

Uzbekistan

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM
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Since independence in 1992, Uzbekistan has emerged as a highly authoritarian state in which human rights, including freedom of thought, conscience, and religion or belief, are not respected. In addition to a restrictive law on religion that severely limits the ability of religious communities to function in Uzbekistan, the Uzbek government continues to exercise a high degree of control over the manner in which the Islamic faith is practiced. Government authorities also continue to crack down harshly on Muslim individuals, groups, and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process, and there are credible reports that many of those arrested continue to be tortured or beaten in detention. Though security threats do exist in Uzbekistan, including from members of Hizb ut-Tahrir (Party of Liberation) and other groups that claim a religious linkage, these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers. Due to its concerns about the status of freedom and belief in Uzbekistan, the United States Commission on International Religious Freedom issued a report and recommendations on Uzbekistan in May 2002 and placed Uzbekistan on its Watch List. In May 2005, the Commission recommended that Uzbekistan be designated a "country of particular concern," or CPC, pursuant to the International Religious Freedom Act of 1998 (IRFA).

The Commission visited Uzbekistan in October 2004. In the Uzbek capital of Tashkent, a delegation consisting of Commission Chair Preeti D. Bansal, Vice Chair Felice D. Gaer, and Commissioner Bishop Ricardo Ramirez held an intensive series of discussions with senior officials of the Foreign, Internal Affairs, and Justice Ministries; the Presidential Administration; the Committee on Religious Affairs; and the Parliamentary Ombudsman's office. The delegation also met with representatives of the Islamic,

Jewish, Christian, and other religious communities, Uzbek human rights activists and public defenders, victims of repression and their families, representatives of Western non-governmental organizations (NGOs) that are active in Uzbekistan, and U.S. Embassy personnel, including U.S. Ambassador John Purnell. In addition to Tashkent, the Commission visited the cities of Samarkand, Ferghana, Margilon, and Andijon, where the delegation met with regional officials, human rights activists, and local religious leaders.

The visit to Uzbekistan took place as part of the Commission's annual review process to determine which countries are recommended to the Department of State for designation as CPCs. IRFA defines CPCs as countries whose governments are responsible for, or have tolerated, systematic, ongoing, and egregious violations of religious freedom. As a result of its monitoring activities, the Commission has concluded that the government of Uzbekistan is responsible for severe human rights violations, including freedom of thought, conscience, and religion or belief, and recommends that the country be designated a CPC. The Commission's CPC recommendation for Uzbekistan should not in any way be construed as a defense of Hizb ut-Tahrir, an extremist and highly intolerant organization that promotes hatred against moderate Muslims, the West, Jews, and others.

Severe Violations of Human Rights, including the Use of Torture, and Violations of Due Process Rights

Over the past 10 years, and particularly since 1999, the Uzbek government has arrested and imprisoned, with sentences of up to 20 years, thousands of Muslims who exercise their faith outside the state's control over religious practice or who the government claims are associated with extremist groups. There are, according to the State Department's 2004 Country Reports on Human Rights Practices, approximately 5,500 such prisoners in Uzbekistan. Because the Uzbek criminal justice system is neither transparent nor independent, it is impossible to know

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fully the basis on which these people have been detained. Nevertheless, the monitoring activities of the State Department, as well as domestic and international human rights organizations, conclude that many of these prisoners have been convicted on charges that relate to their religious beliefs, practices, or alleged association, and not on specific evidence of advocacy of, or engagement in, acts of violence. In 2004 alone, over 200 Muslims were convicted allegedly because of their religious beliefs or affiliations or purported contact with prohibited organizations that claim a religious affiliation.

Confessions are the main evidence used to convict persons accused of membership in suspect organizations. Such confessions are often obtained before the accused has gained access to a lawyer or doctor and frequently result from ill-treatment or torture. Interlocutors told the Commission that prosecutors in Uzbekistan are under pressure to obtain convictions. A father of a Muslim prisoner told the Commission delegation that his son, "covered in blood," had finally confessed to being a member of a banned organization. Further, according to the father, a prosecutor told him that his son's name had "been on the list" and that if he not given the order for his arrest, the prosecutor would have lost his job.

Uzbekistan does face threats to its security from certain political groups that claim religious affiliations and that have used violence against it in the past, including the Islamic Movement of Uzbekistan. Another group, Hizb ut-Tahrir, which has sanctioned violence but purports not to engage in violence itself, espouses the establishment of a world-wide caliphate without any democratic or constitutional process, and the imposition of an extremist interpretation of Islamic law which would condone punishments such as flogging, amputation, and stoning to death. Hizb ut-Tahrir, already banned in some countries, including Russia and Germany, because of its promotion of intolerance, distributes literature which, according to the State Department, includes "much anti-western, anti-Semitic and anti-democratic rhetoric." The Commission's CPC recommendation for Uzbekistan should not be construed as a defense of Hizb ut-Tahrir.

Nevertheless, the government's arrest of so many Muslims, the use of torture, and the large proportion of convictions based solely on confession, indicate that gravely

troubling violations of freedom of thought, conscience, and religion or belief have been occurring in that country. The Commission repeatedly was told by human rights activists and others that the brutal government policies are counterproductive, serving to generate support for these extremist, underground groups. The Uzbek government is reported to subject suspected Hizb ut-Tahrir members to harsh treatment, including prison terms of up to 20 years for thousands of alleged members. Yet, those who monitor human rights practices in Uzbekistan have concluded that the state has not accused those arrested of involvement in specific violent acts, nor offered material evidence that its members have perpetrated any such acts. Moreover, many of those arrested are not members of Hizb ut-Tahrir, but are detained and charged solely on the basis of possessing the group's literature, which, the Commission was told during its visit, frequently is planted on them at the time of their arrest.

Uzbek human rights activists reported to the Commission that a defendant's lawyer frequently is denied access to his or her client until after a confession has been obtained, although technically, such access should be granted within 24 hours under Uzbek law. Others described a widespread reliance on "guilt by association," a tactic whereby members of the same family are arrested and sentenced for alleged involvement with proscribed religious organizations, beliefs, or practices. Any outward display of piety can arouse governmental suspicion. According to an Uzbek lawyer with whom the Commission spoke, the wearing of certain religious garb often results in that person and members of his or her family being placed on lists of pious—and therefore suspect—Muslims.

The UN Special Rapporteur on Torture concluded in his February 2003 report on Uzbekistan that "torture or similar ill-treatment is systematic" and that the "pervasive and persistent nature of torture throughout the investigative process cannot be denied." The report also pointed out that "the practice of maintaining families in a state of uncertainty with a view to punishing or intimidating them and others ...amount[s] to cruel and inhuman treatment." International specialists on torture, Uzbek human rights activists and relatives of prisoners all have noted that they have seen the signs of torture on the bodies

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RECOMMENDATIONS

For U.S. Policy

The Commission recognizes that U.S. policy towards Uzbekistan reflects a variety of U.S. interests, including security and other concerns; nevertheless, the U.S. government should try to make unequivocally clear to the Uzbek government that its human rights practices are unacceptable and violate international law. To this end, the Commission makes the following recommendations.

I. The U.S. government should ensure that it speaks in a unified voice in its relations with the Uzbek government.

Recommendation 1. Uzbekistan should be designated a “country of particular concern” under the International Religious Freedom Act of 1998 (IRFA).

Recommendation 2. U.S. statements and actions should be coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all dealings with the Uzbek government.

Recommendation 3. U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, should 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. Initial steps by the Uzbek government should include:

- (a) *ending reliance on convictions based solely on confessions, a practice that often is linked to ill treatment of prisoners; implementing the recommendations of the UN Committee against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);*
- (b) *halting the detention and imprisonment of persons on account of their religious beliefs and practices;*
- (c) *establishing a mechanism to review the cases of persons previously detained under suspicion of, or charged with, religious, political, or security offenses, including Articles 159 (criminalizing “anti-state activity”) and 216 (criminalizing membership in a “forbidden religious organization”), and releasing any of 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;*
- (d) *making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;*
- (e) *implementing the recommendations of the Organization on Security and Cooperation in Europe (OSCE) Panel of Experts on Religion and Belief to revise the 1998 Law on Freedom of Worship and Religious Organizations to bring it into accordance with international standards;*
- (f) *registering religious groups that comply with the legal requirements;*
- (g) *ensuring that every religious prisoner has access to his or her family, adequate medical care, and a lawyer, as specified in international human rights instruments, including Article 14 of the International Covenant on Civil and Political Rights; and*
- (h) *allowing prisoners to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention.*

The Commission recognizes the Uzbek government’s duty to protect public safety and order by targeting groups that have engaged in violence, but the United States must stand firmly against policies and actions that amount to the criminalization of religious belief and practice.

Recommendation 4. U.S. security and other forms of assistance should continue to be scrutinized to ensure that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior Ministry and the Justice Ministry, which have been found to be responsible for religious freedom violations.

Recommendation 5. The U.S. government should reinstate Uzbek-language radio broadcasts at the Voice of America (VOA), and should use VOA and other appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy as well as specific concerns about religious freedom in their country.

Recommendation 6. “American corner” reading rooms should be established in various regions of Uzbekistan, including Tashkent. Such reading rooms should include materials on democracy, civic education, human rights, the role of religion in society and other relevant topics.

RECOMMENDATIONS CONTINUED

II. The U.S. government should encourage greater international scrutiny of Uzbekistan's human rights record.

Recommendation 7. The U.S. government should encourage scrutiny of Uzbek human rights concerns in appropriate international fora such as the OSCE and other multilateral venues; it should facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms.

Recommendation 8. The U.S. government should advocate greater involvement of the OSCE Center in Tashkent, including the collection of monitoring data on religious freedom and hiring a staff member in the OSCE Center in Tashkent for monitoring activities. The staff member should report to the OSCE Tolerance Unit in the Office of Democratic Institutions and Human Rights in Warsaw.

Recommendation 9. The U.S. government should 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 and provide the full and necessary conditions for such a visit.

III. The U.S. government should support Uzbek human rights defenders and religious freedom initiatives.

Recommendation 10. The U.S. government should respond publicly and privately to the expulsions of U.S. NGOs and the numerous new restrictions placed on their activities. Unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings.

Recommendation 11. The U.S. Embassy in Tashkent should continue to monitor carefully the status of individuals who are arrested for alleged religious, political, and security offenses; it should continue its efforts to improve the situation of Uzbek human rights activists, including pressing for the registration of human rights groups and religious communities.

Recommendation 12. The U.S. government should continue to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom. This assistance could include training in human rights, the rule of law, and criminal 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:

- 12a. *Legal assistance programs for Uzbek relatives of detainees have led in some cases to the release of arrestees. Such programs should be continued and, if possible, expanded.*
- 12b. *“Train-the-trainer” legal assistance programs for religious communities to act as legal advisers in the registration process should be expanded.*
- 12c. *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 should specify freedom of religion or belief as a designated category for grants and area of activity.*
- 12d. *The U.S. government should encourage the Uzbek authorities to move ahead with a planned series of national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion.*

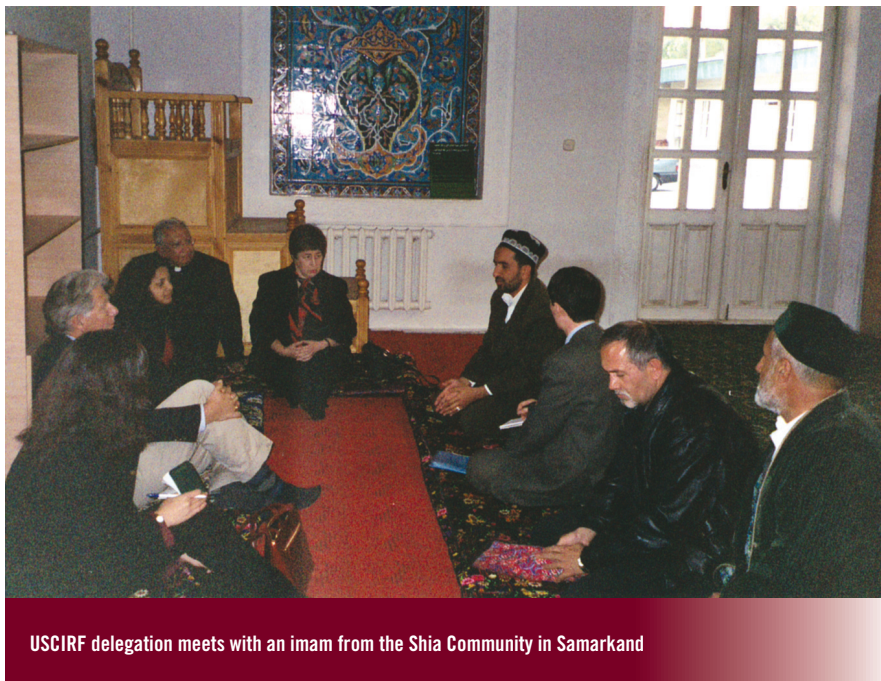
Recommendation 13. The U.S. government should increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures. Specifically, it should:

- 13a. *expand exchange programs for Uzbek religious leaders to include representatives from all religious communities; US participants should include experts in the fields of religion, conflict mediation, and law;*
- 13b. *follow-up on exchange programs in Uzbekistan, including regional workshops on community and NGO development; conflict-resolution and social and health issues;*
- 13c. *expand exchange programs for Uzbek human rights defenders, including participation in relevant international conferences and opportunities to interact with Uzbek officials; and*
- 13d. *vigorously protest whenever an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to Uzbekistan, and, if this practice continues, 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.*

or corpses of prisoners. Access to the trials of the accused is often denied by the Uzbek authorities and relatives frequently face difficulties in ascertaining the whereabouts of their imprisoned family members.

Uzbek human rights activists told the Commission that even after the publication of the report of the UN Special Rapporteur on Torture, reliance on the use of torture in detention has not decreased. Indeed, one Uzbek human rights lawyer said that methods of torture have become “more advanced.” In his report, the UN Special Rapporteur on Torture recommended to the Uzbek authorities that they should “review cases of convictions based solely on confessions...recognizing that many of these may have been based upon evidence obtained through torture or ill-treatment, and, as appropriate, provide prompt and impartial investigations and take appropriate remedial measures.” The Commission was told by non-official sources that the practice of relying almost exclusively on confessions for convictions ensures the continued use of torture. Uzbek officials informed the Commission that a law had recently been passed against relying solely on confessions for convictions, but those officials were unable to produce a copy of this law, and no other interlocutors with whom the Commission spoke were aware of its existence. In March 2005, the Uzbek government sent a press release to the Commission detailing the administrative and legal measures that it claims to have implemented in response to the criticism by the UN Special Rapporteur on Torture. The practice of torture, however, has not, by all accounts, ceased.

In recent years, President Karimov has instituted regular amnesties of prisoners, often involving tens of thousands of persons. The amnesty requirements, however, are usually extremely restrictive and human rights groups in Uzbekistan have criticized these provisions for making it virtually impossible for religious prisoners to be included. For example, amnesty decrees state that only those who have taken the “path of correction” and have “demonstrated constructive repentance”—which must be confirmed by the administration of the correctional facility—can be considered for pardon. According to Uzbek human rights organizations, this provision may be open to abuse, as the conditions for establishing repentance often depend on the payment of bribes to the prison authorities. Moreover,



USCIRF delegation meets with an imam from the Shia Community in Samarkand

many political and religious prisoners did not admit at their trials to being guilty, but would be forced to admit guilt in order to gain release. In addition, amnesties apply only to those with prison terms of fewer than six years, which rules out most religious prisoners, since they typically have received longer terms of imprisonment. Finally, the Commission was told that in order to qualify for an amnesty, prisoners are often forced—sometimes through beatings—to renounce their religious faith.

Strict Government Controls on Religious Education and Practice

There are no official statistics on religious affiliation in Uzbekistan. It is estimated that approximately 90 percent of the population is nominally Sunni Muslim, with a small Shi'a minority. The remaining 10 percent of the country's population adheres to various other religious denominations, primarily Russian Orthodox; there is also a small Jewish community. In recent years, there has been a religious resurgence, particularly among the rural population. The emigration of Slavs and Jews from Uzbekistan has resulted in a decrease in the numbers of Russian Orthodox and Jewish adherents.

There essentially are no outlets for Muslims to learn about or practice their faith other than opportunities those provided by the government, which oversees Islamic practice and worship through an

administrative body known as the Muslim Spiritual Board, a relic of the Soviet past. A number of interlocutors told the Commission that the government, through the Muslim Spiritual Board, determines the topics of the Friday sermons and requires that imams adhere to these prescribed subjects. Moreover, Uzbek citizens are permitted to go on the haj to Mecca only after obtaining permission from the Muslim Spiritual Board. The government also strictly monitors the activities of the country's imams. The Commission delegation experienced this directly during its visit to Uzbekistan, when certain officials from the Uzbek Interior Ministry insisted on being present at the Commission's meetings with local imams in Samarkand and in cities in the Ferghana Valley.

In addition, in its effort to maintain tighter control on Islamic practice, the government has been closing down mosques throughout the country in recent years. Before 1998, there reportedly were 5,000 functioning mosques in Uzbekistan; today, an Uzbek official told the Commission, the country has a total of 2,000 open mosques.

This strict governmental control over the content and character of Islamic teaching, worship, and practice has led some in Uzbekistan, particularly among the young, to seek alternative voices and sources of religious authority. The Commission delegation heard from many interlocutors

that the absence of permitted religious alternatives generates support for underground groups, including Hizb ut-Tahrir, many of which preach an extremist and intolerant understanding of Islam.

The Uzbek Religion Law

Uzbekistan's 1998 law on religion continues to be used by government authorities to deny registration to numerous religious groups in Uzbekistan, particularly minority religious communities, resulting in an effective ban on the activities of these groups. At present, some 100 unregistered religious communities—of all faiths—are seeking registration. During its meetings with Uzbek officials, the Commission delegation expressed concern over registration difficulties encountered by numerous religious communities, including the Urgench Baptist church in the city of Urgench; the International Church of Tashkent; the Mir (Peace) Presbyterian Church in Nukus; the United Church of Evangelical Christians/Baptists in Tashkent; the Jehovah's Witnesses in Bukhara and in Tashkent; the Full Gospel Pentecostal Church in Andijon; the Church of Jesus Christ in Gazalkent, and the Guliston Baptist Church. None of the registration cases raised by the Commission during its October 2004 visit are known to have been positively resolved, despite the pledges of a number of Uzbek officials that efforts would be made to that effect.

The Commission delegation learned first-hand that the onerous requirements of the Uzbek religion law continue to be used to prevent many religious groups from registering and thus operating legally. Representatives of various Protestant groups, Jewish organizations, Jehovah's Witnesses, Muslims, and others recounted to the Commission delegation how their registration applications repeatedly are rejected by the authorities, often with the imposition of a new or capricious requirement that forces them to revise and resubmit their application. As a result, numerous groups are caught in what appears to be a deliberately contrived Catch 22: despite good faith efforts, the groups cannot gain registration. As a result, members of some of these groups are then routinely raided, fined, and often physically harassed by the police if they meet privately in homes on the charge that their activities are illegal because they are unregistered. The Commission delegation met with the Greater Grace Church in Samarkand, which has attempted



Founder, Imomi Osim mosque-madrassa in Andijon, Ferghana Valley, which was closed by the government

to apply for registration three times; the church was told that it should remove all ethnic Uzbek names from its application for registration and that the head of its congregation must be an Uzbek citizen, otherwise, the application would never be accepted. The Greater Grace Church has been subjected to police raids, threatened with arrests, and its members have been branded as "terrorists" by local officials, who grouped these unregistered communities together with others banned for promoting hate or violence. Other unregistered religious groups, such as Jewish organizations, have also been subjected to police raids, the Commission was told.

The Uzbek government invited the Organization on Security and Cooperation in Europe (OSCE) Panel of Experts on Religion and Belief to analyze the Uzbek religion law to see how it accords with international human rights norms. In June

2003, the OSCE Panel made numerous critical observations about the Uzbek religion law, including that: the formulation of limitations on freedom of religion does not accord with international law; the bans on private religious education, on the involvement of minors in religious organizations, and on proselytism, breach international standards; and the vague formulation that religion cannot be used for anti-state and anti-constitutional propaganda is problematic and should be replaced. In addition, the following provisions of the 1998 law were found to fall short of international norms: that a religious body only has the status of legal person after it is registered with the Ministry of Justice; that a court is not given the exclusive right to decide whether to halt the activity of a religious body; the ban on the public wearing of religious attire except by religious figures; and the vaguely defined powers of the expert body which has been granted authority to examine and ban imported religious literature. A high-ranking Uzbek official told the Commission delegation that he had "no problems" with "90 percent" of the OSCE recommendations (with the significant exception of the OSCE finding on private religious education, which Uzbek authorities attempt to justify by maintaining that young people should obtain "proper"—that is, state-provided—religious education). He added, however, that these reforms could, "at the earliest," be implemented by the end of 2005, because they would require parliamentary action. Similar promises by Uzbek officials, however, have not led to specific improvements.

Religion and the Criminal Code

Many of those arrested and accused of "extremism" in Uzbekistan are charged under certain articles of the criminal code that penalize membership in "forbidden organizations." In violation of international human rights law, the Uzbek criminal code contains three articles that are, in fact, used to penalize membership in religious organizations or individual religious or other opinions or beliefs. These three articles carry maximum prison sentences of 20 years and reflect the criminalization of religious activity apparent in the 1998 religion law, since they punish unregistered religious activity on an equal footing with such offenses as corruption or organized crime, even if the alleged religious acts do not involve violence or the advocacy of violence.

- Article 216, adopted in 1998, sets a possible five-year prison term for participation in “illegal” religious activities. This applies not only to “the organization of forbidden social associations and religious organizations,” but also to the “inclination to participation” in the activities of a forbidden religious organization. A 1999 amendment drew a sharper distinction between “illegal”—those not properly registered—and “prohibited” groups, that is, those that are banned altogether. Participation in “prohibited” groups may result in prison terms of up to 20 years and confiscation of property.
- Article 244-2 states that “setting up, leading and participating in religious extremist, separatist, fundamentalist or other banned organizations are punishable by five to 15 years of imprisonment with confiscation of property.” The same actions, if they entail “serious consequences,” are punishable by 15 to 20 years of imprisonment with confiscation of property.
- Article 159 refers to the general crime of anti-state activity and “encroachment upon the constitutional system of the Republic of Uzbekistan.” This article is so broad in its formulation that it is used against those not detained or

charged under articles 216 or 244. Individuals found guilty under this article are eligible for prison terms ranging from five to ten years, but alleged members of Hizb ut-Tahrir deemed to have engaged in conspiracy may be imprisoned for up to 20 years. Since there is no further delineation of the activities criminalized under Article 159, it is often deployed to target anyone who opposes government policies, including membership in extremist Islamist organizations such as the Islamic Movement of Uzbekistan. In fact, Article 159 is also deployed against those Muslims who choose to practice religion in a place or manner not controlled by the state-controlled Muslim Spiritual Board. Many of those found guilty under Article 159 reportedly hold opinions deemed unacceptable by the government; however, evidence of violent activity or advocacy of violence against the state is rarely produced.

In 1998, the Uzbek criminal code was amended to include a provision, Article 244-1, making possession and distribution of literature containing ideas of “religious extremism, separatism, and fundamentalism” a serious offense. Under the new Article 244-1, producing and storing, with the goal of actual distribution, materials

that contain “ideas of religious extremism, separatism and fundamentalism” became punishable by up to three years in prison. Actual distribution of literature deemed to fall into one of these categories carries with it a maximum sentence of five years in prison. If religious literature is disseminated “under aggravating circumstances,” (by which is meant distribution after agreement by a group, the result of official position, or using financial assistance from a religious organization, foreign state, group, or person), then the alleged offense is punishable by up to eight years in prison. Nowhere are these terms and phrases further defined.

The overwhelming majority of the estimated 5,500 religious prisoners in Uzbekistan today were convicted under the criminal code articles delineated above.

Increasing Problems for Domestic and International Human Rights Groups

Efforts to improve human rights conditions in Uzbekistan are hampered by the state’s tight control on information and association. Registered domestic groups include the Independent Human Rights Society of Uzbekistan, Ezgulik (affiliated with the opposition political party Birlik), the Committee for Protection of Individual Rights, and the Legal Aid Society. Other human rights groups, including the Human Rights Society of Uzbekistan, Mazlum (affiliated with the opposition political party Erk), and the Mothers Against the Death Penalty and Torture, have not been granted registration but are still able to function, although they face obstacles in renting offices and cannot open bank accounts, making it difficult to receive funds from abroad. In February 2004, the Ministry of Justice issued an official warning to Ezgulik after the group reported on possible government abuse of an Uzbek prisoner who died in custody. Also in February 2004, a “banking decree” was passed that has been enforced selectively to prevent registered and unregistered NGOs from receiving funding from abroad.

The few domestic organizations that do manage to operate openly in Uzbekistan labor under strict government-imposed constraints. An example of the heavy-handed tactics the government employs is the Commission’s experience in the city of Ferghana, where Uzbek security agents made overt efforts to disrupt the



Registan Square in Samarkand

delegation's meeting with an Uzbek human rights activist, former prisoner, and other victims of repression.

Since 2003, the Uzbek government has adopted new laws and regulations that severely curtail the activities of international NGOs operating in Uzbekistan. In late 2003, the Uzbek government required a number of international NGOs to reregister with the Ministry of Justice, rather than with the Ministry of Foreign Affairs, as had previously been the case. The Ministry of Justice subsequently introduced complex new administrative requirements for the visas of representatives of these organizations, along with onerous new financial and other reporting requirements that effectively hindered these groups' ability to work effectively, particularly with local partners. In December 2003, criminal code articles dealing with treason and espionage were amended to include specific references to "foreign organizations or their representatives," expanding the definition of treason and espionage potentially to include what would otherwise be considered ordinary or necessary activities of Uzbek citizens working for western NGOs.

In April 2004, the Ministry of Justice refused to reregister the Uzbek branch of the New York-based Open Society Institute (OSI), in effect terminating its Uzbek operations, alleging that OSI had engaged in subversive activities, such as supplying teaching materials that discredited government policies. In May, the Ministry of Justice publicly criticized the congressionally-funded National Democratic Institute (NDI) and International Republican Institute (IRI) for working with unregistered political parties in Uzbekistan; by March 2005, however, the representatives of both organizations had been granted visas by the Uzbek authorities. In September, the Ministry of Justice suspended for six months Internews Uzbekistan, a local, western affiliated, journalism-training NGO, and in late 2004, Uzbek authorities froze the bank

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USCIRF delegation with U.S. Ambassador John Purnell (center) and Uzbekistan's First Deputy Foreign Minister (second from right)

account of Internews' international branch. As of the time this report was published, Freedom House and Human Rights Watch continue to operate in Uzbekistan.

U.S.–Uzbek Bilateral Relations

The U.S. government has a multi-faceted relationship with the Uzbek government, as set forth in the bilateral Declaration on the Strategic Partnership and Cooperation Framework, signed on April 7, 2002. In addition to "combating international terrorism," the agreement reaffirms a commitment to "the principles of international law and human rights set forth in both United Nations and Organization for Security and Cooperation in Europe (OSCE) documents." The State Department and the U.S. Embassy in Tashkent conduct a wide range of programs in Uzbekistan, many reflecting human rights and religious freedom issues.

The Commission is concerned that in its dealings with the Uzbek government, the U.S. government does not always pursue a coordinated policy or send a consistent message with regard to Uzbek human rights practices. For example, in July 2004, the Secretary of State refused to certify Uzbekistan

as meeting human rights criteria set forth in Section 568 (a) of the FY 04 Foreign Operations Appropriations Act and declined to make \$18 million in FY 04 financial assistance available to the Uzbek government. Yet, exactly one month later, General Richard Myers, chairman of the U.S. Joint Chiefs of Staff, traveled to Uzbekistan, praised the Uzbek government for its assistance in "anti-terror operations in Afghanistan and Iraq," and announced that the U.S. Department of Defense would provide the government of Uzbekistan with \$21 million in military assistance. Referring to Myers' action during the Commission visit, a high-ranking Uzbek official asked the Commission delegation which agency of the U.S. government reflected actual American policy towards his country. ❧

¹ With regard to the ban on religious clothing in public, the UN Human Rights Committee recently ruled, in a case brought before it by an Uzbek citizen, that "the freedom to manifest one's religion encompasses the right to wear clothes or attire in public which is in conformity with the individual's faith or religion." The Committee went on to say that "to prevent a person from wearing religious clothing in public or private may constitute a violation of article 18, paragraph 2, which prohibits any coercion that would impair the individual's freedom to have or adopt a religion." (CCPR/C/82/D/931/2000, January 18, 2005.)

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