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UZBEKISTAN: Women targeted, due process violations, unfair trial

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

After an August 2017 raid on a Protestant meeting, interrogations of and charges against the same Protestants continue. Women in an Urgench church continue to be targeted by male officials, accompanied by flagrant violations by police, bailiffs, and a court of due legal process.

In August 2017 police followed Pastor Ahmadjon Nazarov and others from Urgench in the north-western Khorezm Region to Kungrad in the neighbouring Karakalpakstan Region. Police then raided a meeting, searched the house, and confiscated various electronic devices and Christian religious materials including a Bible. A friend of the host who also present during the police raid was tortured. Police told Protestants who complained about the torture that "we do not care, you can complain anywhere".

Large fines and literature including Bible confiscations and destructions were imposed on many of the Protestants, and more interrogations of and charges against the same Protestants continue (see below).

Nukus Police's Struggle with Extremism and Terrorism Department has many times throughout 2018 questioned local Protestants, even after a court rejected the second set of fines police asked for. Nukus Prosecutor's Office referred the case to Nukus Administrative Court and Nukus Police for unspecified "remedial action". Protestants think the questioning has continued because police "want to falsify a new administrative case against them". Police and the Prosecutor's Office have refused to tell Forum 18 whether they will bring yet another case (see below).

Women in the Urgench church led by Pastor Nazarov continue to be targeted by male officials. Shakhzoda Rajabova was in December 2017 given a large fine for having Christian books, and texts including the Bible were ordered to be destroyed. She also had her mobile phone taken for the authorities to use themselves. Yet in a flagrant violation of Uzbek law neither Urgench Police who opened the case, nor the Court which heard it, had informed Rajabova that she was on trial. The first Rajabova heard of the case and punishments was 82 days later in 10 April 2018, when she received a copy of the court decision. The Judge refused to answer when Forum 18 asked him why the police and his court had broken the law, ordered a Bible and other texts to be destroyed, and taken Rajabova's mobile phone (see below).

Another woman who has attended Pastor Nazarov's church, Sharofat Allamova, has been illegally and under extreme pressure forced to pay a 2012 fine for keeping her own Christian books in her home. On 18 April 2018 a bailiff illegally threatened her with a dramatic escalation of multiple penalties, including impounding her private flat, unless she paid the fine. Local Protestants and a legal expert have condemned the flagrant illegality of bailiff Zhumanazarov's letter and threats, condemning "this grave violation" (see below).

And despite an exit ban, the authorities still try to extract a 2015 fine from an Urgench Baptist, Stanislav Kim. He is separately facing possible criminal charges following two illegal police raids on the local Baptist Church, the first raid being on Easter Sunday (see below).

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Surveillance, raid, fines

In August 2017 police followed Pastor Ahmadjon Nazarov and others from Urgench [Urganch] in the north-western Khorezm Region to Kungrad [Qunghirotin] in the neighbouring Karakalpakstan [Qoraqalpoghiston] Region. Kungrad is about 270 kilometres (about 170 miles) away from Urgench.

Police then raided a meeting, searched the house, and confiscated various electronic devices and Christian religious materials including a Bible. A friend of the host who also present during the police raid was summoned to Kungrad Police Station, where they

were tortured. Police told Protestants who complained about the torture that "we do not care, you can complain anywhere" (see F18News 19 October 2017 http://www.forum18.org/archive.php?article_id=2326).

One of the Protestants was in September jailed in absentia for 15 days and four others were given large fines. Judge Gairat Khudoyberganov also ordered literature including the Bible to be destroyed (see F18News 19 October 2017 http://www.forum18.org/archive.php?article_id=2326). However, in February 2018 Judge Mumin Astanov of the Supreme Court on appeal lowered the fines given to Yelena Nazarova, Nilufar Isakova and Madina Yokubova from 100 times the minimum monthly salary, or 14,977,500 Soms, to 25 times the minimum monthly salaries or 3,744,375 Soms. Judge Astanov also cancelled Urgench Court order to destroy Nazarova's Bible, and ordered it returned to her (see F18News 19 March 2018 http://www.forum18.org/archive.php?article_id=2361).

Following the September 2017 trials, four more Protestants were in October given large fines and another Bible was ordered to be destroyed by Judge Bakhtiyar Torebayev. Thirteen other Protestants were also given warnings for exercising freedom of religion and belief (see F18News 13 December 2017 http://www.forum18.org/archive.php?article_id=2341).

Courts have often ordered the destruction of confiscated religious literature, including Muslim books or Christian Bibles. This destruction is often carried out by burning (see Forum 18's Uzbekistan religious freedom survey http://forum18.org/archive.php?article_id=2314). The authorities have in a small number of recent cases returned Bibles confiscated from Protestants during raids, but it is unclear whether people will now be able to keep and read Bibles at home. The authorities still insist that all other religious literature can only be kept and read within a building of a state-registered religious community. And the authorities are continuing to jail Muslims who possess religious literature (see F18News 29 March 2018 http://www.forum18.org/archive.php?article_id=2365).

More charges against same Protestants following same raid

In December 2017, Lieutenant Colonel Satbay Pirmanov, Head of Nukus Police's Struggle with Extremism and Terrorism Department, and his deputy Senior Lieutenant Islam Seytimbetov prepared more cases against the Protestants who were originally raided in August 2017 under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). The possible penalty is a fine of between 20 and 150 times the minimum monthly wage, "with confiscation of the religious materials and the relevant means of their production and distribution" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

On 5 December, Bakhbergen Abdikerimov, Abatbay Doszhanov, Zarina Olimova (Doszhanov's wife), Sarsenbay Khaibrakhmanova, Nazira Dauletmuratova, and Yesnazar Zhumanazarov were given copies of the cases against them, local Protestants who asked to remain anonymous for fear of state reprisals told Forum 18 on 12 December (see F18News 13 December 2017 http://www.forum18.org/archive.php?article_id=2341).

Abdikarimov appealed to Nukus Administrative Court to dismiss the charges because the police had broken the Criminal Procedural Code.

"Remedial action" ..

On 25 December 2017 Judge Abdumurad Kerimbayev, Chair of the Court, wrote to Prosecutor Daulet Yelmuratov that the charges should be dismissed as "police reports were sent to the Court too late, the alleged violations did not take place where the police report claimed, and police referred the cases to the Court after the maximum time allowed of one month after the alleged violation". Judge Kerimbayev also pointed out that "not all the circumstances of the case were thoroughly investigated."

Prosecutor Yelmuratov on 11 February wrote to Abdikarimov that the Prosecutor's Office would not initiate proceedings. However, it had referred the case to Nukus Administrative Court and Nukus Police for unspecified "remedial action", local Protestants who asked to remain unnamed for fear of state reprisals told Forum 18 on 25 April.

Kamoloddin Khojamuratov of Nukus Administrative Court, Judge Kerimbayev's assistant, told Forum 18 on 23 May that "we are not investigating that case". Asked whether the Court had closed the case, he replied that "no information is available in our database on this case".

.."to falsify a new administrative case" ?

Between early March and late April, Nukus Police many times summoned and questioned again the same Protestants whose cases had been referred back to them. Bakhbergen Abdikerimov, Abatbay Doszhanov, Zarina Olimova (Doszhanov's wife), Sarsenbay Khaibrakhmanova, Nazira Dauletmuratova, and Yesnazar Zhumanazarov were questioned, local Protestants think, because police "want to falsify a new administrative case against them".

The officers who questioned the Protestants were Lieutenant Colonel Pirmanov, Head of Nukus Police's Struggle with Extremism

and Terrorism Department, and his deputy Senior Lieutenant Seytimbetov, who raised the charges Prosecutor Yelmuratov referred back for unspecified "remedial action". These two officers were joined for the questioning by S. Tarinbergenov and Inspector Makhmud Zhaksemuratov of Urgench Police. Urgench is where the Protestants who were followed to Kungrad in Karakalpakstan Region came from. Nukus is the Region's capital.

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

"Deciding whether or not to open a new administrative case"

Inspector Zhaksemuratov told Forum 18 on 18 May that the "police Department for the Struggle with Extremism and Terrorism and the Prosecutor's Office are deciding whether or not to open a new administrative case". He refused to say more. Lieutenant Colonel Pirmanov answered his phone on 21 May, but told Forum 18 that "it's a wrong number" and put the phone down. He did not answer phone calls later the same day.

A Nukus Prosecutor's Office official, who refused to give her name, told Forum 18 on 21 May that Prosecutor Yelmuratov "was transferred somewhere else". She did not say where but stated that Rasul Kholmuratov is the new Prosecutor. Asked if Prosecutor Kholmuratov was available, after consultation with other officials she told Forum 18 to call back in one hour. One hour later she claimed that "Kholmuratov is busy in a meeting" and on subsequent calls the phone was switched to fax machine.

On 23 May Prosecutor Kholmuratov answered his phone, but told Forum 18 to call back in 10 minutes. 10 minutes later an official, who refused to give his name but answered Prosecutor Kholmuratov's phone, claimed that the Prosecutor was "busy" and put the phone down.

Continued targeting of women by male officials

Women in the church led by Pastor Nazarov in Urgench [Urganch] in the north-western Khorezm Region continue to be targeted by male officials. Women of all faiths throughout Uzbekistan are often targeted by male officials, including with the use of sexual violence (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Officers of the Urgench police Struggle with Extremism and Terrorism Department in January 2018 harassed and threatened Nargiza Khusainova in an attempt to force her to become an informer, which she refused to do. The police claimed they had allegedly compromising materials on her, and were particularly interested in contacts she may have with Christians in Russia (see F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2304).

Unfair "trial", flagrant due process violations, fine, Bible destruction

On 23 July 2017, Shakhzoda Rajabova, a Protestant from Urgench, was present when 25 police armed with automatic weapons raided a church meeting for worship in Pastor Nazarov's flat. All those present were arrested and taken to Urgench Police Station, where the women were strip searched (see F18News 7 August 2017 http://www.forum18.org/archive.php?article_id=2304). On 10 November 2017 she was summoned to Urgench Police Station, questioned and pressured to write a statement incriminating herself, and an Uzbek-language New Testament and various other texts as well as her mobile phone were confiscated, Protestants who wished to remain unnamed for fear of state reprisals told Forum 18 on 25 April 2018.

On 18 December 2017, Judge Umurbek Khasanov of Khorezm Regional Administrative Court fined Rajabova 11,982,000 Soms or 80 times the minimum monthly wage. He also ordered that an Uzbek language New Testament, eight Christian booklets, and five leaflets confiscated from her be destroyed. Judge Khasanov also ordered that her smartphone should be confiscated for the state to use.

Yet neither Urgench Police who opened the case, nor the Court which heard it, had informed Rajabova that she was on trial. The "trial" took place in her absence, and she was denied any opportunity to present a defence against being charged with breaking Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

The first Rajabova heard of the fine and case was 82 days later on 10 April 2018, when she received a copy of the court decision punishing her with a fine. This is also a violation of published law, as such decisions are supposed to be given to the accused within 10 days so that an appeal might be made.

Judge Khasanov refused to answer when Forum 18 asked him why he and the police had committed such flagrant violations of due process, why Rajabova had been given a large fine, why a Bible and other texts were ordered to be destroyed, and why her mobile phone was effectively stolen by the state. "If she is not satisfied she can go ahead and complain to the Supreme Court", the Judge told Forum 18 on 25 April. When Forum 18 repeated the questions he replied "who are you to ask this, let her complain". He then refused to talk more.

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Protestant illegally punished twice for having own books

Sharofat Allamova was, like Rajabova, one of those present when 25 police armed with automatic weapons raided a Protestant church meeting for worship in Pastor Ahmadjon Nazarov's Urgench home on 23 July 2017. All those present were arrested and taken to Urgench Police Station, where the women were strip searched (see F18News 7 August 2017 http://www.forum18.org/archive.php?article_id=2304).

Allamova had earlier been fined on 18 May 2012 for keeping her own Christian books in her home (see F18News 6 August 2012 http://www.forum18.org/archive.php?article_id=1729). Allamova did not pay the fine as she is only "guilty of peacefully exercising her freedom of religion and belief as guaranteed by the Constitution", local Protestants who asked not to be named for fear of state reprisals told Forum 18.

In April 2013 she was tried on criminal charges for the same "crime" of keeping her own Christian books in her own home under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature"). If there has been a previous Administrative Code conviction (as there was in Allamova's case) the punishment is a fine of between 100 and 200 times the minimum monthly wage, or up to three years' corrective labour (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314). Allamova was sentenced to 18 months' corrective labour and placed in a low-paid state job with her salary being further reduced by having to pay 20 per cent of it to the state during her sentence (see F18News 21 May 2013 http://www.forum18.org/archive.php?article_id=1838). On 7 February 2014 she was amnestied from this punishment by Judge G. Sobirov following a general 12 December 2013 amnesty.

Yet on 21 August 2017 Allamova received a summons dated 14 August that she must in person pay the May 2012 fine to Urgench bailiff D. Yuldashev (see F18News 27 October 2017 http://www.forum18.org/archive.php?article_id=2329). The maximum legal time within which bailiffs may make such demands is three years after a fine, i.e. in this case by May 2015. And Allamova's April 2013 criminal conviction should also have cancelled the Bailiff's demand.

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

"This grave violation"

On 18 April 2018 bailiff Sardor Zhumanazarov of the Urgench Department of the Bureau of Forced Execution under the General Prosecutor's Office illegally wrote to Allamova that she must pay the May 2012 fine for keeping her own Christian books in her own home. He threatened her that unless she pays the 629,200 Soms fine he will:

- dramatically increase the fine to 1,772,400 Soms;
- impound her private flat;
- put Allamova on the exit ban list to stop her leaving the country;
- put her on a wanted persons list;
- and open a criminal case against her under Criminal Code Article 232 ("Non-Execution of judicial decisions").

Local Protestants and a legal expert have condemned the flagrant illegality of bailiff Zhumanazarov's letter and threats. Local Protestants think that bailiffs may have summoned Allamova in both August 2017 and April 2018 because she was present during the July 2017 raid on Protestants meeting for worship in Pastor Nazarov's home, they told Forum 18.

Bunyad Allabergenov, Deputy Head of Urgench Bureau of Forced Execution, refused to say on 23 May why Allamova was illegally threatened. "This case is closed because she paid the fine" he stated and then refused to say more. Protestants confirmed to Forum 18 on 26 May that Allamova had paid the fine under great pressure, and repeated their condemnation of "this grave violation".

Despite exit ban authorities still try to extract fine

On 8 April, Easter Sunday, Urgench Police's Department for the Struggle with Extremism and Terrorism raided the flat of a Baptist, Stanislav Kim, where the local unregistered Baptist Church was meeting to celebrate Easter. On 15 April police raided Kim's home while Baptists were meeting for Sunday worship. One of the officers filmed everyone present and Bibles and other Christian books were confiscated. Both raids were illegal, as officers refused to show either their identity documents and legally-required search

warrants (see F18News 24 May 2018 http://www.forum18.org/archive.php?article_id=2380).

Kim thinks police may be preparing a case under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature"). If there has been a previous Administrative Code conviction (as there has been in Kim's case) the punishment is a fine of between 100 and 200 times the minimum monthly wage, or up to three years' corrective labour. Kim thinks that, as has happened in other cases, the authorities may punish him with a short-term prison sentence (see F18News 24 May 2018 http://www.forum18.org/archive.php?article_id=2380).

The authorities have frequently raided, prosecuted, and fined Baptists in Urgench for exercising their right to freedom of religion and belief – including staging a "show trial" for state TV (see eg. F18News 19 March 2018 http://www.forum18.org/archive.php?article_id=2361).

In late April bailiff Bakhodyr Usmanov of the capital Tashkent's Yakkasaray District Bureau of Forced Execution under the General Prosecutor's Office warned Kim that he will be placed under an exit ban. Usmanov claimed this is for not paying an August 2015 fine of 10 times the minimum monthly wage, 1,184,000 Soms, for "illegally storing" his own Christian books in his own home. The Yakkasaray BEECD and not the Urgench Bureau is dealing with Kim because his internal passport is registered with the police in Tashkent.

The fine followed a 20 July 2015 raid on Kim's home which also resulted in some of the Christian literature confiscated from him to be destroyed, and the rest to be handed over to the Khorezm Department of the state-controlled Muslim Board (see F18 News 28 June 2016 http://www.forum18.org/archive.php?article_id=2192).

Kim told Forum 18 on 25 May 2018 that the authorities "are trying to increase punishments for me for not paying the fine". He explained that "I did not pay it because I do not think that I violated the law" by exercising his freedom of religion and belief. Kim said that he was already under an exit ban from 2015 for not paying the August 2015 fine. The State Security Service (SSS) secret police maintains the exit ban list of people – for example human rights defenders – who are not allowed to travel abroad (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

"As I am already on the exit ban list, bailiff Usmanov told me that he will extract the fine from my salary", Kim told Forum 18. "About a week ago I received an official notification from the Bureau of Forced Execution that 30 per cent of my salary will be deducted each month towards the fine".

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Yakkasaray Bureau of Forced Execution officials who refused to give their names between 24 and 25 May refused to put Forum 18 to bailiff Usmanov or other officials. They also refused to tell Forum 18 why the authorities are in 2018 trying to enforce a fine given in 2015, for which Kim was already placed on the SSS secret police exit ban list. (END)

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=2314.

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>.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

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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