

5 December 2011

UZBEKISTAN: Illegal prosecutions and punishments

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

Sergei Kozin, a Baptist, has been fined 80 times the minimum monthly wage after a police raid on a group of Baptists who were reading on holiday together, Forum 18 News Service has learned. The case – as also one other recent case – was brought even though it was beyond the legal time limit to bring charges. Baptists stated to Forum 18 that the case was "fabricated", with the alleged "witness" not producing the required identity documents. The judge in the case had noted the lack of evidence as well as lack of legal documents produced by police. In another case, five officials raided a home in Fergana without a search warrant. When the wife of the occupant refused the officials entry, they "pushed her out of the way" and "with threats" entered the house. And in another case, after being summoned to a police station for questioning two schoolgirls stopped coming to a church. The police threatened them that "they will be in police records and thrown out of school", Baptists elsewhere told Forum 18.

Uzbekistan continues to fine people for exercising the right to freedom of religion or belief, Forum 18 News Service has learned, in one case using an apparently false witness and with many irregularities in documentation police submitted to court. In other cases, punishments have also been imposed, even though the charges were brought beyond the legal time limit for charges to be brought in Uzbekistan. The police have also bullied two schoolgirls into not attending a church.

Illegal prosecution and punishment

Sergei Kozin, a member of an officially registered Baptist Church in Sergeli District near the capital Tashkent, was on 21 November fined 80 times the monthly minimum salary, or 3,978,800 Soms (12,810 Norwegian Kroner, 1,655 Euros, or 2,220 US Dollars at the inflated official exchange rate). Judge Sanjar Dusmanov of Tashkent Region's Yangiyl District Criminal Court found, in a verdict which Forum 18 has seen, that Kozin broke the Code of Administrative Offences' Article 201 Part 2 ("Violation of the procedure for holding religious meetings, street processions or other religious ceremonies"). Judge Dusmanov also ordered that three Christian songbooks and a book of Psalms with the New Testament be handed for storage to the state Religious Affairs Committee.

The case followed a raid by police on a group of Baptists including Kozin, who were on holiday and who were at that time reading. Officials had originally told Baptists that charges were being brought under Administrative Code Articles 240, Part 1 ("Holding unregistered religious meetings") 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"). The trial and punishment violated the Administrative Code, as Article 36 states that charges cannot be brought more than two months after an alleged administrative violation (see F18News 2 November 2011 http://www.forum18.org/Archive.php?article_id=1633).

A case opened at the same time against another Baptist holidaying with the group, Pavel Nenno, has apparently been dropped by police.

"Holding of a religious meeting is against the law"

The verdict states that the Religious Affairs Committee wrote to the Court, stating that Kozin is "the leader of the Baptist Church officially registered in Sergeli District of Tashkent Region since 20 March 1996, and has rights to carry out religious activity only in the territory of the legal address of the Church. The letter is also said in the verdict to state that no complaints were made to the Committee of any religious meetings in Niyazbash or the Mauviy Kullar [Blue Lake] Resort. "However, if it took place, holding of a religious meeting is against the law."

Judge Who? Prosecutor Who?

Yangiyl Court officials refused to comment on the case to Forum 18. Various officials, none of whom would give their names, several times asked Forum 18 to call back on 30 November saying that Judge Dusmanov was busy. When Forum 18 was finally put through to Judge Dusmanov, he took down Forum 18's questions and said that he was not Judge Dusmanov, only his colleague. He said that he could not make any comments on the case, and that Judge Dusmanov was not available to talk.

Yangiyl Prosecutor's Office on 5 December referred Forum 18 to Deputy Prosecutor Dylmurod Kasymov. The Prosecutor's

official who answered the phone of Kasymov at first said that "there is no such official under that name in our office." When Forum 18 told him that the number and the name was given by the Prosecutor's officials, and insisted asking about the case, he said, "Kasymov is on vacation, and there is no one here who can comment on the case." He then put the phone down.

The Religious Affairs Committee refused to discuss the case with Forum 18 on 2 December. Begzod Kodyrov, the official who oversees work with non-Muslim communities, told Forum 18 that: "You know I do not answer your questions over the phone. You must either come in person or send your questions in writing." He refused to talk further.

The telephones of Committee Chair Artyk Yusupov and other officials went unanswered on 2 and 5 December.

False witness?

Baptists, who asked not to be named for fear of state reprisals, stated to Forum 18 on 28 November that the case was "fabricated", with a "fake" witness. They stated that an Ergash Ermakbayev was produced in court as a witness, but he did not produce as required documents proving his identity. Baptists said that they think that the witness may have been given an "invented name".

Various sources in the past have stated to Forum 18 that police in Uzbekistan use "fake witnesses" while investigating alleged offences by the religious communities and their members. One such source (who wished to remain anonymous for fear of state reprisals) stated that in several cases, the addresses of the witnesses were later checked. But, "we found that no such persons resided at those addresses".

The telephone of police Captain Murat Yusupov of Yangiyul Police Criminal Investigation Department, who opened the case against Kozin, and of other police were not answered on 2 December.

Baptists told Forum 18 that Kozin's legal representative asked the Court to open a criminal case against the witness, but Judge Dusmanov ignored this request.

According to the verdict, Ermakbayev was tending his land not far from the village of Niyazbash on 29 July. He is reported as stating that police officers came to him at 3 pm to ask him to be their witness in inspecting a site at the Mauviy Kullar Resort. "I saw Kozin and other holidaymakers holding some books in their hands, which I later learned were religious books", Ermakbayev told the Court.

Police mistakes

Judge Dusmanov heard Kozin's case for the first time on 28 October, and referred the case Yangiyul Prosecutor's Office for further inquiry into the case. Among Judge Dusmanov's reasons, which Forum 18 has seen, he stated that:

- the Yangiyul Police investigation report did not include the date and time of the alleged administrative violation;
- Kozin was not given a copy of the police report to familiarise himself with the charges;
- Kozin was not told of his rights, or given opportunities to prepare his defence, or have a lawyer and a Russian language interpreter present his defence;
- the case files did not include reports of the other officials who participated in the police raid, the statements of Kozin and other participants in the alleged religious meeting, or a list of names of participants in the alleged religious meeting;
- the site of the alleged religious meeting was not thoroughly inspected, no photographs of the site were attached to the case files, and there were no records of the questioning of witnesses who participated in the inspection of the site;
- and the statement of Alimzhon Bahodyrov, a guard at the Mauviy Kullar Resort, does not state that Kozin and others were holding a religious meeting. It just states that they were reading some "biblical books".

Forum 18 has been unable to discuss this with Judge Dusmanov, as as noted above he refused to answer questions.

Home raided despite no search warrant

Five officials in the eastern town of Fergana [Farghona], one of whom was in police uniform, on 19 November raided the private flat of Latipzhon Mamazhanov. He is a member of an unregistered Christian Church, fellow Christians who wished to remain unnamed for fear of state reprisals, told Forum 18 on 29 November. They complained that no search warrant was produced by the officials, who claimed they were from the police. When Mamazhanov's wife refused the officials entry, they "pushed her out of the way" and "with threats" entered the house.

One of the officials in the raid was police Inspector Dilshod Atagulov of Fergana City Police's Crime Prevention Division. He insisted to Forum 18 on 30 November that he "did everything on legal grounds", when asked why the police raided Mamazhamov's home without a warrant. He then said that "I do not wish to discuss the matter with you", and put the phone down. Subsequent calls to Inspector Atagulov went unanswered.

The officials confiscated, about 100 Christian books, including two Bibles, a Bible Dictionary, a Bible Encyclopedia in Russian, a New Testament in Uzbek, 30 Uzbek-language DVDs of the "Jesus Film" (a film of the life of Jesus Christ), four officially licensed Uzbek films on DVDs, a video tape of a film based on St John's Gospel, and a Dell notebook computer.

