

UZBEKISTAN

TIER 1 | USCIRF-RECOMMENDED COUNTRIES OF PARTICULAR CONCERN (CPC)

KEY FINDINGS

With an estimated 13,500 religious and political prisoners, the government of Uzbekistan continues to perpetrate severe violations of religious freedom. In April 2016, the sections of the criminal and administrative codes used to restrict freedom of religion or belief were amended to increase penalties for various infractions. The Uzbek government continues to imprison hundreds of Muslims who do not conform to officially prescribed religious practices or whom it claims are extremist. The suspicion of terrorism was used to justify persecution of Uzbek labor migrants and their families, while Kazakh and Russian citizens were

arrested at the border for possessing religious materials. Members of Protestant denominations were subjected to frequent harassment through raids on private homes, seizures of religious literature, and the levying of fines. Based on these systematic, egregious, ongoing violations, USCIRF again finds in 2017 that Uzbekistan merits designation as a “country of particular concern,” or CPC, under the 1998 International Religious Freedom Act (IRFA). While the State Department has designated Uzbekistan as a CPC since 2006, most recently in October 2016, it has indefinitely waived taking any action as a consequence of the designation.

RECOMMENDATIONS TO THE U.S. GOVERNMENT

- Continue to designate Uzbekistan as a CPC under IRFA;
- Lift the waiver on taking an action as a consequence of the CPC designation, in place since January 2009, and work to establish a binding agreement with the Uzbek government, under section 405(c) of IRFA, on steps it can take to be removed from the CPC list; should negotiations fail or Uzbekistan not uphold its commitments, impose sanctions, as stipulated in IRFA;
- Condition U.S. assistance, except humanitarian assistance and human rights programs, on the Uzbek government’s adoption of specific actions to improve religious freedom conditions and comply with international human rights standards, including reforming the 1998 religion law and permitting international investigations into the 2005 Andijon events and the 2010 prison death of Muslim leader Akram Yuldashev;
- Make the return of corruption-linked funds seized by the United States under the Kleptocracy Asset Recovery Initiative dependent on the Uzbek government’s adoption of specific actions to improve religious freedom conditions and comply with international human rights standards;
- Use targeted tools against specific officials and agencies identified as having participated in or responsible for human rights abuses, including particularly severe violations of religious freedom, such as the “specially designated nationals” list maintained by the Treasury Department’s Office of Foreign Asset Control, visa denials under section 604(a) of IRFA and the Global Magnitsky Human Rights Accountability Act, and asset freezes under the Global Magnitsky Act;
- Press for UN Human Rights Council scrutiny of the human rights situation in Uzbekistan, as well as raise concerns in other multilateral settings, such as the Organization for Security and Cooperation in Europe (OSCE), and urge the Uzbek government to agree to visits by UN Special Rapporteurs on freedom of religion or belief, on the independence of the judiciary, and on torture; set specific visit dates; and provide the full and necessary conditions for such a visit;
- Ensure that U.S. statements and actions are coordinated across agencies so that U.S. concerns about religious freedom and related human rights are reflected in its public statements and private interactions with the Uzbek government, including calls for the release of religious prisoners;
- Ensure that the U.S. Embassy, including at the ambassadorial level, maintains appropriate contacts with human rights activists and religious leaders;
- Press for at the highest levels and work to secure the immediate release of individuals imprisoned for their peaceful religious activities or religious affiliations and press the Uzbek government to treat prisoners humanely and allow them access to family, human rights monitors, adequate medical care, and lawyers and the ability to practice their faith;
- Ensure continued U.S. funding for Radio Ozodlik and the Uzbek Service of the Voice of America; and
- Ensure that INTERPOL implements announced reforms to more effectively process complaints about the misuse of international arrest and extradition requests, known as “red notices,” to pursue political and religious dissidents.

BACKGROUND

With an estimated 28.7 million people, Uzbekistan is the most populous post-Soviet Central Asian state. An estimated 93 percent of its population is Muslim, mostly following the Hanafi school of Sunni Islam, with about 1 percent Shi'a, mostly in Bukhara and Samarkand. Some 4 percent are Russian Orthodox, while the other three percent include Roman Catholics, ethnic Korean Christians, Baptists, Lutherans, Adventists, Pentecostals, Jehovah's Witnesses, Buddhists, Baha'is, Hare Krishnas, and atheists. About 6,000 Ashkenazi and 2,000 Bukharan Jews live in Tashkent and other cities.

