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The right to believe, to worship and witness
The right to change one's belief or religion
The right to join together and express one's belief

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UZBEKISTAN: "Legally" preventing human rights

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

Uzbekistan is formalising harsher restriction than those which formally already exist, Forum 18 News Service notes. A new Prevention Law, which enters into legal force on 15 August, automatically places people convicted by the courts on a Preventive Register, subjecting them to a variety of police "preventative measures" for one year or more. Many agencies are able to initiate placing individuals on the Preventive Register, from health care to nature protection agencies, allowing many possibilities for officials to arbitrarily arrange for people to stay on the Register for many years. The Law also gives mahalla committees wide powers to among other things with police "take measures to prevent the activity of unregistered religious organisations". It also "legalises unofficial informers" a legal expert from Tashkent noted to Forum 18. Heavy punishments continue to be imposed on people exercising freedom of religion or belief, a police officer in a recent raid insisting to Forum 18 that people "are allowed to gather and talk about their religion only in their communities' legally-registered addresses, but not outside those buildings or in private homes".

A new law formalising heavier state restrictions on individuals than those Uzbekistan already formally has enters into legal force on 15 August, Forum 18 News Service notes. The Law on Prevention of Violations of the Law gives wide-ranging powers to state bodes, including committees which run mahallas [local districts], as well as non-state and non-commercial public organisations and ordinary citizens. The new powers formalise what already happens in practice, and among the Law's targets are people exercising freedom of religion or belief or other human rights without state permission.

The Senate approved the Prevention Law on 10 April. President Islam Karimov signed it on 14 May and it was published on 15 May in the state newspapers Halk Suzi (People's Word) in Uzbek and Narodnoye Slovo (People's Word) in Russian.

The Prevention Law formalises existing close state restrictions on those convicted of breaking Uzbekistan's laws and citizens who have no court convictions, including people exercising their right to freedom of religion or belief. People convicted by the courts will automatically be placed on a Preventive Register, thus subjecting them to police measures for one year or more.

Existing state control of society

Uzbekistan already imposes tight restrictions on all religious communities, including harsh restrictions on Muslims marking Ramadan and going on the haj, while all exercise of freedom of religion or belief without state permission is illegal. All religious communities also face covert and open surveillance by the National Security Service (NSS) secret police (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

As Uzbekistan is not a rule of law state, officials appear to regard the function of laws as being to provide officials with excuses to engage in oppression and control of all of society (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Formalising wider state restrictions

Article 9 of the Prevention Law identifies the state agencies which carry out specified "prevention work" (see below), including the Police, Prosecutor's Office officials, NSS secret police, Justice Ministry, State Customs Service, Tax Police, Labour and Social Protection agencies, educational structures (kindergartens, schools, colleges, universities), healthcare institutions (hospitals, AIDS centres, neurological dispensaries) and nature protection agencies.

Mahalla officials are now encouraged to contact and inform these agencies about people exercising their right to freedom of religion or belief. Mahalla committees are a key part of Uzbekistan's system of repression (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Article 21 of the Law gives mahalla committees wide powers in co-operation with the police. These include the requirement to "take measures to prevent the activity of unregistered religious organisations, ensure observance of rights of citizens to religious freedoms, not allow forced propagation of religious views, consider other questions related to observance of the Religion Law".

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The Religion Law bans all exercise of freedom of religion or belief without state permission – including sharing beliefs and the production and distribution of uncensored religious literature and other materials.

Under the Prevention Law, mahalla committees are now formally required to enforce this – which they have already done for years – by ensuring that no one within their territory exercises any freedom of religion or belief (except for individuals praying on their own in private) outside the state-registered place of worship of a state-registered religious community.

"Legalises unofficial informers"

Under the Prevention Law, non-commercial organisations and citizens may help prevent violations of Uzbekistan's laws by helping official agencies. This "legalises unofficial informers" from mahalla committees or among the population, an independent legal expert from Tashkent, who asked not to be named for fear of state reprisals, told Forum 18 on 17 June.

The NSS secret police already recruits informers and spies, including among religious leaders (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

"Prevention measures"

Article 29 of the Prevention Law specifies the types of "prevention measures" used against individuals, including: prophylactic talk; official warning; "social rehabilitation"; placing on the Preventive Register created under the Law; referral for compulsory treatment; administrative supervision; and "other measures in accordance with the Law".

Under Article 31 individuals are required to sign any written warning they are given. If the individual refuses to sign, this is also noted. The official issuing the warning can also inform the individual's employer (if they are working), their educational establishment (if they are studying), and the mahalla committee where they live.

Article 34 states that those on the Preventive Register are subjected to a range of preventive measures from the police aimed at "correcting them and warning against the conducting of repeat offences". Those subjected to the Preventive Register include former prisoners, as well as those convicted of a wide range of administrative offences.

These include Articles of the Code of Administrative Offences used to punish people exercising their right to freedom of religion or belief, including: Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"); Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial or religious hatred"); Article 240 ("Violation of the Religion Law"); and 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").

If an individual has been punished for more than one separate crime or offence, they are listed on the Preventive Register separately for each reason.

The Prevention Law's Article 38 allows the term of prophylactic registration, which runs for one year from the moment of registration, to be extended if new reasons are found by officials.

How will Prevention Law be implemented?

Based on what is known of the existing treatment of people punished for exercising freedom of religion or belief, the legal expert outlined to Forum 18 how the Prevention Law will be implemented. The Law itself appears to formalise existing official practices.

People punished for exercising freedom of religion or belief "will be taken to the local police chief, and then the Prosecutor's Office, where they will be given official warnings," the legal expert stated. "The employer will be officially informed of the warning, and asked to record all violations of work discipline and 'other activity' and inform police. Many employers have fired employees who have been given official warnings."

The legal expert added that "If the control of persons on the Preventative Register is done by district police it may be harsh. But if control is under local police it will not be as strict, as they are usually very busy."

Police and other officials are even more likely than before to demand that local mahalla committees discuss and take measures against individuals exercising freedom of religion or belief, the legal expert thought. "Then officials will artificially create an intolerant atmosphere against such people where they live."

- Increased visa exit visa problems

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The legal expert also noted that people so targeted will face more problems than normal if they apply for an exit visa to leave the country. The NSS secret police already maintains an exit ban list – for example of human rights defenders – who may not be allowed to travel (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

"The police will send information to the Visa Department to check whether or not the individual is on the Preventive Register before putting the departure visa sticker in their passport," the legal expert told Forum 18. The police would also be able to make life more difficult for those seeking to change their registered address.

- Increased restrictions and punishments

Restrictions and punishments could escalate if an individual fails to obey any new restrictions. "The police will take fingerprints, photograph and video-footage of the registered persons," the legal expert stated. "They will be asked to sign a statement that they must report to a police station twice a month. If they fail to do so, they will be given a further administrative punishment for not following police orders."

- Increased state surveillance

Being on the Preventive Register could cause increased state surveillance of an individual's relatives. "Police will demand that persons provide a copy of their house registry book to investigate to see if other persons residing in the same house have previous convictions or other problems with the authorities," the legal expert told Forum 18. "The police will also compile a list of their close relatives residing in other locations to see if they have problems with the authorities. They will also inform the police in those locations to keep the relatives under surveillance."

Police stations are known to already have displays of photographs of those the police should pay close attention to, including convicted criminals such as drug-dealers - but also including people convicted or suspected of exercising their right to freedom of religion or belief.

- Increased vulnerability

As many agencies are able to initiate placing individuals on the Preventive Register, from health care agencies to nature protection agencies, there are many possibilities for officials to arbitrarily arrange for people to stay on the Register for many years.

The legal expert noted that one particularly vulnerable group is people recovering from drug or alcohol addiction under care from health care agencies, who also find help in following a religion or belief. Such people are particularly vulnerable to being harassed by police and other officials using the Prevention Law as an excuse.

Victims

Uzbekistan continues to punish people for exercising their right to freedom of religion or belief. Such cases, which will from 15 August be formally also subject to the Prevention Law, are highly likely to continue.

In Samarkand [Samarqand] on 24 April at 1.30 pm ten officials from the NSS secret police and the ordinary police – including from the police Struggle with Extremism and Terrorism Department - guided by a local police officer named Aziz (last name not known) broke into Galina Sirotina's private home. She was meeting with fellow members of the city's registered Presbyterian Church, local Christians who wished to remain anonymous for fear of state reprisals told Forum 18 on 25 June.

The officials confiscated personal Bibles, New Testaments and mobiles phones from Sirotina, Ella Tsoy, as well as Fatima and Fiala Kim. They claimed that they were confiscating the phones as "the Bible's text was recorded on the phones". The authorities have also been targeting the mobile phones of known devout Muslims. For example, in April Zoirjon Mirzayev was given a five year jail term for having recordings of Islamic sermons on his mobile (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

The police who raided Sirotina's home then went to the Kims' home and confiscated their remaining six Russian-language Christian books and a song book, all of which were legally bought from the Bible Society in the capital Tashkent. Even such legally-books are routinely confiscated during police raids (se eg. F18News 6 February 2014 http://www.forum18.org/archive.php?article_id=1925).

Judge Bahodyr Alikulov of Samarkand City Criminal Court imposed large fines on the Presbyterians on 18 June.

Fatima Kim and Galina Sirotina were each fined 50 times the minimum monthly salary or 4,805,250 Soms (about 12,500 Norwegian Kroner, 1,500 Euros, or 2,100 US Dollars at the inflated official exchange rate). The two were fined under Administrative Code Articles 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"), 240 ("Violation of the Religion Law"), and 241 ("Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching

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religious beliefs privately").

Fiala Kim, Lyubov Fomina, Yelena Pavlenko and Tsoy were all fined 20 times the minimum monthly salary or 1,922,100 Soms each (about 5,200 Norwegian Kroner, 615 Euros, or 840 US Dollars) under Article 184-2.

Judge Alikulov also ordered that the confiscated Bibles, New Testaments, Christian books, and mobile phones be permanently confiscated. Courts routinely order that confiscated Muslim, Christian, Jehovah's Witness or other religious materials be destroyed (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Judge Alikulov did not answer his telephone on 1 July and the Head of the Court's Chancellery Aziz (who refused to give his last name) refused to discuss the case, stating: "I am not the Judge, but even the Judge will not answer you over the phone."

"They can only have a religious meeting inside their registered building"

Police officer Aziz (he refused to give his last name) who guided the officials on the raid defended the fines and confiscations. "Religious believers are allowed to gather and talk about their religion only in their communities' legally-registered addresses, but not outside those buildings or in private homes", he told Forum 18 on 1 July.

"They were punished based on our law", officer Aziz stated. Asked why police broke into a meeting and confiscated legal books and mobile phones, he claimed that "we as law-enforcement agencies have the right to check up on anyone and any activity, and the law says they can only have a religious meeting inside their registered building".

Similarly, in Tashkent Region Almalyk City Criminal Court in June fined Dmitry Chaplin and one other member of the Almalyk Full Gospel Protestant Church 100 times the minimum monthly salary or 9,610,500 Soms (about 25,000 Norwegian Kroner, 3,000 Euros, or 4,200 US Dollars) and 80 times the minimum monthly salary or 7,688,400 Soms (about 20,000 Norwegian Kroner, 2,400 Euros, or 3,360 US Dollars) respectively. Both were fined for leading a meeting for worship without state permission in a private home, a local Christian who asked to remain anonymous for fear of state reprisals told Forum 18 on 26 June.

Officials during the raid and in court insisted that "no meetings can be held in private homes", and that "each household can have only one Bible".

Police and court officials refused to discuss this case with Forum 18.

Pressure to leave work "voluntarily"

Following fines imposed on seven Jehovah's Witnesses for exercising freedom of religion or belief, their fellow believers have told Forum 18 that the authorities attempted in February and March to force two of those fined to leave their work as teachers "voluntarily".

On 16 January Judge Abdullo Allayev of Bukhara Criminal Court fined three Jehovah's Witnesses from Bukhara, in central Uzbekistan, five times the minimum monthly salary or 480,525 Soms (about 1,300 Norwegian Kroner, 150 Euros, or 210 US Dollars) each.

Dilorom Norova, her son Sherzod Rakhimov and Elnora Maksutova were all fined under Administrative Code Articles 240 Part 1 ("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") and 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Judge Allayev on 23 January also fined Dilorom Rakhamatova, Sanobar Bikmullina, Dilbar Muminova and Muminova's son Oybek Khasanov 480,525 Soms. All four were fined under Administrative Articles 184-2, 240 Part 1, and 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").

Asked why he fined the seven Jehovah's Witnesses for exercising their right to freedoms of religion or belief, Judge Allayev on 1 July told Forum 18 that "if they are unhappy with the decisions they can complain to higher authorities".

After the fines, Jehovah's Witnesses told Forum 18 on 30 June that the Bukhara authorities "pressured Rakhmatova and Muminova by summoning them to Bukhara City Police several times between February and March".

The city's Education Department called a meeting of 80 teachers in various schools, including the secondary schools where Rakhmatova and Muminova teach. At that meeting officials "put the two teachers to shame and reproached them for their religious beliefs and activity".

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The Headteachers of the schools the two work in tried to pressure the two into writing letters of resignation "as though they voluntarily want to be dismissed from their jobs", but the two refused to do so. Both are still employed.

Sabokhat Khaydarova, Headteacher of School No.1 where Rakhmatova works, denied to Forum 18 on 1 July that she tried to pressure Rakhmatova into leaving her job "voluntarily". Asked why the Education Department publicly put Rakhmatova and Muminova to shame for their faith, Khaydarova stated that "I will not say to you anything over the phone" and then hung up the phone.

Erkin Nigmatov, Head of Bukhara City Education Department, on 2 July denied to Forum 18 that he or other officials publicly pilloried the two Jehovah's Witnesses. "We have religious freedoms in Uzbekistan", he claimed. When Forum 18 asking what exactly was discussed in the meeting, Nigmatov admitted that "there was a letter to us from the Court saying that these teachers were fined for unauthorized religious activity". He then stated that "therefore we summoned the teachers to discuss the issue that unauthorised religious activity is not allowed".

Asked why Headteachers of schools tried to pressure the two teachers into writing resignation letters, Nigmatov claimed to Forum 18 that if the two teachers write complaints to him "I will reprimand the Headteachers for this". (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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