

15 March 2010

UZBEKISTAN: Baptists fined 100 times minimum monthly salary

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

Uzbekistan has fined 13 members of an unregistered Baptist church 100 times the minimum monthly salary, Forum 18 News Service has learned. The church has protested against the fines, claiming that over 60 violations of Uzbek law were committed in the course of the arrests, detentions and interrogations which led up to the court proceedings. Among the Criminal Code articles said to be violated were those forbidding the use of violence by officials. There have been several other recent raids and fines on Protestants. In one incident after fining three Protestants, Judge Makset Berdimuratov in the north-western region of Karakalpakstan ordered the destruction of confiscated Christian books including the Bible. Asked by Forum 18 why Christians believers cannot keep copies of Bibles in their homes, the Judge – in a very calm voice – stated that Bibles "must also be registered with the State Committee, and if they are not they will be destroyed once found."

Uzbekistan has fined 13 members of an unregistered Baptist church 100 times the minimum monthly salary, Forum 18 News Service has learned. Judge Islam Noyobov of Almalyk [Olmalyq] Criminal Court, near the capital Tashkent, fined the Baptists under Article 240 part 2 ("proselytism") of the Administrative Code on 23 February. The prosecutor was Almalyk City official T. Tukhtayev. In the verdict, which Forum 18 has seen, Sergei, Olga and Yekaterina Brislavsky (father, mother and daughter), Rita Struchayeva, Lyubov Abdalova, Yuri Zakharchenko, Tatyana and Stanislav Shopov, Azamat Nazarov, Anna Yermolayeva, Olesya Saidaliyeva, Omon Tadjibayev, Yelena Gusova and Valentina Fiddayeva were each fined 3,768,000 Soms (14,500 Norwegian Kroner, 1,810 Euros, or 2,490 US Dollars).

The court verdict states that Tashkent Regional and Almalyk City Police on 24 January found the Baptists conducting "illegal teaching of religious doctrines without a special authorisation from a central religious organisation" and ordered that 30 copies of religious literature in Russian and Uzbek be confiscated, including 6 Bibles in Russian and one New Testament and Psalms in Uzbek. The literature and materials were ordered to be sent to the State Religious Affairs Committee in Tashkent for "religious expert" examination. Such "expert examination" is often ordered for confiscated literature, even for the works of authors such as Sir Walter Scott and Ivan Turgenev (see F18News 31 July 2009 http://www.forum18.org/Archive.php?article_id=1333).

The prosecution followed a police raid on the Brislavskys' home (see F18News 9 February 2010 http://www.forum18.org/Archive.php?article_id=1406). The congregation belongs to the Council of Churches Baptists which on principle refuses to seek state registration, fearing this would lead to interference by the state.

Judge Noyobov in 2009 fined Baptists from the same church – in some cases the same people - 50 times the minimum monthly salary, six of which were reduced on appeal (see F18News 8 June 2009 http://www.forum18.org/Archive.php?article_id=1307).

Noyobov's assistant, who did not give his name, told Forum 18 on 10 March that Noyobov was not available to talk. "The Baptists have a lawyer, let him speak to us," he stated. "You do not need to speak for them." Asked why the court kept punishing the Baptists, he said, "I will answer if you write an official letter or come to the court." He then hung up the phone.

Uzbekistan continues to punish people for exercising their freedom of religion or belief, recently jailing a Protestant Christian for 10 years (see F18News 11 March 2010 http://www.forum18.org/Archive.php?article_id=1419) and arresting around 40 associates of a group of readers of the works of Muslim theologian Said Nursi (see F18News 9 March 2010 http://www.forum18.org/Archive.php?article_id=1418).

Police violence goes unpunished

The Baptists also complained that the court did not take action against police who acted illegally or used violence. In a protest letter to Judge Noyobov and Almalyk Prosecutor's Office, the Baptists claim that over 60 violations of Uzbek law were committed by police. These include claims that police "used excessive force and abused their power" and "falsified the case files," thus making the charges against the Baptists invalid.

Attempts between 8 and 11 March to discuss with Prosecutor Gayrat Mukhammedov, or other officials from Almalyk Prosecutor's Office, whether any action against the police would be taken were unsuccessful. The Assistant to Prosecutor Mukhammedov asked

Forum 18 to call back numerous times on those days, each time giving different excuses why the officials were not available to talk.

The letter of complaint – which Forum 18 has seen – states that police officers did not show their identification documents or a warrant, which would authorize the search of the home and detention of church members. "Police used physical force against women and children without defence who were in the home during the raid. They were dragged, beaten and forced into the police car without a chance to put on their coats, shoes, and were not allowed to take with them warm clothes or their personal belongings," the letter reads.

Police did not allow church members to inform relatives of their detention or ask for a lawyer, the protest letter continues. The letter claims that the detainees were psychologically pressured and that one Baptist was told that people like them should be put to death.

The letter continues that the Baptists were not allowed to familiarize with the case files or testify. Some of the defendants did not sign any statements. "The Baptists were not shown the record of administrative violation made by the police."

The protest letter states that among the Criminal Code articles violated by Almalyk Police were articles 156 ("Incitement of Ethnic, Racial or Religious Hatred"), 205 ("Abuse of Power or Office"), 206 ("Excess of Power or Office") and 277 ("Hooliganism"). These articles are reproduced at the end of this article.

Repeated raids

The Almalyk unregistered Baptist congregation has repeatedly faced official raids and detentions as it meets for worship (see eg. F18News 31 March 2009 http://www.forum18.org/Archive.php?article_id=1276). Its members have repeatedly met together for worship, as is their right under international human rights agreements Uzbekistan has signed, despite some facing repeated fines and harassment.

Bibles must be registered or "they will be destroyed once found"

Three Protestants in the north-western region of Karakalpakstan [Qoraqalpoghiston] – where all Protestant activity is banned – have been fined for their religious activity, a source from the region who wished to be unnamed for fear of the authorities told Forum 18. Judge Makset Berdimuratov of Nukus City Criminal Court on 19 February fined Medetbay Abdilbekov, Alfiya Atanazarova and Gulnaz Mambetnazarova, members of a local unregistered Full Gospel Christian Church. They were fined under the Administrative Code's articles 184-2 ("illegal production, storage, import and distribution of religious materials") 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"). Abdilbekov was fined 753,600 Soms (2,900 Norwegian Kroner, 365 Euros, or 500 US Dollars), and Atanazarova and Mambetnazarova were each fined 188,400 Soms (730 Norwegian Kroner, 90 Euros, or 125 US Dollars).

All religious activity that is not either state-controlled Islamic or within the Russian Orthodox parish in Karakalpakstan's capital Nukus is banned in the region. This ban also applies to Russian Orthodox activity outside Nukus and independent Islamic activity (see F18News 20 May 2009 http://www.forum18.org/Archive.php?article_id=1298).

With the same decision Judge Berdimuratov gave an order to destroy 29 Christian books and magazines, among which were 2 Bibles and one New Testament in Uzbek language, a photo album, a photograph in frame, 23 CD and DVD disks, 2 videotapes and 1 audiotape confiscated from the Protestants. Uzbek courts frequently order confiscated religious literature to be destroyed (see eg. F18News 30 September 2008 http://www.forum18.org/Archive.php?article_id=1195).

Judge Berdimuratov told Forum 18 on 11 March that he fined the Protestants "because they continued their religious activity even though their church's registration was stripped away by an earlier court decision" (see F18News 16 September 2005 http://www.forum18.org/Archive.php?article_id=653). He added that the confiscated materials had been destroyed.

"They were not registered with the state Religious Affairs Committee," Judge Berdimuratov responded when asked why he ordered the Bibles and New Testament be destroyed. When Forum 18 asked why Christians believers cannot keep copies of Bibles in their homes, the Judge – in a very calm voice – stated that Bibles "must also be registered with the State Committee, and if they are not they will be destroyed once found."

Nurulla Zhamolov, Karakalpakstan's senior religious affairs official, previously in 2009 "banned for import, distribution or use in teaching on the territory of the Republic of Karakalpakstan" the Bible, a hymn book, a Bible Encyclopaedia, a Bible dictionary, a children's Bible, and the 2004 film "The Passion of the Christ" by Mel Gibson, although this has legally been shown in cinemas in the capital Tashkent. This ban does not however appear to include the Russian-language Synodal version, a nineteenth-century translation widely used not only among Russian-speaking Protestants but by the Russian Orthodox for private reading outside church services (which are in Church Slavonic) (see F18News 20 May 2009 http://www.forum18.org/Archive.php?article_id=1298).

Zhamolov's ban did not mark a more intensive attempt to search for banned Christian literature or material in the region. It is unclear whether the latest prosecution and Judge Berdimuratov's comments presage any harshening of the existing repressive policy. All religious literature in Uzbekistan – even works such as the Bible and the Koran – is nationwide under extremely tight censorship (see F18news 1 July 2008 http://www.forum18.org/Archive.php?article_id=1153).

Asked what punishment would be given to the three Protestants if they are found to have violated the Religion Law again, Judge Berdimuratov said that the question should be addressed to other State authorities. He declined to speak further to Forum 18.

Unregistered Protestant activity punished

Elsewhere in the eastern Andijan [Andijon] region, Judge Shavkat Shadmanov of Kurganteppa District Criminal Court on 26 February in an administrative case fined each Dilrabo Alimzhanova and Madina Turdiyeva, members of a local unregistered Protestant church, 263,760 Soms (1,020 Norwegian Kroner, 125 Euros, or 175 US Dollars) under the Administrative Code's article 240 part 2 ("proselytism"), sources told Forum 18.

Several attempts of Forum 18 between 8 and 10 March to reach Judge Shadmanov was unsuccessful. The court officials twice gave wrong numbers, and twice just hung up the phone after listening to Forum 18's question about the case.

Does Criminal Code apply to officials?

Religious believers of all faiths often state – either on the public record or confidentially - that they are physically attacked if arrested or detained by officials. Some of these statements have been substantiated by forensic-medical examinations, as in the case of the Almalyk Baptists (see eg. F18News 9 February 2010 http://www.forum18.org/Archive.php?article_id=1406). Similar statements of the use of violence by officials are also made in relation to prisoners who have been sentenced (see F18News 9 March 2010 http://www.forum18.org/Archive.php?article_id=1418).

Under Uzbek law, violence and discrimination against someone for their religion or belief by officials are on paper serious offences. But in practice Uzbek officials act as if there is no possibility that they will be prosecuted for their actions if credible accusations are made, and as if the rule of law did not exist.

Article 156 ("Incitement of Ethnic, Racial or Religious Hatred") of the Criminal Code states: "Intentional acts, humiliating ethnic honour and dignity and insulting religious or atheistic feelings of individuals, carried out with the purpose of incitement of hatred, intolerance, or division on national, ethnic, racial, or religious basis, as well as explicit or implicit setting limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs shall be punished with imprisonment up to five years.

The same actions committed:

- a) in a way dangerous to lives of other persons;
- b) inflicting serious bodily injuries;
- c) with forced eviction of individuals from the places of their permanent residence;
- d) by an authorised official;
- e) with previous planning or by a group of individuals;

shall be punished with imprisonment from five to ten years."

Criminal Code Article 205 ("Abuse of Power or Office") punishes "Abuse of power or office, that is, intentional use of office by an official, which caused large damage or significant damage to the rights or legally protected interests of individuals or to the state or public interests shall be punished with fine from one hundred and fifty to three hundred times the minimum monthly wage, or deprivation of certain rights for up to five years, or correctional labour for up to three years, or imprisonment for up to three years.

The same action committed:

- a) causing especially large damage;
- b) in the interests of an organized group;
- c) by an authorised official;

shall be punished with fine from three hundred to six hundred times the minimum monthly wage, or imprisonment up to five years

and deprivation of certain rights."

Article 206 ("Excess of Power or Office") of the Criminal Code defines this as: "Excess of power or office, that is, intentional commission of actions by an official in excess of the power provided to him by law, resulted in large damage or significant harm to the rights or legitimate interests of individuals or to the state or public interests". The same punishments as Article 205 are specified.

Criminal Code Article 277 "Hooliganism" states that: "Hooliganism, that is intentional disregard to the rules of conduct in society, accompanied with battery, infliction of trivial bodily injuries or destruction or damaging or another's property, that has caused significant damage shall be punished with a fine from fifty to one hundred times the minimum monthly wage, or correctional labour for up to three years, or detention for up to six months.

Hooliganism:

1. that has resulted in infliction of medium bodily injury;
 2. that has been committed by a group of individuals;
 3. accompanied with demonstration, threat to use or use of weapons or objects, use of which objectively may cause damage to health;
 4. that is by its content exceptionally cynical, which is expressed in demonstrative disrespect to common morals;
 5. accompanied with attacks on a child, aged, disabled or a person who is in a helpless condition;
 6. accompanied with intentional destruction or damaging or another's property, that has caused large damage;
- shall be punished with imprisonment up to three years.

Hooliganism:

1. that has been committed repeatedly or by a dangerous repeat offender;
2. accompanied with the demonstration, threat to use or use of firearms;
3. that has been committed during a public event;
4. accompanied with resistance to a representative of authorities or of public, who performs functions on keeping public order, or to other individuals, who suppress ruffian conduct;

shall be punished with imprisonment from three to five years."

Forum 18 is not aware of any cases where officials have been prosecuted and faced serious punishments for either using violence against, or discriminating against, people peacefully exercising the internationally recognised right to freedom of religion or belief. (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY