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UZBEKISTAN: "Unbelievable" fines after no trial and raid with no warrant

By Mushfig Bayram, Forum 18 News Service <<http://www.forum18.org>>

Protestant married couple Ashraf and Nargisa Ashurov were each fined 100 times the minimum monthly wage by a court in Uzbekistan's capital Tashkent without a hearing, Protestants told Forum 18 News Service. Also fined was their babysitter. The fines followed a raid on the home where they are staying, conducted without a warrant, and seizure of Christian literature belonging not to them but to the home owner. "For a couple, who barely earn any living, this total fine of nearly 16 million Soms is an unbelievable punishment," a Protestant who knows the couple complained to Forum 18. An officer of the Police Criminal Investigation Division told Forum 18 that the Anti-Terrorism Police had conducted the operation.

Homes of Protestant Christians from various Churches across Uzbekistan were raided in February and March, Forum 18 News Service has learned. In at least two cases, courts subsequently handed down huge fines. After a late March raid and fine on a Protestant couple in the capital Tashkent, a Protestant who knows them complained that the raiding authorities produced no warrants, no trial was held and that the fines given were "unbelievably high". "The authorities know where believers live and know that they have Christian literature in their homes," the Protestant - who asked not to be identified for fear of state reprisals - told Forum 18. "By raiding their homes the authorities harass believers and are trying to wear them down by the fines."

Religious believers' homes are also known to have been raided in Samarkand in central Uzbekistan and in Nukus, capital of the north-western autonomous republic of Karakalpakstan. Courts in both cities fined the believers and confiscated their Christian literature and other materials.

All religious literature of any kind in Uzbekistan is under tight state censorship (see F18News 1 July 2008 <http://www.forum18.org/Archive.php?article_id=1153>).

In addition to raiding private homes to hunt for religious literature and other materials, police and other state agencies continue to raid religious believers at worship and to punish those talking about their faith to others (see F18News 12 April 2013 <http://www.forum18.org/Archive.php?article_id=1824>).

Tashkent raid

On 18 March, authorities in the capital Tashkent raided the temporary residence of Ashraf and Nargisa Ashurov, a local Protestant husband and wife. The couple were out, but their children and a babysitter were present in their rented flat. Major Zahid Mukimov, local Police officer, accompanied by seven other officials in plain-clothes, searched their home and confiscated Christian materials. The flat and confiscated materials belong to a foreign Christian, who is away from Uzbekistan at the moment, the Protestant who knows the couple told Forum 18 on 2 April. The Ashurovs "temporarily lived in that flat."

Asked on 9 April why the Police conducted a search in the Ashurovs' residence, Major Mukimov insisted to Forum 18: "We found banned religious books in their home." Asked which of the Christian books or other materials found in the residence were banned, he could not say.

Asked whether they had a search warrant or what the grounds for the search were, Mukimov referred Forum 18 to the Criminal Investigation Division of the Police. "It was their operation," he insisted. "I needed to be there as the local Police officer." Asked why the Criminal Police conducted an operation targeting the couple, he did not answer. Then he put the phone down.

Aziz Isakhanov, Deputy Chief of the Criminal Investigation Division, referred Forum 18 on 10 April to Adyl (he did not give a last name), Chief of the Anti-Terrorism Division. "It was their officers who conducted the operation," he declared.

Reached the same day, Officer Adyl took down Forum 18's name. But when asked the reasons of the raid and confiscations, he said that he could not hear well, though Forum 18's end of the line was clear. He then put the phone down. Subsequent calls to him went unanswered.

Huge fines

Four days after the raid, on 22 March, the couple and their babysitter were summoned to Judge Ahad Ulmasov of Tashkent's Uchteppa District Criminal Court. Without a hearing, he handed each of the three a fine of 100 minimum salaries or 7,959,000 Soms (22,200 Norwegian Kroner, 3,000 Euros or 3,900 US Dollars at the inflated official exchange rate).

He had found them guilty under Administrative Code Articles 201, Part 1 (violation of the procedure for conducting meetings), Article 240 (violation of the Religion Law) and Article 184-2 (illegal production, storage, import or distribution of religious materials), according to Judge Ulmasov's decision, a copy of which Forum 18 has seen.

The babysitter merely happened to be in their residence during the raid, the Tashkent Protestant who knows the couple complained to Forum 18. "The babysitter was there only to take care of the children while the parents were gone, and she is not even a believer."

However, in a rare action for Uzbekistan's courts, without explanation in his decision, Judge Ulmasov ordered the return to the Ashurovs of 85 Christian books, 141 DVD discs, a computer hard disk and other materials, which were confiscated by the authorities during the 18 March raid.

Uchteppa Court officials declined to comment on the case on 9 and 10 April, and refused to put Forum 18 through to Judge Ulmasov.

"Unbelievable punishment"

The Ashurovs were "falsely accused of illegally storing and distributing religious literature, which does not even belong to them," the Tashkent Protestant, who knows the couple, lamented to Forum 18. "For a couple, who barely earn any living, this total fine of nearly 16 million Soms is an unbelievable punishment."

The three were also accused of organising unauthorised religious meetings, which is "also false, since only the young woman and the children were in the house when the authorities came," the Protestant added.

The Tashkent Protestant complained to Forum 18 that Judge Ulmasov did "not even conduct a hearing." The Ashurovs and their babysitter were summoned to the Court on 22 March, and handed down the fines "in a small Court office." When the couple asked the Judge to give them a chance to find a lawyer and present their defence, he told them that they do "not need a lawyer but pay the fine".

Judge Ulmasov also threatened that their babysitter would be expelled from her University. The Protestant lamented that the young woman is "not even a believer but she just happened to be in Ashurovs' home" during the raid. To Forum 18's knowledge, she at the moment continues her studies at the University.

Samarkand raid and fine

Across Uzbekistan in the central region of Samarkand, officers of Samarkand Regional and City Police Departments as well as the City's Police Station No.8 raided the private home of Jamila Jurakulova, a member of a local Protestant Church, on 10 February, the subsequent court verdict notes. Officers confiscated seven Christian books and ten DVD discs.

Judge Begzot Ergashev of Samarkand City Criminal Court on 19 February found Jurakulova guilty under Article 184-2 of Uzbekistan's Administrative Code (illegal production, storage, import or distribution of religious materials). He fined her 50 times the minimum monthly wage or 3,779,000 Soms. He also ordered the confiscation from her of the Christian books and discs. Samarkand Regional Court in March upheld the decision.

Judge Ergashev told Forum 18 on 10 April that he fined Jurakulova because the religious materials confiscated from her had not been authorised by the government's Religious Affairs Committee. Asked why he gave her such a huge fine, he objected. "I did not adopt the Administrative Code - my duty is only to apply it."

Asked why religious believers should ask permission from the Committee for each religious book they want to read or keep, his response was blunt: "It is the Law." He refused to comment on whether he does not find that Uzbekistan's Religion Law and Administrative Code violate fundamental human rights.

"As far as I know," Ergashev pointed out, "she already appealed against my decision and the Regional Court upheld it." He added that Jurakulova has already lodged a further appeal to the Supervisory Board of the Regional Court, which has not examined the case yet. Ergashev only said that the Regional Court heard the case in March but could not give any details.

Nukus raid and fine

Meanwhile in Nukus, the capital of Uzbekistan's north-western Karakalpakstan autonomous republic, the authorities raided the private flat of Omangul Bekmuratova, a local Protestant, at lunchtime on 1 March.

"Four plain-clothed officials broke into Bekmuratova's home without any warning and conducted a search," Protestants from Nukus, who wished to remain unnamed for fear of state reprisals, told Forum 18. "They confiscated 40 Christian books and other materials, which included a Bible and New Testament." The officials also confiscated her laptop computer, external internet modem and a computer memory chip, as well as her family photo albums.

On 28 March, Nukus City Criminal Court found Bekmuratova guilty of "illegally storing religious materials" under Administrative Code Article 184-2. Although the fine for individuals is between 20 and 100 times the minimum monthly wage, the judge fined her one minimum monthly wage, 79,590 Soms. (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://education.nationalgeographic.com/education/mapping/outline-map/?map=Uzbekistan>>.

Mushfig Bayram, contributed this comment to Forum 18 News Service. Commentaries are personal views and do not necessarily represent the views of F18News or Forum 18.

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