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UZBEKISTAN: Two years correctional labour for unregistered religious activity

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

A Baptist has been sentenced to two years correctional labour, Forum 18 News Service has learnt. Nikolai Zulfikarov was yesterday (29 November) sentenced under Uzbekistan's Criminal Code for "teaching religious doctrines without special religious education and without permission from a central organ of administration of a religious organisation, as well as teaching religion privately". Zulfikarov, who led the five member Khalkabad unregistered Baptist church, was also sentenced to pay the state 20 per cent of his earnings over the next two years. It is not clear whether Zulfikarov will appeal against the decision. Asked whether it was illegal to be a religious believer in Uzbekistan, Judge Bakhrom Batyrov told Forum 18 that the laws of Uzbekistan prohibit people worshipping and praying together without being legally registered. This is the latest sentence against a member of one of Uzbekistan's religious minorities, which along with the majority Muslim community continue to be put under severe official pressure.

On 29 November, Nikolai Zulfikarov, the leader of a small unregistered Baptist church in Khalkabad near Pap in the eastern Namangan Region, was punished for converting believers of one confession to another and engaging in a missionary activity. Judge Bakhrom Batyrov of Pap District Criminal Court sentenced him to two years' correctional labour, as the judge and Zulfikarov's fellow-Baptists confirmed to Forum 18 News Service in the wake of the verdict. Zulfikarov will have to pay 20 per cent of his earnings to the state for the next two years. It is not clear whether he will appeal against the decision, but a Protestant who knows Zulfikarov told Forum 18 on 29 November that church members were not happy with the decision.

At the trial, which began on 13 November, Zulfikarov was found guilty of violating Article 229, part 2 of the Criminal Code. This punishes "teaching religious doctrines without special religious education and without permission from a central organ of administration of a religious organisation, as well as teaching religion privately".

Judge Batyrov told Forum 18 that Zulfikarov should be able to get a copy of the decision within three days from the day of the verdict. Zulfikarov could appeal against the decision to a higher court within 10 days from the date when he receives the copy of the decision.

Asked whether it was illegal to be a religious believer in Uzbekistan, Batyrov insisted that the laws of Uzbekistan prohibit people from worshipping and praying together without being legally registered. "There are registered central organisations where people can go and worship together," he told Forum 18. "There's an Evangelical Baptist centre in Fergana where Zulfikarov and his people can go and worship." Asked what would happen to the literature and tapes confiscated from Zulfikarov's flat, Batyrov claimed it would be sent to the Baptist centre in Fergana, and Zulfikarov could receive from there the necessary amount "for his personal use".

However, Zulfikarov is from a different Baptist network. His congregation belongs to the Council of Churches, which rejects state registration in principle.

Reached on 30 November, officials at the government's Religious Affairs Committee told Forum 18 no-one was available to discuss Zulfikarov's case or any other issues. One official told Forum 18 that Committee chairman Artyk Yusupov was away in Saudi Arabia, while deputy chairman Begzot Kadyrov was out of the office. He added that no other Committee officials were in the office either and put the phone down.

Ikrom Saipov, responsible for religious issues at the government-sponsored National Human Rights Centre in Tashkent, said that he had not heard of Zulfikarov's case. "I don't know him," he told Forum 18 on 30 November, "but let him appeal to us."

However, Saipov insisted that any complaints about any religious issue should be directed to "more competent agencies", such as the Ministry of Justice of the Religious Affairs Committee. "Our centre does not have the physical or moral resources to investigate issues in which we are not specialists," he claimed. "For us to do so when we are not specialists would be absurd."

Asked what concrete help his centre has ever provided to defend individuals' and communities' rights to religious freedom, given the

widespread violations affecting all faiths in Uzbekistan, Saipov was unable to say. "If people write to us we can only address more competent government agencies."

The latest official pressure on the Khalkabad congregation - which has just five adult members - began in the summer. On 28 July the chairman of Khalkabad town council Y. Dadajanov filed a complaint to the Pap regional Internal Affairs Department, which stated "the residents of Khalkabad Nikolai Zulfikarov and Odil Solijanov were engaged in the territory of Khalkabad town in drawing citizens to the 'Baptist' movement, distributed illegal literature, as well as turned the flat No 3 in the house No 4 to a church, filled it with various literature, openly recruited citizens to this movement, which might lead to discord among the Muslim population".

The local police raided Zulfikarov's flat successively during Sunday worship on 29 July and 5 August and seized religious literature and audiotapes (see F18News 12 November 2007 <http://www.forum18.org/Archive.php?article_id=1046>).

Elsewhere, Termez City Court in southern Uzbekistan close to the border with Afghanistan has fined members of the Surkhandarya Protestant church from Jarkurgan and Termez for possessing more Christian literature than allowed, a local Protestant told Forum 18 on 13 November. On 11 October Azamat Rajapov and Vitaly Suvorov were each fined 50 times the minimum monthly wage. The minimum monthly salary in Uzbekistan from 1 August 2007, as decreed by the President, is 15,525 Soms (66 Norwegian Kroner, 8 Euros or 12 US Dollars). Others - including Yupiter Li, Mansur and Dmitri Inyushev, Azamat Kurbanov and Laziz Umarov - were each fined five times the minimum monthly wage.

Protestants told Forum 18 that despite several requests, most recently on 9 November, the court would not give a copy of the decision to those fined. Forum 18 was told on 20 November that the Jarkurgan church members still did not have the copy of the decision and had not been compelled to pay the fines.

The most recent trouble for the Surkhandarya Church began after officers raided a birthday party for church member Suvorov and his friend Mansur Inyushev at Suvorov's house in Jarkurgan, 40 kms (25 miles) from Termez, on 11 September. Many of the 17 people present were subsequently interrogated. Many were threatened merely for having copies of religious literature. Some were beaten and called "traitors", while one was threatened by a policeman with a knife (see F18News 4 October 2007 <http://www.forum18.org/Archive.php?article_id=1029>).

In another court case on 23 November - instigated by the Tashkent city Department of Justice - the Tashkent city Civil Court made a collegial decision under Judge I. Bayeva to strip the Grace Presbyterian Church of Tashkent of its registration. According to Uzbekistan's harsh Religion Law - and in defiance of the country's international human rights obligations - unregistered religious activity of any sort is illegal.

The latest move is part of a long-running official campaign to close down the Church (see F18News 12 November 2007 <http://www.forum18.org/Archive.php?article_id=1046>).

The Grace Church had faced a separate court case on 15 November at the Tashkent city Economic Court. The board of appeals of the Economic Court decided to cancel the results of the auction held on 28 April 1999 whereby the Grace Church had acquired their church building. The court case, which was chaired by Judge Shotmarov, declared the contract of sale and the Grace church's right to the property invalid. Grace Church members told Forum 18 on 30 November that they intend to appeal against both decisions on their registration and their property to higher courts.

The Grace Church can continue to hold services at the same building until the bailiffs officially arrive, though the bailiffs could be sent at any time. As soon as the announcement is made that the bailiffs are to arrive, the church will officially be banned as an organisation and lose the building.

Church members complained to Forum 18 that in none of the court hearings were church members given a chance to speak in their defense. "The court procedures were not held in a proper manner," church members complained, "and they were just collected there to be announced the court decisions."

Meanwhile, Protestants who preferred not to be identified told Forum 18 that Andrei Kosulitsky, pastor of the registered Baptist church in Samarkand [Samarqand], has had some success in challenging a fine imposed on him on 28 June to punish him for his religious activity. He was fined 62,100 Soms (266 Norwegian Kroner, 33 Euros or 48 US Dollars) by Samarkand City Criminal Court after being found guilty of "violating the law on religious organisations" under Article 240 of the Code of Administrative Offences. The court also ruled that 53 Christian books and 42 booklets should be confiscated.

Kosulitsky appealed against the fine, but on 2 August the regional Appeal Court for Criminal Cases rejected his appeal. However, in a move that local Protestants told Forum 18 was encouraging, on 26 November the Supervisory Court of Samarkand Region overturned the 2 August ruling as "illegal". Kosulitsky's appeal has now been returned to the Appeal Court for new consideration.

A number of Protestants have been fined in recent months to punish them for their peaceful religious activity, including a group of

five Seventh-day Adventists in Tashkent in late September (see F18News 12 October 2007 <http://www.forum18.org/Archive.php?article_id=1034>).

During 2007 there has been an increasing tendency for the authorities to jail members of the Protestant and Jehovah's Witness religious minorities. Pentecostal prisoner of conscience Dmitry Shestakov is now serving a four year labour camp sentence (see F18News 27 June 2007 <http://www.forum18.org/Archive.php?article_id=982>). Two Jehovah's Witnesses, Irfon Khamidov and Dilafruz Arziyeva, have also been sentenced this year for "illegally teaching religion" and Uzbekistan's last registered Jehovah's Witness congregation is threatened with losing its legal status. If this happens, all activity by the entire community will - under Uzbekistan's highly restrictive Religion Law - become illegal (see F18News 21 August 2007 <http://www.forum18.org/Archive.php?article_id=1009>).

Uzbekistan also appears to be planning changes to its harsh Religion Law, even though changes to other laws and regulations have steadily increased restrictions on freedom of thought, conscience and belief. Religious believers of a variety of faiths have pointed out to Forum 18 that many forms of harassment and persecution of the peaceful religious activity are used by the Uzbek authorities. These include: increasing "legal" restrictions on freedom of thought, conscience and belief; severe pressure by the state against communities which are registered or wish to be registered; actions by the authorities which violate even the harsh published laws; heavy state control of the activity of religious communities; and extensive surveillance - both overt and covert - of religious communities of all faiths (see F18ews 5 November 2007 <http://www.forum18.org/Archive.php?article_id=1043>). (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all faiths 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=777>.

Full reports of the religious freedom situation in Uzbekistan can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=33>>.

A survey of the religious freedom decline in the eastern part of the Organisation for Security and Co-operation in Europe (OSCE) area is at <http://www.forum18.org/Archive.php?article_id=806>, and of religious intolerance in Central Asia is at <http://www.forum18.org/Archive.php?article_id=815>.

A printer-friendly map of Uzbekistan is available at <<http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>>.

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