

## March 17, 2005: Uzbekistan: Setting the Record Straight on Religious Freedom

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[NOTE: Remarks of Mr. Ergashev and Mr. Ponomarev are made through a translator.]

CATHERINE

COSMAN: Thanks to all of you for coming and I would like to welcome all of our visitors from Uzbekistan and from Moscow, and also to thank Peter Zalmayev from the International League for Human Rights for sponsoring the visit and making it possible.

You have the bio sheets of our speakers and so I won't take time away from our session to introduce them, especially since we will be partially relying on Peter's good services to help interpret. But as many of you know, the Commission has recently become more actively engaged on Uzbekistan. We had a mission to Uzbekistan in October and we will be issuing a report on Uzbekistan in May. The country has long been of great concern to the Commission. It has been on our Watch List for many years and we're continuing to examine the situation of freedom of religion- or the lack of which- in that country for years.

I would like to introduce Joe Crapa, our executive director and David Dettoni who also helped set up the event. And so I think we'll turn now to Nozima and she will make a brief presentation in English about the situation of religion in Uzbekistan. So thank you very much.

NOZIMA

KAMALOVA: Thank you very much for coming today. I'm the representative of the Legal Aid Society of Uzbekistan and we are a nongovernmental,

independent NGO. And we came to the U.S. now to present our shadow report to the United Nations Human Rights Committee, which will take place in 21 and 22 of March in this year in New York. Uzbekistan - one of the state parties who already ratified the ICCPR, which is the International Covenant for Civil and Political Rights. And freedom of religion and freedom of thought is one of the articles of the ICCPR and Uzbekistan has implemented -- this article to Uzbek law.

But

according to Uzbek law, there is a lot of gap in the law on religion organizations, especially Muslim organizations. There are some other organizations that have faced the problems and a lot of problems even with NGOs since last year. We had the three main decrees - identical decrees which practically paralyzed all movement in Uzbekistan, because of the Georgian and Ukraine scenarios - which became the Uzbek government a very powerful paranoiac. So this was the main issue to - adopting this kind of law and we still have face - probably it will be much more lower - (inaudible) - again to more prohibited - not only religious movement or NGO movement, and others we expect.

My

friend Vitaly Ponomarev actually works on religion as a human rights expert. So I can say that it's really a violation of the right of the religious people - because they are actually - a lot of people among them are actually misunderstood. Probably, but some religious and they were sentenced to a lot of years in prison by the Uzbek courts, but they did not have any fair trials. They say it's a lot of torture and we know a lot of cases on this issue. And our lawyers participate as observers in these trials. We know of a woman who was sentenced for six-and-a-half year and then she was released due to the pressure of the international community. But there are many other cases that we have.

Thank you.

VITALY PONOMAREV: Good afternoon. I represent the Memorial of Human Rights Center.

I believe that the situation with the religious freedoms in Uzbekistan causes serious concern and it's even deteriorated since the late-'90s. In 1998, the law on religious organizations that regulated registration procedures was passed, which introduced criminal liability for the functioning of any unregistered religious organizations. This law was used to shut down a large number of mosques around the country.

The recent report the Uzbek government submitted to the U.N. Human Rights Committee states that the number of mosques in fact has grown 1,500 since the submission of the last report to 2,000, but fails to mention the fact that 5,000 mosques existed before the law of 1998. By late-'90s, most of the mosques that were shut down have since not been able to resume their work and to gain registration.

In addition to this law of 1998, several amendments to the criminal and administrative codes of Uzbekistan have been adopted, making it a crime to provide religious instruction without specific permission from the state. In addition, publishing and distributing materials containing ideas of radical Islam or Islamic extremism is also a crime. Mind you, the criminal code lacks any definition for those terms of Islamic fundamentalism or extremism - or fundamentalism at all.

Missionary activity is also now a crime. Refusal to seek registration and to register is also punishable by law. And also the setting up of religious groups and organizations - religious organizations of charity or other clubs unrelated to their religious activities is also punishable. In addition, I must mention this one particular article of the criminal code that does not deal directly with the issue of religious freedom has nonetheless been used very often- to curb this freedom.

And this article basically deals with the attempt to overthrow the constitutional order and any gathering to discuss new religious ideas has been determined - can be and has been interpreted as just that -as the attempt to overthrow the constitutional order. For example, these traditional gatherings - people have taken part in these gatherings where - they are exclusively male gatherings- for the purpose of discussing religious issues precepts, rights, and what have you. These persons in fact have been charged under this particular article for simply taking part in these meetings.

Persons who have been charged for religious affiliations and who have been charged and convicted are subsequently treated especially cruelly and mistreated in prisons for their faith. The recent amnesty whereby hundreds of religious prisoners were released, they had to do so only on condition of signing a document where they renounced their faith and they pledged to cooperate with security services in combating all forms of religious extremists.

In

one particularly striking instance, dozens of such religious inmates were - prior to their immediate release were forced to eat pig's fat - lard in front of their fellow inmates, which is, as you probably know, a gross violation of the Koranic law.

And a separate subject I would like to talk about is the number of religious criminals. Last year my organization - the Memorial Human Rights Center-- published a list of religious criminals, numbering 4,500 persons - mostly convicted and sentenced in the period from 1997 to 2003, and that list is far from complete..

And according to our calculations, where I think the total number - I would have to say is 6,000 persons who are currently in prison and that is the number that corresponds to the one cited in the State Department's Annual Human Rights Report. The total, though, of those who have been criminally prosecuted and thrown in jail, and subsequently released - the total number of people charged for their religious - sentenced for the religious activity since '77 is closer to 10,000.

And the last subject I would like to discuss is whether to consider persecution of members of Hizbut-Tahrir as a violation of religious freedom. Well, let me just tell you that most of these Hizbut-Tahrir members are charged- not for any political activity, not for inciting ethnic hatred and the like but rather for just simply for possessing Hizbut-Tahrir literature. The main idea, that which of being the creation of a caliphate, a Muslim state that would transcend geographical political borders.

And a lot of Uzbek citizens who have had - really a minimum of association with Hizbut-Tahrir - simply getting to know some of its members or getting acquainted with its literature, keeping some of its literature - just having a pamphlet in their pocket, that was grounds enough for them to be convicted. Therefore I believe that it's that persecution of Hizbut-Tahrir in fact does constitute the violation of their religious freedom, for any kind of underground political work.

Another subject I would like to touch on is the cases of kidnappings of Uzbek citizens abroad, mostly those that are members of certain Muslim groups who have been kidnapped by Uzbek law enforcement officials in neighboring countries and secretly deported back to Uzbekistan for criminal prosecution. And most of these cases have taken place in Russia where Uzbek citizens were kidnapped and secretly imported back to Uzbekistan even circumventing and in violation from the orders from the prosecutor general's office, forbidding them to do so and in violation of the current legal procedures of extradition. I believe

that it is possible with the acquiescence of the Russian secret service. I do not believe that without it, it would be possible.

In

January 2005, for example, the Andijon regional court sentenced in absentia a citizen of Uzbekistan who has been - who had been residing in Russia since 1995. In 2003, Russia refused to satisfy Uzbekistan's request of his extradition. In the summer of 2004, however, a group of unidentified persons kidnapped him and brought him back to Uzbekistan where he was subsequently incarcerated. A year prior to this in 2003, the husband of his daughter, he was likewise kidnapped, transported back to Uzbekistan and incarcerated.

In addition, we have

the practice of segregating criminal cases by planting drugs on persons, mostly of those Muslim - affiliation with a Muslim group - weapons as well. And that person may be subsequently tried and charged with a different kind of a - or facing different kinds of charges, not necessarily charges of any religious affiliation, and yet obviously once he ends up in prison, his case dossier will have a mark on it that he is in for his religious - (inaudible, cross talk) - which just shows, once again, first, proof that that person is being persecuted for his religious beliefs and he has - state rather than anything criminal

I can go on for quite a bit longer but if you would like to ask questions, I'll be happy to answer or if my colleagues would like to add - Mr. Alisher Ergashev would like to add one particular case that you worked on.

ALISHER

ERGASHEV: And that is the case of Fatima Muhadirova. Many of you might be well acquainted with the case of Muhadirova. She was charged with membership in Hizbut-Tahrir and spreading the ideas of Hizbut-Tahrir among women - yet no evidence against her, no proof of her membership in Hizb-ut-Tahrir as well was presented during - either during the investigation or during her trial. They suppose, allegedly, that Hizbut-Tahrir literature was discovered in the house where Muhadirova lived and 15 others lived with her in that house. Yet she was the one who was singled out and charged with processing the literature.

And

despite the lack of evidence or witness testimony, Muhadirova was sentenced to six-and-half years in prison. It's only with the help of the international community - the outcry that the sentence caused and on the eve of one of the U.S. high-level official's visit to Uzbekistan that Muhadirova was pardoned and released, and her sentence was changed to a monetary fine.

I'll be happy to answer any of your questions.

Q: Does there seem to be -

MS. COSMAN: Excuse me, could everyone please identify themselves before they ask questions?

Q:  
It's Keith Peters, Family News in Focus. Is this specifically aimed towards - do you view Uzbekistan policy exclusively towards Muslims or do you find religious persecution just in general.

MS.  
KAMALOVA: I think there is probably - the government of Uzbekistan thinks that the opposition actually, for them. Because, they have no secular opposition in Uzbekistan, it's so difficult over there since independence, we don't have any opposition party or parties as a pocket parties. We have recently also created newly-registered parties, which are also "pockets". But I think the deep reason is that poorness of the country, which is, you know, come after all from this bad management by the government. The country is going a very bad state in this poorness and there are no - for these people - any alternative to change this country for the better. That's why the people are going for much radical moves of some other groups, where they might - think - to find something for the changing situation for the better. This is the - I think - the big reason, but governments do not understand that. The opposition is not wishing to not secularize the situation already. I don't know how Vitaly will answer.

MR. CRAPA: I think his question was - let me talk right now - was it only Muslims? Does it go beyond Muslims?

MR.  
PONOMAREV: Well, first of all, obviously, these laws that we're talking about, they deal with every religious minority or any person of Asia. The ban on unregistered religious organization deals with a wide variety of religions. There are instances of police raids conducted against groups of worshipers from Christian faiths and non-Muslim faiths who were meeting at a private apartment, a house. The religious materials, the literature, gets confiscated as a result of these raids and the criminal cases against them are subsequently opened. And then you have a paradoxical situation in Uzbekistan, where one denomination of a particular religious group gets registered in one region of the country but is denied registration in another. So the adherents of that denomination in that particular region face persecution because they are unregistered and their fellow co-religionists in other regions do not.

And I would say that obviously the persecution of Muslims is greater because, in the case of other faiths - non-Muslim faiths - the international outcry is significantly stronger and therefore the Uzbek government is more wary in those cases. Members of Jehovah's Witnesses have been called in the national Uzbek press as Russia's Wahhabis, and it is all thanks to international pressure that members of this particular group have not been persecuted as severely.

Q:

If I could have a follow-up question - to what extent do you think the effect from the attitudes or the policies of the former Soviet government have an effect on the policies here, in terms of religious groups? Does that make sense?

MR.

PONOMAREV: I do not believe there is any trace of the regulation of Soviet past. It's really not that. The Uzbeks, in the early '90s, when Karimov sought power for himself, he tried to enlist all sorts of allies including allies from different religious groups - Muslims. In effect, he bears responsibility for such flourishing of religious activity - all these groups springing up, because he in fact relied on those allies before. Again, the crackdowns that ensued - in fact, are really responsible for the popularity that some of these groups enjoy.

For

example, in the mid-90s, you could see, he has put out these leaflets or other kind of literature - pamphlets, magazines being given out right outside mosques. And they weren't really that popular, they dealt mostly with the issues of the Middle East and other international issues. Once the government unleashed this persecution, this crackdown against members of this group, then the pamphlets started dealing with internal issues. They started criticizing Karimov directly. You see these pamphlets and their literature criticizing Karimov fill a certain vacuum of dissent and are attracting large numbers of the population. Their really rapid growth of them continued until 2001. And then, the peak was around 2001 and then it stabilized.

Q:

Gregory Olds, with Jehovah's Witnesses. What you say is correct about Jehovah's Witnesses. We are registered in two places in Uzbekistan - Ferghaya and Chirchiq. There haven't been any arrests for unregistered religious activity outside of those two places. What do you believe is the most effective way to get registration in Tashkent and other cities? We have citizens of Uzbekistan; we have Jehovah's Witnesses, no missionaries.

