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UZBEKISTAN: Increasing use of criminal law against Jehovah's Witnesses

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Three Jehovah's Witnesses are being prosecuted under the Criminal Code for missionary activity, Forum 18 News Service has learnt. Religious minorities are normally prosecuted under the Administrative Code and the last known criminal prosecution – against a Jehovah's Witness and Pentecostal Christians – was in late 2004. All three Jehovah's Witnesses are from small congregations, which do not meet the legal membership threshold for gaining state registration. Questioned about how people from such small congregations can, under Uzbek law, meet for religious activity, Begzot Kadyrov, of the state Religious Affairs Committee, told Forum 18 that congregation members must travel to towns where registered congregations exist. The nearest registered congregations for the three on trial are over 500 km. (310 miles) east of their homes. In a separate development, the largest registered Jehovah's Witness congregation may be in danger of losing its registration.

The trial of a local Jehovah's Witness, Azim Klichev, has been ongoing since 4 August in Navoi [Nawoiy], in western Uzbekistan). Unusually, he is being prosecuted under Article 216 (2) of the Criminal Code (Violation of the laws on religious organisations). This Article – which breaks Uzbekistan's international human rights commitments - states that "the conversion of believers from one faith to another (proselytism) and other missionary activity 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."

The use of this article of the Criminal Code – which only applies after a prosecution under the Administrative Code - is rare. The minimum monthly wage in Uzbekistan is 5540 Som (32 Norwegian Kroner, 4 Euros, or 5 US Dollars), and other economic data is regarded as secret. No cases are known where a member of a religious minority has been jailed under Article 216 (2), but a Jehovah's Witness – along with Pentecostal Christians - was given a large fine under this article in 2004 (see F18News 17 November 2004 http://www.forum18.org/Archive.php?article_id=455)

Judge Khabibullo Toshev, who is conducting Klichev's trial, told Forum 18 from Navoi on 8 August that "Klichev participated in the activities of an unregistered religious organisation and continued his activity after an administrative penalty was imposed on him. According to the Uzbek laws, religious organisations may carry on their activities only after they have been registered by the judicial agencies. The Jehovah's Witnesses in Navoi are not registered, so their activities are unlawful."

Article 8 of Uzbekistan's law on religion, which the judge is here referring to, states that "a religious organisation has the status of a juridical person and can only carry out its activities after registration by the judicial agencies." This is certainly contrary to several articles of the International Covenant on Civil and Political Rights, ratified by Uzbekistan in 1995.

A similar trial is also taking place in the Uzbek town of Karshi [Qarshi], south of Navoi, where two local Jehovah's Witnesses, Feruza Mamatova and Bakhrom Pulatov, have also been charged under Article 216 (2). Mamatova and Pulatov, just like Klichev, had earlier been prosecuted for participating in the activities of an unregistered religious organisation.

As in Navoi, there are fewer than a hundred Jehovah's Witnesses in Karshi. Uzbek law - again in breach of the country's international human rights commitments - requires there to be a minimum of 100 adult members for a religious community to gain state registration. Andrei Shirobokov, a Jehovah's Witness spokesman, told Forum 18 that "we are, in principle, unable to register our congregation. The authorities do not register our congregations, under various pretexts, even in towns where we have considerably more than a hundred followers, for example in Tashkent."

Begzot Kadyrov, chief specialist of the government's Religious Affairs Committee, told Forum 18 on 9 August that Jehovah's Witnesses in Karshi and Navoi had broken the law, as they had carried out activities without being registered. When Forum 18 pointed out that the number of Jehovah's Witnesses in Karshi and Navoi was under 100 and that therefore, according to Uzbek law, Jehovah's Witnesses in these places could not, in principle, gain registration, Kadyrov stated that Jehovah's Witnesses would have to travel to towns where there were registered congregations of Jehovah's Witnesses.

Jehovah's Witness congregations are registered only in Chirchik, 30 kilometres [19 miles] to the north-west of Tashkent, and in Fergana [Farghona]. Chirchik and Fergana are over 500 kilometres [310 miles] east of both Navoi and Karshi.

The congregation in Chirchik – which is the largest registered Jehovah's Witness congregation – may be in danger of having its state registration taken away by the authorities. Its Kingdom Hall (place of worship) has recently moved, so the actual address is no longer the same as the legal address. Another Jehovah's Witness, Andrei Agafonov, told Forum 18 that "the authorities have demanded, so far only orally, that we re-register our congregation. This is absolutely illegal – we are only supposed to inform the judicial agencies of the new factual address of the Kingdom Hall. We asked the authorities to give us an order in writing, against which we could protest."

Agafonov thinks that the authorities may use this as a pretext to demand complete re-registration of the Chirchik community. "In that case, as experience has shown in other districts, we will be refused registration under one pretext or another", he told Forum 18.

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths 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=546

For an outline of the repression immediately following the Andijan uprising, see F18News 23 May http://www.forum18.org/Archive.php?article_id=567 and for an outline of what is known about Akramia and the uprising see 16 June http://www.forum18.org/Archive.php?article_id=586

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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