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UZBEKISTAN: Religious freedom survey, April 2005

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In its survey analysis of the religious freedom situation in Uzbekistan, Forum 18 News Service reports on the government's wide-ranging defiance of its international religious freedom commitments. Unregistered religious activity is illegal and believers are routinely punished even for religious meetings in private homes. Missionary work is banned, while religious teaching is tightly controlled. Religious literature is censored by the government's religious affairs committee. Virtually all religious communities are subject to harsh government control, especially Islam. The government even controls the numbers of Muslims who can travel on the haj pilgrimage.

Uzbekistan's legal infrastructure contains a whole series of laws that restrict religious believers' rights in defiance of the country's international human rights commitments. With Muslims constituting over 90 per cent of Uzbekistan's population, the authorities see Islamic radicalism as a serious threat to the country's security. To counter what they regard as this threat, they have adopted harsh measures against "fundamentalists", which in their turn "ricochet" to affect the rights of ordinary believers of all faiths.

Ban on unauthorised religious activity

Religious believers suffer most frequently under Article 8 of Uzbekistan's religion law, under which an organisation may acquire the status of a juridical person and become active only after registering with the justice agencies. This ban on unregistered religious activity is underpinned by articles in the criminal code, which punishes serious crimes, and the code of administrative offences, which covers lesser offences. Under Article 240 (breaking the law on religious organisations) of Uzbekistan's administrative code, unlawful religious activity is punishable by a fine of between 5 and 10 times the minimum monthly wage (the minimum wage in Uzbekistan is 5,400 sum, or some 32 Norwegian kroner, 4 Euros or 5 US dollars), or administrative detention of up to 15 days. Where the law is repeatedly broken (where a believer has already been found guilty under the parallel article of the administrative code), Article 216 (2) is applied (breaking the law on religious organisations, punishable by a fine of between 50 and 100 times the minimum wage or up to three years' imprisonment).

The very term "unlawful religious activity" is not defined in law. "No-one stops believers in an unregistered community from meeting together, praying and talking about God," the head of the government's religious affairs committee, Shoazim Minovarov, insisted to Forum 18 last year. "But if they have their own leader and are teaching religion, we see this as unlawful religious activity."

In fact, the hazy definition of "unlawful religious activity" has led to at least one case every month where believers have been sentenced under Article 240 of the administrative code. As a rule, members of religious minorities are fined (cases of administrative arrest are very rare). Sentencing of members of religious minorities under Article 216 (2) of the criminal code is also very rare: not one case has been recorded where a person has been sentenced to imprisonment under this article.

Moreover, there have been several cases where the authorities have known about meetings of members of unregistered communities but have not taken any action. For example, Jehovah's Witness Rustam Satdanov, who has now emigrated from Uzbekistan, told Forum 18 last year that officials of the National Security Service (NSS) secret police showed an astonishing knowledge of the apartments at which "unlawful" meetings of Jehovah's Witnesses were held, but nevertheless were in no hurry to take repressive action.

Although repression against unregistered religious groups often comes at the initiative of local authorities, some campaigns encompass the entire country. After the terrorist attacks in Uzbekistan in March and April of last year numerous apartments where believers of unregistered religious communities had gathered were raided (see F18News 13 April 2004 http://www.forum18.org/Archive.php?article_id=298). In March this year the police and the NSS carried out a large-scale operation against Jehovah's Witnesses, raiding numerous services commemorating the death of Jesus (see F18News 1 April 2005 http://www.forum18.org/Archive.php?article_id=536).

The authorities react far more aggressively towards the activity of unregistered Muslim communities. In such cases, Article 240 of the administrative code and Article 229 of the criminal code are not applied. As a rule they are given prison sentences of several

years' duration on the basis of Article 159 (undermining the constitutional basis of the Uzbek republic), Article 242 (organising a criminal society) and Article 156 (stirring up national, racial and religious hatred) of the criminal code.

It is also not uncommon for "unlawful" Muslims to have weapons or drugs planted on them. However, there are exceptions to this attitude to Muslims. For example, in Kokand (in the Uzbek section of the Fergana [Farghona] valley) there is an unregistered kanaka (Sufi monastery), where the leader of the Sufi Nakshbandi tarikat in Uzbekistan, Sheikh Ibrahim, teaches his murids (Sufi pupils). "We don't have any problems with the authorities," Sheikh Ibrahim told Forum 18 last November. "We are poets and mystics and are quite uninterested in political issues. Anyone who is interested in politics is not a Sufi follower. The state understands that we don't represent any danger to it, and doesn't touch us."

Forum 18 has established that the authorities generally do not prevent Sufi believers from meeting in private apartments to perform the zikr (a ritual dance). "After the terrorist attacks in March and April, many Sufi believers were called in to the NSS offices and asked about our meetings. But we were left in peace once they understood that we are removed from politics," Sabir Tokhirov, a surgeon and a Sufi follower, told Forum 18 on 28 March in the southern town of Karshi [Qarshi]. One explanation for the authorities' tolerant attitude towards Sufism is that this movement, in which regional customs are quite closely intertwined, is a reasonably effective alternative to fundamentalism – the main "enemy" of the authorities.

Religious believers do not voluntarily become "law-breakers". It is virtually impossible to register new religious communities. As Forum 18 can testify, mosques throughout the country have been closed since the current law on religion came into force. Moreover, the authorities' policy varies in different regions. In the Fergana valley, where the population is most actively religious, Forum 18 saw mosques being used as warehouses, and in Kashkadarya region there are mosques which the authorities allow to open only for the Id al-adha (Kurban-bairam) and Id al-Fitr (Uraza-bairam) festivals. It is also virtually impossible for religious minorities to register a new place of worship: during the whole of 2004 only one religious minority community was registered – a Jewish community in Fergana (see F18News 16 February 2005 http://www.forum18.org/Archive.php?article_id=512).

In a continuing anti-Protestant Christian campaign in the Karakalpakstan [Qoraqalpoghiston] autonomous republic in north-western Uzbekistan, it is almost impossible for Christian churches to gain official registration and therefore to meet legally for worship. As part of this campaign, Protestant university students have also been expelled from their university (see F18News 13 December 2004 http://www.forum18.org/Archive.php?article_id=476).

Ban on private religious instruction

Article 10 of the religion law bans the teaching of religion in a private capacity. According to this article of the law, "religious educational establishments acquire the right to operate after registering with the ministry of justice of the Republic of Uzbekistan 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".

Violations of this provision are punished. According to Article 241 of the administrative code, "the teaching of religious beliefs without specialist religious training and without permission from a religious organisation's central agency of administration, and the teaching of religious beliefs in a private capacity, will be subject to a fine of between 5 and 10 times the minimum wage or up to 15 days' imprisonment". Article 229 (2) of the criminal code prescribes up to three years' imprisonment where the law is repeatedly broken.

Currently, ten medressehs operate in Uzbekistan. Generally a medresseh will offer courses on Islam. However, the imam of a normal mosque has no right to set up courses on Islam, even if he has a teaching licence. "Courses on Islam are forbidden in the mosques, but an imam may gather believers after Friday prayers and answer their questions if he has a licence to teach," former imam-hatyb Rustam Klichev told Forum 18 on 29 March in Karshi. "There is also no prohibition on a believer coming to the mosque and asking an imam about issues that interest him." However, Klichev found it hard to explain how this form of instruction differed from formal courses. "There can't be a clear plan or study timetable. Then you can say that the imam is simply talking to believers."

Members of religious minorities have slightly better opportunities to acquire a religious education than Muslims. Orthodox, Baptists, Pentecostals, Lutherans, Jehovah's Witnesses, Jews and Hare Krishna followers told Forum 18 that the authorities do not prevent them from setting up courses in religious subjects at registered places of worship, even if there is no registered educational establishment attached to them.

The authorities admit that they are "liberal" on this issue. "Under the law, it is only possible to teach religious subjects at a religious establishment that is registered with the justice ministry," Begzot Kadyrov, chief specialist at the government's religious affairs committee, told Forum 18 last year in Tashkent, "but there are religious clubs attached to places of worship belonging to religious minorities, and we turn a blind eye to them. For example, the Baptists even have an unregistered seminary, but we don't stop them from functioning."

However, religious instruction of this kind is only possible in towns where religious minorities have registered communities. If representatives of religious minorities start teaching in towns where their community is not registered, they are prosecuted under

Article 241 (breaking the law on the prescribed manner of teaching of religious beliefs) of the administrative code, and sometimes (though very rarely) under Article 229 (2) (breaking the law on the prescribed manner of religious instruction) of the criminal code. Late 2004 saw an unusual surge of criminal prosecutions of religious minorities – Pentecostal Christians including one punished with a massive fine, and a Jehovah's Witness – and threats of criminal charges against a Baptist pastor (see F18News 17 November 2004 http://www.forum18.org/Archive.php?article_id=455).

Yet Muslims who teach Islam illegally, and even their pupils, are almost never prosecuted under the above articles. Such Muslims are generally sentenced to lengthy prison terms under Article 242 (organising a criminal society) and Article 244-2 (establishing, leading and participation in extremist religious organisations) of the criminal code. In such cases it is very hard to understand precisely for what reason the Muslims are being prosecuted. The authorities see any informal group of Muslims as a potential terrorist organisation and sentence its members to lengthy prison terms. It is clear that the majority of Muslims arrested after the terrorist attacks in March and April 2004 were "guilty" only of meeting to read the Koran and talk about God. Karshi-based human rights activist Tulkin Karayev told Forum 18 that the authorities often adopt preventative measures. The police pressure devout Muslims to sign statements declaring that if they join "extremist Islamic groups" or participate in illegal clubs they will face criminal prosecution.

Ban on proselytising and missionary activity

Article 5 of the religion law states: "Actions aimed at turning believers from one faith to another (proselytism) are forbidden, as is any other form of missionary activity." Sentences for proselytism are contained in the criminal and administrative codes (Articles 216-2 and Article 240). A first offence is punishable by a fine or up to 15 days' imprisonment. Subsequent infringements will be subject to criminal law, in the shape of a fine of between 50 and 100 times the minimum wage or up to three years' imprisonment.

However, generally the authorities restrict themselves to sentencing Jehovah's Witnesses – who are active in promoting their faith despite the restrictions - under the administrative code and as a rule hand down a fine. In 2004, there was one recorded case where a Jehovah's Witness accused of missionary activity faced criminal prosecution: Dilshod Akhmedov was sentenced to 15 days' imprisonment in Tashkent in May 2004 under Article 240 of the administrative code for preaching in public places. After serving his sentence, Akhmedov continued his preaching work. In October, the Yaksarai district police department brought a criminal case against him under Article 216 (2) of the criminal code. However, the case was dropped because of "insufficient evidence" (see F18News 20 October 2004 http://www.forum18.org/Archive.php?article_id=435).

In some cases, the authorities have failed to respond to complaints about kangaroo courts against individuals of Muslim background who have converted to another faith. A Protestant who preferred not to be named told Forum 18 in Tashkent on 3 April that a local resident Khaldibek Primbetov who had become a Christian had been beaten several times by his fellow-villagers in Yanboshkala, in Takirkul district on the outskirts of Nukus, the capital of the Karakalpak autonomous republic. Primbetov was told to "return to Islam" or leave the village. He appealed to the district police and to the NSS, but both organisations refused to respond to his complaints.

In 2004-2005, there were 14 successful prosecutions against Muslim missionaries – Uzbek citizens belonging to the international missionary organisation Tabligh Jamaat. However, in these instances, as is generally the case with Muslims, the Tabligh missionaries were sentenced not for missionary work but under Article 159 (undermining the constitutional basis of Uzbekistan) and Article 244 (2) (establishing, leading or participating in religious extremist organisations) of the criminal code. Interestingly, 12 Tabligh members received 5 years' imprisonment, while two received six months under the same articles. It appears that the international interest in the case led to the relatively lenient sentence given to the last two members.

Uzbekistan's former mufti Muhamad Sadyk Muhamad Yusuf has questioned the punishments. "In 1994 members of Tabligh came from India to visit me and we went round Uzbekistan together," he told Forum 18 on 2 April in Tashkent. "I believe Tabligh Jamaat is doing work that is pleasing to God and I can't understand what members of the organisation have done to make them suffer."

Restrictions on the dissemination of information

According to Article 19 of the religion law: "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, will be prosecuted in accordance with the law". According to Article 241 (1) of the criminal code of Uzbekistan, harbouring and distributing documents containing ideas of religious extremism, separatism and fundamentalism will attract a sentence of up to three years' imprisonment. The analysis of potentially "extremist" literature is carried out by the government's religious affairs committee or - in provincial areas - by teachers at local university philosophy departments. Additionally, mainstream theological tracts are often deemed to be extremist (see F18News 12 July 2004 http://www.forum18.org/Archive.php?article_id=361).

The religious affairs committee also controls the import of literature, photographs, videos and audio recordings into Uzbekistan. "Under the law a registered religious organisation has to submit religious literature for expert analysis before importing it," Kadyrov of the religious affairs committee told Forum 18 on 11 March. "If it is found that the literature is not extremist and does not contain any incitement to inter-ethnic or inter-religious hatred we will give permission for it to be imported." In some cases, literature

including the Bible imported into Uzbekistan without permission from the religious affairs committee has been burnt following a court decision (see F18News 17 March 2005 http://www.forum18.org/Archive.php?article_id=527).

Persecution of believers unauthorised by the law

The authorities also select the Muslims who wish to make the haj pilgrimage to Mecca. In 2005 the religious affairs committee permitted only 4,200 Uzbek citizens to make the pilgrimage, even though around 6,000 people wanted to do so (the quota for the haj pilgrimage given to Uzbekistan by Saudi Arabia was for more than 25,000 pilgrims). The authorities' control over Muslims who wish to undertake the haj is possibly the result of an agreement between Riyadh and Tashkent according to which the Saudi Arabian embassy in Uzbekistan will give visas for the haj pilgrimage only to Uzbek citizens whose names were included in a list approved by the religious affairs committee and the country's muftiate. Who gets permission is decided by a special commission which includes representatives of the religious affairs committee and the muftiate. Unlike Kazakhstan, Kyrgyzstan and Tajikistan, where people can make the pilgrimage independently (either in a private car or in a rented tourist bus), Uzbek pilgrims have to fly to Medina using Uzbek airlines in a single delegation (see F18News 19 January 2005 http://www.forum18.org/Archive.php?article_id=493).

Numerous cases have been recorded where religious believers' rights have been violated in prisons. Muslims are not allowed to say their morning prayers before the official wake-up call for prisoners. Additionally, prisoners are not allowed to observe fasts.

In several cases, believers have been subjected to pressure from the local authorities acting on their own initiative without having received instructions from Tashkent. A Muslim woman who preferred not to be named told Forum 18 in April that the local authorities in Sokh (an Uzbek enclave surrounded by Kyrgyz territory) had "advised" a devout Muslim to serve alcohol to guests at his wedding. On occasion in Karshi the authorities of some residential suburbs have told women to stop wearing the hijab, the headscarf many Muslim women prefer. Following the terrorist attacks in March and April 2004, directors of schools in towns in the Fergana valley and in Tashkent made similar demands of their female pupils. However, Forum 18 has discovered that all these cases were at the initiative of local officials and were not underpinned by genuine support from higher up. The Muslims were therefore able to resist this arbitrary rule.

The last Forum 18 Uzbekistan religious freedom survey is at http://www.forum18.org/Archive.php?article_id=105

A printer-friendly map of Uzbekistan is available at <http://www.nationalgeographic.com/xpeditions/atlas/index.html?Parent=asia&Rootmap=uzbeki>

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