

11 June 2012

UZBEKISTAN: Imminent expulsion for exercising religious freedom?

By Felix Corley, Forum 18

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, in apparent punishment for exercising her freedom of religion or belief. As in similar previous cases, Uzbekistan is seeking to expel the family 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. "She wants to stay here." Uzbek officials refused to discuss the family's expulsion with Forum 18. When Tsyngalova attempted to find out the reasons for her deportation with the head of the Sergeli District Visa Department, Utkir Buzakov, 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. Although tickets for a Tuesday 12 June expulsion have been withdrawn, officials subsequently stated she will still be deported and this will not be delayed. Also, Tereza Rusanova, a Baptist from Uzbekistan who has lived in Kyrgyzstan since 2009, is facing criminal prosecution after she returned to Uzbekistan to renew her passport.

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 Although tickets for a Tuesday 12 June expulsion have been withdrawn, officials subsequently stated she will still be deported.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 1994 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 countries apart from nine other 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 (see F18News 16 February 2010 http://www.forum18.org/Archive.php?article_id=1409).

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 (see F18News 4 June 2009 http://www.forum18.org/Archive.php?article_id=1306).

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 (see F18News 25 November 2010 http://www.forum18.org/Archive.php?article_id=1513).

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 (see F18News 9 September 2011 http://www.forum18.org/Archive.php?article_id=1611). (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Uzbekistan>.

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