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UZBEKISTAN: "To prevent illegal religious materials"

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

A court in Uzbekistan's capital Tashkent has fined both Grigory Kasparov and his wife Yelena for "illegally storing" Kasparov's Christian books in their private home. This was despite Yelena Kasparova refusing to sign a "confession" police attempted to force from her for this "offence". The verdict in Kasparov's case states that the books were destroyed even before the Court had found Kasparov "guilty" and decided what to do with the books. A court official admitted to Forum 18 News Service that bailiffs destroyed the books, but refused to state whether bailiffs are allowed to do this before a verdict. In another case, the NSS secret police and ordinary police have ignored a court order stating that they must return confiscated books and other material. In the Kasparov case the court verdict states the fine followed "investigation and search operations with the purpose to prevent illegal religious materials". In a very similar recent case, the verdict states that the NSS secret police conducted "an operation .. to identify persons who illegally store religious materials".

Uzbekistan continues to punish the exercise of freedom of religion or belief by people having "illegal" religious literature in their homes, and confiscating such "illegally stored" literature, Forum 18 News Service notes.

Mirzo Ulugbek District Criminal Court in the capital Tashkent on 25 March fined Grigory Kasparov of the officially registered Full Gospel Pentecostal Church for "illegally storing" his own Christian books in his private home. On 11 April his wife Yelena Kasparova was fined for the same "offence", despite refusing to sign a "confession" police attempted to force from her. The verdict in Kasparov's case states that the books were destroyed even before the Court had found Kasparov "guilty" and decided what to do with the books.

The authorities in Tashkent's Khamza District, despite a 26 December 2013 order from the District Court, have still not returned religious literature to the Full Gospel Church. It had been confiscated from Pastor Mikhail Neizvestny, who was also fined for "illegally storing" the literature.

Tight censorship

In defiance of its international human rights obligations, Uzbekistan imposes a strict censorship regime imposing severe limitations on access to religious literature, including the reading of the Bible and Koran in private homes and arbitrary destruction of literature found in frequent raids. Courts frequently order confiscated religious literature – including Muslim, Christian and Jehovah's Witness literature – to be destroyed (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

Censorship is also imposed on devices such as mobile phones. For example, Zoirjon Mirzayev was given a five-year prison term in April for having Islamic sermons on his mobile phone (see F18News 2 May 2014 http://www.forum18.org/archive.php?article_id=1954).

"To prevent illegal religious materials"

On the evening of 17 March police searched Deacon Kasparov's home, describing this in the court verdict in his case as "investigation and search operations with the purpose to prevent illegal religious materials". Police found what they described as "illegally stored religious materials" - 19 Christian books including a songbook, and two computer hard discs. These were all confiscated.

On 25 March Deacon Kasparov was fined 50 times the minimum monthly wage, 4,805,250 Soms (about 12,500 Norwegian Kroner, 1,500 Euros, or 2,100 US Dollars at the inflated official exchange rate) by Judge Otabek Bazarov of Mirzo Ulugbek District Criminal Court. He was convicted of "illegally storing" religious literature in his home under the Code of Administrative Code Offences' Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons").

Kasparov told the Court that he did not know that his books were "illegal", and that he had not intended to distribute them.

Begzod Kadyrov of the government's Religious Affairs Committee has previously insisted to Forum 18 that "according to the Religion Law, religious books are only allowed to be read within registered religious communities' buildings" (see F18News 12 September 2013 http://www.forum18.org/archive.php?article_id=1875).

It remains unclear whether police knew Kasparov possessed books, or whether they were randomly searching for "evidence" to convict him of exercising the human rights the state is obliged under international law to protect. Close surveillance of all religious communities by the National Security Service (NSS) secret police, using a wide variety of open and covert methods including the recruitment of informers, is a standard part of Uzbekistan's mechanism of repression (see eg. F18News 5 September 2007 http://www.forum18.org/Archive.php?article_id=1014).

In another very similar recent case, the verdict explicitly states that the NSS secret police conducted "an operation .. to identify persons who illegally store religious materials" (see below).

Books destroyed before verdict reached

The Kasparov verdict, which Forum 18 has a copy of, states that the confiscated materials were already destroyed - i.e. before the Court issued the verdict. However, it does not say who destroyed them, which state body ordered the destruction, and exactly when the books were destroyed.

On 12 May a court official who identified himself as Judge Bazarov's Assistant (but refused to give his name) told Forum 18 that the court bailiffs destroyed the books. When Forum 18 pointed out that the verdict states that the books were destroyed before the verdict and asked whether bailiffs are allowed to do this before a verdict, he did not reply and then asked Forum 18 to send further questions in writing.

Officials often act against Uzbekistan's published law with impunity. For example, bailiffs in the central Samarkand Region on 26 March confiscated a car, a vacuum cleaner and other household items from two families beyond the legally-defined deadline for such punishments (see F18News 9 May 2014 http://www.forum18.org/archive.php?article_id=1957).

No "confession", no evidence, yet still fined

On 11 April Kasparov's wife Yelena Kasparova was summoned to the local Mirzo Ulugbek District Police Station by police Captain Ravshan Kayumov. He demanded that she write a statement and sign a police report accusing herself of "illegally" storing religious literature in her home.

Kasparova refused to sign the police report, telling Captain Kayumov that her husband had already been punished for the same "offence," a local Protestant who wished to remain anonymous told Forum 18 on 2 May. Despite this, Captain Kayumov asked Mirzo Ulugbek District Criminal Court to impose an administrative fine. The Court rejected this on 11 April, but subsequently fined Kasparova one month's minimum wage, 96,105 Soms (about 250 Norwegian Kroner, 30 Euros, or 40 US Dollars). She was, like her husband, convicted under Administrative Code Article 184-2. She has paid the fine.

The same Court under Judge Tymur Kasymov on 7 April imposed the same fine for "illegally storing religious literature" on Vera Raupova, a member of the local Bethany Baptist Church. Her "offence" was to have Christian books in her home.

Captain Kayumov was asked by Forum 18 on 8 May why he opened a case against Kasparova. The Captain claimed that "she lives in the same home with her husband, and also carries responsibility for the illegal storage of the books". Asked why he tried to compel her to write a statement and sign the police report, he stated: "She did not write any statements neither did she sign the report."

Asked why Kasparova was punished, he referred Forum 18 to the Court. Captain Kayumov refused to say when and under what charges Kasparova had been fined. "They can complain if they want," he insisted to Forum 18 before declining to discuss the case further.

Women in particular are often targeted by officials for pressure. This can include torture by a variety of formal and informal methods, and the threat of this including rape threats (see Forum 18's Uzbekistan religious freedom survey http://www.forum18.org/archive.php?article_id=1862).

"I cannot answer these questions"

Judge Bazarov was asked by Forum 18 on 8 May why he gave such a heavy fine to Kasparov for keeping his Bible and other Christian books in his home, and why the Court also fined his wife Kasparova for the same "offence. He replied that "I cannot answer these questions over the phone. You need to come to the Court". He then claimed that he was busy and refused to answer further questions on who destroyed the books and on what authority this was done. Subsequent calls to Bazarov went unanswered.

Judge Bazarov's Assistant also refused to answer Forum 18's questions, including why Kasparova was fined with no evidence of "guilt".

Court order to return books confiscated by NSS and police ignored

On 26 December 2013 Judge Mukhtarama Turgunova of Tashkent's Khamza District Court ordered the transfer of religious material confiscated from Full Gospel Pentecostal Church Pastor Mikhail Neizvestny to his Church. At the same time Neizvestny was fined for on 19 December "illegally storing" religious literature. He was fined 10 times the minimum monthly wage, or 961,050 Soms (about 2,500 Norwegian Kroner, 300 Euros, or 400 US Dollars), under Administrative Code Article 184-2.

The verdict, which Forum 18 has a copy of, states that the NSS secret police was involved "in the course of an operation by Khamza District Police and the District NSS with the purpose to identify persons who illegally store religious materials". The ordinary police and NSS secret police "detected that citizen Neizvestny, pastor of a Church, kept in his home various religious materials". They then confiscated 32 Christian books, 4 magazines, 72 DVD and CD discs, 10 booklets, 2 notebooks, and 250 leaflets.

The authorities have still not transferred the confiscated material to the Church. The continued refusal to return the material is despite the Pastor paying the fine on 6 January 2014 – Forum 18 has seen a stamped copy of the payment receipt – and the Church sending two letters to Khamza District Prosecutor's Office and District Police asking for the books' return. No reply to the letters has been received.

No answers

Forum 18 asked Khamza Prosecutor's Office why the confiscated materials have not yet been returned to the Church and when they will be returned. An official who identified himself as the Chief Inspector but would not give his name told Forum 18 on 8 May that "we will look into the case and write a response to the Church".

Judge Turgunova's Assistant, who also refused to give his name, on 12 May told Forum 18 the Judge is "not available" for comments, and refused to say why Neizvestny cannot keep his own Christian books in his home.

Sanjar Haknazarov, Head of the Court's Chancellery, on 12 May also refused to say what happened to the books or when they will be returned. (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=1862.

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.

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