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UZBEKISTAN: Prisoner of conscience "released but not free"

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

Former prisoner of conscience Dmitry Shestakov, who was recently released from a four-year jail sentence continues to be placed by Uzbekistan under the severe restrictions of 'administrative supervision', Forum 18 News Service has learned. Among the restrictions Shestakov faces he has to for one year report to police in person almost every week, he may not be outside his home between 21.00 in the evening and 06.00 in the morning, he may not leave his home town without written police permission, and he cannot visit public places such as restaurants. The term of administrative supervision can be extended, and the punishments for breaking the supervision regime range up to imprisonment for four years. The authorities have refused to explain the reason for the restrictions to Forum 18. "He was released from prison but is not free," a local Protestant complained. Current known long and short-term prisoners of conscience jailed for exercising freedom of religion or belief are Muslims, Jehovah's Witnesses and Protestants. The latest two short-term prisoners of conscience are two Baptists jailed for distributing religious literature.

Former prisoner of conscience Dmitry Shestakov, who was recently released from a four-year jail sentence continues to be under severe restrictions, Forum 18 News Service has learned. For one year Shestakov has to report to police in person almost every week, may not be outside his home between 21.00 in the evening and 06.00 in the morning, and cannot visit places where alcohol is served such as restaurants. "He was released from prison but is not free," one Protestant complained to Forum 18. Shestakov is the Pastor of an officially registered Full Gospel Pentecostal Church in the eastern city of Andijan [Andijon], who was imprisoned for exercising his right to freedom of religion or belief. Uzbek authorities are unwilling to explain to Forum 18 why they have placed Shestakov under these restrictions.

Shestakov was released on 21 January from Prison No. 29 in Navoi [Nawoiy], in central Uzbekistan, after a four-year sentence for allegedly violating Criminal Code articles:

- 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities");

- and 244-1 Part 2 ("Any form of dissemination of information and materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction of individuals, or aimed at creating a panic among the population, as well as the use of religion in purposes of breach of civil concord, dissemination of calumnious and destabilizing fabrications, and committing other acts aimed against the established rules of conduct in society and of public order").

He was sentenced, after an apparently rigged trial, in March 2007 to four years in an open work camp (see F18News 23 March 2007 http://www.forum18.org/Archive.php?article_id=935). The sentence was subsequently harshened to imprisonment in a labour camp where Jehovah's Witness prisoners of conscience are also held (see F18News 27 June 2007 http://www.forum18.org/Archive.php?article_id=982).

NSS secret police presence at release

A large number of prison officials and National Security Service (NSS) secret police in plain clothes were present when Shestakov was released, and they refused to allow his lawyer to be present. Officials filmed the release on a video camera. Shestakov walked out of the prison gates in prison clothes – a dark jacket, dark trousers, and dark cap – as his wife and three daughters met him. Apart from two members of his church, no people from other churches were present, for fear of state reprisals. His family and church members were all crying for joy at the release.

Mother's death

Shestakov's mother had a stroke and was paralysed after his arrest. On his way home after his release Shestakov visited her, although she was in a coma when he saw her. "Soon after Shestakov's visit she died on 24 January", a Protestant told Forum 18. Shestakov was, Forum 18 understands, allowed by police to bury his mother.

Current Muslim, Jehovah's Witness and Protestant prisoners of conscience

Uzbekistan has many prisoners of conscience jailed for exercising their right to freedom of religion or belief. One Protestant is still a long-term prisoner of conscience, also after an apparently rigged trial. Tohar Haydarov was in March 2010 sentenced to 10 years in jail, and attempts to overturn his sentence have failed. There are also very many Muslim prisoners of conscience, notably readers of the works of Islamic theologian Said Nursi, jailed for long terms for exercising religious freedom (see F18News 21 December 2010 http://www.forum18.org/Archive.php?article_id=1524).

Three Jehovah's Witness prisoners of conscience are also currently jailed. In April 2008 Olim Turaev was sentenced to four years in a labour camp (see F18News 29 April 2008 http://www.forum18.org/Archive.php?article_id=1122). In July 2008 Abdubannob Ahmedov was sentenced to a four year prison term and Sergey Ivanov to three and a half years (see F18News 29 July 2008 http://www.forum18.org/Archive.php?article_id=1164).

There are also short-term prisoners of conscience, jailed for up to 15 days under the Code of Administrative Offences. These have so far been Protestants, Jehovah's Witnesses and Baha'is (see F18News 26 November 2010 http://www.forum18.org/Archive.php?article_id=1514).

The latest short-term prisoners of conscience are two Baptists, Artur Alpayev and Eduard Kim, from an unregistered Baptist Church in the eastern city of Fergana [Farghona]. All unregistered religious activity is a criminal offence, against Uzbekistan's international human rights obligations.

On 30 January the two Baptists were detained by police in Denau [Dinau] in the southern Surkhandarya Region for distributing Christian literature, and held for 15 hours in a police station. On 31 January they were sentenced in a short court hearing – lasting only a few minutes, local Baptists told Forum 18 – to seven days' administrative arrest. The two were sentenced under the Administrative Code's article's 240 ("Violation of the law on religious organisations") and 184-2 ("Illegal storage, production, import, or distribution of religious materials").

Why 'administrative supervision'?

Soon after Pastor Shestakov's release on 21 January, Prison No. 29's administration asked Navoi Criminal Court to place Shestakov under administrative supervision, Protestants who wished to remain unnamed for fear of state reprisals told Forum 18. The Prison claimed that Shestakov was a persistent violator of the prison regime, which people who know him have strongly denied to Forum 18. The Court decided to place Shestakov under supervision for one year.

An independent human rights defender, speaking to Forum 18 on 2 February on condition of anonymity, noted that terms of administrative supervision vary between one month and one year. Shestakov was given the maximum term. "Usually only thugs or violent religious extremists are put under administrative supervision," the human rights defender stated.

Nurмамad Ismailov, Governor of Prison Nr. 29, refused to talk to Forum 18 on 3 February. Asked what basis he had to ask the Court to put Shestakov under supervision, Ismailov said through his secretary (who did not give her name) that "the Prison is a closed place and I have no authority to comment". The Governor's Secretary then said that he "will not answer".

Sherzod Mamedov, Chair of Navoi Criminal Court, refused to comment on his Court's decision. He told Forum 18 on 3 February that "I cannot give you any information on the case over the phone". Asked what basis the Court had for its decision, he hung up the phone.

Ex-prisoners registered, suspected, and monitored

Like other released prisoners, Shestakov must be registered at Andijan Regional and Andijan City Police as well as the local Police inspector of his residential area, the human rights defender pointed out. He must be registered at the City Police's Crime-Prevention and Criminal Investigation Divisions. "In such cases the local police Inspector usually demands that the ex-prisoner finds a job, and presents a written testimonial about himself from the authorities of a residential district or mahalla committee". Shestakov will also have to report to the police inspector every month.

Mahalla committees retain extensive records on local residents, especially on known active religious believers. These committees are used by the Uzbek regime as a key instrument in its attempts to control society (see eg. F18News 1 December 2005 http://www.forum18.org/Archive.php?article_id=698).

If a crime is committed close to Shestakov's home, he can be summoned by the police to write a statement stating where he was when the crime was committed, the human rights defender said.

Before any major national public holiday, Shestakov will be summoned to the city police and asked to write a statement about himself.

What does administrative supervision mean?

As a person under administrative supervision, Shestakov must:

- 1. report in person to Andijan Regional Police no less than three times a month;
- 2. not visit places where alcohol is served, such as cafés, bars and restaurants;
- 3. not be outside the city of Andijan without the prior written consent of the Regional Police;
- and 4. not be outside his home between 21.00 in the evening and 06.00 in the morning.

Police have the right to, several times each night after 21.00, check that Shestakov is at home.

If Shestakov breaks the supervision regime, he may for a first alleged violation be given a fine up to three times the minimum salary under the Administrative Code's Article 206 ("Violation of the regulations of administrative supervision").

If Shestakov is given an administrative punishment, the police will ask a court to extend the term of the supervision, the human rights defender explained. Administrative supervision may be extended by up to three years.

If the alleged violation is repeated, a case can be brought under the Criminal Code's Article 226 ("Violation of the regulations of administrative supervision"). This states that:

"Violation of the regulations of administrative supervision by a person subjected to such supervision, after an administrative penalty for the same act has been imposed shall be punished with a fine of up to 50 times the minimum monthly wage, or imprisonment for up to two years.

Violation of the regulations of administrative supervision by either:

- a.) leaving the place of residence with the purpose of evasion of administrative supervision;
- or b.) failure to be at the specified place of residence within the prescribed times without valid reasons, when administrative supervision is imposed after release from institutions of confinement;

shall be punished with imprisonment for between two to four years."

Administrative supervision has some similarities to the banning orders of apartheid South Africa, depicted in the film 'Cry Freedom', used against dissidents such as former President and Nobel Peace Prize holder Nelson Mandela.

Protestants complained to Forum 18 that "all this is done to crush Shestakov and his church". "He is trying to adapt to freedom again", one Protestant said. "He was released from prison but he is not free".

What will the police do?

Daniyar Hamidov, Andijan Regional Police Criminal Investigator told Forum 18 on 3 February that he was not well-informed about the case. "I was recently transferred here, I do not lead those cases", he stated. He referred Forum 18 to police officer Batyr, without giving his last name. Officer Batyr's phone went unanswered on 3 February.

"The police will do everything in their power to bring a criminal case against Shestakov, and send him back to prison," Protestants complained. "Police may arrange the planting on him of narcotic drugs, cartridges, explosives, guns, or religious literature. They have done this to Muslims," the human rights defender noted.

When current prisoner of conscience Tohar Haydarov was arrested in January 2010, it appears that drugs were planted on him (see F18News 9 February 2010 http://www.forum18.org/Archive.php?article_id=1406). Religious leaflets alleged by police to be extremist have apparently been planted on devout Muslims as police arrest them (see eg. F18News 27 January 2010 http://www.forum18.org/Archive.php?article_id=1399). (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://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>.

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