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UZBEKISTAN: Scepticism that any new Administrative Code will end punishments for religious activity

By Felix Corley, Forum 18

After a mass police raid on a Protestant church in Chirchik near the capital Tashkent, assistant pastor Vladimir Kim was fined 80 times the minimum monthly wage, while the church's pastor received a fine of 40 times, church members complained to Forum 18 News Service. They were fined under the Code of Administrative Offences for "violation of the procedure for holding religious meetings" as they had not informed the authorities that they would be meeting for worship in their registered church building. Some 20 police officers had caught them during a raid, eleven days after the Harvest Festival at another registered Protestant church in the town was broken up and the pastor fined. Uzbekistan's President Islam Karimov told parliament that a new Code of Administrative Offences will be prepared, but religious believers told Forum 18 they are sceptical that any new Code will end punishments for religious activity. As well as regular fines, Forum 18 knows of 22 religious believers to have received prison terms of 3 to 15 days under the Code in 2010.

As Uzbekistan's President Islam Karimov announced to parliament in the capital Tashkent that a new Code of Administrative Offences will be prepared, religious believers continue to face punishments under numerous Articles of the current Code for religious worship and religious education without state approval. Administrative punishments include fines – often massive – or imprisonment of up to 15 days. In October, three different Protestant churches in the town of Chirchik [Chirchiq] near Tashkent – all of which have state registration - faced official harassment and punishment, including raids on worship services, local Protestants complained to Forum 18 News Service. Fined in November was a mother of eight who offers her home in the southern Kashkadarya Region for a Baptist congregation to meet.

As is their usual practice, officials of the government's Committee for Religious Affairs declined to discuss any of these issues. "We only answer questions in writing," Committee specialist Begzod Kodyrov told Forum 18 on 25 November and put the phone down.

President Karimov made the announcement of a new Administrative Code to a joint session of parliament on 12 November, the parliament website noted. He pointed out that the Administrative Code had been adopted in 1994 and, since then, has been amended more than 60 times. He said it needed to be "systematically" revised as part of what he claimed was the "liberalisation of the judicial-legal system".

Forum 18 understands that no text of a new Code has yet been drafted. "But when our chief tells us something will happen, it will happen," one informed Tashkent resident told Forum 18.

Each time Articles of the Administrative Code prescribing punishments for religious activity have been amended, punishments have become greater or new punishments introduced, Forum 18 notes. New and sharply increased penalties for unapproved religious literature publication or distribution were, for example, introduced in amendments which came into force in June 2006 (see F18News 29 June 2006 http://www.forum18.org/Archive.php?article_id=805).

Scepticism over proposed new Administrative Code

Some religious believers have expressed scepticism to Forum 18 that any new Code of Administrative Offences will end punishments for religious activity. However, Tashkent-based human rights activist Surat Ikramov told Forum 18 on 25 November that he is more optimistic that there might be some improvements. Yet he points out that "without concrete reforms to the judicial and law-enforcement systems, there's little likelihood of any improvement". He says that in the absence of judicial independence, judges merely carry out instructions handed down to them, both in administrative and criminal cases.

"Harsh treatment, brutality and fabrication of criminal cases on the part of the Interior Ministry, National Security Service secret police and Prosecutor's Office will continue and no improvement in freedom of conscience and conviction will come," Ikramov told Forum 18.

Religious believers face regular administrative fines. Jehovah's Witnesses told Forum 18 that more than 100 fines have been levied

on their community members across Uzbekistan so far in 2010 (see F18News 25 October 2010 http://www.forum18.org/Archive.php?article_id=1502).

Protestants and Jehovah's Witnesses are among those regularly punished with short-term detentions of up to fifteen days under the Code of Administrative Offences.

Of the 22 religious believers known to Forum 18 to have received prison terms of 3 to 15 days so far in 2010, 19 have been Protestants and three have been Jehovah's Witnesses. The most recent known cases were five-day prison terms handed down to two Baptists on 7 September (see F18News 23 September 2010 http://www.forum18.org/Archive.php?article_id=1491).

Forum 18 knows of 25 people – Protestant Christians, Jehovah's Witnesses and Baha'is – who received prison terms of 5 to 15 days in 2009 (see F18News 14 January 2010 http://www.forum18.org/Archive.php?article_id=1394).

Muslims, Jehovah's Witnesses and Protestants have also been imprisoned for long sentences under the Criminal Code.

Two raids in Chirchik and pressure on a pastor

On 5 October, Pastor Ivan Drabkov of Chirchik's Generation of Faith Church was taken by his local police officer to the town Prosecutor's Office, where he was forced to sign a statement admitting that he was guilty of conducting "missionary activity". Uzbek law prohibits sharing of one's faith. "Officers used as proof an old, faded, tattered invitation to the church dating back to the 1990s," one local Protestant complained to Forum 18. "He refused for a long time and, although he was there with his small child, they held him there for two and a half hours. In the end they forced him to sign a statement and the warning from the prosecutor."

On 10 October, police officers raided and broke up the Sunday service of Chirchik's Full Gospel Pentecostal Church, where about 150 church members had gathered for a Harvest Festival. An official of the Hokimat (town administration) called the police because of the large number of people present, local Protestants told Forum 18. The following day, the church's pastor Leonty Fonov was fined ten times the minimum monthly wage - 452,150 Soms (1,700 Norwegian Kroner, 208 Euros or 275 US Dollars at the inflated official exchange rate) - under the Code of Administrative Offences for holding an illegal religious meeting.

"The court ignored the complete absence of any crime," Protestants told Forum 18. "The pastor decided to submit uncomplainingly as the judge admitted he could not do other than punish him, as he had been ordered to do so."

On 21 October, about 20 police officers in uniform and civilian clothes raided Chirchik's Presbyterian Church, which has been registered since 1998. They told the 15 or so church members present that their meeting was illegal as they had not given advance notice of this to the authorities. "Church members' arguments that the church has been registered for 12 years and that they regularly meet in the church building and that they do not need to inform the authorities specially had no impact," one Protestant lamented to Forum 18.

Police searched all rooms in the church building, confiscated a computer and took the pastor, Roza Khen, and her son (who works as her assistant) Vladimir Kim, to the police station. Several hours later, the two were taken to Chirchik Court for violating Article 201 Part 2 of the Code of Administrative Offences ("violation of the procedure for holding religious meetings, street processions or other religious ceremonies").

According to the verdict seen by Forum 18, Judge Abdurahmon Tahirov found both guilty and fined Kim 80 times the minimum monthly wage - 3,617,200 Soms (13,600 Norwegian Kroner, 1,666 Euros or 2,202 US Dollars at the inflated official exchange rate). Khen had her fine reduced because of her circumstances (presumably because she is a pensioner) to 1,808,600 Soms, half the minimum fine prescribed under this Article.

One local Protestant described the verdict to Forum 18 as a "mockery", as it failed to identify any offence caused by a meeting of 15 people in a registered place of worship. The Protestant also pointed out that the verdict notes the presence only of Lieutenant M. Dormonov of the Crime Prevention Police, ignoring the 19 or so other police officers who took part in the raid. The verdict also fails to mention the confiscated computer.

Official denial

Dilorom Kasymova, the official of Chirchik Hokimat responsible for religious affairs, angrily denied to Forum 18 on 26 November that any religious community in Chirchik had been raided or faced official harassment. "Who gave you such information?" she asked. Told about the pressure on one pastor and the raids on two other churches, with subsequent punishments, she responded: "I can only talk to you with permission from the Hokim [head of administration]." She then put the phone down.

On 26 November, Judge Tahirov at Chirchik Court listened to Forum 18's questions then put the phone down. Subsequent calls went unanswered.

Raid and fine in Shakhrisabz

In Shakhrisabz in Kashkadarya Region, the owner of the house where the Council of Churches Baptist congregation meets was fined, one month after a mass police raid as they were about to begin worship, local Baptists told Forum 18 on 24 November. Like all other Council of Churches Baptist congregations, it refuses to seek state registration, insisting that it does not need state permission to be able to operate.

Brought to court on 15 November, Munira Gazieva was accused of "conducting illegal activity by gathering several people, believers in the Christian faith, and conducting religious circles, thereby violating Article 240 Part 1 of the Code of Administrative Offences" ("violation of the law on religious organisations"), the verdict reads. At the hearing, Furkat Badalov, chair of the Mahalla Committee – the lowest level of official administration - testified that "on 18 October, I saw that several people who had gathered in her home and various posters on the walls". The court found her guilty and fined her 452,150 Soms (1,700 Norwegian Kroner, 208 Euros or 275 US Dollars at the inflated official exchange rate).

The fine followed a police raid on 18 October, as church members were preparing to begin an evening worship service. The local policeman climbed through the fence around the private home and let in a group of other police officers. Joining them was Badalov of the Mahalla Committee and his deputy.

Entering the room where the church meets for worship, police immediately began filming. They then took eleven church members by car to the local police station, leaving behind about ten others – mostly women and children. Police tried to pressure the eleven to sign statements, but they refused. Police drew up an official record on each and, after several hours, let them go.

The duty officer at Shakhrisabz Police declined to discuss why police had raided the service in Gazieva's home. "I don't know," the officer – who would not give his name – told Forum 18 on 26 November. "It was the court that fined her, not the police." He then put the phone down.

Local Baptists point out that Gazieva and her husband (who cannot hear or speak) have eight children. They call on people to appeal for the court decision to be annulled and for "church members both in this town and all over Uzbekistan to have the legal right to hold worship services without obstruction and to be able to preach to others about Christ".

Fergana fine and literature destruction

On 13 October, Judge O. Yuldashev of Fergana [Farghona] Criminal Court fined three members of an unregistered Protestant church and ordered Christian books confiscated from them to be destroyed, according to the verdict seen by Forum 18. Murodiljon Umurzokov, Kavsar Rahimov and Umidjon Hasanov were all found guilty of violating Article 184-2 of the Code of Administrative Offences ("illegal storage, production, import, distribution of religious materials"). They were each fined 452,150 Soms (1,700 Norwegian Kroner, 208 Euros or 275 US Dollars at the inflated official exchange rate).

The verdict reveals that the judge ordered that twenty named Christian books – including various editions of the Bible, among them an illustrated Bible – be destroyed. The men had acquired the literature from the legally-registered Bible Society in Tashkent.

Uzbek courts frequently order religious literature confiscated from religious believers to be destroyed (see eg. F18News 25 October 2010 http://www.forum18.org/Archive.php?article_id=1502).

The verdict mistakenly describes the three men as Jehovah's Witnesses, Forum 18 notes.

Some punishments overturned

A number of religious believers have however occasionally been able to overturn Administrative Code punishments handed down by lower courts. On 18 November, Judge A. Tohirov of Chirchik Criminal Court overturned a punishment imposed by a lower court on local Pentecostal pastor Stanislav Kim.

In a separate case, Pastor Kim was one of two church members threatened with punishment after police broke up a Christian youth meeting being held in Chirchik in June (see F18News 14 July 2010 http://www.forum18.org/Archive.php?article_id=1467). However, on 24 August, Judge M. Usmanov ruled that the cases against Pastor Kim and a colleague should be halted as the time allowed for such cases had run out.

Local Protestants also told Forum 18 that after more than 100 complaints from church members in Chirchik about the actions of police officer Husniddin Yuldashev, the head of the town police, A. Bobohujaev, had written on 26 October that "for irresponsible, cold, unqualified, incomplete and untimely fulfilment of his official duties", Yuldashev had been reduced in rank. (END)

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

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1170.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <http://www.forum18.org/Archive.php?query=&religion=all&country=33>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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

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