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UZBEKISTAN: Five years' imprisonment for hosting worship services?

By Felix Corley, Forum 18

When seven police officers with a video camera raided his home on Sunday morning, 29 July, Nikolai Zulfikarov was away. But this did not stop prosecutors launching a criminal case to punish him for "illegally" organising a religious community, with a possible sentence of five years' imprisonment. The small Baptist congregation that meets in his home in the eastern Namangan Region refuses on principle to apply for state registration. One local Baptist told Forum 18 News Service that prosecutors wanted to sentence Zulfikarov immediately, but now there is "total silence". He added that "it is not clear if this means they will abandon the attempt or if they are moving stealthily behind the scenes". Other church members were questioned for many hours and at least one was beaten. The church was again raided the following Sunday during its service. Forum 18 was unable to reach lead investigator Abdumalik Motboev. Ikrom Saipov of the government's National Human Rights Centre in Tashkent said he could not comment on cases he was not familiar with but denied that religious freedom is restricted. "We don't repress religious believers because of their faith," he claimed to Forum 18.

Four years after being severely pressured by the authorities, the small Baptist congregation in Khalkabad near Pap in the eastern Namangan Region is again facing harassment for meeting without compulsory registration. Local Baptists told Forum 18 News Service that police raided successive Sunday services on 29 July and 5 August. In the wake of the raids, church member Nikolai Zulfikarov - who hosts services in his home - could face criminal trial with a possible sentence of up to five years' imprisonment.

Baptists told Forum 18 that a case was launched against Zulfikarov under Article 216 of the Criminal Code, which punishes "illegal organisation of a social or religious organisation". Cases are also being prepared against others present at the services, as well as Baptists from the city of Fergana who travelled to Pap to try to find out why cases were being brought. It is not clear if these cases are under the Criminal Code or the Code of Administrative Offences.

"The authorities wanted to sentence Nikolai Zulfikarov immediately, but after church members complained the process stopped," one Baptist who preferred not to be identified told Forum 18 on 23 August. "There's now total silence, but it is not clear if this means they will abandon the attempt or if they are moving stealthily behind the scenes."

The head of the Pap District Criminal Investigation Department, Abdumalik Motboev, is leading the investigation into Zulfikarov and four other church members. The official who answered Motboev's telephone on 23 August, who declined to give his name, confirmed to Forum 18 that a criminal case has been launched against Zulfikarov. However, the official said he did not know the details of the case.

"All I know is that they didn't have any documents authorising them to hold such events," he told Forum 18. Told that the Council of Churches Baptists - to which the congregation belongs - reject registration on principle, the official responded: "That's their problem." He referred all further enquiries to Motboev. However, Motboev was not in the office on 23 and 24 August and his mobile phone went unanswered.

The Baptists maintain that the pressure on the congregation was instigated by the deputy hokim (administration chief) for Pap District, Abdukadyr Nazarov. However, he too was not in his office at the Hokimat when Forum 18 called on 23 and 24 August, and his mobile phone went unanswered.

The threat to prosecute Zulfikarov comes as Makset Djabbarbergenov, a Protestant from Nukus in the north-western region of Karakalpakstan, is also facing criminal charges to punish him for his religious activity (see F18News 30 August 2007 http://www.forum18.org/Archive.php?article_id=1012). Another Protestant, Dmitry Shestakov, is serving a four year labour camp sentence.

Two Jehovah's Witnesses, Irfon Khamidov and Dilafroz Arziyeva, have already 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).

No-one was available at the government's Religious Affairs Committee in the capital Tashkent to explain to Forum 18 the upsurge in moves against religious minorities. Committee chairman Artyk Yusupov was not in the office on 23 August. The man who answered the phone of Committee specialist Begzot Kadyrov told Forum 18 that it was a wrong number.

But Ikrom Saipov, an official at the government's National Human Rights Centre involved in religious issues, vigorously defended government policy. "We don't repress religious believers because of their faith," he insisted to Forum 18 from Tashkent on 23 August. Told about the recent harassment of the Khalkabad Baptist congregation and the charges brought against the two Protestants and two Jehovah's Witnesses, Saipov responded: "I can't comment on those individual cases as I have no documentation about them. But if religious believers have problems they can bring their cases to us. We can then ask the relevant authorities."

Saipov denied that Uzbekistan's laws restrict religious activity. He denied that the law's ban on unregistered religious activity represents a restriction. "Religious organisations must register – they just apply to the Justice Ministry for registration," he told Forum 18. Saipov was unable to explain why unregistered religious activity is banned and why so many religious communities that want legal status have had their registration applications arbitrarily rejected. He was also unable to explain why religious literature is censored.

Local Baptists told Forum 18 that after the Khalkabad church's Sunday service on 29 July, held in Zulfikarov's home in his absence, five church members stayed behind to talk. "Without any warning seven people in civilian clothes and with a video-camera burst into the flat," church members told Forum 18. "They immediately started a search."

One church member, Odiljon Solijonov, asked the intruders who they were. Instead of answering, the intruders – who turned out to be police officers - pushed him up against the wall and said: "We're the ones who ask the questions." Church members complain the officers' behaviour was "crude". They confiscated all the Christian literature they could find (which church members complain was "illegal") and tried to force the five church members to sign statements. When Solijonov told the others not to sign anything, the officers threatened him physically.

All five plus Solijonov's five-month-old child were then taken to the Pap District police station eight kms (five miles) away. Solijonov's wife Nilufar was given no food or water, despite having a young child to feed. All except Solijonov were freed after six hours. Solijonov refused to sign any statement and was held until 1am. He was told to come back in the morning. He had no alternative but to walk home, arriving at 3 am. Solijonov returned to the police station in the morning, where he was held for a further nine hours.

Church members say Solijonov was beaten in the face and chest. "This was done not just by the boss but by his subordinates too," Solijonov later reported. When fellow-Baptists complained to Motboev about the way Solijonov had been treated, Motboev told them he feared no-one and that they could complain to whomever they liked.

Church members complain that their Sunday worship service was again raided on 5 August. Zulfikarov, who had been away on 29 July, was present during the 5 August raid. "Afraid that all our written statements would be used against us, we refused to sign anything," church members wrote in a complaint to Uzbek president Islam Karimov. "But we were taken to the police station and forced to write statements after being subjected to moral pressure for six hours."

Church members complained that police officers ignored their protestations that the right to refuse to write statements is enshrined in the Criminal Procedure Code. When the Baptists told Motboev that they could not go against their conscience, they quote Motboev as responding: "I spit on your conscience." They say he swore at Zulfikarov. Motboev told the Baptists they were "state criminals" and threatened to hand them over to the National Security Service secret police.

The Khalkabad congregation belongs to the Council of Churches Baptists, who refuse on principle to register with the authorities in any of the former Soviet republics where they operate. They maintain that such registration leads to unwarranted state interference in their internal activities. "We don't feel the need to receive legal status," as the Khalkabad congregation wrote in its complaint to President Karimov.

In November 2006 police raided the Khalkabad congregation. Zulfikarov was fined 12,420 Soms (62 Norwegian Kroner, 8 Euros, or 10 US Dollars) under Article 241 of the Administrative Code. This punishes "failing to observe the correct procedure for teaching religious beliefs". The court also ruled that Christian literature confiscated from church members was "extremist" and ordered that it be destroyed (see F18News 20 December 2006 http://www.forum18.org/Archive.php?article_id=892).

Amid an earlier period of heightened pressure in autumn 2003, five church members – including Zulfikarov and Solijonov – were each sentenced to ten days' imprisonment. They had to pay the costs of their own imprisonment. Three other church members were fined (see F18News 9 October 2003 http://www.forum18.org/Archive.php?article_id=158).

Also threatened with a criminal case was Mikhail Goryachev, a member of the Council of Churches congregation in Tashkent. Local

Baptists told Forum 18 that prosecutors prepared a case against him under Article 216-2, Part 1 of the Criminal Code, which punishes "violation of the law on religious organisations". However, by late July it appeared that the charges had been dropped, despite contradictory messages from the prosecutor's office and the court in Tashkent's Khamza District. (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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