

19 March 2012

UZBEKISTAN: Religious literature only for "internal use by registered religious organisations"

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

On 5 February police and NSS secret police officers raided an unregistered mainly ethnic Korean Baptist Church's Sunday worship service near Tashkent. On 7 February the state Religious Affairs Committee ruled that Christian literature confiscated during the raid was allowed only for "internal use" by registered religious organisations. On 13 February the Church's Pastor, Vyacheslav Kim (a 65-year-old pensioner), was fined 100 times the minimum monthly wage in his absence. The books and musical instruments seized were ordered handed to the state, according to the verdict seen by Forum 18 News Service. Judge Muhammadali Nazarov defended the fine and confiscations, insisting to Forum 18 that his decision is "in line with the Law". Officials of the Religious Affairs Committee refused to discuss their ruling that the literature was not allowed to unregistered communities or outside registered communities. After a raid on a private home in Samarkand, Protestant Khursheda Telyayeva was fined 20 times the minimum monthly wage. Her confiscated Christian books were ordered handed to Samarkand Regional Muslim Board.

On 13 February, eight days after a raid on a Sunday worship service of his unregistered mainly ethnic Korean Baptist Church near Uzbekistan's capital Tashkent, Pastor Vyacheslav Kim was fined 100 times the minimum monthly wage in his absence. The state Religious Affairs Committee ruled that Christian literature confiscated during the raid was allowed only for "internal use" by registered religious organisations. The judge ordered that the books, two pianos and other church property seized during the raid be handed to the state, according to the verdict seen by Forum 18 News Service. On 24 January, eleven days after her home was raided and her religious literature confiscated, Samarkand Protestant Khursheda Telyayeva was fined 20 times the minimum monthly wage. Her confiscated Christian books were ordered handed over to Samarkand Regional Muslim Board, the verdict in her case reveals.

Meanwhile, members of a Baptist congregation in the southern town of Mubarek – raided during Sunday worship on 26 February – will be fined, one police officer told Forum 18.

Raids on worship and other religious meetings are frequent in Uzbekistan. Unregistered religious activity is an offence, in defiance of Uzbekistan's international human rights obligations.

In two separate cases in February, in different regions of Uzbekistan, courts ordered religious literature confiscated from four Muslim women and a Protestant destroyed, according to the verdicts seen by Forum 18. All five were also fined. Uzbek courts frequently order the destruction of religious literature confiscated during raids on places of worship or private homes (see F18News 16 March 2012 http://www.forum18.org/Archive.php?article_id=1679).

Alleged "expert analyses" are routinely used by the authorities as an excuse to arbitrarily confiscate books and other religious material (see eg. F18News 20 May 2009 http://www.forum18.org/Archive.php?article_id=1298). A very strict censorship regime is applied against religious literature and other material of all faiths (see F18News 1 July 2008 http://www.forum18.org/Archive.php?article_id=1153). This includes postal censorship of material sent to the country. One Customs Inspector told Forum 18 that 80 to 90 per cent of all imported or posted religious literature confiscated is Muslim (see F18News 27 October 2011 http://www.forum18.org/Archive.php?article_id=1630).

Massive fine for Protestant pastor

On 13 February, Judge Muhammadali Nazarov of Urtachirchik District Criminal Court of Tashkent Region found Pastor Kim – a 65-year-old pensioner - guilty of violating five Articles of the Code of Administrative Offences, according to the verdict seen by Forum 18.

They are: Article 184-2 ("Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons"); Article 201, Part 2 ("Violation of the procedure for holding religious meetings, street processions or other religious ceremonies"); Article 202-1 ("inclination to participate in the activity of illegal social and religious organisations"); Article 240, Part 1 ("unregistered religious activity"); 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").

The Judge fined Pastor Kim 6,292,000 Soms (19,600 Norwegian Kroner, 2,595 Euros or 3,421 US Dollars at the inflated official exchange rate), 100 times the minimum monthly wage.

Judge Nazarov also ordered the confiscated Christian books, audio-cassette tapes, CDs and other materials as well as the Church's property - including the sound system, overhead projector, Yamaha keyboard, and two pianos made in Ukraine and Belarus - to be forfeited to the State.

Judge Nazarov defended the fine and confiscations, insisting that his decision is "in line with the Law." The Judge brushed off Forum 18's question why the Court stripped the Church of its property, including items used in worship services. "You are not the prosecutor or their lawyer," he told Forum 18 on 14 March. He did not want to answer whether his decision or Uzbekistan's Religion Law does not violate Pastor Kim and his fellow-believers' fundamental human rights, and put the phone down.

Literature illegal unless used by registered communities internally

The verdict in Pastor Kim's case notes that a "judicial-literary expert analysis" of the Christian books confiscated during the raid was completed on 7 February, within two days of the raid. This found "no public calls for unconstitutional change to the existing state structure", nor "ideas for the propaganda of religious extremism, separatism or fundamentalism directed at the carrying out of national, racial, ethnic or religious hatred".

However, the "expert analysis" – presumably the one ordered from the state Religious Affairs Committee in Tashkent – declares that "the given literature can be used only for their internal use by religious organisations that have undergone state registration".

Officials of the Religious Affairs Committee refused to discuss their "expert analysis" of Pastor Kim's books with Forum 18 on 19 March, insisting they could not answer telephone enquiries. They also refused to discuss their December 2011 "expert analysis" of Islamic literature confiscated from Tashkent resident Nasiba Ashirmatova which had found that its import into and distribution in Uzbekistan was "illegal". A court subsequently ordered the literature destroyed (see F18News 16 March 2012 http://www.forum18.org/Archive.php?article_id=1679).

Prosecution follows raid

The prosecution of Pastor Kim followed a 5 February police and National Security Service (NSS) secret police raid on his Baptist Church's Sunday worship service. Accompanying the police and secret police was the Chair of the local mahalla committee (residential district administration). Officers confiscated the Church's two pianos, a sound amplifier, microphone, keyboard, projector, eight Christian theology study books, a song-book, eight audio cassette-tapes, and six DVDs (see F18News 13 February 2012 http://www.forum18.org/Archive.php?article_id=1665).

Samarkand fine

On 24 January, eleven days after her home was raided and her religious literature confiscated, Samarkand Protestant Khursheda Telyayeva was fined, according to the verdict seen by Forum 18. Judge Nizamiddin Ernazarov of Samarkand City Criminal Court found Telyayeva guilty of violating Administrative Code Article 184-2. The Judge fined her 1,258,400 Soms (3,915 Norwegian Kroner, 518 Euros or 684 US Dollars at the inflated official exchange rate), 20 times the minimum monthly wage.

With the same decision Judge Ernazarov ordered Christian literature confiscated from Telyayeva's home to be handed over to Samarkand Regional Department of Uzbekistan's Muslim Board. It included a Bible, New Testament and separate books of the Old Testament – the Song of Songs, Isaiah, Kings and Daniel - as well as a Children's Bible in Uzbek, as well as one Bible in Russian and two CDs.

Judge Ernazarov handed a copy of the decision to Telyayeva only on 17 February, 24 days after the hearing. "He was supposed to do so within three days of the hearing," a fellow-believer, who knows Telyayeva, who wished to remain unnamed for fear of the State reprisals, complained to Forum 18 on 23 February.

Article 311, Part 2 of the Code of Administrative Offences requires verdicts to be issued within three days. Failure to issue the written verdict on time prevented Telyayeva from appealing against the punishment, as appeals have to be lodged within ten days of the verdict being issued.

Reached on 15 March, Judge Ernazarov put the phone down as soon as Forum 18 asked him to comment on the fine. His Assistant, Shavkat (who did not give his last name), was equally reluctant to comment. Asked why Telyayeva, a Christian, was given such a large fine simply for possessing books which represent parts of the Christian scriptures, he told Forum 18 on 15 March: "I am sure that the Judge knows why." He refused to comment further. No other Court officials, including the Chancellery officials, wished to comment on the case.

Why the fine?

On 13 January, officials from Samarkand Regional Religious Affairs Department - together with the NSS secret police's Samarkand Regional Department, Samarkand City's 7th Police Department and Samarkand City Police's Criminal Investigation and anti-terrorism Departments - raided her Samarkand home to "check up on the activity of Telyayeva", the court verdict notes. The officials then confiscated the Christian books and CDs.

Officials from Samarkand Regional Justice Department, which is responsible for registration of religious organisations and oversees religious affairs, refused to comment on the case. Asked why Telyayeva's private home had been raided and her Christian books confiscated, Bekzhon Mardiyev, Assistant of the Chief of Department, told Forum 18 on 19 March to send questions in writing. "I am not authorised to answer questions over the phone."

On 19 March, Bahodir Fayzulloyev, Chief of the 7th Police Department, asked Forum 18 to call back in two hours after he had clarified why Telyayeva's private home was raided. Called back later he said he had "checked this case", and found that Telyayeva "does not reside" at the address given in the verdict. When Forum 18 insisted with the question why Telyayeva's home had been raided, he responded: "I don't know, our Department did not check up on Telyayeva, we do not know her."

Ziyo Karimov, Deputy Chief of Samarkand City Police's Criminal Investigation Department, declined to comment on the case on 19 March. He referred Forum 18 to Farhod Mirzayev, Chief of the Police's anti-terrorism Department. Reached the same day, Mirzayev asked Forum 18 to call back in one hour, saying that he would look into the matter. However, his phone was switched off each time Forum 18 called back later the same day.

Raid on Christian Sunday worship

An unregistered Baptist Church in Mubarek in the southern Kashkadarya Region was raided during Sunday worship on 26 February, local Baptists complained to Forum 18 on 9 March. Eleven adults accompanied by children were present when "a bus and car full of police and other officials" arrived. The officials "broke in at 10:30 am, when the Sunday worship service was under way, and disrupted it."

"Immediately after breaking in, some of the officials began taking photographs of the worshippers and filming the Church," Baptists complained. "When they were asked why they disturbed the worship and to show their identification documents, the officials answered that it is a regular passport check-up and they had no need to show their identity documents." The Baptists said that after they insisted, local Police Officer Erkin Ermazov and Police Captain Gayrat Haydarov identified themselves.

Harassment of worshippers

The officials then "forcefully pulled" the songbooks from church members' hands and checked their bags, the Baptists complained. "Then the police having locked the doors and putting guards at the windows wrote down the names of all the worshippers, including the children."

The mother of a one-year old child was not allowed to go up to it when the child woke up and began crying, the Baptists recounted. "Another sister felt chest pains, but the police officers ignored church members' requests to call an ambulance."

Threatened at Police Station

After taking down all the names, the police officers put most of the Church members on the bus, and took them to Mubarek Police Department, Baptists told Forum 18. Only three women, one of whom lives in the home where the worship service are held, was not taken.

At the Police Department each of the detained Church members was questioned individually, and "compelled" by Police Officer Ulugbek Kuchimov to write statements. Officer Kuchimov then "demanded" Vladimir Khanyukov, the owner of the home where the worship is held, to give written promises that for the next two months there will be no meetings in his home.

"When church members refused to sign any papers, Officer Kuchimov threatened them with 15-day administrative arrests, unless they signed the police reports. However, after keeping them for five and half hours at the Department, he released them, warning them that they will be summoned to court later."

Officer Kuchimov on 19 March adamantly denied to Forum 18 that the Baptists were taken to the police station for questioning. "We only checked up on them in the private home, which they illegally use for religious purposes," he claimed. "We did not threaten anyone." Kuchimov denied claims that a church member was prevented from attending to her baby and that officers had refused to allow an ambulance to be called when another church member felt chest pains.

Church meeting place searched

Three officials, who stayed back at the Church, demanded that they needed to inspect the home, the Baptists told Forum 18. "When the sisters refused them to do so, telling them that they have no warrant and that it is an illegal search, the officials told them that it is not a search but an inspection, and went ahead with the search."

The officials then confiscated post cards with scriptures from the Bible, four copies of the Herald of Truth magazines, wall calendars for 2012, a children's painting book, the Baptist Church newsletters, songbooks, children's storybooks, and several other Christian books as well as two folders with music notes and two CD discs of sermons.

Officer Kuchimov told Forum 18 that the confiscated items were sent to the Religious Affairs Committee in Tashkent, and that the police are waiting to receive the written "expert analysis". Asked what punishment the Baptists will receive, he responded: "They will receive an administrative fine."

What further punishments?

Told that prosecution of unregistered religious activity is against universal human rights standards as well as Uzbekistan's Constitution, Officer Kuchimov refused to comment. Asked what further punishments would be given to the Baptists if they continue their unregistered worship, he responded: "Time will show that." (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