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## **Singing and reading Bibles on holiday prosecuted**

Forum 18 (17.12.2012) - Uzbekistan continues to raid people exercising freedom of religion or belief without state permission, Forum 18 News Service has learned. Police on 1 December raided a group of about 80 Protestants on holiday together in the Simurg (Phoenix) resort, in Bostanlyk District in Tashkent Region around the capital. Charges under six different articles of the Code of Administrative Offences have been brought against four of the group, who were meeting together discussing their faith and singing Christian songs. Police also confiscated three Bibles and 100 Christian songbooks, insulted the group, and took their fingerprints of all present.

In November three Protestants were fined sums of between 100 and 20 times the minimum monthly wage for meeting together, reading their Bibles, singing Christian songs, praying, and possessing religious books – all without state permission. The books, including Bibles, were ordered to be destroyed. Timur Kholmatov was fined 100 times the minimum monthly wage under the same six Administrative Code articles that the four Protestants charged after the raid on the Simurg (Phoenix) resort are being charged with breaking. And a Jehovah's Witness has been fined 10 times the minimum monthly wage for possessing religious books. He and his wife have also been subjected to attack in the state-controlled mass media.

### ***Singing and reading Bibles on holiday prosecuted***

On 1 December police in Bostanlyk District raided a group of Protestants on holiday together, Forum 18 has learned. The group of about 80 Protestants were on holiday at

the Simurg (Phoenix) resort, in the village of Sailyk, when 12 police raided them as they were meeting together discussing their faith and singing Christian songs. "Only four of them were in uniforms, but the rest were in plain clothes", local Protestants who wished to remain anonymous for fear of state reprisals told Forum 18 on 5 December. "The officials claimed that they came to check internal passports."

After confiscating three Bibles and 100 Christian songbooks, police "insulted the believers with abusive words like stupid asses, and threatened that they could bring criminal charges against the believers unless they wrote statements", local Protestants told Forum 18. Police then "took fingerprints from every holidaymaker".

### ***Worship "only in registered places specifically set up for religious purposes"***

People must worship "only in registered places specifically set up for religious purposes", police officer Kamil (who did not give his last name), the senior officer on duty at Bostanlyk Police, told Forum 18 on 17 December. He told Forum 18 that administrative charges have been brought against "some from the group who led the unsanctioned religious worship."

Local Protestants told Forum 18 that Gennady Chen, Vladimir Zhikhar, Aleksandr Lokshev and Gennady Timoyev have been charged under the Code of Administrative Offences' Articles Article 184-2 ("Illegal production, storage, or import .. with a purpose to distribute or distribution of religious materials.."); Article 194, Part 1 ("Failure to carry out the lawful demands of a police officer.."); Article 201, Part 2 ("Violation of the procedure for holding religious meetings, street processions or other religious ceremonies"); Article 202 ("Granting to the participants of unsanctioned .. meetings .. premises or other property (means of communication, copying and other machines, equipment, transportation), or the creation of other conditions for conducting such activity"); and Article 240 ("Violation of the Religion Law") Part 1 ("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"); and Article 241 ("Teaching religious beliefs .. without permission .. as well as teaching religious beliefs privately").

(See base of this article for the full text of Administrative Code articles and possible punishments.)

### ***Why?***

Asked why the authorities punish people whose only "offence" was to read their Bibles and sing Christian songs on holiday, police officer Kamil reiterated that people "must do it only in registered places specifically set up for religious purposes". He declined to comment further to Forum 18 on why police violate the right to freedom of religion or belief. "I am not authorised to give more comments", he stated.

Officer Kamil also refused to give more specific details of the case, including when a court hearing might be held.

### ***Meeting for worship raided***

Also in Tashkent Region, on 18 November Urtachirchik District Police raided an unregistered Full Gospel Protestant Church in Tuiteppa. Police broke into the private home of Timur and Irina Kholmatov when the couple together with four friends were reading their Bibles, singing Christian songs and praying. "Police arrived at 10.45 am, 15 minutes after they had begun their worship", local Protestants who did not wish to be named for fear of state reprisals told Forum 18 on 14 December.

Police entered the couple's home despite the objections of Kholmatov, and searched all

the rooms and confiscated: 159 Christian books (35 in English, 34 in Korean, 5 in Uzbek, 85 in Russian), 20 booklets, 31 notebooks with personal notes, 55 slides, 500 leaflets, 315 audio-cassette tapes, and 54 video-cassette tapes. The books included three Children's Bibles. Police also confiscated a Toshiba laptop computer, four memory sticks, four guitars, an acoustic speaker, two sound boosters, and an over-head projector.

### ***"Nothing to do with the case"?***

Asked about the case, Urtachirchik Police on 14 December referred Forum 18 to Bakhtiyor Azimov, Chief of the Criminal Investigation Department. Azimov told Forum 18 that his Department has "nothing to do with the case". Deputy Police Chief Aziz (who refused to give his last name) claimed to Forum 18 that "our officials did not search the home". When told that a Court decision specifically indicates that Urtachirchik Police made the search, he replied: "Maybe, Tashkent Region police Struggle with Extremism and Terrorism Department did it."

The telephone of Saidkarim Nishonboyev, Chief, and Akmal Jalilov, Deputy Chief, of the regional Struggle with Extremism and Terrorism Department went unanswered on 14 December. The person who answered Jalilov's mobile phone told Forum 18 that it is a "wrong number."

### ***Fined***

On 21 November Judge Tolibzhon Haidarov of Tashkent Region's Urtachirchik District Criminal Court fined three of those in Kholmatov's home during the raid. Timur Kholmatov was fined 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.

He was fined under the same six Administrative Code articles that the four Protestants charged after the raid on the Simurg (Phoenix) resort are being charged with breaking.

A similar large fine of 100 times the minimum monthly salary imposed on 9 November on Vadim Shim, for possessing Christian books, was upheld on 10 December by Judge Bakhtiyor Miraliyev of Tashkent Regional Cassation Court. Forum 18 has seen a copy of the court decision.

Timur Kholmatov's wife Irina was fined 20 times the minimum monthly wage, 1,447,100 Soms (about 4,270 Norwegian Kroner, 580 Euros or 740 US Dollars) under three of the Administrative Code Articles her husband was fined under – 184-2; 201, Part 2; and 202. Marina Khvan was fined 2,170,650 Soms (about 6,450 Norwegian Kroner, 900 Euros, or 1,200 US Dollars), or 30 times the minimum monthly wage, under two of the six Administrative Code Articles used in the case – 201, Part 2; and 240, Part 1.

Judge Haidarov also ordered the destruction of all the confiscated books, including the Bibles. Courts have frequently order that confiscated religious literature - including Bibles and Islamic texts - be destroyed. He also ordered that the state should take over all the computer equipment, guitars, and other technical items.

Uzbekistan frequently punishes people for exercising their right to freedom of religion or belief without state permission. For example, In November nine Muslim men who met to discuss their faith and to learn how to pray were sentenced, two being prisoners of conscience. Gayrat Khusanov and Shuhrat Yunusov were each given seven year jail terms. Also, a Protestant was fined 100 times the minimum monthly wage for distributing religious literature, including Bibles a court ordered to be destroyed. Fines were also confirmed against three Baptists who "had some of our neighbours, friends, and relatives with us. About 10 people met to read the Bible and pray together".

### **No comment**

Judge Haidarov's assistant Ibrahim (who would not give his last name), asked if it was fair to punish people for holding or reading their own religious books privately in their own homes, replied "please call back in an hour, the Judge himself will answer you". Called back, Ibrahim said that Judge Haidarov is not available to comment.

Did not seek state permission for church to exist

The Court's decision states that Kholmatov told the Court that his local district administration refused to register the Church "a few years ago" as it needed 100 persons to sign their application. As they did not have that many members, Gairat (last name not given), Chair of the local Mahalla committee, is said by the Court decision to have given permission for up to 50 people to meet in the Kholmatov's home for worship.

Mahalla (local district) committees are the lowest level of government, and are used to suppress freedom of religion or belief both of those with state permission to exist and without such permission. Amongst their activities is vetting applications by religious communities for state permission to exist. All unregistered exercise of freedom of religion or belief by more than one person is a criminal offence.

Kholmatov told the Court that only up to nine persons had ever met for worship. Those attending had "given money offerings to the Church, which it gave to the mahalla committee to buy food and distribute to the poor." Kholmatov told the Court that he has receipts from Gayrat for this.

Rustam (who refused to give his last name) of the Urtachirchik District Administration on 14 December refused to discuss why people are not allowed to hold meetings and read religious books in their homes. Subsequent calls to the Administration went unanswered.

### **Raid, confiscation**

In mid-October, Tashkent Region's Bostanlyk District Criminal Court fined Alisher Artygaliyev, a Jehovah's Witness, 723,550 Soms (about 2,150 Norwegian Kroner, 300 Euros, or 400 US Dollars, 10 times the minimum monthly wage. He was fined under the Administrative Code's Article 184-2 ("Illegal production, storage, or import .. with a purpose to distribute or distribution of religious materials..").

For some reason, the official media have given a very different account of the events leading up to the fine from local Jehovah's Witnesses. They told Forum 18 on 14 December that Artygaliyev was at work when he received a call from his sister (who is not a Jehovah's Witness) that police had come to search his home. During the search, police confiscated 26 religious books, 19 DVD discs, 35 leaflets, and two notebooks with religious comments.

Government-backed agency gorizont stated on 3 December that Bostanlyk Police stopped Artygaliyev at the Gazalkent open-air agriculture products market when he was "illegally distributing religious materials." Police then searched his home and made the confiscations.

The senior officer on duty at Bostanlyk Police, Kamil (who would not give his last name), on 17 December refused to comment on the case to Forum 18 or put Forum 18 through to other officials.

An official of Bostanlyk Criminal Court who would not give his name and Chancellery official who would not give her name both on 17 December refused to comment on the case. "Are you his lawyer", the Chancellery official asked Forum 18. "If you want our

comments then you need to visit the court or send your questions in writing." She then put the phone down.

Jehovah's Witnesses complained to Forum 18 that Artygaliyev had "paid part of the fine, but he still has not received a copy of the Court decision."

### ***"Illegal religious meetings of Jehovahists"***

Gorizont's article, entitled "Hunters of human souls", claims that Artygaliyev and his wife distributed religious literature and "conducted illegal religious meetings of Jehovahists". [This is a derogatory name in Russian for Jehovah's Witnesses, which was used in the Soviet Union's state-controlled mass media.]

After attacking Jehovah's Witnesses refusal to do compulsory military service as "the most frightful thing", the article states that "Jehovah's Witnesses do not recognize any authority except the divine one, by which they mean the authority of the sect."

Jehovah's Witnesses, the article claims, "try to achieve rule of over people and make them their obedient puppets. Jehovah's Witnesses, active members of which have expanded their tentacles all over the world in Russia, USA, and Europe, in Middle East and Central Asia can be called hunters of human souls."

In strident tones the article claims that Jehovah's Witnesses "violate the right to the freedom and independence of human personality, it destroys the foundation of the constitutional order, statehood, culture, public morale and national mentality."

The state-controlled mass media has often been used to attack people exercising freedom of religion or belief. Baptists have been accused of turning people into zombies, and attacks have also been made against state-disfavoured groups such as Muslims practising their faith outside state control, Protestants, Jehovah's Witnesses, and Baha'is.

### ***Administrative Code articles***

- Article 184-2 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";

- Article 194, Part 1 bans: "Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order". Punishments are a fine of up to twice the minimum monthly salary;

- Article 201, Part 2 bans: "Violation of the procedure for holding religious meetings, street processions or other religious ceremonies". This is punishable with a fine of between 60 and 80 times the minimum monthly wage, or administrative arrest of up to 15 days;

- Article 202 bans: "Granting to the participants of unsanctioned gatherings, meetings, and street demonstrations premises or other property (means of communication, copying and other machines, equipment, transportation), or the creation of other conditions for conducting such activity" is punished with a fine of between 50 and 100 times the minimum monthly salary for ordinary citizens, and between 70 and 150 times the minimum monthly salary for officials.

- 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.

- and Article 241 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.

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## **Finced for discussing their faith and praying together**

Forum 18 (29.11.2012) - 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 forthcoming F18News article).

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.

### ***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.

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.

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".

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.

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 Sobitjon 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. After a similar raid in September 2011, six church members were taken to a police station for questioning.

### ***"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."

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## **Jailed for discussing their faith and learning to pray**

Forum 18 (23.11.2012) - The criminal trial of nine Muslim men from Uzbekistan's Tashkent Region, for meeting to discuss their faith and to learn how to pray, has ended with prison terms for two of the defendants and suspended sentences for the other seven, Forum 18 News Service has learnt. Judge Mashrab Mirzayev of Yukorichirchik District Court handed down seven year prison terms to Gayrat Khusanov and Shuhrat Yunusov on 22 November, Sherzod Khusanov - brother of defendant Gayrat - told Forum 18 the same day. The seven other defendants received three year suspended prison terms.

Sherzod Khusanov told Forum 18 that his brother and Yunusov are still being held at Yangibazar Detention Centre in Tashkent Region, but are likely to be transferred to a labour camp soon. He added that those who received suspended sentences will, instead of being jailed, have to report to police regularly for the next three years.

***"All they have done is learn how to read the Koran.."***

Relatives of the nine Muslim men told Forum 18 in late September and early October that the men simply met sometimes to read the Koran and pray together. They also shared meals together and occasionally helped each other repair their homes. Three relatives insisted to Forum 18 that the men are peaceful and love their families, and all they do is to take care of their families. "How can they be extremists when they have not offended anyone?" one relative asked. All nine are residents of Tashkent Region's Parkent District, and were arrested by the National Security Service (NSS) secret police at varying times between mid-May and 26 July.

The relatives' comments have been echoed by human rights defenders such as Shukhrat Rustamov, who has maintained contacts with relatives of the defendants. "All they have done is learn how to read the Koran from Khusanov, and they sometimes prayed together," he told Forum 18 in October.

***"Allah knows that we are not guilty of any crime"***

Sherzod Khusanov said that the court again allowed only two relatives of each defendant into the court to hear the verdict, in addition to lawyers and human rights defender Abduvahid Mahmudov of the International Human Rights Society.

"Only Gayrat [Khusanov] and Shuhrat [Yunusov] wished to give a closing statement,"

Sherzod Khusanov told Forum 18. "They told Judge Mirzayev that Allah knows that we are not guilty of any crime, and that the Judge and those who prosecute them will answer before their conscience and Allah one day."

The Court promised to provide copies of the verdicts to the relatives on 23 November, Sherzod Khusanov told Forum 18. He said that as soon as he gets the copy of his brother's verdict he will lodge an appeal.

An official who would not give his name of the Court Chancellery told Forum 18 on 22 November that the relatives of the nine men "can come and receive copies of the verdict". But he refused to discuss why the men had been punished or give any details of the case. Asked if Forum 18 could speak on the case with Akhmet Batyrbekov, Head of the Chancellery or any other official, he said, "I cannot tell you, I am a trainee here," before putting down the phone.

However, Sherzod Khusanov complained to Forum 18 that when Yunusov's father went to the Court to get a copy of the decision on 23 November, he was told - contrary to what Forum 18 was told by the Court officials: "Only the defendants can receive copies and make their appeals from the prison."

### ***Human rights defenders condemn trial***

Several human rights defenders who sought to help the nine men have condemned both the verdicts and the way the investigation and trial were conducted.

Tashkent-based human rights defender Surat Ikramov of the Initiative Group of Independent Human Rights Defenders told Forum 18 on 23 November that the "whole case is fabricated based on the words of lawyers and observers." He said that "neither the Judge nor the Prosecutor reacted to the complaints of the defendants that confessions were extracted from them during the pre-trial investigation." Ikramov said Jahongir Shosalimov from their organisation had participated in the final hearing.

Similarly another independent rights defender Yelena Urayeva told Forum 18 on 22 November that the case is "fabricated and ordered". She pointed out that even the Prosecutor Muzaffar Egamberdiyev "was mostly absent during the hearings".

Urayeva also criticised the activity of lawyers in such cases. "Lawyers in most cases turn out to be actors and swindlers - they take the money but do not render proper defence." She added as in this case and many other cases known to her, the lawyers asked the defendants to remain silent about forced confessions, and to write letters "where they confess guilt and beg for amnesty".

Sherzod Khusanov said he is "angry" about how "deceitful" their first lawyer in the case Nazira Kamilova - and Yunusov's lawyer Anvar (last name not given) - were. "They deceived us, saying that once they confessed their guilt and wrote letters for amnesty they would be pardoned," he complained "But where is she now?" He said that the lawyers "swindled them out of their money and helped the Prosecution to put my brother and Yunusov in prison for a long time".

### ***Appeal against fine for protesting at prosecution refused***

Sherzod Khusanov and two other relatives were given administrative fines for a peaceful protest against the trial in front of President Islam Karimov's residence in the capital Tashkent

Khusanov told Forum 18 that they had already lodged an appeal against the fines, but said they have not heard from Kibrai District Court when the appeal will be heard.

Human rights defender Rustamov, who assisted the three in preparing the appeal, said that they received the Court decision late and since they were also busy with their relatives' criminal trial and they could only file the appeal on 20 November. This was the last day allowed by the legal procedure, as appeals need to be lodged within 10 days.

However, Rustamov told Forum 18 that once at the Court the men were told by the Court officials that they were late with the appeal, and refused to accept their appeal. On Rustamov's advice, they then sent the appeal to the Court by registered post.

Kibrai District Court officials refused to tell Forum 18 on 23 November whether and when the Court will hear the appeal. An official at the Court's Chancellery claimed: "Sorry, it's the regional water channel." When Forum 18 repeated the questions, the official asked: "What do you want?" Asked about the case he repeated his previous answer. When Forum 18 called back another official (who also did not give his name) took down Forum 18 questions and put the phone down.

### ***Guilty of learning to pray***

The indictment against the men focuses on their alleged ownership of recordings of sermons by several Muslim clerics, Abduvali Mirzayev, Obidkhon Nazarov and Muhammad Sodik Muhammad Yusuf. Mirzayev was an imam in the town of Andijan [Andijon] in eastern Uzbekistan whose recorded sermons became popular among Muslims across the country. He "disappeared" with his assistant at Tashkent Airport in 1995 and has never been seen again. Nazarov was a Tashkent-based imam who fled Uzbekistan in 1998. He gained asylum in Sweden in 2006. On 22 February 2012 he was shot in the Swedish town of Strömsund in what some believe was an assassination attempt initiated by the Uzbek authorities. He remains in a coma. Muhammad Yusuf is a former Uzbek chief mufti who remains in Tashkent and is allowed some independence to preach and publish.

From about 2000, the indictment alleges, the nine men under Gayrat Khusanov's leadership, the nine men "conducted unofficial collective worship (prayers, namaz), religious discourses and talks". It described them as having "disregarded public order, having secretly created an illegal religious community, and having participated in meetings, for the purpose of propagating various religious world-views until May 2012".

It also claims that Dilshod Salimov fully admitted his guilt. "His guilt is that he learned namaz privately from Khusanov and [Shukrat] Yunusov."

Khusanov, Yunusov and the seven other men - Botir Ikramov, Alisher Rahimboyev, Otabek Oripov, Muzaffar Miraliyev, Hasan Abdiyev, Fazliddin Mukhamedov and Dilshod Salimov – were all prosecuted under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"). This carries a maximum punishment of five years' imprisonment.

Four or five (Khusanov, Yunusov, Ikramov, Rahimboyev and possibly Salimov) were also prosecuted under Article 244-1, Part 3, Point a. This punishes "production and dissemination of materials containing a threat to public security and public order". As they are charged with acting "by previous planning or by a group of individuals", they face a punishment of between five and eight years' imprisonment.

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## **"They simply prayed together"**

Forum 18 (15.11.2012) - Although Uzbekistan's criminal trial of nine Muslim men from Tashkent Region for meeting to discuss their faith and to learn how to pray the namaz appears to have been completed, the verdicts have repeatedly been postponed. Judge Mashrap Mirzayev of Yukorichirchik District Criminal Court of Tashkent Region, who is hearing the case, on 13 November postponed the announcement indefinitely, human rights defenders and relatives of the defendants told Forum 18 News Service. "The Prosecutor is asking for seven years' imprisonment for my brother [Gayrat Khusanov] and Shukhrat [Yunusov], and suspended prison terms for the rest," Sherzod Khusanov complained to Forum 18 on 9 November.

Human rights defender Shukhrat Rustamov told Forum 18 on 15 November that of the nine defendants, only Gayrat Khusanov and Yunusov are being held in custody. The other seven are at home and come to court hearings when required.

Rustamov said he thinks the "authorities know that the local and international human rights organisations give great attention to the case, and they want to drag it out to bury it."

### ***"They simply prayed together"***

Ruhiddin Kamilov, leader of the independent International Human Rights Society, insisted to Forum 18 on 14 November that the court cannot hand down a verdict at the moment "because the prosecution arguments are weak". And he added: "These people are not extremists and led no religious organisation –they simply prayed together on occasion."

According to court documents seen by Forum 18, Gayrat Khusanov, Shukhrat Yunusov and the seven other men - Botir Ikramov, Alisher Rahimboyev, Otabek Oripov, Muzaffar Miraliyev, Hasan Abdiyev, Fazliddin Mukhamedov and Dilshod Salimov – were all prosecuted under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"). This carries a maximum punishment of five years' imprisonment.

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Yukorichirchik Court officials refused to discuss the case with Forum 18. An official of the Court on 14 November confirmed to Forum 18 that he was from the Court Chancellery. But when told about the case and asked if Judge Mirzayev could comment on it he said that it was not a Court and that it was a wrong number. Subsequent calls on the same day went unanswered. On 15 November, another court official put the phone down as soon as she heard Forum 18 ask for Judge Mirzayev.

### ***Relatives fined for protesting***

Meanwhile, three relatives of some of the defendants have been fined for a 9 November protest against the criminal trial of the nine. On 10 November, Tashkent's Kibrai District Court fined Sherzod Khusanov 30 times the minimum monthly wage under Administrative Code Article 201, Part 1, as he told Forum 18 on 14 November. He said

Tajiboy Salimov and Payziboy Yunusov were each fined 20 times the minimum monthly wage under the same Article.

Article 201, Part 1 punishes "violation of the procedure for organising and conducting meetings, street processions or demonstrations" with a fine of between 60 and 80 times the minimum monthly wage or administrative arrest of up to 15 days. Since 1 August, the minimum monthly wage has been 72,355 Soms (about 215 Norwegian Kroner, 30 Euros, or 40 US Dollars at the inflated official exchange rate).

The three men were afraid that their relatives would receive lengthy prison terms and so asked Yelena Uralyeva, head of the Human Rights Alliance, to make their plea known to the President Islam Karimov, she told Forum 18. "So we made a poster which literally said 'We demand freedom for Khusanov and Yunusov, a stop to illegal prosecutions of Muslim believers, and to make Judge Mirzayev, Investigators Saidov and Kenzhayev [first names not known], the Prosecutor and Lawyers and Public Defender Makhmudov liable'."

Uralyeva said she and the three men went on 9 November to the President's residence in Kibrai District. There the four opened up the poster, which they did "not demonstrate elsewhere," and photographed themselves with the poster in front of the President's residence, she told Forum 18.

"We did not make noise or verbal statements and did not disturb the public," Uralyeva insisted. She said that the purpose of their brief action was "only to document our plea and let the President and the public know about this".

Uralyeva said that she then handed a written complaint from the relatives to President Karimov to the guards at the entrance to the residence, after which the Police arrived and took the four to Kibrai Police Station.

### ***Violence***

Uralyeva told Forum 18 that at Kibrai Police Station the four were questioned separately in the presence of the District Police Chief, Lieutenant Colonel Shavkat Mavlyanov. She said that a police officer "struck her on the head" when she refused to give police the memory card from her camera. Then the officer took the memory card from her "using physical force". The Police then drew up reports while they "puffed cigarette smoke into my face, and insulted me".

Human rights defender Uralyeva said that after calls from international organisations and foreign embassies she was freed from the Police Station at 8 pm on 9 November, after being held for five hours. She said that police deleted all the photos and information on the memory card before releasing her.

The duty officer at Kibrai District Police told Forum 18 on 15 November that neither Police Chief Mavlyanov nor any of his deputies were available to comment on the case, asking Forum 18 to call back two hours later. When Forum 18 called back, First Deputy Police Chief Nodyr Uktamov said that neither he would comment nor anyone else.

The use of informal physical violence and torture, or threats of this, by the authorities is widespread in Uzbekistan. Most victims are for extremely good reasons unwilling to publicly discuss their experiences. One exception was Jehovah's Witness paediatrician Gulchehra Abdullayeva, who was tortured for exercising her freedom of religion or belief.

### ***"We gave adequate punishment"***

Although police released Urayeva in the evening of 9 November, the three men were kept at Kibrai District Police from 3 pm to 10 pm. They were then taken to Parkent District Police of Tashkent Region, where they are officially registered as resident. The men were kept there till the next morning and then taken directly to Kibrai District Court where they were handed down the fines and released.

Anvar Myrzakhmetov, an official of Kibrai District Court, who introduced himself as secretary of the Chair of the Court, told Forum 18 on 14 November that the Court "correctly qualified the actions" of the three and "we gave adequate punishment".

Asked what law the three men violated by holding written signs in defence of their relatives which did not insult anyone or disturb the public, Myrzakhmetov responded: "If they do not like the decision they can make an appeal."

When Forum 18 asked how else the defendants could bring their demands for a fair trial for their relatives to public attention, Myrzakhmetov did not respond. He repeated a few times that he could not hear well (although Forum 18's end of the line was clear), and then put the phone down.

### ***Repeated postponement***

In the case of the nine Muslims who met to read the Koran and pray together, the court had twice been expected to hand down its verdict for this "offence" on 8 and 13 November. But each time the Court postponed the announcement, Sherzod Khusanov pointed out. "The last time on 13 November the Judge even said he does not know when the verdict will be announced," he told Forum 18.

Khusanov as well as independent human rights defenders Rustamov and Urayeva complained to Forum 18 on 9 November that the Court had "only two hearings for such a serious case" prior to 8 November when it was going to announce the verdict.

"Only parents of the defendants and Khusanov's brother [since his parents are not both still alive] were allowed in the courtroom during the hearings," Rustamov told Forum 18. "No other relatives, including wives, neither anyone from our organisation were allowed in, though we each time waited several hours in front of the Court, and tried to get in."

Relatives of the defendants complained to Urayeva that during the 8 November hearing, Judge Mirzayev "ignored the complaints of Khusanov, Yunusov and Salimov that during pre-trial investigation, the law-enforcement agencies used violence against them to extract confessions that they established an illegal religious organisation."

### ***"In fear of harsher punishments"***

Urayeva also told Forum 18 that the lawyers in the case, provided by the State, did "not say a word in their defence" during the hearings. The defendants - including Khusanov, Yunusov and Salimov - when they were asked to make their closing statements on 13 November, "in fear of harsher punishments hanging their heads just kept telling the Court, 'please forgive us, we will serve our motherland, we want to be amnestied'".

That the lawyers in the case did not defend their clients was confirmed to Forum 18 by Kamilov. He told Forum 18 his International Human Rights Society sent its representative Abduvahid Mahmudov to the hearings as a public defender for Khusanov, Yunusov and Salimov, who had refused the services of the State-provided lawyers.

Mahmudov also "cannot effectively defend the three", Kamilov admitted to Forum 18. "But at least he is there to see any procedural violations or whether the lawyers are giving an adequate defence."

### ***Authorities violate legal procedures***

The nine Muslims who met to read the Koran and pray together were first detained on various dates during the summer and given 15-day administrative detention in May. During this they were pressured to admit to the alleged violations.

Relatives of the defendants and human rights defenders told Forum 18 that, in violation of legal procedures, the authorities have "not to this day [15 November] provided the defendants or their legal representatives with copies of Court decisions when they were given 15-day administrative arrests the first time, written reasons why they were arrested the first time, and why a criminal investigation was started against them later".

Human rights defender Uralyeva pointed out that Judge Mirzayev had also ordered the May 15 day administrative jailings.

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## **74-year-old woman among latest police raid victims**

Forum 18 (24.09.2012) - As raids, threats, beatings, literature seizures and fines for religious activity continue across Uzbekistan, one of the latest victims is a 74-year-old disabled Protestant from Tashkent Region, Forum 18 News Service notes. Police raided her home and seized Christian literature and she may face prosecution, while her neighbour was beaten. In other cases, fines have been as high as 40 times the minimum monthly wage. Many court verdicts seen by Forum 18 order that confiscated religious literature be destroyed. In Khorezm Region, a Judge ordered a Bible and New Testament destroyed after an "expert analysis" by an official of the local Muslim Board, even though the government's Religious Affairs Committee is the only body authorised to conduct such analyses.

This summer has seen what appears to be an upsurge in such attacks on individuals exercising their right to freedom of religion or belief, with many facing punishment under the Code of Administrative Offences.

After a husband and wife in Navoi refused to pay administrative fines imposed to punish them for their religious activity, court bailiffs seized the family's washing machine and other property.

Cases have also been brought under the Criminal Code to punish individuals for their religious activity.

### ***Almalyk raid and beating***

On 4 September, police in Almalyk in Tashkent Region raided the home of Nina Chashina, a 74-year-old Protestant who is disabled. Seven officials, three of whom were in police uniforms, broke into her flat in Almalyk, another Protestant, who knows her and who wished to remain unnamed for fear of state reprisals, told Forum 18 on 11 September. Officials confiscated 25 Christian books, including seven Bibles and three New Testaments in Russian, three Bible commentary books, 100 brochures, 25 DVD disks as well as 20 audio-cassette tapes.

The Protestant told Forum 18 that the same officials then broke into the private flat of one of her neighbours in the same block, Gulya (shortened version of the name – the full name was not given). "Officials handcuffed her and then dragged her into the police car while several officials hit her." The Protestant added that Gulya is registered at a local psycho-neurological clinic, and is registered as a disabled person.

Police then brought both Chashina and Gulya to Almalyk City Police's Criminal Investigation Department, where Gulya had "an epileptic attack, and fell unconscious". After medical help, doctors wanted to take her to the local clinic "but the police refused". Police officers "using Gulya's helpless condition forced her to write a dictated statement that Chashina is engaged in distributing DVDs of Christian films among Muslims". The police then released the two.

The Protestant told Forum 18 that Chashina is preparing to complain against the "unlawful" police actions.

Farhod Aripov, Deputy Chief of Almalyk Police in charge of criminal investigations, refused to say why the two women's homes were raided. He told Forum 18 on 14 September that an administrative case may be opened, but refused to specify against whom and under what exact charges.

Aripov adamantly denied that Gulya, whose full name he did not give, had been handcuffed or beaten. When Forum 18 insisted that witnesses saw it happen, he declined to comment further. "Please write to us or come to our Department, and we will give you more information," he said.

### ***Bostanlyk fine***

On 28 August, Tashkent Region's Bostanlyk District Criminal Court fined four members of Tashkent's officially registered Baptist Church. In a decision, a copy of which Forum 18 has seen, Judge Ikrom Obidov found all four guilty under Administrative Code Article 201 (violation of the order of organisation, conducting of meetings, gatherings, street marches or demonstrations) and Article 240, Part 1 (violation of the Religion Law).

Timofei Peychev and Igor Kuliada were each fined eight times the minimum monthly wage or 578,840 Soms (1,700 Norwegian Kroner, 230 Euros or 300 US Dollars at the inflated official exchange rate). Pavel Peychev and Sergey Zakharov were each fined five times the minimum monthly wage or 361,775 Soms.

### ***Summer camp raided***

Trouble for the four Baptists began with a police raid on 9 August on the Apple Orchard camp in the village of Yangikurgan in Bostanlyk District. The four were among their families and other Church members having a summer holiday there, Baptists who wished to remain unnamed told Forum 18.

Of the 15 officials who raided the camp, three were in police uniforms, the Baptists said. The officials "illegally in the absence of witnesses" searched the cars parked at the resort, as well as the personal belongings of the holiday makers, who at that time were "absent and swimming". The officials then "without making official records" confiscated Christian song-books, personal notebooks and diaries.

Pavel Peychev – former veteran General Secretary of Uzbekistan's Baptist Union - was among three prominent members of the Union given heavy fines in October 2009 and ordered to pay unpaid back taxes the Union allegedly owed. The appeal court overturned the fines in December 2009, but upheld the back taxes, as well as a three-year ban on their holding office in the Union.

### ***No comment***

Asked on 18 September why the Baptist camp had been raided, Bostanlyk Police officials refused to comment. They referred Forum 18 to Laziz Nurimov, Chief of the Department (name of the Department not given) which oversees the activity of religious organisations.

Asked why the Baptists cannot enjoy their summer holiday undisturbed, and why the police confiscated Christian songbooks and personal notebooks as well as diaries, Nurimov took the questions down and asked Forum 18 to call back ten minutes later. "I am busy with people here," he claimed. All Forum 18's subsequent calls to him that day went unanswered.

Also refusing to comment was Judge Obidov of Bostanlyk Court. On 17 September he took down Forum 18's question as to why he fined the Baptists, whose only "crime" appears to have been to have their Christian songbooks and personal notebooks with them while on their summer holiday. However, he put the phone down without answering. Subsequent calls to him on the same day went unanswered.

### ***Shahrisabz fine***

On 3 July a court in Shahrisabz in Kashkadarya Region fined ten members of a small unregistered Baptist congregation. Judge Botyrally Diyorov of Shahrisabz City Criminal Court found the ten guilty under Administrative Code Article 240, Part 1, according to the verdict seen by Forum 18.

Vakhop Babayev, Ziyadulla Rahmonov, Valizhon Boboyev, Khomid Rahmonov, Farhod Kosimov, Utkir Choriyev and Ibrahim Khomidov were each fined 40 times the minimum monthly wage or 2,516,800 Soms (7,400 Norwegian Kroner, 1,000 Euros or 1,280 US Dollars at the inflated official exchange rate). Rafik Murodov, Mukhabbat Ahmedova and Gavkhar Kholikova were each fined 30 times the minimum monthly wage or 1,887,600 Soms.

Judge Diyorov also ordered five Christian books, five calendars, five DVD disks, one personal datebook, and one wall map confiscated during the raid to be destroyed.

The fines on the ten Baptists followed a 4 May raid on the small, unregistered congregation. Police arrived "before the service even began," the Baptists complained to Forum 18. Officers "immediately began filming the people present, and without the sanction from prosecutors conducted a search and took away not only the books in the private home but also the Bible verses on paper which were on the walls." The Baptists added that the police photographed everyone in side-view and full face, then left without giving a copy of the records of confiscation.

### ***Procedural violations***

Baptists, who wished to remain unnamed for fear of state reprisals, complained to Forum 18 that some of those fined were absent at the hearing since they had not been notified of it. They also complained that Judge Diyorov - among other procedural violations - did not indicate in the verdict that nine of those fined are deaf. Nor had the police indicated in the official records the correct address where the raid was conducted and where the Baptists had gathered for worship.

The Baptists also complained they received the copy of the verdict only on 13 August, 41 days after the hearing. Administrative Code Article 311, Part 2 requires the Court to hand it over within three days of the final hearing.

Asked why he fined the Baptists, Judge Diyorov told Forum 18 on 14 September that it is "not the first time they violate the Religion Law". Asked why religious believers cannot pray or worship in their private homes, he responded: "They can but they need to do it in accordance with the Law."

Told that nine of the fined Baptists are deaf people who are unemployed and cannot afford to pay the fines, and asked what measures the authorities will take, if they do not pay the fines or are found "violating" the Religion Law again, Judge Diyorov responded:

"I cannot say anything on that." He added that the Baptists already filed an appeal, which will be heard in the Regional Criminal Court.

Judge Diyorov declined to comment on why he ordered the confiscated Christian books and other items to be destroyed. Forum 18 was unable to find out why the written verdict had been issued so late, as he refused to discuss the case further with Forum 18.

### ***Hazorasp fine and literature destruction***

Judge Sadarbek Toganov of north-western Khorezm Region's Hazorasp District Criminal Court, on 30 July fined two local Protestants under Administrative Code Article 241 ("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").

According to the verdict seen by Forum 18, Alisher Madaminov was fined one month's minimum wage or 62,920 Soms. Kausar Islamova was fined half a month's minimum wage or 31,460 Soms.

The court decision gives no details of what exactly the two did to violate the Law or what pre-trial investigation by Police or other state organs was carried out. It merely states that it was "discovered" that the two "taught religion to others on 28 July without having a licence from a central religious organisation". Judge Toganov also alleges in the verdict that the two "voluntarily admitted their guilt".

Hazorasp District Court officials refused to comment on the fines on 17 September, referring Forum 18 to Judge Toganov. However, officials answering Judge Toganov's phones on 17 and 18 September refused to put Forum 18 through to him, saying that he was busy and did not wish to talk to Forum 18.

Hazorasp police were accused of torturing a local Jehovah's Witness, Gulchehra Abdullayeva, in July by asphyxiating her with a gas mask. She was then fined by the same Judge Toganov five days before he fined the two Protestants.

### ***Muslim expertise of Christian books***

In his verdict on the two Protestants, Judge Toganov also ordered that the Bible in Russian confiscated from one and the New Testament in Uzbek confiscated from the other be destroyed. The Judge ordered the destruction based on the expertise No. 339 from 27 July by D. Abdukodirov of Khorezm Regional Department of Uzbekistan's state-sponsored Muslim Board. The verdict does not explain why the expertise is dated a day before the alleged "religious teaching" took place.

"This is like asking a Jewish rabbi to give an expertise on the Koran," local Protestants - who know the two and who wished not to be named for fear of state reprisals - complained to Forum 18. They pointed out that this expertise violates the 23 April 2004 Decree of the Cabinet of Ministers that only the government's Religious Affairs Committee is competent to give expert analysis of religious books.

Abdukadirov (who did not give his first name) of Khorezm Department of the Muslim Board denied to Forum 18 on 19 September that he had provided the expertise since he "has respect" for the books of other religions. He claimed that he had only referred the Court for expertise to the State Religious Affairs Committee. However, he said that he warned the Court that the two Protestants belong to an unregistered "sect which carries out missionary activity". "We do not want those kinds of sects in Khorezm," he insisted.

### ***Kuvasai fine***

A Baptist in Kuvasai in Fergana Region of eastern Uzbekistan, Viktor Kotov, has been fined after police launched an "anti-terror" operation to raid his home on a Sunday morning, when he and his family and a friend were singing Christian songs, his fellow-believers, who did not want to be named for the fear of state reprisals, told Forum 18 in early September.

On 26 July, Judge Tohirjon Vakhobov of Fergana City Criminal Court in a case he heard in Kuvasai City Criminal Court, found Kotov guilty under Administrative Code Article 240, Part 1. Kotov was fined five times the minimum monthly wage or 314,600 Soms.

The Baptists complained to Forum 18 that no one from the Baptist Church, even Kotov's wife, was allowed into the courtroom. After the "short" hearing, Kotov told his fellow-believers that Judge Vakhobov only "read out" the verdict to him, which said that on 8 July Kuvasai City Police "in the framework of a Tozalash-anti-terror operation discovered that Kotov was engaged in illegal religious activity." The Police report noted that Kotov had gathered his family together to sing religious songs.

Adyl Ismaylov, Head of Kuvasai Court's Chancellery, told Forum 18 on 18 September that he knows of the case, but cannot comment on it since he does not have the court files. Judge Tohir Vakhobov of Fergana City Criminal Court heard the case, since "back in July Kuvasai Court did not have enough Judges," he said. Ismaylov referred Forum 18 to Judge Vakhobov in Fergana. However, officials who answered Judge Vakhobov's phone on 17 and 18 September refused to put Forum 18 through to him or answer the questions.

### ***Family gathering raided***

The case against Kotov was launched after 15 plain-clothed officers led by the local police officer raided the Kotovs' family home on Sunday morning, 8 July. "When the officials broke in, he, his wife and children and an elderly woman who is a friend of the family were simply singing Christian songs," local Baptists complained to Forum 18. The officials "interrupted the singing and without showing their documents began questioning them." The officials then made official records and left.

"This case shows once again that Uzbekistan's authorities are resolute in leading a struggle against the country's Christians," Baptists complained to Forum 18.

Captain Bakhtiyor Tashmatov of Kuvasai Police's Struggle with Terrorism and Extremism Department, confirmed the raid to Forum 18 on 17 September. However, asked why the Kotovs' privacy was invaded, the inviolability of their private home violated, and why the police are pressuring Kotov, Captain Tashmatov took down Forum 18's name and put the phone down without answering. All subsequent calls to him on the same day went unanswered.

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## **"Sacred primary source of one of world's major religions" destroyed"**

Forum 18 (17.09.2012) - A Tashkent-based man, Vladimir Shinkin, has so far failed to get any response to his appeals to find out why his son Vyacheslav and daughter-in-law Snezhana Galiaskarova were fined in April 2011 for religious meetings he says they never held and why religious books seized from them – including Bibles his daughter-in-law inherited in 2003 – were ordered destroyed. Vladimir Shinkin sent complaints to various state agencies in 2011 and 2012, including a renewed complaint sent on 17 September to President Islam Karimov, family members told Forum 18 News Service.

Uzbekistan retains tight state controls on all religious literature published, distributed or held in people's homes in the country or imported into the country.

Many raids and religious literature confiscations have taken place in recent years, often accompanied by media attacks on the victims. Police in August raided the Tashkent home of a Russian Orthodox mother Valentina Pleshakova and her disabled daughter Natalya, seizing their religious literature and beating Natalya. Officers pressured Natalya to adopt Islam. Although their heavy fines were changed into an official warning on appeal, no books were returned.

Shovkat Hamdamov, press-secretary of the government's Religious Affairs Committee in Tashkent, told Forum 18 on 17 September that religious books are seized so that the authorities can make sure they are officially allowed religious books, "for example that the Bible is indeed the Bible". Asked what the Committee does with the books after they give their expert analysis and decision, he claimed that the books are returned to the owners.

When Forum 18 told him that in many cases owners have complained that they were not returned, Hamdamov claimed: "We at least send it back to whoever it was that sent it to us for expertise." When Forum 18 asked if the books are sent back to the courts or other officials who sent them, he responded "yes".

Hamdamov would not comment on specific cases, including that of the Pleshakovas or Shinkin's son and daughter-in-law.

### **Outraged**

In his 18 April 2012 written complaint to Svetlana Artikova, Chair of Parliament's Senate Committee on Legislative, Judicial and Legal Issues, seen by Forum 18, Vladimir Shinkin states that the whole case against his son and daughter-in-law was "fabricated" by Tashkent's Mirabad District Police "under the dictation" of the local authorities to silence him and others because they "exposed the corruption" of the local authorities, who "appropriated" state funds.

Shinkin states in his complaint that he is outraged that the police can fabricate a case against his son - who is not even a believer in God - and against his daughter-in-law - who is a believer but is not involved in religious activity - that they organise religious services. He also condemns Judge Begzot Ermatov's 4 April 2011 order that all the confiscated books be destroyed.

"This means that he is destroying Bibles which represent the sacred primary source of one of the world's major religions," Shinkin complained.

Forum 18 notes that Uzbek courts frequently order Christian, Muslim, Jehovah's Witness and other religious literature destroyed.

### **No response**

Family members told Forum 18 that they received a letter from Senator Artikova in May that she had forwarded the complaint to the Supreme Court. They said they have not heard either from her or the Supreme Court since. They said that they want the literature

to be returned, and Vyacheslav Shinkin and Galiaskarova to be exonerated.

Senator Artikova told Forum 18 on 10 September that she could not comment on court decisions, because this would constitute "interference by the law-making branch of government in the judiciary, which is independent". Asked by Forum 18 what she did with Shinkin's complaint, she said: "Usually we send such complaints to the Supreme Court for further investigation." However, she claimed that her staff told her that they had received no letter from Shinkin.

Officials at the Supreme Court referred Forum 18 to its Complaints Department. However, on 13 September the Complaints Department official put the phone down as soon as Forum 18 identified itself.

### ***Massive fine***

Judge Ermatov of Tashkent's Mirabad Court on 4 April 2011 found Vyacheslav Shinkin and Galiaskarova guilty of illegally storing religious books and materials, and illegally conducting religious services in their private home, family members told Forum 18. Shinkin was fined 100 times the minimum monthly wage or 4,973,500 Soms (15,860 Norwegian Kroner, 2,030 Euros, or 2,930 US Dollars at the inflated official exchange rate) and Galiaskarova one tenth of that, 497,350 Soms. Tashkent City Court rejected their appeal on 29 April 2011.

Vladimir Shinkin complains that on 3 April 2011, Mirabad District Police officers "under the guise" of passport check-ups in her absence broke into Galiaskarova's private flat in Mirabad District, which she rented out. Without a warrant from the Prosecutor's office, officers confiscated the private library of her deceased father, which consisted of Christian and secular fiction books.

Shinkin says that Galiaskarova's father – who died in 2003 - was a Christian theologian, and attended the Church of Christ, a legally registered Tashkent congregation. Among the confiscated books were three rare historic editions of the Bible.

Shinkin also complains that on the same day, police in Tashkent's Hamza District in cooperation with Tashkent City and Mirabad District Police officials, again without prosecutors' sanction raided the flat of his son and daughter-in-law. The police again made an "unlawful" search, and confiscated several Christian books, including a Children's Bible, as well as works of fiction which are sold openly in bookshops.

Shinkin explains that the Christian books belonged to his daughter-in-law, who comes from a Christian background, while his son is an atheist, who respects his wife's beliefs.

The police took Galiaskarova to Mirabad Police Station, holding her there from 5 pm on 3 April 2011 till 8 pm the following day. She was then taken to Mirabad Court after the police, promising that she would be released, compelled Vyacheslav Shinkin and Galiaskarova to sign the "fabricated" police reports that Shinkin allegedly stored banned religious literature and conducted religious services in his private home.

The confiscated books were immediately sent to the Religious Affairs Committee for an "expert analysis", family members told Forum 18. In its 4 April statement, the Committee declared that although the Christian books contained nothing harmful to the

state, they were not to be used to teach religion to children. "Judge Ermatov used this as the basis to confiscate the books – including the rare Bibles - and order them destroyed though there was no evidence they had used the books to teach religion to children. It is all stupid."

The same Judge Ermatov fined the Pleshakovas in August 2012.

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## **Raid, beating, literature destruction – but fine annulled**

Forum 18 (11.09.2012) - Fines on three religious believers have been overturned after the intervention of the head of the Russian Orthodox Church in Uzbekistan, Metropolitan Vikenty (Morar), Forum 18 News Service has learnt. However, a mother and her disabled daughter in the Uzbek capital Tashkent, Valentina and Natalya Pleshakova, were still found guilty and received an official warning. Police have not returned confiscated Bibles and prayer books they seized in a raid (the court ordered them destroyed). Nor have police explained why officers beat Natalya Pleshakova, who is disabled, or tried to pressure her to adopt Islam. A hostile article about them and the third Christian, Muhabbat Mamatkulova, appeared on a state-backed website.

The Pleshakovas attend the Uspensky (Assumption) Orthodox cathedral in Tashkent, where Valentina Pleshakova "washes the bodies of the deceased, and reads psalms to earn a little extra to supplement her meagre 100,000 Soms monthly pension to take care of herself and her sick daughter who cannot work," sources told Forum 18.

State-backed local media also reported raids and fines in August on other religious communities - including personal attacks on named individuals exercising their right to freedom of religion or belief. State television on 22 August also told viewers to read only state-authorized religious books, warning of the dangers of those who allegedly "misuse people's interest in reading books".

### **Raid**

On 6 August, police raided the home in Tashkent's Mirabad District of Valentina Pleshakova, a 53-year-old pensioner, and her 26-year-old daughter Natalya Pleshakova, who is disabled since childhood, Uznews.net, an independent Uzbek news agency, reported on 23 August.

At 4 pm "six strong men with sticks and bats" in plain clothes led by the local Police officer "broke" the gate to the yard of Pleshakovas' home and broke into their home, they told Uznews. "When Natalya, who is disabled since childhood, and who walks with the help of crutches, asked them who these persons were, one of the men gave her a blow, and then the men dragged her to the kitchen in the flat."

While the men turned the home "upside-down, and collected icons, Bibles, Russian Orthodox calendars and prayer books into one pile," the local police officer "filmed Natalya and her mother Valentina, who were trying to fend off the shower of blows from the men, trying to catch them say something in reaction to the blows and foul language from the men," Uznews reported.

Then a minibus arrived at the Pleshakovas' home, with Officer Aziz (the last name was not given) and several others in military camouflage armed with machine-guns. In the presence of officials of the mahalla committee (local administration), who are the Pleshakovas' neighbours, the two women were "dragged" into the minibus and taken to

Mirabad District Police station, where the mahalla committee members were also invited as witnesses.

### ***Pressure to change faith***

Uznews reports that at Mirabad Police Station, Officer Aziz and other officers pressured Natalya Pleshakova to accept Islam saying that the Muslim faith is "better than Christianity, that a married man can marry them, because men are allowed to have four wives." When the Pleshakovas refused to write such statements the police officers threatened and beat them.

Then the police officers promised the Pleshakovas that they would be released, and compelled them to write a statement that "125 religious books were found in their home, the names of which were dictated by Officer Aziz". The Pleshakovas say they heard the titles "for the first time". The "exhausted" women were released at 1.30 am on 7 August, nearly ten hours after the police first arrived at their home.

Mirabad District Police on 4 September referred Forum 18 to police officer Elbeg Khayrullayev, who heads the Police's Department for the Struggle with Extremism and Terrorism. Asked why his colleagues conducted the raid and beat the Pleshakovas, officer Khayrullayev took down Forum 18's name, and then said: "Who are you, are you their lawyer or something?" He then put the phone down. Subsequent calls to his phone went unanswered. No one else from Mirabad Police wished to discuss the case with Forum 18.

### ***Fines***

After being freed in the early hours of 7 August, the two women were summoned later that day to Tashkent's Mirabad District Court. Judge Begzot Ermatov found Valentina and Natalya Pleshakova guilty of violating several Articles of the Code of Administrative Offences: Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"); Article 194, Part 1 ("Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order"); and Article 195 ("Resisting the orders of police officers").

They were each fined 20 times the minimum monthly wage, 1,447,100 Soms (4,270 Norwegian Kroner, 580 Euros or 740 US Dollars at the inflated official exchange rate).

Judge Ermatov spent "five minutes hearing the case, and then without announcing the verdict," told the Pleshakovas to "go home." The verdict, which the two women received one week later, alleged that they stored in their home copies of "The Watchtower", "Awake!" and "What is the Purpose of Life?". The verdict noted that the state Religious Affairs Committee had described them as publications of the Jehovah's Witness religious organisation, the activity of which "is banned in the territory of Tashkent City".

The verdict claimed the women also engaged in illegal missionary activity by spreading Jehovah's Witnesses literature and resisted the police officers who searched their flat.

Judge Ermatov refused to comment on the case. "That case is over, and we gave our decision," he told Forum 18 on 4 September, brushing off Forum 18's question whether the court examined the police actions during the raid of the Pleshakovas' home and also why the peaceful believers' home was raided. He then put the phone down. Subsequent calls to Judge Ermatov went unanswered.

### ***Still guilty on appeal***

Both Valentina and Natalya Pleshakova appealed against the fines. The two women's case was taken up by the head of the Russian Orthodox Uzbek diocese, Metropolitan

Vikenty. A member of the Orthodox community in Tashkent, who preferred not to be identified for fear of State reprisals, told Forum 18 on 6 September that the Metropolitan wrote to the State Religious Affairs Committee and to Sayora Rashidova, Uzbekistan's Human Rights Ombudsperson.

On 23 August, sixteen days later after the first decision, Judge V. Tsvetkov of Tashkent's Criminal Court with a decision, which Forum 18 has seen, cancelled the fines. The Court, however, upheld the part of the decision that the Pleshakovas "did violate" the Religion Law, and the lower court "correctly qualified the actions of the violators". Taking into account that the daughter is a disabled person and that the mother is a pensioner, it deemed it possible to confine the decision to a warning to each of them.

The appeal court decision also upheld the lower court decision that 125 religious publications confiscated from them should be destroyed.

### ***Why the raid and fines?***

The Pleshakovas told Uznews that they believe the local authorities are trying to find ways to confiscate their two homes and that the 6 August raid and court proceedings may have been related to that. Although the homes are "not in good shape" but because of the "location where they are situated" the two properties may be worth "tens of thousands of [US] dollars."

The women said that in late August, inspectors from the State Sanitary and Epidemiology Service came to conduct an inspection. They said that they are expecting new fines from the Inspectors now.

### ***"Two-faced Januses of Religion"***

Four days after Uznews first revealed the Pleshakovas' plight, the state-sponsored Gorizont.uz information agency on 27 August published an article under the name Nikolai Fyodorov entitled "Two-faced Januses of Religion". Alluding to the two-faced mythical Greek god, the author alleged that the Pleshakovas - and another Orthodox believer recently fined, Kokand-based Muhabbat Mamatkulova - are "hypocrites", and that they are not Russian Orthodox believers. "They regularly read the Jehovah's Witnesses' literature, and attend their assemblies," the article claims.

Gorizont has a long history of attacking members of religious communities the authorities do not like, including Baha'is, Baptists and other Protestants, and Jehovah's Witnesses. Articles appear often to be published under pseudonyms. Independent human rights defenders in Uzbekistan, who wished to remain anonymous, have told Forum 18 that the Gorizont agency is sponsored by the National Security Service (NSS) secret police.

Forum 18 was unable to reach anyone at Gorizont to comment on the 27 August article. However, in February 2010, its director Daniyol Juraev refused to tell Forum 18 why he does not seek and publish responses from religious communities attacked in articles to the often serious allegations against them.

The author of the 27 August article praised the level of development and human rights in Uzbekistan, claiming that "unfortunately some people, misusing the freedoms, try to master the minds of their kin and acquaintances to use them for their mercenary purposes, while disguising their missionary activity as though they are only teaching the foundations of a religion."

The author presumes that "such people when they are exposed for their illegal religious activity make various insinuations, making statements of violation of their rights they attempt to appeal to the official religion as well to the media." The author then likens the

three Orthodox believers to "wolves in sheep's clothing". The author mentions that the Pleshakovas were punished without giving the level of the fines.

### ***Sacrilegious?***

Gorizont's author also claims in the same article that Mamatkulova, being a member of an ethnic Korean-led Protestant Church, presents herself as a Russian Orthodox believer. Mamatkulova, a resident of Kokand in Fergana Region, was "found guilty of giving illegal religious lessons," and fined by Kokand City Court in August. "It was established that Mamatkulova privately taught her daughter Omina religion without having special religious education."

The article described the fact that the Pleshakovas and Mamatkulova asked Metropolitan Vikenty of Uzbekistan's Russian Orthodox Church to defend them as "sacrilegious". It is an "attempt to compromise the activity of law-enforcement agencies, and to display themselves as prisoners of conscience". Their appeal to the Metropolitan is "provocative, (...) written under dictation of foreign missionaries, the purpose of which is to drive a wedge between the authorities and [Russian] Orthodoxy."

The author calls on "sensible people" not to ignore cases of people who without necessary religious education teach others religion and "destroy" their destiny. The author claims that a person taught religion in this way "(...) learns not only false interpretation of religious canons but finally falls into the nets of missionaries and sectarianism." The author also cautions the Russian Orthodox Church's leaders from "hasty conclusions," and calls on them to "pay attention to the hypocrisy of the mentioned in the article persons!"

### ***Kokand fine***

Gorizont did not specify the level of the fine handed down to Mamatkulova by Kokand City Criminal Court in August, nor the Article of the Code of Administrative Offences. However, Article 241 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" with a fine of five to ten times the minimum monthly wage or arrest of up to 15 days.

Kokand City Criminal Court officials eventually on 6 September put Forum 18 through to the Court's Chair, Judge Adkhamjon Khashimov. However, Khashimov refused to explain to Forum 18 why Mamatkulova was fined, and why religious believers cannot keep religious books in their homes and teach their faith. "I cannot comment on that case over the phone," he said.

When Forum 18 insisted with the questions, Khashimov responded: "Look, I am in the middle of hearing a case. Call back later." He put the phone down without telling Forum 18 when it could call back. Subsequent calls to Judge Khashimov on 6 and 7 September went unanswered.

A member of the Orthodox community from Tashkent, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 6 September that as in the Pleshakovas' case, Metropolitan Vikenty petitioned for Mamatkulova, and her fine was also subsequently cancelled.

The Orthodox community member welcomed the cancellation of the fines given to both Pleshakovas and Mamatkulova. "All three indeed are Russian Orthodox believers, and attend the Church regularly," they told Forum 18. Asked why then the Police and the media falsely identified the Pleshakovas as Jehovah's Witnesses, and Mamatkulova as a Protestant, the Orthodox believer told Forum 18 that in both cases the local police

officers were to "blame". They said that the police officers "made mistakes, and mistook them for someone else".

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## **"It's prohibited to keep such books at home"**

By Mushfig Bayram

Forum 18 (08.2012) - In what some in Uzbekistan think may be a change in the authorities' repression policy, there has been an apparent increase in confiscations of privately-owned religious books from homes during raids. Targets have included Bibles in Uzbek and Russian, as well as other religious texts, Forum 18 News Service has been told by sources within the country. Among several recent cases where there have been violations of due legal process followed by fines for possessing religious literature is that of a Baptist, Roman Nizamutdinov. He was fined the equivalent of 40 times the minimum monthly salary, under the Code of Administrative Violations' Article 184-2, for "illegally" storing religious books in his private home.

Judge Oltynbek Mansurov of Navoi [Navoiy] Criminal Court in imposing the fine of 2,516,800 Soms (about 7,770 Norwegian Kroner, 1,050 Euros, or 1,300 US Dollars at the inflated official rate) on 5 June ignored the fact that three books stored were not - as the Court claimed - books from the Jehovah's Witnesses. They were - contrary to the state's "expert analysis" - Protestant books, such as Evidence That Demands a Verdict by the American author Josh McDowell.

### **Evidence that demands a verdict**

Judge Mansurov's verdict, seen by Forum 18, states that the books "according to the opinion of the Expert of the [state] Religious Affairs Committee of Uzbekistan of 30 April is related to the Jehovah's Witnesses religious movement, which was imported into Uzbekistan for use only in the internal activity of a legally registered organisation."

The verdict goes on to state that: "Jehovah's Witnesses are registered in Uzbekistan only in Chirchik [Tashkent Region], and therefore the activity of the members of the said organisation in other territories of Uzbekistan, including Navoi Region is unlawful." It also states that the "use of the given literature outside Chirchik is illegal."

Such alleged "expert analyses" are routinely used as an excuse to confiscate any book the authorities decide to confiscate. A very strict censorship regime is applied against religious literature and other material of all faiths. Courts frequently order that religious literature confiscated during raids - including Bibles and Islamic texts - be destroyed.

### **"Anti-constitutional activity"**

Nizamutdinov has appealed against the fine, citing among many other violations of due process, 112 violations of the law by police before the trial. These include that a search of his home was made in the evening of 23 April by three people who did not identify themselves - other than by one wearing a police uniform - and that no search warrant was at any time produced to authorise the search. The search and book confiscations took place without any authorisation valid in law - but the trial took no account of this.

The verdict was given to Nizamutdinov on 9 July, 35 days after the hearing. But under the law it should have been given to him within three days of the hearing.

Forum 18 tried to reach Judge Mansurov several times between 31 July and 3 August. However, an Assistant who refused to give her name claimed on 3 August that Judge Mansurov has taken sick leave, and is not available to talk to Forum 18.

The Judge's illness has not, however, stopped him talking to the state-controlled press. The 17 July issue of *Dustlik Bayrogi* (Banner of Friendship), a local newspaper, carried a statement from the judge. He claimed that Nizamutdinov "is engaged in anti-constitutional activity, and is a member of Jehovah's Witnesses, which was confirmed by the literature confiscated from him". Nizamutdinov's appeal has yet to be heard.

### **Denied legal representation**

Similar violations of legal procedure took place in the trial of Sharofat Allamova for possessing religious literature on 18 May. Judge Akbar Aminov of Urganch [Urganch] Criminal Court in the north-west fined her 10 times the monthly minimum wage (equivalent to 629,000 Soms, or about 1,900 Norwegian Kroner, 260 Euros, or 325 US Dollars) for possessing Christian books and DVD disks. This "offence" broke the Administrative Code's Article 184-2. Judge Aminov ordered the permanent confiscation of the three Christian books and three DVDs the police had already taken from her home.

Judge Aminov on 3 August could not tell Forum 18 why possessing books was an "offence". Asked why the Court did not evaluate violations of legal procedure, the Judge asked Forum 18 to call back later and then put the phone down.

Allamova appealed against the verdict, noting among 272 violations that she had not - as the verdict stated - pleaded guilty and that she had been denied legal representation by both the police and Court. However, Judge Jahongir Botyrov of Khorasm Regional Criminal Court upheld the fine and confiscations.

Judge Botyrov told Forum 18 on 3 August that he had "no time or desire" to talk. When asked why the fine was imposed, he replied: "Let her complain through her lawyer". He then put the phone down.

Allamova was in August 2007 given a suspended jail sentence for possessing religious literature, and was in June 2007 detained for four days for this "offence".

### **Raids and confiscations continue**

Raids and literature confiscations are continuing. Among known raids in early August, in the east of the country in Fergana [Farghona] Region police raided the home of a local Christian - as in other cases without a search warrant or other legal justification.

Local Protestants, who asked not to be named for fear of state reprisals, told Forum 18 on 6 August that Fergana Police confiscated one Bible in Uzbek, one Bible in Russian, and a book by John Bunyan. Bunyan was a Christian writer who was twice imprisoned for his faith in late 17th century England.

Police stated: "Don't you know that it is prohibited to keep such books at home". They also stated that the books would be sent for "expert analysis" by the Religious Affairs Committee, and that their owner will be fined.

Fines are imposed on those with no realistic ability to pay them. Another local Protestant, in Kokand [Qo'qon] in Fergana Region, was visited by bailiffs in the past week demanding that a fine of 20 times the monthly minimum salary be paid. The fine was imposed after their home was raided in February and Christian literature taken from them. "They

cannot afford to pay such a fine, as they are poor", Protestants commented.

### **More fines**

Eduard Kim and Iosif Skayev have each been fined 314,600 Soms (about 970 Norwegian Kroner, 130 Euros, or 160 US Dollars ), or five times the minimum monthly wage for teaching religion privately. The fines follow a raid on an unregistered Baptist church, a search, and confiscations of literature in June.

Following criminal prosecution, Tereza Rusanova, a 25-year-old Baptist, was on 12 July fined 1,887,600 Soms (about 5,830 Norwegian Kroner, 790 Euros, or 980 US Dollars) or 30 times the minimum monthly salary, for not having a required exit visa for visiting Turkey. It is thought that she may have been fined because she is known to be a Christian.

### **Administrative Code Article 184-2**

Article 184-2 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".

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## **Asphyxiation with a gas mask "amounts to torture"**

Forum 18 (14.08.2012) - Jehovah's Witness paediatrician Gulchehra Abdullayeva has chosen to go public over her attempts to gain justice for torture she says police inflicted on her, to punish her for exercising her right to freedom of religion or belief. Abdullayeva says officers made her stand facing a wall for four hours with no food or water in the summer heat. They then placed a gas mask over her head and blocked the air supply. "Putting on a gas mask from which they pump out the air is not only degrading, but amounts to torture," Abdullayeva noted in her complaints to Uzbek official bodies seen by Forum 18 News Service. The local police chief refused absolutely to discuss with Forum 18 her account of the torture

Forum 18 notes that asphyxiation with a gas mask is a common torture in Uzbekistan's police stations. This form of torture has also been used against street children (see below). However, Jehovah's Witnesses told Forum 18 it is the first known use of this against their members. They say Abdullayeva "is looking forward to justice from state agencies and that such inhumane torture methods from the law-protecting state bodies never happen again".

Abdullayeva wrote complaints about the torture and the fine she was given, not only to Uzbek official bodies, but also to the United Nations (UN) Special Rapporteur on Torture and the Special Rapporteur on Freedom of Religion or Belief. Forum 18 notes that the many victims of Uzbekistan's widespread use of torture normally choose not to complain or make their suffering public, for fear of state reprisals.

### **Torture "routine"**

The UN Committee Against Torture found in November 2007 that the use of torture by state officials is "routine" in Uzbekistan (see Concluding Observations CAT/C/UZB/CO/3).

Torture used against those arrested for exercising their religious freedom - including Muslims, Christians and Jehovah's Witnesses - has also involved "informal" methods. These include severe beatings leading to concussion accompanied by police pressure on hospitals not to treat victims.

Women are often particularly targeted by male officials. In a not untypical incident in 2010 - the month, location, belief involved and details of which are confidential - female religious believers detained during a police raid were threatened with having their clothes forcibly removed, being tortured with electricity, and then pictures of them being raped by male criminals being made public.

Detained

Abdullayeva is a 54-year-old Jehovah's Witness from the village of Muhayon near Hazorasp in Khorezm Region of western Uzbekistan, close to the border with Turkmenistan. She works as a paediatrician in the local maternity hospital. She is married with one son and two grandchildren.

She was detained at her home on 15 July, two weeks after returning from a private visit to neighbouring Kazakhstan, according to her complaints seen by Forum 18. The three officers - Atahan, Timur and Ruslan (who did not give their surnames) - took her to the police station in Hazorasp.

The duty officer at Hazorasp police told Forum 18 on 14 August that the only officer they have named Atahan is Captain Atahan Boltayev of the Criminal Investigation Department.

At the police station, officers searched Abdullayeva and questioned her about her visit to Kazakhstan. They insisted that she had brought back Jehovah's Witness literature and demanded that she say where it was hidden.

She denied this. Unhappy at the response, the officers immediately took her back to her home. Four officers, together with the local police officer, searched her home thoroughly without a warrant.

Also present were two members of the mahalla committee, the posbon (neighbourhood guardian) and the religious advisor.

Mahalla (local district) committees are the lowest level of government in Uzbekistan. Each mahalla also has several posbons, a role created in April 1999. They are "paid by the state to work with the mahalla committee and the local police to prevent crime, maintain public order, and to strengthen the social and moral environment as defined by the government", Human Rights Watch noted in a September 2003 report. The state has long used mahalla committees to crackdown on people exercising religious freedom without state permission.

Atahan and the other police officers "were perplexed when they could not find any religious literature in my home", Abdullayeva noted in her complaints. "They started demanding that I hand over at least some kind of religious literature." When she insisted she had none, they began threatening "that they would force me to hand some over, by using my son".

She added that when the police said they would take her son as well, the posbon warned her husband not to allow this as police would beat him. "So my husband said that he would not allow my son to be taken to the police."

Abdullayeva's son, who is not a Jehovah's Witness, is 23 years old and married with two children.

Police then took Abdullayeva back to the police station in Hazorasp. She noted that Atahan and the other officers were by now angry. They started addressing her with the familiar form of "you" and spoke crudely. At the police station they forced her to stand in an office facing the wall for about four hours, while the temperature was above 40 degrees Centigrade.

During that time they gave her no food or water. Officers placed a pair of handcuffs on the table by her and threatened to put them on her and leave them there until her husband or son brought in at least the Injil (New Testament in Uzbek).

Abdullayeva then heard the officers talking about a gas mask. Not having one at the police station, they phoned the nearby branch of the Agrobank bank. Learning that the bank had a gas mask, officers collected it and brought it in. The officers forced Abdullayeva to put on the gas mask, but she was unable to do so. They then forcibly put it on her, Jehovah's Witnesses told Forum 18, bruising her and causing a black eye in the process. After putting it on, Atahan told her to knock on the desk when she could "remember" where she had hidden the Injil.

As soon as officers started cutting off her supply of air, Abdullayeva knocked on the desk. Two other police officers then entered the room and took off her gas mask, telling her they would continue the interrogation.

They gave her a pre-prepared statement about her involvement in Jehovah's Witness activity for her to sign. They also asked her for information about her fellow Jehovah's Witnesses.

Abdullayeva wrote her own statement, changing some of the points of the officers' pre-prepared statement. "I couldn't agree with what they insisted that I write - in other words, the statement was written at the dictation of the police officers", she complained. Officers then confiscated her identity document, telling her that she could go. It was by now 9 pm. They said she could get her identity document back when she brought in a copy of the Injil or another religious book.

### ***Fined***

Although she did not bring any religious book to the police, Abdullayeva was taken by the local police officer on 25 July to Hazorasp District Criminal Court. According to the verdict seen by Forum 18, the head of the Court, Judge Sadarbek Toganov, found her guilty of violating Administrative Code Article 241 ("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").

Judge Toganov fined her five times the official minimum monthly wage, a total of 314,600 Soms (960 Norwegian Kroner, 130 Euros or 160 US Dollars at the inflated official exchange rate).

Forum 18 notes that the written verdict, which is only just over one page, is far shorter than almost all similar verdicts Forum 18 has seen.

Strangely, the verdict describes Abdullayeva as being unemployed, even though she has a full-time job at the local maternity home. It also claims that she was preaching her faith to others on 15 July, even though Jehovah's Witnesses insist this was not the case.

They point out that Abdullayeva was detained on 15 July at her home. The verdict also claims that she admitted her guilt in court. Jehovah's Witnesses also dispute this.

In her complaints, Abdullayeva indicates that no evidence was presented at the hearing. "It was not clear for what actions they were bringing me to administrative responsibility". However, the verdict claims that "witnesses and evidence" were presented. Abdullayeva was told her identity document would be returned when she had paid the fine.

Abdullayeva received the written verdict "only with great difficulty" on 2 August, Jehovah's Witnesses told Forum 18. This gave her only one day to file an appeal to Khorezm Regional Court. No date has yet been set for the appeal hearing.

### ***"She made no complaints"***

Hazorasp District Police Chief Erkebai Yusupov refused absolutely to answer any questions. "If you have any complaints, write an appeal and we will respond," he kept repeating to Forum 18 on 14 August. Told that Forum 18 is a news agency and that it was seeking his response to Abdullayeva's account of torture in his police station, Yusupov repeated his earlier statement.

He then put the phone down.

Judge Toganov insisted that the verdict in Abdullayeva's case matched what happened in court. "She made no complaints about proceedings," he claimed to Forum 18 from Hazorasp on 13 August. Asked whether Abdullayeva had complained during the hearing that police had tortured her using a gas mask, Judge Toganov initially said she had, then said she had not. As soon as Forum 18 asked about what evidence against Abdullayeva and witnesses had been presented in court, Toganov put the phone down. Subsequent calls went unanswered.

Staff of Agrobank's branch in Hazorasp confirmed that like other institutions in Uzbekistan they have gas masks on site. "There must be gas masks for defence against gas," they told Forum 18 on 13 August. Staff said they could not recall if police had borrowed a gas mask on 15 July.

### ***Complaints***

On 27 July, Abdullayeva filed appeals against the torture and the fine to the Presidential Administration, the General Prosecutor's Office, the Parliamentary Human Rights Ombudsperson Sayora Rashidova, and the government's Religious Affairs Committee in Tashkent.

She had received no response to these appeals as of 13 August, Jehovah's Witnesses told Forum 18.

The man who answered the telephone of the Presidential Administration's press service on 14 August told Forum 18 it was a wrong number and put the phone down. The General Prosecutor's Office referred Forum 18 to its Complaints Department. However, the telephone went unanswered each time Forum 18 called on 14 August. Forum 18 was unable to get through by telephone to the Parliamentary Human Rights Ombudsperson's Office on 14 August.

The man who answered the telephone of Begzod Kadyrov, the Religious Affairs Committee official responsible for non-Muslim communities, told Forum 18 on 14 August

that he was not there. The official, who did not identify himself, then put the phone down. When Forum 18 called back, the phone was switched to a fax machine.

On 9 August Abdullayeva submitted her appeal to the two United Nations Special Rapporteurs.

### ***"Little elephant" often used***

A Tashkent-based human rights defender notes that police often use asphyxiation using gas masks to force confessions, though mainly from those accused of criminal offences. "This is called in police slang 'little elephant'," the human rights defender, who asked not to be identified for fear of state reprisals, told Forum 18 in mid-August. "Police regard it as the most effective method of extracting the necessary testimony from the detainee."

Before starting to use the gas mask, officers check that detainees have no medical condition - such as a weak heart - or scars from an operation that might lead the torture to result in their death.

Several police officers are generally involved in applying the gas mask, the human rights defender notes. "First they handcuff the detainee with their hands behind the back, so that the detainee can't take off the gas mask. Two or three officers then put on the mask, holding the detainee by the arms and legs, often forcing him to the ground. The third officer then blocks the oxygen tube."

The human rights defender told Forum 18 that the effect is almost immediate. "The detainee has the impression that the officers are going to kill him. If the detainee resists strongly, they will beat him at the same time. Even the strongest person can hold out for no more than 30 seconds."

The human rights defender notes that the method leaves no trace on the body of the victim.

### ***Victims***

Human rights defenders note that using gas masks to simulate asphyxiation has long been used in Uzbekistan as a punishment and to extract confessions.

Police in Tashkent routinely used gas masks on street children as far back as 2001. "The children complained police often detained them, chaining them to radiators or pipes," a human rights defender who interviewed a number of street children individually in the capital in early 2001 told Forum 18.

### ***"Officers frequently placed gas masks over their heads, cutting off the air supply."***

In a December 2011 report on torture in Uzbekistan, "No One Left to Witness", Human Rights Watch notes that this "torture technique" continues to be used. "Police place gas masks on suspects and close off the breathing tube valve in order to suffocate detainees. Relatives of some victims reported that police first dress the subject's head with cellophane plastic before placing the gas mask over the head. Victims may be brought to the verge of unconsciousness or lose consciousness. Some witnesses have reported that police sprinkle chemical substances, such as powdered chlorine, in the gas mask tubes to increase the pain inflicted on the victim and accelerate suffocation".

Among the victims of this torture method have been individuals being punished for exercising their right to freedom of religion or belief. To take one example, police in Muinak in Karakalpakstan used gas masks and asphyxiation on two local Protestants in December 2002. The two men were also beaten.

Police similarly used asphyxiation with a gas mask on Vitaly Suvorov, a Protestant from the Termez suburb of Jarkurgan, in August 2006.

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## **After four years' imprisonment, another 30 months**

Forum 18 (04.07.2012) - A Jehovah's Witness from Fergana [Farghona] Region in eastern Uzbekistan, Abdubannob Ahmedov, has been given a new prison sentence of two and a half years, Jehovah's Witnesses told Forum 18 News Service. The sentence came just a month before he was due to complete a four-year prison term handed down in 2008 to punish him for his religious activity. And prosecutors are seeking to punish a Baptist from Fergana for "illegally teaching religion", according to local Baptists and case documents seen by Forum 18. If brought to criminal trial and convicted, Yelena Kim faces a maximum sentence of three years' imprisonment.

Meanwhile, three Muslims who read the works of the late Turkish theologian Said Nursi were freed early from prison in the prisoner amnesty enacted in early 2012, but at least some of them have had to take part in pro-government propaganda, Muslims who asked not to be identified told Forum 18. Another Muslim freed under amnesty appeared on state-run television in March to regret his actions.

No official of the state Religious Affairs Committee in the capital Tashkent was prepared to comment to Forum 18 on 4 July as to why individuals are punished for practising their faith, why worship services are raided and why religious literature is confiscated. The man who answered the phone of Begzot Kadyrov, the Committee's Chief Specialist, said he was not present and immediately hung up.

### ***New prison sentence***

Jehovah's Witness prisoner of conscience Ahmedov has been given a new sentence of two and a half years' imprisonment under Criminal Code Article 221, which punishes violations of prison regime. The sentence was handed down at a trial on 11 June. "We were very sad to learn this," Jehovah's Witnesses told Forum 18.

The trial appears to have taken place in some secrecy and Ahmedov was not given a copy of the verdict. Jehovah's Witnesses say it might have been sent to the administration of the labour camp in Navoi [Navoiy], where he had most recently been serving his sentence.

Later in June, Ahmedov was transferred to a prison in Kattakurgan in Samarkand [Samarqand] Region, though the reasons for the transfer are unknown. His lawyer was able to visit him there on 4 July. The lawyer intends to appeal against the new sentence if the appeal period has not run out or lodge a supervisory appeal.

The new case was initiated as Ahmedov was close to completing his sentence, which was due to end on 23 July. He had been arrested in the court room on 23 July 2008 when Margilan Town Criminal Court had handed down a four-year sentence under Criminal Code Article 216 ("illegal organisation of public associations or religious organisations").

Ahmedov – like the other two Jehovah's Witness prisoners – was told by prison officials in summer 2011 that he would not be released at the end of his sentence unless he renounced his faith.

While all three were given extra sentences under Article 221, the other two received much shorter extra sentences and were freed in May (see below).

### ***Raid***

The most recent trouble for Yelena Kim and her Baptist congregation in Fergana began on 29 April, when about a dozen police and other security officials raided the Sunday service. The Council of Churches Baptist congregation meets in part of her home. Two of the officers were from the Department for the Struggle with Terrorism, while others were from the National Security Service (NSS) secret police. "They tried to record the service on camera, but church members didn't let them," local Baptists told Forum 18

The officers arrived, looking for evidence to prosecute church members under Code of Administrative Offences Article 241 ("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").

Officers drew up a record of an offence against Yelena Kim, the owner of the home where the church meets, even though she was visiting Tashkent when the service took place. They also drew up records against her husband, Eduard Kim, and church member Iosif Skaev.

Investigator Botir Zokirov summoned all three for questioning on 4 June. He told Yelena Kim that a criminal case had been opened against her under Article 229-2 (violation of the procedure for teaching religious doctrines), which carries a maximum three year prison term. Zokirov said her husband and Skaev would be witnesses in the case.

Zokirov asked Eduard Kim where he had got to know his wife, when they had married, how they had become Baptists, what they do at the services and why the congregation is not registered. Eduard Kim told Zokirov that the services are peaceful and that the Constitution's Article 61 guarantees the separation of religion from the state and bans state interference in the affairs of religious organisations.

Zokirov asked Skaev how many people attend services, who the leader is and who teaches the faith to those who join. Skaev responded that he did not know exactly how many people attend, that the leader is Jesus Christ and that all church members testify to others about God.

Early on 23 June, the local police officer came to the church and said that Eduard Kim and Skaev needed to take their documents confirming their place of residence and their personal reference from the mahalla (local district) committee to the police station so that the cases against them could be closed.

However, when they got there Investigators A. Ahmedov and Erkin Dehkonov told them they would face administrative cases and that they should go straight to court. Eduard Kim and Skaev refused to go to the court, explaining that they had not had the time to study the case documents and did not have a lawyer or translator (they are Russian speakers).

### ***"She continued with religious teaching"***

Early on 28 June, officers arrived at the church armed with a search warrant signed by F. Ismoilov, Fergana's Deputy Prosecutor. The warrant, seen by Forum 18, declared that

criminal charges had been lodged against Yelena Kim as she had already been prosecuted on 26 July 2011 under Administrative Code Article 241. "Despite this, it was established that she continued with religious teaching, without having the appropriate education," the warrant declared.

According to the July 2011 verdict – seen by Forum 18 – Fergana City Criminal Court had fined Yelena Kim under Article 241 three months' minimum wage, 149,205 Soms (460 Norwegian Kroner, 60 Euros or 85 US Dollars at the inflated official exchange rate).

Eduard Kim had also been fined for his religious activity in February 2008, but the punishment had been overturned in August 2008. In January 2009 he was one of two Fergana Baptists given a seven-day prison term.

### ***Search***

At the Kims' Fergana home on 28 June, officers ordered church members to leave while they searched the premises. "They took printed materials, musical collections, folders with notes, posters, discs, cassettes, Bibles and hymn books into the yard to sort them and note them down," church members said. "They also confiscated a photocopier." Officers then searched the part of the house where the Kim family lives, seizing "everything related to Christianity".

Church members, who were not allowed into the yard, gathered outside to pray and sing. "Officers threatened to bring charges against all of them and filmed them."

At about the same time Skaev's home was also searched. After he refused to let the police in without a translation of the warrant into Russian (he does not read Uzbek), officers gained entry through a window. "Officers frightened his nine children," church members complained. They seized Christian literature and discs, mobile phones and Skaev's passport. When Skaev refused to open the garage, officers broke a window to get in. They seized 150 copies of the Bible (in Uzbek).

The following day, 29 June, Skaev appealed to the police to return his passport, but they refused.

Forum 18 was unable to reach any of the officers involved in the raid, the criminal case against Yelena Kim or the administrative cases against Eduard Kim and Skaev. The duty officer at the Fergana Regional Police put the phone down on 4 July. Other numbers there and at the town police went unanswered each time Forum 18 called.

The official who answered the phone of Fergana City Prosecutor's Office on 4 July declined to put Forum 18 through to Deputy Prosecutor Ismoilov or anyone else to discuss the case against Yelena Kim. He put the phone down without giving any comment or his name. Subsequent calls went unanswered.

### ***Freed on completing extra sentences***

Two Jehovah's Witnesses who had been given extra terms after completing their long prison sentences have now been freed, Jehovah's Witnesses told Forum 18. Sergei Ivanov was freed on 19 May and Olim Turaev on 22 May.

The two were tried by Gazalkent City Criminal Court on criminal charges of violating prison regulations under Article 221 and sentenced on 12 April. Ivanov was given an extra sentence of four months and three days' imprisonment, while Turaev was given an extra sentence of four months and seven days' imprisonment. The sentences were deemed to run from 17 January. Prosecutors had demanded for each of them an extra three year prison sentence, Jehovah's Witnesses noted.

Ivanov had been arrested in the court room on 23 July 2008 (together with Ahmedov) when Margilan Town Criminal Court in Fergana Region handed down a three and a half year sentence under Criminal Code Article 216.

Turaev was handed a four-year labour camp sentence on 25 April 2008 by Samarkand city Criminal Court for unregistered religious activity under Criminal Code Articles 216 and 229-2.

Ivanov's sentence was due to have expired on 23 January 2012, Turaev's on 25 April 2012. However, new cases were brought in February 2012 accusing them of violating the prison regime in Tashkent Region's Tavaksay Prison.

After his release, Ivanov returned to his home in Margilan. Turaev returned to his wife and children in Samarkand. "They are feeling and doing well," their fellow Jehovah's Witnesses told Forum 18.

### ***Freed under amnesty, but with obligations***

Several Muslims given long prison sentences to punish them for their religious activity have been freed early. At least two of them have had to speak publicly in support of the government's policy of restricting religious communities' activity under the guise of maintaining security.

Freed from prison was Muslim prisoner Hayotjon Joraboyev, according to a broadcast on Uzbek television's First Channel on 17 March. It said he was released as a result of the prisoner amnesty approved by the Senate, the Upper Chamber of Parliament, on 5 December 2011. The amnesty was enacted in the three months following its official adoption.

"My intention and the intention of those who repented like me is to serve this country," Joraboyev declared in the programme. "We will serve this country."

Joraboyev, a teacher of Islam, had fled to neighbouring Kyrgyzstan and had been registered with the United Nations High Commissioner for Refugee. However, in September 2008 he was kidnapped by the Kyrgyz National Security Service (NSS) secret police in the capital Bishkek and secretly handed over to the Uzbek authorities, according to the Central Asia programme of the Moscow-based Memorial human rights group. Joraboyev was tried in Tashkent and in February 2009 was given a 13 year prison term.

The three Nursi prisoners freed were Alisher Jumaev, Bobomurod Sanoev and Jamshid Ramazonov. It appears they were also released as part of a prisoner amnesty adopted in December 2011. At least one of them has been obliged to speak up publicly in favour of the government's policies on religion, Muslims who asked not to be identified told Forum 18.

The three had been serving sentences of five and a half years' imprisonment, handed down in Bukhara in April 2009. The six other readers of Said Nursi's works on trial with them were given sentences of between nine and six years' imprisonment.

Svetlana Ortykova, head of the Constitutional and Judicial/Legal Issues Committee of Parliament's Upper Chamber, told Radio Liberty's Uzbek Service on 21 March that 45,383 individuals had benefited from the amnesty. A total of 1,958 had been freed early from imprisonment, while the rest had had their sentences reduced or criminal cases dropped.

Forum 18 has been unable to establish whether other religious prisoners of conscience were freed or had their sentences reduced.

## **Government propaganda**

Television, radio and websites are often used as part of government-run propaganda campaigns against religious communities. Also part of such campaigns are lectures to groups of workers or students.

On 30 May, Uzbekistan's Post Office organised a lecture for staff at their national headquarters, Tashkent branch and International Post Office in the capital on the theme "Missionary activity – the Path to Darkness", the Post Office website noted the following day.

During the lecture "video-materials prepared by Uzbekistan's National Television and Radio Company were shown, on the prevention of illegal activity conducted by the religious sect of Baptists/Evangelicals among the country's youth", the website said. Participants in discussion were said to have agreed that increased vigilance and protection against the "pernicious influence of various religious sects" is needed.

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## **Imminent expulsion for exercising religious freedom?**

By Felix Corley

Forum 18 News Service (11.06.2012) - Despite being born, brought up and living in Uzbekistan, Jehovah's Witness Yelena Tsyngalova and her two teenage sons are facing imminent expulsion to Russia, apparently for exercising her freedom of religion or belief. As in similar previous cases, the authorities are seeking to expel them without formally deporting them. "Yelena knows no-one in Russia and has nowhere to go, plus she has a disabled mother here in Tashkent who would be left all alone," her fellow Jehovah's Witnesses complained to Forum 18 News Service from the Uzbek capital Tashkent. "She wants to stay here." Although tickets for a Tuesday 12 June expulsion have been withdrawn, officials subsequently stated she will still be deported.

Uzbek Visa Office officials refused to discuss the family's expulsion with Forum 18. "The embassy is informed of the case and is working on it," Sergei Tkachenko, press secretary of the Russian Embassy in Tashkent, told Forum 18 on 11 June. He declined further comment.

Meanwhile, a Baptist from Uzbekistan who has been working in Kyrgyzstan is facing criminal prosecution for illegally crossing the border after her return to Uzbekistan.

## **Due for deportation**

The Visa Department of Tashkent's Sergeli District began moves to expel Tsyngalova on 8 May, Jehovah's Witnesses told Forum 18. Officials came to her home to take her documents "to begin the process of deportation". They complained she had repeatedly violated the law. She was summoned by the head of the Sergeli District Visa Department, Utkir Buzakov, over the following weeks. When she asked the reason for the deportation, he threatened her with 15 days' imprisonment. When she told officials she had two teenage children and a mother who is an invalid, officials said she would have to take the two children with her.

In late May the Visa Department returned her passport and residence permit and handed her three electronic tickets for the Tashkent-Moscow flight on Tuesday 12 June. "It is clear the Visa Department wanted to deport her and her children without stamping her

passport as deported and without any documentation," Jehovah's Witnesses complained to Forum 18. "Yelena had mixed feelings – she wants to stay but has been put under great pressure by the Visa Department officials."

Tsyngalova, who is 37, was born in Tashkent and grew up in the city. Her elder son, who is 18, was born in Angaran in Tashkent Region. Her younger son, who is 13, was born in Tashkent. Tsyngalova lived in Russia from 1995 to 1996 with her then husband, and it is there that she acquired Russian citizenship. On 7 June, as expulsion to Russia appeared imminent, Tsyngalova gained Russian citizenship from the Russian Embassy for her younger son.

International law does not allow citizens to be deported from their own country. Uzbekistan does not allow dual citizenship. Tsyngalova and her elder son have had Russian citizenship since the 1990s. They have residence permits to live in Uzbekistan. Her younger son had Uzbek citizenship from his birth until 7 June.

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 below).

### ***Twice punished***

Tsyngalova was twice punished under the Code of Administrative Offences in late 2011 for exercising her right to freedom of religion or belief. She was stopped while sharing her faith with a local resident in Dostabod in Tashkent Region. On 3 September 2011 Dustabod Court found her guilty of violating Article 241 ("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"). The Judge fined her 50 times the minimum monthly wage, 2,486,750 Soms (7,890 Norwegian Kroner, 1,045 Euros, or 1,310 US Dollars at the inflated official exchange rate).

On 13 September 2011 police searched her home in Tashkent's Sergeli District and seized all her religious literature. The following day Sergeli District Court found her guilty of violating Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"). She was again fined 50 times the minimum monthly wage, 2,486,750 Soms.

Tsyngalova has only a modest income, but with the help of her pensioner mother was able to pay the first fine.

After her second large fine, court bailiffs came to her home to assess what property she had which could be seized to pay the fine. The bailiff saw nothing of value and drew up a record to that effect. On 17 November 2011 the court reduced the fine to one month's minimum wage, 49,735 Soms (160 Norwegian Kroner, 21 Euros, or 26 US Dollars). "She paid this fine and thought it was all over," Jehovah's Witnesses told Forum 18.

### ***"If there weren't reasons, we wouldn't be deporting her"***

On 7 June, Tsyngalova wrote appeals for help to many state agencies, including the Presidential Administration, the Visa Office, the General Prosecutor's Office, the Religious Affairs Committee and the Human Rights Ombudsperson Sayora Rashidova. The same day, officials at the Russian Embassy insisted to her that they could not help her as this was a "judicial case".

The official handling Tsyngalova's expulsion at Sergeli District Visa Department, who refused to give his name, insisted to Forum 18 that "there are reasons" for the expulsion. "If there weren't reasons, we wouldn't be deporting her," the official told Forum 18 on the afternoon of 8 June. Asked how her younger son – who had been until the previous day an Uzbek citizen – could be deported from his own country, the official responded: "But she wrote an appeal to take him with her. How could she leave an underage child on his own?"

The official repeatedly told Forum 18 that he could not answer questions or make comments on Tsyngalova's case, including why she was being expelled and why the proposed deportation had not been officially documented. He repeatedly referred Forum 18 to "the leadership" of the Sergeli District Visa Department. However, each time Forum 18 called on 8 and 11 June, the telephones went unanswered.

Within two hours of Forum 18's 8 June enquiry, Sergeli District Visa Department took back the air tickets for 12 June it had provided Tsyngalova and her two sons.

### ***Deportation not being cancelled or delayed***

On 9 June Tsyngalova and her mother visited Buzakov at the Visa Department. "He did not shout or threaten her, as he had done earlier," Jehovah's Witnesses told Forum 18. He told her the deportation was not being cancelled or delayed. He asked for her residence permit and passport as he said further processing was needed. But she refused, fearing they would not be returned.

Also on 9 June, Tkachenko of the Russian Embassy visited Tsyngalova at home and said the only support the Embassy could give is money to help her leave.

Tkachenko then asked her to come to the Embassy, where he and two other officials asked in detail about her case and to which Uzbek government agencies she had sent appeals. They asked her directly if she wanted to stay in Uzbekistan or move to Russia. She told them she wants to remain in Uzbekistan. They asked her to write to Russian Ambassador Vladimir Tyurdenev setting out her wishes, which she did. They also asked her to supply copies of her documents, as well as her court verdicts, receipts for the fines she had paid, and the appeals she had sent to the Uzbek government agencies, which she later did.

### ***No comment***

Eldor Mansurov in the department that handles appeals at the Human Rights Ombudsperson's Office told Forum 18 on 11 June that he could not find any record that Tsyngalova's appeal had been received.

The assistant to Artybek Yusupov, chair of the Religious Affairs Committee, told Forum 18 on 11 June that his boss was out at lunch. He referred all questions to Begzot Kadyrov who, he said, dealt with such appeals. However, the man who answered Kadyrov's phone the same day, who did not give his name, put the phone down as soon as Forum 18 asked for Kadyrov. Subsequent calls went unanswered.

### ***Criminal prosecution***

Tereza Rusanova, a 25-year-old Baptist originally from the central town of Jizak [Jizzax], and who has lived in Kyrgyzstan's capital Bishkek for more than three years since 2009, is facing criminal prosecution, Protestants who asked not to be identified for fear of state reprisals told Forum 18. She had returned to Uzbekistan as she needs to renew her passport having reached the age of 25.

Rusanova crossed from Kazakhstan into Uzbekistan at the Gisht Kuprik crossing point in Zangiota District of Tashkent Region on 8 April. Border guard Captain A. Pozyubarov detained her after checking her passport. He said she did not have the required exit visa that she needed every two years for visiting any other countries apart from most former Soviet republics. He justified his claim by stating that she had visited Turkey in March. Uzbek citizens do not need a Turkish entry visa for short visits to Turkey.

On 16 April, the Tashkent Region National Security Service (NSS) secret police launched a criminal case under Article 223, Part 1 ("Illegal travel abroad or illegal entry to the Republic of Uzbekistan"). On 28 April the case was handed to investigators at Zangiota District Police. The investigation was completed on 30 May and the case was handed to the Prosecutor to be sent on to court. Protestants expect the trial to begin later in June.

The telephone at the Zangiota District Police in Keles went unanswered each time Forum 18 called on 11 June.

While working at another border crossing in Tashkent Region, Captain Pozyubarov confiscated Christian literature from another local Protestant crossing back into Uzbekistan, Protestants told Forum 18.

### ***Earlier deportations and expulsions***

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. After the dissolution of the Soviet Union, many people found themselves to be citizens of a formerly Soviet state they had never lived in. Sometimes expelled individuals are formally deported, with "deported" stamped on their passports. On other such occasions they are pressured to leave with no record that they have been deported.

Jehovah's Witnesses complained that in October 2011, a local resident who was a Russian citizen was warned to "go to your country". Officials threatened him with imprisonment if he failed to do so. He bought a one-way train ticket and left within days, fearing arrest. His wife and children remained in Tashkent, but they are planning to move to Russia so that the family can all live together, Jehovah's Witnesses told Forum 18.

Among many earlier cases, a Baha'i and a Protestant, both living legally in Uzbekistan, were deported in late 2009 to punish them for their religious activity.

Jehovah's Witness Irfon Khamidov was deported to his native Tajikistan in May 2009, the day after being freed after two years in jail for teaching religion. During the one night he had at home after getting out of jail before being deported, he saw his two-year-old son for the first time.

Uzbekistan has also expelled foreign visitors to the country to punish them for visiting local religious communities or conducting religious activity during their visit, or denied entry to the country. The head of Ukraine's Baptist Union, Vyacheslav Nesteruk, was denied entry to Uzbekistan at Tashkent airport in October 2010 and put on a return flight to his homeland.

By contrast, on occasion officials have prevented those who have been "legally" punished for exercising their religious freedom from leaving Uzbekistan. For example this happened in two separate cases in September 2011

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## **Continuing freedom of movement bans**

By Mushfig Bayram

Forum 18 News Service (11.04.2012) - Uzbekistan continues to impose bans on entry and exit from the country on people exercising their freedom of religion or belief, Forum 18 News Service has found. The authorities also use the border crossing points for confiscating religious literature, even if the confiscated books are personal single samples of publications approved by the government's Religious Affairs Committee.

Among the human rights violations are bans on exit visas for Muslims who have passed the stringent state approval procedures for going on state-organised pilgrimages, bans on Muslims joining waiting lists for these pilgrimages, bans on individual Christians and Jehovah's Witnesses leaving the country, and bans on Hare Krishna devotees and Christians entering the country. Some of these bans have been running for several years. Religious Affairs Committee officials on 4 April refused to discuss the issues with Forum 18. Chief Specialist Begzot Kadyrov stated "no comments by phone" and put the phone down. Committee Chair Artyk Yusupov's Assistant, who would not give his name, said that Yusupov was busy in a meeting and asked Forum 18 to call back in one hour. Subsequent calls to Yusupov went unanswered.

The assistant to official Human Rights Ombudsperson Sayora Rashidova, who refused to give her name, on 4 April also refused to comment or put Forum 18 through to Rashidova. She referred Forum 18 to Saidbek Azimov, Legal Expert of the Ombudsperson's Office. All calls to him went unanswered.

### ***Approved pilgrimage exit visas denied***

Uzbekistan uses exit visas – a Soviet-era idea - to control which of its citizens are allowed to leave the country. Citizens need an exit visa every two years to visit any other country apart from several former Soviet republics. This is applied even to Muslims who have passed the stringent state controls applied to approve who will go on the haj pilgrimage to Mecca.

The person responsible for compiling the list of names of pilgrims with their documentation for the state-controlled Islamic religious leadership (the Spiritual Administration of Muslims, or Muslim Board) in a region some way from the capital Tashkent commented on this. They were after the 2011 haj surprised that a number of approved pilgrims were denied exit visas and so unable to travel, Forum 18 was told.

Only 5,080 out of a potential quota of about 28,000 pilgrims from Uzbekistan travelled to Mecca on the 2011 haj. Among the restrictions are an "unwritten instruction" banned would-be pilgrims under the age of 45, and screening by the National Security Service (NSS) secret police. There are also "unofficial payments" which more than doubled the cost of the haj. "The number of applicants would be much, much higher if the cost was not so high", an imam lamented to Forum 18.

Abdulazim Mansurov, Deputy Head of the Muslim Board, would not explain why Muslims whose applications to join the haj have been approved were denied exit visas. "I have not heard of such a case - maybe you are given wrong information." When Forum 18 noted that there were credible sources that Muslims denied exit visas were on the official haj list, Mansurov said: "Please talk to other authorities". He would not state which other authorities should be approached.

### ***A never-ending waiting list?***

Before even being able to apply to pass the screening process, would-be pilgrims must get onto an official waiting list to apply. Human rights defender Shaira Sadygbekova told Forum 18 on 9 April that she was with great difficulty able to get permission for and make the umra pilgrimage in 2010, she has not been able to go on the haj since she was put on the waiting list in 2007. "My turn should have come up a long time ago," she complained, "but I have not received an invitation from the Tashkent City Administration's Religious Affairs Department."

The umra (or "minor pilgrimage") to Mecca is unlike the haj not compulsory or restricted to a particular month, but it is recommended for devout Muslims. Strict controls on who may go on the umra pilgrimage are also applied.

In April 2011, Sadygbekova visited Tashkent's city Religious Affairs Department, and left a letter asking Nizomiddin Bakhtiyarov, Head of the Department, to investigate or clarify to her why she did not receive an invitation for haj or when she will receive it. "There was no response, and the time for haj was coming up, so I personally went in early November 2011 to see Bakhtiyarov in his office," Sadygbekova recounted. "He told me that he could not do anything to help me, and that I should see Zulhaydar Sultanov." Sultanov is the official in the national Religious Affairs Committee responsible for the haj. Sadygbekova then tried to see Sultanov, but was refused entry into the Religious Affairs Committee building. "I think officials have put my name on a black list," she told Forum 18. "As soon as the guards heard my name, they told me without explanation that I could not go into the building."

Nizamiddin Bakhtiyorov, Deputy Head of Tashkent City Administration, who oversees work with religious communities, refused to speak to Forum 18 on 9 April and put the phone down. Alim, Bakhtiyorov's Assistant, took down Forum 18's name, and after talking to Bakhtiyorov also put the phone down. Subsequent calls to Bakhtiyorov's telephones went unanswered.

Sultanov of the Religious Affairs Committee on 4 April refused to discuss Sadygbekova's case with Forum 18. After taking down Forum 18's name, he kept saying that he could not hear the question clearly although Forum 18's end of the line was very clear. He then put the phone down. Subsequent calls to him went unanswered.

Pilgrimage application blacklist

Human rights defender Sadygbekova also attempted to go on the umra pilgrimage in January 2012, but was refused state permission to apply to go on this. "Trying to comfort myself with the thought that maybe I could go on umra for a second time, and in this way try to make up for the haj pilgrimage, I tried to do this," she told Forum 18.

Having learned in early January that, at Navza Mosque in Tashkent's Chilanazar District, officials were receiving applicants for umra, Sadygbekova went there. "I saw a large crowd of people trying to join the queue to get into the Mosque" for an interview with Religious Affairs Committee officials, she told Forum 18. "I was told by many people from the crowd that they had been there for almost a month, some even sleeping in tents around the Mosque under the rain and snow to be able to get permission for the umra." Average temperatures in Tashkent in January range between -3 and +6 degrees Centigrade.

Sadygbekova observed Sultanov of the Religious Affairs Committee standing with a list outside the Mosque beside the crowd, directing police who to let into the Mosque. She went up to him to ask for an explanation of what was going on. "Sultanov did not wish to talk to me and ordered the police to take me away", Sadygbekova stated.

When the police tried to take her to the nearest Police Station, Sadygbekova showed them documents that she is a human rights defender. Also several people from the crowd

intervened to defend her from the police, stating that she had not violated the law. "Then the police released me and I left the area", Sadygbekova said.

### ***"Artificial barriers"***

Human rights defender Sadygbekova described the authorities, especially the Religious Affairs Committee, as "creating artificial barriers for ordinary Uzbeks" who are on the waiting lists to go on the haj. Khaitboy Yakubov, head of the Najot (Rescue) human rights organisation in Khorasm Region in the north-west told Forum 18 on 10 April that experiences such as Sadygbekova's are "characteristic for other regions as well".

Human rights defender Yakubov noted that Muslims from the north-western Karakalpakstan [Qoraqalpoghiston] and Khorasm Regions have complained to him about local representatives of the Muslim Board asking for bribes or putting their relatives in the lists of haj pilgrims instead of those on waiting lists. Similar practices have been reported from across Uzbekistan.

"Some people complained to me that they knew for a fact that Sultanov of the Religious Affairs Committee put his family members and friends on the lists, instead of ordinary Uzbeks who wish to go on pilgrimage", Sadygbekova told Forum 18. She stated that she has been told by several Muslims that Sultanov produces an official list of permitted pilgrims, and then "strikes out names of some ordinary Muslims without informing them, claiming them to be sick or not ready, and in their place puts the names of relatives of officials". Human rights defender Yakubov also told Forum 18 that he knew of cases where officials alter the priority of people on lists without informing them.

### ***Individual exits banned***

Individuals who are not part of officially organised groups are also subject to bans on leaving Uzbekistan. For example, an Uzbek Jehovah's Witness has not been able to leave the country for almost a year, fellow Jehovah's Witnesses told Forum 18 on 3 April. Early in 2011 the Jehovah's Witness wanted to visit friends abroad, but was stopped at a land border by Uzbek officials and told that they could not leave unless they paid a fine. They then returned to their home town, and have not been able to leave Uzbekistan.

Jehovah's Witnesses told Forum 18 that the person was fined for exercising their freedom of religion or belief. However they cannot afford to pay it as it is "immense, millions of Uzbek Soms". Fines for exercising freedom of religion or belief can be very large, for example in March a Protestant was fined 100 times the minimum monthly wage.

Similarly, Larisa Lankina, a member of an unregistered Baptist Church in Tashkent, had an exit ban imposed on her. This was allegedly due to an unpaid fine for exercising her freedom of religion or belief imposed in April 2011. (Lankina and other Baptists were fined after leading a meeting for worship in an old people's home, which was stopped raided by a police "anti-terror" raid.)

Such exit bans can be continued beyond the time limit of three months the law allows to collect fines – or even if the fine was overturned. On 3 September 2011, seven months after a fine given to her for "illegally" bringing Christian magazines into Uzbekistan was overturned on appeal, Tashkent Baptist Lidiya Guseva was banned from leaving Uzbekistan. Officials later claimed that this was a "mistake", but did not apologise to or compensate Guseva for lost travel costs.

(Also, Guseva, Natalya Belan and Larisa Permyakova were on 29 September fined 50 times the monthly minimum salary for visiting a hospital patient.)

Baptists on 3 April 2012 told Forum 18 the "mistaken" ban on Guseva was removed on 12 March, and she was that month able to leave Uzbekistan when she travelled to Kazakhstan. However, books confiscated from her in September 2011 at the border have still not been returned.

Such confiscations continue. In one case in mid-February 2012 known to Forum 18, customs officials at a land border confiscated a religious believer's personal religious books – even though the publications had been approved by the Religious Affairs Committee for use in Uzbekistan. The reason given by officials was that the books were not declared in a Customs Declaration.

### ***Exit ban overturned – but fines remain***

Following the police "anti-terror" raid on a meeting for worship in an old people's home, two Baptists were in March 2011 fined one month's minimum monthly wage. On 4 April Judge A. Kadyrov of Tashkent Region's Ahangaran District Criminal Court also fined Lankina together with five other members of Tashkent's unregistered Baptist Church 100 times the minimum monthly wage each, or 4,973,500 Soms (16,500 Norwegian Kroner, 2,100 Euros or 3,000 US Dollars at the inflated official exchange rate). The five others were Igor Voloshin, Irina Abdurahimova, Lidiya Guseva, Tatyana Balantayeva and Elvira Habibulina.

All six were fined under three elements of two articles of the Code of Administrative Offences:

- Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial or religious hatred"). This allows punishments of between 50 and 100 times the minimum monthly salary for physical persons, between 100 and 150 minimum monthly salaries for groups, administrative arrest of up to 15 days, with confiscation of materials and the means of their production and distribution.

- Article 240 ("Violation of the Religion Law") Part 1 ("Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the organisation or its charter, 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 for breaking Part 1 range from fines of 50 to 100 times the minimum monthly salary, or administrative arrest for up to 15 days.

- and Article 240 ("Violation of the Religion Law") Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity"). Part 2 imposes punishment of fines of between 50 and 100 times the minimum monthly salary, or administrative arrest for up to 15 days.

As is frequently the case with Uzbek "law", there is no legal definition of what exactly the defined "offences" are, leaving much room for arbitrary official interpretations.

On 12 February 2012 Bailiff Rustem Yadgarov, Tashkent City Hamza District Court Department imposed a temporary exit ban on Lankina, for not paying the fine. The ban, a copy of which Forum 18 has seen, states that Lankina's rights to leave Uzbekistan must be temporarily restricted, since she "without bona fide reasons did not fulfil the demands of the court order". Baptists, who wish to remain unnamed for fear of state reprisals, complained to Forum 18 on 2 April that this violates legal procedures. They note that one of the errors is that more than 10 months had passed since the original verdict fining Lankina, but Administrative Code Article 330 only allows such administrative punishments to be carried out within three months of an original verdict.

On 12 March K. Zuparov, Deputy Chief of the Tashkent City Court Department, cancelled Yadgarov's decision.

Bailiff Yadgarov on 29 March told Forum 18 that his decision was already cancelled but refused to discuss the case.

### **Entry bans**

Uzbekistan also bans some visits by fellow-believers in other countries. In summer 2011 Uzbek border officials refused Russian citizens Aleksandr Hakimov and his wife entry when they were with a group of Hare Krishna devotees. "Some of the Kazakh devotees, seeing that Hakimov was refused entry decided to go back to Kazakhstan together with him, while a few others who had already crossed the border continued their journey in Uzbekistan," Hare Krishna devotee Galina Golous told Forum 18 from Kazakhstan on 2 April. Golous said that Hakimov believes that he may be on an entry black list.

Later that summer, another Russian Hare Krishna devotee was stopped by border officials at Tashkent International Airport, when he tried to visit relatives. Officials made the devotee buy a new ticket at his own cost and fly back to Russia.

Such entry bans can last several years. Feruza Akynbekova, a Kazakh member of an unregistered Baptist Church, has not been able to visit Uzbekistan since 18 December 2007. On that day she was stopped at the Min-Suv crossing point on the Uzbek-Kazakh border by Uzbek customs officials, who confiscated Christian literature from her and refused her entry into Uzbekistan.

Baptists who wished to remain anonymous for fear of state reprisals stated that Akynbekova has several times between 2008 and June 2011 unsuccessfully tried to visit Uzbekistan from Kazakhstan. An official letter from the Military Prosecutor's Office to Akynbekova, a copy of which Forum 18 has seen, signed on 13 January 2012 by A. Ishankhodjayev, Head of an unnamed Department claims that her "entry into Uzbekistan is banned to ensure national security".

An earlier letter to Akynbekova, seen by Forum 18, dated 21 August 2009, states that her entry into Uzbekistan was restricted due to Tashkent District Criminal Court's decision from 8 February 2008 imposing on her administrative punishment, for "attempting to bring into Uzbekistan Christian literature, the import or distribution of which in the territory of Uzbekistan is not allowed." In her absence she was on 8 February 2008 fined five times the minimum monthly wage under the Administrative Code's Article 227, Part 1 ("Non-declaration or inaccurate declaration of goods transported through the customs border"), for not declaring in a Customs Declaration six religious books and booklets in her luggage.

The verdict orders the title "Steps towards knowing God" to be given to the Religious Affairs Committee, and other books and booklets to be destroyed as they were "deemed illegal by the decision of the Religious Affairs Committee." Details of the other books are not given. Islamic and Christian literature has often been ordered to be destroyed by courts.

"Expert analyses" are routinely used as an excuse to confiscate any book the authorities decide to confiscate. "Religious expert analysis" has even been used to justify confiscating works by the 19th century authors Sir Walter Scott and Ivan Turgenev. A very strict censorship regime is applied against religious literature and other material of all faiths.

An official of the Zangiota District Court (which includes the former Tashkent District Court) who introduced himself as Nugmat but refused to give his last name, on 3 April

told Forum 18 that Judge Rustamov was busy and not available to comment. He stated that Akynbekova could enter Uzbekistan if she pays the fine. He was surprised that Customs officials had not explained this to her. "Why can't they explain this to her?"

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## **Religious literature only for "internal use by registered religious organisations"**

By Mushfig Bayram

Forum 18 News Service (19.03.12) - On 13 February, eight days after a raid on a Sunday worship service of his unregistered mainly ethnic Korean Baptist Church near Uzbekistan's capital Tashkent, Pastor Vyacheslav Kim was fined 100 times the minimum monthly wage in his absence. The state Religious Affairs Committee ruled that Christian literature confiscated during the raid was allowed only for "internal use" by registered religious organisations. The judge ordered that the books, two pianos and other church property seized during the raid be handed to the state, according to the verdict seen by Forum 18 News Service. On 24 January, eleven days after her home was raided and her religious literature confiscated, Samarkand Protestant Khursheda Telyayeva was fined 20 times the minimum monthly wage. Her confiscated Christian books were ordered handed over to Samarkand Regional Muslim Board, the verdict in her case reveals.

Meanwhile, members of a Baptist congregation in the southern town of Mubarek – raided during Sunday worship on 26 February – will be fined, one police officer told Forum 18.

Raids on worship and other religious meetings are frequent in Uzbekistan. Unregistered religious activity is an offence, in defiance of Uzbekistan's international human rights obligations.

In two separate cases in February, in different regions of Uzbekistan, courts ordered religious literature confiscated from four Muslim women and a Protestant destroyed, according to the verdicts seen by Forum 18. All five were also fined. Uzbek courts frequently order the destruction of religious literature confiscated during raids on places of worship or private homes.

Alleged "expert analyses" are routinely used by the authorities as an excuse to arbitrarily confiscate books and other religious material. A very strict censorship regime is applied against religious literature and other material of all faiths. This includes postal censorship of material sent to the country. One Customs Inspector told Forum 18 that 80 to 90 per cent of all imported or posted religious literature confiscated is Muslim.

### ***Massive fine for Protestant pastor***

On 13 February, Judge Muhammadali Nazarov of Urtachirchik District Criminal Court of Tashkent Region found Pastor Kim – a 65-year-old pensioner - guilty of violating five Articles of the Code of Administrative Offences, according to the verdict seen by Forum 18.

They are: Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"); Article 201, Part 2 ("Violation of the procedure for holding religious meetings, street processions or other religious ceremonies"); Article 202-1 ("inclination to participate in the activity of illegal social and religious organisations"); Article 240, Part 1 ("unregistered religious activity"); and Article 241 ("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").

The Judge fined Pastor Kim 6,292,000 Soms (19,600 Norwegian Kroner, 2,595 Euros or 3,421 US Dollars at the inflated official exchange rate), 100 times the minimum monthly wage.

Judge Nazarov also ordered the confiscated Christian books, audio-cassette tapes, CDs and other materials as well as the Church's property - including the sound system, overhead projector, Yamaha keyboard, and two pianos made in Ukraine and Belarus - to be forfeited to the State.

Judge Nazarov defended the fine and confiscations, insisting that his decision is "in line with the Law." The Judge brushed off Forum 18's question why the Court stripped the Church of its property, including items used in worship services. "You are not the prosecutor or their lawyer," he told Forum 18 on 14 March. He did not want to answer whether his decision or Uzbekistan's Religion Law does not violate Pastor Kim and his fellow-believers' fundamental human rights, and put the phone down.

### ***Literature illegal unless used by registered communities internally***

The verdict in Pastor Kim's case notes that a "judicial-literary expert analysis" of the Christian books confiscated during the raid was completed on 7 February, within two days of the raid. This found "no public calls for unconstitutional change to the existing state structure", nor "ideas for the propaganda of religious extremism, separatism or fundamentalism directed at the carrying out of national, racial, ethnic or religious hatred".

However, the "expert analysis" – presumably the one ordered from the state Religious Affairs Committee in Tashkent – declares that "the given literature can be used only for their internal use by religious organisations that have undergone state registration".

Officials of the Religious Affairs Committee refused to discuss their "expert analysis" of Pastor Kim's books with Forum 18 on 19 March, insisting they could not answer telephone enquiries. They also refused to discuss their December 2011 "expert analysis" of Islamic literature confiscated from Tashkent resident Nasiba Ashirmatova which had found that its import into and distribution in Uzbekistan was "illegal". A court subsequently ordered the literature destroyed.

### ***Prosecution follows raid***

The prosecution of Pastor Kim followed a 5 February police and National Security Service (NSS) secret police raid on his Baptist Church's Sunday worship service. Accompanying the police and secret police was the Chair of the local mahalla committee (residential district administration). Officers confiscated the Church's two pianos, a sound amplifier, microphone, keyboard, projector, eight Christian theology study books, a song-book, eight audio cassette-tapes, and six DVDs.

### ***Samarkand fine***

On 24 January, eleven days after her home was raided and her religious literature confiscated, Samarkand Protestant Khursheda Telyayeva was fined, according to the verdict seen by Forum 18. Judge Nizamiddin Ernazarov of Samarkand City Criminal Court found Telyayeva guilty of violating Administrative Code Article 184-2. The Judge fined her 1,258,400 Soms (3,915 Norwegian Kroner, 518 Euros or 684 US Dollars at the inflated official exchange rate), 20 times the minimum monthly wage.

With the same decision Judge Ernazarov ordered Christian literature confiscated from Telyayeva's home to be handed over to Samarkand Regional Department of Uzbekistan's Muslim Board. It included a Bible, New Testament and separate books of the Old Testament – the Song of Songs, Isaiah, Kings and Daniel - as well as a Children's Bible in Uzbek, as well as one Bible in Russian and two CDs.

Judge Ernazarov handed a copy of the decision to Telyayeva only on 17 February, 24 days after the hearing. "He was supposed to do so within three days of the hearing," a fellow-believer, who knows Telyayeva, who wished to remain unnamed for fear of the State reprisals, complained to Forum 18 on 23 February.

Article 311, Part 2 of the Code of Administrative Offences requires verdicts to be issued within three days. Failure to issue the written verdict on time prevented Telyayeva from appealing against the punishment, as appeals have to be lodged within ten days of the verdict being issued.

Reached on 15 March, Judge Ernazarov put the phone down as soon as Forum 18 asked him to comment on the fine. His Assistant, Shavkat (who did not give his last name), was equally reluctant to comment. Asked why Telyayeva, a Christian, was given such a large fine simply for possessing books which represent parts of the Christian scriptures, he told Forum 18 on 15 March: "I am sure that the Judge knows why." He refused to comment further. No other Court officials, including the Chancellery officials, wished to comment on the case.

### ***Why the fine?***

On 13 January, officials from Samarkand Regional Religious Affairs Department - together with the NSS secret police's Samarkand Regional Department, Samarkand City's 7th Police Department and Samarkand City Police's Criminal Investigation and anti-terrorism Departments - raided her Samarkand home to "check up on the activity of Telyayeva", the court verdict notes. The officials then confiscated the Christian books and CDs.

Officials from Samarkand Regional Justice Department, which is responsible for registration of religious organisations and oversees religious affairs, refused to comment on the case. Asked why Telyayeva's private home had been raided and her Christian books confiscated, Bekzhon Mardiyev, Assistant of the Chief of Department, told Forum 18 on 19 March to send questions in writing. "I am not authorised to answer questions over the phone."

On 19 March, Bahodir Fayzulloyev, Chief of the 7th Police Department, asked Forum 18 to call back in two hours after he had clarified why Telyayeva's private home was raided. Called back later he said he had "checked this case", and found that Telyayeva "does not reside" at the address given in the verdict. When Forum 18 insisted with the question why Telyayeva's home had been raided, he responded: "I don't know, our Department did not check up on Telyayeva, we do not know her."

Ziyo Karimov, Deputy Chief of Samarkand City Police's Criminal Investigation Department, declined to comment on the case on 19 March. He referred Forum 18 to Farhod Mirzayev, Chief of the Police's anti-terrorism Department. Reached the same day, Mirzayev asked Forum 18 to call back in one hour, saying that he would look into the matter. However, his phone was switched off each time Forum 18 called back later the same day.

### ***Raid on Christian Sunday worship***

An unregistered Baptist Church in Mubarek in the southern Kashkadarya Region was raided during Sunday worship on 26 February, local Baptists complained to Forum 18 on 9 March. Eleven adults accompanied by children were present when "a bus and car full of police and other officials" arrived. The officials "broke in at 10:30 am, when the Sunday worship service was under way, and disrupted it."

"Immediately after breaking in, some of the officials began taking photographs of the worshippers and filming the Church," Baptists complained. "When they were asked why they disturbed the worship and to show their identification documents, the officials answered that it is a regular passport check-up and they had no need to show their identity documents." The Baptists said that after they insisted, local Police Officer Erkin Ermazov and Police Captain Gayrat Haydarov identified themselves.

### ***Harassment of worshippers***

The officials then "forcefully pulled" the songbooks from church members' hands and checked their bags, the Baptists complained. "Then the police having locked the doors and putting guards at the windows wrote down the names of all the worshippers, including the children."

The mother of a one-year old child was not allowed to go up to it when the child woke up and began crying, the Baptists recounted. "Another sister felt chest pains, but the police officers ignored church members' requests to call an ambulance."

### ***Threatened at Police Station***

After taking down all the names, the police officers put most of the Church members on the bus, and took them to Mubarek Police Department, Baptists told Forum 18. Only three women, one of whom lives in the home where the worship service are held, was not taken.

At the Police Department each of the detained Church members was questioned individually, and "compelled" by Police Officer Ulugbek Kuchimov to write statements. Officer Kuchimov then "demanded" Vladimir Khanyukov, the owner of the home where the worship is held, to give written promises that for the next two months there will be no meetings in his home.

"When church members refused to sign any papers, Officer Kuchimov threatened them with 15-day administrative arrests, unless they signed the police reports. However, after keeping them for five and half hours at the Department, he released them, warning them that they will be summoned to court later."

Officer Kuchimov on 19 March adamantly denied to Forum 18 that the Baptists were taken to the police station for questioning. "We only checked up on them in the private home, which they illegally use for religious purposes," he claimed. "We did not threaten anyone." Kuchimov denied claims that a church member was prevented from attending to her baby and that officers had refused to allow an ambulance to be called when another church member felt chest pains.

### ***Church meeting place searched***

Three officials, who stayed back at the Church, demanded that they needed to inspect the home, the Baptists told Forum 18. "When the sisters refused them to do so, telling them that they have no warrant and that it is an illegal search, the officials told them that it is not a search but an inspection, and went ahead with the search."

The officials then confiscated post cards with scriptures from the Bible, four copies of the Herald of Truth magazines, wall calendars for 2012, a children's painting book, the Baptist Church newsletters, songbooks, children's storybooks, and several other Christian books as well as two folders with music notes and two CD discs of sermons.

Officer Kuchimov told Forum 18 that the confiscated items were sent to the Religious Affairs Committee in Tashkent, and that the police are waiting to receive the written "expert analysis". Asked what punishment the Baptists will receive, he responded: "They will receive an administrative fine."

### ***What further punishments?***

Told that prosecution of unregistered religious activity is against universal human rights standards as well as Uzbekistan's Constitution, Officer Kuchimov refused to comment. Asked what further punishments would be given to the Baptists if they continue their unregistered worship, he responded: "Time will show that."

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## **Islamic and Christian literature ordered destroyed**

By Mushfig Bayram

Forum 18 News Service (16.03.12) - In two separate cases in February, in different regions of Uzbekistan, courts have ordered religious literature confiscated from four Muslim women and a Protestant destroyed, according to the verdicts seen by Forum 18 News Service. All five were also fined. Forum 18 notes that Uzbek courts frequently order the destruction of religious literature confiscated during raids on places of worship or private homes.

Other religious communities have suffered police and National Security Service (NSS) secret police raids (including during meetings for worship), confiscation of religious literature and musical instruments, and court ordered fines. In one case in Samarkand in February, a court ordered Christian literature confiscated from a Protestant to be handed to the local branch of the officially controlled Islamic religious leadership (the Spiritual Administration of Muslims or Muftiate).

### ***Discussing how to pray leads to NSS secret police harassment***

Four Muslim female residents of Tashkent Region's Parkent District – Nasiba Ashirmatova, Mahsuma Rahimkhujayeva, Iroda Mirzukurova and Mohinur Kholmatova – all worked in late 2011 at the same kindergarten. While at work, the four women "would sometimes during the lunch breaks discuss religious subjects, such as how to pray", human rights defender Shuhrat Rustamov told Forum 18 on 14 March. The ordinary police and NSS secret police had contacted the four women in their work place in August 2011. "Maybe someone from their workplace had informed the authorities about their discussions," he told Forum 18.

### ***Kindergarten terrorists?***

Up to seven Police and NSS secret police officers, including Parkent District Police Criminal Investigator Bobur Kurbonov and Officer Elzod (last name not given) - who described himself as an anti-terrorist police officer - raided Nasiba Ashirmatova's home on 15 December 2011, she told Forum 18 on 14 March. Ashirmatova is a devout Muslim.

During the raid Ashirmatova's home was searched and Islamic religious literature found. Rustamov said that Ashirmatova bought all the religious materials found in a Parkent bazaar, where they are openly sold. "Indeed, the search in Ashirmatova's home was done on 15 December, a long time after the police and NSS had already begun harassing her," he clarified. He added that the search was a "formality", and the authorities "needed to find any evidence" for their prosecution of the four.

Rustamov speculated that the NSS secret police may want to compel Ashirmatova to forfeit some funds left to her by her deceased husband in foreign bank accounts.

Officer Umid (who did not his last name), a local policeman, on 14 March confirmed to Forum 18 that Officers Bobur Kurbonov and Farrukh Rasulov from Parkent Police were involved in the case. Parkent Police officials refused several times between 14 and 15 March to comment on the case, or put Forum 18 through to Officers Kurbonov or Rasulov.

Following the raid, Ashirmatova, Rahimkhujayeva, Mirzukurova and Kholmatova were all charged with breaking the Code of Administrative Offences' Article 241, Part 1 ("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").

Judge Mashrap Mirzayev of Yukorichirchik District Criminal Court on 5 January 2012, in a verdict seen by Forum 18, found all four women guilty in their absence. He fined each of the four 314,600 Soms (990 Norwegian Kroner, 130 Euros, or 170 US Dollars at the inflated official exchange rate). This is five times the minimum monthly wage.

The verdict signed by Judge Mirzayev is short and does not give details of how the alleged violations by the four were established. "As a result of a joint operation by Parkent District Police and Yukorichirchik District Department of the NSS [secret police] it was established on 15 August 2011 that citizens Ashirmatova, Rahimkhujayeva, Mirzukurova and Kholmatova are engaged in illegal religious activity without authorisation from a central religious organ," it states.

### ***Police stopped women from attending court, struggle to get verdict***

Ashirmatova complained that the 5 January hearing was held in their absence. Police Officer Rasulov "invited us [the four women] to Parkent Police on 5 January before the time given to us when the hearing should have taken place. He then told us that there is no need to go the Court, as the hearing had already taken place."

Yet the court decision alleges that the four women "without giving any reasons for their absence did not appear before the Court although they were summoned to the hearing."

Judge Mirzayev handed Ashirmatova a copy of his decision on 25 January, twenty days after the hearing, she complained to Forum 18. "He gave it to us only after we publicly protested against this," Ashirmatova pointed out.

### ***Muslim books ordered to be destroyed***

The verdict adds that religious books, four DVDs and two audio-cassette tapes were found during a search of Ashirmatova's home, and sent for "expert analysis" by the state Religious Affairs Committee. "Based on a 20 December 2011 decision of the Committee the import into and distribution in the territory of Uzbekistan Republic of the confiscated materials is forbidden," the verdict declares without giving further details.

Most of the books in Uzbek that the verdict describes as "forbidden" and to be destroyed are Muslim, such as "The Religion of Islam" and "Introduction to the Practice of Islam". A

book of the latter title - which explains ablution, the namaz [prayers] and other prayers, the fast, zakat [almsgiving] and the haj pilgrimage – was translated into Uzbek and published in Tashkent by a Muslim publisher in 2004. It was written by Akhmad-Khadi Maksudi, a Tatar writer and Muslim theologian arrested by the Soviet secret police in the 1930s. But some titles relate to Chinese herbal medicine, without any specific reference to religion.

All religious literature of any kind in Uzbekistan is under tight state censorship. Courts frequently order that religious literature confiscated during raids - including Bibles - be destroyed.

### ***Appeal fails***

On 13 February Tashkent Region Criminal Court heard an appeal brought by all four women against the fines and the destruction of religious literature. Judge Hokim Malikov upheld the original verdict. Human rights defender Rustamov said that Judge Malikov conducted the appeal hearing in the absence of a panel of judges, prosecutor or lawyers. "Judge Malikov twice spoke on his cell phone during the hearing, and ignored Ashirmatova's petitions against Judge Mirzayev's and the police actions". Judge Malikov also did not try to determine whether the confiscated religious materials are illegal.

Human rights defender Rustamov told Forum 18 that Ashirmatova was subsequently sacked from her job at the kindergarten. He added that the fine means that the police and local Mahalla Committee will from now on closely watch the four women.

Mahalla committees, in theory locally-elected but in practice state-appointed, are a key part of Uzbekistan's structures of control and oppression. They are for example used as part of the state apparatus to restrict the numbers of Muslims allowed to make the haj pilgrimage to Mecca, as part of the total control the state has over all aspects of officially-permitted Islam.

### ***Judges and court refuse to discuss case***

Tashkent Regional Court officials on 15 March refused to put Forum 18 through to Judge Malikov. Ilkhom Tagayev, Chair of the Court's Chancellery, told Forum18 on 15 March that neither Judge Malikov nor anyone else from the Court is authorised to comment on the Court decisions over the phone. "If Ashirmatova is not satisfied with the decision she still has time to file a Cassation Appeal," he said. He then declined to speak any more to Forum 18.

Judge Mirzayev also refused to talk about the case. After introducing himself over the phone on 15 March, he hung up as soon as he heard Forum 18's question on the case.

### ***Christian books ordered to be destroyed***

On 15 January Odiljon Solijanov, a member of an unregistered Council of Churches Baptist church from Pap District in Namangan Region in the east was stopped by Pap District Police officers. Solijanov was offering Christian books to passers-by on the street in the small town of Halkabad in the District, Baptists told Forum 18. Anvar Ganiyev, the local policeman and other police officials took Solijanov to the nearest Police Station and confiscated all his books.

Judge Kh. Sotivoldiyeva of Pap District Criminal Court on 15 February found Solijanov guilty of violating Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"). She fined him 1,258,400 Soms (4,000 Norwegian Kroner, 520 Euros, or 680 US Dollars). This is 20 times the minimum monthly wage.

The verdict notes that the Judge ordered the destruction of three Christian books confiscated from Solijanov: "Ruth, Esther and Jonah" and the Gospel of Luke, both in Uzbek, and a book entitled "Come back home" in Russian.

***"Is it true you were distributing literature harmful to our state?"***

Baptists complained that the hearing was very short. "To make her decision the Judge asked only: 'Is it true you were distributing literature harmful to our state?'. Solijanov answered: "The Word of God is not harmful to anyone, and we are called in the Gospel to spread the good news", Baptists told Forum 18.

***Appeal in preparation***

Baptists who wished to remain unnamed for fear of state reprisals told Forum 18 on 12 March that Solijanov received the copy of the verdict 13 days later on 28 February. He is preparing to file an appeal against it.

Pap District officials between 14 and 15 March refused to put Forum 18 through to Judge Sotivoldiyeva or comment on the case. One official, who did not give his name, told Forum 18 on 14 March that the Judge was in a meeting, and could not come to the phone. He asked Forum 18 to call back the next day, when she would be ready to comment.

Called back on 15 March, the same official said Sotivoldiyeva was attending another meeting, and would not be available soon.

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***"We treat everybody equally"***

By Mushfig Bayram

Forum 18 News Service (13.02.12) - The day after a "brutal" raid by Uzbekistan's ordinary police and National Security Service (NSS) secret police on two homes of Jehovah's Witnesses in the capital Tashkent, three Jehovah's Witness men were each given 15-day terms of imprisonment for meeting to discuss the Bible and fined. The three short-term prisoners of conscience were freed on 9 February at the end of their sentences, Jehovah's Witnesses told Forum 18 News Service. Four women detained in the raids were each given heavy fines. Meanwhile, police and the NSS secret police raided the Sunday morning service of a Baptist congregation in Chirchik [Chirchik] near Tashkent on 5 February, Baptists told Forum 18. An official of the local mahalla (district) told Forum 18 that in the same mahalla, officials had closed down an unregistered mosque.

Jehovah's Witnesses told Forum 18 that short-term detentions of up to 15 days are currently imposed on their fellow-believers in different parts of the country "perhaps once or twice a month". But they added that this is the first time individuals have been both given short-term prison sentences and fined in the same case.

***"Brutal" police raid***

Trouble began for the seven Tashkent Jehovah's Witnesses on 26 January, when officers of the Sergeli District Police and the Tashkent NSS secret police simultaneously raided the homes of the Toporov and Kozlov families. Each home had one visitor who was also

present for joint Bible reading. Jehovah's Witnesses complained to Forum 18 that during the raids, police officers used physical violence and were "brutal".

Asked why the two homes had been raided, Sergeli Police officials on 10 February referred Forum 18 to Police Officer Sherzod Aliyev of Sergeli Police's Criminal Investigation Department, who oversees religious organisations. The officer took down Forum 18's name, but when asked why police raided the Toporovs' and Kozlovs' homes and what they discovered there that led to the arrest of the seven, he put the phone down. Subsequent calls went unanswered.

Uzbekistan imposes perhaps the harshest state controls on religious communities of all faiths of any former Soviet republic. State registration is compulsory before any religious community is allowed to conduct any religious activity – in defiance of Uzbekistan's international human rights obligations.

In 2006 Jehovah's Witnesses told Forum 18 that "our organisation has so many members that if the authorities had not prevented us, we could have established dozens of registered communities". Their community in Tashkent, for example, had tried to register eight times. But only two – in Fergana [Farghona] and Chirchik – have ever been allowed to gain state registration. However, officials stripped the Fergana community of its registration in August 2006.

### ***15-day imprisonments and fines for Bible reading***

On 27 January, the day after the two homes were raided, Tashkent City's Sergeli District Court tried the five Jehovah's Witnesses, all of whom are members of the same family, and two acquaintances, Jehovah's Witnesses told Forum 18.

All seven were found guilty of violating the Code of Administrative Offences Article 240 ("violating the law on religious organisations"); Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"); Article 201, Part 2 ("Violation of the procedure for holding religious meetings, street processions or other religious ceremonies"); and Article 202 ("creating the conditions for conducting unsanctioned meetings").

Judge Shamsuddin Tajiyev imposed sentences of 15-day administrative arrests on Pavel Toporov and his son-in-law Dmitri Kozlov, as well as on Ivan Lebedev, an acquaintance of the family. The three were also each fined fifty times the minimum monthly wage, 3,146,000 Soms (9,840 Norwegian Kroner, 1,298 Euros or 1,721 US Dollars at the inflated official exchange rate).

Svetlana Toporova (Toporov's wife) as well as his two daughters – Lyudmila Kozlova (Kozlov's wife) and Anna Toporova – each received administrative fines of 100 times the minimum monthly wage, 6,292,000 Soms (19,682 Norwegian Kroner, 2,597 Euros or 3,442 US Dollars at the inflated official exchange rate). The Judge also imposed the same administrative fine on Svetlana Dyachkova, another acquaintance of the family.

Fellow-Jehovah's Witnesses Lebedev and Dyachkova happened to be visiting the Toporovs' and Kozlovs' homes during the raids.

A man who was sentenced at the same court as the seven Jehovah's Witnesses "could not help showing his surprise that he got only five days for attacking a police Inspector but they got 15 days for Bible reading," Jehovah's Witnesses told Forum 18.

Those given 15-day jail terms were all released on 9 February, Jehovah's Witnesses told Forum 18.

### ***Court officials refuse to comment***

Judge Tajiyev on 8 February refused to comment to Forum 18 on his decision. "Please call through official channels," he said, before putting the phone down. Calls to other Court officials on 9 February went unanswered.

### ***Prisoners of conscience***

Short-term jail sentences of up to 15 days have been frequently used for people who exercise their freedom of religion or belief in ways the government dislikes. Forum 18 knows of 25 people - Protestants, Jehovah's Witnesses and Baha'is - who received prison terms of up to 15 days in 2009, and a further 22 in 2010.

In the short-term jailings in 2011 known to Forum 18, two Baptists were given seven-day jail terms in January for distributing Christian literature. Three Protestants were given 15-day jail terms in February, and also fined 50 times the minimum monthly wage. Their "offence" was to hold an "illegal" religious meeting.

Currently, there are also many long-term Muslim, Jehovah's Witnesses and Protestant prisoners of conscience, who have been jailed for exercising their right to freedom of religion or belief.

Two Jehovah's Witnesses who are coming to the end of four-year prison terms are expecting trial imminently at Gazalkent City Criminal Court in Tashkent Region. They are accused of violating the prison regime and are facing further prison terms of between three and five years if convicted. In summer 2011 officials told them – and one other prisoner of conscience – that unless they renounced their beliefs they would not be released.

### ***Raid***

Police and NSS secret police officers, with other officials, raided the Sunday worship service on 5 February of an unregistered ethnic Korean Baptist Church in the town of Chirchik in Tashkent Region. Unregistered religious activity is a criminal offence, against international human rights law. Ten officials, who did not identify themselves, broke in at 9 am as the Baptists were beginning the service, Baptists who wished to remain unnamed for fear of the state reprisals told Forum 18 on 9 February.

Baptists said they later learned that Police Inspector Otabek Alimov from Urtachirchik District (where Chirchik is situated) and Nurmina Askarova, Chair of the local mahalla committee (residential district administration), were among the officials raiding the worship.

Mahalla committees, in theory locally-elected but in practice state-appointed, are a key part of Uzbekistan's structures of control and oppression. They are for example used as part of the state apparatus to restrict the numbers of Muslims allowed to make the haj pilgrimage to Mecca, as part of the total control the state has over all aspects of officially-permitted Islam.

### ***Confiscations***

The worship, led by Vyacheslav Kim, was attended by ten church members. Officials confiscated a sound amplifier, microphone, key-board, projector, eight Christian theology study books, a song-book, eight audio cassette-tapes, and six DVD discs.

The officials told the Baptists that the confiscated items would be sent to the state Religious Affairs Committee for "expert analysis". They then stated that after this charges

under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons") and Article 240, Part 2 will be brought against Kim.

### ***"We told them to attend another church"***

Inspector Alimov told Forum 18 on 9 February that the Baptists led "illegal activity". He refused to discuss the details of the case with Forum 18. "Please, you or your representative, come to the Police Station, and we will talk there," he said. Alimov refused to state why the Baptists cannot peacefully meet for worship in a private home without state registration. He also refused to state what measures police will take if the Baptists continue to meet for worship without registration.

Asked what will happen to the confiscated property, the Inspector told Forum 18: "The court will decide that."

Mahalla Chair Askarova defended the moves against the Baptist Church, complaining that it conducts unregistered activity. "We warned them many times that they should register with the state," she told Forum 18 from Chirchik on 9 February. Asked why they cannot meet peacefully in private homes for worship, and whether the raid violated the Baptists' human rights, she replied: "We told them to attend another church in Chirchik, which is registered."

Askarova did not identify the church she told the Baptists to go to. In the past, Baptists have been told by the authorities to go to a Russian Orthodox Church.

### ***"We treat everybody equally"***

"We treat everybody equally, both Christians and Muslims," mahalla Chair Askarova told Forum 18, when asked why Baptists should attend a different church. "We closed a mosque in our mahalla, for instance, and asked worshippers to attend a mosque which is both bigger and registered in the neighbouring district." She refused to give more details of the closure.

Askarova also refused to say what measures the authorities will take against the Baptists if they continue to meet.

### ***Fined, books destroyed***

Judge Y. Karshiyev of the Criminal Court of Jarkurgan City, a town north of Termez in Uzbekistan's southern Surkhandarya Region, on 24 January fined Lyudmila Suvorova, a Protestant Christian, ten times the minimum monthly salary, 629,200 Soms (1,968 Norwegian Kroner, 260 Euros or 344 US Dollars at the inflated official exchange rate).

The verdict, seen by Forum 18, states that she broke Administrative Code Articles 240, Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity") and 241 ("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"). Judge Karshiyev also ordered the destruction of Christian books and 25 DVD discs confiscated from Suvorova's home.

All religious literature of any kind in Uzbekistan is under tight state censorship. Courts frequently order that religious literature confiscated during raids - including Bibles - be destroyed.

The fine and confiscations followed a police raid on the homes of Suvorova and Shokir Rahmatullayev, her co-believer on 3 January. Police used physical violence and threats against Rahmatullayev they arrested during the raids, in a bid to force him to make statements against himself and his fellow Protestants.

Forum 18 has been unable to find out whether a case in the Jarkurgan Court against Rahmatullayev was heard or when the hearing will take place.

Bahrom Karorov from the Chancellery of Jarkurgan Criminal Court on 23 January had told Forum 18 that an administrative case only against Rahmatullayev reached the Court and that the Chair of the Court will hear it.

Both Karorov and Police Captain Ruzi Nazarov of Jarkurgan Police, which raided Rahmatullayev's home and arrested him, refused to speak to Forum 18 on 13 February. Karorov three times put the phone down as soon as he heard Forum 18's name. Captain Nazarov also said he could not speak, and put the phone down.

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## **Renounce your beliefs or you won't be released**

By Mushfig Bayram,

Forum 18 News Service (10.02.12) - Two Jehovah's Witness prisoners of conscience in Uzbekistan close to completing their sentences, Olim Turaev and Sergei Ivanov, are due to face new criminal trials "possibly within days". If convicted, they could remain in prison for up to a further five years each, Jehovah's Witnesses told Forum 18 News Service on 9 February. The cases against them on charges of disobeying orders while in Tashkent Region's Tavaksay Prison were completed on 7 or 8 February, giving Gazalkent City Criminal Court 15 days to begin the separate trials.

Both Ivanov and Turaev - as well as the third current long-term Jehovah's Witness prisoner of conscience Abdubannob Ahmedov serving a sentence in labour camp in Navoi - had already been threatened with further sentences. "All three were visited by prison officials in summer 2011 and told that they would not be released at the end of their terms unless they renounced their faith," Jehovah's Witnesses told Forum 18.

Meanwhile, three Jehovah's Witnesses completed 15-day prison terms on 9 February in the capital Tashkent to punish them for religious meetings in private homes. Police raided Sunday worship of a Baptist congregation in Chirchik near Tashkent on 5 February in the same district where an official told Forum 18 they had closed an unregistered mosque.

### ***Imminent trials***

The cases against Ivanov and Turaev were initiated by Tavaksay Prison authorities. They accused Ivanov of lying on his bunk one day when he was tired at a time he was not allowed to. They accused Turaev of turning out for a morning inspection without his jacket bearing his prison number. Both were accused of visiting a different barrack within the camp without the necessary accompaniment by guards. Both admit the "violations" but insist they were the result of ignorance. They deny that this constitutes "systematic violation" of prison rules.

Ivanov and Turaev were moved from Tavaksay prison in Tashkent Region to Tashkent City jail at the end of January in preparation for the new trials for alleged systematic violation of prison routine, Jehovah's Witnesses told Forum 18.

Their separate trials are due in Tashkent Region's Gazalkent City Criminal Court under Judge Ikrom Obidov. They are both facing trial under Criminal Code Article 221, Part 2b.

Under Article 221, "Disobedience to the legal orders of the administration of punishment institutions or other obstruction to the administration in performing its functions by a person serving a penalty in institutions of confinement, if the person has been penalised with confinement to a solitary cell or to a prison for violation of penal security regulations within one year" is punishable under Part 2b for "a person convicted for a serious or very serious crime" with imprisonment from three to five years.

Judge Obidov refused to comment on the cases. "I do not have such information," he told Forum 18 on 7 February, and hung up the phone. Called back a few minutes later his Assistant (who did not give his name) told Forum 18: "Look do not call here, they have a lawyer, call him please for comments."

### ***"I will not talk to you over the phone"***

Uzbek officials categorically refused to discuss with Forum 18 the trial of the two prisoners of conscience or the administrative arrests and fines.

The Assistant of Artybek Yusupov, Chair of the state Religious Affairs Committee in Tashkent, who did not give his name, told Forum 18 on 8 February that he could not comment on the cases, and that Yusupov was busy in a meeting. He referred Forum 18 to Begzot Kadyrov, the Committee's Chief Specialist. Kadyrov in his turn also refused to comment. "I have told you hundreds of times that I will not talk to you over the phone," he said, and put the phone down.

Officials (who did not give their names) at the Presidential Administration in Tashkent who answered the phones of the State Advisor on Nationalities and Religions on 7 February declined to talk to Forum 18 on the issue. One official said that the phone numbers at the Administration have changed, and he could not help Forum 18 since he is "only a technical worker here". Another official who answered the President's Press Service phone said that he is "new in the office and cannot help".

Nargiza Urinova, Assistant to Sayora Rashidova, Uzbekistan's Human Rights Ombudsperson, refused to comment on the cases on 8 February or put Forum 18 through to Rashidova. The Ombudsperson "will only accept written questions," she said, and refused to talk further.

### ***Imprisoned for exercising the right to freedom of religion or belief***

Turaev, a 38-year-old medical doctor from Samarkand [Samarqand] in central Uzbekistan, who is married with three children, began his four-year labour camp sentence on 25 April 2008. He was sentenced by Samarkand city Criminal Court for holding an unapproved religious meeting and teaching religion without state permission. Turaev was due to be released in April 2012.

Ivanov, a 25-year-old unmarried man, was sentenced on 23 July 2008 by a Criminal Court in Fergana [Fargona] in eastern Uzbekistan to three and a half years' imprisonment to punish him for "illegal" religious activity. Also sentenced with him was Ahmedov. The authorities claimed that the literature found on the two "contradict the principles of tolerance, inter-religious accord and the laws of the Republic", and that they broke the law "by their criminal actions expressed in the renewal of the previously-halted activity of the illegal religious organisation of Jehovah's Witnesses and in their active participation in its activity as an illegal religious organisation". Ivanov was due to be released at the end of January 2012.

Turaev and Ivanov began their sentences in open labour camps but in 2009 were both moved to "more punitive general regime prison" in Tavaksay after they asked the authorities to be amnestied. Both were accused of having violated prison rules.

### ***Why new charges?***

Asked on 8 February why new charges were brought against the two Jehovah's Witnesses, Ikramov (who did not give his first name), Assistant to Abdukarim Shodiev, Head of the Chief Directorate for the Enforcement of Punishments in Tashkent, which oversees all the country's prisons, declined to comment. He took down the questions and said he would refer them to Shodiev. Ikramov then asked Forum 18 to call back on 9 February since Shodiev was "out of the office."

Called back next morning, Ikramov said he had not been able to convey Forum 18's questions to Shodiev yet, and asked to call back in the afternoon. Called back later, Ikramov once he heard Forum 18's name put the phone down. Subsequent calls went unanswered.

### ***Will other prisoners of conscience face similar charges?***

Jehovah's Witnesses fear that the 34-year-old Ahmedov, the third long-term Jehovah's Witness prisoner, might face similar charges. He was sentenced by the same Criminal Court in Fergana on 23 July 2008 to four years in prison.

When Ahmedov requested amnesty in 2009, he too was moved from an open labour camp to a general regime prison in the town of Navoi [Noviy] in central Uzbekistan, where he remains. Ahmedov has since then been excluded from the list of all amnesty reviews, Jehovah's Witnesses told Forum 18. His prison term should end in July 2012.

### ***Uzbekistan's many other religious prisoners of conscience***

As well as the three Jehovah's Witness long-term prisoners, many Muslim and Protestant prisoners of conscience are serving long sentences for exercising their right to freedom of religion or belief. In March 2010 after an apparently rigged trial, Protestant Tohar Haydarov was sentenced to 10 years in jail, and attempts to overturn his sentence have failed. Among the very many Muslim prisoners of conscience are dozens jailed for reading the works of Islamic theologian Said Nursi. These Muslim prisoners of conscience have been jailed for between three and nine years.

### ***Not free after release?***

Even after prisoners of conscience are released they can be placed under severe restrictions, known as "administrative supervision", similar to the banning orders that were used by the apartheid regime in South Africa.

These restrictions can include having to for one year report to police in person almost every week, not being able to be outside their home between 21.00 in the evening and 06.00 in the morning, not being able to leave his home town without written police permission, and not being able to visit public places such as restaurants. The term of administrative supervision can be extended, and the punishments for breaking the supervision regime range up to imprisonment for four years.

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