



THE EUROPEAN ASSOCIATION OF  
JEHOVAH'S CHRISTIAN WITNESSES

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From The European Association  
of Jehovah's Christian Witnesses

Contribution to the Report of the U.N. High Commissioner for Human Rights  
on the implementation of the new review mechanism of the Human Rights Council,  
established by GA Resolution 60/251 and  
by the Human Rights Council in Resolution  
5/1 of 18 June 2007 for the 16<sup>th</sup> session 2013 of the UPR  
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## UZBEKISTAN

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## WRITTEN SUBMISSION OF RELEVANT STAKEHOLDER TOWARDS THE UPR PROCESS

### SUMMARY OF THE SUBMISSION

**During the review of Uzbekistan in 2008 (10<sup>th</sup> Session of the UPR), Uzbekistan was urged to amend its legislation so peaceful religious activity is not subject to administrative or criminal prosecution. As of this reporting period, the situation remains unchanged for Jehovah's Witnesses.** The inability to obtain registration exposes Jehovah's Witnesses to the charge that their religious activity is "illegal." Consequently, they receive huge fines ranging from 30 to 100 times the minimal monthly wage in Uzbekistan. In numerous cases, the claim that their religious activity is "illegal" has been used by the courts and police to justify repeated acts of police mistreatment, court-ordered detention, and deportations. Since 2006, the authorities constantly threaten to withdraw the only registration left in Chirchik.

We respectfully request the Republic of Uzbekistan to grant amnesty to Abdubannob Akhmedov, who is a prisoner of conscience, and accept registration applications for congregations of Jehovah's Witnesses, which would eliminate the fines and prison sentences.

### I. INTRODUCTION

1. The *European Association of Jehovah's Christian Witnesses* (the "Association") is a Charity registered in the UK. The Association is assisting the adherents of the faith of Jehovah's Witnesses in various areas of the world.
2. There is only one legally registered congregation of Jehovah's Witnesses remaining in Uzbekistan, which is located in the town of Chirchik (Tashkent region). No religious activity is allowed outside of the place of worship where the Chirchik congregation is registered. The onerous requirements of the Uzbekistan's law on religious freedom make it extremely difficult to obtain registration in any other regions of the country. Without state registration, any religious activity is illegal. The Uzbek authorities use this lack of registration to justify their actions.

### II. DOMESTIC IMPLEMENTATION OF FREEDOM OF RELIGION

#### A. Recommendations Made During the 8<sup>th</sup> Session of UPR in 2008

3. During the review of Uzbekistan in 2008 (10<sup>th</sup> Session of the UPR), several recommendations were made regarding religious freedom. One of the recommendations was for Uzbekistan to "*implement effectively its commitments relating to freedom of religion as contained in the International Covenant on Civil and Political Rights (ICCPR)*". On April 7, 2010, the Human Rights Committee expressed its concern in this regard and urged Uzbekistan to amend its legislation so peaceful religious activity is not subject to administrative or criminal prosecution (CCPR/C/UZB/3 § 19). The delegation of Uzbekistan replied that they were implementing these recommendations and would consider them further (A/HRC/10/83 pages 22-24). The continued persecution of Jehovah's Witnesses belies this claim.

### **III. DIFFICULTIES TO HAVE LEGALLY REGISTERED ACTIVITIES**

#### **B. Fergana Justice Department Issues Liquidation Order Against Jehovah's Witnesses**

4. On February 19, 2009, the seventh application filed by Jehovah's Witnesses to legally register a congregation in Tashkent was denied. The main reason cited was the absence of a confirmation letter (letter of guarantee) of the local Khokimiat (administration).
5. Jehovah's Witnesses have been present in the Fergana valley since the 1950's. On May 3, 1994, they were granted legal status as a registered religious organization in Fergana and were reregistered on August 18, 1999. In 2005, the justice authorities in Fergana raised questions regarding the organization's legal address. In response, Jehovah's Witnesses purchased a public building and obtained the required agreements from various government departments regarding its structural integrity and its conformity to fire, health, and sanitary codes. However, the local council (Makhallya) and the Committee on Religious Affairs refused final approval. Then, on August 24, 2006, the Fergana District Justice Department issued an order to liquidate the religious organization of Jehovah's Witnesses registered in Fergana. The liquidation order places Jehovah's Witnesses in Fergana under ban. When Jehovah's Witnesses in Fergana asked regarding the reason for the ban, the Justice Department stated that the Witnesses had acted illegally by conducting meetings in the private home of one of their members and talking to people about the Bible outside their legal address. According to the Justice Department, Jehovah's Witnesses are not allowed to meet for worship and study or to share their beliefs with others.
6. On May 26, 2009, the Department of Justice threatened to liquidate the legal organization of Jehovah's Witnesses in Chirchik based on seven alleged violations of the law. On June 25, 2009, the Chirchik congregation representatives filed a response with the Department of Justice of the Tashkent Region. To date, they have received no response from the Department of Justice. The latest threat was in March 2012. The Committee of Religious Affairs was again using accusations about religious service and the use of literature by Jehovah's Witnesses in the country as a pretext to threaten the Chirchik community with deregistration unless they influence the rest of Jehovah's Witnesses to act differently.

### **IV. PROLONGED LONG-TERM IMPRISONMENT FOR “ILLEGAL RELIGIOUS ACTIVITY”**

#### **C. Amnesty Denied on False Charge of Violating Prison Routine**

7. In 2008, three Jehovah's Witnesses were sentenced to 3½ and 4 years imprisonment in a labor camp. Olim Turayev, a medical doctor and father of three small children from Samarkand, was sentenced for teaching his religious beliefs to others and for organizing “illegal religious activity” in his own home. Sergey Ivanov, who is 23 years old, and Abdubannob Akhmedov, who is 39 years old, were sentenced due to violating Article 216 of the Uzbekistan Criminal Code, which penalizes activity of unregistered religions organizations.
8. In 2010, all three prisoners of conscience applied for amnesty and immediately were accused of violating the rules of “prison routine.” They were transferred from the “open” regime settlement to the “general” regime colony, which disqualified them from being granted amnesty. The colony administration and a person from special security services visited each prisoner several times threatening them that their confinement would be prolonged if they did not renounce their faith.
9. In April 2012, shortly before their release, Sergey Ivanov and Olim Turayev were sentenced to two additional months of imprisonment on the false charge of violating the prison routine rules. The prosecutor requested three additional years for each one for the violations. Representatives of

the international community were present at their trial. The Judge sentenced them to four months of arrest starting from January, when they were placed in special prison facilities for the trial. They were finally released in May 2012.

10. Likewise, Abdubannob Akhmedov was due to be released in July 2012, after having served his four-year prison sentence. Regrettably, on June 11, 2012, he also was convicted on the false charge of violating the prison routine rules. The court ordered him imprisoned for an additional two and one half years.
11. In convicting and imprisoning these young men on the grounds of their peaceful religious activity, Uzbekistan continues to disregard its obligations under Article 18 of the International Covenant on Civil and Political Rights. In the Concluding Observations on Uzbekistan, dated April 7, 2010 (CCPR/C/UZB/CO/3), the Human Rights Committee stated at paragraph 19:

The Committee is concerned regarding the limitations and restrictions on freedom of religion and belief, including for members of non-registered religious groups. It is concerned about persistent reports on charges and imprisonment of such individuals. It is also concerned about the criminalization, under article 216-2 of the Criminal Code, of “conversion of believers from one religion to another (proselytism) and other missionary activities” (CCPR/C/UZB/3, para. 707). (art. 18)

**The State party should amend its legislation, in particular, article 216-2 of the Criminal Code, in line with the requirements of article 18 of the Covenant. In this regard, the Committee recalls its general comment No. 22 (1993) on the right to freedom of thought, conscience and religion.**

## V. MASSIVE FINES, UNLAWFUL SEARCHES, DETENTIONS AND DEPORTATIONS

### D. Fines, Arrests and Deportations in 13 Different Cities and Towns

12. Dozens of Jehovah's Witnesses have been arrested and prosecuted for “illegal” religious activity under Articles 184-2, 240(1), 241 of Uzbekistan's Code of Administrative Responsibility. In 2011 alone, more than 90 Jehovah's Witnesses were charged for alleged violations of the Code of Administrative Responsibility. The total amount of fines they were ordered to pay amounted to a staggering 200,167,900 Uzbekistani som (about USD 103,607). Most were ordered to pay fines ranging from 30 to 100 times the minimal monthly wage in Uzbekistan. This was a huge fine for these peaceful citizens many of whom are of limited financial means. Most of these fines were given after police made unlawful searches of their homes, and even at their workplace. These searches were held in 13 different cities and towns, including three searches in Chirchick where Jehovah's Witnesses are registered. Over a dozen believers were sentenced to short-term administrative arrests of between 5 and 15 days. To illustrate, two events that occurred in the cities of Tashkent and Bukhara are explained in detail below.
13. On September 3, 2011, Elena Tsyngalova, a 37-year old mother of two children, was arrested in Dostabod because she was peacefully speaking about her religious beliefs. The Yangiyulskiy District Criminal Court sentenced her to pay a fine 50 times the monthly minimum wage (approximately USD 1,500) and ordered her personal copy of the Holy Bible to be destroyed.
14. Ten days later, Ms. Tsyngalova's apartment in Tashkent where she lives with her elderly mother was searched by police without a court order. On September 14, 2011, the Sergeliyskiy District Court sentenced Ms. Tsyngalova and her mother to each pay a fine 50 times the monthly minimum wage (approximately USD 1,500). The Court also ordered the destruction of a copy of the Holy Bible and 27 items of religious material published by Jehovah's Witnesses.

15. Ms. Tsyngalova has a modest income and her elderly mother is a pensioner. She therefore applied to the presiding judges in both cases to reduce her fines. The presiding judge of the Sergeliyskiy District Court of Tashkent reduced the fine to one monthly wage each (57,200 soms), which they immediately paid. However, the presiding judge of the Yangiyulskiy District Criminal Court refused to reduce the fine. On March 14, 2012, bailiffs demanded the immediate payment of the fine and began to seize 30 percent of her elderly mother's monthly pension towards payment of the fine.
16. On May 22, 2012, Ms. Tsyngalova was summoned by the Sergeli District Visa and Registration Department of Tashkent and told that she and her two sons (ages 13 and 18) would be deported to Russia. In June 2012, Ms. Tsyngalova filed an application protesting the deportation order. On June 29, 2012, the regional prosecutor of Tashkent dismissed her complaint without giving any specific reasons.
17. On July 2, 2012, Ms. Tsyngalova was detained in a Tashkent facility for homeless people without a court hearing or court order. On July 25, 2012, Ms. Tsyngalova and her two sons were deported to Russia. Ms. Tsyngalova has no connections and no property in Russia.
18. On May 10, 2012, Oxana Chsherbeneva and Victoria Gorshkovawere questioned by police for discussing their religious beliefs with an interested person. They were searched and the police seized their personal copies of the Holy Bible.
19. On May 31, 2012, the police searched the apartment of Oxana Chsherbeneva, Victoria Gorshkova, and their companion, Elnora Maksutova, without court order. All three women's personal copies of the Holy Bible and other religious literature were confiscated. Ms. Maksutova was taken to a "rehabilitation" center for homeless persons where she was held without a court order or court hearing for 12 days with homeless people and prostitutes, during which time she was not allowed to change her clothing. She was released on June 12, 2012, taken to court and tried for "illegal" possession of religious literature.
20. Meanwhile, on May 31, 2012, the police charged Ms. Chsherbeneva and Ms. Gorshkova with "distributing religious materials and [teaching] religious lessons without having a religious education." After charging both women, the police took them to Bukhara District Criminal Court and they were convicted for alleged "illegal" religious activity. The court ordered Ms. Chsherbeneva, a citizen of Kazakhstan, to be detained for 15 days, followed by deportation to Kazakhstan. The court ordered Ms. Gorshkova to pay a fine amounting to more than USD 3,000. Even the interested woman with whom they had been talking, Ms. Ten, was found guilty of "illegal" religious activity and ordered to pay a fine of 20 times the monthly minimum wage in the amount of 1,250,400 soms (approximately USD 645).

## **VI. MISTREATMENT**

21. On July 15, 2012, in the village of Muhomon (Khazarasp District), 54 year-old pediatrician Gulchehra Abdullayeva was arrested at her residence by three police officers without any reason. At the station, she was interrogated about a trip she had made to Kazakhstan two weeks earlier. The officers were convinced that she had returned with religious literature of Jehovah's Witnesses and demanded to know where it was. When Ms. Abdullayeva answered that she had travelled on personal business to Kazakhstan, the officers were incensed. Four other officers took her back to her residence, where it was searched without court order in the presence of three local self-government representatives. No religious literature was found, so they threatened Ms. Abdullayeva that if she did not reveal where she had hidden it, they would "extract" the information from her son at the police station.

22. At the police station Ms. Abdullayeva was made to stand against a wall continuously for four hours in extreme heat and with no water. The officers threatened to handcuff Ms. Abdullayeva until her husband or son brought them some literature of Jehovah's Witnesses. They then forcibly put a gas mask on her, giving her a black eye in the process. They pumped the air out of the gas mask so that Ms. Abdullayeva could no longer breathe in order to force a confession. They also tried to have her sign a pre-written statement, admitting to illegal religious activity. She refused and instead wrote her own statement. The officers took her passport and said that they would return it when she brought the *Injil* or other religious literature by Jehovah's Witnesses. She was then released at 9:00 p.m. that day.
23. On July 25, 2012, police brought Ms. Abdullayeva to a local court and found her administratively guilty under Article 241 of the Uzbekistan Administrative Code (teaching religion without special permission or in private). The judge stated that they would return her passport only after she paid a fine of five months minimum wage. On July 27, 2012, she filed appeals with senior Uzbekistan state agencies protesting the deplorable actions of the police.

## VII. CONCLUSION

24. Jehovah's Witnesses in Uzbekistan and as a worldwide organization respectfully request the Republic of Uzbekistan to:
  - 1) Grant amnesty to Abdubannob Akhmedov and stop prosecuting Jehovah's Witnesses for their peaceful religious activity. This would be in compliance with the Uzbekistan Constitution and international guarantees of religious freedom.
  - 2) Accept registration applications for congregations in the localities where Witnesses reside, thereby eliminating the fines and prison sentences for those found guilty of "illegal religious criminal activity."
  - 3) Discontinue torture, illegal home searches, arrests, deportations, and exorbitant fines imposed on Jehovah's Witnesses for practicing their peaceful religion, which is guaranteed under the Uzbekistan Constitution.