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UZBEKISTAN: "Spiritually rich and for freedom of conscience and religion" ?

By Mushfig Bayram, Forum 18

An indictment has been filed against a Baptist in Uzbekistan's capital Tashkent, Forum 18 News Service has learned. Konstantin Malchikovskiy is accused of not paying in monies from church offerings and book sales. Baptists strongly dispute the charges, describing them as "absurd", and noting that they "violate the Religion Law". They also note that courts have ignored what they describe as "exhaustive proofs of falsification and forgery of documents by the tax authorities". The charges have, as in previous cases, been accompanied by a hostile campaign in the state-run media accusing Baptists among other things of running an "illegal training centre". After attacking work with children, an article claims that Uzbekistan has "created an environment where all conditions exist for children to grow spiritually rich and for freedom of conscience and religion". In other cases, a computer hard disk belonging to another Protestant has been ordered to be destroyed, and a prisoner of conscience on a ten year jail sentence for exercising freedom of religion or belief, Tohar Haydarov, has had his sentence confirmed by the Supreme Court.

After almost three months of criminal investigation by Investigator Alexandr Ten of the capital Tashkent's Hamza District Prosecutor's office, on 15 July an indictment against Konstantin Malchikovskiy of the officially registered Baptist Church was filed on 15 July, Forum 18 News Service has learned. Local Baptists, who wished to remain unnamed for the fear of state reprisals, told Forum 18 on 22 July that the case was referred to Hamza District Criminal Court, and Judge Anvar Khusanov began hearing the case on 27 July.

The latest problems for the Church started in April, with two major ordinary police and National Security Service (NSS) secret police raids on the Hamza District Baptist Church. Money and tens of thousands of copies of Christian books were seized, together with printing equipment. Four church members – including Malchikovskiy - were each fined between 50 and 100 times the minimum monthly wage (see F18News 19 April 2011 http://www.forum18.org/Archive.php?article_id=1564).

The latest case against Malchikovskiy was opened by police on 22 April and accuses him of not paying in "4,122,150 Soms [12,900 Norwegian Kroner, 1,700 Euros, or 2,400 US Dollars] collected from offerings and sales of books between 2003 and 2010". He faces a maximum of two years in jail if convicted (see F18News 12 May 2011 http://www.forum18.org/Archive.php?article_id=1569). Local Baptists described the indictment as "absurd", disputing that church offerings must be made only via a cash register and a receipt given for each offering. "This violates the Religion Law and the Charter of the Church, since it is not engaged in commercial activity and there is no need to have cash registers", they observed.

Investigator Ten has during his investigations threatened church members with jail, in a bid to acquire falsified "evidence" against Malchikovskiy (see F18News 15 June 2011 http://www.forum18.org/Archive.php?article_id=1581).

Baptists had earlier, on 21 June July, presented documents "proving the unlawfulness of the claim" to Judge Pavel Mazurkin of Tashkent City Economic Court. They also presented what they described as "exhaustive proofs of falsification and forgery of documents by the tax authorities". Baptists also told Forum 18 that the Hamza Tax authorities did not present to the Court all the documents they had claimed were evidence. "This is another proof of the unlawfulness of their claim", Baptist commented.

The Baptists petitioned the Court on 6 July to refer the case back to the Tax authorities, but Judge Mazurkin ignored it, and decided to fully satisfy the demands of the claim brought by the Tax authorities.

The Court refused to discuss the case with Forum 18, despite being repeatedly contacted on 1 and 2 August.

Hamza District Tax authorities have also alleged a claimed non-payment of tax, which led on 28 April to the Church being fined 6,988,500 Soms (22,620 Norwegian Kroner, 2,880 Euros, or 4,090 US Dollars at the inflated official exchange rate) (see F18News 12 May 2011 http://www.forum18.org/Archive.php?article_id=1569).

"Illegal training centre"

Malchikovskiy has also been subjected to media attacks. On 17 June the government-sponsored gorizont.uz website published an article entitled "Children are under threat!" The article states that police raided an "illegal training centre" and "discovered that the training centre belongs to Baptists such as Konstantin Malchikovskiy, who are known for their yearning to attract people to the Church from infancy." The article also names two other Baptists. "Apparently, these people did not draw the necessary conclusions, and continued their illegal actions," the article claims.

During the raid the authorities confiscated "a great volume of illegal religious literature, as well as those hand-made at the training centre." The books were in Uzbek and Russian languages for children of ages between 5 and 15.

Fictitious informer?

Sergei Yegorov, the author of the article, states that an "S. I. Tinin" at the beginning of April tipped off law-enforcement agencies about "illegal activity" by Baptists. The article claims that "it is not the first time" that "Tinin" reported "crimes of the Baptists". Yegorov states that "Tinin" in 2009 informed the authorities on the Baptists' summer children's camp Joy, where the Baptists "brain-washed our children with religion."

Forum 18 has been told by sources in Uzbekistan that the names of authors, or any other names given in such articles, may be fictitious. They may, Forum 18 has been told, be written by the NSS secret police and published with minor variations in different media under different names.

The article was reprinted by the regnum.ru Russian news agency a week later, under the title "Illegal training centre of Baptists exposed in the capital of Uzbekistan." The agency said that the information was provided by a source from the law-enforcement organs of Uzbekistan.

Summer camp cases

Referring again to the summer camp, the author states: "How else one can explain such audacious behaviour of those who after even being made accountable, already in a different district of the city organised children's and youth worship services, taught religious classes without having any authorisation to do so."

The children's camp cases were brought against Baptists who had run a legal children's summer camp (see F18News 7 December 2009 http://www.forum18.org/Archive.php?article_id=1384). These cases led to the removal of the country's registered Baptist Union's leadership and the payment by them of large fines for alleged unpaid tax, which charges Baptists strongly refuted. As in the latest cases against Hamza Baptists, a campaign of media intolerance accompanied the earlier cases. The authorities also bullied parents and children, forcing children to write statements that they would not attend churches. This is part of frequent state-sponsored media attacks on religious believers of all faiths and freedom of religion and belief (see F18News 22 February 2010 http://www.forum18.org/Archive.php?article_id=1411).

"Spiritually rich and for freedom of conscience and religion"

Ironically, the article states that Uzbekistan has "created an environment where all conditions exist for children to grow spiritually rich and for freedom of conscience and religion."

"Today we are trying to protect our children from all kinds of questionable religious doctrines (..) However, unfortunately, we come across people who against the laws at any cost try to capture the minds of our children and use them for their selfish purposes."

There do not appear to have been further media attacks on the Baptists, or other religious communities, since the 17 June article.

Property ordered to be destroyed

Following an earlier court hearing, Judge Kholmurod Berdyklichev of Tashkent's Yakkasaray District Court on 11 July ordered that a computer hard disk seized from Anvar Rajapov, a Protestant from Tashkent, should be destroyed. The court decision, seen by Forum 18, reads that an addition will be made to its decision from 14 April. "The computer hard disk confiscated from Anvar Rajapov shall be destroyed," it clarifies. A source from Tashkent who wished to remain unnamed, for fear of state reprisals, told Forum 18 on 15 April that when Rajapov asked the Court to return his hard disk about which no decision was made, Judge told him on 11 July that hard disk was "by a mistake not shown in the original decision as confiscated."

Following a raid on his home, confiscations of about 250 religious books and recordings, a computer and his passport, Rajapov was fined 80 times the minimum monthly wage. Police threatened to assault him if he appealed against this, stating that: "No one has the right in Uzbekistan to challenge court decisions" (see F18News 15 June 2011 http://www.forum18.org/Archive.php?article_id=1581). He was also the target of hostile media attacks (see F18News 12 May 2011 http://www.forum18.org/Archive.php?article_id=1569).

Rajapov's passport had been returned on 1 July, but when on 10 July he asked for the return of his hard disk Judge Berdyklichev asked Rajapov to come to Court on 11 July. On that date Berdyklichev handed over the order that the hard disk be destroyed, in addition to the earlier court ruling on the case. Rajapov had twice unsuccessfully appealed to Tashkent Criminal Court, but Judges Arofat Alimova and Vahidjon Sharipov on 20 May and 30 June respectively upheld the earlier verdict.

The Court refused to discuss the case with Forum 18, despite being repeatedly contacted on 1 and 2 August.

Supreme Court upholds criminal conviction

The conviction of a Baptist prisoner of conscience on a ten year jail sentence, Tohar Haydarov, has been upheld for the second time by the Supreme Court. Judge Dilbar Suyunova, in an official letter dated 4 February, stated that she upheld the original sentence. Baptists, who wished to remain unnamed for fear of state reprisals, told Forum 18 on 2 August that Haydarov only learned of the letter at the beginning of July. The letter, seen by Forum 18, was addressed to Jompulat Abdullayev, head of Prison 64/49 where Haydarov is being held.

"Public danger"

"The Court correctly stated the criminal act of Tohar Haydarov, and the punishment was given in proportion to the act, taking into account the public danger of the act", Judge Suyunova's letter states. Forum 18 tried to speak to the Judge on 2 August, but officials refused to facilitate this.

Church members have consistently maintained that allegations against Haydarov were fabricated, as a way to punish him for exercising his freedom of religion or belief. He was sentenced to ten years' imprisonment on 9 March 2010 for "illegal sale of narcotic or psychotropic substances in large quantities", and Syrdarya Regional Court had upheld the sentence on appeal in April (see F18News 16 September 2010 http://www.forum18.org/Archive.php?article_id=1489). Baptists have twice appealed against the sentence to the Supreme Court, citing new evidence of Haydarov's innocence (see F18News 21 December 2010 http://www.forum18.org/Archive.php?article_id=1524).

Baptists are preparing to appeal to the Supreme Court against Judge Suyunova's decision, as two more appeals can be made. They state that the Supreme Court "did not take into account statements from his mother, sister and neighbours of his innocence".

"I wish so much to attend worship services"

People who have met Haydarov say that he continues to hold his faith. Prison authorities have shown him a sack of letters sent to him, but he is not being allowed to read them. The authorities claim this is because there are "too many citations from the Bible in them". Haydarov has asked that parcels not be sent to him, as they are not delivered.

Letters can be sent to Haydarov at:

UYa 64/49

otryad 13

pos. Shaikh-Ali

g. Karshi,

Kashkadarya Region,

180020 Uzbekistan

Haydarov has asked Christians to "appreciate dearly your worship services, and listen attentively to the sermons. I so much wish to attend worship services, but alas I don't have the opportunity". Baptists in Uzbekistan have asked that Christians pray for Haydarov. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom for all 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://education.nationalgeographic.com/education/mapping/outline-map/?map=Uzbekistan>.

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