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UZBEKISTAN: Art lessons, talking constitute "illegal" religious activity?

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

Rozalina Abyazova from Tashkent Region is trying to challenge in Uzbekistan's Supreme Court a fine handed down for allegedly involving her 12-year-old son in "illegal" religious education. Her petition, seen by Forum 18 News Service, points out that her son was only taking art lessons with two women who happen to be members of a Protestant congregation. The women and five other parents were also fined. Supreme Court officials refused to discuss the case or tell Forum 18 when the complaint will be heard. Elsewhere, three Protestant women in Fergana Region of eastern Uzbekistan are similarly preparing to challenge fines given to them by a local court merely for discussing their faith with each other. The NSS secret police referred the case to court alleging that the three women "illegally taught the Christian religion to each other". And a Protestant from Tashkent Region has been denied an exit visa.

In Tashkent Region a parent has filed a complaint to Uzbekistan's Supreme Court against the fine given to her for allegedly involving her son in "illegal" religious education, Forum 18 News Service has learned. Seven others were fined as part of the same case. In her petition, she complains to the Supreme Court that her son was taking art lessons from two local Protestant women, who did not teach them religion. Supreme Court officials refused to discuss the case or tell Forum 18 when the complaint will be heard.

Elsewhere, three Protestant women in Fergana Region of eastern Uzbekistan are similarly preparing to challenge fines given to them by a local court merely for discussing their faith with each other. The case was fabricated by the local branch of the National Security Service (NSS) secret police, which alleged that they had been teaching religion "illegally", local Protestants insisted to Forum 18. The Judge who gave the decision defended the fines to Forum 18, but could not substantiate his decision (see below).

Meanwhile the Ministry of Interior's Tashkent Regional Visa Department in late January refused Azamat Rajabov, a local Protestant, an exit visa or permission to leave Uzbekistan. An official of the Visa Department told him that there is an exit ban on him (see below).

Why were parents and hosts fined?

Challenging a fine for "illegal" religious teaching given to her by a Court in Tashkent Region is Rozalina Abyazova, a resident of Almalyk. On 9 January she appealed to Uzbekistan's Supreme Court against a conviction and fine of 50 times the minimum monthly wage for allegedly involving her 12-year old son Timur Abyazov in "illegal" religious teaching in a private flat.

Abyazova points out in her petition, seen by Forum 18, that her son was only taking art lessons with local women who happen to be members of a Protestant congregation. The case was brought illegally as she and her son are state-recognised as having a disability. Also, her son Timur is in the care of his grandmother as his mother Rozalina has been deprived of her parental rights, adding to the illegality of the case being brought against her.

Following a police raid on their flat, Judge Akmal Pirnazarov of Akhangaran Criminal Court on 26 September 2013 fined Rovza and Marina Sultanova, two Protestant women, 90 times the minimum monthly wage. The Sultanovas had opened their home to teach art to disabled children. Six parents of children who had attended, including Abyazova, were each fined between 60 and 40 times the minimum monthly wage. The court also ordered the confiscation of personal Christian books and Bibles, as well as CDs, DVDs, video-cassette tapes, a computer and other materials (see F18News 18 December 2013 http://www.forum18.org/archive.php?article_id=1908).

No comment

Judge Pirnazarov refused to comment on his decision. Asked by Forum 18 on 14 January 2014 why he had punished the women, he replied: "I cannot say why because I do not know you." Asked why he ordered the confiscation of the books, which had been legally bought from the officially registered Bible Society, the Judge asked Forum 18 to send questions in writing and put the phone down.

Abyazova also points out in the complaint that all the children the police found in their raid have state-recognised disabilities. The children only learned to sew, knit and plait. They also played games and learned to dance in the flat.

She also complained that, as of 9 January, she had not received copies of either the 26 September 2013 Akhangaran District Court decision or the 1 November 2013 Tashkent Regional Court appeal decision – even though by then it was 70 days after her appeal was rejected.

Among numerous other violations of published law, Abyazova's petition notes that the case was not lawfully heard as the case materials do not name witnesses attesting to the alleged offence. Nor does the case indicate that the defendants had their rights explained to them. Other violations of published law noted in the petition included that confiscation of the Bibles and other books was illegal, as they had been legally purchased.

An official at the Supreme Court, who would not give his name, refused to comment on the case to Forum 18 on 29 January. He said he did not know when the Court would consider Abyazova's complaint, asking Forum 18 to call back in three days to find out when it would be heard.

Fined for discussing their faith

Three Protestant women, residents of Komilyulchi village in Fergana Region's Uzbekistan District, are also preparing to challenge fines. Judge Akram Toshpulatov of the District Criminal Court fined Oliyahon Haydarova, Mavzhudahon Azamova and Latifahon Zhurayeva on 11 November 2013 "for talking to each other about their faith," local Protestants who know the women, and who wished to remain unnamed for fear of state reprisals, complained to Forum 18 on 24 January.

Judge Toshpulatov with a decision, a copy of which Forum 18 has seen, found the three guilty under Article 241 of the Administrative Code. He fined each twice the minimum monthly wage, 183,060 Soms (500 Norwegian Kroner, 60 Euros or 85 US Dollars at the inflated official exchange rate).

Article 241 punishes: "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". Punishments range from fines of 5 to 10 times the minimum monthly salary, or up to 15 days in jail. Punishments for breaking Article 241 range from fines of 5 to 10 times the minimum monthly salary, or up to 15 days in jail.

The Protestants complained to Forum 18 that the District Department of the NSS secret police "fabricated the case". They also complained that the NSS referred the case to the court alleging that the three women "illegally taught the Christian religion to each other".

The accusation is repeated in Judge Toshpulatov's decision, which says that the NSS secret police's District Department received a "complaint (it does not specify from whom) and established by interrogating the three women that they were engaged in illegally teaching the Christian religion to each other without specialised religious education and without permission from the central organ of a [registered] religious organisation."

Though the court decision claims that the three women admitted to the court that they visited each other and talked about their faith, it provides no evidence that the three formally or unofficially taught religion.

The Fergana Protestants also complained to Forum 18 that the three women could not appeal against the decision until now because they received the copies of the decision only on 11 January 2014, two months after it was handed down.

"It is not a problem"

Judge Toshpulatov refused to explain why the three women were punished for talking to each other about their faith. He insisted to Forum 18 on 28 January that he had fined them "because they violated Uzbekistan's Religion Law". Told by Forum 18 that in his decision he found the three teaching religion illegally but gave no description or evidence of how the three taught religion, and asked how he concluded that they violated the Law, Judge Toshpulatov refused to say. "I do not know you or your organisation," he told Forum 18. "I am not obliged to answer you."

Judge Toshpulatov also played down the Protestant women's concern that the decision was provided to them only after two months. "It is not a problem, they can still complain to a higher Court," he said. The Judge refused to discuss the case further.

Exit visa refused

Azamat Rajabov, a Protestant who lives in Tashkent Region's Chirchik District, was refused an exit visa about one and half months after he officially requested it, a Tashkent-based acquaintance who asked not to be identified for fear of state reprisals complained to Forum 18.

Rajabov submitted the official request on 4 November 2013, and when in late January 2014 he contacted Tashkent Regional Visa Department of the Interior Ministry "an official of the Visa Department, who introduced himself as Major Nodyr Abdullayev told him that he was refused a visa", the Tashkent-based acquaintance told Forum 18 on 24 January. Major Abdullayev told Rajabov that the NSS secret police has issued an exit ban on him.

"Azamat cannot leave Uzbekistan without the exit visa, and will be criminally responsible if he does so," the acquaintance complained to Forum 18.

Against international norms and standards, 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 nine other former Soviet republics. The state has a list of citizens banned from leaving Uzbekistan, which also includes members of various religious communities (see F18News Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Officials at Tashkent Visa Department refused to put Forum 18 through to Major Abdullayev or any other official to discuss the case on 28 and 29 January. An official of the Department on 29 January, after numerous calls, told Forum 18 that it should send its questions in writing. (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.

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