

18 December 2013

UZBEKISTAN: Ten fines in Tashkent Region, more elsewhere

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

In September and October, at least 10 people around Uzbekistan's capital Tashkent were given heavy fines for exercising their right to freedom of religion or belief, Forum 18 News Service notes. Eight people were fined after a police raid on a private home where two Presbyterian women, Rovza and Marina Sultanova, were teaching children. The two women were each fined 90 times the minimum monthly wage, with the other six given lower fines. Police also confiscated Christian materials. Two weeks later a Jehovah's Witness husband and wife, Anatoli and Olga Fedotkin, were each fined 80 times the minimum monthly wage after a raid on their home. The wife's fine was later reduced on appeal. Police illegally forced their way into the couple's home without a search warrant and confiscated religious books. A court decided that the books were not permitted in the town. And Zuboyd Mirzorakhimov, a Tajik Muslim officials claimed has been amnestied, has still not been freed.

In September and October, at least 10 people were given heavy fines for exercising their right to freedom of religion or belief in two different cases in the region around Uzbekistan's capital Tashkent, Forum 18 News Service notes. Eight people were fined after a police raid on a private home where two Presbyterian women were teaching children. The two women were each fined 90 times the minimum monthly wage, with the other six given lower fines. Two weeks later, a Jehovah's Witness husband and wife were each fined 80 times the minimum monthly wage after a raid on their home during which religious literature was seized. The wife's fine was later reduced on appeal.

Numerous items of religious literature in these and other recent cases were seized. One of the courts again ordered that confiscated religious literature be destroyed. Courts routinely order that confiscated Muslim, Christian, Jehovah's Witness or other religious materials be destroyed (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Administrative punishments for exercising the right to freedom of religion or belief are often as much as 100 times the minimum monthly wage. Up to 15 August, one minimum monthly wage was 79,590 Soms. This rose to 91,530 Soms on 15 August, and to 96,105 Soms (about 270 Norwegian Kroner, 30 Euros, or 45 US Dollars at the inflated official exchange rate) on 15 December.

Officials of the government's Religious Affairs Committee in Tashkent refused to talk to Forum 18 on 18 December. Officials – including the Committee's Chief Specialist Begzod Kadyrov - put the phone down as soon as Forum 18 introduced itself.

Husband and wife raided and fined

Judge Orifkhon Nigmanov of Tashkent Region's Almalyk City Criminal Court found Jehovah's Witness husband and wife Anatoli and Olga Fedotkin guilty on 10 October under Code of Administrative Offences Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Each was fined 80 times the minimum monthly wage or 7,322,400 Soms (about 20,000 Norwegian Kroner, 2,400 Euros, or 3,300 US Dollars).

Punishments under Article 184-2 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" (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

The Fedotkins' "offence" was to have Jehovah's Witness religious materials in their private home. The decision reads that based on an 8 October "expert analysis" by the Religious Affairs Committee, the religious books confiscated from the Fedotkins are not allowed to be used for religious purposes in Almalyk.

Kadyrov of the Religious Affairs Committee has previously insisted to Forum 18 that "according to the Religion Law, religious books are only allowed to be read within registered religious communities' buildings" (see F18News 12 September 2013 http://www.forum18.org/archive.php?article_id=1875).

The short decision - just over one page – gives no evidence that the Fedotkins conducted any missionary activity or held a religious

meeting in their home.

Censorship of all religious literature, including using "expert analysis" is severe, and can result in harsh penalties. Zuboyd Mirzorakhimov, a Tajik Muslim, was jailed for five years on 30 October for "smuggling" Koran verses and a sermon into Uzbekistan. His "offence" was to have the verses and Uzbek-language sermon on his mobile phone without declaring this to Uzbek customs officials. Officials have claimed that he is being amnestied (see F18News 16 December 2013 http://www.forum18.org/archive.php?article_id=1907). However today (18 December), family members confirmed to Forum 18 that he is still not free.

"It is the punishment set out in the Article"

Judge Nigmanov ordered to hand over the religious materials to the Religious Affairs Committee in Tashkent, as well as to return the computer hard-disk to the Fedotkins after religious materials had been deleted from it.

On 22 October on the Fedotkins' appeal, Makhmudjan Bazarov, Chair of Almalyk City Court, reduced Olga's fine to 50 times the minimum monthly wage, but upheld Anatoli's fine.

Judge Bazarov claimed in his decision that the actions of both Fedotkins were described correctly, but Olga Fedotkina's fine should be reduced taking into account that she has two children.

Almalyk Court officials (who did not give their names) told Forum 18 on 18 December that Judges Nigmanov and Bazarov "are busy hearing cases". They referred it instead to Sherzod Abdullayev, Chair of the Court's Chancellery. Asked why such heavy fines were given to the couple, Abdullayev replied: "It is the punishment set out in the Article."

Asked why people should be punished for holding only a few religious books in their private home, Abdullayev responded: "It is for the Judges to answer this." Asked whether police can enter any home until 11 pm and without a search warrant, Abdullayev said, "No, they can only do it until 10 pm and with a search warrant."

The Regional Court upheld the fines in late November, Abdullayev told Forum 18. Jehovah's Witnesses confirmed this to Forum 18 on 17 December, saying that the Fedotkins are now preparing an appeal to Uzbekistan's Supreme Court.

Raid

The punishments followed a police raid on the Fedotkins' home in Almalyk on the morning of 6 October, Jehovah's Witnesses complained to Forum 18. Senior Lieutenant Khayrullo Ubaydulloyev, a local police officer, and four officers in plain clothes from Almalyk Police – Captain Jamol Manazarov, Major Feruza Khalminova, Shukhrullo Khamdamov as well as Jahangir Boltayev from the Criminal Investigation Division (CID) - took part in the raid.

Officers "pushed their way in when Olga opened the door of their home thinking that it was Liana, her daughter-in-law knocking on the door," Jehovah's Witnesses complained. Officers told Fedotkina that "we can enter anybody's home until 11 pm," when she asked them on what grounds the police "stormed into their home," and whether their visit was authorised.

Police then asked the Fedotkins whether they stored in their home Jehovah's Witness literature. They immediately began searching, opening the wardrobe, cupboards and suitcases in all the rooms and looking on the bookshelves. The Fedotkins themselves handed over to the police three Jehovah's Witness magazines and one book, asking them whether they were looking for these.

The officials were "very happy when they saw the literature and at once laid it out and filmed it." They also found religious materials in Fedotkin's computer. After "compelling Olga to write a statement", police confiscated the religious materials and the computer, and left, taking Anatoli Fedotkin to the Police Station.

There police "compelled him to write a statement", Jehovah's Witnesses complained. Officers asked him whether he visited the officially registered Jehovah's Witness community in Chirchik. Police told him that they had been following him for the previous three years, and asked him whether he knows other Jehovah's Witnesses in Almalyk.

Close surveillance of all religious communities by the National Security Service (NSS) secret police, using a wide variety of open and covert methods including the recruitment of informers, is a standard part of Uzbekistan's mechanism of repression (see eg. F18News 5 September 2007 http://www.forum18.org/Archive.php?article_id=1014).

Police then released Fedotkin after taking his photograph and a copy of his passport.

"It's the Court which confiscated the materials"

Officer Boltayev from Almalyk CID denied to Forum 18 on 18 December that they entered the Fedotkins' home. "We only talked to

them outside their home," he claimed. Asked how and why the police confiscated the religious materials from their home, the officer was evasive. "It's the Court which confiscated the materials, not us."

Asked whether he and other police officers had a warrant to search the Fedotkins' home, Boltayev refused to say. "Talk to the Interior Ministry if you have questions about our activity," he responded, and put the phone down.

Media attack

Two state-sponsored news agencies, 12news and 12uz, reported on 19 October about the raid. However, the reports, entitled "Law-enforcement agencies detained an illegal Jehovah's Witness missionary", wrongly claimed that police established that "five persons, who were in Fedotkin's home, had come to study Jehovah's Witness canons."

The reports claimed that "Fedotkin, a 53-year-old welder, was caught with evidence," and "a batch of religious literature and audio-video materials were found in his home."

Jehovah's Witnesses adamantly denied to Forum 18 that the Fedotkins were having a religious meeting in their home. They insisted that only one other person was in their home when the police were there: the Fedotkin's daughter-in-law Liana.

Eight fines upheld

Judge Tahir Safarov of Tashkent Regional Criminal Court on 1 November upheld fines given to two members of an officially registered Presbyterian Church in Almalyk. He also upheld fines on six individuals who are not church members but who participated in the Church's activity with their children, according to the verdict seen by Forum 18.

Judge Safarov on 18 December refused to discuss the case with Forum 18, saying that he is "busy and cannot talk at the moment." He then put the phone down.

Judge Akmal Pirnazarov of Akhangaran City Criminal Court on 26 September had fined two church members, Rovza and Marina Sultanova, 90 times the minimum monthly wage or 7,163,100 Soms (about 19,840 Norwegian Kroner, 2,360 Euros, or 3,250 US Dollars) for teaching a group of children in their private home.

Also fined were six parents of those children: Bakhtiyor Karayev, Rozalina Abyazova, Galina Dyachenko, Natalya Kubaychuk, Olga Vlasova and Olga Kazakova.

Vlasova was fined 60 times the minimum monthly wage, Karayev, Abyazova, Dyachenko and Kazakova 50 times the minimum monthly wage, and Kubaychuk 40 times the minimum monthly wage.

All eight were – like the Fedotkins - punished under Administrative Code Article 184-2. Although the minimum monthly wage increased on 15 August, the court fined the eight at the earlier rate.

Judge Pirnazarov also ordered confiscation from the eight individuals of 29 Christian books, four personal notebooks with notes, 29 CDs and DVDs, nine video-cassette tapes, one computer processor as well as other materials. The books - including two Bibles, two New Testaments and a Children's Bible in Russian – had been bought from the officially registered Bible Society of Uzbekistan in Tashkent.

The case was brought before the Court by Akhangaran Police after it raided Rovza Sultanova's private home on 8 August, as seen from the Court decision, and "established" that the two Presbyterian women "illegally taught religion to the children." The police also confiscated Christian materials from the home.

Fined – four months before given decision

Khanki Town Bailiff Allayar Jabbarov summoned local Protestant Sardorbek Nurmetov to the Bailiffs Department and on 26 November handed to him the 23 July decision of Judge Makhmud Makhmudov of Urgench [Urganch] Criminal Court, by which he was fined 12 times the minimum monthly wage or 955,080 Soms (2,600 Norwegian Kroner, 315 Euros, or 430 US Dollars) under Administrative Code Article 184-2 (the same Article used against the Fedotkins).

The bailiff also handed Nurmetov their 20 October decision on the execution of the Court decision.

Nurmetov was detained on the street by police on 14 June, and taken to the police station where he was tortured. Only then was his home searched for allegedly "illegal" literature. Also, charges for this "offence" were only brought after he made a formal complaint about police brutality (see F18News 2 August 2013 http://www.forum18.org/archive.php?article_id=1861).

Protestants complained that instead of taking measures against the police officers who beat Nurmetov, the Court fined him. Also, the

copy of the Court decision was – illegally under Uzbek law - given to him four months after it was handed down.

Jamshid Atajanov claimed to Forum 18 on 18 December that they had given a copy of the Court decision to Nurmetov "within three days we received it from Urganch". Asked why it was given to Nurmetov so late, he claimed that it "may be because he does not have a mailing address." Atajanov declined to comment on the court decision.

Izzat Kariyev, Assistant to Judge Makhmudov, said on 18 December that the Judge is "busy hearing a case." Asked why Nurmetov had been fined, Kariyev claimed to Forum 18 that he "propagated Christianity", which is "prohibited by Law".

No action against torturers

Asked why Nurmetov was given a copy of Judge Makhmudov's decision only after four months, Kariyev retorted, "I don't know." Kariyev also declined to say whether or not the Court took any action against police Captain Shukhrat Masharipov who had beaten Nurmetov.

Violence and torture, or threats of this, by police and other officials are "routine" the United Nations Committee Against Torture has found (see eg. F18News 14 August 2012 http://www.forum18.org/Archive.php?article_id=1732).

Fine cancelled, but religious books ordered destroyed

Judge Khaliddin Shermukhamedov of Tashkent Region's Kibrai District Criminal Court on 21 November cancelled a fine of 10 times the monthly minimum wage given to Yaroslav Kurakin on 7 July. He is a member of an officially registered local Baptist Church.

On 7 July Judge Mukhabbat Khojayeva of Zangiota District Criminal Court also ordered the confiscation of Christian materials from him – 16 books, 3 DVD discs and one calendar. However on 21 November, Judge Shermukhamedov of the Kibrai Court went further, ordering that the confiscated materials be destroyed.

On 11 May Uzbek customs officials stopped Kurakin as he entered Uzbekistan from Kazakhstan, confiscating Christian materials from him. Officials at the same customs post the same day had also confiscated religious materials from four other Baptists (see F18News 30 May 2013 http://www.forum18.org/archive.php?article_id=1843).

Judge Shermukhamedov's cancellation of the fine came as a result of Kurakin's appeal. Among Kurakin's arguments was that he had been handed a copy of the first Court decision only on 3 September, some two months after its pronouncement, by a Court Bailiff.

Forum 18 reached Judge Shermukhamedov on 18 December. Asked why he ordered the destruction of the literature confiscated from Kurakin, the judge suddenly claimed that he could not hear well, and put the phone down. When Forum 18 called a second time, though Forum 18's end of line was clear, he repeated that he could not hear, and put the phone down. Subsequent calls went unanswered.

Fine cancelled, but new investigation

Judge E. Ergashev of Andijan Regional Criminal Court on 21 November in an appeal case, with a decision seen by Forum 18, cancelled a fine of 50 times the minimum monthly wage given to local Protestant Murot Turdiyev on 23 October. However, he referred the case back to Andijan Regional Prosecutor's office for further investigation. Judge Ergashev refused to give a copy of the decision to Turdiyev, saying that he would send it by post.

Like the other cases, Turdiyev was prosecuted under Administrative Code Article 184-2.

Asked whether police will bring new administrative charges against Turdiyev, Officer Sardor Urunov – who was involved in the case - told Forum 18 on 18 December that "the Prosecutor's office should decide that now". Protestants think Urunov is in the NSS secret police. However, he insisted to Forum 18 that he works for the ordinary police.

Calls on 18 December to Andijan Regional Prosecutor's Office went unanswered.

Turdiyev was detained by Traffic Police on 31 August, when he was interrogated and unsuccessfully pressured to become an NSS secret police informer (see F18News 24 October 2013 http://www.forum18.org/archive.php?article_id=1889). (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.

Follow us on Twitter @Forum_18 (http://twitter.com/forum_18)

Follow us on Facebook @Forum18NewsService (<http://www.facebook.com/Forum18NewsService>)

All Forum 18 text may be referred to, quoted from, or republished in full, if Forum 18 is credited as the source.

All photographs that are not Forum 18's copyright are attributed to the copyright owner. If you reuse any photographs from Forum 18's website, you must seek permission for any reuse from the copyright owner or abide by the copyright terms the copyright owner has chosen.

© Forum 18 News Service. All rights reserved. ISSN 1504-2855.

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY