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UZBEKISTAN: Religious freedom survey July 2003

By Igor Rotar, Forum 18

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. Religious literature is censored, while foreign Islamic websites are blocked. Virtually all religious communities are subject to harsh government control, especially Islam. The leadership of the Spiritual Administration of Muslims is virtually an agency of state authority. The government tries to prevent the spread of Protestant, Jehovah's Witness, Hare Krishna and other religions regarded as non-traditional.

Uzbekistan's constitution upholds freedom of religion and the separation of religion and state, yet in practice the government exerts harsh control over the life of virtually all religious communities, with Muslims under the tightest control. At the same time the government also tries to restrict the spread of Protestant, Jehovah's Witness, Hare Krishna and other religions regarded as non-traditional in the country. The Russian Orthodox and Jews experience the least pressure.

Although Uzbekistan is a member of the Organisation for Security and Co-operation in Europe (OSCE) and has ratified the International Covenant on Civil and Political Rights (ICCPR), which enshrines guarantees of freedom of conscience, Uzbekistan's laws and in particular the law on religion of 1998 severely limit believers' rights.

Article 8 of the religion law states that "religious organisations may acquire the status of juridical persons and pursue their activities after registering at the Ministry of Justice of the Republic of Uzbekistan or at its local agencies in a manner prescribed by law". In other words, if believers gather for prayers in unregistered places of worship the authorities judge this to be against the law and punish those involved - even to the extent of bringing a criminal prosecution.

When Forum 18 pointed out that this provision of the religion law contradicts the ICCPR and also OSCE principles, the chairman of the government's Committee for Religious Affairs Shoazim Minovarov responded: "This part of the law certainly does not mean that people do not have the right to meet in private apartments and pray, but they cannot have a leader and none of them may give religious instruction". Nevertheless, he contradicted himself by immediately adding: "the police never allow an unregistered community to hold regular meetings". In practice, the police and secret police, the National Security Service (NSS, the former KGB), ensure that unregistered communities do not hold religious meetings.

Article 10 of the religion law requires a minimum 100 signatures for a religious community to qualify for registration, which many religious groups simply cannot achieve.

According to Article 5 of the law, "actions intended to convert believers from one faith to another (proselytism), and any other missionary activity, are forbidden". Christians trying to convert Muslims to their faith, or whose community includes people of traditionally Muslim ethnicity, have often been subjected to persecution by officials and even prosecution. Under Article 9 of the law, private religious instruction is not allowed, a provision often used against unregistered groups who meet in private apartments.

Under Article 14 of the law, wearing religious clothing is not allowed in public places. Although the term "religious clothing" is not defined, in practice this causes many Muslim men to fear having an obviously Muslim appearance (wearing a beard and clothes that are traditional to Muslim countries). Women who wear traditional robes covering their heads can also be subjected to discrimination. Recently this ban (at least as far as women are concerned) has not been applied so rigorously: women have been appearing in public in hijabs (a scarf that covers the hair and neck) and even (though much more rarely) with their faces hidden. In the past year there have been no recorded cases of women being expelled from higher education institutes for wearing headscarves. However, none of the women excluded from higher education in 1997 and 1998 for wearing "religious clothing" and who have continued to wear such clothing have been reinstated this year.

The ban on appearing in public in "religious clothing" also affects religious minorities. Hare Krishna devotees have complained to Forum 18 that they cannot risk appearing in public wearing a sari.

The limits to religious freedom are reinforced by corresponding articles in the criminal and administrative codes. Believers are most

often subject to Article 202 part 1 (showing an inclination to participate in the activity of illegal public associations or religious organisations), Article 240 (breaking the law on religious organisations) and Article 241 (violating the procedure for giving religious instruction) of the administrative code. All these articles prescribe punishments ranging from a fine of five times the minimum wage to 15 days' imprisonment. The minimum monthly wage is currently 5540 soms (42 Norwegian kroner, 5 Euros or 6 US dollars).

If believers commit these offences more than once, they can be subjected to parallel articles of the criminal code: Article 216, part 1 (showing an inclination to participate in the activity of illegal public associations or religious organisations) and part 2 (breaking the law on religious organisations) and also article 229 part 2 (violating the procedure for giving religious instruction). All these articles prescribe punishments ranging from a fine (of between 50 and 100 times the minimum monthly wage) to three years' imprisonment.

Uzbekistan operates vigorous censorship of religious literature. Article 19 of the law declares that "the delivery and disposal of religious literature that has been published abroad may take place after an expert analysis of its contents in a manner prescribed by law". A list of literature approved for distribution in the country has been drawn up by the Committee for Religious Affairs. Literature that is not on this list is confiscated and even burned. On 15 April a court in Tashkent district decreed that copies of the magazine Herald of Truth confiscated from local Baptist Aleksei Yermolayev should be destroyed. Nine days later the magazines were incinerated.

