

## 2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

### Countries Recommended for CPC Designation by the Commission

#### Uzbekistan

Since Uzbekistan gained independence in 1992, 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, as well as the approved manner in which the Islamic religion is practiced. In the past year, Uzbek authorities continued to crack down harshly on Muslim individuals, groups, and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This 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 continues to recommend to the Secretary of State that Uzbekistan be designated a "country of particular concern," or CPC. However, 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.

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 Uzbek government has also closed down approximately 3,000 of the 5,000 mosques that were open in 1998. 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; in the Kashkadarya region, state officials allow certain mosques to be open only for major religious holidays. In early 2006, the Uzbek government reportedly issued an order requiring imams in the city of Namangan in the Ferghana Valley not to allow men wearing traditional white prayer caps into mosques.

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. Although it is difficult to estimate the exact number of such prisoners, in 2004 there were estimated to be as many as 5,500, including those sent to psychiatric hospitals. In 2005, the State Department reported that that number remained the same or increased. Piety alone may result in arrest. 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, “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 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, after a series of daily peaceful protests in support of 23 businessmen on trial for alleged ties to Islamic extremism, a group turned violent: it seized weapons from a police garrison, stormed the prison holding the businessmen, released the defendants, and attacked other sites in the city. On May 13, several thousand mostly unarmed civilians gathered on the central square; 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 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, Uzbek authorities have reportedly jailed hundreds of local residents, human rights activists, and journalists.

*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* make up most of the thousands in prison; in most cases, however, Uzbek authorities have failed to present evidence 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.

“Wahhabi” is a term that generally is used to refer to followers of a highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. In Uzbekistan, “Wahhabi” is a catchphrase used to refer to genuine extremists, Muslim individuals and groups that oppose the Karimov regime, and those who wish to practice Islam independently of government strictures. For the Uzbek authorities, all these groups and individuals are equally suspect and subject to government repression. Such groups include *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 reportedly espouses charitable work and a return to Islamic moral principles. In 2004, there were several trials of alleged *Tabligh* members in the Ferghana Valley, including one in October 2004 at which the two defendants received comparably “light” six-month terms, reportedly because the Commission had visited the courthouse the previous day. Although observers contend that *Akromiya* does not promote extremism, several persons were convicted in 2005 of religious extremism for alleged affiliation with that group. The 23 local businessmen on trial in Andijon in May 2005 were also charged with membership in *Akromiya*. In July, a Tashkent court convicted three alleged *Akromiya* members on charges of taking part in a religious extremist group, conspiracy to overthrow the constitutional order, and establishing a criminal group. Defendants received prison sentences of up to 16 years, and convictions in the case were reportedly based on confessions, which often are the result of torture. In March 2006, an anti-terrorist unit reportedly arrested a Muslim man in Tashkent as an alleged “Wahhabi,” although a police search of his house found no evidence of this or any other charge.

The Law on Freedom of Conscience and Religious Organizations passed in May 1998 severely restricts the exercise of religious freedom. Through a series of regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups; 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. According to the State Department, in the past year, local authorities continued to block the registration or re-registration of numerous Protestant Christian congregations in the country, including in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, and Nukus. A Pentecostal Church in Chirchiq was denied registration and the city of Nukus’ only registered Protestant church lost its registration in the past year. Of the country’s 11 Jehovah’s Witness congregations, only those in Chirchiq and Ferghana have been registered. For several

years, the non-denominational International Church of Tashkent has been denied registration, partly because it cannot meet the registration minimum of 100 Uzbek citizens. In 2004, a Jewish organization in Tashkent was denied registration; Uzbek officials reportedly told the group that because a Jewish organization already exists in Tashkent, the Jewish community does not need another.

As with Muslims, members of Protestant and other minority religious groups have been arrested, sometimes on spurious drug or other charges. Several Christian leaders have reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps and continue to have their churches raided, services interrupted, Bibles confiscated, and the names of adherents recorded by Uzbek officials. There are frequent reports that officials accuse them of being members of alleged extremist organizations. In this atmosphere, some Christian groups in various parts of Uzbekistan have been forced to operate underground. The situation of Protestants is particularly difficult in Karakalpakstan, an autonomous republic in the country's northwest, where it is almost impossible for churches to be registered. In March 2006, police raided a gathering of 40 Protestants in a private home in the village of Kum Kurgan, in the Surkhandarya region of southern Uzbekistan. All 40 participants were interrogated for 18 days. In February 2006, in the town of Syr-Darya, officials invaded a private home where nine Pentecostals were meeting. The officials confiscated the group's religious literature, forced them to write statements, and later levied fines against them. In March 2005, over 200 members of the Jehovah's Witnesses were detained for up to one day in police raids in Tashkent, Kogon, Bukhara, Samarkand, Navoi, and Bekobod; 120 were questioned in the town of Angren. In the past year, a judge ordered the brief detention of two Jehovah's Witnesses and the imposition of fines on another nine for alleged administrative infractions. The authorities also continue to exert pressure on the Hare Krishna community in Karakalpakstan.

In December 2005, the government modified the country's criminal and administrative codes to introduce much heavier fines for repeated violations of rules on religious meetings, processions, and other religious ceremonies, as well as of the law on religious organizations. As a result, official inspections and police monitoring of places of worship has intensified. In addition, there are persistent reports of societal discrimination against ethnic Uzbeks who convert to Christianity. In April 2005, authorities did not respond to the complaint of a Christian convert who had been beaten by local villagers near the city of Nukus and told to "return to Islam" or leave the village. An ethnic Uzbek Pentecostal pastor in Andijon reportedly was attacked in late 2005 and reviled as a "traitor to the faith." Another Pentecostal pastor in Andijon reported that he and other local Protestants are under police surveillance and that he has often been threatened with arrest if he does not close his unregistered church.

In the past year, the Uzbek government stepped up efforts to isolate the people of Uzbekistan from the international human rights community and the outside world. In August 2005, the Uzbek government detained and then officially deported the representative of Forum 18, a non-governmental organization that reports on religious freedom violations. Censorship and confiscation of mail and religious literature has also increased. In another move, the Uzbek government in March 2006 ordered the UN

High Commissioner for Refugees, in Uzbekistan since 1993, to close its office within one month despite some 2,000 refugees from Afghanistan in the country.

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 Islamic, Jewish, and Christian communities and other religious groups, Uzbek human rights activists and lawyers, alleged victims of repression and their families, Western non-governmental organizations active in Uzbekistan, and U.S. Embassy personnel.

Throughout the past year, the Commission staff has held meetings with numerous delegations of Uzbek religious leaders, as well as with human rights groups and academics. In May 2005, Commission Chair Michael Cromartie testified at a hearing of the U.S. Commission on Security and Cooperation in Europe entitled "Unrest in Uzbekistan: Crisis and Prospects." At a June 2005 Carnegie Endowment roundtable on Andijon, the Commission released its *Policy Focus* report, which includes numerous policy recommendations. In July, the Commission held a public briefing on "U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan" with the Center for Strategic and International Studies discussing the human rights situation and U.S. policy in both countries.

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. In addition, the Commission's recommendation to re-open the Voice of America's Uzbek Service was taken up in June 2005.

In addition to recommending that Uzbekistan be named a CPC, the Commission makes the following recommendations for U.S. policy.

**I. 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 the eastern city of 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);
  - halting the detention and imprisonment of persons on account of their religious beliefs and practices;
  - 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);
- 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; and
- establish “American corner” reading rooms in various regions of Uzbekistan, including in the capital Tashkent, which should include materials on democracy, civic education, human rights, the role of religion in society, and other relevant topics.

**II. The U.S. government should encourage greater international scrutiny of Uzbekistan’s human rights record. To that end, the U.S. government should:**

- 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.

**III. 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 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;

- 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 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 Democracy 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.