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UZBEKISTAN: Judge defends massive fines and jail sentence

By Igor Rotar, Forum 18

Judge Eshemarat Atajanov has vigorously defended to Forum 18 News Service his imposition of massive fines and a seven-day prison term for unregistered religious activity. "The activity of unregistered religious communities is forbidden in Uzbekistan," he told Forum 18. "But Salavat Serikbayev, Jumabai Senetullayev and Lepes Omarov still continued the activity of their illegal community, in spite of countless warnings." Such penalties are barred by the international human rights standards Uzbekistan has acceded to. As well as jailing Lepes Omarov, Judge Atajanov fined the other two Protestant leaders over 50 times the minimum monthly salary each, solely for leading an unregistered church. Muynak, where the three live, is known for its poverty following the ecological disaster around the Aral Sea. An intense crackdown against religious freedom and other human rights in Uzbekistan is in progress.

Judge Eshemarat Atajanov has vigorously defended to Forum 18 News Service his imposition of massive fines and a term of seven days' imprisonment for unregistered religious activity – even though the international human rights standards Uzbekistan has acceded to allow unregistered activity. He imposed massive fines on two local Protestant leaders and the prison term on a third in early July, in the town of Muynak [Muynoq] in the north-western autonomous republic of Karakalpakstan [Qoraqalpoghiston], solely for running an unregistered church.

"The activity of unregistered religious communities is forbidden in Uzbekistan," he told Forum 18 from Muynak on 14 July. "But Salavat Serikbayev, Jumabai Senetullayev and Lepes Omarov still continued the activity of their illegal community, in spite of countless warnings." Serikbayev and Senetullayev were each given fines of about 552,000 Uzbek Soms [2,840 Norwegian Kroner, 360 Euros, or 450 US Dollars], more than 50 times the minimum monthly wage in a town noted for its poverty. The average monthly salary, for the entire country, was estimated in 2005 to be around 60 US Dollars. Omarov received the seven day prison term.

Judge Atajanov explained the size of the fines and the prison term by saying that the three Protestants had broken Article 240 of the Code of Administrative Offences several times previously.

Fines under Article 240 of the Code of Administrative Offences - which punishes "breaking the Law on Religious Organisations" – were increased tenfold last December as the latest crackdown on religious activity began in earnest. Fines for breaking this article are now 50 to 100 times the minimum monthly wage (see F18News 27 January 2006 http://www.forum18.org/Archive.php?article_id=720).

Religious activity is particularly difficult in Karakalpakstan. The regional authorities have banned the activity of all non-Muslim and non-Orthodox religious communities by denying them official registration. Under Uzbekistan's harsh laws on religion – and in defiance of the country's international human rights commitments – all unregistered religious activity is illegal and punishable under the Criminal and Administrative Codes. Protestants, Jehovah's Witnesses and Hare Krishna devotees have faced particular persecution in Karakalpakstan. Protestant students in the regional capital Nukus have long been singled out for pressure (see eg. F18News 5 May 2006 http://www.forum18.org/Archive.php?article_id=774 and 26 January 2006 http://www.forum18.org/Archive.php?article_id=719).

Protestant sources told Forum 18 that on 3 July, Judge Atajanov found Serikbayev, the unregistered Pentecostal church's 31-year-old pastor, and Senetullayev, a 43-year-old church leader, guilty of breaking Article 240. As well as suffering fines, both had Christian literature confiscated: five Bibles, five New Testaments, 54 Christian books which had been brought into Uzbekistan through official channels, and the "Jesus Film" on video (a dramatisation of St Luke's Gospel).

Religious literature confiscated by the authorities has often been burnt (see F18News 6 September 2005 http://www.forum18.org/Archive.php?article_id=643) and religious literature censorship has recently been tightened (see F18News 29 June 2006 http://www.forum18.org/Archive.php?article_id=805).

A criminal case had been brought against Omarov in June under Article 216-2 of the criminal code, which punishes "breaking the law on religious organisations" with up to three years' imprisonment. Christian literature was also seized from his home (see

F18News 3 July 2006 http://www.forum18.org/Archive.php?article_id=807). "In the end the criminal case against Omarov was changed into an administrative prosecution," Judge Atajanov told Forum 18 without giving any explanation. "Serikbayev, Senetullayev and Omarov were all punished under Article 240 of the code of administrative offences." Protestant sources told Forum 18 that the prosecutor's office dropped the criminal case against Omarov on 5 July "in the absence of evidence of a crime" and that he was then accused of violating Part 1 of Article 240 of the code of administrative offences. Judge Atajanov handed down the prison sentence the same day.

It remains unclear how the two Protestants will be able to pay these enormous fines. While Uzbekistan's minimum monthly wage is currently 9,500 Soms (49 Norwegian Kroner, 6 Euros, or 8 US Dollars), few in the town of Muynak earn more than 20 dollars a month. Karakalpakstan is the poorest region in Uzbekistan, while Muynak is in decline following the ecological disaster around the Aral Sea. A former port which is now 100 kilometres (60 miles) away as the sea has receded, the town faces unemployment of 80 per cent.

The Muynak Pentecostal church – like all other Protestant churches in Karakalpakstan - has long faced hostility from local officials, including police raids and torture of individual church members. "In effect we are being forced to live like the early Christians of the catacombs," Pastor Serikbayev told Forum 18 back in 2003. "We have to hold our religious meetings in the desert, several kilometres from the town, for fear of persecution by the authorities." (See F18News 17 March 2003 http://www.forum18.org/Archive.php?article_id=7).

The government's intensive new crackdown on religious activity has seen registration stripped from an estimated dozen Protestant churches this year, repeated raids on religious communities of many faiths, increased fines for peaceful religious activity, increased penalties for publishing, distributing and importing religious literature the government regards as "illegal", expulsion of foreigners engaged in religious activity, and the closure of charities affiliated with or which the government suspects of being affiliated with religious communities (see F18News 3 July 2006 http://www.forum18.org/Archive.php?article_id=807). (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=777.

For an analysis of whether the May 2005 Andijan events changed state religious policy in the year following, see http://www.forum18.org/Archive.php?article_id=778. For an outline of what is known about Akramia itself, see http://www.forum18.org/Archive.php?article_id=586, and for a May 2005 analysis of what happened in Andijan http://www.forum18.org/Archive.php?article_id=567.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at http://www.forum18.org/Archive.php?article_id=806 and a paper on religious intolerance in Central Asia is at http://www.forum18.org/Archive.php?article_id=815.

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

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY