

23 September 2010

UZBEKISTAN: Three years in labour camp "not a severe punishment"

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

Uzbekistan continues to imprison devout Muslims for long terms and devout Christians for short terms, Forum 18 News Service has found. Three-year labour camp terms have been imposed on seven Muslim men, with four others receiving suspended jail terms, for holding unauthorised private religion lessons. The judge in the case, Rahimzhon Aliyev, told Forum 18 that three years in a labour camp is "not a severe punishment". Conditions in labour camps can be particularly harsh, with unsanitary and dangerous living and working conditions, beatings by guards, and criminal gangs having a ruthless hold over other prisoners. Pressed on why courts, including his court, have given severe punishments for unregistered religious activity, Judge Aliyev said that it is "because of Uzbek law". In another case, two Protestants have been given five-day administrative detentions for unregistered religious activity, with two others being fined. The judge in this case, Gulsara Buranova, in 2009 had previously fined one of the defendants. Two South Koreans have also been deported, for alleged "unauthorised missionary activity".

Uzbekistan has continued to imprison devout Muslims for long terms and devout Christians for short terms, Forum 18 News Service has found. A court in the capital Tashkent imposed three-year jail terms on seven Muslim men, with four others receiving suspended jail terms, for holding unauthorised private religion lessons. Another court in Tashkent Region gave five-day administrative detentions to two Protestants for unregistered religious activity, with two others being fined. Uzbekistan has also deported two South Korean citizens for alleged "unauthorised missionary activity".

Long-term and suspended prison terms

In late August, Judge Rahimzhon Aliyev at Tashkent's Sobir-Rahimov District Criminal Court found the 11 Muslims guilty under Uzbekistan's Criminal Code's Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities").

Seven - Abdukahor Aripov, Hassan Sadykov, Komilzhon Inagamov, Hassan Usmonov, Mirzokir Muhamedsaidov, Muminzhon Zakirov and Bakhtiyor Kadyrov - were each given three years in a labour camp. Four - Murad Manapov, Mirsharof Mirzayev, Farhod Abdusattarov and Zhura Irgashev - were each given three year suspended sentences, human rights defender Surat Ikramov told Forum 18 from Tashkent on 22 September.

All 11 defendants are residents of the same Tashkent district, are between 29 and 32 years old, and have between two and four children. Ikramov told Forum 18 that, based on the advice of their lawyers, all 11 pleaded guilty to the offence, hoping that this would lead to them being fined and released from custody.

The seven who received jail terms have been under arrest since early March, with the four who were fined having been allowed out of custody after they signed a statement promising not to leave the country.

The eleven Muslims were accused - in an indictment which Forum 18 has seen - of holding unauthorised private religion lessons after having got to know each other since 2007 at a mosque near the Hotel Olympia in Tashkent (see F18News 18 August 2010 http://www.forum18.org/Archive.php?article_id=1479). It was signed on 29 May by Colonel Sh. Rakhmatullayev, endorsed by Major D. Mirsodikov of the Interior Ministry's Chief Investigation Department, and approved by Alisher Sharafutdinov, Deputy General Prosecutor.

Human rights defender Ikramov stated that the case was "fabricated", pointing out that "all the defendants have positive testimonials from their places of work and residence, and none has been previously convicted".

Three years in labour camp "not a severe punishment"

Judge Aliyev defended his punishments to Forum 18, stating that the 11 men did not have permission to teach religion privately. Asked why he gave such harsh punishments for unregistered religious activity, he told Forum 18 on 20 September that three years in

a labour camp is "not a severe punishment". When told that this meant three years of deprivation of liberty, he responded that "the defendants have filed a complaint to the Tashkent City Criminal Court, and the court decision has not entered into force yet."

Conditions in labour camps can be particularly harsh, with unsanitary and dangerous living and working conditions, beatings by guards, and criminal gangs having a ruthless hold over other prisoners (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=982). Prisoners in labour camps and jails are denied their right to freedom of religion or belief - for example to pray visibly, to have religious literature, or to receive visits from religious clergy (see F18News 17 July 2009 http://www.forum18.org/Archive.php?article_id=1329).

Labour camp terms are often imposed on devout Muslims for religious activity outside state control (see eg. F18News 26 April 2010 http://www.forum18.org/Archive.php?article_id=1436).

Judge Aliyev did not indicate what he would describe as a "severe punishment".

When Forum 18 asked Judge Aliyev again why Uzbek courts, including his court, have given such severe punishments for unregistered religious activity, he said that it is "because of Uzbek law". He did not want to elaborate on this statement, and declined to talk to Forum 18 further.

Five-day detentions and fines

On 7 September, Judge Gulsara Buranova of Tashkent Region's Bostanlyk District Criminal Court handed down five-day administrative detentions on two Baptists, Aleksandr Yugay and Vitaliy Dudatkin. Two others, Nikolai Shnayder and Nikolay Savorovsky, were each fined 45,215 Soms (165 Norwegian Kroner, 21 Euros, or 28 US Dollars at the inflated official rates).

The four were convicted – in a verdict which Forum 18 has seen – of breaking the Administrative Code's Articles 201 part 1 ("violation of the procedure for organising and conducting meetings, street processions or demonstrations"), 202 ("creating conditions for unapproved meetings, street processions and demonstrations"), 240 ("violation of the law on religious organisations") and 241 ("teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately").

All four defendants are members of the Baptist Church in the town of Gazalkent which belongs to the Council of Churches. These churches refuse on principle to seek state registration in the countries they operate in, thinking that this leads to state interference in normal religious activities.

Judge in 2009 punished one defendant for same 'offence'

Judge Buranova refused to comment on the case over the phone, telling Forum 18 on 20 September that "you need to come to the court".

Baptists told Forum 18 on 21 September that Yugay and Dudatkin had already been detained for five days and so were released. However Shnayder and Savorovsky have not paid the fines, and all four are appealing against the court's verdict.

Judge Buranova in August 2009 had previously fined Yugay for breaking the Administrative Code's Article 240, and at that time refused to tell Forum 18 what punishment would be given for a repeat 'offence' (see F18News 17 September 2009 http://www.forum18.org/Archive.php?article_id=1349). Dudatkin, Shnayder and Savorovsky were questioned by the court as witnesses during that 2009 trial.

South Koreans deported for "unauthorised missionary activity"

Uzbekistan has announced that it has deported two South Korean citizens - Song Ewi Kwang and Lee Ju Hwan - for alleged "unauthorised missionary activity". Two state-sponsored news agencies, gorizont.uz and 12.uz, on 13 and 25 August respectively, made a variety of accusations. Kwang's church, "Muhabbat" (Love) in Tashkent, was said to instead of registering its activity "instead gathering more members by brainwashing them." Hwan was claimed to have established a medical centre, and distributed Christian literature, CDs and DVDs from South Korea to his patients.

Article 216-2 of the Criminal Code makes illegal – against international human rights commitments - "attracting believers of one faith to another (proselytism) and other missionary activity", and imposes a maximum of three years' imprisonment as punishment (see F18News Uzbekistan religious freedom survey http://www.forum18.org/Archive.php?article_id=1170).

Uzbekistan has often deported foreigners for religious activity. Gorizont's Director has declined to tell Forum 18 why he does not seek and publish responses from religious communities to the often serious allegations made against them (see eg. F18News 16 February 2010 http://www.forum18.org/Archive.php?article_id=1409).

"These acts openly contradict Uzbekistan's laws, in particular the Religion Law. Such imposing of foreign beliefs to our population may lead to unpredictable consequences between religions," the Gorizont article claimed. The article does not note that the beliefs followed by Uzbekistan's legally permitted religious communities – including the majority faith of Islam – were themselves originally "foreign beliefs".

"Come to our office"

Ishnor Jabborov, Head of the Foreign Ministry's Press Service on 21 September refused to comment on the deportations of the two South Koreans, referring Forum 18 to the state Committee for Religious Affairs. The assistant (who did not give his name) to the Committee's Chair, Artyk Yusupov, on 21 September said that Yusupov was not available to talk but he could answer Forum 18's questions. However, when asked about the two Koreans, he said that "we do not give interviews over the phone, please, come to our office." He then put the phone down. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all 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=1170.

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>.

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

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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