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UZBEKISTAN: Muslim prisoners of consciences' appeals rejected, Christians warned against sharing beliefs and international contacts

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

A court in Uzbekistan today (20 December) rejected appeals by two Muslim prisoners of conscience - Gayrat Khusanov and Shuhrat Yunusov – against seven year jail terms for meeting with seven others to read the Koran and pray together, Forum 18 News Service has learned. The other seven Muslims' appeals against three year suspended jail terms were also rejected. Also, some officially-permitted Protestant churches in Tashkent Region have been told to remove statute provisions that their aims include sharing their beliefs. A Justice Ministry official denied this to Forum 18, despite this activity being banned in the Criminal and Administrative Codes. But another official thought there may have been "instructions from above". A local Protestant, who asked not to be named for fear of state reprisals, told Forum 18 "that this may be being done to stop Christian South Koreans from visiting or helping these churches" due to South Korean investments in Uzbekistan. A Protestant from Karakalpakstan Region – which bans all non-Russian Orthodox and non-state-controlled Muslim communities - told Forum 18 that ethnic Koreans have been told that they must not have contacts with other countries. The authorities have also stated that "Uzbek or other ethnicities from a Muslim background should not come to churches".

The Justice Department in Tashkent Region, around Uzbekistan's capital, has warned at least some officially registered Protestant churches to remove any provisions in their statutes that declare that their aims include sharing their beliefs, Protestants who asked not to be identified for fear of state reprisals have told Forum 18 News Service. No Muslim, Russian Orthodox, Catholic or Hare Krishna community in the Region is yet publicly known to have faced similar demands.

"Yes we - like all Christians - share our faith with all without regard to ethnic or religious background, since the Bible tells us so," one Tashkent Region Baptist told Forum 18. "But we are not trying to convert them. If they choose to believe in our message then it is their free will." Other Tashkent Region Protestants echoed the Baptist's comments to Forum 18.

Muslim prisoners of consciences' appeal rejected

Also in Tashkent Region, Judge A. Miralimov of the regional Criminal Court today (20 December) rejected the appeals lodged by nine Muslim men punished for meeting to discuss their faith and to learn how to pray. Two of the men - Gayrat Khusanov and Shuhrat Yunusov – were given seven year prison terms on 22 November, and the other seven defendants received three year suspended prison terms (see F18News 23 November 2012 http://www.forum18.org/Archive.php?article_id=1770).

Shukhrat Rustamov, an independent human rights defender from Tashkent told Forum 18 on 20 December that the hearing lasted 30 to 35 minutes and "everything was just formality and decided from before."

It is expected that in two or three days Khusanov and Yunusov will be transferred to a labour camp. Uzbekistan's other prisoners of conscience jailed for exercising their freedom of religion or belief are Muslim, Protestant and Jehovah's Witness (see eg. F18News 10 February 2012 http://www.forum18.org/Archive.php?article_id=1664).

Khusanov's brother Sherzod asked Forum 18 to "please give our message to all the international organisations and people around the world to help and support us". He and two other relatives were fined for a peaceful protest against the trial in front of President Islam Karimov's residence in Tashkent (see F18News 15 November 2012 http://www.forum18.org/Archive.php?article_id=1767).

Relatives of the men told Forum 18 that they simply met sometimes to read the Koran and pray together. They also shared meals together and occasionally helped each other repair their homes. All nine were sentenced under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"). Khusanov, Yunusov and several of the others were also sentenced under Article 244-1, Part 3, Point a, which punishes "production and dissemination of materials containing a threat to public security and public order". Local human rights defenders condemned both the trial and the way it was conducted (see F18News 23 November 2012).

http://www.forum18.org/Archive.php?article_id=1770).

Freedoms of expression and religion or belief "legally" violated

In defiance of its international human rights obligations to protect the freedoms of expression and of religion or belief, Uzbekistan already bans anyone sharing any belief with others. Article 5 of the Religion Law states that: "Actions aimed at attracting believers of one confession to another (proselytism) are forbidden, as is other missionary activity."

The Code of Administrative Offences' Article 240 ("Violation of the Religion Law") Part 2 bans "attracting believers of one confession to another (proselytism) and other missionary activity". Punishments are 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 precise legal definition of what exactly the defined "offences" are, leaving much room for arbitrary official interpretations. Fines under Article 240 are frequently imposed. For example, Timur Kholmatov was on 22 November fined 100 times the minimum monthly wage under this and other Articles for with his wife and four friends reading their Bibles, singing Christian songs, and praying (see F18News 17 December 2012 http://www.forum18.org/Archive.php?article_id=1783).

Punishments for sharing one's beliefs are also set out in Article 216-2 of the Criminal Code, which states that the "conversion of believers belonging to a certain religion to other religions (proselytism) and other missionary activities, will, after the application of penalties under Administrative Law for similar activities, be punished by a fine of between 50 and 100 times the minimum wage or up to six months' detention or up to three years in prison" (see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=1862).

Summoned and threatened

Between 20 and 21 November, Tashkent Region's Justice Department summoned the leaders of at least some of the Region's officially registered Protestant Churches. Officials handed them written warnings to amend the "identified violations of the Religion Law" in the Churches' statutes, and apply for re-registration within one month. All the warnings indicate that the statute of the Church violates Article 5 of the Religion Law, which bans "actions aimed at attracting believers of one confession to another (proselytism), as is other missionary activity".

All unregistered exercise of freedom of religion or belief in association with others without state permission is a criminal offence. Denial of re-registration would result in the communities being banned.

After the written warnings, one congregation wrote to the Justice Department that they will not re-register, a Tashkent Region Protestant, who asked not to be named, told Forum 18 on 19 December.

How much time left?

The warnings were signed by Laziz Musashaikhov, Head of the regional Justice Department, on 20 October. No reason was given for the delay in handing the warnings to the religious communities. "These warnings are a real provocation," Protestants complained to Forum 18. "The Justice Department deliberately handed the warnings only one month after they were signed." The Protestants said that they are not sure how much time the Justice Department will now give the churches to amend their statutes and try to re-register.

Protestant churches of a variety of denominations in a variety of locations in Tashkent Region have received the warnings.

"Instructions from above"?

Regional Justice Department Head Musashaikhov's Secretary Aybek, who would not give his last name, declined to say why churches were ordered to re-register. He referred Forum 18 to the Department's Religious Organisations Division. An official (who would not give his name) asked Forum 18 to call back in a few minutes. Several subsequent calls went unanswered. Aybek then told Forum 18 that he does "not know the reason" for the demands. But he commented that but said without specifying that the Division "may have received instructions from above to check the activity of the Churches."

An official of the national Justice Ministry (who refused to give his name) on 20 December claimed to Forum 18 that the Ministry "does not interfere in the activity of the religious organisations". "It is up to the registered organisations whether or not they want to re-register".

He adamantly denied that Uzbekistan does not want churches to propagate their faith among Uzbekistan's population, including ethnic Uzbeks. "It's disinformation you receive," he objected. When asked why there are specific provisions banning "conversion of believers belonging to a certain religion to other religions (proselytism) and other missionary activities", he replied: "Look, I don't

know who you are, and why don't you send an official letter to the Ministry." He then declined to answer further questions.

Stop all activity?

"Many church members may be punished for alleged violations of the Religion Law for any exercise of freedom of religion or belief after the churches apply for re-registration" some Protestants told Forum 18. "According to the Law, re-registration may take up to three months, and during this time they will have to stop all religious activity."

Ethnic targeting?

A Tashkent Region Baptist told Forum 18 that of the three of their Churches which were warned, one is led by an ethnic Uzbek, another by an ethnic Azerbaijani, and the third by an ethnic Tatar. Asked if only churches led by pastors regarded as being of ethnic Muslim background are being targeted, the Baptist said it was impossible to know. "I know that Korean pastors have also been targeted."

Churches are already banned from conducting worship services in Uzbek, although this is the state language.

A member of another Protestant Church in Tashkent Region, who asked not to be identified for fear of state reprisals, told Forum 18 that the authorities also want to stop ethnic Korean Christians from being in touch with their fellow believers from South Korea. "There are investments from South Korea in Uzbekistan, and many South Koreans are Christians," the Protestant told Forum 18. "So this may be being done to stop Christian South Koreans from visiting or helping these churches."

But a Tashkent Region Protestant told Forum 18, on 19 December, that not all predominantly ethnic Korean churches in the region have yet been warned.

Ethnic pressure in Karakalpakstan

A Protestant from the north-western Karakalpakstan [Qoraqalpoghiston] Region told Forum 18 that: "The authorities many times even at mahalla committee level told us openly: let the Russians go to the Orthodox Church, but Uzbek or other ethnicities from a Muslim background should not come to churches." There is only one Orthodox Church in the regional capital Nukus.

The Protestant added that the authorities in Karakalpakstan have told local ethnic Koreans that they can believe in whatever they want, but that they can meet only if they have registration. They also must not maintain ties with believers from South Korea or other countries.

State-imposed restrictions on freedom of religion or belief are particularly tight in Karakalpakstan, and all non-Russian Orthodox and non-state-controlled Muslim activity is banned and a criminal offence (see eg. F18News 23 April 2010 http://www.forum18.org/Archive.php?article_id=1435).

The Protestant also said that surveillance of church members by officials has stepped up in recent months. Their activity is under close scrutiny from mahalla committees, the lowest level of administration in Uzbekistan. Restriction of freedom of religion or belief is among their many duties (see eg. F18News 27 March 2007 http://www.forum18.org/Archive.php?article_id=936). The National Security Service (NSS) secret police routinely carries out covert surveillance of religious communities. Members of a variety of religious communities have told Forum 18 of hidden microphones in places of worship, the presence of NSS agents during worship, and the recruitment of NSS informers within communities (see F18News 5 September 2007 http://www.forum18.org/Archive.php?article_id=1014).

The Protestant told Forum 18 that as their Church is not registered, and the local mahalla committee knows that they are Christians, they keep reminding them that they must not hold meetings.

"We are afraid to give the names of 100 of our members as founders of a registered community as the Religion Law demands", the Protestant told Forum 18. (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=1862.

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.

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