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UZBEKISTAN: Prosecutors refuse to say why Protestant pastor faces trial

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

Andijan city Prosecutor's Office has refused to tell Forum 18 News Service why local Protestant pastor Dmitry Shestakov is due to face trial or when. But the Prosecutor's aide, as well as independent sources, confirmed to Forum 18 on 1 February that the Pastor is still in investigation prison. Shestakov was arrested on 21 January during his Full Gospel Pentecostal congregation's Sunday service and is said to be accused of stirring up religious hatred and illegally producing literature spreading dissension.

"Prosecutors and the police are accusing Dmitry of stirring up aggression against other religions, but he was not aggressive at all," one source told Forum 18. Another Andijan Protestant pastor was fined in late December 2006 for his religious activity.

Arrested Pentecostal pastor Dmitry Shestakov remains in an investigation cell awaiting trial in the city of Andijan [Andijon] in eastern Uzbekistan as the city Prosecutor's Office prepares his case to go to court, sources who preferred not to be named told Forum 18 News Service on 1 February. However, public prosecutors have refused to confirm to Forum 18 the exact nature of the charges and when his trial is due.

Also reached on 1 February, an aide to Bekmuhamad Amadaliev, the city Prosecutor, who gave his first name as Batyr, confirmed to Forum 18 that Shestakov is still in the Investigation Prison but asked Forum 18 to call back half an hour later to talk to Amadaliev. However, when Forum 18 called back Batyr handed the phone not to the prosecutor but to a woman who refused to give her name. "Neither Amadaliev nor anyone else from the Prosecutor's Office will answer your questions by telephone," she told Forum 18. "You must write an official request by post and we will answer you."

Shestakov – who also uses the name David – is pastor of a registered Full Gospel congregation in the town of Andijan. He was arrested by the National Security Service (NSS) secret police during his church's Sunday service on 21 January. Compass Direct news service reported that secret police officers arrived at the Church and asked the Pastor to step outside with them for five minutes. They then immediately escorted him to the nearest police station.

Pastor Shestakov is apparently accused of "incitement of national, racial and religious enmity" under Article 156 of Uzbekistan's Criminal Code. If convicted of this charge, he could face up to five years in prison. He has also been charged under Article 244-1 for the "illegal manufacture and spread of literature which rouses dissension between religions."

One source who preferred not to be identified, for fear of state retaliation, told Forum 18 that the NSS secret police ordered people close to Shestakov to write statements about him under duress. "They didn't understand the seriousness of what they were writing," the source declared. "The police then used the statements against Dmitry. At least one of them has retracted the statement extracted under pressure."

The source added: "Prosecutors and the police are accusing Dmitry of stirring up aggression against other religions, but he was not aggressive at all."

There were hopes that Shestakov would be freed as he should have been under Article 7 of last year's Amnesty Law. Yet prosecutors refused to release him, as they claim he is a member of a "banned religious organisation", despite the fact that the Full Gospel Church has written a declaration that he is one of their officially-accredited pastors and is part of a registered congregation.

Prosecutors have long been seeking to imprison Shestakov. Protestants told Forum 18 last summer that at first the Prosecutor's Office intended to launch a case against him under Article 216-2 of the Criminal Code, which punishes "violation of the Law on Religious Organisations" with imprisonment of up to three years, but then was ordered by the secret police to charge Shestakov with the far more serious offence of treason. After investigator Kamolitdin Zulfiev lodged a case against him under Article 157 of the Criminal Code, Shestakov, his wife and three daughters were forced to go into hiding to evade arrest (see F18News 20 June 2006 http://www.forum18.org/Archive.php?article_id=803).

However, sources have confirmed to Forum 18 that he no longer faces treason charges.

Several months after fleeing Andijan, the Shestakov family returned to a nearby city, continuing covert contact with their Andijan congregation. In an October 2006 interview obtained by Compass Direct, Pastor Shestakov described how authorities began to harass him in May 2006, apparently in reaction to the conversion to Christianity of some ethnic Uzbeks.

In June 2006, police raided the Pastor's house, temporarily detaining Shestakov and confiscating videos of his sermons. Although the Pastor was ordered to list all of his church members, he refused to do so.

"It was clear that the NSS secret police were going to find something to charge me with and remove me from my position as a Christian pastor," Shestakov said in the interview. Authorities also searched Shestakov's Andijan church, confiscating religious CDs and videos and pressuring members of the congregation to testify against their pastor.

But after pastoring the Church for 13 years, Shestakov said he did not believe it would be right to leave his country and abandon the church in Andijan that he started four years ago. Seeking asylum abroad was not an option for him, he said, although he wants to clear his name in his homeland.

Also recently punished in Andijan for his religious activity was Protestant pastor Bakhtior Tuichiev, who has been seeking to gain legal status for his congregation in vain since 2002 and is a frequent victim of official harassment (see F18News 2 February 2006 http://www.forum18.org/Archive.php?article_id=722). He was fined 109,500 sums (550 Norwegian Kroner, 68 Euros or 88 US Dollars) in late December by Andijan city court under Article 240 of the Code of Administrative Offences, which punishes "violating the Law on Religious Organisations". This sum is equivalent to more than two months' average wages.

"Our only guilt was that we meet together for prayers without being registered by the Justice Department," Tuichiev told Forum 18 from Andijan on 1 February. "However, our church is repeatedly refused registration."

The authorities in Andijan continue to restrict religious practice for a variety of faiths. Late last year the new Hokim (head of administration) of Andijan region, Ahmadjan Usmonov, introduced a range of restrictions on Muslim practice, including a ban on the azan (call to prayer) from mosques (see F18News 20 December 2006 http://www.forum18.org/Archive.php?article_id=892).

The past year has seen increased government control of all religious activity in Uzbekistan. New restrictions have been proposed to punish religious leaders if any members of their communities share their faith with others (see F18News 21 August 2006 http://www.forum18.org/Archive.php?article_id=833) and censorship of religious literature has been intensified (see F18News 29 June 2006 http://www.forum18.org/Archive.php?article_id=805), while massively increased fines for unregistered religious activity were introduced at the end of 2005 (see F18News 27 January 2006 http://www.forum18.org/Archive.php?article_id=720).

Foreign non-governmental organisations with any kind of religious affiliation or suspected of having a religious affiliation have been closed down (see F18News 10 October 2006 http://www.forum18.org/Archive.php?article_id=852) and foreign citizens involved in religious activity have been deported (see F18News 21 August 2006 http://www.forum18.org/Archive.php?article_id=833). At the same time the government has stepped up its propaganda offensive trying to deny that it 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.

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>

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

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY