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UZBEKISTAN: "People are being sentenced for their beliefs"

By Igor Rotar, Forum 18

Judge Alisher Jalilov, who sentenced two Jehovah's Witnesses to several days' detention and fined a further nine under Article 240 of the Administrative Code, has rejected Forum 18 News Service's suggestions that imprisonment is a harsh punishment in these circumstances. Religious believers prosecuted under Article 240 are normally fined, not jailed. Judge Jalilov also claimed that the defendants "did not have any lawyer at all and so I had to choose a defence lawyer myself." Andrei Shirobokov of the Jehovah's Witnesses has categorically rejected Jalilov's claim, stating that the defendants had asked to be represented by a lawyer they had chosen, but Jalilov refused this. "I am not at all surprised that Jalilov has denied the actual facts," Shirobokov told Forum 18. "This is the norm for state officials. They tell you one thing, and tell us completely the opposite." Shirobokov also stated to Forum 18 that "the believers' only 'crime' was that they met to talk about religious matters."

Judge Alisher Jalilov, who sentenced two Jehovah's Witnesses to several days' detention and fined a further nine under Article 240 of the Code of Administrative Offences (breaking the law on religious organisations), has rejected suggestions that imposing imprisonment as a punishment is harsh. "Article 240 provides for this measure. I consulted my colleagues and decided to sentence them to detention," he told Forum 18 News Service on 15 December from the southern Uzbek town of Karshi [Qarshi].

Despite Judge Jalilov's insistence that his decision to sentence the Jehovah's Witnesses to detention was not unusual, religious believers prosecuted under Article 240 are generally fined, Forum 18 notes. Only exceptionally are they sentenced to administrative arrest. It remains unclear why Judge Jalilov handed down a sentence harsh even by Uzbek standards.

Judge Jalilov sentenced Bakhrom Pulatov to seven days' detention and Sagdulla Salaev to five days' detention on 12 December at Karshi town court, Andrei Shirobokov of the Jehovah's Witnesses told Forum 18 from the capital Tashkent on 15 December. Pulatov has – along with other Jehovah's Witnesses – been previously given large fines under articles 240(1) and 240(2) of the Administrative Code (see F18News 14 July 2005 http://www.forum18.org/Archive.php?article_id=606 and under article 26(2) of the Criminal Code (see F18News 16 September 2005 http://www.forum18.org/Archive.php?article_id=653). The nine other Jehovah's Witnesses in this month's trial were each sentenced to fines of 13,000 Som (73 Norwegian Kroner, 9 Euros, or 11 US dollars) under article 240 of the Administrative Code. In Karshi, the average monthly salary has been estimated to be 24,000 Som (135 Norwegian Kroner, 17 Euros, or 20 US Dollars).

Shirobokov rejected the basis of the court's decision. "The believers' only 'crime' was that they met to talk about religious matters," he declared. The Jehovah's Witness community in Karshi is not registered and under Uzbek law – and in defiance of the country's international human rights obligations – unregistered religious activity is illegal. Shirobokov pointed out to Forum 18 that the Karshi community is too small to meet the government's requirements. Persistent attacks from the authorities has been encountered by small religious communities (see eg. F18News 1 April 2005 http://www.forum18.org/Archive.php?article_id=536 and 16 September 2005 http://www.forum18.org/Archive.php?article_id=653).

Under Uzbekistan's religion law a religious community must have at least 100 members to be able to apply for registration, but there are no more than 70 Jehovah's Witnesses in the town. "The effect is that people are being sentenced for their beliefs," Shirobokov told Forum 18. This has been an ongoing problem for the Jehovah's Witnesses throughout the country (see F18News 10 August 2005 http://www.forum18.org/Archive.php?article_id=626).

Shirobokov is also concerned about what he says were "flagrant violations" of the law in the way the case was conducted. The defendants asked to be represented by a lawyer they had chosen. But Jalilov appointed a state defence lawyer for them who Shirobokov believes only provided a token defence.

But Jalilov denied that he had refused to approve the lawyer requested by the Jehovah's Witnesses. "These are ill-educated people," he claimed to Forum 18. "They did not have any lawyer at all and so I had to choose a defence lawyer myself." Shirobokov insists that the eleven Jehovah's Witnesses were refused the lawyer they had selected. "I am not at all surprised that Jalilov has denied the actual facts," he told Forum 18. "This is the norm for state officials. They tell you one thing, and tell us completely the opposite."

The chief specialist at the government's Religious Affairs Committee, Begzot Kadyrov, said he had heard about the case, but did not

know the details. "Of course defendants can select their own lawyer," he told Forum 18 from Tashkent on 15 December. "But I cannot make any comment for the time being because I have not had a thorough look at this case." (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths 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=546

For an outline of what is known about Akramia and the Andijan uprising see F18News 16 June 2005
http://www.forum18.org/Archive.php?article_id=586

A printer-friendly map of Uzbekistan is available at
<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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