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UZBEKISTAN: "It is prohibited to keep such books at home"

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

In what some in Uzbekistan think may be a change in the authorities' repression policy, there has been an apparent increase in confiscations of privately-owned religious books from homes during raids. Associated with this have been violations of due legal process, Forum 18 News Service has learned. These include denials of legal representation, misrepresentation of whether a defendant has pleaded guilty, verdicts not being provided within the time laid down in law, and so-called "expert analyses" that have confused Protestant books with Jehovah's Witness books. As police confiscated one Bible in Uzbek, one Bible in Russian, and a book by John Bunyan from one Protestant they said: "Don't you know that it is prohibited to keep such books at home?". Police also stated that the books would be sent for "expert analysis" by the Religious Affairs Committee, and that their owner will be fined.

In what some in Uzbekistan think may be a change in the authorities' repression policy, there has been an apparent increase in confiscations of privately-owned religious books from homes during raids. Targets have included Bibles in Uzbek and Russian, as well as other religious texts, Forum 18 News Service has been told by sources within the country. Among several recent cases where there have been violations of due legal process followed by fines for possessing religious literature is that of a Baptist, Roman Nizamutdinov. He was fined the equivalent of 40 times the minimum monthly salary, under the Code of Administrative Violations' Article 184-2, for "illegally" storing religious books in his private home.

Judge Oltynbek Mansurov of Navoi [Navoiy] Criminal Court in imposing the fine of 2,516,800 Soms (about 7,770 Norwegian Kroner, 1,050 Euros, or 1,300 US Dollars at the inflated official rate) on 5 June ignored the fact that three books stored were not – as the Court claimed – books from the Jehovah's Witnesses. They were – contrary to the state's "expert analysis" - Protestant books, such as Evidence That Demands a Verdict by the American author Josh McDowell.

Evidence that demands a Verdict..

Judge Mansurov's verdict, seen by Forum 18, states that the books "according to the opinion of the Expert of the [state] Religious Affairs Committee of Uzbekistan of 30 April is related to the Jehovah's Witnesses religious movement, which was imported into Uzbekistan for use only in the internal activity of a legally registered organisation."

The verdict goes on to state that: "Jehovah's Witnesses are registered in Uzbekistan only in Chirchik [Tashkent Region], and therefore the activity of the members of the said organisation in other territories of Uzbekistan, including Navoi Region is unlawful." It also states that the "use of the given literature outside Chirchik is illegal."

Such alleged "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). 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). Courts frequently order that religious literature confiscated during raids - including Bibles and Islamic texts - be destroyed (see eg. F18News 16 March 2011 http://www.forum18.org/Archive.php?article_id=1679).

"Anti-constitutional activity"

Nizamutdinov has appealed against the fine, citing among many other violations of due process, 112 violations of the law by police before the trial. These include that a search of his home was made in the evening of 23 April by three people who did not identify themselves – other than by one wearing a police uniform – and that no search warrant was at any time produced to authorise the search. The search and book confiscations took place without any authorisation valid in law – but the trial took no account of this.

The verdict was given to Nizamutdinov on 9 July, 35 days after the hearing. But under the law it should have been given to him within three days of the hearing.

Forum 18 tried to reach Judge Mansurov several times between 31 July and 3 August. However, an Assistant who refused to give her name claimed on 3 August that Judge Mansurov has taken sick leave, and is not available to talk to Forum 18.

The Judge's illness has not, however, stopped him talking to the state-controlled press. The 17 July issue of Dustlik Bayrogi (Banner of Friendship), a local newspaper, carried a statement from the judge. He claimed that Nizamutdinov "is engaged in anti-constitutional activity, and is a member of Jehovah's Witnesses, which was confirmed by the literature confiscated from him".

Nizamutdinov's appeal has yet to be heard.

Denied legal representation

Similar violations of legal procedure took place in the trial of Sharofat Allamova for possessing religious literature on 18 May. Judge Akbar Aminov of Urganch [Urganch] Criminal Court in the north-west fined her 10 times the monthly minimum wage (equivalent to 629,000 Soms, or about 1,900 Norwegian Kroner, 260 Euros, or 325 US Dollars) for possessing Christian books and DVD disks. This "offence" broke the Administrative Code's Article 184-2. Judge Aminov ordered the permanent confiscation of the three Christian books and three DVDs the police had already taken from her home.

Judge Aminov on 3 August could not tell Forum 18 why possessing books was an "offence". Asked why the Court did not evaluate violations of legal procedure, the Judge asked Forum 18 to call back later and then put the phone down.

Allamova appealed against the verdict, noting among 272 violations that she had not – as the verdict stated – pleaded guilty and that she had been denied legal representation by both the police and Court. However, Judge Jahongir Botyrov of Khorasm Regional Criminal Court upheld the fine and confiscations.

Judge Botyrov told Forum 18 on 3 August that he had "no time or desire" to talk. When asked why the fine was imposed, he replied: "Let her complain through her lawyer". He then put the phone down.

Allamova was in August 2007 given a suspended jail sentence for possessing religious literature (see F18News 17 September 2007 http://www.forum18.org/Archive.php?article_id=1019), and was in June 2007 detained for four days for this "offence" (see F18News 4 July 2007 http://www.forum18.org/Archive.php?article_id=988).

Raids and confiscations continue

Raids and literature confiscations are continuing. Among known raids in early August, in the east of the country in Fergana [Farghona] Region police raided the home of a local Christian – as in other cases without a search warrant or other legal justification.

Local Protestants, who asked not to be named for fear of state reprisals, told Forum 18 on 6 August that Fergana Police confiscated one Bible in Uzbek, one Bible in Russian, and a book by John Bunyan. Bunyan was a Christian writer who was twice imprisoned for his faith in late 17th century England.

Police stated: "Don't you know that it is prohibited to keep such books at home". They also stated that the books would be sent for "expert analysis" by the Religious Affairs Committee, and that their owner will be fined.

Fines are imposed on those with no realistic ability to pay them. Another local Protestant, in Kokand [Qo'qon] in Fergana Region, was visited by bailiffs in the past week demanding that a fine of 20 times the monthly minimum salary be paid. The fine was imposed after their home was raided in February and Christian literature taken from them. "They cannot afford to pay such a fine, as they are poor", Protestants commented.

More fines

Eduard Kim and Iosif Skayev have each been fined 314,600 Soms (about 970 Norwegian Kroner, 130 Euros, or 160 US Dollars), or five times the minimum monthly wage for teaching religion privately. The fines follow a raid on an unregistered Baptist church, a search, and confiscations of literature in June (see F18News 4 July 2012 http://www.forum18.org/Archive.php?article_id=1717).

Following criminal prosecution, Tereza Rusanova, a 25-year-old Baptist, was on 12 July fined 1,887,600 Soms (about 5,830 Norwegian Kroner, 790 Euros, or 980 US Dollars) or 30 times the minimum monthly salary, for not having a required exit visa for visiting Turkey (see F18News 11 June 2012 http://www.forum18.org/Archive.php?article_id=1710). It is thought that she may have been fined because she is known to be a Christian.

Administrative Code Article 184-2

Article 184-2 bans "Illegal production, storage, or import into Uzbekistan with a purpose to distribute or distribution of religious materials by physical persons".

Punishments are a fine of between 50 and 150 times the minimum monthly wage, "with confiscation of the religious materials and

the relevant means of their production and distribution". (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=1862.

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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