

9 January 2008

UZBEKISTAN: Death threats and massive fines follow registration application

By Felix Corley, Forum 18

Two years after applying for legal status, Jehovah's Witnesses in the Uzbek town of Kagan have still not gained state registration, Forum 18 News Service has learnt. Instead they have faced harassment, a police raid and the ten community members were threatened with death and each given fines of five years' minimum wages. Bailiffs have made repeated visits to seize property to pay the fines. Unregistered religious activity is a criminal offence in Uzbekistan, in violation of the country's international human rights commitments. When Forum 18 asked the town Hokim (administration chief), Murot Hudoyorov, why the community had been treated in this way, he stated while laughing that "You're wrong" and then put the phone down. Jehovah's Witnesses, Protestants and Muslims continue to suffer from the state's repression of religious freedom. Even registered communities - such as Baptists in Jizak - are targeted by the authorities.

Exactly two years after applying for legal status as a religious community, Jehovah's Witnesses in the town of Kagan on the outskirts of Bukhara [Bukhoro] in central Uzbekistan have still not gained state registration, Forum 18 News Service has learnt. Instead they have faced harassment, a police raid in August 2007 and the ten community members were threatened with death and each given fines of five years' minimum wages in October. Jehovah's Witnesses have told Forum 18 that between November 2007 and early January 2008, bailiffs have made repeated visits to seize property to pay the fines.

No officials have been prepared to explain to Forum 18 why this Jehovah's Witness community – as well as more than thirty others in Uzbekistan – have been denied legal status and faced repeated harassment. Religious activity by unregistered religious communities is a criminal offence, in violation of the country's international human rights commitments.

Forum 18 asked the town Hokim (administration chief), Murot Hudoyorov, on 9 January why he had denied the Jehovah's Witnesses community the required approval letter back in January 2006, why the community had subsequently failed to gain legal status, why police had raided the community and issued death threats and why the community's ten founding members had been given massive fines. "You're wrong," he declared, laughing. He then put the phone down. Subsequent calls went unanswered.

Equally unconcerned was Ahmat Ismailov, Deputy Director of the government-sponsored National Human Rights Centre in the capital Tashkent. Asked by Forum 18 on 9 February about the Jehovah's Witness community's problems, as well as the harassment other religious communities face in Uzbekistan, he responded: "I don't have that information. No-one has appealed to us." He then put the phone down.

Reached the same day, the person who answered the phone at the government's Religious Affairs Committee in Tashkent told Forum 18 that no-one would be available at the committee "until next week".

Officers told Forum 18 on 9 January that Kagan's police chief Omid Akbarov and his deputy Aziz Rajabov were both out and no other officers were available to comment.

Jehovah's Witnesses told Forum 18 that the community in Kagan began the process of obtaining registration in January 2006, with an application to Hudoyorov as Hokim. The Hokimat needs to give an approval letter before the community can apply for legal status to the Bukhara Regional Justice Administration. Following Hudoyorov's refusal, lengthy correspondence between the Hokimat and the Jehovah's Witnesses ensued.

Finally in a letter to the community of 10 August 2007, which Forum 18 has seen, Deputy Hokim S. Rahimova again rejected the application. She maintained that residents of the Zirobod mahalla (residential district) were opposed to the community functioning locally and "by rights is a reason for protest by the population". Rahimova claimed (wrongly) that Article 18 of the International Covenant on Civil and Political Rights allows Uzbekistan to only register groups if their activity does not infringe the security of other residents, their health or "spiritual state", and does not arouse protests from other local people.

Paragraph 3 of the ICCPR's Article 18 states that "freedom to manifest one's religion or beliefs may be subject only to such

limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others." General comment 22 on this article states that "paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there."

As Professor Malcolm Evans, an international human rights law expert, has stated, "requiring faith communities to register is almost impossible to reconcile with international and Organisation for Security and Co-operation in Europe (OSCE) human-rights standards," (see <http://www.osce.org/odihr/57471>). "Unless it is for the purposes of tax benefits or to obtain charitable status, there should be no need for compulsory registration," he continued.

Hokimats are divided into mahallas administered by mahalla committees - the lowest level of state authority - and are a key instrument in Uzbekistan's restrictions on its citizens' freedom of thought, conscience and belief (see F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698).

On 31 August, the founder members of the Kagan Jehovah's Witness community had gathered in the home of one of them, Shokir Mardonov, to discuss Rahimova's letter. During this meeting Kagan police burst in and, despite not having a warrant, searched Mardonov's home.

Jehovah's Witnesses told Forum 18 that Mardonov and the other nine founder members (Feruz Muhamedov, Alisher Bozorov, Nikolai Kryukov, Sharif Ashurov, Adik Galeev, Nematillo Hodjiev, Aziz Pulatov, Bahtior Kodirov and Sohob Gulomov) were detained and taken to the police station. There they were interrogated and threatened with death and imprisonment, if they continued with their attempts to apply for registration in the town. They were then photographed, fingerprinted and recorded on video. After eight hours they were finally released, having been warned that an administrative case had been instigated against them and they would be tried in court.

On 9 October, Judge Lukmon Kodyrov at Kagan Town Criminal Court found the 10 Jehovah's Witnesses guilty of violating the Code of Administrative Violations. Each was fined a massive 931,500 Soms (3,869 Norwegian Kroner, 490 Euros or 719 US Dollars), or the equivalent of five years earnings at the minimum salary. Mardonov was fined under Article 202, which punishes "the creation of conditions for conducting unapproved gatherings, meetings, processions and demonstrations". The other nine were fined under Article 201-1, which punishes "violation of the procedure for organising and conducting gatherings, meetings, processions and demonstrations".

