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UZBEKISTAN: Two women deported for exercising religious freedom

By Felix Corley, Forum 18

Two long-term residents of Uzbekistan born in the country – both Jehovah's Witnesses - have been deported to punish them for discussing their faith with others, Forum 18 News Service has learnt. Russian citizen Yelena Tsyngalova was deported on an Uzbek Airlines evening flight from Tashkent to Moscow today (25 July), after being detained since 2 July. Accompanying her were her two teenage children, one a Russian citizen, the other an Uzbek citizen. Her mother Galina Poligenko-Aleshkina – an Uzbek citizen who is a pensioner with disabilities and who shared the family flat – is now left to fend for herself. Kazakh citizen Oksana Shcherbeneva was deported on 16 June immediately after completing a 15-day prison term. Other Jehovah's Witnesses detained and tried with her were jailed and fined.

Two long-term residents of Uzbekistan born in the country – both Jehovah's Witnesses - have been deported to punish them for discussing their faith with others, Forum 18 News Service has learnt. Kazakh citizen Oksana Shcherbeneva was deported on 16 June immediately after completing a 15-day prison term. The 30-year-old woman was born in the eastern Uzbek town of Chirchik and has lived continuously for the last ten years in Uzbekistan with a valid residence permit.

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Russian citizen but Uzbek resident deported

The 37-year-old Tsyngalova was born in the Uzbek capital Tashkent and has lived all her life in Uzbekistan, with the exception of about two years in Russia, with a valid Uzbek residence permit. Her children were both born in Uzbekistan. Her mother Galina Poligenko-Aleshkina – an Uzbek citizen who is a pensioner with disabilities and who shared the family flat – is now left to fend for herself.

The 25 July deportation of Tsyngalova from Uzbekistan followed a series of court-imposed punishments for exercising her right to freedom of religion or belief. Visa Department officials began the process of deporting her and her children on 8 March, alleging that she had repeatedly broken the law (see F18News 11 June 2012 http://www.forum18.org/Archive.php?article_id=1710).

The Year of the Strong Family?

After officials ordered her deportation and presented air tickets for a Moscow-bound flight on 12 June for herself and her children, Tsyngalova immediately lodged complaints to the Presidential Administration, the Prosecutor General's Office, the Religious Affairs Committee and other state agencies. She described the deportation order as "discrimination and religious persecution".

"As you can understand, I absolutely cannot agree with these actions against me," she told the Presidential Administration in her 8 June appeal, seen by Forum 18. "This means, in effect, that I would be sent to the middle of nowhere!" She pointed out that her family will now be divided. "How is it that in 2012 - a year declared in the Republic of Uzbekistan to be the Year of the Strong Family - some are not strengthening the family, but destroying it?" She complained she had not even been given a copy of her deportation order.

On 29 June, in a letter seen by Forum 18, Prosecutor A. Mullajanov of Tashkent's Sergeli District rejected Tsyngalova's complaint against the Visa Department's deportation order. Mullajanov merely said that the decision had been taken "based on current legislation of the Republic of Uzbekistan" without giving any reason.

Tsyngalova's mother also appealed to the Presidential Administration, which passed her appeal to the General Prosecutor's Office. In an 11 July response seen by Forum 18, the deputy head of the International Legal Department asked Tashkent City Prosecutor Mirzahid Obidov to investigate and report back by 5 August – which is now 11 days after the deportation.

Detained without warning for complaining

On 2 July, Tsyngalova was summoned by Prosecutor Mullajanov for questioning. She was told that this was in response to her complaint to the Prosecutor General's office. On her arrival at the Prosecutor's office, she was detained and placed in a facility for homeless persons. The authorities refused to tell Tsyngalova's mother where her daughter was being held.

On 4 July the Visa Department Director told Tsyngalova's mother that her daughter would be deported for a "new reason". He stated that she would be deported because she did not remain in Tashkent while her case was under investigation (she had stayed for three weeks in June with relatives). However, at no time was Tsyngalova required to sign any document restricting her movement in Uzbekistan.

On 10 July, Tsyngalova's mother was finally told the location of her daughter: she was being held at the Panelny Detention Facility in the Kuylyuk District of Tashkent. Tsyngalova's mother was permitted to visit her daughter for 15 minutes that day at the detention facility. Tsyngalova told her mother that she had not been provided a lawyer, had not been informed for how long she would be detained, and had not been present for any court hearing that purported to authorise her detention or deportation. She added that officials had told her that on 17 July, they would receive a decision from the court authorising her detention and deportation from Uzbekistan.

Kazakh citizen but Uzbek resident deported

Trouble began for Kazakh citizen Shcherbenova, and two other Jehovah's Witnesses Viktoria Gorshkova and Margarita Ten on 10 May. Police in the central city of Bukhara detained them for discussing their faith with others. They were then taken to the city Police Station, where they were searched and questioned. Police also searched Ten's home, confiscating religious literature - including a Bible, a children's Bible and personal notes - Jehovah's Witnesses complained to Forum 18. The three were accused under three articles of the Code of Administrative Offences (see base of this article).

On the morning of 31 May police again detained Shcherbenova and Gorshkova, together with another local Jehovah's Witness, Elnora Maksutova, for distributing religious literature. Police searched the homes of the three women, confiscating nearly 100 books and brochures in Uzbek and Russian, together with DVDs and personal notes. Police also sent the literature for an "expert analysis", the subsequent court verdict states. Also confiscated were mobile phones, an MP4 player and a camera.

12-day illegal detention of Maksutova

In contrast to the others, Maksutova was taken to a "rehabilitation" centre for homeless people in Bukhara. There she was held illegally, without the order of a court, until her trial on 12 June, Jehovah's Witnesses complained to Forum 18.

Trial of Shcherbenova, Gorshkova and Ten

After detaining Shcherbenova, Gorshkova and Ten on 31 May, police took them to Bukhara City Criminal Court. Judge Shukhrat Yadgarov found them guilty of violating Administrative Code Article 184-2 when they were first detained on 10 May. The verdict – seen by Forum 18 – states that all three women admitted their guilt and promised not to repeat the "offence". Gorshkova was fined a total of 100 months' minimum wage, 6,629,000 Soms (about 20,900 Norwegian Kroner, 2,830 Euros, or 3,440 US Dollars at the inflated official exchange rate). Ten was fined a total of 20 months' minimum wage, 1,250,400 Soms (about 3,940 Norwegian Kroner, 535 Euros, or 650 US Dollars).

Shcherbenova ordered to be jailed then deported

Shcherbenova was sentenced to 15 days' imprisonment, to begin at 5.30 pm that day the verdict states. It adds that costs of the detention are to be collected from her.

The verdict also instructs Bukhara City Visa Office to annul Shcherbenova's residence permit and deport her from Uzbekistan.

It also orders that the confiscated religious literature being held at Bukhara Police Station is to be destroyed as soon as the verdict enters into legal force. Judge Yadgarov had fined a group of Protestant Christians for their religious activity in February 2009 (see F18News 15 April 2009 http://www.forum18.org/Archive.php?article_id=1283).

Second trial of Shcherbenova and Gorshkova, first trial of Maksutova

On 12 June Shcherbenova was again tried by the same court, as she neared the end of her 15-day prison term. This prosecution related to the detentions on 31 May. Gorshkova was also accused, but did not appear for the trial. Maksutova also faced prosecution, according to the verdict seen by Forum 18.

The verdict states that Shcherbenova and Maksutova admitted violating the law on 31 May, and promised not to do so again.

Judge J. Murodov found all three women guilty. Gorshkova (in her absence) and Maksutova were each fined 100 months' minimum wage, 6,629,000 Soms. This was the second time Gorshkova had been fined this amount within one month. Although Shcherbenova was found guilty, she was given an official warning in view of her impending deportation. The Judge ordered the mobile phones, MP4 player and camera to be confiscated. He ordered the confiscated religious literature – which included Bibles and New Testaments – to be destroyed as soon as the verdict had come into force.

Shcherbenova's deportation

On 16 June, when she completed her 15-day imprisonment, Shcherbenova was deported. "She was immediately driven by the Uzbek authorities to the border with Kazakhstan where she was deported," Jehovah's Witnesses complained.

No answers

Reached on 25 July, no one at the police in Bukhara was prepared to discuss the detentions, literature confiscations, fines or deportation of Kazakh citizen Shcherbenova with Forum 18.

The telephone of the Visa office in Bukhara went unanswered the same day, as did telephones at Bukhara City Criminal Court.

Officials at Sergeli District Visa Office referred Forum 18 to its head, Utkir Buzakov, to discuss Russian citizen Tsyngalova's case. However, his telephone went unanswered on 25 July.

No one at Sergeli District Prosecutor's Office was prepared to discuss Tsyngalova's deportation. Reached in the afternoon of 25 July, officials said Prosecutor Mullajanov was out at lunch. Called back later, the telephone went unanswered.

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 (see F18News 11 June 2012 http://www.forum18.org/Archive.php?article_id=1710).

Russian Embassy "did everything possible"

Sergei Tkachenko, an official of the Russian Federation Embassy in Tashkent who had been involved in the case, insisted that the Embassy "did everything possible" in Tsyngalova's case. He was speaking to Forum 18 from Tashkent on 25 July about five hours before her deportation. He refused to give any other information.

The telephones of Kazakhstan's Embassy in Tashkent went unanswered each time Forum 18 called on 25 July.

Tsyngalova sent an appeal to the Office of the United Nations Special Rapporteur on Freedom of Religion or Belief in Geneva on 11 July. This was followed by a further joint appeal on 17 July by all five women targeted by the authorities.

Administrative Code articles

The Jehovah's Witnesses from Bukhara were accused on 10 May of breaking three 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 240, Part 1 ("Violation of the Religion Law") 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.

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. (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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