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UZBEKISTAN: Pastor's re-education "impossible without isolation from society"

By Felix Corley, Forum 18 News Service <<http://www.forum18.org>>

Protestant pastor Dmitry Shestakov has appealed against the four-year sentence in one of Uzbekistan's open work camps imposed for his religious activity, Protestant sources have told Forum 18 News Service. The verdict stated that Pastor Shestakov had to be deprived of his freedom "given the absence of the possibility of re-educating him without isolation from society." No date has yet been set for an appeal hearing and Shestakov remains in Prison No. 1 in Andijan until the hearing. He has been banned from kneeling to pray and had his copy of the New Testament confiscated. He has been offered the Koran to read instead, Forum 18 has learnt. Although the state Religious Affairs Committee has frequently in state-run mass media attacked Pastor Shestakov and Protestants generally, Begzot Kadyrov of the Committee claimed to Forum 18 that "I have no information about the case." The verdict also claims it is "necessary" for 12 videotapes, seven CDs, two audiotapes and one copy of an Uzbek-language translation of a book "Jesus: More than a Prophet" to be destroyed. Two Protestants continue to await trial in north-west Uzbekistan.

Protestant pastor Dmitry Shestakov is appealing against his four-year sentence in an open work camp, imposed on 9 March in his home town of Andijan [Andijon] in retaliation for his religious activity, Protestant sources have told Forum 18 News Service. The court ruled that Shestakov had to be deprived of his freedom "given the absence of the possibility of re-educating him without isolation from society". Shestakov's lawyer lodged his appeal on 16 March, but no date has yet been set for a hearing at Andijan Regional Court. Shestakov remains in Prison No. 1 in Andijan until the appeal is heard. Forum 18 has learnt that the prison administration, which is headed by Lieutenant-Colonel Pulatov, has banned Shestakov from kneeling to pray and confiscated his copy of the New Testament. Instead of the New Testament, he has been offered the Koran to read.

Andijan was the centre of an anti-government uprising in May 2005 and Shestakov is being held in the prison which was stormed by some of the rebels during the uprising. He is currently in Prison No. 1's Samara section, where those sentenced for membership of the Akramia movement (see F18News <http://www.forum18.org/Archive.php?article_id=586>) and the Islamist political movement Hizb-ut-Tahrir (see F18News <http://www.forum18.org/Archive.php?article_id=170>) are also being held.

Refusing absolutely to answer any questions about Shestakov's sentence was Begzot Kadyrov, chief specialist at the government's Religious Affairs Committee in the capital Tashkent. "I have no information about the case," he told Forum 18 on 21 March, despite the fact that Shestakov has frequently been attacked through the state-run media, often in comments sourced to Committee officials (see F18News 14 February 2007 <http://www.forum18.org/Archive.php?article_id=911>). Asked more generally about the extensive controls on religious communities including at the local level - as revealed in the verdict in Shestakov's case - he angrily declared that he had no time and put the phone down.

Forum 18 was unable immediately to reach Abdukarim Shodiev, head of the prison directorate in the Interior Ministry, to find out why Shestakov - and other prisoners in Uzbekistan - have been deprived of their right to practice their faith while in prison. Shodiev's office in Tashkent told Forum 18 on 23 March that he was in a meeting. Muslim prisoners have complained in the past of being unable to pray and mark the Ramadan fast while in detention (see F18News 2 May 2006 <http://www.forum18.org/Archive.php?article_id=772>).

Shestakov - who will celebrate his 38th birthday on 9 April - has led his Pentecostal congregation under the auspices of the Full Gospel Church in part of the family home in Andijan's Sultan Jura mahalla (city district) since 2003. Also known as David, he was born in Kyrgyzstan but is a long-term resident of Uzbekistan and an Uzbek citizen.

On 9 March, Judge Muhamadibrohim Tulanov at Andijan Regional Criminal Court found Shestakov guilty of violating Criminal Code Article 216, which punishes "illegal organisation of social or religious organisations" with a maximum five year prison term, and Article 244-1 part 2, which punishes "distributing materials containing ideas of religious extremism" with a maximum five year prison term (see F18News 9 March 2007 <http://www.forum18.org/Archive.php?article_id=928>).

Tulanov sentenced Shestakov to three years under each charge, with a combined sentence of four years in internal exile in an open work camp, the lightest category of imprisonment. His sentence is deemed to start from 21 January, the date of his arrest. However,

the judge acquitted him of charges under Article 156 part 2, which punishes "inciting ethnic, racial or religious hatred" with a prison term of between five and ten years.

The eight-page verdict, of which Forum 18 has seen the text, also declares it "necessary" for 12 videotapes, seven CDs, two audiotapes and one copy of an Uzbek-language translation of a book "Jesus: More than a Prophet" - confiscated as "material evidence" during a June 2006 raid - to be destroyed.

Unless the punishment is changed on appeal, Shestakov will be required to remain during the night in the open work camp to which he is assigned but will probably be able to find his own work nearby, subject to approval by the prison system. The website of the Interior Ministry states that detention in such work camps is for those "who do not represent a major social danger" and those found guilty of "less serious crimes committed through carelessness". It remains unclear where in Uzbekistan this will be and whether Shestakov's wife Marina and their three children will be able to join him close by. However, if he violates any rules during the four-year term he could be transferred to prison.

During the final presentation of the defence case on 7 March, Shestakov's lawyer had called on Judge Tulanov to free Shestakov and instead to initiate criminal cases against two officials of the public prosecutor's office, two police officers and eight "false witnesses" who testified against Shestakov. Tulanov rejected the call.

The court rejected the testimony of Pastor Ramai Jalilov of the Full Gospel Church in Andijan that Shestakov's church was a fully-authorised branch of his own registered church, as well as documentation proving this. Shestakov throughout maintained his innocence on all the accusations.

The verdict reveals the full extent of state surveillance of Shestakov's congregation and official attempts to suppress it, initially through the local mahalla committee, as well as official obsession over the ethnic affiliation and social background of those attending the church (see F18News 27 March 2007 <http://www.forum18.org/Archive.php?article_id=936>). As restrictions on all religious activity in Uzbekistan grow ever tighter, the role of mahalla committees in controlling and suppressing local religious activity has steadily increased (see F18News 22 February 2007 <http://www.forum18.org/Archive.php?article_id=918>).

The state-run media's encouragement of intolerance against religious minorities has recently been stepped up (see F18News 19 December 2006 <http://www.forum18.org/Archive.php?article_id=890>), as has a propaganda offensive to deny that Uzbekistan violates religious freedom (see F18News 19 December 2006 <http://www.forum18.org/Archive.php?article_id=891>).

Meanwhile, Protestant sources who preferred not to be identified for fear of reprisals told Forum 18 that one of the two Protestants facing criminal trial in Nukus, the capital of the autonomous republic of Karakalpakstan [Qoraqalpoghiston] in north-western Uzbekistan, has had his charges downgraded. Makset Djabbabergenov was originally charged in January under Article 229-2 of the Criminal Code, which punishes "violation of the procedure for teaching religious beliefs" with a sentence of up to three years' imprisonment (see 28 February 2007 F18News <http://www.forum18.org/Archive.php?article_id=923>).

However, on 20 February the Public Prosecutor's Office removed the accusation, deciding instead that Djabbabergenov should face charges under the Code of Administrative Offences under Article 184-2, which punishes "illegal distribution of religious items", Article 240, which punishes "violation of the law on religious organisations", and Article 241, which punishes "illegal teaching of religion". Djabbabergenov's friends complain that his continued prosecution under the Administrative Code is illegal, as the one month period allowed by the Administrative Procedure Code to continue a case after a decision to halt a criminal case has now expired.

Djabbabergenov was among 18 local Protestants detained on 15 January during a raid on a private home in the village of Kaskol-2 near Nukus. All were questioned and pressured to write statements before being freed. Many were then charged under the Administrative Code.

Religious activity is particularly difficult in Karakalpakstan. The regional authorities have banned the activity of all non-Muslim and non-Orthodox religious communities by denying them official registration. Under Uzbekistan's harsh laws on religion - and in defiance of the country's international human rights commitments - all unregistered religious activity is illegal and punishable under the Criminal and Administrative Codes. Protestants, Jehovah's Witnesses and Hare Krishna devotees have faced particular persecution in Karakalpakstan. Protestant students in the regional capital Nukus have long been singled out for pressure (see eg. F18News 5 May 2006 <http://www.forum18.org/Archive.php?article_id=774> and 26 January 2006 <http://www.forum18.org/Archive.php?article_id=719>). (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>.

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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f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY