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UZBEKISTAN: Baptist leader and colleagues face up to three years' imprisonment

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

Pavel Peichev, the head of Uzbekistan's Baptist Union, and two colleagues face up to three years in prison each when they go on trial under criminal charges of tax evasion and teaching children Christianity against their and their parents' will at a Baptist-run summer camp. The three have rejected the accusations against them, according to the indictment seen by Forum 18 News Service. One of the accused, Dmitri Pitirimov, told Forum 18 that as a religious organisation the Union is exempt from tax. As the leader of the Joy children's camp, he insists that two parents cited in the indictment testifying against them knew "perfectly well" that they were sending their children to a Baptist camp, where the children would be taught the Bible, and signed documents to confirm their children's attendance. He said one boy cited in the indictment had decided not to come this year as the Prosecutor's Office had warned him it was an "illegal" camp. Begzot Kadyrov of the state Religious Affairs Committee refused to discuss the case with Forum 18, as did officials at Tashkent City Prosecutor's Office. The trial date has not been announced.

The head of Uzbekistan's Baptist Union, Pavel Peichev, and two colleagues each face up to three years in prison if found guilty on charges of tax evasion and teaching children Christianity against their and their parents' will at a Baptist-run summer camp. The three reject the charges, which were brought against them by the City Prosecutor's Office in the capital Tashkent in late August, Forum 18 News Service has learned. It is unclear when the case will be referred to court: the Prosecutor's Office refused to tell Forum 18 and neither has it told the defendants.

Refusing to talk about the case was Begzot Kadyrov of the state Religious Affairs Committee. "I don't want to talk to you," he told Forum 18 from Tashkent on 10 September and hung up the phone.

Shavdanbek Alayev, Deputy Prosecutor of Tashkent city, issued the indictment against Peichev, Yelena Kurbatova, Chief Accountant of the Union, and Dmitri Pitirimov, Director of the Union's children's summer camp Joy, on 27 August. The three are accused under Uzbekistan's Criminal Code Article 184 Part 2a and 2b and Article 145 Part 2. The defendants pleaded not guilty and refused to testify, according to the indictment, of which Forum 18 has seen a copy.

Article 184 Part 2a punishes repeatedly evading taxes, levies and other charges, while Part 2b covers such offences "on a grand scale" with a fine between 150 and 300 times the minimum monthly wage or between two and three years' correctional labour or up to three years' deprivation of liberty.

Article 145 Part 2 punishes involving under-aged children in a religious organisation, as well as teaching them religion against their will or the will of their parents or guardians, with a fine of between 50 and 75 times the minimum monthly wage or between two and three years' correctional labour or up to three years' deprivation of liberty.

An independent legal expert, who wished to remain unnamed, told Forum 18 from Tashkent that criminal proceedings under Article 184 may be instituted against persons only after they have already been punished for a similar offence under the Administrative Code within the previous year. The expert said Peichev, Kurbatova and Pitirimov had not been found guilty of such offences.

Severe clampdown on religious activity

The prosecution of the three Baptists comes amid continuing state attacks on religious activity by a variety of faiths, including raids on peaceful religious events, confiscations of religious literature and punishments on those participating in religious activities.

Sentenced in July for practicing religion outside the framework of state-controlled Islam to long prison terms under various articles of the Criminal Code in Uzbekistan were 21 followers of the late Turkish Muslim theologian Said Nursi. They received sentences of between eleven and five years' imprisonment each at separate trials in Samarkand and Khorezm (see F18News 31 August 2009 <http://www.forum18.org/Archive.php?article_id=1344>).

In addition to these long-term prisoners of conscience, the Uzbek authorities are increasingly using imprisonment for up to 15 days

to punish members of minority religious communities. Several Protestants and Jehovah's Witnesses have been handed such sentences so far this year. Most recently, the pastor and three other members of a registered Protestant church in Tashkent were each given fifteen-day prison terms on 24 August on charges of leading an "unauthorised" religious meeting (see F18News 26 August 2009 <http://www.forum18.org/Archive.php?article_id=1341>).

The indictment's accusations

As in previous years, the Baptists held the Joy summer camp for children at the site owned by the Baptist Union in Bostanlyk in Tashkent Region. The authorities inspected the camp in May, which indicated to Pitirimov a few shortcomings in the area of fire-prevention. On 26 June the authorities made another surprise visit to the camp. "At that time not everything which needed to be corrected was ready," Pitirimov told Forum 18. Two articles were then published by the government-sponsored Gorizont.uz news agency attacking the Baptist Union for holding children's summer camps. The author made a number of allegations, which Baptists categorically deny (see F18News 28 July 2009 <http://www.forum18.org/Archive.php?article_id=1332>).

The indictment against the three was signed by Tadjibayev, Senior Investigator of Tashkent City Prosecutor's Office and A. Tukhtabayev, Chief of the Criminal Investigation Department of Tashkent City Prosecutor's Office and validated by Alayev, the Tashkent Deputy Prosecutor.

Tashkent City Prosecutor's Office refused to comment on the case. Neither Deputy Prosecutor Alayev nor investigators Tukhtabayev and Tadjibayev were available to talk, the Prosecutor's Office told Forum on 9 September. Kadyrov (he did not give first name), Tukhtabayev's Deputy, took down Forum 18's questions but hung up the phone without answering them.

The indictment states that Peichev "intentionally for mercenary ends entering into a criminal conspiracy together with Kurbatova and Pitirimov with whom, according to assigned roles by way of drawing up counterfeit statements and presenting them to the State Tax Authority of Tashkent City's Yakkasaray District, he committed a range of crimes aimed at disrupting the economy of the Uzbekistan Republic." It added: "Altogether Peichev in the period between 2006 and 2008 working in collusion with Pitirimov and Kurbatova (..) did not pay to the State budget 3,620,200 Soms [14,287 Norwegian Kroner, 1,650 Euros or 2,400 US Dollars]."

The indictment also states that Peichev "together with the mentioned persons developed the plan of children's recreation programme in the summer period having named the recreation area "Joy," weekly in the period June-August between 2005 and 2008 brought into the territory of the recreation area under-aged children, between 90 and 100 persons, whom they daily involved in their religious organisation having taught them the religion of Evangelical Christian Baptists against their will and the will of their parents."

As proof of the guilt of the defendants, the indictment includes the testimonies of Makhmadjon Akhunov, the official from Yakkasaray Tax Department, Raisa Aslanova (the mother of Askar Panoyev - a twelve-year-old boy who in August 2008 spent a week in the children's camp), Lyudmila Kalinina (the mother of Artyom Kalinin - a fifteen-year-old boy, who in 2005 spent a week in the camp) as well as Artyom Kalinin's own testimony. It is noteworthy that the articles published in the Gorizont.uz are also presented in the indictment as one of the proofs of the defendants' guilt.

Aslanova claims that the Baptist Church did not warn her that they taught the Bible in the camp, and as "she is a Muslim believer she would be against it". Similarly Kalinina claims that although she is a Russian Orthodox believer, no one from the Baptist Church warned that they would teach Baptist doctrines to her son. Although Artyom Kalinin liked the camp, as the indictment acknowledges, it claims he was "not aware" he was being taught Baptist doctrines.

Baptists refute the allegations

Answering the allegations in the indictment, Pitirimov said that under the law the Baptist Church is "not supposed" to pay taxes to the state budget as religious organisations are exempt. "We require children to bring a minimum of 7,000 Soms [28 Norwegian Kroner, 3 Euros or 5 US Dollars] in cash with them for the bus fare and food for the first couple of days in the camp," he explained to Forum 18 on 9 September. "Then we feed them for the rest of the time on money collected as offerings from believers." Pitirimov said that they never take the money brought by the children, and the children use it themselves.

Pitirimov also rejected the allegation that they taught children the Bible at the camp against their will or their parents' will. "We require parents to sign the vouchers before they send their children to the camp," he insisted. "I keep the originals of the vouchers, but have already presented copies of them to the Prosecutor's Office."

Pitirimov said both Panoyev and Kalinin's parents signed the vouchers, and knew "perfectly well" that they were sending their children to a Baptist camp, where the children would be taught the Bible.

"Artyom spent holidays with us not only in 2005 but also in 2006 and 2007, three years in a row," Pitirimov said, pointing out that if Kalinin or his mother did not like the camp he would not have attended repeatedly. Pitirimov also told Forum 18 of a letter from Artyom Kalinin, a copy of which Forum 18 has seen, where he thanks God for the camp, and asks God if he could "stay there for longer".

Pitirimov said they published Kalinin's letter with his picture in the website of the camp. "Apparently, the Prosecutor's Office took the data on Kalinin, and compelled him to write a statement," Pitirimov complained. He said that Kalinin had told him that day that the Prosecutor's Office "found out that I spent holidays in a Baptist camp, and summoned me to the Prosecutor's Office for questioning". "Artyom told me that he decided not to come this year because he was told by the Prosecutor's Office that the camp was illegal and was closed down," Pitirimov lamented. "I can imagine how the boy and his mother felt psychologically pressured when the Prosecutor's Office told them that he spent time in an illegal Baptist camp."

Makhmadjon Akhunov, the official from Yakkasaray Tax Department, who testified against the defendants to the Prosecutor's Office, was not available to talk to Forum 18 on 9 September.

Ikrom Khamrayev, the Deputy Head of Yakkasaray Tax Department told Forum 18 on 9 September that he did not remember the details of the case but he would look into it. Asked if the statement in the indictment that the defendants undermined the economy of Uzbekistan by not paying 3,620,200 Soms in taxes was too strong, Khamrayev laughed, and said, "You are right."

The Prosecutor's office did not tell Forum 18 when they would refer the case to the Court. Pitirimov said that he had told Investigator Tadjibayev what he told Forum18. "We said we would give no more information, when Tadjibayev asked us if there was any other information that we wanted to give him," he said. "You will then have to talk in the court," Pitirimov quoted Tadjibayev as telling him. Pitirimov added that the investigator did not, however, say when this would take place. (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=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 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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