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The right to join together and express one's belief

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UZBEKISTAN: Continuing freedom of movement bans

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

Uzbekistan continues to impose bans on entry and exit from the country on people exercising their freedom of religion or belief, Forum 18 News Service has found. The authorities also use the border crossing points for confiscating religious literature. Referring to bans on people taking part in the haj and umra pilgrimages, human rights defender Shaira Sadygbekova described the authorities, especially the Religious Affairs Committee, as "creating artificial barriers for ordinary Uzbeks". Khaitboy Yakubov of the Najot human rights organisation stating that such barriers are widespread. Among other violations are bans on exit visas for Muslims who have passed the stringent state approval procedures for going on state-organised pilgrimages, bans on Muslims joining waiting lists for these pilgrimages, bans on individual Christians and Jehovah's Witnesses leaving the country, and bans on Hare Krishna devotees and Christians entering the country. Officials have refused to discuss these human rights violations with Forum 18.

Uzbekistan continues to impose bans on entry and exit from the country on people exercising their freedom of religion or belief, Forum 18 News Service has found. The authorities also use the border crossing points for confiscating religious literature, even if the confiscated books are personal single samples of publications approved by the government's Religious Affairs Committee.

Among the human rights violations are bans on exit visas for Muslims who have passed the stringent state approval procedures for going on state-organised pilgrimages, bans on Muslims joining waiting lists for these pilgrimages, bans on individual Christians and Jehovah's Witnesses leaving the country, and bans on Hare Krishna devotees and Christians entering the country. Some of these bans have been running for several years.

Religious Affairs Committee officials on 4 April refused to discuss the issues with Forum 18. Chief Specialist Begzod Kodyrov stated "no comments by phone" and put the phone down. Committee Chair Artyk Yusupov's Assistant, who would not give his name, said that Yusupov was busy in a meeting and asked Forum 18 to call back in one hour. Subsequent calls to Yusupov went unanswered.

The assistant to official Human Rights Ombudsperson Sayora Rashidova, who refused to give her name, on 4 April also refused to comment or put Forum 18 through to Rashidova. She referred Forum 18 to Saidbek Azimov, Legal Expert of the Ombudsperson's Office. All calls to him went unanswered.

Approved pilgrimage exit visas denied

Uzbekistan uses exit visas – a Soviet-era idea - to control which of its citizens are allowed to leave the country. Citizens need an exit visa every two years to visit any other country apart from several former Soviet republics. This is applied even to Muslims who have passed the stringent state controls applied to approve who will go on the haj pilgrimage to Mecca.

The person responsible for compiling the list of names of pilgrims with their documentation for the state-controlled Islamic religious leadership (the Spiritual Administration of Muslims, or Muslim Board) in a region some way from the capital Tashkent commented on this. They were after the 2011 haj surprised that a number of approved pilgrims were denied exit visas and so unable to travel, Forum 18 was told.

Only 5,080 out of a potential quota of about 28,000 pilgrims from Uzbekistan travelled to Mecca on the 2011 haj. Among the restrictions are an "unwritten instruction" banned would-be pilgrims under the age of 45, and screening by the National Security Service (NSS) secret police. There are also "unofficial payments" which more than doubled the cost of the haj. "The number of applicants would be much, much higher if the cost was not so high", an imam lamented to Forum 18 (see F18News 7 November 2011 http://www.forum18.org/Archive.php?article_id=1634).

Abdulazim Mansurov, Deputy Head of the Muslim Board, would not explain why Muslims whose applications to join the haj have been approved were denied exit visas. "I have not heard of such a case - maybe you are given wrong information." When Forum 18 noted that there were credible sources that Muslims denied exit visas were on the official haj list, Mansurov said: "Please talk to other authorities". He would not state which other authorities should be approached.

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A never-ending waiting list?

Before even being able to apply to pass the screening process, would-be pilgrims must get onto an official waiting list to apply. Human rights defender Shaira Sadygbekova told Forum 18 on 9 April that she was with great difficulty able to get permission for and make the umra pilgrimage in 2010, she has not been able to go on the haj since she was put on the waiting list in 2007. "My turn should have come up a long time ago," she complained, "but I have not received an invitation from the Tashkent City Administration's Religious Affairs Department."

