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UZBEKISTAN: Internal exile for Protestant pastor

By Felix Corley, Forum 18

Protestant pastor Dmitry Shestakov has today (9 March) been sentenced to four years' exile in an open work camp within Uzbekistan for his religious activity, Forum 18 News Service has learnt. Shestakov maintained his innocence throughout the trial. During his final speech, Forum 18 learnt, he told the court that despite the tears of his wife and children he forgives those who have taken action against him. Shestakov's friends have stated that there were numerous irregularities in the trial, including: an expert analysis of his sermons being illegally conducted by an Andijan University professor; forgery of documents by the Prosecutor's Office; false prosecution claims of religious services being conducted in a property not belonging to a registered religious organisation; and Pastor Shestakov being illegally charged under a Criminal Code article that was not in force when the criminal case against Shestakov was launched. Before the trial, Uzbek state-run media tried to smear Shestakov and his church.

The regional criminal court in the Fergana Valley city of Andijan [Andijon] today (9 March) sentenced local Protestant pastor Dmitry Shestakov to four years' exile in an open work camp within the country for his religious activity, sources have told Forum 18 News Service. The place of exile has not been determined. The prosecutor had called for a five-year prison sentence. Shestakov maintained his innocence throughout the trial. During his final speech, he told the court that despite the tears of his wife and children he forgives those who have taken action against him, sources told Forum 18.

It appears that one of the three charges against him was withdrawn during the trial. The full written verdict will not be handed to the defence for another few days.

At the beginning of the trial, Shestakov was charged under three articles of the Criminal Code: Article 216 ("illegal organisation of social or religious organisations", which carries a maximum five year prison term), Article 156, part 2 ("inciting ethnic, racial or religious hatred", which carries a prison term of between five and ten years) and Article 244-1, part 2 ("distributing materials containing ideas of religious extremism", which carries a maximum five year prison term). The indictment was drawn up by Senior Investigator Kamolitdin Zulfiev.

Normally in cases with multiple charges, judges impose concurrent sentences, so those found guilty serve the longest of the prison terms handed down, although judges do have the right to order the prison terms to be served consecutively.

Pastor Shestakov's trial began in Andijan on 19 February, but several subsequent hearings were delayed because his own lawyer was ill. Despite a medical certificate from Shestakov's lawyer that he was ill - which under Uzbek law should have led to the postponement of the hearing - a trial session was held on 28 February with a state-appointed lawyer. This lawyer reportedly did nothing to defend Shestakov.

Shestakov had been due to be sentenced on 1 March (see F18News 28 February 2007 http://www.forum18.org/Archive.php?article_id=923), but his own lawyer was able to present further arguments in his favour which led to the continuation of the case.

Shestakov's friends point to what they regard as numerous inconsistencies in the way prosecutors handled the case. They insist that an expert analysis of his sermons - recordings of which were confiscated during a search of his home in June 2006 - was illegal as it was conducted by a professor from Andijan University. According to an April 2004 decree from the Cabinet of Ministers, only the government's Religious Affairs Committee is authorised to conduct such analyses. There are also claims that the Prosecutor's Office forged documents to incriminate Shestakov.

His friends also refute another of the prosecutor's accusations - that Shestakov conducted religious services on property that did not belong to a registered religious organisation. They cite a notarised document from December 2003 recording the house where services were held as the property of the registered Andijan Full Gospel church. They also point to an October 2004 Full Gospel document authorising Shestakov to lead services at the property.

Shestakov's friends also complain that, given that the criminal case against him was launched on 10 June 2006, his charge under Article 156 part 1 was illegally changed to Article 156 part 2, a provision that was introduced into the Criminal Code only twelve

days later and which does not have retroactive force.

In the run up to the trial, Uzbek state-run media tried to smear Shestakov and his Full Gospel church claiming, for example, that "he abused alcohol and was dependent on drugs and now he presents himself as pastor David". Such allegations were picked up in early March by internet news agencies in Kyrgyzstan and Russia.

Official harassment of Shestakov – who faced official warnings for his "illegal" religious activity in 1997 and 2004 – was stepped up in May 2006, apparently in reaction to the conversion to Christianity of some ethnic Uzbeks. Neither the chief public prosecutor of Andijan, Bekmukhadam Akhmedaliev, who initiated the case, nor officials of the government's Religious Affairs Committee in the capital Tashkent have been prepared to comment to Forum 18 on the prosecution of Shestakov (see F18News 14 February 2007 http://www.forum18.org/Archive.php?article_id=911).

Meanwhile, Protestant sources who preferred not to be identified for fear of reprisals have told Forum 18 that about ten police secret police officers armed with video-cameras raided a Pentecostal church's Sunday worship service in the southern city of Karshi [Qarshi] on 25 February. They began to film the service without seeking the approval of the worshippers but, as sources told Forum 18, Pastor Sergei Shandyvayev "decided not to panic and continued the worship".

After the congregation finished the service, police and secret police officers sealed the entrance door and recorded the names and addresses of all those who had attended and began interrogating them separately in different rooms. Officers tried to pressure them to reveal why they had become Christians and where the church received its money. Police also searched all the rooms and seized Christian literature and audio and video recordings. Officers cited the church's lack of state registration as the reason for the raid, although the church has sought registration in vain for seven years. Some church members were followed to their homes, where their families were then interrogated.

Church members were told they would be summoned to the public prosecutor's office to face charges under the Code of Administrative Offences. However, Forum 18 has not heard that any hearings have taken place. On 1 March Pastor Shandyvayev was summoned and questioned for two hours, and officials told him all the confiscated literature had been sent for examination to the Religious Affairs Committee in Tashkent.

In another case, two Pentecostals are on trial for their religious activity in Nukus, the capital of the Karakalpakstan [Qoraqalpog'histon] autonomous republic in north-western Uzbekistan. On 28 February and on following days, police came to the home of Makset Djabbabergenov in Nukus and also to the home of Salavat Serikbayev in the town of Muynak north of Nukus near the Aral Sea, but neither was at home.

Both men face charges under Article 216 of the Criminal Code, which punishes "violating the law on religious organisations" with sentences of up to five years' imprisonment, while Serikbayev also faces charges under Article 244-2 of the Criminal Code, which punishes setting up, leading or membership of banned organisations with imprisonment of between five and twenty years. Their trial began in Nukus on 26 February – as did the trial of other local Protestants who face lesser charges under the Code of Administrative Offences – but none of the defendants attended (see F18News 22 February 2007 http://www.forum18.org/Archive.php?article_id=918). A second hearing was held on 5 March and sources say a third has been set for 12 March.

On 8 March some of the Protestants were summoned to the Prosecutor's Office, where they were told a verdict on their case has been reached, though they were reportedly not told what it was.

Serikbayev – who is married with five children – spent four months in prison in 1999 for his religious activity. (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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