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UZBEKISTAN: Synagogue demolition threat now removed?

By Felix Corley, Forum 18 (<https://www.forum18.org>)

Tashkent's Jewish community is expecting on 10 August to receive a written court decision confirming that the building company aiming to destroy the Synagogue has withdrawn its suit. "Only then will it become clearer what will happen," a community member told Forum 18. Separately, officials including a Deputy Justice Minister have indicated that existing violations of human rights are likely to remain in a new Religion Law.

Tashkent's Ashkenazi Jewish community is expecting on 10 August to receive a written court decision confirming that the building company aiming to destroy their synagogue the capital Tashkent has withdrawn its suit. "The company withdrew the suit and the court did not consider it," a community member told Forum 18 after the 5 August hearing. "But the company could lodge it again at any time."

The Jewish community member said Tashkent's Inter-District Economic Court is due to hand down the written decision on Monday 10 August. "Only then will it become clearer what will happen."

In contrast to the caution of the Jewish community, the regime's Religious Affairs Committee late on 5 August claimed that Absolute Business Trade had decided to withdraw its suit. The Committee stated categorically that the Synagogue cannot now be destroyed (see below).

Meanwhile, a uniformed spokesperson for the Interior Ministry in Tashkent (which oversees the police) admitted in an online video on 1 August that no law bans "under age citizens and children" attending mosques. She said that they will be able to attend mosques after the coronavirus lockdown ends "in the company of fathers, brothers and other close relatives".

Places of worship have been closed since March because of the coronavirus pandemic.

The Interior Ministry spokesperson did not explain why over many years children and young people under 18 have been warned not to attend mosques and other places of worship, and in some places been prevented from doing so (see below).

Deputy Justice Minister Akbar Tashkulov insisted to Forum 18 on 6 August that the ban on "under age citizens and children" attending mosques has already been lifted. While admitting that the ban had been in force "in the past", he was unable to explain how officials could enforce a ban that was not enshrined in any law. He would not say if officials had exceeded their authority and should face punishment (see below).

Deputy Justice Minister Tashkulov said that the authorities will publish the draft of the long-promised new Religion Law "when we have finished working on it". "The text was sent to Parliament ages ago – in March or May – but it is still being agreed," he told Forum 18 from Tashkent. "The Presidential Administration and other agencies have still not agreed it. It is also still being agreed by experts."

Deputy Justice Minister Tashkulov refused to discuss specific provisions of the draft Law, though he said he has read the provisional text. But he indicated the ban on exercising freedom of religion or belief without state permission is set to remain. He was unable to explain why the regime thinks this is necessary (see below).

Dilshod Eshnaye, a deputy chair of the regime's Religious Affairs Committee in Tashkent, refused to discuss any aspect of the proposed new Religion Law with Forum 18 (see below).

The assistant to Akmal Saidov, Head of the state-controlled National Human Rights Centre in Tashkent, told Forum 18 each time it called on 6 and 7 August that he was out of the office. The assistant – who did not give his name – insisted that a text of the draft Law exists, as he saw it at the beginning of 2020. He said the draft text is still being discussed with the Justice Ministry and the Religious Affairs Committee. "Observations are still being considered."

No official was prepared to explain why the regime is still not following the recommendations of the United Nations (UN) Special

Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, following his October 2017 visit to Uzbekistan. He recommended (A/HRC/37/49/Add.2 (<http://www.undocs.org/en/A/HRC/37/49/Add.2>)): "A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights." Among the UN Special Rapporteur's other recommendations, he stated: "The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system" (see below).

Members of religious communities expressed their frustration to Forum 18 about the secrecy of the new Religion Law's drafting process, and the regime's apparent lack of willingness to end restrictions violating human rights obligations (see below)

Synagogue demolition threat lifted?

On 5 August, the lawyers for Absolute Business Trade which is seeking to build on the site that includes Tashkent's Ashkenazi Synagogue withdrew their suit against the Jewish community from court. The community has documentation proving its ownership since 1973 (http://www.forum18.org/archive.php?article_id=2588).

On 11 September 2017, Tashkent's then Hokim (Head of District Administration), Rakhmanbek Usmanov, issued a decision granting the Tashkent-based firm Absolute Business Trade the right to build on a 6-hectare (15-acre) plot of land that includes the site of the Synagogue. After the community expressed its concerns, Usmanov visited the Synagogue in 2018 and told the community it would not be destroyed (http://www.forum18.org/archive.php?article_id=2588).

Earlier in 2020, Absolute Business Trade brought the suit against the Jewish community to Tashkent's Inter-District Economic Court. It sought approval for the demolition of the Synagogue to go ahead and sought "compensation" from the Jewish community of 7,363,996 Soms (6,575 Norwegian Kroner, 615 Euros, or 720 US Dollars) (http://www.forum18.org/archive.php?article_id=2588).

"Despite the promise that no one would ever raise a hand against the Synagogue, the city authorities decided to demolish it in order to build a multi-storey building," the community stated in late July. "They want to destroy our Synagogue." The community learned of the suit only on 29 to 30 July, when along with Jews worldwide it was marking the annual fast of Tisha B'av (http://www.forum18.org/archive.php?article_id=2588).

"The company withdrew the suit and the court did not consider it," a community member told Forum 18 after the 5 August hearing. "But the company could lodge it again at any time."

The community member said Tashkent's Inter-District Economic Court is due to hand down the written decision only on 10 August. "Only then will it become clearer what will happen."

In contrast to the caution of the Jewish community, the regime's Religious Affairs Committee late on 5 August claimed that Absolute Business Trade had withdrawn its suit. The Committee stated categorically that the Synagogue cannot now be destroyed.

The Religious Affairs Committee had noted on its website that "foreign media outlets and websites" had reported on the attempts to oust the Jewish community from the Ashkenazi Synagogue. The Committee noted the community's long-standing ownership of its site, adding that "the above situation was studied with the participation of experts in the relevant field, quickly, in a timely manner, in full, and every effort was made to ensure the unconditional protection of the rights of religious organisations to legal ownership".

The Committee quoted the Rabbi of Tashkent's Bukharan Jewish community, Arkady Isakharov, as being "concerned" about Absolute Business Trade's "absurd" claims of ownership of the site.

After the 5 August hearing, the Religious Affairs Committee claimed that "regular meetings were held with experts in the field, the reality was studied, practical efforts were made with the relevant authorities to maintain the building of the synagogue, and the issue was resolved legally".

The Committee again quoted Rabbi Isakharov as speaking of his "relief" on learning that the company had withdrawn its suit.

Illegal ban on "under age citizens and children" in mosques lifted?

On 1 August the Interior Ministry (which oversees the police) released a short online video in which uniformed spokesperson Nulifar Turakhonova admitted that no law bans "under age citizens and children" attending mosques. She said that they will be able to attend mosques after the coronavirus lockdown ends "in the company of fathers, brothers and other close relatives".

Interior Ministry spokesperson Turakhonova did not explain why over many years Muslim and non-Muslim children and young people under 18 have been warned not to attend mosques and other places of worship, and in some places been prevented from doing so.

Non-Muslim religious communities have also faced warnings, threats and pressure if children have been present in meetings for worship.

Deputy Justice Minister Akbar Tashkulov claimed to Forum 18 from Tashkent on 6 August that the ban on "under age citizens and children" attending mosques has already been lifted. While admitting that the ban had been in force "in the past", he was unable to explain how officials could enforce a ban that was not enshrined in any law. He would not say if officials had exceeded their authority and should face punishment.

On 25 December 2019 the Religious Affairs Committee harshened (http://www.forum18.org/archive.php?article_id=2564) the existing severe state censorship system for all religious texts (http://www.forum18.org/archive.php?article_id=2314) by approving an updated list of a wide range of banned Islamic texts. Among the very many imprecise reasons given for the wide-ranging bans are "inviting children and youths under 18 to religious activity" (http://www.forum18.org/archive.php?article_id=2564).

Ordinary police and the State Security Service (SSS) secret police have routinely watched people who go to mosques, especially during Friday prayers. Particular attention has been given to men and boys under the age of 18. After they are identified, police visit their parents' homes to pressure them into stopping their children from attending mosques (http://www.forum18.org/archive.php?article_id=2564). Children and young people of all faiths attending meetings for worship have long been especially targeted by the regime (http://www.forum18.org/archive.php?article_id=2314).

The regime is hostile to teaching any beliefs to children and young people, and official imams have complained that they cannot teach Islam to children. Non-state controlled religious education is forbidden, and those who teach the Koran to school-age children have been prosecuted and parents who brought children to Islamic religious lessons fined (http://www.forum18.org/archive.php?article_id=2314).

This hostility has continued during the coronavirus lockdown. Police and SSS secret police in Margilan in the eastern Fergana Region raided the home of a retired school teacher on 4 March. They confiscated from her and her female students of the Koran both Arabic-language Korans and Arabic and Islamic textbooks published in Uzbekistan (http://www.forum18.org/archive.php?article_id=2564).

When will draft new Religion Law be published?

The regime seems to be no nearer publishing the draft of the long-promised new Religion Law. As of 7 August, the text is not on the regime website regulation.gov.uz where draft Laws are supposed to be posted.

Akmal Saidov, Head of the state-controlled National Human Rights Centre in Tashkent, appears to be overseeing the draft Law. His assistant told Forum 18 each time it called on 6 and 7 August that he was out of the office.

Dilshod Eshnaye, a deputy chair of the regime's Religious Affairs Committee in Tashkent, refused absolutely to discuss any aspect of the proposed new Religion Law with Forum 18 on 4 August.

Deputy Justice Minister Akbar Tashkulov – who addressed a meeting about the proposed new Law held in the Oliy Majlis (Parliament) building on 20 May - admitted that the text of the draft has not been made public.

Tashkulov said that the authorities will publish it "when we have finished working on it". "The text was sent to parliament ages ago – in March or May – but it is still being agreed," he told Forum 18 from Tashkent. "The Presidential Administration and other agencies have still not agreed it. It is also still being agreed by experts."

Members of many religious communities have expressed their frustration to Forum 18 about the secrecy of the new Religion Law's drafting process, and the regime's apparent lack of willingness to end restrictions violating human rights obligations. Officials' statements about a draft text do not match the concrete changes people in Uzbekistan have said they would like to see in a new Law.

No official was prepared to explain why the regime is still not following the recommendations of the United Nations (UN) Special Rapporteur on Freedom of Religion or Belief, Ahmed Shaheed, following his October 2017 visit to Uzbekistan (http://www.forum18.org/archive.php?article_id=2576). He recommended (A/HRC/37/49/Add.2 (<http://www.undocs.org/en/A/HRC/37/49/Add.2>)) that: "A new law on freedom of religion or belief should be fully compatible with article 18 of the International Covenant on Civil and Political Rights."

Among the UN Special Rapporteur's other recommendations, Shaheed stated: "The new draft law should be open to consultations and comments by the public, especially civil society, religious and belief communities and international partners, including the United Nations system" (http://www.forum18.org/archive.php?article_id=2576).

Ban on exercising freedom of religion and belief without state permission to remain?

Deputy Justice Minister Tashkulov said he has read the provisional text of the draft Law, but refused to discuss specific provisions. But he indicated the ban on exercising freedom of religion or belief without state permission (http://www.forum18.org/archive.php?article_id=2314) is set to remain. He was unable to explain why the regime thinks such a ban is necessary, or why it is continuing to break Uzbekistan's legally-binding international human rights obligations.

Mahalla Committees to continue restricting freedom of religion and belief?

Mahalla committees (the lowest level of state 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).

For example, alleged "consultation" (including fomenting mob hostility) by mahallas with their officials and residents has been manipulated to deny freedom of religion and belief to religious communities seeking state registration (http://www.forum18.org/archive.php?article_id=2515).

Mahalla committees are also a part of the complex and multilayered controls - also involving the State Security Service (SSS) secret police, the Muftiate, and the Religious Affairs Committee - which seriously restrict the ability of Muslims to make the haj pilgrimage that is an obligation for able-bodied Muslims. The system's complexity facilitates corruption (http://www.forum18.org/archive.php?article_id=2520).

Deputy Justice Minister Tashkulov would not say whether Mahalla Committees' role in restricting freedom of religion and belief would be removed. "This is being considered," he claimed. However, he repeatedly refused to say if any Mahalla Committees role is in the latest Religion Law draft.

Ban on non-Muslim Board mosques to remain?

Ending the ban on opening Sunni and Shia mosques which are not controlled by the regime is one of the many things people in Uzbekistan themselves would like to see in a new Religion Law (http://www.forum18.org/archive.php?article_id=2576).

Deputy Justice Minister Tashkulov denied to Forum 18 that mosques which are not controlled by the state-controlled Spiritual Administration of Muslims, or Muftiate, are not allowed to gain state approval to exist. "Where are your facts?" he asked.

When Shia Muslims in Bukhara started a petition to reopen a closed Shia mosque, police pressured them to stop (http://www.forum18.org/archive.php?article_id=2527).

Speaking of non-state controlled Sunni and Shia Muslim communities, Tashkulov claimed: "Any community that lodges an application with all its documents in order will get registration."

Registration denials "not true"?

Deputy Justice Minister Tashkulov claimed to Forum 18 that he was not aware of any non-Muslim religious communities being arbitrarily denied state registration. He also denied that many communities – especially Protestant Christian and Jehovah's Witness - have faced such arbitrary denials over many years (http://www.forum18.org/archive.php?article_id=2527).

One Protestant, who wished to remain anonymous for fear of state reprisals, told Forum 18 that "I know of several Churches across Uzbekistan which the authorities refused to register in 2019." Some cannot get Land Registry or Mahalla approval, others face demands for bribes. Seven Jehovah's Witness communities were rejected. Catholics await registration for a sixth parish (http://www.forum18.org/archive.php?article_id=2527).

An official of the Justice Ministry's Non-State and Non-Commercial Organisations Department also denied that officials arbitrarily obstruct registration applications from religious communities they do not like (http://www.forum18.org/archive.php?article_id=2527). This Department registers centralised religious organisations, while local religious organisations apply to local Justice Departments.

"It is not true that registration is difficult," the official claimed to Forum 18 from Tashkent on 6 August. The official also denied that registration is arbitrarily denied. "That's not true. If all the required documents are presented and everything is in order, they get registration. But it happens that communities bring documents that are not in order."

The Justice Ministry official claimed that their Department had granted registration to a Christian organisation Agape in June 2020 and in July to the New Apostolic Church. The official claimed the Department had rejected no applications from centralised religious organisations in 2020.

Asked why the Rabbinate was stripped of registration after the current Religion Law was adopted in 1998 (http://www.forum18.org/Archive.php?article_id=364) and why it cannot legally exist, the official responded: "I do not have any

documents on that." A member of the Jewish community told Forum 18 on 4 August 2020 that the absence of an officially-registered Rabbinate remains a "serious concern" for the community (http://www.forum18.org/archive.php?article_id=2588).

Following the arbitrary denial of registration applications from all seven Jehovah's Witness communities in various cities which were lodged in September 2018, they then tried in February 2019 to register a branch of their US-based organisation. After the Justice Ministry rejected this, Jehovah's Witnesses challenged the denial through the courts (http://www.forum18.org/archive.php?article_id=2527). Finally the Supreme Court rejected their appeal on 14 July 2020, Jehovah's Witnesses told Forum 18. The Justice Ministry official claimed they knew nothing about the Jehovah's Witness applications or suit.

Bribe demands "not true"?

The official of the Justice Ministry's Non-State and Non-Commercial Organisations Department denied absolutely that any officials would demand bribes to register a religious organisation. "This doesn't happen, either in the Justice Ministry or in the regional Departments," the official claimed to Forum 18. "We have a strong Anti-Corruption Centre, and we would also ask communities if there were such a case to go to the General Prosecutor's Office."

Although the authorities registered some non-Muslim communities in late 2019, several sources told Forum 18 that officials demanded bribes during the process. The sources declined to give examples of communities which paid bribes to gain state registration (http://www.forum18.org/archive.php?article_id=2527).

Uzbekistan has a poor ranking of 153 out of 180 countries in Transparency International's Corruption Perceptions Index 2019 (<http://www.transparency.org/en/cpi/2019/results/uzb>). 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).

Notification of religious communities' offsite activity to remain?

Under a 1 June 2018 Decree, signed by Justice Minister Ruslanbek Davletov, non-commercial organisations (including religious organisations) must inform the Ministry or the local Justice Department of plans to hold events such as seminars or conferences away from their registered premises. They must give 10 days' notice or – if any foreign citizens are involved – 20 days' notice.

However, this only applies to communities the state allows to exist. Against Uzbekistan's binding international human rights obligations, religious communities the state does not allow to exist are banned from exercising freedom of religion and belief in any way – including holding any events (http://www.forum18.org/archive.php?article_id=2314).

A religious community the state allows to exist must give the reasons for any event, the address, date and time, how many people are due to attend, what type of people they are (students, women, children), sources of finance, and provide copies of any literature or audio-visual material that will be used at the event. Any foreign citizens attending have to be named, with information on their citizenship and date of birth.

The Decree says religious communities do not have to give such notice for "religious rituals", but they do if the events are of any other nature.

Justice Ministry officials can ban such events if religious communities fail to submit full information or if the proposed event is not in line with the law. If religious events go ahead without notifying the Justice Ministry or in defiance of a Justice Ministry ban, the organisers can face punishment.

Deputy Justice Minister Tashkulov would not explain why notification of events held away from a religious community's registered place of worship is needed. He laughed and replied: "The law envisages it. Earlier [up to 2018 (http://www.forum18.org/archive.php?article_id=2314)], religious organisations had to seek permission, but now they just have to give notification."

"We hope that according to the new Law we will not be required to give advance notice of our meetings and spiritual exercises of our believers, including information about the participants and topics discussed," Bishop Jerzy Maculewicz, head of the Catholic Church in Uzbekistan, told Forum 18 in June 2020 (http://www.forum18.org/archive.php?article_id=2576).

Deputy Justice Minister Tashkulov would not answer when Forum 18 asked whether this requirement to notify the authorities will be abolished. (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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