



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

UZBEKISTAN CHAPTER
USCIRF 2010 ANNUAL REPORT



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

WHO WE ARE

- An independent, bipartisan federal government commission created by the U.S. Congress under the International Religious Freedom Act of 1998 (IRFA), charged with advising the President, Secretary of State, and Congress on policy options designed to protect and promote religious freedom worldwide.
- Led by nine individuals selected from the private sector to serve as Commissioners – three appointed by the President, three by the House of Representatives, and three by the Senate. The Executive Director heads a staff of 20 professionals with expertise in foreign affairs, human rights, and international law.

WHAT WE DO

- Monitor and report on religious freedom around the world and formulate policy recommendations for the Administration and Congress. Issue an annual report on May 1st of each year, and periodic policy briefs containing research findings and policy prescriptions (available on www.uscirf.gov).
- Recommend countries the Secretary of State should designate as “Countries of Particular Concern,” which IRFA defines as countries perpetrating or permitting “systematic, ongoing, egregious violations of religious freedom.” When a country is designated a “Country of Particular Concern,” the President is required by law to take one of several actions, including political or economic sanctions, or a waiver of action.
- Establish a “Watch List” of countries in which religious freedom conditions require close monitoring due to the nature and extent of violations of religious freedom the government engages in or tolerates.
- Undertake fact-finding missions to examine religious freedom conditions firsthand. The Commission has met with heads of state, senior government officials, representatives of human rights and other nongovernmental organizations, religious leaders, and others in: Afghanistan, Bangladesh, Belarus, China, Egypt, Eritrea, Iraq, Nigeria, Philippines, Russia, Saudi Arabia, Syria, Sri Lanka, Sudan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.
- Hold hearings to gather information about religious freedom violations, testify at Congressional hearings, and disseminate information to Congressional offices. The Commission has held a hearing on the intersection of religious freedom and security in Pakistan and testified in the House of Representatives on the history of Uighur persecution in China, human rights in Vietnam, the status of human rights and religious freedom in Iran, and the “Defamation of Religions” resolution in the United Nations.
- Participate in multilateral meetings related to religious freedom including at the United Nations and the Organization for Security and Cooperation in Europe (OSCE). Issues of concern that the Commission is addressing include the problematic “Defamation of Religions” resolutions at the UN as well as multilateral efforts to combat xenophobia and related intolerance in the OSCE region.
- Issued statements and press releases on issues including: the ruling of the Permanent Court of Arbitration in the Hague on the Abeyi border demarcation in Sudan; the release of Iranian Baha’is; religious persecution and government violence in China; attacks in Iraq against Christians and Muslims; attacks on Coptic Orthodox Christians in Egypt; and sectarian clashes in Nigeria .
- Issued special recommendations designed to save the Comprehensive Peace Agreement between North and South Sudan; a report on measures to end the severe abuses of religious minorities in Iraq; a report on the treatment of asylum seekers in Expedited Removal; and an analysis of the ”Defamation of Religions” resolution before the United Nations.

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Uzbekistan

FINDINGS: Since Uzbekistan gained independence in 1991, fundamental human rights, including freedom of religion or belief, have been under assault. The Uzbek government 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 are subjected to torture. Though security threats do exist in Uzbekistan, including from members of groups that claim a religious linkage, these threats do not excuse or justify the scope and severity of the Uzbek government's maltreatment of religious believers.

Based on these severe violations, USCIRF continues to recommend in 2010 that Uzbekistan be designated as a "country of particular concern," or CPC. The State Department has so designated Uzbekistan since 2006.

Uzbek police and security forces raid and repress members of registered and unregistered religious groups 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. Since 2008, the Uzbek government has initiated a campaign against the *Nur* group, charging them with alleged extremism, although they are not known to use or advocate violence. Uzbek courts in 2009 sentenced 47 individuals to prison terms totaling 380 years. Religious minority groups, especially those viewed as engaging in proselytism, also are targeted. A Pentecostal pastor and three Jehovah's Witnesses recently have been imprisoned.

