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UZBEKISTAN: Was imprisoned pastor forced to renounce appeal?

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

Protestant pastor Dmitry Shestakov is claimed by officials in Uzbekistan to have "voluntarily" renounced his right to an appeal and, because of poor health, begged to be transferred immediately to his place of punishment. Friends of the pastor, who has been sentenced to four years in a work camp, have told Forum 18 News Service that they are very concerned about this claim, as well as the unexplained cause of his poor health. Pastor Shestakov had appealed against his sentence, and officials have not explained why he has suddenly withdrawn the appeal, or why it was not heard within one month of the sentence as Uzbek law requires. Shestakov himself had complained about this delay to the Regional Court and the Prosecutor's Office. Meanwhile, the verdict in the trial of Protestant Salavat Serikbayev for "violating the procedure for teaching religion" is expected. Protestants have also complained to Forum 18 about continuing attacks in the state-run press, such as an article stating that missionaries are turning people into zombies and implying that sharing beliefs is "religious violence."

Friends of imprisoned Uzbek Protestant pastor Dmitry Shestakov (also known as David) have become increasingly concerned about his health and fate after officials claimed that he had "voluntarily" renounced his right to an appeal and, citing his poor health, begged to be transferred immediately to his place of punishment, Forum 18 News Service has learned. Forum 18 has been unable to establish whether Shestakov is still in Prison No. 1 in Andijan [Andijon], in eastern Uzbekistan, or whether he has already been sent to an open work camp.

Some within Uzbekistan have assumed that Shestakov had been forced to sign the document renouncing his right to an appeal. They point out that he had lodged an appeal on 16 March against his sentence (see F18News 23 March 2007 http://www.forum18.org/Archive.php?article_id=935). There is also speculation over the cause of the deterioration of the health of Shestakov, who celebrated his 38th birthday on 9 April.

Shestakov was sentenced on 9 March to four years' imprisonment in an open work camp, because of his leadership of his congregation, a branch of the city's registered Full Gospel church.

Pastor Shestakov's delayed appeal should have been heard in Andijan Regional Criminal Court on 1 May, but did not take place, Protestant sources who preferred not to be named for fear of reprisals told Forum 18. At a court hearing on 1 May to consider Shestakov's lawyer's complaint over the delay to the appeal hearing, the court claimed that Shestakov had "voluntarily" signed the document on 25 April. This apparent author of this document renounced an appeal and begged to be sent to his place of punishment. The appeal should have been heard within one month of his sentence, according to Article 497-2 part 1 of the Criminal Procedure Code. On 20 April, Shestakov himself had complained about the delay to the Regional Court and the Prosecutor's Office.

Sources have told Forum 18 that the court has also refused to consider the complaint that the expert analysis of literature and tapes of sermons confiscated from Pastor Shestakov had been done illegally. Also not considered by the court were complaints that prosecutors and witnesses in the case should themselves be prosecuted, for allegedly fabricating evidence and testimony against the pastor (see F18News 9 March 2007 http://www.forum18.org/Archive.php?article_id=928).

Forum 18 has been unable to reach anyone at Andijan Regional Prosecutor's Office or at the Regional Criminal Court to find out why the appeal was not heard within the prescribed time. Forum 18 has also not been able to ask court and prosecution officials why Shestakov apparently renounced his right to an appeal after the application had already been lodged.

M. Mamadaliev, a senior aide to the Andijan City Prosecutor, has continued to summon members of Shestakov's church for questioning, which he began on 5 April (see F18News 20 April 2007 http://www.forum18.org/Archive.php?article_id=945). Forum 18 has learned that 14 church members have now been summoned, some more than once. However, they have refused to attend and complained to prosecutors over what they regarded as the illegality of the summonses. Also summoned was one individual who had left for Russia in 2002.

Forum 18 has also learned that several times Mamadaliev and officers of the National Security Service (NSS) secret police have visited the registered Jesus Christ Full Gospel church. They asked Pastor Ramai Jalilov to pressure church members to appear for questioning when summoned, warning that official warnings would be given to anyone who did not obey. One Protestant pointed

out to Forum 18 that Article 5 of Uzbekistan's Religion Law bars this behaviour, stating that religion and the state are separate and that the state cannot interfere in the internal affairs of religious communities. In addition, the statute of the Andijan Full Gospel church declares that it is "not responsible for the obligations and actions of its members". The verdict on Pastor Shestakov documented extensive state controls on religious communities in Uzbekistan (see F18News 27 March 2007 http://www.forum18.org/Archive.php?article_id=936).

The Andijan authorities' determination to crush what it regards as Pentecostal missionary activity in the region is clear from a leaked document from the Andijan regional Hokimat (administration) seen by Forum 18 (see F18News 21 May 2007 http://www.forum18.org/Archive.php?article_id=959).

In north-western Uzbekistan, another Christian is on trial. Local Protestant Salavat Serikbayev is being tried in Nukus, the capital of the Karakalpakstan [Qoraqalpoghiston] region. Serikbayev is a member of an unregistered congregation in his home town of Muynak, close to the Aral Sea. He was detained with 17 other Protestants, when police swooped on a home in Nukus on 15 January. Serikbayev was later accused under Article 229-2 of the Criminal Code, which punishes "violating the procedure for teaching religion" and carries a maximum term of three years' imprisonment (see F18News 20 April 2007 http://www.forum18.org/Archive.php?article_id=945). However, he has accused the police officers who have testified that they caught him teaching religion without state approval (a crime in Uzbekistan) of lying.

Protestant sources who did not wish to be identified told Forum 18 that Serikbayev's trial finally took place on 2 May. The verdict was due to be given today (3 May).

Local Protestants have complained to Forum 18 about continuing attacks on missionaries – who are unnamed - in the state-run press. An example of this is that on 24 April the Tashkent-based Russian-language newspaper "Narodnoe Slovo" published an article by Professor Mansur Bekmuradov, of the Tashkent State Institute of Culture. He alleged that unnamed missionaries were turning local people into zombies. He implied that people sharing their faith was "religious violence", describing this as "one of the most dangerous social, political, ideological and moral problems."

Bekmuradov also claimed that: "In Karakalpakstan religious emissaries have used the method of spreading their faith among the rural population of giving out free goats in exchange for changing religion, in Tashkent region free groups for studying English have been launched, while in Khorezm clothes have been given out etc." He also claimed that missionaries are particularly targeting students.

Christian university students in Karakalpakstan have long been targeted by the authorities (see F18News 26 January 2006 http://www.forum18.org/Archive.php?article_id=719). Hare Krishna students in Khorezm region, also in north-western Uzbekistan, have been targeted as well (see F18News 22 July 2004 http://www.forum18.org/Archive.php?article_id=368).

Without offering any evidence to support his claims, Bekmuradov went on to state that for nine years missionaries had sought to "Christianise" the Timor region of Indonesia, before launching a civil war and achieving the break away from Indonesia of East Timor. He claimed that missionaries in Uzbekistan were likewise seeking to open up a "schism" in Uzbek society. There was no explicit indication in the article whether he particularly had Christian, Muslim or other missionaries in mind. But the reference to the alleged activities of Christian missionaries in Indonesia makes one suspect that he was particularly targeting Christians who share their faith with others.

The state-run media's encouragement of intolerance against religious minorities has been stepped up in recent months (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.

Full reports of the religious freedom situation 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>

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