

16 January 2008

UZBEKISTAN: Four religious minority members still serving criminal sentences

By Mushfig Bayram, Forum 18, and Felix Corley, Forum 18

Only two of the six members of religious minorities, serving sentences under the Criminal Code for peaceful religious activity, have been freed in the wake of December's prisoner amnesty, Forum 18 News Service has learned. Pentecostal Pastor Dmitry Shestakov is still serving a four-year labour camp sentence, Jehovah's Witness Irfon Khamidov is still serving a two-year prison sentence, and another Jehovah's Witness, Dilafruz Arziyeva, is still serving a two-year corrective labour sentence, where 20 per cent of her wages are deducted and handed to the state. Protestant Sharofat Allamova is serving a six-month suspended sentence, but was not eligible for amnesty as she was imprisoned on criminal charges before she became a Christian. The failure to free Arziyeva from her sentence is surprising, as the amnesty applies to almost all women serving sentences. Khamidov's situation is getting worse, as "he has had a number of visitors in the prison, which is not to the liking of the prison authorities," Jehovah's Witnesses told Forum 18, so "they fabricated some charges against him." The amnesty was proclaimed to mark the fifteenth anniversary of the adoption of Uzbekistan's Constitution.

Only two of the six members of religious minorities, serving sentences under the Criminal Code for peaceful religious activity, have been freed in the wake of December's prisoner amnesty, Forum 18 News Service has learned. Pentecostal Pastor Dmitry Shestakov is still serving his four-year sentence in labour camp in the central town of Navoi [Nawoiy]. He was sentenced for "leading an illegal congregation" and propagating "religious extremism", charges he denies. Jehovah's Witness Irfon Khamidov is serving his two-year sentence for "illegal religious teaching" in the Detention Centre in Kattakurgan, 80 kilometres (50 miles) north-west of Samarkand. "Since Irfon is in prison, his amnesty will depend on the goodwill of the prison chief as to whether he will include him in the list of those recommended for amnesty," Jehovah's Witnesses told Forum 18 on 16 January. "Apparently he is not on the list."

Another Jehovah's Witness, Dilafruz Arziyeva, is still serving a two-year corrective labour sentence in Samarkand for "illegal religious teaching", where she is living at her home but 20 per cent of her wages are deducted and handed to the state. She applied for amnesty "but to date she has not received any response", Jehovah's Witnesses told Forum 18. Jehovah's Witnesses have complained that the docking of one fifth of her wages over two years is like "a continuing fine each month" (see F18News 21 August 2007 http://www.forum18.org/Archive.php?article_id=1009).

Still serving her six-month suspended sentence is Sharofat Allamova, member of a Protestant church in Urgench. She was sentenced on 27 August 2007 by Bukhara [Bukhoro] Criminal Court for "illegal distribution" of religious materials (see F18News 17 September 2007 http://www.forum18.org/Archive.php?article_id=1019). However, she was not eligible for amnesty as she had served an earlier sentence for drug-trafficking before she became a Christian and was thus regarded as a repeat offender.

The failure to free Arziyeva from her sentence is surprising, given that the amnesty applies to almost all women serving sentences.

Jehovah's Witnesses have expressed concern that the situation for Khamidov in the detention centre is getting worse. "Since he has had a number of visitors in the prison, which is not to the liking of the prison authorities, they fabricated some charges against him in late December regarding the internal prison rules," Jehovah's Witnesses told Forum 18. They say prison authorities have threatened to transfer Khamidov to a high-security unit where no visitors are allowed. "This however has not taken place yet - thus far it is only a threat." Any punishment handed down to Khamidov would make him ineligible for the amnesty.

The failure to free Shestakov came despite a December 2007 appeal by local Protestants for him to be included in the amnesty (see F18News 9 January 2008 http://www.forum18.org/Archive.php?article_id=1068).

Asked why Shestakov, Khamidov and Arziyeva were not amnestied, Maruf Usmanov, chief of staff of the Human Rights Ombudsperson's office, said that perhaps they did not write a written request to the amnesty committees. "It's still not too late, and they can make a written request to be pardoned," he insisted to Forum 18 from the capital Tashkent on 16 January.

Asked why these religious believers were not amnestied, Rustam Shaimov at the government-sponsored National Human Rights Centre in Tashkent told Forum 18 that the special committees at the places of detention are responsible for drawing up lists of people

to be amnestied. "The legal representatives of those believers should call the committees and ask for an explanation," he told Forum 18 on 16 January.

The person who answered the phone on 16 January at the government's Religious Affairs Committee in Tashkent, who would not give his name, told Forum 18 that he did not know why those believers were not amnestied. He also declined to discuss why they were punished in the first place.

The amnesty was proclaimed to mark the fifteenth anniversary of the adoption of Uzbekistan's Constitution, which fell on 8 December 2007. Proposed by President Islam Karimov, the amnesty was approved in a decree adopted by the Senate – the Uzbek Parliament's upper chamber – on 30 November.

The decree specified that a range of those serving sentences for first offences – including women, those under the age of 18 at the time of the offence, those now over 60, foreign citizens and those guilty of crimes "not representing great social danger" – are to be freed. Not eligible for the amnesty are those who have committed serious offences and those who have violated their terms of punishment. Some of those not freed are to have their sentences reduced by up to one third. The amnesty – which the decree claims is "governed by the principle of humanism" – was to take place over the next three months.

Forum 18 tried to reach the Senate on 16 January but the main telephone number went unanswered. Forum 18 also tried to talk the same day to Parliament's International Department, but the official who answered the phone referred all enquiries to the Foreign Ministry, although that ministry is not involved in the amnesty.

The two individuals freed under the amnesty – both Protestant Christians – were Nikolai Zulfikarov from Khalkabad near Pap in the eastern Namangan Region and Salavat Serikbayev from Muynak [Muynoq] north of Nukus in Karakalpakstan [Qoraqalpoghiston] autonomous republic in north-western Uzbekistan.

Protestant sources, who preferred not to be named for fear of reprisals, told Forum 18 on 15 January that Zulfikarov, who leads a small Baptist congregation, was released from his two-year correctional labour sentence. On 27 December 2007 Judge G. Yahehujaev, of the Appeal Court for Criminal Cases of Namangan Region, ruled that he should be freed as part of the amnesty.

Zulfikarov, whose congregation belongs to the Baptist Council of Churches, was sentenced on 29 November for "illegal religious teaching", with 20 per cent of his earnings to be deducted by the state (see F18News 30 November 2007 http://www.forum18.org/Archive.php?article_id=1055).

Protestants complained to Forum 18 that literature confiscated from Zulfikarov and used as evidence against him was subjected to an "illegal" expert examination. They point out that under an April 2004 Cabinet of Ministers decree, any expert examination of religious materials must be conducted by the Religious Affairs Committee. Severe censorship of religious materials of any description is very strictly enforced (see F18News 24 October 2007 http://www.forum18.org/Archive.php?article_id=1039). The control of literature and other material goes even beyond even the tight restrictions in published laws. Even legally imported religious material is seized in police raids (see F18News 30 August 2007 http://www.forum18.org/Archive.php?article_id=1012).

"We don't have documentary confirmation that Serikbayev has been freed, but we know he was included in the amnesty," Protestants who preferred not to be identified told Forum 18. "He has been freed from his punishment."

Serikbayev was sentenced in May 2007 also for "illegal religious teaching" to two years' corrective labour, but this was reduced the same month to one year's corrective labour. He had to cultivate plants in the desert from 8 am to 7 pm six days per week, had 20 per cent of his wages deducted and was banned from leaving the country (see F18News 10 May 2007 http://www.forum18.org/Archive.php?article_id=953).

Serikbayev leads a Protestant congregation in Karakalpakstan [Qoraqalpoghiston], where all religious activity is banned except for state-controlled Islamic activity in a handful of mosques, and religious activity in one Russian Orthodox church. Officials have taken harsh measures against local Protestants and members of other religious minorities (see eg. F18News 12 October 2007 http://www.forum18.org/Archive.php?article_id=1034).

The majority Islamic community's religious freedom also suffers from the authorities' repression, such as strict controls on the numbers of Muslims allowed to go on the haj or the umra pilgrimages (see F18News 19 December 2007 http://www.forum18.org/Archive.php?article_id=1064). (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 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>.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY