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UZBEKISTAN: Obstacles, pressure, bribe demands obstruct legal status applications

By Mushfig Bayram, Forum 18 (<https://www.forum18.org>)

Officials gave permission to exist to some religious communities in late 2019, but many others complain of official obstacles. Some cannot get Land Cadastre or mahalla (local district) approval, others face demands for bribes. Seven Jehovah's Witness communities were rejected. Catholics await registration for a sixth parish. Police pressured Shia Muslims in Bukhara to halt a petition to reopen a closed Shia mosque.

Members of religious communities, who wished to remain anonymous for fear of state reprisals, have told Forum 18 that many communities would like to obtain state registration, but are "being blocked from registering with various excuses. Others have not applied, thinking that the regime will not register them." One Protestant, who wished to remain anonymous for fear of state reprisals, told Forum 18 on 3 December that "I know of several churches across Uzbekistan which the authorities refused to register in 2019."

Uzbekistan has repeatedly obstructed registration applications, as well as in May 2018 adding new obstacles to the process (http://www.forum18.org/archive.php?article_id=2396). Uzbekistan requires all religious communities to have state permission in order to exist and exercise their freedom of religion and belief (http://www.forum18.org/archive.php?article_id=2314). This demand violates Uzbekistan's binding international human rights law obligations, as outlined in the Organisation for Security and Co-operation in Europe (OSCE) / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities. (<http://www.osce.org/odihr/139046?download=true>)

All Muslim communities have to be part of the state-controlled Muslim Board to be allowed to register and thus exist legally (http://www.forum18.org/archive.php?article_id=2314). Police pressure forced Shia Muslims in Bukhara in late 2019 to halt a petition to have one of 15 closed Shia mosques reopened (see below).

Although the regime registered some non-Muslim communities in late 2019, several sources told Forum 18 that officials demand bribes to do this (see below).

One human rights defender, who wished to remain anonymous for fear of state reprisals, suggested that the regime "has left unregistered activity undisturbed right now because they want to present a favourable international image to gain financial loans from European countries and America. I fear that once the loans have been received, unregistered communities will be targeted again" (see below).

Officials rejected the registration application of a Baptist Union congregation in Gulistan. The Land Cadastre Department did not give the church the certificate it needs and the Mahalla (local district) Committee Chair demanded full personal details of all the Church's founder members, and then refused to give his approval. "The authorities are trying to create obstacles for us not to register," the Baptists complained (see below).

A Tashkent Protestant Church is being denied registration because officials say it does not have a valid legal address (see below).

Officials have rejected the applications from all seven Jehovah's Witness communities in various cities which were lodged in September 2018, as well as a branch in Uzbekistan of their US-based organisation, despite numerous court hearings. "For over 25 years, we have sought registration of our communities in various cities, but all applications have been denied," Jehovah's Witnesses complained. The regime has allowed Jehovah's Witnesses to have only one legal local community in the entire country (see below).

Catholics have launched a petition to be allowed to register a parish in Angren. Parishioners from the city have to make a long journey each Sunday to attend Mass in the capital Tashkent (see below).

At at least two closed meetings in late 2019, state security, religious affairs and local administration officials summoned leaders of some local religious communities and demanded that they give the regime full information not only about their communities but about "religious sects". Some speakers demanded that Jehovah's Witnesses be banned. Religious communities were also pressured to

sign a "petition" against unspecified dangerous religious communities "which destabilise the situation". The Religious Affairs Committee published the "petition" on its website on 25 September (see below).

New Religion Law to still violate human rights?

The 13 May 2019 government draft of the long-promised revised Religion Law (seen by Forum 18) would continue to ban religious activity without state permission, as well as sharing of faith. However, it would – if adopted in the May 2019 version - reduce the number of adult resident citizens required to found a local religious organisation from 100 to 50, as well as registration fees.

No public announcements have been made since May about any progress in adopting the revised Religion Law and the text does not appear to have been made available to the public.

Bribes in exchange for state permission to exist

Although the regime registered some non-Muslim communities in late 2019, several sources told Forum 18 that officials demand bribes during the process. The sources declined to give examples of communities which paid bribes to gain state registration. Uzbekistan has a poor ranking of 153 out of 180 countries in Transparency International's Corruption Perceptions Index 2019 (<http://www.transparency.org/cpi2019>), and officials are also known to demand bribes from Muslims who want to go on the state-controlled haj pilgrimage (http://www.forum18.org/archive.php?article_id=2520).

Fewer raids, but registration too difficult

"At the moment the authorities are not interfering with our meetings for worship in our private homes. They know where we are and know all about us, but for some reason they have left us alone," a member of an unregistered Protestant Church in northern Uzbekistan told Forum 18 on 28 November. The church member did not want their name or the name of their Church to be given for fear of state reprisals.

"We do not want to register since we think we will not be able to gain registration," the Protestant added. "We cannot afford to have a building for a legal address, and it is a waste of time to go through all the bureaucracy." They knew of other unregistered religious communities in a similar situation.

Why?

One human rights defender, who wished to remain anonymous for fear of state reprisals, suggested that the regime "has left unregistered activity undisturbed right now because they want to present a favourable international image to gain financial loans from European countries and America. I fear that once the loans have been received, unregistered communities will be targeted again."

Regime refuses registration to Gulistan Baptists

Regime officials in Syrdarya Region south-west of Tashkent refuse to register a Baptist Union congregation in the city of Gulistan, local Baptists who wished to remain anonymous for fear of state reprisals told Forum 18 on 26 November.

"We submitted the request for registration as well as a list of documents that we prepared to the Justice Department on 30 September," local Baptists said. "We were reminded that we need to bring two more documents – a certificate from the Land Cadastre Department and a letter of endorsement from the Chair of the mahalla [local district] committee."

Mahalla committees (the lowest element of district administration) are a key element in the regime's attempts to stop people exercising freedom of religion and belief without state permission (http://www.forum18.org/archive.php?article_id=2314). Among their unwritten functions they can be used to orchestrate hostility against religious communities the regime dislikes (http://www.forum18.org/archive.php?article_id=2515).

Officials claimed in a meeting in Samarkand with registered religious communities on 20 September that a visiting American delegation "misunderstood" the role of mahalla committees. At the same meeting communities were coerced into signing a "petition" against unregistered communities (see below). Dilshod Mamadkulov, the Deputy Hokim (Head) of Samarkand Regional Administration, claimed to the meeting that "if the mahalla committee does not endorse a religious organisation, it is the opinion of the local population."

On 30 September, Yury Davydov, the leader of Gulistan's Baptist Church, made an official request to the Land Cadastre Department, but this has not been answered.

Ilhom Turdaliyev, Chair of the mahalla committee, refused to approve the Baptists' registration application. On 7 October Davydov met Turdaliyev after he evaded attempts to meet, and said that the Baptists must provide a full list of all Church members with their

residential addresses and copies of their passports. Davydov told Turdaliyev the following day that all the necessary information about the Church had been submitted to the Justice Department.

Mahalla Chair Turdaliyev then claimed that he will approve the application after the Baptists obtain the Land Cadastre Department certificate. But as of 9 December this has not happened.

"The authorities are trying to create obstacles for us not to register," the Baptists stated.

Asked why he refuses to give a letter of endorsement to the Baptists, Mahalla Chair Turdaliyev told Forum 18 on 4 December that "They have not provided a letter to us from the Land Cadastre Department that they can use the land for religious purpose." He added that the Land Cadastre Department will "not provide the papers until they alter their building according to the rules of the fire and sanitary standards."

Asked why the Baptists must obtain permission from various state agencies in order to exist and meet for worship, Mahalla Chair Turdaliyev replied: "The law demands that." Asked why Uzbekistan demands that religious communities must have state permission to exist (http://www.forum18.org/archive.php?article_id=2314), so violating binding international human rights law obligations outlined in the Organisation for Security and Co-operation in Europe (OSCE) / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<http://www.osce.org/odihr/139046?download=true>), Turdaliyev replied: "I don't know. This is not my competence." He then refused to continue to talk to Forum 18.

Aziz Urunov, Assistant of Alimjan Makharov, Head of Syrdarya Land Cadastre Department, claimed to Forum 18 on 5 December that the Baptists have not asked for permission. "I do not remember them asking us about the certificate." He claimed that "if the Baptists ask we will give them the certificate."

No registration for Tashkent Church unable to afford legal address

A member of a Protestant Church in Tashkent, who did not want their name or the name of their Church to be given for fear of state reprisals, explained the difficulty their Church has faced getting state registration.

"We were refused registration, and told by the Religious Affairs Committee that we do not have a legal address as demanded by the Law," the Tashkent Protestant told Forum 18 on 2 December. "But we cannot have a legal address since we cannot ask other Churches for us to be registered at their address, since according to the Law only one organisation can be registered at the same address."

The Tashkent Protestant added: "We also cannot register it at a private address of our members according to the Law. The only solution for us is to purchase a piece of land where we can build our own building, which we cannot afford."

Asked why religious organisations functioning in Tashkent have to ask for permission from various state agencies in order to exist, the official (who did not give his name), who on 5 December answered the phone of Almardon Karshiyev, Chief of Tashkent City Administration's section responsible for work with religious organisations, claimed to Forum 18: "We do not have any problems with registration of religious organisations in Tashkent City."

Told of the problem of the Protestant Church and asked why owning a building is stipulated as a condition to exist, the city official responded: "This is prescribed by the Law. If they do not want registration and they are not holding massive gatherings, they can just meet in their homes, but need only to inform the local authorities of their meetings."

Asked what constitutes massive gatherings, whether 10 people, 50 people, 100 people or what the number of participants is, the official could not answer. Asked why the Religion Law, contrary to Uzbekistan's international obligations, demands compulsory registration for all religious activity, the city official replied: "That question is not within my competence, you need to ask the Religious Affairs Committee."

The official declined to talk to Forum 18 on why Jehovah's Witnesses cannot gain registration outside Chirchik in Tashkent and answer Forum 18's other questions.

Seven Jehovah's Witness communities refused registration

The only legally registered local community of Jehovah's Witnesses in Uzbekistan is in Chirchik in Tashkent Region. Only in 2017 did local officials allow it to put up a notice outside its meeting place identifying it as a Kingdom Hall. Officials stripped registration from the only other registered Jehovah's Witness community, in Fergana, in 2006 (http://www.forum18.org/archive.php?article_id=837).

"For over 25 years, we have sought registration of our communities in various cities, but all applications have been denied," Jehovah's Witnesses told Forum 18 on 3 December. "Without registration, the Witnesses are not only denied freedom of expression,

peaceful assembly and association but also denied freedom to exist as communities."

From April 2018 onwards Jehovah's Witnesses tried to apply for registration for communities in various parts of the country. Among the serious obstacles they faced were a Jehovah's Witnesses being fined for applying for registration in Samarkand, a Jehovah's Witness in Urgench being tortured after his community tried to get state registration, and a Jehovah's Witnesses in Bukhara being fined for providing documents for registration (http://www.forum18.org/archive.php?article_id=2396).

In September 2018, Jehovah's Witnesses submitted applications to the respective mahalla committees for approval of the registered address of seven local communities in the cities of Bukhara, Fergana, Karshi, Samarkand, Tashkent, Urgench and Nukus (in Karakalpakstan). "The mahalla committees in all seven regions denied the Witnesses' applications for registration," Jehovah's Witnesses told Forum 18.

Odiljon Umirov, Assistant to Dilshod Mamadkulov, Deputy Hokim of Samarkand Regional Administration, who is responsible for work with religious organisations, confirmed to Forum 18 that Mamadkulov participated in the 20 September meeting between the state organs and the religious communities. Asked why Jehovah's Witnesses are being refused registration in Samarkand Region, and in the 20 September meeting the officials particularly attacked Jehovah's Witnesses, Umirov replied: "I cannot comment on that."

On the morning of 6 December, Umirov told Forum 18 Deputy Hokim Mamadkulov is "still busy, call back after lunch." Numerous calls in the afternoon to Mamadkulov's numbers went unanswered. He claimed that Mamadkulov is "busy," and asked Forum 18 to call back the next day. Phones went unanswered on 7 December.

An official (who did not give his name) of the section of Karakalpakstan's Justice Ministry responsible for registration of religious organisations, put the phone down on 5 December when he heard Forum 18's name. Subsequent calls to his and other officials' numbers went unanswered.

An official at the reception of Fergana Regional Administration (who did not give his name), when asked why Jehovah's Witnesses local community was refused registration, on 5 December referred Forum 18 to Jamshid (he did not give his last name). The reception official told Forum 18 that Jamshid "worked for the State Security Service (SSS) secret police in the past, and he oversees religious affairs in the region at the moment." Jamshid's phones went unanswered the same day.

Courts fail to back registration for Jehovah's Witnesses

Jehovah's Witnesses filed complaints in local and regional courts against these denials, but lost their case in every instance. The Supreme Court has so far dismissed six of the seven supervisory appeals Jehovah's Witnesses filed concerning these rulings.

However, on 13 September, in the seventh case, the Court cancelled the lower court decision denying the registration of their community in Urgench and sent it back to the first instance court for reconsideration. But on 13 November, Khorezm District Administrative Court dismissed the complaint.

Aziz Abidov, Press Secretary of the Supreme Court, asked Forum 18 on 6 December to call back the next day. "I need to gather information on the details of the case on Jehovah's Witnesses," he told Forum 18. On the morning of 7 December Abidov asked Forum 18 to "call after lunch." Calls in the afternoon to him and other numbers at the Supreme Court went unanswered.

Jehovah's Witnesses also tried to register a local branch of its US-based organisation. However, the Justice Ministry denied the application on 4 March 2019 and again on 18 March after Jehovah's Witnesses resubmitted it.

Subsequently, they filed a complaint to Tashkent City Administrative Court. On 4 July, the court dismissed the complaint, stating that the case is not within its jurisdiction. On 23 September the cassation court sent the case back to the first instance court, Yunusabad District Court. That court referred the case to Shaykhontohur District Administrative Court.

Judge Sardor Rakhmuddinov "heard the case on 11 December and made his decision," his Assistant (who did not give his name) told Forum 18 on 11 December. He refused to put Forum 18 through to the Judge, claiming that "he is busy." He also refused to answer other questions on this case.

Uboydullo Aliyev, Chief of Shaykhontohur District Court, on 11 December also refused to discuss the case or tell Forum 18 the result of the hearing. Jehovah's Witnesses told Forum 18 Judge Rakhmuddinov rejected their complaint.

No help from National Human Rights Centre, Ombudsperson

On 11 March 2019, Jehovah's Witnesses filed an appeal about the registration denials to the National Human Rights Centre in Tashkent. On 22 July, the Centre responded that the "issue is not within its purview and recommended that we appeal to the Constitutional Court of Uzbekistan", Jehovah's Witnesses noted. However, on 24 October, the Constitutional Court rejected the

Jehovah's Witnesses' appeal.

On 6 November, Jehovah's Witnesses filed an application to the Ombudsperson, Ulugbek Muhammadiyev, who is attached to Parliament. Reached on 11 December, Saidbek Azimov, Assistant to Muhammadiyev, asked Forum 18 to call back later when he would be available. Called back as requested, Azimov took down Forum 18's questions about Jehovah's Witnesses' registration and Uzbekistan's international obligations, and then consulted with Muhammadiyev by phone. Azimov then told Forum 18 to call back the following day.

Neither the National Human Rights Centre nor the Ombudsperson is accredited with the Global Alliance for National Human Rights Institutions (GANHRI), which rules on whether such institutions meet the requirements of competence, independence from governments and adequate powers of investigation set out in the Paris Principles. GANHRI's Sub-Committee on Accreditation is due to consider Uzbekistan at its March 2020 session.

"To date, Jehovah's Witnesses have found it impossible to register their local communities outside of Chirchik," Jehovah's Witnesses told Forum 18. "As long as legal recognition is denied, the Witnesses remain open targets for harassment and mistreatment."