The umra (or "minor pilgrimage") to Mecca is unlike the haj not compulsory or restricted to a particular month, but it is recommended for devout Muslims. Strict controls on who may go on the umra pilgrimage are also applied (see F18News 19 December 2007 http://www.forum18.org/Archive.php?article_id=1064).

In April 2011, Sadygbekova visited Tashkent's city Religious Affairs Department, and left a letter asking Nizomiddin Bakhtiyarov, Head of the Department, to investigate or clarify to her why she did not receive an invitation for haj or when she will receive it. "There was no response, and the time for haj was coming up, so I personally went in early November 2011 to see Bakhtiyarov in his office," Sadygbekova recounted. "He told me that he could not do anything to help me, and that I should see Zulhaydar Sultanov." Sultanov is the official in the national Religious Affairs Committee responsible for the haj.

Sadygbekova then tried to see Sultanov, but was refused entry into the Religious Affairs Committee building. "I think officials have listed me as banned," she told Forum 18. "As soon as the guards heard my name, they told me without explanation that I could not go into the building."

Nizamiddin Baktiyorov, Deputy Head of Tashkent City Administration, who oversees work with religious communities, refused to speak to Forum 18 on 9 April and put the phone down. Alim, Bakhtiyorov's Assistant, took down Forum 18's name, and after talking to Bakhtiyorov also put the phone down. Subsequent calls to Bakhtiyorov's telephones went unanswered.

Sultanov of the Religious Affairs Committee on 4 April refused to discuss Sadygbekova's case with Forum 18. After taking down Forum 18's name, he kept saying that he could not hear the question clearly although Forum 18's end of the line was very clear. He then put the phone down. Subsequent calls to him went unanswered.

Banned from pilgrimage application list

Human rights defender Sadygbekova also attempted to go on the umra pilgrimage in January 2012, but was refused state permission to apply to go on this. "Trying to comfort myself with the thought that maybe I could go on umra for a second time, and in this way try to make up for the haj pilgrimage, I tried to do this," she told Forum 18.

Having learned in early January that, at Navza Mosque in Tashkent's Chilanzar District, officials were receiving applicants for umra, Sadygbekova went there. "I saw a large crowd of people trying to join the queue to get into the Mosque" for an interview with Religious Affairs Committee officials, she told Forum 18. "I was told by many people from the crowd that they had been there for almost a month, some even sleeping in tents around the Mosque under the rain and snow to be able to get permission for the umra." Average temperatures in Tashkent in January range between –3 and +6 degrees Centigrade.

Sadygbekova observed Sultanov of the Religious Affairs Committee standing with a list outside the Mosque beside the crowd, directing police who to let into the Mosque. She went up to him to ask for an explanation of what was going on. "Sultanov did not wish to talk to me and ordered the police to take me away", Sadygbekova stated.

When the police tried to take her to the nearest Police Station, Sadygbekova showed them documents that she is a human rights defender. Also several people from the crowd intervened to defend her from the police, stating that she had not violated the law. "Then the police released me and I left the area", Sadygbekova said.

"Artificial barriers"

Human rights defender Sadygbekova described the authorities, especially the Religious Affairs Committee, as "creating artificial barriers for ordinary Uzbeks" who are on the waiting lists to go on the haj. Khaitboy Yakubov, head of the Najot (Rescue) human rights organisation in Khorasm Region in the north-west told Forum 18 on 10 April that experiences such as Sadygbekova's are "characteristic for other regions as well".

Human rights defender Yakubov noted that Muslims from the north-western Karakalpakstan [Qoraqalpoghiston] and Khorasm Regions have complained to him about local representatives of the Muslim Board asking for bribes or putting their relatives in the lists of haj pilgrims instead of those on waiting lists. Similar practices have been reported from across Uzbekistan (see F18News 7 November 2011 http://www.forum18.org/Archive.php?article_id=1634).

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"Some people complained to me that they knew for a fact that Sultanov of the Religious Affairs Committee put his family members and friends on the lists, instead of ordinary Uzbeks who wish to go on pilgrimage", Sadygbekova told Forum 18. She stated that she has been told by several Muslims that Sultanov produces an official list of permitted pilgrims, and then "strikes out names of some ordinary Muslims without informing them, claiming them to be sick or not ready, and in their place puts the names of relatives of officials". Human rights defender Yakubov also told Forum 18 that he knew of cases where officials alter the priority of people on lists without informing them.

