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UZBEKISTAN: Illegal secret police raid is "legal"

By Igor Rotar, Forum 18

Velorum Kasymova, an official who took part in a secret police raid on a Jehovah's Witness meeting, has claimed to Forum 18 News Service that stopping the meeting, interrogating the participants, and banning future meetings is legal, even though she cannot state any legal basis for this despite Forum 18's repeated requests. She claimed that members of a religious organisation can only meet at the address where the community is registered, yet the building is in fact registered to the Jehovah's Witnesses. The unrelated legal articles she quoted forbid: unlawful juridical activity; refusal to register a religious organisations statutes; running children's and young people's clubs; and running labour, literary and other clubs. Also banned is giving religious instruction without specialist religious training or the permission of the central administration office of the religious organisation, and giving religious instruction in a private capacity. Yet none of these activities took place.

One of the officials who took part in a raid on a Jehovah's Witness meeting last September in the town of Chirchik (Chirchiq) on the outskirts of the capital Tashkent has strongly defended the authorities' action. The officials demanded that those present should halt the service on the grounds that the house where they were meeting was not registered as a church building. The Jehovah's Witnesses have been banned from meeting there since the raid. Reached on 18 November, Velorum Kasymova, deputy administrator of Chirchik, categorically assured Forum 18 News Service that members of a religious organisation could meet only at the juridical address where the community was registered. "Otherwise, how can we control the activity of a religious organisation?" she asked. Yet despite Forum 18's repeated requests, Kasymova could not cite a law banning a registered community from holding services away from the prayer house given as the juridical address when the community was registered.

Some 40 Jehovah's Witnesses were present when representatives of the town administration, the police and the secret police raided the Jehovah's Witness prayer house on 18 September. Andrei Agafonov, secretary of the Jehovah's Witness community, told Forum 18 on 18 November that the officials, citing the fact that the house was not registered as a church, told the Jehovah's Witnesses that they had violated articles 240 and 241 of the code of administrative offences. They also ordered those present to provide written statements, but they refused to do so.

Article 240 specifies a fine for unlawful juridical activity, refusal on the part of the leaders of religious meetings to register their statute, the organisation and running by "cult members" of special children's and young people's clubs, as well as labour, literary and other clubs that do not bear any relation to the "performance of the cult". Article 241 specifies a fine for giving religious instruction without specialist religious training and without the permission of the central administration office of the religious organisation, as well as for giving religious instruction in a private capacity.

Neither of these articles – whose wording dates back to the Soviet period – is applicable to the Jehovah's Witnesses, given that their organisation is registered in Chirchik. Agafonov told Forum 18 that the house raided by officials is registered in the name not of a private individual, but of the organisation. "The problem is basically that our former prayer house is too small and we bought another one with the specific aim of holding religious gatherings," he explained. "The authorities were perfectly well aware of why we bought the house. Now we cannot be found guilty under articles 240 and 241 of the administrative code, but we are still being forbidden from meeting in the new building, because the house is situated in a residential area." Agafonov insisted that there is no law forbidding meetings in a private home.

Article 14 of Uzbekistan's law on religion states clearly that "services, religious rituals and ceremonies may be held in cult buildings and prayer houses at the place where religious organisations are situated and on land owned by them, at places of pilgrimage, at cemeteries and if the ritual demands, services may be held in the homes of citizens if that is their wish." Given that the house under dispute was bought not by a private individual but by the Jehovah's Witness organisation, it appears the community was acting within the law by meeting there.

A printer-friendly map of Uzbekistan is available at

<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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