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UZBEKISTAN: "Let him pay the fine and we'll return the car"

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

Court bailiffs in Uzbekistan's central Samarkand Region admit they confiscated a car, a vacuum cleaner and other household items from two families beyond the legally-defined deadline. "We and our colleagues can't keep up with the volume of work, so we were a bit late with these confiscations," bailiff Sadriddin Salahuddinov admitted to Forum 18 News Service. The seizures came after the two Baptists refused to pay fines imposed in 2012 to punish them for exercising the right to freedom of religion or belief. "Let him pay the fine and we'll return the car to him," the bailiff added about Veniamin Nemirov. Meanwhile, 15 police and other officials raided a church's Sunday meeting for worship in a home in Syrdarya. "When the officials broke in they were preparing a dinner, and getting ready to celebrate the entrance of Jesus into Jerusalem," Baptists lamented to Forum 18. Police officer Oybek Turdikulov, who took part in the raid, told Forum 18 that they "received an instruction from above to go to check up on the gathering."

The authorities in Uzbekistan's central Samarkand Region confiscated a car, a vacuum cleaner and other home appliances from two private homes of members of a local Baptist Church, church members complained to Forum 18 News Service. The seizures came for unpaid fines given in 2012 for unregistered religious activity and teaching religion "illegally". One of the court bailiffs admitted to Forum 18 that the seizures were illegal as they occurred after the one-year deadline for punishing non-payment.

In late April, just weeks after the seizures, four members of the two families and another church member were given further fines for teaching religion "illegally".

Elsewhere in Syrdarya Region, 15 officials in mid-April raided and disrupted the celebration of the Easter week and shared meal of the local Baptist Church held in the private home of a church member. Police also confiscated religious literature from the home. The Baptists told Forum 18 that the authorities are preparing fines against their members (see below).

Uzbekistan insists – in defiance of its international human rights obligations – that only registered religious communities are allowed to hold meetings for worship or to teach religion even to their own members. Fines and other punishments are frequently handed down to those who exercise their freedom of religion or belief in ways the authorities regard as "illegal" (see Forum 18's religious freedom survey of Uzbekistan http://www.forum18.org/archive.php?article_id=1862).

Property seized for non-payment of fines

Samarkand City Court Bailiffs Sadriddin Salahuddinov and Mamur Yuldashev seized property from two family homes of local members of a Council of Churches Baptist congregation fined in October 2012. Council of Churches Baptists refuse to seek state permission before they meet for worship.

On 26 March the two bailiffs came to the private home of Alisher Abdullayev, Baptists told Forum 18 on 5 May. They were accompanied by two witnesses, workers of the Mahalla committee (residential administration). The bailiffs confiscated a vacuum cleaner, electric heater and mobile phone. "These are indispensable for the everyday life of the Abdullayevs, who have six minor children," the Baptists lamented.

The bailiffs seized the household items in the absence of Abdullayev, and did not provide a copy of the official report of the confiscation to Abdullayev's wife, Oksana Abdullayeva.

On 7 April the same two bailiffs came to the home of Veniamin Nemirov in his absence. Despite his wife Yelena Nemirova's request to wait for him, court bailiffs Salahuddinov and Yuldashev seized the family car, a 1987 Russian-built Moskvich.

Confiscation of the car is "unjust", Baptists complained to Forum 18. "Veniamin Nemirov has a large family with 12 children and a very low income." The bailiffs told Nemirova that the confiscation was done because her husband did not pay the administrative fine given to him on 11 October 2012.

On that date, Nemirov and Abdullayev were fined together with another church member Lyubov Lyubivaya (see F18News 29

"We were late with the confiscation, but so what?"

"What the bailiffs did was illegal," Nemirov complained to Forum 18 from Samarkand on 6 May. He pointed out that the one year time limitation to pay the fines expired in October 2013, and any confiscation or other penalty for non-payment must be given during that period. "Already roughly one and half years passed from the time of the Court decision, when the bailiffs made the confiscation," he lamented.

Bailiff Salahuddinov insisted to Forum 18 from Samarkand on 8 May that the confiscation was "lawful". "Though we confiscated the car, it is still in Nemirov's name. Let him pay the fine and we'll return the car to him." Asked why he and his colleague Yuldashev confiscated Nemirov's and Abdullayev's property after the time limit had expired, bailiff Salahuddinov contradicted his earlier claims that the seizures were lawful. "We and our colleagues can't keep up with the volume of work, so we were a bit late with these confiscations," he admitted to Forum 18.

Asked why the authorities took such harsh measures to punish them, Salahuddinov told Forum 18: "What's the problem here? They violated the law, and that's why they are punished."

Asked why he, a state official, finds no problem with violating legal procedures but justifies punishment given to individuals simply for praying and practicing their faith, Salahuddinov admitted: "Yes, we were late with the confiscation, but so what?" He then took Forum 18's details, but declined to discuss the confiscations further.

New fines

Just weeks after the property seizures over the unpaid 2012 fines, five church members - Nemirov and his wife Nemirova, Abdullayev and his wife Abdullayeva, as well as Lyubivaya – were again brought to Samarkand City Criminal Court. All were accused of violating Administrative Code Article 241. This punishes: "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 wage, or a short term in jail for up to 15 days.

On 28 April 2014, Judge Zafar Kholikulov fined each of them ten times the minimum monthly wage, 961,050 Soms (2,500 Norwegian Kroner, 300 Euros or 420 US Dollars at the inflated official exchange rate). "We have not been provided a copy of the Court decision so far," Nemirov told Forum 18.

"We are not meeting in my home to teach religion as the Judge qualified under Article 241, but for prayer and Bible reading as is in our Baptist tradition," Nemirov complained. He said the five were fined even though neither he nor the other four wrote any statements or signed any police reports. He believes that the authorities are specifically targeting him, Abdullayev and Lyubivaya. "They see us as active participants of unregistered religious meetings."

Repeated raids and repeated punishments

The April fines on the five came as a result of the Anti-terrorism police raid on Nemirov's home during Sunday worship on 9 March (see F18News 18 March 2014 http://www.forum18.org/archive.php?article_id=1938). As in August 2012, the Police raided his home, seized religious literature, and filmed and harassed his fellow believers present in his home.

Nemirov insisted to Forum 18 that neither he, his wife nor the three other church members will pay the fines. "We don't consider we violated any laws by praying in our home."

Nemirov had been fined 50 times the minimum monthly wage following the August 2012 raid on the church. Two other church members were also fined (see F18News 29 November 2012 http://www.forum18.org/archive.php?article_id=1773). He had also been fined 10 times the minimum monthly wage in September 2010 (see F18News 26 October 2010 http://www.forum18.org/archive.php?article_id=1503).

Meeting raided, literature seized

Meanwhile on the evening of 13 April, authorities in the eastern Syrdarya Region raided the Sunday celebration and shared meal of the local Baptist Church. The meeting for worship was to mark Palm Sunday, one week before Easter. The congregation is one of many that does not have state registration but which belongs to the state-registered Baptist Union.

Fifteen officials, including three criminal police officers, Shukhrat Nazarov of the Regional Police, Oybek Turdikulov and Bekzod Yusupov of Syrdarya District Police, broke into the private house of church member Andrei Shevchenko, where the congregation was meeting. Also present were his wife Galina Shevchenko and eight other adult church members, together with their 12 children.

Officer Turdikulov is the only police officer in Syrdarya from the Anti-Terrorism Police, which investigates cases involving people exercising their freedom of religion or belief.

The Baptists complained that the officials climbed over the fence around the house and disrupted the church's celebration. "When the officials broke in they were preparing a dinner, and getting ready to celebrate the entrance of Jesus into Jerusalem," Baptists lamented to Forum 18.

Officials seized a Bible, two children's Bibles, ten Christian song books, four children's song books, one notebook for piano lessons, four notebooks with personal notes, one video-cassette tape of a Christian children's cartoon, and ten pages of notes with Bible citations on them from the home, Baptists complained.

Officers then took all the adults and children present in the home to Syrdarya District Police, where they compelled them to write statements. Under pressure from officers, Stanislav Shegai, Nadezhda Matrosova, Sergei Yermakov and Aleksandr Kolomeytshev wrote statements. Others refused to write statements or sign the police reports.

Police "received instruction from above"

Officer Turdikulov of Syrdarya District Police defended the raid. The Baptists gathered together for prayer and Bible reading, which "according to our Law is not allowed", he told Forum 18 on 8 May. "If people want to pray they can go and do it inside churches and mosques which are officially allowed." Asked where exactly in the law this is written, Turdikulov responded: "If Shevchenko prayed and read his Bible alone in his home it would not be a problem."

Asked why the authorities did not allow individuals, such as the Baptists, to mark a religious festival in their homes, why they have to register for that, and whether he does not think it is a violation of their rights for the police to disturb such a sacred celebration, Turdikulov did not answer. He repeated his previous response that the Baptists "need to go to Tashkent or where they have a registered church, and do it there."

Asked how he and his colleagues determined that the Baptists were there not to have a common meal but have religious activity, Officer Turdikulov said that they "received an instruction from above to go to check up on the gathering." He refused to say who gave the instruction, and what punishments are being prepared against the Baptists.

Asked about the case, officers of Syrdarya Regional Police's Criminal Investigations Division told Forum 18 on 8 May that they do "not know any Officer named Shukhrat Nazarov" but that Officer "Shukhrat Babayev is working" for them, and referred Forum 18 to him. Officer Babayev told Forum 18 he did not participate in the raid but took down the details of the case, and asked to "call back in one or two hours." Subsequent calls went unanswered.

The authorities are preparing administrative fines under Administrative Code Article 184-2 (illegal import, production, distribution, storage of religious materials) and Article 240 (violation of the Religion Law) against several members of the Syrdarya congregation present when the authorities raided the meeting for worship.

"At the moment Syrdarya Police is waiting for the expert analysis [of the seized literature] from the State Religious Affairs Committee in Tashkent." As many as ten adults may receive fines soon, the Baptists complained. (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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