An official of the religious affairs committee Begzot Kadyrov told Forum 18 that "unapproved literature is confiscated only if it is evident that the literature has been brought in for distribution. Any literature may be brought in for personal use in Uzbekistan." However, in practice a believer can face problems even if just one unapproved book is found on him. One of the main grounds for the case against Jehovah's Witness Marat Mudarisov (who was convicted in November 2002) was the fact that an unapproved leaflet had been confiscated from him which, the prosecution alleged, "contained insulting comments about Islam".

The restriction on the import of religious literature is complemented by censorship of the Internet. Access is blocked to the website hizb-ut-tahrir.org (a British-based site of the radical Islamist party Hizb-ut-Tahrir, which is banned in Uzbekistan), and also a site maintained by Uzbek Muslims in exile muslimuzbekistan.com (a site hosted in the United States).

According to figures for the first quarter of 2003, the number of Internet users in Uzbekistan was 310,000 (around one per cent of the population). Furthermore, the number of people with a home computer linked to the Internet is probably considerably lower. Given this low Internet penetration, it is quite sufficient for the government to control access through Internet cafes. In several Internet cafes, Forum 18 has even come across the sign: "Viewing of religious or pornographic sites is forbidden".

In accordance with NSS orders, an Internet cafe owner is obliged to ensure that his customers do not look at "forbidden" information. Although there are no actual orders as to precisely which websites are banned, in "suspect cases" the Internet cafe owner must call in NSS officers. If a customer who has been visiting "unreliable" websites is arrested, the Internet cafe staff member who called in the secret police will receive a reward of 45,000 soms (344 Norwegian kroner, 41 Euros or 46 US dollars). Sometimes NSS officers pose as customers and look at "unreliable" websites. If the Internet cafe staff fail to react, they can expect serious consequences and even imprisonment.

In private conversations with Forum 18, officials make no secret that this harsh control is motivated primarily by the desire to control Muslim activity. That the government has adopted such a policy is at least explicable. The underground Islamic Movement of Uzbekistan (IMU) openly aims to overthrow the existing regime by force and replace it with an Islamic state. In the summer of 1999 and 2000 armed IMU fighters tried to invade Uzbekistan from their military bases in Tajikistan.

The Uzbek branch of the international organisation Hizb-ut-Tahrir (Party of Liberation), which aims for the unification of Muslims worldwide under one caliphate, is less extreme. Although in the past this party has publicly condemned the use of violence, its statements have taken on a marked anti-western tone following the 11 September 2001 terrorist attacks in the United States. Hizb-ut-Tahrir shares the IMU's hostility to western civilisation as well as the IMU's inherent antisemitism. Its underground activists have told Forum 18 that countries such as the United States and Britain are the work of the devil. Secretly-distributed Hizb-ut-Tahrir leaflets call Uzbek president Islam Karimov "a Jewish kaffir [infidel] and enemy of all Muslims".

However, a crucial question is whether the Uzbek government's harsh religious policy will indeed reduce the activity of Islamic extremists or whether it will rather provoke Muslims to become religious radicals. Whatever the case, today it is the Muslims, who make up around 90 per cent of Uzbekistan's population, who are the believers facing the most restrictions.

According to both international and local human rights organisations, Uzbekistan has locked up around 7,000 thousand prisoners of conscience, all of them Muslims. The overwhelming majority were formally convicted not only for their religious activity but also under Article 159 of the criminal code (undermining the constitutional system). In reality they were arrested either on suspicion of being "Wahhabists" (a term widely but largely wrongly used in Central Asia to denote "Muslim extremists") or because they were found carrying Islamic literature that is banned.

There have been only two cases of conviction of members of religious minorities under the criminal code. In Tashkent last November, Jehovah's Witness Marat Mudarisov was given a suspended sentence of three years' imprisonment under article 156 of

the criminal code. The following month, fellow Jehovah's Witness Mars Munasypov was sentenced in Navoi under article 229 part 2 of the criminal code (violation of the procedure for conducting religious education) and then immediately amnestied in the court room.

Prisoners often cannot practise their faith freely. Muslim prisoners have been punished for praying and fasting during Ramadan. Death-row prisoners wanting visits from Muslim imams and Russian Orthodox priests have had requests denied, even for final confession before execution.

The Muslim clergy, unlike the leaders of other faiths, are completely under the control of the authorities. The leadership of the Spiritual Administration of Muslims is virtually an agency of state authority. The current muftiate is merely an imitation of the Soviet system, when religious communities were formally separated from the state, but in fact were merely compliant instruments of the communist authorities. Speaking to Forum 18, the muftiate leadership stated their full support for the authorities' religious policy. It is curious that these leaders denied such obvious facts as the closure of a number of mosques and the ban on wearing Islamic clothing in general education institutions.

Imams do not have the right to compose the Friday addresses themselves, but are obliged to read out texts that have been approved by the muftiate. Formally the secular authorities have no right to dismiss imams they do not like, but in fact all they have to do is to write to the muftiate, which will immediately carry out their wishes. By contrast, there is no such practice in relation to clergy of other faiths.

Formally the imams are chosen by Muslims themselves, while the muftiate simply approves or rejects the applicant. But in practice imams are appointed by the muftiate without reference to Muslims. Additionally, according to Article 8 of the law on religion "citizens of the Republic of Uzbekistan who have the relevant religious education may be leaders of religious organisations". But the phrase "relevant education" is not defined, and in fact imams are appointed who have only just completed their studies at Islamic school, the medresseh. The medressehs, Forum 18 observed, are strictly controlled by the authorities and it is virtually impossible for a student seen as "unreliable" from the government's point of view to graduate from them. It is also worth noting that the state does not interfere in the appointment of clergy of non-Muslim faiths.

Another effective method of control over the imams is their attestation, which takes place on average two or three times a year. Formally, the muftiate carries out the attestation, but in practice state officials are almost always present. The questions posed at the exams often bear no relation to religion. One imam related how he was asked how many stars there were on Uzbekistan's flag. Imams who want to pass the attestation also need to know when President Karimov was born and the words of the state anthem. This sort of attestation does not extend to the clergy of other faiths.

After the law on religion came into force in 1998, all religious organisations were required to re-register. Yet the majority of functioning mosques have not managed to register. On many occasions Forum 18 has come across closed mosques in various regions of the country, many of them being used as clubs, libraries and museums, just as in Soviet times.

Speaking privately to Forum 18, many senior officials confirm that the repression of unregistered religious communities is simply a side effect of the authorities' harsh policy against Muslims. "We cannot create one law for Muslims and another for religious minorities," senior officials have told Forum 18. "So we have to fine ten unfortunate old ladies - Protestants holding a service in a private apartment - although we fully understand that they are absolutely harmless to the state."

However, if this point of view is correct, then it is only partially so. Religious minorities that decide to register their communities almost always encounter official opposition, which many fail to overcome. For the sake of fairness, we should note that quite often the difficulties encountered by believers at registration can be attributed purely to bureaucratic red tape. However, in most cases the difficulties with registration are a result of a deliberate official policy of trying to limit the spread of faiths non-traditional to the country. There is an unspoken directive: "If you are an Uzbek, then you must be Muslim, if you are Russian, you must be Orthodox."

The authorities are conducting a particularly harsh campaign against religious minorities that they regard as trying to convert Muslims to their own faith. The most striking example is the case of the Jehovah's Witness Mudarisov. A Tatar by birth and a Tashkent resident, he actively preached Jehovah's Witness doctrines. In July last year he was arrested by the NSS, and shortly afterwards a criminal case was brought against him under Article 156 of the criminal code (incitement of national, racial or religious hatred). But the investigation failed to prove that he had incited inter-racial hatred. The accusations seemed ludicrous: the investigator claimed that Mudarisov's guilt was convincingly proven by the fact that "he preached the Bible, but ignored the other holy book, the Koran". His suspended sentence last November came despite pressure from the international community.

Mudarisov's case is disturbing primarily because he was sentenced under the criminal code. However, there have been dozens of cases where pressure has been applied to members of religious minorities simply because they are Muslims by birth. In January the police burst into a private home in the town of Muinak in Karakalpakstan where two ethnic Kazakhs were reading the Bible. The Protestants were taken to the police station where they were tortured (gas masks were put on their heads and the air supply cut off). Officers demanded that they write a confession that they had been preaching the Gospel to each other.

In private conversations with Forum 18, Uzbek officials justify the harsh campaign against proselytism by claiming that, given the difficult economic situation, the conversion of Muslims to Christianity or other faiths could provoke riots.

This consideration could also explain the almost benevolent attitude of the authorities towards the Russian Orthodox and Jews. The Orthodox Church does not try to preach to the Uzbeks, being content with its huge potential flock in Uzbekistan (around 2 million ethnic Russians) and it supports the government's battle with religions that are regarded as non-traditional. Judaism is not a danger to the authorities; it does not seek converts.

If you need to contact F18News, please email us at:
f18news @ editor.forum18.org

Forum 18
Postboks 6603
Rodeløkka
N-0502 Oslo
NORWAY