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UZBEKISTAN: Criminal prosecution for sharing beliefs

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

Jehovah's Witnesses Yevgeni Kupayev and Natalya Kupayeva face criminal trial on 23 July for sharing their beliefs. Police acted illegally during latest arrests, and a male police officer searched the bodies of women. Officials have refused to answer Forum 18's questions about their actions.

The criminal trial of two Jehovah's Witnesses, Yevgeni Kupayev and his wife Natalya Kupayeva, for sharing their beliefs with others is due to begin in Tashkent Region on 23 July. The criminal charges come after previous Administrative Code convictions. Police acted illegally during the latest arrest, and a male police officer searched the bodies of women. They were freed the same day.

Police, prosecution officials and the judge have refused to answer Forum 18's questions about their actions, and put the phone down when Forum 18 asked why the state insists state permission is necessary to exercise fundamental human rights such as the freedom of religion and belief (see below).

On 17 July, Tashkent City Criminal Court upheld Gayrat Ziyakhojayev's conviction for sharing Muslim texts containing "a threat to public security and public order". The court rejected his appeal against the conviction and an order to destroy his phone and computer containing irreplaceable family photos. He now intends to appeal to the Supreme Court. "Judge Turgunova ignored all my objections to falsehoods in the case and did not even answer any of my questions," Ziyakhojayev told Forum 18 (see below).

However, on 17 July a Fergana court overturned Muslim scholar and human rights defender Musajon Bobojonov's three-year suspended prison term on charges of disseminating "extremist" material. "I thank everybody who made efforts for my acquittal," he told Forum 18, "especially my lawyer Khotambek Madumarov" (see below).

Fined under Administrative Code

On 8 January, Yevgeni Kupayev and his wife Natalya Kupayeva were among a group of nine Jehovah's Witnesses fined 10 times the minimum monthly wage. The fines were imposed to punish them for distributing religious literature on a street in the village of Zarkent in Parkent District of Tashkent Region on 10 December 2017.

All were convicted 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"), and Article 240 ("Violation of the Religion Law"), Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity"). On 9 February the Supreme Court rejected appeals against the convictions (see F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2367).

Arrested after sharing beliefs

On 25 February, Senior Lieutenant Khozhiyev (first name not given) and other Parkent Police officers stopped Yevgeni and Natalya Kupayev, along with Aliya Sadikova and Elmira Davletshina, at a bus stop. The four Jehovah's Witnesses at the bus stop were returning home after they had shared their religious beliefs with people in the village of Karakalpak in Parkent District, Jehovah's Witnesses told Forum 18 on 18 July. Police physically forced the four into a patrol car, and took them to Parkent District Police Station where they were "rudely" questioned.

Women searched by male police officer

While at Parkent Police Station, Major Bobur Kurbanov of Parkent Police Criminal Investigation Department (CID) – a male police officer – searched the bodies of all four Jehovah's Witnesses, including the three women.

Women of all faiths throughout Uzbekistan are often targeted by male officials, including with the use of sexual violence (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Illegal statements and confiscations

Illegally, police then drew up statements allegedly from the Jehovah's Witnesses without their signatures. They also illegally confiscated mobile phones from the Jehovah's Witnesses.

Illegal police actions, 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).

Police then released the four Jehovah's Witnesses that day.

Major Kurbanov refused to answer Forum 18's questions about his actions in detaining, searching, and behaving illegally towards the Jehovah's Witnesses. "I will not tell you why," he told Forum 18 on 19 July before putting the phone down.

"Banned imported materials which can be used for missionary activity"

On 27 February, the Religious Affairs Committee found what it described as "banned imported materials which can be used for missionary activity" on Yevgeni Kupayev's phone. A Criminal Code indictment (see below), seen by Forum 18, states that the Religious Affairs Committee claims that as the Jehovah's Witnesses are only registered in the town of Chirchik, under Religion law Article 8 their exercise of freedom of religion and belief anywhere else is banned.

The Committee goes on to state that the Jehovah's Witnesses should therefore be prosecuted under Criminal Code Article 216-1 ("Inducement to participate in the activity of illegal public associations, religious organisations, movements, or sects"). They justified this because the Kupayevs had previously been convicted under the Administrative Code.

The Criminal Code charge carries penalties of between a fine of 25 times the monthly minimum wage and three years' imprisonment (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

No state registration allowed

Religion Law Article 8 does, against Uzbekistan's binding international human rights law obligations, ban the unregistered exercise of freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=2314).

Jehovah's Witnesses' attempts to register communities outside Chirchik have been met with: fines for applying for registration; being tortured for trying to get state registration; and being fined for providing documents for registration.

Other religious communities have faced similar problems. The authorities in Urgench claimed this month (July 2018) to be unaware of Baptists trying to regain the registration of their church which was cancelled in 2004. Many communities are afraid to seek legal status. "Give us freedom of religion and belief, [and] we will ask for registration," one Protestant commented to Forum 18 (see F18News 18 July 2018 http://www.forum18.org/archive.php?article_id=2396).

Also, in May Uzbekistan added two new restrictions for religious communities seeking legal status (see F18News 18 July 2018 http://www.forum18.org/archive.php?article_id=2396).

Criminal trial to begin on 23 July

On 14 March, Parkent Police opened a case against both the Kupayevs under Criminal Code Article 216-1 ("Inducement to participate in the activity of illegal public associations, religious organisations, movements, or sects"). The indictment was signed by Senior Investigator Major Kurbanov of Parkent Police CID and Major Jaloliddin Yakubov, who is head of Parkent CID and led the investigation.

The indictment was endorsed by Parkent District Prosecutor Dilshod Ismayilov. His Assistant Akbarjon Zaynobiddinov refused on 19 July to put Forum 18 through to Ismayilov, and refused to answer when Forum 18 asked why the state insists state permission is necessary to exercise fundamental human rights such as the freedom of religion and belief.

The criminal case was handed to Parkent District Criminal Court. The trial is due to begin under Judge Tolibjon Khaidarov on 23 July.

Judge Khaidarov said "I cannot discuss this with you over the phone" when asked on 19 July why the Kupayevs face criminal prosecution for sharing their beliefs with others. He put the phone down when Forum 18 asked why the state insists state permission is necessary to exercise fundamental human rights such as the freedom of religion and belief.

Conviction and confiscation upheld

On 12 June, Gayrat Ziyakhojayevev was convicted of sharing Muslim texts containing "a threat to public security and public order", despite the fact that he downloaded them from an Uzbek website that is not banned. Although the court freed him of any punishment, he now has a criminal record and Judge Shamsiddin Tojiyev ordered his phone and computer containing irreplaceable family photos to be destroyed (see F18News 26 June 2018 http://www.forum18.org/archive.php?article_id=2390).

On 17 July, Judge Mukhtaram Turgunova of Tashkent City Criminal Court upheld Ziyakhojayevev's conviction and the decision to confiscate his property. "Judge Turgunova ignored all my objections to falsehoods in the case and did not even answer any of my questions," Ziyakhojayevev told Forum 18 on 18 July.

Ziyakhojayevev has not yet received the legally required written copy of Judge Turgunova's decision, and when he does will appeal to the Supreme Court.

Judge Turgunova told Forum 18 on 19 July that "I cannot comment on my decision. You can ask for a copy of my decision". She then refused to talk more to Forum 18.

Acquitted

On 26 March, Kuva District Criminal Court in Fergana Region sentenced Muslim scholar and human rights defender Musajon Bobojonov to a three-year suspended prison term on charges of disseminating "extremist" material. The sentence imposed restrictions he described as "severe - virtually house arrest" (see F18News 6 April 2018 http://www.forum18.org/archive.php?article_id=2367).

The court punished Bobojonov for having on his computer for scholarly purposes an Islamic work which he did not fully agree with, and immediately began seeking "a full acquittal and clearing of my name" (see F18News 26 June 2018 http://www.forum18.org/archive.php?article_id=2390).

On 17 July, Judge Muradjon Mirzajanov of Fergana Criminal Court in the appeal case "fully acquitted me", Bobojonov told Forum 18 the same day. "I thank everybody who made efforts for my acquittal", he said, "especially my lawyer Khotambek Madumarov."

Judge Mirzajanov refused to comment on his decision to Forum 18 on 19 July. His Assistant Dilshod (who refused to give his last name) spoke to the Judge who refused to speak to Forum 18. (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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