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UZBEKISTAN: Large fines for sharing beliefs with permission

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

The regime has resumed fining people who share their faith with others. A Tashkent court fined Jehovah's Witness Nadezhda Manatskova two weeks' average wages in October 2023. The same court fined Elnora Maksutova 8 months' average wages and Marina Penkova over 5 and a half months' average wages in February 2024. In the previous last known case, a Protestant was fined in January 2019. "Members of this community are telling people to join their religion, and this cannot be accepted," says the police officer who questioned Manatskova.

Yunusabad District Criminal Court in the capital Tashkent has handed three Jehovah's Witnesses large fines since October 2023 to punish them for sharing their faith with others. On 10 October 2023, a judge fined Nadezhda Manatskova about two weeks' average wages. On 8 February 2024, a judge fined Elnora Maksutova about 8 months' average wages and Marina Penkova over 5 and a half months' average wages.

The court fined all three women under Administrative Code Article 240, Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity"). These are the first known cases the regime has brought under this provision since January 2019 (see below).

According to the court decision seen by Forum 18, the fines on Maksutova and Penkova follow a conversation on the street which they had with a woman they did not know on 20 January. The two Jehovah's Witnesses started a conversation during which – after seeking the woman's permission - they shared their beliefs. They ended the conversation, apologised, and walked on after the woman became upset. The woman then followed the two Jehovah's Witnesses, started filming them, told them to continue to talk about their faith, and started shouting at them. When the two Jehovah's Witnesses asked the woman who she was, the woman revealed that she was a prison officer (see below).

The court case that followed saw multiple violations of due process and witnesses denied the police Inspector's claims. Yet this did not stop the court proceeding with the case or imposing the large fines (see below).

The decision was – illegally – only sent eight days after the trial, giving only two days to lodge an appeal. Jehovah's Witnesses see the failure to provide a copy of the decision until two days before the appeal deadline as "an attempt to put pressure on us so we could not properly prepare the appeal. Nevertheless," they added, "we filed it" (see below).

In the October 2023 case, Manatskova had approached a woman on the street and began to talk about her faith. The woman "then invited me into her flat nearby", Manatskova told Forum 18 on 29 February. "I went in and shared my faith with her while she offered me tea and treats. And our conversation lasted only a few minutes. Then I left" (see below).

On 4 October, officers summoned Manatskova to the local police station. At a trial on 10 October, which included multiple violations of due process - including being denied knowledge of the charges, a lawyer, and an interpreter – the judge found Manatskova guilty of an "offence" it had not been proved that she committed (see below).

Yerlan Kirgizbayev, the Police Officer who in October 2023 summoned Manatskova for questioning and made her write a statement, at first denied that he knows her or about the case. Asked why the Police crack down on Jehovah's Witnesses exercising the right to freedom of religion or belief, he told Forum 18: "No, members of this community are telling people to join their religion, and this cannot be accepted. It is propaganda and a violation of the Law" (see below).

A Religious Affairs Committee official in Tashkent refused to discuss the fines with Forum 18 or to put Forum 18 through to Committee chair Sodik Toshboyev or other officials (see below).

Prior to October 2023, the last known use by the regime of Administrative Code Article 240, Part 2 ("Attracting believers of one confession to another (proselytism) and other missionary activity") was in January 2019 when a Protestant, Shukhrat Safarov, was fined about two weeks' average wages for giving an Uzbek-language New Testament away as a present. The Judge ordered that the New Testament be destroyed, and the regime committed multiple illegalities throughout the case (see below).

On 19 July and 23 October 2023, the United Nations (UN) Human Rights Committee found that Uzbekistan committed multiple violations of International Covenant on Civil and Political Rights (ICCPR) articles affecting freedom of religion and belief and interlinked human rights. The violations included conviction of Jehovah's Witnesses for "unlawful" religious activity, arbitrary arrest and illegal detention, and seizure and destruction of their religious literature (see below).

Large fines for sharing beliefs with permission

On 8 February, Judge Fotima Ismailova of Tashkent's Yunusabad District Criminal Court found Jehovah's Witnesses Elnora Maksutova and Marina Penkova guilty under Administrative Code Article 240, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Attracting believers of one confession to another (proselytism) and other missionary activity").

Administrative Code Article 240, Part 2 carries a fine of 50 to 100 base units or up to 15 days in prison.

Judge Ismailova fined Maksutova 70 base units, or 23,800,000 Soms (approximately equivalent to almost 8 months' average wages). The judge fined Penkova 50 base units, or 17,000,000 Soms (approximately equivalent to over 5 and a half months' average wages), according to the court decision seen by Forum 18.

Yunusabad District Criminal Court did not answer phone calls on 29 February and 1 March.

The fines followed a conversation on the street which Maksutova and Penkova had with a woman they did not know on 20 January. The two Jehovah's Witnesses started a conversation with the woman during which – after seeking the woman's permission - they shared their beliefs. They ended the conversation, apologised, and walked on after the woman became upset.

However, the woman followed the two Jehovah's Witnesses, started filming them, told the two Jehovah's Witnesses to continue to talk about their faith, and started shouting at them. The woman told Maksutova and Penkova to keep their phones in sight and not to delete their phones' contents. When the two Jehovah's Witnesses asked the woman who she was, the woman revealed that she was a prison officer, Inspector Munisa Allayeva.

District police officer Erkin Berdiyarov then arrived and took the two Jehovah's Witnesses to a police station, where he and another officer Mirzohid Tolipov questioned them. Maksutova and Penkova "were not informed of their rights, nor told what crime they had allegedly committed, nor they were allowed to make a telephone call", Jehovah's Witnesses note.

Violations of due process

Although Yunusabad District Criminal Court found that police had not opened the case against Maksutova and Penkova correctly, as the police did not give the correct date on which the incident took place, this did not stop the court proceeding with the case or imposing large fines.

Four witnesses confirmed that Inspector Allayeva was not forced to hear about the Jehovah's Witnesses' faith. Under the Administrative Procedure Code, this testimony should have been heard in court. However, Jehovah's Witnesses told Forum 18, "Judge Ismailova refused to hear this testimony".

Under the Administrative Procedure Code a copy of a court decision must be given within three days to those found guilty. Without this, no appeal can be made, and appeals must be made within 10 days of the original decision. However, the decision was – illegally – only sent eight days later, only arriving on 16 February. This gave Maksutova and Penkova only two days to prepare and lodge an appeal, which would be heard by the same court.

The regime has also used the tactics of violating due process, and illegally delaying sending court decisions in other freedom of religion or belief cases (https://www.forum18.org/archive.php?article_id=2729).

Jehovah's Witnesses see the failure to provide a copy of the decision until two days before the appeal deadline as "an attempt to put pressure on us so we could not properly prepare the appeal. Nevertheless," they added, "we filed it."

Maksutova and Penkova appealed to Tashkent City Criminal Court on 17 February. The court has not yet set a date for the appeal hearing.

A Religious Affairs Committee (https://www.forum18.org/archive.php?article_id=2699) official Aziz (who did not give his last name) declined to comment on the cases to Forum 18 on 1 March. He claimed that Chair Sodik Toshboyev is "busy and cannot talk". Asked if it could talk to Davronbek Makhsudov, Toshboyev's First Deputy, or any other Deputies, he asked to call back in 10 minutes. Called back numerous times the numbers went unanswered.

The regime has earlier punished Maksutova (https://www.forum18.org/archive.php?article_id=1974) for exercising freedom of religion or belief. "She has been detained eight times, fined six times, a criminal prosecution was conducted against her and the court sentenced her to two years of correctional labour, meaning that 30 per cent of her wages were withheld," Jehovah's Witnesses told Forum 18. "This situation greatly affected her emotional state."

First known fine for sharing beliefs in almost 5 years

Prior to October 2023, the last known use by the regime of Administrative Code Article 240, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Attracting believers of one confession to another (proselytism) and other missionary activity"), under which Maksutova and Penkova were fined on 8 February 2024, was in January 2019.

On 5 January 2019 a Bukhara court fined a Protestant, Shukhrat Safarov, about two weeks' average wages (https://www.forum18.org/archive.php?article_id=2446) for giving an Uzbek-language New Testament away as a present. Judge Ruslan Zairov of Bukhara Administrative Court also ordered that the New Testament be destroyed. Police had found the New Testament during a search of the recipient's home. The regime committed multiple illegalities throughout the case.

However, on 10 October 2023 Judge Sanjar Kuchkarov of Tashkent's Yunusabad District Criminal Court (the same court that fined Maksutova and Penkova) found Jehovah's Witness Nadezhda Manatskova guilty under Administrative Code Article 240, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Attracting believers of one confession to another (proselytism) and other missionary activity").

Judge Kuchkarov fined Manatskova 5 base units or 1,650,000 Soms (approximately equivalent to over 2 weeks average wages), according to the decision seen by Forum 18.

On 1 October, Manatskova had approached Sadokat Khojamukhamedova on the street and began to talk about her faith. Khojamukhamedova "then invited me into her flat nearby", Manatskova told Forum 18 on 29 February. "I went in and shared my faith with her while she offered me tea and treats. And our conversation lasted only a few minutes. Then I left."

On 4 October, officers summoned Manatskova to the local police station, "where I found that Khojamukhametova had allegedly filed a complaint against me". Local police officer Yerlan Kirgizbayev refused to show Manatskova the alleged complaint, "but made me write a statement where I had to explain what happened".

Officer Kirgizbayev at first denied that he knows Manatskova or about the case. When Forum 18 insisted, asking why the Police is cracking down on Jehovah's Witnesses believers while they are only exercising the right to freedom of religion or belief, he brushed it off, "No, members of this community are telling people to join their religion, and this cannot be accepted. It is propaganda and a violation of the Law."

Asked why people can be fans of different football clubs for example and why they cannot become members of various religious communities, Officer Kirgizbayev told Forum 18: "Talk to the higher authorities. I cannot answer such questions." He then declined to talk further.

Violations of due process

The 10 October 2023 hearing at Yunusabad District Criminal Court was held behind closed doors, which not even Manatskova's husband was allowed to attend, Jehovah's Witnesses told Forum 18 on 19 February. This violates the Administrative Code and the Administrative Procedure Code, both of which require court hearings to be open.

It was only during the court hearing that Manatskova was told by Judge Kuchkarov that Khojamukhametova had allegedly lodged a complaint. Yet Khojamukhametova was not present in court to be questioned about the alleged "offence".

The Administrative Code requires among other things that defendants must be given the chance to familiarise themselves with the charges against them, to use a lawyer if they wish, and to have an interpreter if they need one. Manatskova was denied all of these legal rights.

In her appeal, seen by Forum 18, Manatskova states that "before the beginning of the court hearing, a stranger in the courtroom started flipping through the documents and said that he was going to translate them for me". This stranger was not introduced as a legally qualified interpreter, and even though Manatskova did not understand the documents (written in Uzbek) and asked for a proper translation, "I was forced to write a note that I was supposedly familiarised with the case materials and did not need the services of an interpreter".

Even though no evidence was produced that Manatskova had actually violated Administrative Code Article 240, Part 2 (https://www.forum18.org/archive.php?article_id=2699) ("Attracting believers of one confession to another (proselytism) and other missionary activity"), and there were multiple violations of due process, the court still fined her over 2 weeks' average wages for an

"offence" which it had not been proved that she committed.

Manatskova filed an appeal against the fine on 30 October 2023. Tashkent City Criminal Court heard her appeal on 6 November. At the appeal hearing, the "complainant" confirmed that she had no grievance against Manatskova, who did not attempt to force her to change her religion.

Manatskova insisted throughout all the court proceedings that she had not attempted to coerce or force anyone to change their religion, and so could not be found guilty. Yet the appeal court rejected her appeal.

On 27 November 2023, Tashkent City Criminal Court refused to accept a further appeal.

UN Human Rights Committee finds against regime

The United Nations (UN) Human Rights Committee on 19 July 2023 (CCPR/C/138/D/3025-3037/2017 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F138%2FD%2F3025-3037%2F2017&Lang=en)) found that Uzbekistan committed multiple violations of International Covenant on Civil and Political Rights (ICCPR) articles affecting freedom of religion and belief and interlinked human rights. The violations included conviction of seven Jehovah's Witnesses for "unlawful" religious activity, arbitrary arrest and illegal detention, and seizure and destruction of their religious literature.

On 13 October 2023, the Human Rights Committee (CCPR/C/139/D/3089-3093/2018 (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F139%2FD%2F3089-3093%2F2018&Lang=en)) found that Uzbekistan committed multiple violations of ICCPR articles in convicting five Jehovah's Witnesses for "unlawful" religious activity.

In each case, Uzbekistan must provide the people whose human rights were violated "with adequate compensation, including reimbursement of any legal costs they have incurred and of the fines paid". The regime must also "take all steps necessary to prevent similar violations from occurring in the future." The decisions note that the Committee "wishes to receive from the State party, within 180 days, information about the measures taken to give effect to the Committee's Views".

The regime has repeatedly ignored views and observations (https://www.forum18.org/archive.php?article_id=2699) on implementing its legally-binding human rights obligations from the UN Rights Committee, the UN Special Rapporteur on Freedom of Religion or Belief, the Council of Europe's Venice Commission, and the Organisation for Security and Co-operation in Europe's (OSCE) Office for Democratic Institutions and Human Rights (ODIHR). (END)

More reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?country=33>)

For background information, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2699)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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