The minimum monthly salary in Uzbekistan is 15,525 Soms (65 Norwegian Kroner, 8 Euros or 12 US Dollars).

The same day, eight of the ten Jehovah's Witnesses filed a complaint to the Kagan Town Prosecutor, copied to Uzbekistan's General Prosecutor, against the actions of the police during the August raid. On 24 November the Kagan Town Prosecutor responded that their complaint had been investigated, but it was established that the police committed no violations of the law and that therefore no criminal case would be instigated against them.

On 19 October the eight filed an appeal to the Bukhara Regional Court against the fines. The appeal was dismissed on 2 November. On 23 November a supervisory appeal was filed with Uzbekistan's Supreme Court, which forwarded the case to the Chairman of the Bukhara Regional Court ordering that it re-consider the defendants' appeal.

In a letter of 10 December, seen by Forum 18, the Bukhara Regional Court informed the defendants again that the court found no grounds for reversing the 9 October decisions. The letter said that the defendants' guilt was proved because of the record of literature confiscated from Mardonov's home "as well as other materials" collected during the investigation. The letter also cited a Cabinet of Ministers' decree of 7 September 2007 which apparently banned the group's activity in Bukhara Region. Forum 18 has been unable to get a copy of the decree.

On 12 November the Kagan Town Court informed the defendants that they must pay their fines or risk having their possessions confiscated. Throughout November and December bailiffs visited the defendants, entered their homes and demanded payment of the fines. They began drawing up inventories of their possessions and threatened that they would be confiscated if they did not pay the fines. Some of the defendants borrowed money and paid part or all of the fines. Others refused.

On 30 November eight bailiffs arrived at Ashurov's home to demand payment of his fine. When he refused, they inventoried his possessions and ordered workmen to begin removing the roof tiles from his house. Ashurov paid part of the fine, 150,000 Soms (623 Norwegian Kroner, 79 Euros or 116 US Dollars) and the bailiffs left. On 3 January 2008 bailiffs again visited the homes of the defendants who have not yet paid their fines, and threatened to confiscate their personal possessions.

The Jehovah's Witness congregation in Kagan has long faced harassment. Police raided meetings in 2003 and 2004. Kryukov and Pulatov were among those detained and beaten in 2004 (see F18News 8 July 2004 http://www.forum18.org/Archive.php?article_id=358). The congregation was again raided during the Memorial of Christ's Death, the most important annual Jehovah's Witness commemoration, in 2005 (see F18News 1 April 2005 http://www.forum18.org/Archive.php?article_id=536). Seven community members were given small fines in July 2007 after a raid

during which religious literature was confiscated.

Uzbekistan has the harshest controls on peaceful religious activity of all the former Soviet states. Religious believers of a variety of faiths have pointed out to Forum 18 that many forms of harassment and persecution are used by the authorities. These include: increasing "legal" restrictions on freedom of thought, conscience and belief; severe pressure by the state against communities which are registered or wish to be registered; actions by the authorities which violate even the harsh published laws; heavy state control of the activity of religious communities; rigorous censorship of religious material; and extensive surveillance - both overt and covert - of religious communities of all faiths. There have been indications that Uzbekistan is planning changes to its harsh Religion Law, even though changes to other laws and regulations have steadily increased restrictions on freedom of thought, conscience and belief (see F18News 5 November 2007 http://www.forum18.org/Archive.php?article_id=1043).

Not only religious minorities, but also members of the majority Muslim community have suffered from the authorities' repression of religious freedom. The numbers of Muslim would-be pilgrims wishing to travel on the haj or the umra (known as the "minor pilgrimage") are restricted by the requirement for each potential pilgrim to be given government authorisation (see F18News 19 December 2007 http://www.forum18.org/Archive.php?article_id=1064). Once on the pilgrimage they are under tight Uzbek government control.

Pentecostal pastor Dmitry Shestakov, who led a Full Gospel congregation in the town of Andijan in the Fergana Valley of eastern Uzbekistan, remains in labour camp in Navoi. He is currently serving a four-year sentence on charges his church insists were fabricated (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=982).

In December 2007 in the run-up to Christmas, local Protestants issued an appeal for Shestakov to be freed in the presidential prisoner amnesty. "His wife is resolutely enduring all the difficulties and she and their three daughters are expecting his return home," the Protestants wrote. "We find it sad that he is still being detained but our hearts are full of certainty that the Lord will give him strength and power." The Protestants called for appeals for Shestakov to be released under the amnesty. However, Forum 18 notes that he was not freed and remains in labour camp.

During 2007 there was an increasing tendency for the authorities to fine and jail members of the Protestant and Jehovah's Witness religious minorities (see eg. F18News 12 November 2007 http://www.forum18.org/Archive.php?article_id=1055).

Pastor Aleksandr Vinokurov, who leads a registered Baptist congregation in Jizak in central Uzbekistan, was fined on 10 October 2007 after Christian books in Uzbek and Kazakh were confiscated from him. The authorities decided the books were "missionary" and he was punished under Article 184-2 of the Administrative Code, which punishes "illegal production, storage, import of distribution of materials of religious content". Jizak City Criminal Court fined the pastor 46,575 Soms (193 Norwegian Kroner, 25 Euros or 35 US Dollars), or three times the monthly minimum wage, Protestants told Forum 18. (END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=777.

Full reports of the religious freedom situation in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806, and of religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY