

## UZBEKISTAN

Since Uzbekistan gained independence in 1991, fundamental human rights, including freedom of religion or belief, have been under assault. A restrictive law on religion severely limits the ability of religious communities to function in Uzbekistan, facilitating the Uzbek government's exercise of a high degree of control over religious communities and the approved manner in which the Islamic religion is practiced. The Uzbek government has continued to arrest Muslim individuals and harshly repress the activities of groups and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This policy has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process, and there are credible reports that many of those arrested continue to be tortured or beaten in detention. Though security threats do exist in Uzbekistan, including from members of *Hizb ut-Tahrir* and other groups that claim a religious linkage, these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers. The Commission recommends to the Secretary of State that Uzbekistan continue to be designated a "country of particular concern," or CPC. The Commission's CPC recommendation for Uzbekistan should not in any way be construed as an exculpatory defense of *Hizb ut-Tahrir*, an extremist and highly intolerant organization that promotes hatred of the West, moderate Muslims, Jews, and others. In 2006, the State Department followed the Commission's recommendation and for the first time designated Uzbekistan a CPC.

Despite the constitutional separation of religion and state, the Uzbek government strictly regulates Islamic institutions and practice through the officially sanctioned Muslim Spiritual Board (the Muftiate). In 1998, the Uzbek government closed down approximately 3,000 of the 5,000 mosques that were open at that time. In the Ferghana Valley, viewed as the country's most actively religious region, the state has confiscated a number of mosques and used them as warehouses or for other state purposes. Uzbek human rights defenders reported that as of late 2006, the Uzbek government had introduced various administrative and other obstacles to daily prayer practice in the Ferghana valley. For example, in the Andijon region, the regional head of administration introduced other restrictions on Islamic practice, such as a

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ban on the five daily public calls to prayer from mosques and on preaching by mullahs at weddings. Despite the presence of a Shi'a minority in the country, there is no training for Shi'a religious leaders, nor does the government recognize foreign Shi'a religious education.

The state fully controls the training, appointments, and dismissals of Muslim leaders through the official Muftiate. There are 10 state-controlled *madrassas* (including two for women), which provide secondary education in Uzbekistan. In addition, the official Islamic Institute and Islamic University in Tashkent provide higher educational instruction. The State Department reported in 2006 that regional leaders in Uzbekistan have been instructed that children should not attend mosque; in the city of Bukhara, police have reportedly prevented children from doing so. The state also closes or confiscates privately-funded religious schools for its own purposes. For example, in Margilan and Andijon the government in 2004 and 2005 confiscated two religious schools, or *madrassas*, reportedly built with community funds. The state-controlled Muslim Board publishes some books and periodicals, as does the independent former Chief Mufti Muhamad Sadyk Muhamad Yusuf.

Over the past decade and particularly since 1999, the Uzbek government has arrested and imprisoned, with sentences of up to 20 years, thousands of Muslims who reject the state's control over religious practice or who the government claims are associated with extremist groups. As of 2005, according to a State Department estimate, there were at least 5,500 such persons, including individuals sent to psychiatric hospitals. According to Uzbek human rights activists, in the past year, the number of arrests and



Mosques on the Registan, Samarkand, Uzbekistan

detentions linked to religious convictions has risen sharply in the Uzbek capital Tashkent and its surrounding region. These Uzbek sources also estimate that during the first half of 2006, an estimated 150 Muslims were arrested and sentenced on charges related to their religious beliefs. Most of those arrested have no political connections, Uzbek human rights activists claim, and their only “crime” is that of performing their daily prayers and learning about Islam. According to the State Department’s 2006 *Country Reports on Human Rights Practices*, “authorities made little distinction between actual [*Hizb ut-Tahrir*] members and those with marginal affiliation with the group, such as persons who had attended Koranic study sessions with the group.” Human rights organizations report that many of those in detention were arrested on false drug charges or for possession of literature of a banned organization. Once arrested, they often are denied access to a lawyer or are held incommunicado for weeks or months. Many of those imprisoned or detained for charges related to religion are treated particularly harshly; prisoners who pray or observe Muslim religious festivals are by many accounts subjected to further

harassment, beatings, and other torture, in efforts to force them to renounce their religious or political views.

The use of torture continues to be widespread in Uzbekistan, despite promises from the government to halt the practice. The UN Special Rapporteur on Torture, in his February 2003 report on Uzbekistan, concluded that “torture or similar ill-treatment is systematic” and that the “pervasive and persistent nature of torture throughout the investigative process cannot be denied.” Even after the publication of the Rapporteur’s report, reliance on the use of torture in detention did not significantly decrease. According to the State Department’s 2006 human rights report, “police, prison officials, and the [security services] allegedly used suffocation, electric shock, deprivation of food and water, and sexual abuse, with beating the most commonly reported method of abuse [and] torture.” Convictions in the cases described above are based almost entirely on confessions, which, according to the State Department and many human rights organizations, are frequently gained through the use of torture.

The government of Uzbekistan does face threats to its security from certain extremist or terrorist groups that claim religious links, including the Islamic Movement of Uzbekistan, which has used violence but whose membership reportedly declined after U.S. military action in Afghanistan in late 2001 killed its leaders. Uzbekistan continues to be subject to violent attacks; there were several incidents in 2004, although the motivation of those involved is difficult to determine. In the city of Andijon in May 2005, there were daily peaceful protests in support of 23 businessmen on trial for alleged ties to Islamic extremism. A small group reportedly seized weapons from a police garrison, stormed the prison holding the businessmen, released the defendants, and attacked other sites in the city. In connection with these events, on May 13, after several thousand mostly unarmed civilians gathered on the central square, Uzbek armed forces fired indiscriminately and without warning into the crowd. Estimated fatalities range from an official total of 187 to over 700 according to the Organization for Security and Cooperation in Europe (OSCE); some reports of non-governmental organizations (NGOs) say as many as 1,000 men, women, and children were killed. The Uzbek government has rejected repeated calls from the United States, the European Union, the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events.

In the aftermath of Andijon, Uzbek authorities jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in the events. One Uzbek human rights NGO compiled a list of arrestees totaling 363 persons, in addition to those already convicted by the end of 2005, including dozens of people who had spoken to the press or reported on the events. Relatives of human rights defenders have also been targeted in attempts to pressure activists to stop speaking out about human rights violations; those related to human rights activists have reportedly been threatened, dismissed from their jobs, beaten, and sometimes arrested, prosecuted, and imprisoned on fabricated criminal charges. In January 2006, one arrestee, human rights activist Saidjahon Zaynabitdinov, with whom a Commission delegation met in October 2004, was convicted of extremist activity and other offenses and sentenced to seven years in prison. He had reportedly shown journalists bullet casings used by the Uzbek authorities against the Andijon demonstrators. The State Department reported that in several cases, the Uzbek government has pressured other countries forcibly to return Uzbek



A community leader in the Ferghana Valley, Uzbekistan

refugees who were under the protection of the Office of the UN High Commissioner for Refugees (UNHCR).

*Hizb ut-Tahrir*, banned in most Muslim countries, purports not to engage in violence but is intolerant of other religions and has in some circumstances sanctioned violence. The group calls for a worldwide caliphate to replace existing governments and the imposition of an extremist interpretation of Islamic law. Although it does not specify the methods it would use to attain those goals, it does, according to the State Department, reserve the “possibility that its own members might resort to violence.” In addition, the State Department reports that *Hizb ut-Tahrir* material includes “strong anti-Semitic and anti-Western rhetoric.” Alleged members of *Hizb ut-Tahrir* comprise many of the thousands in prison; in most cases, however, Uzbek authorities have failed to present evidence to the court that these persons have committed violence. Many of those arrested and imprisoned are not affiliated with *Hizb ut-Tahrir* but are wrongfully accused of membership or association, sometimes due to alleged—or planted—possession of the group’s literature at the time of arrest.

After the May 2005 Andijon events, the number of court cases against independent Muslims in Uzbekistan reportedly increased considerably. While before May 2005, the authorities often accused arrested Muslims of being members of *Hizb ut-Tahrir*, since that time, arrested Muslims are usually accused—frequently without evidence—of being “Wahhabis” or members of another banned Islamist group, *Akromiya*, which played an important role in the Andijon events. “Wahhabi” is a term that usually refers to followers of a highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. In Uzbekistan, however, “Wahhabi” is a catchphrase used to refer to a range of Muslim individuals and groups, such as genuine extremists, those that oppose the Karimov regime, and those who practice Islam independently of government strictures. For the Uzbek authorities, all these groups and individuals are equally suspect and subject to government repression. The Uzbek criminal code distinguishes between “illegal” groups, which are not properly registered, and “prohibited” groups, such as *Hizb ut-Tahrir*, *Tabligh*, a Muslim missionary movement which originated in South Asia in 1920, and *Akromiya*, a group based on the 1992 writings of an imprisoned Uzbek mathematics teacher, Akram Yuldashev, which, according to human rights defenders in Uzbekistan, espouses charitable work and a return to Islamic moral principles. According to the State Department’s 2006 Human Rights Report, the Uzbek government has pressured and prosecuted members of *Akromiya* (also known as *Akromiylar*) since 1997, claiming that the group is a branch of *Hizb ut-Tahrir*, and that it attempted, together with the Islamic Movement of Uzbekistan, to overthrow the government through an armed rebellion in May 2005 in Andijon. The charges against the 23 local businessmen on trial in Andijon in May 2005 included alleged membership in *Akromiya*.

Some 20 policemen searched a house in Tashkent in June 2006, confiscating a copy of the Koran, the hadiths (sayings attributed to the prophet Muhammad), religious books, and tape recordings of the exiled mullah Obid kori Nazarov and his pupil Hairullah Hamidov, the Uzbek “Human Rights Initiative Group” reported. The items were seized as material evidence against two men who were arrested and accused of “Wahhabism,” although reportedly they merely sought independent religious education. Human rights sources indicate that Nazarov, who had been forced to flee the country after the authorities branded him a “Wahhabi” leader, was not promoting extremism, but simply operating outside of gov-

ernment strictures. The State Department reported that in September 2006, Ruhitdin Fakhrutdinov, a former imam of a Tashkent mosque, was sentenced in a closed trial to 17 years in prison. During his trial, which involved clear violations of due process, the independent imam was accused of being an extremist and charged with involvement in a 1999 car bombing in Tashkent, although no evidence was presented to the court of involvement in violent acts. Fakhrutdinov was delivered in 2005 to the Uzbek authorities from his place of asylum in Kazakhstan, allegedly with the assistance of the Kazakh authorities.

The Law on Freedom of Conscience and Religious Organizations passed in May 1998 severely restricts the exercise of religious freedom. Through regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups, such as stipulating that a group must have a list of at least 100 members who are Uzbek citizens and a legal address; criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; prohibits private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. Only six entities meet the law’s requirement that religious groups must have a registered central administrative body so as to train religious personnel. The law also limits religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and levies fines for violations. In December 2005, the government modified the country’s criminal and administrative codes to introduce much heavier

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finances for repeated violations of rules on religious meetings, processions, and other religious ceremonies, as well as for violations of the law on religious organizations. As a result, police monitoring of places of worship has intensified. While the government has not intervened significantly in Christian training and appointments, it prohibits the Jewish community from establishing a rabbinate or yeshiva to train rabbis.

According to the State Department, seven evangelical groups repeatedly have been denied registration in 2006. All Protestant churches in the autonomous region of Karakalpakistan lost their registration appeals by September 2005, and Karakalpakistan authorities also continued to exert pressure on the Hare Krishna community. As of late 2006, the Uzbek government was threatening to close the country's last registered Jehovah's Witnesses community. Sometimes the state-run media engages in harassment of religious minorities. Two prime-time Uzbek-language programs, broadcast on national state TV in late 2006, claimed that Protestants and Jehovah's Witnesses turned people into "zombies." Protestant leaders have reported fears that these programs were part of a campaign to prepare the Uzbek population for further repression of minority religious communities.



A market in the Ferghana Valley, Uzbekistan

In past years, Christian leaders have reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps. Some Christian communities continue to have their churches raided, services interrupted, Bibles confiscated, and the names of adherents recorded by Uzbek officials. In late 2006, the Uzbek authorities stepped up their campaign against the leaders of several unregistered Protestant communities. In Karakalpakistan, two Pentecostal Christians have been charged for their religious activity and if convicted, each faces five years of imprisonment. In March 2007, a court in Andijon sentenced local Protestant pastor Dmitry Shestakov to four years internal exile for "illegal" religious activity; he was arrested in January 2007 and had faced a possible total of 20 years of imprisonment. Government harassment of Shestakov dates back almost a decade, increasing in May 2006, reportedly because some ethnic Uzbeks had converted to Christianity.

It has become more difficult to secure permission to publish religious literature in the past year, the Forum 18 News Service reports. Permission is still required from the state Committee for Religious Affairs and the state-controlled Muslim Spiritual Board (Muftiate), but reportedly, a secret instruction was issued in 2006 limiting publications to less than 1,000 copies of any single religious book. Amendments to the criminal and administrative codes, which came into force in June 2006, instituted new penalties for the "illegal" production, storage, import, and distribution of religious literature, with penalties of up to three years' imprisonment for repeat offenders. Reportedly, the Chairman of the state Committee for Religious Affairs has said that the import of foreign literature for Muslims had practically ceased. Fines for violations of these codes can be up to 100 - 200 times the minimum monthly wage or "corrective labor" of up to three years.

The Russian Orthodox Church publishes a newspaper and a journal (both in Russian) and maintains a website. The Catholic Church in Tashkent maintains an internet news agency. Various Christian churches have set up a Bible Society in Tashkent, which produces limited supplies of Christian books, but the Religious Affairs Committee must approve each edition. Other religious minorities are almost entirely banned from producing religious literature in Uzbekistan, especially in the Uzbek language. The Jehovah's Witnesses note that they cannot print or import their religious literature in Uzbek; the Religious Affairs Committee limits imports of Russian-language literature



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to registered congregations, making imports to the many unregistered Jehovah’s Witnesses communities prohibited.

For many years, the Uzbek government has allowed only about 20 percent of the country’s quota of pilgrims to make the religious *hajj* to Mecca. Since May 2005, the Uzbek government has intensified its efforts to isolate the people of Uzbekistan. It has cracked down on both domestic and foreign-based NGOs in order to minimize Western influence; after many audits targeting a number of international, human rights oriented NGOs, almost three-fourths of these organizations were closed during 2006, the State Department reported. Other elements of this campaign include: the detention and deportation in 2005 of a Forum 18 reporter and the demand, in March 2006, that the UNHCR close its office within one month. In April 2007, the Uzbek government granted a three-month extension of the work accreditation for the Tashkent office director of Human Rights Watch.

In October 2004, the Commission traveled to Uzbekistan and met with senior officials of the Foreign, Internal Affairs, and Justice Ministries, the Presidential Administration, the Committee on Religious Affairs, and the Parliamentary Ombudsman’s office. The delegation also met with the Muslim, Jewish, and Christian communities, as well as other religious groups, Uzbek human rights activists and lawyers, alleged victims of repression and their families, Western NGOs active in Uzbekistan, and U.S. Embassy personnel. In November 2006, the Commission issued a press statement welcoming the designation of Uzbekistan as a Country of Particular Concern.

Commission staff continue to take part in meetings with delegations of Uzbek religious leaders, human rights groups and academics from Uzbekistan, and U.S.-based experts and activists concerned with Uzbekistan. In January 2007, the Commission co-sponsored an event entitled “Religious Freedom and State Policy in Central Asia,” together with the Center for Strategic and International Studies (CSIS), to discuss religious freedom conditions in Uzbekistan, Turkmenistan and other Central Asian states. In July 2005, the Commission held a public briefing on “U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan,” also with CSIS. At a June 2005 Carnegie Endowment roundtable on Andijon, the Commission released its Policy Focus report, which includes numerous policy recommendations. In May 2005, then-Commission Chair Michael Cromartie testified on Uzbekistan at a hearing of the U.S. Commission on Security and Cooperation in Europe.

Language reflecting a Commission recommendation on Uzbekistan was included in the Consolidated Appropriations Act of 2005. The Congress conditioned funds to Uzbekistan on its “making substantial and continuing progress in meeting its commitments under the ‘Declaration of Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America,’” such as respect for human rights, including religious freedom. The Commission’s recommendation to re-open the Voice of America’s (VOA) Uzbek Service was adopted in June 2005, but the U.S. Board for Broadcasting Governors and the President’s Budget request for fiscal year 2008 have again proposed the closure of the VOA’s Uzbek Service.

## 1 The U.S. government should ensure that it speaks in a unified voice in its relations with the Uzbek government. To that end, the U.S. government should:

- ensure that U.S. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all dealings with the Uzbek government;
- following the European Union's October 2005 decision, reduce aid and arms sales to Uzbekistan and ban visits by high-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
  - ending reliance on convictions based solely on confessions, a practice that often is linked to ill-treatment of prisoners, and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
  - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing "anti-state activity") and 216 (criminalizing membership in a "forbidden religious organization"); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
  - implementing the recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Religion or Belief to revise the 1998 law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
  - registering religious groups that have sought to comply with the legal requirements; and
  - ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998 (IRFA); and
- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy, as well as specific concerns about violations of religious freedom in their country.

## 2 The U.S. government should encourage greater international scrutiny of Uzbekistan's human rights record. To that end, the U.S. government should:

- work with other governments to urge the UN Human Rights Council to reverse its recent decision to end human rights scrutiny of Uzbekistan under confidential resolution 1503 and to address this situation in a public country resolution at the Council;
- encourage scrutiny of Uzbek human rights concerns in appropriate international fora such as the OSCE and other multilateral venues and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief

and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.

**3 The U.S. government should support Uzbek human rights defenders and religious freedom initiatives. To that end, the U.S. government should:**

- respond publicly and privately to the recent expulsions of U.S. non-governmental organizations and the numerous new restrictions placed on their activities; unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings;
- continue the careful monitoring of the status of individuals who are arrested for alleged religious, political, and security offenses and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for the registration of human rights groups and religious communities;
- support efforts to counteract the Uzbek government’s blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance;
- reinstate funding for the Voice of America (VOA) Uzbek Language Service to the fiscal year 2007 level of \$600,000 so as to meet the Broadcasting Board of Governors’ stated goal of outreach to the

Muslim world; reinstatement of the VOA Uzbek Service would reach the news-deprived population of Uzbekistan, in addition to the large Uzbek diaspora in Afghanistan and other neighboring countries;

- increase foreign travel opportunities for civil society activists, religious leaders, and others concerned with religious freedom to permit them to take part in relevant international conferences;
- continue to attempt to overcome the objections of the Uzbek government in order to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of these specific goals:
  - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees;
  - expanding “train-the-trainer” legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
  - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democ-

racy Commission Small Grants program administered by the U.S. Embassy; and

- encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion; and
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
  - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities;
  - expand exchange programs for Uzbek human rights defenders, including participation in relevant international conferences and opportunities to interact with Uzbek officials; and
  - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.