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UZBEKISTAN: JW sentenced under criminal law, and Bible to be destroyed

By Igor Rotar, Forum 18

In the first such case since 2002, a Jehovah's Witness from Samarkand, Vladimir Kushchevoy, has been sentenced under the criminal law for "failing to observe the prescribed manner of communicating religious doctrine" to three years "corrective labour" and 20 per cent of his wages are to be confiscated by the state, Forum 18 News Service has learnt. His Bible, New Testament, and other religious literature were ordered by the court to be destroyed. No proof was produced that Kushchevoy was actually giving religious instruction, Forum 18 was told. This sentence appears to be part of a growing trend to destroy religious literature, as well as to target both Jehovah's Witnesses and Protestant Christians. However, since 2002, the authorities had not been using the criminal law against these religious minorities, using other means of attacking them instead.

A Jehovah's Witness from the town of Samarkand (Samarqand) in south-western Uzbekistan has been given a criminal sentence after a meeting with fellow believers in a private flat last October was raided by police, Forum 18 News Service has learnt. Vladimir Kushchevoy had earlier been punished under the code of administrative offences. In what appears to be a growing trend, the court ordered that the religious literature confiscated from him at the meeting be destroyed. Other Jehovah's Witnesses continue to be fined for meeting to discuss their faith.

The criminal court of Samarkand's Temiryul district, presided over by Judge T. Abdukhamidova, found Kushchevoy guilty on 17 January under Article 229, part 2 of the criminal code (failing to observe the prescribed manner of communicating religious doctrine). He was sentenced to three years of "corrective labour" – where the convicted individual lives at home but is assigned to a certain job - with 20 per cent of his wages to be deducted and transferred to the state budget. The court assigned Kushchevoy's former workplace as the place where his punishment is to be carried out. The court also ruled that all the religious literature confiscated from him - 38 items in all, including the Bible and the New Testament – be destroyed.

Kushchevoy's sentence was the first known occasion of the use of the criminal case against a Jehovah's Witness since Marat Mudarisov was sentenced in Tashkent in November 2002 on charges of "inciting religious hatred". After international attention to his case, he was finally cleared of the charges by the presidium of the Tashkent city court for criminal cases on 8 October 2003 (see F18News 28 January 2004 http://www.forum18.org/Archive.php?article_id=237).

Visiting the Temiryul district court on 15 March, Forum 18 learnt that the entire local court system is being reorganised and that all courts are closed in the meantime. Forum 18 was therefore unable to find out from Judge Abdukhamidova why Kushchevoy had been sentenced for discussing his faith at a private gathering and why his religious books have been ordered to be destroyed.

"In fact it has not been proven that Kushchevoy was actually giving religious instruction," Jehovah's Witness Andrei Agafonov told Forum 18 on 10 March. "No-one can forbid people from drinking tea together and talking about subjects that interest them, including the subject of God. However, in Uzbekistan tea-drinking sessions like these are more and more frequently being viewed as unlawful religious meetings."

Kushchevoy was one of three Jehovah's Witnesses who met to read the Bible in a private apartment in Samarkand on 14 October 2003. A police contingent suddenly burst into the apartment. The officers confiscated religious literature from those gathered there (including one Bible and a copy of the New Testament in Uzbek). On the basis of a report filed by the police a criminal case was brought against Kushchevoy, because he had previously received an administrative sentence for preaching Jehovah's Witness beliefs.

In evidence of what he says is growing pressure on Jehovah's Witnesses, Agafonov cited the case of Igor Milokhov, sentenced by the court in Mirobad district of the capital Tashkent on 5 March under Article 240 of the administrative code (breaking the law on religious organisations). He was fined 27,200 sums (187 Norwegian kroner, 22 Euros or 27 US dollars). "In fact people had simply met at Milokhov's apartment to drink tea and talk about God," Agafonov insisted to Forum 18.

There have been a number of recent cases in which Jehovah's Witnesses have specifically been targeted by the Uzbek authorities

(see F18News 16 February 2004 http://www.forum18.org/Archive.php?article_id=254 and F18News 28 January 2004 http://www.forum18.org/Archive.php?article_id=237) as also have Protestant Christians (see F18News 4 March http://www.forum18.org/Archive.php?article_id=267).

For more background information see Forum 18's latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=105

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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