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UZBEKISTAN: Criminal prosecution follows Easter worship meeting?

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

Police raided and threatened Urgench Baptists with criminal prosecution for meeting at Easter. SSS secret police and ordinary police raided Mubarek Baptists' worship, an illegal court fining two. In Karshi police targeted hearing and speech impaired Baptists. A Samarkand Jehovah's Witness was fined when enquiring about state registration.

Uzbek police have threatened members of a Baptist Church in Urgench [Urgench] in the north-western Khorezm Region with criminal prosecution. The threats followed raids by officers of the police Department for the Struggle with Extremism and Terrorism on successive Sundays in April on the Church's Sunday meetings for worship. The first raid was on the day the Church celebrated Easter.

On 8 April police disrupted the Baptists' shared meal to celebrate Easter. During the 15 April raid, officers confiscated Christian books and materials, detained and brought some church members to a police station, questioned them, and warned them that a criminal case would be opened against them (see below).

On 15 April the State Security Service (SSS) secret police and ordinary police raided the Sunday meeting for worship of a Baptist Church in Mubarek in the southern Kashkadarya Region. Police filmed and questioned church members, and illegally confiscated religious literature without a warrant. A court later fined two church members without any proper hearing or due process, including one Baptist who complained about the police's illegal actions (see below).

Similarly, on 6 May police in Karshi [Qarshi] in Kashkadarya Region broke into the home of a Baptist, Viktor Tashpulatov, where the Baptist Church was holding its Sunday worship meeting. Police targeted two hearing and speech impaired Church members, apparently to pressure them into incriminating themselves and others (see below).

Congregations of the Baptist Council of Churches meet for worship without seeking state permission, as is their right under international human rights law. But Uzbekistan, against its international human rights obligations, bans any collective exercise of the freedom of religion and belief without state permission (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

The authorities have also continued to raid and fine communities such as the Jehovah's Witnesses. When a Jehovah's Witness in Samarkand, in the centre of the country, went to their local mahalla (state district administrative committee) to enquire about registering a Jehovah's Witness community, the mahalla called the police. Police then confiscated his mobile phone, and he was subsequently fined twice the minimum monthly salary for having Jehovah's Witness publications on his mobile phone (see below).

Jehovah's Witnesses think that the police tortured Anvar Tajiyev in Urgench because their local community had between January and March 2017 unsuccessfully asked for state registration (see F18News 1 May 2018 http://www.forum18.org/archive.php?article_id=2374).

The authorities have allowed Jehovah's Witnesses to register only one congregation in the country, in Chirchik in Tashkent Region. All other congregations risk raids and fines for meeting for worship without state permission (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Urgench: Easter 8 April celebration raided

On 8 April, Easter Sunday, Urgench Police's Department for the Struggle with Extremism and Terrorism raided the flat of a Baptist, Stanislav Kim, where the local Baptist Church was meeting to celebrate Easter. "At around 11 am Struggle with Extremism and Terrorism Department officers knocked on our door," Kim told Forum 18 on 15 May. "We agreed that only one officer could come in, to see that we are peacefully worshipping."

The police officer refused to identify himself and "after sitting down in a chair demanded that the worshippers come up to him one by one so he could write down their names". He left and then promised that police would come back in one hour.

As soon as the Baptists finished the worship and began to eat a meal together in celebration of Easter, "a group of police officers broke into the house, and began to force the participants out of the house onto the street to take down their names." The police refused to give their names to the Baptists and then left.

The authorities have frequently raided, prosecuted, and fined Baptists in Urgench for exercising their right to freedom of religion and belief – including staging a "show trial" for state TV (see eg. F18News 19 March 2018 http://www.forum18.org/archive.php?article_id=2361).

Kim told Forum 18 that Major Khamro Masimov, Chief of Urgench Police's Department for the Struggle with Extremism and Terrorism, did not participate in the 8 April raid but his officers did.

Asked why police raided the Easter celebration, and why the authorities keep raiding and prosecuting the Baptists, Major Masimov claimed to Forum 18 on 15 May that "we are not doing anything unlawful. Our Religion Law demands that all exercise of freedom of religion and belief must be registered, and so we must carry on controlling all exercise of this freedom."

Major Masimov has recently refused, against Uzbekistan's international human rights obligations, to arrest or investigate his subordinates who tortured a Jehovah's Witness in October 2017. Hospitals refused for fear of the police to treat Anvar Tajiyev who lost his hearing in one ear and still suffers headaches. Many complaints to President Shavkat Mirziyoyev, national and local Prosecutor's Offices have led to no arrests or prosecutions. Masimov of the police Department for the Struggle with Extremism and Terrorism claimed to Forum 18 that "our officers did not violate the law" (see F18News 1 May 2018 http://www.forum18.org/archive.php?article_id=2374).

When Forum 18 pointed out that the Baptists are exercising their fundamental human rights, which are also guaranteed by the Constitution, Major Masimov replied: "Please tell this to our Parliament. We do not decide which laws there should be. We are only responsible for making sure that the laws are observed."

Urgench: 15 April raid and criminal prosecution threat

Seven officers of Urgench Police Department for the Struggle with Extremism and Terrorism, led by Major Masimov and his deputy Captain Mukhammad Rakhimov, once again on 15 April raided Kim's home while Baptists were meeting for Sunday worship. One of the officers filmed everyone present.

"Officers conducted an unauthorised search, and confiscated a Bible and Children's Bible in Russian, a New Testament in Uzbek, a Bible commentary book, a Baptist song book, 12 copies of 'Herald of Truth' Baptist magazine, 30 Baptist post-cards, and a personal diary," Kim told Forum 18.

"Police ignored our demands to show their identity documents and the legally-required warrant for the search", Kim told Forum 18.

Asked why they did not show their identity documents and the legally-required search warrant to the Baptists, Major Masimov replied that "if we did anything unlawful they can write a complaint to the authorities." He then refused to talk more to Forum 18.

All seven adult participants in the meeting were taken to Urgench Police Station for questioning. Major Masimov himself questioned Kim. Police demanded that we write statements and sign a police report", Kim told Forum 18.

"When we told the police that their actions are unlawful, and refused to sign any papers, the officers threatened that they may open a criminal case against us", he said. After two hours of questioning, police released the Baptists.

Kim told Forum 18 on 21 May that he thinks police may be preparing a case under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature" If there has been a previous Administrative Code conviction (as there has been in Kim's case) the punishment is a fine of between 100 and 200 times the minimum monthly wage, or up to three years' corrective labour. Kim thinks that it is possible, as has happened in other cases, that the authorities may punish him with a short-term prison sentence (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

"The case is in Urgench Prosecutor's Office, and they are deciding whether to open an administrative or criminal case", Major Masimov told Forum 18 on 15 May. "It is an administrative violation, but because it is a repeated violation the Prosecutor's Office can decide to open a criminal case." He claimed that the Prosecutor's Office would make a decision "in two or three days", but refused to give Forum 18 more details.

On 22 May Kamol Almatov, Assistant to Urgench Prosecutor Javlan Davletov, refused to answer when asked about the possible prosecution and asked Forum 18 to call back the following day. On 23 May neither Almatov nor Davletov answered their phones.

As of 24 May Kim has had no information on whether he may be prosecuted, and if so on what charges.

Mubarek: Raid, arrest for complaining about police illegality

On 15 April the Sunday meeting for worship of a Council of Churches Baptist Church in Mubarek in Kashkadarya Region was raided. The raid involved State Security Service (SSS) secret police Major Ruzimurod Narboyev, Mubarek Police Criminal Investigation Department head Senior Lieutenant Khurshid Abdiyev, local mahalla committee Chair Kholmurod Nabiyeu, and four ordinary police officers.

The Church, which refuses to seek state registration as is its right under international human rights law, has often been raided and its members fined (see eg. F18News 11 July 2013 http://www.forum18.org/archive.php?article_id=1857).

"As soon as the officials arrived at the Church they began filming the worshippers without asking our permission," church member Vladimir Khanyukov told Forum 18 on 15 May. "They also without showing a search warrant confiscated our Christian literature."

Church member Vitaly Provodin called the Regional Police in Karshi to complain about the unlawful actions of the police, but very soon after the call the police arrested Provodin and took him for questioning to Mubarek Police Station. There, police tried to pressure him into registering the Church. They also told to after his release bring a copy of his passport and a testimonial from the local mahalla committee to the Police Station.

On 21 May mahalla Chair Nabiyeu and the police contradicted each other to Forum 18 as to who was responsible for the raid, Nabiyeu claiming that "I have nothing against Baptists" and that the raid was led by the SSS. He then refused to talk more. But Senior Lieutenant Abdiyev told Forum 18 that "I have a letter from the mahalla Committee informing us of the illegal activity of the Baptists and requesting us to check them."

Mahalla committees are a key element in the state's restrictions on freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Anonymous Judge, illegal hearing, fines

Senior Lieutenant Abdiyev on 15 May summoned church members Khanyukov and Provodin to a hearing of Mubarek Administrative Court at a mahalla committee in a neighbouring District.

"The Judge did not introduce himself and directly began reading us his decision," Khanyukov told Forum 18. There was no kind of hearing or opportunity for the Baptists to defend themselves. He fined Khanyukov and Provodin five times the minimum monthly wage. "We have not yet been given a copy of the decision [which is an illegal action of the authorities], but we were charged with illegal religious meeting and having religious literature."

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Asked why the authorities keep raiding and fining Baptists and others in violation of Uzbekistan's international human rights obligations, Senior Lieutenant Abdiyev replied: "It's your opinion that we violate the laws. It is the Baptists who violate our Religion Law." Asked what will happen if the Baptists continue to exercise their right under international law not to register their Church, Abdiyev replied: "We will give them new fines".

Karshi: Police raid worship meeting

On 6 May police in Karshi broke into the home of Viktor Tashpulatov where his Baptist Council of Churches Church was meeting for Sunday worship. Major Firdavs Khamroyev from Karshi Police's Department for the Struggle with Extremism and Terrorism led six officers from Kashkadarya Regional Police in the raid. The Church, which refuses to seek state registration as is its right under international human rights law, has often been raided (including by Major Khamroyev) and its members fined (see eg. F18News 7 August 2017 http://www.forum18.org/archive.php?article_id=2304).

"Police banged on our doors when we were holding our worship service, and immediately they entered officers began filming the worshippers without asking permission", Tashpulatov told Forum 18 on 21 May. Police wrote down the names of about 50 participants, including children, but despite pressure "none of us wrote statements or signed the police report." As police left they threatened "wait for the court to summon you", but there has not been any summons.

Asked about the raid on 22 May, Major Khamroyev claimed to Forum 18 that "it's a wrong number".

Hearing and speech impaired persons targeted

Officer Jamol Sharapov from the police Department for the Struggle with Extremism and Terrorism on 20 May told Tashpulatov to bring two speech and hearing impaired Church members to police for questioning. "I told him that it is his duty to do so and not mine", Tashpulatov told Forum 18.

Tashpulatov suspects that the police want to pressure the two Church members to write statements incriminating themselves and other Church members.

Officer Sharopov claimed to Forum 18 on 23 May that "I am not involved in that case." When asked why he called Tashpulatov asking him to bring his fellow church members for questioning, he claimed "It's a wrong number" and refused to talk more.

Raids, fines, punished for enquiring about state registration

In April and May, the authorities raided Jehovah's Witness worship meetings in homes in Samarkand and Fergana [Farghona], and twice raided a home in Karshi. The authorities also Jehovah's Witnesses homes for religious literature in Urgench and in the Yangiyul District of Tashkent Region. After the Yangiyul search a court fined two members of the local community five times the minimum monthly wage each under Administrative Code Article 184-2 ("illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). Such fines are common (see eg. F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2367).

When a Jehovah's Witness in Samarkand, in the centre of the country, went to their local mahalla (state district administrative committee) to enquire about registering a Jehovah's Witness community, the mahalla called the police. Mahalla committees are a key element in the state's restrictions on freedom of religion and belief, including via their role in approving registration applications (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

When police arrived at the mahalla they immediately confiscated the Jehovah's Witnesses mobile phone, and he was subsequently fined twice the minimum monthly salary for having Jehovah's Witness publications on the phone.

This is not the only punishment possible for seeking state registration. Jehovah's Witnesses think that the police tortured Anvar Tajiyev in Urgench because their local community had between January and March 2017 unsuccessfully asked for state registration (see F18News 1 May 2018 http://www.forum18.org/archive.php?article_id=2374).

The authorities have allowed Jehovah's Witnesses to register only one congregation in the country, in Chirchik in Tashkent Region. All other congregations risk raids and fines for meeting for worship without state permission (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314). (END)

For more background, see Forum 18's Uzbekistan religious freedom survey at http://www.forum18.org/Archive.php?article_id=2314.

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>.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic religious extremism in Uzbekistan, see http://www.forum18.org/Archive.php?article_id=338.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at http://www.forum18.org/Archive.php?article_id=1351.

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