It is expected that Fergana Police will charge Mamazhanov under the Administrative Code's Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"), the fellow Christians said. This "offence" is punishable with a fine of between 50 and 150 times the minimum monthly salary, "with confiscation of the religious materials and the relevant means of their production and distribution".

Schoolgirls threatened

The officially registered Baptist Church in Angren, Tashkent Region, was raided twice on 16 October. At 11 am, during a meeting for Sunday worship, Furkat Boltayev, Deputy Chief of the town's police Criminal Investigation and Struggle against Terrorism Division, "illegally broke in" to the meeting, which had eight adults and seven teenagers aged between 13 and 15 were present. He confiscated written consent letters of parents allowing children and young people to attend the Church, Baptists who asked not to be named for fear of state reprisals told Forum 18 on 5 November.

Later the same day at 1.30 pm, five police officers with Saidibrahim Saynazarov, Deputy Head of Angren's Administration, raided the church.

After being summoned to a police station for questioning, two schoolgirls stopped coming to church. The police threatened them that "they will be in police records and thrown out of school", Baptists elsewhere told Forum 18. Under duress, the two then wrote statements against Vyacheslav Gavrilov, the Church's Pastor, Baptists said.

The authorities have bullied and harassed school pupils who attend places of worship - including mosques and Christian churches - as well as their parents. The mass media has been used as part of this (see F18News 12 January 2009 http://www.forum18.org/Archive.php?article_id=1239).

The use by officials of violence and torture, or threats of this, is "routine" the United Nations Committee Against Torture has found. Women in particular are often targeted by such assaults (see eg. F18News 29 April 2010 http://www.forum18.org/Archive.php?article_id=1438).

Even though his church is registered, Baptists suspect that Gavrilov may be charged under Administrative Code Articles 240 Part 1 ("Holding unregistered religious meetings") 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").

Boltayev of the police Criminal Investigation and Struggle against Terrorism Division refused to answer questions on 30 November. "Talk to the leadership of the police", he told Forum 18 before putting the phone down.

Yerali Erbutayev, Deputy Chief of Angren Police told Forum 18 on 30 November that he did not know the details of the case and asked Forum 18 to call later. On 1 December Erbutayev stated that police had opened an unspecified administrative case against Gavrilov, but did not want to comment further. He referred Forum 18 to Kudrat Kholmirezoyev, Chief of Angren Police's of Criminal Investigation and Struggle against Terrorism Division. Kholmirezoyev on 1 December asked Forum 18 to call an hour later, saying that he needed to look in the case files. Later, and on 2 and 5 December, his telephone was not answered.

Deputy Head of the city's Administration Saynazirov later called a meeting in November of various local religious communities, at which he demanded that they not be involved in unspecified "proselytism" and "missionary activity", not allow children and young people to take part in meetings for worship, and provide him with lists of their members. The demands were accompanied by threats against the communities (see F18News 8 December 2011 http://www.forum18.org/Archive.php?article_id=1645).

Appeals unsuccessful

Judge Anzhelina Shamsutdinova of Tashkent City Criminal Court on 9 November rejected appeals by Lidiya Guseva, Natalya Belan and Larissa Permyakova against fines. The three had been fined 50 times the monthly minimum salary for visiting a hospital patient (see F18News 5 October 2011 http://www.forum18.org/Archive.php?article_id=1620).

Judge Shamsutdinova refused to comment on her decision on 1 December. When asked why such heavy fines were given, she told Forum 18, "I will not discuss my decisions over the phone and especially with you from Norway." She then put the phone down.

Similarly, Judge Gaziyeu of Tashkent City Criminal Court on 12 October rejected an appeal by Albina Bankova against a fine of 50 times the minimum monthly salary. She had been fined for possession of religious literature, despite the fine breaking Article 36 of the Administrative Code's bar on charges being brought more than two months after an alleged administrative violation. The literature, including Bibles, was ordered to be destroyed by the Court (see F18News 26 August 2011 http://www.forum18.org/Archive.php?article_id=1605). (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>.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY