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Uzbekistan: Religious Freedom Survey, 2017

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Cover Page Footnote

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UZBEKISTAN: RELIGIOUS FREEDOM SURVEY, 2017¹

By Mushfig Bayram, Forum 18, and John Kinahan, Forum 18

Freedom of religion or belief, along with intrinsically linked freedoms such as those of expression, association, and assembly, is seriously restricted in Uzbekistan. Officials frequently violate freedom of thought, conscience and belief and other interlinked human rights, violating the government's legally-binding international human rights commitments. These restrictions on human rights are part of the regime's intentional systemic policy to control every aspect of society. This is why followers of all religions and beliefs—with no exceptions—face freedom of religion or belief violations.

Creating fear of the state is apparently an integral part of the policy of imposing state control of society. Physical violence and torture, or threats of this, appears to be a normal experience for anyone subjected to official hostility—it is "routine" as the United Nations (UN) Committee Against Torture has found. This leads to a climate of impunity for officials and the absence of the rule of law, where unjust trials with flagrant breaches of due process are normal. It is for very good reason rare for people to publicly document such abuses, for fear of state reprisals.

All exercise of freedom of religion and belief with others without state permission is illegal, including sharing any beliefs with anyone, and meeting with others for worship or the

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study of sacred texts in homes. "Law enforcement" officials raid with impunity people of all faiths, meeting together to exercise freedom of religion and belief. Those taking part in such meetings are very often threatened, detained, subjected to violent physical assault and torture, given large fines, and have religious literature—including Islamic texts and the Bible—confiscated and destroyed. Officials impose severe censorship on all religious literature. Muslims meeting to study the Koran and learn how to pray at home are likely, if found, to be jailed for long periods. Strict restrictions are imposed both on observing Ramadan and ongoing on the haj pilgrimage to Mecca.

Context

Uzbekistan has the third largest surface area of the five Central Asian states and, with over 32 million people, the largest population. Government statistics say 83 percent of the population are ethnic Uzbeks (regarded as being of mostly Sunni Muslim background), with five percent Tajiks, some two percent Kazakhs and another two percent Karakalpaks (regarded as being of mostly Sunni Muslim background). Russians and other Slavs (regarded as being of mostly Orthodox background) make up less than three percent.

President Shavkat Mirziyoyev has run Uzbekistan since September 2016, and has (like his predecessor Islam Karimov) never won an election judged free and fair by reputable international observers. Local and international human rights defenders have documented cases of electoral fraud, corruption, and many violations of human rights and the rule of law. Despite large mineral and other resources, much of the population remains in poverty. The country is one of the larger exporters of cotton in the world, and has for decades forced many adults and children (from the age of 10 upwards) to work its cotton fields. All profits go to the state, and

environmental pollution is severe.

Islam

Islam, because it has the largest number of followers, is the community the regime is most interested in controlling. This control is mainly exercised from the inside, by for example, appointing all permitted leaders and banning all public manifestations of Islam outside the state-controlled Spiritual Administration of Muslims, or *Muftiate*. The state through the *Muftiate* also controls what *imams* preach, and the number and location of mosques.

The state completely controls the selection, education and nomination of *imams*, in defiance of Article 61 of the Constitution: "Religious organisations and associations are separate from the state and equal before the law. The state does not interfere in the activities of religious associations." It is virtually impossible for any potential *imam* to graduate from a *madrassah* (Islamic religious college) if they are thought by the state to be critical of the regime. The National Security Service (NSS) secret police has informers and agents among students, and students have told Forum 18 that the NSS periodically summons them to be questioned about whether any student is making critical comments about the regime.

Ramadan

Ramadan each year sees stricter than usual controls on Islamic communities. In the 2016 Ramadan, the regime banned shared Muslim *iftar* (breaking of fast) meals in public in the capital Tashkent. The bans also appear to have covered the three-day *Ramazon hayit (Id al-fitr)* festival, which marks the end of the month of Ramadan and is marked with prayers and meals.

The regime also continued to ban people under 18 from attending mosques. In Tashkent, schoolteachers and police were placed at the entrances of mosques to stop people under 18 from entering. In Andijan [Andijon] Region, the local Education Department instructed parents to sign letters that they would not (among other things) allow their children to attend mosque prayers throughout the summer. One Andijan mosque placed a sign outside it banning children and mentally-ill children from entering. A local education official told Forum 18 that the reason for the ban was that "children can be misled in mosques," but would not answer when asked if this was an official opinion or why she thought state-controlled *imams* would mislead people.

The Haj

Restrictions on how many pilgrims can take part in the annual *haj* pilgrimage to Mecca are severe. Only 7,200 out of a potential quota of about 30,000 allocated by the Saudi authorities (based on Muslim population numbers) travelled during the 2017 pilgrimage. An "unwritten instruction" ban would be pilgrims under the age of 45. Waiting times are long. One potential pilgrim told Forum 18 in September 2015 that she would need to live to be 205 years old to reach the top of the waiting list in her *mahalla*. Her *mahalla* head told Forum 18 that she "will be able to go in 20 or 30 years." Even successful applicants can be arbitrarily removed and replaced with the friends or family members of officials. Also, "unofficial payments" to officials can more than double the cost of the *haj*. "The number of applicants would be much, much higher if the cost was not so high," an *imam* who wished to remain anonymous for fear of state reprisals told Forum 18 in 2011.

Mahalla committees, theoretically independent but in practice under state control, are used to maintain controls over anyone trying to exercise freedom of religion and belief, and have

been used to block registration attempts by Protestants and Jehovah's Witnesses (see below). They are also used in periodic crackdowns on all religious communities, as well as to monitor members of the majority Muslim community.

Pilgrims are officially screened. An application to go on the *haj* is made in writing, with a copy of the applicant's passport. Each *mahalla* committee submits to the local administration its list of applicants for the *haj*. Local administrations, along with the NSS secret police, the *Muftiate* and the state Religious Affairs Committee check each applicant and endorse or reject the application. The central *mahalla* of a district then compiles a waiting list of applicants. When the applicants' turn to go on pilgrimage comes up, they are invited to the local district administration and instructed to collect more documents, including certificates of their place of residence, their health, and a reference letter from their local *mahalla* committee. The letter gives information about their personal qualities and charitable works.

Even successful passage of this process does not guarantee a haj pilgrimage. Uzbekistan uses exit visas—a Soviet-era idea—to control which of its citizens are allowed to leave the country. Citizens need an exit visa every two years to visit any other country except some other former Soviet states (the president signed a decree in August 2017 to abolish the requirement from January 2019). The NSS secret police maintains an exit blacklist—for example of human rights defenders—who may not be allowed to travel.

Officials give special instructions to successful applicants on how to behave on pilgrimage, including not to talk to foreigners. These instructions are typically given at meetings for all approved pilgrims. NSS secret police officers reportedly accompany the *haj* pilgrims.

Other Religious Communities

For other religious communities, the regime's primary interest is to keep them within closely controlled geographic and activity related boundaries. Communities of all faiths that want to gain state permission to exist—a requirement that violates international human rights law—must pass through a complex registration procedure, including having 100 adult Uzbek citizens willing both to be identified as founders and to supply their personal details to the authorities. Even if the communities are larger than 100 people, many are unwilling to be so identified to the authorities as founders.

The only communities allowed to exist in the northwest region of Karakalpakstan [Qoraqalpoghiston] are mosques of the state-controlled *Muftiate* and one Russian Orthodox parish. All other collective expressions of freedom of religion and belief are banned. A human rights defender from the region told Forum 18 in August 2017 that the regime keeps local Protestants "in constant fear" with surveillance, threats, raids, fines and short-term imprisonments.

Other obstacles for religious communities in gaining state permission to exist include: paying a non-refundable fee equivalent to 50 times the minimum monthly wage; then submitting two letters of guarantee—one from the district *Hokimat* (administration), confirming that the organisation to be registered has a building which corresponds to health and fire safety requirements—and one from the *mahalla* committee (the lowest level of district administration), stating that other *mahalla* residents do not object to the organization. This written approval is necessary before a religious community can even apply for state registration from the Justice Ministry. Public health, fire safety, and similar regulations have also been used to bar registration

and to harass religious communities, through inspections allegedly to check whether registered communities are observing regulations.

The ban on the unregistered exercise of freedom of religion and belief is underpinned by various articles in the Criminal Code and the Administrative Code. Administrative Code Article 240 ("Violation of the Religion Law"), Part 1 punishes: "Carrying out of unauthorised religious activity, evasion by leaders of religious organisations of registration of the charter of the organisation, and the organisation and conduct of special children's and youth meetings, as well as vocational, literature and other study groups not relating to worship." Punishments range from fines of 50 to 100 times the minimum monthly wage to being jailed for up to 15 days.

Even when a religious community has followed the state's demands and obtained permission to exist from a local authority, registration—and hence permission to exercise freedom of religion and belief—can still be refused. Indeed, many religious communities do not get as far as this. Registration of new communities or communities which have long existed but which the regime does not like—like Jehovah's Witnesses—remains almost impossible. It also does not guarantee that they will keep registration and stay open if granted registration—even if they comply in full with all the authorities' formal demands.

Religious communities—whether Muslim or of other faiths—are not able to buy, build or open places of worship freely. Some places of worship have been confiscated, many rural mosques having reportedly been closed or stripped of their registration. Similarly, some Protestant, Jehovah's Witness, Hare Krishna and Baha'i communities have been stripped of registration for no known reason.

Although Uzbek is the state language, the authorities ban non-Muslim communities from using it as the main language for worship services. The authorities have never explained why they impose this ban, which is not enshrined in any published law.

The experience of many communities, registered or unregistered, is that repression can occur at any time, with no regard for whether or not a community is registered. Police and NSS secret police raids, or expulsions of Muslim, Protestant and Hare Krishna university students affect followers of registered or unregistered communities.

Even if communities are registered, they are subject to intrusive demands from the authorities. In April 2007, Andijan [Andijon] regional *Hokimat* ordered a pastor of a registered Protestant church to draw up a plan with the Religious Affairs Committee "to prevent missionary activity." Communities like the Council of Churches Baptists who—as is their right in international law—refuse to seek registration with the state are targeted for raids and large fines. They refuse on principle to register, as they have found that registration leads to state interference in the exercise by their communities of freedom of religion and belief in line with international human rights law.

Surveillance

State officials control all exercise of freedom of religion and belief. The NSS secret police carries out both covert and open surveillance of all religious communities. Members of a variety of religious communities have told Forum 18 of hidden microphones in places of worship, the presence of NSS agents during meetings for worship, and the recruitment of spies within communities—including among leaders.

In March 2017, Protestants in Tashkent suspected that a woman who attended their meetings for worship might be an informer for the authorities. They told Forum 18 that she was the last before a raid to enter a flat where five Protestant women were meeting to discuss their faith, left the door unlocked "against security measures," and hung a towel from the window of the flat before the raid. "We think that the towel may have been a sign to the authorities that we were having a teaching session," Protestants stated.

Even Uzbek citizens outside the country face regime attempts to stop them exercising freedom of religion and belief. Davron Komoliddinov was jailed in November 2015 for seven years after being extradited from Russia, for posting Islamic sermons on a Russian social media network. Human rights defenders say the regime often uses Uzbek labor migrants to Russia to incriminate other Uzbek migrants they work or live with. The authorities usually extort confessions from one or two such labor migrants against others, and then use Interpol to search for those they want. Prisoner of conscience Komoliddinov was tortured after an unfair trial and his state-appointed defence lawyer, who relatives state did not participate in hearings, told Forum 18 that he was asked to participate by the NSS secret police.

"Legally" Preventing Human Rights

Punishments can continue and be imposed disproportionately for a long time after an alleged "offence." In 2012, Gulchohra Norbayeva was fired from her job as a teacher for insisting on wearing the *hijab* (Islamic headscarf). But even some years later, she still faced police summonses, house searches for religious literature, accusations she was teaching the

Koran "illegally," and pressure to sign statements incriminating Muslim men she did not know. Police told her that whether or not she wears the *hijab*, she will remain on the Preventative Register.

This Register was created under the 2014 Law on Prevention of Violations of the Law, which gives wide-ranging powers to state bodies, including committees which run *mahallas* [local districts], as well as non-state and non-commercial public organisations and ordinary citizens. This formalised what already happens in practice, and among the Law's targets are people exercising freedom of religion or belief or other human rights without state permission. The Prevention Law automatically places people convicted by the courts on a Preventive Register, subjecting them to a variety of police "preventative measures" for one year or more. Many state-run organisations, from health care to nature protection agencies, are able to initiate placing individuals on the Preventive Register, including allowing many possibilities for officials to arbitrarily arrange for people to stay on the Register for many years. The Law also gives *mahalla* committees wide powers to among other things with police "take measures to prevent the activity of unregistered religious organisations." It also "legalises unofficial informers" a legal expert from Tashkent noted to Forum 18.

Article 29 of the Prevention Law specifies "prevention measures" used against individuals, including: prophylactic talks; official warnings; "social rehabilitation"; a place on the Preventive Register; referral for compulsory treatment; and administrative supervision.

Under Article 31, individuals are required to sign any written warning they are given. If the individual refuses to sign, this is also noted. The official issuing the warning can also inform the individual's employer (if they are working) their educational establishment (if they are studying) and the *mahalla* committee where they live.

Article 34 states that those on the Preventive Register are subjected to a range of preventive measures from the police aimed at "correcting them and warning against the conducting of repeat offences." Those subjected to the Preventive Register include former prisoners, as well as those convicted of a wide range of administrative offences. If an individual has been punished for more than one separate crime or offence, they are listed on the Preventive Register separately for each reason.

Censorship and Raids to "Isolate the Population"

Religious literature in Uzbekistan is under tight state control. Summarising the reason for censorship and raids targeting religious texts, a March 2016 state news agency article stated that the government aimed to "isolate the population." The import and production of literature—including the Koran and the Bible—is strictly controlled. This includes material on mobile phones, tablets, personal computers, memory sticks and other electronic devices and media, with compulsory prior censorship by the Religious Affairs Committee. The International Post Office confirmed to Forum 18 in 2007 that imported copies of the Koran in Arabic were censored by the Religious Affairs Committee. Only registered communities can seek permission to print or import material.

A January 2014 Cabinet of Ministers Decree on religious literature requires the State Customs Committee and the State Borders Protection Committee (part of the NSS secret police) to confiscate all religious materials being imported, even for private use only. They are to be sent for "expert analysis" by the Religious Affairs Committee, and only if approved handed back to travellers.

Criminal Code Article 246 Part 1 punishes "Smuggling, that is carriage through the customs border ... without the knowledge of or with concealment from customs control ... materials that propagandise religious extremism, separatism, and fundamentalism." This is punishable by imprisonment for between 10 and 20 years. Along with Criminal Code Article 244-1 (see below), it has since 2013 increasingly been used to prosecute and jail Muslims carrying the Koran and Islamic sermons on mobile phones.

Relatively little literature about the majority Islamic faith is allowed to be published and none is imported officially. Some Islamic books are no longer published, like Imam Muhammad ibn Ismail al-Bukhari's book, "*Sahih al-Bukhari*." This is a collection of hadiths which Sunni Muslims regard as the most authentic compilation.

Censorship of religious literature is required under Article 19 of the Religion Law. Only central administrations of registered religious organisations (i.e., those that have registered communities in at least eight of Uzbekistan's 14 Regions) are allowed to produce, import, export, or distribute religious literature. The article adds: "Delivery and distribution of religious literature published abroad is done after expert analysis of its contents is carried out in the order prescribed by law." The article also bans the "manufacture, storage and distribution of printed items, films, photographs, audio and video recordings and other materials containing ideas of religious extremism, separatism and fundamentalism".

Administrative Code Article 184-2 punishes: "Illegal production, storage, or import into Uzbekistan, with the intent to distribute or actual distribution, of religious materials by physical persons." Punishments are a fine of between 20 and 150 times the minimum monthly wage, "with confiscation of the religious materials and the relevant means of their production and distribution." Criminal Code Article 244-3 punishes "illegal production, storage, import or

distribution of religious literature." It carries—if there has been a previous administrative conviction—punishment of a fine of between 100 and 200 times the minimum monthly wage, or up to three years' corrective labor.

Religious literature (including Korans and Bibles), videos, DVDs—whether Muslim, Protestant Christian, Jehovah's Witness, Baha'i or of other faiths—are routinely confiscated in ordinary police and NSS secret police raids on places of worship and homes. Even legally imported materials as well as Uzbek-produced materials that have passed the censorship are confiscated. The Religious Affairs Committee routinely tells prosecutors and courts that such literature is "extremist," "banned," or "not for use outside a registered religious community."

"Expert Analyses," Book Burning

Either the state's Religious Affairs Committee or—in provincial areas—teachers at local university philosophy departments decide whether religious material should be banned by producing so-called "expert analyses." Courts frequently order that such confiscated material be destroyed.

Courts often ignore legal violations in "expert analyses." A November 2012 "analysis" prepared by Begzod Kadyrov, chief specialist of the government's Religious Affairs Committee, claimed he had within one day read 1,300 books, 2,100 brochures, 450 leaflets, 50 magazines, watched 200 video cassette tapes, and listened to 350 audio cassette-tapes. "This beats the Guinness Book of Records," a local Protestant observed to Forum 18. Violations of legal procedure are commonplace in such cases, like when a court ordered a Bible and New Testament

destroyed after an "expert analysis" by an official of the local Muslim Board. This occurred even though the Religious Affairs Committee is the only body authorised to conduct such "analyses."

Such alleged "expert analyses" are routinely used as an excuse to confiscate any book the authorities decide to confiscate. Numerous court verdicts seen by Forum 18 order that such literature—including Muslim books or Christian Bibles—be destroyed, which is often carried out by burning. In March 2017, Judge Alisher Kahharov fined Dilorom Khudoyberganova 100 times the monthly minimum wage, ordered the confiscation of her mobile phone, and ordered the destruction of a book after police found her carrying her groceries and a book containing the three short New Testament texts the First, Second, and Third Letters of John with commentaries in Uzbek.

Postal and Electronic Censorship

Uzbekistan's postal authorities actively collaborate on censorship of publications sent from abroad. One customs Inspector told Forum 18 that 80 to 90 percent of all imported or posted religious literature confiscated is Muslim. The Post Office routinely opens parcels of religious books and magazines sent from abroad, sending examples to the Religious Affairs Committee who decide whether to destroy the literature or return it to the sender. "I do not understand why normal religious books need to be confiscated or destroyed," a post office employee told Forum 18 in October 2011. But, they continued, "we are small persons, and need to obey orders." Information from abroad on the internet which the authorities dislike, including Forum 18's own website, also continues to be blocked.

Criminal Code Article 244-1 punishes the "production, storage, distribution or display of materials containing a threat to public security and public order." Its paragraph 2 punishes:

"Dissemination of materials containing ideas of religious extremism, separatism, and fundamentalism, calls for pogroms or violent eviction, or aimed at creating panic among the population, as well as the use of religion for purposes of breach of civil concord, dissemination of calumnious and destabilising fabrications, and committing other acts aimed against the established rules of conduct in society and public order."

Part 1 of the article punishes "production and storage." Part 2 punishes "dissemination." Part 3 (a) punishes this "crime" with prior planning or by groups of individuals, Part 3 (b) punishes it by officials, and Part 3 (c) punishes this "with financial or other material aid from religious organisations, as well as foreign states, organisations, and citizens."

In April 2016, Article 244-1's possible punishments were increased to imprisonment between five and eight years, instead of the previous up to five-years' jail or a fine of between 300 and 400 times the minimum monthly wage. It is normally used only against Muslims exercising their freedom of religion and belief.

The growth in the use of electronic devices in recent years has caused officials to devote more attention to them. Officials often search mobile phones and other electronic devices in the hunt for religious materials. Punishments can be severe, and starting around 2013, authorities have often fined or jailed Muslims (including foreign citizens) for up to five years, who were found with the Koran and Muslim sermons on their mobile phones. As with other "crimes," a local Christian leader told Forum 18 in June 2016, "the authorities usually fine or jail for short periods of time Christians and people from other non-Muslim communities."

From April 2016, a new Criminal Code Article 244-1 Part 3 (d) banned "criminal" activities "using the mass media or telecommunication networks, as well as the world wide web." At the same time, the regime harshened Criminal Code Articles 244-1 and 244-2 (see below) to

allow: criminal prosecutions without a previous Administrative Code prosecution; increased jail terms, including between 15 and 20 years jail for involving people under 16 in "illegal" religious organisations; a ban on "production, storage or dissemination of the ideas or symbols of religious extremist or terrorist organisations"; and increased mass media, telecommunications and internet restrictions.

One human rights defender, Shukhrat Rustamov, commented to Forum 18 in June 2016 that the April 2016 amendments—as well as the existing Religion Law, Criminal and Administrative Codes—are against the Constitution. He noted that, with the changes, "the authorities want to impose a total blockade of information for religious believers."

No Religious Books Allowed in Homes

Police confiscate personal religious literature during raids on homes, including Arabic-language Korans, and Uzbek and Russian-language Bibles and New Testaments. Courts frequently order such religious literature—including Bibles and New Testaments—destroyed. Raids and searches can be on a large scale. In March 2016, 20 NSS secret police and ordinary police officers searched every home in an entire district of the capital Tashkent. Local police told Forum 18 that "we have religious freedoms."

Followers of a variety of beliefs are afraid to keep religious literature in their homes, a cross-section of people have told Forum 18. Baptists told Forum 18 in June 2013 that "church members have repeatedly been warned recently that keeping a Bible at home is allowed, but reading it can only be done at specially designated places for carrying out religious rituals." Such warnings are set out in "expert analyses" of confiscated literature by the Religious Affairs Committee, and presented to courts to justify confiscations and fines on owners. After an early

2017 raid on a Tashkent Hare Krishna devotee's home resulting in the confiscation of about 40 religious books and a fine, the Religious Affairs Committee told her that devotees can have only one copy of the faith's five main books at home. Any other books have to be held at their state-registered temple in Tashkent.

Raids to seize "illegal" religious literature frequently involve the authorities breaking published laws, but no officials are known to have been held to account for this. Asked in June 2016 whether people have freedom of religion and belief, a judge told Forum 18 "maybe." Many Christians have hidden their religious literature, the Protestant noted. Other Christians have taken all the books they have to state-registered places of worship. The state's pressure is so strong that some believers think they have no choice but to destroy their own sacred texts. The Protestant also cited distressful cases where individuals have reluctantly destroyed their own Christian books, including Bibles. "I personally know of three such cases," the Protestant told Forum 18. "Many other Christians said to me they can't bring themselves to destroy their Bibles."

Meeting with others for worship or the study of sacred texts in homes is banned. In June 2016, four leaders of a Sufi Naqshbandi Muslim community were jailed for four years under Criminal Code Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities.") The four leaders were among 15 Sufis arrested in Karakul District during a police raid on a home where a community was performing the *zikr*, a devotional practice of reciting sacred phrases. The following month, 11 other members of the same community were each fined up to 4,000,000 Soms (then 11,000 Norwegian Kroner, 1,200 Euros or 1,300 US Dollars at the highly inflated official exchange rate) for illegally meeting in homes.

Similarly, in August 2015, four members of two Muslim families near Tashkent were jailed for between one and two months and about 18 others were fined under Administrative Code Article 201, Part 2 for: "Violation of the procedure for holding religious meetings, street processions, or other religious ceremonies." Ten women were then detained and fined for the same "offence," one woman being threatened with being jailed with men who might rape her. So-called "Anti-Terrorism Police" then raided the homes of eight male relatives of the women who met occasionally to pray together, discuss their faith and share meals. The men were warned that they too would be jailed if they did not stop praying together. As these cases illustrate, the regime's definition of terrorism includes people exercising their human rights.

Non-Muslims are also targeted. Between January and May 2016, 18 Protestants and 11 Jehovah's Witnesses were each fined up to 60 times the minimum monthly wage. "Anti-Terrorism Police" with ordinary police often conduct illegal searches of homes without a search warrant, as has happened in some cases. Known cases also involve Jehovah's Witnesses being stopped and searched as they left Fergana [Farghona], and the possible use of a police agent provocateur to entrap two Urgench [Urganch] female Jehovah's Witnesses as they shared their beliefs and literature with a woman in a flat. In May 2016, a judge upheld fines for illegal religious literature on 14 Protestants who met to mark International Woman's Day, the fines totalling 350 times the minimum monthly wage.

The ban on religious literature in homes causes particular difficulties for those who do not have state-registered places of worship, such as Council of Baptist Churches. Contrary to Uzbekistan's international human rights obligations, the state bans Council of Baptist Churches from having places of worship where religious literature might be kept.

Religious texts in public places also face a de facto ban. In spring of 2015, Doniyor Akhmedov—a Baptist—was one of three Protestants in Uzbekistan known to have been imprisoned for between seven and 15 days. He was held after offering a religious leaflet to a passerby on the street. For the last part of his 15-day imprisonment, Akhmedov "was held in a small cell with more than 10 people, where they were squeezed in and there was barely space to sleep on the floor," Forum 18 was told. After he was freed he was fined more than three years' official minimum wage.

Torture

Violence and torture, or threats of this, by police and other officials are "routine" the UN Committee Against Torture found in 2007. Torture methods used include asphyxiation with a gas mask (which police call the "little elephant") and severe physical violence including rape, leading to concussion accompanied by police pressure on hospitals not to treat victims. Torture and threats usually follow the frequent police and secret police raids against unregistered religious communities.

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Uzbekistan acceded to on September 28, 1995, defines torture as: "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."

Under Article 6 of the Convention, Uzbekistan is obliged to arrest any person suspected on good grounds of having committed torture. Under Article 4, Uzbekistan is obliged to try them under criminal law which makes "these offences punishable by appropriate penalties which take into account their grave nature." No such arrests or prosecutions are known to have happened.

Many victims (including children) of widespread use of torture normally choose not to complain or make their suffering public, because of the traumatic nature of their experiences, fear of state reprisals, and strong social pressures against women in particular in speaking out about male violence. In addition, cultural traditions of "honour" can destroy a woman's reputation if she is known or thought to have been the victim of sexual violence or even if she has been alone—for example overnight—with male police officers who are unrelated to her.

Women in particular are often assaulted, including the use of sexual violence, by male officials. In July 2017, ordinary police and "Anti-Terrorism Police" in Urgench raided a meeting where 27 Protestants were worshipping. Some of the 25 officers were carrying machine guns, and only six were in police uniform. During the arrests, interrogations, and literature confiscations which followed, the women were forcibly undressed down to their underwear. Police denied any knowledge of this when questioned by Forum 18.

Similarly, in February 2016, four female Jehovah's Witnesses in Samarkand were questioned by senior police station officer Sanjar Esanov, his subordinates Lieutenant Askarali Boykobilov and Officer Sobir Rakhimov, as well as Khusrav Shamsiyev of Samarkand's "Anti-Terrorism Police." The officers were "drunk and very aggressive," Jehovah's Witnesses told Forum 18. "They demanded that the women deny their faith." Lieutenant Boykobilov "roughly grasped the shoulders of [one of the women] and kept pushing her." Another was also "pushed," and Officer Shamsiyev "slapped her on the face." Chief Officer Esanov took another of the four

women to a dark room and "strangled her and hit her on the body," as did Officer Rakhimov. Officer Esanov threatened to "undress her and rape her, after which he will take her out of the room naked so the others could see. Then he began unbuttoning her overcoat but she resisted and he stopped."

Officials ignore formal complaints about torture. In June 2013, officers at a police station in the northwestern Khorezm Region hit Sardorbek Nurmetov, a Protestant, five times on the head and chest with a thick book, and kicked his legs. As a result, Nurmetov became "dizzy, weakened, and felt like vomiting." Police refused his requests to call an ambulance. After he went to a hospital upon being released, hospital officials—who refused to send an ambulance when they realised it was to help a torture victim—themselves informed police, who took Nurmetov to a police station to pressure him not to complain. Despite this, Nurmetov did submit a formal complaint at the police station, demanding that action be taken. Urgench Police, instead of taking action against those implicated in the crime of torture, opened an administrative case against Nurmetov for "illegally" storing religious materials in his home.

Children and Young People

Police and schoolteachers have told children that if they attend any place of worship—including mosques and churches—they will be punished. Children and young people are not formally banned from attending meetings for worship, but officials frequently pressure parents and communities of all faiths not to allow them to attend. In August 2014, teachers and doctors were forced to help the police identify school-age boys attending worship in Tashkent mosques "and to prevent them from participating in prayers, especially Friday prayers," human rights defender Abdurakhmon Eshanov told Forum 18. Deputy Chief Mufti Abdulaziz Mansurov

claimed to Forum 18 that both *Sharia* law and the Religion Law ban children from attending prayers. He then added: "I wish the Law would allow it." After "Anti-Terrorism Police" raids in Namangan Region on Baptists and Jehovah's Witnesses, state-sponsored media attacks noted that "even under-age children" had been present at their meetings.

Even nursing infants can be targeted. In Tashkent in November 2015, "Anti-Terrorism Police" raided a Protestant home after the head teacher of a school told District Police that two pupils were sharing their beliefs with fellow pupils. Officers physically tortured detained Protestants, and prevented the parents of five nursing infants from feeding their infants unless they wrote statements against fellow Protestants. A court later fined them for exercising freedom of religion and belief.

Official *imams* have complained that they cannot teach Islam to children. Non-state controlled religious education is forbidden. In June 2013, a Muslim father and son who taught the Koran to school-age children in Tashkent Region were prosecuted. Both men—Mirmuhiddin Mirbayzaiyev and his son Sirojiddin—faced the possibility of up to three years in jail. Parents who brought their children to the Islamic religious lessons were fined.

"Legal" Framework a Symptom Not a Cause of Human Rights Violations

Numerous articles in the Religion Law, Criminal Code and Code of Administrative Offences are, as already noted, used to punish anyone exercising their freedom of religion and belief. Legal charges brought against people do not necessarily reflect what they actually did. This can lead to people being charged using laws punishing the exercise of freedom of religion and belief, when this freedom is not involved in the actions they actually carried out. It can also, as noted below, lead to accusations of violence being made against people without any credible

evidence that they carried out or have any sympathy with acts of violence. Similarly vague definitions of the "offences" banned—like "proselytism" or "missionary activity"—leave much room for frequently exercised arbitrary official interpretations.

Article 8 of the Religion Law contains an implicit ban on the unregistered exercise of freedom of religion and belief. It states that "a religious organisation has the status of a juridical person and can carry out its activities only after registration by the Justice Ministry or its local branches." This making of the exercise of human rights dependent on state permission is contrary to the International Covenant on Civil and Political Rights, ratified by Uzbekistan in 1995. Article 8 also states that a central agency of a religious organisation must be registered by communities "in at least eight territorial divisions of the republic of Uzbekistan (a region, the city of Tashkent or the Republic of Karakalpakstan.)" The Russian Orthodox, the Baptist Union (as against unregistered Baptists), Catholics and Pentecostals are currently the only smaller religious communities with a central administration. As the majority of smaller communities have not managed to be registered in eight territorial divisions, they have no right either to exist.

Religion Law Article 9 therefore also bars communities from carrying out normal activities, for example by allowing only communities with a central administration to run a religious educational establishment, and only if they get state registration for such an establishment. "Religious educational establishments acquire the right to operate after registering with the Justice Ministry and receiving the appropriate licence," it states. "Persons teaching religious subjects at religious educational establishments must have a religious education and carry out their work with the permission of the appropriate agency of the central administration."

Fines for a wide range of manifestations of freedom of religion and belief—including activity without state permission—are generally 50 to 100 times the minimum monthly wage.

The numbers and scale of raids and fines imposed on members of smaller religious communities may be increasing. Raids are usually accompanied by the confiscation of all religious literature officials find, while participants are often threatened or tortured. In addition to fines, punishments under the Administrative Code for the "illegal" exercise of freedom of religion and belief can involve short-term detention between three and 15 days, which is irregularly used against Protestants, Jehovah's Witnesses and Baha'is. However, fines are a more common punishment.

Other "laws" used to prosecute people exercising their right to freedom of religion and belief include:

- Administrative Code Article 201, Part 2 punishing: "Violation of the procedure for holding religious meetings, street processions, or other religious ceremonies." This is punishable with a fine of between 80 and 100 times the minimum monthly wage, or being jailed for up to 15 days.
- Administrative Code Article 202 punishing: "Granting to the participants of gatherings, meetings, and street demonstrations without state permission premises or other property (means of communication, copying and other machines, equipment, transportation), or the creation of other conditions for conducting such activity." Punishments are fines between 50 and 100 times the minimum monthly wage for ordinary citizens, and between 70 and 150 times the minimum monthly wage for officials.
- Criminal Code Article 216-1, which punishes: "Inducement to participate in the operation of illegal public associations, religious organisations, movements, or sects." This carries penalties of between a fine of 25 times the monthly minimum wage and three years' imprisonment. This article has occasionally in the past been used against Jehovah's Witnesses.
- Administrative Code Article 194, Part 1 punishing: "Failure to carry out the lawful demands of a police officer or other persons carrying out duties to guard public order." Punishments are a fine of up to twice the minimum monthly wage.
- and Administrative Code Article 195 ("Resisting the orders of police officers") carries punishments of between three times the minimum monthly wage and 15 days' detention.

Although members of smaller religious communities are often fined, they are not—unlike Muslims—often jailed for long periods. One exception was a Baptist, Tohar Haydarov, who received a 10-year sentence on fabricated drug-related charges in March 2010 and was released

in November 2016. Sharing any beliefs with anyone is punishable under a variety of laws. These include:

- Article 5 of the Religion Law, which states that: "Actions aimed at attracting believers of one confession to another (proselytism) are forbidden, as is other missionary activity";
- Administrative Code Article 240 ("Violation of the Religion Law") Part 2, which punishes "attracting believers of one confession to another (proselytism) and other missionary activity." Punishments are fines between 50 and 100 times the minimum monthly wage, or being jailed for up to 15 days;
- Administrative Code Article 241, which punishes: "Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately." Punishments range from fines of five to 10 times the minimum monthly wage, or being jailed for up to 15 days.
- and Criminal Code Article 216-2, Part 2, which punishes: "Attracting believers of one faith to another (proselytism) and other missionary activity, after the application of penalties under the Code of Administrative Offences for similar activities" with punishment of a fine, community service, one to three years' restricted freedom or up to three years in prison.

Reinforcing the bans on sharing beliefs and on religious small groups, Criminal Code Article 229-2 punishes: "Teaching religious beliefs without specialised religious education and without permission from the central organ of a [registered] religious organisation, as well as teaching religious beliefs privately." Punishments range from fines of 50 to 100 times the minimum monthly wage, community service, corrective labor, restricted freedom or imprisonment for up to three years.

Criminal Code Article 216-2, Part 1 punishes "illegal religious activity, evasion of registration of a religious organisation's charter by its leaders, conducting special meetings for young people, work groups, and other circles and groups, unrelated to worship, by religious leaders and members of religious organisations." Punishments range from a fine between 50 and 100 times the minimum wage, community service, between one and three years' restricted freedom, or up to three years in prison.

Muslims exercising their freedom of religion and belief have been prosecuted under many of the above articles, but appear to be more likely to be prosecuted under the Criminal Code. Articles not listed above also mainly used against Muslims include:

- Article 156, Part 2 ("Deliberate acts intended to humiliate ethnic honour and dignity, insult the religious or atheistic feelings of individuals, carried out with the purpose of inciting hatred, intolerance, or divisions on a national, ethnic, racial, or religious basis, as well as the explicit or implicit limitation of rights or preferences on the basis of national, racial, or ethnic origin, or religious beliefs.") This article has also been used against members of smaller religious communities. As Protestants within Uzbekistan have noted, the state's own incitement of religious intolerance and hatred violates this part of the Criminal Code.
- Various parts of Article 159 ("Attempts to change the Constitutional order"), punishable by up to 10 years in jail. Parts of this article penalise the use of violence, such accusations often being made against Muslims irrespective of what they did;
- Article 216 ("Illegal establishment or reactivation of illegal public associations or religious organisations, as well as active participation in their activities"), punishable by up to five years in jail. This was one of the articles used against Muslim Khayrullo Tursunov, extradited back to his native Uzbekistan from Kazakhstan in March 2013 against the express wishes of the UN Committee Against Torture, who in the following June, was given a 16-year jail sentence for the alleged "extremist" exercise of freedom of religion and belief.
- Article 242 ("Organisation of a criminal society"), punishable by up to 20 years in jail;
- and Criminal Code Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations.") In April 2016, the regime harshened Criminal Code Articles 244-1 (see above) and 244-2 to allow: criminal prosecutions without a previous Administrative Code prosecution; increased jail terms, including between 15 and 20 years' jail time for involving people under 16 in "illegal" religious organisations; a ban on "production, storage or dissemination of the ideas or symbols of religious extremist or terrorist organisations"; and increased mass media, telecommunications and internet restrictions.

These changes were soon used. In May 2016, Jonibek Turdiboyev and Mansurkhon Akhmedov were both jailed for five years under the new Criminal Code Article 244-2, Part 1. The only evidence brought by the prosecution consisted of statements from an existing prisoner and a claim that the authorities had found a Muslim sermon under music on an audio disc. Relatives and human rights defenders insist that the two prisoners of conscience are "guilty" only of being devout Muslims exercising their freedom of religion and belief.

Administrative Code deportation possibilities for exercising freedom of religion and belief were also extended in April 2016. Taken together, the changes target Muslims exercising the freedoms of religion and belief, and of expression, and give more possibilities to prosecute non-Muslims.

Unfair Trials

Trials are often conducted unfairly, and officials who violate laws supposedly defending human rights appear never to be prosecuted or punished. A typical example was the May 2016 trial of Muslim prisoners of conscience, Turdiboyev and Akhmedov, noted above. Human rights defender, Shukhrat Rustamov, noted that the "witness confessions" used to convict the prisoners were obtained through torture, and the prisoners of conscience themselves insisted at the trial that they were forced to sign their own "confessions" against their will. Rustamov also noted that Tashkent police violated legal procedures in the investigation, but that the prosecutor's office and the court ignored this. Rustamov also pointed out that:

- signatures of the police investigators in the indictment were not endorsed by a police seal, and are false;
- Turdiboyev claimed to be initially detained on November 16, 2015 but was really detained on November 12;
- police claimed Turdiboyev was interrogated on June 26, 2015 but on this date, he was unaware of any police investigation of himself and was not questioned;
- and a signature purported to be Turdiboyev's on a January 30, 2016 report claiming he was informed of the "expert analysis" of the CD was not Turdiboyev's signature.

"Expert analyses" are often used to secure convictions and evidence is often claimed to be fabricated by the authorities (see above). Asked why police falsified Turdiboyev's signatures and other statements, Investigator Otabek Begmatov told Forum 18: "We did our investigation, and if you have questions you can ask the court." He then declined to talk further.

The authorities can also coerce "witnesses" into testifying against their will. In July 2017, officials forced a Russian Orthodox priest to attend what Baptists called a "show trial" (shown on state-controlled television) of Baptists being prosecuted for meeting for worship without state permission. The priest told Forum 18 "it was not my desire to attend the trial. The judge [Azamat Khushvakhtov] called me and told me I must participate. When I tried to resist the invitation, he put pressure on me, saying that if I do not come it will not be good for the Church." Judge Khushvakhtov "asked me if we have religious freedoms and, as a representative of Christians, what we must do. I cited the Apostle Paul, saying that we need to obey the authorities, since all authority is from God. I then added that this was unless that obedience goes against our conscience and moral principles." The priest stressed that "I have nothing against the Baptists". Two Baptists were each given five-day prison terms and three more fined. The judge refused to answer Forum 18's questions.

Prisoners of Conscience

Reportedly, thousands of Muslims have been imprisoned on accusations of belonging to terrorist, extremist or banned organisations, or related to exercising freedom of religion and belief. The nature of the "justice system," in which the planting of evidence and torture is normal, makes it unlikely that the authorities—or anyone else—knows how many of these

prisoners are guilty of involvement in violence or other crime, or are only "guilty" of being devout Muslims who take their faith seriously. Indeed, Forum 18 has spoken to police who arrested people but were unaware of any offence the people arrested had committed. The only reason for such arrests was that a higher official had ordered someone to be arrested without stating why.

Uzbekistan contains violent groups which oppose the state, even though their violence is infrequent, but the authorities' own violence and injustice fuels support for such groups. When Forum 18 has asked Uzbeks who sympathise with such groups why they do so, they often indicate that their sympathy is motivated by a dislike of the regime's oppressive actions.

As well as those noted above, other Muslims known to have been jailed for exercising freedom of religion and belief include Mehrinisso Hamdamova and two other women, who were arrested for holding Muslim meetings without state permission and jailed for up to seven years in April 2010. She was due to be released in November 2016 but, despite suffering from a myoma (a tumour associated with uterine cancer), was given an additional three-year prison term. In August 2016, her sister Zulhumor who was due to be released in May 2016, had her prison term extended by three years for alleged violation of prison rules. Both the sisters' health have long caused serious concern, and the authorities have denied them medical treatment.

The UN Committee Against Torture, in its concluding observations on Uzbekistan's record (CAT/C/UZB/CO/4), adopted on November 14, 2013, stated: "The Committee is concerned about numerous, ongoing and consistent allegations that torture and ill-treatment are routinely used by law enforcement, investigative and prison officials, or at their instigation or with their consent, often to extract confessions or information to be used in criminal proceedings."

Human rights defenders, prisoners' relatives, former prisoners, and others have told Forum 18 that the authorities: routinely ignore UN Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules); force prisoners of conscience jailed for exercising freedom of religion or belief to publicly "renounce" their "crimes," and hold them separately and allocate them the heaviest and most dangerous work; hold prisoners in unsanitary and dangerous living and working conditions, which cause a high level of sickness among prisoners; torture prisoners; use criminal gangs to monitor and intimidate prisoners of conscience jailed for exercising their freedom of religion and belief; ban visits to prisoners by relatives without apparent reason; ban clergy visits from even the belief communities the state permits to exist; provide poor food; in at least one case, apparently deliberately expose a prisoner of conscience jailed for exercising freedom of religion and belief to the potentially fatal disease of tuberculosis; allow doctors to seek bribes from prisoners who fall ill; deny medical treatment and medicines they need to prisoners who fall ill; sometimes misappropriate medicines which relatives are forced to buy; punish prisoners who try to exercise their freedom of religion or belief, for example by openly praying; ban prisoners from reading the Koran, Bible or other religious literature; and subject to censorship and even block letters from relatives and others.

People can also be jailed because of relatives exercising their freedom of religion and belief. Nearly three years into a 10-year prison term, Nilufar Rahimjanova died in September 2014 at age 37 in the women's labour camp near Tashkent. Relatives say the mother of four was imprisoned to punish her husband in Iran and father in Tajikistan, both Muslim theologians the Uzbek authorities dislike. Officials handed Rahimjanova's body not to her husband or father, but to her brother in Tashkent. He was told to bury it quickly in Uzbekistan without a post-mortem

examination. Erkin Bobokulov, Deputy Head of the Interior Ministry's Chief Directorate for the Enforcement of Punishments, did not answer Forum 18's questions.

Jail terms can be arbitrarily extended, which had happened to the Hamdamova sisters. Sunni Muslim prisoner of conscience Kamol Odilov was given an extra prison term in January 2016 just days before he completed his six-year prison term imposed in 2010 for exercising freedom of religion or belief. He and his fellow Muslims had met to discuss the works of the late Turkish Muslim theologian, Said Nursi. Prison authorities claim he got into a fight. "This is absurd—he wouldn't have fought with anyone, still less on his last day," a Muslim familiar with the case told Forum 18. In 2015, a three-year extra prison term was handed to another Sunni Muslim prisoner of conscience from Bukhara, Botir Tukhtamurodov, after he too had completed a six-year prison term. Officials told Tukhtamurodov and his relatives that he will not be freed until the authorities get back his brother Bobirjon Tukhtamurodov from Russia, where he sought refuge in 2010. The Deputy Head of the Interior Ministry's Chief Directorate for the Enforcement of Punishments—which has responsibility for prisons—refused to discuss the situation of these prisoners of conscience with Forum 18.

The Future?

Uzbekistan has since independence, under both its unelected Presidents, systematically violated intertwined fundamental rights—such as freedom of religion and belief, of expression and of assembly, and to be free of torture—which it had solemnly undertaken to uphold. Indeed, the interlocking nature of these human rights violations appear designed to impose total state control on all of society.

State officials repeatedly deny that human rights violations take place. Without fundamental changes in the attitudes and actions of officials—especially genuine independently verifiable implementation of the state's human rights obligations—Uzbekistan is likely to remain a place where fundamental human rights are violated with impunity.

For a personal commentary by a Muslim scholar, advocating freedom of religion and belief for all as the best antidote to Islamic religious extremism in Uzbekistan, see <http://www.forum18.org/Archive.php?article_id=338>.

Previous Forum 18 Uzbekistan religious freedom surveys can be found at <<http://www.forum18.org/analyses.php?region=33>>.

Full reports on freedom of thought, conscience and belief in Uzbekistan can be found at <<http://www.forum18.org/Archive.php?query=&religion=all&country=33>>.

A compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments is at <http://www.forum18.org/Archive.php?article_id=1351>.