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## **Freed from punishment, but property ordered destroyed**

By Mushfig Bayram

Forum 18 (26.06.2018) - <https://bit.ly/2KD8IFW> - *Three Muslims convicted in separate criminal cases for possessing Islamic texts are seeking to have their convictions overturned. Gayrat Ziyakhojayev in Tashkent received no punishment, but his computer and phone were ordered destroyed. "I do not want to carry a criminal record," he told Forum 18.*

A court in the capital Tashkent has convicted 31-year-old Gayrat Ziyakhojayev of sharing Muslim texts containing "a threat to public security and public order", despite the fact that he downloaded them from an Uzbek website that is not banned. Although the court freed him of any punishment, he now has a criminal record and the judge ordered his phone and computer containing irreplaceable family photos to be destroyed.

Ziyakhojayev is challenging the 12 June conviction, which came more than a year after police started interrogations in April 2017. "I did not violate the law, I do not want to carry a criminal record," he told Forum 18. "And my computer has a lot of valuable data on it, such as years of our family photos and a film of my sister's wedding."

After several fruitless visits to the court, Ziyakhojayev finally managed to get it to hand over the verdict on 22 June, ten days after the decision was handed down. "Today I filed an appeal in the Uchteppa Court," he told Forum 18 on 26 June. "I am now waiting to hear from the Court the date of the hearing" (see below).

Two other Muslims convicted for having Islamic texts are still seeking to have their convictions overturned.

Nearly three months after lodging his appeal against a suspended three-year prison term handed down on 3 April, Muslim scholar Musajon Bobojonov complains that Fergana Regional Court has ignored the appeal and will set no date for it to be heard. He was punished for having on his computer for scholarly purposes an Islamic work which he did not fully agree with. He has likened his conditions to "virtual house arrest" and insists he is seeking "a full acquittal and clearing of my name" (see below).

The lawyer for jailed Shia Muslim Jahongir Kulijanov is planning to lodge a cassational appeal to Bukhara Regional Court on 29 June, a relative told Forum 18. Arrested in May 2017, he is serving a five-year prison term for storing on his mobile phone and personal computer "extremist religious materials". These consisted of audio files, in Russian, on the history of the Battle of Karbala and the killings of Shia Imams, and opinions of Shia scholars on matters of the Islamic faith (see below).

## **Long-running questioning leads to criminal trial**

Hairdresser Abduboki Yunusov and his regular customer Gayrat Ziyakhojayev were repeatedly questioned by police in Tashkent after police stopped one of Yunusov's cousins late at night on the street and searched him. They found Islamic materials on his phone. Between April and October 2017, police repeatedly interrogated Yunusov, his family, and Ziyakhojayev, who are all Muslims.

Some years ago Ziyakhojayev bought a book entitled "Islam between Two Fires", which had passed state censorship and was published by the still-operating Mavoronnahr publishing house. He had shared the book, which is critical of non-Islamic missionary movements, with Yunusov. Police found the book on Yunusov's phone and then summoned Ziyakhojayev for questioning (see F18News 27 October 2017 [http://www.forum18.org/archive.php?article\\_id=2329](http://www.forum18.org/archive.php?article_id=2329)).

Investigators then handed the materials for an "expert analysis" to the government's Religious Affairs Committee, which assigned them to Committee official Jakhongir Jurayev. In his 21 November 2017 written analysis, seen by Forum 18, Jurayev claimed without giving any evidence that Ziyakhojayev's phone had material with "banned ideas of religious sectarianism".

The Religious Affairs Committee frequently produces "expert analyses" to justify literature confiscations and destructions (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

In January 2018, Ziyakhojayev wanted to travel to Moscow to meet human rights defenders from the Russian human rights group Memorial. However, the authorities stopped him at the border with Kazakhstan. He was eventually charged under Criminal Code Article 244-1 ("Production, storage, distribution or display of materials containing a threat to public security and public order"), Part 2 ("Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order"). Punishments are fines or imprisonment of up to five years (see F18News 6 April 2018 [http://www.forum18.org/archive.php?article\\_id=2367](http://www.forum18.org/archive.php?article_id=2367)).

Ziyakhojayev's criminal trial began under Judge Shamsiddin Tojiyev at Tashkent's Uchteppa District Criminal Court on 13 April (see F18News 13 April 2018 [http://www.forum18.org/archive.php?article\\_id=2369](http://www.forum18.org/archive.php?article_id=2369)).

### ***Religious Affairs Committee official avoids court***

Judge Tojiyev adjourned the trial several times between 13 April and 12 June, as Jakhongir Jurayev of the Religious Affairs Committee – who had prepared the November 2017 "expert analysis" – failed to come to court to testify, Ziyakhojayev told Forum 18. Court officials called Jurayev on his mobile phone, but "once he said he would be in the Court in half hour, another time he said he was on the way but never came. Other times he just switched off his phone."

Jakhongir Jurayev "had been busy" every day the court was sitting, Ulugbek Jurayev, the Assistant to the new Chair of the Religious Affairs Committee Jasur Akramov, claimed to Forum 18 on 18 June. Asked why his colleague could not find time to attend court, Ulugbek Jurayev responded: "I do not know." He then claimed that Forum 18 could not speak to the missing official as "he is on sick leave".

### ***"Banned ideas of religious sectarianism"?***

Jakhongir Jurayev's November 2017 "expert analysis" finding that Ziyakhojayev allegedly had material with "banned ideas of religious sectarianism" was used in the prosecution case.

However, A. Gimranov, an official of Uzinfocom, the agency that develops and maintains the information systems for state agencies, which is under the Information Technologies and Communications Development Ministry, told the Court on 5 June that the website ziyouz.com, from which Ziyakhojayev downloaded the Islamic religious material, is a "mirror copy of the website ziyouz.uz, which is officially registered in Uzbekistan. The contents of both websites are similar and link to each other".

M. Mirismailov, the Religious Affairs Committee official who appeared before the Court on 25 May in Jakhongir Jurayev's place, "could not answer me when I asked why the website from which I downloaded the materials is not banned and still functioning", Ziyakhojayev told Forum 18. Judge Tojiyev also could not answer Ziyakhojayev when he asked why he was facing criminal charges for having material from a website that is not banned.

Ulugbek Jurayev of the Religious Affairs Committee confirmed to Forum 18 that the ziyouz.com website is not banned. Asked why his colleague claimed material from the website contained "banned ideas of religious sectarianism", Ulugbek Jurayev replied: "You can ask him when he is back at work."

### ***Computer and phone ordered destroyed***

Punishments under Criminal Code Article 244-1, Part 2, which Ziyakhojayev faced, are a fine of up to 400 times the minimum monthly wage and deprivation of liberty for between three and five years. This Article is normally used against Muslims exercising their freedom of religion and belief (see Forum 18's Uzbekistan freedom of religion and belief survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

In the final hearing on 12 June, Judge Tojiyev freed Ziyakhojayev from responsibility based on Criminal Code Article 70, but ordered his notebook computer and mobile phone to be destroyed, according to the verdict seen by Forum 18.

Article 70 allows a judge to release from punishment an individual who has committed a crime "if it is recognised that by the time of the case's consideration in court the circumstances have changed or the person, as a consequence of their faultless conduct or responsible attitude to work or education, stopped being harmful to the public".

Forum 18 tried to reach Judge Tojiyev to ask why he had not acquitted Ziyakhojayev and why he ordered the destruction of his phone and his computer, which contains irreplaceable family photos and a wedding video. However, Farukh Farkhodov, Tojiyev's Assistant, claimed to Forum 18 on 14 June that "the Judge is busy and I cannot say why".

Zakhid Nuriddinov, Chair of the Court's Chancellery, also refused to comment on the case, but told Forum 18 that "with Judge Tojiyev's permission" Ziyakhojayev could ask to receive a copy of the family data on the computer.

### ***Court ignores appeal against three-year suspended prison term***

Muslim scholar Musajon Bobojonov complains that for nearly three months Fergana Regional Court has ignored his appeal against a suspended prison term.

After Bobojonov lent his computer to a relative, police found on it a copy of an Islamic book which he had partially read. He told Forum 18 he had the book for the purpose of

research and writing, and did not agree with some passages in it. On 26 March, Kuva District Criminal Court sentenced him to a three-year suspended prison term on charges of disseminating "extremist" material. He will be under restrictions during this time. He described the punishment as "severe - virtually house arrest" (see F18News 6 April 2018 [http://www.forum18.org/archive.php?article\\_id=2367](http://www.forum18.org/archive.php?article_id=2367)).

Bobojonov filed an appeal against his sentence to Fergana Regional Court on 3 April. "The Court told me they have accepted the appeal, but in violation of procedure it has not heard the case after 84 days, and will not give me a date for the hearing," he complained to Forum 18. The court should have heard the appeal within twenty days after they accepted the appeal, he added.

"The Court kept sending mediators to me to close the case by cancelling the criminal case and instead giving me an administrative fine," Bobojonov told Forum 18. "I did not agree to this - I want a full acquittal and clearing of my name."

Dilshod (he refused to give his last name), Assistant to Judge Muradjon Mirzajonov, Chair of Fergana Regional Court, refused to tell Forum 18 why the Court has not heard Bobojonov's appeal despite the fact 84 days passed from the date of acceptance. He also refused to put Forum 18 through to the Chair.

Dilshod instead referred Forum 18 to Gulnoza Khudayberdiyeva, Secretary of the Court's First Instance Appeals Board. She did not answer the phone on 26 June. Called back, Assistant Dilshod refused to put Forum 18 through to any other officials of the Court. He claimed he does "not hear well" while Forum 18's end of the line was very clear. He then put the phone down.

### ***Jailed Shia Muslim to lodge cassational appeal***

Munojot Parpiyeva, the lawyer for jailed Shia Muslim Jahongir Rizoyevich Kulijanov (born 5 October 1982), has prepared a cassational appeal against his conviction and five-year jail term. She is planning to lodge the appeal to Bukhara Regional Court on 29 June, his brother Saidjamol Kulijanov told Forum 18 from Bukhara on 22 June.

The State Commission that considers pardons for prisoners has not yet responded to Jahongir Kulijanov and his relatives' earlier appeal for a pardon (see F18News 29 March 2018 [http://www.forum18.org/archive.php?article\\_id=2365](http://www.forum18.org/archive.php?article_id=2365)).

Trouble for Jahongir Kulijanov and other members of Bukhara's Shia Muslim community who used to attend the city's Khoji mir Ali Shia Mosque began on 2 February 2017. Officers of Bukhara City Police and the then NSS secret police arrested him and 19 others. Five – including Jahongir Kulijanov – were jailed for 15 days, where they were tortured with kicking and severe beatings.

The NSS secret police arrested Kulijanov again on 30 May 2017 and investigators brought a case against him under Criminal Code Article 244-1, Part 3 (a) and (d) ("production, storage, distribution or display of materials containing a threat to public security and public order" by a group of people and using the media or the internet). Punishment under this Part of the Article is between five and eight years' imprisonment.

Investigators deemed "extremist" a Russian-language audio file they found on Jahongir Kulijanov's phone recounting the story of the Battle of Karbala in 680 (61 in the Islamic Calendar), when Husayn ibn Ali, the grandson of the Muslim prophet Muhammad, was killed. Shia Muslims regard the Battle as a tragedy and Husayn as a martyr.

Bukhara Regional Criminal Court jailed Kulijanov in October 2017 on charges of storing "extremist religious materials" on his mobile phone and computer. The five-year term is

deemed to run from his arrest on 30 May 2017. Human rights defenders deny that the materials – on the history of Shia Islam – constituted incitement to harm the human rights of others (see F18News 29 March 2018 [http://www.forum18.org/archive.php?article\\_id=2365](http://www.forum18.org/archive.php?article_id=2365)).

"The lawyer filed an appeal to Bukhara Regional Court within the ten days allowed for an appeal after the verdict is issued, but the Court claimed that the appeal was not prepared properly and returned it to us." Saidjamol Kulijanov complained that the Court would not then accept an appeal on the essence of the case, saying that the ten day term had run out.

Bukhara Regional Court's Chancellery official (who did not give his name) refused to tell Forum 18 on 26 June why the Court did not accept the appeal from Kulijanov's lawyer on time. He referred Forum 18 to Akram Rakhimov, Secretary of the First Instance Appeal Board.

Rakhimov refused to tell Forum 18 why the Court did not accept the first appeal but claimed: "Their lawyer has not submitted a cassation appeal to us yet."

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## **Five-day jail, fines for unapproved worship**

By Mushfig Bayram, Forum 18

Forum18 (21.06.2018) - <https://bit.ly/2ItNgf7> - *Nabijon Bolikulov was jailed in Karshi for five days and three fellow Baptists were fined for meeting for worship without state permission. The Judge told Bolikulov: "Do your prayers at home. It is against the law of our state to meet for worship without state registration."*

A court in the southern city of Karshi [Qarshi] has punished four members of a Baptist congregation for meeting for worship without state permission. One Baptist was jailed for five days after pointing out that he and his fellow Baptists did not break the Constitution or international human rights law, and the other three were fined several days' average wages. The Judge illegally did not specify exactly what part of the law the Baptists had broken.

"Each time they come they film us and record our names," Nabijon Bolikulov told Forum 18 after his release from a five-day jail term. "And then they gradually punish our people whose names they record." During his trial, the Judge told Bolikulov: "Do your prayers at home. It is against the law of our state to meet for worship without state registration" (see below).

In Urgench [Urgench] in the north-western Khorezm Region, two officers from the local police Department for the Struggle with Extremism and Terrorism broke into the home of a Protestant. They handed him an official warning that he must not participate in unlawful religious meetings, must not keep religious literature in his home, must not teach religious doctrines, and must not violate the Religion Law. Local Protestants pointed out to Forum 18 that the warning given to Saidjon Urazov is itself illegal (see below).

In the capital Tashkent, a Baptist has failed to overturn on appeal an illegal fine and the destruction of a memory chip with family photos. The original court illegally put Alina Chernikova on trial without informing her that a trial was taking place. Both the original court and the appeal court also illegally failed to supply her with copies of their decisions within the legally specified time (see below).

And also in Urgench, a court lowered a fine illegally imposed on a Protestant, but left unchanged an order that confiscated religious literature including a Bible should be destroyed and her phone confiscated. Illegally, neither the police who opened the case, nor the Court which heard it, had informed Shakhzoda Rajabova about the original trial. She also had her mobile phone taken for the authorities to use themselves, the first time she heard of the trial being 82 days later (see below).

All exercise of freedom of religion and belief with others without state permission is illegal, including sharing any beliefs with anyone, and meeting with others for worship or the study of sacred texts in homes. "Law enforcement" officials raid with impunity people of all faiths meeting together to exercise freedom of religion and belief. Those taking part in such meetings are very often threatened, detained, subjected to violent physical assault and torture, given large fines, and have religious literature – including Islamic texts and the Bible - confiscated and destroyed (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

Jasur Akramov, the new Chair of the Religious Affairs Committee, has evaded answering Forum 18's questions about why people exercising their freedom of religion and belief continue to be jailed and fined, and also have their own religious literature confiscated and destroyed (see below).

### ***Karshi: Raid, seven and a half hour interrogations, trial***

On 23 May Karshi Police officers (who would not give their names) raided the homes of both Khamid Rakhmonov and Ziyatullo Rakhmonov (not related to Khamid) in Yakkabog District of Kashkadarya Region. Officers took the two men to Karshi Police Station, where they questioned them on why they attend Baptist worship meetings which do not have state permission, and who invites them to these meetings, a local Protestant told Forum 18 on 13 June.

Police also on 23 May summoned for questioning Nabizhon Bolikulov and other local Baptists, including Viktor Tashpulatov, Mikhail Balykbayev, Munira Gaziyeva, and Svetlana Andreychenko. All the Baptists were held at the Police Station for seven and half hours, from 11.30 am to 7 pm. When they were released, police told the Baptists to come to the Police Station at 2 pm the next day, 24 May.

When the Baptists arrived at the Police Station on 24 May, officials took them directly to Karshi Administrative Court. The authorities did not allow other Baptists enter the Court to support their fellow-believers.

### ***Judge tries to stop Baptist worship meetings without state permission***

During the 24 May hearing, Judge Azamat Khushvakhtov asked Bolikulov questions such as: "Who invited you to the worship meetings?"; "Where did you get Bibles?"; and "Will you go on attending the meetings?".

When Bolikulov answered that he bought his Bible in Tashkent from the officially registered Bible Society, and that he will continue attending the meetings, Judge Khushvakhtov replied: "Do your prayers at home". The Judge then told him that "it is against the law of our state to meet for worship without state registration".

Council of Churches Baptist congregations exercise their right under international human rights law not to apply for state permission to meet for worship. However, Uzbekistan against international law makes state permission compulsory for exercising freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

Judge Khushvakhtov also threatened the Baptists that if they continue holding meetings for worship without state permission, he "will file a petition to the Prosecutor's office to open a criminal case against Tashpulatov, Balykbayev, Gaziyeva and Andreychenko".

Bolikulov protested at the Judge's attempt to coerce the Baptists into stopping meeting for worship, pointing out to the Judge that the Baptists are exercising their rights as recognised in both Uzbekistan's Constitution and the country's binding legal international human rights obligations. He pointed out that the Baptists are not violating either the Constitution or international human rights law by holding their worship meetings.

However, Judge Khushvakhtov jailed Bolikulov for five days on 24 May. "Immediately after the Judge announced the verdict, the officers handcuffed me, and took me to Karshi Police's detention centre," Bolikulov stated. "I was kept there for five days and was released on 29 May." While he was in custody the police officers on duty "treated me normally" he added.

The Judge also fined Khamid Rakhmonov, Ziyatullo Rakhmonov (not related to Khamid) and Jamol Bobomurodov one month's minimum monthly wage each, or 172,240 Soms, Bolikulov told Forum 18 on 13 June. These fines represent about three days' average wages for those in formal work.

The Judge punished all four Baptists under Administrative Code Article 240 ("Violation of the Religion Law"), but did not against the law did not specify what exactly they had done to violate this Article. All the parts of this Article ban the exercise of freedom of religion and belief without state permission, as well as restricting what aspects of this freedom can be exercised with state permission (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

Judge Khushvakhtov refused on 13 June to answer Forum 18's questions about the punishments he imposed on the Baptists. As soon as Forum 18 introduced itself he put the phone down immediately. He did not answer further phone calls on the same day.

***"Each time they come they film us .. then they gradually punish our people"***

Bolikulov told Forum 18 that the punishments also follow previous raids and fines imposed on Karshi Baptists for meeting for worship (see eg. F18News 18 November 2015 [http://www.forum18.org/archive.php?article\\_id=2122](http://www.forum18.org/archive.php?article_id=2122)). "Each time they come they film us and record our names," he explained. "And then they gradually punish our people whose names they record."

Police carry out both covert and open surveillance of all religious communities (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

***Urgench: Illegal warning not to exercise freedom of religion and belief***

Captain Mukhammad Rakhimov and another officer of Urgench Police's Department for the Struggle with Extremism and Terrorism from Urgench in the north-western Khorezm Region on 11 June broke into the flat of Saidjon Urazov. Captain Rakhimov gave Urazov, a Protestant, an official warning that he must not participate in unlawful religious meetings, must not keep religious literature in his home, must not teach religious doctrines, and must not violate the Religion Law.

Urazov refused to sign the warning Protestants from Urgench, who asked not to be identified for fear of state reprisals, told Forum 18 on 15 June. The Protestants pointed

out that the warning was illegal, as such warnings can only be given within one year of a conviction of breaking the Code of Administrative Offences.

Major Khamro Masimov, Chief of Urgench Police's Department for the Struggle with Extremism and Terrorism, and his deputy Captain Rakhimov did not answer their phones on 18 June. Duty officers at Urgench Police, who would not give their names, would not put Forum 18 through to any officials to discuss the case. Major Masimov and Captain Rakhimov have also raided and threatened Urgench Baptists with criminal prosecution for meeting for worship at at Easter (see F18News 24 May 2018 [http://www.forum18.org/archive.php?article\\_id=2380](http://www.forum18.org/archive.php?article_id=2380)).

Urazov was one of the Protestants present when on 23 July 2017 police armed with automatic weapons raided a church meeting for worship in Pastor Ahmadjon Nazarov's flat. All those present were arrested and taken to Urgench Police Station, where the women were strip searched. Women in the church have been particularly targeted by officials (see F18News 7 August 2017 [http://www.forum18.org/archive.php?article\\_id=2304](http://www.forum18.org/archive.php?article_id=2304)).

### ***Tashkent: Illegal fine upheld, another illegality committed by court***

On 22 January police in the capital Tashkent claiming to be conducting a passport check raided the home of Aleksandr Khokhlov, a member of the local state-registered Baptist Church. Kholkov's step-daughter and fellow-Baptist Alina Chernikova was arrested and taken for questioning. On 7 February Bektemir District Administrative Court in Tashkent illegally put Chernikova on trial without informing her that a trial was taking place.

Chernikova was convicted without the chance to defend herself and fined 20 times the minimum monthly salary under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). The court also ordered the confiscation and destruction of a memory chip with personal family photographs. The decision was given to her 33 days after the legally specified time for such decisions to be delivered (see F18News 19 March 2018 [http://www.forum18.org/archive.php?article\\_id=2361](http://www.forum18.org/archive.php?article_id=2361)).

Unjust trials with flagrant breaches of due process are normal (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

Chernikova paid the fine without waiting for the result of cassation appeal on her case, Protestants who wished to be anonymous for fear of state reprisals told Forum 18 on 18 June. On 8 May Judge Jakhongir Jurayev of the Cassation Appeals Board of Tashkent Administrative Court upheld the original decision. That Court delivered its decision to her on 12 June, 31 days later than the three day limit the law requires.

Dadakhon Saidakhbarov, an official of the Court's Chancellery, on 18 June refused to comment on either court's multiple illegal actions or put Forum 18 through to Judge Jurayev. "If you want an explanation you need to come to the Court" he claimed before putting the phone down.

### ***Urgench: Illegal fine lowered, but illegal Bible destruction order unchanged***

On 23 July 2017, Shakhzoda Rajabova, a Protestant from Urgench, was present when 25 police armed with automatic weapons raided a church meeting for worship in Pastor Nazarov's flat. All those present were arrested and taken to Urgench Police Station, where the women were strip searched (see F18News 7 August 2017 [http://www.forum18.org/archive.php?article\\_id=2304](http://www.forum18.org/archive.php?article_id=2304)).

On 18 December 2017 Rajabova was given a large fine for having Christian books, and texts including the Bible were ordered to be destroyed. She also had her mobile phone taken for the authorities to use themselves. Yet in a flagrant violation of Uzbek law neither Urgench Police who opened the case, nor the Court which heard it, had informed Rajabova that she was on trial. The first Rajabova heard of the case and punishments was 82 days later in 10 April 2018, when she received a copy of the court decision. The Judge refused to answer when Forum 18 asked him why the police and his court had broken the law, ordered a Bible and other texts to be destroyed, and taken Rajabova's mobile phone (see F18News 31 May 2018 [http://www.forum18.org/archive.php?article\\_id=2383](http://www.forum18.org/archive.php?article_id=2383)).

