



# UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

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Front Cover: KHUSHPUR, Pakistan, March 4, 2011 – Pakistanis carry the coffin of Shahbaz Bhatti, Pakistan's slain minister of minorities, who was assassinated March 2 by the Pakistani Taliban for campaigning against the country's blasphemy laws. Bhatti, 42, a close friend of USCIRF, warned in a Washington visit just one month before his death that he had received numerous death threats. More than 15,000 persons attended his funeral. (Photo by Aamir Qureshi/AFP/Getty Images)

Back Cover: JUBA, Sudan, January 9, 2011 – Southern Sudanese line up at dawn in the first hours of the week-long independence referendum to create the world's newest state. The referendum vote was the final milestone in the implementation of the 2005 Comprehensive Peace Agreement, which ended more than 20 years of north-south civil war in Sudan. (Photo by Roberto Schmidt/AFP/Getty Images)

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The 2011 Annual Report is dedicated to the memory of Shahbaz Bhatti, the Pakistani Federal Minister for Minorities Affairs. Shahbaz was a courageous advocate for the religious freedoms of all Pakistanis, and he was assassinated on March 2 by the Pakistani Taliban for those efforts.

## Uzbekistan

**FINDINGS:** Since Uzbekistan gained independence in 1991, the government of Islam Karimov has systematically and egregiously violated freedom of religion or belief. The Uzbek government violates the full range of human rights and harshly penalizes individuals for independent religious activity, regardless of their religious affiliation. A restrictive religion law severely limits the rights of all religious communities and facilitates the Uzbek government's control over them, particularly the majority Muslim community. The Uzbek government continues to arrest Muslims and repress individuals, 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; many reportedly are denied due process and subjected to torture. To be sure, Uzbekistan faces security concerns as a result of serious threats from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Uzbek government's broad-brush approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security.

Based on these severe violations, USCIRF continues to recommend in 2011 that Uzbekistan be designated as a "country of particular concern," or CPC. Since 2006, the State Department has so designated Uzbekistan, and since 2009 it placed a de facto indefinite waiver on any punitive action.

Uzbek police and security forces raid and repress members of unregistered religious groups, and sometimes registered ones, for peaceful religious activity. Members of non-violent unregistered Muslim groups have been convicted and sentenced to lengthy prison terms in trials that fall far short of international standards. The Uzbek government continued its campaign against the *Nur* group for alleged extremism, although it is not known to use or advocate violence; an estimated 141 followers of Turkish Muslim leader Said Nursi were convicted during the reporting period to terms ranging from six to 12 years. Three women were sentenced in April 2010 to terms of imprisonment of up to seven years as punishment for the private instruction of religion, and other women who refused to testify against them disappeared. Religious minority groups, especially those viewed as engaging in proselytism, also are targeted.

**PRIORITY RECOMMENDATIONS:** Uzbekistan plays an important role in the Northern Distribution Network (NDN) that supplies U.S. and international forces in Afghanistan. There is, however, a concern that Uzbekistan's NDN role could lead the U.S. government to downplay its chronic, systemic and severe human rights and religious freedom abuses, and that those abuses could have a destabilizing effect on other countries in Central Asia. The State Department should again designate Uzbekistan as a CPC. Upon re-designation, no waiver should be given and sanctions should be imposed, including a ban on visits to the United States by high-level Uzbek officials. U.S. policy on Uzbekistan should be coordinated across agencies to ensure that human rights concerns are reflected in all dealings with the Uzbek government, and that U.S. security and other assistance does not go to agencies responsible for particularly severe violations of religious freedom. U.S. assistance, except humanitarian assistance and human rights programs, should be contingent on the Uzbek government's adoption of specific actions to improve religious freedom conditions and comply with international human rights standards. The United States should press the Uzbek government to revise its 1998 religion law to bring it into accord with international standards and to permit an independent international investigation into the May 2005 Andijon events. Additional recommendations for U.S. policy towards Uzbekistan can be found at the end of this chapter.

## Religious Freedom Conditions

### *Legal Framework*

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations includes provisions on freedom of worship and the separation of religion from the state. The law also grants the rights to establish schools and train clergy to registered religious groups, but severely restricts religious freedom for unregistered groups, and restricts rights deemed in conflict with national security. Through regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups. The law criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; and forbids the wearing of religious clothing in public by anyone other than clerics.

The religion law also limits religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and levies fines for violations. Only six entities meet the Uzbek religion law's requirements for training religious personnel, and only seven have the legal right to import, publish, or distribute religious literature. The term "religious clothing" is not defined. As a result, some Muslim men reportedly hesitate to grow beards or wear traditional clothing. Women wearing head scarves have encountered official harassment, although in recent years these difficulties seem to have decreased.

The criminal code distinguishes between improperly registered "illegal" groups and banned "prohibited" groups. Alleged participants in the latter type of group face up to 20 years in prison for organizing or participating in the activities of religious extremist, fundamentalist, separatist, or other prohibited groups. The criminal code sets prison terms of up to five years for organizing an "illegal" religious group, or for resuming activities of a group denied registration or ordered to disband. Those who participate in such groups face up to three years in prison. The criminal code articles deployed by the Uzbek government against religious activity are Article 159 (anti-constitutional activity); Article 216 (illegal establishment of public associations or religious organizations); Article 216, section 2 (violation of legislation on religious organizations, including proselytism); Article 244, section 1 (production and distribution of materials that create a threat to public security and public order); and Article 244, section 2 (establishment, direction of, or participation in religious extremist, separatist, fundamentalist, or other banned organizations).

In November 2010, President Islam Karimov announced that a new administrative code would be drafted as part of the "liberalization of the judicial-legal system." Although the specific changes are not yet known, human rights groups note that, each time the code has been amended, penalties for religious activity have been increased or new punishments introduced. The country's criminal and administrative codes already permit the levying of heavy fines— as much as 200 to 300 times the minimum monthly wage— for repeated violations of the rules on religious meetings, processions, other ceremonies, and education. Repeated violations of the provisions related to religious literature may result in a fine of 100 to 200 times the minimum monthly wage or corrective labor of up to three years.

Under the Uzbek religion law, worship meetings and all other religious activities are illegal for unregistered religious groups. Unregistered religious congregations may be subject to massive fines and police raids, as well as threats of physical violence, detentions, and arrest. Without legal registration status, religious groups cannot open bank accounts; construct, rent, or buy buildings; print religious literature; or appoint or hire a religious leader. Many religious groups are unable to meet the registration requirements, which include: a minimum of 100 members who are Uzbek citizens; a fee amounting to 50

times the minimum monthly wage; the submission of numerous documents setting out the group's rules, meeting protocols, and certification that other requirements have been fulfilled; and proof of a valid legal address. Registration of a central body also requires a presence in eight of the 13 provinces, impossible for most minority religious groups. In addition, Uzbek officials reportedly create administrative barriers to registration, such as rejecting applications that meet the requirements, claiming that applicants have falsified congregation lists, discovering grammatical or other technical errors in a religious group's charter, imposing obstacles in certifying addresses, or claiming improper certifications by fire inspectors, sanitation workers, or other officials.

In 1998, the Uzbek government closed down approximately 3,000 of the 5,000 mosques that were open at that time. Since then, both closed and new mosques have faced difficulties in gaining registration. Several mosques in the Ferghana valley, the country's most actively religious region, were not registered even though they had the number of congregants required by Uzbek law. Nevertheless, the government reportedly allows a number of unofficial, independent mosques to operate quietly under the watch of official imams. For many years, the Uzbek authorities have permitted the operation of an unregistered Sufi monastery in Kokand in the Ferghana valley. The Uzbek government sometimes promotes Sufism, particularly the native Naqshbandi order, as an alternative to "foreign" Islam, which it views as extremist.

Many non-Muslim religious groups also face great difficulty in registering with the government. For instance, since 1999, Uzbek authorities have rejected the registration applications of all Baptist churches. The government has repeatedly denied registration to the Bethany Baptist Church in the Mirzo-Ulugbek District of Tashkent, the Pentecostal Church in Chirchik, the Emmanuel and *Mir* (Peace) Churches in Nukus, the Hushkhabar Church in Guliston, the Pentecostal Church in Andijon, the Baptist Church in Gazalkent, and the Adventist, Greater Grace Christian, and Miral Protestant Churches in Samarkand, among others. Some Protestant communities, such as the Council of Churches Baptists, refuse on principle to seek registration. Many churches, particularly evangelical churches with ethnic Uzbek membership, do not apply for registration because they expect local officials to refuse their applications. Other groups, particularly those with too few members to qualify for registration, report that they do not want to draw official attention and possible official harassment.

In 2007 the Tashkent City Civil Court invalidated the property title of the Grace Presbyterian Church of Tashkent, thereby depriving it of the legal address required for registration. Since 1996, the Jehovah's Witnesses have attempted to register in Tashkent on at least 23 occasions and to register in the provinces on 13 separate occasions. Only one Jehovah's Witness group in the country, in Chirchik, has been registered, and the Uzbek government reportedly has made frequent attempts to restrict its activities.

#### *Application of Extremism Laws*

The Russian human rights group Memorial recently reported that there are more political prisoners in Uzbekistan than in all other former Soviet republics combined. Over the past decade, the Uzbek government has arrested and imprisoned, with terms of up to 20 years, thousands of Muslims who reject the state's control over religious practice, or whom the government claims are associated with extremist groups such as *Hizb ut-Tahrir* (HT). According to international and Uzbek human rights activists, the only "crime" of many of these individuals is independent practice and intensive study of Islam. Reportedly, there are at least 5,000 such persons in prison, including sane individuals sent to psychiatric hospitals. Uzbekistan faces serious security concerns as a result of threats from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Uzbek government's approach to this situation is problematic, due to its arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security.

