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UZBEKISTAN: Government defies international human rights pressure

By Igor Rotar, Forum 18

At the same time that Uzbekistan was being visited by a delegation from the official US Commission on International Religious Freedom, the police and NSS security police suddenly raided a worship service in a Baptist church which they have ignored for the past three years, Forum 18 News Service has learnt. The Pastor, Nikolai Shevchenko, was fined and warned that, if he did not halt the activity of the church, criminal charges would be brought against him. The church's repeated attempts to gain state registration have been frustrated by the authorities, and Pastor Shevchenko suggested to Forum 18 that the raid "can scarcely be a coincidence. Tashkent is using this to try and demonstrate that it is not afraid of pressure from the international community and that it does not intend to observe international standards on the rights of believers."

Pastor Nikolai Shevchenko, of the Bethany Baptist Church in Tashkent, was on 26 October fined 65,000 sums (398 Norwegian Kroner, 49 Euros, or 63 US Dollars) by the Mirzo Ulugbek district court in Tashkent, under article 240 (breaking the law on religious organisations) of Uzbekistan's code of administrative offences, he told Forum 18 News Service that same day. The sentence followed a police and National Security Service (NSS) secret police raid on a church service led by the Pastor, and the judge warned Shevchenko that, if he did not halt the activity of the church, a criminal case would be brought against him.

Pastor Shevchenko pointed out to Forum 18 that it is a strange coincidence that, having ignored his church for three years, the NSS and the police raided a service of worship at the same time as Uzbekistan was being visited by a delegation from the US Commission on International Religious Freedom (USCIRF). "It seems to me that this can scarcely be a coincidence. Tashkent is using this to try and demonstrate that it is not afraid of pressure from the international community and that it does not intend to observe international standards on the rights of believers," Shevchenko told Forum 18.

Article 8 of Uzbekistan's restrictive 1998 religion law states that "religious organisations may acquire the status of juridical persons and pursue their activity only after registration with the justice ministry". Uzbekistan's laws, especially the 1998 religion law, severely limit believers' rights and clearly break the country's commitments to the Organisation for Security and Co-operation in Europe and the International Covenant on Civil and Political Rights, which Uzbekistan has ratified (see F18News 16 July 2003 http://www.forum18.org/Archive.php?article_id=105)

The fine follows a raid by ordinary police and NSS secret police on Sunday 17 October, during which nine NSS and police officers entered the church during a service. Pastor Shevchenko believes that the instigator of the raid was not the ordinary police, but the NSS. "It is quite indicative that the statement I was forced to write about an 'unlawful' religious meeting was addressed to the head of the NSS in Tashkent," Shevchenko told Forum 18.

The church is part of the Uzbek Baptist Union, and has tried three times since 2000 to get state registration, but each time the authorities have refused to grant registration, using spurious pretexts. During these repeated attempts to gain state registration, the church has scrupulously fulfilled the legal requirement to list 100 founding members, and three pastoral leaders, paid the large fee involved, and gained written approval for the application from local residents and community leaders.

In March 2001, the church even wrote to Uzbek President Islam Karimov, with supporting documents, to try and secure legal registration. Pastor Shevchenko was verbally told that the highest organ of the government had seen the letter and would deal with the case. There was no written response, but in both May 2000 and June 2001 church services were raided and Pastor Shevchenko with some church members were arrested and charged by police, under the Article 16 (2) of the criminal code (breaking the law on religious organisations). However, the case was closed after pressure from the international community. "After the case was closed we were left in peace and no-one stopped us from meeting in church."

Pastor Shevchenko stressed to Forum 18 that the authorities are simply making the church break the law by deliberately refusing to register it. Having ignored the church for three years, "suddenly, completely unexpectedly, this raid has followed," Shevchenko said on 26 October.

Speaking to Forum 18 on 27 October, Shoazim Minovarov, head of the government committee for religious affairs, categorically denied that the NSS raid was timed to coincide with the visit by the USCIRF delegation. Against the interpretation the authorities always apply, and also the wording of Article 8, Minovarov claimed that the religion law certainly did not deny believers the right to meet together for prayers. Minovarov's view is that this article only refers to the juridical activity of a religious organisation. "I am not responsible for the fact that local officials are interpreting the law incorrectly. Shevchenko can appeal against the court decision using the religion law as the basis for his appeal," Minovarov told Forum 18.

At the same time, Minovarov admitted that this provision in the religion law, as well as "several articles in the administrative and criminal codes of offences", allow officials to interpret the law in such a way as to forbid believers the right to meet together for prayers prior to registration of a religious community. "Uzbekistan's parliament will very shortly remove these inaccuracies in our laws," Minovarov claimed to Forum 18.

In practice, the courts and the police always interpret Uzbek laws as forbidding the activity of unregistered religious organisations. Besides article 8 of the religion law, there is also Article 240 of the administrative code which makes "conducting unlawful religious activity" an offence. After a religious believer has been prosecuted under the administrative code, if he does not stop his "unlawful religious activity", he is then prosecuted under Article 216 (2) of the criminal code (breaking the law on religious organisations), which allows a sentence of up to three years' imprisonment.

Apart from this, members of an unregistered religious association are often prosecuted under Article 241 (breaking the law on giving religious instruction) of the administrative code. According to this article "teaching religious doctrines without specialist religious education and without the permission of an agency of the central administration, and equally teaching religious doctrines in a private capacity, will attract a fine of between five and ten times the minimum monthly wage, or administrative detention of up to 15 days" The minimum wage in Uzbekistan is 5,540 sums (34 Norwegian Kroner, 4 Euros, or 5 US Dollars) a month. A believer who repeatedly offends under this article may subsequently be subject to Article 229, part 2, of the criminal code (failing to observe the prescribed manner of communicating religious doctrine), which, like article 216 (2), allows a sentence of up to three years' imprisonment.

In numerous conversations with Forum 18's correspondent, Minovarov has repeatedly interpreted Uzbek religion law as not forbidding religious meetings by an unregistered community. However, in every concrete case (such as the 2001 criminal case brought against Pastor Shevchenko), Minovarov has justified the actions of the authorities by stating that the religious believers were not just meeting for prayers, but that the leader of an unregistered religious community was also preaching to the believers. Nevertheless, during this latest discussion, Minovarov admitted, for the first time, that Uzbek laws needed to be brought in line with the international agreements to which Uzbekistan was a signatory.

For more background information see Forum 18's Uzbekistan 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>

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY