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UZBEKISTAN: Harshened Criminal and Administrative Code punishments

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Uzbekistan has harshened its Administrative and Criminal Codes' restrictions and punishments for exercising the freedoms of religion and belief, and expression. Human rights defenders and religious believers think the changes target Muslims exercising these fundamental human rights, and give more possibilities to prosecute non-Muslims.

Uzbekistan has harshened its Criminal Codes' previously existing restrictions and punishments against people exercising freedom of religion and belief and related fundamental human rights, such as freedom of expression. Criminal Code Articles 244-1 and 244-2 (mainly used against Muslims exercising freedom of religion and belief) have been harshened to allow: criminal prosecutions without a previous Administrative Code prosecution; increased jail terms, including between 15 and 20 years jail for involving people under 16 in "illegal" religious organisations; a ban on "production, storage or dissemination of the ideas or symbols of religious extremist or terrorist organisations"; and increased mass media, telecommunications and internet restrictions. Code of Administrative Offences deportation possibilities for exercising freedom of religion and belief have also been extended. Human rights defenders, Muslim and non-Muslim believers think the changes target Muslims exercising the freedoms of religion and belief, and of expression, and give more possibilities to prosecute non-Muslims.

Harshened Criminal and Administrative Code restrictions and punishments

Uzbekistan has harshened its Administrative and Criminal Codes' previously existing restrictions and punishments against people exercising freedom of religion and belief and related fundamental human rights, such as freedom of expression. President Islam Karimov signed the changes into law on 25 April, and they came into force the next day.

The amendments were part of a Law on Additions and Amendments to Various Legal Acts, which was officially published on 26 April in the Uzbek-language newspaper "Halk Suzi" (People's Word) and the Russian-language paper "Narodnoe Slovo".

Criminal Code Article 244-1

Criminal Code Article 244-1 has been given a new title: "Production, storage, distribution or display of materials containing a threat to public security and public order". It has also been harshened to allow for criminal prosecution without, as previously, a previous prosecution and punishment under the Code of Administrative Offences. Its possible punishments have been increased to imprisonment of between 5 and 8 years, instead of the previous up to 5 years' jail or a fine of between 300 and 400 times the minimum monthly wage.

The minimum monthly wage is currently 130,240 Soms (about 370 Norwegian Kroner, 40 Euros, or 45 US Dollars at the inflated official exchange rate).

Article 244-1 already punishes: "Production, storage or dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order".

The broadly phrased Article 244-1, which lacks clear definitions of the "crimes" it forbids, is already used to prosecute and jail Muslims as prisoners of conscience for exercising their freedom of religion and belief (see eg. F18News 26 November 2013 http://www.forum18.org/archive.php?article_id=1900).

However, the most recent changes have broadened Article 244-1 further by replacing the requirement for there to be a first conviction under the Administrative Code with the phrase: "as well as the production, storage or dissemination of the ideas or symbols of religious extremist or terrorist organisations". The term "religious extremist or terrorist organisations" is not clearly defined.

Part 1 of the Article punishes "production and storage", Part 2 punishes "dissemination". Part 3 (a) punishes this "crime" with prior planning or by groups of individuals, Part 3 (b) punishes it by officials, and Part 3 (c) punishes this "with financial or other material aid from religious organisations, as well as foreign states, organisations, and citizens".

Uzbekistan already punishes people for possessing religious material in electronic form. At least two Muslims are serving five-year prison terms for having the Koran and sermons in their mobile phones (see F18News 7 April 2016 http://www.forum18.org/archive.php?article_id=2165). Tightening this restriction, a new Part 3 (d) bans the "criminal" activities in Article 244-1 "using the mass media or telecommunication networks, as well as the world wide web".

Against its international human rights obligations, Uzbekistan imposes strict censorship on all religious publications and all aspects of their distribution. There is a de facto ban on religious literature of any faith in homes and if found such literature is frequently ordered to be destroyed. State pressure is so great that for their own safety some religious believers have destroyed their own sacred texts (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Criminal Code Article 244-1 is normally used only against Muslims exercising their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Criminal Code Article 244-2

Uzbekistan already pressures belief communities, parents and guardians not to allow children or young people to attend meetings for worship and other activities – even though this is not illegal, and even for belief communities which have state permission to exist. It is illegal for people to exercise freedom of religion and belief with others without state permission (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Such pressure includes the use of Anti-Terrorism Police in raids on religious meetings when children are present (see eg. F18News 5 September 2014 http://www.forum18.org/archive.php?article_id=1993).

Criminal Code Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations") has been harshened to increase this pressure against children and young people exercising freedom of religion or belief. The previous Article 244-2 punishment was between 5 and 15 years in jail. But from 26 April a new Part 2 (b) punishes individuals with imprisonment for between 15 and 20 years, if they are found to have involved people under the age of 16 in "illegal" religious organisations.

Uzbekistan already subjects people exercising freedom of religion and belief to surveillance and attempts to recruit informers among belief communities (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862). Part 3 of Article 244-2 allows such informers to be released from punishments under the Article "if they of their own free will inform the authorities of the existence of a banned organisation and help solve the crime".

Criminal Code Article 244-2 is normally only used against Muslims exercising their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Deportation

If either foreigners or stateless persons are convicted under the Administrative Code of exercising their freedom of religion and belief, the Code's Article 291 ("Deportation of foreign or stateless persons") has now been altered to allow them to be deported for a first "offence". Such persons are also barred from re-entering the country for between 1 and 3 years. Many articles of the Administrative Code ban specific aspects of exercising freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

After the dissolution of the Soviet Union, many people became citizens of a formerly Soviet state they had never lived in and did not have citizenship of the state where they actually lived. Sometimes expelled individuals are formally deported, with "deported" stamped on their passports. On other occasions they have been pressured to leave with no record that they have been deported (see eg. F18News 11 June 2012 http://www.forum18.org/archive.php?article_id=1710).

Uzbekistan has frequently: expelled local residents who happen to be foreign citizens to punish them for exercising the right to freedom of religion or belief; expelled foreign visitors to the country to punish them for visiting local religious communities or conducting religious activity during their visit; and prevented Uzbek citizens who have been "legally" punished for exercising their religious freedom from leaving the country (see eg. F18News 11 June 2012 http://www.forum18.org/archive.php?article_id=1710).

Changes to target Muslims exercising freedoms of religion and belief, and expression?

The Criminal Code changes "mainly affect Muslims", a human rights defender in Uzbekistan, who wished to remain anonymous for

fear of state reprisals, told Forum 18 on 7 June. They noted the use of Articles 244-1 and 244-2 to give long jail terms to Muslims exercising freedom of religion or belief and found with "illegal" religious literature (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Another human rights defender, Shukhrat Rustamov, commented to Forum 18 on 7 June that the latest changes – as well as the existing Religion Law, Criminal and Administrative Codes – are against the Constitution. He noted that, with the changes, "the authorities want to impose a total blockade of information for religious believers". Summarising the reason for censorship and raids targeting religious texts, a state news agency in March published an article stating that the government aimed to "isolate the population" (see F18News 18 March 2016 http://www.forum18.org/archive.php?article_id=2159).

Human rights defender Rustamov noted that before the changes "it was already difficult to receive or give information on faith or religious matters". In particular, Rustamov observed that even those who search online for religious information the authorities deem "extremist" will be punished under the changes.

Raids, large fines and the confiscation of "illegal" religious literature continue against people of all faiths. These frequently involve the authorities breaking published laws, but no officials are known to have been held to account for this. Asked in early June whether people have freedom of religion and belief, a Judge told Forum 18 "maybe" (see F18News 7 June 2016 http://www.forum18.org/archive.php?article_id=2185).

A local Christian leader, who asked to remain anonymous for fear of state reprisals, told Forum 18 on 7 June that "the authorities usually fine or jail for short periods of time Christians and people from other non-Muslim communities" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862). But in the light of the April legal changes, "there are no guarantees that we will not in future also receive long jail terms, or that our guests may not be deported".

Refusals to explain

Officials have refused to explain the reason or reasons for the harshening of laws and punishments against people exercising freedom of religion and belief. Begzod Kodyrov (Chief Specialist of the Religious Affairs Committee), Tulkin Abdusattarov (Deputy Chair of the Parliament's Committee on Legislation and Judicial-Legal issues), and Makhmud Istamov of the Presidential Administration all refused to explain the increased restrictions to Forum 18 on 9 June.

Harshened Criminal Code used to jail prisoners of conscience

On 25 May, 30-year old Jonibek Turdiboyev and 29-year old Mansurkhon Akhmedov were both jailed for five years under the new Part 1 of Criminal Code Article 244-2 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). The only evidence brought by the prosecution consisted of statements from an existing prisoner and a claim that the authorities had found a Muslim sermon under music on an MP3 audio disc. Relatives and human rights defenders insist that the two prisoners of conscience are "guilty" only of being devout Muslims exercising their freedom of religion and belief (see F18News 24 June 2016 http://www.forum18.org/archive.php?article_id=2191). (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 is at http://www.forum18.org/Archive.php?article_id=1351.

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