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UZBEKISTAN: Pastor's verdict documents extensive state controls

By Felix Corley, Forum 18 (<https://www.forum18.org>)

The written verdict on Protestant pastor Dmitry Shestakov, who has been sentenced to four years' imprisonment in an open work camp, gives a snapshot of how state control of Uzbekistan's religious communities operates. The verdict, seen by Forum 18 News Service, indicates how state agencies – hokimat (local administration), the mahalla (town district) committees, the police, public prosecutor's office, courts and expert witnesses - work together to control and suppress religious communities. In the case of Shestakov's Full Gospel congregation, the verdict also reveals official obsession over the ethnic affiliation and social background of those attending the church. One state agency not mentioned is the National Security Service (NSS) secret police, although it was heavily involved in the case from the start. The verdict especially highlights the key role of the committee of the mahalla, the urban district into which towns and cities are divided. Although ostensibly elected and self-governing, mahalla committees are in practice instruments of top-down control.

The written verdict in the case of Protestant pastor Dmitry Shestakov – which Forum 18 News Service has seen – gives a documented snapshot of state-imposed control on the life of all religious communities in Uzbekistan. It reveals the way various agencies – hokimat (local administration), the mahalla (town district) committees, the police, public prosecutor's office, courts and expert witnesses - work together when they have decided to suppress a religious community. In the case of Shestakov's Full Gospel congregation in the Fergana [Farghona] Valley town of Andijan [Andijon], the verdict also reveals official obsession over the ethnic affiliation and social background of those attending the church. However, the one agency not mentioned in the verdict is the National Security Service (NSS) secret police, although it was heavily involved in the case from the start.

The eight-page verdict was handed down in the wake of Shestakov's conviction on 9 March of violating Criminal Code Article 216, which punishes "illegal organisation of social or religious organisations", and Article 244-1 part 2, which punishes "distributing materials containing ideas of religious extremism". Shestakov, who denies the accusations, has appealed against the verdict and is awaiting the appeal hearing in Prison No. 1 in Andijan (see F18News 23 March 2007 http://www.forum18.org/Archive.php?article_id=935).

Refusing absolutely to answer any of Forum 18's questions on 21 March about Shestakov's sentence was Begzot Kadyrov, chief specialist at the government's Religious Affairs Committee in the capital Tashkent. He also declined to discuss what the verdict documented about the involvement of many state agencies in controlling religious activity.

The verdict notes pointedly that attending the church were "more than 100 individuals of various ethnicities not having an independent religious conviction from the ranks of inexperienced youth" and that sermons were preached in front of people "of various ethnicities". This obsession with ethnic identity also featured in hostile coverage of Shestakov's case in the government-run media.

The verdict points up the role of the committee of the mahalla, the urban district into which towns and cities are divided. Although ostensibly elected and self-governing, mahalla committees are in practice instruments of top-down control. An official of the Andijan town hokimat told Forum 18 there are 74 mahallas in the town with an average of 3,000 residents each.

Shestakov himself told the court that the first hint of problems had come when several church members had been summoned to the mahalla committee where they had been pressured to write statements incriminating him.

Fahrat Musaev, head of the Sultan Jura mahalla committee, told the court he had gone to Shestakov's home soon after taking office in May 2006 to enquire what kind of prayer house it was and whether it had the official registration the government insists is required before religious believers are allowed to meet. Finding that Shestakov was not at home, Musaev instructed him in absentia to register the church or to close it. The following month he returned and warned Shestakov in person – ignoring the pastor's insistence that the church was a branch of the city's registered Full Gospel congregation - that if he did not get registration it would be closed.

The head of the city's Buston mahalla committee, Abdulhamid Abdulhakov, told the court that he had attended discussions about Shestakov at the town Hokimat, where it was said that the pastor had "illegally opened a prayer house in his home" and he had paid

ethnic Uzbeks to adopt Christianity. Abdulhakov said "all" other mahalla committee heads and officials in the city had condemned Shestakov's activity as "not right and against conscience", adding that "it impacts negatively on the tranquillity between citizens". They all agreed that "corresponding measures" were needed against the "illegal" prayer house.

Mahalla committees have long played a key role in controlling and suppressing all kinds of local religious activity (see eg. F18News 22 February 2007 http://www.forum18.org/Archive.php?article_id=918). They must approve any registration applications from religious organisations before they can be processed further and so are used to block registration attempts by religious minorities such as Jehovah's Witnesses (see eg. F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698, as well as in campaigns against religious believers such as Protestant Christians (see F18News 11 January 2006 http://www.forum18.org/Archive.php?article_id=714). Mahalla committees are also used to monitor members of the majority Muslim community, such as to check up on Muslims who want to make the haj pilgrimage (see F18News 7 December 2006 http://www.forum18.org/Archive.php?article_id=884).

Two police officers, B. Botirov and E. Enileev, testified that they were among officers who conducted a search on "the illegally opened church" in June 2006 on a warrant from the regional prosecutor's office. Botirov and Enileev testified in identical words that in a room set up for meetings, "there were no icons or any historical images to which Christians bow down" (an apparent reference to the veneration of icons in the Russian Orthodox Church). They reported in almost identical words that officers found a large number of books and recordings but insisted that in sealing them up as evidence and during the search "nothing illegal was done".

Lecturers at the department of Uzbek History at Andijan State University who analysed the confiscated Christian literature and recordings also testified. Kobuljon Ahmadjonov said he had examined the book "Jesus: More than a Prophet" and found it recorded the case of several Muslims who became Christians. The verdict recounts that Ahmadjanov concluded that its content "could help upset the inter-state and inter-religious balance, social order and security" and that the translation into Uzbek – although the book makes no mention of Uzbekistan – "could facilitate the development of extremism".

Ahmadjonov's colleague, Shukurjon Valiev, concurred with this view (in strikingly similar phrases) and claimed that recordings of Shestakov's sermons "insulted and humiliated Muslims" and included "calls to resistance". He noted that these sermons were heard by some 50 people, "of whom more than 20 were individuals from various ethnicities." The verdict does not say what ethnicity these were.

The court concluded that the book "Jesus: More than a Prophet" is "Christian missionary" and is "written in a spirit of proselytism and Islamophobia, which facilitates the stirring up in our state of inter-religious strife, harms social tranquillity and is a threat to social security and social order in the Republic of Uzbekistan". The court ruled that it therefore is among literature banned in the country. Also banned for distribution were the recordings of Shestakov's sermons.

The verdict declared it "necessary" for 12 videotapes, seven CDs, two audiotapes and one copy of an Uzbek-language translation of the book "Jesus: More than a Prophet" – confiscated as "material evidence" during a June 2006 raid – to be destroyed. Such literature, including the Bible, has often been burnt (see F18News 6 September 2005 http://www.forum18.org/Archive.php?article_id=643).

Musaev of the Sultan Jura mahalla committee rejected any blame for the sentence. "I was in court only as a witness – for seven or eight minutes at most," he told Forum 18 from Andijan on 27 March. "I just answered the questions put to me." Asked who had initiated the decision to prosecute Shestakov he said he did not know. "You should ask the hokimat authorities." He denied absolutely that any discussions over Shestakov had taken place at the hokimat, as Abdulhakov from the Buston mahalla had testified. "If there were any I didn't attend them."

Musaev admitted that Shestakov's Full Gospel congregation wants to meet for worship, but insists it can do so only "on a legal basis". "Whoever wants to conduct any activity at all needs permission," he insisted. "We can't have anarchy." Asked why religious believers cannot meet freely in private homes without official registration, he declared: "That's the law."

Asked why he had begun to investigate the church and summon church members, Musaev responded: "After I was elected I walked round the streets of the mahalla as I need to know what's going on. That's when I asked about the church." He claimed he had received no prompting from others.

Asked what will happen to Shestakov's church now he has been imprisoned, Musaev responded: "It's not a church there now. For it to be a church it must have official registration." Asked what action he will take if the church meets again for worship in the same building, he was reluctant to respond. "Shestakov's wife and three daughters are living there quite happily. But I don't think the church is still meeting." Asked repeatedly what he and other officials would do if it were, he declined to be specific.

Musaev claimed that the Full Gospel congregation could get official registration if it wanted to, but at the same time he criticised Pentecostal Christianity. "Our people are not ready to accept this movement," he told Forum 18. "We have Islam and Orthodoxy." These are the two faiths with "permitted" places of worship in his mahalla, he added. Asked whether this represented intolerance towards religious minorities, he responded: "Perhaps it is." But he insisted that preserving tranquillity must override all other

considerations. Even state registered religious communities have been closed in increasing numbers (see F18News 16 February 2007 http://www.forum18.org/Archive.php?article_id=913).

Meanwhile, Tolinjon Madumarov, rector of Andijan State University – to which the religious materials confiscated from Shestakov were sent for "expert analysis" – outlined the way his experts have worked since he found a group from his university staff on 1 March 2006. "We have experts in religious studies, psychology and other disciplines producing expert conclusions on religious material in writing," he told Forum 18 from Andijan on 27 March. "People ask if we can help and we just give our views." His group was originally formed to analyse materials in the case against participants in the Andijan uprising of May 2005.

Madumarov said that he was aware of the 23 April 2004 Cabinet of Ministers resolution that allows only the government's Religious Affairs Committee to conduct such expert analyses, but denied that his expert group conflicted with the provisions of this resolution. Shestakov's lawyer insists that the 2004 resolution makes the expert conclusions of the group illegal. This was not the only breach of Uzbek law in the trial (see F18News 9 March 2007 http://www.forum18.org/Archive.php?article_id=928).

Although stating that his "expert group" fulfils contracts from the public prosecutor's office and other agencies, Madumarov declined to say whether the other agencies included the NSS secret police. "These agencies pay our experts 1,200 Sums (6 Norwegian Kroner, 70 Euro Cents or 95 US Cents) per hour for their work." Explaining why he feels his group is necessary, Madumarov said that many "bad things" are sold on the street and in the markets that "doesn't suit the population". "People buy them and send them to us to see whether this material is good or bad," he told Forum 18.

One of his "experts", Jalilov (he did not give his first name) said he had been involved in analysing the videotapes of Shestakov's sermons. "I heard his views – everything is in my written conclusion," he told Forum 18 from Andijan on 27 March. "Shestakov has the right to propound his views, but he spoke against Islam. This is not right. I'm a deeply devout Muslim and he angered Muslims." However, Jalilov insisted that the court case against Shestakov was not his responsibility. "It was the prosecutor's office and the court that decided."

The state control over the congregation Shestakov led – and ultimately the power to end its public existence – is the same as is exercised over all religious communities throughout Uzbekistan, of whatever faith.

Amongst the symptoms of this state control of all religious communities are controls on religious literature, which have in the past year been intensified (see F18News 29 June 2006 http://www.forum18.org/Archive.php?article_id=805).

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). (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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