 police made what they described as an "anti-terror" raid against the church. Church members described how police used "physical force" even against children and filmed them without permission (see F18News 26 October 2010 http://www.forum18.org/Archive.php?article_id=1503). After a similar raid in September 2011, six church members were taken to a police station for questioning (see F18News 5 October 2011 http://www.forum18.org/Archive.php?article_id=1620).

"I must obey"

Judge Sayfitdinov defended the fines he imposed on 11 October. He told Forum 18 that he imposed the fines as "the video filmed in

Nemirov's home showed that they used religious literature, which can according to the expert opinion of the Religious Affairs Committee only be used inside registered religious organisations."

Forum 18 asked who can pay the large fines Sayfitdinov had imposed, which are far beyond the means of most Uzbek citizens. "It's the law, and I must obey it", Judge Sayfitdinov replied.

Asked whether this means that people must go to a registered religious organisation to practice their faith and read religious books, the Judge responded: "We are not saying that one cannot be a Christian or confess another faith but they need obey the Law."

Forum 18 asked how someone who does not want to establish or join a registered organisation can pray and read their holy books, as guaranteed in the Constitution. Judge Sayfitdinov paused, then said: "We did not fine them for being Christians but for illegally distributing religious literature." When Forum 18 pointed out that this "offence" does not feature in the charges brought against the three Baptists, the Judge replied "I cannot comment on all the details of the case now. You need to come to the Court so I can explain to everything in person."

Asked why the Court had not challenged the illegal actions of officials – including use of unlawful physical force - Judge Sayfitdinov replied: "Look I don't even know who you are. Why don't you come to the Court and we will have a talk face to face."

Forum 18 noted that the Religion Law violates the internationally recognised right to freedom of religion or belief, and asked why judges in Uzbekistan do not question the law's validity. Judge Sayfitdinov replied that "it's beyond our competence to initiate changes to the Law. We can only execute the Law." (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/education/mapping/outline-map/?map=Uzbekistan>.

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