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UZBEKISTAN: Religious freedom survey, August 2013

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In Uzbekistan, Forum 18 News Service's religious freedom survey notes that freedom of religion or belief and related human rights such as the freedoms of expression and of assembly remain highly restricted. Among the issues documented are: state attempts to control all religious communities, with every activity without state permission being illegal and harsh restrictions on Muslims marking Ramadan and going on the haj; covert and open surveillance of all religious communities by the NSS secret police; a strict censorship regime imposing severe limitations on access to literature, including the reading of the Bible and Koran in private homes and arbitrary destruction of literature found in frequent raids; the "routine" use of torture, with women apparently being increasingly targeted; bans on the religious activity and education of children; a "legal" framework which is a symptom not a cause of human rights violations; a culture of impunity among officials; unfair trials lacking due legal process; many prisoners of conscience jailed for exercising freedom of religion or belief; and denials of this freedom to all prisoners.

In Uzbekistan all exercise of freedom of religion or belief with others without state permission is illegal, Forum 18 News Service's religious freedom survey notes, including sharing any beliefs with anyone and meeting with others for worship or the study of sacred texts in private homes. State officials frequently violate freedom of thought, conscience and belief and interlinked rights such as the freedoms of expression and association – even though the state has made solemn binding commitments to uphold and protect the exercise of human rights.

People of all faiths meeting together to exercise freedom of religion or belief are raided with impunity by "law enforcement" officials. 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 the Bible and Islamic texts - confiscated and destroyed. A severe censorship regime is imposed upon 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 on going on the haj pilgrimage.

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 found. But it is for very good reason rare for people to publicly document such experiences, for fear of state reprisals.

Uzbekistan is not a rule of law state, and those subjected to violations of their internationally recognised human rights frequently complain that trials are conducted unfairly, law seemingly being used to provide officials with excuses to engage in oppression. Officials do not appear to see law as imposing restraints on their actions. Indeed, the interlocking nature of violations of freedom of religion or belief and inseparably linked human rights appear designed to impose total state control on all of society.

Context

Uzbekistan has the third largest surface area of the five Central Asian states, and with well over 28 million people has the largest population. Over 80 per cent of the population is thought to be ethnic Uzbeks (regarded as being of mostly Sunni Muslim background), with around 5 per cent of the population being Russians (regarded as being of mostly Orthodox background). The rest of the population is made up of smaller percentages of Tajiks, Kazakhs, and other ethnicities.

President Islam Karimov has run Uzbekistan since the Soviet era, and has 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 very large mineral and other resources, much of the population remains in poverty. The country is one of the largest exporters of cotton in the world, and has for decades used large numbers of adults (including people convicted for exercising freedom of religion or belief) and children (from the age of 10 upwards) as forced labourers to work its cotton fields. All profits go to the state, and environmental pollution is severe.

State control

The state seeks to control every aspect of society, including people exercising freedom of religion or belief alone or with other

people. This is why every religious community - with no exceptions - faces freedom of religion or belief violations.

- Islam

Islam, because it has the largest number of followers, is the community the government 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.

There is complete control of 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 government. There are informers and agents of the National Security Service (NSS) secret police among students, and students have told Forum 18 that they are periodically summoned to be questioned by the NSS about whether any student is making critical comments about the government.

The state through the Muftiate also controls what imams preach, and the number and location of mosques. One human rights defender, Nodir Akhadov of the Human Rights Society of Uzbekistan, told Forum 18 that in his region, Kashkadarya in the south of Uzbekistan, imams do not now preach in mosques. "When they do, they only quote something from [President] Karimov's books", he stated in August 2013. Abdulaziz Mansur, Deputy Grand Mufti of the Muftiate, was asked by Forum 18 why imams do not give their own sermons in mosques. "We provide them with texts prepared by us, which they preach". Asked why, he said that "some of these Imams are young and inexperienced, and may explain things incorrectly".

- Ramadan

Ramadan each year sees even stricter than usual controls on Islamic communities. In the current 2013 Ramadan, Muslims in Kashkadarya Region in southern Uzbekistan are afraid to "organise group prayers in their private homes even during Ramadan", Nodir Akhadov of the Human Rights Society of Uzbekistan told Forum 18. He said that the authorities "through the mahalla [local district] committees and their spies make sure that group prayers do not take place in homes."

Many Muslims want to say night prayers together at the end of each day in Ramadan. The authorities have often banned these and iftar meals in restaurants in the capital Tashkent (the only place this normally happens), as well as imposing greater surveillance of mosques, banning night prayers away from mosques. (Iftar is the meal normally taken by groups of Muslims together at the end of their fast each day during Ramadan.)

"Some people who dare to practice their faith openly", and who wanted to hold iftar group meals in their homes, were pressured by the authorities not to do so. One example Akhadov gave was of a Muslim who Akhadov knows, and did not want to identify for fear of state reprisals, who had organised an iftar meal for a group of co-residents in their private home. About a week ago they received a phone call from a man who did not give his name, who "threatened the Muslim if he invited people to their home for iftar meals again". The caller, thought to be from the NSS secret police, also used "obscene words."

The authorities in Karshi continue closely monitoring mosques, Akhadov of the Human Rights Society of Uzbekistan stated. Police "film everything, who comes in, who goes out, and if they see any new face they immediately find out from the Imams their names, addresses and phone numbers", he told Forum 18.

This also happens in Tashkent. Yelena Urayeva of the Human Rights Alliance told Forum 18 that she "saw several cars with police arriving before the midday prayer time at the 'Tura buva' mosque, where over 700 men met to pray". Two police officers stood at the entrance to the mosque checking packages and bags, and four others were secretly filming the men who came to pray. When Urayeva took photographs of the police, they stopped her taking further photographs and told her that "mosques are control-accessed enterprises, and all photographing of them is banned." Doniyor Abdujabbarov, who was in charge of the police at the mosque, was asked why police filmed people wanting to pray. "You need to ask the higher organs about these questions, not me", he replied.

- The haj

Uzbekistan routinely imposes severe restrictions on how many pilgrims could take part in the annual haj pilgrimage to Mecca in Saudi Arabia. Only 5,080 out of a potential quota of about 28,000 allocated by the Saudi authorities (based on Muslim population numbers) travelled to Mecca in 2011. This is about the average annual figure from Uzbekistan. About as many pilgrims travelled from Kyrgyzstan, which has only about one fifth of Uzbekistan's population. An official of one Uzbek mahalla (local district), with between 3,000 and 7,000 residents, told Forum 18 that "several people are on the waiting list but maybe only one will go." An "unwritten instruction" bans would-be pilgrims under the age of 45.

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 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 country apart from nine other former Soviet republics. The NSS secret police maintains an exit ban list – for example of human rights defenders – who may not be allowed to travel.

Special instructions are given 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.

It is also said in Uzbekistan that successful applicants are arbitrarily removed from the pilgrimage and replaced with the friends or family members of officials. An Imam outside Tashkent, who did not wish to be named for fear of state reprisals, complained that "unofficial payments" more than doubled the cost of the haj. "The number of applicants would be much, much higher if the cost was not so high," he stated.

- Other religious communities

For other religious communities, the state's primary interest is to keep them within closely controlled geographic and activity related boundaries. Against international human rights standards, the state makes the exercise of rights such as freedom of religion or belief dependent on state permission. All exercise of freedom of religion or belief with others without state permission is an offence.

- Registration a weapon against freedom of religion or belief

Religious communities of all faiths which want to gain state permission to exist must pass through the complex registration procedure. This institutionalises obstacles to exercising freedom of religion or belief. To gain state registration, communities must first have 100 adult Uzbek citizens willing both to be identified as founders and to supply their personal details to the authorities. They must also pay a non-refundable fee equivalent to 50 times the minimum monthly wage. Then, religious organisations must submit two letters of guarantee: one from the district hokimat (administration), confirming that the organisation to be registered has a building which corresponds to public 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 organisation.

The written approval of both the relevant local hokimat and mahalla is necessary before a religious community can even apply for state registration from the Ministry of Justice.

Mahalla committees, theoretically independent but in practice under state control, are used to maintain controls over religious believers of all faiths, and have been used to block registration attempts by Protestants and Jehovah's Witnesses. They are also used in periodic crackdowns on all religious communities, as well as to monitor members of the majority Muslim community by vetting applications from Muslims who want to make the haj pilgrimage. 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.

All non-Russian Orthodox and non state-controlled Muslim exercise of freedom of religion or belief is banned in the north-west region of Karakalpakstan [Qoraqalpoghiston].

The ban on the unregistered exercise of freedom of religion or belief is underpinned by various articles in the Criminal Code and the Administrative Code. For example, 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 salary 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 carry out any religious activity - can still be refused. This has happened in the case of the Eskhol Full Gospel Church in Tashkent, which has repeatedly been denied state registration. Officials have claimed that the Church's "letters of guarantee", or formal permission to function in a geographic area, from the Hokimat of Tashkent's Chilanzar district and from the First Katta Mahalla Committee did not correspond to official requirements.

However many religious communities do not get as far through the application process as this. When Jehovah's Witnesses in the

town of Kagan, on the outskirts of Bukhara [Bukhoro], tried to register between 2006 and 2008, they faced harassment, a police raid and the 10 community members were threatened with death and each given fines of five years' minimum wages. Bailiffs made repeated visits to confiscate property to pay the fines.

Registration of new communities or communities which have long existed but which the government does not like 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. Many mosques have reportedly been closed or stripped of their registration in rural areas. For example, one independent human rights defender – who wished to remain anonymous for fear of state reprisals - told Forum 18 of a small mosque in Gulistan Mahalla in the southern Kashkadarya Region's Nishan District. This was built by local Muslims on their own initiative, but was then stripped of its registration in June 2009. Local Muslims were "advised" by the local Justice Department to re-register the mosque as a tea house. Similarly, Protestants have noted that some of their communities have been stripped of registration for no known reason, a fate also suffered by Jehovah's Witness, Hare Krishna and Baha'i communities. Many religious communities of all faiths have tried unsuccessfully to gain registration.

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. For example, police and NSS secret police raids, or expulsions of Muslim, Protestant and Hare Krishna university students affect followers of registered or unregistered communities.

If communities are registered, they are subject to extra-legal demands from the authorities. A three page April 2007 document from Andijan [Andijon] regional Hokimat, seen by Forum 18, revealed the extent to which state officials expect religious communities to obey them. Amongst other directives, a Protestant pastor was ordered to draw up a plan with the state Religious Affairs Committee "to prevent missionary activity." Regional representatives of the Muftiate and of the state Religious Affairs Committee are ordered to "bring under constant close observation all officially registered religious organisations" and "to strengthen the struggle with people conducting illegal religious education and organising small religious gatherings." Officials refused to discuss with Forum 18 why, although religion and state are formally separate, officials issue orders to religious communities. Echoing Soviet times, officials see no reason not to interfere in the internal life of religious communities, and expect that their orders will be obeyed.

Communities like the Council of Churches Baptists who - as is their right in international law - refuse to be registered with the state are targeted for raids and large fines. They refuse on principle to register, as they have found that registration leads to unwarranted state interference in normal religious activities.

Speaking in April 2013 in Geneva at the UN Human Rights Council Universal Periodic Review of Uzbekistan, the then First Deputy Justice Minister Esemurat Kanyazov rejected criticism of the requirement that religious communities – and other non-governmental organisations – must gain state registration. "We have a procedure of requiring permission." He stressed that religious organisations – along with NGOs and commercial organisations – must have registration. But he denied any problems in achieving registration, insisting: "I don't believe the procedure is difficult".

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. Currently, the state is moving to deprive the registered Baptist Union of the "Joy" Summer Camp it owns in Tashkent Region's Bostanlyk District. Raids on Christian children's camps took place this summer and also in the past. Raids in 2009 on the "Joy" summer camp were associated with a state-imposed forcible change of leadership of the Baptist Union; it remains unclear why this change was imposed.

Ways used to isolate religious communities from their co-religionists abroad include refusals to renew visas – used in 2008 against Uzbekistan's Chief Rabbi – and expulsions - used against Protestants and Jehovah's Witnesses. Two long-term residents of Uzbekistan born in the country but who held foreign passports – Jehovah's Witnesses Yelena Tsyngalova and Oksana Shcherbeneva - were deported in summer 2012 to punish them for discussing their faith with others.

Even those who flee the country face Uzbek government attempts to have them sent back for trial. Recent cases include a Protestant, Makset Djabbarbergenov, who gained UN High Commissioner for Refugees refugee status in Kazakhstan, and imam Khabibullo Sulaimanov who fled to Kyrgyzstan. Both were claimed to be Islamist terrorists.

Surveillance

State officials are acutely interested in controlling all exercise of freedom of religion or belief. So 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.

NSS agents "have a vehicle with tinted windows, and ten minutes before the end of the service they wind down the window enough to allow them to film everyone leaving," one Christian reported. "The NSS especially tries to recruit among the leaders, trying to find out how what's going on within each community, who is going where, how much money each gets, where the community gets its money from," another source told Forum 18.

Censorship

Religious literature in Uzbekistan is under tight state control. The import and production of literature – including the Koran and the Bible - is strictly controlled, with compulsory prior censorship by the state 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 state Religious Affairs Committee. Only registered communities can seek permission to print or import material.

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.

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, such as 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. This 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". It also states that: "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."

Publication and distribution of religious literature within Uzbekistan is also subject to compulsory prior censorship. 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 50 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 - a maximum sentence of a fine of between 100 and 200 times the minimum monthly wage, or up to three years' imprisonment.

Religious literature – whether Muslim, Christian, Jehovah's Witness, Baha'i or of other faiths – is routinely confiscated in police raids on places of worship and private homes. Even legally imported materials as well as Uzbek-produced materials that have passed the censorship are confiscated. The state Religious Affairs Committee routinely tells prosecutors and courts that such literature is "extremist", "banned" or "not for use outside a registered religious community". 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 often ignore legal violations in "expert analyses". For example, 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, such as 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. This is normally by burning. "We will continue to fine you and burn your literature", one police officer in Tashkent told local Baptists in July 2009.

Uzbekistan's postal authorities actively collaborate in censorship of publications sent from abroad. One customs Inspector told Forum 18 that 80 to 90 per cent 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. 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.

Many 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, for example, 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 government's Religious Affairs Committee, and presented to courts to justify confiscations and fines on owners.

Officials often ignore published law in carrying out raids, prosecutions, and punishments against people who keep religious literature without state permission in their homes. "You won't find this in any law", another Protestant – who asked not to be

identified for fear of state reprisals – pointed out to Forum 18 in July. 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. For example, the Protestant also cited with distress 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."

Studying sacred texts with others and praying together with them in a private home can lead to severe punishments. This is especially so for Muslims, who face long jail sentences for this "offence". Followers of other faiths, such as Christianity, are typically given large fines for this "offence". In a May 2013 case, one Protestant was given one and half years of corrective labour, after being convicted under criminal charges of the "illegal production, storage, import or distribution of religious literature".

The de facto state ban on religious literature in private homes causes particular difficulties for those who do not have state-registered places of worship. Council of Churches Baptists, for example, refuse to seek state registration, arguing – in line with international human rights law - that permission is not necessary to meet for worship. Contrary to Uzbekistan's international human rights obligations, the state therefore bans Council of Churches Baptists from having places of worship where religious literature might be kept.

It appears that charges of the illegal possession of religious literature are being used as an excuse to punish people exercising their freedom of religion or belief in other ways. For example, in the case of Protestant Sardorbek Nurmetov (see below) he was first detained on the street by police, then taken to a police station to be tortured, and only then was his home searched for allegedly illegal literature. Also, charges for this "offence" were only brought after he made a formal complaint about police brutality. Forum 18 knows of other cases where searches of homes for allegedly illegal literature and charges for this "offence" only happened after the people concerned were targeted by the authorities.

Denials of access to sacred texts and the possibility of openly praying with others does not stop if someone is jailed. Prisoners of conscience and ordinary prisoners have both experienced being banned from praying openly or reading religious literature such as the Koran or Bible.

Torture

Violence and torture, or threats of this, by police and other officials are "routine" the United Nations Committee Against Torture found in 2007. This continues. Asphyxiation with a gas mask – known in police slang as the "little elephant" - is a common torture in police stations. "The detainee has the impression that the officers are going to kill him," a human rights defender told Forum 18 in August 2012. "Even the strongest person can hold out for no more than 30 seconds."

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Uzbekistan acceded to on 28 September 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".

Forum 18 notes that the many victims (including children) of Uzbekistan's 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 speaking out about male violence. In addition, cultural traditions of "honour" can destroy a woman's good name if she is known to 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.

Occasionally on the record, and frequently off the record, Forum 18 is told of the threat or use of torture, including rape. Such methods are used to try to force adults and children to renounce their beliefs or to make confessions implicating themselves or others.

Torture and threats usually follow after the frequent police and secret police raids against unregistered religious communities. For example, officers in Khorezm Region in July 2012 made Jehovah's Witness paediatrician Gulchehra Abdullayeva stand facing a wall for four hours with no food or water while the temperature was above 40 degrees Centigrade. The officers forced Abdullayeva to put on the gas mask, but she was unable to do so. They then forcibly put it on her, bruising her and causing a black eye, to block her air supply. She was also fined five times the minimum monthly wage. Police also gave her a pre-prepared statement about her involvement in Jehovah's Witness activity for her to sign, and asked her for information about her fellow Jehovah's Witnesses.

Abdullayeva has formally complained about the torture to four state agencies and the UN.

Torture used against those arrested for exercising their freedom of religion or belief – including Muslims, Christians and Jehovah's Witnesses – has also involved "informal" methods. These include severe physical violence, leading to concussion accompanied by police pressure on hospitals not to treat victims.

Women in particular are often targeted by such assaults, including sexual violence. In a not untypical incident in 2010 - the month, location, belief involved and details of which are confidential - female religious believers detained during a police raid were threatened with having their clothes forcibly removed, being tortured with electricity, and then pictures of them being raped by male criminals being made public.

Some religious communities suspect that women are increasingly being targeted by the authorities. "Ever more frequently, not only brothers but sisters too suffer persecution," Baptists told Forum 18 in July 2013. This pattern of male officials particularly targeting women has been experienced by many people in Uzbekistan.

Formal complaints about torture are ignored. Sardorbek Nurmetov, a Protestant in the north-western Khorezm Region, was in June 2013 hit at a police station five times with a thick book on the head and chest, and his legs were kicked. As a result of this, Nurmetov became "dizzy, weakened, and felt like vomiting". Police refused his requests to call an ambulance. After he went to hospital on being released, the hospital – 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 into not complaining. Despite this, Nurmetov did submit a formal complaint at the police station, demanded that action be taken. Urgench [Urganch] 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

Police and schoolteachers have told children that if they attend any place of worship – including mosques and churches – they will be punished. For example, in November 2010 the authorities in Angren warned local registered religious communities not to be involved in unspecified "proselytism" and "missionary activity", as well as not to allow children and young people to take part in meetings for worship, Saidibrahim Saynazirov, Deputy Head of the Administration, made these demands at a meeting of representatives of a variety of religious communities. He also demanded that the communities provide him with lists of their members. When asked what legal basis he had for his demand for membership lists, Saynazirov told the meeting "it's not in the law but we recommend that you do it".

Saynazirov claimed to the meeting that on his initiative the authorities closed a mosque which was attended by school pupils for Friday prayers, and the Imam of the mosque was fined. He did not identify the mosque or imam. Two weeks before the meeting, Saynazirov and local police raided the local Baptist church's Sunday morning meeting for worship. Two schoolgirls present were later called to a police station and pressured to write statements against the Church's Pastor Vyacheslav Gavrilov, and to stop attending the Church.

In another example, in November 2009 police in south-east Uzbekistan began a campaign against children attending places of worship. The authorities' campaign, which also used the state-controlled mass media, attacked schools and parents who allow children to attend religious "sects" and mosques. Baptist and Jehovah's Witness children were summoned and threatened by police and mahalla committees. Measures against Muslim children were ostensibly taken to stop them from attending Friday prayers in school time, but Forum 18 found that the measures were in practice aimed at preventing them from attending mosque at any time. Three school headteachers confirmed to Forum 18 separately that none of their children attend mosque even outside school hours, two of them declaring bluntly to Forum 18: "Children are not permitted to attend mosque." Asked why they cannot do so, one headteacher told Forum 18: "Because they are still children." The campaign took place as the authorities used a film, "In the Clutches of Ignorance", to encourage intolerance of members of smaller religious communities, including Jehovah's Witnesses, Seventh-day Adventists, Presbyterians and Methodists.

Official imams have complained that they cannot teach Islam to children. Non-state controlled religious education is forbidden. For example, 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 - face the possibility of up to three years in jail. Parents who brought their children to the Islamic religious lessons were fined.

Religious tolerance?

Officials claim that religious tolerance flourishes in the country. But state-run TV has repeatedly shown films – which school and university students are strongly encouraged to watch - inciting intolerance and hatred against members of smaller religious communities - especially those said to share their beliefs with others. Other state-run media, such as newspapers and websites, similarly encourage religious intolerance and hatred. Raids on and fines imposed against members of smaller religious communities can accompany such media campaigns, but it is unclear whether there is a direct link. Such raids and fines are common, irrespective

of what may be found in the media.

"Legal" framework a symptom not a cause of human rights violations

When the harsh 1998 Religion Law was adopted, President Islam Karimov claimed it was necessary to counter "Wahhabis" - a term that has been widely used by officials to denote groups they do not like, including even Jehovah's Witnesses, non-state favoured devout Muslims, and Islamist militants. President Karimov stated in a 1 May 1998 speech, broadcast nationwide, that "such people must be shot in the forehead. If necessary, I'll shoot them myself." Such remarks indicate that the laws are a symptom of why freedom of religion or belief violations take place, not the root cause of such violations. The root cause would seem to be the state's wish to control all of society, combined with a culture of impunity for officials carrying out unjust and oppressive actions.

Numerous articles in the Religion Law, Criminal Code and Code of Administrative Offences are used to punish anyone exercising their freedom of religion or belief. As mahalla Chair Nurmina Askarova, who took part in a raid on Baptists meeting for worship without state permission, put it to Forum 18 in February 2012: "we told them to attend another church in Chirchik, which is registered." She went on to claim that "we treat everybody equally, both Christians and Muslims", stating that "we closed a mosque in our mahalla, for instance, and asked worshippers to attend a mosque which is both bigger and registered in the neighbouring district".

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 or 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 there being any credible evidence that they carried out or have any sympathy with acts of violence.

Similarly, in Uzbek "laws" there are often no clear definitions of the "offences" banned, such as "proselytism" or "missionary activity". This leaves much room for frequently exercised arbitrary official interpretations.

The unregistered exercise of freedom of religion or belief is banned under Article 8 of the Religion Law. This states that "a religious organisation has the status of a juridical person and can only carry out its activities after registration by the judicial agencies." 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.

Article 9 therefore also bars communities from carrying out normal activities, for example run a religious educational establishment. Similarly, Article 10 of the Religion Law states that "religious educational establishments acquire the right to operate after registering with the Justice Ministry and receiving the appropriate licence. (...) 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 manifestation of freedom of religion or 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 seizure of all religious literature police can find, while participants are often threatened or beaten. Many raids on religious communities - including a July 2012 Sunday morning raid on a Protestant family singing hymns with a friend in their own home - are justified as "anti-terrorist activity," although police - if prepared to comment - are often unable to specify to Forum 18 what threat such raids are supposed to stop.

Within Uzbekistan's police apparatus, it is often the Anti-Terrorism Police who investigate cases involving people of all beliefs exercising their right to freedom of religion or belief.

In addition to fines, punishments under the Administrative Code for the "illegal" exercise of freedom of religion or belief can involve short-term detention of between 3 and 15 days, which has been irregularly used against Protestants, Jehovah's Witnesses and Baha'is. Before her June 2012 deportation, Jehovah's Witness Shcherbeneva was sentenced to 15 days' imprisonment with the costs of imprisonment to be deducted from her. However, fines are a more common punishment.

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

- Administrative Code Article 201, Part 2 banning: "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 salary, or being jailed for up to 15 days.

- Administrative Code Article 202 banning: "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" is punished with a fine of between 50 and 100 times the minimum monthly salary for ordinary citizens, and between 70 and 150 times the minimum monthly salary for officials.

- Criminal Code Article 216-1, which punishes: "Inducement to participate in the activity 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 corrective labour. It 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 salary.

- and Administrative Code Article 195 ("Resisting the orders of police officers") carries punishments of between four times the minimum monthly salary and 15 days detention.

Although members of smaller religious communities are often fined, they are not - unlike Muslims - frequently brought to criminal trial and jailed. An exception is Tohar Haydarov, who received a 10-year sentence on drug-related charges in March 2010 which his fellow Baptists insist were fabricated to punish him for his exercise of freedom of religion or belief. Pentecostal pastor Dmitry Shestakov was freed in January 2011 after completing a four-year sentence for leading an unregistered religious community. Also imprisoned have been Jehovah's Witnesses.

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 of between 50 and 100 times the minimum monthly salary, 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 5 to 10 times the minimum monthly salary, or being jailed for up to 15 days.

- and Criminal Code Article 216-2, which states that: "attracting attracting believers of one faith to another (proselytism) and other missionary activity, will, after the application of penalties under the Code of Administrative Offences for similar activities, be punished by a fine of between 50 and 100 times the minimum wage or up to six months' detention or up to three years in prison". This was one of the Articles used against devout 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 was in June given a 16-year jail sentence for the alleged "extremist" exercise of freedom of religion or belief.

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 salary, and corrective labour or imprisonment for up to three years.

The then First Deputy Justice Minister Kanyazov, speaking at the April 2013 UN Human Rights Council Universal Periodic Review of Uzbekistan, rejected calls for sharing beliefs to be decriminalised. "For us, inter-confessional accord is the most important thing. It's a delicate question. Any violations, any wrongdoing in this area could lead to unforeseeable consequences," he claimed.

Kanyazov stated – without explaining why this claim was relevant – that 90 per cent of the population is Muslim. "Decriminalisation of missionary activity could have very negative consequences. Our legislation is completely appropriate for us." He did not explain what "negative" or "unforeseeable" consequences would happen, if Uzbeks were allowed to speak freely about their beliefs with other Uzbeks.

Article 216-2 of the Criminal Code also 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 of between 50 and 100 times the minimum wage, up to six months' detention, to up to three years in prison.

Muslims exercising their freedom of religion or belief have been prosecuted under many of the above articles, but appear to be more likely to be prosecuted under the Criminal Code. Articles mainly used against Muslims include:

- Article 156 ("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 5 years in jail.
- Article 242 ("Organisation of a criminal society"), punishable by up to 15 years in jail;
- Article 244-1, Part 3, which 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". Point a specifies "with previous planning or by a group of individuals". This Article was used in November 2012 to convict nine men in Tashkent Region whose only "offence" was to meet together to study the Koran and learn to pray;
- and Article 244-2, Part 1 ("Creation, leadership or participation in religious extremist, separatist, fundamentalist or other banned organisations"). This Article was used in December 2010 to sentence 19 Muslim prisoners of conscience to between three and nine years in jail. Their "offence" was to belong to Shohidiya, an Islamic religious movement which follows the Koran but not the hadiths. The Article was also used in attempts to extradite Protestant Pastor Makset Djabbarbergenov from Kazakhstan, and former imam Khabibullo Sulaimanov from Kyrgyzstan. Both were accused by Uzbekistan of being Islamic fundamentalists and terrorists.

Unfair trials

Trials for breaking laws are often conducted unfairly, and officials who violate laws supposedly defending human rights appear never to be prosecuted or punished in any other way. A typical example was the June 2013 trial of two Baptists from Gazalkent in Tashkent Region for leading a meeting for worship without state permission. After a police raid, nine Baptists had been detained and threatened with violence by police but the court ignored this. After a three-minute court hearing Judge Ikrom Obidov fined Nikolai Savorovsky 80 times the minimum monthly salary, and Timur Zagvozdin four times the minimum monthly salary. Protestants close to the case also complained that Judge Obidov's decision stated:

- that Zagvozdin had no citizenship, when he is a citizen of Uzbekistan;
- that a named Russian/Uzbek translator had been present at the hearing, but no translator was present;
- and that two police officers who had participated in the raid – Shalovat Abdurashidov of the Criminal Investigation Department and Timur Umarov – had been questioned in court, but they were not present in court.

Officials including the Judge refused to discuss the case with Forum 18.

Prisoners of conscience

Many Muslims have been given long prison terms to punish them for exercising their right to freedom of religion or belief. Mehriniso Hamdamova and two other women were sentenced to up to seven years in jail in April 2010 after being arrested for holding unauthorised religious meetings. Sports journalist and religious commentator Hairulla Hamidov and 18 others were fined and jailed for up to six years in June 2010. Very many Muslims who read the works of the deceased Turkish Muslim theologian Said Nursi - whose books are banned in Uzbekistan - have been given long prison terms.

Gayrat Khusanov and Shuhrat Yunusov were given seven year jail terms in November 2012, for meeting with seven others to read the Koran and pray together. The other seven Muslims' appeals against three year suspended jail terms were rejected. In June 2013 Khayrullo Tursunov was sentenced to 16 years in jail for alleged "extremist" Islamic religious activity. He had been extradited back to his native Uzbekistan from Kazakhstan in March, against the express wishes of the UN Committee Against Torture. Relatives outside Uzbekistan complained to Forum 18 that the case had been "fabricated" to punish him for his religious activity.

There is reliable information that thousands more Muslims are imprisoned, usually on accusations of belonging to terrorist, "extremist" or banned organisations, or on other charges which may appear to relate to the exercise of freedom of religion or belief. But the nature of the Uzbek "justice system", in which the planting of evidence and torture by the authorities is often credibly claimed, makes it unlikely that the authorities – or anyone else - knows how many of these prisoners are guilty of involvement in violence or some other crime, are disliked by the authorities or an official for some other reason, or are "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.

There are 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 government's unjust and oppressive actions.

Freedom of religion or belief is denied to all prisoners. Prison and labour camp conditions are harsh, and even the communities regarded as the main "traditional" faiths – the state-controlled Muftiate and the Russian Orthodox Church – appear to have only limited access to prisoners. Other faiths told Forum 18 they have almost no access. Prisoners are often punished for religious activity in jails or labour camps, religious believers and human rights defenders have told Forum 18, however officials insist to Forum 18 that prisoners' religious freedom is respected.

Relatives of imprisoned Muslim prisoners of conscience, jailed for exercising their religious freedom, told Forum 18 that prisoners "cannot openly pray, or read any Muslim literature - even the Koran". The Muftiate has denied this. Mukhammadakmal Shakirov of the Muftiate in May 2013 also claimed to Forum 18 that the Muftiate's clergy have recently visited Muslims in prison. But when asked which was the last prison they visited and when this was, Shakirov refused to say. Muslim prisoners have also been denied the right to openly pray and fast when trying to mark Ramadan. An official of an officially-recognised religious community, who wished to remain anonymous for fear of state reprisals, told Forum 18 that their clergy are not allowed by the authorities to visit or conduct religious ceremonies in prisons. Christian prisoners of conscience are also known to have suffered from bans on openly praying and reading religious literature, including the Bible.

In addition to Baptist prisoner of conscience Haydarov, imprisoned since March 2010, other individuals have been imprisoned in recent years for exercising their right to freedom of religion or belief. In addition to Shestakov, other recent prisoners of conscience include Jehovah's Witness Abdubannob Ahmedov, freed in March after four years and seven months' imprisonment for "illegal organisation of a religious community". He was given an extra 30 month sentence in June 2012 just a month before his first sentence was due to end, but was freed nine months later. Two other Jehovah's Witnesses - Sergei Ivanov and Olim Turaev – were freed in May 2012.

The future?

Uzbekistan systematically violates intertwined fundamental rights - such as freedom of religion or belief, of expression and of assembly, and to be free of torture - it has solemnly undertaken to respect and defend. 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. (END)

For a personal commentary by a Muslim scholar, advocating religious freedom 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 can be found at http://www.forum18.org/Archive.php?article_id=1351.

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