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UZBEKISTAN: New hope for religious communities to get state registration?

By Igor Rotar, Forum 18

As hundreds of religious communities are denied state registration by bureaucratic obstruction, there are hopes that a court ruling will help force officials to issue documents needed for registration. Without registration, all religious activity is banned, and harsh penalties are imposed for worshipping without registration. On 22 April, the Fergana regional civil court upheld an appeal by local human rights activist Mutobar Tajibayeva against the local administration, which has refused for three years to issue a 'letter of guarantee' needed by a local mosque to get registration. However, the justice administration might still find pretexts to block the registration. Local human rights activists seem intent on using the ruling to help dozens of other Fergana mosques get registration. "We were waiting to see if [human rights activist] Tajibayeva would win her case, and now we are going to lobby for registration in the same way as she did," one activist told Forum 18 News Service.

In what local believers hope will prove a landmark case, a human rights activist in the Fergana [Farghona] region of eastern Uzbekistan has won her case against the local administration which refused to provide the letter of guarantee required to register a new mosque, a common bureaucratic tactic to block religious communities from gaining registration. "The problem is resolved and very soon the mosque will be registered!" Mutobar Tajibayeva told Forum 18 News Service on 22 April, the same day that the civil court for Fergana region upheld her appeal against the administration. Yet Tajibayeva's optimism may be misplaced, given that the justice administration may (as has frequently happened in various regions of Uzbekistan) invent reasons to force the believers to keep on revising their application documents, dragging out the registration process indefinitely.

Tajibayeva's successful appeal undoubtedly sets a precedent for those trying to register religious communities against the wishes of the authorities. Although there are hundreds of religious associations across Uzbekistan that the authorities are refusing to register, this is the first time that believers have successfully used legal procedures to stand up for their rights. Registration is crucial as Uzbek law bans unregistered religious activity and imposes harsh penalties on those who meet for worship without registration.

Tajibayeva, head of the Flaming Hearts Club human rights organisation based in Margelan (a satellite town near the city of Fergana), brought the appeal against the administration of Akhunbabayev district (on the outskirts of Margelan) following its refusal to issue the letter of guarantee, effectively barring the mosque from gaining registration.

"We have been trying to register our mosque for the past three years, but the district authorities constantly refused to give us a letter of guarantee on various pretexts," Tavakyal Komilov, a member of the mosque's founding group, told Forum 18 on 22 April in the village of Tuman. "They either said that the mosque did not meet the required fire safety standards, or failed to give a letter of guarantee without any explanation." Komilov said that finally the Muslim community took its case to the human rights activist Tajibayeva and she lodged the appeal.

In granting Tajibayeva's appeal, the court ordered the administration of Akhunbabayev district to give a letter of guarantee to the Tuman mosque's founding group. Dilmurad Akhmedov, chief specialist at the Fergana regional justice administration, said his department would now have to accept the registration application. "If the documents have been drawn up correctly, we will register the mosque immediately," he told Forum 18 on 22 April in Fergana.

If the justice administration refuses to register the Tuman mosque, Tajibayeva may lodge another appeal against this department and, from a legal point of view, it will be even easier to demonstrate the injustice of a refusal than it was in the case that Tajibayeva has just won. Believers across Uzbekistan may adopt the same method she has used.

The deputy head of the Fergana regional branch of the Independent Organisation for Human Rights in Uzbekistan, Akhmajon Madmarov, says there are dozens of mosques in the region which the authorities are refusing to register without grounds. "To be honest, we were waiting to see if Tajibayeva would win her case, and now we are going to lobby for registration in the same way as she did," he told Forum 18 on 22 April in Fergana.

Under Uzbek law, religious organisations may only register at the regional justice administration after presenting a letter of

guarantee (or agreement) from the district authorities. The district authorities have the legal right to refuse to issue a letter of guarantee if the believers have not gathered the hundred signatures required for registration, or if the religious organisation's building does not conform to hygiene or fire safety standards. However, in practice the authorities frequently simply do not issue a letter of guarantee to believers without even giving any reason for their refusal.

For background information, see Forum 18's report of the current post-terrorist bombing crackdown against all faiths at

http://www.forum18.org/Archive.php?article_id=298

and latest religious freedom survey 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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