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UZBEKISTAN: Who instigated Church demolition?

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

On 25 April, Judge Nurlubay Akimniyazov ordered the destruction of two buildings under construction belonging to Urgench Council of Churches Baptists. The decision, which against Uzbek law the Baptists have not seen, entered into force on 27 May. Demolition began on 30 July. One of the buildings was intended to be a church. The Judge, regime officials, and state-appointed Muslim clerics have either refused to explain the demolition order or given contradictory explanations, and officials have stated they are "determined to complete the demolition sooner or later".

On 25 April, Judge Nurlubay Akimniyazov of Urgench Inter-District Civil Court in north-western Khorezm Region ordered the destruction of two buildings under construction belonging to local Council of Churches Baptists. The decision, which against Uzbek law the Baptists have not seen, entered into force on 27 May. One of the buildings was intended to be a church.

Council of Churches Baptists in Urgench have been seeking a new place of worship for some years. They have a current church building, but the number of members has increased over the years and they do "not all fit in the Church, which is why we need a bigger place of worship," they told Forum 18 from the city (see below).

The Baptists bought a plot of land from local resident Atajan Kurbanov in Shakkasholikor village of Urgench District on the southern edge of the city's airport in early 2023. Kurbanov sold part of the land to the Baptists and the rest to other people. Many of the purchasers then constructed buildings on their newly-acquired land. Baptists bought the land and constructed the buildings with donations from fellow believers. "We have all the legal papers that we can construct the buildings on the land," local Baptist Konstantin Kim told Forum 18 on 8 August (see below).

Judge Akimniyazov's decision in the civil suit, which against Uzbek law the Baptists have not seen, entered into force on 27 May. The Baptists learned about the court decision from a 27 May letter from Judge Akimniyazov (seen by Forum 18) ordering implementation of the decision (see below).

Judge Akimniyazov violated due legal process both by hearing the case without notifying Kurbanov and the Baptists, and also by not notifying them of his demolition order. He refused to explain his demolition order and violations of due legal process to Forum 18 (see below).

Regime officials have either given contradictory explanations to Forum 18 for the demolition, or refused to explain it. Similarly, regime officials have also claimed that responsible colleagues were either recently fired, or ceased to work with them, or are aware of, or are not aware of the case (see below).

Local Baptist Konstantin Kim observed to Forum 18 that the "authorities picked only our two buildings to demolish, and we know why". Regime officials including the local Police, Court Bailiffs, a man in a military uniform who did not give his name to the Baptists (who Baptists think may be from the State Security Service – SSS - secret police), and the local mahalla Committee Chair came to the site on 30 July as at least one excavator arrived (see below).

The officials were accompanied by state-appointed Domlo (mullah) Kuvandyk Rajabov. Rajabov (who refused to give his name to the Baptists) "openly told us that he organised a complaint against us demanding that the authorities destroy the buildings," Kim told Forum 18 (see below).

Judge Akimniyazov of Urgench Inter-District Civil Court refused to explain to Forum 18 why a state-appointed Muslim cleric can decide in the local mahalla who can own buildings. Akimniyazov audibly laughed when Forum 18 put the question, then claimed: "If the Baptists are not happy they can file a cassation appeal" (see below)

Judge Akimniyazov also refused to explain why his decision claims that the land parcel Kurbanov sold to the Baptists is described as "arable land", yet the rest of the land sold to others allegedly is not arable land and so buildings on it should not be demolished. "I do not have the case documents with me and I cannot say." He did not answer the question when Forum 18 then read his own decision to him. "There is no farming work in that area," church members told Forum 18. "It is ridiculous that the Judge claimed that it is

'arable land'." The area is "full of buildings and construction work is going on beside our buildings" (see below).

Local Baptist Kim told Forum 18 on 13 August that the demolition process has not resumed since 8 August. However, regime officials have stated that they are "determined to complete the demolition sooner or later" (see below).

Baptists' intended new place of worship

Council of Churches Baptists in Urgench in north-western Khorezm Region have been seeking a new place of worship for some years. They have a current church building, but the number of members has increased over the years and they do "not all fit in the Church, which is why we need a bigger place of worship," they told Forum 18 from the city.

Council of Churches Baptists do not seek state permission to exercise freedom of religion or belief. They meet for worship in homes owned by church members. Under Uzbekistan's legally-binding international human rights obligations the Baptists have the right to exercise their freedom of religion or belief in these ways, as the OSCE / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<https://www.osce.org/files/f/documents/9/9/139046.pdf>) note.

The Baptists bought a plot of land from local resident Atajan Kurbanov in Shakkasholikor village of Urgench District on the southern edge of the city's airport in early 2023. Kurbanov owned one hectare (almost 2.5 acres) of land, part of which he sold to the Baptists and the rest to other people. Many of the purchasers then constructed buildings on their newly-acquired land.

The Baptists bought the land and constructed the buildings with donations from fellow believers. One of the buildings, intended for use as a place of worship, was complete except for interior decoration. The other was a Church member's house, still under construction.

"We have all the legal papers that we can construct the buildings on the land," local Baptist Konstantin Kim told Forum 18 on 8 August.

Judge orders destruction of Baptist buildings, violates due legal process

On 25 April, Judge Nurlubay Akimniyazov of Urgench Inter-District Civil Court heard a civil suit about the two buildings under construction belonging to local Council of Churches Baptists. He ordered their demolition. The decision, which against Uzbek law the Baptists have not seen, entered into force on 27 May.

The Baptists learned about the court decision from a 27 May letter from Judge Akimniyazov (seen by Forum 18) ordering implementation of the decision.

Judge Akimniyazov violated due legal process both by hearing the case without notifying Kurbanov and the Baptists, and also by not notifying them of his demolition order.

The Judge refused to explain to Forum 18 on 9 August why he heard the case without notifying Kurbanov and the Baptists. Instead of answering the question, he claimed that "we sent invitations to their postal addresses". He also refused to explain why he did not notify them of his demolition order and why Kurbanov and the Baptists found out about the order only from Court Bailiffs.

Why were Baptist buildings ordered destroyed?

Urgench Inter-District Civil Court official Munir Ruslanov confirmed that Judge Akimniyazov ordered the Baptist buildings to be destroyed but refused to explain why. He said that the suit had been brought to Court based on a complaint from Ruslan Orazbayev, Head of Khorezm's Land Cadastre Department. Ruslanov told Forum 18 on 13 August that the complaint was about a tax issue, but refused to give details.

Yet Zafarbek Khojaniyazov, the Land Cadastre's official responsible for complaints, claimed to Forum 18 from Urgench on 13 August that Orazbayev had been "dismissed from his job two or three days ago". When Forum 18 asked why the allegedly fired Orazbayev had complained about the land parcel to the Court, Khojaniyazov asked Forum 18 to call back. "Please, give me a couple of minutes to investigate this." However, he had later turned off his phone.

Court official Ruslanov refused to put Forum 18 through to the Court Chair or other officials.

Judge Akimniyazov refused to discuss with Forum 18 on 9 August why he had ordered only the Baptist-owned buildings to be demolished.

Local Baptist Konstantin Kim observed to Forum 18 that the "authorities picked only our two buildings to demolish, and we know why".

Regime officials including the local Police, Court Bailiffs, a man in a military uniform who did not give his name to the Baptists (who Baptists think may be from the State Security Service – SSS - secret police (https://www.forum18.org/archive.php?article_id=2699)), and the local mahalla Committee Chair came to the site on 30 July with at least one excavator. They were accompanied by state-appointed (https://www.forum18.org/archive.php?article_id=2699) Domlo (mullah) Kuvandyk Rajabov.

At the demolition site on 30 July Domlo Rajabov (who refused to give his name to the Baptists) "openly told us that he organised a complaint against us demanding that the authorities destroy the buildings," Kim told Forum 18. The mullah told the Baptists: "I will not allow any Christian activity in my residential area."

"Arable land"?

Judge Akimniyazov also refused to explain why his decision claims that the land parcel Kurbanov sold to the Baptists is described as "arable land", yet the rest of the land sold to others allegedly is not arable land and so buildings on it should not be demolished. "I do not have the case documents with me and I cannot say," he claimed.

When Forum 18 read out his decision to him, and told him that video and photos of the demolition clearly show that only the Baptist-owned buildings are being demolished, Judge Akimniyazov did not answer.

"There is no farming work in that area," church members told Forum 18. "It is ridiculous that the Judge claimed that it is 'arable land'." The area is "full of buildings and construction work is going on beside our buildings."

The Baptists are considering whether to appeal against the 25 April court order, local Baptist Konstantin Kim explained to Forum 18. He added that they told the authorities about this.

Is mullah working or not working at mosque?

Mullah Rajabov's status in the state-controlled Muftiate (https://www.forum18.org/archive.php?article_id=2699) remains unclear. Local residents call him Domlo (mullah). His name does not appear on the notice-board of the local state-controlled (https://www.forum18.org/archive.php?article_id=2699) Miskin bobo Mosque, which lists the Imam-hatyp and his deputy.

The Imam-hatyp Kuziboy Masharipov, claimed to Forum 18 on 13 August that "Domlo Kuvandyk worked for the Mosque a long time ago, but is not working at the moment". Masharipov made this claim despite Rajabov being present with state officials at the demolition on 30 July.

On 13 August Mullah Rajabov confirmed his name to Forum 18 but refused to talk about the case. He then gave the phone to another person who refused to give his name, and who kept repeating that it is a "wrong number" before putting the phone down.

"We do not have such rights"?

When Forum 18 asked Imam-hatyp Masharipov about the demolition of Baptist buildings he claimed: "We do not have such rights to decide who lives in our area and who does not. We did not authorise domlo Kuvandyk to speak in our name."

Local state-appointed imams and mahalla committees (https://www.forum18.org/archive.php?article_id=2699) are under the Religion Law given powers to suppress freedom of religion or belief. Alleged objections by local officials of the state-controlled Muftiate have been used as excuses to reject registration applications made by other religious communities. Similarly, alleged and normally unspecified "objections from neighbours" have also been used as excuses to reject registration applications. Decisions can therefore be arbitrary.

Judge Akimniyazov of Urgench Inter-District Civil Court refused to explain to Forum 18 on 9 August why a state-appointed Muslim cleric (https://www.forum18.org/archive.php?article_id=2699) can decide in the local mahalla who can own buildings. Akimniyazov audibly laughed when Forum 18 put the question, then paused and claimed: "If the Baptists are not happy they can file a cassation appeal." He then declined to talk further.

Regime officials "determined to complete the demolition sooner or later"

"On 30 July the demolition began, the excavator took down one wall of one of the buildings. After we told the authorities that we are going to complain against the Court order they stopped the process," local Baptist Konstantin Kim told Forum 18. "However, on 6 August the excavator, which never left the site, resumed its work."

On 8 August regime officials once again halted the demolition after receiving calls from Forum 18 and other sources, Kim told Forum 18. "I guess they want to be careful now after they received many calls, but until the Court decision is cancelled we cannot be sure that they will not totally destroy the buildings."

Local Baptist Kim told Forum 18 on 13 August that the demolition process has not resumed since 8 August. However, regime officials have told former land-owner Kurbanov that they are "determined to complete the demolition sooner or later".

Kurbanov told the Baptists that he has "sold land parcels to many customers before and there were some problems with some of the sales" but that "never before have the authorities had such an antagonistic attitude towards a landowner".

Officials both "aware" and "not aware" of case

Adylbek Abdullayev, Head of the Section responsible to investigate complaints at Khorezm Regional Administration, told Forum 18 on 7 August that "I am aware of the case and the Court decision." He then referred Forum 18 to Mahmudjon Umurzakov, Deputy Head of Khorezm Regional Administration responsible for religious affairs.

Contrary to Abdullayev, Umurzakov claimed to Forum 18 the same day that he does not know about the case. "I will make calls and find out what is going on," he claimed. "We can talk then." An official who answered Forum 18's calls on 8 and 9 August each time claimed that it is a "wrong number" and put the phone down.

Uktam Nurmetov, Deputy Chief of Shakkasholikor village division of Urgench District Department of Execution of Court decisions (Bailiffs Department), which is carrying out the demolition, similarly claimed to Forum 18 on 7 August: "I am not aware of the case you are talking about." When Forum 18 told him that it has seen the Bailiffs' document from 27 May, and videos and photos showing the demolition, he refused to talk further.

Hikmat (who refused to give his last name), chair of the state-controlled Uchkuprik mahalla committee (https://www.forum18.org/archive.php?article_id=2699) (district administration), where the buildings are situated, on 7 August refused to explain to Forum 18 why the authorities are demolishing the Baptists' buildings. "I do not know what buildings you are talking about," he claimed, adding that "I do not want to talk to you." He then refused to discuss the case further.

Local police officer Sardor (who refused to give his last name) said that he is "aware" of the case, but referred it to Khorezm Regional Police. "I am not competent to talk to you," he claimed to Forum 18 on 9 August.

When asked about the case, the Regional Police duty officer referred Forum 18 on 9 August to Sarvor Jumaniyazov of the regional police "Struggle with Extremism and Terrorism Department" (https://www.forum18.org/archive.php?article_id=2699).

Jumaniyazov refused to talk to Forum 18 and referred it to his Chief, Dilmurod Muhiddinov.

Muhiddinov answered his phone on 9 August, but put it down as soon as Forum 18 gave its name and asked why the Baptist buildings are being demolished. He did not answer his phone when Forum 18 called him later. (END)

More reports on freedom of thought, conscience and belief in Uzbekistan (<https://www.forum18.org/archive.php?country=33>)

For background information, see Forum 18's Uzbekistan religious freedom survey (https://www.forum18.org/archive.php?article_id=2699)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (https://www.forum18.org/archive.php?article_id=1351)

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