PRIORITY RECOMMENDATIONS: 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 actions to improve religious freedom conditions and comply with international human rights standards. These actions should include ending reliance on convictions based solely on confessions; establishing a review mechanism for those detained or charged with religious, political, or security offenses; making public a detailed list of individuals currently detained or imprisoned for such offenses; and releasing those imprisoned solely due to their religious beliefs or practices. The United States also 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 severely restricts the exercise of religious freedom. 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; bans private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. The term "religious clothing" is not defined. As a result, some Muslim men reportedly hesitate to grow beards or wear traditional clothing and women wearing head scarves have encountered official difficulties, although as of 2008 these difficulties seem to have decreased. The 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 requirement to train religious personnel, and only seven have the legal right to import, publish, or distribute religious literature.

Under Uzbek law, it is a criminal offense, punishable by up to five years imprisonment, to organize an "illegal" religious group (a group that is merely unregistered) or to resume such a group's activities after it has been denied registration or ordered to disband. Individual participation in an unregistered group is a crime punishable by up to three years in prison. The Uzbek criminal code distinguishes between "illegal" groups, which are not properly registered, and "prohibited," alleged extremist, groups. (See discussion under *Extremism Laws* below.) Those who participate in prohibited groups face imprisonment for up to 20 years. Uzbek courts, however, have often ignored the distinction between illegal and prohibited groups, and convicted alleged members of unregistered Muslim groups under both statutes.

The government modified the country's criminal and administrative codes in late 2005 and 2006 to introduce heavier 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.

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 protocol, and certification that other requirements have been fulfilled; and proof of a valid legal address. 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, closed as well new mosques, continue to face difficulties in gaining registration. Several mosques in the Ferghana valley, viewed as the country's most actively religious region, were not registered even though they meet the number of congregants required by Uzbek law. Nevertheless, a number of unofficial, independent mosques reportedly are allowed to operate quietly under the watch of

official imams. Uzbek authorities also permitted the operation of an unregistered Sufi monastery in Kokand in the Fergana 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 the registration applications of all Baptist churches have been rejected by Uzbek authorities. Churches which have repeatedly been denied registration include 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, all in Samarkand. Some Protestant communities, however, such as the Council of Churches Baptists, refuse on principle to seek registration. Many churches, particularly evangelical churches with ethnic Uzbek membership, did 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, reported that they did not want to draw official attention and possible official harassment.

In November 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

Over the past decade and particularly since 1999, 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). Reportedly, there are at least 5,000 such persons in prison, including sane individuals sent to psychiatric hospitals. According to international and Uzbek human rights activists, the only "crime" of many of these individuals is performing daily prayers and studying Islam.

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." According to the Uzbek government, it does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather of preventing armed resistance to the government. Security threats do exist in Uzbekistan, including from members of HT and other groups claiming a religious linkage. However, these threats do not excuse or justify the scope and severity of the government's ill-treatment of religious believers.

In an April 2009 report, the Moscow-based human rights group Memorial reported that 1,452 individuals had been prosecuted by Uzbek officials allegedly on politically motivated charges between 2004 and 2008. Nearly 95 percent of these individuals were charged with religious extremism, including alleged HT membership. According to the State Department, in 2009 the number of individuals imprisoned for alleged HT membership appeared to decrease for the second year in a row. Alleged HT members are believed to comprise as many as 4,500 of the estimated 5,000 political prisoners in Uzbek prisons. In most of these cases, there was no evidence that the individual took part in violent acts and many of those arrested 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, according to the State Department, its literature strongly 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. The Uzbek government's prosecution of HT members appears mainly motivated by the group's political activity. Nonetheless, those actions by the Uzbek government lack due process guarantees and also involve credible allegations of torture.

The Uzbek government has also repressed and prosecuted members of *Akromiya* (or *Akromiylar*) since 1997. 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 prohibited group, *Tabligh Jamaat*, is an Islamic missionary group with origins in South Asia. Its members follow worship, dress, and grooming practices from the time of the Prophet Muhammad and according to the State Department claim to be exclusively religious and apolitical. In 2004, ten *Tabligh* members were sentenced to prison terms in Uzbekistan after the group was listed as an extremist organization.

The Uzbek government also prohibits groups and represses and prosecutes individuals it deems "Wahhabis." 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.

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. In early 2009, Uzbek state television aired a documentary describing *Nur* as an extremist sect that aims to establish a pan-Turkic state and claiming that its activities "undermine our centuries-old values."

In 2009 and 2010, Uzbek authorities made dozens of arrests and imprisonments during a widespread crackdown on suspected *Nur* members. Two groups of Nursi's followers were tried on charges of religious extremism in February 2009. These included a group of five journalists, Bahrom Ibragimov, Davron Kabilov, Ravshanbek Vafoyev, and U.S. exchange program alumni Abdulaziz Dadahanov and Botirbek Eshkuziyev, who were sentenced to between eight and 12 years in prison for producing a journal

called *Irmoq* supposedly linked to Nursi's views. The defendants reportedly testified in court that they had been tortured in pretrial detention and that evidence against them had been fabricated. In April 2009, three individuals associated with the *Yeti Iqlim* newspaper, journalist Davron Tojiev, distributor Shavkat Ismoilov, and imam Madali Shahobiddinov, were sentenced to prison terms of eight to 12 years for alleged *Nur* membership. Two mass trials of alleged Nursi followers ended in July 2009, and 21 defendants in Samarkand received long prison terms ranging from seven to 11 years: Hasan Karimov, Bahtiyor Fattaev, Nusratulla Ibadullaev, and Bahodir Hamraev received 11 years; Solejon Shirmatov, Bahodir Muhamadiev, and Shuhrat Hodiev received nine years; Jamshid Oblokulov and Abbas Toirov received eight years and Rahmatulla Ibadullaev and Fozil Ikromov received seven years. In parallel trials in Khorezm, ten men received prison terms between five and 11 years. According to reports, in 2009, a total of 47 individuals were convicted of "extremism" for being alleged Nursi followers and were sentenced to prison terms totaling 380 years. Local human rights groups, Veritas Youth Human Rights Group and the Khorezm-based Najot Human Rights Group, say that these individuals were merely practicing Islam outside the state-controlled framework.

In January 2010, around 40 people were arrested by police in the central Uzbek city of Bukhara on the suspicion that they read Nursi literature. Local sources reported that these individuals were not necessarily Nursi followers, but were neighbors and friends of individuals charged as such in an earlier case. In early February 2010, five suspected Nursi readers reportedly have been arrested in the Ferghana region. In addition, 25 alleged Nursi readers serving in the Uzbek army were arrested in 2009 in Tashkent; reportedly, 12 are due to face a military tribunal.

The Andijon Protest and its Aftermath

In May 2005, after several thousand mostly unarmed civilians gathered on the Andijon central square to protest the trial of 23 local businessmen for alleged ties to Islamic extremism, 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 2007, the UN Committee against Torture pointed to reports that some persons who had sought refuge abroad and were returned to Uzbekistan were subjected to torture.

Conditions in Detention

Human rights organizations report that many detainees in Uzbekistan were arrested, among other things, for possession of literature of a banned organization. Once arrested, they often are denied access to a lawyer or are held incommunicado for weeks or months. Many of those imprisoned or detained for

charges related to religion are treated particularly harshly; prisoners who pray or observe Muslim religious festivals reportedly are subjected to further harassment, beatings, and torture in an effort to force them to renounce their religious or political views. For example, eleven men who allegedly belong to a Nursi group were arrested by the Samarkand Regional National Security Service (NSS) in February 2009 and held in that city's investigation isolation cells where reportedly they were subjected to prolonged torture.

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 and performed a forced enema using pepper solution, and they continued to beat him after he ended his hunger strike. 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 September 2009, three UN Special Rapporteurs—on extrajudicial executions, torture, and freedom of religion or belief—wrote to the government of Uzbekistan raising concerns about these cases; the Uzbek government rejected the validity of these claims.

Convictions in the cases described above are based almost entirely on confessions, which, according to the State Department, are often gained through the use of torture. Despite promises from the government 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, on-going, 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 eliminate torture in detention, but noted continued and numerous reports that ill-treatment remained routine and systemic and that those who engaged in torture were rarely punished. The Committee has also called for the closure of the "special regimen" prison in Jaslyk where well-known poet, Yusuf Jumaev, is serving a 12-year term. According to Jumaev's relatives, the poet is emaciated and beaten by guards.

Particularly since the 2005 Andijon events, it has become increasingly difficult to gain independent verification of Uzbek government claims that it is combating torture and improving prison conditions. What is more, Uzbek authorities reportedly do not release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities often extend inmates' terms simply by accusing them—without judicial review—of new crimes and claiming that the prisoners continue to represent a danger to society.

The Uzbek authorities have also adopted repressive measures against entire families on charges of alleged religious extremism. One such individual is Akhmadjan Madmarov, a human rights activist from the city of Margilan in the Fergana valley whom USCIRF met in 2004. In September 2007, Uzbek authorities extended by 16 and one-half years the sentence of Madmarov's son, Habibullah, who was charged with taking part in an alleged extremist conspiracy even though he was incarcerated. Although one of Madmarov's sons was released on parole after completion of his seven-year term, another son and his two nephews remain in prison; all have been charged with religious extremism.

Restrictions on Muslims

Despite the constitutional separation of religion and state, the Uzbek government strictly regulates Islamic institutions and practice through the officially sanctioned Muslim Spiritual Board, the *Muftiate*. The state fully controls the training, appointments, and dismissals of Muslim leaders through the *Muftiate*. The *Muftiate* has banned imams in the Namangan region from preaching at Ramadan night prayers since 2007; children were also banned from these prayers.

In the Ferghana Valley, viewed as the country's most active religious region, the state 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 in 2008 banned the five daily public calls to prayer from mosques and the preaching by mullahs at weddings. In addition, regional officials in Uzbekistan have been instructed by the central government that children should not attend mosque at any time. Nevertheless, despite these draconian efforts by the Uzbek government to limit young people's interest in Islam, the country's registered official mosques reportedly are very full.

In January 2009, Uzbek authorities in Karshi threatened children and their parents for their attendance at worship services; several teachers asserted that Uzbek "children are not permitted to attend mosque." The Deputy *Hokim* (governor) of Namangan region reportedly said that "school-age children should not attend religious meetings at all." In the Bukhara region, an imam reportedly said that women are banned from attending Friday prayers in mosques, claiming this ban is "in accordance with Hanafi teachings."

Some 30 women reportedly were arrested in Karshi in November 2009, including Mehriniso Hamdamova, 40, a teacher of an officially-approved religious course for women at Karshi's Kuk Gumbaz Mosque. Hamdanova was charged with providing private religious instruction for young people. Several of Hamdanova's female relatives, including her sister, a daughter-in-law, and nieces, were also arrested on unknown charges. Allegedly, some of these women were threatened with rape if they did not testify against their relative. In another arrest linked to the Hamdamova case, her brother-in-law was arrested in January 2010 in the south-western Kashkadarya region.

In January 2010, a Muslim newspaper and radio journalist, Hairulla Hamidov, was arrested in Tashkent and charged with illegal religious activity, reportedly for speaking positively about women wearing the *hijab* and for inviting independent religious leaders to speak on his radio show. Hamidov also reportedly founded a popular Islamic-inspired periodical in 2007 that was banned by the government six months later.

Restrictions on Non-Muslims

Protestants and Jehovah's Witnesses are frequently branded by the Uzbek government as "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. In 2007, Pentecostal pastor Dmitri Shestakov from the city of Andijon was sentenced to a four-year term in a closed labor colony. 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 religious extremist literature. Three Jehovah's Witnesses, Abdubannob Ahmedov, Sergei Ivanov, and Olim Turaev are serving prison terms ranging from two to four years on charges of teaching religion without official permission or for organizing unauthorized religious meetings or organizations.

The Uzbek authorities continued their campaign against unregistered minority religious communities. In 2009, at least 21 people reportedly were detained in Uzbekistan for taking part in unregistered religious

activity. Uzbek police invited a Russian Orthodox priest to take part in a March 2009 raid on a group of Baptists holding a prayer meeting in a private house. The priest reportedly told the Baptists that they should not attend unregistered worship services. In a similar incident, a pastor in the Surkhandarya region was fined over 83 times the minimum monthly wage for leading an unregistered worship service.

Moreover, in 2009 various official actions have been taken against registered minority religious communities. In March, 20 officials raided the worship service of a registered ethnic Korean Baptist church in Tashkent, because official permission for the service had not been requested 10 days in advance. The church's pastor was later jailed for 10 days. Administrative charges were brought against three leaders of the registered Full Gospel Holiness Church in the Umid village after police raided a Christmas service. In July, Gafur Yusupov, who lives in a facility for the disabled in eastern Uzbekistan, was banned from attending his registered Baptist church; the facility also forbade him contact with fellow congregants. After Baptists complained at Yusupov's treatment, the facility's official said that they should talk to the secret police. In September, two Baha'is received 15-day jail terms in Tashkent; one, whose wife and children live in Uzbekistan, was later expelled from the country. They were accused of missionary activity and proselytism, after police raided an officially authorized meeting of teenage Baha'is who also had parental consent.

Some regions of Uzbekistan, such as Karakalpakstan and Khorezm, are noted for particularly severe anti-religious campaigns, including expulsion of Hare Krishna and evangelical Protestant students from university and the state-ordered closure of almost all churches.

The state-controlled media has encouraged prejudice against certain minority religious groups. It also 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 seven 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 the CRA chairman reportedly has said that the import of foreign Islamic literature has almost ceased. 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 the Commission met in 2004, has official permission to publish religious materials and to host a radio program.

Uzbek officials also continued to confiscate imported religious literature, including two shipments of Jehovah's Witness literature which were held for over a year. The CRA limits the import of Russian-language Jehovah's Witnesses literature to their two registered congregations and does not allow imports to unregistered communities. Religious literature confiscated from Muslims, Protestants, Hare Krishna devotees, and Jehovah's Witnesses is often burned and even legally imported literature is confiscated by police. A Protestant reported that the addressees in Uzbekistan who had requested religious literature never received the material sent. Many who would like to receive such material are afraid of official identification as Christians.

In May 2009, a religious affairs official in Karakalpakstan region reportedly banned the Bible, a hymn book, and Bible commentaries. Baptists were also persecuted for distributing and owning religious literature. In July 2009, police raided a Baptist home and confiscated various books for "religious expert analysis," including a Russian-language Koran and a Russian Orthodox prayer book. The Baptist faced charges of "illegal production, storage, import and distribution of materials of a religious nature." In late 2009, 17 Protestants were fined for possessing "illegal" religious literature. The judge, when asked why he ordered an Uzbek-language copy of the New Testament to be destroyed, claimed that the literature had not been legally owned. In March 2010, Internet users in Uzbekistan were blocked from viewing a Russian-language news article on Lenta.ru about the difficulties a bearded Muslim in Samarkand had faced in obtaining an Uzbek passport. Other Russian and Uzbek religious news websites blocked by the Uzbek government include Uznews.net, Ferghana.ru, Portal-credo.ru, Religion.ng.ru and I-r-p.ru.

Restrictions on Religious Education

Only six registered religious communities qualify for a central administrative body, which meets the legal requirement of eight regional branches, and allows them 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 10 state-controlled *madrassas* (including two for women) that provide secondary education in Uzbekistan 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.

Religious minorities in Uzbekistan are allowed only extremely limited educational opportunities by the Uzbek government. The Russian Orthodox Church operates two monasteries (one for women, one for men) and a seminary. 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 April 2009, the deacon of a registered Baptist church was given a 15-day

prison sentence for teaching religion to children. In December 2009, the director of the registered Baptist Union was banned for three years from holding an official position for tax evasion and involving children in religious activity without consent. Pentecostal preachers have also been detained and received massive fines for allegedly breaking the legal ban on teaching children religion.

Restrictions on Foreign Travel for Religious Purposes

The Uzbek government continues to restrict international travel for religious purposes. It has also denied exit visas to religious minorities. For example, in March 2009, several Protestants reportedly were denied exit visas as punishment for their religious activity. Allegedly, Muslims and Jehovah's Witnesses have also been denied exit visas. Several expatriate staff members of NGOs were deported for suspected missionary activity in 2009. In February, 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.

For many years, the Uzbek government has allowed only 20 percent of the country's official quota of 25,000 pilgrims to make the religious *hajj* to Mecca. In 2009, only 5,000 were permitted to go. Those who travel must be approved by local authorities, the secret police, the CRA's *Hajj* commission, and the *Muftiate*. Furthermore, *hajj* pilgrims reportedly must travel on state-run Uzbekistan Airlines and pay the equivalent of 200 times the monthly wage.

U.S. Policy

U.S. policy interest in Uzbekistan focuses on the country's position as a supply route for U.S. and NATO International Security Assistance Forces in Afghanistan. Uzbekistan's role has increased, with the establishment of the so-called "northern distribution network"—an alternative to insecure routes through Pakistan to supply NATO forces in Afghanistan. In January 2009, the United States entered into transit agreements with Russia, Kazakhstan, and Uzbekistan to move supplies from Western Europe and the Baltic states to Afghanistan through those countries. Reportedly, a de-facto U.S. supply hub has been set up at the Uzbek airport of Navoi using a South Korean transport firm as a proxy. Uzbekistan also has allowed U.S. soldiers to be transferred to Afghanistan via Termez where German troops are based. These developments have led to concerns on the part of human rights groups that the U.S. government may temper its human rights criticisms of the Uzbek government and reduce its efforts to promote human rights in Uzbekistan to ensure the network's continued operation.

The U.S. State Department has designated Uzbekistan as a 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 IRFA to allow for negotiations with the government of Uzbekistan on steps to improve religious freedom. These negotiations have not led to the establishment of a binding agreement, despite the tolling of the 180-day period. USCIRF recommends that Uzbekistan be re-designated a CPC and that the waiver be dropped. As a consequence of the designation, the State Department should also impose sanctions, including a ban on visits to the United States by high-level Uzbek officials.

In its 2009 *Advancing Freedom and Democracy Report*, the State Department described the goals of U.S. democracy and human rights policy in Uzbekistan as follows: "to promote respect for human rights (particularly eradicating the use of torture in the investigative process and abuse in prisons); legal reform and accountability; political pluralism and a strong civil society sector; freedom of the press and religion; and the rights of vulnerable groups, including children, women, persons with disabilities, and refugees." It also stated that "U.S. security interests in the country are inseparable from its efforts to secure

democracy, human rights, and the rule of law, as these will ultimately form the underpinning of the country's long-term stability and development.”

Recommendations

I. Speaking in a Unified Voice in its Relations with the Uzbek Government

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

- lift the waiver 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;
- press the Uzbek government to revise its 1998 religion law to bring it into compliance with international standards;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
 - ending reliance on convictions based solely on confessions, a practice that often is linked to ill-treatment of prisoners, and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
 - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing “anti-state activity”) and 216 (criminalizing membership in a “forbidden religious organization”); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;
 - implementing the recommendations of the OSCE Panel of Experts on Religion or Belief to revise the 1998 Law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
 - registering religious groups that have sought to comply with the legal requirements; and
 - ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing

prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;

- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998; 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 recent decision to end 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 a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary, 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 carefully monitor the status of individuals who are arrested for alleged religious, political, and security offenses and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for the registration of human rights groups and religious communities;
- support efforts to counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance;
- continue funding for the Voice of America VOA Uzbek Language Service so as to meet the Broadcasting Board of Governors' stated goal of outreach to the Muslim world, including reaching the news-deprived population of Uzbekistan, as well as the large Uzbek diaspora in Afghanistan and other neighboring countries;
- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom to permit them to take part in relevant international conferences;

- continue to attempt to overcome the objections of the Uzbek government in order to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals:
 - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees;
 - expanding “train-the-trainer” legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
 - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy; and
 - encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion; and
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
 - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities; and
 - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.