Individual exits banned

Individuals who are not part of officially organised groups are also subject to bans on leaving Uzbekistan. For example, an Uzbek Jehovah's Witness has not been able to leave the country for almost a year, fellow Jehovah's Witnesses told Forum 18 on 3 April. Early in 2011 the Jehovah's Witness wanted to visit friends abroad, but was stopped at a land border by Uzbek officials and told that they could not leave unless they paid a fine. They then returned to their home town, and have not been able to leave Uzbekistan.

Jehovah's Witnesses told Forum 18 that the person was fined for exercising their freedom of religion or belief. However they cannot afford to pay it as it is "immense, millions of Uzbek Soms". Fines for exercising freedom of religion or belief can be very large, for example in March a Protestant was fined 100 times the minimum monthly wage (see F18News 19 March 2012 http://www.forum18.org/Archive.php?article_id=1680).

Similarly, Larisa Lankina, a member of an unregistered Baptist Church in Tashkent, had an exit ban imposed on her. This was allegedly due to an unpaid fine for exercising her freedom of religion or belief imposed in April 2011. (Lankina and other Baptists were fined after leading a meeting for worship in an old people's home, which was stopped raided by a police "anti-terror" raid – see F18News 22 March 2011 http://www.forum18.org/Archive.php?article_id=1554.)

Such exit bans can be continued beyond the time limit of three months the law allows to collect fines – or even if the fine was overturned. On 3 September 2011, seven months after a fine given to her for "illegally" bringing Christian magazines into Uzbekistan was overturned on appeal, Tashkent Baptist Lidiya Guseva was banned from leaving Uzbekistan. Officials later claimed that this was a "mistake", but did not apologise to or compensate Guseva for lost travel costs (see F18News 9 September 2011 http://www.forum18.org/Archive.php?article_id=1611).

(Also, Guseva, Natalya Belan and Larisa Permyakova were on 29 September 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.)

Baptists on 3 April 2012 told Forum 18 the "mistaken" ban on Guseva was removed on 12 March, and she was that month able to leave Uzbekistan when she travelled to Kazakhstan. However, books confiscated from her in September 2011 at the border have still not been returned.

Such confiscations continue. In one case in mid-February 2012 known to Forum 18, customs officials at a land border confiscated a religious believer's personal religious books – even though the publications had been approved by the Religious Affairs Committee for use in Uzbekistan. The reason given by officials was that the books were not declared in a Customs Declaration.

Exit ban overturned – but fines remain

Following the police "anti-terror" raid on a meeting for worship in an old people's home, two Baptists were in March 2011 fined one month's minimum monthly wage (see F18News 22 March 2011 http://www.forum18.org/Archive.php?article_id=1554.) On 4 April Judge A. Kadyrov of Tashkent Region's Ahangaran District Criminal Court also fined Lankina together with five other members of Tashkent's unregistered Baptist Church 100 times the minimum monthly wage each, or 4,973,500 Soms (16,500 Norwegian Kroner, 2,100 Euros or 3,000 US Dollars at the inflated official exchange rate). The five others were Igor Voloshin, Irina Abdurahimova, Lidiya Guseva, Tatyana Balantayeva and Elvira Habibulina.

All six were fined under three elements of two articles of the Code of Administrative Offences:

- Article 184-3 ("Production, storage or distribution of works promoting national, ethnic, racial or religious hatred"). This allows punishments of between 50 and 100 times the minimum monthly salary for physical persons, between 100 and 150 minimum monthly salaries for groups, administrative arrest of up to 15 days, with confiscation of materials and the means of their production and distribution.

- Article 240 ("Violation of the Religion Law") Part 1 ("Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the organisation or its charter, 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"). Punishments for breaking Part 1 range from fines of 50 to 100 times the minimum monthly salary, or administrative arrest for up to 15 days.

- and Article 240 ("Violation of the Religion Law") Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity"). Part 2 imposes punishment of fines of between 50 and 100 times the minimum monthly salary, or administrative arrest for up to 15 days.

As is frequently the case with Uzbek "law", there is no legal definition of what exactly the defined "offences" are, leaving much room for arbitrary official interpretations.

On 12 February 2012 Bailiff Rustem Yadgarov, Tashkent City Hamza District Court Department imposed a temporary exit ban on Lankina, for not paying the fine. The ban, a copy of which Forum 18 has seen, states that Lankina's rights to leave Uzbekistan must be temporarily restricted, since she "without bona fide reasons did not fulfil the demands of the court order". Baptists, who wish to remain unnamed for fear of state reprisals, complained to Forum 18 on 2 April that this violates legal procedures. They note that one of the errors is that more than 10 months had passed since the original verdict fining Lankina, but Administrative Code Article 330 only allows such administrative punishments to be carried out within three months of an original verdict.

On 12 March K. Zuparov, Deputy Chief of the Tashkent City Court Department, cancelled Yadgarov's decision.

Bailiff Yadgarov on 29 March told Forum 18 that his decision was already cancelled but refused to discuss the case.

Entry bans

Uzbekistan also bans some visits by fellow-believers in other countries. In summer 2011 Uzbek border officials refused Russian citizens Aleksandr Hakimov and his wife entry when they were with a group of Hare Krishna devotees. "Some of the Kazakh devotees, seeing that Hakimov was refused entry decided to go back to Kazakhstan together with him, while a few others who had already crossed the border continued their journey in Uzbekistan," Hare Krishna devotee Galina Golous told Forum 18 from Kazakhstan on 2 April. Golous said that Hakimov believes that he may be on an entry ban list.

Later that summer, another Russian Hare Krishna devotee was stopped by border officials at Tashkent International Airport, when he tried to visit relatives. Officials made the devotee buy a new ticket at his own cost and fly back to Russia.

Such entry bans can last several years. Feruza Akynbekova, a Kazakh member of an unregistered Baptist Church, has not been able to visit Uzbekistan since 18 December 2007. On that day she was stopped at the Min-Suv crossing point on the Uzbek-Kazakh border by Uzbek customs officials, who confiscated Christian literature from her and refused her entry into Uzbekistan.

Baptists who wished to remain anonymous for fear of state reprisals stated that Akynbekova has several times between 2008 and June 2011 unsuccessfully tried to visit Uzbekistan from Kazakhstan. An official letter from the Military Prosecutor's Office to Akynbekova, a copy of which Forum 18 has seen, signed on 13 January 2012 by A. Ishankhodjayev, Head of an unnamed Department claims that her "entry into Uzbekistan is banned to ensure national security".

An earlier letter to Akynbekova, seen by Forum 18, dated 21 August 2009, states that her entry into Uzbekistan was restricted due to Tashkent District Criminal Court's decision from 8 February 2008 imposing on her administrative punishment, for "attempting to bring into Uzbekistan Christian literature, the import or distribution of which in the territory of Uzbekistan is not allowed." In her absence she was on 8 February 2008 fined five times the minimum monthly wage under the Administrative Code's Article 227, Part 1 ("Non-declaration or inaccurate declaration of goods transported through the customs border"), for not declaring in a Customs Declaration six religious books and booklets in her luggage.

The verdict orders the title "Steps towards knowing God" to be given to the Religious Affairs Committee, and other books and booklets to be destroyed as they were "deemed illegal by the decision of the Religious Affairs Committee." Details of the other books are not given. Islamic and Christian literature has often been ordered to be destroyed by courts (see eg. F18News 16 March 2012 http://www.forum18.org/Archive.php?article_id=1679).

"Expert analyses" are routinely used as an excuse to confiscate any book the authorities decide to confiscate (see eg. F18News 20 May 2009 http://www.forum18.org/Archive.php?article_id=1298). "Religious expert analysis" has even been used to justify confiscating works by the 19th century authors Sir Walter Scott and Ivan Turgenev (see F18News 31 July 2009 http://www.forum18.org/Archive.php?article_id=1333). 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).

An official of the Zangiota District Court (which includes the former Tashkent District Court) who introduced himself as Nugmat but refused to give his last name, on 3 April told Forum 18 that Judge Rustamov was busy and not available to comment. He stated that Akynbekova could enter Uzbekistan if she pays the fine. He was surprised that Customs officials had not explained this to her. "Why can't they explain this to her?" (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.

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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.

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