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UZBEKISTAN: Did investigator fabricate evidence against Baptists?

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

Several parents – named as victims in the indictment against three Baptist Union leaders now on trial in Tashkent – have told the court that statements that their children were taught the Baptist faith against their wishes were fabricated or dictated by Investigator Anatoli Tadjibayev, Forum 18 News Service has learnt. The head of Uzbekistan's Baptist Union Pavel Peichev and two colleagues went on trial on 24 September accused of teaching religion illegally to children at church-run summer camps and evading tax on profits from the camp. They deny all the charges – which carry punishment of up to three years' imprisonment - and insist the camps made no profit and were supported financially by the Union. Asked whether Investigator Tadjibayev will be punished if the court establishes that he abused his powers, Zulfiya Ahmedova, who represents the prosecution in the case, told Forum 18: "The Prosecutor will have to decide that."

The head of Uzbekistan's Baptist Union Pavel Peichev and two colleagues – whose criminal trial began in the capital Tashkent on 24 September – have rejected all the accusations against them, Forum 18 News Service has learnt. Peichev, Yelena Kurbatova, Chief Accountant of the Union, and Dmitri Pitirimov, Director of the Union's Joy children's summer camp, face up to three years' imprisonment if convicted. The three vehemently deny that the Union profited from church-run summer camps, that they evaded paying tax and that they taught their faith to children against their parents' wishes. Parents cited in the indictment as victims told the court that their statements had been fabricated by the investigator.

Judge Nadyr Akbarov began hearing the case at Tashkent City's Yakkasaray District Criminal Court with an initial hearing on 24 September. Five hearings on the case have now taken place, the latest today (15 October). The next hearing is due on 16 October. Neither the judge nor the defendants could tell Forum 18 when a verdict is likely.

Up to 80 members of various Baptist Union congregations have gathered around the court building wanting to attend the hearings. However, the court refused to let them in, claiming there is not enough space in the courtroom. Judge Akbarov officially allowed in only close relatives – spouses or adult children.

The official at Yakkasaray Court who answered Judge Akbarov's phone on 13 October presented himself as Judge Akbarov, but when Forum 18 asked about the case, he said, "I am Judge Akbarov's Assistant, and we will only talk to you if the Supreme Court allows." He then hung up the phone. The Supreme Court refused to talk to Forum 18 on 13 October.

Punishment for the two charges

Tashkent City Prosecutor's Office brought criminal charges against the three Baptists under Uzbekistan's Criminal Code Article 184 Part 2a and 2b and Article 145 Part 2 (see F18News 10 September 2009 http://www.forum18.org/Archive.php?article_id=1346).

Article 184 Part 2a punishes repeatedly evading taxes, levies and other charges, while Part 2b covers such offences "on a grand scale" with a fine between 150 and 300 times the minimum monthly wage or between two and three years' correctional labour or up to three years' deprivation of liberty.

Article 145 Part 2 punishes involving under-aged children in a religious organisation, as well as teaching them religion against their will or the will of their parents or guardians, with a fine of between 50 and 75 times the minimum monthly wage or between two and three years' correctional labour or up to three years' deprivation of liberty.

Joy Summer Camp

Uzbekistan's Baptist Union has used a site it owns in Tashkent Region's Bostanlyk District for recreation for their adult members and their children, which they call Joy summer camp. The authorities inspected the camp in May, pointing out to Pitirimov a few shortcomings in the area of fire-prevention. On 26 June the authorities made another surprise visit to the camp. "At that time not everything which needed to be corrected was ready," Pitirimov told Forum 18. Two articles were then published by the

government-sponsored Gorizont.uz news agency attacking the Baptist Union for holding children's summer camps. The author made a number of allegations, which Baptists categorically deny (see F18News 28 July 2009 http://www.forum18.org/Archive.php?article_id=1332).

Did the Baptists profit from the summer camp?

The indictment against the three Baptists, seen by Forum 18, was signed by Anatoli Tadjibayev, Tashkent City Prosecutor's Office Senior Investigator. It alleges that "Altogether Peichev in the period between 2006 and 2008 working in collusion with Pitirimov and Kurbatova (..) did not pay to the State budget 3,620,200 Soms [14,287 Norwegian Kroner, 1,650 Euros or 2,400 US Dollars]" (see F18News 10 September 2009 http://www.forum18.org/Archive.php?article_id=1346).

The tax inspection certificate drawn up by Makhamadjon Akhunov, Yakkasaray Tax Inspector, was the basis on which tax evasion charges were brought against the Baptists. However, it has "many errors, which he admitted" during the hearing on 7 October, an independent legal expert – who wished to remain unnamed for the fear of the reprisals from the authorities – told Forum 18. When calculating the funds collected from the guests of the summer camp, Akhunov referred to the number of people and the average sum paid by each person allegedly indicated in Pitirimov's testimony. However, the legal expert said, "no such testimony exists, and calculation was done solely by Inspector Akhunov himself."

Inspector Akhunov explained that he had to make a "rough estimate" because Pitirimov "did not maintain financial records" of the activity at the camp. However, he would not tell Forum 18 on 15 October why he had indicated in the inspection records that he had taken the figures from Pitirimov's testimony.

Umid Trakov, guard of the camp, who also testified at the hearing on 7 October, told the court that he "did not know and had not said" to Investigator Tadjibayev "how many people rested" at the Camp during the summer, the legal expert told Forum 18. Trakov told the court that he "did not give such testimony" that Pitirimov paid him a salary, that in fact he "received an allowance from the Baptist Union." He said that Investigator Tadjibayev "himself typed up the records of his questioning in Russian, which he did not understand, and had him sign it."

Judge Akbarov also questioned 42-year-old Valery Konovalov, who stayed at the Baptist Camp in 2005. He told the court that he did not pay for his accommodation there and only paid for transport to the camp and food. He told the court that while he was questioned at Tashkent City Prosecutor's Office he was "threatened that he was a witness but could at any moment be turned into a crime suspect." He told the court that because of the pressure he had signed the interrogation record without reading it as he wanted to leave the Prosecutor's Office quickly.

Peichev told the court during the 6 October hearing that the Baptists did not profit from the camp and in reality spent more money on each person than they paid, Forum 18 was told. He complained that the court did not hear those who submitted positive testimonies of the camp, which were also attached to the case files according to the Baptists' lawyer. Peichev told the court that Baptist churches help the needy materially and would happily help more people were it not for obstruction from the authorities.

Have the Baptists taught children religion illegally?

The indictment also alleges that Peichev "together with the mentioned persons developed the plan of children's recreation programme in the summer period having named the recreation area "Joy," weekly in the period June-August between 2005 and 2008 brought into the territory of the recreation area under-aged children, between 90 and 100 persons, whom they daily involved in their religious organisation, having taught them the religion of Evangelical Christian Baptists against their will and the will of their parents."

Raisa Aslanova, the mother of Askar Panoyev - whom, Investigator Tadjibayev alleges, the Baptists involved in religious activity at the camp as an under-aged child without his parents' consent - testified in court on 5 October, Forum 18 was told. She said she had written no complaints to anyone about her son's holiday at the camp, was not planning to do so, and that no one harmed her son materially, physically or morally. She told the court that only after explanation by Tashkent City Prosecutor's Office she found out that her son Askar was "forced to study" the Baptist faith.

Aslanova told the court that no member of the Baptist Union suggested to her son that he attend the Baptist Church after he left the camp, that no member of the Baptist Union came to their home after her son left the camp, that no member of the Baptist Union suggested to her son to change his religion while he was at the camp, and that no member of the Baptist Union performed any religious rituals with her son.

Aslanova told the court that she had written her statement under dictation of Prosecutor's Office officials, and that she had signed the interrogation record Tadjibayev drew up on her behalf in Russian, which she does not speak. She said that Investigator Tadjibayev did not give her a copy of the decision finding her an aggrieved person.

Askar Panoev was heard at the court, and said that he did not understand everything taught at the camp about the Baptist faith. He

together with some other children avoided the teaching. No one was forced to hear the teaching, and only those who wished attended them.

Lyudmila Kalinina, the mother of Artyom Kalinin - whom, Investigator Tadjibayev alleges, the Baptists involved in religious activity at the camp as an under-aged child without his parents' consent - similarly testified in the court on 5 October. She said she knew that her son was going to attend a Baptist camp, because she had read the voucher which made this clear. She also testified that she did not write any complaints about her son's holiday at the camp, and was not planning to do so.

Kalinina told the court that the records of the questioning were typed up by an official at the Prosecutor's Office, which she had signed under pressure. She said that during questioning she was at times driven to hysteria. She added that Investigator Tadjibayev did not present her with a copy of the decision finding her an aggrieved person.

Artyom Kalinin, who also testified during the same hearing, told the court that Pitirimov taught the guests of the camp rock-climbing, and that none of the defendants - Peichev, Kurbatova or Pitirimov - taught him any religious doctrines. This was done by chaperones of the groups. He said that the children were fed well, that the sanitary conditions were normal, and that no one forced him to change his faith at the camp. He told the court that neither he nor his mother consider themselves aggrieved persons.

Pitirimov told the court that he had preached only to adults at the camp. He also taught rock-climbing to those who wished to learn. He said he knew in advance how many people from each church would attend and then chose chaperones and cooks accordingly. He told the court that the camp did not have any problems with Electric, Fire Departments or the District Police. The authorities would come to inspect each week, and were satisfied with the results. The District Police always recorded the names of all the guests. The chaperones would hold teaching sessions with the children, and Pitirimov would not interfere in the process.

Pitirimov told the court that he would ask ethnic Uzbek children visiting the camp if they were Muslim. He said he took back from the camp those children who declared that they were Muslim and did not wish to attend the teaching sessions. In 2008, for instance, there were some 10 such children.

Was the case fabricated by the Prosecutor's Office?

The independent legal expert told Forum 18 that the defendants have pleaded not guilty, and have submitted written statements to the court that the criminal case against them has been entirely fabricated by Investigator Tadjibayev. The statements also complained that they do not know Ramiz Azimov, a lawyer who was supposed to assist them. It was he who, on 17 August in their absence, signed the case files and the decision to bring a criminal law-suit against them together with Investigator Tadjibayev.

Told of the objections of the defence, Zulfiya Ahmedova, Tashkent City Deputy Prosecutor, who represents the prosecution in the case, told Forum 18 on 15 October, "I can only say that the judicial investigation is still going on, and it is the court, which will do the final evaluation of the case."

Deputy Prosecutor Ahmedova said that the fact that witnesses Aslanova and Kalinina denied the prosecution's allegations that they were aggrieved persons "will be taken into account". Asked whether Investigator Tadjibayev will be punished if the court establishes that he abused his powers, Ahmedova responded: "The Prosecutor will have to decide that." (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=1170.

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 compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments can be found at http://www.forum18.org/Archive.php?article_id=1351.

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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