The Uzbek government bans Islamic organizations it deems extremist and criminalizes membership in these groups, including HT, *Akromiya*, *Tabligh Jamaat*, *Nur*, and other groups the government broadly labels “Wahhabi” or, more recently, “Jihadists.” The term “Wahhabi” usually refers to followers of the highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. The government of Uzbekistan, however, uses the term to refer to a wide range of Muslim individuals or groups, including genuine extremists, political opponents of the Karimov regime, those educated abroad, those who practice Islam independently of government strictures, or those whose intellectual or religious roots derive from the teachings of three Uzbek imams prominent in the 1990s. (Two of these three imams have disappeared in Uzbek prisons. The third, Obidkhon Qori Nazarov, fled Uzbekistan after he was officially branded “Wahhabi” and was given political asylum in Sweden. Human rights sources say Nazarov was not promoting extremism but practicing independent Islam.)

According to Memorial, 64 people were convicted, and 21 arrested, for alleged membership in banned or prohibited groups during the reporting period. For example, in January 2010, a Muslim newspaper and radio journalist, Hairulla Khamidov, was arrested in Tashkent and charged with membership in an alleged extremist group and production of seditious material. A police search of his home found audio recordings of sermons by two popular independent Muslim clerics (an imam from Andijon who reportedly was abducted and Nazarov). Many believe that Khamidov was targeted because of his extremely popular religious program on an Uzbek private radio station. Although he denied all charges, Khamidov received a six-year prison camp sentence in May 2010; five others on trial were sentenced to terms ranging from four to six years, while nine received three-year suspended sentences. Khamidov’s lawyer said that the factual evidence was scant and that he plans to appeal the verdict. The Uzbek government does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather a means of preventing armed resistance to the government. Security threats do exist and terrorist bombings have occurred in Uzbekistan, including from former members of HT and other groups claiming a religious linkage.

Alleged HT members are believed to comprise as many as 4,500 of the estimated 5,000 political prisoners in Uzbek prisons, but arrests of alleged HT members have decreased since 2008. In most of these cases, there was no evidence that the individual took part in violent acts and many of those arrested claim they are wrongfully accused of membership or association. Some arrests are due to the alleged – or planted – possession of HT literature at the time of arrest. Additionally, according to the State Department, “authorities made little distinction between actual members [of HT] and those with marginal affiliation with the group, such as persons who had attended its Koranic study sessions.” Local human rights activists have reported that police and security service officers, acting under pressure to break up HT cells, frequently detained family members and close associates of suspected members.

While HT is not known to have engaged in violence, its literature suggests that it might resort to armed action. The group, which is banned in most Muslim countries, calls for a worldwide Islamic caliphate to replace existing governments and for the imposition of an extremist interpretation of Islamic law. HT literature expresses virulently anti-Semitic and anti-Western views. Nevertheless, a wide spectrum of observers has noted that the Uzbek government’s prosecution of HT members is mainly motivated by the group’s political activity and there was no evidence presented that individual defendants were involved in or advocated violence. These actions by the Uzbek government also lack due process guarantees and involve credible allegations of torture.

The Uzbek government has also repressed and prosecuted members of *Akromiya* (or *Akromiylar*) since 1997. However, there were no known convictions for membership in *Akromiya* during the current reporting period. Uzbek authorities claim that *Akromiya* is a branch of HT and that it, along with the terrorist Islamic Movement of Uzbekistan (IMU), attempted to violently overthrow the Uzbek government in Andijon in May 2005. According to religious experts, *Akromiya* is an informal, peaceful

association that promotes business with Islamic religious principles based on the 1992 writings of an imprisoned Uzbek mathematics teacher, Akram Yuldashev. The charges against the 23 businessmen on trial in Andijon included alleged membership in *Akromiya*. (See *The Andijon Protest and its Aftermath*, below.)

Another group prohibited in Uzbekistan, *Tabligh Jamaat*, is an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer, preaching and respect for others. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. During the reporting period, a group of 17 alleged *Tabligh Jamaat* members were convicted in one trial, the first time such a large number of alleged members of this group were convicted.

After 1999, but particularly since 2008, the Uzbek government has harassed and imprisoned numerous alleged members of what it labels the *Nur* group: followers of Said Nursi, a Kurdish mullah who was active in Turkey after World War I. Many observers do not consider Nursi's followers to constitute a formal movement, but rather to be informal groups of individuals who read his books, which were in wide public circulation in Uzbekistan and other post-Soviet countries in the 1990s. Although Nursi followers are not known to have advocated or engaged in violence, the Uzbek Religious Affairs Committee (RAC) listed *Nur* as a banned religious organization in 2000. Uzbek state television aired a documentary in 2009 describing *Nur* as an extremist sect that aims to establish a pan-Turkic state and claiming that its activities "undermine our centuries-old values."

An estimated 141 members of *Nur* were convicted in recent years and sentenced to periods of imprisonment ranging from six to 12 years. For example, in May 2010, ten *Nur* followers were sentenced by the Fergana Regional Criminal Court: Suhrob Zokirov was imprisoned for eight years; Islom Alikulov received a seven-year term; Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev and Kudrat Sultonov were imprisoned for six years; and Nosyr Mamazhanov, Muhammad Yarmatov and Ramzhon Abdukodyrov received prison terms of five years and two months. All were charged with the "preparation or distribution of materials threatening public security and public order," and the "creation, leadership or participation in religious extremist, separatist or fundamentalist or other banned organizations," according to the Human Rights Initiative Group of Uzbekistan.

In December 2010, 18 Muslims received sentences ranging from three to nine years for "membership in an extremist group." Reportedly, they belonged to Shohidiya, an Islamic religious movement which follows the Koran but not the hadiths. The prisoners included Nasibullo Karimov, the movement's leader, who received a nine-year sentence. Six other alleged members of this group received terms ranging from three to nine years.

The Uzbek authorities have also adopted repressive measures against entire families on charges of alleged religious extremism. One such case is that of Akhmadjan Madmarov, a human rights activist from the city of Margilan in the Ferghana valley, with whom USCIRF met when visiting Uzbekistan in 2004. In 2007, Uzbek authorities extended by 16 and one-half years the prison term of Madmarov's son, Habibullah, for his alleged role in a supposed extremist conspiracy. One of Madmarov's sons was released on parole in 2008 after the end of his seven-year term, but another son and two nephews remain in prison.

### *The Andijon Protest and its Aftermath*

After 23 influential businessmen in the city of Andijon were charged for alleged ties to Islamic extremism in 2004, their supporters held peaceful protests before and during their trial. In May 2005, however, a group of armed men freed the businessmen from prison, and then held 20 officials hostage in the Andijon regional administration building and tried to seize the city's National Security Service headquarters. In a separate incident that month, when several thousand mostly-unarmed civilians gathered on the Andijon central square to protest the trial, Uzbek armed forces fired without warning into the crowd. Estimated fatalities range from an official Uzbek total of 187 to over 700, according to the Organization for Security and Cooperation in Europe (OSCE); some non-governmental organizations (NGOs) report that as many as 1,000 men, women, and children were killed. The Uzbek government continues to reject calls from the United States, the European Union (EU), the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events.

After the May 2005 Andijon events, the number of court cases in Uzbekistan against independent Muslims increased markedly. Uzbek authorities jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in the events. The Uzbek government continues to seek out and persecute anyone it deems to have a connection to, or information about, the Andijon events. Even the relatives of human rights defenders have been threatened, dismissed from their jobs, beaten, and sometimes arrested, prosecuted, and imprisoned on fabricated criminal charges. The government cracked down on both domestic and foreign-based NGOs, particularly those that focus on human rights, closing almost three-fourths of them.

The Uzbek government also has pressured other countries forcibly to return Uzbek refugees who fled after the Andijon events and who were under the protection of the Office of the UN High Commissioner for Refugees (UNHCR). In December 2010, for the first time, two Russian courts ruled that extradition requests for Uzbek refugees should not be granted on the grounds that they would face the likelihood of torture. In February 2011, however, the Kazakh General Prosecutor decided to extradite 29 ethnic Uzbek refugees to Uzbekistan, where they are wanted for alleged extremism or terrorism; that decision will be appealed, according to a representative of the Kazakhstan International Bureau for Human Rights and Rule of Law. The 29 individuals had been in Kazakhstan between one and three years. They were arrested in June 2010 on the request of Kazakh General Prosecutor's Office and Uzbek Ministry of Internal Affairs. As of this writing, 28 are being detained in an Almaty prison. Reportedly four Uzbek refugees have been returned to Uzbekistan; one received a 10-year prison sentence and the other three are said to have disappeared. Some of the refugees reportedly were arrested in the Almaty UNHCR office, where they had gone to seek protection. The refugees deny the extremism and terrorism charges and state that the Uzbek government is persecuting them on account of their Muslim beliefs.

### *Conditions in Detention*

Human rights organizations report that many detainees in Uzbekistan were arrested for, among other things, possessing the 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 reportedly are harassed, beaten, and tortured in an effort to force them to renounce their religious or political views. Some prisoners suspected of Islamic extremism were not permitted to pray or to observe Ramadan. There were reports that prisoners who violated "internal prison regulations" by praying at certain times of the day were punished.

In May 2009, Nigmat Zufarov, a labor camp inmate since 2000, began a hunger strike demanding permission to pray in prison. After six days, prison officials reportedly force-fed him, performed a forced

enema using pepper solution, and continued to beat him after he ended his fast. In July 2009, he was found dead. Prison officials say he committed suicide, but his family reported signs of torture on his body. His brother Sobit, also a prisoner since 2000 in the same camp, reportedly was placed in an isolation cell for up to six months as punishment for praying. In June 2010, Sunnatillo Zaripov died in prison, where he had been serving a 15-year term; according to relatives, he had died as a result of torture.

Convictions in the cases described above are almost entirely based on confessions, which are often gained through the use of torture. Despite the Uzbek government's promises to halt the practice, torture remains endemic in prisons, pretrial facilities, and local police and security service precincts, and reportedly includes the threat or use of physical violence, rape, and the use of gasmasks to block victims' air supply. Torture is allegedly used to force adults and children to renounce their beliefs or to implicate themselves or others. In 2008, the UN Committee against Torture confirmed numerous, ongoing, and consistent allegations of the use of torture, often before formal charges are brought and often to extract confessions to be used in criminal proceedings. The Committee acknowledged that the Uzbek government had taken some limited steps to end torture in detention, but noted numerous reports that ill-treatment remained routine and that those who engaged in torture were rarely punished. The Committee also called for the closure of the "special regimen" prison in Jaslyk where well-known poet, Yusuf Jumaev, is serving a 12-year term. He had written a poem about the tragic 2005 events in Andijon in which religion was a factor. According to Jumaev's relatives, the poet is emaciated and has been severely beaten by guards.

Particularly since the 2005 Andijon events, it is difficult to verify independently Uzbek government claims that it is combating torture and improving prison conditions. The Uzbek government has not allowed the UN Special Rapporteur on Torture to visit the country, despite repeated requests in recent years. The Uzbek government tightly controls information and restricts the press and civil society. For example, in September 2010, a Tashkent court convicted Surat Ikramov, leader of the Human Rights Initiative Group of Uzbekistan, of slander and defamation, fined him, and ordered him to retract a 2007 report. He issues frequent reports on the government's persecution of Muslims and others in Uzbekistan. In December 2010, the Uzbek government closed down Human Right Watch (HRW) in the country; HRW has documented religious and other prisoner cases in Uzbekistan. In addition, Uzbek authorities often do not release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities often extend inmates' terms by accusing them—without judicial review—of new crimes and claiming that the prisoners continue to represent a danger to society.

### *Restrictions on Muslims*

Despite the constitutional separation of religion and state, the Uzbek government controls Islamic institutions and practice through the officially sanctioned Muslim Spiritual Board, the *Muftiate*. The *Muftiate* controls the training, appointments, and dismissals of Muslim leaders, the content of imams' sermons, and the amount and substance of published Islamic materials. The *Muftiate* has banned imams in the Namangan region from preaching, and children from praying, at Ramadan night prayers since 2007. The government does not permit the separate training of Shi'a imams inside the country and does not recognize such education received abroad.

In the Ferghana Valley, the country's most actively religious region, the government has confiscated a number of mosques in recent years and used them as warehouses or for other state purposes. Several years ago, the government introduced various administrative and other obstacles to religious practice in this region. For example, in the Andijon area, the regional head of administration prohibited the five daily public calls to prayer from mosques and the preaching by mullahs at weddings in 2008. The central government has also instructed regional officials that children should not attend mosque at any time. Nevertheless, despite these efforts to limit young people's interest in Islam, the country's registered official mosques reportedly are very full.

According to Memorial, Uzbek authorities convicted 49 individuals, and arrested one, under Uzbek criminal code provisions relating to various religious activities other than alleged membership in banned or prohibited groups during the reporting period. For example, in April 2010, three women were convicted on criminal charges of threatening the constitutional order, public security, and public order for privately instructing young people about religion. Mehriniso Hamdamova, a teacher of an officially-approved religious course for women at Karshi's Kuk Gumbaz Mosque, was sentenced to seven years in a prison camp; her sister Zulkhumor Hamdamova and their relative Shahlo Rakhmonova received six and a half year terms each. According to Uzbek human rights defender Sukhrat Ikramov, the court hearings were closed to the public and there was no proof of the defendants' guilt. The defendants were among 30 women arrested in Karshi in 2009; some reportedly were threatened with rape if they did not testify in the April trial against Hamdanova and they later disappeared. In late August 2010, a Tashkent district court ruled that 11 Muslims had violated a criminal code article relating to the illegal establishment of religious organizations. Seven received a three-year labor camp sentence. Four others received three-year suspended sentences. According to the presiding judge, three years in a labor camp is "not a severe punishment" for holding unregistered religious activity.

### *Charges against Non-Muslims*

The Uzbek government frequently brands Protestants and Jehovah's Witnesses "extremists" for practicing religion outside state-sanctioned structures, and they face ongoing harassment, detention, and arrest for "illegal religious activity," such as holding private prayer meetings or possessing "illegal" religious literature.

Pentecostal pastor Dmitri Shestakov from the city of Andijon was sentenced to a four-year term in a closed labor colony in 2007. He was released in January 2011 after serving his full sentence, but is still under police surveillance: he must visit the police on a weekly basis and is subject to a curfew. Reportedly, Shestakov had been involved in the conversion of some ethnic Uzbeks to Christianity, but the official charges against him consisted of organizing an illegal religious group, inciting religious hatred, and distributing extremist religious literature.

As of February 2011, three Jehovah's Witnesses are imprisoned for "illegal" religious activity. In April 2008, Olim Turaev was sentenced to four years in a labor camp. In July 2008 Abdubannob Ahmedov was sentenced to a four-year prison term and Sergey Ivanov to three and a half years. Baptist Tohar Haydarov received a ten-year term on drugs charges in the city of Guliston in March 2010; his appeal was rejected one month later. Church members insist that the charges were fabricated.

### *Police Raids against Non-Muslims*

Uzbek authorities raided several meetings of registered and unregistered Christian and Baha'i groups during the reporting period. Officials justified the raids of registered groups by citing supposed restrictions on the right to meet outside of the group's geographic area of registration. In May 2010, officials raided the Tashkent City Church of Christ, questioned congregants, and confiscated computers and religious literature. A church leader and two employees were convicted for the unauthorized teaching of religion and holding illegal religious activity; five other church members were convicted of lesser charges. In September 2010, five Baptists in Samarkand were fined for participating in an unregistered service; their attempt to appeal was rejected. The Baptists claim that a police officer beat two congregants during the raid, but the Samarkand City police refuse to investigate. As part of an alleged anti-terror operation, police halted an allegedly unauthorized Baptist Sunday service in an old people's home in the Tashkent Region in March 2011. Six Baptists who were leading the service were briefly detained in the local police station. In Syrdarya Region, district police broke into an unregistered Baptist Church in March 2011. The officers did not identify themselves and they confiscated religious literature,

including three Bibles, later sent to the state Religious Affairs Committee in Tashkent for review. Police also opened an administrative case against the church's leader.

Acting without a search warrant, Uzbek police, National Security Service (NSS) secret police, Tax Inspectorate, Fire Brigade, and Sanitary-Epidemiological Service raided one of the biggest Protestant churches in Tashkent during its Sunday service in May 2010. The authorities arrested eight members of the church, including Assistant Pastor Artur Avanesyan, and seized computers and other articles. Avanesyan and two others were given 15-day jail sentences; three other individuals were fined 80 times the minimum monthly wage. In February 2011, a Tashkent court sentenced three members of Tashkent's Full Gospel Pentecostal Church to 15 days of administrative detention for holding an "illegal" religious meeting, and fined 10 other members 50 times the minimum monthly wage.

In some regions of Uzbekistan, such as Karakalpakstan and Khorezm, almost all churches have been closed and Hare Krishna and evangelical Protestant students have been expelled from university. In Karakalpakstan, no non-Muslim and non-Orthodox religious communities have official registration status. More than 20 Protestant and Jehovah's Witnesses congregations in the region have been refused legal status, making their activity illegal. In the reporting period, authorities in Karakalpakstan reportedly ordered Christian books, including the Bible, to be destroyed. NGOs reported that local authorities also said that each Bible must be registered with the Council on Religious Affairs (CRA).

The state-controlled media also has encouraged prejudice against certain minority religious groups, particularly Protestants, Baha'is, and Jehovah's Witnesses. Furthermore, it has accused missionaries of posing a danger to society and equated them with religious extremists. In addition, government officials have held meetings at universities and schools around the country warning students about the "negative consequences of missionaries and religious extremism."

#### *Restrictions on Religious Literature*

The official Council on Religious Affairs (CRA) must approve all religious literature. Under the religion law, importing, storing, producing, or distributing unapproved religious materials is prohibited. Administrative violations are subject to fines of 20 to 100 times the minimum monthly wage for individuals, or 50 to 100 times the minimum monthly wage for officials of organizations. The materials and the means of producing and distributing them can also be confiscated and destroyed. Individuals already convicted of administrative offenses are liable under the criminal code to pay court-ordered fines of 100 to 200 times the minimum monthly wage or to serve a term of corrective labor of up to three years. The Uzbek criminal and administrative codes also punish the production and distribution of "literature promoting racial and religious hatred."

Only eight registered religious organizations (an inter-denominational Bible Society, the Muslim Board of Uzbekistan, two Islamic centers, and Russian Orthodox, Full Gospel, Baptist, and Roman Catholic offices) have the legal right to publish, import, and distribute religious literature. Moreover, a 2006 instruction issued by the Uzbek government reportedly limits the press run of any religious book to fewer than 1,000 copies.

It remains difficult to secure permission from the CRA and the *Muftiate* to publish Muslim literature, and almost no foreign Islamic literature is allowed to be imported. Imam Obidkhon Nazarov, the exiled former imam of Tashkent's Tukhtaboi mosque, noted that even books by renowned Muslim scholars were no longer published in Uzbekistan. In addition to Islamic books and periodicals published by the state-controlled Muslim Board, the independent former Chief *Mufti*, Muhamad Sadyk Muhamad Yusuf,

whom USCIRF met in 2004, has official permission to publish religious materials and to host a radio program.

In March 2010, Uzbek authorities raided and closed down 20 bookstores in Tashkent that sold religious literature. In January 2011, a court in Tashkent fined an official of the Bible Society of Uzbekistan for importing two large shipments of Bibles and ordered her to send back the books. The shipments had been seized and held by customs officials for three years. Government officials reportedly told the Bible Society that due to electronic versions of the Bible, no import of books was needed. In February 2011, police ordered a Jehovah's Witness to open a package containing officially-approved religious literature; a Navoi region court later fined him 70 times the minimum monthly wage for possession of supposedly illegal literature. A Tashkent court imposed a large fine on a Protestant in September 2010 for owning one copy of a Christian film.

As of March 2011, the Uzbek authorities required operators of Internet sites to inform the government of mass distributions of text messages with undefined "suspicious content" and to monitor activity on social networks and the Internet. Commercial mobile phone users were recently denied access to news Web sites such as ferghana.ru, uznews.net, the BBC's Uzbek service, and RFE/RL's Uzbek service. Social media sites including MySpace, Facebook, Twitter, Blogger and Flickr are sometimes inaccessible.

#### *Restrictions on Religious Education*

Only six registered religious communities have the eight regional branches necessary to qualify as a central administrative body, and thereby be permitted to engage in religious education. Moreover, Uzbek law limits religious instruction to officially-sanctioned religious schools and state-approved instructors. The law permits no private instruction and provides for fines for violations.

There are 11 state-controlled *madrassas* (including two for women) that also provide secular secondary education, and an official Islamic Institute and Islamic University in Tashkent that provides higher education. The official *Muftiate* conducts regulated Sunni Muslim religious education for adults. However, 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, although Sunni *madrassas* reportedly offer some courses in Shi'a jurisprudence. The state has also closed or confiscated privately-funded religious schools.

The government allows religious minorities only extremely limited educational opportunities. The Russian Orthodox Church operates two monasteries (one for women, one for men) and a seminary, and many of its churches offer Sunday school education. The Jewish community lacks a rabbinate or yeshiva because it does not have synagogues in eight different Uzbek provinces and therefore cannot meet the legal requirements for a registered central office. A Jewish school in Tashkent provides instruction on Jewish culture. In 2008, the Uzbek government did not renew the visa of Uzbekistan's chief rabbi, effectively expelling him from the country.

Registered Christian groups and other religious communities may establish Sunday schools subject to numerous government restrictions, but registered religious communities that offer religious education have also been persecuted. In 2009, the director of the registered Baptist Union was banned for three years from holding an official position for alleged tax evasion and for involving children in religious activity without consent. Pentecostal preachers have been detained and received massive fines for allegedly breaking the legal ban on teaching children religion. There were several reports that children faced increasing difficulties in practicing their faith. Some schools sent parents questionnaires asking whether their children attend church or mosque, and officials then discouraged both Muslim and Christian

parents from continuing this practice. Some school officials have questioned students about their religion and asked why they attend services.

### *Restrictions on Foreign Travel for Religious Purposes*

The Uzbek government continues to restrict international travel for religious purposes, including denying exit visas to members of religious minorities. Muslims, Protestants, and Jehovah's Witnesses reportedly have been denied exit visas in recent years. Several expatriate staff members of NGOs were deported for suspected missionary activity in 2009. In February 2010, Uzbek authorities forced the departure of three U.S. citizens associated with the New Hope faith-based humanitarian assistance NGO, which provides medical care to disabled persons in Tashkent.

As it has done for many years, in 2010, the Uzbek government allowed about 5,000 – or 20 percent of the country's official quota of 25,000 – pilgrims to make the religious *hajj* to Mecca. Those who travel must be approved by local authorities, the secret police, the CRA's Hajj commission, and the Muftiate. Furthermore, hajj pilgrims must travel on state-run Uzbekistan Airlines and pay the equivalent of 200 times the monthly wage.

### **U.S. Policy**

In response to terrorist activity, Uzbek President Islam Karimov launched a sweeping campaign in the 1990s that continues to this day. It has resulted in the incarceration of thousands of Muslims, mainly on unproven charges of religious extremism. This ongoing, broad-brush approach in Uzbekistan could have serious consequences for Central Asia because, while the mass repression is an inadequate response to real security threats, it fuels popular anger and aids recruitment efforts by genuine terrorist groups.

U.S. policy in Uzbekistan focuses on that country's key position as a supply route for U.S. and NATO forces in Afghanistan via the Northern Distribution Network (NDN). In 2010, the United States expanded its security cooperation with Uzbekistan and several other Central Asian states to allow it to ship supplies overland through Central Asia to U.S. and international forces in Afghanistan, rather than through areas in Pakistan that are subject to constant Taliban attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. In 2011, U.S. Special Operations Forces were given permission to enter Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan on a "case-by-case" basis to conduct counter-terrorism operations, with permission from the host nation. Uzbekistan also has allowed U.S. soldiers to be transferred to Afghanistan via its military base in Termez where German troops are based.

The U.S. State Department has designated Uzbekistan as a "country of particular concern," or CPC, for its systematic, egregious, ongoing violations of religious freedom since 2006. The CPC designation was most recently renewed in January 2009. At that time, the State Department imposed a 180-day waiver on taking any action under the International Religious Freedom Act (IRFA) to allow for negotiations with the government of Uzbekistan on steps to improve religious freedom. These negotiations have not led to a binding agreement, despite the tolling of the long-past 180-day period.

The U.S. reliance on Uzbekistan for the NDN has led human rights groups to express concerns that the U.S. government may temper its criticisms of the Uzbek government and reduce its efforts to promote human rights in Uzbekistan in order to ensure the NDN's continued operation. The United States instituted Annual Bilateral Consultations (ABCs) with each of the Central Asian countries in December 2009. According to recent Congressional testimony of Assistant Secretary of State for South and Central Asia Robert Blake, the ABCs constitute "a face-to-face structured dialogue, based on a jointly developed, comprehensive agenda that facilitates candid discussions on the full spectrum of bilateral priorities,

including human rights, religious freedom, science and technology collaboration, economic development, defense cooperation, and any other issue that either side would like to bring to the table.” Despite Uzbekistan’s CPC status, during his discussion of the Uzbekistan ABC, Assistant Secretary Blake did not mention freedom of religion or belief, although he mentioned a few other human rights concerns.

Since 2003, under the FREEDOM Support Act, Congress has prohibited U.S. assistance to the Uzbek central government unless the Secretary of State determines and reports that Uzbekistan is making substantial progress in meeting human rights commitments, establishing a multi-party system, and ensuring free and fair elections. Since 2004, some U.S. aid to Uzbekistan has been withheld due to a lack of progress on democratic reforms. In 2008, Congress blocked Uzbek government officials from entering the United States if they are deemed to have been responsible for the events in Andijon or other human rights violations. In 2010, Congress permitted expanded International Military Education and Training (IMET) programs for Uzbekistan, consisting of courses stressing civil-military relations and military justice.

For Fiscal Year 2012, the State Department has requested \$1.7 million in Peace and Security assistance for Uzbekistan, including \$300,000 for IMET programs and \$380,000 for programs relating to security sector reforms. The total amount of the U.S. assistance requested by the Department of State for Uzbekistan for FY 2012 is \$11.8 million.

In its 2010 *Advancing Freedom and Democracy Report*, the State Department described the goals of U.S. democracy and human rights policy in Uzbekistan as “promoting human rights (particularly eradicating the use of torture in the investigative process and abuse in prisons); ending the government mobilization of forced and child labor during the annual cotton harvest; building political pluralism and a strong civil society sector; promoting freedom of religion and freedom of the press; encouraging transparent and accountable governance mechanisms at the local level; ensuring legal reform and accountability; and protecting the rights of vulnerable groups, including women, children, persons with disabilities, and refugees.” It also stated that “U.S. officials advocate with government counterparts in favor of democratic reform, human rights, religious freedom, and adherence to the rule of law.”

## **Recommendations**

USCIRF recommends that the U.S. government re-designate Uzbekistan as a CPC, drop the waiver, and, as a consequence of the designation, impose sanctions, including a ban on visits to the United States by high-level Uzbek officials. In addition, as described more fully below, USCIRF recommends that the U.S. government should prioritize freedom of religion or belief as an issue in U.S.-Uzbek bilateral relations, encourage greater international scrutiny of Uzbekistan’s human rights record, and support Uzbek human rights defenders and religious freedom initiatives.

### **I. Prioritizing Freedom of Religion or Belief as an Issue in Bilateral Relations**

In addition to continuing to designate Uzbekistan as a CPC, the U.S. government should:

- lift the waiver that has been in place since January 2009 and impose sanctions, including a ban on visits to the United States by high-level Uzbek officials, as a consequence of Uzbekistan’s CPC designation;
- 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. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in its public and private arrangements with the Uzbek government;
- 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 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;
  - revising the 1998 Law on Freedom of Conscience and Religious Organizations to bring it into compliance with international standards, including making changes consistent with recommendations made by the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief, and 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; and
- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan both why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in their country.

## **II. Encouraging Greater International Scrutiny of Uzbekistan’s Human Rights Record**

The U.S. government should:

- work with other governments to urge the UN Human Rights Council to reverse its decision ending human rights scrutiny of Uzbekistan under the confidential 1503 procedure and to address this situation in a public country resolution at the Council;

- encourage public 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 visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.

### **III. Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives**

The U.S. government should:

- continue to monitor closely 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 human rights groups and religious communities to be allowed to register or to operate freely without registration;
- 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, and continue funding for the Voice of America (VOA) Uzbek Language Service;
- ensure that the U.S. Embassy in Uzbekistan maintains active contacts with Uzbek human rights activists and publicly recognizes their contributions;
- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom so as to permit them to take part in relevant international conferences;
- work to develop effective assistance programs to encourage the creation of civil society institutions to protect human rights and promote religious freedom in Uzbekistan, including training in human rights, the rule of law, and crime investigation for police and other law enforcement officials, for example by:
  - expanding legal assistance programs for Uzbek relatives of detainees and 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
  - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities;

--ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants in such exchange programs after their return to Uzbekistan, and if such harassment continues, impose negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.