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UZBEKISTAN: Guilty of the unregistered teaching of a faith - even when charge is disproved

By Igor Rotar, Forum 18

Even though it has been proved that a Jehovah's Witness was not teaching his faith without registration, and so not breaking the law, an Uzbek criminal court has found him guilty of this, Forum 18 News Service has learnt. Uzbekistan bans all religious teaching by unregistered religious organisations or private individuals. The persecution of Jehovah's Witnesses, along with all other religious groups, continues in Uzbekistan and is compounded by the authorities lack of knowledge of faiths. For example, a deputy public prosecutor has told a Jehovah's Witness that reading their literature causes people either to become a "Wahhabi" (a term widely and loosely used in Central Asia for Islamic extremists), or to become a terrorist. The same prosecutor also claimed that Jehovah's Witnesses hypnotise people.

Jehovah's Witness Vladimir Kushchevoy has failed in his bid to have a criminal conviction for teaching his faith overturned. After hearings on 6 and 7 April, the criminal court of Samarkand [Samarqand] region upheld the guilty verdict given in January, but reduced the punishment: Kushchevoy will now have 20 per cent of his wages deducted only if a court decides he is guilty of breaking the law again.

Moscow-based lawyer Arli Chimirov, who represented Kushchevoy in court, told Forum 18 News Service he had "mixed feelings" about the result of the appeal, pleased that the punishment has now been suspended but continuing to reject the basis of the original verdict. "The final verdict disappointed me, because even though the witness Raisa Chernova demonstrated that Kushchevoy was not giving her religious instruction, the court maintained the guilty verdict," he told Forum 18 in the capital Tashkent on 8 April. Chimirov also pointed out that Kushchevoy still has a criminal conviction.

Article 9 of Uzbekistan's religion law bans all religious teaching by unregistered religious organisations or by private individuals.

On 17 January, the criminal court of Samarkand's Temiryul district found Kushchevoy guilty under Article 229, part 2 of the criminal code (failing to observe the prescribed manner of communicating religious doctrine). He was sentenced to three years of "corrective labour" – where the convicted individual lives at home but is assigned to a certain job - with 20 per cent of his wages to be deducted and transferred to the state budget. The court also ruled that all the religious literature confiscated from him - including the Bible and the New Testament – should be burnt (see F18News 16 March 2004 http://www.forum18.org/Archive.php?article_id=277).

Kushchevoy's sentence was the first known use of the criminal case against a Jehovah's Witness since Marat Mudarisov was sentenced in Tashkent in November 2002 on charges of "inciting religious hatred". After international attention to his case, Mudarisov was finally cleared of the charges by the presidium of the Tashkent city court for criminal cases on 8 October 2003.

Kushchevoy's lawyer, Arli Chimirov, said that the investigative process was conducted very competently and that a hearing was even held out of the courtroom at the alleged site of the crime, which, he maintains, is "virtually unprecedented". Yet Chimirov also pointed to the difficulties Kushchevoy faces, stressing that in Uzbekistan the rights of a person who is sentenced even conditionally under the code of administrative offences, and even more so under the criminal code, are severely restricted. To illustrate his point, he cited the fact that, since the recent bombs in Tashkent and elsewhere, many Jehovah's Witnesses with previous convictions under the criminal or administrative codes have been called in to police stations and been interrogated and had their fingerprints taken (see F18News 13 April 2004 http://www.forum18.org/Archive.php?article_id=298).

Anyone found guilty under the criminal or administrative codes also faces difficulties obtaining an exit visa. For example, for the past two years the authorities have refused an exit visa to Erkin Khabibov, a Jehovah's Witness from the city of Bukhara [Bukhoro] in central Uzbekistan, after he was found guilty under the administrative code of preaching Jehovah's Witness beliefs (see F18News 28 January 2004 http://www.forum18.org/Archive.php?article_id=237).

Along with all other religious groups, the persecution of Jehovah's Witnesses continues in other parts of Uzbekistan. On 14 February, police at Kungrad [Q'nghirot] railway station in north western Uzbekistan (60 kilometres north west of the capital of

Karakalpakstan [Qoraqalpoghiston] autonomous region Nukus) confiscated religious literature from Nukus resident Tursunai Piyashevaya, which she had brought from Kazakhstan. As a punishment for bringing in the literature, a case was brought against her under Article 240 of the administrative code (breaking the law on religious organisations).

On 28 March Kungrad's deputy public prosecutor Daulet Madenov went to Piyashevaya's home to warn her that if she did not stop reading Jehovah's Witness literature, she would become either a "Wahhabi" (a term widely and loosely used in Central Asia for Islamic extremists) or a terrorist. Madenov also accused Jehovah's Witnesses of hypnotising people.

Jehovah's Witnesses who asked not to be named told Forum 18 that Madenov had also beaten up Erlan Ayatov, a Jehovah's Witness from Nukus, who had tried to retrieve from the police the literature confiscated from Piyashevaya.

Madenov admitted to Forum 18 on 9 April that an administrative case had been brought against Piyashevaya, based on the fact that "the Jehovah's Witnesses are not registered in Karakalpakstan and therefore their activity is illegal". However, he categorically denied beating up Ayatov. "I simply asked him where the Jehovah's Witnesses meet," Madenov claimed. "He refused to answer and I persuaded him that he was obliged to answer my questions."

For background information, see Forum 18's report of the current post-terrorist bombing crackdown against all faiths at

http://www.forum18.org/Archive.php?article_id=298

and latest religious freedom survey at

http://www.forum18.org/Archive.php?article_id=105

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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