Catholics petition for parish registration

The Catholic community launched a petition asking the government to register the parish in Angren, 105 kms (65 miles) by road from Tashkent. The regime has only allowed five Catholic parishes in the entire country to register.

The 25 or so Angren Catholics have to travel all the way to the registered Catholic Church in the capital each Sunday to attend Mass, the Apostolic Administrator of Uzbekistan Bishop Jerzy Maculewicz told the Vatican-based news agency Fides for a 3 December article.

"We try to support them by paying for their journey, but now we would like to have a place, a room or a chapel where we can celebrate Mass in their city too," Bishop Maculewicz added. "We hope to succeed soon. Should the government accept the request, we priests would go there every Saturday, in turn, to Angren to celebrate the Eucharist and the other sacraments." He believes the parish would grow if it had a church in the city.

Police pressure Shia Muslims to halt petition to reopen mosque

Shia Muslims in Bukhara began a petition in late 2019 for the reopening of one of the 15 long-closed local Shia mosques, sources told Forum 18. However, police soon visited active members of the community to pressure them to halt the petition. They reluctantly complied.

Officials demand that religious communities provide information

The SSS secret police, the Religious Affairs Committee and other regime agencies in at least two officially-arranged meetings known to Forum 18, demanded that registered religious communities give the regime information on their activities as well as inform the regime about what they know of the activities of Jehovah's Witnesses and other religious communities. These communities were openly described by officials at the meetings as dangerous sects, sources at the meetings who asked not to be named for fear of state reprisals told Forum 18.

The participating religious communities were ordered by the officials to sign a "petition" to President Shavkat Mirziyoyev asking the authorities to "struggle against and not give official registration to unspecified unregistered religious sects, which destabilise the situation in the country", sources told Forum 18.

The "petition" claimed that "we declare our common position against terrorism and extremism, which is produced by religious hatred and missionary activity of those religious organisations, the main purpose of which is degradation of family, scornful attitude to the older generation, refusal to further develop art and science, violation of laws, inter-religious enmity, propagation of homosexuality and paedophilia, infringement of health rights, and other centuries-old traditions of Uzbekistan".

Such meetings are known to have taken place on 20 September in Samarkand Region, and on 15 October in Chirchik in Tashkent Region.

Jehovah's Witnesses told Forum 18 that their representatives were not invited to the meeting in Chirchik, despite the fact that they are registered there.

Some Imams of registered Mosques, as well as representatives of the Bible Society of Uzbekistan, the Russian Orthodox Church, the registered Protestant Churches, Baha'i and Jewish communities from Samarkand, Jizakh, Surkhandarya and Kashkadarya Regions were summoned to the 20 September Samarkand meeting.

The regime was represented in the meeting by: Sergei (last name not given) of the SSS secret police headquarters in Tashkent; Begzod Kadyrov, Deputy Chair of the Religious Affairs Committee; Dilshod Mamadkulov, Deputy Head of Samarkand Regional Administration; a high level official (name not given) of Samarkand Regional Police; and a Deputy Chief (name not given) of Samarkand Regional Justice Department.

Jehovah's Witnesses "the reason you have difficulty gaining registration"

Kadyrov of the Religious Affairs Committee claimed in the 20 September meeting between state officials and registered communities in Samarkand that "there is no persecution for religious beliefs in Uzbekistan, but there are cases of violation of the Religion Law." He said that communities "need to explain to their members that they must not violate the Religion Law. The Law was adopted in 1998, by this time you should have learned it by heart, but this did not happen."

Without specifying the dates, Kadyrov claimed that four Christian and eight Muslim organisations had "recently" been registered.

Officer Sergei of the SSS secret police told the participating religious leaders that they "must necessarily explain to their communities the authorities' request to cooperate, must inform the authorities about all missionaries and their activity in writing, and assist the authorities to prevent violations of religious freedoms."

One official representative of a community, who was asked by the state officials to speak, told the meeting that it is "necessary to inform the authorities in writing of the necessity of preventing the activity of the Jehovah's Witness sect".

The official claimed, in his speech addressing the Protestants in the meeting, that the "reason you have difficulty gaining registration for your communities is the Jehovah's Witnesses. It is because the local authorities cannot distinguish between Christians and Jehovah's Witnesses."

A representative of another religious community, who was similarly asked by the state officials to speak, told the meeting that it is "important that all the registered religious organisations as well as Imams of mosques need to explain to their members the harm caused by dangerous sects." He said that it is "important that we all struggle against these sects in order to root them out. The authorities need to take radical measures against them."

Protestants Forum 18 spoke with, who asked not to be named for fear of state reprisals, expressed their concerns about this to Forum 18.

"There are no legal grounds for the regime to demand that some religious communities collaborate with them against other communities," one Protestant pointed out. "This is a direct and flagrant violation of the Religion Law, according to which religious communities cannot take on the responsibilities of state agencies."

"We do not understand why officials demand Christian organisations launch a witch-hunt against Jehovah's Witnesses, and who gives the right to an Orthodox priest to brand other religious communities as sects, and to ask the authorities to take radical measures against them?" They added that "we know that according to the Russian Orthodox, all the other Churches except for the Orthodox and Catholics are sects."

Protestants, who asked not to be named for fear of state reprisals, told Forum 18 that the meeting participants "understood from Sergei's message that they must inform the authorities about Jehovah's Witness activities".

Told not to complain to human rights defenders or media

In a similar meeting between state officials and registered religious communities, Kadyrov of the Religious Affairs Committee and other officials told the religious communities present not to share their problems with local or international human rights defenders or the media. "It will not help you," he told them. "If you have problems you need to tell us and not the media."

Coerced petition demanding some communities shouldn't have permission to exist

Some religious communities at the 20 September Samarkand meeting signed an alleged petition claiming that "there are people and organisations which are involved in propagation of non-traditional cults and totalitarian sects". The Religious Affairs Committee published it on its website on 25 September, as did the pro-regime podrobno.uz on 3 October.

Uzbekistan has legally-binding international human rights law obligation to respect and facilitate the exercise of freedom of religion and belief, with its interlinked freedoms of expression, association, and assembly. This includes the freedom to share beliefs. (http://www.forum18.org/archive.php?article_id=2314)

The "petition" claims that "without focusing on concrete organisations, we declare our common position against terrorism and extremism, which is produced by religious hatred and missionary activity of those organisations, the main purpose of which is

degradation of the family, a scornful attitude to the older generation, refusal to further develop art and science, violation of laws, inter-religious enmity, propagation of homosexuality and paedophilia, infringement of health rights, and other centuries-old traditions of Uzbekistan."

The petition maintains that "impunity for violating the Religion Law can negatively affect the security of the state and darken a bright future for the children".

"Feeling responsible for the future of our country, we ask you [President Mirziyoyev] to ensure that competent state agencies will not give state recognition to these illegal destructive organisations", the petition concludes.

Religious Affairs Committee officials stated that following this "petition", they would discuss ways to prevent missionary activity and proselytism at the next Public Council meeting.

Repeatedly from 4 December onwards, Religious Affairs Committee officials refused to discuss with Forum 18 why they issue such demands to religious communities.

Deputy Chair Kadyrov of the Religious Affairs Committee, Nasratulla Nadirov and Muzaffar Jalilov of the International Section all refused to explain why Uzbekistan requires all religious communities to have state permission in order to exist and exercise their freedom of religion and belief (http://www.forum18.org/archive.php?article_id=2314), violating Uzbekistan's binding international human rights law obligations outlined in the Organisation for Security and Co-operation in Europe (OSCE) / Council of Europe Venice Commission Guidelines on the Legal Personality of Religious or Belief Communities (<http://www.osce.org/odihr/139046?download=true>). (END)

Full reports on freedom of thought, conscience and belief in Uzbekistan
(<http://www.forum18.org/archive.php?query=&religion=all&country=33>)

For more background, see Forum 18's Uzbekistan religious freedom survey (http://www.forum18.org/archive.php?article_id=2314)

Forum 18's compilation of Organisation for Security and Co-operation in Europe (OSCE) freedom of religion or belief commitments (http://www.forum18.org/archive.php?article_id=1351)

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