On 6 June 2018, Judge Zhamilya Sultanova, Chair of Khorezm Regional Administrative Court, lowered the fine from 80 times the minimum monthly wage to 5 times the minimum monthly wage, or 748,875 Soms. Despite the illegality of the original court hearing, Judge Sultanova did not rescind the order to confiscate and destroy Rajabova's Bible and other religious literature.

Judge Sultanova told Forum 18 on 18 June that she did nothing apart from lower the fine "because Rajabova has filed an appeal to the Supreme Court". The Judge put the phone down as soon as Forum 18 asked why Rajabova was fined for exercising her right to freedom of religion and belief by meeting other Protestants for worship, and why her Bible and other literature was ordered destroyed.

Women in Pastor Nazarov's church have been particularly targeted by the authorities, in addition to the original strip search by male officials with one female police officer (see F18News 31 May 2018 [http://www.forum18.org/archive.php?article\\_id=2383](http://www.forum18.org/archive.php?article_id=2383)).

### **No answers from new Religious Affairs Committee head**

Jasur Akramov, the new Chair of the Religious Affairs Committee, has evaded answering Forum 18's questions about why people exercising their freedom of religion and belief continue to be jailed and fined, and also have their own religious literature confiscated and destroyed.

Ulugbek Jurayev, Akramov's Assistant, would not put Forum 18 through to Akramov on 18 June. Each time he was called back, Jurayev asked Forum 18 to call again in another hour. He refused to indicate when Akramov might be available for questioning.

Akramov's appointment as the new Religious Affairs Committee head was made public on 18 April. He replaced Artykbek Yusupov, who had headed the Committee since 2006. Akramov leads a team of 51 Committee officials, according to a 16 April Presidential Decree.

The Committee's main role is to stop people exercising their freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

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## **Criminal prosecution follows Easter worship meeting?**

**By Mushfig Bayram, Forum 18**

Forum 18 (24.05.2018) - <https://bit.ly/2xmpqlo> - *Police raided and threatened Urgench Baptists with criminal prosecution for meeting at Easter. SSS secret police and ordinary police raided Mubarek Baptists' worship, an illegal court fining two. In Karshi police*

*targeted hearing and speech impaired Baptists. A Samarkand Jehovah's Witness was fined when enquiring about state registration.*

Uzbek police have threatened members of a Baptist Church in Urgench [Urgench] in the north-western Khorezm Region with criminal prosecution. The threats followed raids by officers of the police Department for the Struggle with Extremism and Terrorism on successive Sundays in April on the Church's Sunday meetings for worship. The first raid was on the day the Church celebrated Easter.

On 8 April police disrupted the Baptists' shared meal to celebrate Easter. During the 15 April raid, officers confiscated Christian books and materials, detained and brought some church members to a police station, questioned them, and warned them that a criminal case would be opened against them (see below).

On 15 April the State Security Service (SSS) secret police and ordinary police raided the Sunday meeting for worship of a Baptist Church in Mubarek in the southern Kashkadarya Region. Police filmed and questioned church members, and illegally confiscated religious literature without a warrant. A court later fined two church members without any proper hearing or due process, including one Baptist who complained about the police's illegal actions (see below).

Similarly, on 6 May police in Karshi [Qarshi] in Kashkadarya Region broke into the home of a Baptist, Viktor Tashpulatov, where the Baptist Church was holding its Sunday worship meeting. Police targeted two hearing and speech impaired Church members, apparently to pressure them into incriminating themselves and others (see below).

Congregations of the Baptist Council of Churches meet for worship without seeking state permission, as is their right under international human rights law. But Uzbekistan, against its international human rights obligations, bans any collective exercise of the freedom of religion and belief without state permission (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

The authorities have also continued to raid and fine communities such as the Jehovah's Witnesses. When a Jehovah's Witness in Samarkand, in the centre of the country, went to their local mahalla (state district administrative committee) to enquire about registering a Jehovah's Witness community, the mahalla called the police. Police then confiscated his mobile phone, and he was subsequently fined twice the minimum monthly salary for having Jehovah's Witness publications on his mobile phone (see below).

Jehovah's Witnesses think that the police tortured Anvar Tajiyev in Urgench because their local community had between January and March 2017 unsuccessfully asked for state registration (see F18News 1 May 2018 [http://www.forum18.org/archive.php?article\\_id=2374](http://www.forum18.org/archive.php?article_id=2374)).

The authorities have allowed Jehovah's Witnesses to register only one congregation in the country, in Chirchik in Tashkent Region. All other congregations risk raids and fines for meeting for worship without state permission (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

### ***Urgench: Easter 8 April celebration raided***

On 8 April, Easter Sunday, Urgench Police's Department for the Struggle with Extremism and Terrorism raided the flat of a Baptist, Stanislav Kim, where the local Baptist Church was meeting to celebrate Easter. "At around 11 am Struggle with Extremism and Terrorism Department officers knocked on our door," Kim told Forum 18 on 15 May. "We agreed that only one officer could come in, to see that we are peacefully worshipping."

The police officer refused to identify himself and "after sitting down in a chair demanded that the worshippers come up to him one by one so he could write down their names". He left and then promised that police would come back in one hour.

As soon as the Baptists finished the worship and began to eat a meal together in celebration of Easter, "a group of police officers broke into the house, and began to force the participants out of the house onto the street to take down their names." The police refused to give their names to the Baptists and then left.

The authorities have frequently raided, prosecuted, and fined Baptists in Urgench for exercising their right to freedom of religion and belief – including staging a "show trial" for state TV (see eg. F18News 19 March 2018 [http://www.forum18.org/archive.php?article\\_id=2361](http://www.forum18.org/archive.php?article_id=2361)).

Kim told Forum 18 that Major Khamro Masimov, Chief of Urgench Police's Department for the Struggle with Extremism and Terrorism, did not participate in the 8 April raid but his officers did.

Asked why police raided the Easter celebration, and why the authorities keep raiding and prosecuting the Baptists, Major Masimov claimed to Forum 18 on 15 May that "we are not doing anything unlawful. Our Religion Law demands that all exercise of freedom of religion and belief must be registered, and so we must carry on controlling all exercise of this freedom."

Major Masimov has recently refused, against Uzbekistan's international human rights obligations, to arrest or investigate his subordinates who tortured a Jehovah's Witness in October 2017. Hospitals refused for fear of the police to treat Anvar Tajiyev who lost his hearing in one ear and still suffers headaches. Many complaints to President Shavkat Mirziyoyev, national and local Prosecutor's Offices have led to no arrests or prosecutions. Masimov of the police Department for the Struggle with Extremism and Terrorism claimed to Forum 18 that "our officers did not violate the law" (see F18News 1 May 2018 [http://www.forum18.org/archive.php?article\\_id=2374](http://www.forum18.org/archive.php?article_id=2374)).

When Forum 18 pointed out that the Baptists are exercising their fundamental human rights, which are also guaranteed by the Constitution, Major Masimov replied: "Please tell this to our Parliament. We do not decide which laws there should be. We are only responsible for making sure that the laws are observed."

### ***Urgench: 15 April raid and criminal prosecution threat***

Seven officers of Urgench Police Department for the Struggle with Extremism and Terrorism, led by Major Masimov and his deputy Captain Mukhammad Rakhimov, once again on 15 April raided Kim's home while Baptists were meeting for Sunday worship. One of the officers filmed everyone present.

"Officers conducted an unauthorised search, and confiscated a Bible and Children's Bible in Russian, a New Testament in Uzbek, a Bible commentary book, a Baptist song book, 12 copies of 'Herald of Truth' Baptist magazine, 30 Baptist post-cards, and a personal diary," Kim told Forum 18.

"Police ignored our demands to show their identity documents and the legally-required warrant for the search", Kim told Forum 18.

Asked why they did not show their identity documents and the legally-required search warrant to the Baptists, Major Masimov replied that "if we did anything unlawful they can write a complaint to the authorities." He then refused to talk more to Forum 18.

All seven adult participants in the meeting were taken to Urgench Police Station for questioning. Major Masimov himself questioned Kim. Police demanded that we write statements and sign a police report", Kim told Forum 18.

"When we told the police that their actions are unlawful, and refused to sign any papers, the officers threatened that they may open a criminal case against us", he said. After two hours of questioning, police released the Baptists.

Kim told Forum 18 on 21 May that he thinks police may be preparing a case under Criminal Code Article 244-3 ("Illegal production, storage, import or distribution of religious literature" If there has been a previous Administrative Code conviction (as there has been in Kim's case) the punishment is a fine of between 100 and 200 times the minimum monthly wage, or up to three years' corrective labour. Kim thinks that it's possible, as has happened in other cases, that the authorities may punish him with a short-term prison sentence (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

"The case is in Urgench Prosecutor's Office, and they are deciding whether to open an administrative or criminal case", Major Masimov told Forum 18 on 15 May. "It is an administrative violation, but because it is a repeated violation the Prosecutor's Office can decide to open a criminal case." He claimed that the Prosecutor's Office would make a decision "in two or three days", but refused to give Forum 18 more details.

On 22 May Kamol Almatov, Assistant to Urgench Prosecutor Javlan Davletov, refused to answer when asked about the possible prosecution and asked Forum 18 to call back the following day. On 23 May neither Almatov nor Davletov answered their phones.

As of 24 May Kim has had no information on whether he may be prosecuted, and if so on what charges.

### ***Mubarek: Raid, arrest for complaining about police illegality***

On 15 April the Sunday meeting for worship of a Council of Churches Baptist Church in Mubarek in Kashkadarya Region was raided, The raid involved State Security Service (SSS) secret police Major Ruzimurod Narboyev, Mubarek Police Criminal Investigation Department head Senior Lieutenant Khurshid Abdiyev, local mahalla committee Chair Kholmurod Nabiyeu, and four ordinary police officers.

The Church, which refuses to seek state registration as is its right under international human rights law, has often been raided and its members fined (see eg. F18News 11 July 2013 [http://www.forum18.org/archive.php?article\\_id=1857](http://www.forum18.org/archive.php?article_id=1857)).

"As soon as the officials arrived at the Church they began filming the worshippers without asking our permission," church member Vladimir Khanyukov told Forum 18 on 15 May. "They also without showing a search warrant confiscated our Christian literature."

Church member Vitaly Provodin called the Regional Police in Karshi to complain about the unlawful actions of the police, but very soon after the call the police arrested Provodin and took him for questioning to Mubarek Police Station. There, police tried to pressure him into registering the Church. They also told to after his release bring a copy of his passport and a testimonial from the local mahalla committee to the Police Station.

On 21 May mahalla Chair Nabiyeu and the police contradicted each other to Forum 18 as to who was responsible for the raid, Nabiyeu claiming that "I have nothing against Baptists" and that the raid was led by the SSS. He then refused to talk more. But Senior Lieutenant Abdiyev told Forum 18 that "I have a letter from the mahalla Committee informing us of the illegal activity of the Baptists and requesting us to check them."

Mahalla committees are a key element in the state's restrictions on freedom of religion and belief (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

### ***Anonymous Judge, illegal hearing, fines***

Senior Lieutenant Abdiyev on 15 May summoned church members Khanyukov and Provodin to a hearing of Mubarek Administrative Court at a mahalla committee in a neighbouring District.

"The Judge did not introduce himself and directly began reading us his decision," Khanyukov told Forum 18. There was no kind of hearing or opportunity for the Baptists to defend themselves. He fined Khanyukov and Provodin five times the minimum monthly wage. "We have not yet been given a copy of the decision [which is an illegal action of the authorities], but we were charged with illegal religious meeting and having religious literature."

Unfair trials and flagrant violations of due process are common in Uzbekistan (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

Asked why the authorities keep raiding and fining Baptists and others in violation of Uzbekistan's international human rights obligations, Senior Lieutenant Abdiyev replied: "It's your opinion that we violate the laws. It is the Baptists who violate our Religion Law." Asked what will happen if the Baptists continue to exercise their right under international law not to register their Church, Abdiyev replied: "We will give them new fines".

### ***Karshi: Police raid worship meeting***

On 6 May police in Karshi broke into the home of Viktor Tashpulatov where his Baptist Council of Churches Church was meeting for Sunday worship. Major Firdavs Khamroyev from Karshi Police's Department for the Struggle with Extremism and Terrorism led six officers from Kashkadarya Regional Police in the raid. The Church, which refuses to seek state registration as is its right under international human rights law, has often been raided (including by Major Khamroyev) and its members fined (see eg. F18News 7 August 2017 [http://www.forum18.org/archive.php?article\\_id=2304](http://www.forum18.org/archive.php?article_id=2304)).

"Police banged on our doors when we were holding our worship service, and immediately they entered officers began filming the worshippers without asking permission", Tashpulatov told Forum 18 on 21 May. Police wrote down the names of about 50 participants, including children, but despite pressure "none of us wrote statements or signed the police report." As police left they threatened "wait for the court to summon you", but there has not been any summons.

Asked about the raid on 22 May, Major Khamroyev claimed to Forum 18 that "it's a wrong number".

### ***Hearing and speech impaired persons targeted***

Officer Jamol Sharapov from the police Department for the Struggle with Extremism and Terrorism on 20 May told Tashpulatov to bring two speech and hearing impaired Church members to police for questioning. "I told him that it is his duty to do so and not mine", Tashpulatov told Forum 18.

Tashpulatov suspects that the police want to pressure the two Church members to write statements incriminating themselves and other Church members.

Officer Sharopov claimed to Forum 18 on 23 May that "I am not involved in that case." When asked why he called Tashpulatov asking him to bring his fellow church members for questioning, he claimed "It's a wrong number" and refused to talk more.

### ***Raids, fines, punished for enquiring about state registration***

In April and May, the authorities raided Jehovah's Witness worship meetings in homes in Samarkand and Fergana [Farghona], and twice raided a home in Karshi. The authorities also searched Jehovah's Witnesses homes for religious literature in Urgench and in the Yangiyul District of Tashkent Region. After the Yangiyul search a court fined two members of the local community five times the minimum monthly wage each under Administrative Code Article 184-2 ("Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons"). Such fines are common (see eg. F18News 6 April 2018 [http://www.forum18.org/archive.php?article\\_id=2367](http://www.forum18.org/archive.php?article_id=2367)).

When a Jehovah's Witness in Samarkand, in the centre of the country, went to their local mahalla (state district administrative committee) to enquire about registering a Jehovah's Witness community, the mahalla called the police. Mahalla committees are a key element in the state's restrictions on freedom of religion and belief, including via their role in approving registration applications (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

When police arrived at the mahalla they immediately confiscated the Jehovah's Witnesses mobile phone, and he was subsequently fined twice the minimum monthly salary for having Jehovah's Witness publications on the phone.

This is not the only punishment possible for seeking state registration. Jehovah's Witnesses think that the police tortured Anvar Tajiyev in Urgench because their local community had between January and March 2017 unsuccessfully asked for state registration (see F18News 1 May 2018 [http://www.forum18.org/archive.php?article\\_id=2374](http://www.forum18.org/archive.php?article_id=2374)).

The authorities have allowed Jehovah's Witnesses to register only one congregation in the country, in Chirchik in Tashkent Region. All other congregations risk raids and fines for meeting for worship without state permission (see Forum 18's Uzbekistan religious freedom survey [http://www.forum18.org/archive.php?article\\_id=2314](http://www.forum18.org/archive.php?article_id=2314)).

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## **Uzbekistan, a country of particular concern, according to the US**

HRWF (09.02.2018) - In accordance with the International Religious Freedom Act of 1998, the Secretary of State annually designates governments that have engaged in or tolerated systematic, ongoing, and egregious violations of religious freedom as "Countries of Particular Concern". Uzbekistan was re-designated as one of them, along with Burma, China, Eritrea, Iran, North Korea, Sudan, Saudi Arabia, Tajikistan, Turkmenistan, and Uzbekistan as Countries of Particular Concern. The Secretary of State also placed Pakistan on a Special Watch List for severe violations of religious freedom. The Spiritual Directorate of Muslims of Uzbekistan protested.

At the onset of this year, Uzbekistan is known to keep many Muslims in jail, as the 2018 Database of FORB Prisoners of *Human Rights Without Frontiers* clearly shows (<http://hrwf.eu/wp-content/uploads/2018/02/Uzbekistan-FBL-2018.pdf>).

Uzbekistan, like other Central Asian countries, is vulnerable to the influence of an Islam imported by missionaries from the Arabic Peninsula and is beginning to try to preserve its historical Muslim identity by developing education in Islamic Studies, domestic training of Uzbek theologians and religious education of young people.

### ***Uzbekistan opens Islamic Studies Academy***

Eurasianet (19.01.2018) - <https://eurasianet.org/s/uzbekistan-opens-islamic-studies-academy> - The first specialized academy of higher learning in Uzbekistan devoted exclusively to Islamic studies has been registered by the Justice Ministry in seemingly more evidence of a growing embrace of religious values.

The government's religious affairs committee reported on its website on January 17 that the Justice Ministry officials formally handed credentials to the chairman of the state-sanctioned Spiritual Directorate of Muslims of Uzbekistan, grand mufti Usmankhan Alimov, and the rector of what is to be dubbed the Islamic Academy, Nematulla Ibragimov.

President Shavkat Mirziyoyev in mid-December signed off on the legislation required for the creation of the academy, which is being founded under the auspices of the Spiritual Directorate of Muslims of Uzbekistan.

Ibragimov's background is Arabic studies. He has formerly worked at the Tashkent State Institute of Oriental Studies.

The Islamic Academy will offer two-year undergraduate degrees and three-year doctoral courses. Uzbek citizens and foreigners alike can apply. The main disciplines will be Koranic studies, Islamic law, study of the hadiths — the words and actions of the Prophet Muhammed — and the interpretation of Islamic texts.

The academy has already enrolled 16 undergraduates for its 2018-2019 academic year. Ravshan Nazarov, a historian, said he believes that Uzbekistan is sorely lacking in well-trained theologians and that the Islamic Academy would provide a timely remedy.

The fulsome praise coming the religious affairs committee, which has described the academy as a "great gift for believers in our country," suggests that instruction will be hewing very closely to the state-mandated orthodoxy, however.

Yakub Bukharbayev, an imam and a teacher at the Islamic Institute in Tashkent, one of two institutions in Uzbekistan authorized to train clerics, said that the country's archives contain tens of thousands of Islamic manuscripts that need to be studied. Graduates of the Islamic Academy can be enlisted into pursuing that goal, he said.

"Before in Uzbekistan we didn't even offer scientific degrees in Islamic studies. We have a native of Bukhara, [9th century Islamic scholar] Imam al-Bukhari, who is the author of hadiths. And we have the works of another great fellow countryman, a scholar of the hadiths and Islamic jurist, Imam at-Termezi, who has also not been sufficiently studied," Bukharbayev said.

Islamic education is, after many years of neglect under the late President Islam Karimov, who regarded devout Muslims with intense suspicion, beginning to earn more attention from the Uzbek authorities.

In May, the country's oldest madrassa, the 16th century Mir-i Arab in Bukhara, was upgraded to a higher education institution — from a college for upper secondary education — becoming the second establishment of its type in Uzbekistan, along with the Islamic Institute in Tashkent.

Mir-i Arab was the only madrassa allowed to operate in Soviet times and turned out many students who would go on to become major figures in their own regions. They included the chairman of the Council of muftis of Russia, Ravil Gainutdin, the Grand Mufti of the Caucasus, Allahshukur Pashazadeh, and even the former head of the Chechen Republic, Ahmad Kadyrov, father of the current incumbent, Ramzan Kadyrov.

In addition to the two institutions of Islamic higher learning, Uzbekistan has nine Islamic high schools, which caters to students in their late teens.

There is also the Tashkent Islamic University, which was founded in 1999 as the first specifically Islamic university in Central Asia. That university is not exclusively focused on religious studies, however, and provides courses on secular subjects, including natural sciences and economics.

### ***Directorate of Muslims of Uzbekistan disagrees with U.S. State Dept analysis of religious freedom in republic***

Interfax (15.01.2018) - <http://www.interfax-religion.com/?act=news&div=14176> - United States Department of State's inclusion of Uzbekistan in the list of countries where violations of freedom of religion occur is based on biased information and old stereotypes, the Directorate of Muslims of Uzbekistan said.

The State Department announced on January 4 that Uzbekistan is among the countries where "egregious violations of religious freedom" occur.

"The U.S. Department of State report on Uzbekistan is definitely based on biased information, and it contradicts the real situation," the Directorate of Muslims of Uzbekistan said in a statement released on Monday.

Serious changes occurred in Uzbekistan's religious affairs in 2017, the statement said. "A lot of work was done to resolve the accumulated problems. The president did a lot of work to maintain Islamic values, promote religious education, and spread our religion," the directorate said.

The Center for Islamic Civilizations and international research centers named after Imam Buhari and Imam Tirmidhi were created in the country, the directorate said. The number of Islamic educational establishments reached 11. A higher religious school was created in Bukhara. A three-year special extramural department was opened at the Tashkent Islamic Institute, Koran study groups formed, and the quotas for Muslim educational establishments were increased by 150%.

According to the Directorate of Muslims of Uzbekistan, 55 mosques were renovated, and 15 new mosques were built. The hadj pilgrim quota was increased from 5,200 to 7,200, and the quota for umrah (small pilgrimage) was increased from 6,000 to 10,000.

On the president's initiative, over 16,000 people were removed from lists of members of various marginal religious groups in 2017, the directorate said.

"Much was done to study the problems and goals of these citizens, to prevent discrimination against them, to provide them with comprehensive support and help them return to life in society," it said.

According to official information, 94% of Uzbekistan's population is Muslim, 3.5% of its citizens are Orthodox Christians, and the rest belong to other religions.

Over 2,220 religious organizations of 16 religions are registered in the country, including more than 2,000 Muslim and 157 Christian organizations, eight Jewish communities, six Baha'i communities, a Society for Krishna Consciousness, a Buddhist temple, and an interreligious Bible Society.

### ***FORB Prisoners Database of Human Rights Without Frontiers***

In its 2018 Database of FORB Prisoners, *Human Rights Without Frontiers* is documenting 38 cases of Sunni Muslims, 4 Sufi leaders and 2 Said Nursi followers currently in prison, according to various sources such as Forum18, ECOI, Refworld and Worldwide Religious News.

Sunni Muslims have been accused of alleged separatism, extremism, planning to overthrow the government and/or belonging to a banned Islamist movement. They are not known to have committed acts of violence.

Followers of the Turkish theologian Said Nursi, who lived and died in the 19<sup>th</sup> - 20<sup>th</sup> century, were also imprisoned on the alleged ground that Nursi's works are banned for allegedly inciting hatred and enmity against non-believers, which is not the case.

The four Sufi leaders [arrested in 2016](#) were sentenced to prison terms because their religious group has not been registered by the state and is therefore deemed illegal.

No Christian (Orthodox, Protestant or Catholic) and no Jehovah's Witnesses were in prison at the beginning of this year (<http://hrwf.eu/wp-content/uploads/2018/02/Uzbekistan-FBL-2018.pdf>).

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