MS. KAMALOVA: The law - by-law with the registration is very much complicated, because it is even also about non-governmental, non-conventional organization, we call them NNO - it's an NGO law, which - we have two excellent laws. The first law was much better than the second one. They have a by-law, which have to - any non-governmental, non-conventional organization, which is any political party, or any NGO, any religion organization, they call non-governmental, non-conventional organization. We have to go to register with the city justice department. Are the people making them trouble? I think that's why you might probably have registration in some of the regions but not in main regions like Tashkent, which probably requires some political decision to be registrated in Tashkent. I suspect that because we have a lot of complaints from the NGOs who are not registrated, not only religious organizations - a lot of other NGOs also. So this is the first, the political decision, second the law, which has a lot of gaps in the registration. And then the corruption - so all kind of these things.

MR.

PONOMAREV: I do agree that it is in many cases not a legal issue, but a political matter, as far as granting registration to certain religious groups. I believe we need to use international pressure, number one, and every time the government of Uzbekistan decides to register a certain group, whether religious or political, it's usually due to some intervention from outside.

MS. COSMAN:

Well, also timing, if there's going to be an international meeting, the Uzbeks are eager to look good and so they take certain steps in connection with international events.

MS. KAMALOVA: Or upcoming high-level officials or from US, this is also very influential in having some political decision.

TRANSLATOR: Good-will gesture.

Q:

I have a question. My name is Susan Taylor and I'm with the Church of Scientology International. To follow on his question, we can bring international pressure, but what one or two things could actually help change the climate in the country, to help reverse the abuses against their religious freedom?

TRANSLATOR: Well what do you - can you -

Q: Well, we've got completely international pressure and it is on individual basis, but what can change things stably?

MR.

KAMALOVA: I think you know that we have lots of trouble - not only one issue. We have much, much trouble with a lot of issues. But we are talking about just one issue. For much to be stable, you have lots of reform. It's first, willingness of the government and then free elections should be. So this is the main program that the representatives of the government should be represented by the people. So these people should decide what they're going to international standards or to make the new legislation, so all this should be taken by the people. And then of course this - reforms probably will help. But I am much pessimistic now because this year we have - last year some activists in Kyrgyzstan, there was revolution. We have lots of new legislation with pressure, but also on the whole civic society movement. So this is the main concern now. Of course, we have now Kyrgyzstan. But this is another thing, because we are their neighbor, so this will make a lot of trouble for Uzbek civil society.

MR.

PONOMAREV: Well, I believe it is really unrealistic to expect a wholesale, across the board democratic transition from the Uzbek government. To be realists, we need to be looking at certain articles of the criminal code that must be amended or revised. In particular, this law - 1998 law - on registration for religious organizations must be definitely reviewed, because a lot of these religious groups that are victims of this law do not present any kind of a political challenge to the government, are not politically active, and should really have no problems with registration. If you take the Muslim groups, less than 1 percent of all those mosques, they were closed down after the law of 1998 - were considered by the government to be engaged in any kind of subversive activity. Most of the magazines that were shut down were local - small, local mosques that were not politically active.

Q: I have a question. I am interested in knowing - I'm from Amnesty International - I am interested in the situation of Uighurs, a minority in Uzbekistan, and I was wondering whether there was an investigation - (inaudible) - because they were - I'm sorry - (inaudible) -- naming of one of their group as terrorists, and also I was wondering if they could pass the - (unintelligible) - in Uzbekistan and -

MR. : If they can have what? If they can have what?

Q: A censure (sic)?

TRANSLATOR: Censure?

MR. : Citizen --

TRANSLATOR: Citizenship, citizenship, I'm sorry.

Q: And then, let's remember that this is happening to the Uighurs.

TRANSLATOR: (TRANSLATING INTO RUSSIAN)

PONOMAREV:

Mostly, you have to keep in mind most of the Uighurs are concentrated - the Uighurs are concentrated in Kyrgyzstan and Kazakhstan. There are very few in Uzbekistan, although there was one case when one of the Uzbek leaders, the founder of the Uighur Cultural Center in Uzbekistan died after being tortured, a well-known writer. I was in Kyrgyzstan just a week ago and I had a chance to speak with one of the Uighur leaders there and I asked if there was any kind of a politically active group of Uighurs working in Uzbekistan and I was told no, other than a few Uighurs - ordinary citizens or citizens of Uighur origin - that are not really politically engaged and do not represent any group or federation.

MS. COSMAN: Thank you all very much for coming. I certainly want to thank all of you very much for your valuable work. I know that especially our colleagues from Uzbekistan engage in not only valuable work, but from a personal point of view, dangerous work, and I want to thank you.

(END)