

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

REPORT ON
UZBEKISTAN

MAY 2002

U. S. Commission on International Religious Freedom
800 North Capitol Street, NW
Suite 790
Washington, DC 20002
202-523-3240
202-523-5020 (fax)
www.uscirf.gov

United States Commission on International Religious Freedom

Michael K. Young
Chair

Felice Gaer
Executive Committee

The Honorable Charles R. Stith
Executive Committee

Firuz Kazemzadeh

Richard D. Land

Bishop William F. Murphy

Leila Nadya Sadat

Nina Shea

The Honorable Shirin Tahir-Kheli

**STAFF OF THE U.S. COMMISSION ON INTERNATIONAL
RELIGIOUS FREEDOM**

May 2002

Tad L. Stahnke, Acting Executive Director and Director of Research
Lawrence J. Goodrich, Director of Communications
Christy Hines, Director of Government Affairs
Tracy J. Shycoff, Director of Administration

Dwight N. Bashir, Policy Analyst
David L. Cahn, General Counsel and Senior Policy Analyst
Patricia M. Carley, Senior Policy Analyst
Melissa A. Coffey, Communications Assistant
Deborah DuCre, Receptionist
Marti A. Flacks, Government Affairs Assistant
Allison B. Hollabaugh, Research Assistant
Jacqueline A. Mitchell, Executive Assistant
James W. Newton, Policy Analyst
Christina A. Regule, Special Asst. to the Director of Research
Stephen R. Snow, Senior Policy Analyst
Eileen A. Sullivan, Deputy Director of Communications
John W. Tai, Policy Analyst
Steven T. McFarland, Special Advisor

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

The PRESIDENT

The White House

DEAR MR. PRESIDENT: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Uzbekistan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. COLIN POWELL

Secretary of State

Department of State

DEAR MR. SECRETARY: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Uzbekistan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. DENNIS HASTERT

Speaker of the House

U.S. House of Representatives

DEAR MR. SPEAKER: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Uzbekistan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

LETTER OF TRANSMITTAL

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

Washington, DC, May 2002

Hon. ROBERT C. BYRD

President Pro Tempore

U.S. Senate

DEAR MR. BYRD: On behalf of the United States Commission on International Religious Freedom, I am transmitting to you the Commission's Report on Uzbekistan, prepared in compliance with section 202(a)(2) of the International Religious Freedom Act of 1998, 22 U.S.C. 6401 *et seq.*, P.L. 105-292, as amended by P.L. 106-55.

We would welcome the opportunity to discuss this Report, and the policy recommendations the Commission makes in it, with you.

Sincerely,

MICHAEL K. YOUNG
Chair

Enclosure

UZBEKISTAN

A. Introduction

The conditions for religious freedom are very poor in Uzbekistan. In addition to a highly restrictive law on religion that severely limits the ability of minority religions to function, the Uzbek government in recent years has been harshly cracking down on Muslim individuals, groups, and mosques that do not conform to government-prescribed ideas on how the Islamic faith should be practiced and expressed. This crackdown has resulted in the arrests of thousands of persons and there are credible reports that many have been and continue to be tortured in detention, torture that in some cases has led to the death of those detained. While the government of Uzbekistan does face threats to its security from certain religious groups that have used violence against it, the government's mass arrests of religious believers and reports of torture nevertheless suggest that gravely troubling religious freedom violations are occurring in that country. The Commission recognizes that Uzbekistan only recently gained independence and has not yet developed the institutions and level of civil society necessary for the full protection of human rights, including religious freedom. Nevertheless, this neither excuses nor fully explains the scale and harshness of the government's current campaign against religious freedom.

The Commission is concerned that developments in the U.S. relationship with Uzbekistan since the events of September 11, 2001 might mute U.S. criticism of religious freedom and other human rights violations. The Commission acknowledges that Uzbekistan has had an exceptional role to play in the campaign against terrorism, and since September of last year the two countries have signed several agreements to formalize the enhanced cooperation between them. However, it is the Commission's mandate to report and make recommendations on countries where there are especially serious concerns about religious freedom violations, and Uzbekistan is one such country.

The Commission has widely studied the situation in Uzbekistan. It held numerous private briefings with scholars, former diplomats, and other experts on Uzbekistan, and conducted personal interviews with representatives of American and international human rights organizations, a religious organization that visited Uzbekistan, and with human rights activists from Uzbekistan. In addition, the Commission met several times with Uzbekistan's ambassador to the United States. In November 2001, the Commission held a hearing on "Religious Freedom and the Campaign Against Terrorism," at which the Commissioners examined conditions for religious freedom in the Central Asian countries. The Commission had planned to travel to Uzbekistan and received a formal invitation from the Uzbek government. However, the attacks of September 11 and subsequent events resulted in scheduling difficulties; a visit is anticipated later in 2002.

B. Background

1. Demographic Information

Uzbekistan's population of 25 million makes it the most populous of the five Central Asian states. The population is approximately 75-80 percent Uzbek, 5 percent Russian, 5 percent Tajik, and the rest a small number of various groups including Kazakhs, Tatars, and Karakalpaks. Uzbeks and Tajiks (as well as other Central Asian groups) are predominantly Sunni Muslim; the Russians in the region are generally Russian Orthodox. A small number of Catholics can be found in Uzbekistan, usually from among the ethnic Germans or Poles there, and, more recently, small groups of Protestants have also emerged. Until a short time ago, there was a significant minority of indigenous Jews in Uzbekistan known as Bukharan Jews, who are Sephardim. Ashkenazi Jews in Central Asia are primarily from among the Russian settlers. Many from both groups of Jews have left the country in the past decade.

2. Political Developments

Uzbekistan declared its independence in late 1991 upon the dissolution of the Soviet Union. In the late 1980s and early 1990s, as part of the tide of *glasnost*, then-Communist Party chief (and now president) Islam Karimov tolerated a small measure of democratization, allowing several political opposition movements and independent religious groups to operate relatively openly. However, since the outbreak of civil war in neighboring Tajikistan in 1992, the government of Uzbekistan under Karimov has become one of the most repressive in the world. Despite the country's membership in the Organization on Security and Cooperation in Europe (OSCE), its ratification of the International Covenant on Civil and Political Rights (ICCPR), and official rhetoric in favor of democratization and human rights, as well as the proliferation of government-organized "opposition" parties and other groups, Uzbekistan has made virtually no progress on liberalizing its society. Fundamental human rights, including religious freedom, are not respected. All opposition voices have been arrested, silenced, or exiled. Censorship of the media is virtually absolute. Amnesty International and Human Rights Watch report that the use of torture is widespread and expanding. Moreover, the situation actually worsened in early 1999 when Karimov launched an even farther-reaching attack on all forms of dissent.

3. Religious Freedom

a. Legal Concerns

Article 31 of the Constitution of the Republic of Uzbekistan adopted in 1992 explicitly guarantees freedom of religion and mandates the separation of religion and state.¹ However, primarily by their vague wording, other articles in the Constitution have the potential to limit religious freedom. For example, Article 16 states that "none of the provisions of the present Constitution shall be interpreted in a way detrimental to the rights and interests of the Republic of Uzbekistan," and Article 20 states that "the exercise of rights and freedoms by a citizen shall not encroach on the lawful interests,

rights, and freedoms of other citizens, the state, or society.” Neither of these articles makes clear what or who shall be determined “detrimental” to the interests of the country.

In May 1998, the Uzbek parliament passed the “Law on Freedom of Conscience and Religious Organizations,” which mandates separation of church and state and grants freedom of worship, freedom from religious persecution, and the right of religious communities to establish schools and train clergy. However, according to the Department of State’s 2001 *International Religious Freedom Report*, the law severely limits religious activity. This law limits religious rights that are deemed to be in conflict with national security, prohibits proselytizing, proscribes private teaching of religious principles, forbids the wearing of religious clothing in public by anyone other than clerics, and requires religious groups to obtain a license to publish or distribute materials.² Moreover, according to the State Department report, the religion law requires all groups to register and “provides strict and burdensome criteria for their registration,” with provisions that enable the government of Uzbekistan “to ban any group simply by denying its registration petition.”³ Conditions for registration include: the requirement that a religious group have at least 100 members who are Uzbek citizens; a fee amounting to 50 times the minimum monthly wage; the submission of numerous documents stipulating the group’s rules, meeting protocol, and certification that other requirements have been fulfilled; and proof of a valid legal address.⁴ The activities of any religious group that is not properly registered are deemed “illegal.” Moreover, the law prohibits the use of religion to spread “libelous and destabilizing ideas,” with the definitions of “libelous and destabilizing” left open for interpretation.⁵

Also in May 1998, the Uzbek parliament passed a law that revised certain parts of the country’s criminal code, making penalties for participating in “illegal” religious activities more severe (up to five years in prison). Article 216 of the code prescribes punishment not only for “the organization of forbidden social associations and religious organizations,” but also for the “inclination to participation” in the activities of a forbidden religious organization.⁶ In 1999, the Code was amended again, drawing a clearer distinction “between ‘illegal’ groups, which are those that are not registered properly, and ‘prohibited’ groups, which are banned altogether.”⁷ Punishment for participation in the latter includes up to 20 years in prison and the confiscation of property. These harsh sentences reflect the criminalization of religious activity apparent in the 1998 religion law, as these articles from the criminal code punish unregistered religious activity on an equal footing with such offenses as corruption, organized crime, and narcotics, even if the religious transgressions involve no violent activity.⁸

b. Muslims

During much of the Soviet period, the religious activity of Muslims in Uzbekistan was in part suppressed and in part co-opted for the purposes of the Soviet regime. After decades of vigorously fighting Islamic influence, in 1941 Soviet leader Josef Stalin instituted tight state control over Islamic worship and practice through the establishment of the Muslim Spiritual Directorate, composed of five regionally-based religious boards to appoint imams and control their activity. Muslims working in any of these organizations were selected primarily for their political reliability. In addition, “as the

Uzbekistani government ostensibly was promoting Islam with the one hand, it was working hard to eradicate it with the other. The government also sponsored official antireligious campaigns and severe crackdowns on any hint of an Islamic movement or network outside of the control of the state.”⁹ Those Muslims who did not subscribe to the Soviet-Muslim partnership were forced into an underground mode of worship and were considered to be “reactionary and anti-government.”¹⁰

After independence, President Karimov maintained the Soviet-era official Islamic establishment, and, despite the constitutional guarantee of the separation of church and state in Uzbekistan, Islamic religious practice remains thoroughly state-controlled. According to a State Department report, “The [Uzbek] government promotes a moderate version of Islam through control and financing of the Spiritual Directorate for Muslims (the Muftiate), which in turn controls the Islamic hierarchy, the content of imams’ sermons, and the volume and substance of published Islamic materials.”¹¹ This government attitude is thus a continuation of the stance toward “unofficial” Islamic leaders seen during the Soviet period, during which time Islam was only officially recognized when it flowed from the Soviet-appointed imams of the Spiritual Directorate.

However, as during the Soviet period, a significant number of Muslims in Uzbekistan today do not accept the legitimacy of the state-controlled religious establishment and have increasingly sought out religious leaders and mosques unaffiliated with regime-sponsored clerics or mosques. It is these Muslims, representing a wide variety of religious and political allegiances, who, by their refusal to adhere to the state’s prescription of Islamic practice, are seen by Uzbek authorities as a threat to the state.

The post-independence government crackdown against these independent Muslim leaders began in 1992 with the “disappearance” of Abdullah Utayev, leader of the now-banned Islamic Renaissance Party, whose fate remains unknown to this day. Amnesty International reports that numerous other independent imams have “disappeared” since 1992. The campaign against Muslim believers was toughened in December 1997, after several police officers were murdered in the town of Namangan in the Ferghana Valley. According to one human rights group, the Uzbek authorities used the murders as an excuse for indiscriminately targeting certain Muslim groups, resulting in a “wave of mass detentions and arrests of devout Muslims.”¹² The Karimov government arrested hundreds (and perhaps thousands) of Muslims who worshipped outside of the state-sanctioned Islamic structures, contending they were radical Muslim fanatics.¹³ Human Rights Watch estimated that in late 1997-98 more than 80 percent of the country’s working mosques were closed down.¹⁴

The crackdown intensified in February 1999 after several bombs exploded in Tashkent, the country’s capital. Though the circumstances behind the bombings remain unclear, the event prompted another round of arbitrary arrests of alleged conspirators.¹⁵ Since that time, initially as part of the campaign to find the culprits, thousands of Muslims have been arrested and charged with being a terrorist threat to the state. According to the State Department, the continued campaign targets three types of Muslim believers in Uzbekistan: alleged “Wahhabists,” who include those educated abroad and

followers of two particular imams who have disappeared from Uzbekistan; those suspected of involvement in the 1999 bombings or with the Islamic Movement of Uzbekistan; and those suspected of membership in *Hizb ut-Tahrir* (see below).¹⁶ More generally, many of these Muslims are targeted simply because they were seen to worship or have worshipped in the past at mosques or with imams who were known to resist state tutelage. Most of those arrested and imprisoned are not in fact charged with perpetrating the February 1999 bombings, since the men who were tried and sentenced to death in connection with the bombings were reportedly executed.¹⁷ Moreover, the State Department states that to justify the mass arrests, that “the police routinely planted narcotics, ammunition, and, beginning in 1999, religious leaflets on citizens.”¹⁸ In March 2000, the Helsinki Commission reported that “arrest on specious grounds – such as planted narcotics or forbidden literature – is a constant danger for human rights activists and religious believers, especially Muslims.”¹⁹

State Department reports as well as those of human rights groups describe serious abuses in the arrest and pre-trial detention process, especially of those Muslims arrested for religious crimes. Those arrested frequently do not have access to a lawyer or are forced to be represented by a government-appointed lawyer. Detainees are often kept incommunicado for weeks or even months. Moreover, they are often tried in large groups and their trials are frequently unannounced and secret, with even family members forbidden to attend. There are also numerous reports of the systematic use of torture in Uzbekistan’s detention centers. Some convictions are based solely on confessions extracted through torture. Moreover, according to the State Department, “there were credible reports that police mistreatment resulted in the deaths of persons in custody.”²⁰ During 1999-2000, at least 15 persons are known to have died in detention from torture.²¹

In some cases, individuals have been arrested solely on the basis of having beards (or refusing to shave their beards) or being seen to pray regularly.²² As a Helsinki Commission report confirms, “in order to undermine the religious activities of the population, people have been arrested merely because they wore beards, a traditional sign of Islamic piety.”²³ The State Department also reports that Uzbek authorities are “highly suspicious of those who are more pious than is the norm, including frequent mosque attendees, bearded men, and veiled women. In practice this approach results in abuses against many devout Muslims for their religious beliefs.”²⁴ Other categories of suspects include individuals who call women and minors to attend Muslim prayer meetings, individuals who attend Muslim prayer in unregistered mosques, and persons who pursue regular prayer at home or who study the Quran outside of state-sanctioned institutions.²⁵

The government has used several legal tools to aid in its campaign against Muslim worshippers who reject government control, including the law on religion passed in May 1998. According to the State Department, the 1998 religion law with its strict registration criteria was designed primarily to target Muslims who worship outside the system of state-organized mosques.²⁶ The Uzbek government also developed a state test that every religious leader must pass to obtain authorization to lead Islamic worship or to teach. In 1998, the government ordered the removal of loudspeakers from all minarets.

In 1999, the Uzbek government passed a law on *mahallahs*, or neighborhood councils, the leader of which is directed to identify to the government those suspected of being Islamic activists, to keep tabs on the families of the accused persons, and to encourage people to report on members of their own family they suspect of being “too religious.” The *mahallah* head is mandated to make a list of those suspected of being Islamic activists and then give the names of those “suspects” to government authorities. The State Department reports that these committees “often suspected those same individuals who already had been detained by the police in the wake of either the 1997 murders of officials in Namangan or the Tashkent bombings, and who subsequently had been released because there was no case against them.”²⁷

Several articles in the criminal code are used as part of the campaign against certain Muslim individuals and groups. Many of those arrested are charged under Article 159, which refers to the general crime of anti-state activity and the “encroachment upon the constitutional system of the Republic of Uzbekistan.”²⁸ Because the code does not define the activities criminalized by Article 159, it is frequently applied widely to target anyone who opposes the government, including those who choose to practice religion in a place or manner not controlled by the government’s Muslim Spiritual Board. Frequently those charged with anti-state activity under Article 159 are found guilty only of having certain opinions unacceptable to the government; evidence of violent criminal activity is rarely produced. Those arrested are often charged also with Article 216, described above, which criminalizes membership in a “forbidden religious organization.” Like Article 159, Article 216 does not explicitly define the criteria rendering a group forbidden, and no list of the banned religious organizations has ever been issued.

The government of President Karimov has persistently justified the large number of arrests with the claim that it is only fighting Islamic terrorists and religious extremism. There is no disputing that radical Islamic groups do exist in Uzbekistan, one of which, the Islamic Movement of Uzbekistan (IMU), has openly declared its aim of overthrowing the government and has used violence toward that aim.²⁹ Another group, *Hizb ut-Tahrir* (Party of Liberation), an extremist group that has sanctioned violence but purports not to engage in violence itself, has also been targeted by the Uzbek government, which has been especially brutal to anyone suspected of affiliation with it.³⁰ According to the State Department, the literature of this group includes “much anti-western, anti-Semitic, and anti-democratic rhetoric, but they deny that they advocate violence.”³¹ It is estimated that thousands of people have been arrested and sentenced to lengthy terms for membership or suspected membership in *Hizb ut-Tahrir*, though the state has not accused them of involvement in any specific violent acts, nor offered any material evidence that its members have perpetrated any such acts.³² Still others arrested and imprisoned are not in fact affiliated with the group in any way but are only accused of membership or association, sometimes by having the group’s literature planted on them when they are arrested. Most of those imprisoned are charged under Articles 159 and 216 of the Criminal Code.

The campaign against those Muslims the government deems suspicious did not subside after September 11, 2001, when the United States and Uzbekistan entered into a special security relationship as part of the fight against terrorism in Afghanistan (see

below). In October, nine men were convicted of membership in *Hizb ut-Tahrir* and given sentences of nine to 12 years. According to a report on the trial, “for the first time, in addition to the usual charges of undermining the constitution and membership in a forbidden organization, they were also charged with connection to [Al-Qaeda leader Osama] Bin Laden.”³³ However, no evidence of links to Bin Laden was presented. There were more arrests and a mass trial in mid-November, when 10 men from the same neighborhood in Tashkent were accused of membership in a forbidden religious group and sentenced to terms ranging from nine to 17 years.³⁴

c. Minority religions

Minority religions have not to the same degree been part of President Karimov’s campaign to arrest and imprison more independent-minded religious believers. After initially refusing registration to numerous minority religious groups, in 1999 the government changed course and began authorizing the registration of a number of minority religious communities.³⁵ The State Department reports that with regard to serious mistreatment, “there were few reports on human rights abuses against minority religions” between September 2000 and July 2001.³⁶

Nevertheless, the 1998 law on religion does generate serious obstacles for Christians and other religious minorities. As noted above, the law insists on burdensome and intimidating criteria for registration. Moreover, it is often subjective rather than technical factors that determine whether or not registration applications will succeed. According to one report, the religion law and subsequent decrees on religion have given the authorities enough “grounds for refusing registration to any religious organization the authorities do not like for whatever reason.”³⁷ As a result, local authorities have blocked the registration of a number of Baptist congregations throughout the country; frequently the applications are denied for reasons not expressly stated in the 1998 law.³⁸ Other groups such as Jehovah’s Witnesses are also harassed and frequently denied registration. According to Article 3 of the law, “the enticement of minors into religious organizations is not permitted,” a clause that is regularly invoked to prohibit the establishment of Sunday schools.³⁹ Also, through the employment of highly restrictive requirements, the 1998 religion law also effectively bans the production and distribution of religious publications.⁴⁰ One month after the law was issued, the Cabinet of Ministers issued a decree stipulating that registration of a house of worship also required permission from the district center for monitoring epidemics, the district fire inspector, the district architectural board, and the *mahallah* committee.⁴¹

Article 216 is sometimes applied against members of minority religious groups. In July 2001, a Baptist minister was told that he faced an eight-year prison term under Article 216 for leading an unregistered church.⁴² Due primarily to international pressure, the criminal case against him was dropped the following month. The church has been seeking official registration for five years.

Evangelical Christians who try to convert others, particularly ethnic Uzbeks, are harassed and sometimes jailed, as are some Christian converts. Moreover, though certain Christian groups, such as those of German or Russian descent, are not markedly harassed,

ethnic Uzbeks who have converted to Christianity frequently face varying degrees of repression, from loss of jobs or access to higher education to arrest and torture.⁴³ As with independent Muslims, pastors or other prominent members of evangelical Protestant churches are frequently arrested on spurious drug charges. There have also been a number of cases in which Christian leaders were detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps. According to one expert, even among representatives of religious minorities “the use of torture appears to be an integral part of enforcing Uzbekistan’s harsh laws on religion.”⁴⁴

C. Commission Recommendations

According to Clifford Bond, then-Acting Principal Deputy Special Advisor for the New Independent States, “the overarching goal of U.S. policy in Central Asia is to see these states develop into stable, free-market democracies, as a bulwark against potential instability and conflict in the region. This broader goal serves three core strategic interests of the United States: regional security; political/economic reform; and energy development.”⁴⁵ Regarding Uzbekistan more specifically, in 1999, John Beyrle, then-Deputy Coordinator to the Ambassador-at-Large on the New Independent States, listed a number of U.S. priority policy goals: “First, promoting Uzbekistan’s sovereignty and security to help it balance the influence of its larger neighbors, Russia and Iran. Second, strengthening Uzbekistan’s commitment to democracy, the rule of law, and human rights. Third, countering global threats of the proliferation of weapons of mass destruction and associated materials, narcotics trafficking, and terrorism. The fourth priority policy is supporting Uzbekistan’s transition to a free market economy attractive to foreign investment, and the fifth, promoting greater Uzbek involvement in regional cooperation.”⁴⁶

Even before September 11, the United States had a strong military-to-military relationship with Uzbekistan, in part to help strengthen that country’s sovereignty and also to help shore up stability in the region. American officials determined that “the interaction and training that comes along with U.S. military assistance is one of the best ways to help teach the Uzbek military that it has a role constitutionally to help the country along this [sovereignty- and stability-building] process.”⁴⁷ According to the State Department’s Web site in May 2001, the “United States values Uzbekistan as a stable, moderate force in a turbulent region; a market for U.S. exports; a producer of important resources (gold, uranium, natural gas); and a regional hub for pipelines, transportation, communications, and other infrastructure in which U.S. firms seek a leading role.”⁴⁸

U.S. officials in the past have admitted that success in these goals has been “uneven,” and that there has been very little progress on democracy and human rights in Uzbekistan. With regard to religious freedom concerns, government officials have also conceded that grave problems remain. Religious groups have been persecuted “relentlessly,” Beyrle observed, especially “non-traditional Islamic organizations, whose members have been harassed, jailed, or forced into exile.”⁴⁹ The State Department pointed out that “greater reform [is] necessary for long-term stability and prosperity. Registration of independent political parties and human rights NGOs would be an

important step. Enforcement of constitutional safeguards ensuring personal, religious, and press freedom and civil liberties also is needed.”⁵⁰ However, it was often stated by American officials that U.S. engagement in Uzbekistan was nevertheless essential in light of other, equally pressing policy goals, including especially security issues (referring particularly to the fight against terrorism, even before the September 11 attacks). Uzbekistan, it was pointed out, “has been cooperative on counter-terrorism, counter-narcotics, regional security cooperation, and non-proliferation issues...and is an active participant in the Partnership for Peace program.”⁵¹ Moreover, “Uzbekistan’s history and its geo-strategic position neighboring a region which is increasingly of heightened concern for vital U.S. national interests means that we simply have to continue to engage.”⁵² The U.S. government accepted, with qualifications, the Uzbek government’s contention that extremist Islamic organizations posed a grave security threat that required a forceful response. In September 2000, the IMU was designated a terrorist organization by the Department of State.

The U.S.-Uzbekistan relationship has deepened since the September 11, 2001 terrorist attacks on the United States. On October 7, 2001, the two countries signed a formal agreement establishing “a strong basis for bilateral cooperation in the struggle against terrorism,” having decided to “establish a qualitatively new relationship based on a long-term commitment to advance security and regional stability.”⁵³ According to one report, the agreement also included the “intensification of military cooperation,” which would be “marked by a round of immediate bilateral consultations aimed at working out joint measures to deal with any threat to Uzbekistan’s national security.”⁵⁴ Though the accord itself remains classified, a joint statement issued October 12 further revealed the nature of the new partnership. According to the statement, the United States extended security guarantees to the Uzbek government in return for the use by the U.S. armed forces of its military facilities for operations in Afghanistan.⁵⁵ In the following weeks, numerous high-level U.S. officials traveled to Uzbekistan, including Secretary of Defense Donald Rumsfeld in November 2001 and Secretary of State Colin Powell in December.

On November 30, 2001, during a visit to the United States by a delegation from Uzbekistan, the two governments signed a “Memorandum of Understanding.” In that document, the United States pledged, *inter alia*, to “develop and implement a comprehensive package of financial and economic support” for Uzbekistan to ensure the country’s competitiveness and social and financial stability during the coming period of economic reform; to support the efforts of Uzbekistan “to strengthen its relations with the International Monetary Fund,” as well as with other international financial institutions; and to work with various U.S. government agencies to “promote programs that will be in the interests of the government” of Uzbekistan. The United States will also provide “at the earliest possible date \$100 million in security, economic, and humanitarian assistance for Uzbekistan” and will “develop and implement a ‘facility’ by the U.S. Export-Import Bank in the amount of \$50 million to be extended to the National Bank of Uzbekistan to support purchases of U.S. goods and services.”⁵⁶

When Secretary Powell traveled to Uzbekistan in early December, he carried with him a letter from President Bush to Uzbek President Karimov in which the U.S. President pledged to adhere “to the cause of developing a long-term partnership with Uzbekistan.”

American aid will increase; President Bush stated that his administration “is planning to triple the amount of support to political and economic reforms in Uzbekistan this year.” Moreover, the United States pledged to help improve Uzbekistan’s relations with international financial institutions by stating that it “will give all-around support to [Uzbekistan’s] efforts to develop a program of economic reforms which will help Uzbekistan build a reliable economic foundation and open the way for considerable support on the part of international financial institutions.”⁵⁷

In late January 2002, Assistant Secretary of State for Europe Elizabeth Jones traveled to Uzbekistan. At a press conference in Tashkent, Secretary Jones was quoted as saying that her delegation felt “a new commitment – a recommitment – of the government of Uzbekistan to work closely with us and with non-governmental organizations to improve the human rights and democracy situation here in Uzbekistan.” Assistant Secretary Jones reiterated the U.S. intention to triple its aid to Uzbekistan, noting that the new assistance will emphasize the areas of “border security, health, water management, local infrastructure development, education, and law enforcement.” She pointed out that the relationship’s “focus on economics is an integral part of [U.S.-Uzbek] cooperation on security matters.” Assistant Secretary Jones also described a political agreement that had been signed between the two countries that focuses on “economic and finance matters, economic reform, and exchange rate matters.”⁵⁸

In addition, the Deputy Assistant Secretary of Defense Mira Ricardel announced an agreement to establish a U.S.-Uzbekistan Bilateral Working Group to deal with defense and security aspects of the relationship. The group will be headed by senior-level officials from the U.S. Office of the Secretary of Defense and the Uzbek Defense Ministry and is scheduled to meet for the first time in Spring 2002. Deputy Assistant Secretary Ricardel stated that the “group would meet regularly to establish mutual priorities and to help focus [U.S.-Uzbek] cooperation, including focusing U.S. security assistance to Uzbekistan.” She was also quoted as noting that the United States is “committed to the long-term security and stability of Uzbekistan and will continue to develop bilateral defense and security ties through military-to-military engagement plans, exercises, and trainings.”⁵⁹

At President Bush’s invitation, President Karimov came to Washington to discuss these issues on March 12, 2002. While in Washington, the two countries signed a formal declaration solidifying their strategic partnership and plans for cooperation. The declaration notes at the outset the “deep appreciation for the relations that have been established between the two countries ... that are based on common goals,” including combating terrorism and a commitment to the principles of the Helsinki Final Act and other international human rights documents. Cooperation between the two is based on norms of international law, a commitment to democratic values and human rights, “non-interference in each other’s internal affairs,” and “conscientious fulfillment of their international obligations.”⁶⁰

According to the declaration, the Uzbek government commits itself to “further intensify the democratic transformation” of its society, taking into account “the requirements of national legislation.” The United States, in turn, agrees to provide aid

and assistance to help Uzbekistan implement the necessary reforms. Among the priority areas where “both sides expect concrete progress” are: the strengthening of the foundation for a secular state based on the rule of law; the development of democratic values in society; the enhancement of the role of democratic and political institutions in the life of society through the establishment of a genuine multiparty system and an independent media; the establishment of a freely elected and multiparty bicameral legislature; and the improvement of the independence of the judicial system.

By far the larger part of the agreement concerns security and economic cooperation between the United States and Uzbekistan. As a part of the “qualitatively new, long-term relationship” between the two countries, the United States “affirms that it would regard with grave concern any external threat to the security and territorial integrity of the Republic of Uzbekistan.” In order to combat security threats, the two sides agreed, *inter alia*, to hold regular consultations; establish cooperation between law-enforcement agencies and military services on a permanent basis; and provide for the training of special Uzbek units. The two sides also agreed to intensify military relations, including through the modernization of Uzbekistan’s armed forces, the training of its military personnel, and the re-equipping of its armed forces with weapons and other military hardware. The declaration also called for the establishment of a NATO Partnership for Peace Training Center in Uzbekistan. With regard to economic cooperation, Uzbekistan pledged to implement large-scale market reforms in exchange for U.S. technical assistance as well as support for Uzbekistan’s discussions with international financial institutions. The United States pledged to work “toward terminating the application of the Jackson-Vanik Amendment provisions and toward Permanent Normal Trade Relations status” for Uzbekistan. The United States also pledged to work for the country’s accession to the World Trade Organization.⁶¹

1. The U.S. government should continue to press forcefully its concern about religious freedom violations in Uzbekistan, consistent with the Uzbek government’s obligations to promote respect for and observance of human rights. The U.S. government should also encourage scrutiny of these concerns in appropriate international fora such as the Organization on Security and Cooperation in Europe (OSCE) and other multilateral venues.

Over the past decade, the U.S. government has persistently called attention to Uzbekistan’s poor human rights record. However, since the attacks of September 11, concern has been expressed by the Commission and others that the alliance forged between the two countries in the wake of those events and the subsequent campaign against terrorism might persuade the U.S. government to restrain its strong criticism of Uzbekistan’s poor record on human rights, including religious freedom. Though there is mention of human rights concerns in the agreements between the United States and Uzbekistan signed since September 2001 and in the statements of U.S. government officials, as described above, those concerns are discussed within a much larger context of substantial increases in economic and security assistance to Uzbekistan. The United States must continue to make clear to the Uzbek government that its abuses of religious freedom and other human rights are unacceptable.

The Commission recognizes that there are legitimate security threats to the government of Uzbekistan, including the IMU. Yet, in dealing with this threat, the Uzbek government has employed measures that are disproportionate to its size, discriminatory in their scope, and in contravention of international human rights norms and the Uzbek government's human rights commitments. Moreover, though it is recognized that groups such as *Hizb ut-Tahrir* espouse views that are intolerant of other religions and advocate the use of violence, the Uzbek government has not accused its members of involvement in any particular violent actions or indicated that they have been directly involved in any violent acts. Instead, persons are reportedly arrested simply for belonging to this group or even merely for possessing its literature, resulting in gross violations of freedom of belief and association.

The measures employed by the Uzbek government are also counterproductive. Virtually all observers of Uzbekistan contend that the Uzbek government's current repressive policies, by unnecessarily radicalizing large elements of its own population, are exacerbating the threat posed by terrorist groups.⁶² U.S. government officials have also acknowledged on more than one occasion that Karimov's policies are counterproductive. In July 2001, Michael Parmlly, Principal Deputy Assistant Secretary of State for Democracy, Human Rights, and Labor, stated at a congressional hearing that the U.S. government

“has repeatedly expressed [its] view to Uzbekistan's President Karimov that his persecution and repression of legitimate, peaceful practitioners of Islam is counterproductive. Rather than lessening the threat, he is actually radicalizing Uzbekistan's disaffected and disenfranchised youth and driving them into the arms of the Islamic Movement of Uzbekistan and its radical allies.”⁶³

Upon its admission to the OSCE in 1992, Uzbekistan pledged to uphold the human rights obligations contained in the Helsinki Final Act and other OSCE documents. The United States, through the OSCE, should continue to press Uzbekistan to abide by those commitments. In addition, the U.S. delegation to the OSCE should encourage the OSCE, through such institutions as the Office of Democratic Institutions and Human Rights (ODIHR), to monitor closely the situation in Uzbekistan and regularly report back to OSCE members. The ODIHR, through the OSCE's Liaison Office in Tashkent, is in a position to monitor closely the status of particular individuals who are known to have been arrested on suspicious charges.

2. The U.S. government should press the Uzbek government to cease its abuse of those articles in its criminal code, including Articles 159 and 216, that impinge on religious freedom.

Article 159 of the criminal code criminalizes “anti-state activity.” However, such activity is not explicitly defined, and in practice, this article is often pointedly aimed at those who oppose the government or who choose to practice religion outside of government strictures. According to a representative of Human Rights Watch, more than

65 percent of cases of religious prisoners the organization has documented were charged with “anti-state activity” under Article 159.

Article 216 of the code criminalizes membership in a “forbidden religious organization.” The vagueness of the language effectively gives the government the right to decide which religious groups people may belong to. Participation in banned groups can result in prison sentences of up to 20 years.⁶⁴ According to Article 216, even “inclination to participation” in such groups is punishable by arrest and imprisonment.⁶⁵ In the past two years, thousands of persons in Uzbekistan have been arrested under Article 216 and given 15- to 20-year sentences for belonging to or participating in the activities of a “banned religious organization.” As noted above, in many if not most of these cases, the government has not charged these individuals with participating in any violent activity, nor has it suggested that the individuals have in any way been involved in violent activities; rather, they have been arrested and sentenced solely for their beliefs in or association with a particular religious group.⁶⁶ In other cases, the government has not provided evidence that the individuals charged are even members of the “forbidden religious organization” to which they are accused of belonging.

The United States should make clear its grave concern about the wrongful use of Article 159 that results in large numbers of individuals imprisoned on what are often vague charges of anti-state activity. The U.S. government should also make plain its concern that Article 216 is being used to justify the arrest of thousands of persons whose “crime” largely involves membership in or sympathies with an extremist religious group. As a representative from the Keston Institute comments, “while it is undisputed that the Uzbek government does need to tackle the problems of crime and public disorder in some parts of the country and that a fear of extreme religious groups is at least partially justified ... the new version of the criminal and administrative codes goes beyond a reasonable response to such real and perceived threats.”⁶⁷ Uzbekistan’s criminal code contains provisions that already deal adequately with perpetrators of violent acts of whatever motivation. Thus, “there is no reason to restrict the rights of all religious believers solely to cover the alleged crimes of some citizens who might claim religious justification for their actions.”⁶⁸

The Commission recognizes the Uzbek government’s duty to protect public safety and order by targeting groups that have engaged in violence; however the United States must stand firmly against practices that amount to the criminalization of religious belief and association.

3. The U.S. government should strongly encourage the Uzbek government to establish a mechanism to review the cases of persons detained under suspicion of or charged with religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs, practices, or choice of religious association, as well as any others who have been unjustly detained or sentenced.

In August 2001, President Karimov instituted a general amnesty affecting 50,000 prisoners in Uzbekistan. Out of the 64,500 people in prison, 25,000 were to be released and another 25,000 would see their terms reduced. According to President Karimov speaking on Uzbek television, the amnesty extended also to “members of terrorist and extremist organizations” who genuinely repent of their actions. This repentance would be confirmed “not only by their appeals but also by appeal from their parents and members of the public in their village and district.”⁶⁹

However, human rights groups in Uzbekistan criticized the amnesty’s provisions for making it virtually impossible for religious prisoners to be included. For example, the amnesty decree stated that only those who have taken the “path of correction” and “demonstrated constructive repentance” – which must be confirmed by the administration of the correction facility – can be considered for pardon. According to these organizations, this provision would be “open to abuse, as the conditions for establishing repentance frequently depend on the convicts or their families paying bribes to the prison authorities.”⁷⁰ Moreover, many political and religious prisoners did not admit at their trials to being guilty of the crimes of which they were accused, rendering it difficult for them now to “repent.” Another provision states that the amnesty applies only to those with prison terms of less than six years, which rules out the vast majority of the religious prisoners, most of whom have received terms of up to 20 years.

The U.S. government should strongly urge the Uzbek government to release persons who are imprisoned on account of their religious beliefs, practices, or choice of association and who have not been found guilty of participating in violent acts. Such releases would do much to demonstrate that the Uzbek government is committed to improving conditions for religious freedom. People in Uzbekistan should be allowed to hold religious beliefs and engage in worship practices that are not expressly defined and controlled by the government.

4. The U.S. government should instruct the U.S. Embassy in Tashkent to continue to every extent possible its policy of carefully monitoring the status of individuals who are arrested for alleged religious, political, and security offenses.

The American Embassy in Tashkent has an excellent reputation for closely observing the cases of individuals who have been arrested for political or religious “crimes” in Uzbekistan. Embassy officials have consistently met with dissidents, attended trials, and visited those who have been attacked by security agents. According to several human rights activists from Uzbekistan, it is largely because of attention and support from the U.S. Embassy that they are able to continue their human rights work despite, in several cases, severe government pressure to desist. The Commission commends these Embassy activities and strongly encourages that they be maintained and, where possible, expanded.

5. While recognizing the Uzbek government’s duty to protect its people from violence and terrorism from whatever source, the U.S. government should press the government of Uzbekistan to discontinue

its practice of excessively regulating the free practice of religion in Uzbekistan, including the oppressive regulation of the Islamic clergy and the use of registration requirements to prevent minority religious groups from practicing their faith.

Religious practice in Uzbekistan remains thoroughly controlled by the state. Despite the Uzbek Constitution's guarantees of the separation of state and religion, "the Uzbek government has continued the Soviet practice of designating an acceptable, non-threatening realm for Islamic activities and organizations, and severely restricting what it does not specifically support."⁷¹ The May 1998 "Law on Freedom of Worship and Religious Organizations" severely restricts religious activity. Despite what appear to be "objective" criteria required for religious groups to register, in practice it has often been the case that "subjective, rather than technical factors determine the success or otherwise of registration applications, as the authorities have withheld registration from groups they consider unacceptable or undesirable."⁷² In addition to other arduous requirements, the Committee for Religious Affairs under the Cabinet of Ministers must approve the registration of any religious organization.

Such government regulation and other control under Uzbekistan's religions law, as well as other decrees on religious practice, violate the country's own constitutional guarantees separating church and state⁷³ and the provisions of several international human rights documents to which Uzbekistan has committed itself. These include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Helsinki Final Act, as well as successive OSCE documents. The U.S. government should therefore strongly urge the Uzbek government to adhere to its own Constitution and its international human rights commitments with regard to religious freedom by repealing or modifying legislation that contravenes international standards. It is not the duty or authority of any government to define and determine how its citizens may worship or practice their religion. The U.S. government should urge the Uzbek government to request advice and assistance from the OSCE in order to bring its legal provisions into accordance with OSCE commitments.

6. The U.S. government should press the Uzbek government to adhere to its international commitments to abide fully by the rule of law and to protect human rights ensuring due process of law to all.

Human rights groups as well as the State Department's reports describe serious abuses of the rights of those arrested for political and religious crimes. These abuses include the inconsistent access to a lawyer, incommunicado detention for weeks or months, and mass, secret trials. Perhaps most alarming are the numerous reports of the systematic use of torture in the country's detention centers. Human rights groups and the State Department report that many convictions are based solely on confessions extracted through torture, and there have been numerous reports of deaths in detention centers. Despite the thousands of reported cases of torture, on only one occasion have law-enforcement members been tried for the practice.⁷⁴

Though they are not always respected, many if not most of these rights are provided under the Constitution of Uzbekistan and other national legislation. In addition, the Uzbek government has committed itself to upholding international standards with regard to due process of law and the prevention of torture. Despite the fact that the Uzbek government has admitted that the practice of torture is not unknown in Uzbekistan and that it regularly announces that judicial and other reforms are being seriously considered, the situation with regard to respect for due process of law, including protection from torture, has continued to deteriorate. Moreover, though it may be the case that it is sometimes “rogue” law-enforcement officers who carry out the torture, the reports of such abusive practices are numerous, suggesting that it is widespread and tolerated at the highest levels of the Uzbek government.

The U.S. government should maintain pressure on the Uzbek authorities to respect the rights of the people of Uzbekistan with regard to all judicial proceedings. The U.S. government should also make very clear that the practice of torture must cease. In addition, rhetoric alone about the intention to implement reform that is not followed by concrete action should not be considered acceptable.

7. The U.S. government should press the Uzbek government to ensure that every religious prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, including Article 14 of the International Covenant on Civil and Political Rights. In addition, the U.S. government should press the Uzbek government to ensure that all prisoners are allowed to practice their religion while in detention, to the fullest extent compatible with the specific nature of their detention.

Numerous reports indicate that once persons are given lengthy sentences, they are sent to labor and other prison camps and refused the right to have visitors. In addition, while in camps, they are reportedly not permitted to grow beards and are punished severely if they are caught praying. Moreover, the State Department reports, “the [Quran] is reportedly banned in most detention facilities.”⁷⁵

All prisoners should be granted the right to visits from legal representatives and family members while in prison, consistent with international norms. Prisoners should also have the right to practice their religion while in detention. The U.S. government should press the government of Uzbekistan to allow religious prisoners to receive visitors and, consistent with reasonable requirements for security, to ensure that prisoners retain the right to practice their religion.

8. All U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, should be made contingent upon that government’s taking a number of concrete steps to improve conditions for religious freedom for all individuals and religious groups in Uzbekistan. These steps should include:

8.a. releasing persons imprisoned solely because of their religious beliefs, practices, or choice of religious association, following the review mechanism as described in Recommendation 3;

8.b. ending torture;

8.c. halting the arrest and detention of persons because of their religious beliefs, practices, or choice of religious association; and

8.d. refraining from using registration requirements to prevent religious groups from practicing their faith.

The state should also relinquish at least some control over the Islamic clergy and believers. In addition, U.S. security and other forms of assistance should be carefully scrutinized to ensure that these programs do not facilitate Uzbek government policies that result in religious freedom violations.

Even before the increase in U.S. assistance outlined in the post-September 11 agreements between the two countries, Uzbekistan received significant economic and security assistance from the United States. In fiscal year 2000 Uzbekistan received \$1.75 million in Foreign Military Financing (FMF) and \$547,000 in International Military Education and Training (IMET) program funds, as well as \$3 million under the new Central Asia Border Security Initiative (CASI).⁷⁶ Since 1997, Uzbekistan has been eligible to participate in Cooperative Threat Reduction (CTR) programs, and has gained certification every year (CTR certification – which includes human rights as part of the criteria – was extended by Secretary Powell to Uzbekistan in June 2001).⁷⁷ In FY 2000, it received \$4 million in CTR funds. In February 2000, the United States transferred 16 military transport vehicles to the Uzbek military to enhance interoperability with NATO forces, a move that amounted to the first substantial military equipment to be provided to Uzbekistan under the FMF program.⁷⁸ U.S. Central Command stated that programs such as IMET and NATO's Partnership for Peace (PfP) program exist to “foster apolitical professional militaries capable of responding to regional peacekeeping and humanitarian needs” in the region.⁷⁹ Central Asian officers and troops have participated in PfP exercises in the United States since 1995 and U.S. troops participated in exercises in Central Asia in 1997, 1998, and 2000.

According to human rights groups and the State Department's own reports on human rights and religious freedom, the Uzbek government's record on human rights and religious freedom is extremely poor. Two Uzbek institutions in particular that receive U.S. security assistance, the Ministry of the Interior (MVD) and the National Security Service (SNB, formerly known as the KGB), are cited by human rights groups as having a direct involvement in arresting, detaining, and even torturing a number of religious prisoners. As stated in the report of the Coordinator of U.S. Assistance to the NIS, funds from such programs as the Anti-Terrorism Assistance and Counter-Proliferation

programs, among others, go to these two institutions. The degree of repression in Uzbekistan by these institutions clearly leads to questions about the role of American security assistance in facilitating religious freedom violations in that country, particularly through assistance to those institutions implicated in religious freedom abuses.

In addition to security assistance, even before the planned increases Uzbekistan received a significant amount of development and other assistance from the United States. According to the State Department's Office of the Coordinator of U.S. Assistance to the NIS, the U.S. government provided approximately \$65 million in assistance to Uzbekistan in FY 2000, including \$20 million in Freedom Support Act assistance administered through the Agency for International Development (AID), \$11.4 million in U.S. Department of Agriculture food aid, \$5.4 million in other U.S. government assistance, and \$27.5 million in U.S. Department of Defense "excess and privately donated humanitarian commodities."⁸⁰ In 2001, it was estimated that AID would spend \$24 million on programs for Uzbekistan, and \$22 million had been requested for FY 2002. In addition, in FY 2000, trade between the United States and Uzbekistan was supported by almost \$900 million in Export-Import Bank financing. This aid will be supplemented by the \$100 million in security, economic, and humanitarian assistance pledged in the November 2001 Memorandum of Understanding between the two countries.

The U.S. government should insist that all foreign assistance to the Uzbek government, except for assistance designed to promote humanitarian goals and the protection of human rights, be contingent upon that government taking a number of concrete steps to foster *genuine* progress with regard to human rights and religious freedom in that country. These steps must include more than rhetoric.

In addition, all non-humanitarian assistance to Uzbekistan should be carefully monitored by the issuing agency to ensure that it in no way is channeled to institutions that perpetrate or bolster religious freedom violations in that country. U.S. assistance should be scrutinized to ensure that it is not used in any way to support Uzbek government policies that violate religious freedom.

9. The U.S. government should continue to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom. This assistance could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials. Since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of, these specific goals.

Beginning in 1992, there were numerous democratization and civil-society building projects for Uzbekistan funded by AID and carried out through such institutions as the National Democratic Institute (NDI) and the International Republican Institute (IRI). However, within only a few years, most of those programs were halted when it

became apparent that, despite government rhetoric to the contrary, the political authorities did not have the will to implement genuine political reform. According to AID, “increasing government repression targeted toward the opposition and religious and human rights groups limits the scope and potential of democracy assistance in Uzbekistan.”⁸¹ Because of the country’s lack of commitment to electoral reform or competitive elections, election-related assistance is no longer being provided. Also discontinued is AID assistance to the Uzbek parliament. “Given that the 1999 parliamentary elections were neither free nor fair,” the NIS Support Coordinator’s report states, “and that the [Uzbek] government appoints most members, the Parliament has little incentive to become more responsive to the public. Therefore, assistance is neither appropriate nor is it likely to succeed.”⁸²

Increased attention to building civil society replaced what were deemed to be fruitless democratization efforts. However, this process, too, “was hindered by restrictions imposed by the Uzbek government, ostensibly to counteract the threat of Islamic extremism.”⁸³ As a result, AID has moved its focus to youth and civic education programs, local community development to increase civic participation, and a women’s legal rights initiative. In addition, according to the AID Web site, partnerships, training, and exchanges have remained an important part of AID assistance. There were also efforts to aid the very small independent media sector in Uzbekistan, including AID-supported broadcasts by independent television stations about issues of interest to local communities, resulting in several local governments responding to the issues raised in the broadcast. However, two independent television stations were closed as a result of broadcasts that were critical of the government and only one was allowed to re-open.⁸⁴

In addition, in FY 2000 the U.S. government provided approximately \$2 million for training and technical assistance to Uzbekistan’s law enforcement agencies, with the goal, according to the aid coordinator’s report, of “enhancing their ability to combat narcotics trafficking and organized crime while promoting the rule of law and human rights.”⁸⁵

The U.S. government should continue these scaled-back programs. However, given the problems in aid programs of the recent past – which to a great extent stem from a difference between the rhetorical commitment of the Uzbek government to support democracy-building and the institutions of civil society and that government’s actions to suppress those efforts – U.S. programs should be more clearly focused on specific human rights problems in order better to monitor the results. Such assistance should also be accompanied by the caveat that if no significant improvement is apparent, the assistance will not be continued. In this vein, human rights offices or organizations organized and wholly controlled by the Uzbek government should not be regarded as evidence of improvement in the country’s human rights practices.

10. The U.S. government should retain the reinstated Uzbek language program at the Voice of America (VOA), and should use VOA and other appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy as well as specific concerns about religious

freedom in their country. In addition, the U.S. government should continue its practice of encouraging exchanges between the people of Uzbekistan and the United States, paying attention to opportunities to include human rights advocates and religious figures in those programs.

In January 2001, the Broadcasting Board of Governors (BBG) announced changes to the VOA programming service that included, initially, the planned elimination of its Uzbek service entirely, which until July 2001 was 45 minutes per day. According to a BBG newsletter, the changes were instituted because “while many places still need the assets of U.S. international broadcasting, they now need it less than others.” The decision to eliminate this service was apparently made despite a resolution passed by the House of Representatives in November 2000 urging VOA to expand its broadcasts in Central Asia (H. Con. Res. 397). Though originally scheduled for total elimination, at the urging of the State Department and some members of Congress, the BBG agreed to retain 15 minutes of the 45-minute Uzbek broadcast. It was argued that there are few countries that need such broadcasting more than Uzbekistan, given that even the State Department’s own human rights report states that there is virtually *no* freedom of the press in that country. Despite the arguments, the BBG nevertheless declared its intention to eliminate the Uzbek program entirely as of 2002. After the events of September 11, however, VOA’s Uzbek language program was increased to 30 minutes per day. It has since been increased to 60 minutes per day, though only as a temporary measure.

Broadcasting by VOA in the Uzbek language is a valuable way for the people of Uzbekistan to learn about life in the United States and the nature of democratic society. Although a considerable number in the population can understand Russian and benefit from VOA’s Russian broadcasts, nevertheless there remains an equally significant number of Uzbeks who do not speak Russian, particularly in the countryside. Retaining VOA’s extended Uzbek program on a long-term basis would thus be useful to the United States’ goal of promoting the understanding of the workings of democracy and fundamental freedoms in Uzbekistan, including the exercise of religious freedom.

According to the report of the Coordinator for U.S. Assistance to the NIS, since FY 1993, “U.S. government-funded exchange programs have brought over 1,800 people from Uzbekistan to the United States,” including approximately 260 in FY 2000. These include participants in public diplomacy, academic, business, and other exchange programs.⁸⁶

Exchange programs also continue to be a useful way for persons from Uzbekistan to learn first-hand about political, judicial, cultural, and other practices in the United States. The U.S. government should continue such exchange programs with Uzbekistan, at the same time attempting to ensure that participants are not wholly from among government-sanctioned groups. Human rights advocates and religious figures from Uzbekistan should also be included in these programs.

¹ Constitution of the Republic of Uzbekistan, from the website of the Consulate General of Uzbekistan, New York, NY (<http://www.uzbekconsul.org/en/laws/constitution.pdf>, accessed November 5, 2001). Article 31 states that “Freedom of conscience is guaranteed to all. Everyone shall have the right to profess or not to profess any religion. Any compulsory imposition of religion shall not be permissible.” Article 61 states that “Religious organizations and associations shall be separated from the state and equal before the law. The state shall not interfere with the activity of religious associations.”

² U.S. Department of State, *International Religious Freedom Report: Uzbekistan, 2001*, (<http://www.state.gov/g/drl/rls/irf/2001/index.cfm?docid=5724>, accessed October 29, 2001).

³ Ibid.

⁴ See Ibid. See also Grant Garrard Beckwith, “Uzbekistan: Islam, Communism, and Religious Liberty—an Appraisal of Uzbekistan’s 1998 Law ‘On Freedom of Conscience and Religious Organizations,’” *Brigham Young University Law Review*, 2000, 1030; and Felix Corley, “Uzbekistan’s New Legislation on Religion: an Assessment,” Organization on Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights, Advisory Panel of Experts on Freedom of Religion or Belief, August 1998. According to Beckwith, the “one-hundred member requirement is widely recognized as constituting one of the harshest” minimum-number requirements. Also, the State Department report notes that “local officials on occasion have denied approval of a legal address in order to prevent churches from registering.” 2001 *International Religious Freedom Report* (Internet).

⁵ Beckwith, “Uzbekistan: Islam, Communism, and Religious Liberty,” 1025.

⁶ The article was published in *Narodnoe Slovo*, Tashkent, May 19, 1998.

⁷ 2001 *International Religious Freedom Report* (Internet).

⁸ Beckwith, “Uzbekistan: Islam, Communism, and Religious Liberty,” 1019.

⁹ The Library of Congress, Country Studies: Uzbekistan (<http://lcweb2.loc.gov/frd/cs/uztoc.html>, accessed December 13, 2001).

¹⁰ Beckwith, “Uzbekistan: Islam, Communism, and Religious Liberty,” 1002.

¹¹ U.S. Department of State, *Country Reports on Human Rights Practices 2000: Uzbekistan* (<http://www.state.gov/g/drl/rls/hrrpt/2000/eur/index.cfm?docid=858>, accessed August 15, 2001).

¹² Amnesty International, “Uzbekistan: Briefing on Human Rights Situation,” October 11, 2001 (<http://web.amnesty.org/ai.nsf/print/EUR620162001?OpenDocument>, accessed October 30, 2001).

¹³ According to a report of the International Crisis Group, “the murders were officially attributed to Islamist extremists, though some independent observers consider them more likely to have been the fall-out of power struggles among the ruling elite and figures in the highly developed shadow economy.” International Crisis Group, *Uzbekistan at Ten: Repression and Instability*, ICG Asia Report No. 21, August 2001, 6.

¹⁴ Cassandra Cavanaugh, Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan*, October 19, 1999. The State Department’s 2001 *International Religious Freedom Report* also reports that during 1998, “the government permanently closed down several hundred unauthorized mosques.”

¹⁵ Amnesty International, “Uzbekistan: Briefing on Human Rights Situation” (Internet). With regard to the perpetrators of the bombings, an International Crisis Group report states that “most independent observers consider it likeliest that the bombings were initiated by figures within the power structure, though possibly implemented by members of an underground movement.” See *Uzbekistan at Ten*, 6.

¹⁶ 2001 *Report on International Religious Freedom* (Internet). “Wahhabists” refers to the followers of “Wahhabism,” a strongly conservative wing of Islam associated with a branch of Sunni Islam practiced in Saudi Arabia. In Central Asia, the term “Wahhabi” has become a widely used phrase to refer to fundamentalists or extremists. See Human Rights Watch, “Memorandum to the U.S. Government Regarding Religious Persecution in Uzbekistan,” August 10, 2001, 5. See also a report of the International Crisis Group, which states that “the term Wahhabi has been widely used by the Soviet government and its successors as a catch-all negative term to refer to any Muslim group that the government seeks to suppress, regardless of whether it is affiliated in any way with the doctrines or political aspirations of Wahhabism.” International Crisis Group, *Uzbekistan at Ten*, 13.

¹⁷ Amnesty International, “Uzbekistan: Briefing on Human Rights Situation” (Internet).

¹⁸ 2001 *International Religious Freedom Report* (Internet).

¹⁹ Commission on Security and Cooperation in Europe, *Human Rights and Democratization in Uzbekistan and Turkmenistan*, March 2000, 9.

²⁰ 2001 *International Religious Freedom Report* (Internet).

²¹ Written statement submitted by Human Rights Watch to the 57th Session of the UN Commission on Human Rights, January 5, 2001, UN Doc. E/CN.4/2001/NGO/29 (January 16, 2001).

²² Amnesty International, “Uzbekistan: the Rhetoric of Human Rights Protection: Briefing for the United Nations Human Rights Committee,” June 1, 2001. The Amnesty International report notes that local neighborhood committees are charged with ferreting

out “suspects,” with “particular vigilance urged with regard to men who are wearing a beard or had in the past worn a beard.” Others who have been imprisoned have claimed that “they were sentenced solely for refusing to shave their beards.”

²³ *Religious Liberty: the Legal Framework in Selected OSCE Countries*, Chapter on Uzbekistan, Prepared by the Law Library, Library of Congress, at the Request of the Commission on Security and Cooperation in Europe, May 2000, 202.

²⁴ 2001 *International Religious Freedom Report* (Internet).

²⁵ See “Uzbekistan: the Rhetoric of Human Rights Protection,” 11, and the written statement submitted by Human Rights Watch to the 57th Session of the UN Commission on Human Rights, January 5, 2001.

²⁶ 2001 *International Religious Freedom Report* (Internet).

²⁷ *Ibid.*

²⁸ Human Rights Watch, “Uzbekistan: Class Dismissed: Discriminatory Expulsions of Muslim Students,” October 1999 (<http://www.hrw.org/reports/1999/Uzbekistan>, accessed January 1, 2002).

²⁹ In September 2000, the U.S. government designated the IMU a “foreign terrorist organization.”

³⁰ Information about the group can be found on its Web site: <http://www.hizb-ut-tahrir.org>. One of the central goals of the group is the restoration of the Caliphate through, it is claimed, peaceful means. The group is a loosely-knit international group with affiliates in various countries; generally, the affiliates tend to operate independently in the countries in which they are found.

³¹ 2001 *Report on International Religious Freedom* (Internet). See also International Crisis Group, “The IMU and the *Hizb ut-Tahrir*: Implications of the Afghanistan Campaign,” January 30, 2002.

³² Human Rights Watch, “Memorandum to the U.S. Government Regarding Religious Persecution in Uzbekistan,” 6. This report states that “in nearly all of the hundreds of *Hizb ut-Tahrir* cases reviewed by Human Rights Watch ... the state did not accuse *Hizb ut-Tahrir* members of involvement in any violent act.”

³³ Said Khojaev, “Tashkent Cracks Down on Islamists,” Institute for War and Peace Reporting, October 12, 2001 (http://www.iwpr.net/index.pl?archive/rca/rca_200110_74_3_eng.txt, accessed October 15, 2001).

³⁴ Raphael Puzant, "Uzbek Crackdown on Religion Continues Unabated," *Eurasia Insight*, November 12, 2001
(<http://www.eurasianet.org/departments/rights/articles/eav111101.shtml>, accessed December 14, 2001).

³⁵ International Helsinki Federation for Human Rights, *Religious Intolerance in Selected OSCE Countries: Report to the Seminar on Freedom of Religion or Belief in the OSCE Region*, June 26, 2001.

³⁶ 2001 *Report on International Religious Freedom* (Internet).

³⁷ Igor Rotar, "Uzbekistan: Laws Restrict Religious Activity," *Keston News Service*, September 7, 2001.

³⁸ 2001 *Report on International Religious Freedom* (Internet).

³⁹ Rotar, "Uzbekistan: Laws Restrict Religious Activity." According to the State Department, a Roman Catholic parish in the city of Ferghana whose Sunday school was closed by the regional prosecutor general was later allowed to reopen after an appeal to the Committee on Religious Affairs. See U.S. Department of State, *Country Reports on Human Rights Practices, 2001*, "Uzbekistan"
(<http://www.state.gov/g/drl/rls/hrrpt/2001/eur/8366pf.htm>, accessed March 5, 2002).

⁴⁰ Beckwith, "Uzbekistan: Islam, Communism, and Religious Liberty," 1022. According to Beckwith, the Uzbek law "states that only religious organizations which are granted the legal status of 'centralized administrative body' have the right to disseminate religious literature." The author notes that the legal status of this "administrative body" is difficult to obtain, making the stipulation "an effective barrier to free distribution of religious literature."

⁴¹ Rotar, "Uzbekistan: Laws Restrict Religious Activity."

⁴² Felix Corley, "Uzbekistan: Baptist Pastor Faces Eight Year Sentence," *Keston News Service*, July 5, 2001.

⁴³ Lawrence Uzzell, Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan*, October 18, 1999.

⁴⁴ Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan* (Uzzell Testimony).

⁴⁵ Clifford Bond, House International Relations Committee, Subcommittee on the Middle East and South Asia, Hearing on *U.S. Policy Toward Central Asia*, June 6, 2001.

⁴⁶ John Beyrle, Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan*, October 19, 1999.

⁴⁷ Ibid.

⁴⁸ U.S. Department of State, Background Notes: Uzbekistan (<http://www.state.gov/r/pa/bgn/index.cfm?docid=2924#relations>, accessed January 7, 2002).

⁴⁹ Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan* (Beyrle Testimony).

⁵⁰ U.S. Department of State, Background Notes: Uzbekistan (Internet).

⁵¹ Commission on Security and Cooperation in Europe, Hearing on *Democratization and Human Rights in Uzbekistan* (Beyrle Testimony).

⁵² Ibid.

⁵³ U.S. Department of State, Statement by Richard Boucher, Spokesman, October 12, 2001.

⁵⁴ Tulkin Karaev, "New US/Uzbek Pact," Institute for War and Peace Reporting, October 23, 2001 (http://www.iwpr.net/index.pl?archive/rca/rca_200110_77_3_eng.txt, accessed October 25, 2001).

⁵⁵ Anthony Baird, "New Alliance Brings United States, Uzbekistan into Long-Term Embrace," *Eurasia Insight*, October 18, 2001 (<http://www.eurasianet.org/departments/insight/articles/eav101801b.shtml>, accessed November 2, 2001).

⁵⁶ "Memorandum of Understanding Between the Governments of the Republic of Uzbekistan and the United States of America on Further Development of Bilateral Cooperation and Support for Economic Reforms in Uzbekistan," November 30, 2001.

⁵⁷ The letter was presented on Uzbek Television using a BBC monitoring translation on December 9, 2001.

⁵⁸ "U.S. Officials See Recommitment to Democracy in Uzbekistan," Transcript of a press conference in Tashkent, Washington File, January 31, 2002.

⁵⁹ Ibid.

⁶⁰ "Declaration on the Strategic Partnership and Cooperation Framework Between the United States of America and the Republic of Uzbekistan," March 12, 2002, 1-4.

⁶¹ Ibid.

⁶² According to one report, "the government's treatment of those whom it identifies as enemies of the state on the basis of their affiliation with unofficial Islamic organizations

is so severe that it is polarizing a segment of the population in hard opposition to the state.” International Crisis Group, “Central Asia: Islamist Mobilization and Regional Security,” ICG Asia Report No. 14, March 1, 2001, 13. See also Ahmed Rashid, “They’re Only Sleeping: Why Militant Islamicists in Central Asia Aren’t Going to Go Away,” *The New Yorker*, January 14, 2002 (http://www.newyorker.com/printable/?fact/020114fa_fact, accessed January 17, 2002). Rashid states that “the brutal suppression of Muslims in Uzbekistan led to the formation of the I.M.U.”; and Human Rights Watch, “Memorandum: U.S. Policy in Central Asia,” May 2001, which notes that “It makes little sense to equip the Central Asian governments to battle their own insurgents if at the same time those governments continue to pursue policies that may drive their own citizens to support the insurgencies, whether actively or passively.”

⁶³ Michael Parmly, House Subcommittee on International Operations and Human Rights, Hearing on *Silencing Central Asia: the Voice of Dissidents*, July 18, 2001. In addition, at a hearing before the Commission on Security and Cooperation in Europe in October 1999, John Beyrle, Deputy Coordinator to the Ambassador-at-Large on the New Independent States, agreed that the policies of the Uzbek government were exacerbating some of the tensions that fueled support for terrorism in that country.

⁶⁴ Religious Liberty: the Legal Framework in Selected OSCE Countries, May 2000, 201; 2001 *International Religious Freedom Report* (Internet).

⁶⁵ The text of Article published in *Narodnoe Slovo*, Tashkent, May 19, 1998.

⁶⁶ Human Rights Watch, “Memorandum to the U.S. Government,” 1.

⁶⁷ Corley, “Uzbekistan’s New Legislation on Religion.”

⁶⁸ *Ibid.*

⁶⁹ “Amnesty to Cover ‘Repentant’ Members of Terrorist Groups,” Uzbek Television, First Channel, UzReport Press Review, Posted August 26, 2001.

⁷⁰ Galina Bukharbaeva, “Karimov Pardon Under Fire,” Institute on War and Peace Reporting, August 31, 2001.

⁷¹ International Crisis Group, *Uzbekistan at Ten*, 12.

⁷² Corley, “Uzbekistan’s New Legislation on Religion.”

⁷³ Article 61 of the Constitution stipulates that “the state shall not interfere with the activity of religious associations.”

⁷⁴ “Uzbekistan: Policemen Sentenced for Torture,” *Agence France-Presse*, February 1, 2002.

⁷⁵ 2001 *International Religious Freedom Report* (Internet).

⁷⁶ Office of the Coordinator of U.S. Assistance to the NIS, "U.S. Government Assistance to and Cooperative Activities with the New Independent States of the Former Soviet Union, FY 2000 Annual Report," January 2001, 124.

⁷⁷ Jim Nichol, "Central Asia's New States: Political Developments and Implications for U.S. Interests," CRS Issue Brief for Congress, July 23, 2001, 10.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Report of the Coordinator of U.S. Assistance to the NIS, 121.

⁸¹ U.S. Agency for International Development, Uzbekistan Country Page, 3 (http://www.usaid.gov/regions/Europe_Eurasia/car/uzpage.html, accessed September 24, 2001).

⁸² Report of the Coordinator of U.S. Assistance to the NIS, 122.

⁸³ Ibid.

⁸⁴ Ibid., 123.

⁸⁵ Ibid.

⁸⁶ Ibid., 121.