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations severely limits the rights of all religious groups and facilitates government control of religious activity, particularly of the majority-Muslim community. The law criminalizes unregistered religious activity; requires official approval of the content, production, and distribution of religious publications; bans minors from religious organizations; allows only clerics to wear religious clothing in public; and prohibits proselytism and other missionary activities. Many religious groups cannot meet registration requirements, such as a permanent representation in eight of the country's 13 provinces. A detailed censorship decree went into effect in 2014 banning materials that "distort" beliefs or encourage individuals to change religions.

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The Council on Religious Affairs (CRA) censors religious materials. The government also maintains an extensive list of banned international websites, particularly those pertaining to human rights and freedom of religion or belief. The religion law prohibits the import, storage, production, and distribution of unapproved religious materials. Members of various religious communities reportedly destroy their own sacred texts due to fear of confiscation during police raids. According to a CRA official, Uzbek law only allows religious texts to be read inside the buildings of registered religious groups.

The Uzbek government actively represses individuals, groups, mosques, and other houses of worship that do not conform to officially prescribed religious practices or for alleged association with extremist political programs. While Uzbekistan faces security

threats from groups using violence in the name of religion, the government has used vague anti-extremism laws against peaceful religious adherents and others who pose no credible security threat. Particular targets

include those allegedly linked to the May 2005 protests in Andijon against the conviction of 23 businessmen for their supposed membership in the banned Muslim group Akromiya. Responding to that largely peaceful protest, Uzbek government troops killed up to 1,000 civilians. Two hundred and thirty individuals accused of involvement in the protests remain jailed, and 11 prisoners have died in custody, including spiritual

leader Akram Yuldashev. In January 2016—a month before his release from 17 years of imprisonment—Uzbek officials informed the world and Yuldashev’s family that he had died in 2010, supposedly of tuberculosis. The Uzbek government also pressures other countries to return hundreds of Uzbeks who fled after the Andijon tragedy and bans their relatives from leaving Uzbekistan to reunite with their family members living abroad.

In September 2016, Islam Karimov, Uzbekistan’s first and only post-Soviet president, died. Three months later, Shavkat Mirziyoyev, Uzbekistan’s prime minister since 2003, became president after an election that international monitors criticized for a lack of transparency. Mirziyoyev is believed to be part of a ruling triumvirate with the equally long-serving Rustam Azimov, the minister of finance, and Rustam Inoyatov, the head of the security services.

RELIGIOUS FREEDOM CONDITIONS 2016–2017

Application of Religion and Extremism Laws

The Uzbek government continues to regard religious activity outside of official channels with deep suspicion and wields a variety of repressive instruments against those who fail to submit to state control of religious practice, including fines, punitive searches, detention, torture, prolonged imprisonment, and the intimidation of family members. In April 2016, articles 244-1 and 244-2 of the Criminal Code, governing the crimes of having “extremist materials” or taking part in “extremist organizations,” were broadened and the maximum penalties raised from 5 to 8 years and from 15 to 20 years’ imprisonment respectively. Many long-term prisoners of conscience are denied due process and are subject to inhumane conditions of confinement. According to the Uzbek Initiative Group of Independent Human Rights Defenders (IGNPU), as of late 2016, there were 13,500 individuals imprisoned for alleged violations of Uzbekistan’s overly broad religion or extremism laws.

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Arbitrary Accusations of Islamic Extremism

With several hundred Uzbeks believed to be fighting in Syria and Iraq, the Uzbek government has legitimate concerns about terrorism. Nevertheless, the widespread use of torture and coercion by Uzbek authorities, the use of religious charges to settle political and economic scores, and frequent reliance on guilt by association make it difficult to disentangle legitimate prosecutions from arbitrary or fabricated ones. In February 2016, for example, an Uzbek citizen and Armenian Christian fish farmer, Aramais Avakian, was sentenced along with four Uzbeks to seven years in prison on allegations of planning to stage a rebellion and then flee to Syria to join the Islamic State of Iraq and Syria (ISIS). Not only does the case appear to have been based on testimony extracted through torture—Avakian’s leg was broken in detention—but the chief witness and co-defendant, Furkat Dzhuraev, later admitted to inventing many of the key details. Avakian’s family, for its part, claims he was targeted after he refused to surrender ownership of his fish farm to a local administrator.

In the first half of 2016, Radio Ozodlik, the Uzbek Service of Radio Free Europe/Radio Liberty (RFE/RL), reported on the arrests of dozens of young men who had studied or worked abroad, mainly in Russia but also in the United States, often solely due to their alleged association with one or two suspect individuals. Despite charging

20 young men from Sokh Province in January 2016 with alleged connections to ISIS, 12 were released two months later. The apparent reason for their arrest was that they had worked in Russia with two men who later emigrated to the Middle East for

unclear reasons. In January 2017, Umar Badalov was arrested at the Tashkent airport after arriving from Russia, where he worked as a heavy equipment operator. Badalov previously had been convicted of Islamic extremism and was amnestied in 2003 after serving four years of a 17-year sentence; the IGNPU reported that the authorities planned to charge him with a September 2015 explosion outside a mosque that took place while he and his wife were at a maternity hospital 35 kilometers (22 miles) away.

Charges of terrorism are also believed to be brought as a “prophylactic” measure against persons deemed excessively religious. For example, Forum 18 News Service reported that two cousins, Jonibek Turdiboyev and Mansurkhon Akhmedov, were sentenced to five years in prison in May 2016 for having a CD containing an ISIS sermon; their relatives insisted that it was a music CD and that their family was being persecuted for its religiosity.

Persecution of Expatriates and Their Families

A large number of Uzbek citizens live abroad, including at least 1.7 million in Russia, mostly for economic reasons but also to escape religious and political persecution. The government closely monitors and harasses the families of expatriates in the belief that Uzbeks overseas are susceptible to subversion and religious extremism. In particular, the relatives of people who have left the country for religious reasons were subjected to intense harassment throughout the year in an attempt to force their exiled family members to return or cease their activities abroad. According to Radio Ozodlik, the punishments ranged from punitive searches of family homes to interrogation, arrest, and public shaming. In addition, the Uzbek government reportedly has issued numerous international arrest and extradition requests—better known as INTERPOL “red notices”—for hundreds of its citizens, including against political and religious dissidents.

Restrictions on Muslim Religious Activity

Private religious practice without official sanction is subject to severe penalties in Uzbekistan. In July 2016, according to Forum 18, four Sufi Muslims whose identities have not been established were sentenced to four years in prison for holding religious meetings at home. That same month, two private teachers of the Qur’an were arrested; one was fined and released, but the other may still face indictment. The public practice of state-sanctioned Islam continues to be restricted in different and unpredictable ways in

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an effort to diminish religiosity. During Ramadan, as reported by Radio Ozodlik, the government banned the public celebration of the fast-breaking Iftar meal. Multiple guard posts were also posted at mosques to ensure that no children could attend religious services and Uzbek schoolchildren were forbidden from visiting mosques during their summer holidays. According to the independent Fergana News Agency, the Uzbek government restricts the number of pilgrims permitted to make the hajj to Mecca to one-fifth of the quota allotted by Saudi Arabia.

“Forbidden” Islamic Religious Materials

Uzbek authorities regularly inspect travelers’ electronic media at borders; persons who have “forbidden” materials can be summarily arrested and sentenced to prison terms. Radio Ozodlik reported that at least two Kazakh citizens were arrested during 2016 on such charges; one was amnestied while the other, Akmal Rasulov, was sentenced in July to a five-year prison term for sermons on his cell phone. Ethnic Uzbeks who fled the Kyrgyz city of Osh after 2010 mass interethnic violence and became citizens of other countries also have been arrested for such reasons. In January and May 2016, Russian citizens Bakhtiyar Khudoiberdiev and Zukhriddin Abduraimzhonov were arrested and received prison sentences of six and three years respectively; they were held at border crossings while in transit to Kyrgyzstan.

Inhumane Detention Conditions

In Uzbek prisons and labor camps, religious prisoners of conscience routinely face physical and psychological torture, malnutrition, poor sanitation, and arbitrary changes of conditions. In February 2016, three long-serving religious prisoners—Ikromzhon Nizamov, Doston Abdurakhmanov, and Shakhob Makhkamov—reportedly died, one from tuberculosis and the other two allegedly after severe torture. As prisoners reach the end of their sentences, their terms

are often extended or new charges are brought; the IGNU estimates that 4000 of the country's religious and political prisoners have had their sentences prolonged in this manner. In August 2016, Zulhumor Hamdamova, jailed along with her sister Mehriniso since 2010 for holding home classes on Islam, had her sentence extended by three years. As of November 2016, Mehriniso was due to be tried on unknown new charges. In January 2016, Kamol Odilov, one of 100 Muslims jailed for studying the texts of Turkish theologian Said Nursi, had his sentence extended on allegations that he had started a fight in camp—only days before his scheduled release from imprisonment.

Repression of Christians

The Uzbek government tends to reserve the harshest punishments for the expression of religious belief by the Muslim majority population. The only known Christian prisoner of conscience, Baptist Tohar Haydarov, was released in November 2016 after serving 6 years of a 10-year camp term. Members of Christian denominations suspected of missionary activity often are fined, detained, and subjected to punitive house searches, often for merely possessing religious literature in their private homes. Forum 18 has reported on dozens of such incidents in 2016, primarily affecting Jehovah's Witnesses, Baptists, and Seventh-day Adventists. As with other instances of religious repression, Uzbek authorities seem to be capricious in their choice of penalties: a Christian was jailed for 15 days in March 2016 on a charge of "hooliganism" after the police searched his home for religious literature; in August 2016, an ethnic Korean Baptist, Stanislav Kim, was sentenced to two years of house arrest for private possession of religious books; and in January 2017, an Adventist had his car seized in lieu of a fine for possessing a "forbidden" book which had been approved by authorities earlier in the year.

U.S. POLICY

Uzbekistan is Central Asia's most populous country and shares borders with the four other former Soviet

republics in Central Asia as well as Afghanistan. The country also has a central position in the regional Soviet-era rail system that connects with Russia. Therefore, U.S. policy in Uzbekistan has focused on the country's key position in the Northern Distribution Network (NDN), a supply route for international forces in Afghanistan. Uzbekistan is the NDN hub but at times have not been cooperative. Although aid and assistance periodically have been withheld over the last decade due to human rights concerns, there remain important spheres of cooperation between the United States and Uzbekistan, including counter narcotics, border security, and counter-terrorism.

The United States instituted Annual Bilateral Consultations (ABCs) with each Central Asian state in 2009. The most recent U.S.-Uzbekistan ABC was held in Washington, DC in January 2016. The U.S. delegation was led

by then Assistant Secretary of State for South and Central Asia Affairs Nisha Desai Biswal; Foreign Minister Abdulaziz Kamilov headed Uzbekistan's delegation. Human rights issues discussed included the status of several reli-

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gious and other prisoners, restrictions on civil society and media, labor rights, and religious freedom, particularly the onerous registration requirements for religious groups. In April 2016, Deputy Assistant Secretary for Central Asia Daniel Rosenblum met in Tashkent with the families of two men, Aramais Avakian and Furkat Dzhuraev, imprisoned on religious charges.

In February 2016, the U.S. Department of Justice froze more than \$800 million held in Western bank accounts in connection with an investigation into bribes allegedly paid by Western mobile network operators to Gulnara Karimova, the daughter of the late Uzbek president. The money was seized under the Kleptocracy Asset Recovery Initiative, an anti-corruption program inaugurated by the Department of Justice in 2010. Some argue that the return of the money to Uzbek authorities should be contingent on the fulfillment of human rights obligations.

In August 2016, the State Department hosted the second meeting of the new C5+1 diplomatic format,

intended to bring together the foreign ministers of the five Central Asian states and the U.S. for discussions on a wide range of multilateral issues, including respect for basic freedoms. In the joint statement issued at the meeting, all five ministers and then Secretary of State John Kerry committed, among other things, to furthering civil rights and democratic freedoms.

Since 2006, the State Department has designated Uzbekistan as a “country of particular concern,” or CPC, for its systematic, ongoing, and egregious violations of religious freedom. The CPC designation was renewed most recently in October 2016, but the State Department continued its policy of indefinitely waiving taking any action as a consequence, citing it is in the “important national interest of the United States” pursuant to IRFA section 407.