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USCIRF Annual Report 2012 - Countries of Particular Concern: Uzbekistan

FINDINGS: Since Uzbekistan gained independence in 1991, its government 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 facilitates the government's control over all religious communities, particularly the majority Muslim community. The government continues to arrest Muslims and repress individuals, groups, and mosques that do not conform to officially-prescribed practices or that it claims are associated with extremist political programs. Thousands of such persons remain imprisoned as alleged extremists, including many who reportedly are denied due process and subjected to torture. While Uzbekistan does face security threats from members of groups that advocate or perpetrate violence in the name of Islam, the government arbitrarily applies vague anti-extremism laws against many Muslims and others who pose no credible threat to security.

Based on these systematic, ongoing, and egregious violations, USCIRF continues to recommend in 2012 that Uzbekistan be designated as a "country of particular concern," or CPC. Since 2006, the State Department has so designated Uzbekistan, but since 2009 it placed a waiver on any punitive action that would sanction the country, as set forth in IRFA.

Uzbek police and security forces continue to raid and detain members of unregistered, and sometimes registered, religious groups for peaceful religious activity. Over the past decade, an estimated 5,000 individuals reportedly have been sentenced or imprisoned, sometimes in psychiatric hospitals, for terms of up to 20 years due to their non-violent Islamic religious affiliations or beliefs in trials that fall far short of international standards. For example, the Uzbek government continues its campaign against the *Nur* group for alleged extremism. It also targets religious minority groups, especially those viewed as engaging in proselytism.

PRIORITY RECOMMENDATIONS: The State Department should again designate Uzbekistan as a CPC. Upon re-designation, the United States immediately should engage Uzbekistan in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-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. Measures need to be taken to ensure that U.S. security and other assistance does not go to agencies responsible for particularly severe violations of religious freedom. To the extent possible, 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 also should press the Uzbek government to revise its 1998 religion law to comply with international standards; establish a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses; and permit an independent international investigation into the May 2005 Andijon events. Additional recommendations for U.S. policy toward 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. Through regulations that often are arbitrarily applied, however, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups, severely restricts religious freedom for unregistered groups, and restricts rights deemed in conflict with national security. 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 grants, but only to registered religious groups, the right to establish schools and train clergy. It also limits the right to conduct religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and authorizes court 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; reportedly, Muslim men hesitate to grow beards or wear traditional clothing in order to avoid possible harassment. Women wearing head scarves face official harassment and possible sentences. Reportedly, teachers are instructed not to wear religious head coverings, nor to allow their students to do so.

The criminal code distinguishes between improperly registered "illegal" groups and banned "prohibited" groups. Individuals participating in organizations deemed to be religious extremist, fundamentalist, or separatist groups face up to 20 years in prison. Alleged organizers of "illegal" religious groups face up to five-year terms, as do those who resume the activities of a group denied registration or ordered to disband. Alleged participants of such groups may spend up to three years in prison. The Uzbek government deploys the following criminal code articles against religious activity: Article 159 (anti-constitutional activity); Article 216 (illegal establishment of public associations or religious organizations); Article 216, section two (violation of legislation on religious organizations, including proselytism); Article 244, section one (production and distribution of materials that create a threat to public security and public order); and Article 244, section two (establishment, direction of, or participation in religious extremist, separatist, fundamentalist, or other banned organizations).

The country's criminal and administrative codes permit the levying of heavy fines, of as much as 200 to 300 times the minimum monthly wage, for repeated violations of the regulations 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 or use of physical violence, detention and arrest.

Without legal registration status, religious groups cannot open bank accounts; construct, rent, or buy buildings; print religious literature; or appoint or hire religious leaders.

Many religious groups are unable to meet the registration requirements, which include: a minimum membership of 100 Uzbek citizens; a fee which is 50 times the minimum monthly wage; numerous documents setting out the group's rules and meeting protocols and certifying the fulfillment of other requirements; and proof of a valid legal address. Registration of a central body also requires that it be present in eight of the 13 provinces, impossible for most minority religious groups. Uzbek officials reportedly set up administrative hurdles to registration, such as rejecting applications that meet registration requirements, claiming that applicants have falsified congregation lists, finding grammatical or minor errors in a religious group's charter, creating difficulties in certifying addresses, or claiming improper fire and sanitation inspections.

In 1998, the Uzbek government closed down some 3,000 of the 5,000 mosques that were then open; since then, mosques have faced registration difficulties. Several mosques in the Ferghana valley, the country's most actively religious region, have not been registered in recent years even though they had the legally required number of congregants. Nevertheless, the government reportedly allows a number of unofficial, independent mosques to operate under the watch of official imams. For example, for many years 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 in Uzbekistan also encounter major registration difficulties. For instance, the registration requests of all Baptist churches have been rejected since 1999. The Uzbek government repeatedly has 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. Many churches, particularly evangelical churches with ethnic Uzbek membership, do not apply for registration because they expect local officials to refuse their applications. The Council of Churches Baptists refuses on principle to seek registration. Reportedly, Jewish groups have not been allowed to register in various cities.

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 made at least 23 registration applications in Tashkent and some 13 applications in various Uzbek provinces, but only one Jehovah's Witness group in Chirchik was registered. Nevertheless, the Uzbek

government reportedly has made frequent attempts to restrict the activities of Jehovah's Witnesses in Chirchik.

Application of Extremism Laws

The highly-regarded Russian human rights group Memorial reported in 2011 that there are more political prisoners in Uzbekistan than in all of the other former Soviet republics combined. Over the past decade, an estimated 5,000 individuals reportedly were imprisoned (sometimes in psychiatric hospitals), for terms of up to 20 years because of their Islamic religious affiliations or beliefs. Some Uzbek human rights activists, however, estimate that there are almost 10,000 people imprisoned for their alleged links to groups the Uzbek government views as extremist, as well as Muslims who choose to practice Islam independently of officially-approved entities. USCIRF has received information from the Initiative Group of Independent Human Rights Defenders of Uzbekistan concerning 65 Muslim political prisoners in Uzbekistan who were arrested or sentenced in 2011 and early 2012; a detailed list of these individuals is included in the appendix to this Annual Report.

Many of these individuals have been imprisoned because they reject state control over religious practice or because the Uzbek government claims they are associated with extremist groups. According to international and Uzbek human rights advocates, however, the only "crime" of many of these individuals is the independent practice and intensive study of Islam. The Uzbek government does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather prevention of armed resistance. Security threats do exist and terrorist bombings have occurred in Uzbekistan, including from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Uzbek government's policies are highly problematic, since they lack due process guarantees, are based on arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security, and often involve credible allegations of torture.

The Uzbek government bans certain Islamic organizations it labels "Wahhabi" or "Jihadist." Alleged membership in these groups, which include *Hizb ut-Tahrir* (HT), *Akromiya*, *Tabligh Jamaat*, *Nur*, and others, is a crime under Uzbek law. Although the term "Wahhabi" usually refers to followers of the highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia, the Uzbek government uses the term to refer to a wide range of Muslim individuals or groups, including genuine violent extremists, political opponents of President Karimov's regime, those educated abroad, those who practice non-violent Islam outside of government entities, or followers of three Uzbek

imams prominent in the 1990s. Two of these prominent imams have disappeared in Uzbek prisons.

The third such imam, Obidkhon Qori Nazarov, known for his defense of religious freedom and condemnation of violence, was the imam of a large mosque in Tashkent from 1990 to 1996. He was fired from this position and his house was demolished by the government in 1996. Two years later, Nazarov faced criminal charges, which Uzbek human rights activists say were fabricated, and he fled Uzbekistan to Kazakhstan. During that time, Kazakh and Uzbek security police reportedly made two attempts to kidnap Nazarov. The United Nations High Commissioner for Refugees (UNHCR) granted him political refugee status and in 2006 Sweden granted him political asylum. Nazarov's son Khusnuddin disappeared in 2004, shortly after police questioning in Tashkent. On February 22, 2012 Nazarov was shot in Stromsund, Sweden, and remains in critical condition. Nazarov's followers, both in Uzbekistan and elsewhere, believe that the Uzbek government is responsible for the attempt on the imam's life, and some who have expressed these views have been threatened. The Swedish police, from whom Nazarov had requested protection a few days before the attack, are investigating the crime.

In January 2010, a young Muslim journalist, Hairulla Khamidov, was arrested in Tashkent and charged with membership in an alleged extremist group. A police search of his home found recordings of sermons by the independent Muslim clerics mentioned above. Many believe that Khamidov was targeted because of his popular religious program on a private radio station. In May 2010, Khamidov received a six-year prison camp sentence, and five others were sentenced to terms ranging from four to six years.

In June 2011, Bakhtiyar Makhamatov and Nematilla Sakhibov were convicted of HT membership and sentenced to seven years in prison, while six other detainees received six-year prison sentences, RFE/RL's Uzbek Service reported. Alleged HT members are believed to comprise the vast majority of the political prisoners in Uzbek prisons, although arrests of alleged HT members appear to have decreased since 2008. 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 Qur'anic study sessions." Often, there was reportedly no evidence of violence and many of those arrested claim they are falsely accused of HT membership. Some arrests follow alleged, or planted, possession of HT literature.

HT is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse of secular governments. At

that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it has also denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have 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, although there were no known convictions for alleged *Akromiya* membership 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 overthrow the Uzbek government in Andijon in May 2005. According to religious experts, however, *Akromiya* is an informal association not known to use or advocate violence that promotes Islamic business principles as espoused by the 1992 writings of 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; its 12 to 80 million followers in 150 countries emphasize non-violence, piety, prayer, preaching and respect for others, according to the State Department, the International Crisis Group, and Stratfor. Nevertheless, some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. In 2011, 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 imprisoned numerous alleged members of what it labels the *Nur* group: followers of Said Nursi, a Turkish mullah. Many observers do not consider Nursi's followers as a formal movement, but rather informal groups of individuals who read his books, which were in wide public circulation in the 1990's. 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 has aired a documentary that described *Nur* as an extremist sect with a goal of establishing a pan-Turkic state; the program claimed that Nur's 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 for seven years; Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev and Kudrat Sultonov for six years; and Nosyr Mamazhanov, Muhammad Yarmatov and Ramzhon Abdukodyrov for 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 Initiative Group of Independent Human Rights Defenders of Uzbekistan.

In December 2010, 18 Muslims received prison 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 Qur'an but not the hadith. The prisoners included Nasibullo Karimov, the movement's leader, who received a nine-year sentence.

Eleven Muslims were arrested in Tashkent in September 2011 on suspicion of "extremism," including Akhror Saidvaliev, 23, and Adkham Siddiqov, 47. Siddiqov is charged with the leadership of an extremist religious group; the identity of the other nine men and women is not known, RFE/RL reported. In November 2011, 20 young men were taken into custody for alleged "Wahhabism" in the Andijon region, including Ammoridin Bahromov and Abdullo Turgunov, relatives of imam Abdvali Qori who disappeared in prison. Reportedly, two weeks previously, a follower of the same imam was arrested in the Ferghana region.

A group of 16 men were charged with extremism in Yangibozor in the Tashkent region for their alleged discussions during a 2008 religious rite celebrating the birth of a child. In November 2011, they were sentenced to terms of up to six years. Uzbek human rights activists say that the defendants' guilt for their alleged comments made three years previously was not proven in court. In another incident, in January 2012, police in the town of Kosonsoy in the Namangan region of the Ferghana valley arrested five men and the imam of a registered mosque, Sharifjon Boltaboev, on charges of alleged terrorism

and extremism. The detained men have been denied access to lawyers or relatives, making it difficult to determine the veracity of the charges.

The Uzbek authorities also have adopted repressive measures against entire families on charges of alleged religious extremism. One such case is Akhmadjan Madmarov, a human rights activist from Margilan in the Ferghana valley, with whom USCIRF met during its 2004 visit to Uzbekistan. 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 his seven-year term ended, but another son and two nephews remain in prison.

In reportedly the largest extradition case in post-Soviet history, the Kazakh authorities returned 28 Uzbek asylum seekers to Uzbekistan in June 2011; they had been in Kazakhstan between one and three years. Reportedly, some were arrested in the Almaty UNHCR office where they had sought protection. The refugees denied the official charges of extremism and terrorism and said they were persecuted for their Muslim beliefs. They already have been sentenced to prison terms ranging from five to 15 years; Amnesty International says that they face "real risk of torture." The families of the returnees also face possible extradition from Kazakhstan.

The Andijon Protest and its Aftermath

After 23 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. The next day, several thousand mostly-unarmed civilians gathered on the Andijon central square to protest the trial and 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 a higher death toll of as many as 1,000 men, women, and children. 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. The Uzbek authorities also jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in these events. They also reportedly imposed forcible drug treatments, as in the case of Jamshid Karimov, who was released in November 2011 after five years in psychiatric

hospital. The Uzbek government continues to seek out and persecute persons that it deems to have a connection to, or information about, the Andijon events. Even the relatives of human rights activists have been threatened, dismissed from their jobs, beaten, and sometimes imprisoned on fabricated criminal charges. The government also closed down most domestic and foreign-based NGOs, particularly those that focus on human rights.

Particularly since the 2005 Andijon events, it is difficult to get independent verification of Uzbek government claims that it is combating torture in prison. According to the Uzbek human rights group Andijon-Justice and Revival, since 2010, 10 prisoners have died out of 241 individuals imprisoned in connection with the Andijon events. One such case is that of Abdumannon Ortikov, 34, who died in prison in July 2011; allegedly his body was covered with slashes. Sentenced to a five-year term in 2005 for alleged terrorism, Ortikov died shortly before his scheduled release.

In addition, the Uzbek government has pressured other countries to return Uzbek refugees who fled after the Andijon events, including those who were under UNHCR protection. In December 2010, for the first time, two Russian courts outside Moscow ruled that extradition requests for Uzbek refugees should not be granted because they face the likelihood of torture. Nevertheless, Mamirzhan Yusupov, Akhmadzhon Bekpulatov and Russian citizen Sanzharbek Satvaldiev were extradited from Moscow. In January 2012 they stood trial in the Andijon region and received terms ranging from five to eight years reportedly on unproven charges of extremism.

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 on religion-related charges are treated particularly harshly. Reportedly, prisoners who pray or observe Muslim religious festivals are beaten, tortured to force them to renounce their religious or political views as well as to reveal the names of other possible suspects. In May 2011 hundreds of prisoners protested their cruel treatment due to their religious beliefs in a labor colony in Kashkadar region, after which four men were sent to punishment isolation cells and visits by relatives were banned. Some prisoners charged with Islamic extremism were not permitted to pray or to observe Ramadan since such observances were violations of "internal prison regulations." Convictions are almost entirely based on confessions, which are often gained through the use of torture.

In 2011, the Ezgulik human rights group documented the alleged torture of female detainees, including many imprisoned due to their religious beliefs. Not only is sexual violence common, but the "standard" torture methods increasingly also are being applied to female detainees.

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 gas masks to block victims' air supply.

According to an October 2011 appeal by their parents, Rustam and Dilshodbek Amanturdiev, sentenced respectively to 15 and 17-year sentences on allegedly false charges of HT membership, have been subjected to frequent torture and terms in punishment isolation cells. Torture also allegedly is used to force adults and children to renounce their beliefs or to implicate themselves or others.

In 2008, the UN Committee against Torture (CAT) 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 CAT 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 Uzbek government has not responded to repeated requests from the UN Special Rapporteur on Torture for permission to revisit the country.

The CAT also called for the closure of the "special regimen" prison in Jaslyk where well-known poet, Yusuf Jumaev, was serving a 12-year term after he wrote a poem about the 2005 Andijon events. In May 2011, Jumaev was pardoned by President Karimov and allowed to leave Uzbekistan to join his family in the United States. After his release, he told RFE/RL that in Jaslyk he had often been beaten and that he had spent time in solitary confinement.

In September 2011, President Karimov signed a new law that prohibits torture, discrimination, and harassment in pretrial detention centers and jails. However, the Uzbek human rights group Ezgulik reports that the new law will not improve the appalling conditions of pretrial detention, and that it has information about the existence of special, extremely cold cells used for punishment amounting to torture.

In addition, Uzbek authorities seem to have stepped up their practice of refusing to 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 or even minor infractions of prison regulations, and claiming that the prisoners still represent a danger to society. Zarbotzhon Akbarov, imprisoned in 2003 for a nine-year term in connection with unofficial religious literature, was resentenced in 2011 for alleged violations of camp regimen and was denied an October family visit. Alim Boymatov was sentenced to a 5-and-a-half-year term in August 2006 for alleged participation in a religious-extremist group, and re-sentenced in November 2011 to a three-year term; his mother reported that the bottom of his feet are calloused as a result of beatings.

Restrictions on Muslims

Despite the constitutional separation of religion and state, the Uzbek government controls Islamic institutions and practice through the officially-sanctioned Sunni 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 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 uses 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. Since 2007 the *Muftiate* has not allowed imams in the Namangan area to preach or children to pray during Ramadan night prayers and limited public calls to prayer.

The central government has instructed regional officials that children should not attend mosque. Nevertheless, despite efforts to limit young people's interest in Islam, the country's registered mosques reportedly are very full. People are attracted to Islam because they view religion as an alternative to the unjust Uzbek government, according to the Ezgulik human rights group.

Reports continued in 2011 from Uzbek human rights groups about the official Uzbek campaign against Muslims alleged to have violated religion laws: nine Muslim adherents were held in Tashkent prison punishment isolation cells; 40 religious adherents in the Yangiyulsky region were arrested. Three women were convicted in April 2010 on criminal charges of threatening the constitutional order, public security, and public order because they had conducted the private religious instruction of girls. Mehriniso Hamdamova, a teacher at an officially-approved women's religion course at Karshi's Kuk Gumbaz Mosque, was sentenced to seven years in a prison camp; her sister Zulkhumor Hamdamova and their relative Shahlo Rakhmonova each received six and a half year

terms. According to Uzbek human rights defender Surat Ikramov, the court hearings did not prove the defendants' guilt under the official charges. These women prisoners could be released, particularly since they are eligible under a December 2011 constitution day prisoner amnesty.

The Uzbek government also exercises strict control over information and restricts the media and civil society. Surat Ikramov, leader of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, whose group issues frequent reports on official Uzbek persecution of Muslims and others, was fined for slander and defamation in September 2010. The Commission met with him during its 2004 visit to Uzbekistan.

Charges against Non-Muslims

The Uzbek government frequently brands Protestants and Jehovah's Witnesses "extremists" for their practice of 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.

Three Jehovah's Witnesses have been 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. As of late January 2012, however, Turaev and Ivanov will likely undergo new trials, resulting in possible additional five year terms, because they allegedly disobeyed orders in prison. Although their imprisonment began in open labor camps, after they requested amnesty they were transferred to a stricter prison. In the summer of 2011, the three Jehovah's Witnesses prisoners were told by a prison official that if they did not renounce their faith, they would not be released when their terms ended.

Baptist Tohar Haydarov received a 10-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

In 2011, Uzbek authorities raided several meetings of registered and unregistered Christian and Baha'i groups. Officials justified the raids of registered groups by citing supposed restrictions on meetings outside of the group's geographic area of registration. During an alleged anti-terror operation in March 2011, police stopped a Baptist Sunday service in an old peoples' home in the Tashkent region, alleging that the meeting had not been officially authorized. Six Baptists who were leading the service were briefly detained in the local police station. In the Syrdarya region, unidentified district police broke into an unregistered Baptist Church in March 2011. They confiscated three Bibles, which were sent for review by the state Religious Affairs Committee in Tashkent, and the police opened an administrative case against the church's leader.

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. The Second Baptist Church of Tashkent was raided by police in April 2011 for allegedly operating an illegal Bible school and printing and distributing Christian literature. Reportedly, 53,000 items of religious literature were confiscated along with computers and printing equipment; a court ordered fines of a total of US \$7,000 against four church members and the church was fined US \$3,000.

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 and more than 20 Protestant and Jehovah's Witnesses congregations in that region are denied registration, making their activity illegal.

The state-controlled media also has encouraged intolerant views of certain minority religious groups, particularly Protestants, Baha'is, and Jehovah's Witnesses. Furthermore, journalists have accused missionaries of posing a danger to society and equated them with religious extremists. Government officials have held meetings at universities and schools around the country warning students about the "negative consequences of missionaries and religious extremism." In November 2011, the Deputy Head of the Angren City Administration warned representatives of registered Catholic, Russian Orthodox, Presbyterian, Seventh-day Adventist and Baptist churches not to be involved in "missionary activity" and not to allow children or youth to take part in worship meetings.

Restrictions on Religious Materials

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 also can 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. In 2011, authorities in Karakalpakstan reportedly ordered the destruction of Christian books, including the Bible, and the registration of each Bible with the CRA.

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. In March 2011, Uzbek National Security Service (NSS) agents, police and tax officers, and CRA representatives raided and closed twenty bookstores in the World of Books trading center, the only place where officially approved books on Islam can be sold. Imam Obidkhon Nazarov, the exiled imam of Tashkent's Tukhtaboi mosque, noted that even books by renowned Muslim scholars were no longer published in Uzbekistan. In addition to materials printed 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.

After a January 2012 police raid on a Protestant church in Jarkurgan, officers confiscated Christian books and DVDs from the Uzbek Bible Society. Three church members will face administrative charges for alleged distribution of religious materials and missionary activity. One of the three was beaten, threatened by local police and told to stop his religious activity. In November and December 2011, courts in Tashkent and in the Syrdarya region upheld administrative fines against nine Baptists, including a massive fine of the equivalent of U.S. \$2,220 against a member of a registered Baptist Church. In another incident, two members of an unregistered Baptist Church in Ferghana were fined and had books, a laptop computer, and DVDs confiscated. In February 2011,

after police ordered a Jehovah's Witness to open a package that contained officially-approved religious literature, a Navoi region court fined him 70 times the minimum monthly wage for possessing the literature.

The Uzbek government also monitors and restricts access to the Internet. Over 250 websites viewed as hostile by the Uzbek government are blocked inside the country. 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.

Fazliddin Zainuddinov, a Tashkent Islamic University student, visited an Internet café where he thought he was exchanging emails with imam Mukhammadsolikh Abutov, who has political asylum in Sweden. He was actually communicating with an Uzbek national security service website and, after Zainuddinov agreed to put up leaflets calling for a protest rally, he was arrested in December 2011. He is being held in an isolation cell and his parents have been threatened by the Uzbek security services, according to Uzbek human rights activists.

Restrictions on Education

Only six registered religious communities have the necessary eight regional branches 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. The state has also closed or confiscated privately-funded religious schools.

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. According to a 2012 report issued by the Uzbek Initiative Group of Independent Human Rights Activists, however, the official Muslim educational establishment is riddled with bribery, corruption, and favoritism.

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. Reportedly, however, some Sunni *madrassas* offer some courses in Shi'a jurisprudence.

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. The director of the registered Baptist Union was banned for three years from official work for alleged tax evasion and for involving children in religious activity. Pentecostal preachers have been detained and received massive fines allegedly for violating the legal ban on teaching children religion. There were several reports that children faced increasing difficulties in practicing their faith. Some schools sent questionnaires asking parents if their children attend church or mosque and were told not to allow it. Some school officials have questioned students about their religion and why they attend worship services.

In recent years, school principals and teachers in secular schools have enforced the official ban on the *hijab*. Moreover, in December 2011, the Uzbek Ministry of Education began requiring students at all institutions of higher education to sign a 23-page pledge agreeing not to wear religious or "immodest" Western-style clothing, not to "allow foreign religious or extremist influences," and not to criticize professors or problems in higher education on the Internet. Reportedly, students are angry about the new rules, which they view as unconstitutional and contradicting official efforts to encourage Internet use in Uzbekistan.

Restrictions on Foreign Travel for Religious Purposes

As in previous years, the Uzbek government restricted international travel for religious purposes. The Uzbek authorities continued to place strict limits and controls on pilgrims for the October 2011 *Hajj* and restricted the total to 5,078, or about one fifth of the available quota. Would-be pilgrims under the age of 45 are not allowed to take part. Pilgrims also are required by the government to obtain permission from local and police authorities, for which they reportedly have paid high fees and alleged bribes.

As of the end of the reporting period, Russian Orthodox Church Patriarch Kirill's announced visit to mark the 140th anniversary of the church in Uzbekistan had still not occurred. Allegedly, the Uzbek government has blocked the patriarch's visit because the Moscow Patriarchate had appointed a new bishop to Tashkent in July 2011 without first obtaining official Uzbek approval.

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.

U.S. Policy

In response to terrorist activity in the 1990's, Uzbek President Islam Karimov launched an on-going campaign that has resulted in the incarceration of thousands of Muslims, mainly on unproven charges of religious extremism. Uzbekistan's drive against Islam in the name of security could have serious practical consequences for Central Asia. Not only is this mass repression an ineffective response to real security threats, it also has fueled popular anger and reportedly 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 into 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. Reportedly, as early as 2009, 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.

While the Department of Defense will not disclose how much Uzbekistan is paid for its NDN role, the governments of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan receive an annual total of US \$500 million in transit fees. Uzbekistan, with Central Asia's most developed railway network, is the NDN hub, but the country is also known as one of the world's most corrupt and repressive states. In addition, it often has been uncooperative in its NDN role, which will become more important as the withdrawal of American forces from Afghanistan accelerates. In the summer of 2011, Eurasianet reported that the Pentagon is considering alternative routes to the NDN.

The 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 September 2011. At that time, the State Department again waived any action under the International Religious Freedom

Act (IRFA) to "further the purposes of the Act." However, it ended its previous approach of issuing a 180 day wavier and replaced it with an indefinite waiver.

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. The United States instituted Annual Bilateral Consultations (ABCs) with each of the Central Asian countries in December 2009. According to 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 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." Reportedly, however, the U.S. government agreed with Uzbek officials to defer discussion of religious freedom during its initial ABC talks with Uzbekistan.

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. The U.S. defense bill signed into law on December 31, 2011 included a provision under which the U.S. could renew its military aid to Uzbekistan, if the Secretary of State certified to national security grounds and the State Department provided an assessment of the human rights progress. In January 2012, the State Department used that provision, allowing the ban on military aid to Uzbekistan to be lifted temporarily. The State Department's human rights assessment included numerous human rights concerns, such as severe limitations on religious freedom, persistent torture in prisons, and the lack of an independent probe into the 2005 Andijon tragedy. The assessment also stated that the State Department is in negotiations with the Uzbek government to arrange a visit by Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook in early 2012. The aid in question reportedly includes training border troops and possibly providing military supplies.

For FY 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.

Recommendations

USCIRF recommends that the U.S. government continue to designate Uzbekistan as a CPC and immediately engage in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. As described more fully below, USCIRF also 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:

- press for concrete progress to address religious freedom abuses, and if those efforts fail after 180 days, 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 and mid-level Uzbek officials, as a consequence of Uzbekistan's CPC designation;
- reduce aid and arms sales to Uzbekistan and ban visits by high-level and mid-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing specific measures to improve conditions of freedom of religion or belief and observe international human rights standards, including:
 - 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;
- – ending reliance on convictions based solely on confessions and implementing the recommendations of the UN Committee Against Torture and the UN Special Rapporteur on Torture; and
- – adopting policies to ensure that every prisoner has greater 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; and
- for any assistance provided, make certain that it does not go to Uzbek government agencies, such as branches of the Interior and Justice Ministries and certain judges and prosecutors, responsible for particularly severe violations of religious freedom.

II. Encouraging Greater International Scrutiny of Uzbekistan's Human Rights Record

The U.S. government should:

- encourage public scrutiny of Uzbek religious freedom and related human rights in appropriate international fora, such as the UN, 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 religious communities and human rights groups to be allowed to register or to operate freely without registration;

- 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 explaining why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in Uzbekistan, and continue funding for the Voice of America 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 and exchange programs, and ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants in such programs after their return to Uzbekistan, and if such harassment continues, implement penalties in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings;
- encourage the creation of civil society institutions to protect religious freedom and related human rights by funding training in human rights, the rule of law, and crime investigation for law enforcement officials, by expanding legal assistance programs for Uzbek relatives of detainees, by expanding "train-the-trainer" legal assistance programs for religious communities; and
- specify 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.